

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 2, 2023**

The Legislature was called to order by Chair Baskin.

All members present, except for Mr. Johnson.

An Invocation was held, led by Mr. Bargnesi, who offered a prayer.

The Pledge of Allegiance was led by Mr. Meyers.

Item 1 – MR. MEYERS moved to take the Rules of the Legislature for 2023 from the table. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the Rules of the Legislature for 2023. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

**202[2]3
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.

During regular meetings, the Chair has the floor for all agenda assignments, yet may yield the floor at his or her discretion. As the Chair assigns any item submitted to the Legislature to the appropriate committee, including legislator resolutions or any other open item requested for immediate consideration, or makes any other change to the assignment of agenda items, no debate or discussion shall be in order. Agenda assignments or changes can be appealed as per Section 2.08 above. This section is augmented by Sections 2.06 and 2.13 herein.

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
Small Business

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:

Not later than the second business day after the sixth of December [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 Chair of the Legislature and Leader of the Minority [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 2 from 2023. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR BASKIN presented a proclamation Recognizing Ottaviano "Tovie" Asarese and Royal Printing Company - 70 Years of Business on the West Side.

Item 6 – MR. BARGNESI presented a proclamation Acknowledging and Honoring Jay Withey.

Item 7 – MR. BASKIN & MR. JOHNSON presented a proclamation Honoring National Freedom Day.

Item 8 – MS. VINAL presented a proclamation Celebrating and Honoring National Women Physicians Day.

Item 9 – MR. KOOSHOIAN, MR. BARGNESI, MR. MEYERS & MR. GILMOUR presented a proclamation Honoring and Recognizing National Boy Scout Day.

Item 10 – MS. VINAL presented a proclamation Honoring 100 Years of Service - Amherst Police Department.

Item 11 – MS. VINAL presented a proclamation Congratulating and Honoring Gretchen Dolan, Williamsville South Basketball - All-Time Lead Scorer.

Item 12 – MR. GILMOUR presented a proclamation Honoring and Recognizing Clara Strack on Becoming Hamburg High School Basketball All-Time Scoring Leader.

Item 13 – MR. GREENE presented a proclamation Recognizing Alethea's Chocolates on National Hot Chocolate Day.

Item 14 – MR. MALCZEWSKI presented a proclamation Honoring Evan Czamara for Being Recognized as the West Seneca Chamber of Commerce's 2023 Young Entrepreneur of the Year.

Item 15 – MR. MALCZEWSKI presented a proclamation Honoring Franco DiPasqua as West Seneca Chamber of Commerce's 2023 Educator of the Year.

Item 16 – MR. MALCZEWSKI presented a proclamation Honoring Great Lakes Pizza Company as West Seneca Chamber of Commerce's 2022 Business of the Year.

Item 17 – MR. MALCZEWSKI presented a proclamation Honoring William Cleary and Vigilant Fire Company as West Seneca Chamber of Commerce's 2023 Member of the Year.

Item 18 – MR. MALCZEWSKI presented a proclamation Honoring Gary Dickson as West Seneca Chamber of Commerce's 2023 Citizen of the Year.

Item 19 – MR. MALCZEWSKI presented a proclamation Honoring West Seneca Joint Veterans Committee as West Seneca Chamber of Commerce's 2023 Community Service Organization of the Year.

Item 20 – THE MINORITY CAUCUS presented a proclamation Recognizing Chef's Restaurant on its 100th Anniversary.

Item 21 – MR. TODARO presented a proclamation Recognizing Kaylee Krysztof for Becoming Depew High School Girls' Basketball All-Time Leading Scorer.

Item 22 – MR. TODARO presented a proclamation Proclaiming January 29-February 4, 2023 Celebrate Catholic Schools Week in Erie County.

Item 23 – MR. TODARO presented a proclamation Recognizing New York Army National Guard Sergeant Angelo Gelster for Outstanding Performance.

Item 24 – MR. TODARO presented a proclamation Recognizing and Honoring Alden State Bank for Receiving the Innovator Award.

Item 25 – MR. MALCZEWSKI presented a proclamation Recognizing Niagara Produce for Their Grand Opening in Elma, NY.

Item 26 – MR. MALCZEWSKI presented a proclamation Honoring Marilla Sno-Mob Snowmobile Club for Their Heroic Efforts During the 2022 Buffalo Blizzard.

Item 27 – MR. MALCZEWSKI presented a proclamation Honoring Holland Sno-Rascals Snowmobile Club for Their Heroic Efforts During the 2022 Buffalo Blizzard.

Item 28 – MR. MALCZEWSKI presented a proclamation Honoring and Recognizing David Zaporoski on His Retirement from the East Aurora Public Safety Dispatch Department.

Item 29 – MR. MILLS presented a proclamation Honoring Philip Drozd for 40 Years of Service.

Item 30 – MR. MILLS presented a proclamation Honoring Robert Schueler for 40 years of Service.

Item 31 – MR. MILLS presented a proclamation Honoring Gary McGuire for the Springville Volunteer Fire Company's 2022 Outstanding Service Award.

Item 32 – MR. MILLS presented a proclamation Honoring Dennis Dains for Forty-Three Years of Service with the Springville Fire Department.

Item 33 – MR. MILLS presented a proclamation Honoring Eric Tuberdyke on Receiving Springville Volunteer Fire Department's 2022 Outstanding Service Award.

Item 34 – MR. MILLS presented a proclamation Honoring James Siminski for His 50 Plus Years of Firefighting Service.

Item 35 – MR. GREENE presented a proclamation Honoring Clarence Fire Company for Their Heroic Efforts During the Buffalo Blizzard.

Item 36 – MR. GREENE presented a proclamation Recognizing Patty Reitz for Her Dedication and Inspirational Service to the Children of the Clarence Central School District.

MR. MEYERS moved for consideration of the above thirty-two items. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above thirty-two items by including Et Al Sponsorship. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-two items as amended. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 37 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 38 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2022 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 39 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2022 be received and filed.

GRANTED.

Item 40 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2023 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 41 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2023 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 42 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

January 26, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & MEYERS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-16 (2023)
COUNTY EXECUTIVE

WHEREAS, it is desired to rehabilitate Abbott Road (CR 4) from Milestrip Road to Fisher Road, including pavement resurfacing and drainage modification; and

WHEREAS, it is desired to rehabilitate Willett Road (CR 187) from the Smokes Creek bridge to Abbott Road, including pavement resurfacing and drainage modification; and

WHEREAS, the total cost of the Design Engineering phase of this Project is \$443,670.45, including contingency and is available in Capital Projects B.16011, B.17003, B.18006, and B.22062, Fund 420, Funds Center 123; and

WHEREAS, after the County’s selection process, the firm of CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C (CPL), has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the rehabilitation of the above noted segments of Abbott Road (CR 4) and Willett Road (CR 187).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Rehabilitation of Abbott Road and Willett Road, CAP-4&187-22Design (the “Project”); and be it further

RESOLVED that the County Executive be authorized to execute an agreement between the County of Erie and the selected Project Design Engineers, CPL, for engineering design services in an amount not to exceed \$443,670.45, including contingency, and execute any necessary Change Orders; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Fund 420, Funds Center 123, as follows:

B.16011	2016 Road Design (Countywide)	\$ 78,078.00
B.17003	2017 Preservation of Roads Design	\$ 37,483.30
B.18006	2018 Turn Back of Roads to Towns	\$ 19,809.15
<u>B.22062</u>	<u>2022 Abbott Road Design</u>	<u>\$308,300.00</u>
	Total Not to Exceed	\$443,670.45

and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) 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.

(4-0)

2. COMM. 2E-18 (2023)
COUNTY EXECUTIVE

WHEREAS, via COMM. 6E-5 (April 26, 2018) your Honorable Body approved the award of an On-Call General Civil and Geotechnical Term Agreement (Term Agreement) to Greenman Pedersen Inc. (GPI) with an initial term of 3 years starting on June 1, 2018 with the possibility of two one-year extensions; and

WHEREAS, via COMM 15E-6 (July 22, 2021) GPI's term agreement was extended to December 31, 2022 utilizing seven months of the second one-year extension permitted by COMM. 6E-5; and

WHEREAS, the Department of Public Works (DPW) has issued a Request for Proposals (RFP) for the next round of On-Call Term Agreements but does not expect to have new agreements in place until the middle of 2023; and

WHEREAS, it is desired to utilize the remaining five (5) months of the second one-year extension permitted under COMM 6E-5 to extend GPI's agreement to June 1, 2023; and

WHEREAS, Hopkins Road (CR 87) north of Smith Road (CR 297) was the subject of a major County capital project in 2014-2015 to address roadway and embankment failures along Ransom Creek that had reduced a section of Hopkins north of Smith Road to a single lane; and

WHEREAS, the section of Hopkins Road south of Smith Road is showing the initial signs of similar embankment failures; and

WHEREAS, it is desired to stabilize the roadway and roadway embankment prior to a major failure that would significantly impact the safety and mobility of the travelling public; and

WHEREAS, incidental geotechnical services are necessary to assess and respond to ground stability issues Countywide as they are brought to the Department’s attention by the Department’s maintenance forces, the general public, and as they arise, during the normal conduct of business; and

WHEREAS, civil and geotechnical engineering services are required to investigate, assess and design the necessary remediation to stabilize the roadway and roadway embankment on Hopkins Road as well as assess incidental ground stability issues Countywide; and

WHEREAS, GPI has the necessary knowledge and expertise to provide the required civil and geotechnical engineering services; and

WHEREAS, it is desired to engage GPI to provide the necessary engineering services for the remediation of the incipient slope failures on Hopkins Road and assessment of incidental ground stability issues; and

WHEREAS, the estimated cost of the required engineering services is \$325,000 which is available from the capital projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a 5-month extension to GPI’s current On-Call General Civil and Geotechnical Services Agreement to June 1, 2023; and be it further

RESOLVED, that the County Executive is authorized to include in the amendment to GPI’s On-Call General Civil and Geotechnical Services Agreement the engineering services necessary for the remediation of the slope failures on Hopkins Road (CR 87) and for incidental geotechnical services in the not to exceed amount of \$325,000 which is available from the following Capital Projects in Fund 420, Funds Center 123:

B.17014 – 2017 Road Slide Design	\$200,000
<u>B.17013– 2017 Slope Stability Investigations</u>	<u>\$125,000</u>
	\$325,000

which will be appropriated and made available for the project; 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.

(4-0)

3. COMM. 2E-19 (2023)
COUNTY EXECUTIVE

WHEREAS, the County is undertaking a project to rehabilitate Vermont Street (C.R. 226) in the Town of Holland (“the Town”) from NY Route 16 to Pearl Street (hereinafter referred to as the “Project”) which was approved via COMM 13E-11 (July 9, 2020); and

WHEREAS, the Town desires to improve the resiliency and efficiency of the water distribution system in this section of Vermont Street by abandoning the existing watermain which dates to the 1930s and installing a new 10” diameter PVC watermain including required interconnects to the existing water distribution system, transfer of services from the old watermain to the new watermain as well as hydrant replacements and connections to the new watermain as required (hereinafter collectively referred to as “Betterment”); and

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

WHEREAS, the Town agrees to be responsible for the 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 Town as owner responsible for the cost of the Betterment and all future operation and maintenance costs thereof; and

WHEREAS, the cost of the Betterment is estimated to be \$501,000 and will require that the project budget in Funds Center 123, Fund 420, B.19013 – 2019 Road Slides Construction – Vermont Street (CR226) Site 9 be increased by that amount to reflect acceptance of funds from the Town.

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 Town of Holland, 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 Town’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 Executive is hereby authorized to accept the funds from the Town and to increase the Project budget by the \$501,000 estimated cost of the Betterment in Funds Center 123, Fund 420, B.19013 – 2019 Road Slides Construction – Vermont Street (CR226) Site as follows:

Revenue	Description	Budget	Increase	Revised Budget
475000	General Oblig Bonds	\$300,000	\$0	\$300,000
420499	Other Local Source Revenue	\$0	\$501,000	\$501,000
Total Revenue		\$300,000	\$501,000	\$801,000
Appropriations				
CAPITALPROJECTS	Capital Project Exp	\$300,000	\$501,000	\$801,000

Total Appropriations	\$300,000	\$501,000	\$801,000
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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.

(4-0)

4. COMM. 2E-20 (2023)
COUNTY EXECUTIVE

WHEREAS, bids were received and opened on December 7, 2022 for the Construction of Asphalt Snow Storage on East and West Rd (CR363) Project (the "Project"); ECDPW Project Number CAP-CR363-01-2022 in the Town of West Seneca; and

WHEREAS, Erie County Department of Public Works wants to award the contract to the lowest responsible bidder, Union Concrete and Construction Corp., in the amount of \$454,121 and establish a contingency of \$45,879, for a total cost not to exceed \$500,000; and

WHEREAS, the estimated total cost of the Project is \$500,000, and is available in Fund 420, Funds Center 123, Project B.18023.3 - 2018 Various Roads Reconstruction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award and execute a contract for ECDPW Project Number CAP-CR363-01-2022, to the lowest responsible bidder, Union Concrete and Construction Corp., in the amount of \$454,121; and be it further

RESOLVED, that a Project contingency be established in an amount of \$45,879 with authorization for the County Executive to execute Project related change orders, amendments and agreements, as necessary; and be it further

RESOLVED, the Project budget, in the amount of \$500,000, is available in Fund 420, Funds Center 123 as follows:

B.18023.3	2018 Various Roads Reconstruction	\$500,000
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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, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(4-0)

5. COMM. 2E-21 (2023)
COUNTY EXECUTIVE

WHEREAS, the County has determined that there is a need for the ability to access general civil engineering and land survey services in an efficient and timely manner to be able to respond to problems, emergency situations and issues that are of such magnitude that an issuance of a request for proposals is not warranted; and

WHEREAS, the County has in the past met this need by the awarding of two On-Call contracts for such services to consultants selected in accordance with County policy and the County selection process; and

WHEREAS, the term of the existing On-Call contracts ends on December 31, 2022; and

WHEREAS, the Department of Public Works (DPW) issued a Request for Proposals (RFP) for the next round of On-Call Term Agreements; and

WHEREAS, upon evaluation of the proposals received in accordance with County policy and the County selection process GPI (Greenman-Pedersen, Inc.) and DiDonato Associates Engineers and Architects (DiDonato) were selected for contracts; and

WHEREAS, the firms are anticipated to be utilized by both the Highway Division and Buildings and Grounds; and

WHEREAS, funding for the On-Call contracts is available from the Capital Projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute On-Call term contracts with GPI and DiDonato for an initial term of three years with the option of two one-year extensions; and be it further

RESOLVED, that the aggregate number of tasks assigned inclusive of both firms is not to exceed \$415,000; and be it further

RESOLVED, that of that amount \$100,000 will be for exclusive use by the Division of Buildings and Grounds and \$315,000 for the exclusive use of the Division of Highways; and be it further

RESOLVED, that the funding is available as follows:

Project	Title	Fund	Fund Center	Amount
A.22052	Preservation of County Bldgs and Facilities	410	122	\$100,000
B.19017	General Civil & Geotech–Construction as Directed	420	123	\$315,000
Total not to Exceed				\$415,000

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.

(4-0)

6. COMM. 2E-22 (2023)
COUNTY EXECUTIVE

WHEREAS, two existing Grow Houses that are adjacent to the existing administration building complex were completed in 2010 with concrete foundation walls and utility extensions constructed during that time in anticipation of a total of four Grow Houses while only two were constructed due to funding at the time; and

WHEREAS, to facilitate the expansion, the existing one-story growing range built in 1965 will need to be demolished as the old growing range has deteriorated to a point where it has been determined the cost of improvement is cost prohibitive; and

WHEREAS, the proposed demolition of the growing range, underground tunnel, abandoned septic field, and construction of the two additional custom designed steel-framed grow houses on the existing foundations are part of the Botanical Gardens Master Plan and will be consistent and respectful of the requirements of the NY State Historic Preservation Office (SHPO) and will provide a seamless experience to the public allowing the Botanical gardens to maintain plant production to support exhibitions while clearing the way for the expansion project, is a necessary and needed first phase of the expansion project and will serve to kick off the public phase of the expansion project; and

WHEREAS, while this is being considered the first phase preparing for the facility's future addition, the demolition of the existing grow range and construction of two new grow houses are still necessary due to the condition of the existing building and the operations of the facility regardless of any future work that would occur regarding a future addition; and

WHEREAS, Foit Albert Associates was selected through the Department of Public Works standard consultant selection process; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement with Foit Albert Associates to provide professional design and construction administration services for a base fee of \$206,431 plus a \$48,502 hazardous materials allowance, \$750 reimbursable and \$29,317 design contingency for a total amount not to exceed \$285,000 for the Buffalo and Erie County Botanical Gardens Grow House Addition and Building Demolition project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Foit Albert Associates to provide professional design and construction administration services for a total

amount not to exceed \$285,000 including reimbursables and a design contingency for the Buffalo and Erie County Botanical Gardens Grow House Addition and Building Demolition project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the previously approved Capital Project A.21164 – 2021 Botanical Gardens New Greenhouse, Fund 410, Funds Center 122 for a total amount not to exceed \$285,000; 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 and Erie County Botanical Gardens c/o Mark Mortenson.

(4-0)

7. COMM. 2E-23 (2023)
COUNTY EXECUTIVE

WHEREAS, the existing window and storefront systems at Gleasner Hall and Dry Memorial Library at Erie Community College North Campus have either been replaced with glass block or are original 60-year-old non-thermally broken aluminum storm window systems with single pane glazing added to the interior of the existing original storefront and in poor condition; and the entrance, corridor and entryway radiation, convectors or unit heaters, original to both buildings, are near the end of their reliable service life, and evaluated to be in poor condition; and

WHEREAS, the scope includes building-wide exterior masonry repair, replacement of all exterior window and storefront systems, exterior building and lobby lighting replacement, and lobby and entrance finishes; mechanical work includes new equipment screening, replacement of all entrance, corridor, and entryway radiation, convectors or unit heaters, and other miscellaneous work; and

WHEREAS significant energy savings will be achieved utilizing energy efficient commercial low-emissivity insulated window replacement systems and upgraded mechanical heating systems; and

WHEREAS, the County of Erie will receive 50% reimbursement from New York State for this project; and

WHEREAS, Watts Architects and Engineers was selected through the Department of Public Works standard consultant selection process; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Watts Architects & Engineers to provide professional design and construction administration services for a base fee of \$323,114 plus a \$21,903 hazardous materials allowance, \$500 reimbursable and \$54,483 design contingency for a total amount not to exceed \$400,000 for the SUNY Erie Community College North Campus 2022 Gleasner Hall and Dry Memorial Library Exterior Envelope Rehabilitation Work project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Watts Architects & Engineers to provide professional design and construction administration services for a total amount not to exceed \$400,000, for the SUNY Erie Community College North Campus 2022 Gleasner Hall and Dry Memorial Library Exterior Envelope Rehabilitation Work; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the approved capital budgets, Fund 480, Funds Center 122, follows:

E.16002 – 2016 ECC Roof Replacement and Exterior Waterproofing Collegewide	\$ 188,196.98
E.19001 – 2091 Collegewide Improvements and Renovations	\$ 211,803.02
For a Total Amount Not to Exceed	\$ 400,000.00

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, Erie Community College, Director of Finance, and the Office of the Comptroller.

(4-0)

8. COMM. 2E-27 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2023 Annual Action Plan at their session held on January 26, 2023.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2023 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated.

1. Erie County Consortium Community Development Program: \$3,115,575
2. Emergency Solutions Program: \$239,111
3. HOME Investment Partnership Program: \$1,095,213
4. Town of Hamburg Community Development Program: \$435,000

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.

(4-0)

9. COMM. 2E-30 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County wishes to honor and memorialize the contributions of trailblazing women of the Western New York Community; and

WHEREAS, a Trailblazing Women's Monument Selection Committee led by the Executive Director of the Erie County Commission on the Status of Women was established; and

WHEREAS, the Selection Committee determined that the greenspace and walkways in front of Old County Hall was the appropriate location for the monument; and

WHEREAS, on April 25, 2022, the Erie County Department of Environment & Planning issued a request for proposals from qualified artists to produce concepts, designs, and representational sculptures that bring to life the three historical figures chosen; and

WHEREAS, proposals were received by the June 3, 2022 deadline from twelve artists; and

WHEREAS, the Selection Committee members independently reviewed, scored, and ranked submitted proposals based on the selection criteria; and

WHEREAS, it was the unanimous vote of the Selection Committee to award the project to artists Vinnie Bagwell and Jiwoong Cheh.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the two selected artists – Vinnie Bagwell for \$133,000 and Jiwoong Cheh for \$267,000 (total of \$400,000) with sufficient funds existing within the 2021 Trailblazing Women’s Monument project, Fund 410, Funds Center 162, capital project A.21159; and that it be further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to make any budget adjustments and/or capital project budget modification necessary to effectuate this transfer; and be it further

RESOLVED, that the Clerk of the Legislature is hereby instructed to forward certified copies of this resolution to the County Executive’s Office, Comptroller’s Office, Division of Budget and Management, Department of Law, Department of Public Advocacy and Department of Environment and Planning.

(4-0)

**HOWARD J. JOHNSON, JR.
CHAIR**

Item 43 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

January 26, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR BARGNESI & CHAIR MEYERS
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12E-6 (2022)
GREENE: “Letter Concerning the Implementation of COMM. 8E-33, a Resolution Imposing a Two Dollar Cap on the Collection of Sales Taxes on Motor Fuel”

- (Acting Chair's Ruling)
- b. COMM. 14E-6 (2022)
MILLS: "Request for Conversation Regarding Wind Turbines on Lake Erie"
(Acting Chair's Ruling)
 - c. COMM. 2E-4 (2023)
COUNTY EXECUTIVE: "ECSD No. 8 - Engineering Term Contract Agreement"
(Acting Chair's Ruling)
 - d. COMM. 2E-5 (2023)
COUNTY EXECUTIVE: "ECSD No. 2 - Engineering Term Contract Agreement"
(Acting Chair's Ruling)
 - e. COMM. 2E-6 (2023)
COUNTY EXECUTIVE: "ECSD No. 6 - Engineering Term Contract Agreement"
(Acting Chair's Ruling)
 - f. COMM. 2E-7 (2023)
COUNTY EXECUTIVE: "ECSD No. 4 - Engineer Term Contract Agreement"
(Acting Chair's Ruling)
 - g. COMM. 2E-8 (2023)
COUNTY EXECUTIVE: "ECSD Nos. 1, 3, 4, & 5 - Construction Inspection Term Contract Agreement"
(Acting Chair's Ruling)
 - h. COMM. 2E-9 (2023)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineering Term Contract Agreement, Arcadis of NY, Inc."
(Acting Chair's Ruling)
 - i. COMM. 2E-10 (2023)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineering Term Contract Agreement, CHA Consulting, Inc."
(Acting Chair's Ruling)
 - j. COMM. 2E-11 (2023)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineering Term Contract Agreement, O'Brien & Gere Engineers, Inc."
(Acting Chair's Ruling)
 - k. COMM. 2E-12 (2023)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineering Term Contract Agreement, C&S Companies"
(Acting Chair's Ruling)

1. COMM. 2E-13 (2023)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement, DiDonato Associates”
(Acting Chair’s Ruling)
- m. COMM. 2D-2 (2023)
CHIEF PLANNER ENVIRONMENT AND PLANNING: “Southtowns Advanced Wastewater Treatment Facility Expansion”
(Acting Chair’s Ruling)

2. COMM. 2E-17 (2023)
COUNTY EXECUTIVE

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District (ECS&WCD) who have the essential expertise and personnel to perform the necessary inspections and evaluations, as well as, to carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, road, bridge, and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood-related risk to roads, bridges, culverts, and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting the natural flow of streams, repair road, bridge, and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the ECS&WCD to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the ECS&WCD have previously authorized a municipal agreement on July 22, 2021, via COMM. 14E-16 (2021) for the purpose of performing a County-wide Stream Maintenance Program; and

WHEREAS, continued wetland mitigation is required after the reconstruction of Goodrich Road-CR 216; and

WHEREAS, authorization is required to renew and execute a contract with ECS&WCD for an amount not to exceed \$152,660.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to renew and execute the contract between the County of Erie and the Erie County Soil and Water Conservation District (ECS&WCD) for \$152,660; and be it further

RESOLVED, that the 2022 Highway Department Budget, GL 516020 – Professional Services, Fund 210, Funds Center 1231010 will provide \$120,000 and B.17002 – 2017 Preservation of Roads

Construction-Goodrich Road (Clarence) will contribute \$32,660 for the required wetland mitigation after the reconstruction of CR 216 for a total contract with ECS&WCD not to exceed \$152,660; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(4-0)

3. COMM. 2E-24 (2023)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 12E-5 (2021), Contract No. 26 was awarded to National Water Main Cleaning Co. to construct the Transit Road Cured In Place Pipe Lining Project, in Erie County Sewer District No. 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No.26, in the final contract amount of \$376,319.80 which includes Change Order No. 1 (final), a decrease of (\$17,524.20) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 26 between the County of Erie and National Water Main Cleaning Co. (25 Marshall Street, Canton, MA 02021) is accepted in the final contract amount of \$376,319.80 which includes Change Order No. 1 (final), a decrease of (\$17,524.20) and is allocated in Capital Account C.21150 (American Rescue Plan); and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 26, to National Water Main Cleaning Co. for a total contract amount of \$376,319.80; 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, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(4-0)

4. COMM. 2E-25 (2023)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation (NTSDOT), under the project identified as:

PMI – NY ROUTE 240/277 (S.H. 1665, S.H. 272, S.H. 27, S.H. 66, S.H. 67, S.H. 9215);
US ROUTE 20A (S.H. 1586, S.H. 1066)
BIN 1016060, 1016070

TOWN/VILLAGE OF ORCHARD PARK, ERIE COUNTY
Project Identification Number (PIN) 5814.39, D264946

Is advancing a preventative maintenance project, located on Route NY Rt. 240/277 (South Buffalo Street, North Buffalo Street); NY Rt. 952J to Michael Road and Us Rt. 20A (East and West Quaker Street); Centre Drive to Freeman Road; and

WHEREAS, the Erie County Legislature on the behalf of the ECSD No. 3 concurs with the Erie County Division of Sewerage Management's recommendation to replace ECSD No. 3 manhole frames and covers as part of NYSDOT PIN 5814.39, D264946 (hereinafter referred to as betterment work); and

WHEREAS, the Erie County Legislature, on behalf of ECSD No. 3, approves the plans of this betterment work and desires to have this work included with the State project; and

WHEREAS, the State of New York has estimated the cost of the betterment work at \$81,640.00 and has agreed to include this betterment work with the State project identified above and described in Schedule A provided the Erie County Legislature on the behalf of the ECSD No. 3 agrees to pay the cost of such betterment(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does approve the cost estimate for the betterment work to be performed by the State; and be it further

RESOLVED, that ECSD No. 3 shall maintain or cause to be maintained such highway betterment(s); and be it further

RESOLVED, that ECSD No. 3 will deposit with the State Comptroller in a project escrow account the full amount of the estimate for the cost of the betterment work as described in Schedule A for payments by the State Comptroller for the Municipal work prior to contract letting; and be it further

RESOLVED, that ECSD No. 3 will also deposit with the State Comptroller in a project escrow account the full amount of the contract bid price for the cost of the betterment work (less any amounts already deposited for purposes thereof) for payments by the Comptroller on account of project costs within 10 days after the lowest-bidder or best-value proposer eligible for award has been identified; and be it further

RESOLVED, that in the event the cost of the betterment work exceeds the amount of the deposit and the Erie County Division of Sewerage Management recommends proceeding with the betterment work, ECSD No. 3, shall within 90 days of the receipt of notice from the Commissioner pay the amount of such deficiency to the State Comptroller; and any excess of the deposit shall be paid to ECSD No. 3 on the warrant of the State Comptroller on vouchers approved by the Commissioner after project close out; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Environment and Planning to enter into an agreement with the State of New York and through the Commissioner of Transportation to commit ECSD No. 3 to maintain at its own expense the betterment(s) on the above-identified project; and that such agreement provides that maintenance shall include the repair and replacement of equipment and the operation of such betterment(s); and be it further

RESOLVED, that Erie County Sewer District (ECSD) No. 3 Professional Services Account No. 516020 be the source of funding for all costs associated with the aforementioned agreement, up to an amount not to exceed \$100,000.00; and be it further

RESOLVED, that Commissioner of the Department of Environment and Planning has the authority to sign, with the concurrence of the Erie County Legislature, any and all documentation that may become necessary as a result of the betterment work as it relates to the ECSD No. 3; and be it further

RESOLVED, that the Clerk of this Erie County Legislature is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation addressed through:

Regional Utility Unit
NYSDOT – Region 5
100 Seneca Street
Buffalo, New York 14203

and be it further

RESOLVED, that one (1) certified copy each of this resolution be sent to the County Executive, the County Comptroller, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Department of Environment and Planning.
(4-0)

5. COMM. 2E-26 (2023)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation (NYSDOT) in the calendar year 2023 proposes the construction, reconstruction, or improvement capital projects of State Highways within the boundaries of the Erie County Sewer Districts; and

WHEREAS, the State will include as part of their capital projects sanitary sewer facilities adjustments to be done pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on contract plans relating to the projects and satisfying the requirements of the Erie County Sewer Districts; and

WHEREAS, the service life of the adjusted utilities has not been extended; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management recommends that the County of Erie enter into NYSDOT Utility Work

Agreements (HC-140) in the year 2023 to allow for adjustments of Erie County Sewer District assets required for NYSDOT capital projects at the NYSDOT's expense.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the proposed adjustments for the County owned sanitary sewer facilities as shown on contract plans relating to NYSDOT capital projects, and completed at the NYSDOT's expense; and be it further

RESOLVED, that the affected Erie County Sewer District will maintain or cause to be maintained facilities adjusted by the NYSDOT as above stated; and it be further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning or his/her designee is hereby authorized, on behalf of the County of Erie, to sign NYSDOT Utility Work Agreements; and be it further

RESOLVED, that the Commissioner of the Erie County Department of Environment and Planning or his/her designee is hereby authorized, on behalf of the County of Erie, to sign any additional documentation relating to a project to be completed under an aforementioned NYSDOT Utility Work Agreements; and it be further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy of this resolution to the New York State Department of Transportation with each package of NYSDOT Utility Work Agreements for each NYSDOT capital project approved by Erie County Department of Environment and Planning, and one (1) certified copy each of this resolution to the County Executive, the County Comptroller, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Department of Environment and Planning.

(4-0)

6. COMM. 2E-29 (2023)
COUNTY EXECUTIVE

WHEREAS, climate change increasingly poses a threat to life and property in Erie County;
and

WHEREAS, Erie County is preparing an equity-focused Community Climate Action Plan (CCAP); and

WHEREAS, it is important that the community is engaged and has a voice in the CCAP development so that resulting County climate action projects and programs best reflect the needs of the community; and

WHEREAS, the Urban Sustainability Directors Network (USDN), of which Erie County is a member, has a competitive grant program to help strengthen community relationships regarding climate work; and

WHEREAS, Erie County applied for a grant with the Omega Mentoring Program at the Johnnie B. Wiley Amateur Athletic Sports Pavilion to support a “Climate Connections for Buffalo’s East Side Youth” Project; and

WHEREAS, a grant agreement between the USDN and the Omega Mentoring Program will be executed, and the County will not be party to the grant agreement; and

WHEREAS, in order for USDN to fund the project, USDN requires that the execution of a Memorandum of Understanding between USDN and the County, with the County agreeing to help facilitate the project using existing staff capacity.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or Deputy County Executive is hereby authorized to execute a Memorandum of Understanding with the Urban Sustainability Directors Network, with the County agreeing to help facilitate the “Climate Connections for Buffalo’s East Side Youth” Project; and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the County Attorney; the Office of the County Comptroller; Daniel Castle, Commissioner of Environment and Planning, and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(4-0)

**JEANNE M. VINAL
ACTING CHAIR**

Item 44 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

January 26, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & MEYERS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 16-2 (2022)
LORIGO: “Opposition to New York State Actions Restricting Legal Rights of Gun Owners”
(Chair’s Ruling)
 - b. INTRO. 16-3 (2022)

LORIGO: “Support for Portions of the Safer NY Plan”
(Chair’s Ruling)

c. INTRO. 16-4 (2022)

LORIGO: “Resolution Urging the Repeal of Recent Bail Reform Measures”
(Chair’s Ruling)

d. COMM. 23E-2 (2022)

COUNTY EXECUTIVE: “Re-Appointment to the Erie County Corrections Specialist
Advisory Board”
(Chair’s Ruling)

e. COMM. 1D-1 (2023)

COUNTY ATTORNEY: “Emergency Declaration, 12/23/22”
(Chair’s Ruling)

2. COMM. 2E-34 (2023)

SHERIFF

WHEREAS, the Erie County Sheriff’s Office Division of Correctional Health advertised and recruited individuals to interview for the director’s position; and

WHEREAS, following the interview process, the search committee selected a qualified candidate; and

WHEREAS, the current annual wages are \$122,448.00 per year; and

WHEREAS, the Sheriff’s Office is requesting a variable minimum adjustment to the annual wage for the director’s position; and

WHEREAS, the new director’s position will be changed from Job Group 16, Step A to Job Group 16, Step 5 a decrease of \$2,734.00 in annual wages; and

WHEREAS, this change will save \$2,734.00 in the 2023 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the change of the Director of Correctional Health Services to a Job Group 16, Step 5, with annual wages of \$119,714.00; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to make any necessary changes to the Sheriff’s 2023 budget; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Division of Budget and Management, the Erie County Personnel Department, and the Sheriff’s Administration Division.
(4-0)

**HOWARD J. JOHNSON, JR.
CHAIR**

Item 45 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

January 26, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT CHAIR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 23-14 (2022)
COUNTY EXECUTIVE: “Appointments to the EC Advisory Board to the Division for Persons with Disabilities”
(Acting Chair’s Ruling)
 - b. COMM. 23D-1 (2022)
EC COMPTROLLER’S OFFICE: “EC Comptroller's Office Audit of the Department of Social Services”
(Acting Chair’s Ruling)
 - c. COMM. 23M-3 (2022)
CHAIR, EC BOARD OF HEALTH: “Proposed Revisions to the Erie County Sanitary Code”
(Acting Chair’s Ruling)
 - d. COMM. 1D-3 (2023)
COMMISSIONER OF HEALTH: “ECDOH Nursing Home COVID-19 Infection Report”
(Acting Chair’s Ruling)
 - e. COMM. 2E-36 (2023)
BASKIN: “Recommendation Request for EC Health Equity Advisory Board”
(Acting Chair’s Ruling)
 - f. COMM. 2D-1 (2023)
COMMISSIONER OF HEALTH: “ECDOH Nursing Home COVID-19 Infection Report”
(Acting Chair’s Ruling)
2. COMM. 2E-28 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning regularly holds programs to help residents properly dispose of waste; and

WHEREAS, the Erie County Department of Environment and Planning applied for a grant through the Tonawanda Tomorrow Fund, managed by the Community Foundation for Greater Buffalo, for a Senior Focused E-Waste Collection Project that will support Erie County's senior residents and New York State's respective environmental goals; and

WHEREAS, the Community Foundation for Greater Buffalo granted Erie County \$25,000.00 for the Erie County Senior Focused E-Waste Collection Project; and

WHEREAS, Erie County entered into an agreement with the Community Foundation for Greater Buffalo, as authorized by COMM. 13E-28 (2022); and

WHEREAS, in order to successfully complete the project, it is necessary to extend that agreement for 6 months to June 30, 2023.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements with the Community Foundation for Greater Buffalo to extend the project until June 30, 2023; and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the County Attorney; the Office of the County Comptroller; Daniel Castle, Commissioner of Environment and Planning, and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

(5-0)

3. COMM. 2E-31 (2023)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services (Department) continually looks to enhance and expand services to help seniors remain in their homes longer; and

WHEREAS, the Department wishes to increase independence of older adults and reduce the long-term care costs by providing services to reduce or delay long-term admission to facilities; and

WHEREAS, the Department desires to continue to offer and expand Transportation services to eligible residents in Erie County in a cost-effective manner; and

WHEREAS, through an RFP process, MetroHealth Transportation LLC and Zoom Ride Inc. were selected to provide services to ambulatory and wheelchair bound clients of the Department; and

WHEREAS, the Department now desires to enter into contracts with MetroHealth Transportation LLC and Zoom Ride Inc. for a 1-year period of February 1, 2023 through January 31, 2024, which at the sole discretion of the County may be extended beyond the initial term for up to four one-year periods at prices and conditions agreed upon by the County and Agency; and

WHEREAS, no additional County funds are required as budgetary appropriations for aggregate transportation expenditures are available in the Department's Professional Services account in the CSE2223, CSE2324, EMOBILITY2124, AAA TRAN2223 and AAA TRAN2324 grants; and

WHEREAS, amounts for subsequent contract years are to be determined by appropriations available in each of those year's County budgets.

NOW, THEREFORE, BE IT

RESOLVED, the authorization is hereby given for the County Executive to enter into contracts with MetroHealth Transportation LLC and Zoom Ride Inc. to provide Transportation Services for Older Adults for the Department during the February 1, 2023 through January 31, 2024 period, which at the sole discretion of the County may be extended beyond the initial term for up to four, one-year periods, at prices and conditions agreed upon by County and Agency; and be it further

RESOLVED, that the existing aggregate Professional Services Account appropriations in the CSE2223, CSE2324, EMOBILITY2124, AAA TRAN2223 and AAA TRAN2324 grants be utilized to pay for Transportation Services, at an aggregated cost up to \$240,000 for the first year, with amounts for the subsequent years to be determined by appropriations in each of those year's County budgets; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Division of Budget and Management, Comptroller's Office, the Director of Purchasing, Department of Law and the Department of Senior Services.

(5-0)

4. COMM. 2E-32 (2023)
COUNTY EXECUTIVE

WHEREAS, funds are available in the training line of the Adopted 2023 Budget; and

WHEREAS, the Department of Social Services currently provides these services through the contract with The Research Foundation; and

WHEREAS, a RFP #2022-022VF was issued in 2022 for these services to be provided in 2023; and

WHEREAS, based on the results of the RFP #2022-022VF Measurement Incorporated was selected as the agency to provide Consulting Services and Training Delivery for Trauma Informed Care and Solution Focused Techniques; and

WHEREAS, The Department of Social Services would like to contract with Measurement Incorporated in the amount of \$18,640 to provide SFTIC training and consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with Measurement Incorporated in the amount of \$18,640 for the continuation of training and consulting in SFTIC practices; and be it further

RESOLVED, that the funding will come from the training line (516040) of the 2023 Adopted Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with funding allocation adjustments; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.
(5-0)

**HOWARD J. JOHNSON, JR.
ACTING CHAIR**

LEGISLATOR RESOLUTIONS

Item 46 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

RE: Minority Leader
Recommendation to the
ECCSAB
(INTRO. 3-1)

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

WHEREAS, Local Law Intro. 7-2 created the Erie County Corrections Specialist Advisory Board. The law calls for a recommendation to be made by the Erie County Legislature's Minority Leader and approved by a majority of the entire body; and

WHEREAS, Ms. Cindi McEachon has served a term on the Corrections Specialist Advisory Board already and has been a contributing member to its operations; and

WHEREAS, Ms. McEachon is the current Executive Director of Peaceprints of WNY. Peaceprints of WNY is a collaboration of Hope of Buffalo and Cephas Attica, which were two nonprofit prison ministries that operated in WNY for over thirty years. They offer support services to current and prior inmates living in our region. Their services include transitional, supportive, and independent housing options, in-prison and community-based support groups, advocacy efforts, a community food pantry, youth programming in conjunction with Buffalo Public Schools, and an innovative and collaborative Associate of Arts program, in partnership with Houghton College; and

WHEREAS, Ms. McEachon joined the team at Peaceprints in 2014 and prior to joining had served as the Erie County Reentry Taskforce Coordinator, which works with prisoners returning to life, post-release, here in Erie County; and

WHEREAS, it is the intention of the Minority Leader to submit Ms. Cindi McEachon's name to the full Erie County Legislature to represent the interests of the Minority Caucus on the Erie County Corrections Specialist Advisory Board.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby endorses the Minority Leader's recommendation and appoints Ms. Cindi McEachon to a three-year term; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Corrections Advisory Board, Ms. Cindi McEachon, and any other parties deemed necessary and proper.

Item 47 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 3-2 from BASKIN. Appointment to the EC Health Equity Advisory Board.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 48 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 22E-11 (2022). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

RE: Personnel Modification for the

County Executive's Office
(COMM. 22E-11, 2022)

WHEREAS, it is standard practice for Erie County employees to receive increments on a yearly basis; and

WHEREAS, in the case of a change of position (even across bargaining units) including for a promotion, employees are able to keep those increments and move step to step into the higher Job Group; and

WHEREAS, these rules apply automatically to all employees, including management confidential employees, except for those holding independently elected positions; and

WHEREAS, it is appropriate and within the spirit of this standard practice to account for all time served as an Erie County employee in the appointment of the Deputy County Executive; and

WHEREAS, based on an initial appointment to County service as of 7/11/2019, any other management confidential employee would be at and have retained a Step 3 increment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum, Job Group 22, Step 3 (annualized salary of \$169,915) for the position of Deputy County Executive; and be it further

RESOLVED, that this variable minimum be retroactive to the initial appointment to the position of Deputy County Executive as of November 5, 2022; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the County Executive's 2022 Adopted Budget as necessary; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, the Department of Personnel.

MR. MEYERS moved to the approve the item. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 49 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 2E-33 (2023). MR. GILMOUR seconded. MS. VINAL voted in the negative.

CARRIED. (9-1)

RESOLUTION NO. 17

RE: Personnel Modification for the
County Executive's Office
(COMM. 22E-11, 2022)

WHEREAS, the Erie County Sheriff's Office and the Western New York Arena, LLC. (WNYA), have negotiated an agreement for police services for all events at the KeyBank Center; and

WHEREAS, ECSO has agreed to assign a minimum of six SWAT Team members, members of the Bomb Squad, three Explosives Detection K9 team, and deputies for each event; and

WHEREAS, WNYA has agreed to reimburse the County for the police services detail at all arena events; and

WHEREAS, the agreement has a term of four years with WNYA reimbursing Erie County as follows: Contract Year 2022-23: \$120,000; Contract Year 2023-24: \$360,000; Contract Year 2024-25: \$420,000; Contract Year 2025-26: \$485,000; and

WHEREAS, WNYA has agreed to make four equal installments during each contract year; and

WHEREAS, this agreement will not have a fiscal impact on the County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Erie County Sheriff and the Erie county Executive to enter into an agreement with Western New York Arena, LLC., One Seymour H. Knox III Plaza, Buffalo, New York 14203, for police services for all events at the KeyBank Arena and the "Arena Complex"; and be it further

RESOLVED, that the agreement is for four (4) years with WNYA reimbursing the County of Erie in four equal payments within the contract year, as follows: Contract Year 2022-23: \$120,000; Contract Year 2023-24: \$360,000; Contract Year 2024-25: \$420,000; Contract Year 2025-26: \$485,000; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Erie County Executive, the County Attorney, the Division of Budget and Management, the Erie County Comptroller, and the Sheriff's Administration Division.

MR. MEYERS moved to the approve the item. MR. GILMOUR seconded. MS. VINAL voted in the negative.

CARRIED. (9-1)

SUSPENSION OF THE RULES

Item 50 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 3-3 from MINORITY CAUCUS Re: Minority Caucus Staff Changes

RESOLUTION NO. 18

WHEREAS, effective February 17, 2023, the Minority Caucus will have two vacant positions within their Minority Caucus Cost Center 1004040; and

WHEREAS, the Minority Caucus wishes to reorganize their staff by deleting two vacant full-time positions and creating one full time and one part time position; and

WHEREAS, this staff reorganization is budget neutral on the 2023 operating budget of the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the following positions in the Erie County Legislature's Minority Caucus Budget, Cost Center 1004040, are deleted, effective February 18, 2023:

- | | | |
|---|-------------|-----------------|
| • Executive Assistant (Legislature) | JG12 Step 5 | \$82,272 |
| • Junior Administrative Assistant (Leg) | JG7 Step 5 | <u>\$57,387</u> |
| | Total: | \$139,659 |

and be it further

RESOLVED, that the following positions are hereby created in the Erie County Legislature's Minority Caucus Budget, Cost Center 1004040, effective February 18, 2023:

- | | | |
|--|-------------|-----------------|
| • Executive Assistant (Legislature) II | JG15 Step C | \$116,382 |
| • Junior Administrative Assistant (Leg) PT | JG7 | <u>\$23,275</u> |
| | Total: | \$139,657 |

and be it further

RESOLVED, that the newly created JG7, part time, position of Junior Administrative Assistant (Leg) shall not exceed 1040 hours annually; and be it further

RESOLVED, that the Budget Director is hereby authorized and directed to make any changes to the 2023 budget necessary to effectuate these changes; and be it further

RESOLVED, that certified copies of this resolution shall be presented to the Minority Leader, Commissioner of Personnel, and the Budget Director.

MR. MEYERS moved to the approve the item. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR BASKIN

Item 51 – (COMM. 3E-1) 2023 Committee Assignments

Received, filed and printed.

2023 Committee Assignments

Finance & Management

Chair: Timothy Meyers
Chair of Legislature: April Baskin
Vice Chair: Michael Kooshoian
Members: John Gilmour
Christopher Greene
John Mills

Energy & Environment

Chair: Timothy Meyers
Chair of Legislature: April Baskin
Vice Chair: Jeanne Vinal
Members: John Bargnesi
John Mills
Frank Todaro

Health & Human Services

Chair: John Gilmour
Chair of Legislature: April Baskin
Vice Chair: Howard Johnson
Members: Jeanne Vinal
James Malczewski
Frank Todaro

Public Safety

Chair: Howard Johnson
Chair of Legislature: April Baskin
Vice Chair: John Gilmour
Members: Timothy Meyers
Frank Todaro
Christopher Greene

Government Affairs

Chair: John Bargnesi
Chair of Legislature: April Baskin
Vice Chair: John Gilmour
Members: Michael Kooshoian
James Malczewski
Frank Todaro

Community Enrichment

Chair: John Gilmour
Chair of Legislature: April Baskin
Vice Chair: Howard Johnson
Members: Jeanne Vinal
John Mills
Christopher Greene

Economic Development

Chair: Howard Johnson
Chair of Legislature: April Baskin
Vice Chair: Timothy Meyers
Members: John Gilmour
Frank Todaro
John Mills

Minority & Women Business Enterprise

Chair: Howard Johnson
Chair of Legislature: April Baskin
Vice Chair: Jeanne Vinal
Members: John Bargnesi
John Mills
James Malczewski

Small Business

Chair: Jeanne Vinal
Chair of Legislature: April Baskin
Vice Chair: John Bargnesi
Members: Howard Johnson
John Mills
Frank Todaro

FROM THE COMPTROLLER

Item 52 – (COMM. 3E-2) EC Sheriff Office Request on KeyBank Center Agreement
(Comm. 2E-33)

Received and filed.

Item 53 – (COMM. 3E-3) Additional Paid Advertising

Received and filed.

FROM LEGISLATOR MALCZEWSKI

Item 54 – (COMM. 3E-4) EC Code of Ethics Disclosure

Received, filed and printed.

January 13, 2023

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any
Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in
government.

- My second cousin, Melissa Malczewski Pilon – Teacher – Depew School District;
- My Sister-in-Law, Erin Terech – Speech Pathologist – Williamsville Central School District

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code
of Ethics presently employed by any government entity. If there are other questions, please feel free
to contact the Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

James Malczewski
Erie County Legislator

FROM LEGISLATOR TODARO

Item 55 – (COMM. 3E-5) EC Code of Ethics Disclosure

Received, filed and printed.

January 13, 2023

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any
Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in
government.

- My wife’s first cousin, Kelly Mercado, is a Sheriff’s deputy at the Erie County Holding
Center;
- My brother-in-law, Neil Eckert, is a Sheriff’s reserve officer; and
- My father’s cousin’s husband, Charlie Morreale, is employed at the Buffalo Municipal
Housing Authority.

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code
of Ethics presently employed by any government entity. If there are other questions, please feel free
to contact the Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

Frank J. Todaro
Erie County Legislator

FROM LEGISLATOR MILLS

Item 56 – (COMM. 3E-6) EC Code of Ethics Disclosure

Received, filed and printed.

January 13, 2023

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any
Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government. I have many relatives with whom I have lost contact; however, to the best of my knowledge, there are no members of my family, as defined by Section 5(c) of the Code of Ethics, presently employed by any government entity.

If there are any other questions, please feel free to contact Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

John J. Mills
Erie County Legislator

FROM LEGISLATOR GREENE

Item 57 – (COMM. 3E-7) EC Code of Ethics Disclosure

Received, filed and printed.

January 13, 2023

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any
Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government.

- My wife, Kathryn, is an educator at the Clarence Central Schools;
- My cousin, Lisa Venuto, is a physician assistant practicing at the Erie County Medical Center; and
- My aunt, Ann Venuto, is a member of the Erie County Corrections Specialist Advisory Board.

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government entity. If there are other questions, please feel free to contact the Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

Christopher D. Greene
Erie County Legislator

FROM LEGISLATOR KOOSHOIAN

Item 58 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded. MR. KOOSHOIAN abstained.

CARRIED. (9-0-1)

RESOLUTION NO. 19

RE: Lease Agreement for Legislative
Office Space
(COMM. 3E-8)

RESOLVED, the Erie County Executive is hereby authorized to sign a 1-Year Lease Agreement with 1701 Hertel Ave., LLC (Rosanne Frandina and Jim Vanoss) for Legislative office space for Michael Kooshoian, located at 1701 Hertel Ave., Buffalo, NY 14216 for a monthly rate of \$975.

FROM THE COUNTY EXECUTIVE

Item 59 – (COMM. 3E-9) Re-Appointments to the Buffalo & EC Public Library

Item 60 – (COMM. 3E-10) Appointments to EC Arts & Cultural Advisory Board

The above two items were referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 61 – (COMM. 3E-11) ECSD No. 8 - East Aurora WRRF Control Building Improvements Project

Item 62 – (COMM. 3E-12) Household Hazardous Waste Facility Implementation Project Amendment

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

Item 63 – (COMM. 3E-13) Authorization for Budget Transfer for the Purchase of Program Supplies

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 64 – (COMM. 3E-14) EC Low Income Program for Sustainable Energy (ECLIPSE) Position Change

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 65 – (COMM. 3E-15) Approval of the Use of \$500,000 in SUNY ECC ARP Institutional Funds to Support Campus Health & Safety

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 66 – (COMM. 3E-16) Acceptance of Donated Trailer for Fire Safety Division

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 67 – (COMM. 3E-17) Award of Construction for Road Reconstruction/Slope Stabilization

Item 68 – (COMM. 3E-18) Undertaking for NYSDOT Permits

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

Item 69 – (COMM. 3E-19) 2020 Environmental Compliance Term Amendment

Item 70 – (COMM. 3E-20) ECSD No. 3 - Engineering Term Contract Agreement

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

FROM THE SHERIFF

Item 71 – (COMM. 3E-21) Buffalo Fatherhood Initiative of Buffalo Prenatal - Contract Amendment

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPUTY COMPTROLLER OF AUDIT

Item 72 – (COMM. 3D-1) Random Grant Monitoring Program: Tax Years - 2020, 2021, and 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 73 – (COMM. 3D-2) Budget Monitoring Report for Period Ending November 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ASSIGNED COUNSEL PROGRAM

Item 74 – (COMM. 3M-1) Financial & Meeting Minute Disclosure

Item 75 – (COMM. 3M-2) 4th Quarter Report of the Assigned Counsel Program

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 76 – (COMM. 3M-3) 1st Quarter Report of Fiscal Year Ending March 31, 2023

Item 77 – (COMM. 3M-4) 2nd Quarter Report of Fiscal Year Ending March 31, 2023

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM PRISONERS ARE PEOPLE TOO, INC.

Item 78 – (COMM. 3M-5) Reappointment to ECCSAB

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE EC FAIR HOUSING BOARD CHAIR

Item 79 – (COMM. 3M-6) EC Fair Housing Board Annual Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 80 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, February 9, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, February 16, 2023. Finally, Chair Baskin announced that a public hearing concerning 2023 Transfer Tax Revenue from the Erie

County Road Repair Reserve Fund will be held on Thursday, February 16, 2023, in Chambers at 2 p.m.

MEMORIAL RESOLUTIONS

Item 81 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Teresa Wachowiak.

Item 82 – Legislator Bargnesi requested that when the Legislature adjourns, it do so in memory of Sandra B. Jackson.

Item 83 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Beverly A. Mazur, George Gary Catt, and John M. Bratek.

Item 84 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Alice D. Bartlett.

Item 85 – Legislator Malczewski requested that when the Legislature adjourns, it do so in memory of Sue Ann Gross.

ADJOURNMENT

Item 86 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. MEYERS moved that the Legislature adjourn until Thursday, February 16, 2023 at 12:00 Noon Eastern Standard Time. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, February 16, 2023 at 12:00 Noon Eastern Standard Time.

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