

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 18**  
**SEPTEMBER 12, 2019**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Rath, who offered a prayer in remembrance of September 11, 2001.

The Pledge of Allegiance was led by Ms. Dixon.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. BRUSO moved for the approval of the minutes for Meeting Numbers 16 and 17 from 2019. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MEYERS & MR. BRUSO presented a proclamation Congratulating and Recognizing Matthew Wrzos on Attaining the Rank of Eagle Scout.

Item 6 – MR. BRUSO presented a proclamation Congratulating and Honoring Hit n Run Lead Vocalist Mark Valentino and Hit n Run on its 10th Anniversary into the Buffalo Music Hall of Fame.

Item 7 – MR. BRUSO presented a proclamation Celebrating and Honoring John Trojanowsky and Congratulating the Lancaster Youth Bureau's Summer Theater Workshop 40th Anniversary.

Item 8 – MR. RATH presented a proclamation Recognizing and Acknowledging Kathleen "Kathy" Oczek for Her Leadership, Professionalism and Dedication to Hearts and Hands.

Item 9 – MR. MEYERS presented a proclamation Celebrating the Grand Opening of the Seneca-Babcock Arlene Mychajliw Community Center.

Item 10 – MR. BRUSO presented a proclamation Celebrating and Honoring Lancaster Town Historian Edward Mikula.

Item 11 – MR. MEYERS & MR. BRUSO presented a proclamation Congratulating and Recognizing Luke Masna on Attaining the Rank of Eagle Scout.

Item 12 – MR. BRUSO presented a proclamation Congratulating and Honoring Former Lancaster High School Football Coach and Athletic Director Leonard "Len" Jankiewicz.

Item 13 – MR. MEYERS & MR. BRUSO presented a proclamation Congratulating and Recognizing Christian Gueth on Attaining the Rank of Eagle Scout.

Item 14 – MR. MILLS presented a proclamation Honoring Harold "Skip" Greeley, Jr. for His 55 Years of Faithful and Committed Service to the Eden Fire Department and His Community.

Item 15 – MR. BRUSO presented a proclamation Congratulating and Honoring Maria Formholtz on Receiving the Leading Age Employee of Distinction Award.

Item 16 – MR. MEYERS & MR. BRUSO presented a proclamation Congratulating and Recognizing Anthony Fest on Attaining the Rank of Eagle Scout.

Item 17 – MR. MILLS presented a proclamation Honoring the Town of Collins Fire Company and the Town of Collins Fire District as it Dedicates its New Fire Truck and Building Addition.

Item 18 – MR. RATH presented a memorial certificate Recognizing the Life and Great Service of the Honorable Clyde L. Burmaster to His Community and the Niagara County Legislature.

Item 19 – MR. MEYERS & MR. BRUSO presented a proclamation Congratulating and Recognizing Tyler Andrzejewski on Attaining the Rank of Eagle Scout.

Item 20 – MR. MILLS presented a proclamation Honoring Marion L. Ahles as She Celebrates her 103rd Birthday and Wishing Her Continued Health and Happiness.

Item 21 – MR. LOUGHRAN & MR. RATH presented a proclamation Recognizing the Family of Fallen Hero George Karl, Jr. and His Fellow Fire Fighters as He is Inducted to the Wall of Honor.

Item 22 – MR. LOUGHRAN & MR. RATH presented a memorial certificate Recognizing the Life and Great Service of the Honorable Mark G. Farrell to His Community and All of Erie County.

Item 23 – MS. BASKIN presented a memorial resolution Remembering Jose Pizarro Figueroa, 2019 Veteran of Honor.

MR. BRUSO moved for consideration of the above nineteen items. MR. MEYERS seconded.

**CARRIED UNANIMOUSLY.**

MR. BRUSO moved to amend the above nineteen items by adding one for MR. HARDWICK, one for MR. RATH & MR. LOUGHRAN, and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved for approval of the above twenty-one items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 24 – CHAIR BASKIN directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 25 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 26 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

None.

### **LEGISLATOR RESOLUTIONS**

Item 29 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. MEYERS seconded. MR. LORIGO abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 170

RE: Naming New Sled Hill at Como  
Lake Park in Honor of Frank  
Maddock  
(INTRO. 18-1)

**A RESOLUTION SUBMITTED BY  
LEGISLATOR BRUSO**

WHEREAS, Como Lake Park, named after the Lake Como tourist resort in Italy, originally was established by the Village of Lancaster in 1923 and was acquired by Erie County in 1926 as the result of a special village election; and

WHEREAS, the proverbial center of the park is the lake which once was the jewel of Como Park, and which is fed by Cayuga Creek; and

WHEREAS, the lake has been full of silt and sediment for years, leading to very little water in the lake; and

WHEREAS, one of the foremost advocates, if not the greatest advocate for improvements at Como Lake Park, including to the dam, the dredging of the lake, and other park improvements, is Depew resident Frank Maddock; and

WHEREAS, Frank Maddock has been a long-standing civic activist, government watchdog, and community volunteer for decades, serving the Lancaster and Depew communities; and

WHEREAS, born in Pittsburgh, but a long-time resident of Lancaster, Mr. Maddock has been a long-standing presence at local government meetings and community gatherings, providing critical commentary and advice to successive government officials and leaders; and

WHEREAS, in part due to his dogged activism and advocacy, in 2017 and 2018, the County replaced damaged lower-level gates in the lake dam, drained the lake in 2018 to conduct sediment testing, and began dredging of the lake in August 2019; and

WHEREAS, the silt that is being removed during the dredging is being used to surface and grade a new sledding hill in Como Lake Park for public recreation in the winter months.

NOW, THEREFORE, BE IT

RESOLVED, that the new sledding hill in Como Lake Park shall henceforth be known as the “Frank Maddock Sled Hill”, and be marked appropriately with signage; and be it further

RESOLVED, that the Department of Parks, Recreation and Forestry is authorized to install signage to identify the new Frank Maddock Sled Hill at Como Lake Park; and be it further

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

Item 30 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

RE: Protecting the Users of Erie  
County Parks from Lead  
(INTRO. 18-2)

**A RESOLUTION SUBMITTED BY  
LEGISLATORS BASKIN, BRUSO, HARDWICK,  
MEYERS, JOHNSON & CHIMERA**

WHEREAS, on July 24, 2019, the Office of the Erie County Comptroller sent a letter to the County Executive stating that “an independent laboratory has confirmed the existence of lead paint on playground equipment in multiple county parks”; and

WHEREAS, the Comptroller's Office recommended that action be taken to address this alleged lead threat; and

WHEREAS, on July 25, 2019, the Commissioner of Health responded to the Comptroller in a letter stating that she immediately directed action by a lead program sanitarian to inspect all playground equipment as well as other habitable structures in the County's parks system, with inspections occurring on July 24<sup>th</sup> and 25<sup>th</sup>, and stating that any items found contaminated with lead will be slated for removal; and

WHEREAS, the Health Commissioner noted that her department has “not discovered any incidences or lead poisoning related to lead exposure from any county facility, including our parks system”; and

WHEREAS, this Honorable Body supports immediate measures to protect the health and safety of all users of our parks and facilities, including especially children.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for, and requests that the Erie County Departments of Health and Parks, Recreation and Forestry work together with any other necessary County agencies or units to immediately identify any lead hazards in County-owned and

operated parks and other facilities, and to then remediate and/or remove any lead hazards in parks, such as playground equipment; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, and the Departments of Health, Parks, Recreation and Forestry, Public Works, and the Comptroller's Office.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 31 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 18-3 from MEYERS, JOHNSON, BASKIN, BRUSO & CHIMERA. Opposition to Trump Administration Cuts to the Supplemental Nutrition Assistance Program

Item 32 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

RE: Opposition to Proposed State-Mandated Replacement Fee on License Plates  
(INTRO. 18-4)

**A RESOLUTION SUBMITTED BY  
LEGISLATOR BRUSO**

WHEREAS, for many years, through no fault of their own, many New Yorkers have experienced problems with their vehicle license plates, in which the paint and numbers have been peeling away, making many license plates illegible and threatening to subject those drivers with law enforcement sanctions or action; and

WHEREAS, those bad license plates were designed or printed poorly by the State, leading to the peeling of the license plates, in many instances, within months of their use, and this has been a problem for many years; and

WHEREAS, on August 19, 2019, the Governor's office announced that the State will remove older blue and white license plates from use across the state, and will mandate their replacement with new license plates starting in April 2020; and

WHEREAS, the State Department of Motor Vehicles, the Governor's office and the Governor, at an appearance in Niagara County on August 20<sup>th</sup> each said that the State is effectuating this mandated change because the older and often peeling license plates are difficult to read for EZ Pass, cashless tolls, police license plate readers and red-light cameras; and

WHEREAS, as part of the roll-out of the new license plates, the State Department of Motor Vehicles will impose a \$25 license plate replacement fee to the cost of the vehicle registration, as well as impose a \$20 fee if a motorist desires to retain their existing license plate number; and

WHEREAS, this measure which will be imposed on an estimated 3 million drivers who have the blue and white license plates, will generate an estimated \$75 million in revenue for the State, just from the new \$25 fee alone; and

WHEREAS, the Cuomo administration is characterizing this measure as a "fun" thing by initiating a contest in which New Yorkers can vote on a replacement license plate design featuring the Statue of Liberty, Niagara Falls, the New York City skyline, and the new Mario Cuomo Bridge over the Hudson River; and

WHEREAS, bipartisan members of the State Legislature have already expressed concern and opposition to the fee and the manner in which the State is announcing this action which is yet again, another State mandate and fee imposed on residents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its opposition to this new State-imposed, State-mandated \$25 fee for a new license plate and urges the Governor to not impose any new fee for a State-mandated change targeted at license plates that are legible and usable; and be it further

RESOLVED, that this Honorable Body urges the State Department of Motor Vehicles to offer drivers, free of charge, replacement license plates for defective, peeling license plates that are hard to read through no fault of the driver; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the State Commissioner of Motor Vehicles, the local delegation of the State Legislature, and the Erie County Clerk.

MR. BRUSO moved to amend the resolution by including Et Al Sponsorship and for content. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Add the Following Resolved after the Second Resolved:

RESOLVED, this Honorable Body hereby supports Senate Bill S6663 (2019) to provide for the Department of Motor Vehicles Commissioner to waive the fee associated with the mandated replacement of license plates; and be it further

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

CARRIED UNANIMOUSLY.

Item 33 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

RE: Expressing Outrage and  
Opposition to Racist Flyers  
Disseminated in our Community  
(INTRO. 18-5)

**A RESOLUTION SUBMITTED BY  
LEGISLATORS MEYERS, HARDWICK, JOHNSON,  
BRUSO, BASKIN & CHIMERA**

WHEREAS, in the past two years there has been a noticeable and troubling development in which racist flyers and literature have been dropped in the yards, doors, mailboxes and vehicles of persons in Niagara and Erie Counties; and

WHEREAS, in the most recent instances, in March 2019, a local hate group with a PO Box in Lockport distributed white supremacist leaflets around the Parkside community in Buffalo with the banner “Racial Nationalist Manifesto”; and

WHEREAS, in April 2019, officials from Lewiston-Porter Central School District said the district was "the target of a vile, defamatory and racist flyer" mailed from Buffalo which had the words "Aryan Revival" and included swastikas and the phrases: "Welcome to Racist Lewiston" and "spring membership drive" and disparaged African-Americans; and

WHEREAS, that mailing followed a May 2017 incident in which flyers appeared at homes in Lewiston that said, "The Aryan Resistance is proud to endorse Board of Education candidates," listing the names of two individuals who subsequently disavowed the printing and the group; and

WHEREAS, in May 2019, for the second time in recent weeks, an offensive flyer containing swastikas and other racist content was found in Lewiston, glued to an outer wall of the Lewiston Public Library; and

WHEREAS, in April 2019, an Indian-American activist and researcher in Amherst received a flyer in his mailbox stating “Take your BROWN ARMY and LEAVE OUR TOWN”; and



WHEREAS, in July 2019, a number of homes and businesses in the Town of Tonawanda, City of Tonawanda and City of North Tonawanda had flyers posted on doors, potentially as an attempted recruitment effort by Racial Nationalist Party of America, Aryan Renaissance Society and the KKK, inviting residents to an event on August 31 in Indiana; and

WHEREAS, Tonawanda leaders said this is the fifth known door to door canvassing in the area; and

WHEREAS, in August 2019, flyers from a white nationalist organization calling itself the Racial Nationalist Party of America were discovered in driveways and in front of homes in Cheektowaga; and

WHEREAS, on August 19, 2019, the Cheektowaga Police Department announced that it had identified the man who admitted dropping the leaflets and had issued him a summons for littering but could not file criminal charges, with the man saying he is going to continue to produce or disseminate such hate-filled literature; and

WHEREAS, it is essential that this Honorable Body go on record as deploring these hateful, racist groups and the vile messages that they communicate in our community.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its concern, and opposition to racism, bigotry and hatred of any kind, including the unwanted flyers and leaflets disseminated in our community recently; and be it further

RESOLVED, that this Honorable Body condemns the hate-filled intent and messages expressed by white supremacists and groups such as the Racial Nationalist Party of America, Aryan Renaissance Society, the KKK, just to name a few, and urges all members of the community to stand together against racism and bigotry and to take note of the many wonderful achievements and contributions that persons of all faiths, creeds, ethnicities and races have made in our area.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 34 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

RE: Requesting New York State  
Fund State-Mandated Early  
Voting Costs for EC  
(INTRO. 18-6)

**A RESOLUTION SUBMITTED BY  
LEGISLATORS BRUSO & HARDWICK**

WHEREAS, New York was among the worst 10 states for turnout in both the 2016 and 2018 elections, continuing a long trend of lower-than-average voter participation; and

WHEREAS, prior to this year, New York State was only one of twelve states not to have early voting; and

WHEREAS, both houses of the New York State Legislature approved early voting legislation on January 14, 2019; and

WHEREAS, Governor Andrew Cuomo commended the State Legislature for taking "quick action" on the issue and noted "Early voting will be transformative for the system...at a time when the federal government is doing everything it can to disenfranchise voters, we are taking action to make it easier for New Yorkers to participate in the democratic process and crack down on corporate influences in our elections"; and

WHEREAS, at the time of passage, the New York State Association of Counties noted that county governments do not have the money to pay for the costs associated with in-person early voting and asked the Governor and Legislature to add funding in the 2019-2020 state budget; and

WHEREAS, the election reforms require officials to establish 9 days of early voting that ends two days before the election and includes two full weekends and which requires counties paying for elections staff and elections inspectors to establish early voting; and

WHEREAS, according to the original State funding formula, counties will receive \$15,000 for each early voting poll site, plus additional funding that would be distributed based on voter enrollment; and

WHEREAS, counties are required to have one polling site for every 50,000 registered voters; and

WHEREAS, according to a plan put forward by the Erie County Board of Elections to implement early voting in Erie County, the county would have ten early voting sites in the city of Buffalo and twenty-seven outside the city; and

WHEREAS, universal voting allows all thirty-seven sites to print any ballot so voters can go to the early voting site that is most convenient for them during the early voting period of October 26-November 3, 2019; and

WHEREAS, according to the original State funding formula, Erie County would be eligible for nearly \$1.9 million in State grant funding for early voting; and

WHEREAS, the State has approved reimbursing Erie County \$1.1 million for early voting costs, and the Erie County Board of Elections has stated that the State has authorized additional grant funding of \$874,000 but the New York State Division of the Budget has not yet signed-off on that second grant; and

WHEREAS, on August 22, 2019, the State Board of Elections notified counties that the State Division of the Budget was not releasing full funding to county governments for early voting and had not yet approved the full funding for early voting and for more early voting locations (such as the Erie County Board of Elections' plan for 37 early voting sites); and

WHEREAS, the Erie County Board of Elections estimates that the cost for early voting in Erie County will be approximately \$3 million, which exceeds the State funding; and

WHEREAS, the failure of the State Division of the Budget to authorize the second grant, and the State's overall failure to reimburse Erie County for the full cost of the State-mandated early voting would result in hardship for Erie County taxpayers if the County is forced to make up the funding difference.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully requests that the New York State Division of the Budget release the second grant funding of \$874,000 for early voting for Erie County; and be it further

RESOLVED, that this Honorable Body asks the Governor and the State Division of the Budget to approve the Erie County Board of Elections' early voting plan and appropriate State funds to fully reimburse Erie County for the costs of the State-mandated early voting and to support the intention of maximizing voter turnout and engagement with the 37 early voting sites in our county; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the local delegation of the New York State Legislature, to the State Budget Director, and to the Erie County Commissioners of Elections.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 35 – MR. BRUSO presented the following resolution and moved for immediate

consideration. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: Designation of Tourism  
Promotion Agency for 2019-  
2020  
(INTRO. 18-7)

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

WHEREAS, the development, expansion and promotion of tourist travel to Erie County are of great benefit to the citizens of Erie County; and

WHEREAS, tourism spending in Erie County is reflected in bed and sales tax collections, as well as spurring a positive economic impact on amateur and professional sporting events, shopping, arts and culture and the hospitality industry; and

WHEREAS, this positive impact helps hold down property taxes and spurs economic growth and job creation; and

WHEREAS, in 1977, the New York State Legislature enacted the New York State Tourism Promotion Act to enable counties in the state to draw down funds to support their marketing and advertising campaigns; and

WHEREAS, the Tourism Promotion Act authorizes the state's Department of Economic Development to operate a program of matching state funds for non-profit tourism promotion agencies designated by county legislative bodies as agencies that are authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (VBN) – formerly known as the Buffalo Niagara Convention and Visitors Bureau – has done a commendable job bringing together a diverse array of non-profit organizations, attractions, retail businesses and members of the hospitality industry to work collaboratively for the benefit of our entire region.

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2019-2020; and be it further

RESOLVED, that this Honorable Body requests that Visit Buffalo Niagara submit the appropriate application to the New York State Department of Economic Development for state matching funds to assist VBN to finance its tourism marketing, media relations and advertising campaigns as set outlined in the New York State Tourism Promotion Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Economic Development, Patrick Kaler and Karen Fashana of Visit Buffalo Niagara, the tourism committees of both the New York State Assembly and Senate, County Executive Mark Poloncarz, Thomas Hersey Jr., of the Department of Environment and Planning, and all other deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

MR. BRUSO moved to approve the resolution as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 36 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: Urging the Governor to Waive State-Authorized Fee Associated with License Plate Replacement & Support for State Legislation to Permanently Waive Associated Fees (INTRO. 18-8)

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

WHEREAS, Governor Cuomo's administration recently announced plans to redesign New York State license plates; and

WHEREAS, Governor Cuomo announced the plan indicating that cashless tolling, red light camera technology is incapable of scanning some existing license plates, an assertion that has been shown to be unfounded as current New York State license plates are scanned by said technology without error; and

WHEREAS, due to its close proximity to Canada, numerous Canadian motorists frequently cross the international border into Erie and Niagara Counties, passing cashless tolling sites without a mechanism in place to collect tolls from said motorists; and

WHEREAS, these aforementioned occurrences are inherently unfair to New York State motorists who are expected and required to pay when passing cashless tolling sites; and

WHEREAS, New York State motorists should not carry the burden of refunding the state for its implementation of an inefficient cashless tolling system; and

WHEREAS, beginning April 2020, New York State motorists who have the blue and white Empire State plates will be required to replace them when renewing their vehicle registrations, and pay a \$25 dollar fee to obtain new plates, and may pay an additional \$20 dollar fee to keep their current plate number; and

WHEREAS, Governor Cuomo could exercise his executive authority to set the plate replacement fee at a cost between \$0 and \$25 dollars, provided for in Vehicle and Traffic Law § 401(3) which states, “An additional fee, not to exceed twenty-five dollars, shall be paid to the commissioner whenever a set of reflectorized number plates is issued for any vehicle...”; and

WHEREAS, Senate Bill S6663 has been recently proposed to require the Department of Motor Vehicles commissioner to waive the \$25 fee for any license plate mandated for replacement by the state due to a design change.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body calls on Governor Andrew M. Cuomo to waive the state-authorized fee associated with the license plate replacement program; and be it further

RESOLVED, this Honorable Body supports Senate Bill S6663 to provide for the Department of Motor Vehicles commissioner to waive the fee associated with the mandated replacement of license plates; and be it further

RESOLVED, this Honorable Body calls on NYS State Senate Transportation Committee Chairman Timothy Kennedy to hold public hearings throughout the state to seek public input from motorists regarding the mandatory license plate replacement; and be it further

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

MR. BRUSO moved to amend the resolution by including Et Al Sponsorship and for content. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Delete the Third (3<sup>rd</sup>) Resolve Clause in its Entirety.

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

CARRIED UNANIMOUSLY.

Item 37 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. RATH seconded.

INTRO. 18-9 from DIXON, MILLS & RATH. Support for State Legislation Protecting DMV Employees from Green Light Law.

MR. HARDWICK moved to send the resolution to committee for further consideration. MR. JOHNSON seconded.

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

AYES: CHAIR BASKIN, MR. BRUSO, MS. CHIMERA, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: MS. DIXON, MR. LORIGO, MR. MILLS, and MR. RATH. (AYES: 7; NOES: 4)

CARRIED.

CHAIR BASKIN directed that the resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 38 – MR. BRUSO presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: Calling for the NYS Comptroller to Publicly Audit NYS's Investment into the Riverbend Plant and Tesla's Current Plant Operations  
(INTRO. 18-10)

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

WHEREAS, New York State committed \$750 million in cash and offered Tesla a 10-year lease at the SolarCity facility for just \$1 a year; and

WHEREAS, in exchange for funding and the lease of state owned property and equipment, Tesla promised to create at least 1,460 high-tech jobs, 2,000 additional jobs relating to the sale and installation of the company's solar panels, and 1,440 support jobs in New York State; and

WHEREAS, five years have passed since the funding was initially provided to Tesla. Since that time the promises for jobs have been slashed by state officials and the quality of jobs created has been watered down to the point where any new job would qualify; and

WHEREAS, requests by media to examine the operations of the plant have been referred to as a dog and pony show, where smoke and mirrors are used to cover up the actual activity, or lack thereof, being conducted by Tesla; and

WHEREAS, repeated requests for a tour from local elected officials have been denied; and

WHEREAS, this honorable body finds the lack of transparency and accountability over the situation at Tesla disturbing. Any other entity that lends funding to a corporation with the expectation of a specific return would have commenced legal proceedings against Tesla by now. There seems to be no knowledge as to where the state funding was spent or what the equipment owned by New York State is currently doing; and

WHEREAS, the residents of New York deserve answers and clarity into what their investment bought; and

WHEREAS, a 2016 report from State Comptroller DiNapoli's office, auditing the NYS Excelsior Jobs Program, found that economic development staff routinely lowered the number of jobs required in contracts before companies fell short of meeting the initial targets; and

WHEREAS, it is a finding of this body that Tesla has consistently failed to make good on its promises regarding the operations at Riverbend; and

WHEREAS, it is a further finding of this body that New York State officials have routinely lowered stated targets for employment at the Riverbend site; and

WHEREAS, the residents of New York State have not gotten what they have paid for, and it is up to their elected representatives to ensure waste of taxpayer resources does not continue; and

WHEREAS, media reports in recent weeks indicate that Comptroller DiNapoli is auditing high-tech companies that operate in New York and part of that audit is to focus on the Tesla plant here in Erie County. New York's taxpayers deserve to know if there is an on-going audit and what the details of that process are.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this honorable body hereby calls for New York State Comptroller DiNapoli to perform a full audit of the operations being conducted by Tesla at the Riverbend plant; and be it further

**RESOLVED**, that if the indications are correct, and the already on-going audit of high-tech industry will include Tesla, this honorable body hereby urges Comptroller DiNapoli to make Tesla and SolarCity the focus of the audit and to specifically include the information as requested in this Resolution; and be it further

**RESOLVED**, that this body urges the following information be included in any audit of Tesla's Riverbend plant: SolarCity and Tesla's expenditure of the full \$750 million in taxpayer



funding; an accounting of the fixtures and equipment located inside the Riverbend factory whether owned by Tesla, New York State, or any other third party; the production rate of products coming out of the Riverbend factory since the start of SolarCity's operations through to the present; any information regarding any sale or lease of any floor-space inside the Riverbend factory to any third-party, including a full accounting of any payment for said floor space made to either New York State or Tesla; and the status of job creation by SolarCity/Tesla since 2014, including the number of jobs created, the types of jobs created, the salaries for those types of jobs, and a comparison between what the state has received and what the initial expectations were; and be it further

RESOLVED, that certified copies of this Resolution be sent to New York State Comptroller Thomas DiNapoli, Governor Andrew Cuomo, Buffalo Office of New York State's Empire State Development Corporation, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 39 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 18-11 from LORIGO. Minority Leader Recommendation to the EC Corrections Specialist Advisory Board.

### **COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

### **SUSPENSION OF THE RULES**

Item 40 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 18-12 from BRUSO Re: Majority Leader Recommendation for Appointment to the Corrections Specialist Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 41 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18E-44 from the COUNTY EXECUTIVE Re: Payment in Lieu of Taxes (PILOT) Extension Agreement for the Westminster Commons Project, City of Buffalo – Affordable Housing Development

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 42 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18E-45 from the COUNTY EXECUTIVE Re: Authorization to Accept a Donation for the Betterment of Bennett Beach

RESOLUTION NO. 178

WHEREAS, Paramount Pictures Corporation (“Paramount”) has selected the County of Erie and neighboring areas to be the location for a movie shoot; and

WHEREAS, Erie County’s Department of Parks, Recreation and Forestry (“Department of Parks”) received a request from Paramount to use a portion of Bennett Beach as a location to conduct a shoot; and

WHEREAS, the presence of Paramount Pictures has been good for the community and the County of Erie has been working to support their efforts; and

WHEREAS, in exchange for the use of Bennett Beach as a shoot location, Paramount has offered to make a donation of Four Thousand Five-Hundred Dollars (\$4,500) to the Department of Parks to be used toward the betterment of the beach.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the donation from Paramount Pictures Corporation in the amount of Four Thousand Five-Hundred Dollars (\$4,500) for purposes of the betterment of Bennett Beach; and be it further

RESOLVED, that the Department of Parks, Recreation and Forestry be permitted to accept the afore-mentioned donation and be authorized in conjunction with the Division of Budget and Management to appropriate the funds to enable Improvements to Bennett Beach; and be it further

RESOLVED, that the Clerk of the Legislature forward one certified copy of this Resolution to the Department of Parks, Recreation and Forestry, Office of the Commissioner, and also one copy each to the Office of the County Executive, Office of the County Attorney, the Division of Budget and Management and the Office of the Comptroller.

MR. BRUSO moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

Item 43 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18D-13 from the COMMISSIONER OF PARKS, REC. & FORESTRY Re: Additional Information Concerning Lead Paint Testing in County Parks

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 44 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18M-15 from PHIL WILCOX Re: Letter Regarding Environmental Impact of a Lake Erie Wind Farm

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 18-13 from MILLS & DIXON Re: Support for Legislation Mandating Referenda Prior to Authorizing Construction of Wind Turbines in Lake Erie

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM THE COMPTROLLER**

Item 46 – (COMM. 18E-1) Report on Capital Projects at EC Parks

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – (COMM. 18E-2) EC's Federal Financial Assistance Audit Report for 2018

Item 48 – (COMM. 18E-3) EC 2018 Comprehensive Annual Financial Report

Item 49 – (COMM. 18E-4) EC's NYSDOT Single Audit Report for 2018

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

Item 50 – (COMM. 18E-5) Audited Financial Statements & Management Letter for SUNY Erie - FYE 8/31/2018

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 51 – (COMM. 18E-6) Letter to Legislature Regarding Comm. 16E-19 (2019) - Auto Bureau Restrooms

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 52 – (COMM. 18E-7) EC Financial Report for Second Quarter 2019

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR CHIMERA

Item 53 – (COMM. 18E-8) Letter of Absence for HHS Committee Meeting - 8/8/2019

Received, filed and printed.

August 7, 2019

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

Dear Clerk Graber:

I will be absent from the Health and Human Services Committee meeting on August 8, 2019 due to the death of my sister as the memorial and funeral services are being held on Thursday, August 8, 2019.

While not a member of the committee, as a special education teacher who has worked for 30 years with children with special needs and disabilities, I know all-too-well the dangers and damage that lead poisoning does to children early in their formative years. I wish to state for the record that I support the intent and aim of the proposed lead legislation introduced by Chair April Baskin, and were I present at tomorrow's committee meeting and special session, I would be voting in favor of the resolution as part of the committee report of the Health and Human Services Committee.

Thank you in advance for your assistance.

Sincerely yours,

Lisa M. Chimera  
Legislator, District 3

Item 54 – (COMM. 18E-9) Letter of Absence for Special Session - 8/8/2019

Received, filed and printed.

August 7, 2019

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

Dear Clerk Graber:

Regretfully, I will be absent from the legislative session on August 8, 2019 due to the death of my sister as the memorial and funeral services are being held on Thursday, August 8, 2019.

Sincerely yours,

Lisa M. Chimera  
Legislator, District 3

**FROM LEGISLATOR MEYERS**

Item 55 – (COMM. 18E-10) Water Quality in Lake Erie & Algae Blooms

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM LEGISLATORS JOHNSON & MEYERS**

Item 56 – (COMM. 18E-11) Request for Info. Concerning Recent Deaths in EC Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR BASKIN

Item 57 – (COMM. 18E-12) Appointment of Legislature Representative to the EC MWBE Utilization Advisory Board

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

FROM THE COMPTROLLER

Item 58 – (COMM. 18E-13) Accounting Expenses from Risk Retention Fund - 03/2019 - 07/2019

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 59 – (COMM. 18E-14) Letter to NYS Commission of Correction Chairman Regarding Denial of FOIL Request

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 60 – (COMM. 18E-15) Requesting Authorization to Create Seasonal Positions for the New Era Field Detail

Item 61 – (COMM. 18E-16) Requesting Authorization to Accept Police Traffic Safety Grant Funds

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

FROM LEGISLATOR DIXON

Item 62 – (COMM. 18E-17) Letter to NYS Comptroller Regarding Request for Audit of Tesla's Riverbend Factory

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 63 – (COMM. 18E-18) Authorization to Enter into Contract for the Purpose of a Solar Power Purchase Agreement

Item 64 – (COMM. 18E-19) Energy Performance Contract (EPC) Authorization

Item 65 – (COMM. 18E-20) Authorization to Enter into Contract for the Purpose of Installing LED Streetlights

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

Item 66 – (COMM. 18E-21) Acceptance of Continued Funding for the Enhanced Release Under Supervision Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 67 – (COMM. 18E-22) PILOT Extension Agreement - Elmwood Square Apartments Project - Affordable Housing Development

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 68 – (COMM. 18E-23) Requesting Authorization to Accept 2019 Justice Assistance Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 69 – (COMM. 18E-24) Transfer of Surplus County Owned Parcels

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 70 – (COMM. 18E-25) Health Lab Building 17 Programming & Design

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 71 – (COMM. 18E-26) ECSD No. 5 - Engineer Term Contract Agreement

Item 72 – (COMM. 18E-27) ECSD No. 3 - 2019 Budget Transfer

Item 73 – (COMM. 18E-28) Notice of Public Hearing for 2019 ECSD Assessment Rolls

Item 74 – (COMM. 18E-29) Contract Amendment for EC Soil & Water Conservation District - Mill St. Stream Scour & Slide Remediation

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

Item 75 – (COMM. 18E-30) Authorization to Enter into Contract & Accept Indigent Legal Services Grant

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 76 – (COMM. 18E-31) MOU - Garbage Recycling Pickup in the City of Buffalo

Item 77 – (COMM. 18E-32) Final Construction Change Order for ECDPW Project - 2018 Culvert Group 2

Item 78 – (COMM. 18E-33) NYSDOT Supplemental Agreement No. 1 - Elmwood Ave. Pedestrian & Bicycle Improvements

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

Item 79 – (COMM. 18E-34) ECSD Nos. 1-6 & 8 - User Charges - 2020

Item 80 – (COMM. 18E-35) ECSD No. 3 - Engineer Term Contract Agreement

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

Item 81 – (COMM. 18E-36) Authorization of No-Cost Extension WNY Sustainable Business Roundtable Grant

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 82 – (COMM. 18E-37) Authorization of Climate Smart Communities Certification Actions Grant - 3/15/19 - 3/14/24

Item 83 – (COMM. 18E-38) Appointment to Region 9 NYS Fish & Wildlife Management Board

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

Item 84 – (COMM. 18E-39) Appointment of Trustee to SUNY Erie

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE COUNTY CLERK**

Item 85 – (COMM. 18E-40) City of Buffalo In Rem Tax Foreclosure

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 86 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.



RESOLUTION NO. 179

RE: EC Auto Bureau - Agreement to Provide  
a Digital Signage System  
(COMM. 18E-41)

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County Clerk acts as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity operates the Erie County Auto Bureau; and

WHEREAS, the County receives 12.7% of certain transactions which take place at the local auto bureaus and to harness this revenue the Erie County Clerk actively promotes the “Renew Local Program;” and

WHEREAS, enhancing customer experience encourages residents to visit the local auto bureaus and complements active promotion of the “Renew Local Program;” and

WHEREAS, RNS Communications, Inc. was awarded exclusive rights with the New York State Department of Motor Vehicles to provide an entertainment and information system to make customer visits to the DMV enjoyable without increasing costs to the department; and

WHEREAS, RNS will provide at no-cost to the Erie County Auto Bureau an entertainment and information system for delivering public service messages, DMV information and announcements and queuing system information.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into an Agreement with RNS Communications, LLC for the installation and maintenance of an entertainment and information system at the Erie County Auto Bureau; and be it further

RESOVLED, that said Agreement shall be for a term of 60 months upon execution of all parties and be automatically renewed for a subsequent 60 month period unless terminated in accordance with the agreement; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive; the Erie County Attorney; and the Erie County Clerk.

Item 87 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: EC Auto Bureau (Southtowns) - Increase  
in Change Making Fund  
(COMM. 18E-42)

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County Clerk acts as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity operates the Erie County Auto Bureau; and

WHEREAS, the local auto bureaus annually perform approximately 600,000 transactions resulting in nearly \$12,000,000 in annual revenue; and

WHEREAS, to efficiently conduct Auto Bureau business cashiers at all times require adequate amounts of available cash to make change.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an increase in the County Clerk's change making fund for Auto Bureau (Southtowns) cashiers from \$1,025 to \$1,775; and be it further

RESOLVED, that these funds will be allocated to:

BA 113 – Erie County Clerk – 109893 Change Making Fund  
Cnty Clerk – Cashier Change Fund – Auto Bureau ST

Current:	\$1,025
Increase:	\$ 750
Total:	\$1,775

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Director of Budget Management; the County Attorney; the County Comptroller and the Erie County Clerk.

**FROM THE DISTRICT ATTORNEY**

Item 88 – (COMM. 18E-43) 2020 Criminal Justice Changes

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF LAW**

Item 89– (COMM. 18D-1) NYS Department of State Filing for Local Law 3 of 2019

Received and filed.

**FROM THE COMMISSIONER OF HEALTH**

Item 90 – (COMM. 18D-2) Designation of Division Directors

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 91 – (COMM. 18D-3) Letter to Central Police Services Commissioner Regarding Audit of Aid to Crime Labs Program Prevention Grant - 07/01/2018 - 06/30/2019

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 92 – (COMM. 18D-4) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 93 – (COMM. 18D-5) Letter to EC Dept. of Probation Commissioner Regarding Audit of Dept. - 1/1/2019 - 6/30/2019

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 94 – (COMM. 18D-6) Notice of Public Hearing on Local Law Intro. No. 8-1 (2019)

Received and filed.

FROM THE DIVISION OF EQUAL EMPLOYMENT OPPORTUNITY

Item 95 – (COMM. 18D-7) Request for Legislature Representative on EC MWBE Advisory Board

Item 96 – (COMM. 18D-8) EC MWBE Advisory Board Recommendation

The above two items were received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

FROM THE COMMISSIONER OF PARKS, REC. & FORESTRY

Item 97 – (COMM. 18D-9) Letter to Chair of Health & Human Services Committee Regarding Park Items that Tested Positive for Lead

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMISSIONERS, BOARD OF ELECTIONS

Item 98 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: ECBOE 2019 Budget Revisions  
(COMM. 18D-10)

WHEREAS on January 24, 2019, NYS Senate (S. 01102) and Assembly (A.780) bills which relate to early voting in New York State were signed into law; and

WHEREAS the law requires that beginning the tenth day prior to any election and ending on and including the second day prior to election all persons duly qualified and registered to vote shall be permitted to vote; and

WHEREAS on June 6, 2019 the Commissioners of the New York State Board Elections have approved electronic poll book vendors; and

WHEREAS the purpose of a poll book is to provide voter registration lists for each poll site and allows Election Inspectors to provide voters with correct ballots; and

WHEREAS to carry out the nine days of Early Voting in New York State beginning on October 26, 2019 and running through November 3, 2019 electronic poll books are needed for Erie County's early voting sites; and

WHEREAS New York State has provided funding to Erie County in the amount of \$1,074,106.06 to purchase electronic poll books and ancillary equipment from New York State approved vendors through the Electronic Poll Book Capital Grant Project; and

WHEREAS the Erie County Board of Elections (ECBOE) must enter into a contract with the New York State Board of Elections in order to purchase electronic tablets, operating system software for electronic poll books, training for operating system software, and ancillary devices to successfully conduct early voting; and

WHEREAS, the purchase of such equipment and services are eligible for one-hundred percent (100%) reimbursement from the State of New York up to the amount of \$ 1,074,106.06.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted for the Board of Elections to enter into an agreement with the NYS Board of Elections in an amount not to exceed \$1,074,106.06; and be it further

RESOLVED, that the ECBOE will submit necessary paperwork for State reimbursement for 100% of the purchase price of eligible equipment and services; and be it further

RESOLVED, that the Erie County legislature approves that the ECBOE execute all necessary contracts with approved vendors for electronic poll books, training, and any ancillary equipment necessary to conduct Early Voting in Erie County; and be it further

RESOLVED, that authorization is hereby granted to the Division of Budget and Management to create a new grant and budget and make the following adjustments to the 2019 Budget of the ECBOE:

Erie County Board of Elections  
Fund 281, Funds Center 1500020  
150ELECPOLLBOOK1920  
4/12/2019 – 12/31/2020

REVENUE	Budget
Account 409000 State Aid Revenues	\$1,074,106.06
TOTAL REVENUE	\$1,074,106.06

APPROPRIATIONS	Budget
Account 561410 Lab & Technical Equipment	\$974,106.06
Account 516020 Professional Service Contracts	\$100,000.00
TOTAL APPROPRIATIONS	\$1,074,106.06

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust budget lines as required to comply with the conditions and purpose outlined in the Electronic Poll Book Capital Grant Project contract; and be it further

RESOLVED, that two (2) certified copies of this resolution be forwarded to the ECBOE, one (1) certified copy be forwarded to Division of Budget and Management, the Office of the Comptroller, the County Attorney Office and the Division of Purchase.

FROM THE DEPARTMENT OF LAW

Item 99 – (COMM. 18D-11) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 100 – (COMM. 18D-12) Budget Monitoring Report for Period Ending 6/19

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE MINORITY & WOMEN BUSINESS  
ENTERPRISES UTILIZATION ADVISORY BOARD**

Item 101 – (COMM. 18M-1) Meeting Minutes for Meeting Held on 3/25/2019

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

**FROM THE NYSDEC**

Item 102 – (COMM. 18M-2) Invitation for Public Comment - Brownfield Application & Draft Work Plan on Jefferson Ave., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS ASSOCIATION OF COUNTIES**

Item 103 – (COMM. 18M-3) Revenues & Expenditures Report for EC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE NFTA**

Item 104 – (COMM. 18M-4) NFTA Minutes for Board Meeting Held 6/27/2019

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYS DEPARTMENT OF PUBLIC SERVICE**

Item 105 – (COMM. 18M-5) Invitation for Public Input on Companies' Proposals Regarding Increases in Electric & Gas Rates

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE ECWA**

Item 106 – (COMM. 18M-6) Letter to Chair of Energy & Environment Committee Regarding Water Quality in Lake Erie & Algae Blooms

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE EC BOARD OF HEALTH**

Item 107 – (COMM. 18M-7) EC Board of Health Agenda for Meeting to be Held on 9/10/2019

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYSDEC

Item 108 – (COMM. 18M-8) Fact Sheet - Brownfield Cleanup Program Application & Draft Remedial Investigation - 1200 Jefferson Ave., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 109 – (COMM. 18M-9) Second Quarter Reports for 2019

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 110 – (COMM. 18M-10) Invitation for Public Comment - Proposed Remedy for Brownfield Site Contamination at 50 Hannah St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 111 – (COMM. 18M-11) NFTA Annual 17A Report for FYE 2019

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 112 – (COMM. 18M-12) Invitation for Public Comment - Draft Plan of Contamination Investigation at the Former Bisonite Paint Company Site in Tonawanda

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF TAXATION & FINANCE

Item 113 – (COMM. 18M-13) List of Certified 2019 State Equalization Rates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYSDEC

Item 114 – (COMM. 18M-14) Fact Sheet - Brownfield Cleanup Program Application & Draft Remedial Investigation - 130 Main St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

### **ANNOUNCEMENTS**

Item 115 – Chair Baskin announced that the schedule for committee meetings to be held on Thursday, September 19, 2019, has been distributed.

### **MEMORIAL RESOLUTIONS**

Item 116 – Legislator Brusco requested that when the Legislature adjourns, it do so in memory of Matthew Joseph Piga.

Item 117 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Nancy A. Holler, Stephen Miller and Agnes Friner.

Item 118 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Bill Kindel, Bruce E. Fowler, the Mark G. Farrell and Clyde L. Burmaster.

Item 119 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Louis Violanti, Marjorie Pumm, Lois M. Pirrone, Samuel M. Fraser, David Paulus, Richard Sterling, Margaret “Peg” Hempling, David James, Patrick “PJ” Stanton and Agnes M. Friner.

Item 120 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of the Mark G. Farrell and Bill Kindel.

### **ADJOURNMENT**

Item 121 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, September 26, 2019 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, September 26, 2019 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER**



**CLERK OF THE LEGISLATURE**