

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 13**  
**June 18, 2020**

The Legislature was called to order by Acting Chair Meyers.

All members present, except Chair Baskin.

An Invocation was held, led by Mr. Johnson, who thanked the members of the Legislature for their service and requested a moment of silence.

The Pledge of Allegiance was led by Mr. Rath.

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

Item 2 – MR. JOHNSON moved to reconsider COMM. 11E-18 (2020) as Amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: Project Agreement w/NYS  
& Award of Construction  
Contract – Resurfacing Maple  
Rd.  
(COMM. 11E-18 AS  
AMENDED)

WHEREAS, a project for the resurfacing of Maple Road PIN 5761.76, (the “Project”) is eligible for Federal funding under Title 23, U.S. Code, as amended; and

WHEREAS, the County of Erie previously advanced the design of the Project via Legislative Communications 10E-27 dated June 7, 2017 and 14E-27 dated July 26, 2018; and

WHEREAS, the Department of Public Works desires to advance the Construction and Construction Inspection phase of the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute a Supplemental Agreement with New York State Department of Transportation (NYS DOT) in the amount of \$6,100,000 for the construction phase of the project; and

WHEREAS, the Federal share is \$1,760,000, the non-Federal share is \$ 300,000 and the local share is \$4,040,000, for the construction, construction inspection phases of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with Accadia Site Contracting Inc. for \$4,322,505.36, enter into a construction phase engineering services agreement with CPL for \$321,163.99, and establish a construction contingency of \$1,604,456.65 for a total project construction phase allowance of \$6,248,126.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with New York State Department of Transportation (NYSDOT) for the construction phase of this Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay the first instance 100% of Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for federal-aid or state-aid; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with Accadia Site Contracting, Inc. for an amount not to exceed \$4,322,505.36, enter into a construction phase engineering services agreement with Clark Patterson Lee, for an amount not to exceed \$321,163.99 and establish a NYSDOT mandatory agreement match of \$1,604,456.65 for a total project cost not to exceed \$6,248,126; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept any and all Federal and Non -Federal aid reimbursements for the Construction and Construction Inspection Phases from the Supplemental Agreement with the NYSDOT; and be it further

RESOLVED, that the estimated total sum, with adjustments for the anticipated Federal revenue, of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount of \$6,248,126 is hereby appropriated from Fund 420, Funds Center 123, in the following Projects:

B.18012–Federal Maple	\$ 2,080,000
B.19007– Capital Maple	\$ 300,000
B.20007- Capital Maple	\$ 3,000,000
B.13003 – Preservation of Roads	\$ 143,760
B.15001 – Preservation of Roads	\$ 49,967
B.15019 – Capital Overlay Program	\$ 48,720
B.16005 – Construction of Roads	\$ 221,516
B.16050 – Capital Overlay Program	\$ 109,500
B.17050 – Capital Overlay Program	\$ 4,350
B.18023 – Various Road Reconstruction	\$ 277,332
B.18050 – Capital Overlay Program	\$ <u>12,981</u>
<b>TOTAL PROJECT</b>	<b>\$ 6,248,126</b>

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.18012, as follows:

Account	Description	Current Budget	Inc / (Dec)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$0	\$300,000	\$300,000
414000	Federal Aid	\$1,664,000	\$96,000	\$1,760,000
475000	Gen Oblig Bond Proc	\$416,000	\$0	\$416,000
<b>TOTAL REVENUES</b>		<b>\$2,080,000</b>	<b>\$396,000</b>	<b>\$2,476,000</b>
<b>APPROPRIATIONS</b>				
<b>CAPITALPROJECTS</b>		<b>\$416,000</b>	<b>\$2,060,000</b>	<b>\$2,476,000</b>
<b>UNALLOCATED</b>		<b>\$1,664,000</b>	<b>(\$1664,000)</b>	<b>\$0</b>
<b>TOTAL APPROPRIATIONS</b>		<b>\$2,080,000</b>	<b>\$396,000</b>	<b>\$2,476,000</b>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget accordingly for any and all additions or reductions in Federal and/or State revenue that are necessary for this Project; and be it further

RESOLVED, that the County Legislature hereby agrees that the County of Erie shall be responsible for all costs of the Project which exceed the amount of federal-aid or state-aid funding awarded to the County of Erie; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$6,248,126 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

MR. JOHNSON moved to amend the item. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Delete the Third Resolve Clause and Replace with the Following:

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with Accadia Site Contracting, Inc. for an amount not to exceed \$4,492,505.36, enter into a construction phase engineering services agreement with Clark Patterson Lee, for an amount not to exceed \$321,163.99 and establish a NYSDOT mandatory agreement match of \$1,434,465.65 for a total project cost not to exceed \$6,248,126; and be it further

MR. JOHNSON moved to approve the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 3 – MR. JOHNSON moved for the approval of the minutes for Meeting Number 12 from 2020. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

### **MISCELLANEOUS RESOLUTIONS**

Item 5 – CHAIR BASKIN presented a memorial resolution In Remembrance of Harold L. Meacham, Longtime Kensington-Bailey Resident, World War II Veteran and Mason.

Item 6 – CHAIR BASKIN, MR. MEYERS, MR. LORIGO, MR. JOHNSON, MS. CHIMERA, MR. HARDWICK, MS. VINAL, MR. RATH, MR. TODARO, MR. GILMOUR & MR. MILLS presented a proclamation Honoring Deputy Sheriff's Officer Christopher Imhof for His Emergency Response.

Item 7 – CHAIR BASKIN, MR. MEYERS, MR. LORIGO, MR. JOHNSON, MS. CHIMERA, MR. HARDWICK, MS. VINAL, MR. RATH, MR. TODARO, MR. GILMOUR & MR. MILLS presented a proclamation Honoring Buffalo Police Lt. Elizabeth Baker for Her Emergency Response.

Item 8 – MR. MILLS presented a proclamation Honoring David Sullivan as the Recipient of the Springville Area Chamber of Commerce 2020 Community Service Award.

Item 9 – MR. MILLS presented a proclamation Honoring Dennis Dains as the Springville Area Chamber of Commerce 2020 Citizen of the Year.

Item 10 – MR. RATH presented a proclamation Celebrating Greg Spoth as the Erie County Legislature's 2020 Citizen of the Month for the 6th Legislative District.

Item 11 – MS. VINAL presented a memorial resolution In Remembrance of Lillie P.W. Stephens.

Item 12 – MR. TODARO presented a memorial resolution In Honor and Remembrance of Pasquale "Pat" D. Cipolla.

Item 13 – MR. RATH presented a proclamation Recognizing Gretchen Gross on Being Named Recipient of the 2020 Ralph Kushner Volunteer Services Award from the Jewish Community Center of Greater Buffalo.

MR. JOHNSON moved for consideration of the above nine items. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. JOHNSON moved to amend the above nine items by adding one for MR. TODARO and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. JOHNSON moved for approval of the above ten items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 14 – ACTING CHAIR MEYERS directed that Local Law No. 9 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – ACTING CHAIR MEYERS directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 16 – ACTING CHAIR MEYERS directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – ACTING CHAIR MEYERS directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 18 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

June 11, 2020	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received, filed and printed:
  - a. COMM. 11E-15 (2020)  
COUNTY EXECUTIVE: “Appointment to the EC Board of Health”  
(Chair’s Ruling)

May 18, 2020

Erie County Legislature  
92 Franklin St.  
4<sup>th</sup> Floor  
Buffalo, New York 14202

RE: Appointment to the Erie County Board of Health

Dear Honorable Members:

I, Mark C. Poloncarz, Erie County Executive, pursuant to Erie County Charter Section 503, do hereby appoint the following individual to the Board of Health, for a term expiring December 31, 2025.

Appointee:

Marilyn Tuberdyck

132 Slade Ave.  
West Seneca, New York 14224

Should you have any questions or concerns, please contact my office at (716) 858-8500.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

2. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4E-9 (2020)  
BASKIN: "Letter to Chair of HHS Committee Requesting Discussion on EC Mobile Services Van"  
(Chair's Ruling)
  - b. COMM. 11D-1 (2020)  
DEPT. OF LAW: "Local Emergency Orders, EC State of Emergency Declarations & Extensions"  
(Chair's Ruling)
  - c. COMM. 11D-7 (2020)  
DEPUTY COMPTROLLER - AUDIT: "Audit of Client-Owned Assets - Adult Protective Services"  
(Chair's Ruling)
  - d. COMM. 12E-1 (2020)  
BASKIN: "Letter to Sheriff's Office in Response to Request for Supplies of COVID-19 Masks & Tests for Prisoners"  
(Chair's Ruling)
  - e. COMM. 12E-2 (2020)  
CHIMERA: "Letter to Health Commissioner Concerning Opioid Fatalities During COVID-19 Pandemic"  
(Chair's Ruling)
  - f. COMM. 12D-1 (2020)  
DEPT. OF LAW: "Local Emergency Orders, EC State of Emergency Declarations & Extensions"  
(Chair's Ruling)

**LISA M. CHIMERA**  
**CHAIR**

Item 19 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

June 11, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 12M-2 (2020)  
NFTA: "NFTA Board Minutes for Meeting Held on 3/26/2020"  
(Chair's Ruling)

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

Item 20 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

June 11, 2020	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received, filed & printed:
  - a. COMM. 10E-22 (2020)  
BASKIN: "Appointment of Ex-Officio Member - Buffalo & EC Botanical Gardens Society  
Board of Directors"  
(Chair's Ruling)

May 5, 2020

David J. Swarts – President/CEO  
Buffalo and Erie County Botanical Gardens Society  
2655 South Park Avenue  
Buffalo, New York 14218

Dear Mr. Swarts:

Please be advised that I hereby appoint the following individual to serve in my ex-officio position on the Buffalo and Erie County Botanical Gardens Society Board of Directors, effective immediately:

Robert F. Lowery  
249 Danbury Drive  
Cheektowaga, NY 14225

Thank you for your assistance and courtesies.

Sincerely,

April N.M. Baskin  
Chair, Erie County Legislature

2. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6M-5 (2020)  
FRANCIS G. WARTHLING: “Application for Position of EC Director of OTB”  
(Chair’s Ruling)
  - b. COMM. 8M-1 (2020)  
GARY T. ROG: “Letter of Interest in Interview for Position of Erie County Director of Western Regional Off-Track Betting Corporation”  
(Chair’s Ruling)
  - c. COMM. 8M-3 (2020)  
BEVERLY ANN MAZUR: “Letter of Interest in Interview for Position of Erie County Director of Western Regional Off-Track Betting Corporation”  
(Chair’s Ruling)
  - d. COMM. 10E-23 (2020)  
BASKIN: “Letter to Outgoing Commissioner of NFTA Regarding New Appointment”  
(Chair’s Ruling)
  - e. COMM. 11D-4 (2020)  
DEPT. OF LAW: “Transmittal of New Claims Against EC”  
(Chair’s Ruling)
  - f. COMM. 11M-4 (2020)  
NFTA: “Letter to Legislature Regarding Temporary Service Adjustments During the COVID-19 Outbreak”  
(Chair’s Ruling)

- g. COMM. 12D-2 (2020)  
DEPUTY COMPTROLLER - AUDIT: "Audit of DISS"  
(Chair's Ruling)
- h. COMM. 12M-1 (2020)  
NY COALITION FOR OPEN GOVERNMENT: "Report Titled "Local Governments Mute the Public During Remote Meetings""  
(Chair's Ruling)

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

Item 21 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

June 11, 2020	PUBLIC SAFETY COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.

- 1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 3E-2 (2020)  
SHERIFF: "Additional Deputy Sheriff - Criminal Positions"  
(Chair's Ruling)
  - b. COMM. 6E-1 (2020)  
COMPTROLLER: "Audit of EC Sheriff's Office"  
(Chair's Ruling)
  - c. COMM. 6M-1 (2020)  
CITY ATTORNEY, LACKAWANNA: "Resolution in Support of Justice for Rachel Act"  
(Chair's Ruling)
  - d. COMM. 8E-4 (2020)  
JOHNSON: "Letter to District Attorney Concerning Detainees at the Erie County Holding Center and Correctional Facility - COVID-19 Outbreak"  
(Chair's Ruling)
  - e. COMM. 8D-3 (2020)  
SUPERINTENDENT - JAIL MANAGEMENT DIVISION, SHERIFF'S OFFICE: "Letter to Public Safety Committee Chair Johnson Concerning March 24th Letter to District Attorney Flynn"

(Chair's Ruling)

f. COMM. 9E-2 (2020)  
GILMOUR: "Letter to Sheriff Supporting Hazard Pay for Jail Management Personnel During COVID-19 Outbreak"  
(Chair's Ruling)

g. COMM. 9E-8 (2020)  
GILMOUR: "Letter Requesting N95 Respirator Masks for Jail Management Personnel and Detainees/Prisoners"  
(Chair's Ruling)

h. COMM. 12D-3 (2020)  
DEPUTY COMPTROLLER - AUDIT: "Audit of Dept. of Homeland Security & Emergency Services"  
(Chair's Ruling)

2. INTRO. 6-1 (2020)  
MEYERS

WHEREAS, in 2013, as part of resolving a collective bargaining agreement that had been stalled for years, the Buffalo Professional Firefighters Union Local 282 reluctantly agreed to a contract provision – at the insistence of the fire management – that created "dynamic staffing"; and

WHEREAS, dynamic staffing is the practice of closing and not staffing certain firehouses/fire companies when manpower levels fall below an agreed-upon number and the fire department determines that it does not have enough firefighters available at work; and

WHEREAS, the dynamic staffing process allows the city to pull a fire company out of service when five firefighters out of about 145 across the city on any shift, call in sick and are not available to work; and

WHEREAS, if five firefighters throughout the city call in sick, the commissioner can pull one fire company out of service for a 24-hour shift, and the crew of the closed company is dispersed to cover, or backfill vacancies in other companies because firefighters are out sick, on vacation or taking personal time; and

WHEREAS, the city argues that dynamic staffing allows them to backfill vacancies and cover shifts when firefighters are off work, and provide fire coverage without incurring additional overtime costs, with the city's main concern and interest in using dynamic staffing attributable to reducing firefighter overtime expense; and

WHEREAS, the union says that dynamic staffing places people, firefighters and property at "heightened risk" due to the fact that it will take longer for a fire company to respond to a call when another fire company is closed, and therefore, the union opposes the practice; and

WHEREAS, while the union reluctantly agreed to the practice in 2013, they unsuccessfully attempted to remove dynamic staffing from the 2018 contract, and union leaders have begun to

publicly express their concerns for resident and firefighter safety and property on social media, in testimony at a Buffalo Common Council meeting, and through public advocacy; and

WHEREAS, according to the city, since January 2019, the city has placed companies out of service approximately 165 times but they cannot quantify or provide specific data points concerning potential negative impacts due to dynamic staffing; and

WHEREAS, over the past 40 years, one third of the city's fire companies have been closed in an effort to save money; and

WHEREAS, in some municipalities across the country, fire departments have begun purchasing and deploying "Alternative response vehicles", which are usually extended-cab pickup trucks, with an enclosed rear bed, or sport utility vehicles that contain advanced life support; and

WHEREAS, these response vehicles contrast with fire apparatus currently used by the Buffalo Fire Department, which are staffed by four firefighters and who report to calls; and

WHEREAS, in May 2019, the Buffalo Fire Department announced plans to start using Chevrolet Tahoe sport utility vehicles staffed by four firefighters to respond to first aid calls; and

WHEREAS, the Buffalo professional Firefighters Union has expressed concern with this concept, noting that if a fire occurred while the crew is with the SUV and not on an engine company, the crew could not respond to the fire and put water on the fire, which is a real danger and source of anxiety; and

WHEREAS, dialogue and constructive discussions between the fire department management and the union leadership may be helpful to resolve some of these issues, while keeping in mind that the paramount objective is to protect the public.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concerns over dynamic staffing in the Buffalo Fire Department, and urges the Buffalo Fire Commissioner to engage in meaningful dialogue and data sharing with the Buffalo Professional Firefighters Union Local 282 to analyze the impact of dynamic staffing on human life and injuries, as well as property damage; and be it further

RESOLVED, that this Honorable Body expresses its support for enhancing first response activities, but notes its concern over the use of alternative response vehicles that may not be well-equipped or able to properly respond to incidents, including fires; and be it further

RESOLVED, that this Honorably Body reiterates its commitment to public safety and protecting the people of our community, including our firefighters who rush into harm's way to protect people and property; and be it further

RESOLVED, that this Honorably Body encourages the City of Buffalo fire leadership and the Buffalo Professional Firefighters Union to engage in dialogue and constructive discussions to help resolve some of these issues in the best interests of the community; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Mayor of Buffalo, the Commissioner of the Buffalo Fire Department, and the President of the Buffalo Professional Firefighters Union Local 282.

(3-0-1) Legislator Gilmore abstained.

3. INTRO. 12-6 (2020)

BASKIN & JOHNSON

WHEREAS, national and local unrest over the past week has reinforced the continued issues of systemic racism within our society; and

WHEREAS, the strife and frustration stems from experiencing situations that are unfair, from observing injustice, and feeling hopeless from the gravity of the consequences of inequity; and

WHEREAS, the strife and frustration cannot be left to fester and it deserves to be recognized and appropriately responded to; and

WHEREAS, we know our responsibility as elected officials to address these concerns, no matter how complex and layered the issues are; and

WHEREAS, not every issue of injustice or exclusion is glaring and undebatable, as there are still many structural barriers to achieving equity and inclusion for all people of Erie County; and

WHEREAS, these barriers also exist in seemingly fair policies, practices, and procedures that produce inequitable results; and

WHEREAS, inequitable results are cause of strife and frustration and we should put every effort into eliminating all barriers to equity and inclusion.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature requests the assistance of the Greater Buffalo Racial Equity Roundtable in identifying policies, practices and procedures of Erie County government that are barriers to achieving racial equity and providing counsel and advice to the County government; and be it further

RESOLVED, a certified copy of this resolution shall be sent to the County Executive, County Clerk, County Sheriff, County Comptroller, District Attorney, and the Greater Buffalo Racial Equity Roundtable.

(4-0)

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

Item 22 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

June 11, 2020	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby tabled as amended:
  - a. COMM. 12E-17 (2020)  
COUNTY EXECUTIVE: “Deficit Reduction Plan”  
(5-0)
2. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9E-9 (2020)  
MEYERS: “Letter to Budget Dept. Requesting Analysis of NYS 2020-2021 Budget and Its Impact on EC”  
(Chair’s Ruling)
  - b. INTRO. 10-6 (2020)  
LORIGO, RATH, TODARO & MILLS: “Acknowledgment of Declaration of Fiscal Deficit for the 2020 Budget”  
(Chair’s Ruling)
  - c. COMM. 10E-21 (2020)  
COMPTROLLER: “Letter Concerning Insufficient Revenue Projections”  
(Chair’s Ruling)
  - d. INTRO. 11-1 (2020)  
LORIGO, RATH, TODARO & MILLS: “Opposition to Executive Order Delaying Plan to Close Budget Deficit”  
(Chair’s Ruling)
  - e. INTRO. 11-2 (2020)  
LORIGO, RATH, TODARO & MILLS: “Creation of the EC Deficit Reduction Working Group”  
(Chair’s Ruling)
  - f. INTRO. 11-3 (2020)  
MILLS: “Resuming EC Legislature Proceedings in Legislative Chambers”  
(Chair’s Ruling)
  - g. COMM. 11E-1 (2020)

VINAL: “Letter to Comptroller Regarding Items in the Legislature”  
(Chair’s Ruling)

- h. COMM. 11E-3 (2020)  
COUNTY EXECUTIVE: “Letter to Legislature Regarding May Deficit Declaration Letter from Comptroller”  
(Chair’s Ruling)
- i. COMM. 11E-9 (2020)  
COMPTROLLER: “Letter to Legislature Concerning Deficit Declaration”  
(Chair’s Ruling)
- j. COMM. 11E-10 (2020)  
COMPTROLLER: “Interim Financial Report of EC for the First Quarter of 2020”  
(Chair’s Ruling)
- k. COMM. 11D-2 (2020)  
DEPUTY COMPTROLLER: “Letter to Chair of Finance & Management Committee Concerning COMM. 11E-1”  
(Chair’s Ruling)
- l. COMM. 11D-3 (2020)  
DEPUTY COMPTROLLER: “Letter Concerning March Sales Tax Receipts”  
(Chair’s Ruling)
- m. COMM. 12E-3 (2020)  
COMPTROLLER: “2020 Revenue Anticipation Note (RAN) Sale”  
(Chair’s Ruling)

3. COMM. 12E-7 (2020)  
COUNTY EXECUTIVE  
WHEREAS, the Director of Real Property Tax Services has recommended the transfer of various surplus county owned property described below; and

WHEREAS, the parcels were reviewed and deemed surplus by the County Lands Advisory Review Committee; and

WHEREAS, the County Lands Advisory Review Committee reviewed the sale under SEQR and issued a negative declaration acknowledging the minimal environmental impact.

NOW, THEREFORE, BE IT

RESOLVED, that the surplus county owned parcels listed below be sold:

Town of Cheektowaga - SBL #114.02-6-6; 0 Como Park Blvd - to Crystal Turner. This parcel is located on the south side of Como park Blvd between Messer Ave. and Croydon Dr.

It is an undeveloped County-owned parcel bordering several residential parcels. Negotiated Price: \$1,500. Measures: 0.4187 acres.

Town of West Seneca - SBL #134.61-2-1 - 0 Marlow Road - to Gladys M. Saul. Parcel is a rectangular shaped residential vacant lot that is not buildable. Negotiated Price: \$1,000. Measures: 0.15 acres.

and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying any and all interest of the County of Erie in the above described properties to the aforesaid purchasers; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.  
(5-0)

**TIMOTHY J. MEYERS**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 23 – MR. JOHNSON presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Support for Firefighter Protocols  
to Reduce the Risk of Cancer  
(INTRO. 13-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS GILMOUR & MEYERS**

WHEREAS, New York State is home to over 110,000 volunteer firefighters who sacrifice their time, their safety and, too often, their health in service to their communities; and

WHEREAS, one of the key risks to firefighter health are the array of dangerous chemicals that can be found on their turnout gear at a fire, including burning or burned plastics which are prevalent across our society in many consumer products; and

WHEREAS, firefighters serving the public in New York State, whether paid or volunteer, have higher numbers and rates of cancer deaths than the general population; and

WHEREAS, cancer is the second leading cause of deaths among firefighters today, following cardiovascular disease, as established by numerous scientific studies and data collected and evaluated by the National Institute for Occupational Safety and Health and by the International Association of Fire Fighter's (IAFF) Line of Duty Deaths Database; and

WHEREAS, firefighters are significantly more likely to develop many types of cancer than the general population largely due to the high levels of carcinogens and other toxins found in burning buildings and hazardous environments, with firefighters having a 9% higher risk of being diagnosed with cancer and a 14% higher risk of dying from cancer than the general U.S. population, according to research by the CDC/National Institute for Occupational Health and Safety (NIOSH); and

WHEREAS, occupational exposure to carcinogens significantly increases firefighters' risk of several cancers in correlation with the duration of firefighting activities and cancer deaths among members of the fire service have risen dramatically over the last 20 years, in tandem with the increasing toxicity of modern fires, due to the proliferation of synthetic products and plastics, and other toxic chemicals that release carcinogenic by-products when burned; and

WHEREAS, in an effort to help reduce potential causality between the firefighters and cancer, the New York State Office of Fire Prevention and Control has developed a series of protocols and is working to inform and educate firefighters on the importance of firefighters cleaning themselves and their gear at the scene or at the fire station immediately after the incident ends; and

WHEREAS, our community counts on our firefighters to protect us, and it is only right that we do our best to support them.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature expresses its strong support for our firefighters in the fire service and efforts by the New York State Office of Fire Prevention and Control to help alert and inform firefighters of the need for cleaning their gear immediately after a fire, to help reduce the risk of cancer; and be it further

**RESOLVED**, that this Honorable Body requests that the Erie County Commissioner of Homeland Security and Emergency Services attend a future meeting of the Legislature's Public Safety Committee to discuss the ways in which Erie County, which trains and supports paid and volunteer firefighters, can further support them in efforts to reduce cancer risk; and be it further

**RESOLVED**, that certified copies of this resolution be transmitted to the New York State Office of Fire Prevention and Control, the Erie County Commissioner of Homeland Security and Emergency Services, and the Erie County Commissioner of Health.

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

**CARRIED UNANIMOUSLY.**

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

CARRIED UNANIMOUSLY.

Item 24 – MR. JOHNSON presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Supporting Continuation of  
Federal Funding & Waivers for  
Free School Breakfast/Lunch  
Programs for Children  
(INTRO. 13-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS CHIMERA, JOHNSON & MEYERS**

WHEREAS, due to poverty and food instability, millions of American children receive free or reduced fee breakfast and lunch meals at their schools during the school year; and

WHEREAS, during the Coronavirus pandemic, school districts across the country, working with community and government partners, assiduously endeavored to continue to provide meals for schoolchildren who were at home during the pandemic, engaging in coordinated and arduous efforts to help feed these children; and

WHEREAS, the Survey of Mothers with Young Children, said 40.9% of mothers with children ages 12 and under reported household food insecurity since the beginning of the Coronavirus pandemic; and

WHEREAS, across the country, food banks have been overwhelmed during the Coronavirus pandemic, with lines of cars reaching several miles from feeding sites as people could not afford food due to job losses and lack of funds; and

WHEREAS, as the school year ends, the School Nutrition Association, a national organization of school nutrition professionals, sent a letter to the Secretary of the U.S. Department of Agriculture (USDA) asking him to extend the Coronavirus emergency feeding provisions that allow school meals for all students at no charge through the end of the 2020-2021 school year in June 2021; and

WHEREAS, the Association has warned that children will not have access to the food they need during the summer months and beyond unless the USDA loosens rules for school meal programs and allows federal funding to be continued for feeding sites, including extending waivers from the federal government allowing schools to serve all students and granting some flexibility over what food items is included in meals after June 30, 2020; and

WHEREAS, the Food Research and Action Center, a nonprofit organization addressing eradicating poverty-related hunger and undernutrition, is calling for continuing these programs and extending federal waivers to keep feeding needy children during this recession.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the efforts of the U.S. Department of Agriculture and the many schools and non-profit community organizations and partnerships across the country that are working to feed children; and be it further

RESOLVED, that this Honorable Body calls on the USDA to extend the Coronavirus emergency feeding provisions that fund and allow school meals for all students at no charge through the end of the 2020-2021 school year in June 2021, in order to help provide food to as many children as possible during the Coronavirus crisis and during the recession; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, the Secretary of Agriculture, the Council of Chief State School Officers, the US Senate Majority and Minority Leaders, the Speaker and Minority Leader of the US House of Representatives, the Secretary of the US Department of Education, the School Nutrition Association, and Feeding America.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 25 – ACTING CHAIR MEYERS directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 13-3 from JOHNSON & BASKIN. Support for State Reform of Section 50-a of the New York Civil Rights Law.

Item 26 – MR. JOHNSON presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

RE: Support for the "Eric Garner Anti-Chokehold Act" and the Banning of Racial or Ethnic

Profiling by Law Enforcement  
(INTRO. 13-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS JOHNSON, MEYERS, CHIMERA & VINAL**

WHEREAS, the recent protests and strife across the United States started by the death of George Floyd at the hands of a Minneapolis police officer who applied force and put his knee against the neck of Mr. Floyd have revealed many instances of police officers' use of force against detained persons, particularly persons of color; and

WHEREAS, these police incidents have shown a troubling propensity for police officers restraining individuals by applying their hands, arms, legs or knees to the necks of detainees, particularly persons of color, with many nationwide reports of fatal and serious injuries to detainees during these incidents; and

WHEREAS, there has been a long and well-established pattern of racial and ethnic profiling by law enforcement officers in this country in which persons of color are stopped, questioned, detained and/or arrested due to their skin color, often for no other rationale or purpose; and

WHEREAS, the New York State Legislature has acted to address these issues, introducing legislation to help stop the use of choke-holds and racial/ethnic profiling by law enforcement; and

WHEREAS, the New York State Legislature has introduced and approved Senate Bill S.6670-A/Assembly Bill A.6144-B, referred to as the "Eric Garner anti-chokehold act", which amends the Penal Law to criminalize an obstruction of breathing or blood circulation when, with intent to impede the normal breathing or circulation of the blood of another person, a person "uses any procedure known as a chokehold" and thereby causes serious physical injury or death to another person; and

WHEREAS, this law establishes a new provision of the Penal Law establishing the felony criminal act of strangulation in the first degree associated with the disregard of banned employment procedures when an individual applies a choke-hold in a capacity of their employment, such as in security or law enforcement when the practice is banned; and

WHEREAS, the New York State Senate and State Assembly have introduced and approved Senate Bill S.1137-A/Assembly Bill A.4615-A, amending the Executive Law to ban a law enforcement agency's use of racial or ethnic profiling; and

WHEREAS, the law bans the practice of a law enforcement agent or agency, relying, to any degree, on actual or perceived race, color, ethnicity, national origin or religion in selecting which individual or location to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a specific person or location with a particular racial or ethnic characteristic to an identified criminal incident or scheme; and

WHEREAS, this bill requires every law enforcement agency to promulgate and adopt a written policy which prohibits racial or ethnic profiling and promulgate and adopt procedures for the review and the taking of corrective action with respect to complaints by individuals who allege that they have been the subject of racial or ethnic profiling; and

WHEREAS, the Governor has stated that he will approve each bill upon its delivery to him.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its support and urges the Governor to sign into law Senate Bill S.6670-A/Assembly Bill A.6144-B, referred to as the "Eric Garner anti-chokehold act", and Senate Bill S.1137-A/Assembly Bill A.4615-A, banning a law enforcement agency's use of racial or ethnic profiling; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the President and Majority Leader of the State Senate, the Speaker of the State Assembly, and the Erie County Sheriff.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 27 – ACTING CHAIR MEYERS directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 13-5 from MEYERS, JOHNSON, HARDWICK, CHIMERA & VINAL. Support for Amending the NYS Correction Law to Give Counties Flexibility on Staffing Levels.

Item 28 – ACTING CHAIR MEYERS directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 13-6 from JOHNSON. Support for the Resumption of NFTA Bus Service to Erie County Correctional Facility.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 29 – MR. JOHNSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 12E-17 (2020) as Amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: Deficit Reduction Plan  
(COMM. 12E-17, 2020 as Amended)

WHEREAS, due to the effects of the Coronavirus and the resultant loss of revenues, Erie County is experiencing a budget deficit, estimated at \$137.8 million; and

WHEREAS, under New York State law, local governments in New York cannot run budget deficits and must address budget gaps; and

WHEREAS, pursuant to the Erie County Charter, the County Comptroller has declared a deficit and the County Executive has submitted the enclosed deficit remediation plan to the Erie County Legislature to address the deficit; and

WHEREAS, pursuant to Section 2511 of the Erie County Charter, the Legislature must act on the County Executive's deficit remediation plan on/by June 25, 2020, or his proposal takes effect by default.

NOW, THEREFORE, BE IT

RESOLVED, that after careful consideration and deliberation, the Erie County Legislature hereby approves the enclosed deficit remediation plan submitted by the Erie County Executive Mark C. Poloncarz; and be it further

RESOLVED, that his Honorable Body urges the US Congress and President to expeditiously adopt a federal stimulus plan that provides federal assistance to local governments to help them close budget deficits created by revenue gaps from the Coronavirus pandemic; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Comptroller, Director of Budget and Management, and Chair of the Erie County Fiscal Stability Authority.

MR. JOHNSON moved to amend the item. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Add the Following Resolve Clauses:

RESOLVED, that following the Legislature's approval of this 2020 deficit remediation plan, any further actions by the Division of Budget and Management and/or Comptroller's Office to further reduce the deficit, such as further deletions in positions or reductions in spending, or the

issuance of deficit financing or other borrowing measures, shall require legislative assent by this Honorable Body under the provisions of Section 2511 of the Erie County Charter; and be it further

RESOLVED, that in the event federal financial assistance is provided to Erie County in 2020, that funding shall be utilized first to help close the County's 2020 budget deficit before any fund balance or Account 570035 – Interfund Transfers COVID-19 Response funding is utilized in 2020; and be it further

RESOLVED, that the Finance and Management Committee will hold standing monthly meetings for the remainder of 2020 to receive updates and a status report from the Division of Budget and Management and the Comptroller's Office concerning the 2020 deficit and revenue and expenditure trends as the fiscal year progresses; and be it further

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

ACTING CHAIR MEYERS directed that a roll-call vote be taken.

AYES: MR. LORIGO, MR. MILLS, MR. RATH, and MR. TODARO, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, ACTING CHAIR MEYERS, and MS. VINAL. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

Item 30 – MR. JOHNSON moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 12E-9 (2020). MR. HARDWICK seconded. MR. LORIGO, MR. MILLS, MR. RATH, and MR. TODARO voted in the negative.

CARRIED. (6-4)

RESOLUTION NO. 132

RE: Contract w/ECIDA for Design of Water & Sewer Utilities – Bethlehem Steele Site  
(COMM. 12E-9, 2020)

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, the development of water and sewer infrastructure on the future Odell Street on the former Bethlehem Steel site is necessary to market the site as shovel ready; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing design of utility infrastructure; and

WHEREAS, the County of Erie has approved funding in the County Budget to be utilized specifically for infrastructure and redevelopment on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, Industrial Land Development Corporation and other state and federal agencies, and consultants in amounts not to exceed a total of \$700,000, for the purpose of the design of utilities on the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with the Erie County Water Authority, New York State Department of Transportation as necessary to execute this project and complete the work; and be it further

RESOLVED, that the source of these funds shall be in SAP accounts A.20911 in the amount of \$254,873 and A.13012 in the amount of \$445,127 available respectively as part of the approved County budgets; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

MR. JOHNSON moved to approve the item. MS. VINAL seconded.

ACTING CHAIR MEYERS directed that a roll-call vote be taken.

AYES: MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, ACTING CHAIR MEYERS, and MS. VINAL. NOES: MR. LORIGO, MR. MILLS, MR. RATH, and MR. TODARO. (AYES: 6; NOES: 4)

CARRIED.

### **SUSPENSION OF THE RULES**

Item 31 - MR. JOHNSON moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-15 from CHAIR BASKIN Re: Letter Regarding 2020 Mid-Year Budget Hearings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 32 - MR. JOHNSON moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-16 from CHAIR BASKIN Re: Letter to Chair of ECCSAB Concerning "NYS Police Reform & Reinvention Collaborative" Executive Order Hearings

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 33 - MR. JOHNSON moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-17 from SHERIFF Re: Acceptance of Federal Coronavirus Emergency Supplemental Funding

RESOLUTION NO. 133

WHEREAS, the Sheriff's Office has applied for and been granted a United States Department of Justice grant to purchase additional PPE necessary during the COVID-19 pandemic; and

WHEREAS, the resolution seeks authorization for the Erie County Executive and Sheriff's Office to enter into an agreement to accept Coronavirus Emergency Supplemental Funding Program funds \$58,000.00; and

WHEREAS, the Correctional Health Division, who oversees the Erie County Sheriff's Office ECSO "Pandemic Influenza Plan," has determined the Sheriff's Office needs additional Personal Protective Equipment (PPE) for employees inmates and visitors for the prevention, preparation, and response stages for COVID-19. The amount of supplies is consistent with the CDC recommended guidelines to maintain an 8-week supply; and

WHEREAS, the ECSO weekly use estimates of PPE include the Erie County Holding Center (ECCF), Erie County Correctional Facility (ECCF) employees, inmates, and visitors. The PPE weekly estimates also include the Correctional Health Division (CHD), the Police Services Division (PSD), and Special Services Division (SSD); and

WHEREAS, the CHD, in accordance with recommendations of ECDOH and CDC, will continue to have hand sanitizer available for ECSO employees, inmates, and visitors to be used frequently throughout their time within the ECHC or ECCF and or entering and exiting patrol vehicles or district substations; and

WHEREAS, in addition to PPE, the CHD will utilize swabs and tests during the initial screening process and constant monitoring practices of all inmates. These tests will help to assess the potential for suspected or confirmed cases of COVID-19 that will enable safe screening and housing protocols to prevent the spread of the virus; and

WHEREAS, the Sheriff's Office requests immediate consideration and approval of the resolution, so the parties may complete the necessary forms and contracts by the July 15 deadline; and

WHEREAS, these funds will offset costs for the Sheriff's response to the COVID-19 pandemic, and this resolution will not have any impact on the 2020 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Erie County Executive and the Erie County Sheriff's to enter into an agreement with the U.S. Department of Justice to accept \$58,000.00 of Coronavirus Emergency Supplemental Funding Program funds; and be it further

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

RESOLVED, certified copies of the approved resolution are sent to the County Executive, the budget and Management Department, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM CHAIR BASKIN**

Item 34 – (COMM. 13E-1) Letter to Commissioner of Buffalo Police Department Regarding Incident in Niagara Square

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COMPTROLLER**

Item 35 – (COMM. 13E-2) 2020 COVID-19 Deficit Remediation Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR GILMOUR**

Item 36 – (COMM. 13E-3) Abstention on Intro. 6-1 (2020)

Received, filed and printed.

June 11, 2020

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

Re: Abstention on Intro. 6-1

Dear Clerk Graber:

I am writing to inform you that the reason that I abstained on the Public Safety Committee's vote today on Intro. 6-1, "Expressing Concern about Buffalo Fire Department's Use of Dynamic Staffing and Alternative Response Vehicles" is due to the fact that I am counsel to the Buffalo Professional Firefighters Union Local 282 and I wished to avoid any conflict of interest under the Erie County Code of Ethics.

Sincerely,

John Gilmour  
Erie County Legislator

**FROM THE COUNTY EXECUTIVE**

Item 37 – (COMM. 13E-4) ECSD No. 4 - Bid Opening - Depew Overflow Retention Facility Rehabilitation Project

Item 38 – (COMM. 13E-5) ECSD No. 4 - Bid Opening - Bowmansville Pumping Station Flow Meter Replacement

Item 39 – (COMM. 13E-6) ECSD Nos. 3, 6 & 8 - Bid Opening - Sanitary Sewer Replacement Project

Item 40 – (COMM. 13E-7) ECSD Nos. 3 & 8 - Partial Closure of Capital Reserve Funds

Item 41 – (COMM. 13E-8) ECSD No. 3 - Change Order - Parker Rd. Elevated Sewer Repair Project

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

Item 42 – (COMM. 13E-9) DPW Transfer of Funds - Operating Budget

Item 43 – (COMM. 13E-10) Reconstruction of Alden-Crittenden Rd., Village of Alden

Item 44 – (COMM. 13E-11) Roadway Reconstruction & Rehabilitation of Vermont St.,  
Town of Holland

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

Item 45 – MR. JOHNSON presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

RE: 2020 Public Works Project –  
Authorization to Appropriate Funds &  
Enter into Contracts  
(COMM. 13E-12)

WHEREAS, it is critical that the Department of Public Works accomplish as many highway rehabilitation projects and commence projects as soon as possible, including taking advantage of the short construction season and the availability of lower pricing by contractors by early bidding; and

WHEREAS, due to the condition of County facilities, every effort must be made to expedite this work, which includes seeking pre-approval from the Erie County Legislature to award highway construction, design, and testing contracts and to appropriate funds for 2020 highway and related work.

NOW, THEREFORE, BE IT

RESOLVED, that in order to best promote the public interest and expedite 2020 highway work, the award of 2020 highway construction, design, and testing contracts as designated by the Commissioner of Public Works for projects listed in Exhibit A and any other necessary projects added to the 2020 road list by the Commissioner of Public Works are hereby preapproved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contracts; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of all 2020 highway construction projects pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidders and submit recommendations to the County Executive; and be it further

RESOLVED, that the pre-approved contract authorization shall apply to the 2020 highway project contracts, as designated by the Commissioner of Public Works and noted on the attached Exhibit A document, and shall not exceed an aggregate total of \$ 40,449,677 from the following funding sources:

2017, 2018, and 2019 Bond Proceeds and Federal Aid	\$ 4,558,000
2020 Approved Capital Budget/Division of Highways -Bond Proceeds, Federal Aid, and Pay-As-You-Go-Funds	\$ 19,201,767
<u>Total Funding</u>	<u>\$ 23,759,767</u>

and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to make any necessary adjustments to the revenues and expenses to the projects included in Exhibit A; and be it further

RESOLVED, that the Comptroller's Office is directed to effectuate the release of funds for road projects based on requests from the Department of Public Works from the above-noted funding sources or related sources of funds made available in 2020; and be it further

RESOLVED, that periodic informational reports shall be filed with the Legislature by the Department of Public Works indicating awarded 2020 highway project contracts and contractors; and be it further

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

Exhibit A								
Erie County Department of Public Works - 2020 Road Program							May 27, 2020	
<b>Maintenance Projects</b>								
<b>Mill and Overlay - Districts</b>								
County Road and Limits	Funding Source	Bid date	Estimated Cost	Status	Town	Mileage	Road Rating	
George Urban from Genesee to Harlem	Pay as you Go	May	\$ 270,000.00	pending	Cheektowaga	1.5	6	
Pine Ridge from Walden to Maryvale	Pay as you Go	May	\$ 90,000.00	pending	Cheektowaga	0.6	6	
Tonawanda Creek Rd from Old Falls Blvd to Bear Ridge	Pay as you Go	May	\$ 407,199.00	pending	Amherst	2.19	5	
Sweet Home Rd from Eggert to Maple Rd	Pay as you Go	June	\$ 183,436.00	pending	Amherst	1.11	5	
South Newstead from Main to Genesee	Pay as you Go	April	\$ 820,000.00	pending	Akron	3.86	5	
Shimerville from Main to Wehrle	Pay as you Go	July	\$ 60,000.00	pending	Clarence	0.48	5	
Bayview from Big Tree to South Park	Pay as you Go	May	\$ 280,000.00	pending	Hamburg	0.79	5	
South St from Center to Rt. 16	Pay as you Go	June	\$ 120,000.00	pending	East Aurora	0.76	5	
Stony Point from Whitehaven to Beaver Island Pkwy	Pay as you Go	August	\$ 330,442.00	pending	Grand Island	1.14	5	
			<b>Total</b>					
			\$ 2,561,077.00					
<b>Cold Recycle with Top Course Treatment</b>								
County Road and Limits	Funding Source	Bid date	Estimated Cost	Status	Town	Mileage	Road Rating	
Darling Rd from Rt. 16 to Lewis	pay as you go	June	\$ 168,910.00	pending	Holland	1.33	4	
Fish Hill from East Creek to Maple Hill	pay as you go	June	\$ 107,950.00	pending	Wales	1.7	4	
Hayes Hollow from Falls to Partridge	pay as you go	July	\$ 417,830.00	pending	Colden	3.29	5	
Schintzius Rd between Rt. 75 and East Eden Rd	pay as you go	April	\$ 255,000.00	pending	Eden	1.5	4	
Old Lake Shore Rd between Bennet Bridge to Lake St	pay as you go	June	\$ 265,000.00	pending	Angola	1.14	5	
Lakeshore Rd from Lake St to Point Breeze Bridge	pay as you go	July	\$ 600,000.00	pending	Angola	2.15	5	
Burdick between Rapids and Walden	pay as you go	July	\$ 276,000.00	pending	Lancaster	1.96	4	
Boston-Colden Rd from Boston State Rd to State Rd	pay as you go	July	\$ 450,000.00	pending	Boston	3.01	5	
Zoar Valley from Trevett to Gowanda Zoar	pay as you go	July	\$ 800,000.00	pending	Concord	7.6	1	
			<b>Total</b>					
			\$ 3,340,690.00					

Exhibit A						
Erie County Department of Public Works - 2020 Road Program						May 27, 2020
<b>Engineering Projects</b>						
<b>2020 Mill and Overlay/Reconstruction Projects</b>						
<b>2020 Capital overlay A</b>						
County Road and Limits	Funding Source	Bid date	Estimated Cost	Status	Town	
William St. City Line to Thurway ( 1.6 miles - 4 lanes)	2020 Pay as u go	5/21/2020	\$ 2,000,000.00	Bid Award Pending	Cheektowaga	
Maple Road from Hopkins Road to Transit Road	2018 and 2019 Federal Aid	3/26/2020	\$ 3,000,000.00	Award Pending	Amherst	
Rehabilitation of East and West Road from Route Orchard Park Road to Union Road - Phase 2	2020 Capital Funding	Fall 2020	\$ 3,000,000.00	Designed	West Seneca	
Rehabilitation and Reconstruction of North and South Main Street from Woodward to Route 5 - Phase 2	2020 Capital Funding	Fall 2020	\$ 2,500,000.00	Designed	Evans	
Wehrle Drive Overlay	2020 Federal Aid	December	\$ 2,400,000.00	Under Design	Amherst	
		<b>Total</b>	<b>\$ 12,900,000.00</b>			
<b>Road Slides</b>						
County Road and Limits	Funding Source	Bid date	Estimated Cost	Status	Town	
Slide Remediation of Ketchum Road	2020 Capital Funding	T.B.D pending ROW	\$ 1,500,000.00	In Final Design	Collins	
		<b>Total</b>	<b>\$ 1,500,000.00</b>			
<b>Bridges &amp; Other</b>						
County Road and Limits	Funding Source	Bid date	Estimated Cost	Status	Town	
North Ellicott Creek Road Bridge Replacement	2020 Capital Funding	Winter 2020	\$ 1,900,000.00	Negotiating with AE firm	Amherst	
Elmwood Pedestrian & Bicycle Improvements	2017 Capital Funding	Spring 2020	\$ 1,558,000.00	Under Construction	Kenmore	
		<b>Total</b>	<b>\$ 3,458,000.00</b>			
<b>Total 2020 Road Program</b>			<b>\$ 23,759,767.00</b>			

MR. JOHNSON moved to amend the item. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Delete the First Page of the Resolution in its Entirety and Replace with the Following:

WHEREAS, it is critical that the Department of Public Works accomplish as many highway rehabilitation projects and commence projects as soon as possible, including taking advantage of the short construction season and the availability of lower pricing by contractors by early bidding; and

WHEREAS, due to the condition of County facilities, every effort must be made to expedite this work, which includes seeking pre-approval from the Erie County Legislature to award highway construction, design, and testing contracts and to appropriate funds for 2020 highway and related work.

NOW, THEREFORE, BE IT

RESOLVED, that in order to best promote the public interest and expedite 2020 highway work, the award of 2020 highway construction, design, and testing contracts as designated by the Commissioner of Public Works for projects listed in Exhibit A and any other necessary projects added to the 2020 road list by the Commissioner of Public Works are hereby preapproved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contracts; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of all 2020 highway construction projects pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidders and submit recommendations to the County Executive; and be it further

RESOLVED, that the pre-approved contract authorization shall apply to the 2020 highway project contracts, as designated by the Commissioner of Public Works and noted on the attached Exhibit A document, and shall not exceed an aggregate total of \$23,759,767 from the following funding sources:

2017, 2018, and 2019 Bond Proceeds and Federal Aid	\$ 4,558,000
2020 Approved Capital Budget/Division of Highways	\$19,201,767
<u>-Bond Proceeds, Federal Aid, and Pay-As-You-Go-Funds</u>	
Total Funding	\$23,759,767

and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to make any necessary adjustments to the revenues and expenses to the projects included in Exhibit A; and be it further

MR. JOHNSON moved to approve the item as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 46 – (COMM. 13E-13) Rehabilitation for North Ellicott Creek Rd. Bridge - Town of Amherst

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATORS JOHNSON, CHIMERA, HARDWICK,  
VINAL, MEYERS, & GILMOUR

Item 47 – (COMM. 13E-14) Designation of Acting Majority Leader - EC Legislature

Received, filed and printed.

Pursuant to Rule 1.03 of the Erie County Legislature's Rules of Order, we the undersigned, the members of the Majority Caucus of the Erie County Legislature, do hereby designate Howard Johnson as the Acting Majority Leader for so long as Majority Leader Timothy Meyers serves as Acting Chair in the temporary absence of Chairwoman April N.M. Baskin.

Howard Johnson, District 1

Lisa Chimera, District 3

Kevin Hardwick, District 4

Jeanne Vinal, District 5

Timothy Meyers, District 7

John Gilmour, District 9

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMPTROLLER'S OFFICE**

Item 48– (COMM. 13D-1) Report on Historical Fund Balance

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DEPUTY COMPTROLLER**

Item 49 – (COMM. 13D-2) Letter Concerning April Sales Tax Receipts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER'S OFFICE**

Item 50 – (COMM. 13D-3) Report Compiling Information Regarding Nursing Homes & COVID-19

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 51 – (COMM. 13D-4) Report on Services Provided by EC Sheriff's Office

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE DEPT. OF LAW**

Item 52 – (COMM. 13D-5) Local Emergency Order, Curfew - 6/2/2020

Item 53– (COMM. 13D-6) State of Emergency Declaration Issues on 5/30/2020

Item 54 – (COMM. 13D-7) Local Emergency Order, Curfew - 5/31/2020

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

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 55 – (COMM. 13D-8) Budget Monitoring Report for Period Ending 04/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DEPT. OF LAW**

Item 56 – (COMM. 13D-9) Local Emergency Orders, EC State of Emergency Declarations & Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COMPTROLLER'S OFFICE**

Item 57 – (COMM. 13D-10) Report on Recuring Bonded Capital Projects for SUNY Erie

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COMMISSIONER OF SOCIAL SERVICES**

Item 58– (COMM. 13D-11) Child Protective Caseloads for 05/2020

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE DEPT. OF LAW**

Item 59 – (COMM. 13D-12) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 60 – (COMM. 13D-13) Rescission of State of Emergency Declaration Issued on 5/30/2020

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE DEPUTY COMPTROLLER**

Item 61 – (COMM. 13D-14) Letter Concerning Second Round of April Sales Tax Receipts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE SUPERINTENDENT – JAIL MANAGEMENT**  
**DIVISION, SHERIFF'S OFFICE**

Item 62 – (COMM. 13D-15) Letter to NFTA Regarding Bus Service to EC Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NFTA**

Item 63 – (COMM. 13M-1) NFTA Board Minutes for Meeting Held on 4/23/2020

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYSDEC**

Item 64 – (COMM. 13M-2) Invitation for Public Comment - Brownfield Cleanup Program Application for 139 Buffalo River Rd. & 610 Ohio St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 65 – (COMM. 13M-3) Proposed Agenda for Meeting to be Held on 6/18/2020

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE NYSDEC**

Item 66 – (COMM. 13M-4) Invitation for Public Comment - Proposed No Further Action Remedy for 201 Ellicott St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 67 – Acting Chair Meyers announced that committee meetings will be held on Thursday, June 25, 2020, and the schedule has been distributed.

**MEMORIAL RESOLUTIONS**

Item 68 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Peter Marston, Sr., Doris Jamietes, and William P. “Bill” McNaney.

Item 69 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Joseph Glaser, Pasquale “Pat” Cipolla, Lori Przykuta, and Giovanni Occhiuto

**ADJOURNMENT**

Item 70 - At this time, there being no further business to transact, ACTING CHAIR MEYERS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, July 9, 2020 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

ACTING CHAIR MEYERS declared the Legislature adjourned until Thursday, July 9, 2020 at 2:00 p.m. Eastern Standard Time.

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