

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 1, 2018**

The Legislature was called to order by Chair Savage.

All members present.

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

The Pledge of Allegiance was led by Ms. Dixon.

Item 1 – MS. BASKIN moved to take the Rules of the Legislature for 2018 off the table.
MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved for the approval of the Rules of the Legislature for 2018. MR.
BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

**2018
RULES OF ORDER
ERIE COUNTY LEGISLATURE**

SECTION 1.00: ORGANIZATION

1.01 CHAIRPERSON

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 Chairperson 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 [serve as] 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 an 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. The chairman 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 5.07 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.

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 and proceedings 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 presentation 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 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 CHAIRPERSON'S RULING:

On every appeal, the Chair shall have the right to assign his/her reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chair shall put the question: "Shall the Ruling of the Chair be overturned?"

A motion to overrule a decision or ruling of the Chair shall require approval by a majority vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chair, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county. The Chair's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chair's ruling has been decided however, and if the same has been a determination in favor of the Chair's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chair shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chair without debate, except as otherwise provided in Section 4.03, and the Chair's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

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

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

The response from the lead sponsor, or his or her designee, must be related to the question asked and may be reasonably limited at the discretion of the Chair of the Legislature. For the purposes of this

Rule the lead sponsor shall be the member whose name is listed first on the item at debate. The lead sponsor's responses shall not count against his or her time allowances afforded under this section.

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

2.15 MAJORITY VOTE:

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.04.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chair, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chair's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Every member is entitled one (1) additional minute to explain their 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. 10-1989, 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 CHAIRPERSON:

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 Chairperson 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. Any member desiring to explain his/her vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

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 the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

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 Chairperson 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 and amendments thereof, shall be in writing.

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) [11:00 a.m., three (3)] 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 [three] business days before session is a recognized holiday or a recognized holiday occurs within two [three] business days before a regular meeting date, the appropriate clock-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
- REASONS FOR RECOMMENDATION
- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees which shall consist of five members each (including a Chair, Vice-Chair and three members), except the Finance and Management/Budget Committee which shall consist of seven members (including a Chair, Vice-Chair and five members) for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chair of the Legislature within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

STANDING COMMITTEES

Community Enrichment
Economic Development
Energy and Environment
Finance and Management
Government Affairs
Health and Human Services
Minority and Women Business Enterprise
Public Safety

SPECIAL COMMITTEES

The Chair of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chair may determine.

3.03 CHAIRPERSON 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 [not later than the first Tuesday of December] in each year. The report of the Finance and Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 2508 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 2508 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the sixth [first Tuesday] 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, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance and Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 2508, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position. The Chair of the Legislature shall notify the Chair of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chair of the Legislature, for the purpose of interviewing the candidate(s).

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.04 REDUCTION OF AGENDA:

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

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

5.05 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.06 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Chair, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
3. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same. Any such mailings must be

postmarked and mailed no later than forty-five (45) days prior to the date of the Erie County Legislature Primary Election. No mailings may be made after the Erie County Legislature Primary Election and prior to Election Day for the Erie County Legislature.

4. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. 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, Session, 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 ground 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 Chairperson 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 [].

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 – MS. BASKIN moved for the approval of the minutes for Meeting Number 2 from 2018. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. RATH presented a Proclamation Honoring Kathleen Flynn.

Item 6 – MR. LORIGO, MS. DIXON, MR. HARDWICK, MR. MILLS & MR. RATH presented a Proclamation Recognizing February as Heart Healthy Month.

Item 7 – MS. MILLER-WILLIAMS presented a Memorial Proclamation Honoring the Life of Former Buffalo Common Council Member David A. Collins.

Item 8 – MS. MILLER-WILLIAMS presented a Memorial Resolution Honoring Mack S. Luchey, Proud Owner of Doris Records in Buffalo for Over 50 Years.

Item 9 – MS. MILLER-WILLIAMS presented a Memorial Resolution in Remembrance of Impactful Educator and Administrator Jacqueline Hargrave Braswell.

Item 10 – MS. MILLER-WILLIAMS presented a Memorial Resolution in Remembrance of the Faith-Driven and Caring Margaret H. Eison.

Item 11 – MR. RATH & MR. LOUGHRAN presented a Proclamation Congratulating Colleen DiPirro on Her Many Years of Service to the Amherst Chamber of Commerce and the WNY Region.

MS. BASKIN moved for consideration of the above seven items. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved to amend the above seven items by including Et Al Sponsorship. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved for approval of the above seven items as amended. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 – CHAIR SAVAGE directed that Local Law No. 1 (Print #2) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR SAVAGE directed that Local Law No. 4 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR SAVAGE directed that Local Law No. 5 (Print #2) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR SAVAGE directed that Local Law No. 6 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR SAVAGE directed that Local Law No. 8 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR SAVAGE directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 18 – CHAIR SAVAGE directed that Local Law No. 14 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR SAVAGE directed that Local Law No. 15 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR SAVAGE directed that Local Law No. 16 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 21 – CHAIR SAVAGE directed that Local Law No. 17 (Print #1) 2017 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 22 – CHAIR SAVAGE directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 23 – CHAIR SAVAGE directed that Local Law No. 21 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 24 – CHAIR SAVAGE directed that Local Law No. 22 (Print #1) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR SAVAGE directed that Local Law No. 23 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 26 – CHAIR SAVAGE directed that Local Law No. 1 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 27 – MR. BURKE presented the following report, moved to separate item Number 2-a, and approve the balance of the report. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

January 25, 2018	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 2D-1 (2018)
OFFICE OF THE COUNTY EXECUTIVE: “Initiatives for a Smart Economy – Close-Out Reports”
(Chair’s ruling)
2. COMM. 2E-15 (2018)
COUNTY EXECUTIVE

WHEREAS, it is recognized that having a competitive convention center with adequate support services is a valuable tool for creating economic growth and prosperity for a region; and

WHEREAS, in Erie County’s Initiatives for a Smart Economy, the County has committed to the goal of studying the Buffalo Niagara Convention Center and its location in the regional and nationwide marketplace; and

WHEREAS, Erie County is currently under contract with HVS Consulting to produce the Market Analysis and Feasibility Study for a New or Expanded Convention Center in Erie County; and

WHEREAS, additional work outside of the current scope is needed to adequately assess expansion of the existing Center and potential alternative sites; and

WHEREAS, the additional work will require a contract amendment to modify the scope and increase the cost of the Study.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie and the County Executive, is authorized to amend the agreement with HVS Consulting or other entities as appropriate, in amounts not-to-exceed \$215,000, to perform a convention center market feasibility study; and be it further

RESOLVED, that this Resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Director of the Division of Budget and Management; the Comptroller's Office; Kenneth J. Swanekamp, Director of Business Assistance; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning, and the County Attorney.

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

3. COMM. 2E-27 (2018)
COUNTY EXECUTIVE

WHEREAS, the replacement of Trevett Rd. CR420 Bridge over Clear Creek, BIN 3328340, PIN 5762.15, (the "Project") previously authorized in Comm. 8E-9 (2017) is to be renamed Trevett Road Bridge over Eighteen Mile Creek, BIN 3328560, PIN 5762.15; and

WHEREAS, this singular resolution is to combine and replace the two previous resolutions for the project, Comm. 8E-09 (2017) and Comm. 17E-13 (2017); and

WHEREAS, the replacement of Trevett Rd. Bridge over Eighteen Mile Creek, BIN 3328560, PIN 5762.15, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% Federal funds and 5% non-Federal funds, based upon the Bridge NY Funding Program; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the 95% of reimbursable Federal share and payment of the 5% local share the costs of the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases of the Project; and

WHEREAS, the design phases I - VI and incidental right of way phase of the Project, PIN 5762.15, is currently estimated at \$190,000 and the County is required to pay the estimated local share for the Project in the amount of \$9,500 which is available from Project B.15019, BA 123, Fund 420, 2015 Capital Road Overlay Program; and

WHEREAS, this new project requires a new capital project, established in the amount of \$190,000 in BA 123, Fund 420; and

WHEREAS, the New York State Comptroller's office needed three statements added to the projects authorization in Comm. 17E-13 (2017).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the replacement of Trevett Rd. Bridge over Eighteen Mile Creek, BIN 3328560, PIN 5762.15; and be it further

RESOLVED, that the County Legislature hereby agrees that the County of Erie shall be responsible for all costs of the project which exceed the amount of the NY Bridge Funding award; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby agrees that construction of the "project" shall begin no later than eighteen (18) months after award of that project and construction shall be complete within three (3) years of commencing; and be it further

RESOLVED, this Resolution takes effect immediately; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the preliminary engineering (Design I-VI) and right-of-way incidentals, phases of the Project or portions thereof in the amount of \$190,000; and be it further

RESOLVED, that the Erie County Office of Budget and Finance establish a new capital project in the amount of \$190,000 in BA 123, Fund 420, for the anticipated federal revenue G/L Account 414000 available to cover the cost of participation in the above Project; and be it further

RESOLVED, that the local share required in the amount of \$9,500 from Project B.15019, 2015 Capital Overlay Program, BA 123, Fund 420, be made available for the costs of the above Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's design phases I-VI, and right of way incidentals phases exceeds the amount appropriated, \$190,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or State Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the Erie County Comptroller is authorized to pay for the project; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation.
(6-0)

**PATRICK B. BURKE
CHAIR**

MR. BURKE moved to return item Number 2-a to the ECONOMIC DEVELOPMENT COMMITTEE for further consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 28 – MS. BURKE presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

January 25, 2018	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 2E-13 (2018)
COUNTY EXECUTIVE “Appointments to the Erie County Youth Services Board”
(Chair’s ruling)

January 12, 2018

Erie County Legislature
92 Franklin St. – 4th Floor
Buffalo, New York 14202

Dear Honorable Members:

RE: APPOINTMENTS TO THE YOUTH SERVICES BOARD

Pursuant to Section 11.09 of the Erie County Code, I hereby appoint the following individuals to the Erie County Youth Services Board to a term ending December 31, 2019:

Cord Stone
PO Box 943
Buffalo, New York 14215

Patrick R. Pidgeon
505 Norwood Ave.
Buffalo, New York 14202

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

2. COMM. 2E-14 (2018)
COUNTY EXECUTIVE

WHEREAS, the Youth Services department has been awarded an AmeriCorps VISTA member by the Service Collaborative of WNY; and

WHEREAS, the VISTA member will develop systems and collaborative networks to improve the ability and capacity of funded youth-serving agencies to collect both individual and county-wide aggregate data on youth being served and their successful outcomes.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract in the not to exceed amount of \$8,000 with the Service Collaborative of WNY to accept the AmeriCorps Vista member, funding being available in account 516020, professional services, of the Youth Services Division; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Department of Social Services, and the Division of Youth Services.

(5-0) Chair Savage not present for vote.

3. COMM. 2E-16 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded another \$92,500 by the New York State Office of Mental Health (NYSOMH) as part of a grant to offer peer-to-peer mentoring services to veterans and their family members; and

WHEREAS, the New York State Office of Mental Health has identified Veterans One-Stop Center of Western New York, Inc. as the recipient of this award to continue development of a peer-to-peer mentoring program for post 9/11 veterans in Erie County experiencing Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI); and

WHEREAS, the Department of Mental Health requires legislative approval to accept the State funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this state aid to serve individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept New York State grant funds for the continuation of a peer-to-peer veterans counseling program, and enter into contract with the Veterans One Stop Center of Western New York, Inc., and authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health
Grant Fund 281, Fund Center 12410
January 1, 2018 - June 30, 2019
124PEERTOPEER1819

Revenue	Increase
Account 409000 - State Aid Revenue	\$92,500

Appropriation Increase	
Account 516010 – Contract Payments – Nonprofit Purch Serv	\$92,500

and be it further

RESOLVED that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County's entering into contract with the Veterans One Stop Center of Western New York, Inc. for this program in Intro. 14-4 on July 18, 2013; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.

(5-0) Chair Savage not present for vote.

4. COMM. 2E-18 (2018)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$2,910,255 to the County for the provision of indigent defense services; and

WHEREAS, Erie County will contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant, and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract tem for an additional one-year period to allow the agencies to complete the terms and conditions of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one year period of January 1, 2018 to December 31, 2018; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of extending the contract term for an additional one-year period of January 1, 2018 to December 31, 2018; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID5ILS1517 in the County Attorney's Office to December 31, 2018; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0) Chair Savage not present for vote.

5. COMM. 2E-19 (2018)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services will provide a three- year grant totaling \$300,000 to the County to improve the quality of representation to indigent defendants and reduce caseloads in indigent legal service provider programs; and

WHEREAS, Erie County will contract with the Legal Aid Bureau of Buffalo, Inc. to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$300,000 over three years to provide from July, 1 2017 to June 30, 2020 to improve the quality of representation to indigent defendants and reduce caseloads in indigent legal service provider programs; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into three year subcontract with the Legal Aid Bureau of Buffalo, Inc. to deliver said services from July, 1 2017 to June 30, 2020; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney's Office as follows:

Erie County Attorney's Office
Second Upstate Quality Improvement and Caseload Reduction Grant
Grant Fund 281 160CR2ILSF1720
July 1, 2017 to June 30, 2020

Revenue Increase
Account 409000 - State Aid Revenue \$300,000

Appropriation Increase
Account 516601 - Legal Aid Bureau of Buffalo \$300,000

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0) Chair Savage not present for vote.

6. COMM. 2E-22 (2018)
 COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the County Executive's appointments/reappointment of the following named individuals to serve on the Erie County Medical Center Corporation Board of Directors for the term stated.

NAME AND ADDRESS	TERM EXPIRATION	REPLACING
Jennifer C. Persico Lippes Mathias Wexler Friedman LLP 50 Fountain Plaza, Suite 1700 Buffalo, NY 14202	December 31, 2020	Anthony M. Iacono
Eugenio Russi 29 Dana Road Buffalo, NY 14216	December 31, 2019	Kevin M. Hogan, Esq
Christopher J. O'Brien 25 Crosby Boulevard	December 31, 2020	Douglas H. Baker

Amherst, NY 14226

Sharon L. Hanson
55 Hobnail Drive
East Amherst, NY 14051
(6-0)

December 31, 2020

Reappointment

Addendum received, filed and printed.

Additionally, pursuant to the powers vested in me by Section 3628(c)(2) of the New York Public Authorities Law, I, Mark C. Poloncarz, Erie County Executive, do hereby appoint the following individual to serve on the Erie County Medical Center Corporation Board of Directors for the annual non-voting director position appointed by the county executive, which position does not require your approval.

NAME AND ADDRESS	TERM EXPIRATION	REPLACING
Scott A. Bylewski, Esq. 5861 Goodrich Road, Unit #12D Clarence Center, New York 14032	December 31, 2018	Kevin Prantikoff, MD

**PATRICK B. BURKE
CHAIR**

Item 29 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

January 25, 2018	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR BURKE.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 2D-2 (2018)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending November 2017”
(Chair’s ruling)
2. COMM. 3D-6 (2017)
REAL PROPERTY TAX SERVICES AS AMENDED

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 218001 through 218017, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2017 Petition No. 218,001.00

ASSESSOR Cancel \$6,047.59
S-B-L 83.00-5-17.111 5992 Genesee St 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$6,047.59 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$6,047.59
Relevy School \$6,047.59 145201 LANCASTER CENTRAL

RPTL550(2): Failed to apply exemption
New tax bill to be issued
FISCAL YEAR 2017 Petition No. 218,002.00

ASSESSOR Cancel \$3,312.40
S-B-L 104.83-3-18 5522 Braodway St 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$3,312.40 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$3,312.40
Relevy School \$3,312.40 145201 LANCASTER CENTRAL

RPTL550(2): Failed to apply exemption
New tax bill to be issued

FISCAL YEAR 2018 Petition No. 218,003.00

ASSESSOR Cancel \$42,279.78
S-B-L 64.08-1-5 4111 River Rd 146489 TONAWANDA

Acct. No. 112 \$5,311.75 County
Acct. No. 132 \$36,968.03 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$36,968.03
Relevy School \$21,579.18

RPTL550(2): Failed to apply exemption
New tax bill to be issued

FISCAL YEAR 2017 Petition No. 218,004.00

ASSESSOR Refund\$300.10
S-B-L 133.16-2-19 58 N. Covington Dr 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$300.10 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$300.10
Relevy School \$300.10 146801 WEST SENECA CENT

RPTL550(2): Failed to apply exemption
Refund to be issued to James Moore

FISCAL YEAR 2017 Petition No. 218,005.00

ASSESSOR Cancel \$284.12
S-B-L 152.07-5-48 14 Dover Dr 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$284.12 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$284.12
Relevy School \$284.12 146801 WEST SENECA CENT

RPTL550(2): Failed to apply exemption
New tax bill to be issued

FISCAL YEAR 2017 Petition No. 218,006.00

ASSESSOR Refund\$1,297.53
S-B-L 68.11-1-10 4530 Sheridan Dr 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,297.53 Town/SpecialDist/School
Charge To : 142289 AMHERST \$1,297.53
Relevy School \$1,297.53 142203 WILLIAMSVILLE CENT

RPTL550(2): Failed to apply exemption
New tax bill to be issued

FISCAL YEAR 2018 Petition No. 218,007.00

ASSESSOR Cancel \$673.26
S-B-L 16.02-1-18 1095 New Rd 142289 AMHERST

Acct. No. 112 \$402.47 County

Acct. No. 132 \$270.79 Town/SpecialDist/School
Charge To : 142289 AMHERST \$270.79

RPTL550(2): Failed to apply exemption
New tax bill to be issued

FISCAL YEAR 2017 Petition No. 218,008.00

ASSESSOR Cancel \$97.64
S-B-L 101.60-3-39 59 Euclid Ave 143089 CHEEKTOWAGA

Acct. No. 112 \$35.42 County
Acct. No. 132 \$62.22 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$62.22

RPTL550(2): Failed to apply exemption
New tax bill to be issued

FISCAL YEAR 2018 Petition No. 218,009.00

ASSESSOR Cancel \$111.44
S-B-L 101.60-3-39 59 Euclid Ave 143089 CHEEKTOWAGA

Acct. No. 112 \$39.98 County
Acct. No. 132 \$71.46 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$71.46

RPTL550(2): Failed to apply exemption
New tax bill to be issued

FISCAL YEAR 2015 Petition No. 218,010.00

ASSESSOR Cancel \$0.00
S-B-L 170.10-1-50 3250 Kings Ct 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$0.00

RPTL550(2): Failed to apply exemption
Application denied - not filed within time required

FISCAL YEAR 2016 Petition No. 218,011.00

ASSESSOR Refund\$192.87
S-B-L 170.10-1-50 3250 Kings Ct 144889 HAMBURG

Acct. No. 112 \$93.26 County

Acct. No. 132 \$99.61 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$99.61

RPTL550(2): Failed to apply exemption
Refund to be issued to Terry and Mary Ann Swift

FISCAL YEAR 2017 Petition No. 218,012.00

ASSESSOR Refund\$194.00
S-B-L 170.10-1-50 3250 Kings Ct 144889 HAMBURG

Acct. No. 112 \$93.10 County
Acct. No. 132 \$100.90 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$100.90

RPTL550(2): Failed to apply exemption
Refund to be issued to Terry and Mary Ann Swift

FISCAL YEAR 2018 Petition No. 218,013.00

ASSESSOR Cancel \$198.04
S-B-L 170.10-1-50 3250 Kings Ct 144889 HAMBURG

Acct. No. 112 \$94.42 County
Acct. No. 132 \$103.62 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$103.62

RPTL550(2): Failed to apply exemption
New tax bill to be issued

FISCAL YEAR 2017 Petition No. 218,014.00

ASSESSOR Refund\$673.74
S-B-L 11.20-1-49 16 Buckhorn Ct 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County
Acct. No. 132 \$673.74 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$673.74
Relevy School \$673.74 144601 GRND ISLN CENTRAL

RPTL550(2):Hardship STAR exemption granted
Refund to be issued by school district

FISCAL YEAR 2018 Petition No. 218,015.00

OWNER Cancel \$116.80
S-B-L 170.66-5-16 Delilah Ln 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$116.80 Town/SpecialDist/School
48116 ECSD 3 CH2 \$116.80
Charge To : 144889 HAMBURG \$0.00

RPTL550(2): Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2018 Petition No. 218,016.00

OWNER Cancel \$480.00
S-B-L 114.11-2-17 58 Hitchcock Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$480.00 Town/SpecialDist/School
30306 ERIE CO SEW DST 1 \$80.00
30307 ECSD1 Flat Usage Fee \$400.00
Charge To : 143089 CHEEKTOWAGA \$0.00

RPTL550(2): Incorrect special district charge
New tax bill to be issued

FISCAL YEAR 2018 Petition No. 218,017.00

ASSESSOR Cancel \$516.08
S-B-L 93.01-1-25 6540 Wills Hollow 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$516.08 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$516.08

RPTL550(2): Incorrect special district charge
New tax bill to be issued

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(5-0)

BARBARA MILLER-WILLIAMS
CHAIR

Item 30 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

January 25, 2018	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-4 (2018)
COUNTY EXECUTIVE

WHEREAS, all new construction projects with sanitary sewage flows greater than 2,500 gallons per day (gpd) discharging into the Town of Amherst are required to obtain a sanitary sewer extension approval from the Town of Amherst and the NYSDEC/DOH; and

WHEREAS, as a condition of the Town of Amherst’s approval for the STEM Building, 38 gallons per minute (gpm) of sewage is required to be mitigated; and

WHEREAS, in order to receive the Town of Amherst’s approval, Legislative authorization is necessary for the County Executive to issue a fixed payment into the Town of Amherst Sewer Remediation Trust Fund for the Town’s Inflow and Infiltration (I&I) Reduction Program for an amount not to exceed \$9,500 (38 gpm x \$250/gpm); and

WHEREAS, the Town of Amherst will apply this trust fund to its I&I mitigation projects within the Town’s sanitary sewer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a fixed payment into the Town of Amherst Sewer Remediation Trust Fund for the Town’s Inflow and Infiltration (I&I) Reduction Program for amount not to exceed \$9,500 (38 gpm x \$250/gpm); and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for the above from SAP project:

BA 122 Fund 480 Project E.12002 2012 ECC – New Academic Building \$9,500

Total Payments Not To Exceed \$9,500

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 Erie Community College of the Chief Administrative and Financial Officer.

(6-0)

THOMAS A. LOUGHRAN

CHAIR

Item 31 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

January 25, 2018	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR BURKE.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 14-6 (2017)
BURKE: “Opposition to the Proposed National Grid Rate Increase”
(Chair’s ruling)
 - b. COMM. 2E-17 (2018)
COUNTY EXECUTIVE: “Erie County Sewer District No. 4 - Engineer Term Contract Agreement”
(Chair’s ruling)
2. COMM. 2E-7 (2018)
COUNTY EXECUTIVE
WHEREAS, Park Shelters 6, 7, and 9 at Ellicott Creek Park are original to the Works Progress Administration (WPA) era of the 1930s; and

WHEREAS, these shelters are dilapidated structures and require rehabilitation including but not limited to stone masonry restoration, foundation and concrete slab replacement, and structural wood replacement; and

WHEREAS, the Erie County Department of Public Works received A/E professional design service proposals for the Ellicott Creek Park – 2017 Reconstruction and Repair of Shelter No.’s 6, 7, & 9 project on July 6, 2017; and

WHEREAS, the County Executive requests authorization to enter into an Agreement with the firm of LaBella Associates, D.P.C. to provide professional architectural and engineering design and construction administration services for the Ellicott Creek Park – 2017 Reconstruction and Repair of Shelter No.’s 6, 7, and 9 project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement with the firm of LaBella Associates, D.P.C. to provide professional architectural and engineering design and construction administration services for the Ellicott Creek Park – 2017 Reconstruction and Repair of Shelter No.'s 6, 7, and 9 project for an amount not to exceed \$44,000, including reimbursable costs and contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the SAP project as follows:

A.16013 – 2016 Countywide Parks Improvements	\$ 44,000
Total not to exceed:	\$ 44,000

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, the Office of the Comptroller, and the Department of Parks, Recreation, and Forestry.

(5-0)

3. COMM. 2E-23 (2018)
COUNTY EXECUTIVE

WHEREAS, the State of New York through its DEC and EFC provides financial assistance through the Engineering Planning Grant program; and

WHEREAS, the State of New York has awarded Erie County a maximum of \$100,000.00 to commence the ECSD No. 2 Flow Monitoring and Infiltration/Inflow (I/I) Quantification Project; and

WHEREAS, a 20% minimum local match is required for the grant award; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby determines that the proposed Flow Monitoring and I/I Quantification Project is a Type II action in accordance with 6 NYCRR Section 617.5 (c) (18) and (21) and therefore is not subject to further review under 6 NYCRR Part 617; and be it further

RESOLVED, that the County Executive is authorized to execute a Grant Agreement with the DEC or EFC for the project; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management or their designee is authorized to execute all other contracts, documents and instruments with the DEC

or EFC to bring about the Project and to fulfill the obligations under the Engineering Planning Grant Agreement; and be it further

RESOLVED, that a minimum of 20% local match as required by the Engineering Planning Grant Program for the project will be provided through ECSD No. 2 Accounts; and be it further

RESOLVED, that upon award of an Engineering Agreement for the project and a determination of final scope and budget, the grant budget shall be adjusted with the understanding that the local match share shall be at a minimum 20%; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of the Division of Budget and Management, Kristen Walder, Assistant County Attorney, Joseph L. Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning, and the Albany offices of the New York State DEC and EFC.

(5-0)

4. COMM. 2E-28 (2018)
COUNTY EXECUTIVE

WHEREAS, during preparatory survey work for the Springville (Scoby) Dam Ecosystem Restoration Project it was discovered that all of the property intended to be transferred from the Village of Springville to the County for the establishment of Scoby Dam Park was in fact not transferred; and

WHEREAS, the properties not transferred are described by the following deeds in the County Clerk's Office:

- Liber 835, Page 464 – 1.910 acres
- Liber 1595, Page 14 – 43,450 sq. ft. +/-
- Liber 947, Page 299 – 373 sq. ft. +/-

and

WHEREAS, both the Village of Springville and the County desire to complete the originally intended property transfer; and

WHEREAS, the transfer will be at no cost to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie hereby approves the transfer of the subject properties at no cost to the County; and be it further

RESOLVED, that the County Executive be authorized to execute all the necessary documents to complete the transfer, as approved by the County Attorney; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Parks, Recreation and Forestry, Office of the Commissioner, two (2) copies to the Department of

Public Works, Office of the Commissioner and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.
(5-0)

**JOHN BRUSO
CHAIR**

Item 32 – MR. BRUSO presented the following report and moved for immediate consideration and approval. MS. BASKIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32

January 25, 2018	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. INTRO. 7-8 (2017)
BURKE, SAVAGE, GRANT & LOUGHRAN: “Prioritizing Funding for the Opioid Epidemic in Buffalo & Erie County”
(Chair’s ruling)
2. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 2E-8 (2018)
COUNTY EXECUTIVE: “Appointments to the Local Early Intervention Coordinating Council”
(Chair’s ruling)

January 9, 2018

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

RE: Appointments to the Local Early Intervention Coordinating Council

Dear Honorable Members:

I, Mark C. Poloncarz, Erie County Executive, pursuant to New York State Public Health Law Section 2554, do hereby appoint the following to the Local Early Intervention Coordinating Council, for a term ending December 31, 2019.

Mary Martin
Director, Special Needs Division
Erie Co Health Department
95 Franklin, Room 828
Buffalo, NY 14202

Bill O'Meara
Assistant Director, Special Needs Division
Erie Co Health Department
95 Franklin, Room 828
Buffalo, NY 14202

Jill Garvin
Coordinator Youth Services
Special Needs Division
Erie Co Health Department
95 Franklin, Room 828
Buffalo, NY 14202

Lynn Czemerynski
Director of Special Education
Orchard Park Schools
2240 Southwestern Blvd
West Seneca, NY 14224

Suzann Simoncelli
Baker Victory Services Early Childhood Program
51 Saint John's
Buffalo, NY 14210

Jessica Jurusik
Baker Victory Services Early Childhood Program
51 Saint John's
Buffalo, NY 14210

Lisa J. Skora
4807 John Michael Way
Hamburg, NY 14075

Emily A. Mondschein
611 Paradise Road
Amherst, NY 14051

Jackie Skinner
Cantalician Center for Learning
2049 George Urban Boulevard
Depew, NY 14043

Kristi Moscato
Parent Network of WNY
1000 Main Street
Buffalo, NY 14202

Tracy Balon
Oral Deaf Education Program Manager Clinical
Buffalo Hearing and Speech Center
50 East North Street
Buffalo, NY 14203

Maryann Stry
Program Manager/ Early Intervention
People Inc
2128 Elmwood Ave
Buffalo, NY 14207

Mary Anne Whelan
Therapeutic Manager/ OT
Buffalo Hearing and Speech Center
41 Harding Avenue
Buffalo, NY 14217

Jessica Holst
Speech Language Pathologist
St. Mary's School for the Deaf
2253 Main Street
Buffalo, NY 14214

Rachael Schneider
BCBA
Pacific Child and Family Assoc.
300 International Drive, Suite 120
Williamsville, NY 14221

Ann Orlando Parker
Speech Language Pathologist,
ECMC
27 Hunt Club Circle
East Amherst, NY 14051

Gari-Sue John
Liberty Post
53 Tremont Avenue
Kenmore, NY 14217

Stacie Dziwulski
ECDC in c/o Children's Resource Network
1000 Hertel Ave
Buffalo, NY 14216

Kathy Doody
112 Northington Drive
East Amherst NY 14051

Bridget Ann Palmer, M.A., CCC-SLP/L
89 Parkside Ave
Buffalo, NY 14214

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

3. COMM. 2E-6 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department has been awarded \$25,000 in 100% State share funds as a graduated community in the Safe Harbor for Exploited Children program; and

WHEREAS, a key provision of the Act is to move sexually exploited youth from the criminal and juvenile justice systems to the family court where children and their families can receive support and services from the child welfare system; and

WHEREAS, services are to be provided to victims of sex trafficking and core elements of the service include case management, emergency temporary housing, health care, mental health counseling, language interpretation and translation services, job training and placement and services to assist in establishing permanent residence; and

WHEREAS, International Institute of Buffalo has been the lead agency for this program for the previous five years and is the only local agency with the expertise and existing resources to carry out the program; and

WHEREAS, this proposed resolution authorizes the Department to amend the 2018 Adopted Budget and to renew a contract with the International Institute as the lead agency for this program funding; and

WHEREAS, there is no local share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York to accept funding for the Safe Harbor for Exploited Children program; and be it further

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into a subcontract with the International Institute in order to implement the Safe Harbor for Exploited Children program; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2018 Adopted Budget:

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE
517172	International Institute	<u>\$25,000</u>
	Total Expenditures	<u>\$25,000</u>
409000	State Aid	<u>\$25,000</u>
	Total Revenues	<u>\$25,000</u>

and be it further

RESOLVED, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; 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 State 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.

(6-0)

4. COMM. 2E-20 (2018)
COUNTY EXECUTIVE

WHEREAS, the Department has been awarded an amount of \$171,823 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence; and

WHEREAS, the additional federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence; and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operations; and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's Consolidated Services Plan (CSP) approved by the State; and

WHEREAS, the Department wishes to also reallocate unexpended funding in its 2018 budget to address the problem of domestic violence within our community.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts with Child and Family Services, Crisis Services, Hispanics United and the Family Justice Center for expanded non-residential services to victims of domestic violence; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2016 Adopted Budget:

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE/ (DECREASE)
516410	Child and Family Services	\$57,002.35
516410	Crisis Services	\$68,572.00
516410	Family Justice Center	\$15,751.00
516410	Hispanics United of Buffalo	\$3,885.00
911400	ID District Attorney Services	\$19,316.65
911500	ID Sheriff Division Services	\$7,296.00
	Total Expenditures	<u>\$171,823.00</u>
414000	Federal Aid	<u>\$171,823.00</u>
	Total Revenue	<u>\$171,823.00</u>

and be it further

RESOLVED, that a interdepartmental agreement be established between the District Attorney and Social Services for non-residential services to victims of domestic violence; and be it further

RESOLVED, that a interdepartmental agreement be established between the Sheriff's Office and Social Services for non-residential services to victims of domestic violence; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the budgets of the District Attorney and the Sheriff's Office in order to establish funding to implement the interdepartmental agreements; and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; 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, the Director of the Division of Budget and Management and the District Attorney.

(6-0)

5. COMM. 2E-21 (2018)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health Division of Services of Children with Special Needs is responsible for the operation of Preschool and Early Intervention Programs; and

WHEREAS, through the Pre-School Program for three and four year old children specialized education and therapeutic services are provided to children with special needs; and

WHEREAS, the Preschool Program serves of 2,000 children every year; and

WHEREAS, Erie County is required to contract with any New York State Education Department approved service agency that a child has been referred to by local school districts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract and amendments to that contract with Bloom Creative Arts LLC; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9th Floor, Rath Building.

(6-0)

**JOHN BRUSO
CHAIR**

Item 33 – MS. BASKIN presented the following report and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

January 25, 2018	MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, all items are hereby tabled.

**APRIL N.M. BASKIN
CHAIR**

LEGISLATOR RESOLUTIONS

RESOLUTION NO. 35

RE: Support for Net Neutrality
(INTRO. 3-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS SAVAGE, LOUGHRAN,
BURKE & MILLER-WILLIAMS**

WHEREAS, net neutrality is the concept or principle that Internet service providers (ISP) should enable access to all content and applications regardless of the source, and without favoring or blocking particular products or websites; and

WHEREAS, many supporters of net neutrality believe that the concept protects the free exchange of ideas and helps ensure that the Internet remains free and open to all; and

WHEREAS, in December 2017, in a party-line vote, the Federal Communications Commission (FCC) voted 3-2 to end the net neutrality regulations that prohibited broadband providers from blocking websites or charging for higher-quality service or certain content; and

WHEREAS, this decision also means that the federal government will no longer regulate high-speed Internet delivery as if it were a utility, like phone service, as the FCC had done for over a decade; and

WHEREAS, this FCC decision is hugely controversial and has been criticized by many Internet providers, businesses, retailers, telecommunications companies, consumer advocates, and state and local governments; and

WHEREAS, US Senator Ed Markey introduced a Congressional Review Act resolution in December 2017 that could reverse the FCC's net neutrality repeal and attained 30 co-sponsors in order to get a Senate vote on the action; and

WHEREAS, this week, the states of Montana and New York took action to counter the FCC repeal of net neutrality, with the Governors of each state signing executive orders to mandate net neutrality and 21 states and the District of Columbia, including New York State, have sued to overturn the FCC decision; and

WHEREAS, the multi-state lawsuit, brought in front of the US Court of Appeals for the DC Circuit, asks the court to determine that the FCC's repeal is "arbitrary, capricious, and an abuse of discretion" under the law; and

WHEREAS, on January 24, 2018 Governor Andrew M. Cuomo signed an executive order to protect and strengthen net neutrality in New York through which state government agencies and entities are required not to enter into any contracts for Internet service unless the ISPs agree to follow net neutrality principles; and

WHEREAS, in December 2017, Assemblywoman Patricia Fahy and Senator David Carlucci introduced legislation, A.8882 and S.7183 would require ISPs doing business with the state or its

municipalities to certify that they don't interfere with web traffic or speed to favor certain sites or customers; and

WHEREAS, experts say that an additional way local governments can get around the FCC action and promote net neutrality is through the creation of municipal broadband networks; and

WHEREAS, with the support of some members of this Honorable Body, Erie County is studying broadband and the county executive is considering whether to create a network.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for net neutrality and its opposition to the Federal Communication Commission's December 2017 action concerning net neutrality; and be it further

RESOLVED, that the Erie County Legislature expresses its support for Senator Ed Markey's Congressional Review Act resolution concerning net neutrality and urges a Senate and House vote to disapprove the FCC repeal of net neutrality; and be it further

RESOLVED, this this Honorable Body expresses its support for New York State's lawsuit and Attorney General Eric Schneiderman's efforts concerning net neutrality; and be it further

RESOLVED, that this Honorable Body expresses its support for Governor Andrew M. Cuomo's executive order on net neutrality and the intention behind Assembly Bill A.8882 and Senate Bill S.7183; and be it further

RESOLVED, that certified copies of this resolution be transmitted to President Donald Trump, Congressmen Brian Higgins and Christopher Collins, US Senators Charles Schumer and Kirsten Gillibrand, Federal Communications Chairman Ajit Pai, New York Governor Andrew Cuomo, New York Attorney General Eric Schneiderman, Senators Michael Ranzenhofer, Patrick Gallivan, Chris Jacobs and Timothy Kennedy, and Assemblymembers Sean Ryan, Robin Schimminger, Crystal Peoples-Stokes, Monica Wallace, Michael Norris, Raymond Walter, and David DiPietro, and County Executive Mark Poloncarz.

MS. BASKIN moved to amend the resolution by including MS. BASKIN as a Co-Sponsor.
MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to further amend the resolution. MR. RATH seconded.

CHAIR SAVAGE directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH.
NOES: MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. (AYES: 5; NOES: 6)

FAILED.

WHEREAS, the US solar industry, represented by its trade group, the Solar Energy Industries Association (SEIA), has projected that the President's action will significantly increase the cost of solar cells and panels and will lead to the loss of tens of thousands of US jobs in a sector that employed 260,000 people; and

WHEREAS, the SEIA warned that the tariff would lead to the loss of roughly 23,000 jobs within the US solar industry, mainly among installers, as the higher prices lead to the delay or cancellation of billions of dollars in solar energy projects with the association's spokesman saying: "We are not happy with this decision. We think this is not the right move for the U.S. economy. It is not even the right move for U.S. manufacturing"; and

WHEREAS, the SEIA predicted that the tariffs would lead to a nearly 20% drop in solar installations across the country during 2018, and stated that the tariffs could cause solar installations to drop by 6.7 gigawatts, or enough to provide power to 1.2 million homes; and

WHEREAS, according to ClearView Energy Partners, the tariffs could increase the cost of residential rooftop systems by about 4% and much bigger utility-scale installations by around 10%; and

WHEREAS, in anticipation of the President's decision, in recent months solar developers have begun stalling or halting projects in anticipation of higher costs; and

WHEREAS, in a recent media article, an analyst at Bloomberg New Energy Finance, said that Trump's decision could lead to some rooftop solar companies pulling out of some states and developers walking away from their projects; and

WHEREAS, this presidential action comes after his decision to advocate for, and support sweeping tax reforms that also constrain financing for solar and wind projects; and

WHEREAS, the President's decision was influenced by demands from two US solar module manufacturers, Suniva Inc., and Solar World which sought import duties on solar cells and panels and argued that they had suffered serious injury from a flood of cheaper solar panels produced in Asia; and

WHEREAS, it is worth noting that Suniva, which filed for bankruptcy, has a Chinese majority owner and Solar World is owned by a German company; and

WHEREAS, this presidential decision may be challenged by the two Asian countries producing many of the solar components used in the United States, China and South Korea, and any challenge at the World Trade Organization may result in an adverse outcome for the Trump Administration as the WTO has rebuffed prior U.S.-imposed tariffs that appeared before it; and

WHEREAS, while Tesla Inc., which is building production with its partner, Panasonic, at its solar panel factory in South Buffalo, expressed indifference to the Trump decision and recommitted itself to its South Buffalo operations, it is worth noting that Tesla indicated its opposition to the duties in summer 2017; and

WHEREAS, the Tesla-Panasonic facility is currently using imported panels, which will expose the company to higher costs and could threaten its success; and

WHEREAS, the solar panels that Panasonic has been making at the Buffalo plant will be subject to the tariff because they are relying on solar cells that are made at its factories in Asia to produce the solar panels it is making in Buffalo; and

WHEREAS, higher costs for solar cells could in turn, could reduce sales for Tesla's residential rooftop solar business and jeopardize its Buffalo plant; and

WHEREAS, if fewer Americans can afford to install solar systems, they will pay much higher prices for electricity than if they were producing solar power at their residences or places of business; and

WHEREAS, less solar electric production means more electricity is generated in the United States from fossil fuels which harm the environment and have negative health effects on Americans; and

WHEREAS, Erie County has been supporting solar, in part through our participation and lead role in the New York State Energy Research and Development Authority's SOLARIZE initiative to support residential installation of solar systems using federal and state tax credits and incentives.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its strong concern about the presidential tariff decision, and encourages alternative solutions which allow US solar manufacturers – even if owned by foreign interests – to compete but not at the expense of American consumers and solar installers which are benefitting from and thriving in the domestic solar sector; and be it further

RESOLVED, that this Honorable Body calls on President Trump to reconsider his tariff decision which will demonstrably damage the US solar sector and could endanger the Tesla-Panasonic plant in Buffalo and may lead to an avoidable trade war with two of our major trading partners and higher costs for US consumers; and be it further

RESOLVED, that certified copies of this resolution be transmitted to President Donald Trump, US Trade Representative Robert E. Lighthizer, Congressmen Brian Higgins and Christopher Collins, and US Senators Charles Schumer and Kirsten Gillibrand.

Item 37 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded. MR. LORIGO and MR. BURKE voted in the negative.

CARRIED. (9-2)

RESOLUTION NO. 37

RE: Support for the Town of Tonawanda
Concerning the Huntley Raw Water Supply
(INTRO. 3-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS SAVAGE, HARDWICK, LOUGHRAN,
BRUSO & MILLER-WILLIAMS**

WHEREAS, the Huntley Generating Station in Tonawanda closed in March 2016 after nearly 100 years in service; and

WHEREAS, the closure created a fiscal gap of nearly \$6 million to the three taxing jurisdictions, the County, the Town of Tonawanda, and the Kenmore-Tonawanda Union Free School District, which was mitigated by the Town and School District's eligibility and application to the State for access to State mitigation funds for five years; and

WHEREAS, unbeknownst to most residents and the community, operating through its New York State-issued permit from the New York State Department of Environmental Conservation, the Huntley plant has provided raw (untreated) water to multiple industrial consumers along the River Road industrial corridor in Tonawanda to be used as coolants in manufacturing processes; and

WHEREAS, for free or a fraction of the cost of the treated water they could buy from the town, the industrial users have been provided raw water from Huntley for decades, including approximately 19 million gallons per day presently; and

WHEREAS, those industrial companies along River Road, which include PeroxyChem, tire maker Sumitomo and 3M O-Cell-Sponge, employ thousands of local residents and pay important tax revenues to the local governments and school district; and

WHEREAS, the Town recently learned that NRG Energy, the plant owner is threatening to terminate providing the raw water service to the industrial users; and

WHEREAS, two other industrial users in Tonawanda, DuPont and Indeck, do not rely on NRG water but due to the age of their water pumping station, they have contacted the Town to be included as potential customers of a new town raw water pumping station; and

WHEREAS, given this uncertainty and the dramatically negative impact the termination of Huntley raw water could have on the industrial users, the Town of Tonawanda is investigating the possibility of building a \$27.2 million water pumping station and related infrastructure so it can sell manufacturers untreated water; and

WHEREAS, Town officials have stated that the five industries which would benefit the most from a new Town pumping station, have agreed to help pay for costs the town would incur, but not the proposed \$27 million cost; and

WHEREAS, the Town is meeting with state and federal leaders, as well as Empire State Development and New York Power Authority officials to seek funding assistance.

NOW, THEREFORE, BE IT

WHEREAS, extension of the time to hold the rape kits would not only give the victim more time but would also give more time to law enforcement in the event a suspect is not immediately identifiable; and

WHEREAS, victims under current law are forced to make written requests to keep the kits on file often forcing them to relive the traumatic event on a regular basis; and

WHEREAS, this honorable body finds that this honorable body fully supports victims of sexual assault and seeks to protect those individuals to the fullest extent possible.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body endorse and extension of the time rape kits are required to be retained by authorities; and be it further

RESOLVED, that this honorable body hereby urges the NYS Legislature to implement state laws effectuating the change in preservation time; and be it further

RESOLVED, that certified copies of this Resolution be sent to Governor Cuomo's office, the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.

MS. BASKIN moved to amend the resolution by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MS. BASKIN moved the approved the resolution as amended. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

Item 40 – MS. BASKIN presented the following resolution and moved for immediate consideration. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

RE: Support for State Proposals to Combat Sexual Harassment in the Workplace
(INTRO. 3-7)

**A RESOLUTION TO BE SUBMITTED BY LEGISLATORS
SAVAGE, BURKE & MILLER-WILLIAMS**

WHEREAS, the issue of sexual harassment in the workplace is a major problem in the United States and elsewhere; and

WHEREAS, in a response to the problem, on January 2, 2018, in his 2018 State of the State address, New York Governor Andrew M. Cuomo announced a proposal to target sexual harassment in the workplace; and

WHEREAS, the Governor will introduce legislation that will prevent the use of taxpayer dollars to fund individual sexual harassment settlements; and

WHEREAS, the Governor's proposal will include a uniform code of sexual harassment for all branches of the State and local governments in New York; and

WHEREAS, the Governor's legislation will also prohibit confidentiality agreements relating to sexual assault or harassment for the State and local governments unless the victim expressly requests confidentiality; and

WHEREAS, the Governor's proposal will create an independent and anonymous whistleblower process to help individuals to communicate complaints across state and local government without fear of retribution or consequence; and

WHEREAS, while not necessarily applicable to many local governments, the proposal will void forced arbitration policies or clauses in employee contracts that prevent sexual harassment cases from consideration in law enforcement investigation and court trials as a means of helping bring justice to victims of sexual harassment; and

WHEREAS, in announcing the reform proposals, Governor Cuomo stated: "2017 brought a long overdue reckoning where the secret and pervasive poison of workplace sexual harassment was exposed by brave women and men who said this ends now," adding, "we in New York must seize the moment and lead the way. There must be zero tolerance for sexual harassment in any workplace, and we can and will end the secrecy and coercive practices that have enabled harassment for far too long"; and

WHEREAS, State Senator Cathy Young, chair of the Senate Finance Committee, is similarly sponsoring a bill, S.6972, introduced in December 2017 that would codify the federal definition of sexual harassment in state statute, prohibit secret settlements by public entities and prevent mandatory arbitration in instances of sexual harassment; and

WHEREAS, Assemblywoman Sandy Galef similarly introduced a measure in 2017, A.8861 to establish a single policy for all parts of state government.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body hereby expresses its strong support for the Governor's intention and desire to introduce legislation to combat the scourge of sexual harassment in the workplace; and be it further

RESOLVED, that this Honorable Body expresses its support for the intention behind Senator Young and Assemblywoman Galef's respective legislation concerning sexual harassment; and be it further

FM00-139
FM00-140
FM00-141
FM00-142
FM00-143
FM00-144
FM00-145
FM00-146

FM00 -147 Round tables
FM00 -148
FM00 -149
FM00 -150

FM00-151 Pick-Up Truck Tool Box

and, be it further

RESOLVED, that these items are to be used for a purpose related to the operations of the Town of Grand island and should not be transferred to any other entity without prior consent of the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the Town of Grand Island, and any party deemed necessary and proper.

Item 42 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

RE: Reappointments to Erie County Soil & Water
Conservation District
(INTRO. 3-9)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS & BRUSO**

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointment to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS; the appointments in question are the two representatives of the County Legislature, as well as one At-Large Member and the Farm Bureau representative; and

WHEREAS; in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reappoint Legislator John Mills, and appoints Legislator John Brusco, to the Board of Directors of the Erie County Soil and Water Conservation District as the Legislature's representatives to the board; and be it further

RESOLVED, that the Erie County Legislature does hereby reappoint Dr. Kelly Monahan Frothingham (21 Grosvenor Road, Tonawanda, NY 14222) to the At-Large position on the Board of Directors for the Erie County Soil and Water Conservation District for 3-year term; and be it further

RESOLVED, that the Erie County Legislature does hereby reappoint Mr. Stanley Travis (2095 Eastwood Road, East Aurora, NY 14052) to represent the Farm Bureau on the Board of Directors for the Erie County Soil and Water Conservation District for 3-year term; and be it further

RESOLVED, that the aforementioned appointment shall be effective immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052).

Item 43 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 3-10 from LORIGO, MILLS, DIXON & RATH. Support for Proposed NYS Legislation to Extend FOIL to Government Non-Profit Organizations.

Item 44 – MS. BASKIN presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

RE: Support for the Increased State Funding Sources to Organizations Providing Essential Emergency Medical Response Services (INTRO. 3-11)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, RATH, MILLS & HARDWICK**

WHEREAS, volunteer emergency services are vital to keeping residents in Erie County safe, especially in rural settings; and

WHEREAS, often volunteer fire departments are the first party on the scene in response to an EMS call but because of state law are rarely provided with any compensation for their services rendered. Ambulatory services, on the other hand, receive compensation from the individual receiving the emergency services or their insurance provider; and

WHEREAS, volunteer organizations rely heavily on donations to provide for training programs, equipment upgrades and purchases, and to cover general operating costs; and

WHEREAS, Erie County has 94 volunteer fire departments and for many of these volunteer fire fighting companies donations do not suffice. Fire trucks are expensive to purchase and maintain and the essential gear for the 5000+ volunteers is often in short supply or outdated; and

WHEREAS, a bipartisan bill recently introduced to the NYS Legislature would allow for emergency responders to apply and receive state aid they are not currently eligible for under state law; and

WHEREAS, this additional funding source would provide volunteer fire fighting companies payment for the provision of medical services when they are the first responder on the scene thereby allowing them to remain in operation and purchase much needed equipment.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body goes on record in support of our county's volunteer emergency services personnel; and be it further

RESOLVED, that this honorable body urges the swift passage of NYS Senate Bill S2770 and Assembly Bill A8891, allowing any emergency services organization to receive just compensation for providing emergency medical services; and be it further

RESOLVED, that certified copies of this Resolution be sent to Governor Andrew Cuomo's office, the offices of the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.

Item 45 – CHAIR SAVAGE directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 3-12 from LORIGO, MILLS, DIXON, HARDWICK & RATH. Support for Proper State Funding for NFTA.

Item 46 – MS. BASKIN presented the following resolution and moved for immediate

MS. BASKIN moved to approve the resolution as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 47 – MS. BASKIN moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of INTRO. 2-4 (2018). MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

RE: Support for Imposition of the Same Reporting Requirements on All Schools Regardless of Whether they are Public or Private Entities for Suspected Instances of Child Abuse (INTRO. 2-4, 2018)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS RATH, LORIGO & DIXON**

WHEREAS, state laws currently require public school employees and administration to report any instances of alleged child abuse to the proper authorities. This practice has helped many children by allowing earlier intervention by school administrators and appropriate authorities; and

WHEREAS, while public schools have been subject to abuse reporting requirements, private educational institutions have long been exempted, creating a so called ‘private school loophole’ and leaving some of our children with fewer protections than others; and

WHEREAS, all children should be protected from any abuse but especially that from people in a position of trust like parents, teachers, and coaches; and

WHEREAS, Senator Jacobs and other members of the New York State Senate have introduced a bill to close the private school loophole and increase protections afforded to children in New York State; and

WHEREAS, Senator Gallivan has also introduced a bill in the New York State Senate with an expanded set of definitions to clarify what entities are subject to the reporting requirements of existing law.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body goes on record supporting the intent in both New York State Senate Bill S4342 co-sponsored by Senator Jacobs and Senate Bill S7372 sponsored by Senator Gallivan imposing on private schools the same legal reporting responsibility as public school districts relative to allegations of child abuse; and be it further

RESOLVED, that this honorable body goes on record encouraging the New York State Legislature settle on a single definition in State Educational Law whereby all students are protected

from abuse and harassment regardless of how the entity providing their education was formed; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo, the Western New York Delegation to the New York State Legislature, and any other party deemed necessary and proper.

MS. BASKIN moved to amend the resolution for content, and also to include Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Delete the fourth WHEREAS clause in its entirety and replace with the following:

WHEREAS, in February 2017, State Senator John Brooks introduced, and Senators Timothy Kennedy and Christopher Jacobs are co-sponsoring Senate bill S.4342, which “requires school administrators in private schools to report allegations of child abuse in an educational setting”, the Assembly has introduced a companion bill, A. 5371, to close the private school reporting loophole in the Education Law, and Senator Patrick Gallivan has also introduced Senate bill S.7372; and

WHEREAS, Erie County District Attorney John Flynn recently was at the State Capitol, joining state senators to call for changes in the law as proposed to combat child abuse in private schools.

Delete the first RESOLVE clause in its entirety and replace with the following:

RESOLVED, that the Erie County Legislature expresses its support of the intention behind Senators Brooks, Kennedy and Jacobs’ proposed legislation, S.4342, and Senator Gallivan’s proposed legislation S.7372 requiring school employees in private schools to report allegations of child abuse in an educational setting, and urges the New York State Senate and Assembly to advance and expeditiously approve legislation with said intention as a much-needed measure to protect schoolchildren in private schools in the same way as public schools; and be it further

MS. BASKIN moved to approve the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 48 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of INTRO. 2-5 (2018). MS. DIXON seconded.

CHAIR SAVAGE directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH and MR. LOUGHRAN. NOES: MS. BASKIN, MR. BRUSO, MR. BURKE, MS. MILLER-WILLIAMS and CHAIR SAVAGE. (AYES: 6; NOES: 5)

CARRIED.

RESOLUTION NO. 45

RE: Request for Report from County
Attorney Detailing Settlements Over
Harassment Claims Paid for with Public
Dollars
(INTRO. 2-5, 2018)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS DIXON, LORIGO, HARDWICK, MILLS & RATH**

WHEREAS, recent news has exposed a disturbing trend on the part of the federal and state governments where public money has been used to settle harassment claims against sitting elected officials; and

WHEREAS, this honorable body hereby finds the use of public funding to quiet sexual harassment claims, and other harassment claims, brought by victims against county officials, administrators, and other employees deplorable; and

WHEREAS, this honorable body further finds that the public has a right to know how much the county has spent in the past to settle harassment claims against individuals employed by the county.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby directs the County Attorney to submit a report to the County Legislature for public review of all settlements and claims against Erie County involving accusations of harassment; and be it further

RESOLVED, that for the purposes of this resolution harassment shall be defined to include sexual misconduct, blatant racial bigotry, repeated discrimination against an individual based on race, gender, ethnicity, sexual orientation, disability, or any other protected class; and be it further

RESOLVED, preliminary examination by the County Attorney indicates no final settlements having been made, if after a detailed and through examination that proves to be correct the below described report shall contain all claims for harassment filed against Erie County or an employee and their final resolution; and be it further

RESOLVED, that said report shall review activity from January 1, 2013 through and including December 31, 2017 and shall contain the following information:

- a. A complete listing of all claims against or settlements entered into by the County of Erie relative to any form of harassment or discrimination;
- b. Detailed information regarding all above settlements including all parties involved, final settlement amount, and any actions taken by the county beyond a monetary settlement;
- c. An explanation as to why Erie County was an included party in the settlement; and
- d. Any recommendations from the County Attorney's office for action to be taken by the County to limit future occurrences of these actions;

and be it further

RESOLVED, that said report shall be submitted to the Legislature within sixty (60) days from the passage of this Resolution; and be it further

RESOLVED, the County Attorney will be responsible for indicating if any portion of this report must be exempt from public disclosure due to the sensitive nature of on-going litigation. Should certain information not be disclosed, the County Attorney shall prudently prepare the report so that it can be made public; the protected material shall be kept confidential but may be presented at an Executive Session of the Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Mark Poloncarz, the Erie County Attorney, and any party deemed necessary and proper.

MR. LORIGO moved to amend the resolution. MS. DIXON seconded.

CHAIR SAVAGE directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH and MR. LOUGHRAN. NOES: MS. BASKIN, MR. BRUSO, MR. BURKE, MS. MILLER-WILLIAMS and CHAIR SAVAGE. (AYES: 6; NOES: 5)

CARRIED.

Delete all RESOLVED clauses in their entirety and replace with the following:

RESOLVED, that this Honorable Body hereby requests the County Attorney's Office submit a report to the County Legislature providing details on all claims, settlements, or judgements entered into by the County involving accusations of harassment for the period January 1, 2013-December 31, 2017; and be it further

RESOLVED, that for the purposes of this resolution, the term "harassment" shall be defined to include sexual misconduct, blatant racial bigotry, repeated discrimination against an individual based on race, gender, ethnicity, sexual orientation, disability, or any other protected class; and be it further

RESOLVED, upon detailed review by the County Attorney's Office, if any such discrimination settlements or judgements are found to exist during the period in question, the report shall include the original notice of claim, plaintiff details, payment amount, and disposition of the case; and be it further

RESOLVED, that the report from the County Attorney's Office is requested to be provided within 90 days of the approval of this resolution; and be it further

RESOLVED, that if necessary due to ongoing litigation, the County Attorney's Office will take necessary steps to exempt such data from the report, and if appropriate, may provide an oral report in executive session of the County Legislature; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, County Attorney, and any other party deemed necessary and proper.

MR. LORIGO moved to approve the resolution as amended. MS. DIXON seconded.

CHAIR SAVAGE directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN and CHAIR SAVAGE. NOES: MS. MILLER-WILLIAMS. (AYES: 10; NOES: 1)

CARRIED.

Item 49 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of INTRO. 2-6 (2018). MS. DIXON seconded.

CHAIR SAVAGE entered the Legislature into recess at 2:31 p.m.

CHAIR SAVAGE reconvened the Legislature at 2:36 p.m.

All members present.

CHAIR SAVAGE moved the previous questions and directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MR. BURKE and MR. LOUGHRAN. NOES: MS. BASKIN, MR. BRUSO, MS. MILLER-WILLIAMS and CHAIR SAVAGE. (AYES: 7; NOES: 4)

CARRIED.

CHAIR SAVAGE directed that the resolution be returned to the FINANCE & MANAGEMENT COMMITTEE for further consideration.

MR. LORIGO challenged the ruling of the Chair. MS. DIXON seconded.

CHAIR SAVAGE directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH and MR. LOUGHRAN. NOES: MS. BASKIN, MR. BRUSO, MR. BURKE, MS. MILLER-WILLIAMS and CHAIR SAVAGE. (AYES: 6; NOES: 5)

CARRIED.

RESOLUTION NO. 46

RE: Ban on Use of Public Money to Settle
Harassment Claims
(INTRO. 2-6, 2018)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS DIXON, LORIGO & MILLS**

WHEREAS, elected officials are entrusted by the public to make the best uses of taxpayer funding possible; and

WHEREAS, it has been found that the federal government has made it a routine practice to settle harassment lawsuits on behalf of the accused costing taxpayers over \$17 million since the Office of Compliance was created in the 1990s; and

WHEREAS, this honorable body determines that indemnifying county officials and employees from the financial costs of harassment suits brought against individuals for their actions is not an appropriate use of taxpayer funding; and

WHEREAS, it is further found that the individual who has been accused of misconduct should be the party responsible to fund the offered settlement terms. If the accused is financially unable to compensate the victim, requiring county intervention, the county attorney should seek full compensation from the accused for the expenditure of public dollars.

NOW, THEREFORE, BE IT

RESOLVED, the County Attorney is hereby directed to draft county policy for Legislative approval preventing the expenditure of public dollars to settle any harassment claims brought against individuals within county employment; and be it further

RESOLVED, the County Attorney is also directed to provide in his draft that the right of victims of sexual harassment to be made whole is to be given the utmost consideration. In the event a victim cannot find redress from the individual who committed the harassment the county is allowed to provide that victim with a fair and just settlement. However, if the county takes action to provide redress it shall be the duty of the County Attorney, to seek repayment of said redress from the accused by availing the county of all legal remedies; and be it further

RESOLVED, the use of outside counsel to pursue county claims that arise as the result of a harassment settlement shall be expressly prohibited; and be it further

RESOLVED, that the County Attorney shall submit the draft policy to the Legislature within thirty (30) days from the date of passage of this Resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Poloncarz, County Attorney Siragusa and any other party deemed necessary and proper.

MR. BURKE moved to amend the resolution by deleting the Third RESOLVED clause.
MR. HARDWICK seconded.

CHAIR SAVAGE directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MR. BURKE and MR. LOUGHRAN. NOES: MS. BASKIN, MR. BRUSO, MS. MILLER-WILLIAMS and CHAIR SAVAGE. (AYES: 7; NOES: 4)

CARRIED.

MR. LORIGO moved to reconsider the amendment. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

MR. BURKE moved to amend the resolution by deleting the Third RESOLVED clause. MR. LORIGO seconded.

CHAIR SAVAGE directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MS. BASKIN, MR. BRUSO, MR. BURKE, MR. LOUGHRAN, MS. MILLER-WILLIAMS and CHAIR SAVAGE. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve the resolution as amended. MR. RATH seconded. MS. MILLER-WILLIAMS and CHAIR SAVAGE voted in the negative.

CARRIED. (9-2)

MR. LORIGO moved to reconsider INTRO. 2-5 (2018). MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

INTRO 3-14 from BURKE & SAVAGE Re: Naming the Bailey Peninsula Natural Habitat Park the Sheriff Thomas F. Higgins Park

RESOLUTION NO. 47

**RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BURKE & SAVAGE**

WHEREAS, Thomas F. Higgins, a lifelong resident of the County of Erie and the retired Sheriff of Erie County, is among the most distinguished law enforcement officers of his generation, having served with distinction in leadership positions in both the Erie County Sheriff's Department and the Buffalo Police Department; and

WHEREAS, at the Erie County Sheriff's Department, Sheriff Higgins instituted programs to reduce youth recidivism, a program to provide inmates of the Erie County Holding Center with General Equivalency Diploma training, and undertook capital improvements to relieve jail overcrowding; and

WHEREAS, as a Lieutenant in the Buffalo Police Department, Sheriff Higgins was the Director of the Buffalo Police Academy, having served in the narcotics squad, in the safe and burglary unit, and in other capacities; and

WHEREAS, Sheriff Higgins is a United States Marine, having served as a Forward Observer in the 1st Marine Division, 11th Marine Regiment in the Korean War; and

WHEREAS, Sheriff Higgins has been an instructor at Buffalo State College, Erie Community College, Central Police Services Academy, and in professional development programs for the law enforcement and legal communities; and

WHEREAS, Sheriff Higgins has a laudable record of civic engagement, including having been president of the board of directors of the Buffalo Naval and Military Park, past president of the Buffalo State College Alumni Association, past president of the Judges and Police Conference of Erie County, past chairman of the Erie County Central Police Services board of trustees, past chairman of the Drug Enforcement and Prevention Committee of the National Sheriff's Association, past president of the New York State Sheriff's Association, and having been a member of the City of Buffalo Commission on Citizens' Rights and Community Relations, the City of Buffalo Charter Revision Commission, and the New York State Law Enforcement Accreditation Council; and

WHEREAS, working with Buffalo Niagara Waterkeeper, the Great Lakes National Program Office of the U.S. Environmental Protection Agency and other partners, the County of Erie recently reconfigured this park to eliminate invasive species and provide high quality habitat for native flora and fauna, as part of the \$100 million overall remediation of the Buffalo River.

NOW, THEREFORE, BE IT

RESOLVED, that the natural habitat park located at the confluence at the Bailey Avenue peninsula formed by the confluence of the Buffalo River and Cazenovia Creek, in the city of Buffalo, which had been named the Bailey Peninsula Natural Habitat Park, shall henceforth be known as the Sheriff Thomas F. Higgins Park; and be it further

RESOLVED, that the Department of Parks Recreation and Forestry may install signage to identify the Sheriff Thomas F. Higgins Park as a County-owned property; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the County Attorney; and the Commissioner of the Department of Environment and Planning.

MS. BURKE moved to approve the resolution. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 51 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-13 from CHAIR SAVAGE Re: Letter to Clerk of Legislature, Public Hearing – LL INTRO. 1-1 (2018)

Received, filed and printed.

January 30, 2018

Robert M. Graber
Clerk of the Legislature
92 Franklin St., Fourth Floor
Buffalo, NY 14202

Dear Mr. Graber:

Pursuant to the Legislature's Rules of Order, I wish to call a Public Hearing on Local Law Intro. 1-1 (2018), "A LL Repealing the Erie County Code of Ethics Established by Local Law Number Ten of Nineteen Hundred Eighty-Nine as Amended by Erie County Local Law Number Four of Nineteen Hundred Ninety-Four and Erie County Local Law Number Four of Two Thousand and Fifteen, and Establishing a New Erie County Code of Ethics."

Accordingly, the Erie County Legislature is to hold a Public Hearing to hear public comment concerning the above on Wednesday, February 7, 2018, at 6:00 p.m., in the Chambers of the Legislature. Please distribute the appropriate notices to legislators and the general public.

Thank you.

Sincerely yours,

Peter J. Savage, III
Chair, Erie County Legislature

Item 52 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-14 from CHAIR SAVAGE Re: Letter to Clerk of Legislature, Public Hearing – LL INTRO. 5-2 (2017)

Received, filed and printed.

January 30, 2018

Robert M. Graber
Clerk of the Legislature
92 Franklin St., Fourth Floor
Buffalo, NY 14202

Dear Mr. Graber:

Pursuant to the Legislature's Rules of Order, I wish to call a Public Hearing on Local Law Intro. 5-2 (2017), "Erie County Conversion Therapy Ban."

Accordingly, the Erie County Legislature is to hold a Public Hearing to hear public comment concerning the above on Thursday, February 8, 2018, at 6:00 p.m., in the Chambers of the Legislature. Please distribute the appropriate notices to legislators and the general public.

Thank you.

Sincerely yours,

Peter J. Savage, III
Chair, Erie County Legislature

Item 53 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-15 from the COUNTY EXECUTIVE Re: Inter-Municipal Agreement with Niagara County for Design Work on Road, Bridge and Slide Projects

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 54 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-16 from the COUNTY EXECUTIVE Re: Tonawanda Rails to Trails Extension Project - Amendment to Current Contract

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 55 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-17 from the COUNTY EXECUTIVE Re: Buffalo Niagara Convention Center - 2018 - Phase 2 Renovations

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 56 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-18 from the COUNTY EXECUTIVE Re: Right-of-Way Acquisition, Lakeshore Road Culvert Rehabilitation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 57 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-19 from the COUNTY EXECUTIVE Re: Approval for ECC to Enter into Contract License Renewal with SUNY System Administration

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 58 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3D-3 from CLERK OF LEGISLATURE Re: Public Hearing Notice – LL INTRO. 1-1 (2018)

Received, filed and printed.

Notice of Public Hearing/Media Advisory

PLEASE TAKE NOTICE that the Erie County Legislature will hold a Public Hearing on the 7th Day of February, 2018, at 6:00 p.m., for the purpose of hearing public comment on Local Law Intro. 1-1 (2018), “A LL Repealing the Erie County Code of Ethics Established by Local Law Number Ten of Nineteen Hundred Eighty-Nine as Amended by Erie County Local Law Number Four of Nineteen Hundred Ninety-Four and Erie County Local Law Number Four of Two Thousand and Fifteen, and Establishing a New Erie County Code of Ethics.”

The Public Hearing will be held in the Chambers of the Erie County Legislature, located at Old County Hall, 4th Floor, 92 Franklin St., in the City of Buffalo, N.Y. 14202.

A Copy of Local Law Intro. 1-1 (2018) is available for public inspection at the Office of the Clerk of the Legislature, located at 92 Franklin St., 4th Floor, Buffalo, NY 14202. The proposal can also be viewed on the Legislature's website:

http://www2.erie.gov/legislature/sites/www2.erie.gov.legislature/files/uploads/Session_Folders/2018/Session_3/18LLIntro.1-1%282018%29.PDF

Dated: Buffalo, New York, January 30, 2018

By: Robert M. Graber, Clerk
Erie County Legislature

Item 59 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3D-4 from CLERK OF LEGISLATURE Re: Public Hearing Notice – LL INTRO. 5-2 (2017)

Received, filed and printed.

Notice of Public Hearing/Media Advisory

PLEASE TAKE NOTICE that the Erie County Legislature will hold a Public Hearing on the 8th Day of February, 2018, at 6:00 p.m., for the purpose of hearing public comment on Local Law Intro. 5-2 (2017), "Erie County Conversion Therapy Ban."

The Public Hearing will be held in the Chambers of the Erie County Legislature, located at Old County Hall, 4th Floor, 92 Franklin St., in the City of Buffalo, N.Y. 14202.

A Copy of Local Law Intro. 5-2 (2017) is available for public inspection at the Office of the Clerk of the Legislature, located at 92 Franklin St., 4th Floor, Buffalo, NY 14202. The proposal can also be viewed on the Legislature's website:

http://www2.erie.gov/legislature/sites/www2.erie.gov.legislature/files/uploads/Session_Folders/2017/Session_9/17LLIntro5-2.PDF

Dated: Buffalo, New York, January 30, 2018

By: Robert M. Graber, Clerk
Erie County Legislature

Item 60 - MS. BASKIN moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3M-7 from the REGIONAL DIRECTOR, NATIONAL GRID Re: E-Mail Concerning INTRO. 3-5 (2018)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 61 – (COMM. 3E-1) Department of Social Services - Youth Services - Food Service Contract

Item 62 – (COMM. 3E-2) Reappointment to the Erie County Board of Health

The above two items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR LORIGO

Item 63 – (COMM. 3E-3) Letter to Finance & Management Committee Chair Requesting Discussion with the Director of Real Property Tax Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 64 – (COMM. 3E-4) Maintain a Grant Position with OMH Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 65 – (COMM. 3E-5) State Aid for Snowmobile Development, 2017-2018

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 66 – (COMM. 3E-6) 2018 Annual Action Plan for Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 67 – (COMM. 3E-7) Erie County Sewer District No. 3 - Engineer Agreement - Change Order

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 68 – (COMM. 3E-8) Foreclosure Pursuant to the In Rem Provisions of the Erie County Tax Act

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 69 – (COMM. 3E-9) NYS Energy Research & Development Authority - Cleaner Greener Communities Grant

Item 70 – (COMM. 3E-10) Erie County Sewer District No. 3 - Engineer Term Contract Agreement

Item 71 – (COMM. 3E-11) Erie County Sewer District No. 4 - Iroquois Pumping Station Rehabilitation

Item 72 – (COMM. 3E-12) Erie County Sewer District No. 8 - Modification of Plans

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF LEGISLATURE

Item 73 – (COMM. 3D-1) NYS Dept. of Environmental Conservation - Documents Received

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 74 – (COMM. 3D-2) Letter to Deputy Comptroller Concerning Audit of Control Activities Associated with the Bank Reconciliations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS AGRICULTURE & MARKETS

Item 75 – (COMM. 3M-1) Letter Concerning Agricultural District No. 12

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 76 – (COMM. 3M-2) Submission Pursuant to 2018 Erie County Budget Resolution No. 80

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 77 – (COMM. 3M-3) Letter to Chair Savage Concerning Five-Year Fiscal Plan and Annual Operating Budget

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 78 – (COMM. 3M-4) Quarterly Report for 4th Quarter of 2017

Item 79 – (COMM. 3M-5) Financial Report, Minutes of Board of Directors' Meetings

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

FROM EMPLOYEES, CHILD PROTECTION

Item 80 – (COMM. 3M-6) Letter to County Executive & Legislature Concerning Previous Communications

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 81 – The schedule for committee meetings to be held on Thursday, February 8, 2018 has been distributed. There will be two upcoming Public Hearings: Wednesday, February 7, 2018 concerning Local Law Intro. 1-1 (2018), “Establishing a New Erie County Code of Ethics;” and Thursday, February 8, 2018 concerning Local Law Intro. 5-2 (2017), “Erie County Conversion Therapy Ban.” Both hearings begin at 6:00 p.m.

Item 82 – Legislator Miller-Williams announced an “Accessing Erie County Funding Workshop” on Saturday, February 24, 2018, from 10:00 a.m. to 2:00 p.m., at the Downtown Central Library Auditorium, 1 Lafayette Sq., Buffalo, NY 14203.

MEMORIAL RESOLUTIONS

Item 83 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Ben Landel and Kamil Patel.

Item 84 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Gwendolyn Branch Mitchell and Robert Carr Fugate.

Item 85 – Legislator Brusco requested that when the Legislature adjourns, it do so in memory of former Lancaster Town Supervisor Robert Giza, upon the one-year anniversary of his passing.

Item 86 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Rita DeGlopper, Donald H. Holler, and Carol A. Leberer.

Item 87 – Chair Savage requested that when the Legislature adjourns, it do so in memory of Vincent P. "Chibby" Ferraraccio and Richard S. Ganci.

Item 88 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Nelson J. DiPasquale.

ADJOURNMENT

Item 89 - At this time, there being no further business to transact, CHAIR SAVAGE announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, February 15, 2018 at 2:00 p.m. Eastern Standard Time. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

CHAIR SAVAGE declared the Legislature adjourned until Thursday, February 15, 2018 at 2:00 p.m. Eastern Standard Time.

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