

**ERIE COUNTY LEGISLATURE
MEETING NO. 25
SPECIAL MEETING
DECEMBER 14, 2010**

The Legislature was called to order by Chair Miller-Williams.

All members present.

An Invocation was held, led by Ms. Dixon, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Loughran.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR KENNEDY

Item 1 – (COMM. 25E-1) Letter of Resignation Effective 12/13/2010

CHAIR MILLER-WILLIAMS directed that the item be Received, Filed and Printed.

GRANTED.

December 10, 2010

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, N.Y. 14202

Dear Mr. Graber:

Effective December 13, 2010 at 11:59 P.M., I hereby resign my position as Erie County Legislator – 2nd District.

It has been a privilege and an honor to serve the residents of the Second District as an Erie County Legislator for the past 6 years. I look forward to continuing to represent the residents of Western New York in the New York State Senate.

It has truly been an honor to work with my colleagues and staff in the Erie County Legislature. I look forward to partnering with the legislature in addressing the needs of the region.

Sincerely,

TIMOTHY M. KENNEDY
Erie County Legislator, 2nd District

FROM CHAIR MILLER-WILLIAMS

Item 2 – (COMM. 25E-2) Letter to Legislature Clerk Directing the Calling of the Special Meeting

CHAIR MILLER-WILLIAMS directed that the item be Received, Filed and Printed.

GRANTED.

December 10, 2010

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, N.Y. 14202

Dear Mr. Graber:

Please be advised that there is a need to call a Special Meeting of the Erie County Legislature in order to fill a vacancy in the Second District, due to the resignation of Legislator Timothy M. Kennedy. Therefore, pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a SPECIAL MEETING of the Erie County Legislature to be held on TUESDAY, DECEMBER 14, 2010 at 1:30 O'CLOCK in the afternoon of that day in the Erie County Legislature Chambers, 4th Floor of Old County Hall, 92 Franklin St., Buffalo, N.Y.

The purpose of the Special Meeting will be to consider a communication from the Democratic Majority filling a vacancy in the Legislature's Second District.

The items on the agenda of the Special Meeting will include the resignation letter of Legislator Kennedy; the Democratic Majority communication concerning the Second District appointment; my letter to you directing the calling of the Special Meeting; and your Memo as Clerk of the Legislature to Members of the Legislature calling the Special Meeting.

Thank you.

Sincerely,

Barbara Miller-Williams, Chair
Erie County Legislature

FROM LEGISLATOR WHYTE

Item 3 – (COMM. 25E-3) Filling Vacancy in Second Legislative District

MS. WHYTE moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

December 10, 2010

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

Dear Mr. Graber,

Please accept this as confirmation that the Democratic Majority will make the appointment necessary to fill the vacancy resulting from Legislator Timothy M. Kennedy's resignation as second district legislator at the Special Meeting of the Legislature scheduled for Tuesday, December 14, 2010, at 1:30 P.M.

Thank you for your attention to this matter.

Sincerely,

Maria R. Whyte, Democratic Majority Leader
Erie County Legislator - 6th District

MS. WHYTE moved to amend the communication by attaching the Erie County Democratic Committee letter concerning the Second Legislative District appointment. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to further amend the communication by attaching the Democratic Majority petition concerning the Second Legislative District appointment. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to Receive, File and Print the communication as amended. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

December 13, 2010

Clerk Robert Graber
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, N.Y. 14202

Dear Clerk Graber:

Please be advised that pursuant to the rules of the Erie County Democratic Committee, Article 1, Section 8, a meeting of the ECDC members of the 2nd Legislative District was held at 10:30 am on Saturday, December 11, 2010 at the Knights of Columbus Nash Council, 261 S. Legion Drive,

Buffalo, NY, for the purpose of endorsing a candidate to fill the vacancy in the 2nd Erie County Legislative District.

At the meeting, the 2nd District Committeemembers endorsed Timothy J. Whalen, 684 McKinley Pky., Buffalo, NY 14220, to fill the vacancy left in the 2nd Erie County Legislative District.

Sincerely,

Leonard R. Lenihan
Chairman

December 13, 2010

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, N.Y. 14202

RE: Appointment of Timothy J. Whalen to fill vacancy in the 2nd Legislative District

Dear Mr. Graber:

Pursuant to Section 2705 of the Erie County Charter, we, the undersigned representing a majority of the members of the Erie County Legislature enrolled as members of the Democratic Party do hereby appoint Timothy J. Whalen, of 684 McKinley Pkwy., Buffalo, NY 14220, a duly qualified elector of the second legislative district, having the same political affiliation as the person last elected to such office, to fill the vacancy in the office of second district County Legislator.

Said appointment shall take effect on December 14, 2010.

Daniel M. Kozub, 1st District

Barbara Miller-Williams, 3rd District

Maria R. Whyte, 6th District

Betty Jean Grant, 7th District

Thomas J. Mazur, 8th District

Christina W. Bove, 9th District

Lynn M. Marinelli, 11th District

Thomas A. Loughran, 14th District

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 4 – (COMM. 25D-1) Special Meeting Notice

CHAIR MILLER-WILLIAMS directed that the item be Received, Filed and Printed.

GRANTED.

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: SPECIAL MEETING NOTICE, FILLING VACANCY
IN SECOND LEGISLATIVE DISTRICT

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, and under the direction of Chair Barbara Miller-Williams, there will be a SPECIAL MEETING of the Erie County Legislature on TUESDAY, DECEMBER 14, 2010 at 1:30 O'CLOCK in the afternoon of that day in the Erie County Legislature Chambers, 4th Floor of Old County Hall, 92 Franklin St., Buffalo, N.Y.

The purpose of the Special Meeting will be to consider a communication from the Democratic Majority filling a vacancy in the Legislature's Second District.

The items on the agenda of the Special Meeting will include the resignation letter of Legislator Kennedy; the Democratic Majority communication concerning the Second District appointment; Chair Miller-Williams' letter to me directing the calling of the Special Meeting; and my Memo as Clerk of the Legislature to Members of the Legislature calling the Special Meeting.

Thank you.

ANNOUNCEMENTS

Item 5 – CHAIR MILLER-WILLIAMS announced that the Budget Override Session of the Legislature will be held today (December 14, 2010) at 2:00 P.M.

MEMORIAL RESOLUTIONS

Item 6 – CHAIR MILLER-WILLIAMS directed that the Legislature observe a moment of silence.

GRANTED.

ADJOURNMENT

Item 7 - At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Tuesday, December 14, 2010 at 2:00 P.M. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Tuesday, December 14, 2010 at 2:00 P.M. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE