

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 13**  
**JUNE 6, 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.

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 Number 12 from 2019. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Honoring and Remembering Mary Parks, Admired and Loved Matriarch, and "Everyone's Mom".

Item 6 – CHAIR BASKIN presented a proclamation Remembering John Arthur Gaines, Respected Veteran and Honored Mason.

Item 7 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Honoring Corey B. Gibson on his Installation as Pastor of Calvary Baptist Church.

Item 8 – MR. MILLS presented a proclamation Honoring Cletus David Tepas on Achieving the Rank of Eagle Scout.

Item 9 – MR. MILLS presented a proclamation Honoring Benjamin L. Stuhr on Achieving the Rank of Eagle Scout.

Item 10 – MR. MILLS presented a proclamation Honoring Carson Adam Poczciwinski on Achieving the Rank of Eagle Scout.

Item 11 – MR. MILLS presented a proclamation Honoring Matthew L. Pasnik on Achieving the Rank of Eagle Scout.

Item 12 – MR. MILLS presented a proclamation Honoring Alex Kaforey on Achieving the Rank of Eagle Scout.

Item 13 – MR. MILLS presented a proclamation Honoring Christian J. Henrich, Jr. on Achieving the Rank of Eagle Scout.

Item 14 – MR. MILLS presented a proclamation Honoring Bryce Matthew Hartung on Achieving the Rank of Eagle Scout.

Item 15 – MR. MILLS presented a proclamation Honoring Gavin DuFresne on Achieving the Rank of Eagle Scout.

MR. BRUSO moved for consideration of the above eleven items. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. BRUSO moved to amend the above eleven items by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 16 – CHAIR BASKIN directed that Local Law No. 12 (Print #1) 2017 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 17 – CHAIR BASKIN directed that Local Law No. 20 (Print #1) 2017 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2018 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 20 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR BASKIN directed that Local Law No. 7 (Print #1) 2019 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 24 – CHAIR BASKIN directed that Local Law No. 7 (Print #2) 2019 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 25 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

May 30, 2019	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 10
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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. INTRO. 5-8 (2019)

LORIGO: “Directing the Auction of New Era Field’s AstroTurf for Charitable Causes”  
(Chair’s Ruling)

b. COMM. 12E-28 (2019)  
COUNTY EXECUTIVE: “ECSD No. 4 – Change Order No. 4 to Engineering Agreement”  
(Chair’s Ruling)

c. COMM. 12E-31 (2019)  
COUNTY EXECUTIVE: “ECSD No. 3 – Work Order”  
(Chair’s Ruling)

d. COMM. 12M-9 (2019)  
ECIDA: “Submission of Reports in Pursuance with Public Authorities Law”  
(Chair’s Ruling)

2. COMM. 7E-17 (2019)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, bids were received and opened on April, 18 2019 for the East & West Road (CR 363) Reconstruction Project (the “Project”); ECDPW Project No. CAP-363-19 in the Town of West Seneca; and

WHEREAS, Erie County Department of Public Works, along with consultant design engineers CPL Architects, Engineers, Landscape Architect and Surveyor, DPC, recommends award of contract to the lowest responsible bidder, Concrete Applied Technologies, Corp. d/b/a CATCO, in the amount of \$6,046,237.60; and

WHEREAS, it is necessary to contract for construction inspection and engineering services during construction with the Project consulting engineer, CPL, DPC in the amount of \$493,746.54; and

WHEREAS, it is necessary to establish a Construction and Construction Engineering Contingency (including required fees for railroads and/or utilities, as necessary) of \$210,015.86 for the Project with authorization for the County Executive to execute related Change Orders, Amendments and/or agreements; and

WHEREAS, the estimated total cost of the Project is \$6,750,000, and is available in Fund 420, Funds Center 123, Projects B.18002 – 2018 Preservation of Roads, B.19001 – 2019 Preservation of Roads, and B.19009 – 2019 Turn Back of Roads.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award and execute a contract for ECDPW Project No. CAP-363-19, to the lowest responsible bidder, Concrete Applied Technologies, Corp. d/b/a CATCO for an amount not to exceed \$6,046,237.60; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for construction

inspection and engineering services during construction for the Project with CPL Architects, Engineers, Landscape Architect and Surveyor, DPC in the amount of \$493,746.54; and be it further

RESOLVED, that the County Executive be authorized to establish a Project contingency and execute Project related change orders, amendments and agreements, as necessary, for an amount not to exceed \$210,015.86; and be it further

RESOLVED, that the total cost of the contracts for construction, construction inspection, engineering services during construction and the Project contingency shall not exceed \$6,750,000; and be it further

RESOLVED, the Project budget, in the amount of \$6,750,000, be made available for the Project in Fund 420, Funds Center 123 as follows:

B.18002	2018 Preservation of Roads Construction-East & West Road	\$3,000,000
B.19001	2019 Preservation of Roads Construction-East & West Road	\$3,000,000
B.19009	2019 Turn Back of Roads	\$750,000
	<u>Total</u>	<u>\$6,750,000</u>

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

3. COMM. 12E-26 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Department of Equal Employment Opportunity, Diversity and Inclusion (ECEEO), is responsible for the enforcement of Erie County's goals and laws concerning minority, women, disadvantaged, and apprenticeship employment on construction projects financed by Erie County; and

WHEREAS, the Department of Public Works, and the Department of Environment and Planning administer construction contracts incorporating the above-stated requirements; and

WHEREAS, LCP Tracker is the software which tracks the construction labor data for (EEO) as part of these construction contracts; and

WHEREAS, the contract for this software needs to be extended and upgraded to a construction dollar value equivalent to those contracts being bid by both departments.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to extend and upgrade the contract with LCP Tracker from a \$5 Million construction threshold to a \$25 Million threshold, with an option to increase to a \$50 Million threshold if needed; and be it further

RESOLVED, that the current annual pricing for an upgrade to \$25 Million in construction costs is \$6,545 and an upgrade to \$50 Million in construction costs is \$11,550; and be it further

RESOLVED, that LCP Tracker will pro-rate what the County has already paid for the \$5 Million threshold towards the cost of the upgrade; and be it further

RESOLVED, that the funding source for the cost of this upgrade is available in Fund 110, GL 511000, in Countywide Funds Center 14010; and be it further

RESOLVED, that the funding of \$ 6,545 (with the potential of up to \$ 11,550) will be transferred to the ECEEEO Budget in Fund 110, GL 516020, Funds Center 10810 for payment of this contract; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of EEO, the Division of Sewerage Management, and the Division of Purchase.  
(6-0)

4. COMM. 12E-27 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works intends to purchase computer-aided sign making software and vehicle templates; and

WHEREAS, in order to effectuate these purchases, it is necessary to transfer funds to the appropriate budget line; and

WHEREAS, funding for the needed transfer is available in Funds Center 1232060, Fund 210, Account 506400, Highway Supplies, in the 2019 operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget transfers are authorized in the 2019 Sign Shop Operating Budget – in Fund 210, Funds Center 1232060:

ACCOUNT	DESCRIPTION	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
506400	Highway Supplies	\$ 332,875.48	(\$ 10,758.25)	\$ 322,117.23
561410	Lab & Tech Equipment – Assets	\$ 27,488.40	\$ 10,758.25	\$ 38,246.65



NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the subject action; and be it further

RESOLVED, the County Executive is authorized to acquire, for an amount not to exceed \$8,000 the necessary real property interests from the aforementioned Subject Properties for the Rehabilitation and Reconstruction of North and South Main Street; and be it further

RESOLVED, that the amount of \$8,000 be appropriated from Fund 420, Funds Center 123, Capital Project B.17006, 2017 Capital Right of Way Countywide to cover the cost of ROW acquisition; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real properties to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest by easement and/or fee, which acquisition is necessary for the Rehabilitation and Reconstruction of North and South Main Street project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

6. COMM. 12E-30 (2019)  
COUNTY EXECUTIVE

WHEREAS, professional design services are required for the Erie County Toxicology Laboratory and Morgue Renovations Phases 5 and 6; and

WHEREAS, phases 5 and 6 are the final phases of a long term, multi-phased project; and

WHEREAS, the Erie County Department of Public Works received professional Architectural/Engineering design services proposals for the Erie County Toxicology Laboratory and Morgue Renovations Phases 5 and 6 on April 8, 2019; and

WHEREAS, Trautman Associates has the necessary expertise and manpower to provide professional design and construction services for the Project; and

WHEREAS, the County Executive is requesting authorization to issue an agreement amendment or contract to Trautman Associates for providing professional design and construction services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement amendment or contract with Trautman Associates for providing professional architectural /engineering services for the Project for an amount not to exceed \$240,000 for Phase 5 and \$99,000 for Phase 6 including reimbursables; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Fund 410, Funds Center 122 as follows:

A.17008 2017 Preservation of County Buildings.	\$99,000
<u>A.18009 2018 Toxicology Laboratory Pathology Morgue Renovations.</u>	<u>\$240,000</u>
Total Payment Not To Exceed:	\$339,000

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(6-0)

7. COMM. 12E-33 (2019)  
COUNTY EXECUTIVE

WHEREAS, the allowed completion date for the construction of the Federal Aid Lakeshore Shoreline Trail – Phase III, Project No. FA-127-BP3-17, PIN 5758.02 (the "Project") has been extended; and

WHEREAS, Wendel is the consultant providing construction phase engineering services for the project; and

WHEREAS, additional construction phase engineering services are required as the duration of construction and subsequent project close-out has been extended beyond what was originally estimated in Wendel's contract; and

WHEREAS, the estimated amount for the additional construction phase engineering services required is \$78,080; and

WHEREAS, Federal funding and appropriations totaling \$22,400 is available is from an earlier phase of the project in Capital Project A.14079 – 2014 Evans Multi-Use Pathway, Fund 410, Funds Center 162; and

WHEREAS, the New York State Department of Transportation (NYSDOT) Supplemental Agreement authorized \$1,782,400 in Federal Aid for the construction phase in Capital Project A.16018 – 2016 Evans Shoreline Trail Phase III, Fund 410, Funds Center 162; and

WHEREAS, the budgetary transfer of \$22,400 from Capital Project A.14079 – 2014 Evans Multi-Use Pathway to A.16018 – 2016 Evans Shoreline Trail Phase III is needed to fulfill the construction phase needs of this project; and

WHEREAS, following the budget modification, \$78,080 will be available within Fund 410, Funds Center 162, Capital Project A.16018 – 2016 Evans Shoreline Trail Phase III.

NOW, THEREFORE, BE IT

RESOLVED, that \$22,400 in Federal Aid and appropriations be transferred from Capital Project A.14079 – 2014 Evans Multi-Use Pathway in Fund 410, Funds Center 162 to A.16018 – 2016 Evans Shoreline Trail Phase III in Fund 410, Funds Center 162; and be it further

RESOLVED, that the authorization to accept funding from the New York Department of Transportation for Capital Project A.16018 be increased to an amount not to exceed \$1,782,400; and be it further

RESOLVED, that the County Executive be authorized to execute a supplemental amendment to Wendel's current contract for the Project for the additional construction phase engineering services required for in the amount of \$78,080; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward six (6) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, Department of Environment and Planning and the Office of the Comptroller.

(6-0)

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

Item 26 – MR. BRUSO presented the following report, moved to separate item Number 3, and approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

May 30, 2019	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
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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. LL INTRO. 12-1 (2017)  
LORIGO: “A LL Requiring Disclosure of Origin and Composition of All Manufactured Parts in Surgically Implanted Dental Devices”  
(Chair’s Ruling)
  - b. COMM. 16M-11 (2017)  
DENTAL PROSTHETICS IDENTIFICATION: “Letter to Legislator Lorigo Regarding Support for LL Intro 12-1 (2017)”  
(Chair’s Ruling)
  - c. INTRO. 5-7 (2019)  
LORIGO, MILLS, DIXON & RATH: “RFP to Combat Rural Poverty”  
(Chair’s Ruling)
  - d. COMM. 8D-2 (2019)  
DEPARTMENT OF SOCIAL SERVICES: “CPS Statistical Report – March 2019”  
(Chair’s Ruling)
2. INTRO 11-4 (2019)  
BRUSO, BASKIN & HARDWICK  
WHEREAS, 3.6 million American middle and high school students are now vaping regularly; and

WHEREAS, the US Food and Drug Administration (“FDA”) has called the use of vapor devices (also known as “e-cigarettes”) by teens as an “epidemic”, with many minor persons aged under 18 years old using e-cigarettes or vaping devices to inhale nicotine and other unhealthy, dangerous or unknown additives (known as “vaping”); and

WHEREAS, in November 2018, the FDA released a report from the National Youth Tobacco Survey which showed an alarming increase in the number of middle and high school aged children who had tried e-cigarettes; and

WHEREAS, the National Institute on Drug Abuse’s “Monitoring the Future” annual survey of American teenagers’ drug use just found that the rise in nicotine vaping is the largest spike for any substance recorded by the survey in 44 years and many young users do not realize their vaping pods contain nicotine; and

WHEREAS, in December 2018, the US Surgeon General issued a national advisory and warned Americans about e-cigarettes, saying: “I, Surgeon General of the United States Public Health Service, Vice Admiral Jerome Adams, am emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people”; and

WHEREAS, US Health and Human Services Secretary Alex Azar said: “We have never seen use of any substance by America's young people rise this rapidly,” adding, “This is an unprecedented challenge”; and

WHEREAS, in February 2019, the US Centers for Disease Control and Prevention (“CDC”) reported that from 2017 to 2018, the number of high school students reporting e-cigarette use within the past month nearly doubled from 11.7% to 20.8%, which pushed high school students’ overall tobacco use rate from 19.6% to 27.1% in 2018; and

WHEREAS, the CDC found that the number of high school students who used e-cigarettes 20 or more days a month increased from 20% in 2017 to 27.7% in 2018; and

WHEREAS, in February 2019, the Centers for Disease Control and Prevention reported that many adults who use liquid vaping nicotine products continue to use regular cigarettes, and new CDC data show the number of dual users appears to be on the rise among young people. The agency found that among tobacco users in high school, around 40% use two or more products and the most frequent combination was cigarettes and e-cigarettes. The CDC said that the report adds to evidence that youth e-cigarette use raises the risk of graduating to combustible cigarettes; and

WHEREAS, US Food and Drug Administration Commissioner Scott Gottlieb said in February 2019: “The kids using e-cigarettes are children who rejected conventional cigarettes, but don’t see the same stigma associated with the use of e-cigarettes.” He added: “But now, having become exposed to nicotine through e-cigs, they will be more likely to smoke”; and

WHEREAS, in January 2019, this Honorable Body’s Health and Human Services Committee held a hearing on the teen vaping issue, featuring testimony from school principals and administrators who asked for legislative assistance and legislation to help them deal with the vaping epidemic; and

WHEREAS, responding to the national vaping epidemic, in Suffolk County, New York in January 2019, the Suffolk County Executive announced the rollout of “Vape Out”, a comprehensive vaping prevention program administered by the Suffolk County Department of Health Services to support school systems as they deal with record numbers of students using e-cigarettes on school grounds; and

WHEREAS, Suffolk County’s Vape Out pilot program utilizes a three-pronged approach to vaping prevention, consisting of a peer-to-peer education program, an alternative-to-suspension enforcement program, and a community-and-parent education forum with participation in four school districts; and

WHEREAS, Suffolk County's Vape Out program's first prong is a Teens-Teaching-Teens Peer Education Program, in which approximately 30 student volunteers spend a full day learning about vaping and how to talk to younger students about the dangers of vaping; and

WHEREAS, the second prong is the Alternative-to-Suspension Program which encourages school administrators to require students who have been reprimanded for vaping to attend a customized education intervention in lieu of school suspension and students will complete a self-assessment, discuss the harmful effects of vaping, demonstrate refusal skills, evaluate toxic media bombardment, and discuss the New York Adolescent Tobacco Use Prevention Act. This prong includes the Suffolk County Department of Health Service's Office of Health Education starting a train-the-trainer program for school staff who will be able to use health department resources and design and teach their own classes; and

WHEREAS, the third prong to the Vape Out program is community education in which the Suffolk County Department of Health Service's educators will conduct parent forums with parent-teacher organizations, youth bureaus and agencies and employ a variety of educational tools, including videos, props, power-point presentations, and role-play activities, to fully inform the public and professionals on the anatomy of this epidemic.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature expresses its support for County-led initiatives, such as a Vape Out program, to be investigated and established in Erie County to help combat the vaping epidemic and problem among young people and teens in Erie County; and be it further

RESOLVED, that this Honorable Body requests that the Erie County Department of Health commence a dialogue with local school districts to investigate the possibility of commencing a Vape Out program in Erie County and working with partner school districts on education and related measures to help reduce the use of e-cigarettes and vaping devices by teens and young people in Erie County; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Executive, Commissioner of Health, Superintendent of the Buffalo Public Schools, the Superintendent of Erie 1 BOCES and the Erie County Association of School Boards.  
(6-0)

3. INTRO. 11-5 (2019)  
BRUSO & BASKIN

WHEREAS, 3.6 million American middle and high school students are now vaping regularly; and

WHEREAS, many vaping or e-cigarette devices sold in the United States contain 59-65 milligrams of nicotine, as contrasted with 20 milligrams in similar products sold in Europe under European Union or national regulations limiting the number of milligrams of nicotine; and

WHEREAS, for instance, one Juul pod contains 20 cigarettes worth of nicotine, and the amount of nicotine in one standard Juul cartridge is roughly equal to the amount of nicotine in a pack of cigarettes and many children and young people do not know that e-cigarettes or vaping devices contain addictive and dangerous nicotine; and

WHEREAS, in December 2018, the US Surgeon General issued a national advisory warning about e-cigarettes, saying: “I, Surgeon General of the United States Public Health Service, Vice Admiral Jerome Adams, am emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation’s young people”; and

WHEREAS, US Health and Human Services Secretary Alex Azar said: “We have never seen use of any substance by America's young people rise this rapidly,” adding, “This is an unprecedented challenge”; and

WHEREAS, in January 2019, this Honorable Body’s Health and Human Services Committee held a hearing on the teen vaping issue, featuring testimony from school principals and administrators who asked for legislative assistance and legislation to help them deal with the vaping epidemic; and

WHEREAS, educators and school resource officers who have testified before this Honorable Body have described how the flavorings put in vaping products by manufacturers such as mango, strawberry, watermelon, cherry, cotton candy, bubble gum, crème brûlée, cucumber and others attract and entice children and young people to use vaping products and fool people into thinking such devices are safe and harmless when in fact, they contain significant amounts of dangerous nicotine; and

WHEREAS, in March 2019, the US Food and Drug Administration (FDA) announced an initial policy to deliberately restrict how and where flavored e-cigarettes and vaping devices can be sold to address the “epidemic” of underage vaping, in which such sales would be limited to stores that bar minors or have adults-only sections; and

WHEREAS, then-FDA Commissioner Scott Gottlieb stated that the new policy would make it very difficult for convenience stores and gas stations to continue to sell the flavored vaping devices which attract young people; and

WHEREAS, in February 2019, the US Centers for Disease Control and Prevention (“CDC”) reported that from 2017 to 2018, the number of high school students reporting e-cigarette use within the past month nearly doubled from 11.7% to 20.8%, which pushed high school students’ overall tobacco use rate from 19.6% to 27.1% in 2018; and

WHEREAS, in February 2019, the CDC reported that the number of young persons who are dual-users using liquid vaping nicotine products as well as regular cigarettes appears to be on the rise, with around 40% of high schoolers who use tobacco use two or more products and the most

frequent combination was cigarettes and e-cigarettes, with the federal agency reporting that youth e-cigarette use raises the risk of graduating to combustible cigarettes; and

WHEREAS, FDA Commissioner Gottlieb said in February 2019: “The kids using e-cigarettes are children who rejected conventional cigarettes, but don’t see the same stigma associated with the use of e-cigarettes.” He added: “But now, having become exposed to nicotine through e-cigs, they will be more likely to smoke”; and

WHEREAS, at a “Dangers of Teen Vaping” forum on March 6, 2019 hosted by Kids Escaping Drugs and Tobacco Free Western New York, educators, school resource officers and health advocates and anti-drug groups came together and discussed what they are seeing in schools and young people, with police officers reporting vaping by sixth graders, for instance, with flavorings helping to entice and attract children and young people to vape.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for, and requests federal or state legislative or regulatory action to regulate or restrict the flavorings allowed in vaping devices and e-cigarettes, in order to promote the public health and restrict the use of such devices containing nicotine by young people who are attracted to vaping due to the myriad of flavorings; and

RESOLVED, that certified copies of this resolution be transmitted to the President, the Commissioner of the FDA, the local delegation to the United States Congress, the New York State Governor, the local delegation of the New York State Legislature, the Erie County Executive, Commissioner of Health, Superintendent of the Buffalo Public Schools, the Superintendent of Erie 1 BOCES, and the Erie County Association of School Boards.

(4-2) Legislators Dixon & Lorigo voted in the negative.

4. COMM. 12E-32 (2019)  
COUNTY EXECUTIVE

WHEREAS, under the Raise the Age legislation, most 16 and 17 year olds will no longer be prosecuted in the adult criminal justice system; and

WHEREAS, it is expected to significantly increase the caseload in Family Court; and

WHEREAS, to meet this increased demand, Erie County has planned to use mediation and restorative justice practices as a way to reduce penetration into the juvenile justice system; and

WHEREAS, this service must be provided at entities designed as Community Dispute Resolution Centers by the New York State Unified Court System; and

WHEREAS, Child and Family Services Center for Resolution and Justice is the only entity designated as a Community Dispute Resolution Center in Erie County by the New York State Unified Court System. As such, they are the only entity that can provide this service; and

WHEREAS, this program provides services for youth involved in the juvenile justice system to prevent deeper penetration into the system.

NOW, THEREFORE, BE IT

RESOLVED, that since Child and Family Services is the only agency with a recognized Community Dispute Resolution Centers, the County Administrative Code requirement in Section 19.08 for a Request for Proposals is hereby waived; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Child & Family Services for Restorative Justice services for an amount not to exceed \$60,000; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9<sup>th</sup> Floor, Rath Building.  
(6-0)

5. COMM. 12E-34 (2019)  
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services Legal Division is responsible for court proceedings regarding child abuse and neglect; and

WHEREAS, there are fourteen attorneys and one supervising attorney assigned to this division. The large span of control makes it difficult to effectively supervise attorneys; and

WHEREAS, the Department would like to delete a Counsel position and add a Senior Counsel position; and

WHEREAS, due to the limitations of the existing Paralegal job title, the Department is limited in the type of work it can assign paralegals; and

WHEREAS, the Department would like to delete a paralegal position and create a Senior Paralegal position; and

WHEREAS, the Department currently has a vacant Counsel position and a vacant paralegal position; and

WHEREAS, to allow these personnel adjustments to result in a positive budget variance, the Department will also delete a part-time Principal Clerk position.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) Senior Counsel – Social Services (Job Grade 15, Step 0/1) at a cost of \$74,834 per B-100 #11245; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) Senior Paralegal (Job Grade 7, Step 0/1) at a cost of \$38,902 per B-100 #11244; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one (1) Counsel - Social Services (Job Grade 14, Step 0/1) at a cost of \$67,673; one (1) Paralegal (Job Grade 5, Step 0/1) at a cost of \$34,106; and one (1) part-time Principal Clerk (Job Grade 6) at a budgeted cost for 2019 of \$18,038 as per B-100 #11243; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management, the Department of Personnel, and the Department of Social Services to make the necessary budgetary and personnel adjustments to effectuate this action; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Director of Budget and Management, Comptroller, Personnel Department, and the Department of Social Services.  
(6-0)

**JOHN BRUSO**  
**CHAIR**

MR. BRUSO moved to approve item Number 3. MR. MEYERS seconded.

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

AYES: CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: MS. DIXON, MR. LORIGO, MR. MILLS, and MR. RATH. (AYES: 6; NOES: 4)

CARRIED.

Item 27 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

May 30, 2019	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 5
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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.3E-19 (2019) AS AMENDED

COUNTY EXECUTIVE: “Erie 1 BOCES Workforce Training Center”  
(Chair’s Ruling)

- b. COMM. 3E-33 (2019)  
LORIGO: “Letter to County Attorney Concerning Legal Advisement”  
(Chair’s Ruling)
- c. COMM. 5D-1 (2019)  
DEPARTMENT OF LAW: “Letter from County Attorney Regarding Requests from Legislators”  
(Chair’s Ruling)
- d. COMM. 7M-7 (2019)  
SCHOHARIE COUNTY BOARD OF SUPERVISORS: “Certified Copy of Resolution Urging NYS to Fund All Costs Associated with the New State-Enacted Voting Reforms Implemented at the County Level”  
(Chair’s Ruling)
- e. COMM. 7M-8 (2019)  
EC BOARD OF ETHICS: “Annual Report of Activities for 2018”  
(Chair’s Ruling)
- f. COMM. 8D-1 (2019)  
DEPARTMENT OF LAW: “Transmittal of New Claims Against EC”  
(Chair’s Ruling)
- g. COMM. 11E-9 (2019)  
COMPTROLLER: “Letter to County Executive Concerning DPW Employee Termination Following Military Leave”  
(Chair’s Ruling)
- h. COMM. 11D-2 (2019)  
DEPARTMENT OF LAW: “Transmittal of New Claims Against Erie County”  
(Chair’s Ruling)
- i. COMM. 12M-5 (2019)  
FOWLEY & VOLKER: “Letter to EC Regarding Damage to Trees on Private Property”  
(Chair’s Ruling)

2. COMM. 12E-35 (2019)  
COUNTY CLERK  
WHEREAS, the Erie County Clerk’s Office continues to meet the mandates and service demands of the Office of the County Clerk; and

WHEREAS, the County Clerk has enhanced existing programs and initiatives to better serve the residents and strengthen revenue streams for the County; and

WHEREAS, the County Clerk's 'Clerk on the Go' has been out in the community over one hundred times to date; and

WHEREAS, appropriate staffing levels are necessary to ensure the success of these programs and initiatives; and

WHEREAS, a restructuring of the Land Records Division will permit the skilled and expert staff to serve the maximum number of customers; and

WHEREAS, the personnel adjustments requested will provide budgetary relief.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the deletion of Chief Document Clerk (position 1193) (pro-rated annual budgeted salary \$27,887) in Fund Center 11310; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the deletion of Assistant Deputy County Clerk Admin (position 51014302) (pro-rated annual budgeted salary \$17,461) in Fund Center 11310; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the deletion of Assistant Deputy County Clerk Admin (position 51014303) (pro-rated annual budgeted salary \$19,147) in Fund Center 11310; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the creation of one full time position of Supervising Data Processing Control Clerk in the CSEA bargaining unit (pro-rated annual budgeted salary \$21,939) in Fund Center 11310; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the creation of one full time position of Messenger (Full Time) in the CSEA bargaining unit (pro-rated annual budgeted salary \$14,383) in Fund Center 11310; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the creation of one full time position of Special Assistant County Clerk (pro-rated annual budgeted salary \$21,329) in Fund Center 11310; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the adjustment of Fringe Benefits (502000) to reflect budgetary reduction savings of \$4305 in Fund Center 11310; and be it further

RESOLVED, that the Director of Budget and Management, and the Commissioner of Personnel are hereby authorized and directed to make all necessary changes necessary to effectuate the implementation of this resolution; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget and Management, Commissioner of Personnel, County Comptroller, and the County Clerk.

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

**KEVIN R. HARDWICK**  
**CHAIR**

Item 28 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. BRUSO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

May 30, 2019	PUBLIC SAFETY COMMITTEE REPORT NO. 10
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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. 7M-6 (2018)  
HABIB JOHNSON: “Communication Titled, ‘Elimination of the Entire ECHC & the ECCF’s Informal Grievance Process’”  
(Chair’s Ruling)
  - b. LL INTRO. 8-1 (2018)  
BASKIN: “A LL Titled, ‘ERIE COUNTY CORRECTIONS SPECIALIST ADVISORY BOARD’ in relation to establishing an advisory board for the Erie County Jail Management Division”  
(Chair’s Ruling)
  - c. COMM. 17E-3 (2018)  
BASKIN: “Response to NYS Commission of Correction Letter Dated August 21, 2018”  
(Chair’s Ruling)
  - d. COMM. 7E-28 (2019)  
LORIGO: “Letter to Budget Director Concerning Funding for Body Cameras”  
(Chair’s Ruling)
  - e. COMM. 12E-4 (2019)  
BASKIN, JOHNSON & RATH: “Altering Day/Time of Central Police Services Board of Trustees Meetings”  
(Chair’s Ruling)
2. COMM. 12E-23 (2019)  
SHERIFF

WHEREAS, the Sheriff's Office Division of Correctional Health County utilizes a health record management system to access and upload vital inmate/patient medical history; and

WHEREAS, this system allows the division's medical professionals to access the inmate's medical history; and

WHEREAS, as with private physicians and medical centers, immediate access to an individual's medical records and history are important to perform accurate and timely medical evaluations and subsequent treatments; and

WHEREAS, the Division of Correctional Health has used Fusion Consulting Inc., for five years to manage and access inmate/patient medical records; and

WHEREAS, continuity of systems and access to medical history is vital to delivering proper medical attention and treatment; and

WHEREAS, the Division of Correctional Health trains all medical and designated personnel to use the record management system developed by Fusion Consulting; and

WHEREAS, implementing a new health record management and access system would cause a delay in accessing necessary inmate/patient medical histories; and

WHEREAS, it is important that the Division of Correctional Health maintains immediate access to medical records as well as have continuity of health services; and

WHEREAS, the division and desires to maintain Fusion Consulting and the Erie County Sheriff's Office and the Division of Purchasing are seeking a waiver of Section 19.08 of the Erie County Administrative Code; and

WHEREAS, the agreement with Fusion Consulting Inc., is for three (3) years with an option for three one (1) year extensions at \$54,824.04 per year; and

WHEREAS, this cost includes twelve yearly subscriptions fees, maintenance, and support fees; and

WHEREAS, this contract will not have an impact on the County's 2019 Budget because the cost of a record management system is included in the Division of Correctional Health's 2019 budget.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Erie County Legislature authorizes the Erie County Sheriff's Office and the County Executive to enter into an agreement with Fusion Consulting Inc., 10 Woodbridge Center Drive, Suite 1010, Woodbridge, New Jersey 07095, for a term of three (3) years with the option for three one (1) year extensions at a cost of \$54,824.04 per year; and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code to maintain proper and accurate inmate medical records; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary to complete the purchase of new terminals; and be it further

RESOLVED, that certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Budget and Management, the Division of Purchasing, the Erie County Comptroller's Office, Central Police Services, Emergency Management Services, and the Chief of Administration of the Sheriff's Office for implementation.

(6-0)

3. COMM. 12E-24 (2019)  
SHERIFF

WHEREAS, the Erie County Sheriff's Office has partnered with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to accept and train a law enforcement canines; and

WHEREAS, the ATF has identified the Erie County Sheriff's Office and its K9 Unit as a partner in protecting the region from bomb threats; and

WHEREAS, the Sheriff's Office will accept a canine for explosives detection purposes; and

WHEREAS, this K9 will be a single purpose police work dog trained only for explosive materials/compounds detection; and

WHEREAS, the working dog will belong the Sheriff's Office and the K9 Unit will assist the ATF for any suspected explosive device incident in the area; and

WHEREAS, the Erie County Sheriff's Office agrees to maintain the explosives detection canine and provide mutual aid to the ATF for five years.

NOW, THEREFORE, BE IT

RESOLVED, the Legislature hereby grants authorization to the County Executive and the Sheriff Timothy B. Howard to enter into an five (5) year agreement with the Bureau of Alcohol, Tobacco, Firearms, and Explosives to accept an explosives detection canine and reimbursement funds from the agency; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Purchasing Department, the County Attorney, the Erie County Comptroller, and the Office of the Sheriff for implementation.

(6-0)

4. COMM. 12E-25 (2019)  
SHERIFF

AS AMENDED

WHEREAS, the Erie County Sheriff's Office incorporated the Division of Correctional Health (DoCH) from the County Department of Health under the authority of the Sheriff's Office in January 2018; and

WHEREAS, the County and now the Sheriff's Office have regularly experienced staffing shortages for nurses at the Erie County Holding Center and Correctional Facility; and

WHEREAS, during County Executive Collins' administration implemented a plan to utilize agency nurses to staff the facilities' medical units; and

WHEREAS, although this staffing method is still in use it has resulted in understaffing, forced overtime, labor investigations and labor/management arbitration; and

WHEREAS, without the appropriate number of registered nurses, the County and the Sheriff's Office is in jeopardy of violating the United States Department of Justice stipulated order of dismissal; and

WHEREAS, the County and the Sheriff's Office risk further investigations of Section 167, part 177 of the New York State Labor Law, which restricts the number of consecutive hours of work for nurses; and

WHEREAS, Teamster Local 264 has filed grievances based on the NYS Department of Labor investigations and violations; and

WHEREAS, these grievances have risen to the level of arbitration which is costing the County and Sheriff's Office labor and money in an attempt to remedy the situation; and

WHEREAS, since the Erie County Sheriff's Office took over the Division of Correctional Health in January 2018, the administration has sought methods to avoid arbitration and legal action and believes all avenues have been exhausted; and

WHEREAS, the only remedy is to make necessary personnel adjustments to avoid further arbitration and continue to provide quality care to the inmates; and

WHEREAS, the Sheriff's Division of Correctional Health seeks to hire eight Job Group 8 registered nurses at an annualized salary (including benefits) of \$104,000.00 (total = \$832,000.00); and

WHEREAS, the DoCH seeks to create an information technology position Job Group 10, with an annual salary with benefits of \$122,000.00; and

WHEREAS, the DoCH seeks to create a discharge planner/nursing position Job Group 10, with an annual salary with benefits of \$122,000.00; and

WHEREAS, DoCH seeks to pivot budget funds for agency nurses Account #516020 (\$725,628.00), plus funds for five part-time nurses Account #500010 (\$241,280.00), plus funds from a discharge planner Account #1165020 (\$104,000.00) totaling \$1,070,908; and

WHEREAS, the identified funds would be used to employ eight full-time registered nurses, an IT position, and discharge planner; and

WHEREAS, the realignment of the nurses and support staff would decrease the County's 2019 Budget by \$5,477.00 (per quarter).

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office and the Personnel Department are authorized to delete the following job positions:

- 5 Part Time Registered Nurses Account# 500010
- Supplemental Health Agency Staffing Account # 516020

and be it further

RESOLVED, the Erie County Sheriff's Office and the Personnel Department are authorized to create the following job positions:

8 - Job Group 8 registered nurses at an annualized salary (including benefits) of \$104,000.00

1 - Information technology position Job Group 10, with an annual salary with benefits of \$122,000.00

1 - Discharge planner/nursing position Job Group 10, with an annual salary with benefits of \$122,000.00

and be it further

RESOLVED, the Erie County Sheriff's Office and the Division of Budget and Management are authorized to transfer \$752,628.00 from Account #516020 to Account #500000 to fund personnel adjustment positions; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to transfer the funds; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, County Attorney, Division of Budget and Management, Erie County Comptroller, the Sheriff's Administration Division, and the Sheriff's Division of Correctional Health for implementation.  
(6-0)

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

**LEGISLATOR RESOLUTIONS**

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

MR. LORIGO moved to send the resolution to committee for further consideration. MR. RATH seconded.

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

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, and MR. RATH. NOES: CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. (AYES: 4; NOES: 6)

FAILED.

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

AYES: CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. NOES: MS. DIXON, MR. LORIGO, MR. MILLS, and MR. RATH. (AYES: 6; NOES: 4)

CARRIED.

RESOLUTION NO. 130

RE: Surplus Authorization for  
Buffalo Urban League  
(INTRO. 13-1)

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

WHEREAS, from time to time, the County has surplus equipment or furnishings which are considered non-usable by the County and for which County Legislators have opportunities to partner with other governments or community and non-profit agency partners to donate surplus items and assist local agencies in their good work and endeavors; and

WHEREAS, the Buffalo Urban League has expressed their need for a van and the capability to provide transportation to some of their clients and community members needing support; and

WHEREAS, there is a need for additional sources to provide transportation services to members of our community; and

WHEREAS, the Department of Senior Services has an unneeded 2014 Chevrolet 12-passenger surplus “Going Places” van which is not being used by the County, and which could be eligible for donation to a worthwhile and eligible community agency; and

WHEREAS, authorization of the Erie County Legislature is necessary to effectuate the transfer of Erie County property.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby donate an Erie County Senior Services van (VIN # 1GAZGZFG9E1141204), a 2014 Chevrolet 12-passenger van, to the Buffalo Urban League at no cost; and be it further

RESOLVED, that once the transfer of the van takes place, the Buffalo Urban League will take over all maintenance and care for the vehicle as the new owner and the County will bear no legal, liability or other obligations for or associated with the van; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the County Executive, Department of Senior Services, Division of Purchase, County Comptroller, and the Buffalo Urban League.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: Appointment of Legislative  
Representative to the Erie  
County Jury Board  
(INTRO. 13-2)

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

WHEREAS, pursuant to New York State Judiciary Law, Section 503, each County in the State shall establish a County Jury Board comprised of one member of the County Legislature, designated by the Legislature providing that the appointee does not engage in the practice of law; one Justice of the State Supreme Court, designated by the appropriate Appellate Division; and one County Court Judge, or if there is more than one, then the Senior County Court Judge; and

WHEREAS, at the annual meeting of the County Jury Board, business conducted includes review and oversight of the enforcement of the laws and rules relating to the drawing, selection, summoning and impaneling of jurors within Erie County, with other meetings called as may be necessary; and

WHEREAS, said designation of this Legislature is necessary, in accordance with Judiciary Law, Article 503; and it is reasonable and appropriate for Legislator April N.M. Baskin to serve as the Legislature's representative on the Erie County Jury Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby designate Legislator April N.M. Baskin as this Honorable Body's appointment to the Erie County Jury Board (pursuant to New York State Judiciary Law, Section 503), effective immediately; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Hon. Paula L. Feroletto, Administrative Judge of the Eighth Judicial District.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

RE: Re-Appropriation of 2019  
Cultural/Community  
Development Funding  
(INTRO. 13-3)

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

WHEREAS, the Town of Orchard Park's D.A.R.E. program was awarded \$2,000 in county funding in the 2019 Erie County Budget by the Legislature; and

WHEREAS, the program is unable to accept county funding this year; and

WHEREAS, the Orchard Park Veterans' Memorial Park Committee is deserving and in need of County funding that serve the same population; and

WHEREAS, it is the intent of this honorable body to transfer such 2019 funding to organizations serving the same population.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$2,000 of the available 2019 funding declined by the Town of Orchard Park in Fund Center #1332010 and account #518540, to the Orchard Park Veterans' Memorial Park Committee in Fund Center #1332010 and account #518568; and be it further

RESOLVED, that if funds are not expended or encumbered by the Orchard Park Veterans' Memorial Park Committee in fiscal 2019, then such funding will be re-appropriated into fiscal 2020; and be it further

RESOLVED, that while the agency allocation is changing the overall budget line amount is to remain the same for fiscal year 2019; and be it further

RESOLVED, that this honorable body hereby authorizes the Director of the Division of Budget and Management to make any adjustments necessary to effectuate the intent of this

resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 32 – MR. BRUSO moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO. 11-7 (2019). MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

RE: Protections for Youth to Restrict  
Nicotine Limits in Vaping Devices &  
E-Cigarettes  
(INTRO. 11-7, 2019)

WHEREAS, 3.6 million American middle and high school students are now vaping regularly; and

WHEREAS, many vaping or e-cigarette devices sold in the United States contain 59-65 milligrams of nicotine, as contrasted with 20 milligrams in similar products sold in Europe under European Union or national regulations limiting the number of milligrams of nicotine; and

WHEREAS, for instance, one Juul pod contains 20 cigarettes worth of nicotine, and the amount of nicotine in one standard Juul cartridge is roughly equal to the amount of nicotine in a pack of cigarettes; and

WHEREAS, the US Food and Drug Administration (“FDA”) has called the use of vapor devices (also known as “e-cigarettes”) by teens as an “epidemic”, with many minor persons aged under 18 years old using e-cigarettes or vaping devices to inhale nicotine and other unhealthy, dangerous or unknown additives (known as “vaping”); and

WHEREAS, in November 2018, the FDA released a report from the National Youth Tobacco Survey which showed an alarming increase in the number of middle and high school aged children who had tried e-cigarettes; and

WHEREAS, the National Institute on Drug Abuse’s “Monitoring the Future” annual survey of American teenagers’ drug use just found that the rise in nicotine vaping is the largest spike for any substance recorded by the survey in 44 years and many young users do not realize their vaping pods contain nicotine; and

WHEREAS, in February 2019, the US Centers for Disease Control and Prevention (“CDC”) reported that from 2017 to 2018, the number of high school students reporting e-cigarette use within

the past month nearly doubled from 11.7% to 20.8%, which pushed high school students' overall tobacco use rate from 19.6% to 27.1% in 2018; and

WHEREAS, the CDC found that the number of high school students who used e-cigarettes 20 or more days a month increased from 20% in 2017 to 27.7% in 2018; and

WHEREAS, in February 2019, the CDC reported that the number of young persons who are dual-users using liquid vaping nicotine products as well as regular cigarettes appears to be on the rise, with around 40% of high schoolers who use tobacco use two or more products and the most frequent combination was cigarettes and e-cigarettes, with the federal agency reporting that youth e-cigarette use raises the risk of graduating to combustible cigarettes; and

WHEREAS, FDA Commissioner Scott Gottlieb said in February 2019: "The kids using e-cigarettes are children who rejected conventional cigarettes, but don't see the same stigma associated with the use of e-cigarettes." He added: "But now, having become exposed to nicotine through e-cigs, they will be more likely to smoke"; and

WHEREAS, in January 2019, this Honorable Body's Health and Human Services Committee held a hearing on the teen vaping issue, featuring testimony from school principals and administrators who asked for legislative assistance and legislation to help them deal with the vaping epidemic; and

WHEREAS, the legislator representing the 8<sup>th</sup> Legislative District held a "Dangers of Teen Vaping" forum on March 6, 2019 hosted by Kids Escaping Drugs and Tobacco Free Western New York in which educators, school resource officers and health advocates and anti-drug groups came together and discussed what they are seeing in schools and young people, with police officers reporting vaping by sixth graders, for instance.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for, and requests federal or state legislative action to reduce and regulate the number of milligrams allowed in a vaping device, to restrict the level to a lower level of 25 milligrams, in order to promote the public health and restrict the amount of nicotine absorbed by young people engaged in vaping; and

RESOLVED, that certified copies of this resolution be transmitted to the President, the Commissioner of the FDA, the local delegation to the United States Congress, the New York State Governor, the local delegation of the New York State Legislature, the Erie County Executive, Commissioner of Health, Superintendent of the Buffalo Public Schools, the Superintendent of Erie 1 BOCES, and the Erie County Association of School Boards.

MR. BRUSO moved to amend the resolution. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

Add the following as New Fourth, Fifth, and Sixth Whereas Clauses:

WHEREAS, the average cigarette contains between 7.5 and 13.4 milligrams of nicotine, according to the Behavioral Neuroendocrinology Laboratory at Penn State University; and

WHEREAS, a main health issue is also not just how much nicotine is in a cigarette, but how much nicotine gets absorbed into a person's body based on how they smoke the cigarette, by smoking more or less, faster or slower, or engaging in deeper drags/draws in a process called self-titration that all nicotine users engage in; and

WHEREAS, according to the US Food and Drug Administration ("FDA") in a March 2018 Federal Register notice, the nicotine levels delivered into the body by conventional cigarettes made domestically are in the range of 1.1 to 1.7 milligrams, and the agency cited research that could support reducing levels of nicotine to 0.3 to 0.5 milligrams per cigarette through regulatory action potentially to be undertaken by the FDA; and

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

CARRIED UNANIMOUSLY.

Item 33 – MR. RATH moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of INTRO. 11-2 (2019). MS. DIXON seconded.

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

AYES: MS. DIXON, MR. LORIGO, MR. MILLS, and MR. RATH. NOES: CHAIR BASKIN, MR. BRUSO, MR. HARDWICK, MR. JOHNSON, MR. LOUGHRAN, and MR. MEYERS. (AYES: 4; NOES: 6)

FAILED.

### **SUSPENSION OF THE RULES**

Item 34 - No Suspension of the Rules offered.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM LEGISLATOR JOHNSON**

Item 35 – (COMM. 13E-1) Letter to Sheriff - Invitation to Discuss Corrections Specialist Advisory Board Local Law in Next Public Safety Committee Meeting

Received and referred to the PUBLIC SAFETY COMMITTEE.

#### **FROM THE COMPTROLLER**

Item 36 – (COMM. 13E-2) Audit Results for Senior Services Congregate Dining Nutrition Grant - 1/1/18 - 12/31/18

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM LEGISLATOR RATH**

Item 37 – (COMM. 13E-3) Abstention on COMM. 12E-7 (2019)

Received, filed and printed.

May 24, 2019

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

RE: Abstention on Comm. 12E-7 (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, my abstention to the above referenced communication was done to avoid any possible conflict of interest with my private sector dealings.

Sincerely,

Edward A. Rath III  
Erie County Legislator

**FROM THE COUNTY EXECUTIVE**

Item 38 – (COMM. 13E-4) Appointment of Commissioner of Senior Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COUNTY CLERK**

Item 39 – (COMM. 13E-5) Data Regarding Downtown Auto Bureau's Extended Hours Participation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE SHERIFF**

Item 40 – (COMM. 13E-6) Letter to Chair of Legislature Requesting Opportunity to Address Public Safety Committee

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 41 – (COMM. 13E-7) Appointment to the EC CPS Board of Trustees

Received, filed and printed.

May 22, 2019

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

Re: Appointment to the Erie County Department Central Police Services  
Board of Trustees

Dear Honorable Members:

Pursuant to Section 15.03 of the Erie County Charter, I do hereby appoint the following individual to the Central Police Services Board of Trustees for a term coterminous with his term in the Erie County Legislature.

Appointee  
Mr. Howard Johnson  
92 Franklin St. 4th Floor  
Buffalo, New York 14202

Thank you in advance for your courtesies.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

Item 42 – (COMM. 13E-8) SUNY Erie 2019-2020 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 43 – (COMM. 13E-9) Appointments to the EC Fisheries Advisory Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – (COMM. 13E-10) Authorization to Contract with Buffalo Public Schools

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 45 – (COMM. 13E-11) Increase to the Purchasing Imprest Fund Account

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 46 – (COMM. 13E-12) ECSD Nos. 1, 3, 4 & 5 - Engineering Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – (COMM. 13E-13) Buffalo Niagara Convention Center - 2018 - Energy Efficient Modifications & Improvements to Exhibit Hall

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 48 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

RE: Award of Construction Contract - Lake Avenue Reconstruction - Village of Blasdell, Town of Hamburg (COMM. 13E-14)

WHEREAS, bids were taken on March 28, 2019, for the Lake Avenue (CR 200) Reconstruction Project; ECDPW Project No. CAP-200-19 in the Village of Blasdell and the Town of Hamburg; and

WHEREAS, the construction contract was awarded to Occhino Corp. for an amount of \$3,574,949.12; and

WHEREAS, it is necessary to award a contract for construction inspection and engineering services during construction of the Project to LaBella Associates for an amount of \$260,000; and

WHEREAS, it is necessary to establish a Construction Contingency (including required fees for railroads, as necessary) of \$315,050.88 for the Project with authorization to execute related Change Orders; and

WHEREAS, the estimated cost of the Project in the amount of \$4,150,000 is available in Fund 420, Projects B.17001 – 2017 Preservation of Roads Construction – Lake Ave., B.19002 – 2019 Preservation of Roads Construction – Lake Ave., and B.19009 – 2019 Turn Back of Roads to Towns.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award and execute a contract for ECDPW Project No. CAP-200-19, between the County of Erie and the lowest responsible bidder, Occhino Corp. for an amount of \$3,574,949.12; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for construction inspection and engineering services during construction of the Project with LaBella Associates for an amount of \$260,000; and be it further

RESOLVED, that the County Executive be authorized to establish a Project contingency and execute Project related change orders and railroad agreements, as necessary, for an amount of \$315,050.88; and be it further

RESOLVED, that the total cost of the contracts for construction, construction inspection, engineering services during construction, the Project contingency and railroad agreements is in the amount of \$4,150,000; and be it further

RESOLVED, that funding in the amount of \$4,150,000 is available in Fund 420, Funds Center 123 as follows:

B.17001	2017 Preservation of Roads – Construction – Lake Avenue	\$2,400,000
B.19002	2019 Preservation of Roads – Construction – Lake Avenue	\$1,500,000
B.19009	2019 Turn Back of Roads	\$ 250,000
	Total Cost	\$4,150,000

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 49 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

RE: Capital Overlay Contract - Abbott Rd. & Dingens St. - Towns of Orchard Park & Cheektowaga  
(COMM. 13E-15)

WHEREAS, the 2019 Capital Overlay Contract A roads: Abbott Road, from Big Tree Road to Route 20; and Dingens Street, from Harlem Road to Cambria Street are in poor condition; and

WHEREAS, bids were received and opened on May 17, 2019 for the 2019 Capital Overlay Contract A, Project Number CAP – 4.315 – 2019 in the Towns of Orchard Park and Cheektowaga, (the “Project”); and

WHEREAS, the Erie County Department of Public Works recommends the award of contract to the lowest responsible bidder, Union Concrete and Construction Corp. in the amount of \$1,175,710.55; and

WHEREAS, it is necessary to establish a Construction Contingency of \$45,000.00 for the Project with authorization for the County Executive to execute related Change Orders; and

WHEREAS, the estimated total cost of the Project is \$1,220,710.55, and is available in Fund 420, Funds Center 123, Project B.19050.1.2.1 – 2019 Capital Overlay Program (Capital Bond Reso); and

WHEREAS, it is desired to award the construction contract to Union Concrete and Construction Corp.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to award and execute a contract for Project Number CAP – 4.315 – 2019, to the lowest responsible bidder, Union Concrete and Construction Corp. in the amount of \$1,175,710.55; and be it further

RESOLVED, that the County Executive be authorized to establish a Project Contingency in the amount of \$45,000.00, and execute Project related change orders, as necessary; and be it further

RESOLVED, that the Project budget, in the amount of \$1,220,710.55, be made available for the Project in Fund 420, Funds Center 123 as follows:

B.19050.1.2.1 – 2019 Capital Overlay Program (Capital Bond Reso) \$1,220,710.55

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

Item 50 – MR. BRUSO presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

RE: Award of Construction Contract –  
Rehabilitation of N. & S. Main St.  
(COMM. 13E-16)

WHEREAS, bids were received and opened on 24 May for the Rehabilitation of North and South Main Street (CR 009) Project (the "Project"); ECDPW Project Number CAP – 9 – 19 in the Village of Angola – Town of Evans; and

WHEREAS, Erie County Department of Public Works, along with consultant design engineers DiDonato Associates, Engineering & Architecture, P.C., recommends award of contract to the lowest responsible bidder, Accadia Site Contracting Inc., in the amount of \$4,130,469.20; and

WHEREAS, it is necessary to contract for construction inspection and engineering services during construction with the Project consulting engineer, DiDonato Associates, Engineering & Architecture, P.C. in the amount of \$372,738; and

WHEREAS, it is necessary to establish a Construction and Construction Engineering Contingency (including required fees for railroads and/or utilities, as necessary) of \$496,792.80 for the Project with authorization for the County Executive to execute related Change Orders, Amendments and/or agreements; and

WHEREAS, the estimated total cost of the Project is \$5,000,000.00, and is available in Fund 420, Funds Center 123, Projects B.18003 – 2018 Preservation of Roads Construction and B.19003 – 2019 Preservation of Roads Construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award and execute a contract for ECDPW Project Number CAP – 9 - 19, to the lowest responsible bidder, Accadia Site Contracting Inc. for an amount of \$4,130,469.20; and be it further

RESOLVED, that the County Executive be authorized to execute a contract for construction inspection and engineering services during construction for the Project with DiDonato Associates, Engineering & Architecture, P.C. in the amount of \$372,738; and be it further

RESOLVED, that the County Executive be authorized to establish a Project contingency and execute Project related change orders, amendments and agreements, as necessary, for an amount of \$496,792.80; and be it further

RESOLVED, that the total cost of the contracts for construction, construction inspection, engineering services during construction and the Project Contingency shall not exceed \$5,000,000; and be it further

RESOLVED, the Project budget, in the amount of \$5,000,000, is made available for the Project in Fund 420, Funds Center 123 as follows:

B.18003	2018 Preservation of Roads Construction - North and South Main Street	\$2,500,000
B.19001	2019 Preservation of Roads Construction - North and South Main Street	\$2,500,000

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Total	\$5,000,000
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and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

FROM LEGISLATOR MILLS

Item 51 – (COMM. 13E-17) Certified Copy of Resolutions Opposing Providing Driver's Licenses to Undocumented Immigrants

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATORS LORIGO, DIXON, RATH & MILLS

Item 52 – (COMM. 13E-18) Request to DPW for List of All Road & Bridge Work to be Performed in 2019

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 53 – (COMM. 13E-19) Cost Allocation Plan Contract Authorization & Award

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 54 – (COMM. 13E-20) Letter to Clerk of Legislature Regarding Notice of Public Hearing for Local Law Intro. 7-2 (2019)

Received, filed and printed.

June 3, 2019

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

Re: Public Notice Concerning Corrections Specialist Advisory Board Local Law

Dear Clerk Graber:

Pursuant to Article 2, Section 203 of the Erie County Charter, please take the necessary steps to provide proper public notice to members of the Legislature, the news media and the public announcing a public hearing concerning Local Law Intro. 7-2 (2019), the Erie County Corrections Specialist Advisory Board. This is the amended version of the law originally clocked-in in May 2019.

The hearing will be held on Thursday, June 13, 2019 at 6:00 pm in the Chambers of the Legislature.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin  
Chair  
Erie County Legislature

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF PUBLIC WORKS**

Item 55– (COMM. 13D-1) Letter to Legislature Regarding COMM. 8E-4 (2019) - Lake Avenue Reconstruction - Village of Blasdell, Town of Hamburg

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 56 – (COMM. 13D-2) Budget Monitoring Report for Period Ending 04/2019

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DEPARTMENT OF LAW**

Item 57 – (COMM. 13D-3) Opinion as to Form LL Intro. 7-1 (2019)

May 30, 2019

Via Email Only  
Hon. April N.M. Baskin, Chairwoman  
Erie County Legislature  
Old Erie County Hall  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Re: Opinion as to Form Local Law Intro No. 7-1 – 2019

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 7-1-2019 (7-1).

Preemption

Under New York state law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

Here, both New York State County Law Section 235 and Erie County Charter Section 2205 expressly grant local authority to create advisory boards. Since express authority to enact local legislation on this topic exists, there is no preemption issue to consider.

Grammar

The stated purpose of 7-1 is to abolish the Erie County Community Corrections Advisory Board (CCAB) and to create a new Erie County Corrections Specialist Advisory Board (CSAB). We find the grammar and usage of 7-1 to be sufficient in order to achieve the stated purpose.

Ambiguities

We find that 7-1 requires a number of non-material but operatively necessary amendments in order to conform to state law and county charter provisions.

New York State Municipal Home Rule Law (MHRL) Section 23(f) provides that a local law should be subject to mandatory referendum where it “Abolishes, transfers or curtails any power of an elective officer.” Here, 7-1 purports to abolish the CCAB. This action would necessarily abolish the current weighted authority/power of each elected legislator to appoint members to the CCAB thus triggering the requirement of a referendum. Since 7-1 does not provide for a referendum, and in order to comply with the provisions of MHRL, 7-1 should be amended to either remove all reference to the abolishment of the CCAB or to include language indicating that it is subject to referendum and will be submitted for the approval of the electors at a general election in conformity with the provisions of MHRL. Should the provisions abolishing the CCAB be removed from 7-1 there is no legal preclusion to eliminating the board via resolution. Since the CCAB was created by legislative resolution it could be abolished by resolution. The provisions of MHRL do not apply as to legislative resolutions and therefore a referendum would not be necessary in this instance.

New York State County Law Section 235 (NYSCL) provides that advisory boards “...shall have no powers other than advisory.” Here, 7-1 Section 7 paragraph (Functions)(4) purports to give the newly created CSAB the authority to compel the Erie County Sheriff’s Office to investigate referred complaints and report back to the Board. Since boards of this type are limited statutorily to

be strictly advisory in nature, no such authority can be created here and reference thereto should be removed from 7-1 in order to comply with NYSCL.

All advisory boards created in Erie County which are not codified in the Erie County Charter or the Erie County Administrative Code are required to be constituted according to the provisions of Erie County Charter Section 2205 (2205). Here, 7-1 is inconsistent with 2205 where attempting to stagger the initial terms of the board members. Pursuant to 2205, "Members shall serve three-year terms and may serve no more than two consecutive terms;...". 7-1 should be amended to bring member terms in line with 2205 requirements. In addition, 2205 provides that "Each advisory board shall elect one of its members to serve a two-year term as chair;...". 7-1 provides for the election of a chairperson annually at the first yearly meeting of the Board. 7-1 should be amended to bring chairperson terms in line with 2205 requirements.

In Section 3 Paragraph (Initial Terms of Advisory Board Members), 7-1 erroneously references members as being appointed by the Erie County Commissioner of Probation, Commissioner of Mental Health and the Erie County Bar Association. Should this paragraph remain after amendments are made based on the comments above, the term "appointed" should be amended to read "recommended".

In Section 9, 7-1 purports to take effect upon passage by the Legislature. Pursuant to New York State Municipal Home Rule Law Section 27, the earliest a local law can become effective is upon filing with the Secretary of State. 7-1 should be amended to conform with this provision.

### Conclusion

We find that Erie County Local Law Intro No. 7-1-2019 is insufficient as to form and does contain ambiguities which will frustrate its implementation and/or enforcement as intended.

Should the changes suggested above be incorporated into 7-1, it is our view that the ambiguities detailed herein would be cured and that the amended law would be sufficient as to form.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By \_\_\_\_\_  
Gregory P. Kammer  
Assistant County Attorney  
Direct Dial: (716) 858-2248  
E-mail: gregory.kammer@erie.gov

## **COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NY PUBLIC INTEREST RESEARCH GROUP**

Item 58 – (COMM. 13M-1) Report Concerning Emerging Contaminants in NY's Drinking Water Systems

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS DEC**

Item 59 – (COMM. 13M-2) Invitation for Public Comment - Draft Investigation Work Plan for 57-71 Tonawanda St., Buffalo

Item 60 – (COMM. 13M-3) Remedy Proposed for Brownfield Site, 31 Tonawanda St., Buffalo

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

**FROM THE SPRINGVILLE SUPERVISOR**

Item 61 – (COMM. 13M-4) Letter to DPW Expressing Concern Over Construction on Trevett Rd.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE CONCORD SUPERVISOR**

Item 62 – (COMM. 13M-5) Letter to DPW Expressing Concern Over Construction on Groth Rd.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NFTA**

Item 63 – (COMM. 13M-6) SEQR - Issuance of Scoping Document

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 64 – Chair Baskin further announced that the schedule for committee meetings to be held on Thursday, June 13, 2019, has been distributed. Chair Baskin also announced that on Thursday, June 13, 2019, at 6:00 p.m., the Legislature will conduct a public hearing on Local Law Intro. 7-2 (2019), in relation to the establishment of a Erie County Corrections Specialist Advisory Board.

Item 65 – Legislator Lorigo requested the addition of a Government Affairs Committee meeting on June 13, 2019.

Item 66 – Legislator Dixon also requested the addition of a Government Affairs Committee meeting on June 13, 2019.

### **MEMORIAL RESOLUTIONS**

Item 67 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Patricia Sojka.

Item 68 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Charles U. Banta, Barbara Newman, Grace Lotocki, John Eustice, and Donald Mc Nerney. Legislator Dixon further requested pause to remember the 75<sup>th</sup> Anniversary of the D-Day Landings and the Battle of Normandy.

Item 69 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Joan M. Kroll, mother of Legislature attorney John Dudziak, who passed one year ago.

### **ADJOURNMENT**

Item 70 - 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, June 20, 2019 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, June 20, 2019 at 2:00 p.m. Eastern Standard Time.

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