

**MEETING NO. 1**  
**January 8, 2003**

**ERIE COUNTY LEGISLATURE**

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

The Roll being duly called by Ms. Manzella, Clerk of the Legislature, the following Legislators answered to wit:

1<sup>st</sup> District  
Edward J. Kuwik

2<sup>nd</sup> District  
Mark J.F. Schroeder

3<sup>rd</sup> District  
George A. Holt, Jr.

4<sup>th</sup> District  
Judith P. Fisher

5<sup>th</sup> District  
David Dale

6<sup>th</sup> District  
Albert DeBenedetti

8<sup>th</sup> District  
Raymond K. Dusza

9<sup>th</sup> District  
Gregory P. Falkner

10<sup>th</sup> District  
Charles M. Swanick

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

12<sup>th</sup> District  
Jeanne Z. Chase

13<sup>th</sup> District  
Steven P. McCarville

14<sup>th</sup> District  
Elise M. Cusack

15<sup>th</sup> District  
Barry A. Weinstein

16<sup>th</sup> District  
Michael H. Ranzenhofer

17<sup>th</sup> District  
Dale W. Larson

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Larson.

Ms. Manzella directed that Comm. 1E-15 be taken out of order.

FROM LEGISLATOR PEOPLES

Item 1 – (Comm. 1E-15) Letter to Clerk of Legislature Re: Resignation as EC Legislator of 7<sup>th</sup> District as of 12/31/02.

RECEIVED, FILED & PRINTED.

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December 31, 2002

The Honorable Laurie Manzella  
 Clerk  
 Erie County Legislature  
 25 Delaware Avenue, 7<sup>th</sup> Floor  
 Buffalo, NY 14202

Dear Madam Clerk:

As a result of my election to the public office of Member, New York State Assembly, 141<sup>st</sup> District, I hereby resign the public office of Erie County Legislator, 7<sup>th</sup> District, effective 11:59 p.m. today.

It has been my distinct pleasure and honor to serve with the many fellow legislators and staff with whom I have crossed paths since my initial appointment in 1993. The dedication to public service demonstrated by the members and staff of the Erie County Legislature is seconded to none, and will continue to serve as an inspiration to me as I continue in public service.

Please accept my best wishes for a happy and joyous new year. I wish you, as well as all members and staff of the Legislature good luck and Godspeed.

Very truly yours,

CRYSTAL D. PEOPLES  
 Erie County Legislator  
 7<sup>th</sup> District

Ms. Manzella directed that Comm. 1E-19 be taken out of order.

FROM LEGISLATORS KUWIK, SCHROEDER, FISHER, DALE, DeBENEDETTI, DUSZA,  
HOLT, SWANICK & MARINELLI

Item 2 – (Comm. 1E-19) Appointment of Demone A. Smith to Fill Vacancy in 7<sup>th</sup> Legislative District.

RECEIVED, FILED & PRINTED.

January 2, 2003

The Honorable Laurie Manzella  
 Clerk  
 Erie County Legislature  
 25 Delaware Avenue, 7<sup>th</sup> Floor  
 Buffalo, NY 14202

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**RE: Appointment of Demone A. Smith to fill vacancy in the 7<sup>th</sup> Legislative District.**

Dear Madam Clerk:

Pursuant to Section 1904-B of the Erie County Charter, we, the undersigned representing a majority of the members of the County Legislature enrolled as members of the Democratic Party do hereby appoint Demone A. Smith, of 193 Brunswick Blvd., Buffalo, NY 14208, a duly qualified elector of the seventh legislative district, having the same political affiliation as the person last elected to such office, to fill the vacancy in the office of seventh district County Legislator.

Said appointment shall take effect on January 8, 2003.

Edward J. Kuwik – 1<sup>st</sup> District

Mark J.F. Schroeder – 2<sup>nd</sup> District

George A. Holt, Jr. – 3<sup>rd</sup> District

Judith P. Fisher – 4<sup>th</sup> District

David Dale – 5<sup>th</sup> District

Albert DeBenedetti – 6<sup>th</sup> District

Raymond K. Dusza – 8<sup>th</sup> District

Charles M. Swanick – 10<sup>th</sup> District

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

Item 3 – Ms. Manzella called for nominations for the Office of Chairman of the Legislature for the year 2003.

No names were placed in nomination.

Ms. Manzella, for the second time, called for nominations for the Office of Chairman of the Legislature for the year 2003.

No names were placed in nomination.

Ms. Manzella, for the third and final time, called for nominations for the Office of Chairman of the Legislature for the year 2003.

No names were placed in nomination.

Item 4 – MR. DeBENEDETTI moved to adjourn. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. SWANICK moved to reconsider the adjournment. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

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Ms. Manzella directed that Comm. 1E-23 be taken out of order.

Item 6 – MR. SWANICK presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

Re: Home Rule Requests Extension of  
 Additional 1% Sales Tax Authority.  
 (Comm. 1E-23)

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 5 of the Laws of two thousand two, will expire on February twenty-eight, two thousand three, and

WHEREAS, the Erie County budget for two thousand three was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February twenty-nine, two thousand four, and

WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of nearly one hundred million dollars in the two thousand three Erie County budget, and

WHEREAS, Assembly Bill No. A. \_\_\_\_\_ and Senate Bill No. S. \_\_\_\_\_, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February twenty-nine, two thousand four;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. \_\_\_\_\_, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2003 through February 29, 2004 will result in a 2003 Erie County budget shortfall

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of nearly one hundred million dollars and result in cessation of essential County services to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 5 of the Laws of two thousand two, will expire on February twenty-eight, two thousand three, and

WHEREAS, the Erie County budget for two thousand three was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February twenty-nine, two thousand four, and

WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of nearly one hundred million dollars in the two thousand three Erie County budget, and

WHEREAS, Senate Bill No. S. \_\_\_\_\_ and Assembly Bill No. A. \_\_\_\_\_, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February twenty-nine, two thousand four;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. \_\_\_\_\_, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2003 through February 29, 2004 will result in a 2003 Erie County budget shortfall

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Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

MR. SWANICK moved to amend the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

***DELETE THE ORIGINAL HOME RULE REQUESTS IN THEIR ENTIRETY AND  
 REPLACE WITH THE FOLLOWING TWO (2) HOME RULE REQUESTS:***

(A.) WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 5 of the Laws of two thousand two, will expire on February twenty-eight, two thousand three, and

WHEREAS, the Erie County budget for two thousand three was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February twenty-nine, two thousand four, and

WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of nearly one hundred million dollars in the two thousand three Erie County budget, and

WHEREAS, Assembly Bill No. A. 437 and Senate Bill No. S. 235, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February twenty-nine, two thousand four;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A. 437, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

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The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2003 through February 29, 2004 will result in a 2003 Erie County budget shortfall of nearly one hundred million dollars and result in cessation of essential County services to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

**(B.)** WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended by Chapter 5 of the Laws of two thousand two, will expire on February twenty-eight, two thousand three, and

WHEREAS, the Erie County budget for two thousand three was adopted in anticipation of an extension of the additional 1% Erie County sales and compensating use tax through February twenty-nine, two thousand four, and

WHEREAS, failure to extend the additional 1% sales and compensating use tax will result in an estimated shortfall of nearly one hundred million dollars in the two thousand three Erie County budget, and

WHEREAS, Senate Bill No. S. 235 and Assembly Bill No. A. 437, now pending before the New York State Legislature, would authorize extension of the additional 1% sales and compensating use tax through February twenty-nine, two thousand four;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S. 235, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

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The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to extend the additional 1% Erie County sales and compensating use tax for the period March 1, 2003 through February 29, 2004 will result in a 2003 Erie County budget shortfall of nearly one hundred million dollars and result in cessation of essential County services to the people of Erie County.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

MR. SWANICK moved the approval of the resolution as amended. MR. LARSON seconded.

Ms. Manzella directed a roll call vote be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH, SWANICK, CHASE, CUSACK, DeBENEDETTI, FALKNER, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. AYES: 17. NOES: 0.

CARRIED UNANIMOUSLY.

**ADJOURNMENT**

Item 7 – MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, January 23, 2003. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

The Clerk declared the Legislature adjourned until Thursday, January 23, 2003 at 2 p.m. Eastern Standard Time.

**LAURIE A. MANZELLA**  
**CLERK**