

**ERIE COUNTY LEGISLATURE
MEETING NO. 14
JULY 9, 2020**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Chaplain Rick Oates, Jr., City of Tonawanda Fire Department Chaplain, who offer a prayer, at the request of Mr. Hardwick.

The Pledge of Allegiance was led by Mr. Meyers.

Item 1 – MR. MEYERS moved to take the Rules of the Legislature for 2020 from the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for the approval of the Rules of the Legislature for 2020. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

**2020
RULES OF ORDER
ERIE COUNTY LEGISLATURE**

SECTION 1.00: ORGANIZATION

1.01 CHAIR

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th 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 Chair to preside over such committee;
7. To name an open meetings advisor from among the legislators or legislative staff to advise the body on compliance with New York State Open Meetings and Freedom of Information laws and to name a Freedom of Information Law officer and a Freedom of Information Law Appeals Officer;
8. To order that a public hearing be held. Public Hearings shall be conducted a minimum of five (5) days before a related item can be considered by the Legislature unless otherwise prescribed by law. Said hearings shall be held no earlier than 6:00 pm on weekdays. However, ministerial Public Hearings involving departments of county government, such as those conducted for Sewerage Management and Public Works items, may be held during regular business hours. The Chair shall further ensure that notice of the time and date of each public hearing be posted on the Legislature's website not more than twenty-four (24) hours from the filing of the public notice.
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 5.06 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 item 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 caucuses which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. A caucus shall be defined as a group of members or adherents of the same political party. The leader of the caucus whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other caucus shall be known as Minority Leader. The Minority Leader shall have the responsibility to appoint and designate or terminate, within budgetary appropriations, which shall be allocated approximately proportionally, based on the number of members in the Minority Caucus, all officers and employees of the Legislature Minority.

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 caucus nor the other constitute a majority of the members of the County Legislature, the Chair of the Legislature shall designate one caucus 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 transmission, by e-mail, 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, or e-mail of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number or County assigned e-mail address 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 or e-mail 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 or e-mails 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.

During the State of Emergency involving COVID-19, a legislator or legislators affected by COVID-19 who cannot physically be present in the Legislative Chambers for a legislative session or legislative committee may, through advance written notice filed with the Clerk of the Legislature, participate in a legislative session or legislative committee via video or audio conferencing.

During the State of Emergency involving COVID-19, and pursuant to a written letter submitted by the Chair of the Legislature directing so, the Legislature may convene and meet in legislative sessions or committees via video or audio conferencing, so long as the public may watch/listen to such sessions or committees.

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 preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions. Each legislator shall be entitled to four (4) annual presentations including "Citizen of the Month", with no regular session having more than two (2) presentations. Selection of presentations shall be determined by the order in which requests are filed with the Clerk of the Legislature;
4. The consideration of Communications, Local Laws and Resolutions on the Table of the 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 CHAIR'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.

However, all members shall be given an opportunity to explain their vote during a recording of ayes and noes pursuant to Rule 2.18 of this section.

During any debate occurring on the floor of the Legislature the lead sponsor, or his or her designee, in debate may be directly addressed with questions specifically relating to the item in front of the Legislature. Direct questions shall count as one of the two opportunities to speak and the member asking questions will be afforded the entirety of their time. All questions must be confined to the limitations otherwise imposed in this Rule.

The response from the lead sponsor, or his or her designee, must be related to the question asked and may be reasonably limited at the discretion of the Chair of the Legislature. For the purposes of this Rule the lead sponsor shall be the member whose name is listed first on the item at debate. The lead sponsor's responses shall not count against his or her time allowances afforded under this section.

This rule does not apply to the vote explanation allowed pursuant to 2.18, no questions are allowed during that time.

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 5.04.

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. Every member is entitled one (1) minute to explain their vote during the roll call or voice vote. 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. 2- 2018, 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 CHAIR:

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 Chair 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.

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 at the next Legislative Session.

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 Chair 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, amendments, and items discharged from a committee thereof, shall be in writing. Legislators requesting a discharge from a committee must present a paper copy of the item on the floor for the discharge.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communication of whatever nature shall be submitted to the Clerk of the Legislature before 10:00 a.m., two (2) 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.

In the event that two business days before session is a recognized holiday or a recognized holiday occurs within two business days before a regular meeting date, the appropriate clock-in day will be the first business day of the week in which the regular meeting date is held.

An agenda of all matters before the Legislature shall be prepared by the Clerk of the Legislature, who shall determine the particular order of agenda items in keeping with Section 2.06.

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 nonelected 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
 - If the proposal is creating new, or extending existing, county personnel, include the:
 - Annualized salary required of the position(s)
 - Pro-rated salary required for the remainder of the current fiscal year
 - Funding source(s) to be utilized to cover the costs. If the proposed funding source is a grant, include:
 - Grant source (federal, state, charitable, etc.)
 - Grant duration
 - Grant funding remaining after creation of the new position(s)

- A contingency plan should the existing grant be discontinued
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
 - If the proposal creates a new position, or extends an existing position, include an:
 - Affirmation as to whether the duties required of the position are required by law or contract
 - Affirmation as to whether the position is managerial confidential or Competitive Civil Service
- 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 five members each (including a Chair, Vice-Chair and three members), except the Finance and Management/Budget Committee which shall consist of seven members (including a Chair, Vice-Chair and five 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 of the Legislature 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

Community Enrichment
Economic Development
Energy and Environment
Finance and Management

Government Affairs
Health and Human Services
Minority and Women Business Enterprise
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 CHAIR 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, subject to conditions provided in Section 5.04.

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 Finance and Management/Budget 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 twenty (20) copies of the tentative budget to the Legislature. The Finance and Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chair of the Finance and Management/Budget Committee shall present such tentative budget to the Finance and Management/Budget Committee for its consideration. The Finance and 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 and Management/Budget Committee shall submit the tentative budget, with such amendments or changes therein as the committee may determine, together with its report thereon, to the Legislature not later than the sixth of December in each year. The report of the Finance and 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 2508 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 2508 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 sixth 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 shall be the next order of business.

Any amendments to the Finance and Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 2508, 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 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.

5.04 REDUCTION OF AGENDA:

Any item on a committee agenda, including but not limited to Local Laws, Resolutions, communications from the departments, and communications from other officials will be removed from the agenda one (1) calendar year from the date of their introduction.

The Chair of the Committee may, on his or her motion or request, keep an expired item on the table for an additional calendar year. The motion or request to leave an item on the table is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

5.05 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.

5.06 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. 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.
3. 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 and/or General Election.

4. The above policy shall be reviewed periodically and wherever possible, electronic notification and communication shall be used. All mailings should contain the Legislature's and/or the legislator's county web page address.

5.07 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 nondisruptive manner.

5.08(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.

5.08(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.

5.08(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.

5.08(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.

5.08(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.

5.08(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.

5.08(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.

5.08(8) DRESS DECORUM:

Denim of any form is prohibited from attire of any member of the Legislature or staff in the Legislative Chambers during any event involving formal business of the county including, but not limited to, sessions, committee meetings, public hearings, and informational hearings.

5.08(9) ELECTRONIC DEVICES

All electronic devices shall be maintained on silent or vibrate mode and any disruption caused by a personal electronic device shall be grounds for removal under section 5.08(11).

5.08(10) OATH OR AFFIRMATION:

The Chair of the Legislature, or committee, has the power to request anyone speaking in front of the Legislature take an oath affirming the truthfulness of the information being presented on the floor. This applies to any situation where the Legislature will be using the facts presented in making a decision. The discretion to use this power is within the control of the Chair of the Legislature or committee, depending on the body being presented with the information.

The Chair in charge of the meeting will ask the speaker, "Do you swear that what you are about to present is, to the best of your knowledge, both true and correct?"

Speaker must answer in the affirmative or leave the floor until such a time as they are able to make the oath in the affirmative. If the speaker is unable to answer in the affirmative, a vote of the majority of the committee or the Legislature as a whole shall be taken as to whether to allow him or her access to the floor.

5.08(11) 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.

5.09 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. Any additions to the Rules of Order shall be underlined and deletions shall be bracketed [] or marked-up using the Track Changes function in Microsoft Word.

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 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 13 from 2020. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. GILMOUR & MR. MILLS presented a memorial resolution Remembering Richard "Dick" A. Smith.

Item 6 – CHAIR BASKIN presented a memorial resolution Remembering Dr. Camille Nicole Megna-Acorlor, Businesswoman in the Field of Dentistry.

Item 7 – MR. JOHNSON presented a proclamation Celebrating the 41st Anniversary of Black Music Month and Recognizing Sheila L. Brown, the Late Mack Luchey, the Late Rick James

and 716th Borough and Power 96.5's 2020 Buffalo Black Music Month Artists of the Year, Griselda Records.

Item 8 – MS. VINAL presented a memorial resolution Remembering George J. Roberts.

Item 9 – MR. HARDWICK presented a proclamation Recognizing and Honoring Alexandov "Frank" Corbett as the Erie County Legislature's Citizen of the Month for April, 2020.

Item 10 – MR. HARDWICK presented a proclamation Recognizing The Kiwanis Club of the Tonawandas on Its 100th Anniversary.

Item 11 – MR. GILMOUR presented a memorial resolution Remembering Donald E. Galluch, Social Worker in the Lackawanna School District.

Item 12 – MR. MILLS presented a proclamation Honoring and Recognizing Officer Leonard Govenettio on His Retirement from a 32 Year Career with the Orchard Park Police Department.

Item 13 – MR. MILLS presented a proclamation Honoring and Recognizing Lieutenant Joseph Ray on His Retirement from a 17 Year Career with the Orchard Park Police Department.

Item 14 – MR. RATH presented a proclamation Remembering Richard "Dick" Gallagher.

Item 15 – MR. RATH presented a proclamation Recognizing and Acknowledging Drew Kennedy for Over 24 Years of Dedicated Service with the Erie County Parks, Recreation, and Forestry Department.

Item 16 – MR. RATH presented a proclamation Recognizing and Acknowledging Steve Ferency Upon the Occasion of His Retirement as Athletic Director of Williamsville North.

Item 17 – MR. TODARO presented a memorial resolution Honoring and Remembering Terry Galanis, Sr.

Item 18 – MR. TODARO presented a proclamation Recognizing and Congratulating Kevin Krauss for Being Honored with the Prestigious Excel Award from Erie 1 BOCES.

MR. MEYERS moved for consideration of the above fourteen items. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above fourteen items by adding two for MR. TODARO and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above sixteen items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 19 – CHAIR BASKIN directed that Local Law No. 9 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 21 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 23 – MR. JOHNSON presented the following report, moved to separate item Number 1a, and approve the balance of the report. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

June 25, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-13 (2020)

COUNTY EXECUTIVE: “Rehabilitation for North Ellicott Creek Rd. Bridge - Town of Amherst”

(Chair’s Ruling)

b. COMM. 13M-1 (2020)

NFTA: “NFTA Board Minutes for Meeting Held on 4/23/2020”

(Chair’s Ruling)

2. COMM. 10E-19 (2020)

COUNTY EXECUTIVE

WHEREAS, the Buffalo Niagara Convention Center 19-year old main lobby interior finishes are worn and outdated, and the lobby upgrade will be a cost-effective measure to maintain client engagement, stay competitive in the industry and maintain its appeal to its customers; and

WHEREAS, the County of Erie previously entered into an Agreement with Trautman Associates Architects/Engineers (“Trautman Associates”) to provide professional architecture and engineering services for the Buffalo Niagara Convention Center – 2018 – Energy Efficient Modifications and Various Improvements to the Exhibit Hall project (COMM. 7E-41 on April 26, 2018); and

WHEREAS, additional A/E design fee in the amount of \$30,390.96 and design contingency in the amount of \$6,110.00 is required to complete the design of the Buffalo Niagara Convention Center ’s main lobby and corridor interior finishes upgrade; and

WHEREAS, any allowance and A/E design contingency funds that remain unspent will be returned to the capital budget; and

WHEREAS, the County Executive is requesting authorization to enter in an Agreement Amendment with Trautman Associates to increase their A/E design fee and design contingency for the Buffalo Niagara Convention Center – 2018 – Energy Efficient Modifications and Various Improvements to the Exhibit Hall project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment with Trautman Associates to increase their A/E design fee in the amount of \$30,390.96 and additional A/E design contingency in the amount of \$6,110.00 for a total of \$36,500.96 for the Buffalo Niagara Convention Center – 2018 – Energy Efficient Modifications and Various Improvements to the Exhibit Hall project; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for the above from the previously approved, as adopted capital project in Fund 410, Funds Center 122 as follows:

A.17003 – 2017 Buffalo Niagara Convention Center Rehabilitation	\$36,500.96
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and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Buffalo Niagara Convention Center c/o Paul Murphy and Financial Officer.

(4-2) Legislators Lorigo and Rath voted in the negative.

3. COMM. 13E-9 (2020)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works intends to purchase a vehicle lift as well as have it installed; and

WHEREAS, in order to effectuate these purchases, it is necessary to transfer funds to the appropriate budget line; and

WHEREAS, funding for the needed transfer is available in Funds Center 10710, Fund 110, Account 505600, Auto, Truck & Heavy Equip Supplies, in the 2020 operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget transfers are authorized in the 2020 Fleet Management Operating Budget – in Fund 110, Funds Center 10710:

ACCOUNT	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
505600	Auto, Truck & Heavy Equip Supplies	\$1,475,000	(\$ 12,914)	\$1,462,086
561410	Lab & Tech Equipment – Assets	\$ 0.00	\$ 12,914	\$ 12,914
EXPENSES		\$1,475,000.00	\$ 0.00	\$1,475,000.00

and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; Office of the County Executive; the Division of Budget and Management; and the Office of the Comptroller.

(6-0)

4. COMM. 13E-10 (2020)
COUNTY EXECUTIVE

WHEREAS, the County is undertaking a project to reconstruct Alden Crittenden Road (C.R. 1) in the Village of Alden from Broadway (NYS Rte. 130) to the bridge over Spring Creek (hereinafter referred to as the “Project”) which was approved via COMM 4E-23 (March 5, 2019); and

WHEREAS, the Village desires to improve the resiliency and efficiency of the water distribution system in this section of Alden-Crittenden Road by abandoning an obsolete 6” waterline and switching services and interconnects over to an existing 12” waterline, including hydrant relocation or replacement as required (hereinafter collectively referred to as the “Betterment”); and

WHEREAS, the project presents a unique and time limited opportunity to undertake the Betterment; and

WHEREAS, the Village agrees to be responsible for the design and construction costs of the Betterment, including approved Betterment related cost overruns and will maintain ownership and maintenance responsibility after completion of construction; and

WHEREAS, it is advantageous for the County to include the Betterment as part of the Project with the Village as owner responsible for the cost of the Betterment and all future operation and maintenance costs thereof; and

WHEREAS, the Village is contracting and paying for the design of the Betterment independently of the Project and the County; and

WHEREAS, the construction cost of the Betterment is estimated to be \$380,000 and will require that the project budget in Fund Center 123, Fund 420, B.20003 – 2020 Preservation of Roads Construction be increased by that amount to reflect acceptance of construction funds from the Village.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves inclusion of the Betterment in the subject project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute an inter-municipal agreement with the Village of Alden, subject to the County of Erie Attorney’s approval as to form and content, regarding the incorporation of the Betterment into the Project and the Village’s responsibility to provide 100% of the funding for the Betterment including any approved Betterment related cost overruns; and be it further

RESOLVED, that the County is hereby authorized to increase the project budget in Fund Center 123, Fund 420, B.20003 – 2020 Preservation of Roads Construction, G/L Account 420499 - Other Local Source Revenue in the amount of \$380,000, and to accept that funding from the Village of Alden; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

5. COMM. 13E-11 (2020)
COUNTY EXECUTIVE

WHEREAS, it is desired to reconstruct and rehabilitate Vermont Street between Rte. 16 and Hunter's Creek Road in the Town of Holland (the "Project"); and

WHEREAS, the Town of Holland has agreed to accept ownership and maintenance of the road upon completion of the Project; and

WHEREAS, Mott MacDonald has been involved with all the County's capital work on Vermont St. over the last 15 years culminating in completion of full reconstruction of a section, Site 9, of the Street in 2019 and is familiar with the road, local officials, the maintenance and protection of traffic issues of the major local businesses affected and the peculiarities of the site the Department believes it is in the best interest of the County to engage Mott MacDonald for the design engineering services required for the Project; and

WHEREAS, it is desired to execute an amendment to Mott MacDonald's current Vermont Street Site 9 engineering services contract to include the necessary design engineering services for the Project; and

WHEREAS, the estimated cost of the necessary design engineering services is \$225,000; and

WHEREAS, that sum is available from the capital project hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the subject Project; and be it further

RESOLVED, that the County Executive is authorized to execute an amendment to Mott MacDonald's current Vermont St. Site 9 engineering services agreement for the necessary design engineering services for all phases of the Project in an amount not to exceed \$225,000; and be it further

RESOLVED, that the \$225,000 in funding for this Project is hereby appropriated from Fund 420, Funds Center 123, Project B.18004 – 2018 Preservation of Roads Design; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

MR. JOHNSON moved to approve item Number 1a. MR. RATH seconded.

CARRIED UNANIMOUSLY.

WHEREAS, a project for the rehabilitation of the North Ellicott Creek Road Bridge over North Diversion Channel, BIN 232-01, BIN 1072800 in the Town of Amherst, Erie County (the Project) was authorized by your Honorable Body via Communication 13E-23 (2010); and

WHEREAS, the County of Erie desires to complete the final design phase for the Bridge Rehabilitation of North Ellicott Creek Road over North Diversion Channel, thus requiring the County Executive to amend the design agreement with Mott MacDonald; and

WHEREAS, the amendment for final design phase including design contingency is estimated at an amount not to exceed \$175,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an amendment with Mott MacDonald in an amount not to exceed \$175,000 for the final design engineering services in reference to the rehabilitation of the North Ellicott Creek Road Bridge over North Diversion Channel, BR 232-01, BIN 1072800; and be it further

RESOLVED, that funding for this Project is hereby appropriated from B.16015 – 2016 Bridge and Culvert Design, Fund 420, Fund Center 123; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

Item 24 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

July 16, 2020	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-17 (2020)
COUNTY EXECUTIVE: “ECSD Nos. 1-6 & 8 - Board of Managers Resolutions”

(Chair's Ruling)

- b. COMM. 14E-19 (2020)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineer Term Contract Agreement"
(Chair's Ruling)
 - c. COMM. 14M-3 (2020)
NYSDEC: "Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 170 Jamison Rd., Elma"
(Chair's Ruling)
 - d. COMM. 14M-4 (2020)
NYSDEC: "Fact Sheet - Brownfield Cleanup Program Draft Supplemental Investigation Work Plan & Interim Remedial Measure - 1001 East Delavan Ave., Buffalo"
(Chair's Ruling)
2. COMM. 13E-4 (2020)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 54 at 10:00 a.m. on June 25, 2020:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 54	Lupini Construction, Inc. 6081 Trenton Road Utica, NY 13502	\$118,019.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed similar work for other municipalities; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law; and

WHEREAS, there is adequate funding available in Erie County Sewer District No. 4 Capital Account C.17401.

NOW, THEREFORE, BE IT

RESOLVED, that the Depew ORF Rehabilitation, Erie County Sewer District No. 4, Contract No. 54 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 54	Lupini Construction, Inc. 6081 Trenton Road	\$118,019.00

Utica, NY 13502

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$118,019.00 from Erie County Sewer District No. 4, Capital Bond Account C.17401 for Contract No. 54; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, Kristen Walder, Assistant County Attorney, and Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.

(6-0)

3. COMM. 13E-5 (2020)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 55 at 2:00 p.m. on June 25, 2020:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 55	Pinto Construction Services, Inc. 132 Dingens Street Buffalo, NY 14206	\$48,000.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed similar work for other municipalities; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law; and

WHEREAS, there is adequate funding available in Erie County Sewer District No. 4 Capital Account C.17401.

NOW, THEREFORE, BE IT

RESOLVED, that the Bowmansville Pump Station Flow Meter Replacement, Erie County Sewer District No. 4, Contract No. 55 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 55	Pinto Construction Services, Inc. 132 Dingens Street Buffalo, NY 14206	\$48,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$48,000.00 from Erie County Sewer District No. 4, Capital Bond Account C.17401 for Contract No. 55; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, Kristen Walder, Assistant County Attorney, and Joseph L. Fiegl, P.E., Department of Environment and Planning, Rath Building, 10th Floor.

(6-0)

4. COMM. 13E-6 (2020)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 82 at 2:00 p.m. on June 26, 2020:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 82	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$829,999.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined that this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law; and

WHEREAS, there is adequate funding available in Erie County Sewer District No. 3 Capital Reserve Account No. C.00007, Erie County Sewer District No. 6 Capital Reserve Account No. C.00006, and Erie County Sewer District No. 8 Capital Reserve Account No. C.11801.

NOW, THEREFORE, BE IT

RESOLVED, that Sanitary Sewer Replacement Project, Erie County Sewer District Nos. 3, 6, and 8, Contract No. 82 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 82	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$829,999.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to establish a Sewer Management Capital Project combining costs from Erie County Sewer District No. 3, Erie County Sewer District No. 6, and Erie County Sewer District No. 8 (C.20001) with budgeted Appropriations and estimated Revenues as follows:

Appropriations	\$829,999.00
Transfer in from Capital Reserve SD3	\$469,932.00
Transfer in from Capital Reserve SD6	\$323,200.00
Transfer in from Capital Reserve SD8	\$ 36,867.00

and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer up to \$469,932.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Sewer Management Capital Account C.20001 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer up to \$323,200.00 from Erie County Sewer District No. 6 Capital Reserve Account C.00006 to Sewer Management Capital Account C.20001 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer up to \$36,867.00 from Erie County Sewer District No. 8 Capital Reserve Account C.11801 to Sewer Management Capital Account C.20001 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that any unused funds for this Contract will be returned to the Erie County Sewer District Capital Reserve Account from which they came based on guidance from the Division of Sewerage Management and budgets for the Capital Reserve Accounts will be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(6-0)

5. COMM. 14E-20 (2020)
COUNTY EXECUTIVE

WHEREAS, the County of Erie advertised for and received responses to a Request for Proposals to perform professional services associated with the Lackawanna Water Resource Recovery Facility (WRRF) – Ammonia Removal Pilot Study in Erie County Sewer District (ECSD) No. 6; and

WHEREAS, this project is necessary to address requirements in the State Pollutant Discharge Elimination System (SPDES) permit for ECSD No. 6; and

WHEREAS, a review committee was established by the Erie County Division of Sewerage Management to evaluate all responses to the County's Request for Proposals for this project, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends GHD Consulting Services, Inc. (GHD) be retained to complete the requested consulting services; and

WHEREAS, the Ammonia Removal Pilot Study has been awarded a \$50,000.00 grant from the New York State Department of Environmental Conservation to partially fund the engineering work associated with this project; and

WHEREAS, ECSD No. 6 has adequate authorization in Bond Account C. 17601 to fund the local share of this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with GHD, 285 Delaware Ave, Suite 500, Buffalo, New York 14202 for professional services associated with this project in an amount not to exceed \$500,000.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to increase estimated revenues and appropriations in Bond Account C.17601 for the \$50,000.00 grant from the New York State Department of Environmental Conservation; and be it further

RESOLVED, that the costs associated with this project be allocated in Bond Account C.17601; and be it further

RESOLVED, that the Clerk of the Legislature shall send one (1) certified copy each to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Division of Sewerage Management.
(6-0)

6. COMM. 14E-21 (2020)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, pursuant to Legislative Comm. 14E-11(2019), Contract No. 18-A (General/Mechanical) was awarded to STC Construction, Inc. and Contract No. 18-D was awarded to CIR Electrical Construction Corporation to construct the East Aurora Water Resource Recovery Facility (WRRF) Influent Building and Screen Replacement project, in Erie County Sewer District No. 8; and

WHEREAS, the Erie County Division of Sewerage Management has advised that additional contract time is needed to complete contract work (with no cost implications); and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Change Order No. 1 to extend the contract times by 114 days.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 18-A (General/Mechanical) between the County of Erie and STC Construction, Inc. (63 Zoar Valley Road, P.O. Box 459 Springville, NY 14141-0459) and Contract No. 18-D (Electrical) between the County of Erie and CIR Electrical Construction Corporation (400 Ingham Ave Buffalo, NY 14218) be amended to add 114 days of contract time; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

**TIMOTHY J. MEYERS
CHAIR**

LEGISLATOR RESOLUTIONS

Item 25 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RE: Support for Environmental
Protection Agency Follow-Up
Community Conversation on the

Tonawanda Coke Site
Remediation & Next Steps
(INTRO. 14-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS HARDWICK & CHIMERA**

EGLEG JUL01 '20 AM 10:38

**A RESOLUTION SUBMITTED BY
LEGISLATORS HARDWICK AND CHIMERA**

Re: Support for Environmental Protection Agency Follow-Up Community Conversation on the Tonawanda Coke Site Remediation and Next Steps

WHEREAS, in October 2018, after decades of polluting the air in Western New York and other environmental degradations, Tonawanda Coke Corporation suspended operations at their plant in Tonawanda; and

WHEREAS, Tonawanda Coke did so while experiencing significant criticism and under federal and state scrutiny and public and community protests over the facility and its operations; and

WHEREAS, the owner of Tonawanda Coke abandoned the site and essentially walked away from his and the company's obligations and liabilities at the site, leaving it up to the federal and state governments to shutter, and clean and remediate the site, addressing numerous coal and coke piles, drums, and tanks with coal tar sludge, acids, bases, flammable liquids, and potentially explosive materials; and

WHEREAS, the US Environmental Protection Agency ("EPA") became immediately involved, working to stabilize the plant and site and communicating with local stakeholders; and

WHEREAS, in the past year, the Tonawanda Coke property was ordered sold by the US Bankruptcy Court in Buffalo in September 2019 and the Court accepted a proposal from Ontario Specialty Construction and Honeywell International, Inc. (the prior owner) for the sale of the property for the redevelopment of the property as a data center; and

WHEREAS, in February 2020 the New York State Department of Environmental Conservation ("NYSDEC") approved the new owner's application to the New York State Brownfield Cleanup Program for the cleanup and redevelopment of the main plant (but not all of the parcels at the site); and

WHEREAS, a new consent order between Honeywell and the EPA was executed to address remaining portions of the site that had not been admitted into the State's Brownfield Cleanup Program; and

WHEREAS, on its Tonawanda Coke website, the EPA said that "in the coming months EPA intends to continue to provide oversight of the ongoing work being performed by Honeywell which is expected to be completed by the summer of 2020. Apart from providing oversight of this work at Site 108, EPA has discontinued all other activities at the Site, but remains available to consult with the NYSDEC"; and

WHEREAS, the Clean Air Coalition, which had conducted considerable analysis, advocacy and public outreach concerning Tonawanda Coke and its legacy of pollution, has had communications with EPA local and regional staff, requesting the EPA regional office to

conduct an after action report presentation to the public shortly after the EPA's work on Tonawanda Coke was complete, but has not yet received a response from the EPA; and

WHEREAS, continued public engagement with, and transparency of the EPA and NYSDEC in the cleanup and remediation of the Tonawanda Coke site is essential for ensuring the public health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the environmental advocacy work of the Clean Air Coalition, and urges the US Environmental Protection Agency's regional administrator in New York City and its regional office to hold a public informational meeting in Tonawanda with local residents and concerned stakeholders, to allow them to hear the latest updates from the EPA, and to pose questions about the Tonawanda Coke site; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Peter Lopez, Regional Administrator of the EPA, Michael Basile, the EPA's Buffalo-based public affairs specialist, and to the Clean Air Coalition.

Fiscal Impact: None for this resolution.

Item 26 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 14-2 from BASKIN & JOHNSON. Supporting the Establishment of Juneteenth as an Observed EC Holiday.

Item 27 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

RE: Establishing a Standard Work Day for Elected Officials (INTRO. 14-3)

**A RESOLUTION TO BE SUBMITTED BY
CHAIR BASKIN**

WHEREAS, the New York State and Local Employees’ Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for elected officials and will report the following Standard Work Day to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer’s Time Keeping System</u>	<u>Days/ Month (Based on Record of Activities)</u>
County Executive	Mark C. Poloncarz	7	01/01/2020 - 12/31/2023	N	34.39
Legislator	Howard J. Johnson, Jr.	6	01/01/2020 - 12/31/2021	N	27.72
Legislator	April N.M. Baskin	6	01/01/2020 - 12/31/2021	N	24.14
Legislator	Kevin R. Hardwick	6	01/01/2020 - 12/31/2021	N	23.25
Legislator	Jeanne M. Vinal	6	01/01/2020 - 12/31/2021	N	25.82
Legislator	Edward A. Rath, III	6	01/01/2020 - 12/31/2021	N	23.08
Legislator	Frank J. Todaro	6	01/01/2020 - 12/31/2021	N	23.60
Legislator	John J. Gilmour	6	01/01/2020 - 12/31/2021	N	23.17
Legislator	Joseph C. Lorigo	6	01/01/2020 - 12/31/2021	N	23.62

WHEREAS, due to the state's revenue shortfall because of COVID-19, the state Division of the Budget recently announced they are temporarily withholding 20 percent of AIM funding to twelve cities in New York; and

WHEREAS, the twelve cities seeing a reduced payment, include Buffalo, Lackawanna, Rochester, Syracuse and Yonkers, face an AIM payment shortfall totaling \$74,067,239; and

WHEREAS, the City of Buffalo was expecting a May and June FY 2021 payment of \$98,361,870, which was reduced to \$78,689,496; and

WHEREAS, the City of Lackawanna was expecting a May and June FY 2021 payment of \$6,248,337, which was reduced to \$4,998,670; and

WHEREAS, in New York State, cities are not allowed to operate in a deficit, therefore immediate, mid-year budgetary adjustments must be made to cover any unanticipated funding shortfalls; and

WHEREAS, COVID-19 has put tremendous financial pressure on the New York cities, and every municipality, cuts to cities' AIM funding only makes their financial situation worse.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body is in opposition to the state Division of the Budget temporarily withholding any portion of Aid and Incentives to Municipalities funding allotted to New York cities; and be it further

RESOLVED, this Honorable Body is in opposition to the state Division of the Budget withholding any portion of state funding currently allocated to New York cities, towns and villages; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation of the NYS Senate and Assembly, Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Rob Ortt, Assembly Speaker Carl Heastie, Assembly Majority Leader Crystal Peoples-Stokes, Assembly Minority Leader Will Barclay, and any other party deemed necessary and proper.

MR. MEYERS moved to amend the resolution by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to approve the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR VINAL

Item 30 – (COMM. 14E-1) Abstention on Intro. 10-1 (2020)

Received, filed and printed.

June 11, 2020

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Abstention on Intro. 10-1

Dear Clerk Graber:

I am writing to inform you that the reason that I abstained on the Legislature's vote on Intro. 10-1 concerning the Legislature's appointment of a new representative on the Board of Commissioners of the Niagara Frontier Transportation Authority is due to the fact that I was being recommended for appointment to the position and I wished to avoid any conflict of interest under the Erie County Code of Ethics.

Sincerely,

Jeanne Vinal
Erie County Legislator

FROM CHAIR BASKIN

Item 31 – (COMM. 14E-2) Letter Supporting the Declaration of Juneteenth as an Annually Observed EC Holiday

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR JOHNSON

Item 32 – (COMM. 14E-3) Invitation to Jail Management Superintendent to Attend Informational Public Safety Committee Discussing Holding Center "Closure" Proposal

Item 33 – (COMM. 14E-4) Request for Testimony/Written Comments Concerning EC Sheriff's Proposal to "Close" EC Holding Center

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 34 – (COMM. 14E-5) Revenue Anticipation Note

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 35 – (COMM. 14E-6) Notice of Appointment of Director of Veterans Service Agency

Received, filed and printed.

June 27, 2020

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Notification to the Legislature on the appointment of the Director of Veterans Service Agency

Dear Honorable Members:

Pursuant to Article 3, Section 311 of the Erie County Charter, I hereby appoint Shawn A. Lavin to the position of the Director of Veterans Service Agency effective immediately.

Should your Honorable Body require further information, I encourage you to contact my Chief of Staff, Jennifer Hibit. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

FROM THE COUNTY CLERK

Item 36 – (COMM. 14E-7) EC Clerk's Office Annual Report for 2019

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 37 – (COMM. 14E-8) Report of Apportionment & Distribution of Net Collections from Sales Tax - 03/2020 - 05/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 38 – (COMM. 14E-9) Authorization to Enter into Agreement to Accept FY 2019 Operation Stonegarden Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE & SHERIFF

Item 39 – (COMM. 14E-10) Joint Resolution Requesting Transfer of Telephone Funds for Implicit Bias Training

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR BASKIN

Item 40 – (COMM. 14E-11) Request for Legal Aid Bureau to Nominate Replacement on EC Corrections Specialist Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 14E-12) SUNY Erie 2020-2021 Budget Placeholder

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 42 – (COMM. 14E-13) Licensed Land Surveying Services for Legal Issues Throughout the County

Item 43 – (COMM. 14E-14) Construction of Stone Parapet Walls - Chestnut Ridge Park

Item 44 – (COMM. 14E-15) Shoreline Trail Enhancement Project - Acceptance of Funds & Construction Contractor Agreement

Item 45 – (COMM. 14E-16) Limited Access Agreement w/NFTA & County of Erie - 61 Smith St., Buffalo

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

Item 46 – (COMM. 14E-17) ECSD Nos. 1-6 & 8 - Board of Managers Resolutions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – (COMM. 14E-18) Multi-Jurisdictional All Hazard Mitigation Plan Consultant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 48 – (COMM. 14E-19) ECSD No. 3 - Engineer Term Contract Agreement

Item 49 – (COMM. 14E-20) ECSD No. 6 - Ammonia Removal Pilot Study

Item 50 – (COMM. 14E-21) ECSD No. 8 - East Aurora WRRF Influent Building & Screen Replacement Project

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

Item 51 – (COMM. 14E-22) 2018 Capital Road Overlay Contract A - Towns of Cheektowaga, Amherst & Tonawanda

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 52 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: Donation of Three County Highway Vehicles to Town of West Seneca Highway Dept.
(COMM. 14E-23)

WHEREAS, the RM & PSG Project consists of 210-units of affordable housing project in the City of Buffalo located at 8 Hertel Avenue and 100 Beck Street; and

WHEREAS, the Department of Public Works – Division of Highways (DPW) has three (3) highway vehicles that were no longer needed, and were going to be auctioned, due to the new vehicles that were recently obtained through the leasing program that the County participates in through Enterprise; and

WHEREAS, the Town of West Seneca Highway Department reached out to DPW to inquire about these vehicles because they were in desperate need of replacing some of their fleet, but were unable to purchase anything new due to their budget issues magnified by the Covid-19 pandemic; and

WHEREAS, the Town of West Seneca will take the vehicles “as-is” and accept all repair and maintenance responsibilities necessary to make them road worthy; and

WHEREAS, authorization by the Erie County Legislature is necessary to effectuate the donation of Erie County vehicles to the Town of West Seneca in an act of regionalism that is stressed throughout the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the donation of the following 3 vehicles to the Town of West Seneca Highway Department, at no cost:

<u>Vehicle</u>	<u>VIN #</u>
2004 GMC C4500	1GBE4V1174F510075
2011 Ford F450 Dump	1FDOW4HYXBEC12633
2017 F550 Dump	1FDOW5HT8HEB85967

and be it further

RESOLVED, that once the transfer of the vehicles takes place, the Town of West Seneca will take over all maintenance and care for the vehicles as the new owner, and the County will bear no legal liability or other obligations associated with the vehicles; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Division of Purchase.

FROM LEGISLATOR HARDWICK

Item 53 – (COMM. 14E-24) GA Committee Discussion on Tonawanda Coke - 7/16/2020

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CHAIR BASKIN

Item 54 – (COMM. 14E-25) Public Notice Concerning SUNY Erie Budget Public Hearing

Received, filed and printed.

July 7, 2020

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Public Notice Concerning Erie Community College Budget Public Hearing

Dear Clerk Graber:

Please be advised that there is a need to hold a Public Hearing concerning the proposed 2020-2021 Erie Community College Budget.

The hearing will be held on July 16, 2020 at 6:00 pm in the Chambers of the Legislature.

Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin
Chair
Erie County Legislature

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPT. OF LAW

Item 55– (COMM. 14D-1) Local Emergency Orders, EC State of Emergency Declarations & Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 56 – (COMM. 14D-2) A Report on Enrollment at SUNY Erie

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 57 – (COMM. 14D-3) ECDoH Lead Poisoning Primary Prevention Grant for 4/1/2018 - 3/31/2019

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 58 – (COMM. 14D-4) Letter Concerning Reduced County Medicaid Obligations

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 59 – (COMM. 14D-5) A Report on Return to County Facilities Concerns Received from EC Employees

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 60 – (COMM. 14D-6) Budget Monitoring Report for Period Ending 05/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPT. OF LAW

Item 61 – (COMM. 14D-7) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPT. OF REAL PROPERTY TAX SERVICES

Item 62 – (COMM. 14D-8) 2020 Annual Report - 2019 Equalization Rates & 2019-20 Tax Rates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 63 – (COMM. 14M-1) Letter to Legislature Regarding Resumption of Fare Collection

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE VISIT BUFFALO NIAGARA

Item 64 – (COMM. 14M-2) First Quarter Reports for 2020

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 65 – (COMM. 14M-3) Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 170 Jamison Rd., Elma

Item 66 – (COMM. 14M-4) Fact Sheet - Brownfield Cleanup Program Draft Supplemental Investigation Work Plan & Interim Remedial Measure - 1001 East Delavan Ave., Buffalo

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

FROM THE NFTA

Item 67 – (COMM. 14M-5) NFTA Board Minutes for Meeting Held on 5/28/2020

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC CORRECTIONS SPECIALIST ADVISORY BOARD

Item 68 – (COMM. 14M-6) Request for Testimony/Written Comments Concerning ECSO's Proposal to "Close" the EC Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE EC CORRECTIONS SPECIALIST ADVISORY BOARD

Item 69 – (COMM. 14M-7) Community Meeting Regarding Closing & Repurposing of the EC Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 70 – Chair Baskin announced that committee meetings will be held on Thursday, July 16, 2020. Chair Baskin further announced that on Tuesday, July 14, 2020, the Legislature will conduct two informational committee meetings. Chair Baskin further announced that a public hearing on SUNY Erie's budget will be held on Thursday, July 16, 2020 at 6:00 p.m.

MEMORIAL RESOLUTIONS

Item 71 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Robert Lifton and Dick Gallagher.

Item 72 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of John Camilleri, Jr., Gabriele Oldenburg, and Margaret Hughes.

Item 73 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Leigh Anderson.

Item 74 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Patricia A. "Trish" Campobello and James Roberts.

Item 75 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Terry Galanis, Sr., William Daigler, Russell Arena, and Deodata Picone.

ADJOURNMENT

Item 76 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, July 23, 2020 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, July 23, 2020 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE