

**ERIE COUNTY LEGISLATURE  
MEETING NO. 25  
DECEMBER 5, 2019**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Loughran.

**TABLED ITEMS**

Item 1 – MR. BRUSO moved to take REPORT No. 1 – FINANCE & MANAGEMENT/BUDGET COMMITTEE from the table. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

November 12, 2019, following recess, reconvened on December 2, 2019.	FINANCE & MANAGEMENT/BUDGET COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 21E-1 (2019)  
BASKIN: “2019 Budget Documents for 2020 Budget Process”  
(Chair’s Ruling)
  - b. COMM. 21E-4 (2019)  
COMPTROLLER: “Review of 2020 Revenue Projections”  
(Chair’s Ruling)
  - c. COMM. 22D-1 (2019)  
DIRECTOR OF BUDGET & MANAGEMENT: “2019 Budget Documents for 2020 Budget Process”  
(Chair’s Ruling)
  - d. COMM. 22M-1 (2019)  
PHILIP J. STOKES, PHD: “FY2020 Budget Amendment Request for Penn Dixie Fossil Park”

(Chair's Ruling)

2. COMM. 20E-3 (2019)  
COUNTY EXECUTIVE AS AMENDED  
RESOLVED, that the Erie County Legislature hereby approves the County Executive's 2020 Tentative Budget with the amendments attached hereto.  
(8-0)

\*\*\*\*\*2020 BUDGET AMENDMENTS

**JOHN BRUSO**  
**CHAIR**

MR. BRUSO moved to separate item Number 2 and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved to approve item Number 2. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. RATH moved to reconsider item Number 2. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved to approve item Number 2. MR. JOHNSON seconded.

CHAIR BASKIN directed that the Legislature enter into recess at 2:29 p.m.

CHAIR BASKIN reconvened the Legislature at 2:35 p.m.

All members present.

CHAIR BASKIN moved the previous question and directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, CHAIR BASKIN, MR. BRUSO, MS. CHIMERA, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: MR. RATH. (AYES: 10; NOES: 1)

CARRIED.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. BRUSO moved for the approval of the minutes for Meeting Number 23 and Meeting Number 24 from 2019. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. BRUSO presented a proclamation Honoring Johanna Coleman for Her Service to Lancaster.

Item 6 – MR. JOHNSON presented a proclamation Honoring Cyrus Parks - US Navy Veteran and Cancer Survivor.

Item 7 – MR. MILLS presented a proclamation Honoring Erie County Sheriff's Deputies John Dunn and Shane Miller for Receiving the Governor's Certificate of Exceptional Valor.

Item 8 – MR. MILLS presented a proclamation Honoring Dennis Dains on His Retirement as Town of Concord Highway Superintendent.

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

CARRIED UNANIMOUSLY.

MR. BRUSO moved to amend the above four items by adding one for MR. BRUSO and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved for approval of the above five items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 9 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR BASKIN directed that Local Law No. 9 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR BASKIN directed that Local Law No. 10 (Print #1) 2019 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

None.

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

RE: Reappointment to the Erie  
County Agricultural and  
Farmland Protection Board  
(INTRO. 25-1)

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

WHEREAS, the Erie County Legislature established the Erie County Agricultural and Farmland Protection Board (AFPB) on March 18, 1993 in accordance with New York State Agriculture and Markets Law, Article 25-AA, Section 302(a); and

WHEREAS, New York State Agriculture and Markets Law, Article 25-AA, Section 302(b) states that the term of each member of the AFPB shall be four (4) years; and

WHEREAS, in accordance with New York State Agriculture and Markets Law, Article 25-AA, Section 302, members of the AFPB may be reappointed by the Chairperson of the county legislative body; and

WHEREAS, the AFPB recommends that the Chair of the Legislature reappoint Earl Gingerich Jr. to the AFPB.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby reappoints, in his capacity as an active farmer, Earl Gingerich Jr. of 4089 Four Rod Road, East Aurora, NY 14052 to a four (4) year term starting January 1, 2020 representing active farmers on the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that certified copies of this resolution be sent to Earl Gingerich Jr., the County Executive, the Commissioner of NYS Department of Agriculture and Markets, the Commissioner of the Erie County Department of Environment and Planning; and the Chair of the Erie County Agricultural and Farmland Protection Board.

Item 16 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

RE: A Resolution to Increase State Support for Cornell Cooperative Extension County Associations in the State of New York (INTRO. 25-2)

WHEREAS, Cornell Cooperative Extension is a formal collaboration between the National Institute of Food and Agriculture at USDA, New York State, County Governments and the Citizens of the State that has served to apply unbiased, research-based knowledge from Cornell, New York's Land Grant University, to the needs of New Yorkers and their communities for over 100 years; and

WHEREAS, local extension educators are key community partners in helping to implement state initiatives including maximizing agriculture and local food systems, strengthening the economy, promoting healthier eating habits and access to good nutrition, fighting poverty particularly in rural areas, protecting water quality and stewardship of New York's natural resources, building opportunity through STEM based youth education and leadership skills in 4-H, promoting renewable energy options while protecting farmland resources, and partnering where appropriate in Taste NY initiatives to promote tourism and local food and farm businesses; and

WHEREAS, support from Federal, State and County sources is essential to the continued success of locally-governed county cooperative extension associations; and

WHEREAS, state appropriations for county cooperative extension associations to match county government appropriations as authorized by Section 224 (8) of the County Law have remained stagnant for twenty years; and

WHEREAS, state funding is needed to ensure that the Cornell Cooperative Extension system can equitably work for all New York residents through increased resources to support rural, suburban, and urban community development needs.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby expresses its support for increasing the State appropriation for Cornell Cooperative Extension associations to \$8 million, such funds to be distributed directly to the associations through Cornell University as agent for the state as provided by law; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation to the New York State Legislature, Governor Andrew Cuomo, the Cornell Cooperative Extension, and any other parties deemed necessary and proper.

Item 17 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

RE: Appointments to EC Soil &  
Water Conservation District  
(INTRO. 25-3)

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, in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board, where presently there exists one At-Large vacancy as well as necessary re-appointment of one At-Large and one Grange representative.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Mrs. Pamela Armstrong residing at 6879 Salt Road, Clarence, NY 14031 to the At-Large position on the Board of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint Mr. David Mosher residing at 9155 Meadow Lane, Angola, NY 14006 to the Grange position on the Board of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint Mr. Raymond L. Waterman residing at 56 East Union Street, Hamburg, NY 14075 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 aforementioned appointment shall be effective immediately and shall expire on December 31, 2022; 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).

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 18 – MR. BRUSO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 19E-15 (2019). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

RE: Authorization of Tax Repayment  
Agreement  
(COMM. 19E-15, 2019)

WHEREAS, the Acting Director of Real Property Tax Services has recommended a tax repayment agreement for 3 Huntley Drive Lancaster, NY and 5547 Broadway Street, Lancaster NY; and

WHEREAS, property owner Broadway Lancaster Realty LLC has agreed to make monthly payments for a seven year period on balances due of \$4,176.82 and \$543,016.80; and

WHEREAS, the County Executive has agreed to a repayment plan in which Broadway Lancaster Realty LLC will pay the \$4,176.82 and \$543,016.80 balances (including interest) over a seven year period with monthly payments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a repayment agreement with Broadway Lancaster Realty LLC for the outstanding tax

and interest obligations totaling \$4,176.82 and \$543,016.80 respectively, which are to be paid over a seven year period; and be it further

RESOLVED, that the Erie County Legislature does hereby authorized the County Executive to freeze the outstanding tax and interest obligation at the balances of \$4,176.82 and \$543,016.80 over a seven year period as long as the taxpayer does not default on the agreement; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Division of Budget and Management, the Office of the County Comptroller, the County Attorney, and the Department of Real Property Tax Services.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 19 - MR. BRUSO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 25-4 from BASKIN Re: Selection of Firm to Conduct Annual Audit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM CHAIR BASKIN**

Item 20 – (COMM. 25E-1) 2020 Schedule of Legislative Sessions

Received, filed & printed.

**2020 SCHEDULE OF LEGISLATIVE SESSIONS**

JANUARY

2  
16

JULY

9  
23

FEBRUARY

6  
20

AUGUST

Recess

MARCH

SEPTEMBER



5	10
19	24
APRIL	OCTOBER
2	8
23	22
MAY	NOVEMBER
7	5
21	19
JUNE	DECEMBER
4	3 - Session & Budget Vote
18	17 - Session & Budget Override

All Regular Sessions listed begin at 2:00 p.m. in the Legislature Chambers.  
Pre-Session Joint Caucus Meetings held on the day of Session begin at 10:00 a.m.  
in the Legislature Caucus Room. All Meetings are open to the public.

FROM LEGISLATOR LORIGO

Item 21 – (COMM. 25E-2) Abstention on COMM. 23E-2 (2019)

Received, filed & printed.

November 21, 2019

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin St., 4th Floor  
Buffalo, NY 14202

RE: Abstention on Comm. 23E-2 (2019)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the 2019 Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 2 - 2018, I abstain from voting on the above referenced item. The reason for my abstention is that my office has represented the specific contractor on unrelated items in the past.

Sincerely,

Joseph C. Lorigo  
Erie County Legislator

FROM LEGISLATOR RATH

Item 22 – (COMM. 25E-3) Abstention on COMM. 23E-4 (2019)

Received, filed & printed.

November 21, 2019

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin St., 4th Floor  
Buffalo, NY 14202

RE: Abstention on Comm. 23E-4 (2019)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the 2019 Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 2 - 2018, I abstain from voting on the above referenced item. The reason for my abstention based on potential conflicts from my private sector work in the energy industry.

Sincerely,

Edward A. Rath III  
Erie County Legislator

**FROM THE COMPTROLLER**

Item 23 – (COMM. 25E-4) Law Department Spending, October 2019

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 24 – (COMM. 25E-5) Central Police Services Audit of Internal Controls for Aid to Crime Labs Grant Revenue, 7/1/18 through 6/30/19

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 25 – (COMM. 25E-6) Employee Assistance Program Contract Authorization

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 26 – (COMM. 25E-7) Morgue Renovation - EC Medical Examiner's Office

Item 27 – (COMM. 25E-8) Structural Assessment & Repairs - Rath Building

Item 28 – (COMM. 25E-9) Locally Administered Federal Aid Bridge Preservation Project - Bridge Painting & Repairs - Towns of Aurora, Marilla & Village of Hamburg

Item 29 – (COMM. 25E-10) Contract & Retention for EC Home Parcel Survey

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

Item 30 – (COMM. 25E-11) Notice of Adoption - ECSD's 2019 Assessment Rolls (2020 Levy)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 31 – (COMM. 25E-12) Lead Hazard Reduction Program Grant

Item 32 – (COMM. 25E-13) Acceptance of Chronic Disease Self-Management Education Grant

Item 33 – (COMM. 25E-14) Acceptance of Health Foundation for Western & Central NY Grant Funding for Age-Friendly Center for Excellence

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

Item 34 – (COMM. 25E-15) Indigent Legal Services Grant Amendment - Counsel at First Appearance

Item 35 – (COMM. 25E-16) Indigent Legal Services Grant Amendment - Distribution 7

Item 36 – (COMM. 25E-17) Authorization to Extend Contract for Indigent Legal Services Grant Funding - Distribution 5

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

Item 37 – (COMM. 25E-18) 2019 Poverty Initiative Grants

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 38 – (COMM. 25E-19) Presidential Suite Museum - Buffalo & EC Main Library

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SHERIFF

Item 39 – (COMM. 25E-20) Acceptance of Protective K9 Vest

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPUTY COMMISSIONER,  
DEPARTMENT OF ENVIRONMENT & PLANNING**

Item 40– (COMM. 25D-1) Letter to Chair Baskin Concerning Reappointment to Erie County Agricultural and Farmland Protection Board

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE TOWN OF MARILLA**

Item 41 – (COMM. 25M-1) Letter to Chair Baskin Requesting Reappointment to Erie County Agricultural and Farmland Protection Board

Received and filed.

**FROM THE BUFFALO BLUES BENEFIT FOR VETERANS**

Item 42 – (COMM. 25M-2) FY2020 Erie County Budget - Public Hearing Testimony

Received and filed.

**FROM THE EC AUDIT COMMITTEE**

Item 43 – (COMM. 25M-3) Annual Report for Year Ended 12/31/18

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 44 – Chair Baskin announced that the schedule for committee meetings to be held on Thursday, December 12, 2019, has been distributed. Chair Baskin further announced that on Wednesday, December 11, 2019, at 6:00 p.m., the Legislature will conduct a public hearing on Local Law Intro. 10-1 (2019), in relation to the Erie County Solar Power Improvement Act of 2019, to be held in the Chamber of the Legislature.

**MEMORIAL RESOLUTIONS**

Item 45 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Gerald Nolan and Joseph Dunn, PhD.

Item 46 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Carol Lynn Marston.

Item 47 – Legislator Brusco requested that when the Legislature adjourns, it do so in memory of Mary Marino.

Item 48 – Legislator Meyers requested that when the Legislature adjourns, it do so in memory of Father William J. Gallagher.

Item 49 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Rudolph D. Hall.

Item 50 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Larry Hughes.

Item 51 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Larry Hughes.

**ADJOURNMENT**

Item 52 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. BRUSO moved that the Legislature adjourn until Thursday, December 19, 2019 at 2:00 p.m. Eastern Standard Time. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, December 19, 2019 at 2:00 p.m. Eastern Standard Time.

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