



THE ERIE COUNTY LEGISLATURE

Session No. 4
February 3, 2005

George A. Holt, Jr.
Chairman

Lynn M. Marinelli
Majority Leader

Michael H. Ranzenhofer
Minority Leader

Kevin M. Kelley
Clerk of the Legislature

ROLL CALL

INVOCATION – Mr. Kennedy

PLEDGE OF ALLEGIANCE – Ms. Marshall

RULES OF THE LEGISLATURE FOR 2005

APPOINTMENT OF MAJORITY & MINORITY STAFF

APPOINTMENT OF MAJORITY & MINORITY COUNSELS

DESIGNATION OF NEWSPAPERS

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS

KUWIK	Recognizing Father Peter Drilling, Pastor of St. Anthony's Church in Lackawanna
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MARINELLI	Recognizing February 15, 2005 as Susan B. Anthony Day in Erie County
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MARINELLI	Recognizing February 14, 2005 as Project H.O.P.E. Day in Erie County
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SMITH & HOLT	Honoring Faith Missionary Baptist Church Upon Its 50th Anniversary
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WROBLEWSKI	Honoring Roger Batt for Receiving a Perfect Score On His S.A.T. Examination
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WROBLEWSKI	Honoring West Seneca Boy Scout Mathew Dimmig From Troop #517 For Developing a Library for Disabled Individuals
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SMITH & HOLT	Recognizing Lillian J. Davis Willson, Executive Director of St. Philip's Community Center
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MCCARVILLE, MINORITY CAUCUS	Honoring the 2005 Buffalo News Short Story Winners: Cathy Hofher, Mary E. Zablocki, & Craig W. Turner
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SWANICK, MINORITY CAUCUS	Honoring the Career Of Spencer P. Schofield As He Retires from Public Service With The County of Erie
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WEINSTEIN

Congratulating Erie County Public Works Commissioner Maria Lehman as She Receives the National President's Medal from the American Society of Civil Engineers

<u>LOCAL LAWS</u>			<u>REFERENCE</u>
LL INT 10-1 7/8/2004	HOLT, MARINELLI, MINORITY CAUCUS, WROBLEWSKI	A LL Rel To Agreements For Management & Operation Of Buffalo Zoological Gardens, Shea's, Kleinhans & Botanical Gardens	Community Enrichment
LL INT 12-1 10/15/2004	WROBLEWSKI, MINORITY CAUCUS	A LL In Rel To Support Of Buffalo & Erie County Public Library	
LL INT 14-1 10/18/2004	SMITH, MAJORITY CAUCUS, WEINSTEIN, CHASE, RANZENHOFER, McCARVILLE	A LL In Rel To Regulation Of Home Health Care Services Provided Pursuant To EC Contracts ADDITIONAL SPONSORS: SWANICK & MARSHALL	
LL INT 15-1 11/10/2004	McCARVILLE, MINORITY CAUCUS	A LL Defining Lobbyists & Their Retention By Erie County	
LL INT 16-1 11/16/2004	SMITH	A LL In Rel To Alcohol Without Liquid Machines	Human Services
LL INT 16-2 1/5/2005	SMITH & KENNEDY	A LL To Prohibit The Sale, Purchase, & Use Of Alcohol Without Liquid (AWOL) Machines Or Alcohol Vapor Devices Within ED	
LL INT 17-1 11/17/2004	SMITH	A LL Defining How Large Retail Stores Will Be Regulated In Erie County	
LL INT 18-1 12/1/2004	SMITH	A LL To Prevent Misuse Of Photo Phones In Public Areas	
LL INT 18-2 1/5/2005	SMITH & KENNEDY	A LL To Prohibit The Possession And/Or Use Of "Photo Phones" In Private Areas.	
LL INT 1-1 1/12/2005	KENNEDY, MARINELLI, DUSZA, DEBENEDETTI, & HOLT	A LL Establishing And Convening A Commission, To Be Known As The Citizen's Budget Review Commission Of Erie County	
LL INT 1-2 1/26/2005	MAJORITY CAUCUS, RANZENHOFER, MARSHALL, SWANICK, CHASE, MCCARVILLE, CUSACK	A LL Amending EC LL No. 1-1959, As Amended, Constituting The Erie County Charter, Establishing And Convening A Commission, To Be Known As The Citizens' Budget Review Commission Of Erie County.	
LL INT 2-1 1/12/2005	KENNEDY	A LL In Relation To A Requirement For Worker Training Programs By Contractors & Subcontractors Under Contract With The County Of Erie	

LL INT 3-1 1/18/2005	RANZENHOFER, CHASE, CUSACK, SWANICK, MCCARVILLE	A LL Amending EC LL No. 1-1959, As Amended, Constituting The EC Charter Establishing And Concerning A Commission, Known As The Citizens' Budget Review Commission Of Erie County
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COMMITTEE REPORTS

LEGISLATOR RESOLUTIONS:

REFERENCE

INTRO 4-1	RANZENHOFER, SWANICK, CHASE, MARSHALL, MCCARVILLE & CUSACK	Financial Accountability & Oversight
INTRO 4-2	MINORITY CAUCUS	Extension of Deadline for the Collection of Real Property Taxes and/or a Two (2) Week Suspension of Penalties and Fees for the Late Payment of Real Property Taxes
INTRO 4-3	DUSZA	Arthur Benson Memorial Highway
INTRO 4-4	RANZENHOFER & CHASE	Transfer of Public Benefit Funds
INTRO 4-5	CHASE	Reallocation of 2004 Public Benefit Funding
INTRO 4-6	KUWIK, SWANICK, DUSZA, CHASE, & SMITH	Supporting the Efforts of the NYS Department of State's Office of Fire Prevention & Control (OFPC)

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

REFERENCE

COMM. 4E-1	RANZENHOFER	Republican Caucus' 2005 Erie County Legislature Committee Assignments	RFP
COMM. 4E-2	MARSHALL	Explanation for Absence from Session of the Legislature on 1/20/05	RFP
COMM. 4E-3	COMPTROLLER	Apportionment and Distribution of 4% Sales Tax for January	Finance & Management
COMM. 4E-4	COUNTY EXECUTIVE	Extension of Additional 1% Sales and Compensating Use Tax; Amendment of Erie County Sales and Use Tax Resolution; Immediate Consideration and Adoption Requested	R&F
COMM. 4E-5	COUNTY EXECUTIVE	Imposition of Further Additional 1% Sales and Compensating Use Tax; Amendment of Erie County Sales and Use Tax Resolution	
COMM. 4E-6	COUNTY EXECUTIVE	ECMCC - Capital Expenditures	
COMM. 4E-7	COUNTY EXECUTIVE	Erie County Sewer Construction Projects - Annual Change Order Report	Energy & Environment
COMM. 4E-8	COUNTY EXECUTIVE	DEP - Sewer Management - Proposed Agreement, Staff Development Services - Employee Performance Evaluation Training	Energy & Environment

COMM. 4E-9	COUNTY EXECUTIVE	Emergency Services - Acceptance of Award from the Federal Emergency Management Agency to Establish a Grant to Conduct Exercises of the International Joint Committee's Emergency Contingency Plan	Public Safety
COMM. 4E-10	COUNTY EXECUTIVE	DEP - GIS Enhancements Grant - Consultant Selection	Government Affairs
COMM. 4E-11	COUNTY EXECUTIVE	DPW - Map No. 58123-1, Parcel No. 5C - Conveyance of Excess Highway Right-Of Way - To Property Owner of 5015 Sale Road - Town of Clarence	Economic Development
COMM. 4E-12	COUNTY EXECUTIVE	ECSD No. 3 - Proposed Village of Hamburg Extension (2004)	Energy & Environment
COMM. 4E-13	COUNTY EXECUTIVE	EC/Southtowns Sewage Treatment Agency (Southtowns) - Increase and Improvement of Facilities (2004)	Energy & Environment
COMM. 4E-14	COUNTY EXECUTIVE	ECSD No. 2 - Proposed Modifications of Plans - Erie County Sewer Agency Report	Energy & Environment
COMM. 4E-15	COUNTY EXECUTIVE	Reappointment to the Erie County Board of Health	RFP
COMM. 4E-16	COUNTY EXECUTIVE	EC/Southtowns Sewage Treatment Agency - Proposed Village of Blasdell Connection - Amended Erie County Sewer Agency Report	Energy & Environment
COMM. 4E-17	COUNTY EXECUTIVE	EC/Southtowns Sewage Treatment Agency - Engineering Service Agreement - Dated 4/20/2000 - Change Order No. 5 - R&D Engineering, Inc.	Energy & Environment
COMM. 4E-18	COUNTY EXECUTIVE	ECSD No. 6 - Proposed Increase & Improvement of Facilities - EC Sewer Agency Report	Energy & Environment
COMM. 4E-19	COUNTY EXECUTIVE	DEP - Household Hazardous Waste Collection Program	Energy & Environment
COMM. 4E-20	COUNTY EXECUTIVE	County Clerk - Acceptance of Grant from NYS Division of Criminal Justice	Public Safety
COMM. 4E-21	COUNTY EXECUTIVE	Senior Services – Authorization to Amend the EISEP, CSE and III-B Grant Budgets	Human Services
COMM. 4E-22	COUNTY EXECUTIVE	Adjustments and Transfers to 2005 County Budget	

<u>COMMUNICATIONS FROM THE DEPARTMENTS:</u>			<u>REFERENCE</u>
COMM. 4D-1	BECPL	Proposed Agenda for Meeting Held 1/20/05	R&F
COMM. 4D-2	COUNTY ATTORNEY	Notice of Filing of LL No. 1 - 2005 with Secretary of State	RFP
COMM. 4D-3	COUNTY ATTORNEY	Home Rule Requests for Passage of Tax Bills for Additional Sales Tax & Further Additional 1% Sales Tax; Drop-dead Deadline Date for Imposition of Additional Sales Tax	Finance & Management
COMM. 4D-4	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 4D-5	DEP	SEQR - Negative Declaration - Extension of ECSD No. 3	Energy & Environment
COMM. 4D-6	DISS - FLEET SERVICES	4th Quarter 2004 Review	Government Affairs
COMM. 4D-7	COUNTY ATTORNEY	ECMC Public Benefit Corporation - Transition Period	Government Affairs
COMM. 4D-8	ECC	Agenda of Board of Trustees Meeting Held 1/26/05	R&F
COMM. 4D-9	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 4D-10	COUNTY ATTORNEY	Notice of Approval of Comm. 30E-49	R&F
COMM. 4D-11	DPW	2004/2005 Snow Plow Routes	Economic Development
COMM. 4D-12	COUNTY ATTORNEY	Letter to Chairman Holt Re: Lay-Off Notices within the Department of the Legislature	Government Affairs
COMM. 4D-13	DPW	Copy of Memo To County Attorney's Office Re: Capital Projects that Need to Remain Open if Red Budget is Implemented	Economic Development
COMM. 4D-14	HEALTH	Proposed Amendments to the EC Sanitary Code and Notice of Public Hearing on Amendment on 2/24/05	Human Services
COMM. 4D-15	ECC	Minutes for Board of Trustees Meeting Held 12/15/04	R&F
COMM. 4D-16	COUNTY ATTORNEY	Notice of Suit Against ECL, County Executive, Commissioner of Personnel by DA Frank J. Clark	Government Affairs

COMM. 4D-17	BUDGET, FINANCE, & MANAGMENT	Audit of the County's Procurement Process for the 3 Year Period Ending 12/31/03	Finance & Management
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COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES: **REFERENCE**

COMM. 4M-1	GARY S. HOWELL	Petition Opposing Proposed Sales Tax Increase	Finance & Management
COMM. 4M-2	EC ENVIRONMENTAL MANAGEMENT COUNCIL	2004 State of the Environment Report	Energy & Environment
COMM. 4M-3	TOWN OF CHEEKTOWAGA	Certified Resolution Urging Extending Period for Penalty on Taxes	Finance & Management
COMM. 4M-4	NYS OFFICE OF TEMPORARY & DISABILITY ASSISTANCE	Letter to Chairman Re: Changes in Local Discretion of TANF Funds	Human Services
COMM. 4M-5	VILLAGE OF FARNHAM	Certified Resolution Re: Medicaid Impact of Local Cities, Towns, & Villages	R&F
COMM. 4M-6	KEVIN P. GAUGHAN	"The Gaughan Plan" for EC & Buffalo Merger	Government Affairs
COMM. 4M-7	VILLAGE OF ANGOLA	Certified Resolution Re: Medicaid Impact of Local Cities, Towns, & Villages	R&F
COMM. 4M-8	VILLAGE OF FARNHAM	Certified Resolution Re: Medicaid Impact of Local Cities, Towns, & Villages	R&F
COMM. 4M-9	VILLAGE OF ANGOLA	Certified Resolution Re: Sharing of Additional Penny With Municipalities	R&F
COMM. 4M-10	GARY S. HOWELL	Petition Opposing Proposed Sales Tax Increase	Finance & Management
COMM. 4M-11	ECWA	Unaudited Comparative Financial Statements for the Years Ended 12/31/04 & 12/31/03	Energy & Environment

MEMORIAL RESOLUTIONS:

ADJOURNMENT: