

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 8**  
**April 2, 2020**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – CHAIR BASKIN directed that the Rules of the Legislature for 2020 remain on the table.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 6 & 7 from 2020. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. VINAL presented a proclamation Congratulating and Honoring Judge Lisa Bloch Rodwin on Her Extraordinary Work as Erie County Family Court Judge.

MR. MEYERS moved for consideration of the above item. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 6 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 7 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 11 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

None.

**LEGISLATOR RESOLUTIONS**

None.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 12 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda , and waive Rule 5.09, Amendment of Rules, concerning one days' notice.

GRANTED.

INTRO. 8-1 from BASKIN Re: Amending Rules of Order for Remote Participation Due to the COVID-19 Emergency

RESOLUTION NO. 78

**A RESOLUTION SUBMITTED BY  
LEGISLATOR BASKIN**

WHEREAS, on March 19, 2020, this Honorable Body approved a change to the Legislature's Rules of Order (Section 2.03) due to the COVID-19 emergency, allowing for a legislator or legislators to participate remotely in a legislative session or committee via video or audio conferencing by providing advance written notice to the Clerk of the Legislature; and

WHEREAS, due to the magnitude of the COVID-19 outbreak, and the public declarations by the President, Governor and County Executive requesting or ordering social distancing and limiting public or workplace gatherings, it is necessary to amend the Legislature's Rules of Order to allow, as necessary, for all legislators to participate remotely in a legislative session or committee via video or audio conferencing through the Chair of the Legislature issuing such a meeting notice.

NOW, THEREFORE, BE IT

RESOLVED, that due to the COVID-19 emergency, the Erie County Legislature amends its Rules of Order, Section 2.03 to add the following: "During the State of Emergency involving COVID-19, and pursuant to a written letter submitted by the Chair of the Legislature directing so, the Legislature may convene and meet in legislative sessions or committees via video or audio conferencing, so long as the public may watch/listen to such sessions or committees."

MR. MEYERS moved to approve the resolution. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 13 – (COMM. 8E-1) Coronavirus Pandemic Impact on Sales Tax Revenue

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 14 – (COMM. 8E-2) Child Care Concerns Amid COVID-19

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 15 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: Appointment of Commissioner of  
Mental Health  
(COMM. 8E-3)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Mark O'Brien to the position of Commissioner of the Department of Mental Health.

CARRIED UNANIMOUSLY.

FROM LEGISLATOR JOHNSON

Item 16 – (COMM. 8E-4) Letter to District Attorney Concerning Detainees at the Erie County Holding Center and Correctional Facility - COVID-19 Outbreak

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR BASKIN

Item 17 – (COMM. 8E-5) Rescheduling of the April 2, 2020 Legislative Session from 2:00 pm to 11:00 am Due to the Coronavirus Pandemic

Received, filed and printed.

March 30, 2020

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

Re: Rescheduling of the April 2, 2020 Legislative Session from 2:00 pm to 11:00 am due to the Coronavirus Pandemic

Dear Mr. Graber:

Due to the Coronavirus COVID-19 pandemic and the State of Emergency declared by the County Executive, and in order to help protect the members and staff of the Erie County Legislature

and the public from potential exposure to the virus, I am writing to advise you that I am moving the time of the Legislature's scheduled session on April 2, 2020 from 2:00 pm to 11:00 am.

The planned schedule for that day will be the conducting of the Legislature's work session of both caucuses at 10:00, and then the legislative session to follow at 11:00 am.

By limiting the amount of time that staff, legislators, and the public are in the work session, legislative session and in the building that day, we will engage in the "social distancing" recommended by the President, Governor, County Executive and public health experts and help to avert potential exposure.

Please immediately notify all legislators, staff, the media, and the public of this change in time of the legislative session. Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin  
Chair of the Legislature

FROM THE COUNTY EXECUTIVE

Item 18 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: ECSD No. 6 – Grant Application by  
Buffalo & EC Industrial Land  
Development Corp.  
(COMM. 8E-6)

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (ILDC) owns 150 acres of land on the former Bethlehem Steel site that it wishes to develop into a state-of-art manufacturing center; and

WHEREAS, the ILDC site is within the bounds of Erie County Sewer District (ECSD) No. 6; and

WHEREAS, the ILDC has proposed submitting a grant application to the United States Economic Development Administration to fund infrastructure improvements that would support redevelopment of this portion of the former Bethlehem Steel site; and

WHEREAS, specifically the ILDC has proposed approximately 4,000 linear feet of sanitary sewer infrastructure improvements to extend public sanitary sewer service further onto the former Bethlehem Steel site (hereinafter referred to as the "sewer improvements"); and

WHEREAS, as the entity responsible for owning and maintaining the sewer improvements contemplated as part of the ILDC's proposal, the County of Erie / ECSD No. 6 must be a co-applicant on the ILDC's grant submission; and

WHEREAS, the ILDC has committed to fund any local cost share required should a grant be awarded by the United States Economic Development Administration for the proposed sewer improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Deputy Commissioner of the Erie County Division of Sewerage Management is authorized to sign documents allowing for the County of Erie / ECSD No. 6 to be a co-applicant on the ILDC's grant application; and be it further

RESOLVED, that the Deputy Commissioner of the Erie County Division of Sewerage Management is also authorized to sign a memorandum of understanding with the ILDC for the proposed sewer improvements to be included as part of the ILDC's grant submission; and be it further

RESOLVED, that should a United States Economic Development Administration grant be awarded, the Division of Sewerage Management is authorized to administer engineering and construction phases services for the sewer improvements; and be it further

RESOLVED, that any local cost share required by the United States Economic Development Administration Grant Program for the sewer improvements will be provided by the ILDC; 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 Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning, and the ILDC.

**FROM THE COUNTY CLERK**

Item 19 – (COMM. 8E-7) Clerk's Office Continuity of Operations Update & Outlook - COVID-19 Response

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE BUDGET DIRECTOR**

Item 20 – (COMM. 8D-1) Letter Concerning February 2020 Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 21 – (COMM. 8D-2) Emergency Order, March 22, 2020

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SUPERINTENDENT -  
JAIL MANAGEMENT DIVISION, SHERIFF'S OFFICE

Item 22 – (COMM. 8D-3) Letter to Public Safety Committee Chair Johnson Concerning March 24th Letter to District Attorney Flynn

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 23 – (COMM. 8D-4) Erie County Legislature - Notice on April 2, 2020 Session Time Change

Received, filed and printed.

March 30, 2020

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: CHANGE OF TIME OF LEGISLATIVE SESSION ON APRIL 2, 2020

PLEASE TAKE NOTICE that pursuant to Erie County Legislature Chair April N.M. Baskin's letter today concerning the Coronavirus COVID-19 outbreak, the Erie County Legislature's regularly scheduled legislative session on Thursday, April 2, 2020 will be moved from 2:00 pm to 11:00 am.

The schedule of events for Thursday, April 2<sup>nd</sup> will be as follows: Work Session (Joint Caucus) at 10:00 am, and then the Legislative Session at 11:00 am. Both meetings will be held in the Chambers of the Legislature, 4th Floor of Old County Hall, 92 Franklin Street, Buffalo, New York.

The Chairwoman's letter directing the change in time of the session is attached.

Thank you.

FROM THE COUNTY ATTORNEY

Item 24 – (COMM. 8D-5) Extension of Local Emergency Order, March 27, 2020

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM GARY T. ROG**

Item 25 – (COMM. 8M-1) Letter of Interest in Interview for Position of Erie County Director of Western Regional Off-Track Betting Corporation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE HAMBURG TOWN BOARD**

Item 26 – (COMM. 8M-2) Certified Copy of Resolution Titled, "Accelerated Renewable Energy Growth and Community Benefit Act"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM BEVERLY ANN MAZUR**

Item 27 – (COMM. 8M-3) Letter of Interest in Interview for Position of Erie County Director of Western Regional Off-Track Betting Corporation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM PEGGY LAGREE**

Item 28 – (COMM. 8M-4) Application for Position of Commissioner of ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM FALKIDES REAL ESTATE**

Item 29 – (COMM. 8M-5) Letter Expressing Concerns with NYS Senate Bill S8125 Regarding Waiving Rent for Tenants

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE NORTH AMERICAN  
PLATFORM AGAINST WIND POWER**

Item 30 – (COMM. 8M-6) Objection to NYS Budget Proposal to Fast Track Renewables

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 31 – Chair Baskin announced that an Informational Meeting of the Health & Human Services Committee will be held on Thursday, April 9, 2020, and will be conducted via videoconferencing.

### **MEMORIAL RESOLUTIONS**

Item 32 – Chair Baskin offered a prayer upon adjournment, asking the Lord to continue to provide guidance during this time and to help us as leaders, protect our community, and support those who are also on the front lines protecting our community; and she further requested a moment of silence.

### **ADJOURNMENT**

Item 33 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. JOHNSON moved that the Legislature adjourn until Thursday, April 23, 2020 at 2:00 p.m. Eastern Standard Time. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

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

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