

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 16**  
**SEPTEMBER 10, 2020**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Gilmour.

Item 1 – MR. MEYERS moved to take INTRO. 15-5 (2020) from the table. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN directed that the resolution be referred to the Finance & Management Committee.

GRANTED.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 15 from 2020. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. JOHNSON presented a proclamation Congratulating and Recognizing Mandella Market Owner, Mr. Ahmed Saleh Nasser, for His Contributions and Tremendous Support in the Community.

Item 6 – CHAIR BASKIN presented a proclamation Celebrating and Honoring the 2020 Asian Food and Culture for Love Festival, Sponsored by the Western New York Chinese Chamber of Commerce.

Item 7 – MR. JOHNSON presented a memorial resolution In Remembrance of Bertha "Mama" Adams.

Item 8 – MR. GILMOUR presented a memorial resolution In Remembrance of Carole Scarsella, Beloved Coach and Mentor.

Item 9 – CHAIR BASKIN presented a proclamation Celebrating and Recognizing Jada Alana Spight for Her Vocal Accomplishments and Personal Perseverance.

Item 10 – MR. JOHNSON presented a proclamation Acknowledging and Recognizing the Social Distancing Community Health Awareness Rally Hosted by the Jes Breathe Cancer Awareness Group.

Item 11 – MS. CHIMERA presented a memorial resolution In Remembrance of Joseph T. Murray, Architect of Buffalo Public Schools Desegregation Plan.

Item 12 – CHAIR BASKIN presented a memorial resolution In Remembrance of LeAndre Tomas Carey.

Item 13 – MR. GILMOUR presented a proclamation Celebrating Margaret Alvira on the Occasion of Her 80th Birthday.

Item 14 – CHAIR BASKIN presented a proclamation Congratulating Matthew Clark and Recognizing the Grand Opening of the Matthew Clark Dance Academy.

Item 15 – CHAIR BASKIN presented a proclamation Congratulating and Recognizing the Opening of MMB - Mootry, Murphy and Burgin Realty Group, LLC.

Item 16 – CHAIR BASKIN presented a proclamation Celebrating and Recognizing the Community Health Center of Buffalo, Inc. and The Osborne Foundation in Honor of National Health Center Week.

Item 17 – CHAIR BASKIN presented a proclamation Celebrating and Honoring Pretrial, Probation and Parole Supervision Week.

Item 18 – MR. GILMOUR presented a memorial resolution In Remembrance of Raymond M. Armstrong.

Item 19 – MR. GILMOUR presented a proclamation Honoring Joshua Haeick as Citizen of the Month for September 2020.

Item 20 – MR. HARDWICK presented a proclamation Recognizing and Honoring Susan Marie Hofschneider Upon Her Retirement and for Her Commitment to Her Community.

Item 21 – MR. RATH presented a proclamation Congratulating Uniland Development on Opening Hampton Inn Buffalo - Amherst, the Nation's First Certified Universal Design Hotel.

Item 22 – MR. LORIGO presented a proclamation Acknowledging and Thanking Joseph Statz for His Dedicated Career of Education, Awareness, Duty and Honor Protecting Our Community for Over 26 Years.

Item 23 – MR. LORIGO presented a proclamation Congratulating Aubrey Gerhardt on Being Crowned the 2020-2021 Erie County Dairy Princess Alternate.

Item 24 – MR. TODARO presented a proclamation Honoring Mr. and Mrs. Robert Rice on the Occasion of Their 60th Wedding Anniversary.

Item 25 – MR. LORIGO presented a proclamation Recognizing Pamela Benz for Her Selfless Production of Free Face Masks During the COVID-19 Pandemic.

Item 26 – MR. LORIGO presented a proclamation Recognizing and Congratulating Margot Treadwell for Winning the New York Boys and Girls Club Youth of the Year Award.

Item 27 – MR. TODARO presented a proclamation Honoring Mr. and Mrs. Robert Sielski on the Occasion of Their 50th Wedding Anniversary.

Item 28 – MR. TODARO presented a proclamation Honoring and Recognizing Frank Sclafani for His Service to Our Great Nation in the United States Navy.

Item 29 – MR. LORIGO, MR. RATH, MR. TODARO & MR. MILLS presented a proclamation Recognizing September as Hunger Action Month in Erie County.

Item 30 – CHAIR BASKIN, MR. LORIGO, MR. MEYERS, MR. RATH, MS. VINAL, MR. MILLS, MR. JOHNSON, MR. TODARO, MR. HARDWICK, MR. GILMOUR & MS. CHIMERA presented a memorial resolution Remembering Bertram F. "Bert" Trautman.

Item 31 – MR. RATH presented a proclamation Declaring September 17th as Constitution Day in Erie County.

Item 32 – MR. RATH presented a proclamation Recognizing and Acknowledging The Great Pumpkin Farm in Celebration of Its Silver Anniversary.

Item 33 – MR. RATH presented a proclamation Recognizing and Honoring Frank Gibson for His Over 20 Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 34 – MR. RATH presented a proclamation Recognizing and Acknowledging Public Safety Dispatcher Tracy Auten Upon the Occasion of Her Retirement from the Amherst Police Department.

Item 35 – MR. RATH presented a proclamation Recognizing and Honoring Marlene Rogers for Her Over 35 Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 36 – MR. RATH presented a proclamation Recognizing and Acknowledging Cynthia Kramer Upon the Occasion of Celebrating 35 Years of Service at Erie 1 BOCES.

Item 37 – MR. MILLS presented a proclamation Recognizing and Honoring Darlene DePasquale for Her 20 Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 38 – MR. MILLS presented a proclamation Recognizing and Honoring Robert Lindenfeld for His 20 Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 39 – MR. MILLS presented a proclamation Recognizing and Honoring Sandra Offhaus for Her Over 25 Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 40 – MR. MILLS presented a proclamation Honoring and Recognizing Mangia Ristorante & Caffè on Their 15th Anniversary.

Item 41 – MR. MILLS presented a proclamation Celebrating the Grand Opening of First Line Brewing.

Item 42 – MR. MILLS presented a proclamation Honoring Lieutenant John McCarthy for His Commitment and Dedication to Serving the Residents of Eden.

Item 43 – MR. MILLS presented a proclamation Honoring Chief Michael Felschow for His Commitment and Dedication to Serving the Residents of Eden.

Item 44 – MR. MILLS presented a proclamation Honoring and Recognizing Paul P. Pepero for Creating Community Access to Orchard Park Town Board Meetings.

Item 45 – MR. MILLS presented a proclamation Honoring The Gentner Commission Market for Receiving the Springville Area Chamber of Commerce 2020 Longevity Award.

Item 46 – MR. MILLS presented a proclamation Honoring Helen Brogan as Recipient of the Springville Area 2020 President's Award.

Item 47 – MR. MILLS presented a proclamation Honoring Liesle Neureuther as Recipient of the Springville Area Chamber of Commerce 2020 Young Professional Award.

Item 48 – MR. MILLS presented a proclamation Honoring Lawrence's Tavern for Receiving the Springville Area Chamber of Commerce 2020 Longevity Award.

Item 49 – MR. MILLS presented a proclamation Honoring Max Borsuk as Recipient of the Springville Area Chamber of Commerce 2020 Young Professional Award.

Item 50 – MR. MILLS presented a proclamation Honoring The Meat Shoppe as Recipient of the Springville Area Chamber of Commerce 2020 Small Business of the Year Award.

Item 51 – MR. MILLS presented a proclamation Honoring the Springville Volunteer Fire Company, Inc. as Recipient of the Springville Area Chamber of Commerce 2020 Non-Profit of the Year.

Item 52 – MR. LORIGO presented a proclamation Recognizing and Honoring Beverly Miserendino for Her 20+ Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 53 – MR. LORIGO presented a proclamation Recognizing and Honoring John Deppeler for His 20+ Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 54 – MR. LORIGO presented a proclamation Recognizing and Honoring Marilyn Pinkoske for Her 20+ Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 55 – MR. LORIGO presented a proclamation Recognizing and Honoring Priscilla Cashmore for Her 25+ Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 56 – MR. LORIGO presented a proclamation Recognizing and Honoring Heidi Lisitsky for Her 30+ Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 57 – MR. LORIGO presented a proclamation Recognizing and Honoring Elizabeth Wantuck for Her 35+ Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 58 – MR. LORIGO presented a proclamation Recognizing and Honoring Terry Majchrzak for Their 40+ Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 59 – MR. LORIGO presented a proclamation Recognizing and Honoring Shirley Byrne for Her 20+ Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 60 – MR. LORIGO presented a proclamation Recognizing and Honoring Alan and Phyllis Nagel for Their 20+ Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 61 – MR. TODARO presented a proclamation Honoring Roger and Joanne Mueller on the Occasion of Their 60th Wedding Anniversary.

Item 62 – MR. TODARO presented a proclamation Honoring Harold and Donna Snyder on the Occasion of Their 65th Wedding Anniversary.

Item 63 – MR. TODARO presented a proclamation Recognizing and Honoring Ruth Degener for Her 25 Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 64 – MR. TODARO presented a proclamation Recognizing and Honoring Rosemary Green for Her 25 Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 65 – MR. TODARO presented a proclamation Recognizing and Honoring Irene Bonsack for Her 20 Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 66 – MR. TODARO presented a proclamation Recognizing and Honoring John Loecher for His 35 Years of Volunteering with FeedMore WNY's Meals on Wheels Program.

Item 67 – MR. LORIGO, MR. RATH, MR. TODARO & MR. MILLS presented a proclamation Honoring The Teacher's Desk, Its Volunteers and Its Employees.

Item 68 – MR. TODARO presented a proclamation Honoring and Congratulating Natalia Surdej on Being Named the 2019-2020 Female Athlete of the Year.

Item 69 – MR. TODARO presented a proclamation Honoring and Congratulating Conor Mahony on Being Named the 2019-2020 Male Athlete of the Year.

Item 70 – MR. TODARO presented a memorial resolution Remembering the Life of Brian O'Bannon.

Item 71 – MR. RATH presented a proclamation Recognizing Hillery Dennies of the Akron Fire Company for Climbing Equivalent of the 110 Stories of the World Trade Center to Honor FDNY Firefighters and First Responders.

MR. MEYERS moved for consideration of the above sixty-seven items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above sixty-seven items by adding two for the full legislature, and by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above sixty-nine items as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 72 – CHAIR BASKIN directed that Local Law No. 9 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 73 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 74 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 75 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 76 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 77 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

None.

**LEGISLATOR RESOLUTIONS**

Item 78 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

RE: Re-Appropriation of 2020 Public  
Benefit Funding  
(INTRO. 16-1)

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

WHEREAS, Riverside Baseball/Softball was awarded \$2,500 in public benefit funding by the Erie County Legislature in the adopted 2020 Budget in Fund Center 1332010 – Community/Neighborhood Development, Account 518600; and

WHEREAS, due to COVID-19, Riverside Baseball/Softball has not held events or a season in 2020 and did not receive insurance, and the funding should be transferred to an alternative organization; and

WHEREAS, as in similar 2018, 2019 and 2020 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$2,500 of 2020 public benefit funding to Ken-Ton Closet; and be it further

RESOLVED, that while the agency name is changing the overall budget line amount is to remain the same; and be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized 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.

Item 79 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

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

AYES: CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. NOES: MR. LORIGO, MR. MILLS, MR RATH, and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

RESOLUTION NO. 172

RE: Expressing Concern &  
Opposition Over the Decision by  
the Three Dominant Local  
Health Insurers to No Longer  
Pay for COVID-19 Testing  
(INTRO. 16-2)

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

WHEREAS, in March 2020, the Congress adopted legislation requiring insurers to cover COVID-19 tests in full and not to pass along the costs to subscribers; and

WHEREAS, that law, the Families First and Coronavirus Relief Act, as amended by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, provides that testing for the detection of COVID-19, and the associated office, urgent care, or emergency room visit shall be free to the patient, so long as the federally-declared public health emergency is in effect; and

WHEREAS, following the COVID-19 outbreak in Western New York, the three dominant local health insurance companies – Blue Cross/Blue Shield of Western New York, Independent

Health, and Univera Healthcare agreed to fully cover and pay for COVID-19 tests for subscribers seeking tests, at no expense to those being tested; and

WHEREAS, in late August 2020, the Buffalo News reported that the three insurers had decided, effective on September 1, 2020, to no longer pay for such tests; and

WHEREAS, the insurers are stating their decision is attributable to a June 23, 2020 memorandum from the Trump Administration addressing COVID-19 insurance mandates which re-interpreted the congressional legislation, ruling that insurers could deny coverage of testing for “public health surveillance” or “general workplace health and safety” purposes; and

WHEREAS, much, if not most COVID-19 testing occurring in Western New York presently is being done by schools, universities and workplaces, as part of re-opening procedures to allow people to return to work, children to return to school or child care centers, and teenagers to return to college; and

WHEREAS, the federal executive memorandum usurps and alters the intent and language of the federal law providing for COVID testing, and the local health insurers have adopted their new policy without consulting or notifying the County’s Health Commissioner; and

WHEREAS, according to Univera’s new policy, COVID testing performed “solely for purposes of pandemic control or re-opening the economy” will not be covered, Independent Health will not cover such tests “for employment, school [or] recreation”, and BlueCross BlueShield has stated it would not cover testing for "broad public health" or "surveillance" purposes, with its medical director stating that the COVID-19 tests are not medically necessary and therefore should be funded by schools, employers or government instead of insurance companies; and

WHEREAS, local physicians and health specialists say the policy shift will negatively impact low-income persons who cannot afford to pay for tests out-of-pocket using their own money; and

WHEREAS, Dr. Peter Winkelstein of the University at Buffalo Institute for Healthcare Informatics told the News: “Anything that’s a barrier to testing is a barrier” to pandemic control, adding “We need more testing and better turnaround times, not less”; and

WHEREAS, some healthcare advocates and clinicians say that no-cost surveillance testing is essential to help find persons with COVID who are not demonstrating symptoms and who need to be quarantined to help reduce or stop the spread of the virus; and

WHEREAS, in order to safely help the country and region re-open, it is critical to continue COVID-19 testing for students, young people and adults who are resuming school, child care and work.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature expresses its support for continued COVID-19 surveillance and pandemic testing, covered by health insurers, in order to protect the people of our

region, including low-income persons and those who are returning to school, child care, and work, and calls on Blue Cross/Blue Shield of Western New York, Independent Health, and Univera Healthcare to reverse their decisions; and be it further

RESOLVED, that this Honorable Body disagrees with the intention and position of the June 23, 2020 memorandum by the US Departments of Labor, Treasury and Health and Human Services re-interpreting the intention and written legislation adopted by Congress in March 2020 to provide for COVID testing; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, the Secretaries of the US Departments of Labor, Treasury and Health and Human Services, US Senators Charles Schumer and Kirsten Gillibrand, US Representatives Brian Higgins and Christopher Jacobs, the County Executive, Commissioner of Health Gale Burstein, David Anderson, CEO Of HealthNow NY, Michael Cropp, CEO of Independent Health, and Art Wingenter, CEO of Univera Healthcare.

Item 80 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

RE: Local Support for NYS Funding  
Relating to Grants for Akron  
Jesson Field  
(INTRO. 16-3)

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

WHEREAS, the County of Erie has received a request from Christian Airmen, Inc., application for Akron Jesson Field (formerly the Akron Airport), concerning the applicna'ts request for State grant funds under the NYS Aviation Capital Grant program for the following project:

Purchase Grass Cutting Equipment

and

WHEREAS, the New York State Department of Transportation, under State Transportation Law, requires that project application made by privately-owned airports be accompanied by a resolution from the governing body of the county in which the airport is located.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie endorses the project identified above at the Akron Jesson Field (formerly the Akron Airport) for the purpose of making the project eligible for State funding; and be it further

RESOLVED, that this Resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Law, President of Christian Airmen Inc. to be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this project, and any other party deemed necessary and proper.

Item 81 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

RE: Local Support for NYS Funding  
Relating to FAA Grants for  
Lancaster Airport - PIN 5908.25  
Project  
(INTRO. 16-4)

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

WHEREAS, Lancaster Airport, Inc. received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at Buffalo-Lancaster Regional Airport:

Acquire Snow Removal Equipment (SRE) (PIN 5908.25); and

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie endorses the above described project for the purpose of making the project eligible for State funding; and be it further

RESOLVED, that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the County Legislature, the Planning Board and/or the Zoning Board of Appeals of the County of Erie to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Buffalo-Lancaster Regional Airport; and be it further

RESOLVED, it has heretofore been determined by the County Legislature, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the above

described project constitutes a Type II Action which will not have a significant impact upon the environment. The County Executive of the County of Erie is hereby authorized to sign and date the State Environmental Quality Review form, as attached herewith; and be it further

RESOLVED, that this Resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Department of Law, Commissioner of Environment & Planning, President of Lancaster Airport, Inc, and any other party deemed necessary and proper.

NYS PIN 5908.25

**State Environmental Quality Review**

In accordance with the rules, regulation and procedures adopted by

The County of Erie

(or 6 NYCRR Part 617 where the Municipal Corporation has not adopted such rules, regulations and procedures) pursuant to the intent of the State Environmental Quality Review Act, the project described below is classified as a:

CHECK ONE

- Type I Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Type I Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Unlisted Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Unlisted Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Type II Action
- Ministerial Action
- Exempt Act

PROJECT DESCRIPTION

Acquire Snow Removal Equipment (SRE).

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Item 82 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: Local Support for NYS Funding  
Relating to FAA Grants for  
Lancaster Airport - PIN 5908.24  
Project  
(INTRO. 16-5)

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

WHEREAS, Lancaster Airport, Inc. received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at Buffalo-Lancaster Regional Airport:

Rehabilitate airfield pavements for Runway 8/26 (approximately 3,200 feet x 75 feet), parallel taxiway (approximately 2,500 feet x 35 feet), taxilanes (approximately 2,000 feet x 25 feet), and the terminal apron (approximately 8,000 square yards) consisting of major crack repair, pavement seal coat, and pavement remarking (Design only) (PIN 5908.24); and

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie endorses the above described project for the purpose of making the project eligible for State funding; and be it further

RESOLVED, that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the County Legislature, the Planning Board and/or the Zoning Board of Appeals of the County of Erie to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Buffalo-Lancaster Regional Airport; and be it further

RESOLVED, it has heretofore been determined by the County Legislature, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the above described project constitutes a Type II Action which will not have a significant impact upon the environment. The County Executive of the County of Erie is hereby authorized to sign and date the State Environmental Quality Review form, as attached herewith; and be it further

RESOLVED, that this Resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Department of Law, Commissioner of Environment & Planning, President of Lancaster Airport, Inc, and any other party deemed necessary and proper.

NYS PIN 5908.24

State Environmental Quality Review

In accordance with the rules, regulation and procedures adopted by

The County of Erie

(or 6 NYCRR Part 617 where the Municipal Corporation has not adopted such rules, regulations and procedures) pursuant to the intent of the State Environmental Quality Review Act, the project described below is classified as a:

CHECK ONE

- Type I Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Type I Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Unlisted Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Unlisted Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Type II Action
- Ministerial Action
- Exempt Act

PROJECT DESCRIPTION

Rehabilitate airfield pavements for Runway 8/26 (approximately 3,200 feet x 75 feet), parallel taxiway (approximately 2,500 feet x 35 feet), taxilanes (approximately 2,000 feet x 25 feet), and the terminal apron (approximately 8,000 square yards) consisting of major crack repair, pavement seal coat, and pavement remarking (Design only).

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Item 83 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: Local Support for NYS Funding  
Relating to FAA Grants for

Lancaster Airport - PIN 5908.23  
Project  
(INTRO. 16-6)

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

WHEREAS, Lancaster Airport, Inc. received grants from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following projects at Buffalo-Lancaster Regional Airport:

Design and Construction for the Replacement of the Runway 8-26 Medium Intensity Runway Lighting (MIRLs), Replacement of the Runway 8 PAPI and REIL and the Runway 26 PAPI and REIL (PIN 5908.23); and

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding; and

WHEREAS, Said project was completed November 6th, 2015.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie endorses the above described project for the purpose of making the project eligible for State funding; and be it further

RESOLVED, that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the County Legislature, the Planning Board and/or the Zoning Board of Appeals of the County of Erie to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Buffalo-Lancaster Regional Airport; and be it further

RESOLVED, it has heretofore been determined by the County Legislature, Under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the above described project constitutes a Type II Action which will not have a significant impact upon the environment. The County Executive of the County of Erie is hereby authorized to sign and date the State Environmental Quality Review form, as attached herewith; and be it further

RESOLVED, that this Resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Department of Law, Commissioner of Environment & Planning, President of Lancaster Airport, Inc, and any other party deemed necessary and proper.

NYS PIN 5908.23

State Environmental Quality Review

In accordance with the rules, regulation and procedures adopted by

The County of Erie

(or 6 NYCRR Part 617 where the Municipal Corporation has not adopted such rules, regulations and procedures) pursuant to the intent of the State Environmental Quality Review Act, the project described below is classified as a:

CHECK ONE

- Type I Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Type I Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Unlisted Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Unlisted Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Type II Action
- Ministerial Action
- Exempt Act

PROJECT DESCRIPTION

Design and Construction for the Replacement of the Runway 8-26 Medium Intensity Runway Lighting (MIRLs), Replacement of the Runway 8 PAPI and REIL and the Runway 26 PAPI and REIL.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Item 84 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: Local Support for NYS Funding  
Relating to FAA Grants for  
Lancaster Airport - PIN 5908.22  
Project  
(INTRO. 16-7)

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

WHEREAS, Lancaster Airport, Inc. received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at Buffalo-Lancaster Regional Airport:

Design and construction for the removal of both approach surface tree obstructions (Runway ends 08 and 26) and unoccupied structures within the Runway 8 Runway Protection Zone (RPZ) (PIN 5908.22); and

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding; and

WHEREAS, said project was completed November 6th, 2015.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie endorses the above described project for the purpose of making the project eligible for State funding; and be it further

RESOLVED, that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the County Legislature, the Planning Board and/or the Zoning Board of Appeals of the County of Erie to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Buffalo-Lancaster Regional Airport; and be it further

RESOLVED, it has heretofore been determined by the County Legislature, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the above described project constitutes a Type II Action which will not have a significant impact upon the environment. The County Executive of the County of Erie is hereby authorized to sign and date the State Environmental Quality Review form, as attached herewith; and be it further

RESOLVED, that this Resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Department of Law, Commissioner of Environment & Planning, President of Lancaster Airport, Inc, and any other party deemed necessary and proper.

NYS PIN 5908.22

**State Environmental Quality Review**

In accordance with the rules, regulation and procedures adopted by

The County of Erie

(or 6NYCRR Part 617 where the Municipal Corporation has not adopted such rules, regulations and procedures) pursuant to the intent of the State Environmental Quality Review Act, the project described below is classified as a:

CHECK ONE

- Type I Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Type I Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Unlisted Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Unlisted Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Type II Action
- Ministerial Act
- Exempt Act

PROJECT DESCRIPTION

Design and construction for the removal of both approach surface tree obstructions (Runway ends 08 and 26) and unoccupied structures within the Runway 8 Runway Protection Zone (RPZ).

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Item 85 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

RE: Local Support for NYS Funding  
Relating to FAA Grants for  
Lancaster Airport - PIN 5908.20  
and PIN 5908.21 Projects  
(INTRO. 16-8)

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

WHEREAS, Lancaster Airport, Inc. received grants from the Federal Aviation Administration to pay 95% of the allowable costs incurred in accomplishing the following projects at Buffalo-Lancaster Regional Airport:

Perform Engineering, Appraisal and Negotiation Services for Land Acquisition (PIN 5908.20)

Acquire Land in Fee Simple Title (PIN 5908.21); and

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grants for 50% of the non-federal share of eligible costs; and

WHEREAS, the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding; and

WHEREAS, Lancaster Airport Inc. required the land acquisition as part of the on-going safety project to complete the parallel taxiway to the end of the existing Runway 26. The acquisition was completed by Deed dated September 3rd, 2009 and recorded September 16th, 2009 with the Erie County Clerk's Office. Completion of the existing parallel taxiway is not a precursor for a larger runway/taxiway extension project, but a needed safety improvement for existing airport operations. The FAA is not supporting funding for large expansion projects at private reliever airports, and Lancaster Airport Inc. does not intend to pursue a runway extension project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie endorses the above described projects for the purpose of making the projects eligible for State funding; and be it further

RESOLVED, that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the County Legislature, the Planning Board and/or the Zoning Board of Appeals of the County of Erie to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Buffalo-Lancaster Regional Airport; and be it further

RESOLVED, that this Resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Department of Law, Commissioner of Environment & Planning, President of Lancaster Airport, Inc, and any other party deemed necessary and proper.

Item 86 – CHAIR BASKIN directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 16-9 from RATH, LORIGO, TODARO & MILLS. Support for Funding WNY Farms & Opposing Imposition of New Wage Requirements.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

None.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 87 – (COMM. 16E-1) Six-Month Interim Financial Report for Period Ending 06/30/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR CHIMERA**

Item 88 – (COMM. 16E-2) Letter to NYS Office of Children & Family Services Commissioner Regarding State Funds Owed to the Child Care Resource Network

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM LEGISLATORS LORIGO, RATH, TODARO & MILLS**

Item 89 – (COMM. 16E-3) Letter to Comptroller Concerning Taxpayer Checkbook for COVID19 Expenses

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM CHAIR BASKIN**

Item 90 – (COMM. 16E-4) Request for Data Concerning Managerial-Confidential Overtime During COVID-19 Pandemic

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 91 – (COMM. 16E-5) Cancellation of 07/30/2020 Special Meeting

Received, filed and printed.

July 24, 2020

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

Re: Cancellation of July 30, 2020 Special Meeting of the Legislature

Dear Mr. Graber:

Please cancel the proposed July 30, 2020 Special Meeting of the Legislature which I called for via letter to you yesterday.

After discussions with the Majority Leader and Minority Leader, we will cancel the special session and plan for the informational meeting of the Finance and Management Committee to be held that day with invited speakers and questions from legislators.

Thank you for your attention to this matter.

Sincerely,

April N.M. Baskin  
Chair of the Legislature

Item 92 – (COMM. 16E-6) Cancellation of 07/30/2020 Informational Meeting of the Finance & Management Committee

Received, filed and printed.

July 28, 2020

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

Re: Cancellation of July 30, 2020 Informational Meeting of the Finance and Management Committee

Dear Mr. Graber:

Please cancel the July 30, 2020 Informational Meeting of the Finance and Management Committee.

I have learned from the Erie County Sheriff's Office that Undersheriff Wipperman is on vacation, Chief John Greenan is out of town, and other Command Staff Members are out of the office this week and not available to attend the committee meeting.

Thank you for your attention to this matter.

Sincerely,

April N.M. Baskin  
Chair of the Legislature

FROM THE COUNTY EXECUTIVE

Item 93 – (COMM. 16E-7) Letter to ECCSAB Regarding NYS Police Reform & Reinvention Collaborative

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 94 – (COMM. 16E-8) Notice of Appointment of Director of Office of Equal Employment Opportunity

Received, filed and printed.

August 10, 2020

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Re: Notification to the Legislature on the appointment of the Director of the Office of Equal Employment Opportunity

Dear Honorable Members:

Pursuant to Article 3, Section 307 of the Erie County Charter, I hereby appoint James Blackwell, to the position of the Director of the office of Equal Employment Opportunity effective immediately.

Should your Honorable Body require further information, I encourage you to contact my Chief of Staff, Jennifer Hibit. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

FROM THE SHERIFF

Item 95 – (COMM. 16E-9) Acceptance of Governor's Traffic Safety Committee Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR BASKIN

Item 96 – (COMM. 16E-10) Letter to BoE Commissioners Concerning USPS Issues & Impact on November 2020 Elections

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 97 – (COMM. 16E-11) Letter to Local Health Insurance Companies Regarding Coverage for COVID-19 Testing

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR RATH

Item 98 – (COMM. 16E-12) Letter to DPW Commissioner Regarding Forward Into Light Campaign

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 99 – (COMM. 16E-13) Letter to Chair of Legislature Regarding Sale of Rath Building

Item 100 – (COMM. 16E-14) EC 2019 Comprehensive Annual Financial Report

Item 101 – (COMM. 16E-15) EC Federal Financial Assistance Audit Report for Year Ending 12/31/2019

Item 102 – (COMM. 16E-16) EC NYSDOT Single Audit Report for Year Ending 12/31/2019

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

FROM CHAIR BASKIN

Item 103 – (COMM. 16E-17) Request for Updated COVID-19 Spending Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR TODARO

Item 104 – (COMM. 16E-18) Supplemental Information Regarding Buffalo-Lancaster Regional Airport Resolutions

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR RATH

Item 105 – (COMM. 16E-19) Supplemental Information Regarding Akron Jesson Field Resolution

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 106 – (COMM. 16E-20) ECSD Nos. 1-6 & 8 - User Charges - 2021

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 107 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 179

RE: Refunding Bond Resolution  
(COMM. 16E-21)

RESOLUTION NO. 179 OF 2020

REFUNDING BOND RESOLUTION DATED SEPTEMBER 10, 2020

REFUNDING BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$29,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$29,000,000 REFUNDING BONDS OF SAID COUNTY OR SO MUCH THEREOF AS MAY BE NECESSARY TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

(Introduced) September 10, 2020

(Adopted) September 10, 2020

Recitals

Whereas, the County of Erie , New York (herein called "County"), has heretofore issued on (i) August 14, 2012 its \$20,960,000 Public Improvement Serial Bonds – Series 2012A (herein called the "2012A Bonds"), now outstanding in the principal amount of \$11,235,000; (ii) October 30, 2014 its \$24,995,000 Public Improvement Serial Bonds – Series 2014A (herein called the "2014A Bonds"), now outstanding in the principal amount of \$16,080,000; (iii) on October 30, 2014 its \$2,410,000 Sewer District Serial Bonds – Series 2014B (herein called the "2014B Bonds"), now outstanding in the principal amount of \$1,705,000; (iv) October 14, 2015 its \$29,815,000 Public Improvement Serial Bonds – Series 2015A (herein called the "2015A Bonds"), now outstanding in the principal amount of \$22,475,000; and (v) October 14, 2015 its \$24,615,000 Refunding Serial Bonds – Series 2015B (herein called the "2015B Bonds"), now outstanding in the principal amount of \$12,650,000 (the respective outstanding amounts of the 2012A Bonds, 2014A Bonds, 2014B Bonds, 2015A Bonds and 2015B Bonds shall be hereinafter collectively referred to as the "Outstanding Bonds"); such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

Whereas, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), permits the County to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the County;

now, therefore,

THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of the voting strength of said Legislature) AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the Outstanding Bonds of the County.

- b. “Escrow Contract” means the contract to be entered into by and between the County and the Escrow Holder pursuant to Section 9 hereof.
- c. “Escrow Holder” means the bank or trust company designated as such pursuant to Section 9 hereof.
- d. “Present Value Savings” means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.
- e. “Redemption Date” means (i) April 1, 2022 with respect to the 2012A Bonds to be Refunded, (ii) September 15, 2024 with respect to the 2014A Bonds to be Refunded and the 2014B Bonds to be Refunded, and (iii) September 15, 2025 with respect to the 2015A Bonds to be Refunded, and (iv) June 1, 2025 with respect to the 201BA Bonds to be Refunded, or such later dates as may be determined by the Comptroller in the final refunding financial plan.
- f. “Refunding Bond” or “Refunding Bonds” means all or a portion of the \$29,000,000 bonds of the County of Erie , authorized pursuant to Section 2 hereof.
- g. “Refunding Bond Amount Limitation” means an amount of Refunding Bonds sufficient to pay the sum of (i) the principal amount of Bonds To Be Refunded, (ii) the aggregate amount of unmatured interest payable on each Bonds To Be Refunded to and including the applicable Redemption Date, (iii) redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals hereof, and (iv) costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.

Section 2. The Legislature of the County (herein called “Legislature”), hereby authorizes the refunding of the Bonds To Be Refunded of the County, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$29,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$29,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding

Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount not to exceed \$29,000,000 are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the County by Jefferies LLC and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds, and either (a) the holding of such proceeds in cash, or (b) the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (i) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to the Redemption Date and (ii) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on the Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balances of two consolidated issues of bonds originally issued pursuant to various bond resolutions of the County, adopted on their respective dates and authorizing the financing of various County sewer district improvements. In accordance with the refunding financial plan, the Refunding Bonds authorized in the aggregate principal amount not to exceed \$29,000,000 shall mature in amounts and at dates to be determined. The Comptroller, the chief fiscal officer of the County, is hereby authorized to approve all details of the final refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of the Bonds to be Refunded, commencing at the date of issuance of the Bonds to be Refunded, is as specified in the Bonds to be Refunded Certificates of Determination which are incorporated herein by reference.

Section 5. The aggregate amount of estimated Present Value Savings is set forth in the proposed refunding financial plan attached hereto as Exhibit A.

Section 6. (a) The Refunding Bonds shall be sold at private sale and the Comptroller, the chief fiscal officer of the County, is hereby authorized to execute a purchase contract on behalf of the County for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller, and further providing that prior to the issuance of the Refunding Bonds the Comptroller shall have filed with the Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds; (b) in connection with such sale, the County hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further, consents to the distribution of a Preliminary Official Statement prior to the date such Official Statement is executed and available for distribution; (c) the Comptroller is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the County in connection with said refunding including the preparation of the final refunding financial plan referred to in Section 2.

Section 7. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County payable as to both principal and interest by a general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 8. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00, 90.10 and 168.00 of the Law, the powers and duties of the Legislature relative to providing for substantially level or declining annual debt service, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, authorizing and executing agreements for credit enhancement of the Refunding Bonds, and executing the Escrow Contract described in Section 9 and the Official Statement referred to in Section 6, are hereby delegated to the Comptroller as the chief fiscal officer of the County.

Section 9. Prior to the issuance of the Refunding Bonds the County shall contract with a bank or trust company located and authorized to do business in New York State for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the County the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to either hold the moneys held by it in cash or invest all or a portion of such moneys consistent with the provisions of the final refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

Section 10. The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be either held in cash or invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11. That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Legislature hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on the Redemption Date. The sum to be paid therefor on the Redemption Date shall be the par value thereof, the accrued interest to the Redemption Date and the redemption premiums, if any. The Escrow Holder is hereby authorized and directed to cause notice(s) of such calls for redemption to be given in the name of the County by mailing such notice(s) to the registered holders of the Bonds To Be Refunded which are subject to prior redemption at least thirty days prior to such Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption on the Redemption Date and the direction to the Escrow Holder to cause notice thereof to be given as provided in this section shall become irrevocable and the provisions of this section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this section may be amended from time to time as may be necessary to comply with the requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

- Section 13. The validity of the Refunding Bonds may be contested only if:
- a. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money; or
  - b. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
  - c. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution shall take effect immediately upon approval of the County Executive.

\* \* \*

THE RESOLUTION WAS DECLARED ADOPTED.

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

The Clerk of the Erie County Legislature is hereby directed to publish the foregoing bond resolution, in full, in the Buffalo Challenger Newspaper and the Amherst Bee Newspaper, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

This resolution shall take effect immediately.

\* \* \*

The resolution was declared adopted.

FROM THE COUNTY EXECUTIVE

Item 108 – (COMM. 16E-22) ECSD No. 2 - Request for Proposals

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 109 – (COMM. 16E-23) Amended Lease Agreement - EC Auto Bureau, Eastern Hills Mall Branch

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 110 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: Donation of One County Parks, Rec. & Forestry Lawn Mower to Central Terminal Restoration Corporation, Inc. (COMM. 16E-24)

WHEREAS, The Erie County Department of Parks, Recreation & Forestry has a lawn mower that was no longer needed, and was going to be sent to auction; and

WHEREAS, Legislator Johnson reached out to the Department of Parks, Recreation & Forestry to inquire about a lawn mower for the Central Terminal because they were in desperate need of replacing their lawn mower; and

WHEREAS, the Central Terminal Restoration Corporation, Inc. will take the lawn mower as-is and accept all repair and maintenance responsibilities necessary to make it operable; and

WHEREAS, authorization by the Erie County Legislature is necessary to effectuate the donation of a Erie County Lawn Mower to the Central Terminal Restoration Corporation, Inc.

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Executive Legislature hereby authorizes the donation of the following lawn mower to the Central Terminal Restoration Corporation, Inc., at no cost:

2004 Jacobsen Turfcut (6280) 72” Cut

and be it further

RESOLVED, that once the transfer of the lawn mower takes place, the Central Terminal Restoration Corporation, Inc. will take over all maintenance and care for the lawn mower as the new owner, and the County will bear no legal liability or other obligations associated with the lawn mower; and it be further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this resolution to the Department of Parks, Recreation & Forestry, and also one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the Comptroller, and the Division of Purchase.

Item 111 – (COMM. 16E-25) Continued Imposition of Additional 1 & 0.75% Sales & Compensating Use Tax for Period Ending 11/30/2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 112 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: Rehabilitation of South Creek Road  
Cross Culvert - Town of Evans  
(COMM. 16E-26)

WHEREAS, a cross culvert on South Creek Road (CR 476) has deterioration of the culvert walls and subsequent loss of shoulder pavement; and

WHEREAS, design for the rehabilitation for the culvert are underway and is anticipated to be completed in late August/Early September 2020; and

WHEREAS, bids will be taken for the Rehabilitation of the South Creek Road (CR 476) Cross Culvert, ECDPW Project CAP-476-20 (the Project) in the Town of Evans in September 2020; 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 the lowest responsible bidder, to enter an agreement with CHA Consultants for construction inspection and construction administration, and establish a construction contingency, for a total project construction phase allowance of \$126,138.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a contract for ECDPW Project CAP-476-20 with the lowest responsible bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency for a total project cost not to exceed \$126,138; and be it further

RESOLVED, that the estimated total sum of \$126,138 for the construction, and construction inspection phase for the Project is available in Fund 420, Funds Center 123, as follows:

B.16015 – 2016 Bridge and Culvert Design	\$ 15,000
<u>B.19050 – 2019 Capital Overlay Program</u>	<u>\$ 111,138</u>
TOTAL Project Cost	\$ 126,138

and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded 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 County Attorney, and the Office of the Comptroller.

Item 113 – (COMM. 16E-27) Notice of Public Hearing - ECSD 2020 Assessment Rolls

Item 114 – (COMM. 16E-28) NFTA-61 Smith St. Budget Revision & Contract Amendment

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

Item 115 – (COMM. 16E-29) 2020 Justice Assistance Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 116 – (COMM. 16E-30) SUNY Erie North Campus 2020 Spring Student Center Exterior Upgrades

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 117 – (COMM. 16E-31) CHARMS Upgrades

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 118 – (COMM. 16E-32) ECSD No. 3 - Engineering Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 119 – (COMM. 16E-33) Authorization to Enter into Contract w/Professional Ambulance LLC

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 120 – (COMM. 16E-34) Contract w/Theodore Roosevelt Inaugural Site Foundation for Improvements to National Historic Site

Item 121 – (COMM. 16E-35) Contract for Capital Improvements at the Ujima Company Theater

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

Item 122 – (COMM. 16E-36) Position Add/Delete - Dept. of Central Police Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 123 – (COMM. 16E-37) 2019-2021 On-Call/Emergency Bridge & Culvert Engineering Services Amendment

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM LEGISLATORS LORIGO, RATH, TODARO & MILLS**

Item 124 – (COMM. 16E-38) Small Business Assistance Grant Program

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMPTROLLER'S OFFICE**

Item 125– (COMM. 16D-1) Report on Food Expenses Charged to COVID-19 Relief Fund

Item 126 – (COMM. 16D-2) Report on Use of "Unutilized" & "Emergency Closing" Pay Codes

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

FROM THE DEPT. OF LAW

Item 127 – (COMM. 16D-3) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 128 – (COMM. 16D-4) Notice of Cancellation of Informational Finance & Management Meeting - 07/30/2020

Received, filed and printed.

July 28, 2020

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: CANCELLATION OF INFORMATIONAL MEETING OF THE FINANCE AND MANAGEMENT COMMITTEE ON JULY 30, 2020

Pursuant to a letter from Chair April Baskin (attached), the Informational Meeting of the Finance and Management Committee on Thursday, July 30, 2020 will not be held.

Thank you.

FROM THE COMPTROLLER'S OFFICE

Item 129 – (COMM. 16D-5) Report on Overtime Expenses for Bargaining Unit Employees Charged to COVID-19 Relief Fund

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 130– (COMM. 16D-6) Budget Monitoring Report for Period Ending 06/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 131 – (COMM. 16D-7) Letter to Chair of Legislature Regarding Overtime Charged to Fund 252 (COVID)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPT. OF LAW

Item 132 – (COMM. 16D-8) Letter Concerning Albright-Knox Art Gallery Funding

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE'S OFFICE

Item 133 – (COMM. 16D-9) Letter Concerning Receipt of Excess Documentation  
Containing Private Information

Received and filed.

FROM THE DEPUTY COMPTROLLER

Item 134 – (COMM. 16D-10) Letter to Legislature Concerning Second Round of June Sales  
Tax Receipts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 135– (COMM. 16D-11) Update of Child Protective Caseloads for July, 2020

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 136 – (COMM. 16D-12) Law Department Spending - 02/2020 - 06/2020

Item 137 – (COMM. 16D-13) Letter to Legislature Regarding Hotel Occupancy Tax  
Collection

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

FROM THE COMPTROLLER'S OFFICE

Item 138 – (COMM. 16D-14) Report on Updated Overtime Expenses Charged to COVID-  
19 Relief Fund & Pay for Not Working

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPT. OF LAW

Item 139 – (COMM. 16D-15) Transmittal of Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 140– (COMM. 16D-16) Audit of EC Soil & Water Conservation District

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPT. OF LAW

Item 141 – (COMM. 16D-17) Transmittal of Claim Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 142 – (COMM. 16D-18) Law Department Spending - 07/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE RIVERVIEW INNOVATION & TECHNOLOGY CAMPUS

Item 143 – (COMM. 16M-1) Letter to Chair of Government Affairs Committee Regarding Discussion Held on Thursday, 07/16/2020

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EC CORRECTIONS SPECIALIST ADVISORY BOARD

Item 144 – (COMM. 16M-2) Letter to County Executive Regarding NYS Police Reform & Reinvention Collaborative

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM INVEST BUFFALO

Item 145 – (COMM. 16M-3) Letter Regarding Financial Support for Invest Buffalo Niagara in 2021 EC Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE WROTB

Item 146 – (COMM. 16M-4) Response to Letter from Government Affairs Committee Chair Concerning Receipt of Paycheck Protection Program Funds & Furloughs

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 147 – (COMM. 16M-5) 2019-20 NFTA-Metro Annual Performance Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC FISCAL STABILITY AUTHORITY

Item 148 – (COMM. 16M-6) Audited Financial Statements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC CORRECTIONS SPECIALIST ADVISORY BOARD

Item 149 – (COMM. 16M-7) Letter to Chair of Health & Human Services Committee Requesting Input on Implementation of a Jail-Based Medication Assisted Treatment Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYSDEC

Item 150 – (COMM. 16M-8) Public Notice - Brownfield Cleanup Program Application for 9 Lakeview Ave., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 151 – (COMM. 16M-9) Letter to Legislature in Response to Request for NFTA Metro Bus Services for Wende Erie County Correctional Facility

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 152 – (COMM. 16M-10) Invitation for Public Comment - Brownfield Cleanup Program Application for 100 Dona St., Lackawanna

Item 153 – (COMM. 16M-11) Invitation for Public Comment - Brownfield Cleanup Program Application for 1095 Niagara St., Buffalo

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

FROM THE NYS DEPT. OF PUBLIC SERVICE

Item 154 – (COMM. 16M-12) Letter to Public Regarding Updated Electric & Gas Delivery Rates & Practices

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 155 – (COMM. 16M-13) Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 267 Marilla St., Buffalo

Item 156 – (COMM. 16M-14) Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 1130 Niagara St., Buffalo

Item 157 – (COMM. 16M-15) Invitation for Public Comment - Brownfield Cleanup Program Application for 9 Lakeview Ave., Lackawanna

Item 158 – (COMM. 16M-16) Invitation for Public Comment - Interim Remedial Measure Completion

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

ANNOUNCEMENTS

Item 159 – Chair Baskin announced that committee meetings will be held next Thursday, September 17, 2020, and the schedule for the committee meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 160 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Bryce Shipman, Mary K. Walters, Mary Camp, Dan W. Oswald, Richard Slisz, and Albert Debenedetti.

Item 161 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of William J. “Bill” Powers, Bertram F. “Bert” Trautman, William J. Pujolas, Patricia A. Lucey, and Lois M. Kreher.

Item 162 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Cyril J. Alessi, Camille Geraci, Bonnie Campisano, Alex W. Schmidt, Brian O’Bannon, and Giuseppe Radosta.

**ADJOURNMENT**

Item 163 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, September 24, 2020 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, September 24, 2020 at 2:00 p.m. Eastern Standard Time.

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