

**MEETING NO. 1  
JANUARY 8, 2009**

**ERIE COUNTY LEGISLATURE**

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

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

1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy M. Kennedy
3 <sup>rd</sup> District Barbara Miller-Williams	4 <sup>th</sup> District vacant
5 <sup>th</sup> District Kathy Konst	6 <sup>th</sup> District Maria R. Whyte
7 <sup>th</sup> District Betty Jean Grant	8 <sup>th</sup> District Thomas J. Mazur
9 <sup>th</sup> District Timothy M. Wroblewski	10 <sup>th</sup> District Michele M. Iannello
11 <sup>th</sup> District Lynn M. Marinelli	12 <sup>th</sup> District Robert B. Reynolds, Jr.
13 <sup>th</sup> District John J. Mills	14 <sup>th</sup> District Thomas A. Loughran
15 <sup>th</sup> District Edward A. Rath, III	

An Invocation was held, led by Mr. Kozub, who requested a moment of silence.

The Pledge of Allegiance – Mr. Kennedy requested that former Erie County Sheriff Thomas F. Higgins, and accompanying former United States Marines, lead the Legislature in the pledge.

Item 1 – MS. WHYTE moved to take COMM. 1E-26 out of order. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

FROM LEGISLATOR RANZANHOFER

(COMM. 1E-26) Letter of Resignation Effective 12/31/08

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JANUARY 8, 2009**

**ERIE COUNTY LEGISLATURE**

Received, Filed and Printed.

December 31, 2008

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

RE: Resignation

Dear Mr. Graber:

I hereby resign my position as Erie County Legislator – 4<sup>th</sup> District effective December 31, 2008.

It has been an honor and privilege serving the residents of my district for the past 19 years as an Erie County Legislator. As a legislator, I worked hard to lower property taxes, make government more efficient and address the concerns of the community. I look forward to continuing to fight for these causes representing the 61<sup>st</sup> District in the York State Senate.

It has also been a privilege to work with my colleagues and staff in the Erie County Legislature. I will continue to be an advocate for Erie County and all of Western New York in the New York State Senate and I look forward to partnering with the legislature in addressing the needs of the region.

Yours Truly,

Michael H. Ranzenhofer

Item 2 – MS. WHYTE moved to take COMM. 1E-24 out of order. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

FROM THE MINORITY CAUCUS

(COMM. 1E-24) Appointment of Raymond W. Walter to Fill Vacancy in 4th Legislative District

MS. WHYTE moved that the petition be Received, Filed and Printed. MR. RATH seconded.

CARRIED UNANIMOUSLY.

January 2, 2009

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin St., 4th Floor

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JANUARY 8, 2009**

**ERIE COUNTY LEGISLATURE**

Buffalo, N.Y. 14202

RE: Appointment of Raymond W. Walter to fill vacancy in the 4<sup>th</sup> Legislative District

Dear Mr. Graber:

Pursuant to Section 1904-B of the Erie County Charter, we, the undersigned, representing a majority of the members of the Erie County Legislature enrolled as members of the Republican Party do hereby appoint Raymond W. Walter, of 209 San Fernando Lane, East Amherst, NY 14051, a duly qualified elector of the fourth legislative district, having the same political affiliation as the person last elected to such office, to fill the vacancy in the office of fourth district County Legislator.

Said appointment shall take effect of January 1, 2009.

13<sup>th</sup> District  
John J. Mills

15<sup>th</sup> District  
Edward A. Rath, III

Item 3 – MR. GRABER called for nominations and election of Chair of the Legislature for 2009.

MR. WROBLEWSKI placed in nomination for Chair of the Legislature for 2009 LYNN M. MARINELLI. MR. MILLS seconded.

We, the undersigned, representing a majority of the members of the Democratic Caucus in the Erie County Legislature do hereby nominate LYNN M. MARINELLI as Chair of the Erie County Legislature for 2009.

1<sup>st</sup> District  
Daniel M. Kozub

2<sup>nd</sup> District  
Timothy M. Kennedy

3<sup>rd</sup> District  
Barbara Miller-Williams

5<sup>th</sup> District  
Kathy Konst

6<sup>th</sup> District  
Maria R. Whyte

7<sup>th</sup> District  
Betty Jean Grant

8<sup>th</sup> District  
Thomas J. Mazur

9<sup>th</sup> District  
Timothy M. Wroblewski

10<sup>th</sup> District  
Michele M. Iannello

11<sup>th</sup> District  
Lynn M. Marinelli

12<sup>th</sup> District  
Robert B. Reynolds, Jr.

14<sup>th</sup> District  
Thomas A. Loughran

We, the undersigned, representing a majority of the members of the Minority Caucus in the Erie County Legislature do hereby nominate Lynn M. Marinelli as Chair of the Erie County

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**ERIE COUNTY LEGISLATURE**

Legislature for 2009.

4 <sup>th</sup> District Raymond W. Walter	13 <sup>th</sup> District John J. Mills
15 <sup>th</sup> District Edward A. Rath, III	

MR. GRABER asked if there were any other nominations for the Office of Chair of the Erie County Legislature for 2009.

Hearing none, nominations were closed.

MR. GRABER directed that a roll call-vote be taken on the nomination of LYNN M. MARINELLI as Chair of the Erie County Legislature for 2009.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.  
NOES: None. (AYES: 15; NOES: 0)

MS. MARINELLI having received the required number of votes cast was declared duly elected CHAIR OF THE ERIE COUNTY LEGISLATURE for the year 2009.

Item 4 – CHAIR MARINELLI, called for nominations and election of the Clerk of the Erie County Legislature for 2009.

MS. WHYTE placed in nomination for Clerk of the Legislature for 2009 ROBERT M. GRABER. MS. IANNELLO seconded.

We, the undersigned, representing a Majority of the members of the Democratic Caucus of the Erie County Legislature do hereby nominate ROBERT M. GRABER as Clerk of the Erie County Legislature for 2009.

1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy M. Kennedy
3 <sup>rd</sup> District Barbara Miller-Williams	5 <sup>th</sup> District Kathy Konst
6 <sup>th</sup> District Maria R. Whyte	7 <sup>th</sup> District Betty Jean Grant
8 <sup>th</sup> District Thomas J. Mazur	9 <sup>th</sup> District Timothy M. Wroblewski
10 <sup>th</sup> District	11 <sup>th</sup> District

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Michele M. Iannello	Lynn M. Marinelli
12 <sup>th</sup> District	14 <sup>th</sup> District
Robert B. Reynolds, Jr.	Thomas A. Loughran

We, the undersigned, representing a majority of the members of the Minority Caucus in the Erie County Legislature do hereby nominate Robert M. Graber as Clerk of the Erie County Legislature for 2009.

4 <sup>th</sup> District	13 <sup>th</sup> District
Raymond W. Walter	John J. Mills
15 <sup>th</sup> District	
Edward A. Rath, III	

CHAIR MARINELLI directed that a roll-call vote be taken on the nomination of ROBERT M. GRABER as Clerk of the Erie County Legislature for 2009.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.  
NOES: None. (AYES: 15; NOES: 0)

MR. GRABER, having received the required number of votes cast was declared duly elected CLERK OF THE ERIE COUNTY LEGISLATURE for the year 2009.

Item 5 – CHAIR MARINELLI called for the designation of Majority Leader of the Erie County Legislature for the year 2009.

MS. GRANT presented a petition designating MARIA R. WHYTE as Majority Leader of the Erie County Legislature for 2009.

MS. GRANT moved that the petition be Received, Filed and Printed. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, representing a Majority of the members of the Democratic Caucus of the Erie County Legislature do hereby nominate MARIA R. WHYTE as Majority Leader of the Erie County Legislature for 2009.

1 <sup>st</sup> District	2 <sup>nd</sup> District
Daniel M. Kozub	Timothy M. Kennedy
3 <sup>rd</sup> District	5 <sup>th</sup> District
Barbara Miller-Williams	Kathy Konst

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6<sup>th</sup> District  
Maria R. Whyte

7<sup>th</sup> District  
Betty Jean Grant

8<sup>th</sup> District  
Thomas J. Mazur

9<sup>th</sup> District  
Timothy M. Wroblewski

10<sup>th</sup> District  
Michele M. Iannello

11<sup>th</sup> District  
Lynn M. Marinelli

12<sup>th</sup> District  
Robert B. Reynolds, Jr.

14<sup>th</sup> District  
Thomas A. Loughran

Item 6 – CHAIR MARINELLI called for the designation of Minority Leader of the Erie County Legislature for the year 2009.

MR. RATH presented a petition designating JOHN J. MILLS as Minority Leader of the Erie County Legislature for 2009.

MR. RATH moved that the petition be Received, Filed and Printed. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, pursuant to the 2008 rules of the Erie County Legislature, do hereby designate JOHN J. MILLS as Minority Leader of the Erie County Legislature.

13<sup>th</sup> District  
John J. Mills

15<sup>th</sup> District  
Edward A. Rath, III

4<sup>th</sup> District  
Raymond W. Walter

Item 7 – MS. WHYTE moved to approve the Rules of the Legislature for 2009. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

RE: Adopting Erie County Legislature's  
Rules of the Legislature 2009

RESOLVED, the Erie County Legislature does hereby approve the Erie County Legislature's Rules of the Legislature 2009 as follows:

**2009  
RULES OF ORDER  
ERIE COUNTY LEGISLATURE**

**SECTION 1.00: ORGANIZATION****1.01 CHAIRPERSON**

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

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

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
5. To recess meetings;
6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
7. To name an open meetings advisor from among the legislators to advise the body on compliance with New York State Open Meetings and Freedom of Information laws;
8. To order that a public hearing be held at least five (5) days before a local law can be considered for a vote by the Legislature, unless the local law in question is accompanied by a certification of necessity for immediate passage;
9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;

- 11 To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules;
12. To establish independent committees, boards, and commissions to report to the Chair and/or Legislature, and appoint or remove the members thereof;
13. To cancel public hearings for which the underlying Local Law has been withdrawn;
14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

**1.02 MAJORITY AND MINORITY LEADERS:**

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

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

**1.03 ACTING CHAIR:**

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

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

**SECTION 2.00: MEETINGS**

**2.01 REGULAR SESSION:**

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



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

**2.02 SPECIAL MEETINGS:**

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

Service by facsimile transmission of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions for all members of the Legislature were completed by 5 p.m. on that Friday. Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

**2.03 QUORUM:**

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

**2.04 CHAIR TO SECURE A QUORUM:**

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

**2.05 ROLL CALL, MINUTES, ABSENCES:**

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

**2.06 ORDER OF BUSINESS:**

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;
9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;
10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

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

**2.07 ORDER DURING SESSION:**

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

**2.08 APPEAL FROM THE CHAIRPERSON'S RULING:**

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

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

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

**2.09 PRIVILEGE OF THE FLOOR:**

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

**2.10 REFERRALS TO COMMITTEE:**

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

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

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

**2.12 TIE VOTE:**

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

**2.13 PRIORITY OF BUSINESS:**

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

**2.14 LIMITATION ON TIME OF SPEECH:**

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

**2.15 MAJORITY VOTE:**

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

**2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:**

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

**2.17 RECORDING OF VOTE:**

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

**2.18 RECORDING AYES AND NOES:**

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

**2.19 BORROWING MONEY:**

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

**2.20 VOTE ON DISTINCT PROPOSITION:**

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

**2.21 ABSTENTIONS:**

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

**2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:**

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

**2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:**

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

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

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

**2.24 PRESENTATION OF MOTION:**

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

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;
4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;

7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

**2.25 WITHDRAWAL OF RESOLUTION OR MOTION:**

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

**2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:**

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

**2.27 PREVIOUS QUESTIONS AND AMENDMENTS:**

The "Previous Question" shall be as follows:

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

**2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:**

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

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

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

**2.29 MOTION TO RESCIND:**

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

**2.30 COMMITTEE OF THE WHOLE:**

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

**2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:**

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

**2.32 PRESENTATIONS TO BE IN WRITING:**

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

**2.33 TIME FOR PRESENTATION TO CLERK:**

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

**2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:**

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

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

**2.35 SOLICITATIONS:**

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

**2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:**

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

**SECTION 3.00: COMMITTEES**

**3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:**

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

**3.02 STANDING AND SPECIAL COMMITTEES:**

There shall be the following standing committees which shall consist of four members each, except the Finance & Management/Budget Committee which shall consist of seven members for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

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

**STANDING COMMITTEES**

Capital Improvements  
Community Enrichment  
Economic Development  
Energy & Environment  
Finance & Management  
Government Affairs  
Health, Human Services  
Public Safety

**SPECIAL COMMITTEES**

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

**3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:**

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

**3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:**

The Chair of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all



regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

**3.05(1) CONDUCT OF COMMITTEES:**

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

**3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:**

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

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

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

**3.05(4) COMMITTEE AGENDA:**

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

**3.05(5) OPEN ITEMS IN COMMITTEE:**

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

**3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:**

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

**3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:**

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

**SECTION 4.00: BUDGET**

**4.01 TENTATIVE BUDGET:**

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

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

**4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:**

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

**4.03 LEVY OF SCHOOL TAXES:**

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

**4.04 ADOPTION OF BUDGET:**

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

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 2608, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

**SECTION 5.00: MISCELLANEOUS**

**5.01 APPOINTMENTS AND CONFIRMATIONS:**

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

be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

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

#### **5.02 PURCHASE OVER \$10,000.00:**

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

#### **5.03 ANNUAL REPORTS:**

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

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

#### **5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:**

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

#### **5.05 REDUCTION OF AGENDA:**

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1

of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

**5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:**

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

**5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:**

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

**5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:**

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

**5.09(1) DECORUM IN LEGISLATURE CHAMBER:**

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie

County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

**5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:**

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

**5.09(3) FLOOR MOVEMENT:**

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

**5.09(4) BANNERS, SIGNS AND PLACARDS:**

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

**5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:**

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

**5.09(6) AUDIO RECORDING:**

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

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

**5.09(7) VIDEO RECORDING:**

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

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

- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

**5.09(8) VIOLATIONS:**

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

**5.10 AMENDMENT OF RULES:**

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

**SECTION 6.00: EFFECTIVE DATE**

**6.01 EFFECTIVE DATE:**

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

Item 8 – CHAIR MARINELLI directed that the Designation of Newspapers be Received, Filed and Printed.

We, the undersigned, a 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, 2009.

1<sup>st</sup> District

Daniel M. Kozub

2<sup>nd</sup> District

Timothy M. Kennedy

3<sup>rd</sup> District

Barbara Miller-Williams

5<sup>th</sup> District

Kathy Konst

6<sup>th</sup> District

Maria R. Whyte

7<sup>th</sup> District

Betty Jean Grant

8<sup>th</sup> District

Thomas J. Mazur

9<sup>th</sup> District

Timothy M. Wroblewski

10<sup>th</sup> District

Michele M. Iannello

11<sup>th</sup> District

Lynn M. Marinelli

12<sup>th</sup> District

Robert B. Reynolds, Jr.

14<sup>th</sup> District

Thomas A. Loughran

**MEETING NO. 1  
JANUARY 8, 2009**

**ERIE COUNTY LEGISLATURE**

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the Buffalo Challenger, published in Buffalo, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2009, effective January 1, 2009.

1 <sup>st</sup> District Daniel M. Kozub	2 <sup>nd</sup> District Timothy M. Kennedy
3 <sup>rd</sup> District Barbara Miller-Williams	5 <sup>th</sup> District Kathy Konst
6 <sup>th</sup> District Maria R. Whyte	7 <sup>th</sup> District Betty Jean Grant
8 <sup>th</sup> District Thomas J. Mazur	9 <sup>th</sup> District Timothy M. Wroblewski
10 <sup>th</sup> District Michele M. Iannello	11 <sup>th</sup> District Lynn M. Marinelli
12 <sup>th</sup> District Robert B. Reynolds, Jr.	14 <sup>th</sup> District Thomas A. Loughran

January 8, 2009

We, the undersigned members of the Erie County Legislature, constituting members of the Minority Caucus, do hereby designate the following newspaper, the Amherst Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of all local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2009.

4 <sup>th</sup> District Raymond W. Walter	13 <sup>th</sup> District John J. Mills
15 <sup>th</sup> District Edward A. Rath, III	

January 8, 2009

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature do hereby designate the Orchard Park Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper effective January 1, 2009 for the publication of concurrent resolutions.

4 <sup>th</sup> District Raymond W. Walter	13 <sup>th</sup> District John J. Mills
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**MEETING NO. 1  
JANUARY 8, 2009**

**ERIE COUNTY LEGISLATURE**

15<sup>th</sup> District  
Edward A. Rath, III

Item 9 – No tabled items.

Item 10 – MS. WHYTE moved to reconsider INTRO 29-1 (2008) from the previous meeting.  
MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

RE: Resolution to Consider Actions to  
Defend Passage of the Levy and  
Apportion of Erie County Real Property  
Tax – 2009

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI & WHYTE**

WHEREAS, on December 11, 2008 the Erie County Legislature approved INTRO 28-2,  
“Legal and Fiscal Matters Related to the 2009 Erie County Budget as Adopted by the Erie County  
Legislature;” and

WHEREAS, pursuant to INTRO 28-2, the Chair of the Legislature has signed a retainer  
agreement with the law firm Lipsitz Green Scime Cambria LLP in order to provide pre-litigation  
advice; and

WHEREAS, in order to effectuate payment of said retainer agreement and legal service  
authorization of this Honorable Body is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby granted to effectuate the payment of a retainer  
agreement in the initial amount of \$7,500 with the law firm Lipsitz Green Scime Cambria LLP, and  
for a potential second payment of \$2,500, for a total amount of \$10,000; and be it further

RESOLVED, that said funding is available and is hereby approved for said payment in the  
2008 budget of the Erie County Legislature, to wit:

ERIE COUNTY LEGISLATURE  
FUND 110 – FUND CENTER 100

<u>Fund 110</u>		<u>Amount</u>
Acct. 530000	Other	\$ 7,500 – Initial Payment
Acct. 530000	Other	<u>\$ 2,500</u> – Potential Second Payment
		\$10,000 - TOTAL

and be it further



RESOLVED, that the Clerk of the Erie County Legislature is directed to forward certified copies of this resolution to the Office of the Erie County Comptroller, Office of the Director of Purchase and the Office of Budget, Finance and Management.

MS. WHYTE moved to amend the resolution. MR. KENNEDY seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

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

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI & WHYTE**

WHEREAS, on December 11, 2008 the Erie County Legislature approved INTRO 28-2 (2008), "Legal and Fiscal Matters Related to the 2009 Erie County Budget as Adopted by the Erie County Legislature;" and

WHEREAS, pursuant to INTRO 28-2 (2008), the Chair of the Legislature has signed a retainer agreement with the law firm Lipsitz Green Scime Cambria LLP in order to provide pre-litigation services; and

WHEREAS, in further accordance with INTRO 28-2 (2008), the Chair of the Legislature further has signed a second retainer agreement with the law firm Lipsitz Green Scime Cambria LLP in order to provide litigation services related to the 2009 Erie County Budget as Adopted by the Erie County Legislature; and

WHEREAS, in order to effectuate payment of said retainer agreements and legal services, authorization of this Honorable Body is necessary; and

WHEREAS, pursuant to the Erie County Code, Section 19.08, a professional, technical or other consultant services contract in the value of ten thousand dollars (\$10,000) or more require a request for proposal (RFP), unless the Erie County Legislature makes a "finding of necessity" to waive the RFP process; and

WHEREAS, this Legislature further desires to make a budget amendment to the 2008 departmental budget of the Erie County Legislature in order to effectuate payments of said retainer agreements and legal services; and

WHEREAS, this Legislative Body further desires to direct Erie County departments that may be involved with said payments to facilitate County procedures in order to effectuate payments of said retainer agreements and legal services in a timely manner.

NOW, THEREFORE, BE IT

**MEETING NO. 1  
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**ERIE COUNTY LEGISLATURE**

RESOLVED, that authorization is hereby granted to effectuate the payment of a retainer agreement in the amount of \$10,000 with the law firm Lipsitz Green Scime Cambria LLP for pre-litigation services, and authorization is hereby granted to effectuate the payment of a second retainer agreement in the amount of \$10,000 with the law firm Lipsitz Green Scime Cambria LLP for litigation services related to the 2009 Erie County Budget as Adopted by the Erie County Legislature; and be it further

RESOLVED, that in accordance with the Erie County Code, Section 19.08, the Erie County Legislature hereby makes a finding of necessity to waive the RFP process for pre-litigation and litigation services by the law firm Lipsitz Green Scime Cambria LLP for services related to the 2009 Erie County Budget as Adopted by the Erie County Legislature which requires immediate resolution of the dispute for the timely issuance of property tax bills; and be it further

RESOLVED, that this Honorable Body further desires to amend the 2008 departmental budget of the Erie County Legislature in order to effectuate payments of said retainer agreements and legal services, to wit:

**ERIE COUNTY LEGISLATURE - 2008 DEPARTMENTAL BUDGET  
FUND 110 – FUND CENTER 100**

<u>Account</u>	<u>Appropriations</u>	<u>Amount</u>
Acct. 530000	Other	- \$ 20,000
Acct. 516020	Pro Ser Cnt And Fees	+ <u>\$ 20,000</u>

and be it further

RESOLVED, that said funding is available in the 2008 departmental budget of the Erie County Legislature, and payment is hereby approved in the amount of \$10,000 with the law firm Lipsitz Green Scime Cambria LLP for pre-litigation services, and payment is hereby approved in the amount of \$10,000 with the law firm Lipsitz Green Scime Cambria LLP for litigation services related to the 2009 Erie County Budget as Adopted by the Erie County Legislature, to wit:

**ERIE COUNTY LEGISLATURE - 2008 DEPARTMENTAL BUDGET  
FUND 110 – FUND CENTER 100**

<u>Account</u>	<u>Appropriations</u>	<u>Amount</u>
Acct. 516020	Pro Ser Cnt And Fees	\$ 10,000 – Pre-Litigation Services
Acct. 516020	Pro Ser Cnt And Fees	<u>\$ 10,000</u> – Litigation Services
		\$ 20,000 – TOTAL

and be it further

RESOLVED, that the Erie County Attorney is hereby directed to immediately issue the necessary Erie County Contract Number, upon the receipt of a certified copy of this resolution, in order to effectuate payment to the law firm Lipsitz Green Scime Cambria LLP, and further directs

**MEETING NO. 1  
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**ERIE COUNTY LEGISLATURE**

Erie County departments that may be involved with said payments to facilitate County procedures in order to effectuate payments of said retainer agreements and legal services in a timely manner; and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to forward certified copies of this resolution to the Erie County Comptroller, the Erie County Attorney, the Director of Purchase and the Division of Budget and Management.

MS. WHYTE moved to approve the resolution as amended. MR. REYNOLDS seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

Item 11 – MS. WHYTE moved for the approval of minutes for Meetings 27, 28, and 29 of 2008. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 12 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 13 – MS. IANNELLO presented a Memorial Resolution for Elonora Krull Olcott Tiffany.

Item 14 – MS. IANNELLO presented a resolution Congratulating James Millard on His Appointment as President and CEO of Kenmore Mercy Hospital.

Item 15 – MS. IANNELLO presented a resolution Congratulating Trinity United Methodist Church, Founded in 1867, on Its Anniversary.

Item 16 - MS. IANNELLO presented a resolution Congratulating the Sheridan Parkside Property Owners on Their 14th Anniversary.

Item 17 – MS. IANNELLO presented a resolution Honoring the Memory of Catherine Butera.

Item 18 – MS. IANNELLO presented a Memorial Resolution for Harry J. Stewart.

Item 19 – MS. IANNELLO presented a resolution Congratulating Deborah Bruch Bucki on becoming Amherst Town Clerk.

Item 20 – CHAIR MARINELLI, MS. WHYTE, MR. KOZUB, MR. KENNEDY, MS. KONST, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI, MS. IANNELLO, MR. REYNOLDS & MR. LOUGHRAN presented a resolution Recognizing James A. Duncan, Jr. for His Decades of Service to the UAW & Working Families.

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Item 21 – CHAIR MARINELLI, MS. WHYTE, MR. KOZUB, MR. KENNEDY, MS. KONST, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI, MS. IANNELLO, MR. REYNOLDS & MR. LOUGHRAN presented a resolution Congratulating Kevin Donovan on His Retirement from UAW Region 9.

Item 22 – MS. KONST presented a resolution Congratulating the Newest Eagle Scouts from Troop #290 of Marilla, New York: Matthew Zydel, Austin Nottingham, Brian MacLeod, Jonathan Roth, Andrew Sheehan, Kyle Ingraham.

Item 23 – MR. MILLS presented a resolution Commending Edward C. Huebert on Achieving the Rank of Eagle Scout.

MS. WHYTE moved to consider the above eleven items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eleven items by adding eight for MR. WALTER and also by adding Et Al Sponsorship. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above nineteen items as amended. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 24 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 25 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 26 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 27 – CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

None.

**LEGISLATOR RESOLUTIONS**

Item 28 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

RE: Protecting Taxpayers’ Interests: Legal and Fiscal Matters Related to the 2009 Erie County Budget as Adopted by the Erie County Legislature (INTRO 1-1)

MS. WHYTE moved to amend the resolution. MR. REYNOLDS seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

Insert the Following Resolution:

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE & KONST**

WHEREAS, the Erie County Legislature approved Comm. 20E-1 (2008), as amended on December 1, 2008; and

WHEREAS, the County Executive issued his 2008 Budget Veto Message related to Comm. 20E-1 (2008), as amended on December 8, 2008; and

WHEREAS, on December 9, 2008, pursuant to Section 2608 (3) of the Erie County Charter, the Erie County Legislature, upon receiving the County Executive’s objections to the budget as amended by the Erie County Legislature, entered the County Executive’s objections to the budget upon its journal and proceeded to reconsider the additions and increases to which the County Executive objected. The Erie County Legislature also fully considered and reviewed the additional comments offered by the County Executive in his veto message dated December 8, 2008; and

WHEREAS, also on December 9, 2008, after due deliberations of the County Executive’s veto message, pursuant to Section 2608 (3) of the Erie County Charter, at least two thirds of all members of the Erie County legislature voted to approve the additions and increases to which the

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County executive objected, thereby overriding and disapproving all of the vetoes, objections and all other comments raised in the County Executive's veto message; and

WHEREAS, the actions taken by the Erie County Legislature demonstrate the intent of Legislature to eliminate the need for an increase in the property tax rate to be imposed upon the taxpayers of Erie County; and

WHEREAS, to insure that the intent of the Erie County Legislature is effectuated it is necessary to approve technical amendments and changes to the 2009 Adopted Budget; and

WHEREAS, due to the lack of transparency in the 2009 Budget as proposed by the County Executive, the Erie County Legislature lacks critical information necessary to make any technical amendments.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature invites County Executive to propose technical amendments necessary to effectuate stated intent of the Legislature as set forth in the Amendment to the 2009 Budget as adopted by the Erie County Legislature; and be it further

RESOLVED, that the Clerk of the Erie County Legislature shall provide certified copies of the resolution to the County Executive, the Office of the Comptroller, the Budget Director and the Erie County Fiscal Stability Authority.

MS. WHYTE moved to approve the resolution as amended. MS. GRANT seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

Item 29 - CHAIR MARINELLI directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 1-2 from MARINELLI, WHYTE, KONST & REYNOLDS. Technical Amendments (A) for 2009 Budget.

Item 30 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 1-3 from MARINELLI, WHYTE, KONST & REYNOLDS. Technical Amendments (B) for 2009 Budget.

Item 31 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 1-4 from MARINELLI, WHYTE, KONST & REYNOLDS. Technical Amendments (C) for 2009 Budget.

Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

RE: Urging Governor David A. Paterson to Appoint a Western New York/Upstate Candidate to the United States Senate (INTRO 1-5)

MS. WHYTE moved to amend the resolution. MR. KENNEDY seconded

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE, MILLS, KENNEDY,  
KOZUB, MILLER-WILLIAMS, WALTER, KONST, GRANT, MAZUR,  
WROBLEWSKI, IANNELLO, REYNOLDS & RATH**

WHEREAS, Following the election of Barack H. Obama as President of the United States, and culminating in Senator Hillary Rodham Clinton being chosen as Secretary of State under the Obama administration, it will become the responsibility of Governor David A. Paterson to appoint an individual to the soon-to-be vacated United States Senate seat; and

WHEREAS, a concerted effort should be made to keep the unique needs of Upstate New York, particularly Western New York, in the forefront of the minds of leadership at the State and Federal levels of government, especially considering the difficult economic conditions being felt at both levels of government transpiring into an Upstate Region that is especially vulnerable; and

WHEREAS, while the appointed United States Senator must consider the holistic priorities of the State, the appointment of a candidate from Western New York would clearly demonstrate a commitment to the citizens of the region by empowering an individual who is naturally concerned with and understanding of the specific issues the Upstate Region is facing when compared to the rest of the State and the Nation; and

WHEREAS, historically, the vast majority of United States Senators from New York have come from the Downstate region, specifically New York City; and

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WHEREAS, the citizenry in Western & Upstate New York demand that their region is given equal representation and treated with the same level of importance, no matter their geographical location; and

WHEREAS, Western New Yorkers have not had a regional champion of their own in the United States Senate since Representative Charles Goodell of Jamestown served approximately 28 months of the unexpired term of Senator Robert F. Kennedy; and

WHEREAS, consideration should be given to an experienced representative from the Western New York area with a clear understanding of its history and how this history can be translated into creating a more prosperous region and State; and

WHEREAS, an individual who understands the importance of Western New York's waterfront development, architectural history, tourism opportunities as it relates to bolstering the injured economy, and deals with these important issues daily would give the Western New York & Upstate Region the necessary voice to compliment the advocacy on behalf of the rest of the Empire State; and

WHEREAS, a candidate from Western New York, based on familiarity with the region, could work on effectively combating the devastating loss of manufacturing jobs and the plummeting population, all while focusing on the importance of agriculture and the significance of solidifying and promoting Upstate New York's future role in green industry; and

WHEREAS, Western New Yorkers/Upstate New Yorkers have grown tired of watching their children and grandchildren move away from the region due to a lack of opportunity and deserve a United States Senator who clearly understands these issues firsthand and whose priorities are to reverse this trend; and

WHEREAS, this honorable body believes that there are many qualified candidates from Western New York who could champion the issues that are close to the hearts and minds of all New York State, and the appointment of such a person would demonstrate Governor David A. Paterson's commitment to the needs of Western & Upstate New York.

**NOW, THEREFORE, BE IT**

**RESOLVED**, this honorable body believes that a representative from Western New York, who is familiar with the issues unique to Upstate and deals with them on a daily basis, would be best fit to serve in the United States Senate seat soon-to-be vacated by Senator Hillary Rodham Clinton; and be it further

**RESOLVED**, this honorable body strongly urges Governor David A. Paterson to appoint a Western New York candidate to the United States Senate seat as a demonstration of his commitment to ensuring Upstate New York has an equal voice in New York State and in the United States of America; and be it further

**RESOLVED**, that a certified copy of this resolution be transmitted to Governor David A. Paterson.



MS. WHYTE moved to approve the resolution as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 33 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

RE: State Aid Reductions to Family Support  
Center  
(INTRO 1-6)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS IANNELLO, MARINELLI, WHYTE, MILLS, KOZUB,  
KENNEDY, MILLER-WILLIAMS, GRANT, MAZUR, REYNOLDS & RATH**

WHEREAS, New York State Governor David Paterson has submitted a proposed austerity budget that would drastically affect the Joan A. Male Family Support Center (formerly known as Parents Anonymous) by \$1.1million; and

WHEREAS, \$1.1million is one third of their annual budget, affecting the Community Optional Preventive Services (COPS) funding that directly comes from New York State to Erie County for these specific, contractual outreach services; and

WHEREAS, this funding cut is retroactive to October 1, 2008 causing the Joan A. Male Family Support Center to go immediately into ‘Crisis Mode,’ causing the elimination of five active positions and one vacant position; and

WHEREAS, elimination of this funding means that the County will no longer provide funding for child abuse and foster care prevention programs to the Joan A. Male Family Support Center; and

WHEREAS, the Joan A. Male Family Support Center operates the only full-time Parent Helpline in Erie County with staffers that go into homes of high risk families, especially where there are children under six involved; and

WHEREAS, these drastic cuts in funding have put nine additional staffers at risk along with the programs they provide such as parenting issues involving mental health, substance abuse and domestic violence problems; and

WHEREAS, many situations are of a crisis mode as the youngsters served by these programs are at high risk when seeking placement in residential, out of home care.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature is calling upon Governor David Paterson to make the vital amendment to his proposed budget by eliminating the October 1, 2008 retro-active effective date for this funding; and be it further

RESOLVED, that Governor David Paterson see the extreme need for a 30 day amendment to his budget with a date of April 1, 2009, allowing the Joan A. Male Family Support Center to negotiate with Erie County for a three month contract; and be it further

RESOLVED, that this would allow services to continue while the Center can assess the outcome of State Budget negotiations in order to plan long term; and be it further

RESOLVED, that the Erie County Legislature does call on our Western New York delegation to put forth an effort with Governor Paterson and their colleagues in the New York State Legislature to ensure these amendments are presented and passed in a timely manner; and be it further

RESOLVED, that certified copies of this resolution be sent to the WNY delegation, Deborah A. Merrifield, Executive Director of the Joan A. Male Family Support Center, Governor David Paterson and Commissioner Michael Weiner of Erie County Department of Social Services.

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

RE: Expansion of New York State's Bottle Deposit Law to Include Non-Carbonated Beverage Containers  
(INTRO 1-7)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS IANNELLO, MARINELLI, WHYTE, KONST,  
GRANT, MAZUR & REYNOLDS**

WHEREAS, the original Bottle Deposit Law was passed in 1982; and

WHEREAS, the environmental and economic benefits of the bottle deposit law are clear; and

WHEREAS, roadside litter has been reduced by 70 percent since the passage of the original bill in 1982; and

WHEREAS, more than 90 billion containers made of glass, aluminum and plastic have been recycled since the passage of the original bill; and

WHEREAS, this recycling has resulted in saving more than 50 million barrels of oil and eliminating 5 million metric tons of greenhouse gases; and

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WHEREAS, the current law is flawed in that it applies only to beer and carbonated beverages; and

WHEREAS, non-carbonated drinks, including water, fruit juice and sports drinks now make up more than one-quarter of the beverage market; and

WHEREAS, it makes no sense to continue to differentiate these containers based on their contents; and

WHEREAS, currently there is little or no incentive to return and recycle these non-carbonated beverage containers which is detrimental to our environment; and

WHEREAS, enactment of the expanded Bigger Better Bottle Bill in 2009 is needed to supplement funding for the Environmental Protection Fund; and

WHEREAS, the Environmental Protection Fund supplies money for more than 30 important programs including municipal recycling, the state pesticides database, soil and water conservation districts and agricultural waste management programs; and

WHEREAS, the state faces a looming deficit and the governor's proposed budget for the 2009-10 fiscal year has shielded virtually no area of state spending from reductions, including the Environmental Protection Fund; and

WHEREAS, the expansion of the Bottle Bill Law can help fund these programs through the Environmental Protection Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports efforts to reduce litter, boost recycling and keep millions of additional containers out of landfills; and be it further

RESOLVED, that the Erie County Legislature sees the need to generate badly needed revenue for the state to maintain vital programs funded through the state Environmental Protection Fund, such as farmland protection, Great Lakes stewardship, park stewardship and urban forestry; and be it further

RESOLVED, that this Legislative body urges our State Legislature to exercise common sense by expanding this original Bottle Deposit Law to include noncarbonated beverage containers, including water, fruit juice and sports drinks; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor David Paterson and our Western New York delegation.

MS. WHYTE moved to amend the resolution by adding MR. KENNEDY, MS. MILLER-WILLIAMS, MR. WROBLEWSKI and MR. LOUGHRAN as Co-Sponsors. MS. IANNELLO seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

MS. WHYTE moved to approve the resolution as amended. MS. IANNELLO seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

Item 35 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

RE: Reduction of Benzene & Other  
Hazardous Air Pollutants in Tonawanda,  
New York  
(INTRO 1-8)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS IANNELLO, WHYTE, MARINELLI,  
KOZUB, MILLER-WILLIAMS & LOUGHRAN**

WHEREAS, the New York State Department of Environmental Conservation (DEC), as part of the federal Environmental Protection Agency's (EPA) Ambient Air Toxics Monitoring Strategy, has conducted an ambient air-monitoring program in Tonawanda in response to pollution and foul odor complaints from residents in Kenmore and Tonawanda; and

WHEREAS, the DEC air-monitoring program, which lasted 12 months from July 2007 through June 2008 at four sites, found that ambient air levels of benzene in Tonawanda are elevated; and

WHEREAS, one DEC air monitor indicated the average annual benzene level exceeded the New York State guideline by a factor of nearly one hundred; and

WHEREAS, benzene has been linked to leukemia and is classified as a known human carcinogen by the U.S. Environmental Protection Agency; and

WHEREAS, long-term inhalation exposure has caused various disorders in the blood, including reduced numbers of red blood cells and aplastic anemia, in occupational settings; and

WHEREAS, reproductive effects have been reported for women exposed by inhalation to high levels, and adverse effects on the developing fetus have been observed in animal tests; and

WHEREAS, benzene levels in Tonawanda are at a level that may be dangerous to Tonawanda residents' health; and

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WHEREAS, according to the federal EPA Toxic Release Inventory, in 2006 Tonawanda Coke reported releasing 9,568 lbs of benzene to the air and is the #1 industrial contributor of benzene in Tonawanda; and

WHEREAS, the Erie County Legislature is committed to insuring a safe and healthy environment for residents throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on those manufacturers and chemical plants in and near Tonawanda, including Tonawanda Coke, to significantly reduce their air emissions of benzene, a known human carcinogen; and be it further

RESOLVED, that the County of Erie encourages Tonawanda Coke and other area manufacturers to develop and implement toxic-use-reduction plans and install state-of-the-art air pollution control equipment to significantly reduce the use and release of benzene and other hazardous chemicals into the community; and be it further

RESOLVED, that the Erie County Legislature requests the DEC and EPA to conduct a thorough on-site inspection and review of Tonawanda Coke's various environmental permits to determine compliance with applicable state and federal environmental regulations; and be it further

RESOLVED, that certified copies of this resolution be forward to the President of the Tonawanda Coke Plant, Mayor Ronald Pillozzi, of the City of Tonawanda, Supervisor Anthony Caruana of the Town of Tonawanda, the Western New York State delegation, Congresswoman Louise Slaughter, the Clean Air Coalition of Western New York, Governor David Paterson and the local offices of the EPA and DEC.

MS. WHYTE moved to amend the resolution. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

Add the Following Legislators as Co-Sponsors:

MR. REYNOLDS and MS. KONST.

Add the Following as the 4<sup>th</sup> Resolve Clause:

RESOLVED, that the DEC and EPA seek out and provide technical, economic, and/or tax credit assistance to Tonawanda Coke and the other manufacturers and industries involved to offset or minimize the cost factor to accomplish emission reductions; and be it further

MS. WHYTE moved to further amend the resolution by adding MS. GRANT as Co-Sponsor. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 36 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of INTRO 3-21 (2008). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

RE: Permitting Snowboarding at  
Emery and Chestnut Ridge Parks  
(INTRO 3-21)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MILLS & KONST**

WHEREAS, Emery Park in the Town of Aurora and Chestnut Ridge Park in the Town of Orchard Park are major parks in the Erie County Parks system; and

WHEREAS, Emery Park and Chestnut Ridge Park are year-round recreational hubs for the residents of Erie County; and

WHEREAS, Emery Park and Chestnut Ridge Park are frequented by winter sports enthusiasts; and

WHEREAS, Emery Park and Chestnut Ridge Park offer downhill skiing facilities to residents of Erie County, free of charge; and

WHEREAS, snowboarding is a widely enjoyed winter sport, participated in at the same venues used by downhill skiers; and

WHEREAS, Emery Park and Chestnut Ridge Park currently prohibit snowboarding, leaving snowboarders no venue in the Erie County Parks system to enjoy the sport.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the Erie County Parks and Recreation Department make snowboarding available to winter sports enthusiasts in appropriate areas at Emery Park and Chestnut Ridge Park; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Chris Collins and Erie County Parks and Recreation Commissioner James Hornung, Sr.

MS. WHYTE moved to approve the resolution. MS. KONST seconded.



RESOLVED, that Chris Collins, Erie County Executive, is the Lead Applicant Contact Person and is authorized to execute all financial and/or administrative processes relating to the grant program; and be it further

RESOLVED, that the required local match of 10% will be provided by the WNYSC annual membership fees; and be it further

RESOLVED, that upon approval of said grant request, the County of Erie will enter into an Intermunicipal Agreement, where the shared services of the proposed project are listed in detail, with the co-applicants listed above; and be it further

RESOLVED, that this Resolution will take effect immediately after its passage by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Director of Budget and Management; Holly A. Sinnott, Commissioner of Environment and Planning; William M. Murray Esq., Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

Item 38 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-27 from the COUNTY EXECUTIVE Re: EC Sewer Dist. No. 3, Lake St. Pump Station Improvements - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 39 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.



RESOLUTION NO. 10

RE: Urging NY Governor to Submit 30-Day  
Budget Amendments for 2009-10  
Budget  
(INTRO 1-9)

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

WHEREAS, the Erie County Legislature is keenly aware of the unique challenges regarding the deliberations on the New York State Budget for 2009-10; and

WHEREAS, the Governor has proposed cuts in state support for essential programs that protect the safety of children and youth at risk for neglect, abuse and delinquency; and

WHEREAS, empirical evidence supports public investment in so-called "community optional preventive services programs" for both humanitarian and economic reasons; and

WHEREAS, the term "optional" may be a misnomer, as opting not to prevent the placement of children and youth in foster care or residential facilities is far more costly to the taxpayers in the long-run.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request that the Governor reconsider the proposed state share of 0% for Community Optional Preventive Services Programs in recognition of the demonstrated return on investment of such programs and long-term cost-savings to both state and county governments; and be it further

RESOLVED, if the Governor's original proposal regarding such programs remains, that counties be given maximum flexibility in planning for these drastic cuts, including the removal of the retroactive date of October 1, 2008 in favor of an implementation date, if absolutely necessary to proceed with such draconian cuts, of April 1, 2009 or later; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David A. Paterson, Assembly Speaker Sheldon Silver, Senate Majority Leader Malcolm Smith, the WNY Delegation to the State Legislature, County Executive Chris Collins, Budget Director Greg Gach and the Commissioner of Social Services.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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Item 40 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 1-10 from MR. KOZUB Re: Viewing the Proposed Federal Economic Stimulus Program for 2009 as an Opportunity to Upgrade Aging Water and Sewer Systems in Buffalo and Erie County

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 41 – (COMM. 1E-1) Requesting ECFSA Approval of Erie County Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 42 – (COMM. 1E-2) Erie County Prescription Drug Discount Card Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 43 – (COMM. 1E-3) Comptroller's Preliminary Review of Proposed 2009-2010 New York State Executive Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR KONST**

Item 44 – (COMM. 1E-4) Letter of Absence for Session #29, 12/22/08

Received, Filed and Printed.

December 18, 2008

Hon. Lynn M. Marinelli, Chair  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, N.Y. 14202

Dear Chair Marinelli,

I write to you today to inform you that I am unable to attend the Special Meeting of the Erie County Legislature that you have called for Monday, December 22, 2008.

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Unfortunately, my absence is unavoidable in that I will be out of town on December 22nd, which will prevent me from attending this Special Meeting.

Thank you.

Sincerely,

Kathy Konst  
Erie County Legislator - 5th District

cc: Robert M. Graber, Clerk  
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 45 – (COMM. 1E-5) Designation Pursuant to Erie County Charter Section 304

Received and Filed.

FROM CHAIR MARINELLI

Item 46 – (COMM. 1E-6) Letter to Real Property Tax Services Director Concerning Property Tax Levy Legal Authority

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 47 – (COMM. 1E-7) Erie County Payments - Bonded Capital Projects

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 48 – (COMM. 1E-8) Letter of Absence for Session #29, 12/22/08

Received, Filed & Printed.

December 22, 2008

Hon. Lynn M. Marinelli, Chair  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Chair Marinelli,

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I regret that I will be unavoidably unable to attend the special session on December 22, 2008, due to a commitment scheduled prior to the scheduling of the special session. Due to family circumstances, I will be out of the state from December 19, 2008 through December 26, 2008. I had previously notified the Clerk of the Legislature of my unavailability during this time period prior to the scheduling of this session.

Thank you.

Yours Truly,

Michael H. Ranzenhofer  
Erie County Legislator – 4th District

cc: Robert M. Graber, Clerk  
Erie County Legislature

**FROM THE COMPTROLLER**

Item 49 – (COMM. 1E-9) Memorandum Concerning NYS Comptroller - New Regulations on Time Reporting

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM CHAIR MARINELLI**

Item 50 – (COMM. 1E-10) 2009 Schedule of Legislative Sessions - Invocation & Pledge Schedule

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Lynn M. Marinelli, Chair

**Subject: 2009 SCHEDULE OF LEGISLATIVE SESSIONS  
INVOCATION & PLEDGE SCHEDULE**

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**ORDER OF LEGISLATORS: INVOCATION & PLEDGE**

**JANUARY**

8 – Kozub and Kennedy  
29 – Miller-Williams and Walter

**FEBRUARY**

5 – Konst and Whyte

**JULY**

9 – Mills and Reynolds  
30 – Rath and Loughran

**AUGUST**

Recess

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19 – Grant and Mazur

**MARCH**

12 – Wroblewski and Iannello  
26 – Reynolds and Mills

**APRIL**

16 – Loughran and Rath  
30 – Kennedy and Kozub

**MAY**

14 - Walter and Miller-Williams  
28 – Whyte and Konst

**JUNE**

11 – Mazur and Grant  
25 – Iannello and Wroblewski

**SEPTEMBER**

10 – Kozub and Kennedy  
24 – Miller-Williams and Walter

**OCTOBER**

8 – Konst and Whyte  
22 – Grant and Mazur

**NOVEMBER**

5 – Wroblewski and Iannello  
19 – Reynolds and Mills

**DECEMBER**

1 – *Budget*  
3 – Loughran and Rath  
8 – *Budget Override*  
17 – Kennedy and Kozub

FROM THE COMPTROLLER

Item 51 – (COMM. 1E-11) Report Detailing Apportionment & Distribution of 4.75% Sales & Compensating Use Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR MARINELLI

Item 52 – (COMM. 1E-12) Erie County Legislature 2009 Committee Assignments

Received, Filed & Printed.

2009 Committee Assignments

Finance & Management

Chairperson: Kathy Konst  
Vice-Chairperson: Robert B. Reynolds Jr.  
Members: Betty Jean Grant  
                  Maria R. Whyte  
                  John J. Mills  
Clerk: John Calvin Davis

Health and Human Services

Chairperson: Thomas J. Mazur  
Vice-Chairperson: Barbara Miller-Williams  
Members: Betty Jean Grant  
                  Robert B. Reynolds Jr.  
                  Raymond W. Walter  
Clerk: Paul P. Henderson

Government Affairs

Chairperson: Barbara Miller-Williams

Economic Development

Chairperson: Timothy M. Kennedy

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Vice-Chairperson: Maria R. Whyte  
Members: Daniel M. Kozub  
Robert B. Reynolds Jr.  
Raymond W. Walter  
Clerk: Kevin J. Hosey

Vice-Chairperson: Kathy Konst  
Members: Timothy M. Wroblewski  
Robert B. Reynolds Jr.  
Barbara Miller-Williams  
Edward A. Rath, III  
Clerk: James C. Gambino

**Energy & Environment**

Chairperson: Daniel M. Kozub  
Vice-Chairperson: Thomas A. Loughran  
Members: Kathy Konst  
Maria R. Whyte  
John J. Mills  
Michele M. Iannello  
Clerk: Paul M. Tarapacki

**Public Safety**

Chairperson: Timothy M. Wroblewski  
Vice-Chairperson: Daniel M. Kozub  
Members: Timothy M. Kennedy  
Michele M. Iannello  
John J. Mills  
Clerk: Jeremy C. Rosen

**Community Enrichment**

Chairperson: Betty Jean Grant  
Vice-Chairperson: Michele M. Iannello  
Members: Timothy M. Kennedy  
Thomas A. Loughran  
Thomas J. Mazur  
Edward A. Rath, III  
Clerk: Paul M. Tarapacki

**FROM CHAIR MARINELLI**

Item 53 – (COMM. 1E-13) Erie County Legislature Policies & Procedures for 2009

Received and Filed.

**FROM THE COUNTY EXECUTIVE**

Item 54 – (COMM. 1E-14) Establish POMP Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 55 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

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

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR.

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MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.  
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

RE: NYS Nurses Association –  
Successor Collective Bargaining  
Agreement  
(COMM. 1E-15)

WHEREAS, Erie County and the Erie County Medical Center are a municipal corporation and a public benefit corporation, respectively, and are bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly-elected employee union organizations; and

WHEREAS, the New York State Nurses Association (“NYSNA”) is an employee union organization and represents the nursing staff within Erie County and the Erie County Medical Center; and

WHEREAS, the existing collective bargaining agreement between Erie County, the Erie County Medical Center and NYSNA expired December 31, 2004; and

WHEREAS, Erie County, the Erie County Medical Center and NYSNA have negotiated a successor collective bargaining agreement, covering the period between January 1, 2005 and December 31, 2011; and

WHEREAS, the NYSNA membership has ratified the successor agreement.

NOW, THEREFORE, BE IT

RESOLVED, the successor agreement between Erie County, the Erie County Medical Center and NYSNA is hereby approved; and be it further

RESOLVED, Erie County payroll is directed to process an across-the-board wage increase of 10%, retroactive to July 1, 2008, and to process across-the-board wage increases of 3% each on January 1, 2009, January 1, 2010 and January 1, 2011 to all NYSNA members employed by Erie County; and be it further

RESOLVED, all additional terms and conditions of the successor agreement shall be implemented in full.

Item 56 – (COMM. 1E-16) Revise WRAP-SOFA Grant

Item 57 – (COMM. 1E-17) Assistant Commissioner Position Creation

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

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Item 58 – (COMM. 1E-18) CPS - Local Enhanced Wireless 911 Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 59 – (COMM. 1E-19) Comprehensive Adoption Services Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 60 – (COMM. 1E-20) Buffalo & EC Botanical Gardens - New Growing House Architect/Engineer Fees

Item 61 – (COMM. 1E-21) Exchange of Service for Equipment with Town of Grand Island

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 62 – (COMM. 1E-22) Personnel Adjustment - Childhood Lead Poisoning Prevention Program (4/1/08 - 3/31/09)

Item 63 – (COMM. 1E-23) Hyland Software Maintenance Contract

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

**FROM THE DISTRICT ATTORNEY**

Item 64 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

RE: District Attorney's Office  
Re-Organization  
(COMM. 1E-25)

WHEREAS, in order to effectuate a reorganization of the Erie County District Attorney's 2009 Personal Services Budget, several staffing adjustments are necessary; and

WHEREAS, the reorganization in the Erie County District Attorney's Office has resulted in the funds necessary to implement the changes authorized by this resolution; and

WHEREAS, in order for the Erie County District Attorney to initiate his practice of hiring the best and brightest to fill the most challenging positions within his office, it is important that they are compensated appropriately; and

WHEREAS, the Erie County District Attorney is prepared to fill the Second Deputy District Attorney position pending action from your honorable body; and



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WHEREAS, the Erie County District Attorney is taking the first stage to implement his vision of creating the most professional office; and

WHEREAS, salaries for these positions were determined based on the County's respective Managerial Confidential and CSEA pay scales; and

WHEREAS, both the Erie County District Attorney's staff reorganization and salary authorization will have no additional personal services costs, and will be implemented while keeping within the District Attorney's adopted appropriation for 2009; and

WHEREAS, the proposed reorganization will result in a net \$2,110 savings in Personal Services Budget.

NOW, THEREFORE, BE IT

RESOLVED, that effective January 1, 2009, this Honorable Body does hereby provide authorization to revise the District Attorney's adopted appropriations for 2009 and to make those funds available to provide for the adjustments; and be it further

RESOLVED, that the position of Confidential Aide (position #1841) be changed from a JG7 to that of a JG8 in fund center 11400 (B100 #4395); and be it further

RESOLVED, that the position of Deputy for Administration (position #2351) be changed from a JG16 to that of a JG17 in fund center 11400 (B100 #4395); and be it further

RESOLVED, that the Erie County Legislature does hereby authorize a variable minimum step D for the position of Second Deputy District Attorney (position #3420), fund center 11400, for the year 2009, in accordance with the 2009 Adopted Erie County Budget and Erie County Personnel Policy, effective January 1, 2009; and be it further

RESOLVED, that the Director of Budget and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution retroactive to January 1, 2009; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Commissioner of Personnel and the Director of Budget and Management.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMMISSIONER OF HEALTH**

Item 65 – (COMM. 1D-1) Agenda Items for Board of Health Meeting to be Held 1/8/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 66 – (COMM. 1D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 67 – (COMM. 1D-3) Copy of Letter to County Executive - RE: Determination of Amount Required Real Property Tax Levy

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 68 – (COMM. 1D-4) Budget Monitoring Report for Period Ending 10/31/08 & 2008 Year-End Projection

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY'S OFFICE

Item 69 – (COMM. 1D-5) Notice of Public Hearing: Local Law Intro No. 9 - 2008

Received and filed.

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 70 – (COMM. 1D-6) Letter to Legislature Chair Concerning Property Tax Levy Legal Authority

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 71 – (COMM. 1D-7) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 72 – (COMM. 1D-8) Agenda Items Received & Filed on 12/31/08

Received, Filed and Printed.

**Erie County Legislature**

**In accordance with Section 5.05 of the Legislature's 2008 Rules of Order**

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**Agenda Items Received & Filed as of 12/31/08**

*Listed by Legislature Committee*

<b><u>ITEM NUMBER</u></b>	<b><u>FROM</u></b>	<b><u>SUBJECT</u></b>
<b><u>Health &amp; Human Services Committee:</u></b>		
INTRO 4-8 (2007)	WHYTE & KENNEDY	The Health Effects of Consuming Trans Fats
COMM. 11D-2 (2007)	SOCIAL SERVICES	Summary Update of the Four (4) Year Plan Provided by DSS
COMM. 13D-7 (2007)	ERIE COUNTY COMMUNITY COORDINATING COUNCIL ON CHILDREN & FAMILIES	Factors that Affect Children and Families in Erie County: Poverty, Violence, Child Abuse and Neglect
<b><u>Community Enrichment Committee:</u></b>		
INTRO 8-5 (2007)	KONST & IANNELLO	Auditing and Determining Best Practices for the Buffalo Niagara Convention & Visitors Bureau in Preparation for Increasing the Bed Tax Allocation
COMM. 11E-3 (2007)	COUNTY EXECUTIVE	Local Law in Relation to Support of the Arts and Cultural Resources of Erie County
COMM. 21M-8 (2007)	AFSCME LOCAL 1095	ECC Dormitories Work
<b><u>Economic Development Committee:</u></b>		
LL. INT. 9-1 (2007)	RANZENHOFER	Repeal of LL No. 2-2006
COMM. 9E-15 (2007)	COUNTY EXECUTIVE	Appropriation of Funds for the Queen City Farm Planning Group
INTRO 18-1 (2007)	RANZENHOFER	Support the Revocation of LL No. 2-2006

**Government Affairs Committee:**

LL INT. 1-1 (2007)	MILLS, RANZENHOFER & WEINSTEIN	A LL Requiring Elected Officials to Resign From Office Upon Being Convicted of a Misdemeanor or Felony
LL INT. 3-2 (2007)	IANNELLO, MARINELLI, REYNOLDS, KONST, LOUGHRAN, LOCKLEAR, RANZENHOFER, MILLS AND WEINSTEIN	A LL Amending Article II, Section 202 of Local Law No. 7-2007, Known as the Erie County Charter
LL INT. 8-1 (2007)	IANNELLO, KONST, REYNOLDS & MILLS	Taxpayer Protection Law

**Energy & Environment Committee:**

COMM. 1M-12 (2007)	ASSEMBLYMAN HOYT	Copy of Letter to Iannello Re: Logging in Erie County Forests
COMM. 2E-1 (2007)	LOUGHRAN	Letter to Assemblyman Hoyt Re: Logging in Erie County
INTRO 3-3 (2007)	LOUGHRAN	Dedication of Erie County Forest Preserves as Erie County Parklands
INTRO 4-9 (2007)	KONST	Buffalo & Erie County Intermunicipal Cooperation Agreement for Operation of the Buffalo Parks & Parkways
COMM. 5M-4 (2007)	TOWN OF SARDINIA	Copy of Letter to Loughran Re: Erie County Forest
COMM. 11M-12 (2007)	ROBERT B. CHURCH	Erie County Logging
COMM. 12E-15 (2007)	COUNTY EXECUTIVE	ECSD No. 6 - Lackawanna Sewage Treatment Plant – Chlorine Building and Primary Tank Repairs - Bid Opening

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COMM. 12E-18 (2007)	COUNTY EXECUTIVE	ECSD No. 3 - Blasdell Collection System - Bid Opening
COMM. 12E-20 (2007)	COUNTY EXECUTIVE	ECSD No. 3 - Boston Valley Collection System - Bid Opening
COMM. 12E-44 (2007)	COUNTY EXECUTIVE	ECSD No. 2 - Lake Street Pump Station Improvements - Bid Opening
COMM. 16M-14 (2007)	ERIE COUNTY SOIL & WATER CONSERVATION DISTRICT	Forest Lands Resource Management Proposal
INTRO 20-1 (2007)	KONST	Dissolution and Elimination of the ECWA
COMM. 26E-16 (2007)	COUNTY EXECUTIVE	Authorization for County Executive to Negotiate and Enter into a Development and Funding Agreement for the Frank Lloyd Wright Rowing Boat House

**Finance & Management Committee:** No Items

**Public Safety Committee:** No Items

**FROM THE COUNTY ATTORNEY**

Item 73 – (COMM. 1D-9) Revised Designation in the Event of Vacancy, Absence or Inability

Received and filed.

**FROM THE DIRECTOR OF INTERGOVERNMENTAL AFFAIRS**

Item 74 – (COMM. 1D-10) Real Estate/Space Utilization Quarterly Update

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

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FROM THE NIAGARA ERIE REGIONAL COALITION

Item 75 – (COMM. 1M-1) Agenda Items for Meeting Held 12/12/08

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF CONCORD

Item 76 – (COMM. 1M-2) Copy of Resolutions Supporting EC Soil & Water Conservation District

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ALDEN MEALS ON WHEELS

Item 77 – (COMM. 1M-3) Letter Acknowledging Receipt of Request for Budget Accountability Act Close-Out Report

Received and filed.

FROM THE NYS DEC

Item 78 – (COMM. 1M-4) NYS Fish, Wildlife & Marine Resource Goals for 2010 - Ecosystem Protection

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MEALS ON WHEELS FOR WNY INC.

Item 79 – (COMM. 1M-5) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM SALLY ANN FRANZ

Item 80 – (COMM. 1M-6) Letter Supporting Funding for Shakespeare in Delaware Park

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 81 – (COMM. 1M-7) Agenda Items for Meeting Held 12/18/08

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE TOWN OF CONCORD

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Item 82 – (COMM. 1M-8) Copy of Resolution in Opposition to Any Property Tax Increase in the County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE NYS PUBLIC SERVICE COMMISSION**

Item 83 – (COMM. 1M-9) Order Adopting Changes to Electric Safety Standards

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE ERIE COUNTY SOIL & WATER CONSERVATION DISTRICT**

Item 84 – (COMM. 1M-10) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE KEN-TON MEALS ON WHEELS**

Item 85 – (COMM. 1M-11) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM OPERATION PETS**

Item 86 – (COMM. 1M-12) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE PUTNAM COUNTY LEGISLATURE**

Item 87 – (COMM. 1M-13) Copy of Resolution Supporting Continuation of Empire Zone Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM GOVERNOR PATERSON**

Item 88 – (COMM. 1M-14) Acknowledgement of Receipt of Certified Resolution

Received and filed.

**FROM COLUCCI & GALLAHER, P.C.**

Item 89 – (COMM. 1M-15) Agenda Items for ECMCC Meeting Held on 12/18/08

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE NFTA**

Item 90 – (COMM. 1M-16) NFTA Board Minutes for Meeting Held 11/24/08

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NIAGARA ERIE REGIONAL COALITION**

Item 91 – (COMM. 1M-17) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE NFTA**

Item 92 – (COMM. 1M-18) Copy of Five Year Capital Plan

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 93 – CHAIR MARINELLI announced that the committee schedule has been distributed for upcoming meetings. She also said that on Monday, January 12, 2009 at 9:30 A.M. the court case concerning the 2009 Erie County budget as adopted by the Legislature will be heard in NYS Supreme Court. Chair Marinelli also announced that the 2009 major agenda items of the Legislature has been distributed as well. She further announced that the Citizens' Budget Review Committee will meet today at 5:30 P.M. in the Legislative Conference Room.

Item 94 – MR. REYNOLDS announced that the next meeting of the Distressed Real Property Task Force will be held on January 21, 2009 at 9:00 A.M. at the Legislature.

Item 95 – MR. KENNEDY announced that the Economic Development Committee will meet on January 22, 2009 at 11:00 A.M. at the The Center For Transportation Excellence, 401 East Amherst Street, Buffalo N.Y. 14215. Immediately following this meeting, the Transportation Subcommittee will meet at the same venue.

Item 96 – MS. GRANT announced that representatives from the Commission on the Status of Women have been invited to attend the meeting of the Community Enrichment Committee on January 15, 2009.

Item 97 – MS. IANNELLO announced that on January 13, 2009 at 2:00 P.M. there will be a meeting of the Convention and Visitors' Bureau at the Ellicott Square Building to discuss cultural heritage tourism. Buffalo Mayor Byron W. Brown and County Executive Chris Collins both are scheduled to speak.



**MEMORIAL RESOLUTIONS**

Item 98 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Erie County Cultural Resources Advisory Board Member Charlene A. Ritter-Lester, Elizabeth Teal, and Margaret F. ‘Sissy’ Galvin, the mother of Erie County Board of Elections employee Mark P. Galvin.

Item 99 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Elizabeth W. Pearce, a community activist and volunteer for the SPCA and the Buffalo Zoo. Mr. Rath further requested that when the Legislature adjourns, it do so in memory of former State Supreme Court Justice Norman J. Wolf Jr., who also served as a member of the Erie County Legislature for five terms. Legislator Rath described Justice Wolf as a “pillar of the legal community.”

Item 100 – Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Stephen Wisniewski.

Item 101 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Henry S. ‘Spike’ Chudzik and Jim Trautman.

Item 102 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Angeline Czwojdak, William J. Kwiatkowski, Matthew P. Richards, Helen M. Murdough, Kelly Ann Story, Catherine Casey, and Frank A. Green.

Item 103 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Elonora Krull Olcott Tiffany, Catherine Butera, Harry J. Stewart, Margaret W. Peterangelo; and Berthan N. Costantino and her daughter, Dr. Connie C. Wrate Costantino.

**ADJOURNMENT**

Item 104 – At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. WALTER moved that the Legislature adjourn until Thursday, January 29, 2009 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, January 29, 2009 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER  
CLERK OF THE LEGISLATURE**