



# THE ERIE COUNTY LEGISLATURE

Session No. 2  
January 20, 2005

George A. Holt, Jr.  
*Chairman*

Lynn M. Marinelli  
*Majority Leader*

Michael H. Ranzenhofer  
*Minority Leader*

Kevin M. Kelley  
*Clerk of the Legislature*

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## ROLL CALL

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INVOCATION – Ms. Cusack

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PLEDGE OF ALLEGIANCE – Mr. Dusza

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RULES OF THE LEGISLATURE FOR 2005

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APPOINTMENT OF MAJORITY & MINORITY STAFF

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APPOINTMENT OF MAJORITY & MINORITY COUNSELS

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DESIGNATION OF NEWSPAPERS

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TABLED ITEMS

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ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

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MINUTES OF PREVIOUS MEETING

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PUBLIC HEARING

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## MISCELLANEOUS RESOLUTIONS

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RANZENHOFER, MINORITY CAUCUS	Recognizing Andrew Isenberg's Dedicated Service With The County Attorney's Office And Congratulating Him On His New Position With The New York State Office Of Court Administration
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RANZENHOFER, MINORITY CAUCUS	Recognizing the Retirement of Ginger Lea Kelly and Extending Our Sincerest Gratitude For Her Dedicated Service To Erie County
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RANZENHOFER	Recognizing Cpt. Jonathan P. Powers For Being Named Young Leader of the Year by the Clarence Chamber of Commerce
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RANZENHOFER	Recognizing Clarence Contemporary Club, Inc. for Being Named Organization of the Year by the Clarence Chamber of Commerce
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RANZENHOFER	Recognizing Berrafato's Char-Pit for Being Named Business of the Year by the Clarence Chamber of Commerce
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RANZENHOFER	Recognizing David and Pat Brace For Being Named Citizens of the Year by the Clarence Chamber of Commerce
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WEINSTEIN	Congratulating Christie Roghschild As She Is Honored by The Interclub Council With The Susan B. Anthony Award
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MCCARVILLE	Congratulating East Aurora Natives Ashley & Brittany Kruse as the 2004 Community Quarterback Award finalists, Nominated by Compass House for 5-Yrs. Volunteerism.
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SMITH & HOLT	Honoring the 2005 Receipts of the National Conference for Community & Justice Awards
DEBENEDETTI	Honoring the Residents of Santa Maria Towers
KUWIK	Honoring Assemblyman Richard A. Smith Upon His Retirement
SMITH & HOLT	Honoring the New Principal of East High School Geraldine Horton

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**LOCAL LAWS**

**REFERENCE**

LL INT 10-1 7/8/2004	HOLT, MARINELLI, MINORITY CAUCUS, WROBLEWSKI	A LL Rel to Agreements for Management & Operation of Buffalo Zoological Gardens, Shea's, Kleinhans & Botanical Gardens	Community Enrichment
LL INT 12-1 10/15/2004	WROBLEWSKI, MINORITY CAUCUS	A LL in Rel to Support of Buffalo & Erie County Public Library	
LL INT 14-1 10/18/2004	SMITH, MAJORITY CAUCUS, WEINSTEIN, CHASE, RANZENHOFER, McCARVILLE	A LL in Rel to Regulation of Home Health Care Services Provided Pursuant to EC Contracts ADDITIONAL SPONSORS: SWANICK & MARSHALL	
LL INT 15-1 11/10/2004	McCARVILLE, MINORITY CAUCUS	A LL Defining Lobbyists & Their Retention by Erie County	
LL INT 16-1 11/16/2004	SMITH	A LL in Rel to Alcohol Without Liquid Machines	Human Services
LL INT 16-2 1/5/2005	SMITH & KENNEDY	A LL to Prohibit the Sale, Purchase, & use of Alcohol Without Liquid (AWOL) Machines or Alcohol Vapor Devices Within ED	
LL INT 17-1 11/17/2004	SMITH	A LL Defining How Large Retail Stores Will Be Regulated in Erie County	
LL INT 18-1 12/1/2004	SMITH	A LL to Prevent Misuse of Photo Phones in Public Areas	
LL INT 18-2 1/5/2004	SMITH & KENNEDY	A LL to Prohibit the Possession and/or Use of "Photo Phones" in Private Areas.	
LL INT 1-1 1/12/2005	KENNEDY, MARINELLI, DUSZA, DEBENEDETTI, & HOLT	A LL Establishing and Convening a Commission, To Be Known As The Citizen's Budget Review Commission Of Erie County	
LL INT 2-1 1/12/2005	KENNEDY	A LL in Relation To a Requirement for Worker Training Programs by Contractors & Subcontractors Under Contract With The County of Erie	

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LL INT 3-1 1/18/2005	RANZENHOFER, CHASE, CUSACK, SWANICK, MCCARVILLE	A LL amending EC LL No. 1-1959, as amended, constituting the EC Charter Establishing and Concerning a Commission, known as the Citizens' Budget Review Commission of Erie County
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**COMMITTEE REPORTS**

**LEGISLATOR RESOLUTIONS:**

**REFERENCE**

INTRO 2-1	DUSZA & KUWIK	Western New York Veterans Cemetery
INTRO 2-2	KENNEDY	Fiscal Accountability And Oversight Act of 2005
INTRO 2-3	DUSZA, SMITH, & CHASE	Transfer of Public Benefit Funds
INTRO 2-4	WEINSTEIN, RANZENHOFER, SWANICK, MCCARVILLE, CUSACK, & MARSHALL	Endorsement of the Neighbor Notification Awareness Program

**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

**SUSPENSION OF THE RULES:**

**COMMUNICATIONS FROM ELECTED OFFICIALS:**

**REFERENCE**

2E-1	COMPTROLLER	Interim Financial Reports for the Three Months Ended 3/31/04, the Six Months Ended 6/30/04, & the Nine Months Ended 9/30/04	Finance & Management
2E-2	COUNTY EXECUTIVE	Custom Payment in Lieu of Taxes (PILOT) agreement for Asbury Delaware United Methodist Church Restoration Project	
2E-3	COUNTY EXECUTIVE	Additional County Sales Tax Authority Legislation - Home Rule Requests	
2E-4	COUNTY EXECUTIVE	Appointment of the Commissioner of Parks, Recreation & Forestry	
2E-5	COUNTY EXECUTIVE	Rath/City Hall Security Systems	Economic Development
2E-6	COUNTY EXECUTIVE	Appointment to Erie County Sewer District #3 Board of Managers	
2E-7	COUNTY EXECUTIVE	Appointment of the Commissioner of the Department of Mental Health	
2E-8	COUNTY EXECUTIVE	Appointment to the Buffalo & Erie County Public Library Board of Trustees	
2E-9	COUNTY EXECUTIVE	2005-09 Consolidated Plan and 2005 Annual Action Plan for the Community Development Block Grant, Emergency Shelter Grant, Home Investment Partnership Program, & American Dream Downpayment Initiative	Energy & Environment
2E-10	COUNTY EXECUTIVE	Appointment of Director of the Erie County Medical Center Corporation	
2E-11	COUNTY EXECUTIVE	Grant Programs - Authorization to Contract	Government Affairs
2E-12	COUNTY EXECUTIVE	Erie County Division of Real Property Tax Services - Agreement with the Town of Grand Island & Personal Services for Assessment Services	Finance & Management
2E-13	COUNTY EXECUTIVE	Extensio of Agreement for Snow and Ice Control on State Highways	
2E-14	COUNTY EXECUTIVE	Dept. of Probation & Youth Detention Services - Accept Donation of Gymnasium Striping	Public Safety

2E-15	COUNTY EXECUTIVE	Semi-Annual Attendance Records - Board of Managers - ECSDs	Energy & Environment
2E-16	COUNTY EXECUTIVE	Letter to Legislator Marinelli Re: Items in GA Committee - Comm. 19E-62 & Comm. 23E-22	Government Affairs
2E-17	COUNTY EXECUTIVE	Office of the County Executive - Personnel Adjustments	
2E-18	HOLT	2005 Committee Assignments	RFP

**COMMUNICATIONS FROM THE DEPARTMENTS:**

**REFERENCE**

2D-1	COUNTY ATTORNEY	Notice of Claim	Government Affairs
2D-2	COUNTY ATTORNEY	Notice of Claims	Government Affairs
2D-3	COUNTY ATTORNEY	Featherstonhaugh Quarterly Lobbying Report	Government Affairs
2D-4	ECMCC	Notice of Annual Meeting of Board of Directors To Be Held On 1/27/05	R&F
2D-5	COUNTY ATTORNEY	Notice of Claim	Government Affairs
2D-6	COUNTY ATTORNEY	Notice of Public Hearing for Comm. 30E-49, Contingency Funds Transfer	RFP
2D-7	ECMCC	Notice of Regular Meeting of Board of Directors To Be Held On 1/27/05	R&F
2D-8	ECC	Notice of Monthly Meeting of the Board of Trustees at ECC to be held 1/26/05	R&F
2D-9	COUNTY ATTORNEY	Notice of Claims	Government Affairs
2D-10	DEP	SEQR - Negative Declaration - Hamilton Drive and The Bluffs, Town of Evans	Energy & Environment

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:**

**REFERENCE**

2M-1	NFTA	Minutes from NFTA Board Meeting Held 11/22/04	R&F
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2M-2	PENNY WOLFGANG	Letter Notifying ECL of Judge Wolfgang's Resignation from the Consumer Protection Committee	R&F
2M-3	GARY S. HOWELL	Petition with 1010 Signatures in Opposition to the Proposed Sales Tax Increase	R&F
2M-4	ERIE COUNTY ASSOCIATION OF TAX RECEIVERS AND COLLECTORS	Petitions to the ECL to Ask NYS Leg. to Extend the Due Date for the Collection of Town/County Taxes for 2005 to 3/15/05	Finance & Management
2M-5	TOWN OF TONAWANDA TOWN BOARD	Certified Resolution Requesting Direct Payment of EC Sales Tax to the Town	Finance & Management
2M-6	ECIDA	Notice of Cancellation of 1/10/05 Board Meeting & Announcement of Board Meeting on 2/14/05	R&F
2M-7	ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL	EC EMC Meeting Notice of Agenda for 1/18/05 Meeting	R&F
2M-8	EC MENTAL HYGIENE COMMUNITY SERVICES BOARD	Notice of Next Meeting of ECMHCSB to be held 1/20/05 & Minutes of 11/18/04 Meeting	R&F
2M-9	EMPIRE STATE DEVELOPMENT CORPORATION	General Project Plan for 620 Main Street, Buffalo, by Appraisal.com, Inc.	Economic Development
2M-10	EMPIRE STATE DEVELOPMENT CORPORATION	General Project Plan for 63 Main Street, Tonawanda, by Mueller Services, Inc.	Economic Development

**MEMORIAL RESOLUTIONS:**

**ADJOURNMENT:**