

**ERIE COUNTY LEGISLATURE  
MEETING NO. 18  
JUNE 28, 2005**

The Legislature was called to order by Chairman Holt.

All Members Present except Legislators Chase, Cusack, and DeBenedetti.

A Moment of Silence was held.

The Pledge of Allegiance was led by Ms. Marinelli

Item 1 – CHAIRMAN HOLT directed that the Rules of the Legislature for 2005 Remain on the table.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meetings.

Item 4 – Minutes of previous meetings were tabled.

Item 5 - No Public Hearings.

**LEGISLATOR RESOLUTIONS**

Item 6 – CHAIRMAN HOLT directed the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 18-1 from LEGISLATOR RANZENHOFER Re: Filling a Vacancy In The Office Of The Comptroller

Item 7 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: Filling a Vacancy In The Office  
Of The Comptroller (With  
Accompanying Petition) (INTRO  
18-1)

A RESOLUTION TO BE SUBMITTED BY

LEGISLATORS HOLT, MARINELLI, KUWIK, DUSZA, DEBENEDETTI, SMITH,  
 WROBLEWSKI AND KENNEDY

WHEREAS, Section 1904-A of the Erie County Charter concerning the filling of a vacancy in the elective office of county executive or comptroller states: "A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county executive or comptroller, shall be filled by appointment by the county legislature of a qualified elector of the county having the same political affiliation as the person last elected to such office... The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county executive or comptroller, as the case may be, shall be elected for the balance of the term, if any", and

WHEREAS, Erie County Comptroller Nancy A. Naples has resigned, effective July 1, 2005,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the terms of Section 1904-A of the Erie County Charter, the Erie County Legislature does hereby appoint James M. Hartman of 120 Forest Drive, Orchard Park, NY 14127 to the office of Erie County Comptroller to fill the balance of the term to expire December 31, 2005, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Attorney, County Comptroller and the State of New York.

GEORGE A. HOLT, JR.

LYNN M. MARINELLI

EDWARD J. KUWIK

RAYMOND K. DUSZA

ALBERT DEBENEDETTI

DEMONE A. SMITH

TIMOTHY M. WROBLEWSKI

TIMOTHY KENNEDY

**Fiscal Impact:** None for this resolution.

We, the undersigned, a Majority of the Members of the Erie County Legislature do hereby designate James M. Hartman of 120 Forest Drive, Orchard Park, NY 14127 as Erie County Comptroller to fill the balance of the term to expire December 31, 2005.

---

George A. Holt, Jr.

---

Lynn M. Marinelli

**MEETING NO. 18**  
**JUNE 28, 2005**

**ERIE COUNTY LEGISLATURE**

\_\_\_\_\_  
Edward J. Kuwik

\_\_\_\_\_  
Raymond K. Dusza

\_\_\_\_\_  
Albert DeBenedetti

\_\_\_\_\_  
Demone A. Smith

\_\_\_\_\_  
Timothy M. Wroblewski

\_\_\_\_\_  
Timothy Kennedy

\*\*\*LEGISLATOR CUSACK entered the Legislative Chambers and is now present.

MS. MARINELLI moved for the approval of the item. MR. SWANICK seconded.

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

AYES: CUSACK, MARSHALL, McCARVILLE, SWANICK, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH, and WROBLEWSKI. NOES: RANZENHOFER and WEINSTEIN. (AYES: 11, NOES: 2)

CARRIED.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 8 – MS. MARINELLI moved to discharge the COMMUNITY SERVICES COMMITTEE from further consideration of Comm. 14E-28. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: ECC Budget For 2006-06

\*\*\*Copies of this item are available in the Office of the Clerk of the Legislature.

MS. MARINELLI moved to amend the item by attaching the following resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

AN AMENDMENT TO COMM. 14E-28  
TO BE SUBMITTED BY LEGISLATORS HOLT, MARINELLI, KENNEDY, KUWIK,  
DUSZA, DEBENEDETTI, SMITH AND WROBLEWSKI

**ADD** the following:

WHEREAS, Erie Community College (ECC) has submitted its budget request for its 2005-2006 academic and fiscal year, and

WHEREAS, the County Executive has submitted the budget to the Erie County Legislature with his approval and with no changes, and

WHEREAS, the ECC 2005-2006 Budget, which contains raises for senior executive staff (SES), has raised serious concerns in the Erie County Legislature concerning such raises at a time when the County has a serious deficit and all County departments and agencies, and external organizations which receive County funds or subsidies have seen their funding reduced significantly, and

WHEREAS, on June 16, 2005, this Legislature unanimously approved Intro. 16-1 which expressed opposition to the SES raises,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie Community College budget for the fiscal year commencing September 1, 2005 and ending August 31, 2006 is hereby approved in the total amount of \$80,892,131, with Erie County's sponsor contribution fixed at \$15,329,317, and be it further

RESOLVED, that an additional sponsor contribution of \$100,000 for the college's 2005-2006 fiscal year will be provided and placed into a new County contingency account to be created for the use of the college and monitored by the Legislature, with the funds in that account available for use by the college in 2006 for purposes other than raises for college staff subject to the approval of the ECC Board of Trustees and the formal approval through future resolution, of the County Executive and the Erie County Legislature, and be it further

RESOLVED, that the ECC Board of Trustees make any and all corresponding changes in and to the pertinent revenue and appropriation data, details and schedules set forth in the College's requested budget so as to render same consistent with the budget recommended and approved herein, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Erie County Executive, the Director of the Division of Budget, Management and Finance, President of Erie Community College, the County Comptroller, and the Board of Trustees of Erie Community College.

**Fiscal Impact:** \$15,329,317.

MS. MARINELLI moved to further amend the item by including ET AL Sponsorship. MR. SWANICK seconded.

**MEETING NO. 18**  
**JUNE 28, 2005**

**ERIE COUNTY LEGISLATURE**

---

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to approve the item as amended. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLELR**

Item 9 – (Comm. 18E-1) Letter of Resignation

Received, Filed, and Printed.

June 21, 2005

Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

Dear Honorable Members:

I will be leaving the Office of Erie County Comptroller effective close of business Friday, July 1, 2005.

It has been an honor and a privilege to serve the citizens of Erie County.

Sincerely,

NANCY A. NAPLES  
Erie County Comptroller

**FROM CHAIRMAN HOLT**

Item 10 – (Comm. 18E-2) Calling Special Session on 6/28/05

Received, Filed, and Printed.

June 23, 2005

Kevin M. Kelley  
Clerk  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor

**MEETING NO. 18**  
**JUNE 28, 2005**

**ERIE COUNTY LEGISLATURE**

---

Buffalo, New York 14202

Dear Mr. Kelley:

Pursuant to Rule 2.02 of the *RULES OF ORDER* of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on *TUESDAY, JUNE 28, 2005 at 1:00 O'CLOCK* in the afternoon of that day in the Erie County Legislature Chambers on the 4<sup>th</sup> floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This session will entail action concerning the Office of Erie County Comptroller and a vote on the Erie Community College Budget for 2005-2006.

Please notify legislators, the administration and the public of this meeting. Thank you for your assistance.

Sincerely,

GEORGE A. HOLT, JR.  
Chairman  
Erie County Legislature

**COMMUNICATIONS FROM THE DEPARTMENTS**

Item 11 – (Comm. 18D-1) Special Meeting Notice

Received, Filed, and Printed.

June 23, 2005

To: All Erie County Legislators  
From: Kevin M. Kelley, Clerk of the Legislature  
Subject: SPECIAL MEETING NOTICE

*PLEASE TAKE NOTICE* that pursuant to Rule 2.02 of the *RULES OF ORDER* of the Erie County Legislature and under the direction of Chairman George A. Holt, Jr., there will be a SPECIAL MEETING of the Erie County Legislature on *TUESDAY, JUNE 28, 2005 at 1:00 O'CLOCK* in the afternoon of that day in the Erie County Legislature Chambers concerning the 4<sup>th</sup> floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

**MEETING NO. 18  
JUNE 28, 2005**

**ERIE COUNTY LEGISLATURE**

---

This session will entail action on the Office of Erie County Comptroller and a vote on the Erie Community College Budget for 2005-2006.

Thank you.

ATTACHMENT – Chairman Holt’s Letter

**MEMORIAL RESOLUTIONS**

None.

**ADJOURNMENT**

Item 12 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until 2 p.m. Tuesday, July 7, 2005. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Tuesday, July 7, 2005 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY  
CLERK**