

ERIE COUNTY LEGISLATURE
MEETING NO. 1
January 6, 2005

The Legislature was called to order by the Clerk of the Legislature.

The Roll being duly called by Mr. Kevin M. Kelley, Clerk of the Legislature, the following Legislators answered to wit:

1st District

Edward J. Kuwik

2nd District

Timothy M. Kennedy

3rd District

George A. Holt, Jr.

4th District

Michael H. Ranzenhofer

5th District

Denise E. Marshall

6th District

Albert DeBenedetti

7th District

Demone A. Smith

8th District

Raymond K. Dusza

9th District

Timothy M. Wroblewski

10th District

Charles M. Swanick

11th District

Lynn M. Marinelli

12th District

Jeanne Z. Chase

13th District

Steven P. McCarville

14th District

Elise M. Cusack

15th District

Barry A. Weinstein

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Chase.

Item 1 – Mr. Kelley called for nominations for the Office of Chairman of the Legislature for the year 2005.

MS. MARINELLI placed in nomination for Chairman of the Legislature **GEORGE A. HOLT, JR.** MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. SWANICK moved that nominations be closed. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

The Clerk of the Legislature directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, WROBLEWSKI. (AYES – 15, NOES – 0).

MR. HOLT having received the required number of votes cast was declared duly elected **CHAIRMAN OF THE ERIE COUNTY LEGISLATURE** for the year 2005.

Item 2 – **CHAIRMAN HOLT** directed that the Rules of Legislature for 2005 be tabled.

Item 3 – **CHAIRMAN HOLT** called for nominations and election of the Clerk of the Legislature for the year 2005.

MS. MARINELLI placed in nomination for Clerk of the Legislature **Kevin M. Kelly**. **MR. SMITH** seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, representing a Majority of the members of the Erie County Legislature do hereby designate **KEVIN M. KELLEY** as Clerk of the Erie County Legislature for 2005.

Albert DeBenedetti
 George A. Holt, Jr.
 Edward J. Kuwik
 Demone A. Smith

Raymond K. Dusza
 Timothy M. Kennedy
 Lynn M. Marinelli
 Timothy M. Wroblewski

MS. MARINELLI moved for the approval of Kevin M. Kelley as Clerk of the Legislature for 2005. **MR. SMITH** seconded.

CARRIED UNANIMOUSLY.

Item 4 – **CHAIRMAN HOLT** called for nominations for the Majority Leader of the Legislature for 2005.

MR. SMITH placed in nomination for Majority Leader of the Legislature **LYNN M. MARINELLI**. **MR. DUSZA** seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved that nominations be closed. **MR. DUSZA** seconded.

CARRIED UNANIMOUSLY.

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We, the undersigned, representing a Majority of the members of the Erie County Legislature do hereby nominate **LYNN M. MARINELLI** as Majority Leader of the Erie County Legislature for 2005.

Albert DeBenedetti
 George A. Holt, Jr.
 Edward J. Kuwik
 Demone A. Smith

Raymond K. Dusza
 Timothy M. Kennedy
 Lynn M. Marinelli
 Timothy M. Wroblewski

MR. SMITH moved for the approval of Lynn M. Marinelli as Majority Leader of the Legislature for 2004. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. SWANICK placed in nomination for Minority Leader of the Legislature **MICHAEL RANZENHOFER**. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

MR. SWANICK moved that nominations be closed. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, representing a Minority of the members of the Erie County Legislature do hereby nominate **MICHAEL H. RANZENHOFER** as Minority Leader of the Erie County Legislature for 2005.

MICHAEL H. RANZENHOFER
 ELISE M. CUSACK
 STEVEN P. McCARVILLE

DENISE E. MARSHALL
 JEANNE Z. CHASE
 BARRY A. WEINSTEIN

MR. SWANICK moved for the approval of Michael H. Ranzenhofer as Minority Leader of the Legislature for 2005. Mr. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

Item 6 – CHAIRMAN HOLT directed that the Appointment of Majority & Minority Staff be tabled.

Item 7 – CHAIRMAN HOLT directed that the Appointment of Majority & Minority Counsels be tabled.

Item 8 – CHAIRMAN HOLT directed that the communications designating the Majority Newspaper for the year 2005 be RECEIVED, FILED & PRINTED.

*** See meeting no. 2 for Minority designation of newspapers for 2005.

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We, the undersigned, a Majority of the Majority Caucus of the Erie County Legislature do hereby designate the **Front Page**, published in Lackawanna, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2005.

Albert DeBenedetti
 George A. Holt, Jr.
 Edward J. Kuwik
 Demone A. Smith

Raymond K. Dusza
 Timothy M. Kennedy
 Lynn M. Marinelli
 Timothy M. Wroblewski

Item 9 – CHAIRMAN HOLT directed that the communications designating the Minority Newspaper for the year 2005 be tabled.

Item 10 – No tabled items.

Item 11 – No items for reconsideration from previous meeting.

Item 12 – Minutes of previous meeting were tabled.

Item 13 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 14 – MR. SMITH presented a resolution In Memory of Sada Jones. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 15 – HOLT & SMITH presented a resolution Recognizing the Centennial of the Niagara Movement Founding. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 16 – MAJORITY CAUCUS presented a resolution Honoring the Life of Shirley Chisholm, First African-American Woman Elected to Congress. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 17 – HOLT & SMITH presented a resolution In Memory of Joyce Marie Stokes. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. WROBLEWSKI presented a resolution Honoring the Recipients of the West Seneca Chamber of Commerce Annual Awards 2004. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. WROBLEWSKI presented a resolution Honoring Detective Lou Giordano Retiring After 33 Year Career with West Seneca Police Department. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 20 – MR. SMITH presented a resolution In Memory of Arthur Carmichael. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above seven resolutions as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 21 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 23 – CHAIRMAN HOLT directed that Local Law No. 12 (Print #1) 2004 remain on the table.

GRANTED.

Item 24 – CHAIRMAN HOLT directed that Local Law No. 14 (Print #1) 2004 remain on the table.

GRANTED.

Item 25 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

GRANTED.

Item 26 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2004 remain on the table and be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Item 27 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

GRANTED.

Item 28 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #1) 2004 remain on the table.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

Item 29 – CHAIRMAN HOLT directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 1-1 From LEGISLATOR DUSZA Re: Extension of Deadline for Collection for Real Property Tax.

Item 30 – CHAIRMAN HOLT directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 1-2 From LEGISLATORS MARINELLI & DEBENEDETTI Re: 2005 Reform Agenda: Reinventing Erie County's Financial Oversight and Review Mechanisms.

Item 31 – CHAIRMAN HOLT directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 1-3 From CHAIRMAN HOLT Re: 2005 County Budget and Procedure Reforms.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 32 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 30E-49. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

Re: Line-item adjustment to 2005
County Budget.

WHEREAS, the 2005 Erie County Budget was enacted by the Erie County Legislature on December 8, 2004; and

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WHEREAS, Section 1806 of the Erie County Charter provides that the County Executive may request the Legislature to transfer part or all of the unencumbered appropriation balance between classifications of expenditures within the same administrative unit or from one administrative unit to another; and

WHEREAS, the County Executive, in conjunction with the Division of Budget, Management & Finance, desires to make certain line-item adjustments and corrections in the 2005 Erie County Budget that will go into effect on January 1, 2005; and.

WHEREAS, such adjustments and corrections to the 2005 County Budget will help make the operation of County government more effective and efficient in the upcoming year.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget, Management & Finance is hereby authorized, pursuant to Section 1806 of the County Charter, to make certain line-item adjustments, corrections and transfers to the 2005 Erie County Budget as set forth in the attached schedule; and be it further

RESOLVED, that the adjustments and corrections, as set forth in the attached schedule, shall go into effect on January 1, 2005; and be it further

RESOLVED, that such adjustments and corrections will not result in any overall increase or decrease to the 2005 County Budget; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, and Director of Budget, Management & Finance.

MS. MARINELLI moved to amend the resolution. MR. SWANICK seconded.

The CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, MARSHALL, McCARVILLE, SWANICK, WEINSTEIN, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. NOES: CUSACK, RANZENHOFER & DEBENEDETTI. (AYES – 12, NOES – 3).

GRANTED.

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RESOLVED: that the following personnel adjustment are hereby authorized, effective January 1, 2005, in the 2005 Legislative Adopted Budget,

Department	Cost Center	Type	Job Group	Job Title	Comment	Position Increase/ (Decrease)	Budget Increase/ (Decrease)
Board of Elections	1500010	FT	7	SENIOR ELECTION CLERK	Add	4	144,167
Board of Elections Total						4	144,167
Bureau of Fleet Services	1071010	FT	3	LABORER	Delete	(1)	(26,508)
Bureau of Fleet Services Total						(1)	(26,508)
Comptroller	1120010	FT	17	ASSOCIATE DEPUTY COMPTROLLER	Add	1	93,721
	1120020	FT	16	DIRECTOR OF INVESTMENT & CASH MGT.	Add	1	62,962
			11	ACCOUNTING ANALYST	Delete	(2)	(107,736)
			11	SUPERVISOR OF CENTRAL I/O	Add	1	41,059
			11	SYSTEMS ACCOUNTANT	Delete	(2)	(107,736)
			9	ACCOUNTANT	Delete	(7)	(318,283)
			5	DATA PROCESSING CONTROL CLERK	Add	4	104,066
	1120030	FT	11	STAFF AUDITOR	Add	2	82,098
Comptroller Total						(2)	(149,849)
District Attorney	1140010	FT	10	ADMINISTRATIVE COORDINATOR-DIST ATTY	Delete	(1)	(48,949)
		FT	4	SENIOR CLERK-TYPIST	Add	1	30,322
	1140020	FT	14	ASSISTANT DISTRICT ATTORNEY III	Add	1	69,410
		FT	11	ASSISTANT DISTRICT ATTORNEY I	Delete	(1)	(43,982)

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Department	Cost Center	Type	Job Group	Job Title	Comment	Position Increase/ (Decrease)	Budget Increase/ (Decrease)
	1140030	FT	17	SENIOR CHIEF OF GRAND JURY BUREAU	Delete	(1)	(102,767)
		FT	12	CHIEF CONFIDENTIAL CRIMINAL INVESTIGATOR	Add	2	109,151
		FT	10	CONFIDENTIAL CRIMINAL INVESTIGATOR	Add	1	44,223
		FT	6	LEGAL STENOGRAPHER	Delete	(1)	(39,649)
	1140040	FT	14	ASSISTANT DISTRICT ATTORNEY III	Add	1	51,232
		FT	4	READER AIDE (DISTRICT ATTORNEY)	Delete	(1)	(31,352)
	1140050	FT	14	ASSISTANT DISTRICT ATTORNEY III	Delete	(1)	(74,408)
						-	(36,769)
District Attorney Total							
Environment & Planning	1620070	FT	12	ECONOMIC DEVELOPMENT SPECIALIST	Add	1	60,927
Environment & Planning Total						1	60,927
Health - Medical Examiner	1274010	FT	12	ADMINISTRATIVE COORDINATOR-MED EX OFFICE	Add	1	55,280
Health - Medical Examiner Total						1	55,280
Health Division	1271006	FT	10	JUNIOR ADMINISTRATIVE CONSULTANT CE	Add	1	46,592
	1271021	FT	12	COORDINATOR - PUBLIC HEALTH	Add	1	57,995
	1271022	FT	13	PUBLIC INFORMATION OFFICER (HEALTH)	Add	1	66,718
	1271230	FT	12	COORDINATOR AIDS EDUCATION AND CONTROL	Add	1	58,115
	1271240	FT	8	PUBLIC HEALTH EDUCATOR	Add	1	41,980
	1271433	FT	15	ASSOCIATE PUBLIC HEALTH ENGINEER	Add	1	79,117
		PT	12	ASSISTANT PUBLIC HEALTH ENGINEER (PT)	Delete	(1)	(22,232)
	1271439	FT	14	ASSOCIATE PUBLIC HEALTH SANITARIAN	Add	1	76,425
	1271670	FT	13	MEDICAL CARE ADMINISTRATOR	Add	1	65,162
	1271672	FT	11	SENIOR NURSE PRACTITIONER	Delete	(1)	(60,343)

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Department	Cost Center	Type	Job Group	Job Title	Comment	Position Increase/ (Decrease)	Budget Increase/ (Decrease)
		FT	9	PUBLIC HEALTH NURSE	Delete	(2)	(101,878)
	1271674	FT	12	NURSE COORDINATOR	Add	1	65,202
		FT	12	NURSE COORDINATOR-STD	Add	1	65,202
		FT	11	SENIOR NURSE PRACTITIONER	Delete	(1)	(60,343)
		PT	9	PUBLIC HEALTH NURSE (P.T.)	Delete	(1)	(15,218)
	1271810	FT	14	JUNIOR EXECUTIVE ASSISTANT (HEALTH)	Add	1	76,425
		PT	9	PUBLIC HEALTH NURSE (P.T.)	Delete	(2)	(34,709)
						3	404,210
Health Division Total							
Parks, Rec. & Forestry - Parks	1641010	FT	3	RECEPTIONIST	Add	1	26,054
Parks, Rec. & Forestry - Parks Total							
DPW - Building & Grounds	1222040	FT	9	SUPERVISING MAINTENANCE MECHANIC	Add	1	38,979
DPW - Building & Grounds Total							
Public Works - Highways	1231020	FT	8	PRINCIPAL ENGINEER ASSISTANT	Add	1	45,951
	1232010	FT	3	LABORER - HIGHWAY	Delete	(1)	(30,156)
	1232030	FT	3	LABORER - HIGHWAY	Delete	(1)	(30,156)
Public Works - Highways Total							
Senior Services	1631010	FT	4	TRUCK DRIVER	Delete	(1)	(26,686)
Senior Services Total							
Sheriff	1151010	PT	4	SENIOR CLERK TYPIST (SHERIFF) PT	Delete	(1)	(12,309)
	1151020	FT	8	DEPUTY SHERIFF - CIVIL	Delete	(1)	(51,709)
	1151030	FT	9	SERGEANT	Add	1	55,318
		FT	8	DEPUTY SHERIFF CRIMINAL (SENECA SPEAKING)	Add	1	37,854

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		FT	8	DEPUTY SHERIFF-CRIMINAL	Add	15	594,998
	1151040	FT	9	SERGEANT	Delete	(1)	(55,318)
		PT	8	DEPUTY SHERIFF (RESERVE) PT	Funding Adjustment		11,308
		PT	7	DISPATCHER (SHERIFF) PT	Add	1	14,163
	1151060	FT	9	TECHNICAL-SERGEANT	Add	1	56,378
		PT	8	DEPUTY SHERIFF (RESERVE) PT	Delete	(1)	(1,822)
						15	648,861
Social Services	1201050	FT	13	DIRECTOR OF ENERGY PROGRAMS	Add	1	69,834
	1201070	FT	14	ASSISTANT DIRECTOR OF CONTRACT COMP.	Delete	(1)	(60,757)
	1202040	FT	11	SYSTEMS SUPPORT SPECIALIST	Add	1	58,972
	1202060	FT	4	SENIOR CLERK-TYPIST	Add	1	29,276
	1205030	FT	12	CHIEF SOCIAL WELFARE EXAMINER	Add	1	63,762
	1205040	FT	12	CHIEF SOCIAL WELFARE EXAMINER	Add	1	65,181
	1205050	FT	12	CHIEF SOCIAL WELFARE EXAMINER	Add	1	64,272
	1206030	FT	4	WORK FOR RELIEF SUPERVISOR	Add	2	56,591
	1207040	FT	12	CHIEF SOCIAL WELFARE EXAMINER	Add	3	185,623
	1207070	FT	3	CHAP HEALTH AIDE	Add	1	28,904
	1208020	FT	6	CONFIDENTIAL-AIDE-SOCIAL SERVICES	Add	1	37,496
	1208070	FT	12	SCHOOL COLLABORATION COORDINATOR	Add	1	59,523
	1202050	FT	8	OUTREACH WORKER	Add	1	40,059
						14	698,736
Probation	1261020	FT	3	RECEPTIONIST	Add	1	28,995

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Department	Cost Center	Type	Job Group	Job Title	Comment	Position Increase/ (Decrease)	Budget Increase/ (Decrease)	
Probation Total							1	28,995
Youth Detention	1262010	FT	13	SENIOR BUDGET EXAMINER	Add	1	66,471	
	1262030	FT	6	COMMUNITY RESOURCE LIAISON (RPT)	Add	1	14,862	
Youth Detention Total							2	81,333
Sheriff - Jail Management	1161020	FT	10	LIEUTENANT-OFFICER	Add	1	43,318	
		FT	8	DEPUTY SHERIFF OFFICER (55A)	Add	1	37,889	
		FT	8	DEPUTY SHERIFF OFFICER (SPANISH SPK)	Add	1	48,549	
		FT	8	DEPUTY SHERIFF-OFFICER	Add	2	86,438	
	1161040	FT	3	KITCHEN HELPER (HOLDING CENTER)	Add	1	23,442	
	1163020	FT	11	CORRECTION LIEUTENANT	Add	1	59,024	
		FT	9	CORRECTION OFFICER	Add	1	35,395	
Sheriff - Jail Management Total							8	334,055
Grand Total							46	2,267,424

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Department	Fund	Fund Center	Account	Account Name	2005 Legislature Adopted 12/08/04	Increase/ (Decrease)	2005 Corrected Adopted - Amended Budget
	110	12610	406000	STATE AID-FR PROB SVCS	1,565,700	76,457	1,642,157
Persons/Special Needs							
	110	12750	405500	STATE AID-EDUCATION OF HANDICAPPED CHILDREN	23,575,948	(297,500)	23,278,448
County Wide Budget Accounts							
	110	14010	402190	APPROPRIATED FUND BALANCE	17,300,000	560,956	17,860,956
		14010	400000	REAL PROPERTY TAX	134,406,470	1,562,996	135,969,466
Parks							
	110	16410	418530	GOLF CHARGES	1,349,001	(400,000)	949,001
Total Revenue Adjustments					225,575,872	(2,924,618)	222,651,254
Net Co Cost Fund 110					0		
Road Fund - 210 Highways Department							
Expense Adjustments							
	210	123	500000	PERSONAL SERVICES	9,536,776	(14,361)	9,522,415
		123	506400	HIGHWAYS SUPPLIES	3,000,000	(1,000,000)	2,000,000
Revenue Adjustments					12,536,776	(1,014,361)	11,522,415
	210	123	486000	INTERFUND-SUBSIDY	3,876,985	(1,014,361)	2,862,624
Net Co Cost Fund 210					0		
E-911 Fund - 230							
Expense Adjustments							
	230	1650050	561410	LAB & TECH EQUIP	282,475	(212,000)	70,475
	230	1650050	916500	ID CPS SERVICES	1,972,817	(1,300,000)	672,817
Revenue Adjustments					2,255,292	(1,512,000)	743,292
	230	1650050	402401	WIRELESS SURCHARGE	1,512,000	(1,512,000)	-
Net Co Cost Fund 230					0		
Total Expense Adjustments All Funds					296,097,101	(5,450,979)	290,646,122

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Department	Fund	Fund Center	Account	Account Name	2005 Legislature Adopted 12/08/04	Increase/ (Decrease)	2005 Corrected Adopted - Amended Budget
Total Revenue Adjustments All Funds					230,964,857	(5,450,979)	225,513,878
Net Co Cost All Funds					0		

and be it further

RESOLVED, that the amounts in the Corrected Adopted & Amended 2005 Erie County Budget that are required to be raised by taxes by this Legislature, are hereby levied upon and shall be collected from the taxable property situated within the County of Erie and liable therefore, effective January 1, 2005, and be it further

RESOLVED, that the Director of Budget, Management and Finance and/or successor to the Commissioner of Finance is hereby directed to apportion and spread said taxes to be raised for such Corrected Adopted & Amended Budget against the taxable property liable therefore, as provided by law, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Director of Budget, Management and Finance, the County Comptroller, the County Attorney and the Finance Department.

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MR. DEBENEDETTI moved to further amend the resolution. MR. WEINSTEIN seconded.

CHAIRMAN HOLT directed that the amendment be sent to the FINANCE & MANAGEMENT COMMITTEE (Intro. 1-4).

GRANTED.

MR. WEINSTEIN moved to further amend the resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that the amendment be sent to the FINANCE & MANAGEMENT COMMITTEE (Intro. 1-5).

MS. MARINELLI moved the approval of the resolution as amended. MR. SWANICK seconded.

The CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, MARSHALL, SWANICK, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. NOES: CUSACK, McCARVILLE, RANZENHOFER, WEINSTEIN & DEBENEDETTI. (AYES – 10, NOES – 5).

GRANTED.

SUSPENSION OF THE RULES:

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 33 – (Comm. 1E-1) Bond Resolution – \$10,840,000 – Increase & Improvement of the Facilities of ECSD No. 2.

Item 34 – (Comm. 1E-2) Apportionment & Distribution of the 4% Sales Tax for 12/04.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 35 – (Comm. 1E-3) Appointment of Deputy County Executive.

RECEIVED, FILED & PRINTED.

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January 4, 2005

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

Re: Bruce L. Fisher – Appointment as Deputy County Executive

Honorable Members:

I hereby notify your Honorable Body of the appointment of Bruce L. Fisher as Erie County's Deputy County Executive, effective January 15, 2005. Thank you for your attention to the foregoing.

Very truly,

JOEL A. GIAMBRA
 Erie County Executive

cc: Bruce L. Fisher, Chief of Staff, Office of the Erie County Executive
 John W. Greenan, Commissioner of Personnel
 Frederick A. Wolf, Erie County Attorney

Item 36 – (Comm. 1E-4) Additional 2% County Sales Tax Authority – Home Rule Requests.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 37 – (Comm. 1E-5) Health -NYS Department of Health – Refugee Health Program Amendment 3/31/04 -3/30/05.

Item 38 – (Comm. 1E-6) Health – Lease Agreement for Women, Infants & Children's (WIC) Program Distribution Site – 286 Lafayette Avenue, City of Buffalo.

Item 39 – (Comm. 1E-7) Senior Services – Authorization to Amend CSI, HIICAP, POMP & WRAP-SOFA Budgets.

The above three items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 40 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 2

Re: Appointment of Buffalo & Erie
 County Public Library Board of
 Trustees. (Comm. 1E-8)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Wayne D. Wisbaum of 180 Greenway Road, Amherst, New York 14226 to the Buffalo & Erie County Public Library Board of Trustees for a term to expire December 31, 2009.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 41 – (Comm. 1E-9) Erie County Highway Maintenance Facilities Overhead Exterior Door Replacement.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 42 – (Comm. 1E-10) Reappointments to Buffalo Niagara Convention & Visitors Bureau Board of Directors.

RECEIVED, FILED & PRINTED.

January 4, 2005

Mr. Richard Geiger
 President & CEO
 Buffalo Niagara Convention & Visitors Bureau
 617 Main Street, Suite 400
 Buffalo, New York 14203

Re: Reappointments to the Buffalo Niagara Convention & Visitors Bureau Board of Directors

Dear Mr. Geiger:

I am hereby reappointing Keith M. Belanger and Jennifer J. Parker to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau. Their terms will expire December 31, 2005. Thank you.

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointees
 Erie County Legislature

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Item 43 – (Comm. 1E-11) ECSD No. 1 – Agreement – Lease of Land to Cheektowaga.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – (Comm. 1E-12) Health -Division of Public Health Laboratory.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 45 – (Comm. 1E-13) ECSD No. 2 – Stearns & Wheler – Engineering Agreement Close-Out - A/E Agreement Dated 9/1/96.

Item 46 – (Comm. 1E-14) ECSD No. 2 – Contract No. 58EVH – Contract Close Out – Sicar.

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

Item 47 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

Re: Reappointment of a Non-Voting
Member of ECMCC. (Comm. 1E-15)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of Kevin M. Hogan, Esq. of 9 Argyle Park, Buffalo, New York 14222 to the Non-Voting Member of ECMCC for a term to expire December 31, 2009.

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

FROM THE SHERIFF

Item 48 – (Comm. 1E-16) Sheriff's Office – Personnel Adjustments.

Received and filed.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 49 – (Comm. 1D-1) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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Item 50 – (Comm. 1D-2) Notice of Filing Local Law No. 6-2004 with Secretary of State.

RECEIVED, FILED & PRINTED.

December 21, 2004

VIA HAND DELIVERY

Mr. Kevin M. Kelley, Clerk
Erie County Legislature
25 Delaware Avenue, 7th floor
Buffalo, New York 14202

RE: LOCAL LAW No. 6-2004

Dear Mr. Kelley:

Enclosed is a certified copy of the above-mentioned Local Law for your records. We have sent an original certified copy to the Secretary of State for filing. Please call me at extension 2211 with any questions.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

BY: MELISSA O. HEIMERL
Assistant County Attorney

Enclosure

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such City voting thereon at the (special)(general) election held on _____ 20 ____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of

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a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Kevin Kelley
Clerk of the County legislative body

Date: December 21, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Melissa Heimerl
Signature

Assistant County Attorney
Title

County of Erie
Date: December 21, 2004

A Public Hearing was held on the foregoing Local Law Intro. No. 12-2004 (Print #2) on Friday, December 3, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 8 day of December, 2004.

JOEL A. GIAMBRA

FROM DPW

Item 51 – (Comm. 1D-3) Complaint Distribution Response Form – Gym Floor at School 84.

Received and filed.

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FROM THE COUNTY ATTORNEY

Item 52 – (Comm. 1D-4) Warren v. Giambra, Et Al.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 53 – (Comm. 1D-5) Notice of Public Hearing – Local Law No.19-2004.

RECEIVED, FILED & PRINTED.

December 28, 2004

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
 Erie County Legislature
 92 Franklin Street, 4th floor
 Buffalo, New York 14202

RE: Notice of Public Hearing
 Local Law Intro. No. 19-2004

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature December 22, 2004.

Please post the enclosed for information for anyone who may be interested in attending this hearing.

Very truly yours,

MELISSA O. HEIMERL
 Assistant County Attorney

encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Thursday, January 6, 2005 at 10:00 a.m., concerning:

A LOCAL LAW in relation to a mandatory notification requirement for commercial and residential lawn pesticide applications.

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The hearing will be held in room 1004, 95 Franklin Street, 10th Floor, in the City of Buffalo, New York.

On December 22, 2004, the Erie County Legislature adopted Erie County Local Law Intro. No. 19 of 2004. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 4th Floor of 92 Franklin Street, in the City of Buffalo, New York.

JOEL A. GIAMBRA
 Erie County Executive

FROM THE CLERK OF THE LEGISLATURE

Item 54 – (Comm. 1D-6) RFP Notice of 2005 Reorganizational Meeting to be Held 1/6/05.

RECEIVED, FILED & PRINTED.

January 3, 2005

TO THE MEMBERS OF THE LEGISLATURE:

PLEASE TAKE NOTICE that, pursuant to the attached communication, 2005 SCHEDULE OF LEGISLATIVE SESSIONS (Comm. 30E-11 -2004), a meeting to organize the Erie County Legislature for the year 2005 will be held in the Legislative Chambers, 92 Franklin Street, 4th Floor, Buffalo, New York on the 6th day of January, 2005 at 2 o'clock in the afternoon of that day, and a Chairman of said Legislature for the year 2005 will then be selected, and you are hereby notified to be present at such time and place as aforesaid.

KEVIN M. KELLEY
 Clerk
 Erie County Legislature

Attachment -Comm. 30E-11

Item 55 – (Comm. 1D-7) Agenda Items Received & Filed on 12/31/04.

RECEIVED, FILED & PRINTED.

i
 January 3, 2005

TO: Erie County Legislators and Staff

FROM: Kevin M. Kelley, Clerk

REFERENCE: Agenda Items Received and Filed at 12/31/04

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In accordance with Section 5.05 of the Erie County Legislature's 2004 Rules of Order, please be advised that the attached list represents all items (local laws, resolutions, departmental and miscellaneous communications) that have been removed from the agenda of the Legislature (including all committee agendas) as of December 31, 2004.

All of these items were clocked-in on or before December 31, 2003. Items clocked-in after that date remain on the Legislature's agenda.

Attachment - List of Received and Filed Items

cc: Erie County Executive
Erie County Clerk
Erie County Comptroller
Erie County District Attorney
Erie County Sheriff
Other Interested Parties

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ITEMS RECEIVED AND FILED AS OF 12/31/04

PAGE 1

SUBMITTER	DATE OF CLOCK-IN	LEG ID #	DESCRIPTION	COMMITTEE ASSIGNMENT	PAGE REF	COMM ACTION	LEGISLATIVE ACTION		
							FIN ACT	DATE	PAGE
COUNTY EXECUTIVE	01/21/03	2 E-17	OPEN ITEM: New Central Police Public Safety Campus	PUBLIC SAFETY	TAB	R&F	12/31/04		
COUNTY EXECUTIVE	01/21/03	2 E-18	OPEN ITEM: Erie County Energy	ENERGY & ENVIRONMENT	TAB	R&F	12/31/04		
HOLT, KUWIK & DUSZA	02/20/03	INT 4-7	Support for State Legislation Requiring Implementation of E-911 Technology Giving Caller Location Information	PUBLIC SAFETY	TAB	R&F	12/31/04		
SCHROEDER, MINORITY CAUCUS	02/26/03	LL 7-1	A LL in Rel to Require- ment for Apprenticeship Training Programs by Contractors & Subcontractors Under Contract with Erie County		TAB	R&F	12/31/04		
SMITH	04/01/03	INT 7-11	Request for a Progress Report on Consolidation of Holding Center and Correctional Facility Services	PUBLIC SAFETY	TAB	R&F	12/31/04		
SMITH	04/08/03	INT 8-9	Calling for a Discussion on the Issuance of Warrants to Absentee Landlords	PUBLIC SAFETY	TAB	R&F	12/31/04		
HOLT & SMITH	07/01/03	INT 13-9	Allocating EC Funding from Brown & Williamson Tobacco Settlement for Regional Assets on Buffalo's East Side	HUMAN SERVICES	TAB	R&F	12/31/04		

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SUBMITTER	DATE OF CLOCK-IN	LEG ID #	DESCRIPTION	COMMITTEE ASSIGNMENT	PAGE REF	COMM ACTION	LEGISLATIVE ACTION		PAGE
							FIN ACT	DATE	
			ITEMS RECEIVED AND FILED AS OF 12/31/04						PAGE 2
HOLT, SMITH, SCHROEDER & DEBENEDETTI	07/01/03	INT 13-10	Obligations of Property Owners in City of Buffalo	PUBLIC SAFETY		TAB	R&F	12/31/04	
KUWIK, HOLT & SMITH	07/08/03	INT 14-10	Buffalo Intermodal Transportation Center	ECONOMIC DEVELOPMENT		TAB	R&F	12/31/04	
SUCCESS BY 6	09/09/03	15 M-42	Request to Implement NYS 15% Rate Differential for Accredited Child Care Providers in EC	HUMAN SERVICES		TAB	R&F	12/31/04	
DEBENEDETTI, HOLT, SMITH, MARINELLI & DALE	09/30/03	INT 17-6	Cooperation & Coordination Between Buffalo & Local Narcotics Police Units	PUBLIC SAFETY		TAB	R&F	12/31/04	
MARINELLI, HOLT, DEBENEDETTI, SMITH & DALE	09/30/03	INT 17-7	A New Economic Development Approach for Buffalo & Erie County	ECONOMIC DEVELOPMENT		TAB	R&F	12/31/04	
COUNTY EXECUTIVE	11/10/03	20 E-41	OPEN ITEM: Sewer District Bond Authorization	ENERGY & ENVIRONMENT		TAB	R&F	12/31/04	
MINORITY CAUCUS	11/10/03	INT 20-6	Safety of Public Safety Officers Transporting & Guarding Prisoners at ECMC	PUBLIC SAFETY		TAB	R&F	12/31/04	

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FROM THE COUNTY ATTORNEY

Item 56 – (Comm. 1D-8) Receipt From NYS for Local Law No.6-2004.

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 57 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

Re: Legislators District Offices
 Leases. (Comm. 1D-9)

January 4, 2005

Erie County Legislature
 92 Franklin Street
 Buffalo, New York 14202

Dear Legislators:

In the event that today's eleven o'clock deadline passes before legislators have an opportunity to have their district office leases clocked-in, please be advised that this letter may be used as a vehicle to amend at the regular Session scheduled for Thursday, January 6, 2005.

Thank you.

Sincerely,

Kevin M. Kelley
 Clerk of the Legislature

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Chesnut Development Co. Inc. located at 8810 Main Street, Williamsville, New York and Erie County for Legislative Office Space for Erie County Legislator Michael H. Ranzenhofer at a cost of \$600.00 per month.

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Kenmore-Town of Tonawanda Union Free School District located at 1500 Colvin Boulevard, Town of Tonawanda, New York and Erie County for Legislative Office Space for Erie County Legislator Charles M. Swanick at a cost of \$400.00 per month.

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RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Richard Guard located at 11880 Centerline Road, South Wales, New York and Erie County for Legislative Office Space for Erie County Legislator Timothy M. Kennedy at a cost of \$650.00 per month.

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded. LEGISLATORS KENNEDY, RANZENHOFER and SWANICK abstained.

CARRIED (12-0).

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF EDEN

Item 58 – (Comm. 1M-1) Certified Resolution Re: Medicaid Impact of Local Government.

Received and filed.

FROM THE NYS SUPREME COURT

Item 59 – (Comm. 1M-2) Suit Against Erie County Legislature From Chester Pawarski Re: Adopted 2005 Erie County Budget.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DONALD A. VAN EVERY

Item 60 – (Comm. 1M-3) Request for all Amendment Documents Approved as Part of Adoption of 2004 - 05 Erie County Budget.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BOARD OF HEALTH

Item 61 – (Comm. 1M-4) Notice of Meeting to be Held 1/20/05 & Minutes of Meeting Held 9/30/04.

Received and filed.

FROM THE EMPIRE STATE DEVELOPMENT

Item 62 – (Comm. 1M-5) Supplemental Final Environmental Impact Statements for Erie Canal Harbor Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS SUPREME COURT

Item 63 – (Comm. 1M-6) Summons with Verified Complaint for Suit Against Erie County Legislature from Daniel Warren Re: Adopted 2005 Erie County Budget.

Item 64 – (Comm. 1M-7) Memorandum of Law for Suit Against Erie County Legislature from Daniel Warren Re: Adopted 2005 Erie County Budget.

Item 65 – (Comm. 1M-8) Order to Show Cause with Temporary Restraining Order for Suit Against Erie County Legislature From Daniel Warren Re: Adopted 2005 EC Budget.

The above three items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 66 – (Comm. 1M-9) Erie County Agricultural District Nos. 1 & 14.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 67 – (Comm. 1M-10) Letter to WNY Delegation of State Representatives Re: Sharing Sales Tax with City of Buffalo.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECIDA

Item 68 – (Comm. 1M-11) Notice of Meeting to be Held 1/10/05.

Received and filed.

MEMORIAL RESOLUTIONS

Item 69 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Shirley Chisholm.

Item 70 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Sada Jones.

Item 71 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Joyce Marie Stokes.

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Item 72 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Marion Termbath.

Item 73 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Ann Pordum.

Item 74 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Betty Jarczyński.

Item 75 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Santo C. Pauliafito.

Item 76 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of all the people who died in the Tsumani.

Item 77 – Mr. Swanick requested that when the Legislature adjourns, it do so in memory of all the Service Men and Women of the US Military who died this year.

ADJOURNMENT

Item 78 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. DUSZA moved that the Legislature adjourn until 2 p.m. Thursday, January 20, 2005.
MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, January 20, 2005 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK