



THE ERIE COUNTY LEGISLATURE

**GOVERNMENT
AFFAIRS
COMMITTEE**

John A. Bargnesi, Jr.
Chair

Lisa M. Chimera
Vice-Chair

Meeting No. 1 – January 27, 2022 – 10:45 AM

TAB R&F APP

1.	<u>INTRO. 12-4 (2020)</u> Session 12	LORIGO, RATH, TODARO & MILLS <i>“Support for Local Control in Easing Open Container Restrictions”</i>			
2.	<u>LL INTRO. 5-1 (2020)</u> Session 16	LORIGO, RATH, TODARO & MILLS <i>“A LL Requiring Timely Reports on County Mandated Business Closures Made Pursuant to Local or State Regulations”</i>			
3.	<u>LL Intro. 8-1 (2020)</u> Session 23	LORIGO, RATH, TODARO & MILLS <i>“A LL titled, “Third Party Food Delivery Services Law””</i>			
4.	<u>INTRO. 6-3 (2021)</u> Session 6	TODARO, LORIGO, GREENE & MILLS <i>“Opposition to Proposed Changes to NYS Insurance Laws Aimed at Gun Ownership”</i>			

5.	<u>COMM. 10E-10 (2021)</u> Session 10	LORIGO, TODARO, GREENE & MILLS <i>“Letter to Chair of Government Affairs Committee Requesting Discussion on Proposed Business Closure Reporting Act”</i>			
6.	<u>COMM. 11E-2 (2021)</u> Session 11	GILMOUR <i>“Letter to Minority Leader Regarding Committee Discussion on Proposed Business Closure Local Law”</i>			
7.	<u>INTRO. 12-9 (2021)</u> Session 12	TODARO, LORIGO, GREENE & MILLS <i>“Opposition to Establishment of a Nuisance Claim Against Gun Manufacturers”</i>			
8.	<u>COMM. 16E-17 (2021)</u> Session 16	HARDWICK <i>“Letter to BoE Commissioners Concerning Board of Election Employee”</i>			
9.	<u>COMM. 16E-18 (2021)</u> Session 16	LORIGO <i>“Letter to BoE Commissioners Concerning Board of Election Employee”</i>			
10.	<u>COMM. 16M-15 (2021)</u> Session 16	NY COALITION FOR OPEN GOVERNMENT, INC. <i>“Letter to County Executive Concerning Commitment to Transparency and the Buffalo Bills Stadium Negotiations”</i>			

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11.	<u>COMM. 16M-22 (2021)</u> Session 16	WNY LAW CENTER <i>“Letter to Legislature Requesting Meeting to Present Homeowners Tax Assistance Program”</i>			
12.	<u>COMM. 17M-5 (2021)</u> Session 17	GUY R. MARLETTE <i>“Resignation of 2021 EC Advisory Committee on Reapportionment”</i>			
13.	<u>COMM. 17M-6 (2021)</u> Session 17	DANISE WILSON <i>“Request for Time Extension for EC Advisory Committee on Reapportionment Report”</i>			
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15.	<u>COMM. 18M-1 (2021)</u> Session 18	EC ADVISORY COMMITTEE ON REAPPORTIONMENT <i>“Meeting Minutes for Meeting Held on October 1, 2021”</i>			
16.	<u>COMM. 19D-4 (2021)</u> Session 19	DEPARTMENT OF LAW <i>“Transmittal of New Claims Against EC”</i>			
17.	<u>COMM. 19M-5 (2021)</u> Session 19	DANISE WILSON <i>“Response to Letter Concerning EC Reapportionment Advisory Committee Scheduling & Deadlines”</i>			

18.	<u>COMM. 19M-7 (2021)</u> Session 19	MINORITY APPOINTEES OF THE EC REAPPORTIONMENT ADVISORY COMMITTEE <i>“Letter to Chair of EC Reapportionment Advisory Committee Concerning Scheduling”</i>			
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20.	<u>COMM. 20M-7 (2021)</u> Session 20	ADVISORY COMMITTEE ON REAPPORTIONMENT <i>“Countywide Legislative Map & District Maps for the 2021 Reapportionment Process”</i>			
21.	<u>COMM. 25D-3 (2021)</u> Session 25	DEPARTMENT OF LAW <i>“Transmittal of New Claims Against EC”</i>			
22.	<u>COMM. 1E-7 (2022)</u> Session 1	SHERIFF <i>“Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization”</i>			
23.	<u>COMM. 2E-7 (2022)</u> Session 2	COUNTY EXECUTIVE <i>“Notification to Legislature of Appointment of Commissioner of Labor Relations”</i>			

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24.	<u>COMM. 2D-4 (2022)</u> Session 2	DEPARTMENT OF LAW <i>“Transmittal of New Claims Against EC”</i>			
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**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, RATH, TODARO, AND MILLS**

Re: Support for Local Control in Easing Open Container Restrictions

WHEREAS, with the spread of COVID-19 it appears likely that New York will impose strict limitations on restaurant seating capacity upon their reopening; and

WHEREAS, many people are uncomfortable returning to restaurants where social distancing is difficult or even impossible. This honorable body seeks to rethink entertainment options for residents and businesses alike in light of policies and practices necessitated by the spread of COVID-19; and

WHEREAS, open-container laws are intended to limit public intoxication and the operation of vehicles under the influence, the latter of which is regulated by New York State; and

WHEREAS, Municipal Home Rule Law provides local municipalities with the authority to make any law or ordinance that is not inconsistent with any state laws; and

WHEREAS, New York State laws explicitly prohibits the consumption of alcohol in automobiles under vehicle and traffic law. However, New York State has left it to local municipalities to regulate local streets and parks on their own; and

WHEREAS, many municipalities restrict open containers to establishments that are licensed by the state liquor authority, the Village of East Aurora is one of the few municipalities that does not have restrictions on the use of alcohol on public sidewalks; and

WHEREAS, residents across Erie County should have the opportunity to responsibly enjoy alcoholic beverages in areas where they have traditionally been banned and there are many laws in place that would govern their behavior.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body fully supports the prohibition against open containers in motor vehicles and areas traditionally reserved for minors; and, be it further

RESOLVED, that this honorable body hereby supports local municipalities who wish to reconsider their restrictions against open containers on public streets and parks so as to encourage residents to utilize local restaurants and establishments; and, be it further

RESOLVED, that certified copies of this resolution be sent to every municipality located in Erie County and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE

IN THE

COUNTY OF ERIE

LOCAL LAW INTRO. – NO. 5-1 - 2020

LOCAL LAW – NO. _____ - 2020

A local law requiring timely reports on county mandated business closures made pursuant to local or state regulations.

SECTION 1. Short title

This law shall be known as the Business Closure Reporting Act

SECTION 2. Legislative Intent

The use of government authority to close a business should not be taken lightly. It is the intent of this law to ensure that any decision made by a representative of Erie County Government resulting in the closure of a business is transparent, subject to reasonable public oversight, and consistent with rules, regulations, and laws promulgated to protect the public. To that end, it is the decision of this body to require the creation and publication of a “Report of Justification” detailing the County’s legal reasoning and justification for the closure.

SECTION 3. Requirement to Report Closures

Should any Erie County official, elected, appointed, or otherwise, use any power granted to them to close a place of business for any reason or any length of time, that official shall be responsible for delivering a Report of Justification to the Clerk of the Legislature within forty-eight (48) hours of the ordered closure via email or hardcopy. It shall be incumbent upon the Clerk to forward a copy of the Report to every member of the Erie County Legislature and ensure the Report is entered into the Legislature’s official record. If receipt of said Report occurs outside of operating hours of the Erie County Legislature, the Clerk shall forward the Report to every legislator and submit it to the legislative record as soon as practicable, but in any event no later than 10:00 am the next business day. A copy of the Report of Justification shall also be delivered to the owner(s) of the impacted business within the same timeframe via Certified US Mail, Return Receipt Requested.

The Report of Justification shall include:

- 1) A detailed written report that provides justification for the decision to order the closure, signed by the Erie County government official ordering the closure;
- 2) A copy of the official order or communication closing the place of business; and
- 3) Any and all evidence in the possession of Erie County government on which the closure was based.

The Report of Justification shall document the entire basis for ordering the closure. Any and all factors leading to the decision to order a business closure shall be included in the Report. Any information omitted from the Report cannot be used later to justify the Order of closure.

SECTION 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

SECTION 5. 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.

Sponsor: Legislator Lorigo

Co-Sponsors: Legislators Rath, Todaro, and Mills

11/16/2020 2:00 PM 1102

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 8-1 - 2020
LOCAL LAW – NO. _____ - 2020

This law shall be known as the “Third Party Food Delivery Services Law”

SECTION 1. Intent

It is the intent of this body to prevent potentially predatory rate-hikes imposed by third-party food delivery services on businesses in Erie County during a declared emergency.

SECTION 2. Definitions

- 1) Declared emergency – The term “declared emergency” means the period during which a state disaster emergency has been declared by Governor of the State of New York or a state of emergency has been declared by the County Executive, such declaration is in effect in the County, and there are restrictions on on-premises dining at food service establishments in the County.
- 2) Delivery fee – the term “delivery fee” means a fee charged by a third-party food delivery service for providing a food service establishment with a service that delivers food from such establishment to customers. The term does not include any other fee that may be charged by a third-party food delivery service to a food service establishment, such as fees for listing or advertising the food service establishment on the third-party food delivery service platform or fees related to processing the online order.
- 3) Food Service Establishment – The term "food service establishment", means any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; short-order cafe; delicatessen; luncheonette; grill; tearoom; sandwich shop; soda fountain; bar; tavern; cocktail lounge; night club; roadside stand; take-out prepared food place; retail bakery; industrial feeding establishment; private, public or nonprofit organization or institution, including: schools; nursing homes; day care centers and hospitals; religious and fraternal organizations routinely serving food; catering kitchens; commissary or similar places in which food is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation where food is served or provided for the public, with or without charge.
- 4) Online Order – the term “online order” means any order placed by a customer through or with the assistance of a platform provided by a third-party food delivery services, including a telephone order.

- 5) Purchase Price – the term “purchase price” means the total price of the items contained in an online order that are listed on the menu of the food service establishment where such order is placed. Such term does not include taxes, gratuities, and any other fees that may make up the total cost to the customer of an online order.
- 6) Third-Party Food Delivery Service – the term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from food service establishments located in the County that are owned and operated by different persons.

SECTION 3. Fee Limits during Declared Emergencies

- 1) It shall be unlawful for a third-party food delivery service to charge a food service establishment a delivery fee that totals more than 15% of the purchase price of each online order.
- 2) It shall be unlawful for a third-party food delivery service to charge a food service establishment any fee or fees other than a delivery fee for the use of their service greater than 5% of the purchase price of each online order. Any fees or other charges from a third-party food delivery service to a food service establishment beyond such a maximum 5% fee per order, and a delivery fee collected pursuant to subdivision (1) of this section, are unlawful, provided that such cap shall not apply to a credit card fee that is charged to the third-party food delivery service and is charged in the same amount by the third-party food delivery service to such food service establishment.
- 3) It shall be unlawful for a person to cause a third-party food delivery platform to reduce the compensation rate paid to a delivery service driver or garnish gratuities in order to comply with this section.
- 4) The requirements of this section apply only during a declared emergency and for a period of 90 days after the end of a declared emergency.

SECTION 4. Enforcement and Penalties

If a third-party food delivery service charges a food service establishment fees in violation of this law, the food service establishment shall provide written notice to the third-party food delivery service requesting a refund within seven (7) days. If the third-party food delivery service fails to provide a full refund for excessive fees within seven (7) days of the initial notice, the food service establishment may file proof of the notice with the Erie County Office of Consumer Protection, which shall review the claim and do everything legally permissible to ensure the third-party food delivery service refunds the food service establishment.

If the Erie County Office of Consumer Protection determines that any third-party food delivery service is in violation of this law on three (3) or more separate occasions in any seven (7) day period, the Office of Consumer Protection is authorized to issue fines of up to \$2,000 per additional occurrence against the third-party food delivery service. Fifty percent (50%) of all fines collected by the county shall be held in reserve to compensate food service establishments that the Office of Consumer Protection determines should be eligible for a refund. The amount of payment shall be determined by the Office of Consumer protection based on fund availability and third-party food delivery service overcharge; but, in no instance shall a food service establishment receive any refund in excess of the value of actual fees imposed in violation of this law. Any refunds received by a food service establishment from a third-party food delivery service shall offset any payment to the food service establishment out of this fund.

Nothing in this section shall prohibit any individual food service establishment from bringing any claim against a third-party food delivery service for a refund pursuant to this law in a court of competent jurisdiction.

SECTION 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

SECTION 6. 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.

SECTION 7. Reverse Preemption

This section shall be null and void on the day that statewide legislation goes in effect, incorporating either the same or substantially similar provision as are contained in this law, unless state law specifically exempts from preemption earlier enacted local laws in this area. The Erie County Legislature may determine via resolution whether or not identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Sponsor: Legislator Lorigo

Co-Sponsor: Legislators Rath, Todaro, and Mills

LEGISLATIVE AND GOV. DIVISION

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR TODARO, LORIGO, GREENE, AND MILLS**

Re: Opposition to proposed changes to NYS Insurance laws aimed at gun ownership

WHEREAS, the use of firearms during the commission of a crime is deplorable and should be condemned by all elected officials; however, as happens far too often, well-meaning lawmakers seek to introduce gun-ownership laws without having a full understanding of the topic; and

WHEREAS, bill S4946 has been introduced in the New York State Senate to require owners of firearms to obtain liability insurance and to be liable for any acts carried out with said firearm prior to the filing of the reported loss or theft; and

WHEREAS, the law directs residents to acquire specific firearms liability insurance within 30 days of passage of the bill and to maintain such coverage in perpetuity. This proposal would neither reduce gun related violence, nor help potential victims of firearm related violence; and

WHEREAS, according to Jimi Grande, a vice president for the National Association of Mutual Insurance Companies, while likely well-intentioned, the requirement to carry firearm liability insurance “demonstrates a misunderstanding of the fundamental principles of insurance – that it is designed to cover fortuitous, or accidental events.” Accidental shootings are already covered under most homeowners and renters insurance policies. It is not a practice of the insurance industry to cover intentional criminal acts, nor should it be; and

WHEREAS, firearm liability insurance is not a product the insurance industry is even interested in providing. As a result, it is expensive and difficult to acquire. Claims brought under the policy, where available, are often disclaimed by insurance companies if a victim seeks compensation. It would only serve to impose an additional restriction on, and barrier to, firearm ownership while not offering protection to any parties involved; and

WHEREAS, the bill also imposes liability on owners of firearms for acts committed with those firearms if lost or stolen until they are reported to the appropriate law enforcement agency; and

WHEREAS, on its face, the burden to report a theft or loss is not significant; however, in practice the timing may be problematic. If residents are unaware of the theft or loss at the time the firearm is no longer in their possession, imposing additional liability on gun owners for the illegal acts of another is excessive and heavy handed; and

WHEREAS, NYS does not impose liability on the owners of cars that are stolen where the thief gets in an accident. Firearm owners should not be held to an impossible to meet standard when it comes to liability for damages for the unrelated desire to restrict gun ownership.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby condemns the use of firearms during the commission of a crime and encourages all gun owners to practice gun safety; and, be it further

RESOLVED, that this honorable body hereby opposes Senate Bill S4946 (2021) as impractical to implement and an undue burden on registered gun owners across the state; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

STATE OF NEW YORK

4946

2021-2022 Regular Sessions

IN SENATE

February 19, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring owners of firearms to obtain liability insurance

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

- 1 Section 1. The insurance law is amended by adding a new section 2354
2 to read as follows:
3 § 2354. Firearm owners insurance policies. 1. Any person in this
4 state who shall own a firearm shall, prior to such ownership, obtain and
5 continuously maintain a policy of liability insurance in an amount not
6 less than one million dollars specifically covering any damages result-
7 ing from any negligent acts involving the use of such firearm while it
8 is owned by such person. Failure to maintain such insurance shall result
9 in the immediate revocation of such owner's registration, license and
10 any other privilege to own such firearm.
11 2. For purposes of this section, a person shall be deemed to be the
12 owner of a firearm if such firearm is lost or stolen until such loss or
13 theft is reported to the police department or sheriff which has juris-
14 isdiction in the county, town, city or village in which such owner
15 resides.
16 3. Any person who owns a firearm on the effective date of this section
17 shall obtain the insurance required by this section within thirty days
18 of such effective date.
19 4. The provisions of this section shall not apply to any peace offi-
20 cer, as defined in section 2.10 of the criminal procedure law, police
21 officer, as defined in subdivision thirty-four of section 1.20 of the
22 criminal procedure law, or any member of the military who is on "active
23 duty" or "in active military service of the United States" as defined in
24 section one of the military law, who is authorized to carry a firearm.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD09303-01-1

1 5. The department is hereby authorized and directed to promulgate
2 rules and regulations necessary to carry out the provisions of this
3 section.

4 § 2. This act shall take effect on the ninetieth day after it shall
5 have become a law. Effective immediately, the addition, amendment and/or
6 repeal of any rule or regulation necessary for the implementation of
7 this act on its effective date are authorized to be made and completed
8 on or before such date.

ERIE COUNTY LEGISLATURE



92 Franklin Street
Buffalo, New York 14202

May 6, 2021

Hon. John Gilmour, Chairman
Government Affairs Committee
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York

RE: Committee Discussion Request on the proposed Business Closure Reporting Act

Dear Chairman Gilmour,

We are writing to request a Government Affairs Committee discussion on Local Law 5-1 (2020), the proposed Business Closure Reporting Act. If enacted, the local law would require timely reports on county mandated business closures made pursuant to local or state regulations. As our community battles the Covid-19 pandemic there have been several instances where the Erie County Commissioner of Health issued formal closure orders to small businesses.

We understand that the authority to cease the operations of small businesses that refuse to comply with reasonable regulations is an effective tool in the fight for public health and safety. Where we may have a difference of opinion is on whether or not small businesses that have been ordered closed refused to comply with existing regulations or whether or not regulations had been applied to them in a fair and consistent manner. We also recognize that small business owners are people, who have unalienable rights afforded to them in the Constitution that cannot be placed on hold during a public health emergency.

It is that paradox that led us to introduce the Business Reporting Closure Act. We understand the need for public health and safety, and we intentionally chose not to propose a legislative path that would strip the Commissioner of Health of their power. Instead, we put forth this law because it would increase transparency and add accountability to government officials using their authority to shut down a business. If passed, the law would force any Erie County official that uses power granted to them to close a place of business to prepare and file a report justifying their decision within 48 hours. The law also requires that a copy of the report be delivered to the business owner within the same timeframe via US certified mail.


Again, our law makes no effort at changing anyone's existing power or authority to combat a public health or safety crisis. It very simply requires that they timely explain and justify their actions in an official public document that must include "any and all evidence in the possession of Erie County government on which the closure was based." Compliance with this language ensures the closure order is transparent and that the official ordering it can be held accountable.

Over the past several months there have been more than a few closures ordered that should raise everyone's suspicion. A few months ago, we had a conversation about a restaurant that was closed by order of the Commissioner of Health. Despite ordering the closure, when asked about it, the Commissioner seemed unaware of the details and testified that she relied heavily on the work of public health sanitarians in her decision making. Just a few weeks ago, a small dance studio was ordered to close and cancel their already planned competition that several families already paid for. Their version of events didn't seem to merit a full closure. The Health Department seemingly agreed, and clarified that they weren't "closed," they just "paused" their operations. To a small business owner, that is the same thing. As their elected representatives, we can't allow that sort of jargon and wordsmithing to determine whether or not someone can make a living.

The real concern is we only hear about the closures when their owner is brave enough to speak out against it, even though they may face consequences for doing so. We don't fully know the scope of how this power has been used, and as the representative body, we should.

We firmly believe that the time to offer small business owners protection from government overreach is overdue. The first step in the process is a spirited discussion on our proposal, followed by a public hearing. We look forward to your answer to our request.


Sincerely,




Joseph C. Lorigo, Minority Leader
Legislator – District 10
Government Affairs Committee Member



Frank J. Todaro
Legislator – District 8
Government Affairs Committee Member



Christopher D. Greene
Legislator – District 6



John J. Mills
Legislator – District 11

ERIE COUNTY LEGISLATURE

HON. JOHN J. GILMOUR
9TH DISTRICT LEGISLATOR



92 Franklin St., 4th Fl.
Buffalo, NY 14202
(716) 858-7500
FAX: (716) 858-8895

May 19, 2021

Hon. Joseph Lorigo, Minority Leader
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Government Affairs Committee Discussion on Proposed Business Closure Local Law

Dear Legislator Lorigo:

I am writing in response to your letter clocked-in on May 10th requesting a Government Affairs Committee discussion on your proposed Business Closure local law.

As I indicated at a committee meeting on April 22nd, I am amenable to holding a committee meeting discussion on the proposed local law. In order to proceed, I request that you provide me with your proposed list of invited committee speakers. Following receipt of that information, I will be in contact with you to schedule a Government Affairs Committee meeting.

Thank you in advance for your cooperation and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gilmour", with a long horizontal stroke extending to the right.

John J. Gilmour
Chair, Government Affairs Committee

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR TODARO, LORIGO, GREENE, AND MILLS**

Re: Opposition to Establishment of a Nuisance Claim against Gun Manufacturers

WHEREAS, Senate Bill S1048A seeks to create a nuisance claim against gun manufacturers for the deliberate misuse of their products by the end purchaser; and

WHEREAS, in effect the bill merely serves to scapegoat the gun industry for the bad acts of others; and

WHEREAS, if this bill passes, the State would essentially be asking gun manufacturers and dealers to backstop criminal acts of which they are not involved, a move that is unprecedented and nonsensical; and

WHEREAS, if gun manufacturers are found to be providing weapons illegally to the criminal underworld, they should be held responsible, and can be under existing laws. If gun dealers are providing weapons to individuals outside of the current legal process, they can and should be held responsible. Neither party should potentially be held responsible for acts of violence perpetrated by a deranged individual. Criminal laws already punish individuals for buying (NYS Penal Law 265.17), selling (NYS Penal Law 265.10 – 265.14), possessing (NYS Penal Law 265.01 – 265.06, 265.19) or using (NYS Penal Law 265.08 – 265.09) firearms improperly, and this is not an exhaustive list; and

WHEREAS, the blatant failure of a gun dealer to properly follow state requirements when selling a firearm merits a viable cause of action for damages under the Protection of Lawful Commerce in Arms Act (PLCAA). Under which, plaintiffs have been able to hold dealers liable for selling to people they knew, or should have known, would provide the firearm to someone who was not properly licensed, or who would have been otherwise prohibited under state law from possession themselves. New York State does not need additional laws, they need to enforce the laws we already have; and

WHEREAS, further, the federal PLCAA is a federal law which protects firearm manufacturers and dealers from being held liable when crimes have been committed with their products. S1048A would be in direct contention with the PLCAA, established federal law; and

WHEREAS, this bill will neither decrease gun violence nor increase the safety of residents in New York, it only serves to create a false sense of safety and security and a new private cause of action for lawyers to expose.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body believes individuals are responsible for their actions and therefore corporations and small businesses should not be held criminally liable for

the actions of their customers and wishes to go on record expressing our opposition to New York State Senate Bill S1048A(2021); and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation to the New York State Senate and Assembly, the majority and minority leaders in both the New York State Senate and Assembly, Governor Andrew Cuomo, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

STATE OF NEW YORK

1048

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to the dangers to safety and health and creation of a public nuisance caused by the sale, manufacturing, distribution, importing and marketing of firearms

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

1 Section 1. Legislative findings and intent. The legislature hereby
2 finds that the illegal use of firearms not only constitutes a public
3 nuisance as declared in article 400 of the penal law, but that the
4 effects of such nuisance poses specific harm to New Yorkers based large-
5 ly on their zip code and certain immutable characteristics such as race
6 and ethnicity. Illegal firearm violence has disproportionately affected
7 underserved black and brown neighborhoods in our cities and throughout
8 the state despite stringent state and local laws against the illegal
9 possession of firearms while, according to the Bureau of Alcohol, Tobac-
10 co, Firearms and Explosives statistics, 74% of firearms used in crimes
11 in New York are purchased outside of New York. Thus, the legislature
12 further finds that given the ease at which legal firearms flow into the
13 illegal market, and given the specific harm illegal firearm violence
14 causes certain New Yorkers, those responsible for the illegal or unrea-
15 sonable sale, manufacture, distribution, importing or marketing of
16 firearms may be held liable for the public nuisance caused by such
17 activities.

18 § 2. The general business law is amended by adding a new article
19 39-DDDD to read as follows:

20 ARTICLE 39-DDDD
21 SALE, MANUFACTURING, IMPORTING AND MARKETING OF FIREARMS
22 Section 898-a. Definitions.
23 898-b. Dangers to safety and health.
24 898-c. Public nuisance.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD06691-01-1

1 898-d. Enforcement.

2 898-e. Private right of action.

3 § 898-a. Definitions. For purposes of this article, the following
4 terms shall have the following meanings:

5 1. "Deceptive acts or practices" shall have the same meaning as
6 defined in article twenty-two-A of this chapter.

7 2. "False advertising" shall have the same meaning as defined in arti-
8 cle twenty-two-A of this chapter.

9 3. "Gun industry member" shall mean a person, firm, corporation or
10 association engaged in the sale, manufacturing, distribution, importing
11 or marketing of firearms.

12 4. The terms "knowingly" and "recklessly" shall have the same meaning
13 as defined in section 15.05 of the penal law.

14 5. "Qualified product" shall have the same meaning as defined in 15
15 U.S.C. section 7903(4).

16 § 898-b. Dangers to safety and health. No gun industry member, by
17 conduct either unlawful in itself or unreasonable under all the circum-
18 stances shall knowingly or recklessly create or maintain a condition
19 that endangers the safety or health of the public through the sale,
20 manufacturing, importing or marketing of a qualified product.

21 § 898-c. Public nuisance. 1. A violation of section eight hundred
22 ninety-eight-b of this article that results in harm to the public shall
23 hereby be declared to be a public nuisance.

24 2. The existence of a public nuisance shall not depend on whether the
25 gun industry member acted for the purpose of causing harm to the public.

26 3. The acts or omissions of a gun industry member shall constitute a
27 proximate cause of the public nuisance if the harm to the public was a
28 reasonably foreseeable effect of such acts or omissions, notwithstanding
29 any intervening actions, including but not limited to criminal actions
30 by third parties.

31 4. In determining whether a nuisance exists, a finder of fact shall
32 consider the totality of the evidence, which may include, but is not
33 limited to:

34 (a) the distribution, importation, marketing or sales methods utilized
35 by the gun industry member and their foreseeable effects on crimes in
36 New York;

37 (b) the number of qualified products that have been diverted to the
38 illegal market through the alleged illegal, irresponsible or unreason-
39 able conduct of the gun industry member;

40 (c) the number of crimes that have been committed in New York with
41 qualified products sold, manufactured, distributed, imported or marketed
42 by the gun industry member in the alleged illegal, irresponsible or
43 unreasonable manner;

44 (d) the total number of qualified products that the gun industry
45 member manufactured, distributed or sold in the United States, through
46 the alleged illegal, irresponsible or unreasonable conduct, which were
47 recovered in, or destined for, New York;

48 (e) whether the alleged illegal, irresponsible or unreasonable conduct
49 of the gun industry member constitutes deceptive acts or practices in
50 the conduct of any business, trade or commerce or in the furnishing of
51 any service;

52 (f) whether the alleged illegal, irresponsible or unreasonable conduct
53 of the gun industry member constitutes false advertising in the conduct
54 of any business, trade, or commerce or in the furnishing of any service;
55 and

1 (g) any other illegal, irresponsible or unreasonable acts or omissions
2 by the gun industry member that create, contribute to or maintain public
3 harm.

4 § 898-d. Enforcement. The provisions of this article may be enforced
5 by the attorney general in the name of the people of the state of New
6 York, or by the town attorney, city corporation counsel, or other
7 lawfully designated enforcement officer of a municipality or local
8 government.

9 § 898-e. Private right of action. Any person, firm, corporation or
10 association that has been damaged as a result of a gun industry member's
11 acts or omissions in violation of this article shall be entitled to
12 bring an action for recovery of damages or to enforce this article.

13 § 3. This act shall take effect immediately.



ERIE COUNTY LEGISLATURE

HON. KEVIN R. HARDWICK
LEGISLATOR

September 1, 2021

Jeremy Zellner, Commissioner
Ralph Mohr, Commissioner
Erie County Board of Elections
134 West Eagle Street
Buffalo, NY 14202

Re: Letter from an Individual Concerning a Board of Elections Employee

Dear Commissioners Zellner and Mohr:

Late last night, I received the attached letter from a woman named Jennifer Czora concerning alleged actions and behavior by a Board of Elections employee. Through this letter, I am requesting that you look into this matter and reply to me.

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. R. Hardwick".

Kevin R. Hardwick
Erie County Legislator

cc: Commissioner Timothy Hogues, Erie County Department of Personnel

To Whom It May Concern,

On Tuesday, August 31, 2021 I had a distressing and disturbing encounter with Board of Elections employee, Glenn. Having recently moved to Buffalo and not familiar with the area, I was having difficulty finding parking outside of Sherriff parking near Eagle Street. I saw a Sherriff near the back of his SUV and stopped before the traffic light on Eagle Street, to ask him if he knew of any street parking that was open for public use. A gentleman with glasses and a Maroon shirt was walking near the Sherriff and asked him "Is she in distress or something?" I looked out my window and the gentleman made eye contact with me. He began yelling at me that I am "un-American" and my flag (which is upside down) is disrespectful. In shock and attempting to calm him down, I responded by saying "It's distress, not disrespect." He went on to tell me to shut my "bitch" mouth, to fuck myself. My stomach was trembling and I was nervous. I was sitting at a red light and had nowhere to go. All I could say in response was "Wow. What a gentleman. That's no way to speak to a lady." At this time, with his hand near his genitals, he made a "jerking off" motion and told me "suck my dick." I was horrified and could not believe that a complete stranger would say such vulgar words. I observed that he had an employee badge hanging from his right waistband area and assumed he worked for the Board of Elections or the Sheriff's office. I parked my vehicle and purposely avoided him while walking up Eagle Street to my appointment. I could see him using hand gestures and discussing me, while talking to another gentleman near the entrance of the Elections office.

After I left my appointment and headed back to my vehicle approximately one hour later, I looked up from reading my paperwork and noted that the same gentleman was outside vaping again, and looking right at me. He smirked and made a little laugh and began taunting me again. This time, I took my camera out to record his harassment. I made sure to get the name of the office, as I intended to report this repulsive and unacceptable behavior. In a bold, arrogant manner he stated, "Do you want me to say what I said before?" I made him aware that he was being recorded. As I walked away and still recording, he continued to harass me, asking me "Hey, are you in any danger?" His smugness was palpable.

Once in my vehicle, I looked up the telephone number for the Board of Elections. I called and asked to speak with the supervisor on duty. The gentleman who answered the phone stated that the office supervisor, Justin wasn't at his desk, but he could transfer me to his voicemail. Fearing that the supervisor was the very gentleman that harassed me, I asked "Would the office supervisor happen to be wearing a maroon shirt, wear glasses and be out front vaping?" The gentleman replied, "No. That's me." In a cocky, sarcastic manner he stated "Oh, and my name is Glenn," as if he were proud and untouchable.

This kind of behavior is absolutely reprehensible. I am in shock and awe that any person, let alone a county employee would openly and proudly display this behavior. Does your employee have any idea how his actions might impact the person he is harassing? How powerless I felt, being openly and sexually harassed, as if this were tolerable.

I am requesting action be taken immediately for the unwelcome and inappropriate sexual remarks and gestures, along with the taunting, contemptuous behavior of your employee, Glenn.

Sincerely,

Jennifer Czora

216-333-5257



ERIE COUNTY LEGISLATURE

HON. JOSEPH C. LORIGO
10TH DISTRICT LEGISLATOR
MINORITY LEADER

September 1, 2021

Hon. Jeremy J. Zellner
Commissioner (D)
Erie County Board of Elections
134 West Eagle Street
Buffalo, New York 14202

Hon. Ralph M. Mohr
Commissioner (R)
Erie County Board of Elections
134 West Eagle Street
Buffalo, New York 14202

RE: Sexual/Verbal Harassment Complaint Against BOE Employee

Commissioners,

This morning I received an e-mail from Ms. Jennifer Czora alleging an incident of serious sexual and verbal harassment that she experienced from an employee at the Erie County Board of Elections. Her allegation describes, in detail, an account of harassment that took place two separate times over the course of more than an hour outside of the Board of Elections. I will not attempt to summarize her complaint in this letter but I have chosen to attach it for your reference.

I want you to know that I called Ms. Czora this morning to let her know that I received her letter and am bothered by the allegations made against a county employee who was apparently on the clock at the time during the harassment. I apologized for the situation and assured her that I would investigate the matter more closely. I think we can all agree that, if true, this behavior is not acceptable from anyone working in public service for Erie County.

I am writing to ask that you look into the allegations made and report back to the Legislature your findings. Specifically, I think the self-identified "Glenn" needs to be questioned about the incident. I also think an effort should be made to identify the Sheriff's Deputy that witnessed it to get his/her account of what transpired. I also think Erie County Buildings and Grounds should review and release any available security footage taken outside of 134 West Eagle that may corroborate this serious allegation.

As an attorney in private practice, I understand that there are two sides to every story. I think it is incumbent on you to investigate the other side of this story. If your investigation corroborates Ms. Czora's allegation, I implore you to take immediate action to terminate the employee in question. This type of behavior has no place in Erie County government, or anywhere. I look forward to reviewing the results of your inquiry into this incident.

Sincerely,

JOSEPH C. LORIGO
Minority Leader

To Whom It May Concern,

On Tuesday, August 31, 2021 I had a distressing and disturbing encounter with Board of Elections employee, Glenn. Having recently moved to Buffalo and not familiar with the area, I was having difficulty finding parking outside of Sherriff parking near Eagle Street. I saw a Sherriff near the back of his SUV and stopped before the traffic light on Eagle Street, to ask him if he knew of any street parking that was open for public use. A gentleman with glasses and a Maroon shirt was walking near the Sherriff and asked him "Is she in distress or something?" I looked out my window and the gentleman made eye contact with me. He began yelling at me that I am "un-American" and my flag (which is upside down) is disrespectful. In shock and attempting to calm him down, I responded by saying "It's distress, not disrespect." He went on to tell me to shut my "bitch" mouth, to fuck myself. My stomach was trembling and I was nervous. I was sitting at a red light and had nowhere to go. All I could say in response was "Wow. What a gentleman. That's no way to speak to a lady." At this time, with his hand near his genitals, he made a "jerking off" motion and told me "suck my dick." I was horrified and could not believe that a complete stranger would say such vulgar words. I observed that he had an employee badge hanging from his right waistband area and assumed he worked for the Board of Elections or the Sheriff's office. I parked my vehicle and purposely avoided him while walking up Eagle Street to my appointment. I could see him using hand gestures and discussing me, while talking to another gentleman near the entrance of the Elections office.

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I am requesting action be taken immediately for the unwelcome and inappropriate sexual remarks and gestures, along with the taunting, contemptuous behavior of your employee, Glenn.

Sincerely,

Jennifer Czora

216-333-5257

New York Coalition

EC LEG AUG 17 '21 AM 10:59



For Open Government, Inc.

Advocating for timely access to information & meaningful citizen participation

www.nyopengov.org

August 16, 2021

Mark C. Poloncarz
Erie County Executive

Via email only

Re: Commitment to Transparency Regarding Buffalo Bills Stadium Negotiations

Dear County Executive:

With discussions taking place between you and the Buffalo Bills regarding the construction of a new stadium funded in whole or part with tax dollars, we are calling for a commitment to transparency by you, New York State officials and the Bills.

Any public investment in a facility designed to accommodate a private enterprise must have the public's benefit as its primary objective. Before any agreement is finalized the public should be given time to review and comment on any stadium deal that will require the use of county and state tax dollars.

Pegula Sports and Entertainment as the owner of the Buffalo Bills has stated that they are seeking a public/private partnership to build a new stadium. The financial assistance sought by the Buffalo Bills is based on a study completed by CAA Icon, which evaluated the costs involved to construct a new stadium. As a first step towards transparency and towards establishing a partnership, the CAA Icon study should be made available to the public.

In 2013, when a lease agreement was entered into between Erie County and the Buffalo Bills, which involved the expenditure of taxpayer funds, the public was not provided an opportunity to be heard by the Erie County Legislature or the New York State Legislature prior to both bodies approving the lease agreement.

- The closed door approach which occurred in 2013, should not be repeated again. We are calling upon all elected officials representing the County of Erie and New York State to advocate for stadium negotiations that are done in a transparent way and to utilize a process which provides the public information and the opportunity to be heard before any agreement is approved by the Erie County Legislature, the New York State Legislature or any public authority that may have a role in the process.

In June of this year the Jacksonville Jaguars announced their plans for a new stadium and as part of that effort, they have scheduled 14 public meetings to provide information and to answer questions regarding their proposal.

In 2002, San Diego formed the Citizens Task Force on Chargers Issues to evaluate the Chargers request for a new football stadium. The Task Force held over 50 public meetings as part of their work.

In 1998, the San Diego Padres requested a new stadium, which they stated was necessary to address their financial concerns. A citizens committee was formed to evaluate the request, and the Padres agreed to open their books as part of a review process. Several public hearings were held and a spirited citywide debate occurred.

If Pegula Sports and Entertainment are interested in a public/private partnership then their stadium study should be released to the public. Elected representatives at the local and state level must demand transparency and provide the public opportunities to be heard, before any votes occur on a stadium agreement that involves the commitment of tax dollars.

Sincerely,

Paul W. Wolf, Esq.

President

New York Coalition for Open Government

392 Evans Street

Williamsville, New York 14221

(716) 435-4976

cc:

Lt. Governor Kathy Hochul

Members of the NY State Legislature

Members of the Erie County Legislature

Pegula Sports and Entertainment

SUSPENSION



37 Franklin Street, Suite 210, Buffalo, New York 14202
T: 716.855.0203 ext. 110 klockhart@wnylc.net
F: 716.270.4005 www.wnyc.com

September 9, 2021

The Honorable Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Legislators:

As you know, many families are struggling to make their mortgage and property tax payments due to the COVID-19 pandemic. In addition, many families that were struggling before the pandemic were further financially harmed by COVID-19. To address these issues, monies were given to each state through the American Rescue Plan to go directly to impacted homeowners. New York State is preparing to announce their program to assist homeowners and it is imperative that as many Erie County homeowners benefit from this program as possible. These payments can be used to prevent tax, mortgage, or other types of foreclosure, and defaults prior to COVID-19 can be included if the homeowner has a COVID related hardship. Payment amounts can be up to \$50,000 and the final details on who can qualify will be released soon.

In 2018, our office worked with this honorable body to ensure Erie County homeowners were able to utilize the then available MAP loan program to get out of tax foreclosure situations by allowing homeowners that had been pre-screened by NYS Home Ownership Protection Program (HOPP) partners (Like the Law Center and Belmont Housing Resources for WNY) to enter payment plans without down payments. This helped to ensure homeowners that were potentially eligible for MAP loans didn't lose their homes before they could be approved. Through this partnership, we were able to bring millions of dollars to Erie County to pay back taxes and prevented hundreds of tax foreclosures. A similar process for this program could help many homeowners avoid tax foreclosure and bring lump sum back tax payments to the County.

New York State Homes and Community Renewal (HCR), the department tasked with creating and implementing this program, is requesting foreclosing government entities, like Erie County, to consider removing some interest or fees from the balances owed by homeowners who are receiving these funds to help as many homeowners as possible with the limited funds available. When a homeowner applies for these forthcoming funds, HCR will negotiate with the entity to whom money is owed to try to reduce interest, fees, and other charges.

We are writing to request that this honorable body give us the opportunity to present to you more details on the program and what we can do in partnership to ensure Erie County homeowners benefit from this program. If the County adopted a policy outlining what costs would be reduced if a homeowner received this assistance to pay

SUSPENSION

back taxes to prevent a foreclosure, the negotiations would be shortened and the process would be streamlined, resulting in more people in Erie County receiving assistance before the funds are depleted.

Thank you for considering this request. Protecting homeownership not only helps individual families, but also strengthens the surrounding neighborhoods.

Sincerely,

Kate Lockhart

Kate Lockhart

Vacant and Abandoned Property

Program Director, Western New

York Law Center

GUY R. MARLETTE

September 13, 2021

Robert Graber
Clerk of Legislature
92 Franklin St, 4th Floor
Buffalo, NY 14202

RE: 2021 Advisory Committee on Reapportionment

Dear Clerk Graber,

This letter is to inform you that, due to unforeseen circumstances, I am unable to serve as a member of the 2021 Advisory Committee on Reapportionment. I hereby resign effective immediately.

Sincerely,

A handwritten signature in cursive script, appearing to read "Guy R. Marlette". The signature is written in black ink and is positioned above the printed name. A large, loopy flourish extends from the end of the signature, looping back up and to the right.

Guy R. Marlette

cc: April N.M. Baskin, Chair
Joseph C. Lorigo, Minority Leader



September 20, 2021

Hon. April N.M. Baskin, Chair
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

**Re: Request for Extension of Time for Erie County Advisory Committee on
Reapportionment Report**

Dear Chair Baskin:

Under Section 210 of the Erie County Charter, the Erie County Advisory Committee on Reapportionment's time table for acting is prescribed as follows:

The advisory committee shall submit its final report to the County Legislature within sixty days of its appointment or within sixty days of the official release of certified federal census data for Erie County, whichever is later. At any time prior to the expiration of this term, the County Legislature may extend such term once, for a period not to exceed thirty days.

The US Bureau of the Census data for the 2020 Census was released on August 11, 2021. The Erie County Advisory Committee on Reapportionment, which I was appointed to serve as Chair, met for the first time on September 17, 2021. Because of the complexity of the task and the short time frame, we will not be able to issue a final report to your Honorable Body by October 11, 2021. As such, I am writing to respectfully request that the Legislature extend the term of our committee by thirty days.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Danise Wilson".

Danise Wilson, MPH, Chair

Erie County Advisory Committee on Reapportionment

**A RESOLUTION SUBMITTED BY
LEGISLATOR BASKIN**

Re: Extending the Deadline for the Erie County Advisory Committee on Reapportionment to Issue its Recommendations to the Legislature

WHEREAS, every ten years, following the release of the US Bureau of the Census data showing population for Erie County, as required under Section 210 of the Erie County Charter, the Erie County Legislature impanels an Erie County Advisory Committee on Reapportionment to make recommendations to the County Legislature on whether and how the County Legislature should be reapportioned consistent with federal and state law; and

WHEREAS, the 2020 Census data was released by the Bureau of the Census on August 11, 2021; and

WHEREAS, the Erie County Legislature established the Erie County Advisory Committee on Reapportionment in March 2021 and the Committee commenced its operations on September 17, 2021; and

WHEREAS, Section 210 of the Charter prescribes the actions and time frame under which the Erie County Advisory Committee on Reapportionment is to act; and

WHEREAS, Section 210 states that the “advisory committee shall submit its final report to the County Legislature within sixty days of its appointment or within sixty days of the official release of certified federal census data for Erie County, whichever is later. At any time prior to the expiration of this term, the County Legislature may extend such term once, for a period not to exceed thirty days”; and

WHEREAS, the Chairwoman of the Erie County Advisory Committee on Reapportionment has requested a thirty-day extension of the time frame for the Committee to make its recommendations to the Legislature, seeking to extend the deadline from October 11, 2021.

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with Section 210 of the Erie County Charter, the Erie County Legislature does hereby extend the time frame under which the Erie County Advisory Committee on Reapportionment will issue its recommendations to the Legislature, and hereby grants an extension for the Committee to make such recommendations, with the new deadline to be no later than November 10, 2021; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Danise Wilson, Chair of the Erie County Advisory Committee on Reapportionment, and to the County Attorney.

Fiscal Impact: None.



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 22, 2021

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointments to the Commission on the Status of Women

Dear Honorable Members:

Pursuant to the Erie County Charter Section 1705, I, Mark C. Poloncarz, Erie County Executive do hereby submit for your confirmation the following individuals to be appointed to the Erie County Commission on the Status of Women for a term ending September 30, 2024.

Appointees

Ms. Michele Calandra
458 Shetland Drive
Williamsville, NY 14221
Re-Appointment

Ms. Nina Cherian
47 Manning Road
Amherst, NY 14226
Re-Appointment

Ms. Carlette Bradley
68 Tonawanda Street, APT 20
Buffalo, NY 14207
New Appointment

Ms. Kelly Dumas
251 Pine Ridge Road
Cheektowaga, NY 14225
New Appointment

Should you have any questions, please do not hesitate to contact my office at (716)858-8500.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/oo

cc: Karen King, Commissioner of Public Advocacy
Appointees

**2021 Erie County Advisory Committee on Reapportionment
Meeting 2
October 1, 2021, 12:00 pm
Erie County Legislature Chambers, 92 Franklin Street, 4th Floor**

Agenda

Call to Order by the Chair of the Committee

Pledge of Allegiance

Roll Call

Completion of Oath Cards (back of the cards needs to be completed and signed)

Freedom of Information Law Requirements for your Emails Associated with the Committee

Dissemination of Informational Materials on Population Changes, etc. (attachment)

Questions and Comments from Committee Members on Population Changes from 2010-2020

Discussion on Public Comments Received at the Three Public Hearings

October 15th Deadline for Maps

Establish Date/Time for Final Public Hearing

Adjournment

Materials for Members of the 2021 Erie County Advisory Committee on Reapportionment

Erie County Charter, Section 210 - Advisory Committee on Reapportionment

<https://www3.erie.gov/law/charter/article-2-legislative-branch-charter>

During the first three months of the year following the year in which a federal decennial census is taken, an advisory committee shall be created to make recommendations to the County Legislature on whether and how the County Legislature should be reapportioned consistent with federal and state law. During the first two months the Chairman of the County Legislature shall give public notice of the intent to create such an advisory committee and shall invite interested persons and groups to inform the County Legislature of their availability to serve on such an advisory committee. The County Legislature shall appoint the advisory committee consisting of fifteen members, as follows: the Chairman of the County Legislature or his or her designee, the majority and minority leaders of the Legislature or their designees, the Commissioners of the Board of Elections or their designees, and ten residents of Erie County representing interested community groups, five of whom shall be appointed by the majority leader and five of whom shall be appointed by the minority leader. The Chairman of the advisory committee shall be appointed by the Chairman of the Legislature. The advisory committee shall submit its final report to the County Legislature within sixty days of its appointment or within sixty days of the official release of certified federal census data for Erie County, whichever is later. At any time prior to the expiration of this term, the County Legislature may extend such term once, for a period not to exceed thirty days.

2010 and 2020 Census Population Estimates

With a revised 2020 population of 954,236 (up from 919,018 in 2010), and 11 legislative districts in the Erie County Legislature, each legislative district needs to contain 86,749 residents (increased from 83,547).

Excel File Showing Population Changes by District (including Race) from 2010-2020

(Attached)

Current Map of Legislative Districts

<https://www2.erie.gov/legislature/index.php?q=node/1>

District 1:

http://www2.erie.gov/johnson/sites/www2.erie.gov.johnson/files/uploads/LD_01%5B1%5D.pdf

District 2:

http://www2.erie.gov/baskin/sites/www2.erie.gov.baskin/files/uploads/pdfs/LD_02.pdf

District 3:

http://www2.erie.gov/chimera/sites/www2.erie.gov.chimera/files/uploads/pdfs/LD_03.pdf

District 4:

http://www2.erie.gov/hardwick/sites/www2.erie.gov.hardwick/files/uploads/pdfs/LD_04.pdf

District 5:

https://www2.erie.gov/vinal/sites/www2.erie.gov.vinal/files/uploads/pdfs/LD_05.pdf

District 6:

https://www2.erie.gov/greene/sites/www2.erie.gov.greene/files/uploads/pdfs/LD_06.pdf

District 7:

http://www2.erie.gov/meyers/sites/www2.erie.gov.meyers/files/uploads/pdfs/LD_07.pdf

District 8:

https://elections.erie.gov/MapPdf/LEG-8-30X24_2017.pdf

District 9:

https://www2.erie.gov/gilmour/sites/www2.erie.gov.gilmour/files/uploads/pdfs/LD_09.pdf

District 10:

http://www2.erie.gov/lorigo/sites/www2.erie.gov.lorigo/files/uploads/pdfs/LD_10.pdf

District 11:

http://www2.erie.gov/mills/sites/www2.erie.gov.mills/files/uploads/pdfs/LD_11.pdf

Erie County Legislative Districts – 2020 Census Dashboard

<https://blogs.cornell.edu/wyncensus2020/erie-county-legislature-districts/>

You can review each district's 2010 to 2020 population, and racial/ethnic demographics at this site to compare and contrast 2010 as opposed to 2020. This includes reviewing the 2020 Census blocks at a granular level.

2021 Census Data for Erie County:

<https://data.census.gov/cedsci/profile?g=0500000US36029>

<https://data.census.gov/cedsci/all?g=0500000US36029>

ACS Demographic and Housing Estimates

<https://data.census.gov/cedsci/table?g=0500000US36029&tid=ACSDP1Y2019.DP05>

Accessing Statistics on Data.census.gov

<http://data.census.gov/>

<https://www.census.gov/newsroom/press-releases/2021/2020-census-redistricting-data-easier-to-use-format.html>

The site allows data users to search geographies down to the block level and access data through tables, maps and downloads. Data users can also access a geography, such as a state, county or place, in a geographic profile with visualizations and infographics to provide an overview on a specific area.

Features of data.census.gov include:

Data tables: Users can select geographies, sort by topic, or add any other applicable filters. Data can be reordered, pinned, and hidden with drag and drop functionality. Included are the following tables:

P1. Race

P2. Hispanic or Latino, and Not Hispanic or Latino by Race

P3. Race for the Population 18 Years and Over

P4. Hispanic or Latino, and Not Hispanic or Latino by Race for the Population 18 Years and Over

P5. Group Quarters Population by Major Group Quarters Type

H1. Occupancy Status

2020 Census Redistricting Data Files Press Kit

<https://www.census.gov/newsroom/press-kits/2021/2020-census-redistricting.html>

New York State Home Rule Law, Section 10

General powers of local governments to adopt and amend local laws (provisions pertaining to reapportionment)

<https://www.nysenate.gov/legislation/laws/MHR/10>

§ 10. General powers of local governments to adopt and amend local laws.

1. In addition to powers granted in the constitution, the statute of local governments or in any other law,

(i) every local government shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law relating to its property, affairs or government and,

(ii) every local government, as provided in this chapter, shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the following subjects, whether or not they relate to the property, affairs or government of such local government, except to the extent that the legislature shall restrict the adoption of such a local law relating to other than the property, affairs or government of such local government:

a. A county, city, town or village:

(13) The apportionment of its legislative body and, only in connection with such action taken pursuant to this subparagraph, the composition and membership of such body, the terms of office of members thereof, the units of local government or other areas from which representatives are to be chosen and the voting powers of individual members of such legislative body. Except for the equal apportionment requirements in subclause (i.) of clause (a.) and clause (c.) of this subparagraph, which shall apply generally to any local government, the power granted by this subparagraph shall be in addition to and not in substitution for any other power and the provisions of this subparagraph shall apply only to local governments which adopt a plan of apportionment thereunder.

(a.) A plan of apportionment adopted under this subparagraph shall comply with the following standards, which shall have priority in the order herein set forth, to the extent applicable:

(i.) The plan shall provide substantially equal weight for the population of that local government in the allocation of representation in the local legislative body.

(ii.) In such plan adopted by a county, no town except a town having more than one hundred and ten per cent of a full ratio for each representative, shall be divided in the formation of representation areas. Adjacent representation areas in the same town or city shall not contain a greater excess in population than five per cent of a full ratio for each representative.

(iii.) The plan shall provide substantially fair and effective representation for the people of the local government as organized in political parties.

(iv.) Representation areas shall be of convenient and contiguous territory in as compact form as practicable.

(b.) A plan of apportionment adopted by a county under this subparagraph may provide that mayors of cities or villages, supervisors of towns or members of the legislative bodies of cities, towns, or villages, who reside in the county shall be eligible to be elected as members of the county legislative body.

(c.) As used in this subparagraph the term "population" shall mean residents, citizens, or registered voters. For such purposes, no person shall be deemed to have gained or lost a residence, or to have become a resident of a local government, as defined in subdivision eight of section two of this chapter,

by reason of being subject to the jurisdiction of the department of corrections and community supervision and present in a state correctional facility pursuant to such jurisdiction. A population base for such a plan of apportionment shall utilize the latest statistical information obtainable from an official enumeration done at the same time for all the residents, citizens, or registered voters of the local government. Such a plan may allocate, by extrapolation or any other rational method, such latest statistical information to representation areas or units of local government, provided that any plan containing such an allocation shall have annexed thereto as an appendix, a detailed explanation of the allocation.

(d.) Where a public hearing on a local law proposed to be adopted under this subparagraph is required, by subdivision five of section twenty of this chapter, to be held only before an elective chief executive officer, the legislative body shall not adopt such proposed local law until after a public hearing shall have been held thereon before it, on notice as provided in such subdivision five, in which event no public hearing thereon before such chief executive officer shall be required.

(e) A local law proposed to be adopted under this subparagraph shall be subject to referendum only in the manner provided by paragraph j of subdivision two of section twenty-four of this chapter, except that such local law shall be subject to a mandatory referendum in any county in which a provision of law requires a mandatory referendum if a local law proposes a change in the form or composition of the elective governing body of the county. The local law may be so structured as to permit separate submission of the principle elements (such as, multiple office holding as in clause (b) above, the use of multiple member or floterial districts in portions of the local government, and so forth) of the plan and also may provide alternatives in the event one or more of these separate submissions is rejected by the electorate.

(f.) Notwithstanding any inconsistent provisions of any general or special law, or any local law, ordinance, resolution or city or county charter heretofore or hereafter adopted, no local government may restructure its local legislative body (pursuant to provision of this chapter or any other provision of law) more than once in each decade commencing with the year nineteen hundred seventy; provided, however, that this prohibition shall not prevent the periodic adjustment of the weight of the votes of representatives on the basis of current census, voter, or other valid information where an existing plan distributes the votes of representatives on such a basis.

2010 to 2020 Population Changes by Legislative District

ECLEG	2010 Census												
	Total	White	Black	Hispanic	Asian	Other	Multi	White	Black	Hispanic	Asian	Other	Multi
1	83361	24835	44157	9752	2281	191	1695	30%	53%	12%	3%	0%	2%
2	83502	26285	43261	8411	2925	133	1990	31%	52%	10%	4%	0%	2%
3	83884	60556	9915	7469	3186	118	2022	72%	12%	9%	4%	0%	2%
4	83089	77010	1747	1864	1188	57	899	93%	2%	2%	1%	0%	1%
5	80847	66329	4681	1984	6388	108	1216	82%	6%	2%	8%	0%	2%
6	80820	71176	2471	1389	4378	77	1094	88%	3%	2%	5%	0%	1%
7	85125	70906	7498	3769	1168	98	1369	83%	9%	4%	1%	0%	2%
8	83593	78723	1983	1340	652	79	646	94%	2%	2%	1%	0%	1%
9	83592	76637	2247	2860	489	63	1040	92%	3%	3%	1%	0%	1%
10	84808	82091	469	1086	444	35	529	97%	1%	1%	1%	0%	1%
11	86412	79601	1487	1807	522	64	729	92%	2%	2%	1%	0%	1%

2010 to 2020 Population Changes by Legislative District

2020 Census													
Total	White	Black	Hispanic	Asian	Other	Multi	White	Black	Hispanic	Asian	Other	Multi	Total
92611	23379	42551	13827	8403	482	3475	25%	46%	15%	9%	1%	4%	9250
88417	24777	43130	9694	6815	498	3148	28%	49%	11%	8%	1%	4%	4915
85536	53561	12095	9307	6024	360	3668	63%	14%	11%	7%	0%	4%	1652
83601	71827	2776	3479	2007	192	2986	86%	3%	4%	2%	0%	4%	512
84855	61908	6332	3576	9736	376	2781	73%	7%	4%	11%	0%	3%	4008
86399	70961	3025	2374	6810	287	2725	82%	4%	3%	8%	0%	3%	5579
88465	62608	12341	6283	2892	310	3714	71%	14%	7%	3%	0%	4%	3340
85379	77001	2292	2244	1388	167	2149	90%	3%	3%	2%	0%	3%	1786
88279	76453	3067	4405	906	241	2955	87%	3%	5%	1%	0%	3%	4687
85702	79569	846	2113	569	177	2302	93%	1%	2%	1%	0%	3%	894
84992	76192	1419	2356	540	164	2355	90%	2%	3%	1%	0%	3%	-1420

2010 to 2020 Population Changes by Legislative District

Change											
White	Black	Hispanic	Asian	Other	Multi	White	Black	Hispanic	Asian	Other	Multi
-1456	-1606	4075	6122	291	1780	-5%	-7%	3%	6%	0%	2%
-1508	-131	1283	3890	365	1158	-3%	-3%	1%	4%	0%	1%
-6995	2180	1838	2838	242	1646	-10%	2%	2%	3%	0%	2%
-5183	1029	1615	819	135	2087	-7%	1%	2%	1%	0%	2%
-4421	1651	1592	3348	268	1565	-9%	2%	2%	4%	0%	2%
-215	554	985	2432	210	1631	-6%	0%	1%	2%	0%	2%
-8298	4843	2514	1724	212	2345	-13%	5%	3%	2%	0%	3%
-1722	309	904	736	88	1503	-4%	0%	1%	1%	0%	2%
-184	820	1545	417	178	1915	-5%	1%	2%	0%	0%	2%
-2522	377	1027	125	142	1773	-4%	0%	1%	0%	0%	2%
-3409	-68	549	18	100	1626	-3%	0%	1%	0%	0%	2%



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

TO: Robert M. Graber, Clerk, Erie County Legislature
FROM: Jeremy C. Toth, First Assistant County Attorney
DATE: October 4, 2021
RE: Transmittal of New Claims Against Erie County

Mr. Graber:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 28 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. A.S. v. County of Erie, et al.;
2. C.W. v. County of Erie, et al.;
3. B.M. v. County of Erie, et al.;
4. V.W. v. County of Erie, et al.;
5. R.C. v. County of Erie, et al.;
6. M.H. v. County of Erie, et al.;
7. LG92 Doe v. County of Erie, et al.;
8. CWNH Doe 10 v. County of Erie, et al.;
9. CWNH Doe 6 v. County of Erie, et al.;
10. CWNH Doe 5 v. County of Erie, et al.;
11. Christian Central Academy v. ECDOH, et al.;
12. Estate of Joseph Bialaszewski v. County of Erie, et al. (2nd lawsuit);
13. C.C. v. County of Erie, et al.;
14. G.G. v. County of Erie, et al.;
15. P.J. v. County of Erie, et al.;
16. I.H. v. County of Erie, et al.;

Mr. Robert M. Graber, Clerk
Erie County Legislature
October 4, 2021
Page 2

17. P.E. v. County of Erie, et al.;
18. C.F. v. County of Erie, et al.;
19. Edward Hark v. County of Erie;
20. Alex David v. County of Erie;
21. Janine Krasuski v. County of Erie, et al.;
22. Theodore P. Curtis v. County of Erie, et al.;
23. Rosely Marsalas v. County of Erie, et al.;
24. Elinda Lopez-Brooks v. County of Erie, et al.
25. Estate of Sarah Elizabeth Sleger v. County of Erie, et al.;
26. Patricia Mack v. County of Erie;
27. David & Marcia Szwartz v. County of Erie; and
28. H.M. v. County of Erie, et al.

JCT:dld

Attachments

ERIE COUNTY LEGISLATURE



92 Franklin Street
Buffalo, New York 14202

October 12, 2021

Ralph Mohr, Commissioner
Member, Erie County Advisory Committee on Reapportionment
Erie County Board of Elections
134 West Eagle Street
Buffalo, New York 14202

Re: Your Letter Dated October 8, 2021

Dear Commissioner Mohr:

I received your October 8, 2021 letter conveying a request from the minority members of the Erie County Advisory Committee on Reapportionment (Committee) for a scheduling modification of the Committee.

As you noted in your letter, the Committee has a scheduled October 15, 2021 meeting at which time I had asked Members of the Committee to present and lay on the table potential maps for the new legislative districts. In your letter, you have requested additional time in which to address the prisoner Census count for the Towns of Alden and Collins and you have asked for the October 15th meeting to not serve as a deadline for the presentation of maps.

To that end, I am proposing and taking steps to change the meeting date of our scheduled Friday, October 15 meeting to Monday, October 18 and requesting that all Members of the Committee be prepared to introduce maps at that time. Legislature staff will be taking the appropriate steps to notify the Members of the Committee, elected officials, the media and the public of the meeting date change.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Danise C. Wilson".

Danise C. Wilson, MPH, Chair
Erie County Advisory Committee on Reapportionment

cc: Members of the Erie County Advisory Committee on Reapportionment
Jeremy Toth, First Assistant County Attorney

October 14, 2021

Danise C. Wilson, MPH
Chairwoman
Erie County Advisory Committee on Reapportionment
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

RE: Erie County Advisory Committee on Reapportionment Scheduling

Dear Chairwoman Wilson:

Last week, Commissioner Mohr sent you a letter that detailed some concerns regarding the ability to produce thoughtful and legal district maps by the October 15th deadline you imposed. As a remedy, we proposed using the scheduled meeting on October 15th to discuss a modification to the current timeline we are working under, as opposed to utilizing the meeting as the deadline to propose new district maps. In your reply, dated October 12th, you interpreted the request as solely a deadline extension rather than a request for a thoughtful discussion about a more reasonable timeline to produce map proposals.

The Minority's concerns, as stated in Commissioner Mohr's October 8th letter, remain. Moreover, and perhaps most importantly, we aren't certain that the Majority and Minority members of the Committee are working off of the same set of data or population numbers to draw maps. As you know, adjusted final redistricting data for Erie County was released on October 4th after our Commission's process commenced. It is unclear to the Minority whether the Majority's appointments are using data released on August 12th or October 4th to draw your maps. We feel strongly that we should be using the same set of data. Accordingly, we respectfully request that the Majority Chief of Staff distribute the October 4th adjusted data to *all* members of the Committee, as he did with the August 12 data, as soon as possible, and that the Committee discuss a scheduling modification together on October 18th.

Furthermore, as you are aware, there is legislation that has passed both the Senate and the Assembly that, if signed by Governor Hochul, will significantly impact the drawing of new districts. As originally requested, we would like to discuss these concerns and how they impact the current deadlines under which we are being asked to operate. Extending the current deadline you imposed by one business day does not assist in mission accomplishment. To the contrary, it likely creates additional scheduling challenges for members who made themselves available for the previously scheduled and noticed October 15th meeting.

In conclusion, as Minority appointments on the Advisory Committee for Reapportionment, we intend to come to the newly scheduled October 18th meeting to discuss our stated concerns with the hope of agreeing on a more reasonable timeline to accomplish our goal of submitting a thoughtful, accurate, and legal map proposal.

Sincerely,



Scott Allen, Jr., Esq.



Joseph Burns, Esq.



Michael Cimasi, Esq.



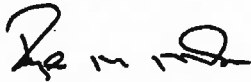
James DomagalSKI, Esq.



Christina Holdsworth, Esq.



Brandi LoBianco



Ralph Mohr, Esq.

Commissioner (R), Erie County Board of Elections

October 8, 2021

Via Electronic Mail (danisewilson716@gmail.com)

Danise C. Wilson, MPH
Chairwoman
Erie County Advisory Committee on Reapportionment
77 Goodell Street
Buffalo, New York 14203

Re: *Erie County Advisory Committee on Reapportionment Scheduling & Deadlines*

Dear Madam Chair:

As you are aware, you requested that both the majority and minority members of the Erie County Advisory Committee on Reapportionment ("Committee") submit their respective reapportionment maps by October 15, 2021. In consideration of the recent release of updated and more accurate Census data - namely, the Erie County New York Adjusted Final Redistricting Data received October 4, 2021 - the minority members of the Committee respectfully request a scheduling modification.

As you are no doubt aware, the United States Census Bureau ("USCB") counts prisoners as residents of the census block where a correctional facility is located.¹ Accordingly, while collecting data for the 2020 U.S. Census, the USCB counted prisoners incarcerated at the Wende Correctional Facility as residents of Alden, New York, and prisoners incarcerated at the Collins Correctional Facility as resident of Collins, New York. Since its formation on September 17, 2021, the Committee has been analyzing Census data released on or about August 12, 2021, which counts prisoners as residents of Alden and Collins.

However, N.Y. Mun. Home Rule Law 10² explicitly prohibits the counting of prisoners as residents for purposes of reapportionment. More specifically, N.Y. Mun. Home Rule Law 10 provides:

[N]o person shall be deemed to have gained or lost a residence, or to have become a resident of a local government ... by reason of being subject to the jurisdiction of the department of corrections and community supervision and present in a state correctional facility pursuant to such jurisdiction. *A population base for such a plan of apportionment shall utilize the latest statistical information obtainable from an official enumeration done at the same time for all the residents, citizens, or registered voters of the local government ... (emphasis added).*

¹ https://www2.census.gov/programs-surveys/decennial/2020/program-management/memo-series/2020-memo-2018_04-appendix.pdf

² Both the New York State Senate and Assembly have passed Senate Bill 5160-B, which if signed by the Governor, will amend N.Y. Mun. Home Rule Law 10. Notably, among other provisions, Senate Bill 5160-B mandates that "the difference in population between the most and least populous district shall not exceed four percent of the mean population," prohibits Districts "drawn with the intent or result of denying or abridging the equal opportunity of racial or language minority groups to participate in the political process ..." and requires that "a district shall unite communities defined by actual shared interests ..."

Critically, the latest statistical information obtainable is the Erie County New York Adjusted Final Redistricting Data received by the Erie County Board of Elections on October 4, 2021 ("Adjusted Data"), not the Census data of August 12, 2021, which the Committee has utilized to date.

Indeed, pursuant to N.Y. Legis. Law § 83-m, the New York State Legislative Task Force on Demographic Research and Reapportionment recalculated the Census numbers,³ specifically for redistricting purposes, "such that each geographic unit reflects incarcerated populations at their respective residential addresses prior to incarceration rather than at the addresses of such correctional facilities." As First Assistant County Attorney Jeremy Toth concluded in an email to both Committee Commissioners dated October 7, 2021, the Committee *must* analyze and incorporate the Adjusted Data, not the outdated Census data previously distributed to the Committee. If the Committee fails to do so, the population of Alden will be erroneously inflated by more than 600 residents and the population of Collins by more than 2,000 residents.

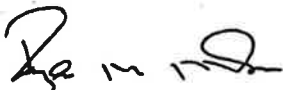
Stated plainly, the Census data that the Committee has been analyzing to date is outdated and, for purposes of reapportionment, unlawfully counts prisoners as residents of Alden and Collins.

As you are aware, the Committee has been charged with making thorough and thoughtful "recommendations to the County Legislature on whether and how the County Legislature should be reapportioned consistent with federal and state law." Erie County Charter, Section 210.⁴ By analyzing Census data from August 2021 that includes prisoners as residents of Alden and Collins, the Committee cannot effectively make recommendations in compliance with N.Y. Mun. Home Rule Law 10. More fundamentally, the Committee cannot provide thorough and thoughtful recommendations in the form of reapportionment maps to the County Legislature by October 15, 2021 using data just received on October 4, 2021, just eleven days prior.

The Committee need not submit its report to the Legislature until sixty days after September 17, 2021, the date of its appointment, so the minority members respectfully submit that October 15, 2021 is an arbitrary and unnecessary deadline that should not be enforced in light of the recent release of the Adjusted Data. Consequently, the Committee minority members respectfully request a scheduling modification to be determined by the entire Committee during our scheduled meeting of October 15, 2021.

Thank you for your consideration.

Respectfully,



Ralph M Mohr

2021.10.08

11:00:42 -04'00'

Ralph Mohr
Commissioner, Erie County Board of Elections
Member, Erie County Advisory Committee on Reapportionment

³ <https://latfor.state.ny.us/data/?sec=2020amendpop>

⁴ <https://www3.erie.gov/law/charter/article-2-legislative-branch-charter>

ERIE COUNTY LEGISLATURE



**92 Franklin Street
Buffalo, New York 14202**

October 29, 2021

Hon. April N.M. Baskin, Chair
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Erie County Legislature Maps Approved by the Erie County Advisory Committee on Reapportionment

Dear Chairwoman Baskin:

Please find attached the countywide map and the district maps for the 2021 Reapportionment process prescribed by Section 210 of the Erie County Charter.

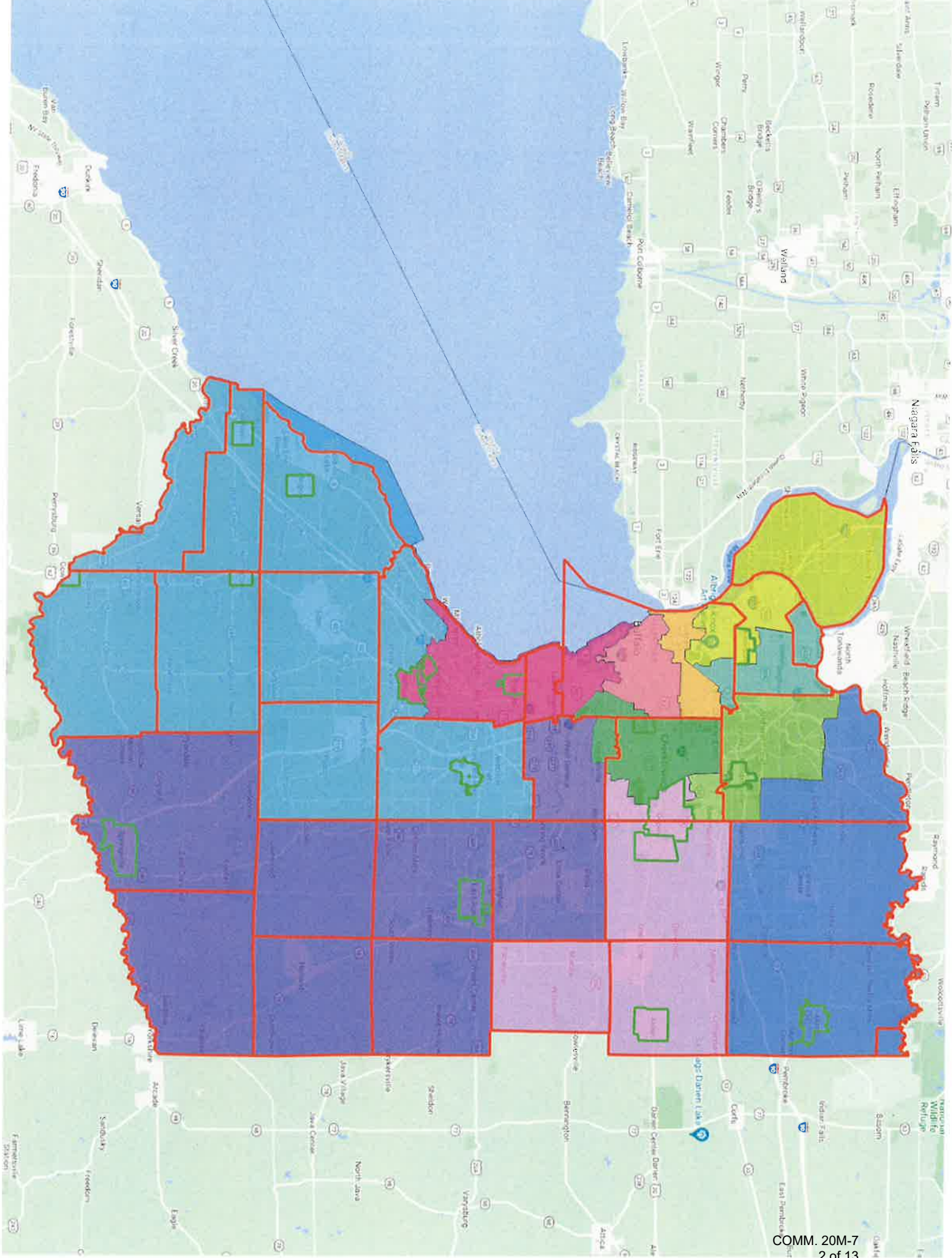
These maps were approved by the Erie County Advisory Committee on Reapportionment on October 29, 2021.

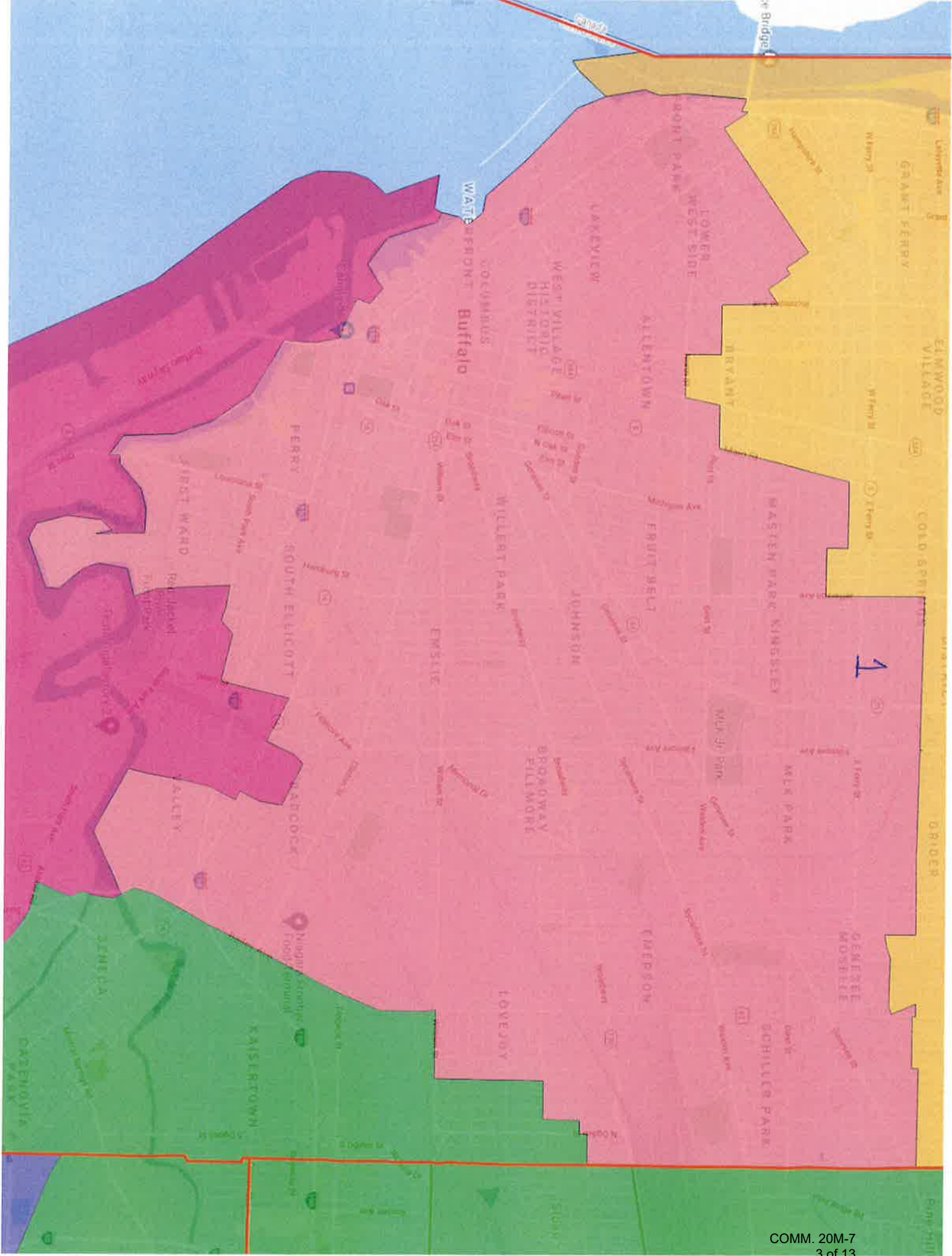
Thank you for your assistance and courtesies.

Sincerely,

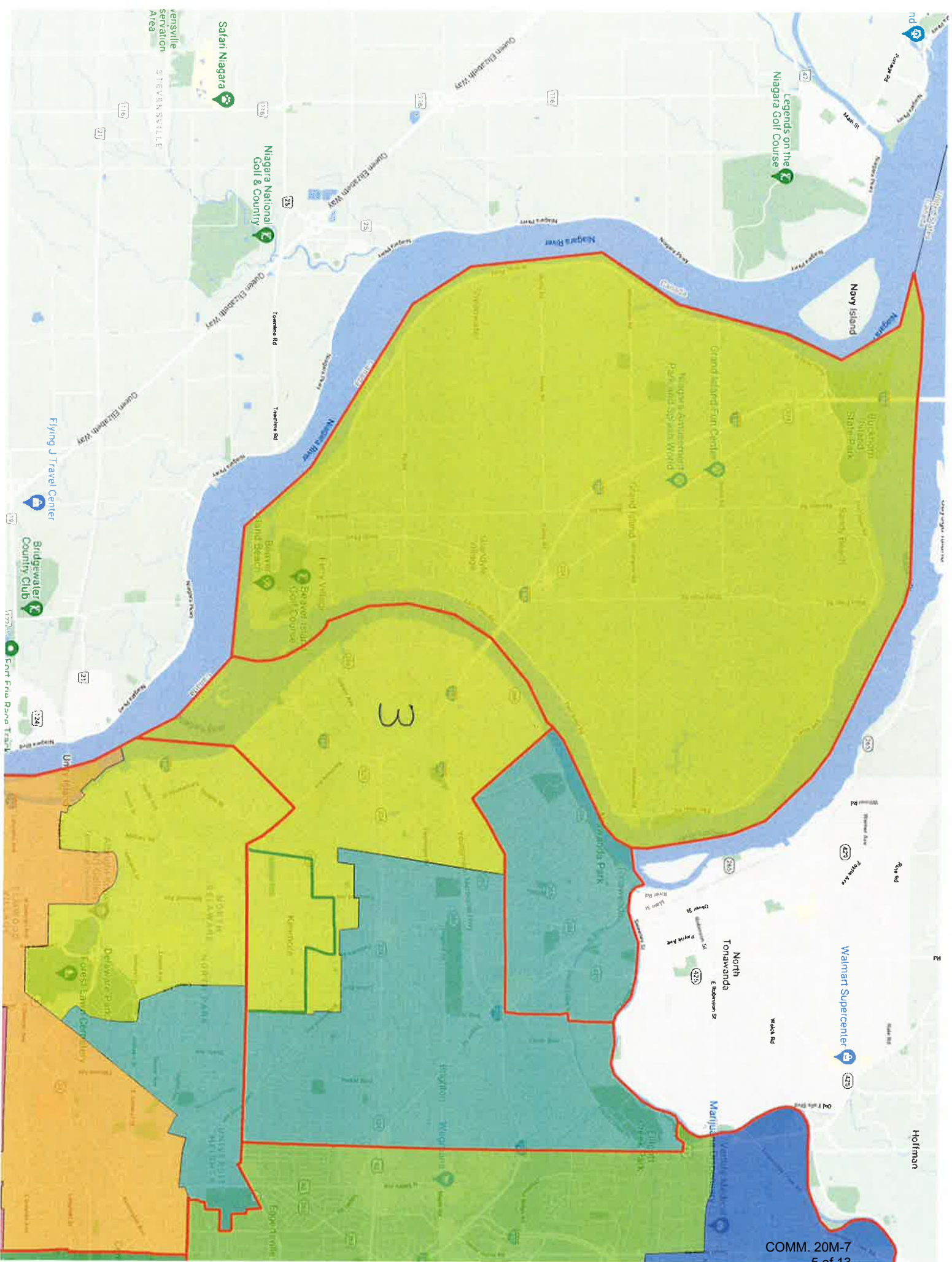
A handwritten signature in blue ink that reads "Denise C. Wilson".

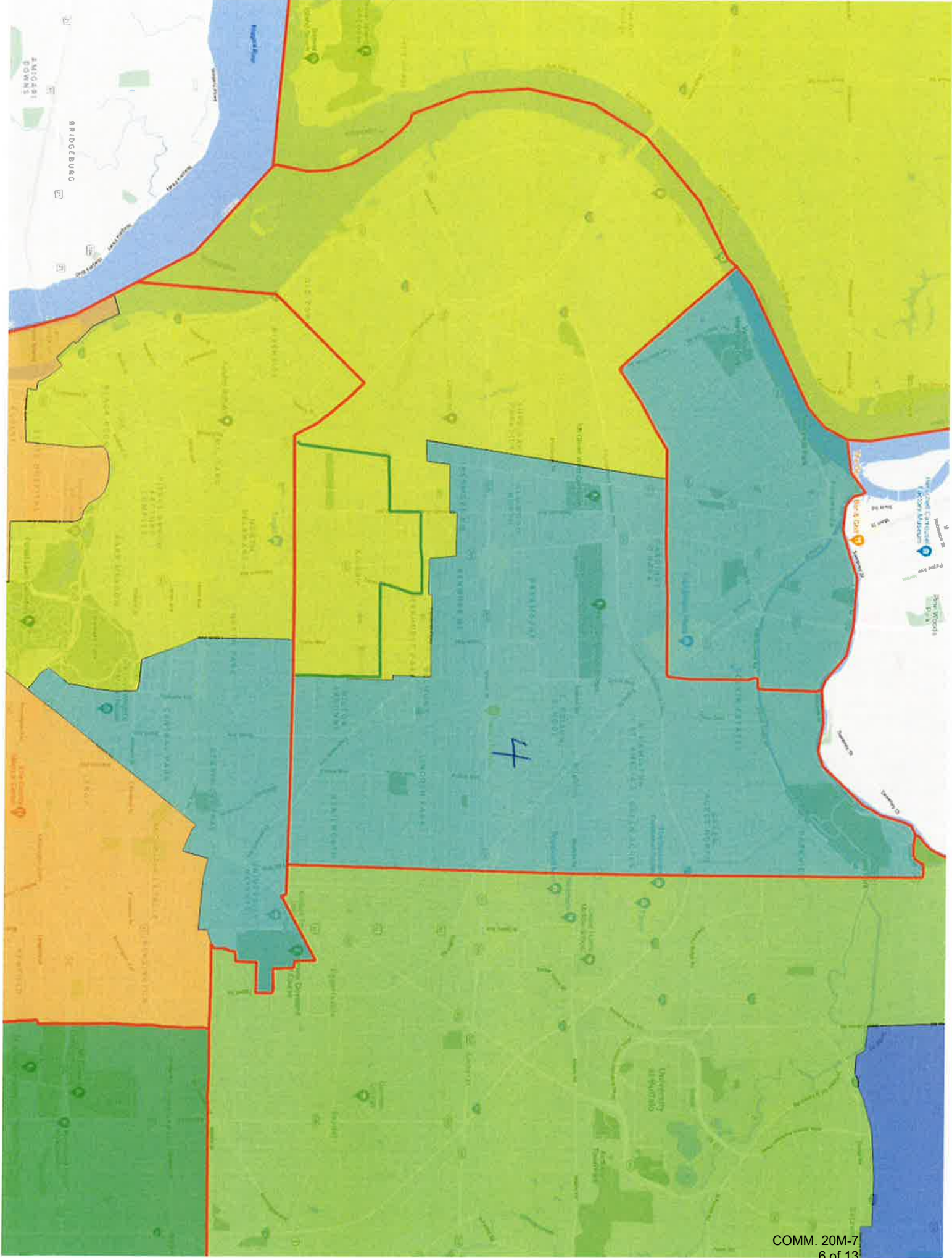
Chair, 2021 Erie County Advisory Committee on Reapportionment

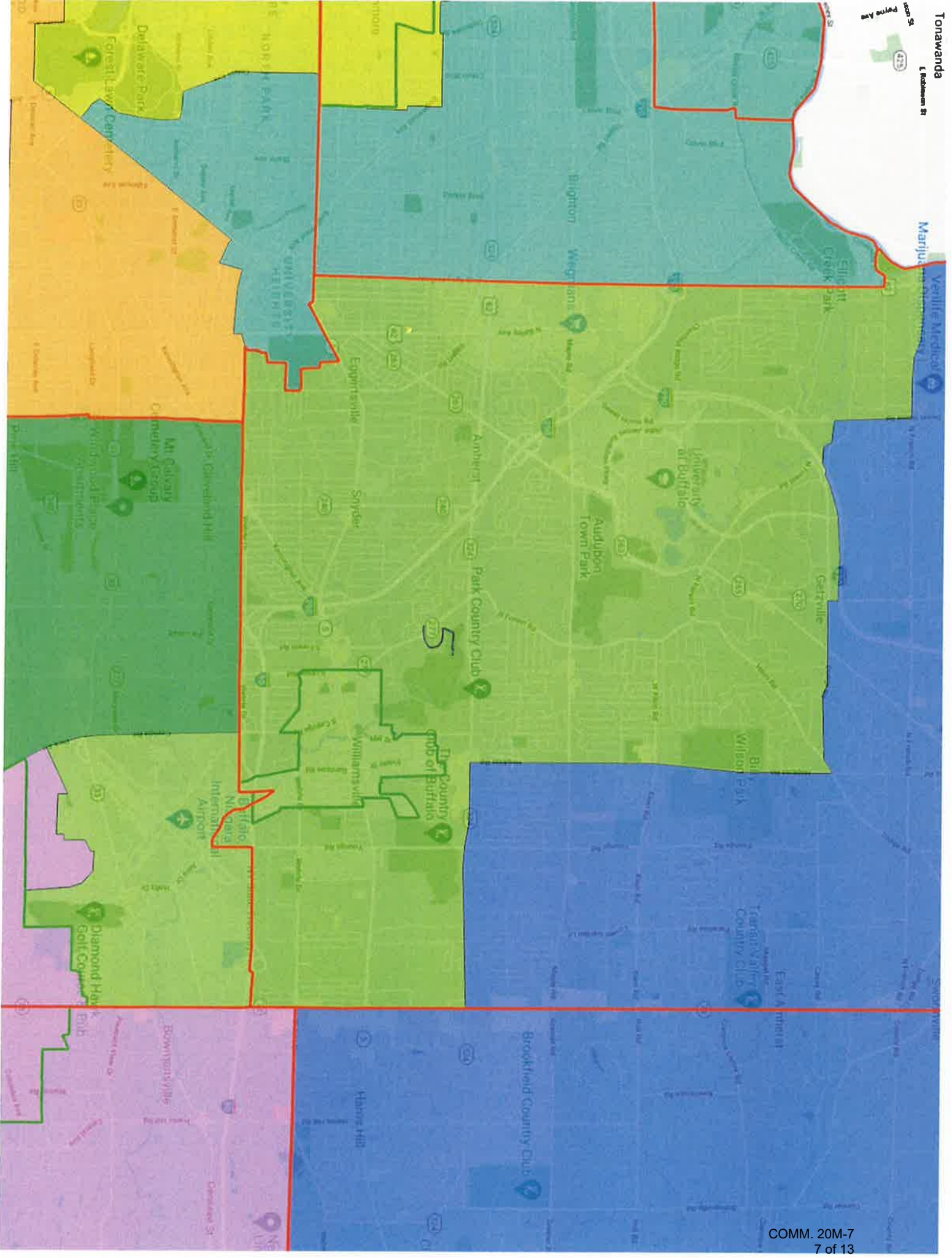


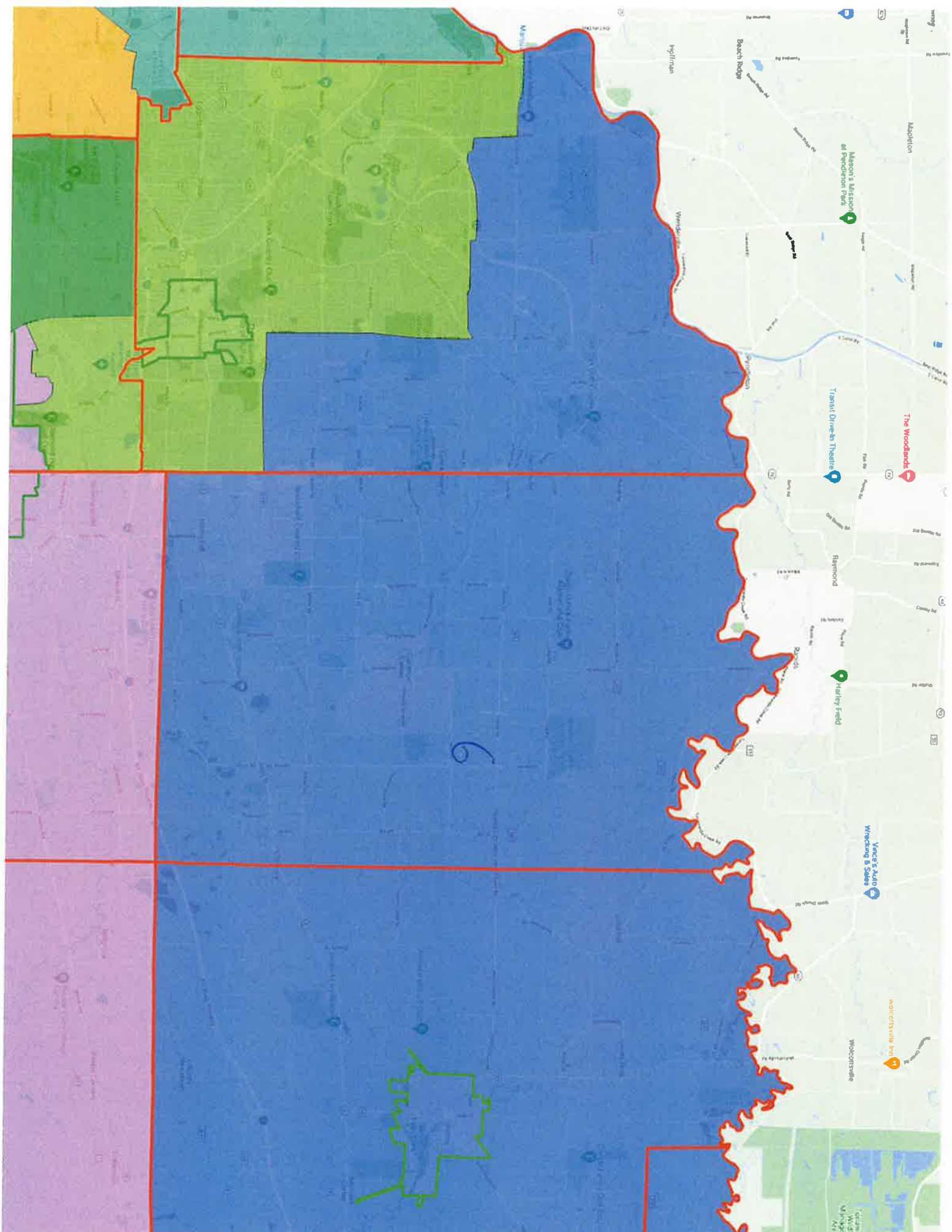




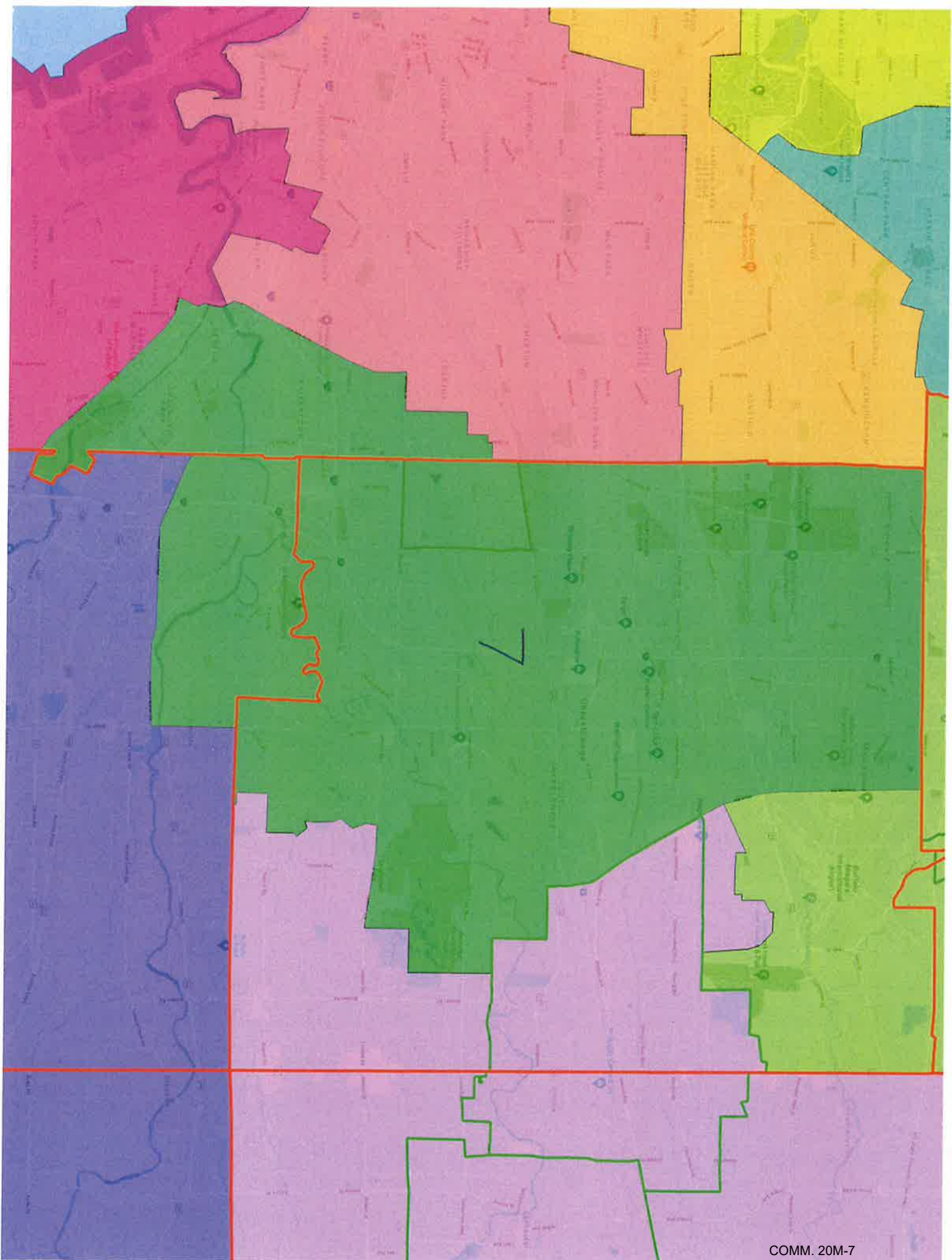


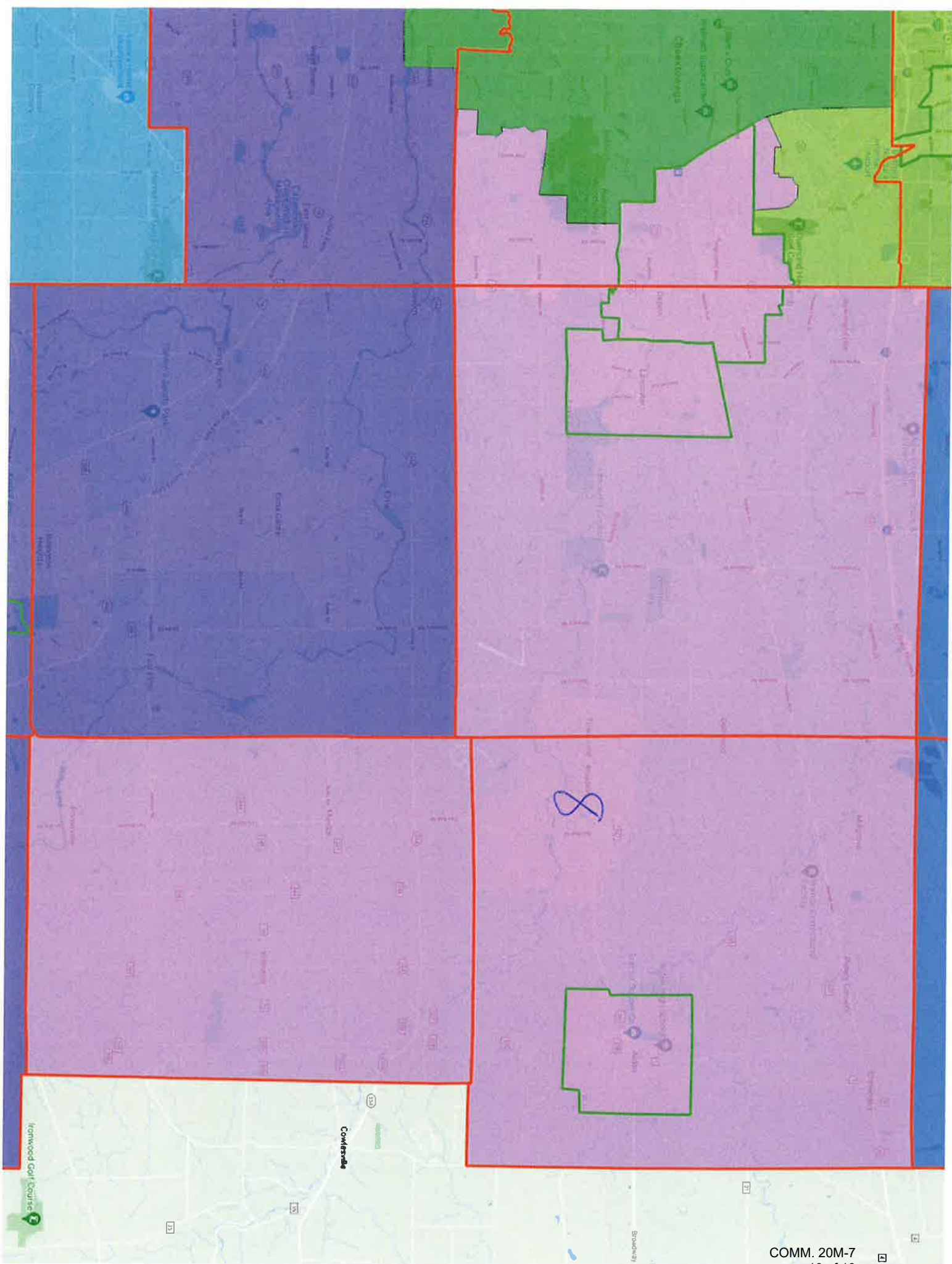


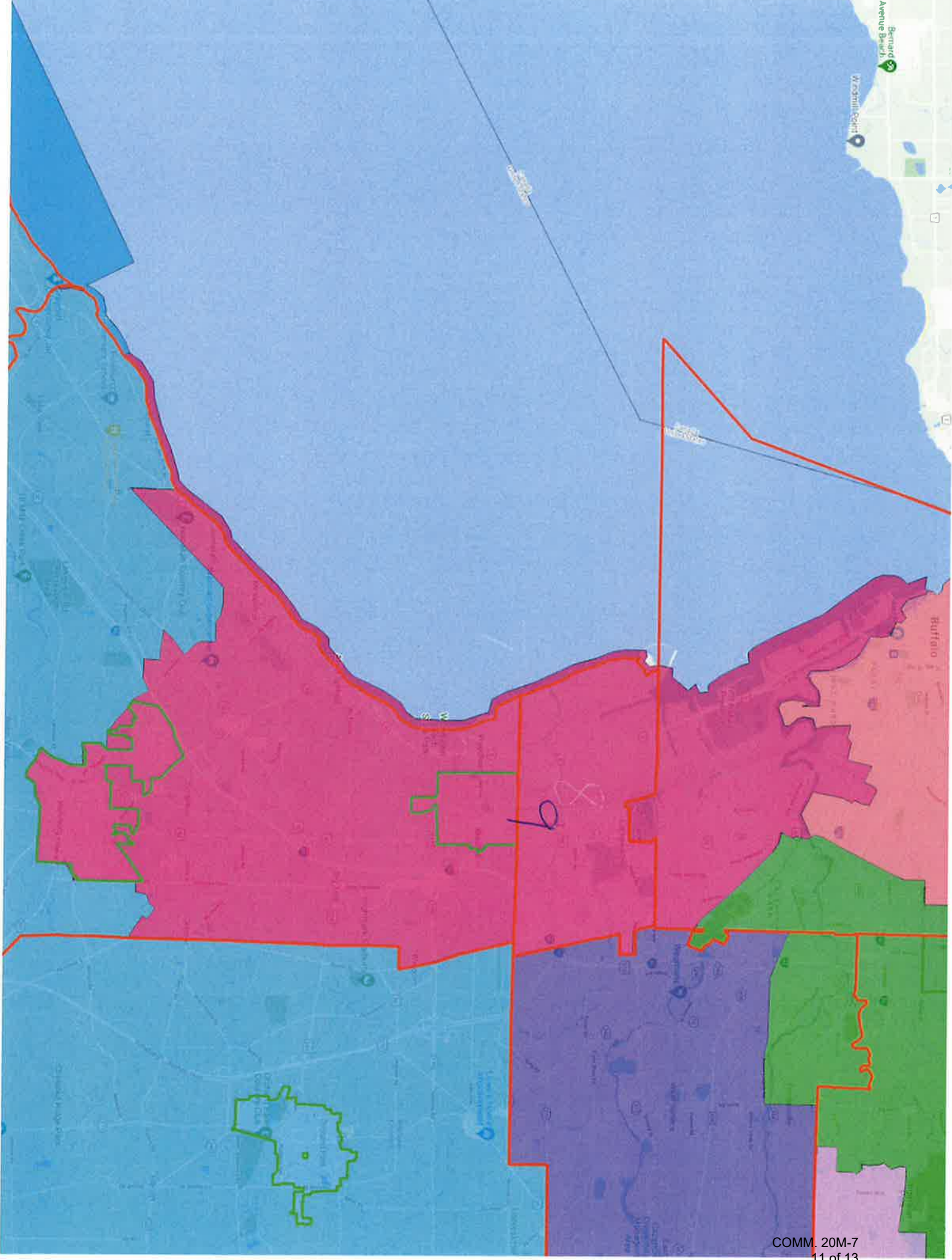


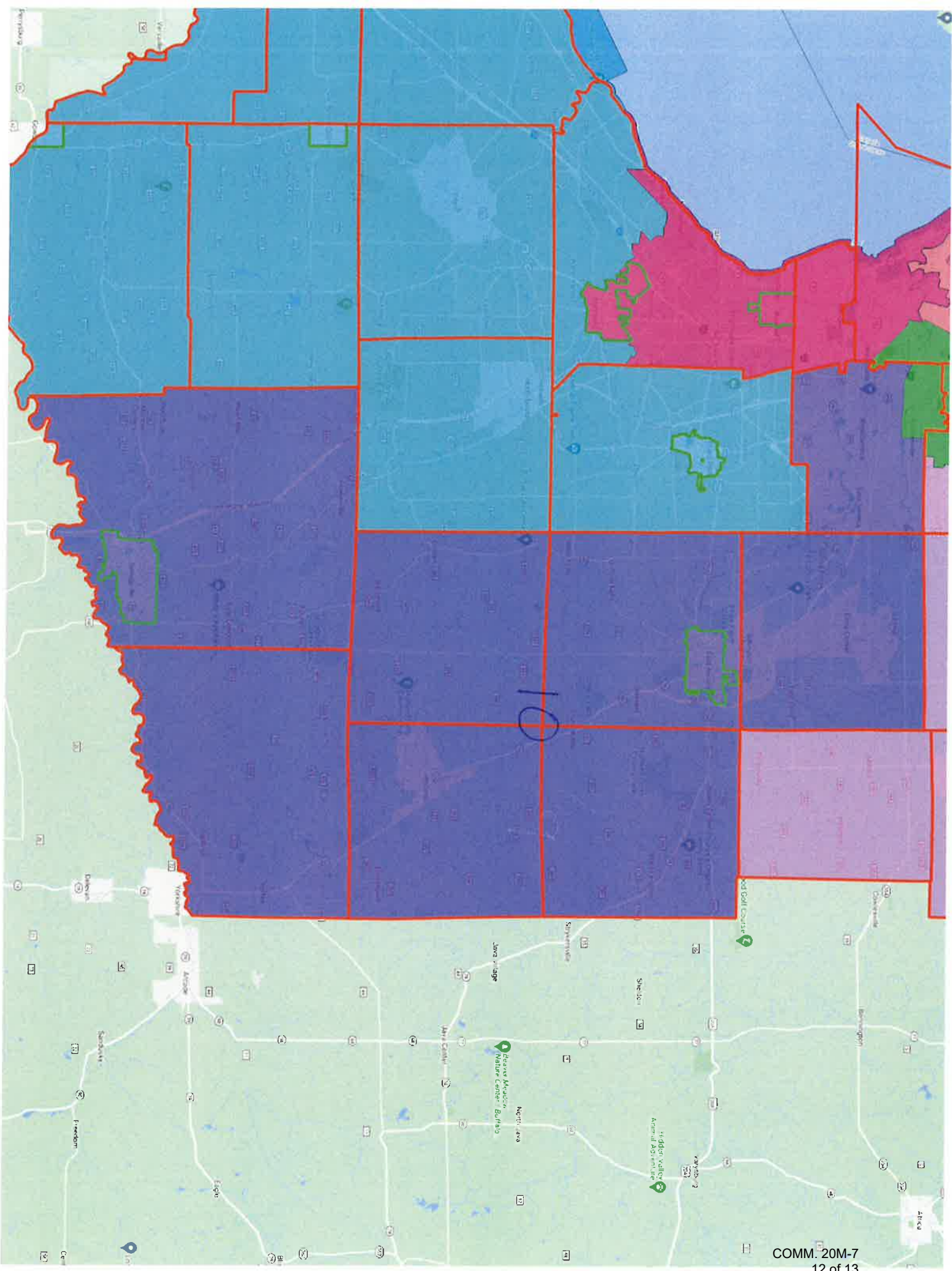


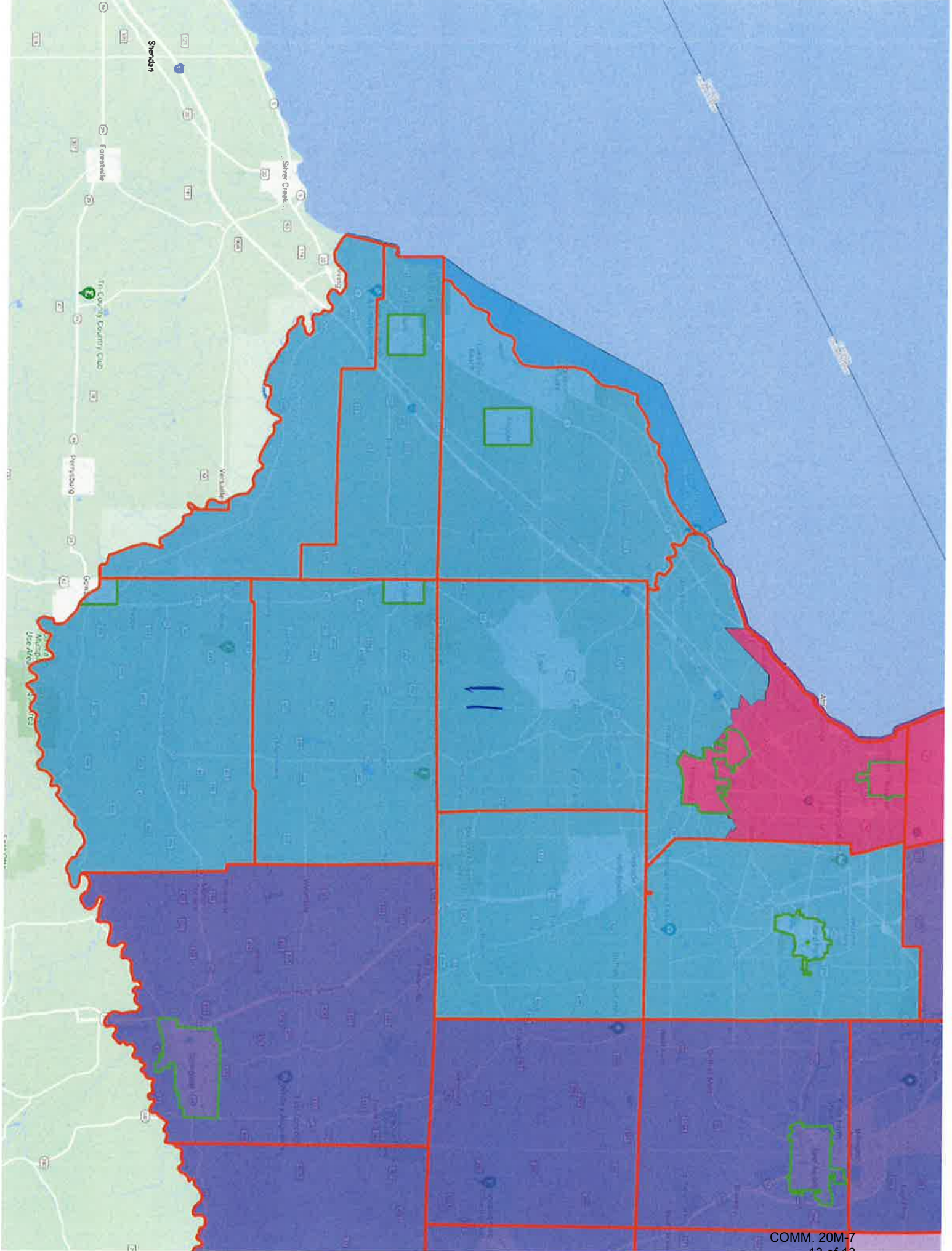
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COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

JCT/ud

TO: Robert M. Graber, Clerk, Erie County Legislature
FROM: Jeremy C. Toth, First Assistant County Attorney
DATE: December 8, 2021
RE: Transmittal of New Claims Against Erie County

Mr. Graber:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 27 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Raymond Acker v. Sheriff Howard, et al.;
2. Gianfranco Genovese/Emma Grace Genovese v. County of Erie, et al.;
3. Delores Witt v. ECDSS;
4. T.W. v. Erie County and DOES 1-10;
5. R.G. v. Erie County, et al.;
6. L.E. v. Erie County, et al.;
7. Ryan Claire v. County of Erie, et al.;
8. Raymond Auls v. Sheriff Howard, et al.;
9. B.J. v. Erie County and DOES 1-10;
10. A.S. v. County of Erie, et al.;
11. Sashia Furst/L.B., an Infant v. County of Erie, et al.;
12. D.L. v. Erie County, et al.;
13. Anthony Coleman v. County of Erie;
14. Kimberly Conidi v. County of Erie, et al.;
15. L.T. v. ECDSS Child Protective Services, et al.;
16. Foam Depot, Inc. v. County of Erie;

Mr. Robert M. Graber, Clerk
Erie County Legislature
December 8, 2021
Page 2

17. Anthony & Lesley Bloomquist v. ECMCC, et al.;
18. Paris Watson v. County of Erie, et al.;
19. Charles Marsh v. ECMCC, et al.;
20. Hope Harper v. County of Erie, et al.;
21. Joanne Lundburg v. County of Erie, et al.;
22. Londarr Ward v. ECSO;
23. N.P. v. County of Erie, et al.;
24. T.S. v. County of Erie and DOES 1-10;
25. William Smith v. Superintendent Evans, et al.;
26. William L. Hill & William M. Hill v. County of Erie; and
27. Alisa Wood v. County of Erie, et al.

JCT:dld

Attachments



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 1, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

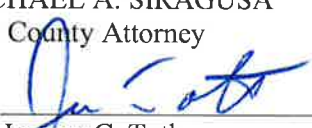
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Acker, Raymond P. v. Sheriff Howard, County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Raymond P. Acker ICN #57243 c/o Erie County Correctional Facility 11581 Walden Avenue Alden, New York 14004
Claimant's attorney:	Leonard D. Zaccagnino, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK

RAYMOND P. ACKER
Erie County Correctional Facility - Alden
11581 Walden Avenue
Alden, NY 14004

Claimant,

-vs-

NOTICE OF CLAIM

TIMOTHY B. HOWARD,
Erie County Sheriff
10 Delaware Avenue
Buffalo, NY 14202

THOMAS DIINA, as Superintendent
of the Jail Management Division
Erie County Sheriff's Department
40 Delaware Ave
Buffalo, NY 14202

DEPARTMENT OF SHERIFF OF ERIE COUNTY
CORRECTIONAL HEALTH UNIT
10 Delaware Avenue
Buffalo, NY 14202

COUNTY OF ERIE
92 Franklin Street
Buffalo, NY 14202

MAXIM HEALTHCARE SERVICES, INC.
Individually and doing business as
MAXIM STAFFING SOLUTIONS
7227 Lee DeForest Drive
Columbia, MD 21046

This paper received at the
Erie County Attorney's Office
from DEREK VASQUEZ
the 20th day of Sept, 2021
at 1:00 a.m./p.m.
[Signature]
Assistant County Attorney

MAXIM HEALTHCARE SERVICES, INC.
Individually and doing business as
MAXIM PHYSICIAN RESOURCES
7227 Lee DeForest Drive
Columbia, MD 21046

JOHN DOES 1-10, said names being
fictitious, but intended to be the
individuals/medical professionals involved in the
within incident

Defendants.

TO: TIMOTHY B. HOWARD,
Erie County Sheriff
10 Delaware Avenue
Buffalo, NY 14202

THOMAS DIINA, as Superintendent
of the Jail Management Division
Erie County Sheriff's Department
40 Delaware Ave
Buffalo, NY 14202

DEPARTMENT OF SHERIFF OF ERIE COUNTY
10 Delaware Avenue
Buffalo, NY 14202

COUNTY OF ERIE
Erie County Hall
95 Franklin Street
Buffalo, NY 14202

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JOHN DOES 1-10, said names being
fictitious, but intended to be the
individuals/medical professionals involved in the
within incident

PLEASE TAKE NOTICE that the **Claimant** claims damages against the
Respondents in accordance with the requirements of General Municipal Law § 50-e and
states as follows:

1. The name and address of **Claimant** is:

Raymond P. Acker
(Inmate Number: 57243)
Erie County Correctional Facility - Alden
11581 Walden Avenue
Albany, NY 14004

2. The **Claimant** is represented herein by:

Shaw & Shaw, P.C.
Leonard D. Zaccagnino, Esq., of counsel
4819 South Park Avenue
Hamburg, NY 14075

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

3. This is a claim founded in negligence, and is for personal injuries.
4. This claim is for personal injuries, economic damages and/or other
damages generally sustained by claimant as a result of the negligent, careless and reckless
disregard of known risks for serious physical harm to claimant in violation of his Federal

Civil Rights by agents, servants and/or employees of respondents while claimant was housed within the confines of the Erie County Correctional Facility - Alden, Alden, New York.

TIME AND LOCATION AND MANNER IN WHICH THE CLAIM AROSE:

5. The time when the claim arose and the time when injuries and damages herein alleged were sustained was on or about September 15, 2021, and continuing to the present time.

Upon information and belief, the incident began within the confines of the Erie County Correctional Facility - Alden located at 11581 Walden Avenue in Alden, Erie County, New York. Upon information and belief, the Erie County Correctional Facility - Alden is under the possession, control and ownership of the respondent the County of Erie and the Erie County Sheriff's Department. Upon information and belief, the Erie County Correctional Facility - Alden is maintained and operated by the County of Erie and Erie County Sheriff under its Jail Division.

NATURE AND BASIS FOR THIS CLAIM:

6. Upon information and belief, at all times hereinafter mentioned, the claimant was caused to suffer from severe facial rashes and burns as a result of the negligent care and treatment of a pre-existing condition of dermatitis and psoriasis including, but not limited to, a lack of proper medical treatment while within the confines of the Erie County Correctional Facility - Alden, and the refusal and failure of the respondents to allow the claimant to be seen by medical professionals having an expertise in the field of facial dermatitis and psoriasis outside the confines of the Erie County Correctional Facility - Alden.

On or about September 15, 2021, the claimant began to suffer severe rashing and burning to his face as a result of previously-diagnosed dermatitis and psoriasis for which he had been treated by medical professionals prior to his confinement at the Erie County Correctional Facility - Alden.

The claimant reported his symptoms to the correctional facility personnel and medical personnel at the Erie County Correctional Facility - Alden, yet even as his symptoms grew worse, the claimant's requests for the proper medication, and the ability to be seen by medical professionals outside the confines of the Correctional Facility were refused. Thereafter, the claimant's symptoms deteriorated and spread to his eyes, resulting in the continuation of severe burning, mucous and pus reaching his eyes.

Upon information and belief, as a result of the negligence and carelessness of the respondents, the claimant sustained serious personal injuries, including but not limited to, vision loss.

Upon information and belief, the respondents had actual notice of the claimant's physical condition, the same being documented by jail and medical personnel at the Erie County Correctional Facility - Alden from September 15, 2021 to the present time.

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

7. The above mentioned incident and the injuries and damages occurring therefrom occurred by reason of the fault, neglect, and carelessness of the respondents, their agents, servants, and/or employees. The negligence of the respondents, their agents, servants and/or employees includes but is not limited to:

- the failure to meet their responsibility for the claimant's safety and general well being (**Sacramento v. Lewis** I 523 U.S. 833 1 851 (1998) (citing **DeShaney v. Winnebago County Dept. of Social Servs'** I 489 U.S. 189 199-200 (1989)));
- the failure to provide the claimant with reasonably safe conditions of confinement (**Bell v. Wolfish**, 441 U.S. 520 (1979));
- the failure to provide the claimant with adequate medical care (**Farmer v. Brennan**, 511 U.S. 825, 832 (1994) **Benjamin v. Fraser**, 343 F.3d 35(2d. Cir. 2003);
- showing a deliberate indifference to the claimant's serious medical needs that constituted an unnecessary and wanton infliction of pain contrary to contemporaneous standards of decency and violated the Eighth Amendment (**Estelle v. Gamble**, 429 U.S. 97, 104 (1976); **Koehl v. Dalsheim**, 85 F.3d 86, 88 (2d Cir.1996));
- the failure or refusal to obtain and provide the claimant with medical care to address his serious medical needs (**Hathaway v. Coughlin**, 37 F. 3d 63 (2d Cir. 1994) **Kaminsky v. Rosenblum**, 929 F. 2d 922 (2d Cir. 1991); **Chance v. Armstrong**, 143 F. 3d 698 (2d Cir. 1.98.8));
- the failure to address the claimant's health problems that were sufficiently imminent and sure or very likely to cause serious illness and needless suffering in the next week, month, or year (**Young v. Coughlin**, 1998 U.S. DisL LEXIS 764, at *11 (S.D.N.Y. Jan. 29, 1998));
- failing to appropriately supervise and observe the claimant's medical condition while he was incarcerated;
- failing and omitting to ensure the claimant was provided and supplied with the necessary supervision and facilities for the prevention of the claimant's injuries, particularly when the respondents had actual and constructive knowledge and information regarding the plaintiff's illness and risk of further injury;

- failing to properly screen and evaluate the claimant for the risk of personal injury;
- negligently, carelessly and failing and admitting to train employees, including, but not limited to the screening of inmates for risk of illness or the progression of a pre-existing medical condition;
- causing, allowing and permitting untrained employees, but not limited to its supporting staff to screen inmates for risk of illness and the progression of such illness;
- negligently, carelessly and recklessly failing and omitting to provide persons such as the claimant with any notice or warning of the lack of knowledge of the staff of the respondents including, but not limited to, medical staff;
- causing, allowing and permitting untrained medical personnel to the needs of the inmates;
- negligently, carelessly and recklessly supervising its employees performance of their duties;
- failing and omitting to ensure the claimant was provided and supplied with the necessary medical attention;
- failing and omitting to have adequate and comprehensive policies, procedures and/or guidelines established and in place to prevent the lack of acceptable medical care to inmates;
- failing to follow those policies, procedures and/or guidelines already in place at the time of the occurrence herein;
- the respondents were otherwise negligent, careless and reckless;
- respondents violated the claimant's Federal Civil rights pursuant to 42 USC Section 1983;
- the incidents aforesaid and the injuries and resulting damages were caused wholly and solely through the fault, neglect, carelessness and recklessness of the respondents, their agents, servants and employees of the Erie County Correctional Facility-

Alden and respondents Maxim, their agents, servants and employees; in that said respondents failed to exercise their authority in protecting the rights and safety of claimant while said individual was in the custody and control of the respondents;

- That said respondents failed to properly and adequately maintain the safety of claimant;
- failed to take necessary steps and make necessary observations which, if taken or made, would have avoided said progression of claimant's illness;
- failing to provide adequate administration of the agents, servants and employees of respondents and their facilities;
- failing to properly train employees in regard to inmate custody and safety, especially in areas of critical medical attention and services; and that respondents, their agents, servants and employees were otherwise careless, negligent and reckless.

DAMAGES CLAIMED:

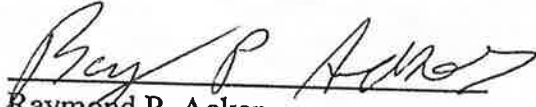
8. By reason of the aforesaid occurrence, the claimant sustained severe, painful and permanent injuries in and about his body, including, but not limited to, facial burns, vision loss and others, all of which were and are severe, painful and permanent in nature including, shock to the nerves and nervous system, circulatory system, traumatic injuries to nerves, tendons and muscular system with resultant impairment and/or loss of use of normal functions; was otherwise rendered sick, sore, lame and disabled and prevented him from performing his usual activities for a period of time subsequent to this incident, and has incurred, and may suffer and sustain loss of earnings and/or loss of future earning potential and/or capacity; has caused, or may incur, hospital expenses, medical expenses, physical therapy and/or rehabilitation and counseling expenses and/or other similar types of expenses as to past, present or future, as would relate to the care, treatment

and attempted cure of the injuries sustained and/or the residual effects thereof; has been deprived of the ability to enjoy the life and lifestyle that he was able to participate in and enjoy prior to the happening of this incident, and has been caused to suffer emotional upset, anxiety and depression as a result of the pain and suffering associated with the injuries as to the past, present and, upon information and belief, into the future; and together with any other special and general damages as may manifest themselves subsequent to the date of this Notice of Claim.

9. The claimant also makes a claim for any and all medical expenses incurred as to his care, treatment and attempted cure of the injuries sustain and/or the residual effects of the same herein as to the past, present, and or future.

WHEREFORE, claimant respectfully prays and requests that these claims as set forth herein be paid and allowed by the respondents.

Dated: September 27, 2021
Alden, New York


Raymond P. Acker

Shaw & Shaw, P.C.
Leonard D. Zaccagnino, Esq., of counsel
Attorneys for Claimant
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
lzaccagnino@shawlawpc.com
www.shawlawpc.com



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 1, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

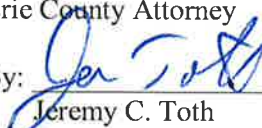
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Genovese, Emma Grace, an Infant, by Gianfranco Genovese v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Gianfranco Genovese (PNG of Emma Grace Genovese) 47 Alliger Drive Tonawanda, New York 14150
Claimant's attorney:	Leonard D. Zaccagnino, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK

GIANFRANCO GENOVESE, Individually
and as father and natural guardian of
EMMA GRACE GENOVESE
47 Alliger Drive
Tonawanda, NY 14150

Claimant

NOTICE OF CLAIM

-vs-

TOWN OF TONAWANDA
2919 Delaware Avenue
Kenmore, NY 14217

VILLAGE OF KENMORE
2919 Delaware Avenue
Kenmore, NY 14217

COUNTY OF ERIE
65 Niagara Square
Buffalo, NY 14202

ERIE COUNTY WATER AUTHORITY
295 Main Street
Room 350
Buffalo, NY 14203

Respondents

TO THE RESPONDENTS:

PLEASE TAKE NOTICE, that the claimant claims damages against respondents in accordance with the requirements of General Municipal Law Section 50-e, and states as follows:

This paper received at the
Erie County Attorney's Office
from Derek Vasquez
the 28th day of Sept, 2021
at 1:00 a.m. (p.m.)
[Signature]
Assistant County Attorney

1. The name and address of the claimant is:

Gianfranco Genovese, Individually and as father
and natural guardian of Emma Grace Genovese, an infant
47 Alliger Drive
Tonawanda, NY 14150

2. The claimant is represented herein by:

SHAW & SHAW, P.C.
Leonard D. Zaccagnino, Esq., of counsel
4819 South Park Avenue
Hamburg, NY 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
lzaccagnino@shawlawpc.com

3. The claim is one founded in negligence, and is for personal injuries.

4. This is a claim for money damages for personal injuries sustained by the claimant and infant herein against the respondents when said infant claimant was caused to fall on the street adjacent to 20-24 Bellinger Drive in Tonawanda, Erie County, New York (hereafter "the premises") which is under the possession, control and ownership of the respondents.

5. The time when the claim arose and the time when injuries and damages herein alleged were sustained was August 30, 2021 at approximately 1:50 p.m.

6. The incident occurred in the street and, more particularly, on a water grate adjacent to the premises which, upon information and belief, is under the possession, control and ownership of the respondents.

7. That the cause of action which forms the substance of this claim arose in the following manner:

On or about August 30, 2021, the infant claimant was riding her scooter in the street as hereinabove identified when she was caused to fall as the result of a dangerous condition, causing the infant claimant to come into contact with the ground, and seriously injuring herself.

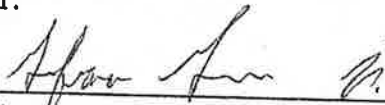
8. That the aforesaid incident and the injuries and damages resulting therefrom occurred by reason of the fault, neglect, and carelessness of the respondents, their agents, servants and/or employees, and that said respondents failed to properly, adequately, and safely maintain the water grate on the premises; failed to properly and adequately supervise and control the area where the infant claimant fell on the date of the incident; carelessly and negligently designed the area on said premises where the incident occurred; failed to take the necessary steps to maintain the water grate and street on the premises; failed to take the necessary steps and make the necessary observations, which, if taken or made, would have avoided the said incident; and in that the respondents, their agents, servants and/or employees were otherwise careless and negligent.

9. By reason of the aforesaid, the claimant sustained severe, painful and permanent injuries in and about her body including, but not limited to, cuts, bruises, brush burns, abrasions, and lacerations to her arms and legs and face and losing a front adult tooth and others as yet to be diagnosed, and was otherwise rendered sick, sore, lame and disabled; was caused to incur and spend large sums of money for hospital care, surgical care, dental

care, physicians' services, nursing care, X-rays and medical supplies, for which the exact amount of such expenses cannot be determined at the present time.

WHEREFORE, the claimant respectfully prays and requests that these claims, as set forth herein, be paid and allowed by the respondents.

Dated this 2nd day of September 2021.

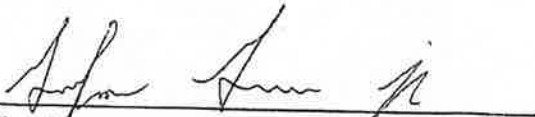


Gianfranco Genovese

VERIFICATION


STATE OF NEW YORK)
)ss.:
COUNTY OF ERIE)

GIANFRANCO GENOVESE being duly sworn, deposes and says that he is the claimant in the within action; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.



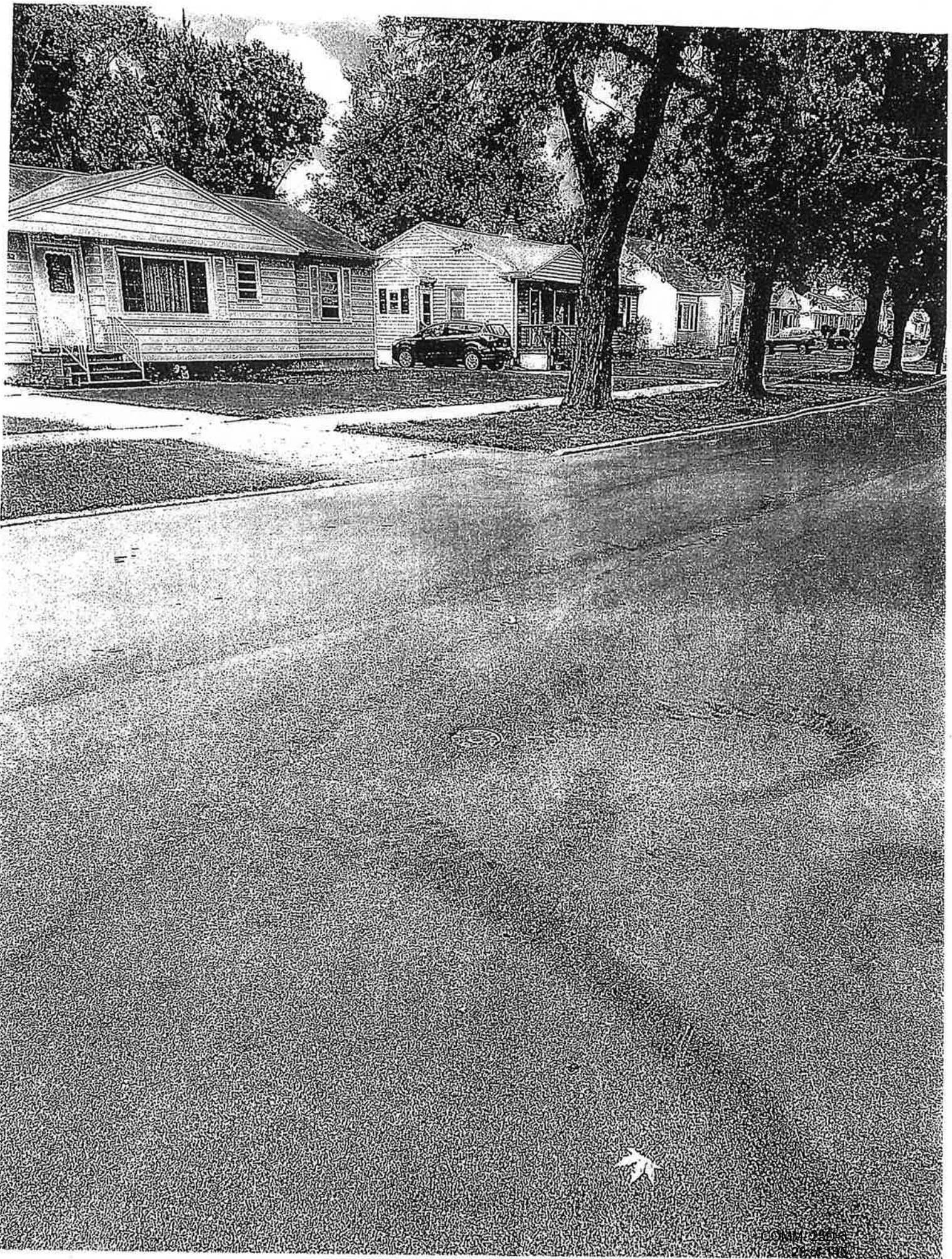
Gianfranco Genovese

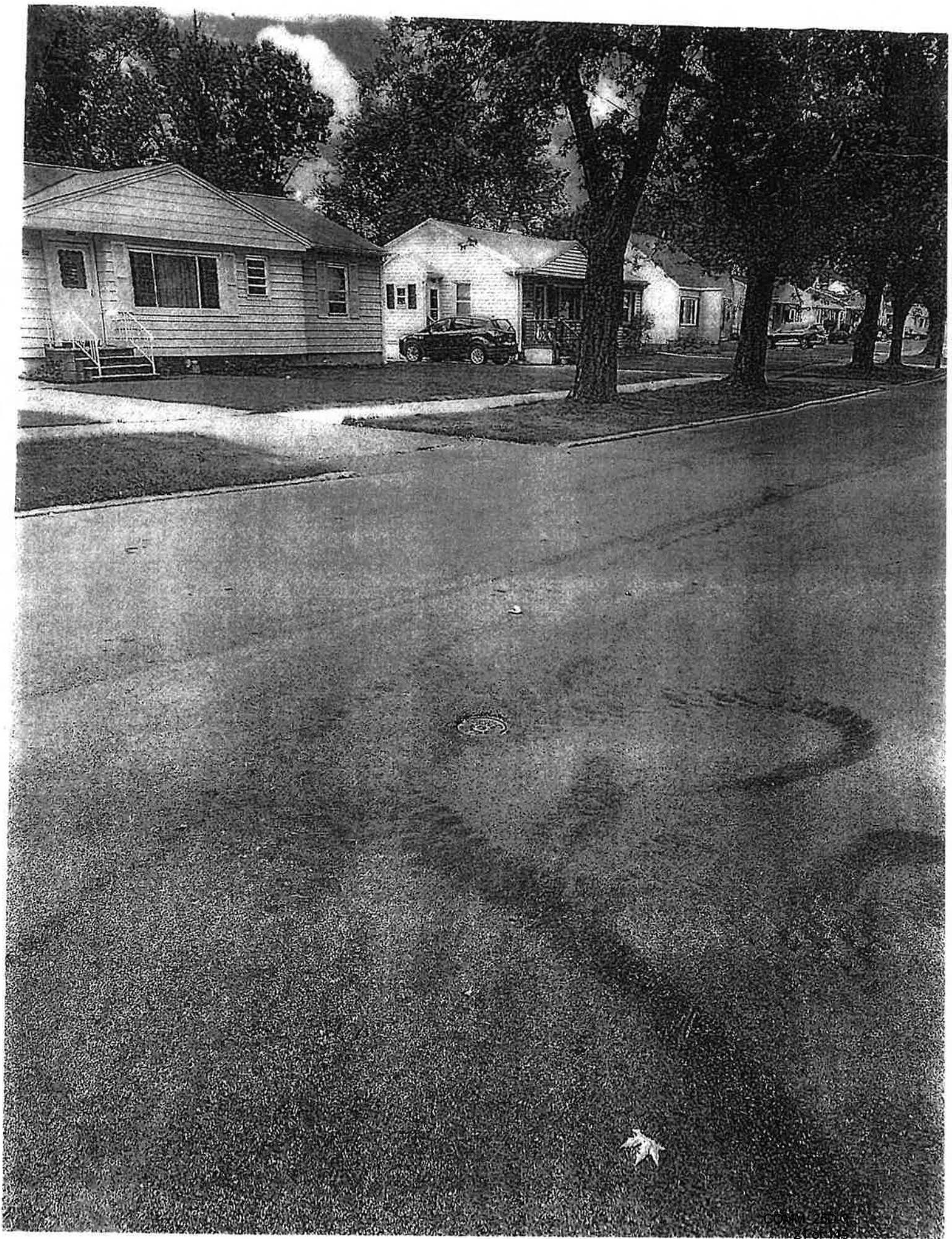
Sworn to before me this
21st day of September 2021

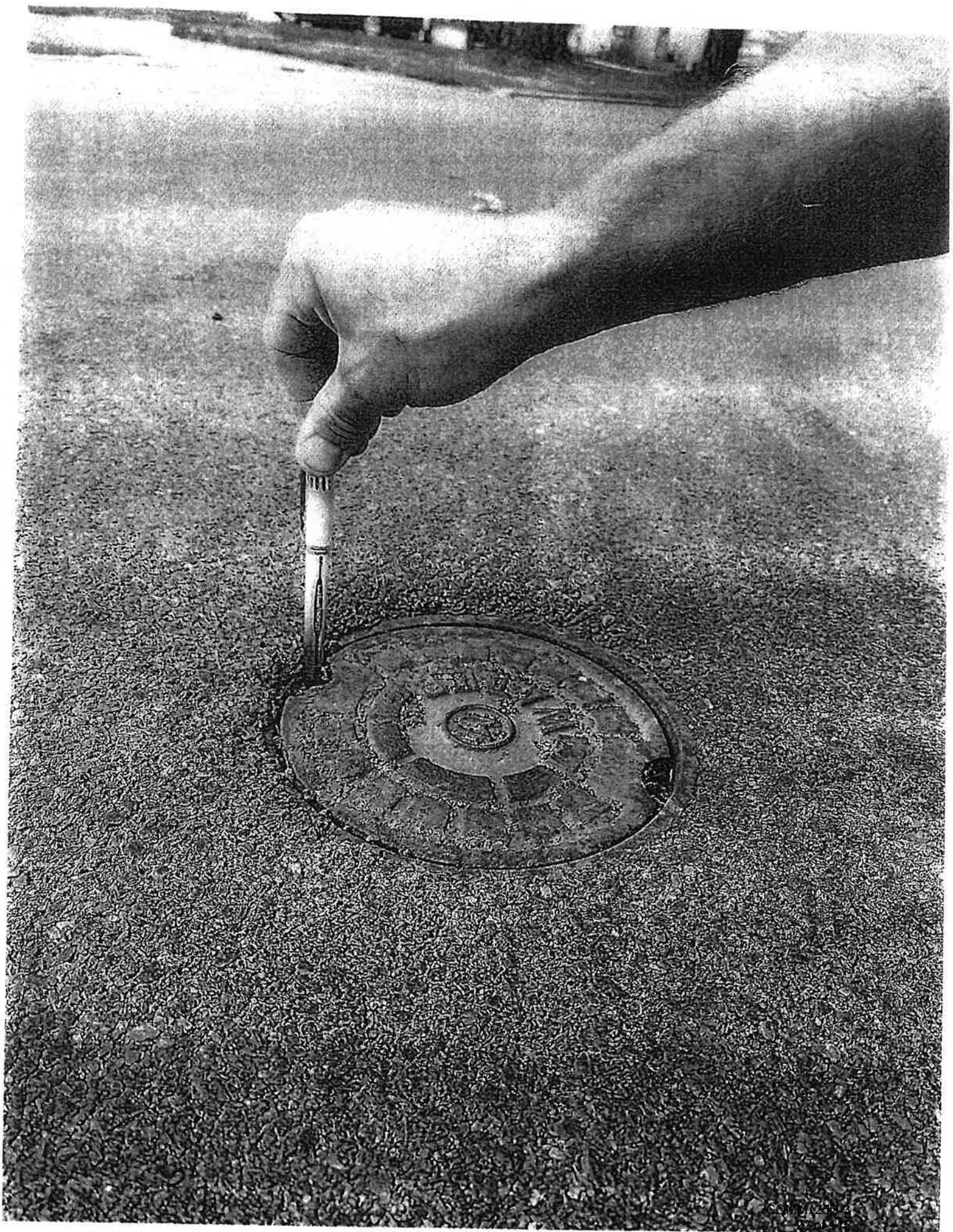


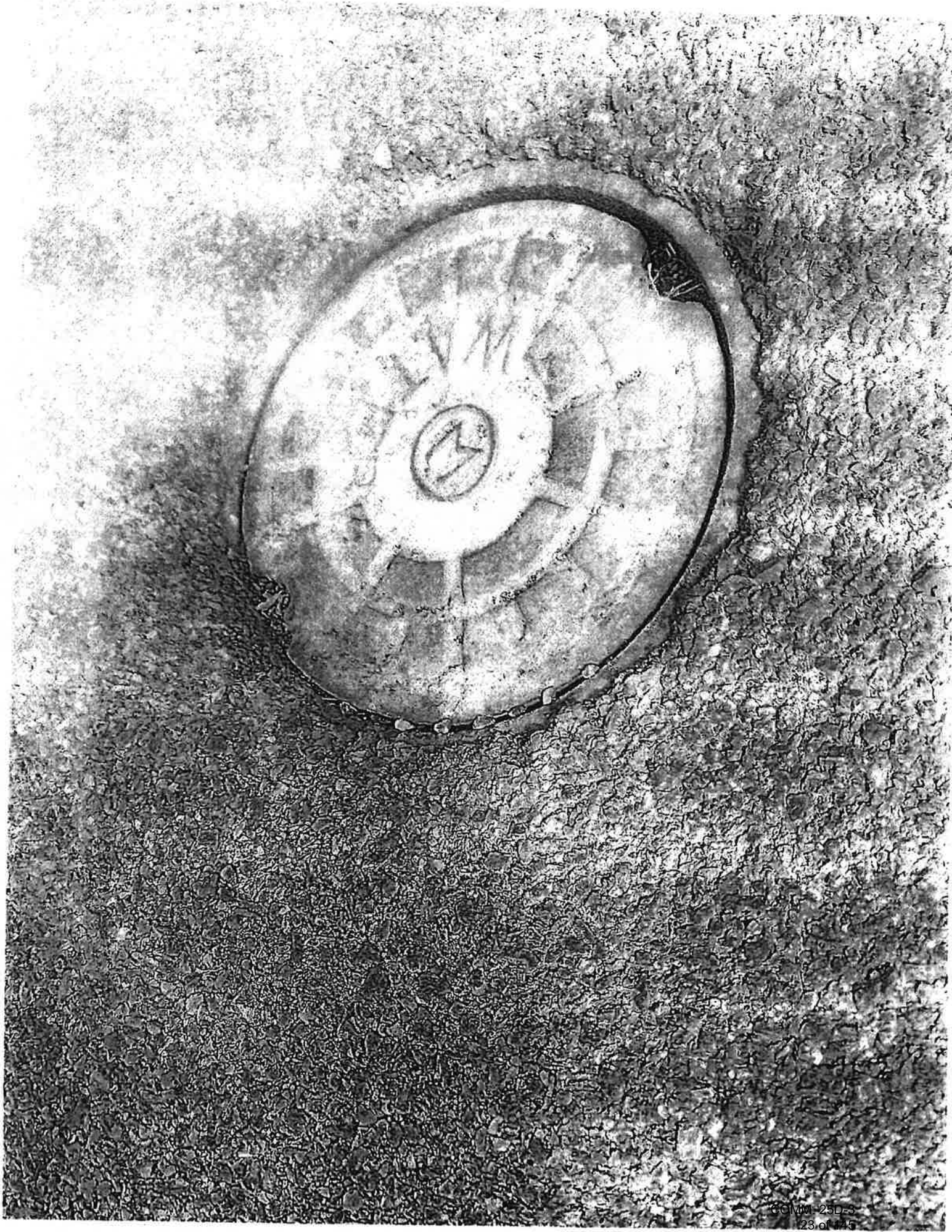
Notary Public













COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 14, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:


In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Witt, Delores v. ECDSS</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Delores Witt 508 Capen Boulevard Buffalo, New York 14226
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

DELORES WITT,

Complainant,

v.

ERIE COUNTY, DEPARTMENT OF SOCIAL
SERVICES,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10213677

Federal Charge No. 16GC200010

I, Delores Witt, residing at 508 Capen Blvd., Buffalo, NY, 14226, charge the above named respondent, whose address is 95 Franklin St., Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of age, disability, race/color, sex, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 12/1/2020.

The allegations are:

See attached.

**New York State Division of Human Rights
Employment Complaint Form**

RECEIVED
SEP 22 2021
NYS DIVISION OF HUMAN RIGHTS
REGIONAL OFFICE

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:			
First Name <u>Delores</u>		Middle Initial/Name	
Last Name <u>Witt</u>			
Street Address/ PO Box <u>508 Capen Blvd.</u>		Apt or Floor #:	
City <u>Amherst</u>		State <u>NY</u>	Zip Code <u>14226</u>
If you are filing on behalf of another, provide the name of that person:		Date of birth:	Relationship:
2. Regulated Areas: Check the area where the discrimination occurred: (If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)			
<input checked="" type="checkbox"/> Employment (including paid internship)		<input type="checkbox"/> by a Labor Organization	
<input type="checkbox"/> Internship (unpaid)		<input type="checkbox"/> Apprentice Training	
<input type="checkbox"/> Contract Work (independent contractor, or work for a contractor)		<input type="checkbox"/> by a Temp or Employment Agency	
<input type="checkbox"/> Volunteer Position		<input type="checkbox"/> Licensing	
3. You are filing a complaint against:			
Employer, Worksite, Agency or Union Name <u>Erie County Department of Social Services</u>			
Street Address/ PO Box <u>95 Franklin Street</u>			
City <u>Buffalo</u>		State <u>NY</u>	Zip Code <u>14202</u>
Telephone Number:			
In what county or borough did the violation take place? <u>Erie County</u>			
Individual people who discriminated against you:			
Name: _____		Title: _____	
Name: _____		Title: _____	
If you need more space, please list them on a separate piece of paper.			
4. Date of alleged discrimination (must be within one year of filing):			
The most recent act of discrimination happened on: _____ month _____ day _____ year			
5. For employment and internships, how many employees does this company have?			
<input type="checkbox"/> 1-14		<input type="checkbox"/> 15-19	
<input checked="" type="checkbox"/> 20 or more		<input type="checkbox"/> Don't know	

6. Are you currently working for this company?		
<input checked="" type="checkbox"/> Yes. Date of hire:	_____ month _____ day _____ year	What is your position? Juvenile Justice Counselor
<input type="checkbox"/> No. Last day of work:	_____ month _____ day _____ year	What was your position?
<input type="checkbox"/> I was never hired. Date of application:	_____ month _____ day _____ year	What position did you apply for?

7. Basis of alleged discrimination:
Check *ONLY* the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

<input type="checkbox"/> Age: Date of Birth: _____	<input type="checkbox"/> Familial Status:
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input checked="" type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Predisposing Genetic Characteristic:
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input checked="" type="checkbox"/> Race/Color or Ethnicity: Please specify: <u>Black</u> <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input checked="" type="checkbox"/> Sex: Please specify: <u>Female</u> Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment

Use of Guide Dog, Hearing Dog, or Service Dog

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

Retaliation: How did you oppose discrimination: see attached

If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.

Relationship or association

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input type="checkbox"/> Refused to hire me	<input type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input type="checkbox"/> Sexual harassment
<input type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input checked="" type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input type="checkbox"/> Other:

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

PLEASE SEE ATTACHED

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Delores Witt

2/22/21

Updated

6/1/2021

I am being retaliated against by my employer ECDSS-YS following my previous complaint, and discriminated against based on my age (54 YO), race (black), and gender(female) the following actions have affected me psychologically and financially:

A. Excluded from receiving on employee sponsored vaccination along with coworkers.

January 22, 2021, Myself and 7 female coworkers were excluded from receiving Covid-19 vaccine, I received an email from Mary Ellen Brockmyre, stating Juvenile Justice Counselors were not eligible to get the vaccine although we qualify according to NYS 1B group guidelines.

See emails from Mary Ellen

B. Blocked employment and advancement opportunities

- I have 25+ years working for Erie County, and Licensed MSW, however opportunities for upward movement, are reserved for white, male, or younger employees. My credentials have been ignored or dismissed by the employer based on my, race(B), age (54), and gender(f). Here are the most recent examples:
- Youth Bureau Coordinator position was eliminated in June 2020, after civil service list was certified 4/2/20. The position was previously held by a younger, black female (Talisa King), who did not pass the exam. I was on this list and reachable.
- Supervisor of Social Work position was eliminated in January 2021, budget. Despite it being a position that is a state mandated by Office Child Family Services (OCFS). I held this position from 2/28/20 – 4/16/20. My predecessor Angela Buchanan, black, older female, retired from the position in December 2019, which remained vacant until I was hired in the position. She also filed a DOH complaint in 2019, stating she was being discriminated and targeted, and suspected the administration would use elimination of Title and Job to remove her.
- In May 2020 the duties of the role of SSW were reassigned to the SR Youth Bureau Director, Benjamin Hilligas.
- In Dec. 2020 Ben Hilligas gave his resignation to serve employment with a private agency.
- In 12/20 a new job description Senior Youth Bureau Director was created and included duties formerly performed by the ECYS Supervisor of Social Work, the previous job description from 2018 was modified to reflect the added duties. **See Attached job**

descriptions. This supports my complaint, that the previous SRYBD, Ben Hilligas was performing job duties of Supervisor of Social Worker.

- 12/9/20 ECYS posted job notice for Sr. Youth Bureau Director
- I and two coworkers: Laura Phillips, a black female, and Tricia Giambolluca a white, younger, female applied. Laura and I received letters on January 19, 2021 from Mary Ellen Brockmyre stating we did not meet the minimum requirements and were not allowed to interview. We are both qualified, and notified Mindy of personnel, and a union representative, Tom Lillis, but was still denied. **See emails.** This is retaliatory and discriminatory.
- The other female Tricia Giambolluca and other white females were interviewed. There was no black female interviewed for this higher paying position. See attached letter
- It is my understanding that the white younger, female was hired.

C. Excluded from receiving ECDYS Memos/Notifications or Training Memos- Retaliation

- 12/23/2020 Gail Burstein Letter – see attached
- 1/11/21 Letter Covi-19 Corrective Action- see attached
- 1/19/21 Memo Covid-19 survey response- See attached
- 1/21/21 All Staff Meeting – see attached
- 2/11/21 OCFS Online work-related training & CEU credits– see email forwarded by Laura Phillips from TG

D. Financial Impact

- June 8, 2020 I was reassigned to work at One Niagara Plaza
- **Costs associated with this relocation:**
- Parking \$54/month x 6months =June-December=\$324.
- Jan-February= \$54; Future March-April \$28/mo.
- **Mileage: Home to 810 E Ferry was 8 miles per day worked; Mileage from Home to 1 Niagara Plaza is 14 miles / day. 2020 mileage rate was .58/mi; 2021 mileage rate is .56/mi**

No Longer offered overtime for Intake Shift Coverage

Overtime = 2018 \$3430; 2019= \$3274; 2020= \$1506; 2021= 0.00

I have not been offered overtime since being relocated to 1 Niagara Plaza; However other Grade 10 employees have, Katherine Walker Brown (JJC) and Chrissy Calixte (Detention shift supervisor). This is retaliatory

The effects of being discharged, denied promotional opportunities, unequal treatment as a professional, black, older female with over 25 years of service, exclusion from important

information, or access to pertinent training, Multiple Covid-19 cases have cause me to lose sleep and some hair loss, from stress, and illness. This has become emotionally and psychologically draining.

Educational Costs-

Tuition and interest for MSW degree obtained in 2012, **\$17,228 + future accrued interest**

Licensure LMSW = **\$990 + future fees**

The county is responsible for these fees because I was not sponsored by the county's educational program as other DSS employees. I was only allowed to complete my two year internship during work hours, 2 days/ week.

I was encouraged to pursue LMSW by previous administration; It was a necessary step to lead to promotion in my career field, within the Erie County Youth Services Division. DSS has failed promote me despite my commitment, and loyalty and continuous employment for 25 years with DSS- ECYS. There are only limited positions for upward movement. However, these positions have been consistently offered to persons who are white younger women, white younger men, males, and less educated employees. DSS is hiring persons outside of the bargaining unit thus limiting myself and other black females from holding any administrative higher paying position within ECYS.

Disability

I have been discriminated by Erie County DSS – Youth Services based on medical disability.

In February 29, 2020 I was hired in the role of Supervisor of Social Work for ECYD, a grade 11 position, 2020 salary \$72835/yr. (Attach #1)

March 16, 2020 ECDSS under the County Executive order notified departments to reduce staffing due to the Corona virus pandemic and possible spread of the deadly virus. Employees were warned of the possibility of contracting or transmitting the virus.

March 20, 2020 Paul met with myself and staff I supervised, at 1 Niagara Plaza, to discuss safety, staffing and health concerns due to the Pandemic

March 23, Paul summoned all administrative staff to meet in person at 810 E. Ferry St, conference room; this was after the County had issued an order to reduce staff. It was at this meeting that I became very concerned for my health, and others due to one of the employees being sick, no one wore any face coverings, and no ability to social distance. I expressed my concerns at the meeting about gathering in person and my health. Ben Hilligas expressed concerns as well. Paul later stated that future meetings could be done by phone. Attached #2)

On March 27, 2020 I received an email from Paul Kubala, and Mary Ellen Brockmyre (MEB) directing me to report to 810 E Ferry work site on March 30, 2020. Prior to this email, I did not

have a conversation with Paul or MEB, to state that I would not work at E. Ferry. I did mention my health concerns to each, and my coworker, Cynthia Link. Mary Ellen Brockmyre was aware of my health concerns and included a comment in the email and stated, "I understand the fear and anxiety in the world". However, she gave me a stern warning to comply with their directive or face disciplinary actions. This I believe was retaliatory because, they ignored my medical concerns and forced me to choose between my job and my health. (see attach #3, & #4)

I believe the decision was also made in retaliation after I sent Cynthia Link an email suggesting that we work on the Covid-19 policy by phone and email rather than in person. I told her that I did not want to meet with her in the building, because of increased the staff and Covid-19 protection protocols were not being acknowledged or enforced. Additionally, I had learned that a youth had been admitted and was suspected of having Covid-19. (see attached #5)S

On March 30,2020 I reported to work at 810 E. Ferry, I requested PPE and access to gloves and masks, I was met with hostility and mocked by Mary Ellen B for wanting to social distance and wear facial covering. I believe that Paul was very uncomfortable with me wearing PPE because this would make other employees request protection. I was assigned a space to work in the file room in the administrative office suite. I was told by MEB that I could have 5 masks a week, 1 per day.

Paul K, insisted that visit the overcrowded units at least 2xs a day and meet face to face with the JJC's regularly "more than ever" this was after I expressed concerns about him putting me at risk to possibly being exposed to potential Covid-19 spread, since there was a youth who was admitted, and employees were not able to social distance, get tested or required to wear masks. I followed my supervisor, Paul Kubala's directives. I received an email from him on 4/3/2020 acknowledging my "interactions" in the units.

On April 6, 2020 I forwarded to Tim Benten, my note from my physician requesting accommodations due to vulnerability to virus and underlying health conditions requesting FFCRA accommodation which would allow me to either work at our downtown location or from home. (see attached # 6)

On April 9, 2020 I received a letter and application from Frank Cammarata, Erie County of People with Disabilities to have my doctor Complete and submit by 4/20/2020. (see attach # 7)

April 9, 2020 the facility's first notification of Covid-19 was received by memo. (see attach # 8)

On April 15, I received a letter from Tim Benten, dated April 13,2020 denying my request. This decision was made prior to allowing me to complete submission of the Physician Medical Certification for Request for Reasonable Accommodation; mail to me from Frank Cammarata. (see attached # 9)

On April 16,2020 I was terminated from the Supervisor of Social Work position, about an hour after I reported to work. I was summoned in the conference room by Paul Kubala; MEB was sitting at the conference table. She mocked me for wearing a mask and stated, "You can sit 6

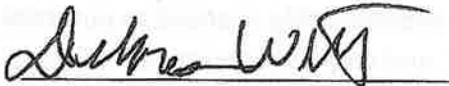
feet away if you want". She then asked me if I knew that I was in a provisional position, I responded in the affirmative, she then handed me a termination paper and said I was no longer needed.(see attach #10)

On April 17, 2020 I returned to my role as a Juvenile Justice Counselor grade 10, salary \$66568/yr. I was also, directed to vacate the administrative suite and relocate to an unkempt, not sanitized, dirty office on the Blue Pod residential unit within the facility. I believe this was retaliation because Paul and Mary Ellen knew this exposed me to the increased staff and youth population. (see salary grade 10, & grade 11; 2020)

On April 20, 2020 I experienced what I believed to be Covid-19 symptoms and was not well enough to return to work. I had experienced chest pain and difficulty breathing. I was taken out of work by my physician, as a result and concerns for my underlying health condition.

On May 24, 2020 I received a letter from MEB, dated May 20, 2020 notifying me I was reassigned to work at 1 Niagara Plaza, effective June 8, 2020.(see attach #11)

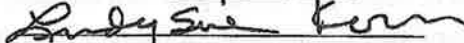
I believe my medical disability was another basis for ECDSS to not consider me for the promotional position, in addition to my race, age. I believe this to be retaliatory and discriminatory.



Delores Witt

Subscribed and sworn before me this

22 day of September 2021



Signature of Notary Public

County: Erie Commission Expires: 6/30/2023



LINDY SUE KORN
Notary Public, State of New York
Registration #02KO4700780
Qualified in Erie County
Commission Expires June 30, 2023

LINDY SUE KORN
Notary Public, State of New York
Registration #02KO4700780
Qualified in Erie County
Commission Expires June 30, 2023



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 14, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

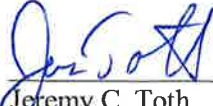
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>T.W. v. Erie County and DOES 1-10</i>
Document Received:	Summons & Complaint
Name of Claimant:	T.W., a pseudonym – this is a Child Victims Act claim of sexual abuse.
Claimant's attorney:	Jeff Herman, Esq. Herman Law 434 W. 33 rd Street, Penthouse New York, New York 10001

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
T.W.

SUMMONS

Plaintiff,

Index No. _____

-against-

ERIE COUNTY; and DOES 1-10,

Defendants.
-----X

To the above-named Defendant(s)

ERIE COUNTY – Department of Law, 95 Franklin Street, Room 1634, Buffalo, NY 14202

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The venue and location for trial is Erie County. The basis of venue is where the cause of action arose.

Dated: New York, NY
August 9, 2021

HERMAN LAW

By *[Signature]*
Jeff Herman, Esq.
c/o Herman Law
Attorney for Plaintiff
434 W. 33rd Street
Penthouse
New York, NY 10001
(212) 390-0100

This paper received at the
Erie County Attorney's Office
from *Jeremy Kolaska*
the *11th* day of *August*, 20*21*
at *2:21* a.m./p.m.
[Signature]
Assistant County Attorney



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 14, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

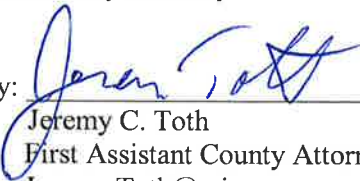
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>R.G. v. Erie County, True Bethel Baptist Church as successor in interest to Saint James Missionary Baptist Church, DOES 1-10</i>
Document Received:	Summons and Complaint
Name of Claimant:	R.G., a pseudonym -- this is a Child Victims Act claim of sexual abuse.
Claimant's attorney:	Jeff Herman, Esq. Herman Law 434 W. 33rd Street, Penthouse New York, New York 10001

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
This paper received at the
R.G., Erie County Attorney's Office
from Jeremy Kisloski on
the 14th day of Sept., 2021
at 11³⁰ a.m./p.m. Plaintiff,
J. Petig - Jagg
Assistant County Attorney
-against-

Index No. _____

AMENDED SUMMONS

ERIE COUNTY; TRUE BETHEL BAPTIST
CHURCH as successor in interest to SAINT JAMES
MISSIONARY BAPTIST CHURCH; DOES 1-10,

Date Index No. Purchased: May 27, 2021

Defendants.

-----X

To the above-named Defendant(s)

ERIE COUNTY – 95 Franklin Street, Room 1634, BUFFALO, NY 14202

TRUE BETHEL BAPTIST CHURCH – 907 EAST FERRY STREET. BUFFALO


SAINT JAMES MISSIONARY BAPTIST CHURCH – 3189 MAIN STREET, BUFFALO, NY 14214

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The venue and location for trial is Erie County. The basis of venue is where the cause of action arose.

Dated: New York, NY
September 13, 2021

HERMAN LAW


By _____
Jeff Herman, Esq.
c/o Herman Law
Attorney for Plaintiff
434 W. 33rd Street
Penthouse
New York, NY 10001
(212) 390-0100



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 14, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

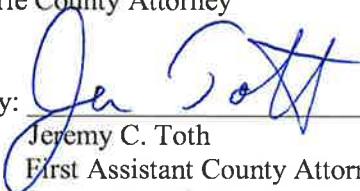
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>L.E. v. Erie County and DOES 1-10</i>
Document Received:	Summons and Complaint
Name of Claimant:	L.E., a pseudonym pseudonym – this is a Child Victims Act claim of sexual abuse.
Claimant's attorney:	Jeff Herman, Esq. Herman Law 434 W. 33rd Street Penthouse New York, New York 10001

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X

A. E.

Index No. _____

Plaintiff,

SUMMONS

-against-

ERIE COUNTY; and DOES 1-10,

Date Index No. Purchased: August 2, 2021

Defendants.

-----X

To the above-named Defendant(s)

ERIE COUNTY - EDWARD A. RATH COUNTY OFFICE BUILDING, 95 FRANKLIN
STREET, BUFFALO, NY 14202

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

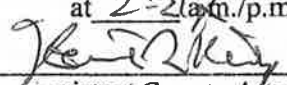
The venue and location for trial is Erie County. The basis of venue is where the cause of action arose.

Dated: New York, NY
August 2, 2021

HERMAN LAW



By _____
Jeff Herman, Esq.
c/o Herman Law
Attorney for Plaintiff
434 W. 33rd Street
Penthouse
New York, NY 10001
(212) 390-0100

This paper received at the
Erie County Attorney's Office
from Jeremy Kolaska
on the 11th day of August 2021
at 2:21 a.m./p.m.

Assistant County Attorney



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 14, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

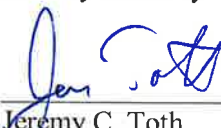
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Claire, Ryan v. Lackawanna Police Department, City of Lackawanna, County of Erie, Office of the Erie County District Attorney</i>
Document Received:	Notice of Claim
Name of Claimant:	Ryan Claire 101 Potters Road Buffalo, New York 14220-2036
Claimant's attorney:	Lisa M. Yaeger, Esq. 1461 Amherst Street Buffalo, New York 14214

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK : COUNTY OF ERIE

In the Matter of the Claim of

Ryan M. Claire,
Claimant,

NOTICE OF CLAIM

-against-

Lackawanna Police Department, City of Lackawanna,
County of Erie, Office of the District Attorney of Erie County

Respondents.

TO: Lackawanna Police Department
City of Lackawanna
714 Ridge Road
Lackawanna, New York 14218

City of Lackawanna
714 Ridge Road
Lackawanna, New York 14218

County of Erie
95 Franklin Street, Rm 1634
Buffalo, New York 14202

Erie County District Attorney's Office
25 Delaware Ave
Buffalo, New York 14202

PLEASE TAKE NOTICE, the Claimant herein hereby makes a claim and demand against the Lackawanna Police Department, the City of Lackawanna, the County of Erie, New York, and the Erie County District Attorney's Office, pursuant to § 50-e of the General Municipal Law, as follows:

1. The names and post-office addresses of the Claimant and his attorneys are:

CLAIMANT
Ryan M. Claire

CLAIMANT'S ATTORNEY
Lisa M. Yaeger, Esq.

101 Potters Road
Buffalo, NY 14220-2036

1461 Amherst Street
Buffalo, New York 14214
716-803-3557
Lmyaeger@gmail.com

2. The nature of the claim:

Abuse of process, deprivation of liberty without due process of law, negligent infliction of emotional distress, false arrest, excessive force, unreasonable force, unlawful restraint, loss of freedom of movement, intentional infliction of emotional distress, negligent infliction of emotional distress, infliction of serious emotional harm, negligent investigation, negligence generally, negligence more specifically, in the hiring, training and supervision of police and parole officers, and/or agents, in violation of Claimant's civil rights, all caused by the tortious, negligent, reckless, intentional and careless actions of the Respondents, and malicious prosecution. Claimant was unlawfully harassed, seized, and otherwise harmed by Respondents without just cause. Claimant suffered inhuman treatment and was deprived of his Constitutional and civil rights without basis and/or reason. Claimant was subjected to a search and interrogation that was intended to harass, annoy and distress Claimant. Pursuant to Gen. Mun. Law §50-e, only causes of action sounding in tort are recited in this Notice of Claim. Constitutional causes of action will abide the pleadings.

3. The date, time when, the place where and the manner in which the claim arose is as follows:

On or about July 3, 2021 Claimant drove his then girlfriend, Rochelle Maynard, to her mother's house at 12 Phillips Place in the City of Lackawanna. Claimant parked his vehicle near the corner of Wilmuth Avenue and Holbrook Street in Lackawanna, New York. Unbeknownst to Claimant at that time, Maynard had planted drugs and drug paraphernalia in Claimant's belongings before exiting the vehicle. Shortly after Maynard exited the vehicle, officers employed by

Respondents approached Claimant's vehicle and advised they had received a complaint of drug activity. Claimant explained to Respondent's officers that he was waiting for a friend and had not been engaged in any unlawful activity. Claimant was then forcibly removed from the vehicle and detained. The drugs and drug paraphernalia planted by Maynard were located. Claimant was forced to stand against the vehicle while handcuffed for a long period of time while Respondent's officers allowed children to play in the officers' vehicles. While standing at the scene Claimant noticed Maynard's husband was present and realized that he had been set up. Claimant attempted to explain to Respondent's officers that this was a set up but Claimant was ignored. Claimant was then transported to the Lackawanna Police Department where he was subjected to a strip search and harassing behavior from Respondent's officers. While Claimant was being arrested, Maynard and her husband used Claimant's credit/debit card to make a number of unauthorized purchases. Claimant filed a police report for Maynard's illegal actions, however no action was taken by the Lackawanna Police Department. Claimant was then wrongfully prosecuted by Respondents County of Erie and Erie County District Attorney.

4. The items of damages or injuries claimed are:

The Claimant suffered permanent damage to his reputation and standing in the community, severe shock and fright, extreme anxiety, in addition to physical, emotional, and psychological injuries. Said claim and demand is hereby presented for adjustment and payment in the amount of SIX HUNDRED FIFTY THOUSAND (\$650,000) DOLLARS.


Dated: Oct 1ST, 2021


Ryan M. Claire

VERIFICATION

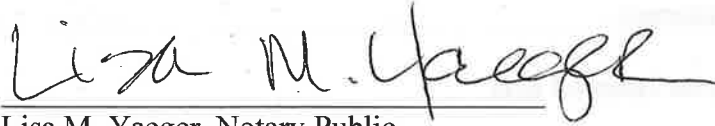
STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

Ryan M. Claire, being duly sworn says: I am the Claimant in the matter herein; I have read the annexed Notice of Claim and know the contents thereof and the same are true to my knowledge, except those matters which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.



Ryan M. Claire

Sworn to and subscribed
Before me this 1st day of October, 2021.



Lisa M. Yaeger, Notary Public
This is to certify that in the County of Erie,
State of New York, my commission expires
On 3/22/23.
Reg. No. 02YA6021920



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 14, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name: *Auls, Raymond v. Erie County Holding Center, Sheriff Howard, Undersheriff Greenan, Superintendent Diina, Paul Evans and Philip Kuppel*

Document Received: Notice of Claim

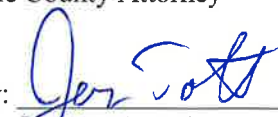
Name of Claimant: Raymond J. Auls
ICN #84791
Erie County Correctional Facility
11581 Walden Avenue
Alden, New York 14004

Claimant's attorney: Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

State of New York
Court of Claims

Notice of intention
to file claim for
damages

RAYMOND J. AULS
Plaintiff/Claimant Pro Se

-v-
ERIE COUNTY HOLDING CENTER
TIMOTHY B. HOWARD (SHERIFF)
JOHN W. GREENMAN (UNDERSHERIFF)
THOMAS J. DIINA (SUPERINTENDENT)
PAUL EVANS (1ST DEPUTY SUPERINTENDENT)
PHILIP KUPPEL (1ST DEPUTY SUPERINTENDENT)
Defendants

PLEASE TAKE NOTICE that the above-named Plaintiff/Claimant intends to file a claim against the above-named Defendants in the State of New York Court of Claims, pursuant to Section 11 of the Court of Claims Act.

The permanent postal address of the Plaintiff/Claimant herein is:

11581 WALDEN AVENUE
ALDEN, NEW YORK
14004

This notice is filed within the time constraints set forth in Section 10 of the Court of Claims Act.

Dated: 9/27/21

Raymond Auls
Signature, Plaintiff/Claimant Pro Se

Sworn to before me this 27th
day of September, 2021

Ronald Dolyk

Signature, Notary Public

RONALD DOLYK
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2022

Notice of Claim

To: Erie County Executive
County Attorney for the County of Erie
Erie County Sheriff

PLEASE TAKE NOTICE that RAYMOND AULS, the claimant, hereby makes claim against the County of Erie, State of New York, for damages sustained by him for personal injury as follows:

The claimant's post-office address is 11581 WALDEN AVENUE ALDEN, N.Y. 14004

The date upon which the injury complained of occurred was the 24 day of JULY, 2021 on or about the hour of 9:40 P.M and continuing thereafter.

The injuries sustained by the claimant by reason thereof are more particularly described as follows:

The injuries complained of were sustained as a result of the negligence of said county in its care and management of the ERIE COUNTY HOLDING CENTER 40 DELEWARE AVE. BUFFALO, NEW YORK 14202 which said facility was wholly under its operation and control. Claimant was incarcerated at said facility, and thus in the care and custody of said Erie County sheriff. Claimant requested _____

Due to the wrongful denial of _____, Claimant was to suffer the above described injuries.

By reason thereof, the claimant sustained injury to his person due to said county's negligence and/or wrongful denial of _____

The Claimant presents this claim and demand for adjustment and payment and gives notice that unless his claim is adjusted and paid within the time provided by law from the date of its presentation, it is claimant's intention to commence an action thereon.

Dated SEPTEMBER 27, 2021

Raymond Auls Pro Se

Buffalo, New York, 14

9/27/21
Ronald Dolyk

RONALD DOLYK
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2022

CLAIM

DATE: 9/27/21

RAYMOND J. AULS #84791

REGARDING: UNFOUNDED IMPRISONMENT, CRIMINAL NEGLIGENCE, CRUEL AND UNUSUAL PUNISHMENT, DISCRIMINATION, AND VIOLATION OF HIPAA LAWS, CIVIL RIGHTS, CONSTITUTIONAL RIGHTS AND SUBSTANTIVE RIGHTS

TO WHOM IT MAY CONCERN,

MY CLAIM HAS TO DO WITH THE TIME PERIOD BEGINNING ON 6-10-21 TO THE DATE OF INCIDENT ON 7-24-21 AND AFTER DUE TO SUBSEQUENT DAMAGES. ON 6-10-21 I WAS MOVED TO ECHO LONG #25 AND IMMEDIATELY NOTICED THAT MAJORITY OF THE PEOPLE ON THE CELL BLOCK WERE THERE FOR VIOLATING RULES IN OTHER DORMS, PODS AND BLOCKS. THE NEXT DAY I BEGAN WRITING THE FIRST OF MULTIPLE P.G. SLIPS TO CLASSIFICATION REQUESTING MY REMOVAL FROM THE BLOCK AND CONCERNING MY CLASSIFICATION SCORE AND HOW IT WAS BOUGHT ABOUT. DUE TO CLASSIFICATION'S MISCONDUCT, NEGLIGENCE AND DISCRIMINATION AGAINST PEOPLE HOUSED AT THE HOLDING CENTER AWAITING COURT DATES AND CHARGES, I WAS PLACED IN A DANGEROUS SITUATION WITH VOLITILE PEOPLE AND PERSONALITIES WITH NO CLEAR EXPLANATION ON WHY OR HOW MY SCORE CAME ABOUT. WHEN I APPROACHED THE SHIFT DEPUTIES AND SERGENTS, IT WAS ALWAYS EXPLAINED TO ME THAT I WAS NOT SUPPOSED TO BE THERE AND I WAS OBVIOUSLY BEING IGNORED AND MY RIGHTS VIOLATED. SO AFTER MULTIPLE REQUEST TO BE MOVED AND COUNTLESS CONVERSATIONS WITH SERGENTS, MY MENTAL HEALTH AND MORALE STARTED TO SUFFER DRASTICALLY AND NEITHER FORENSIOS OR CLASSIFICATION BOTHERED TO REQUEST A MEETING WITH ME ON WHY I HAD PUT IN SO MANY REQUEST. IN FACT I STOPPED GETTING RESPONCES, ALONG WITH ONE OTHER PERSON HOUSED ON THE SAME CELL

BLOCK AT THE SAME TIME, ALL TOGETHER. THEN THE INCIDENT HAPPENED IN WHICH I WAS CUT WITH A FOREIGN OBJECT MULTIPLE TIMES ON MY HEAD, FACE AND BODY BY MULTIPLE PEOPLE. THIS IS THE RESULT OF THE ADMINISTRATIONS OFFICERS LACK OF A SENSE OF DUTY AND ~~THE~~ ^{HAD} THE HOLDING CENTER ACKNOWLEDGED MY REQUEST IN THE FIRST PLACE, TO BE REMOVED FROM AN OBVIOUS UNHEALTHY SITUATION, I WOULD NOT HAVE OBTAINED SUCH INJURIES OR SUFFERED PRESENT DAMAGES. THEN, I WAS PLACED IN ADMINISTRATIVE SEGREGATION FOR 2 WEEKS AND CHARGED AFTER BEING JUMPED AND MAIMED, AS IF I WAS IN THE WRONG. SINCE THEN I HAVE BEEN HAVING FREQUENT MIGRAINES, HAVING TO GO TO FORENSICS FOR COUNSELING OFTEN, HAVING FREQUENT PANIC ATTACKS AND TERRIBLE BOUTS WITH PARANOIA. I WOULD LIKE TO ALSO STATE THAT DURING THE TIME THAT I WAS IN MEDICAL AND AT THE HOSPITAL, I WAS ASSURED THAT MY COMMISSARY AND PROPERTY WOULD BE TAKEN CARE OF BY THE PROPER AUTHORITIES ONLY FOR IT TO BE ALLOWED TO BE STOLEN AND MY PERSONAL INFO. TO BE COMPROMISED AND NOW I AM IN CONSTANT FEAR FOR MY FAMILY AND LOVED ONE'S LIVES. THE ERIE COUNTY HOLDING CENTER'S DISCRIMINATION, GROSS MISMANAGEMENT, CRIMINAL NEGLIGENCE, VIOLATION OF CIVIL RIGHTS AND BASIC HUMAN RIGHTS DEFERMENT HAS LED TO PERMANENT SCARS PHYSICALLY AND POSSIBLY MENTALLY, AND SHOULDN'T GO UNNOTICED OR UNPUNISHED AGAIN.

AFFIDAVIT OF SERVICE

U.S. Postal Service

STATE OF NEW YORK)
COUNTY OF ERIE)ss.:

I, RAYMOND J. AULS, being duly sworn deposes and says;
that I have on this 27 day of SEPTEMBER, 2021 forwarded via the
United States Postal Service copies of the following documents:

NOTICE OF INTENTION TO FILE CLAIM FOR DAMAGES,
NOTICE OF CLAIM, WRITTEN CLAIM

TO THE FOLLOWING PEOPLE/AGENCIES:

TIMOTHY B. HOWARD (SHERIFF)
10 DELEWARE AVE. BUFFALO, NY
14202

PAUL EVANIS 1ST DEPUTY SUPERINTENDENT (FMR)
10 DELEWARE AVE. BUFFALO, NY
14202

JOHN W. GREENAWALD (UNDERSHERIFF)
10 DELEWARE AVE. BUFFALO, NY
14202

PHILIP KUPPEL 1ST DEPUTY SUPERINTENDENT
10 DELEWARE AVE. BUFFALO, N.Y.
14202

THOMAS J. DIINA (SUPERINTENDENT)
10 DELEWARE AVE. BUFFALO, NY 14202

ERIE COUNTY HOLDING CENTER
40 DELEWARE AVE. BUFFALO, N.Y. 14202

DATED: 9/27/2021

Raymond J. Auls
Defendant Pro-Se
Through Counsel

SWORN TO BEFORE ME THIS
27 day of September, 2021

Ronald Dolyk
NOTARY PUBLIC

RONALD DOLYK
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2022



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 14, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

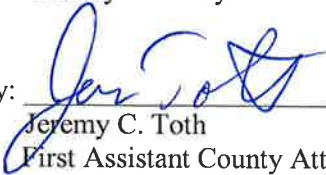
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>B.J. v. Erie County and DOES 1-10</i>
Document Received:	Summons and Complaint
Name of Claimant:	B.J., a pseudonym pseudonym – this is a Child Victims Act claim of sexual abuse.
Claimant's attorney:	Scott Michael Duquin, Esq. Herman Law 434 W. 33rd St., Penthouse New York, NY 10001

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X

B.J.,

Index No. 807129/2021

Plaintiff,

AMENDED SUMMONS

-against-

ERIE COUNTY; and DOES 1-10,

Date Index No. Purchased: May 29, 2021

Defendants.

-----X

To the above-named Defendant(s)

ERIE COUNTY – EDWARD A. RATH COUNTY OFFICE BUILDING, 95 FRANKLIN STREET, RM 1634, BUFFALO, NY 14202

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The venue and location for trial is Erie County. The basis of venue is where the cause of action arose.

Dated: New York, NY
September 13, 2021

HERMAN LAW



By _____
Jeff Herman, Esq.
Scott Michael Duquin, Esq.
c/o Herman Law
Attorneys for Plaintiff
434 W. 33rd Street
Penthouse
New York, NY 10001
(212) 390-0100

This paper received at the
Erie County Attorney's Office
from Jeremy Kislocki
the 14 day of Sept., 2021
at 11:34 a.m./p.m.
S. Vetric -logg
Assistant County Attorney



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 20, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:


In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>A.S. v. County of Erie, ECDSS, Hopevale Union Free School District, et al.</i>
Document Received:	Summons and Complaint
Name of Claimant:	A.S. – a pseudonym. This is a Child Victims Act case of alleged sexual abuse.
Claimant's attorney:	Adam P. Slater, Esq. Slater Schulman LLP 488 Madison Avenue, 20th Floor New York, New York 10022

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

A.S.

X
Plaintiff,

-against-

ERIE COUNTY, ERIE COUNTY DEPARTMENT OF
SOCIAL SERVICES, HOPEVALE UNION FREE SCHOOL
DISTRICT AT HAMBURG a/k/a HOPEVALE UNION
FREE SCHOOL DISTRICT, RANDOLPH ACADEMY
UNION FREE SCHOOL DISTRICT, HOPEVALE
CHARITIES, INC., HOPEVALE SCHOOL a/k/a
HOPEVALE INC., and RANDOLPH ACADEMY
HAMBURG CAMPUS,

Defendants.
_____X

Date Index No. Purchased:

Index No.:

Plaintiff designates Erie County
as the place of trial.

The basis of venue is
Defendants' residence.


SUMMONS

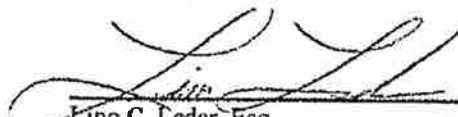
The Above-Named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
August 10, 2021

Yours, etc.,


By: Adam P. Slater, Esq.
SLATER SLATER SCHULMAN LLP
Counsel for Plaintiff
488 Madison Avenue, 20th Floor
New York, New York 10022
(212) 922-0906


Eric C. Leder, Esq.
SLATER SLATER SCHULMAN LLP
Counsel for Plaintiff
488 Madison Avenue, 20th Floor
New York, New York 10022
(212) 922-0906



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 21, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>L.B., an Infant, by Sashia Furst as PNG v. County of Erie, ECDSS, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Sashia Furst 42 Viola Drive Cheektowaga, New York 14227
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

NEW YORK STATE SUPREME COURT
COUNTY OF ERIE

R E C E I V E D
SEP 27 2021

ERIE COUNTY
DEPARTMENT OF LAW

Sashia Furst As Parent and Natural Guardian
of [REDACTED]

Notice of Claim
N.Y. Municipal Law§50-e

Plaintiff,

- against -

County of Erie, New York
Erie County Department of Social Services,
Erie County Department of Social Services
Child Protective Services

Defendants

Sashia Furst, as Parent and Natural Guardian of [REDACTED] hereby gives Notice of
Claim pursuant to New York General Municipal Law§50-e:

1. The claimant's post office address is 42 Viola Drive, Cheektowaga, New York 14227.
2. This claim is for negligence, negligent infliction of emotional distress and violation of the infant's Federal Constitutional rights, arising out abuse suffered by the claimant's infant daughter while in a foster care residence chosen for her by the County and the County's subsequent investigation of her abuse allegations.
3. The infant [REDACTED] was removed from the home of her natural parent at the direction of the County in February of 2021 and placed in the home of Joanna Robinson.
4. Jonna Robinson identified herself by this name to the infant, so the claimant will refer to her as Jonna Robinson in this document; however, her identity has not been verified by the claimant.

5. **Jonna Robinson, resided with her own children and a man, known to Londyn as Clinton. He also identified himself by the nickname "Duke." He was african-american, approximately 20 to 30 years of age, 5'6" in height, husky build, with a distinctive scar on his forehead.**
6. **██████████ suffered continual abuse by Joanna and Clinton throughout her stay at their home: For example, Clinton struck her with objects and often threatened her with violence; Jonna on more than one occasion threatened her with a gun and held the barrel of it against her back, causing her enormous anxiety.**
7. **██████████ frequently observed both Jonna and Clinton taking pills from small bottles and plastic bags.**
8. **██████████ was forced by Jonna to engage in sex acts with a young man, possibly the cousin of Jonna. The encounter was recorded by Jonna with a cell phone.**
9. **During visits to the foster home, County personnel did not question ██████████ privately about conditions inside the home; Jonna was always present.**
10. **The County never performed any physical examinations for signs of physical abuse or neglect.**
11. **Had County personnel questioned the infant in a safe environment about her experiences inside the foster home, the County could have learned of Jonna's gross unsuitability as a foster parent much sooner, could have then removed ██████████ from the home and prevented the continuation of her abuse.**
12. **Jonna Robinson stopped returning phone calls from County personnel and moved her residence to 17 Milburn Street in Buffalo, NY without giving notice to the Department.**

As a result, the infant was not seen by anyone from the County for approximately 30 to 45 days, a period of time in which Jonna and Clinton continued to abuse her.

13. In late June of 2021, after yet another instance of physical abuse by Clinton, [REDACTED] and her sister left the foster home on their own, seeking temporary shelter at the home of a friend.
14. On July 1st, 2021 when the infant and her sister returned to gather their belongings, she was physically assaulted and threatened by Clinton. [REDACTED] then left the home at 17 Milburn Street for the last time.
15. In addition to the obvious physical pain resulting from the abuse she experienced, [REDACTED] suffered permanent psychological harm that will require lifetime medical treatment.
16. [REDACTED] injuries will limit her educational attainment and lifetime earning capacity.
17. The County was grossly negligent in its placement of [REDACTED] with Jonna Robinson because It failed to perform an investigation into her background or that of her boyfriend Clinton that met applicable professional standards.
18. The County failed to properly verify the identities of Joanna Robinson and her boyfriend Clinton; the names, dates of birth, social security numbers, and other identifying information each provided to the County may have been intentionally false.
19. The County failed to conduct the background investigations of Jonna and Clinton as mandated by section 378-a (2) of the New York State Social Services Law.
20. The County failed to verify said mandated background investigations had been completed before placing the infant in the home of Jonna Robinson and Clinton.

21. The County failed to investigate the psychiatric histories of Joanna and Clinton.
22. The County failed in its obligation to sufficiently monitor the infant's welfare following her placement at the residence of Jonna Robinson.
23. The County failed to speak with the infant under circumstances where she would have felt safe enough to fully disclose her ongoing abuse by Jonna and Clinton.
24. The County failed to promptly investigate the infant's safety and whereabouts after the foster parent became unresponsive to Its phone calls.
25. The County should have undertaken a review of the foster's parent's continuing suitability after she became unresponsive to their phone calls and failed to notify the County of her new address.
26. The County again failed to meet with the infant outside the presence of the foster parents to verify her well being and any representations of the foster parents after the County had been denied access to the infant for approximately 30 to 45 days due to the unresponsiveness of Jonna Robinson and her undisclosed address change.
27. The County personnel assigned to monitor [REDACTED] welfare at Jonna Robinson's home were improperly supervised, not sufficiently trained, lacked the requisite qualifications to adequately discharge their responsibilities, and did not receive continuing education in meeting their professional obligations.
28. Upon learning of [REDACTED] sexual abuse, the County directed her to appear for a video recorded interview at the Child Advocacy Center at 565 Franklin Street, Buffalo, New York. [REDACTED] and her family were not properly advised of her right to not to meet with

the Child Advocacy Center nor was she advised of her right to decline video recording of her statement.

29. Providing the statement was of no therapeutic benefit to [REDACTED] and served no legitimate purpose. The County's intent was to obtain a video recorded deposition from the child in the absence of counsel that would assist in preparation of its defense to anticipated litigation.
30. The intent of the County was to undermine [REDACTED] credibility and manufacture apparent inconsistencies in her statements through questioning of her by staff at the Child Advocacy Center, all video recorded so that the infant's responses could be used against her in future litigation.
31. The County's actions aggravated the child's trauma and are actionable as a negligent infliction of emotional distress.
32. The County, through the course of its investigation, violated the infant's Federal Constitutional rights, including her rights to Due Process and legal representation and privacy. The County's actions constitute a violation of [REDACTED] Federal civil rights that is actionable pursuant to 42 U.S.C. 1983.
33. The County's original failure to provide [REDACTED] with a safe foster home and its negligent supervision of her welfare after placement in foster care constitutes a separate basis for an additional claim against the County under 42 U.S.C. 1983.

Wherefore, claimant requests that the claim be allowed and paid for by the Respondents pursuant to General Municipal Law §§ 50-e, and CPLR § 3017 (c) together with interest, costs and disbursements in this action.

Dated: September 15, 2021

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

Sashia Furst
As Parent and Natural Guardian of [REDACTED]

Plaintiff

Notice of Claim
Verification

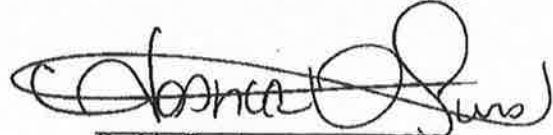
vs.

County of Erie, New York
Erie County Department of Social Services

Defendant.

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

Sashia Furst, being duly sworn, states that she is the plaintiff in this action and that the foregoing Notice of Claim is true to her own knowledge, except as to those matters therein stated to be alleged on information and belief and as to those matters she believes it to be true.



Sashia Furst
42 Viola Drive
Cheektowaga, New York 14227

STATE OF NEW YORK)
:SS.:

COUNTY OF ERIE

On the 15 day of Sept, 2021, before me personally appeared Sashia Furst personally known to me or proved on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, and who acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual or person upon behalf of which the individual acted, executed the instrument.


Notary Public/ Commissioner of Deeds

MICHELE BORTZ
Notary Public, State of New York
Qualified In Erie County
Reg. No. 01BO8096047
My Commission Expires July 21, 2023



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 28, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

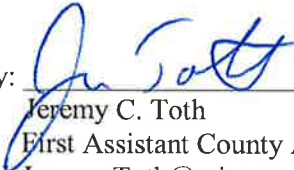
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>D.L. v. Erie County, ECDSS, Malinowski, et al.</i>
Document Received:	Summons and Complaint
Name of Claimant:	D.L. – a pseudonym. This is a Child Victims Act case of alleged sexual abuse.
Claimant's attorney:	Adam P. Slater, Esq. Slater Schulman LLP 488 Madison Avenue, 20th Floor New York, New York 10022

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

_____ X

Plaintiff,

-against-

ERIE COUNTY, ERIE COUNTY DEPARTMENT OF
SOCIAL SERVICES, CHILDREN AND FAMILY
SERVICES OF ERIE COUNTY A/K/A CHILD &
FAMILY SERVICES A/K/A CHILD & FAMILY
SERVICES FOUNDATION A/K/A CHILD &
FAMILY SVC, and KEITH A. MALINOWSKI,

Defendants.
_____ X

Date Index No. Purchased:
Index No.: 810483/2021

Plaintiff designates Erie County
as the place of trial.

The basis of venue is
Defendants' principal place of
business.


SUMMONS

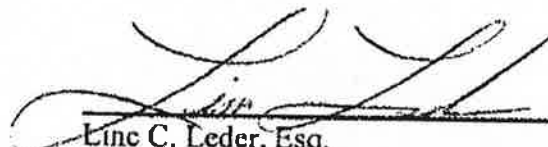
The Above-Named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
August 1, 2021

Yours, etc.,


By: Adam P. Slater, Esq.
SLATER SLATER SCHULMAN LLP
Counsel for Plaintiff
488 Madison Avenue, 20th Floor
New York, New York 10022
(212) 922-0906


Eric C. Leder, Esq.
SLATER SLATER SCHULMAN LLP
Counsel for Plaintiff
488 Madison Avenue, 20th Floor
New York, New York 10022
(212) 922-0906



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 4, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

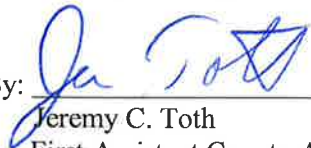
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Coleman, Anthony J. v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Anthony J. Coleman 9 Glenside Court Tonawanda, New York 14223
Claimant's attorney:	Thomas M. Mercure, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from John Macaruso
the 16th day of Oct, 2021
at 11:51 a.m./p.m.
L. M. Sagg
Assistant County Attorney

In the Matter of the Claim of
ANTHONY J. COLEMAN,

Claimant,

- against -

ERIE COUNTY,

Respondent.

NOTICE OF CLAIM

TO: ERIE COUNTY

PLEASE TAKE NOTICE, that ANTHONY COLEMAN, has and hereby makes claim against ERIE COUNTY, and in support of said claim states the following:

1. The Post Office address of the claimant is 9 Glenside Court, Tonawanda, New York 14223.
2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.
3. The claim of ANTHONY J. COLEMAN, is for personal injuries, including without limitation, medical expenses, and for consequential damages generally.
4. The claim arose on the Tonawanda Rails to Trails bike path at its intersection with Sheridan Drive located in the Town of Tonawanda, within the County of Erie, and State of New York.

5. The claim arose in substance as follows: On or about the 2nd day of August, 2021, at approximately 10:37 a.m., the claimant, ANTHONY J. COLEMAN, while lawfully and properly bicycling on the Tonawanda Rails to Trails bike path, was crossing Sheridan Drive and was struck by a motor vehicle resulting in serious injuries to claimant.

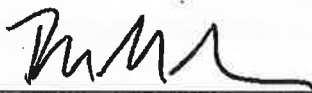
6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY, in failing to properly maintain the Sheridan Drive and the Tonawanda Rails to Trails bike path; failing to replace missing signage; and, among other things, in allowing and permitting the aforesaid bicycle path to be and remain in an unsafe, dangerous and hazardous condition; and in failing and omitting to provide a safe method and means by which pedestrians and bicyclists could safely cross the aforesaid roadway.

7. Upon information and belief, as a result of the aforesaid incident, the claimant, ANTHONY J. COLEMAN, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to his nerves and nervous system; and more particularly, ANTHONY J. COLEMAN., sustained injuries in the nature of head trauma, head lacerations, fractured vertebrae, and lacerations of the legs. Upon information and belief, these injuries will result in permanent defects.

WHEREFORE, claimants request that ERIE COUNTY honor and pay the claim on behalf of ANTHONY J. COLEMAN.

DATED: Buffalo, New York
October 23, 2021

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 
THOMAS M. MERCURE, ESQ.

Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[TMM : #70175.0001]


STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

ANTHONY J. COLEMAN, being duly sworn deposes and says that he is the claimant above named; and makes this claim on behalf of self; he has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.



ANTHONY J. COLEMAN

Sworn to before me on this
23rd day of October, 2021.



Notary Public

THOMAS M. MERCURE
Notary Public State of New York
Qualified in Erie County
My Commission Expires March 17, 2023



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

October 20, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Conidi, Kimberly v. County of Erie and Marni Bogart</i>
Document Received:	Notice of Claim
Name of Claimant:	Kimberly Conidi
Claimant's attorney:	Patricia Gillen, Esq. Duke Holzman Photiadis & Gresens LLP 701 Seneca Street, Suite 750 Buffalo, New York 14210

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from Don Harwood on
the 18th day of Oct, 2021
at 12:22 a.m./p.m.
Clara [Signature]
Assistant County Attorney

STATE OF NEW YORK
SUPREME COURT : ERIE COUNTY

In the Matter of
KIMBERLY S. CONIDI,

-against-

**VERIFIED
NOTICE OF CLAIM**

COUNTY OF ERIE,
MARK POLONCARZ, ERIE COUNTY EXECUTIVE,
MARIE CANNON, Commissioner, Erie County Dept.
of Social Services,
MARY ELLEN BROCKMYRE, Second Deputy Commissioner,
Erie County Dept. of Social Services,
and MARNI BOGART, Executive Director, Erie County Dept.
of Social Services, Office of Counsel,

TO: Michael A. Siragusa
Erie County Attorney
Erie County Department of Law
95 Franklin Street, Room 1634
Buffalo, New York 14202

Mark Poloncarz
Erie County Executive
Erie County Executive's Office
Edward A. Rath County Office Building
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Marie Cannon, Commissioner
Erie County Department of Social Services
95 Franklin Street, 8th Floor
Buffalo, New York 14202

Mary Ellen Brockmyre, Second Deputy Commissioner
Erie County Department of Social Services
95 Franklin Street, 8th Floor
Buffalo, New York 14202

Marni Bogart, Executive Director
Erie County Department of Social Services,
Office of Counsel
95 Franklin Street, 7th Floor
Buffalo, New York 14202

PLEASE TAKE NOTICE, that KIMBERLY S. CONIDI ("Ms. Conidi") hereby makes claim and demand against the County of Erie, its County Executive, the County of Erie Department of Social Services Commissioner Marie Cannon and Second Deputy Commissioner Mary Ellen Brockmyre, and County of Erie Department of Social Services, Office of Counsel, Marni Bogart, Executive Director (the "Respondents") for tortious acts, violations of law, retaliation, wrongful and discriminatory acts and omissions, wrongful reassignment, and related acts and damages as follows:

1. The name and address of claimant and her attorney are:

Kimberly S. Conidi
100 John Alex Drive
West Seneca, New York 14224

Patricia Gillen, Esq.
Duke, Holzman, Photiadis & Gresens LLP
701 Seneca Street, Suite 750
Buffalo, New York 14210

2. This is a claim against the Respondents for damages sustained by Ms. Conidi arising from and relating to:

(a) Respondents' discriminatory actions taken by Respondents Cannon, Brockmyre and Bogart acting in their supervisory capacity against Ms. Conidi due to her age, gender, ethnicity and political affiliation which include:

(1) intentionally drafting the test for the position of Director of Child Welfare so it was suited to the skills and knowledge of two younger females [Lauren Creighton and Natalie Stutz] working under Respondent Bogart;

(2) engaging in a continuous campaign of harassment toward Ms. Conidi and creating a hostile work environment which unreasonably interfered with Ms. Conidi's ability to perform her duties of the position of the Director of Child Welfare Unit;

(3) creating a hostile work environment by informing Ms. Conidi that she was not Respondent Bogart's choice for the position, that Ms. Conidi was not qualified despite her nearly 10 years' experience in the Child Welfare unit, that Respondent Bogart preferred two younger female attorneys for the position, and, that Ms. Conidi had "bought" the position due to her political affiliation and support of County Executive Poloncarz;

(4) creating a hostile work environment by unilaterally changing Ms. Conidi's job duties to include tasks unrelated to the

Child Welfare Unit of which Ms. Conidi was the Director and treating Ms. Conidi differently than the male attorney with whom Ms. Conidi was supposed to be co-equal in her position as Director;

(5) creating a hostile work environment by refusing to allow Ms. Conidi to perform the duties of her position as Director of Child Welfare, including refusing to allow Ms. Conidi to supervise attorneys in the division which Ms. Conidi was selected for effective February 24, 2020, and excluding Ms. Conidi from Unit matters while including the male attorney who was to be Ms. Conidi's co-equal counterpart;

(6) creating a hostile work environment by continuing to insist that Ms. Conidi perform duties of a line attorney in Parts 1 and 12 of Family Court (while other line attorneys who did not serve as Director were available to perform those duties) as part of Respondents' discriminatory plan to deny Ms. Conidi the opportunity to perform any of the supervisory duties for which she had been hired;

(7) when confronted by Ms. Conidi, Respondent Bogart referred to her as "testa dura" which means "hard head" in Italian and is a derogatory term used to refer to Italians from Calabria [Ms. Conidi's family is from Calabria];

(8) undermining Ms. Conidi's authority as a Director of the Child Welfare Unit by sending out emails to attorneys in the unit which pointed to others as unit leaders despite Ms. Conidi's position as a Director of that unit;

(9) excluding Ms. Conidi from the decision-making processes in her unit, including excluding Ms. Conidi from interviewing prospective new hires in her unit;

(10) moving Ms. Conidi's office to the 11th floor and isolating Ms. Conidi from interaction with the employees in her unit on the 7th floor;

(11) outright refusing to transition Ms. Conidi to the position of Director of Child Welfare Unit;

(12) writing a defamatory and baseless performance evaluation in September 2020 even though Respondents had denied Ms. Conidi the opportunity to handle the administrative and supervisory duties of the Child Welfare Unit of which she was selected as the Director;

(13) restricting Ms. Conidi's access to DSS Legal Onbase groups related to child welfare work;

(14) after Respondents retaliated against Ms. Conidi for her complaints of discrimination, Respondents have continued their

pattern of age, gender and ethnicity discrimination and discrimination for political affiliation by selecting Natalie Stutz for the Director of Child Welfare Unit (the very same position for which Ms. Conidi had been appointed in February 2020 and for which Ms. Conidi was subjected to a pattern of harassment and exclusion to the point of improperly and unlawfully transferring Ms. Conidi to the position of Director of "LAD") (LAD = Legal Advocacy for the Disabled Unit a/k/a Director of Legal Assistance for the Disabled);

(b) Respondents' retaliatory actions taken by Respondents Cannon, Brockmyre and Bogart in their supervisory capacity against Ms. Conidi due to her good faith complaints of discrimination against her based upon her age, gender, ethnicity and political affiliation which include:

(1) engaging in a continuous campaign of harassment toward Ms. Conidi and creating a hostile work environment which unreasonably interfered with Ms. Conidi's ability to perform her duties of the position of the Director of Child Welfare Unit;

(2) unilaterally changing Ms. Conidi's job duties to include tasks unrelated to the Child Welfare Unit of which Ms. Conidi was the Director;

(3) continuing to insist that Ms. Conidi perform the duties of a line attorney in Parts 1 and 12 of Family Court as part of Respondents' discriminatory plan to deny Ms. Conidi the opportunity to perform any of the supervisory duties for which she had been hired;

(4) excluding Ms. Conidi from the decision-making processes in her unit, including excluding Ms. Conidi from interviewing prospective new hires in her unit;

(5) moving Ms. Conidi's office to the 11th floor and isolating Ms. Conidi from interaction with the employees in her unit on the 7th floor;

(6) writing a defamatory and baseless performance evaluation in September 2020 even though Respondents had denied Ms. Conidi the opportunity to handle the administrative and supervisory duties of the Child Welfare Unit of which she was selected as the Director;

(7) restricting Ms. Conidi's access to DSS Legal Onbase groups related to child welfare work;

(8) failing and refusing to interview Ms. Conidi for the position of Director of Child Welfare Unit posted on August 24, 2021,

and instead selecting Natalie Stutz for the same position for which Ms. Conidi had been appointed to in February 2020;

(9) improperly and unlawfully transferring Ms. Conidi to the position of Director of LAD in direct retaliation for her complaints of discrimination made in good faith;

(10) demoting Ms. Conidi from an exempt, confidential salaried position to an hourly-paid non-exempt union position, of lower status, outside of her chosen field of Child Welfare, and a provisional position tied to grant-funding in a department that has been subject to consistent downsizing by the County of Erie, Department of Social Services;

(11) assigning Ms. Conidi to a provisional appointment for which she can never be made permanent under the Civil Service Law because of the statutory exclusion of her current experience in considering a permanent appointment.

3. Ms. Conidi has been damaged by the Respondents' tortious acts, violations of law, retaliation, wrongful reassignment, wrongful and discriminatory acts and omissions. Respondents engaged in a pattern of harassment aimed at Ms. Conidi due to her age, gender, ethnicity, political affiliation and loyalty to County Executive Poloncarz, issued a defamatory and

baseless performance evaluation, moved her to another floor isolating her from her unit, and assigned her to the LAD Unit which is of a lesser status and to a provisional, grant-funded position, thereby also depriving Ms. Conidi of the benefits of her nearly 10 years' experience acquired to allow her to continue to pursue her career interest in Child Welfare.

4. The damages herein described were sustained as a result of the Respondents' tortious acts, violations of law, retaliation, wrongful and discriminatory acts and omissions, wrongful reassignment, and related acts and damages, which occurred during Ms. Conidi's period of employment with the Erie County Department of Social Services, and which have continued in certain respects through the current period of time. Ms. Conidi's claim accrued upon the last wrongful act of discrimination and retaliation which occurred on or about July 26, 2021 when Respondent Bogart announced that Ms. Conidi would be removed from the Director of Child Welfare and assigned to the Director of LAD position effective August 2, 2021.

5. By reason of the aforesaid tortious acts, violations of law, retaliation, wrongful and discriminatory acts and omissions, wrongful reassignment, and related acts and damages, Ms. Conidi has incurred damages in the form of lost wages, medical and pension benefits, emotional distress and anxiety, lost job

security due to the provisional and grant-funded appointment, and the loss of future career advancement for which she had been working toward while gaining nearly 10 years' experience in the Child Welfare unit. Ms. Conidi may seek punitive damages against the Respondents based upon their intentional and malicious conduct.

6. Ms. Conidi's damages set forth in paragraph 5, incurred by reason of the Respondents' wrongful conduct, are continuing to accrue, and will continue to accrue so long as Respondents continue their pattern of harassment and retaliatory actions against her and deny her the position for which she was hired in February 2020. Accordingly, Ms. Conidi reserves the right to amend this claim and the statement of damages as necessary to properly reflect the losses she has incurred as result of the Respondents' tortious acts, violations of law, retaliation, wrongful and discriminatory acts and omissions, wrongful reassignment, and related acts and damages.

WHEREFORE, KIMBERLY S. CONIDI, hereby makes claim and demand against the Respondents, for damages, and all related costs and expenses, including attorneys' fees, together with appropriate interest.

Dated: October 12, 2021

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP
Attorneys for Claimant, Kimberly S. Conidi

By




Patricia Gillen

701 Seneca Street, Suite 750
Buffalo, New York 14210
(716) 855-1111
pgillen@dhpqlaw.com


VERIFICATION OF NOTICE OF CLAIM

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

Kimberly S. Conidi, being duly sworn, deposes and says that she is the claimant in the aforesaid Notice of Claim, she has read the foregoing Notice of Claim and knows the contents thereof; that the same are true to her own knowledge, except as to matters therein stated to be alleged upon information and belief, and to those matters she believes it to be true.


Kimberly S. Conidi

Sworn to before me this
12th day of October, 2021.


Notary Public

PATRICIA GILLEN
Notary Public, State of New York
NO. 02GI4993215
Qualified in Erie County
My Commission Expires March 9, 2022



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 5, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>L.T. (John/Jane Doe) v. ECDSS Child Protective Services and Buffalo City School District</i>
Document Received:	Summons and Complaint
Name of Claimant:	L.T., a pseudonym – This is a Child Victims Act case of alleged sexual abuse.
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

_____ John Doe

(Names of Plaintiff(s)/Petitioner(s))

Erie County Department of Social Services Child Protective Services - and -
Buffalo City School District

(Names of Defendant(s)/Respondent(s))

Summons

Index No. 01152/2021

To the Person(s) Named as Defendant(s) Above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint of the plaintiff(s) herein and to serve a copy of your answer on the plaintiff(s) at the address indicated below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

Dated: October 25th 2021
(Date of Summons)

(John Doe

(Plaintiff(s) name - person bringing on lawsuit)
41 Austin Street

(Plaintiff(s) street address)
Buffalo, New York 14207

(Plaintiff(s) city, state, zip)
(716) 218-5732

(Plaintiff(s) telephone no.)

Erie County Department of Social Services Child Protective Services

(Defendant(s) name - person(s) sued)
Apple-tree Business Park, 2875 Union Rd Suite 356

(Defendant(s) street address)
Cheektowaga, N.Y. 14227

(Defendant(s) city, state, zip)

Venue: Plaintiff(s) designate(s) Erie County as the place of trial. The basis of this designation is: (Enter County above; then select one category below, listing specific County)

- Plaintiff(s)' Residence in Erie County.
- Defendant(s)' Residence in Erie County.
- Other -- Describe: _____

NOTE: THIS FORM OF SUMMONS MUST BE SERVED WITH A COMPLAINT



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 8, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

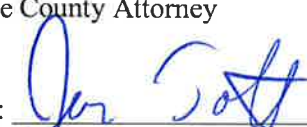
File Name:	<i>Foam Depot, Inc. v. County of Erie</i>
Document Received:	Summons and Complaint
Name of Claimant:	Foam Depot, Inc.
Claimant's attorney:	Paul G. Joyce, Esq. Colucci & Gallaher, P.C. 2000 Liberty Building 424 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: _____


Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT :: COUNTY OF ERIE

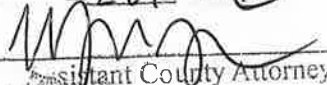
FOAM DEPOT, INC.

Plaintiff

v.

COUNTY OF ERIE, NEW YORK

Defendant.

This paper received at the
Erie County Attorney's Office
from Gary Beniacqua on
the 4 day of November, 2021
at 2:09 a.m. (p.m.)

Assistant County Attorney

SUMMONS

INDEX NO: 809 525/2021

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned to answer the Verified Complaint in this action, and to serve a copy of your Answer upon the undersigned attorneys for the plaintiff within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after completion of the service if the Summons is not personally delivered to you within the State of New York.

In case of your failure to answer or appear, judgment will be taken against you by default for the relief demanded in the Complaint.

Erie County is designated as the venue on the basis of the location of the parties herein.

DATED: Buffalo, New York
July 16, 2021

COLUCCI & GALLAHER, P.C.



By:

Paul G. Joyce, Esq.
Attorneys for Plaintiff
2000 Liberty Building
424 Main Street
Buffalo, New York 14202
(716) 853-4080
pjoyce@colucci-gallaher.com

TO: Erie County Attorney
Rath County Office Building
95 Franklin Street, Room 1634
Buffalo, NY 14202

STATE OF NEW YORK
SUPREME COURT :: COUNTY OF ERIE

FOAM DEPOT, INC.

Plaintiff

v.

VERIFIED COMPLAINT
INDEX No:

COUNTY OF ERIE, NEW YORK

Defendant.

Plaintiff FOAM DEPOT, INC., by and through its attorneys, Colucci & Gallaher, P.C., alleges as follows:

1. This is an action for damages based on the breach of contract by the County of Erie.

THE PARTIES

2. Foam Depot, Inc. [hereinafter "Foam Depot"] is a domestic corporation with a principal place of business at 120 Earhart Drive, Amherst, New York 14226.

3. The County of Erie, New York [hereinafter "County"] is a municipal corporation with its principal office at Rath County Office Building, 95 Franklin Street, Buffalo, New York 14202.

THE CONTRACT BETWEEN THE PARTIES.

4. On or about March 30, 2020, the County issued Purchase Order No. 4500069500 (the "Purchase Order" to Foam Depot. A true and accurate copy of the Purchase Order is attached as Exhibit A hereto.

5. The County drafted the Purchase Order.

6. The Purchase Order included item 00010, consisting of 1,000,000 "Procedure Masks," further described as "3ply face mask with antibacterial filter." The price for the Procedure Masks was \$0.86 per unit for a total of \$860,000.

7. The Purchase Order included item 00050, consisting of 25,000 "Goggles" which were further described as "Polycarbonate and Silicone," The price for the Goggles was \$6.60 per unit for a total of \$165,250.

8. The Purchase Order included item 00060, consisting of 500,000 "N95 Masks," specifically model no. "GB2626-2006KN95," and further described as "Procedure masks, 3ply face mask with antibacterial filter." The unit for the 500,000 Masks, model no. GB2626-2006KN95 was \$4.79 per unit for a total of \$2,395,000.

9. The Purchase Order included item 00070, consisting of 50,000 "Nitrile Medical Gloves Medium." The price for the Nitrile Medical Gloves Medium was \$0.33 per unit for a total of \$16,500.

10. The Purchase Order included item 00080, consisting of 200,000 "Nitrile Medical Gloves Large." The price for the Nitrile Medical Gloves Large was \$0.33 per unit for a total of \$66,000.

11. The Purchase Order included item 00090, consisting of 250,000 "Nitrile Medical Gloves X-Large." The price for the Nitrile Medical Gloves X-Large was \$0.33 per unit for a total of \$82,500.

12. The Purchase Order included item 00100, which was a line item identifying the estimated shipping of the items from China via United Parcel Service at a cost of \$300,000.

13. The total for the Purchase Order was \$3,885,250.

14. The Purchase Order also stated that it was “FOB DESTINATION: DETAILED SHIPPING COST WILL NEED TO BE SUBMITTED WITH INVOICE.”

15. The Purchase Order is signed by Vallie M. Ferraraccio, County of Erie Director of Purchasing.

16. The Erie County Division of Purchase is the County’s central purchasing agent for supplies, materials, equipment, insurance and contracts for service. Purchasing secures goods and services from the lowest responsible bidder on the basis of price, specifications, product evaluation, and delivery.

17. Ms. Ferraraccio also signed the Purchase Order as “Buyer.”

18. Pursuant to the terms of the Purchase Order, Foam Depot procured and shipped 1,000,000 Procedure Masks to the County.

19. The County accepted the 1,000,000 Procedure Masks.

20. Foam Depot invoiced the County for the agreed price of the 1,000,000 Procedure Masks and for the shipping of those goods.

21. The County paid the invoice for the 1,000,000 Procedure Masks without objection.

22. Pursuant to the terms of the Purchase Order, Foam Depot procured and shipped 25,000 Goggles to the County.

23. The County accepted the 25,000 Goggles.

24. Foam Depot invoiced the County for the agreed price of the 25,000 Goggles and for the shipping of those goods.

25. The County paid the invoice for the 25,000 Goggles without objection.

26. Pursuant to the terms of the Purchase Order, Foam Depot procured and shipped 50,000 Nitrile Medical Gloves Medium, 200,000 Nitrile Medical Gloves Large, and 250,000 Nitrile Medical Gloves X-Large to the County.

27. The County accepted the 50,000 Nitrile Medical Gloves Medium, 200,000 Nitrile Medical Gloves Large, and 250,000 Nitrile Medical Gloves X-Large.

28. Foam Depot invoiced the County for the agreed price of the 50,000 Nitrile Medical Gloves Medium, 200,000 Nitrile Medical Gloves Large, and 250,000 Nitrile Medical Gloves X-Large and for the shipping of those goods.

29. The County paid the invoice for the 50,000 Nitrile Medical Gloves Medium, 200,000 Nitrile Medical Gloves Large, and 250,000 Nitrile Medical Gloves X-Large without objection.

30. Pursuant to the terms of the Purchase Order, Foam Depot procured and shipped 500,000 model no. GB2626-2006KN95 masks to the County.

31. The County, upon delivery of the 500,000 model no. GB2626-2006KN95 masks, rejected the masks.

32. After delivery and rejection of the 500,000 model no. GB2626-2006KN95 masks, the County modified the purchase order and changed the masks to N95 Masks model no. SH 9550, NIOSH approved.

33. The County's change in the type of mask was done after Foam Depot procured and delivered the 500,000 model no. GB2626-2006KN95 masks.

34. Foam Depot invoiced the County for the agreed price of the 500,000 model no. GB2626-2006KN95 masks and for the shipping of those goods.

35. The County has failed and refused to pay for the 500,000 model no. GB2626-2006KN95 masks or the associated shipping.

36. Foam Depot has stored the 500,000 model no. GB2626-2006KN95 masks ordered by the County since they were procured at Foam Depot's expense.

37. These masks remain available for delivery by Foam Depot.

COUNT I
BREACH OF CONTRACT

38. The plaintiff repeats and re-alleges each and every allegation contained in the preceding paragraphs as if those allegations were contained in this paragraph.

39. The Purchase Order required Foam Depot to provide 500,000 model no. GB2626-2006KN95 masks.

40. Foam Depot procured the 500,000 masks pursuant to the Purchase Order.

41. The County has breached the Purchase Order by refusing to accept the product that it ordered.

42. Foam Depot has incurred significant expense in procuring the 500,000 model no. GB2626-2006KN95 masks.

43. Foam Depot's attempts to resolve this matter with the County have not been successful.

44. As a result of the County's breach of the Purchase Order, Foam Depot has lost \$2,395,000 plus shipping and storage costs.

45. Foam Depot has attempted to sell the 500,000 model no. GB2626-2006KN95 masks ordered and improperly rejected by the County but has been unable to sell them.

46. Foam Depot continues to incur storage costs for the 500,000 masks ordered, but improperly rejected, by the County.

WHEREFORE, FOAM DEPOT, INC. requests an order of this Court:

- a. Granting a judgment for money damages in an amount not less than \$2,395,000, plus shipping costs and storage costs, as a result of the breach of the Purchase Order by the County;
- b. Granting the Plaintiff such other and further relief as to this Court may seem just and proper;
- c. Granting Plaintiff the costs and disbursements of this action.

DATED: Buffalo, New York
July 16, 2021

COLUCCI & GALLAHER, P.C.

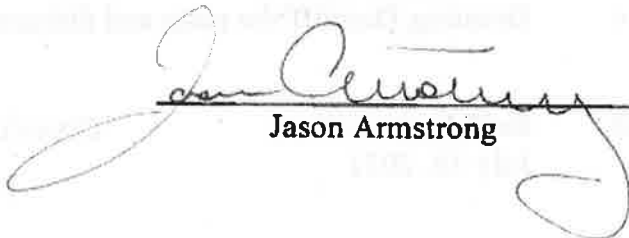


By: _____
Paul G. Joyce
Attorneys for Plaintiff
2000 Liberty Building
Buffalo, New York 14202-3695
(716) 853-4080
pjoyce@colucci-gallaher.com

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

I, Jason Armstrong, am the president of Foam Depot, Inc. in the above entitled action. I have read the foregoing complaint and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.


Jason Armstrong

Subscribed and Sworn to
before me this 14th day of
July, 2021



Notary Public
No. 02406337282
Notary Public, State of New York
Qualified in Erie County
My Commission Expires February 22, 20 21

EXHIBIT A



County of Erie

95 Franklin Street
Buffalo, NY 14202

Phone: 716.858.6385
Fax: 716.858.6465
Internet: <http://www.erie.gov>

Purchase Order

No. 4500069500

This Purchase Order Number must appear on all invoices.

Bill To

ERIE COUNTY COMPTROLLER
ACCOUNTS PAYABLE - ROOM 1154
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202

Vendor Address

Foam Depot
495 Aero Drive
Buffalo NY 14225

Ship To

ERIE COUNTY WAREHOUSE
3100 WILLIAM ST
CHEENOWAGA NY 14225

Information

Date: 03/30/2020
Vendor#: 167758
Currency: USD
Payment Terms: within 30 days Due net
Buyer: Valie Ferraraccio
Phone: 716.858.2010
Delivery Date: 03/30/2020
Bid#:
Contract:
Storage Location: 1930
Requisition:

Item	Material Description	Qty	UM	Unit Price	Amount
	COVID19				
	PRICED AS PER JASON QUOTE 1071				
	3 Ply face mask with antibacterial filter	8,000,000	EA	0.86	860,000.00
	3 Ply face mask with antibacterial filter and Silicone	25,000	EA	6.81	165,250.00
	3 Ply face mask with antibacterial filter	500,000	EA	4.79	2,395,000.00
	Medical Gloves Medium	50,000	EA	0.33	16,500.00
	Medical Gloves Large	200,000	EA	0.33	66,000.00
	Medical Gloves X-Large	250,000	EA	0.33	82,500.00
	SHIPPING FROM CHINA VIA UPS	300,000	EA	1.00	300,000.00
	FOR DESTINATION: DETAILED SHIPPING COST WILL NEED TO BE SUBMITTED WITH INVOICE				
***Total					53,885,250.00

INSTRUCTIONS TO VENDOR:

- 1. All items must be marked with the County of Erie Order No. on every container shipped.
- 2. All items must be accompanied by a copy of the Order No. must accompany all goods when delivered.
- 3. CHARGES TO THIS ORDER: The law specifically exempts the County of Erie from New York State and Erie County Sales and Use Tax.
- 4. Payment cycle from invoice date and will be making every effort to pay within the terms quoted, will be made.

Valie Ferraraccio
Valie Ferraraccio

Buyer *Valie Ferraraccio*
VALLIE M. FERRARACCIO

Director of Purchasing



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 9, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

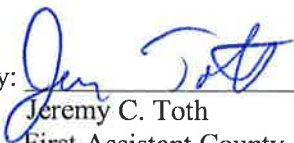
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Bloomquist, Anthony and Lesley v. ECMCC and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Anthony and Lesley Bloomquist 6331 Clinton Street Elma, New York 14059
Claimant's attorney:	John B. Licata, Esq. Dolce Firm P.C. 1260 Delaware Avenue Buffalo, New York 14209

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

IN THE MATTER OF THE CLAIM OF

LESLEY BLOOMQUIST, wife and
ANTHONY BLOOMQUIST, husband
6331 Clinton Street - Front Apt.
Elma, NY 14059

Claimants,

v.

ERIE COUNTY MEDICAL CENTER CORPORATION
462 Grider Street
Buffalo, New York 14215

THE COUNTY OF ERIE
95 Franklin Street - 16th Floor
Buffalo, New York 14202

Respondents.

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Gabriel Williams
the 5th day of Nov, 2021
at 2:32 a.m. (p.m.)
Quinn
Assistant County Attorney

TO: ERIE COUNTY MEDICAL CENTER CORPORATION
462 Grider Street
Buffalo, New York 14215

THE COUNTY OF ERIE
95 Franklin Street - 16th Floor
Buffalo, New York 14202

PLEASE TAKE NOTICE, that the claimants hereby makes a claim and demand against
the ERIE COUNTY MEDICAL CENTER CORPORATION (ECMCC) and THE COUNTY OF
ERIE, as follows:

1. Claimants reside at 6331 Clinton Street, Elma, New York 14059.
2. The attorney for claimants herein is Dolce Firm, P.C., John B. Licata, Esq., and his post office address and telephone number are 1260 Delaware Avenue, Buffalo, New York 14209, (716) 852-1888.
3. The time when, and the place where, and the nature of the claim are as follows:

upon information and belief, claimant Anthony Bloomquist was admitted to ECMC, 462 Grider Street Buffalo, NY 14215 through the emergency department for treatment of personal injuries. He was admitted on or about March 9, 2021 and remains a patient of respondents up to the date of this notice of claim remains a patient under the care and treatment of respondents.

4. This is a claim for negligence and for medical malpractice against respondents, their agents, employees, independent contractors providing medical care and treatment within respondents' facilities for whom respondents are vicariously liable. Respondents have presented themselves to the public as qualified to provide medical care and treatment and such associated health care and treatment as may be reasonable to promote the health and welfare of their patients. Respondents failed to provide appropriate medical care and treatment and appropriate health care and treatment as was warranted under the circumstances for Anthony Bloomquist and by failing to meet such standards did cause injuries to him, and did aggravate and exacerbate such conditions with which he presented to respondents' facility.

5. Claimants allege that the ECMCC and/or THE COUNTY OF ERIE, their agents, servants and/or employees were negligent in that they failed to provide proper and adequate care to the claimant, Anthony Bloomquist, while he was a patient at the ECMC. Claimants do not possess the relevant medical records at this time but the contents of those records are within the control of ECMC and ECMCC and/or THE COUNTY OF ERIE. Claimants allege that respondents were negligent, including but not limited to:

- a. failing to timely diagnose and intervene in plaintiff's condition;
- b. improper placement of a feeding tube;
- c. failing to timely correct and address the conditions caused and exacerbated by the improper placement of the feeding tube;
- d. causing damage to claimant's lungs;

- e. loss of chance of cure;
- f. providing other medical care and treatment which fell below the applicable standard of medical care;
- g. providing improper and negligent nursing care and treatment;
- h. and were otherwise careless, reckless, and/or negligent in the medical treatment/care of claimant, Anthony Bloomquist, while he was a patient at the Erie County Medical Center.

6. Therefore, claimants serve this damages claim for personal injuries, economic loss, loss of consortium, and conscious pain and suffering, all of which stem from the alleged negligence of the ECMCC and/or THE COUNTY OF ERIE and their agents, contractors, servants, and employees.

7. The injuries sustained by claimant, Anthony Bloomquist, include, but are not limited to, the following injuries to his person:

- a. paralysis
- b. injuries to his lungs
- c. delay in medical treatment
- d. loss of chance of cure
- e. economic loss
- f. pain and suffering
- g. bruising, trauma to his tissues and organs
- h. hospital acquired pressure injuries, infection

8. The claimants will also seek damages for such other and further injuries as may be determined by the treating physicians, therapists, health care providers, and other qualified medical personnel, including economic and non-economic damages and such items as may be

determined in a life-care plan.

9. Due to ongoing medical treatment, damages are being accumulated and will be provided at a later date.


10. Claimants hereby specifically reserve the right to amend and/or supplement this Notice of Claim if necessary or upon the receipt or discovery of additional information.

11. This claim is hereby presented for adjustment and payment.

WHEREFORE, claimants respectfully request that their claims against the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE be paid.

PLEASE TAKE FURTHER NOTICE, that by reason of the failure of the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE to make good the claim herein, the claimants intend to commence an action to recover damages in an amount which is currently undetermined, together with the costs and disbursements of this action and for such other and further relief as to the court deems just and proper.

DATED: Buffalo, New York
October 21, 2021

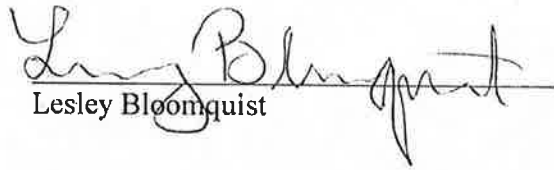


John B. Licata, Esq.

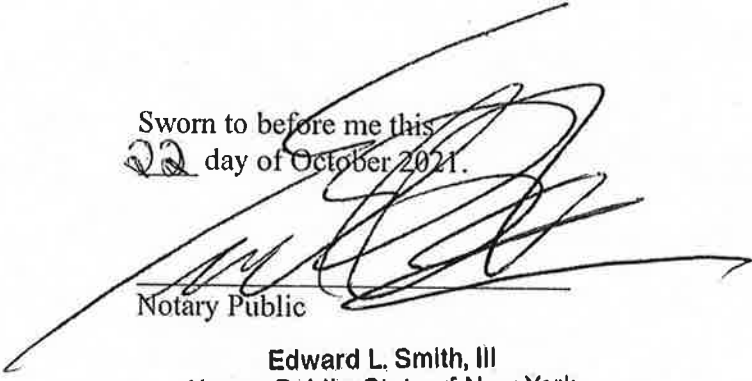
Dolce Firm
Attorneys for Claimants
1260 Delaware Avenue
Buffalo, New York 14209
(716) 852-1888

STATE OF NEW YORK)
COUNTY OF ERIE)ss:
CITY OF BUFFALO)

Lesley Bloomquist, being duly sworn, deposes and says that deponent is a Claimant in the within action; that deponent has read the foregoing Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.


Lesley Bloomquist

Sworn to before me this
22 day of October 2021.


Notary Public

Edward L. Smith, III
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires April 19, 2024



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 9, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

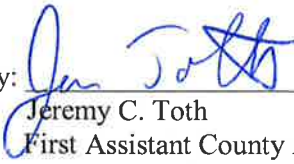
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Watson, Paris v. County of Erie and ECMCC</i>
Document Received:	Notice of Claim
Name of Claimant:	Paris Watson 265 Niagara Street Buffalo, New York 14201
Claimant's attorney:	Brittany L. Penberthy, Esq. VanDette Penberthy LLP 227 Niagara Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

In the Matter of the Claim of

PARIS WATSON,

NOTICE OF CLAIM

Claimant,

vs.

COUNTY OF ERIE and
ERIE COUNTY MEDICAL CENTER CORPORATION

Respondents.

TO: COUNTY OF ERIE and
ERIE COUNTY MEDICAL CENTER CORPORATION

PLEASE TAKE NOTICE, that PARIS WATSON has and hereby makes claim against the COUNTY OF ERIE and ERIE COUNTY MEDICAL CENTER CORPORATION, and in support of said claim state the following:

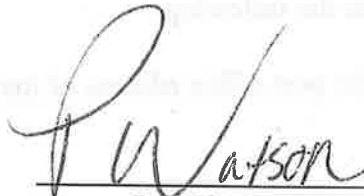
1. The post office address of the Claimant is 265 Niagara Street, Buffalo, New York 14201.
2. The attorneys for the Claimant are PENBERTHY LAW GROUP LLP, and their post office address is 227 Niagara Street, Buffalo, New York 14201.
3. The claim of Paris Watson is for property loss.
4. The claim arose near 462 Grider Street, within the City of Buffalo, County of Erie and State of New York, a location commonly known as Erie County Medical Center ("ECMC").
5. The claim arose in substance as follows: On or about July 30, 2021, Claimant's mother, Kathy Watson was a patient at ECMC and eventually passed away. On or about July 30, 2021, following her death, Claimant and family noticed that three (3) gold, chain necklaces were missing from Claimant's deceased mother, Kathy Watson, including that purchased by Claimant. The necklaces were not returned with Ms. Watson's property following her death.

6. The incident described above are believed to have occurred while Claimant was at or near Erie County Medical Center at 462 Grider Street in the City of Buffalo where the Claimant's mother was a patient.

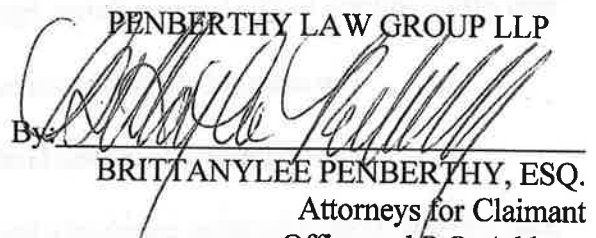
7. Upon information and belief, the incident herein described and the resultant damages sustained were caused as a result of the negligence, carelessness, reckless disregard and/or unlawful conduct on the part of the agents, servants and/or employees of the COUNTY OF ERIE, ERIE COUNTY MEDICAL CENTER. Such acts or omissions include, but are not limited to, negligence, carelessness and recklessness; failing and omitting to have and provide personnel with sufficient experience to handle similar circumstances; and allowing and permitting personnel and/or medical providers, staff or other employees to cause property loss to Claimant.

WHEREFORE, Claimants request that the COUNTY OF ERIE, ERIE COUNTY MEDICAL CENTER CORPORATION honor and pay the claims of Claimants, above named.

DATED: Buffalo, New York
October 19, 2021



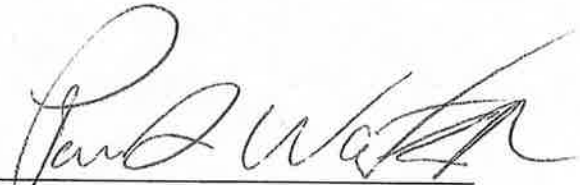
PARIS WATSON

PENBERTHY LAW GROUP LLP

By: _____
BRITTANYLEE PENBERTHY, ESQ.
Attorneys for Claimant
Office and P.O. Address
227 Niagara Street
Buffalo, New York 14201
(716) 803-8400

VERIFICATION

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

PARIS WATSON, being duly sworn, deposes and says that he is the claimant above named; he has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, he believes them to be true.



PARIS WATSON

Sworn to before me this

19th day of October, 2021.



Notary Public

BRITTANY LEE PENBERTHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires August 24, 2025

BRITTANY LEE PENBERTHY
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires August 24, 2025



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 9, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:


In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Marsh, Charles R. v. Erie County Medical Center and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Charles R. Marsh 273 Hamburg Street Buffalo, New York 14204
Claimant's attorney:	Barry J. Donohue, Esq. 77 Broad Street Tonawanda, New York 14150

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

CHARLES R. MARSH,

Claimant,

v.

NOTICE OF CLAIM
County Law § 52,
Public Authorities Law § 3641

ERIE COUNTY MEDICAL CENTER,

COUNTY OF ERIE,

Respondents.

TO: MICHAEL P. KEARNS, ERIE COUNTY CLERK
MICHAEL A. SIRAGUSA, ERIE COUNTY ATTORNEY
THOMAS J. QUATROCHE, JR., PRESIDENT ECMC

CHARLES R. MARSH, by his attorney, BARRY J. DONOHUE, ESQ., as and for his notice of claim against the respondents herein alleges:

1. He is and has been at all relevant times a resident of the County of Erie and State of New York, currently residing at 273 Hamburg St., Buffalo, New York 14204.
2. His attorney in connection with the subject claim is Barry J. Donohue, Esq., 77 Broad Street, Tonawanda, New York 14150, (716) 693-0359.
3. On July 27, 2021 had completed a follow-up appointment at the ERIE COUNTY MEDICAL CENTER for a sprained right hip. After the conclusion of the visit at approximately noon he was being transported in a wheel chair out of the front entrance/exit of ECMC by an ECMC employee who lost control of the wheel chair and dumped CHARLES R. MARSH out on his left side on the curb nearest the entrance/exit

4. As a result of the fall from the wheel chair and solely as a result of the negligence of Respondents' CHARLES R. MARSH sustained a fractured left hip and sprain/strain of his low back and has experienced pain and suffering. Immediately thereafter he was hospitalized at ECMC for treatment of his injuries for a few weeks and then to a rehab facility on Main Street in East Aurora for a few weeks before he was discharged to home.

The aforesaid Claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the Claimant intends to commence an action of this claim.

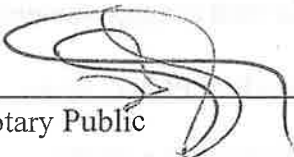
Dated: October 25, 2021
Tonawanda, New York 14150

BARRY J. DONOHUE
Attorney for Claimant
77 Broad Street
Tonawanda, New York 14150
(716) 693-0359

CHARLES R. MARSH, being duly sworn deposes and says: that I am the Claimant in the within action; that I have read the foregoing Notice of Claim and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters I believe them to be true.


CHARLES R. MARSH

Sworn to and subscribed before me
this 25th day of October, 2021



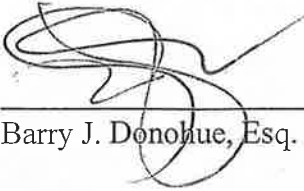
Notary Public

BARRY J. DONOHUE
Notary Public, State of New York
Erie County
My Commission Expires
2/12/2022

I have no knowledge, or reason to believe, that any of the factual submissions contained herein

are false.

10/25/2021
Date



Barry J. Donohue, Esq.



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 9, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:


In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Harper, Hope v. NFTA, NFT Metro Systems, Inc., County of Niagara and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Hope Harper 98 Blackmore Street Tonawanda, New York 14150
Claimant's attorney:	Stephen J. Paluch, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

R E C E I V E D
NOV 08 2021

ERIE COUNTY
DEPARTMENT OF LAW

**STATE OF NEW YORK
COUNTY OF ERIE**

IN THE MATTER OF THE CLAIM OF:

HOPE HARPER

98 Blackmore Street
Tonawanda, NY 14150

Claimant,

-against-

NOTICE OF CLAIM

**NIAGARA FRONTIER TRANSPORTATION
AUTHORITY**

181 Ellicott Street
Buffalo , New York 14203,

NFT METRO SYSTEMS, INC.

181 Ellicott Street
Buffalo , New York 14203

COUNTY OF NIAGARA

175 Hawley Street
Lockport, NY 14094

COUNTY OF ERIE

95 Franklin Street, Suite 1634
Buffalo, New York 14202,

Respondents.

PLEASE TAKE NOTICE that **HOPE HARPER**, hereby makes claim against **NIAGARA FRONTIER TRANSPORTATION AUTHORITY, NFT METRO SYSTEMS, INC., COUNTY OF NIAGARA** and **County of ERIE** and in support thereof Claimant alleges:

1. That the undersigned Claimant, HOPE HARPER, residing at 98 Blackmore Street, Tonawanda, NY 14150, by and through her attorney, STEPHEN PALUCH, of Counsel, William Mattar, P.C., 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the COUNTY OF NIAGARA, NIAGARA FRONTIER TRANSPORTATION AUTHORITY and COUNTY OF ERIE for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by HOPE HARPER.

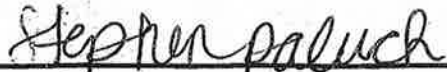
2. That the said injuries were sustained by HOPE HARPER on August 13, 2021 at approximately 4:08 p.m., at or around, Delaware Road at McKinley Avenue, in or near Buffalo, New York(see attached Transit Authority Report). At the time of this accident, the Claimant, HOPE HARPER was seated in her power wheelchair on the public paratransit bus which was operated/maintained and controlled by NIAGARA FRONTIER TRANSPORTATION AUTHORITY and/or operated/owned/maintained and controlled by NFT METRO SYSTEMS, INC., and/or operated/owned/maintained and controlled by the COUNTY OF ERIE, and/or operated/owned/maintained and controlled by the COUNTY OF NIAGARA, and their servants, agents or employees. At the time of the accident, the driver of said bus upon information and belief took a left turn from Delaware Rd, onto McKinley Ave at an excessive and/or unsafe speed, causing the Claimant's power wheelchair to tip-over and/or the Claimant to fall out of her wheelchair. At all times relevant hereto, Respondents through their employees, officers and/or agents failed to provide the Claimant with adequate safety restraints to prevent her wheelchair from tipping over and/or falling out of the wheelchair, and committed such other acts of negligence as which are yet fully ascertained prior to the completion for discovery.

3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, HOPE HARPER, by the COUNTY OF ERIE, COUNTY OF NIAGARA, NIAGARA FRONTIER TRANSPORTATION AUTHORITY and NFT METRO SYSTEMS, INC., jointly and severally, their servants, agents or employees in failing to train, instruct and supervise and failing to properly operate said bus in a safe and prudent manner and with regard to the safety of their passengers such as Claimant.

4. That as a result of the foregoing, the Claimant, HOPE HARPER, sustained serious and permanent injuries, including but not limited to, a broken clavicle and spinal ligamentous/discogenic injuries to her neck and low back. These injuries will be of a permanent or indefinite duration, and Claimant HOPE HARPER, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

5. That the said injuries were occasioned solely and wholly as a result of the negligence, carelessness and recklessness of the COUNTY OF ERIE, COUNTY OF NIAGARA, NIAGARA FRONTIER TRANSPORTATION AUTHORITY and NFT METRO SYSTEMS, INC., jointly and severally through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto which constituted a reckless disregard for the safety of the others on the road.

DATED: Williamsville, New York
 October 25, 2021



J. Stephen Paluch, Esq.
WILLIAM MATTAR, P.C.
Attorney for Claimant

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

HOPE HARPER, being duly sworn, depose and say that he is the Claimant in this action; that he has read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponents, except as to matters therein stated to be alleged on information and belief, and that as to those matters they believe them to be true.

Hope Harper
HOPE HARPER

Sworn to before me this
29th day of October, 2021

Tremetris Nance Nelson

Notary Public

TREMETRIS NANCE NELSON
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires Jan. 22, 2023



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 8, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

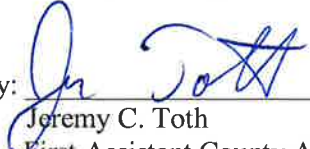
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Lundberg, Joanne v. County of Erie and Erie County Stadium Corporation</i>
Document Received:	Notice of Claim
Name of Claimant:	Joanne Lundberg 178 Woodside Avenue Buffalo, New York 14220
Claimant's attorney:	Christopher D. Smith, Esq. Smith & Messina, LLP 3990 McKinley Parkway, Suite 3 Blasdell, New York 14219

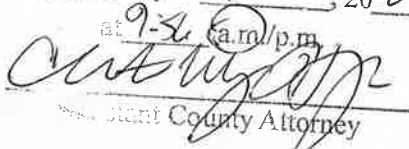
Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from Ryan Moorhead on
the 4th day of Nov, 20 21
at 9:30 a.m./p.m.

Erie County Attorney

In the Matter of the Claim of

JOANNE LUNDBERG,

Claimant,

-against-

ERIE COUNTY and
ERIE COUNTY STADIUM CORPORATION,

Respondents.

NOTICE OF CLAIM

**TO: ERIE COUNTY AND
ERIE COUNTY STADIUM CORPORATION**

PLEASE TAKE NOTICE, that JOANNE LUNDBERG, has and hereby makes claim against ERIE COUNTY and ERIE COUNTY STADIUM CORPORATION, and in support of said claim states the following:

1. The Post Office address of the claimant is 178 Woodside Avenue, Buffalo, New York 14220.
2. The attorneys for the claimant are SMITH & MESSINA LLP, and their Post Office address is 3990 McKinley Parkway, Suite 3, Blasdell, New York 14219.
3. The claim of JOANNE LUNDBERG is for personal injuries, including without limitation, loss of income and medical expenses, and for consequential damages generally.

4. The claim arose at ERIE COUNTY's Highmark Stadium, located at One Bills Drive, in the Town of Orchard Park, County of Erie and State of New York.

5. The claim arose in substance as follows: On the 14th day of August, 2021, at approximately 10:15 p.m., the claimant, JOANNE LUNDBERG, while traversing the stairs in the upper level while attending a Billy Joel concert at the aforesaid premises, was caused to trip and fall, resulting in serious injuries to the claimant.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY and/or ERIE COUNTY STADIUM CORPORATION, and more particularly, among other things, in failing and omitting to provide proper and efficient lighting and railings in the upper deck of the stadium during concerts.

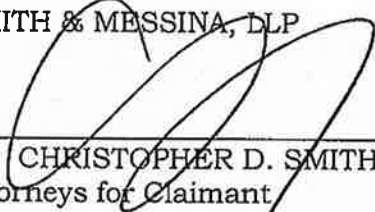
7. Upon information and belief, as a result of the aforesaid incident, the claimant, JOANNE LUNDBERG, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to her nerves and nervous system; and more particularly, JOANNE LUNDBERG, sustained injuries in the nature of a compression fracture to her back and possible head injury. Upon information and belief, these injuries may result in permanent defects.

WHEREFORE, claimant requests that ERIE COUNTY and ERIE COUNTY STADIUM CORPORATION honor and pay the claim on behalf of JOANNE LUNDBERG.

DATED: Buffalo, New York
September 23, 2021


JOANNE LUNDBERG

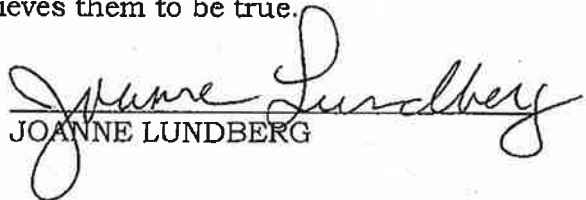
SMITH & MESSINA, LLP

By: 
CHRISTOPHER D. SMITH, ESQ.

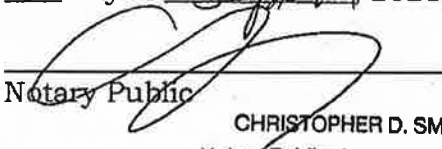
Attorneys for Claimant
Office and P.O. Address
3990 McKinley Parkway, Suite 3
Blasdell, New York 14219
(716) 648-1400
[TMM: #99283.0007]

STATE OF NEW YORK)
COUNTY OF ERIE)ss:

JOANNE LUNDBERG, being duly sworn deposes and says that she is the claimant above named; and makes this claim on behalf of self; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.


JOANNE LUNDBERG

Sworn to before me on this
23 day of September, 2021.


Notary Public

CHRISTOPHER D. SMITH
Notary Public, State of New York
Qualified in Erie County

4332011, 1, 099283.0007 Commission Expires 11/10/2023



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 16, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

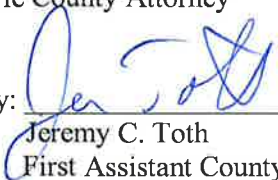
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Ward, Londarr v. Erie County Sheriff's Office</i>
Document Received:	Notice of Claim
Name of Claimant:	Londarr Ward ICN #108604 c/o Erie County Correctional Facility 11581 Walden Avenue Alden, New York 14004
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

RECEIVED
NOV 15 2021

AFFIDAVIT OF SERVICE
Postal Service

ERIE COUNTY
DEPARTMENT OF LAW

State of New York)
County of Erie) SS:
_____)

I, Londarr Ward, being duly sworn, depose and say that I have on this 9th day of November, 2021, forwarded via the United States Postal Service copies of the following documents: The enclosed Notice of Claim Dated Nov. 8th, 2021

To: Erie County Executive Office @ Edward A. Rath County Office Bldg.,
95 Franklin St., Buffalo, N.Y. 14202
Erie County Attorney @ 95 Franklin St., Buffalo, N.Y. 14202
Erie County Sheriff @ 10 Delaware Ave, Buffalo, N.Y. 14202

to the offices of:

~~Frank Sedita~~
~~Erie County District Attorney~~
~~25 Delaware Avenue~~
~~Buffalo, New York 14202~~

~~Chief Clerk, Erie County Court~~
~~25 Delaware Avenue~~
~~Buffalo, New York 14202~~

Dated: November 9th, 2021

[Signature], Londarr Ward

Signature, Defendant Pro Se
11581 Walden Avenue
Walden, New York 14004

Sworn to before me on the 9th day of
November, 2021.

[Signature]

Signature, Notary Public

To: Erie County
Sheriff's Office

RONALD DOLYK
COMMISSIONER OF DEEDS
in and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2022

Notice of Claim

To: Erie County Executive
County Attorney for the County of Erie
Erie County Sheriff
ICN# 108604
Londarr

PLEASE TAKE NOTICE that Ward, the claimant, hereby makes claim against the County of Erie, State of New York, for damages sustained by him for personal injury as follows:

The claimant's post-office address is Erie County Correctional Facility
11581 Walden Ave, Alden, N.Y. 14004

The date upon which the injury complained of occurred was the 2-3 day of Nov., 2021, 2013 on or about the hour of 2 P.M and continuing thereafter.

The injuries sustained by the claimant by reason thereof are more particularly described as follows:

Back injury; Possible fracture

The injuries complained of were sustained as a result of the negligence of said county in its care and management of the Erie County Correctional Facility, 11581 Walden Avenue, Alden New York 14004 which said facility was wholly under its operation and control. Claimant was incarcerated at said facility, and thus in the care and custody of said Erie County sheriff. Claimant requested compensation for and I need a X-ray

Pain + Suffering (\$25,000)
Dollars

Due to the wrongful denial of Engineers, Claimant was to suffer the above described injuries. The Engineers left water on my cell floor after fixing my sink; Water of which I slipped and fell in and hurt my back. By reason thereof, the claimant sustained injury to his person due to said county's negligence and/or wrongful denial of Cleaning up a spill, mess

The Claimant presents this claim and demand for adjustment and payment and gives notice that unless his claim is adjusted and paid within the time provided by law from the date of its presentation, it is claimant's intention to commence an action thereon.

Dated ~~April~~, ~~201~~
Nov. 8th, 2021

x [Signature]
Londarr Ward

Londarr Ward Pro Se
11581 WALDEN AVE
ALDEN NEW YORK, 14004
~~Buffalo New York 14~~

CC. File

Sworn to before me this 9th
day of November, 2021
x [Signature]
Notary Signature

RONALD DOLYK
COMMISSIONER OF DEEDS
in and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2022



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 16, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

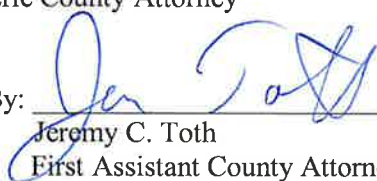
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>N.P. v. County of Erie, Gateway Longview, Inc., as successor in interest to Protestant Home for Unprotected Children, and Joh Doe</i>
Document Received:	Summons and Complaint
Name of Claimant:	N.P., a pseudonym – this is a Child Victims Act claim of sexual assault.
Claimant's attorney:	Paul K. Barr, Esq. Fanizzi & Barr, P.C. 2303 Pine Avenue Niagara Falls, New York 14301

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK:
COUNTY OF ERIE

N.P.
8010 Wilcox Road
Le Roy, New York 14482,

Plaintiff,

vs.

SUMMONS

Index No.: 810511/2021

ERIE COUNTY
795 Main Street
Buffalo, New York 14203,

GATEWAY LONGVIEW, INC.,
as successor in interest to
PROTESTANT HOME FOR
UNPROTECTED CHILDREN,
10 Symphony Circle
Buffalo, New York, 14201, and

JOHN DOE,

Defendants.

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED, to answer the Complaint in this action and serve a copy of your Answer, or if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the date of service, where service is made by delivery upon you personally within the State, or within thirty (30) days after the completion of service where service is made in any other manner.

In case of your failure to appear or answer, judgment may be taken against you by default for the relief demanded in the Complaint, without further notice to you.

This action is brought in the County of Erie based on Defendants' principle place of business.

DATED: Niagara Falls, New York
August 2, 2021

By:



Paul K. Barr
FANIZZI & BARR, P.C.
Attorneys for Plaintiff
2303 Pine Avenue
Niagara Falls, New York 14301
Telephone: (716) 284-8888



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 16, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

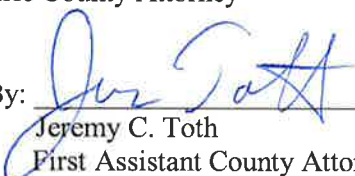
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>T.S. v. County of Erie, DOES 1-10</i>
Document Received:	Summons and Complaint
Name of Claimant:	T.S., a pseudonym – this is a Child Victims Act claim of sexual abuse.
Claimant's attorney:	Jeff Herman, Esq. Herman Law 434 W. 33rd Street Penthouse New York, New York 10001

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
T.S.

Plaintiff,

SUMMONS

-against-

ERIE COUNTY; and DOES 1-10,

Index No.:

Date Index No. Purchased: July 1, 2021

Defendants.
-----X

To the above-named Defendants:


ERIE COUNTY - EDWARD A. RATH COUNTY OFFICE BUILDING, 95 FRANKLIN STREET,
BUFFALO, NY 14202

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Venue of this action and location of jury trial is in Erie County as a substantial part of the events or omissions giving rise to the claim occurred in New York County and/or one of the Defendants resides in Erie County.

Dated: New York, NY
July 1, 2021

HERMAN LAW

By 
Jeff Herman, Esq.
c/o Herman Law
Attorney for Plaintiff
434 W. 33rd Street
Penthouse
New York, NY 10001
(212) 390-0100



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 16, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

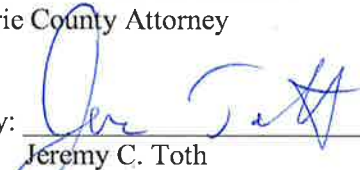
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Smith, William D. v. Superintendent Evans, ECCF Nurse Administration and Chief Harris</i>
Document Received:	Summons and Complaint
Name of Claimant:	William D. Smith c/o Wende Correctional Facility 08B-0527 Box 1187 Alden, New York 14004-1187
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

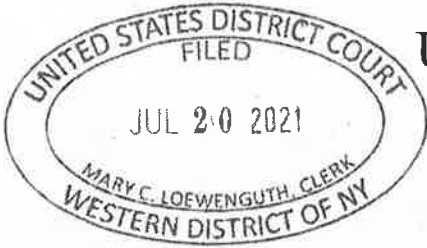
Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)



UNITED STATES DISTRICT COURT

for the

Western District of New York

"Amend
Complaint"

Case No.

21-CV-188 LJV

(to be filled in by the Clerk's Office)

William D. Smith 08-B-0527

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

JURY TRIAL: Yes No

Paul Evans - Superintendent of Erie County Corrections
~~Timothy Howard - Sheriff of Erie County~~
Alfonso Harris - Chief in the Sheriff's Office
~~Mark Potomars - Erie County Executive~~
Erie County CORA - Nursing Administration

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

~~Mark Potomars~~

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

JANE DOE

Job or Title (if known)

Shield Number

Employer

NURSE ADMINISTRATION

Address

11581 WALKER AVE

Albion

City

NY

State

14004

Zip Code



Individual capacity



Official capacity

Defendant No. 4

Name

TIMOTHY HOWARD

Job or Title (if known)

Shield Number

Employer

SHERIFF OF ERIE COUNTY, NY

Address

40 DELAWARE AVE

Buffalo

City

NY

State

14202

Zip Code



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):



Federal officials (a *Bivens* claim)



State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

DELIBERATE INDIFFERENCE UNDER FOURTEENTH AMENDMENT
DENIAL OF REASONABLE ACCOMMODATION UNDER AMERICANS WITH DISABILITIES ACT, EIGHT AMENDMENT
INTENTIONAL DISCRIMINATION, CRUEL AND UNUSUAL PUNISHMENT, NEGLIGENCE, PAIN AND SUFFERING

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

ATTRIBUTABLE UNDER COLOR OF STATE LAW
DEPRIVED OF A RIGHT, PRIVILEGE, OR IMMUNITY SECURED BY THE CONSTITUTION OR LAW OF THE U.S.

To establish liability against a Prison official under section 1983 Plaintiff must Plead and Prove that each Government-official defendant through the officials own individual actions has violated the Constitution.
"See Violation of Constitution Exhibit H"

To state a claim for deliberate indifference under the Fourteenth Amendment's Due Process Clause, Plaintiff allegations must satisfy a two-prong test "Objective Prong and Subjective Prong"
See Exhibit B, C, D, E,

To "D" To show how each defendant ^{acted} should be found liable under color of any statute, ordinance, regulation "See Exhibit B, C, D, E, F,

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

ERIE County Correctional Facility - 11581 Walden Ave Alden NY 14004

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

All of them

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I kept being Denied ADA for No good REASON
SEE Exhibits A, B, C, D, E, F, G

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: JUNE 30, 2021

Signature of Plaintiff

William D. Smith

Printed Name of Plaintiff

William D. Smith

Prison Identification #

08-B-0527

Prison Address

Wende CORR-FAC. Wende Rd, Box 1182
Alden NY 14004-1187

City

State

Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 29, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

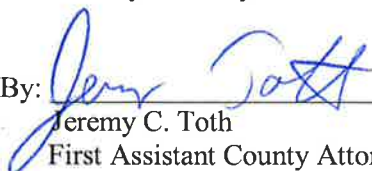
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Hill, William L. and Hill, William M. v. County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	William L. Hill 9613 Sisson Highway Eden, New York 14057
	William M. Hill 8439 Jennings Road Eden, New York 14057
Claimant's attorney:	Claimants are proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from Vincent Parlato
the 12th day of Nov., 20
at 12:09 a.m.

Kenneth B. Raby
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF

WILLIAM L. HILL and
WILLIAM M. HILL,

Claimants

NOTICE OF CLAIM

v

COUNTY OF ERIE,

Respondent.

TO: ERIE COUNTY DEPARTMENT OF LAW,
Michael A. Siragusa, Esq.
95 Franklin Street, Rm 1634
Buffalo, New York 14202

PLEASE TAKE NOTICE that **WILLIAM L. HILL** and **WILLIAM M. HILL**, pursuant to General Municipal Law § 50-e, do hereby make claim against the COUNTY OF ERIE, and in support of such claim, state the following:

1. Claimant William L. Hill's address is 9613 Sisson Highway, in the Town of Eden, New York 14057.
2. Claimant William M. Hill's address is 8439 Jennings Road, in the Town of Eden, New York 14057.
3. The nature of the claim concerns the negligence of the County of Erie in its design, maintenance, erection, modification, placement of roadway signs, signals, roadway markers, the failure to place signs, signals, roadway markers, to remedy effects in design, construction and maintenance as they developed, despite actual or constructive notice of the same, or creation of dangerous conditions on the roadway, and to conduct the appropriate traffic safety studies to remedy dangerous or defective roadway conditions that the County knew, should have known about, or created on Genesee Road/Route 73, in the Town of North Collins, State of New York, at and around the intersection of Genesee Road/Route 73 and Sisson

Highway/Route 75, including but not limited to the placement of stop signs, road length, breadth, shape, signage or lack thereof, signals, and other traffic safety devices reasonable, appropriate, and warranted under the circumstances, and said negligence caused and contributed to the below-described motor vehicle accident.

4. Upon information and belief, Genesee Road/Route 73, at its intersection with Sisson Highway/Route 75, in the Town of North Collins, New York, is a road that is maintained by the County of Erie.
5. The nature of this claim against the County of Erie further involves personal injuries and property damage suffered by both Claimants who were involved in a two-car motor vehicle accident at the intersection of Genesee Road/Route 73 and Sisson Highway/Route 75.
6. The time when, the place where, and the manner in which the claim arose is as follows: the subject motor vehicle accident occurred on August 14, 2021, at the intersection Genesee Road/Route 73 and Sisson Highway/Route 75 when Claimant, William L. Hill, was operating and driving a 1946 Dodge pickup truck ("truck") registered to him. Claimant, William M. Hill, was a passenger in Claimant William L. Hill's truck. At approximately 18:48 hours, William L. Hill operated the truck, with William M. Hill as his passenger, travelling northbound on Sisson Highway/Route 75, in the Town of North Collins.
7. In and around the same, Rebecca Rutherford was operating a 2012 Dodge sedan travelling eastbound on Genesee Road/Route 73, approaching the intersection of Genesee Road/Route 73 and Sisson Highway/Route 75. As Claimants approached the intersection of Sisson Highway/Route 75 and Genesee Road/Route 73, Rebecca Rutherford crossed over Sisson Highway/Route 75 in front of Claimants' vehicle, striking Claimants' vehicle, and causing a severe and impactful collision.
8. Both Claimants suffered severe injuries and were transported by ambulance from the scene of the accident at the intersection of Genesee Road/Route 73 and Sisson Highway/Route 75 in the Town of North Collins, Erie County, New York.
9. The items of damage or injuries herein as to Claimant William L. Hill include that he sustained bodily injuries and was painfully and seriously injured, sustained pain and suffering and shock to his nerves and nervous system; was caused to and did seek medical care and attention, and was caused to and did incur great medical expense and may

incur further medical expense, and further sustained significant property damage with respect to his classic automobile involved in the subject accident.

10. The items of damage or injuries herein as to Claimant William M. Hill include that he sustained bodily injuries and was painfully and seriously injured, sustained pain and suffering and shock to his nerves and nervous system; was caused to and did seek medical care and attention, and was caused to and did incur great medical expense and may incur further medical expense.

WHEREFORE, Claimants request the claim be allowed and paid for by the COUNTY OF ERIE.

DATED:

WILLIAM L. HILL

William L. Hill

WILLIAM M. HILL

William M Hill

William L. Hill, being duly sworn deposes and says that I have read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

William L. Hill

William L. Hill

Sworn to before me this
12 day of November 2021.

EMILY HAWKINS
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES OCTOBER 1, 2022

[Signature]

Notary Public

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ERIE)

William M. Hill, being duly sworn deposes and says that I have read the foregoing Notice of Claim and know the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

William M Hill

William M. Hill

Sworn to before me this

12 day of November 2021.



Notary Public

EMILY HAWKINS
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES OCTOBER 1, 2022



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

November 29, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

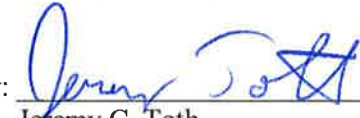
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Wood, Alisia v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Alisia Wood 121 Franklin Street Springville, New York 14141
Claimant's attorney:	Matthew A. Louisos, Esq. The Barnes Firm 451 Grider Street Buffalo, New York 14215

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK

ALISIA WOOD

Claimant,

NOTICE OF CLAIM

v.

Index No.

COUNTY OF ERIE
ERIE COUNTY HOLDING CENTER
ERIE COUNTY SHERRIF'S DEPARTMENT

Respondent,

PLEASE TAKE NOTICE, that the above named claimant claims and demands from the respondents, recompense for personal injuries and damages sustained by claimant by reason of the wrongful, negligent and careless acts and omissions of the respondents, their agents, servants and/or employees, and in support thereof, the claimant states:

1. Claimant's address is 121 Franklin Street, Springville, New York 14141.
2. The claimant is represented by The Barnes Firm, P.C. with offices located at 451 Grider Street, Buffalo NY 14215, telephone (800) 800-0000.
3. This Notice of Claim is made and served on behalf of the Claimant in compliance with the provisions of §50-e of the General Municipal Law of the State of New York.
4. The nature of this claim is one for personal injuries sustained by the Claimant as a result of an incident that occurred on or about October 8, 2021, at the Erie County Holding Center located at 121 W Eagle Street, in the City of Buffalo and State of New York.

5. Upon information and belief, at the time and location described above, Claimant was walking within the facility when she was caused to slip and fall on a dangerous and defective condition on the floor.

6. Upon information and belief, the accident was caused by the wrongful, careless, reckless and/or negligent acts and omissions of the Respondents, their agents, servants and employees, in failing to reasonably maintain, inspect, operate and control the premises; in failing to provide safe and adequate walkways; in failing to warn of the dangerous, hazardous, and/or defective condition; in creating a dangerous, hazardous, and/or defective condition; in failing to provide a safe environment for the claimant; in failing to correct/remedy the condition; in failing to properly maintain, manage, and care for the premises; in failing to properly clean the property and/or remove the dangerous and/or defective condition; in failing to remedy the condition; in failing to properly inspect the premises; in failing to maintain the premises; in failing to adhere to established commercial property standards and guidelines; in otherwise failing to prevent this accident.

7. Upon information and belief, as a result of the incident, the Claimant suffered, among other things: right Tibia and/or Fibula fractures that required surgical intervention with hardware; and right Achilles tendon tear. This is in no way meant to be an exhaustive list of injuries alleged from the accident.

8. Upon information and belief, by virtue of the negligence of the employees, agents or servants of the Respondents, claimant has incurred medical and hospital expenses, which are to date undetermined and will incur loss of earnings, impairment of health and permanent injuries.

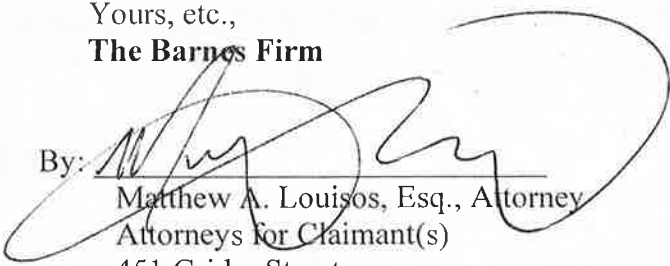
9. Upon information and belief, claimant will be obligated further medical expenses including drugs, medicines and prosthetic devices, the amount of which cannot be reasonably calculated at this time.

10. The total sum charged will be for the resulting damages from the injuries set forth above and this sum has not been determined as of this date.

TAKE NOTICE that claimant demands payment of his claim as set forth above.

DATED: Buffalo, New York
November 17, 2021

Yours, etc.,
The Barnes Firm

By: 
Matthew A. Louisos, Esq., Attorney
Attorneys for Claimant(s)
451 Grider Street
Buffalo, NY 14215
(800) 800-0000

TO: COUNTY OF ERIE
Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

ERIE COUNTY HOLDING CENTER
40 Delaware Avenue
Buffalo, NY 14202

ERIE COUNTY SHERIFF'S DEPARTMENT
One Sheriff's Drive
Orchard Park, NY 14127

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
CITY OF BUFFALO)


ALISIA WOOD being duly sworn, deposes and says that she is the claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes them to be true.



Alisia Wood

STATE OF NEW YORK)
COUNTY OF MONROE : SS.:
CITY OF ROCHESTER)

On the 17th day of November, in the year 2021 before me, the undersigned, personally appeared Alisia Wood, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in his capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public/Commissioner of Deeds

MATTHEW A. LOUISOS
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 12/24/24

TIMOTHY B. HOWARD
SHERIFF

JOHN W. GREENAN
UNDERSHERIFF



ADMINISTRATIVE OFFICES

10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7680

POLICE SERVICES

45 ELM STREET
BUFFALO, NEW YORK 14203
(716) 858-7618
FAX: (716)858-3277
WEBSITE: <http://www.erie.gov/sheriff>

SHERIFF OF ERIE COUNTY

December 28, 2021

Mr. Robert Graber
Clerk of the Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Graber:

In accordance with the Disclosure of Interest in County Business, Section 5-c, please see the list below of family members employed by any government organization in any capacity:

Jake Giarrano, Nephew Buffalo Police Department

To my knowledge, there are no other family members as defined by Section 5-c presently employed by any government organization.

Respectfully submitted,

JOHN C. GARCIA
SHERIFF-ELECT OF ERIE COUNTY

TBH/Imp

Cc: Undersheriff John Greenan
Administrative File



EC LEG JAN 14 '22 PM 3:54

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 14, 2022

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

RE: Notification to the Legislature on the Appointment of Commissioner of Labor Relations

Dear Honorable Members:

Pursuant to Article 7, Section 701 of the County's Charter, I hereby appoint Joshua Pennel to the position of Commissioner of Labor Relations effective January 15, 2022.

Should your Honorable Body require further information, I encourage you to contact my Chief of Staff, Jennifer Hibit. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

JCT/dld

TO: Robert M. Graber, Clerk, Erie County Legislature
FROM: Jeremy C. Toth, First Assistant County Attorney
DATE: January 7, 2022
RE: Transmittal of New Claims Against Erie County

Mr. Graber:

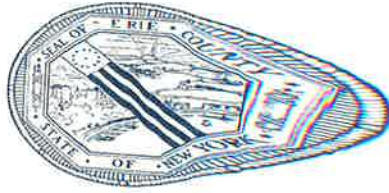
In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find two (2) new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Jeffrey & Ruby Rykaczewski v. County of Erie, et al.; and
2. Laura Phillips v. County of Erie.

JCT:dld

Attachments



COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

December 9, 2021

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

JEREMY C.
FIRST ASSISTANT COUN
KRISTEN M. W
SECOND ASSISTANT COUN

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Rykaczewski, Jeffrey & Ruby v. County of Erie, ECDSS, et al.</i>
Document Received:	Verified Petition
Name of Claimant:	Jeffrey & Ruby Rykaczewski 61 Grant Street Tonawanda, New York 14150
Claimant's attorney:	Gross Shuman Brizdle & Gilfillan, P.C. 465 Main Street Suite 600 Buffalo, New York 14203

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

JEFFREY RYKACZEWSKI, and
RUBY RYKACZEWSKI,

Petitioners,

v.

**AMENDED NOTICE OF
PETITION**

COUNTY OF ERIE,
ERIE COUNTY DEPARTMENT OF SOCIAL
SERVICES,
NICHELLE PULLINS,
LASHAE BARNER,
REBECCA BARTOLOTTA, and
"JOHN DOES" 1-5

Index No. 815966/2021

Hon. Dennis E. Ward

Respondents.

Upon the annexed petition of Petitioners, Jeffrey Rykaczewski and Ruby Rykaczewski ("Petitioners"), by and through their attorneys, Gross Shuman, P.C., an application will be made before the Hon. Dennis E. Ward in a remote manner to be determined by the Court, on **Wednesday, January 5, 2022 at 9:30 am** or as soon thereafter as counsel can be heard, for an order granting leave to serve a late notice of claim on Respondents, County of Erie, Erie County Department of Social Services, Nichelle Pullins, LaShae Barner, Rebecca Bartolotta, and John Does 1-5 ("Respondents") pursuant to General Municipal Law § 50-e and directing Respondents to accept the service of such Notice of Claim as if it was made within ninety (90) days after the claims herein arose, together with such further and different relief as this Court deems just and proper.

Dated: Buffalo, New York
November 23, 2021

Yours, etc.,

GROSS SHUMAN P.C.

By: /s/ Katherine M. Liebner

David H. Elibol, Esq.

Katherine M. Liebner, Esq.

Attorneys for Petitioners

Office and P.O. Address

465 Main Street, Suite 600

Buffalo, New York 14203

Tel: (716) 854-4300

TO: COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES
95 Franklin Street
Buffalo, New York 14202

NICHELLE PULLINS,
95 Franklin Street, 8th Floor
Buffalo, New York 14202

LASHAE BARNER,
95 Franklin Street, 8th Floor
Buffalo, New York 14202

REBECCA BARTOLOTTA,
95 Franklin Street, 8th Floor
Buffalo, New York 14202

JOHN DOES 1-5
names and address unknown



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

MARK C. POLONCARZ

COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

KRISTEN M. WALDER
SECOND ASSISTANT COUNTY ATTORNEY

December 20, 2021

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

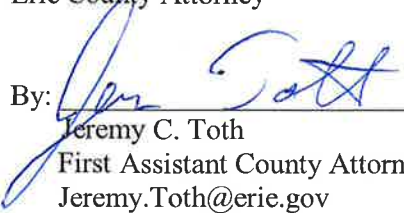
In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Phillips, Laura v. County of Erie</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Laura N. Phillips 107 Pryor Avenue Tonawanda, New York 14150
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: 
Jeremy C. Toth
First Assistant County Attorney
Jeremy.Toth@erie.gov

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

LAURA PHILLIPS,

Complainant,

v.

COUNTY OF ERIE,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.
10214634

Federal Charge No. 16GC200711

I, Laura Phillips, residing at 107 Pryor Ave., Tonawanda, NY, 14150, charge the above named respondent, whose address is 95 Franklin Street, Buffalo, NY, 14202-3959 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of sex, race/color, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 10/15/2021.

The allegations are:

SEE ATTACHED

7. Basis of alleged discrimination:

Check **ONLY** the boxes that you believe were the reasons for discrimination. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

<input type="checkbox"/> Age: Date of Birth: _____	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves
<input type="checkbox"/> Arrest Record (<i>resolved in your favor or youthful offender record or sealed conviction record</i>)	<input type="checkbox"/> National Origin: Please specify: _____
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Predisposing Genetic Characteristic: Please specify: _____
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Race/Color or Ethnicity: Please specify: <u>Black</u> _____
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input type="checkbox"/> Familial Status: Please specify: _____	<input type="checkbox"/> Sex: Please specify: <u>Female</u> _____ Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Gender Identity <input type="checkbox"/> Transgender Status <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Marital Status: Please specify: _____	

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

Retaliation: How you did you oppose discrimination: Filed DHR complaint

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input type="checkbox"/> Refused to hire me	<input type="checkbox"/> Denied me an accommodation for my disability or pregnancy-related condition	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Harassed/ intimidated me (other than sexual harassment)
<input type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Denied me overtime benefits	<input type="checkbox"/> Sexually harassed or intimidated me	<input type="checkbox"/> Did not call back after lay-off
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Denied me services/treated differently by employment agency
<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Unlawful inquiry, or limitation, specification or discrimination in job advertisement
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Denied a license by a licensing agency	<input type="checkbox"/> Other:

As part of my ongoing and open NYSDHR case (#)- I want to add to some of my previous statements (for racial and gender discrimination) where I had my job duties revoked/changed against my will and for no honest reason; I was moved to a different job location farther away from home and in a less desirable position d/t alleged need for "cross training" among staff. However, as stated in my rebuttal I was the ONLY staff at the time who was ALREADY cross trained in both locations; further i was moved into two undesirable offices, one dirty, with no locks/locks deliberately removed and one in a basement where I specifically asked not to go because there were other available offices.

On 10/7/2021, two white coworkers exchanged harsh words. It was an argument that had been brewing for approximately a year and several co-workers had made complaints to our supervisor Kate Hilliman beginning in April of 2021 about our concerns. One of the women had been posting offensive material on her office door, saying offensive things to us, not speaking to us, bumping some people as they walked past and had advanced while screaming in an aggressive manner toward myself and another coworker. All of the other women in my office had made their concerns known to Ms. Hilliman verbally and/or via email or phone. I admit that I was the only one who did not say anything as I did not want to invite further retaliation from ECDSS-YS; especially from Kate Hilliman, a white supervisor who had already tried to get me in trouble before she met me.

On the above date, when the two women argued, Kate Hilliman (under the direct supervision of Paul Kubala) told one of the women that she would resolve the issue by moving the "harasser" to a vacant office away from us. However, as of this date, 10/18/2021, nothing has changed. Ms. Hilliman has since stated that she has no plans to move the "harasser" anytime soon or unless one of us volunteers to also move with her. Ms. Hilliman told us she would just "pick a name out of a hat" if no one volunteered. She said this even after two women emailed her to tell her that we feel unsafe in the presence of the "harasser" Ms. Hilliman said these things both in email and in person to us. There have been no disciplines or interventions (in a year); she has been allowed to use her office door to make threatening and derogatory statements and lies about us and about public figures- all in violation of our agency policy. She has not been held accountable in any way.

When I was accused of taking a photograph of a sign inside the Detention facility (which is a violation of a policy but is arbitrarily enforced) - I was immediately suspended, threatened with termination, isolated in a dirty office where my supervisor (Cynthia Link, under the direct supervision of Paul Kubala) ordered the locks removed, had my clients removed from me with no explanation to them, stripped of all of my job duties and directed I was not even allowed to tell my clients/residents or the staff what was going on. The administration made an effort to humiliate and degrade me because my direct supervisor Cynthia Link was threatened by the good work I was doing and the good relationships I had formed with the clients and staff. Eventually, I was further punished by moving me out of the building and into a job location approximately 6 miles further away and where I had no parking and no clients and no staff.

This is an example of how Black workers are unjustly and harshly dealt with and “set up” to fail and be blackballed by this administration; while White workers are handled with care, respect, deference and not held accountable.

Notarization of Complaint

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

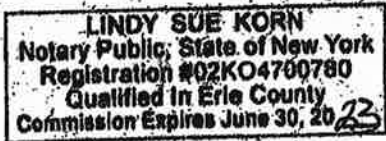
PLEASE INITIAL LP

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Laura Phillips
Sign your full legal name

Subscribed and sworn before me
This 18 day of October, 2021

Lindy Sue Korn
Signature of Notary Public



County: Erie Commission expires: 6/30/2023

Please note: Once this form is completed, notarized, and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.

Administrative Information

Section 101 - This administrative section contains information regarding the project and is intended to provide a general overview of the project and its objectives.

Section 102 - This section provides a detailed description of the project's goals and objectives, including the specific tasks to be performed and the expected outcomes.

Section 103 - This section describes the project's organizational structure, including the roles and responsibilities of the project team members.

Section 104 - This section provides information regarding the project's budget, including the estimated costs and the funding sources.

Section 105 - This section provides information regarding the project's timeline, including the start and end dates and the key milestones.

[Handwritten signature]
Date: _____

[Handwritten signature]
Date: _____



[Handwritten signature]

Section 106 - This section provides information regarding the project's risk management, including the identification of potential risks and the strategies to mitigate them.

Michael B. Risman
 Partner
 Direct Dial: 716.848.1291
 Direct Facsimile: 716.819.4758
mrisman@hodgsonruss.com



December 22, 2021

Robert M. Graber
 Clerk of the Legislature
 Erie County Legislature
 92 Franklin Street, Fourth Floor
 Buffalo, New York 14202

Dear Mr. Graber:

Re: Buffalo City Cemetery ("Forest Lawn") Mergers

I represent the Buffalo City Cemetery (d/b/a "Forest Lawn Group"). I am writing to request the Erie County Legislature approve the mergers of three cemeteries with and into Forest Lawn.

By way of background, the Griffins Mills Cemetery Association in West Falls, Mount Olive Cemetery Association in Akron, and Bloomingdale Cemetery Association a/k/a Evergreen Lawn Cemetery Association in Akron, each wish to merge with and into Forest Lawn to improve the quality and efficiency of ongoing capital and maintenance needs at the respective cemeteries. Griffins Mills Cemetery is located at 67 West Falls Road in West Falls, New York 14170. Mount Olive Cemetery is located on South Newstead Road, Akron, New York 14001. Evergreen Lawn Cemetery is located at 13430 Bloomingdale Rd., Akron, New York 14001. The proposed mergers will be beneficial to the lot owners of each cemetery and the public health and welfare of the residents of Erie County.

Pursuant to New York State Not-For-Profit Corporation Law section 1506(c), approval of the transactions by the Erie County Legislature is required. There is no cost to the County as a result of the transactions and the County is not assuming any responsibility with respect to the cemeteries. I have enclosed draft proposed resolutions for your review and consideration. I would respectfully request that these resolutions be placed on the Legislature's agenda and that a public hearing be scheduled in approximately ten (10) weeks. The applications may legally be considered by the Legislature after Forest Lawn publishes notice of the applications in two newspapers once a week for six weeks.

I will be contacting you regarding scheduling the hearing, the two newspapers notice should be published in for each cemetery, and contacting the legislators in the relevant districts.

Thank you for your consideration. If you have any questions, please contact me.

December 22, 2021
Page 2

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael B. Risan".

Michael B. Risan

MBR/bml
Enclosures

ERIE COUNTY LEGISLATURE

**Resolution Approving the Merger of the Griffins Mills Cemetery Association
with and into the Buffalo City Cemetery, Inc. d/b/a Forest Lawn Group**

WHEREAS, The Buffalo City Cemetery, Inc. d/b/a the 'Forest Lawn Group,' a New York cemetery corporation ("Forest Lawn") has agreed to merge with the Griffins Mills Cemetery Association (the "Association"), a New York cemetery corporation consisting of what is commonly known as the "Griffins Mills Cemetery," which includes approximately 7.5 acres located at 67 West Falls Road, West Falls, County of Erie, State of New York; SBL No. 186.04-1-24 (the "Cemetery") pursuant to a written agreement between Forest Lawn and the Association (referred to as the "Transaction"); and

WHEREAS, in connection with the Transaction, Forest Lawn has requested the County Legislature's consent as required by New York State Not-For-Profit Corporation Law Section 1506(c); and

WHEREAS, pursuant to Section 1506(c), notice of the application for consent has been published, once a week, for six weeks, in two newspapers published in the County as the Legislature has designated; and

WHEREAS, the Association wishes to merge with and into Forest Lawn to improve the quality and efficiency with which the ongoing capital and maintenance needs of the Cemetery are met; and

WHEREAS, Forest Lawn is ready and equipped to assume such responsibilities at the Cemetery; and

WHEREAS, the merger of the Association with and into Forest Lawn will be beneficial to the lot owners of the Cemetery and the public health and welfare of the residents of Erie County; and

WHEREAS, the County Legislature wishes to approve the Transaction:

NOW THEREFORE BE IT RESOLVED by the Erie County Legislature that the Transaction is hereby approved; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute any required documents in connection with the matter contemplated above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Erie County Attorney; the Erie County Comptroller, and the New York State Cemetery Board.

PASSED AND ADOPTED by the Erie County Legislature on _____, 2022.

ERIE COUNTY LEGISLATURE

**Resolution Approving the Merger of The Mount Olive Cemetery Association
with and into the Buffalo City Cemetery, Inc. d/b/a Forest Lawn Group**

WHEREAS, The Buffalo City Cemetery, Inc. d/b/a the 'Forest Lawn Group,' a New York cemetery corporation ("Forest Lawn") has agreed to merge with The Mount Olive Cemetery Association (the "Association"), a New York cemetery corporation consisting of what is commonly known as the "Mount Olive Cemetery," which includes approximately 2.6 acres located on South Newstead Road, Akron, County of Erie, State of New York; SBL No. 74.00-1-12 and 74.00-1-11 (the "Cemetery") pursuant to a written agreement between Forest Lawn and the Association (referred to as the "Transaction"); and

WHEREAS, in connection with the Transaction, Forest Lawn has requested the County Legislature's consent as required by New York State Not-For-Profit Corporation Law Section 1506(c); and

WHEREAS, pursuant to Section 1506(c), notice of the application for consent has been published, once a week, for six weeks, in two newspapers published in the County as the Legislature has designated; and

WHEREAS, the Association wishes to merge with and into Forest Lawn to improve the quality and efficiency with which the ongoing capital and maintenance needs of the Cemetery are met; and

WHEREAS, Forest Lawn is ready and equipped to assume such responsibilities at the Cemetery; and

WHEREAS, the merger of the Association with and into Forest Lawn will be beneficial to the lot owners of the Cemetery and the public health and welfare of the residents of Erie County; and

WHEREAS, the County Legislature wishes to approve the Transaction:

NOW THEREFORE BE IT RESOLVED by the Erie County Legislature that the Transaction is hereby approved; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute any required documents in connection with the matter contemplated above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Erie County Attorney; the Erie County Comptroller, and the New York State Cemetery Board.

PASSED AND ADOPTED by the Erie County Legislature on _____, 2022.

ERIE COUNTY LEGISLATURE

Resolution Approving the Merger of The Bloomingdale Cemetery Association a/k/a Evergreen Lawn Cemetery Association with and into the Buffalo City Cemetery, Inc. d/b/a Forest Lawn Group

WHEREAS, The Buffalo City Cemetery, Inc. d/b/a the 'Forest Lawn Group,' a New York cemetery corporation ("Forest Lawn") has agreed to merge with The Bloomingdale Cemetery Association a/k/a Evergreen Lawn Cemetery (the "Association"), a New York cemetery corporation consisting of what is commonly known as the "Evergreen Lawn Cemetery," which includes approximately 11.5 acres located at 13430 Bloomingdale Road, Akron, County of Erie, State of New York; SBL No. 33.00-3-7.211 and 33.00-3-27.1 (the "Cemetery") pursuant to a written agreement between Forest Lawn and the Association (referred to as the "Transaction"); and

WHEREAS, in connection with the Transaction, Forest Lawn has requested the County Legislature's consent as required by New York State Not-For-Profit Corporation Law Section 1506(c); and

WHEREAS, pursuant to Section 1506(c), notice of the application for consent has been published, once a week, for six weeks, in two newspapers published in the County as the Legislature has designated; and

WHEREAS, the Association wishes to merge with and into Forest Lawn to improve the quality and efficiency with which the ongoing capital and maintenance needs of the Cemetery are met; and

WHEREAS, Forest Lawn is ready and equipped to assume such responsibilities at the Cemetery; and

WHEREAS, the merger of the Association with and into Forest Lawn will be beneficial to the lot owners of the Cemetery and the public health and welfare of the residents of Erie County; and

WHEREAS, the County Legislature wishes to approve the Transaction:

NOW THEREFORE BE IT RESOLVED by the Erie County Legislature that the Transaction is hereby approved; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute any required documents in connection with the matter contemplated above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Erie County Attorney; the Erie County Comptroller, and the New York State Cemetery Board.

PASSED AND ADOPTED by the Erie County Legislature on _____, 2022.