

THE ERIE COUNTY LEGISLATURE

**GOVERNMENT
AFFAIRS
COMMITTEE**

John A. Bargnesi, Jr.
Chair

Lisa M. Chimera
Vice-Chair

Meeting No. 2 – February 10, 2022 – 10:55 AM

TAB R&F APP

1.	<u>INTRO. 12-4 (2020)</u> Session 12	LORIGO, RATH, TODARO & MILLS <i>“Support for Local Control in Easing Open Container Restrictions”</i>			
2.	<u>INTRO. 6-3 (2021)</u> Session 6	TODARO, LORIGO, GREENE & MILLS <i>“Opposition to Proposed Changes to NYS Insurance Laws Aimed at Gun Ownership”</i>			
3.	<u>COMM. 10E-10 (2021)</u> Session 10	LORIGO, TODARO, GREENE & MILLS <i>“Letter to Chair of Government Affairs Committee Requesting Discussion on Proposed Business Closure Reporting Act”</i>			
4.	<u>COMM. 11E-2 (2021)</u> Session 11	GILMOUR <i>“Letter to Minority Leader Regarding Committee Discussion on Proposed Business Closure Local Law”</i>			

TAB R&F APP

5.	<u>INTRO. 12-9 (2021)</u> Session 12	TODARO, LORIGO, GREENE & MILLS <i>“Opposition to Establishment of a Nuisance Claim Against Gun Manufacturers”</i>			
6.	<u>COMM. 16M-15 (2021)</u> Session 16	NY COALITION FOR OPEN GOVERNMENT, INC. <i>“Letter to County Executive Concerning Commitment to Transparency and the Buffalo Bills Stadium Negotiations”</i>			
7.	<u>COMM. 2M-1 (2022)</u> Session 2	HODGSON RUSS LLP <i>“Buffalo City Cemetery ("Forest Lawn") Mergers”</i>			
8.	<u>COMM. 3E-9 (2022)</u> Session 3	COUNTY EXECUTIVE <i>“Appointment to the EC Board of Ethics”</i>			
9.	<u>COMM. 3E-28 (2022)</u> Session 3	MILLS <i>“Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization”</i>			
10.	<u>COMM. 3E-29 (2022)</u> Session 3	LORIGO <i>“Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization”</i>			

TAB R&F APP

11.	<u>COMM. 3E-30 (2022)</u> Session 3	GREENE <i>"Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization"</i>			
12.	<u>COMM. 3E-31 (2022)</u> Session 3	TODARO <i>"Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization"</i>			

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, RATH, TODARO, AND MILLS**

Re: Support for Local Control in Easing Open Container Restrictions

WHEREAS, with the spread of COVID-19 it appears likely that New York will impose strict limitations on restaurant seating capacity upon their reopening; and

WHEREAS, many people are uncomfortable returning to restaurants where social distancing is difficult or even impossible. This honorable body seeks to rethink entertainment options for residents and businesses alike in light of policies and practices necessitated by the spread of COVID-19; and

WHEREAS, open-container laws are intended to limit public intoxication and the operation of vehicles under the influence, the latter of which is regulated by New York State; and

WHEREAS, Municipal Home Rule Law provides local municipalities with the authority to make any law or ordinance that is not inconsistent with any state laws; and

WHEREAS, New York State laws explicitly prohibits the consumption of alcohol in automobiles under vehicle and traffic law. However, New York State has left it to local municipalities to regulate local streets and parks on their own; and

WHEREAS, many municipalities restrict open containers to establishments that are licensed by the state liquor authority, the Village of East Aurora is one of the few municipalities that does not have restrictions on the use of alcohol on public sidewalks; and

WHEREAS, residents across Erie County should have the opportunity to responsibly enjoy alcoholic beverages in areas where they have traditionally been banned and there are many laws in place that would govern their behavior.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body fully supports the prohibition against open containers in motor vehicles and areas traditionally reserved for minors; and, be it further

RESOLVED, that this honorable body hereby supports local municipalities who wish to reconsider their restrictions against open containers on public streets and parks so as to encourage residents to utilize local restaurants and establishments; and, be it further

RESOLVED, that certified copies of this resolution be sent to every municipality located in Erie County and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

LEGISLATIVE INTENT 1000

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR TODARO, LORIGO, GREENE, AND MILLS**

Re: Opposition to proposed changes to NYS Insurance laws aimed at gun ownership

WHEREAS, the use of firearms during the commission of a crime is deplorable and should be condemned by all elected officials; however, as happens far too often, well-meaning lawmakers seek to introduce gun-ownership laws without having a full understanding of the topic; and

WHEREAS, bill S4946 has been introduced in the New York State Senate to require owners of firearms to obtain liability insurance and to be liable for any acts carried out with said firearm prior to the filing of the reported loss or theft; and

WHEREAS, the law directs residents to acquire specific firearms liability insurance within 30 days of passage of the bill and to maintain such coverage in perpetuity. This proposal would neither reduce gun related violence, nor help potential victims of firearm related violence; and

WHEREAS, according to Jimi Grande, a vice president for the National Association of Mutual Insurance Companies, while likely well-intentioned, the requirement to carry firearm liability insurance “demonstrates a misunderstanding of the fundamental principles of insurance – that it is designed to cover fortuitous, or accidental events.” Accidental shootings are already covered under most homeowners and renters insurance policies. It is not a practice of the insurance industry to cover intentional criminal acts, nor should it be; and

WHEREAS, firearm liability insurance is not a product the insurance industry is even interested in providing. As a result, it is expensive and difficult to acquire. Claims brought under the policy, where available, are often disclaimed by insurance companies if a victim seeks compensation. It would only serve to impose an additional restriction on, and barrier to, firearm ownership while not offering protection to any parties involved; and

WHEREAS, the bill also imposes liability on owners of firearms for acts committed with those firearms if lost or stolen until they are reported to the appropriate law enforcement agency; and

WHEREAS, on its face, the burden to report a theft or loss is not significant; however, in practice the timing may be problematic. If residents are unaware of the theft or loss at the time the firearm is no longer in their possession, imposing additional liability on gun owners for the illegal acts of another is excessive and heavy handed; and

WHEREAS, NYS does not impose liability on the owners of cars that are stolen where the thief gets in an accident. Firearm owners should not be held to an impossible to meet standard when it comes to liability for damages for the unrelated desire to restrict gun ownership.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby condemns the use of firearms during the commission of a crime and encourages all gun owners to practice gun safety; and, be it further

RESOLVED, that this honorable body hereby opposes Senate Bill S4946 (2021) as impractical to implement and an undue burden on registered gun owners across the state; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

STATE OF NEW YORK

4946

2021-2022 Regular Sessions

IN SENATE

February 19, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring owners of firearms to obtain liability insurance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The insurance law is amended by adding a new section 2354
2 to read as follows:

3 § 2354. Firearm owners insurance policies. 1. Any person in this
4 state who shall own a firearm shall, prior to such ownership, obtain and
5 continuously maintain a policy of liability insurance in an amount not
6 less than one million dollars specifically covering any damages result-
7 ing from any negligent acts involving the use of such firearm while it
8 is owned by such person. Failure to maintain such insurance shall result
9 in the immediate revocation of such owner's registration, license and
10 any other privilege to own such firearm.

11 2. For purposes of this section, a person shall be deemed to be the
12 owner of a firearm if such firearm is lost or stolen until such loss or
13 theft is reported to the police department or sheriff which has juris-
14 isdiction in the county, town, city or village in which such owner
15 resides.

16 3. Any person who owns a firearm on the effective date of this section
17 shall obtain the insurance required by this section within thirty days
18 of such effective date.

19 4. The provisions of this section shall not apply to any peace offi-
20 cer, as defined in section 2.10 of the criminal procedure law, police
21 officer, as defined in subdivision thirty-four of section 1.20 of the
22 criminal procedure law, or any member of the military who is on "active
23 duty" or "in active military service of the United States" as defined in
24 section one of the military law, who is authorized to carry a firearm.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD09303-01-1

1 5. The department is hereby authorized and directed to promulgate
2 rules and regulations necessary to carry out the provisions of this
3 section.

4 § 2. This act shall take effect on the ninetieth day after it shall
5 have become a law. Effective immediately, the addition, amendment and/or
6 repeal of any rule or regulation necessary for the implementation of
7 this act on its effective date are authorized to be made and completed
8 on or before such date.

ERIE COUNTY LEGISLATURE



92 Franklin Street
Buffalo, New York 14202

May 6, 2021

Hon. John Gilmour, Chairman
Government Affairs Committee
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York

RE: Committee Discussion Request on the proposed Business Closure Reporting Act

Dear Chairman Gilmour,

We are writing to request a Government Affairs Committee discussion on Local Law 5-1 (2020), the proposed Business Closure Reporting Act. If enacted, the local law would require timely reports on county mandated business closures made pursuant to local or state regulations. As our community battles the Covid-19 pandemic there have been several instances where the Erie County Commissioner of Health issued formal closure orders to small businesses.

We understand that the authority to cease the operations of small businesses that refuse to comply with reasonable regulations is an effective tool in the fight for public health and safety. Where we may have a difference of opinion is on whether or not small businesses that have been ordered closed refused to comply with existing regulations or whether or not regulations had been applied to them in a fair and consistent manner. We also recognize that small business owners are people, who have unalienable rights afforded to them in the Constitution that cannot be placed on hold during a public health emergency.

It is that paradox that led us to introduce the Business Reporting Closure Act. We understand the need for public health and safety, and we intentionally chose not to propose a legislative path that would strip the Commissioner of Health of their power. Instead, we put forth this law because it would increase transparency and add accountability to government officials using their authority to shut down a business. If passed, the law would force any Erie County official that uses power granted to them to close a place of business to prepare and file a report justifying their decision within 48 hours. The law also requires that a copy of the report be delivered to the business owner within the same timeframe via US certified mail.


Again, our law makes no effort at changing anyone's existing power or authority to combat a public health or safety crisis. It very simply requires that they timely explain and justify their actions in an official public document that must include "any and all evidence in the possession of Erie County government on which the closure was based." Compliance with this language ensures the closure order is transparent and that the official ordering it can be held accountable.

Over the past several months there have been more than a few closures ordered that should raise everyone's suspicion. A few months ago, we had a conversation about a restaurant that was closed by order of the Commissioner of Health. Despite ordering the closure, when asked about it, the Commissioner seemed unaware of the details and testified that she relied heavily on the work of public health sanitarians in her decision making. Just a few weeks ago, a small dance studio was ordered to close and cancel their already planned competition that several families already paid for. Their version of events didn't seem to merit a full closure. The Health Department seemingly agreed, and clarified that they weren't "closed," they just "paused" their operations. To a small business owner, that is the same thing. As their elected representatives, we can't allow that sort of jargon and wordsmithing to determine whether or not someone can make a living.

The real concern is we only hear about the closures when their owner is brave enough to speak out against it, even though they may face consequences for doing so. We don't fully know the scope of how this power has been used, and as the representative body, we should.

We firmly believe that the time to offer small business owners protection from government overreach is overdue. The first step in the process is a spirited discussion on our proposal, followed by a public hearing. We look forward to your answer to our request.


Sincerely,




Joseph C. Lorigo, Minority Leader
Legislator – District 10
Government Affairs Committee Member



Frank J. Todaro
Legislator – District 8
Government Affairs Committee Member



Christopher D. Greene
Legislator – District 6



John J. Mills
Legislator – District 11

ERIE COUNTY LEGISLATURE

HON. JOHN J. GILMOUR
9TH DISTRICT LEGISLATOR



92 Franklin St., 4th Fl.
Buffalo, NY 14202
(716) 858-7500
FAX: (716) 858-8895

May 19, 2021

Hon. Joseph Lorigo, Minority Leader
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Government Affairs Committee Discussion on Proposed Business Closure Local Law

Dear Legislator Lorigo:

I am writing in response to your letter clocked-in on May 10th requesting a Government Affairs Committee discussion on your proposed Business Closure local law.

As I indicated at a committee meeting on April 22nd, I am amenable to holding a committee meeting discussion on the proposed local law. In order to proceed, I request that you provide me with your proposed list of invited committee speakers. Following receipt of that information, I will be in contact with you to schedule a Government Affairs Committee meeting.

Thank you in advance for your cooperation and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gilmour", followed by a horizontal line.

John J. Gilmour
Chair, Government Affairs Committee

FILED JAN 08 '21 PM 4:39

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR TODARO, LORIGO, GREENE, AND MILLS**

Re: Opposition to Establishment of a Nuisance Claim against Gun Manufacturers

WHEREAS, Senate Bill S1048A seeks to create a nuisance claim against gun manufacturers for the deliberate misuse of their products by the end purchaser; and

WHEREAS, in effect the bill merely serves to scapegoat the gun industry for the bad acts of others; and

WHEREAS, if this bill passes, the State would essentially be asking gun manufacturers and dealers to backstop criminal acts of which they are not involved, a move that is unprecedented and nonsensical; and

WHEREAS, if gun manufacturers are found to be providing weapons illegally to the criminal underworld, they should be held responsible, and can be under existing laws. If gun dealers are providing weapons to individuals outside of the current legal process, they can and should be held responsible. Neither party should potentially be held responsible for acts of violence perpetrated by a deranged individual. Criminal laws already punish individuals for buying (NYS Penal Law 265.17), selling (NYS Penal Law 265.10 – 265.14), possessing (NYS Penal Law 265.01 – 265.06, 265.19) or using (NYS Penal Law 265.08 – 265.09) firearms improperly, and this is not an exhaustive list; and

WHEREAS, the blatant failure of a gun dealer to properly follow state requirements when selling a firearm merits a viable cause of action for damages under the Protection of Lawful Commerce in Arms Act (PLCAA). Under which, plaintiffs have been able to hold dealers liable for selling to people they knew, or should have known, would provide the firearm to someone who was not properly licensed, or who would have been otherwise prohibited under state law from possession themselves. New York State does not need additional laws, they need to enforce the laws we already have; and

WHEREAS, further, the federal PLCAA is a federal law which protects firearm manufacturers and dealers from being held liable when crimes have been committed with their products. S1048A would be in direct contention with the PLCAA, established federal law; and

WHEREAS, this bill will neither decrease gun violence nor increase the safety of residents in New York, it only serves to create a false sense of safety and security and a new private cause of action for lawyers to expose.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body believes individuals are responsible for their actions and therefore corporations and small businesses should not be held criminally liable for

the actions of their customers and wishes to go on record expressing our opposition to New York State Senate Bill S1048A(2021); and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation to the New York State Senate and Assembly, the majority and minority leaders in both the New York State Senate and Assembly, Governor Andrew Cuomo, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

STATE OF NEW YORK

1048

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to the dangers to safety and health and creation of a public nuisance caused by the sale, manufacturing, distribution, importing and marketing of firearms

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature hereby
2 finds that the illegal use of firearms not only constitutes a public
3 nuisance as declared in article 400 of the penal law, but that the
4 effects of such nuisance poses specific harm to New Yorkers based large-
5 ly on their zip code and certain immutable characteristics such as race
6 and ethnicity. Illegal firearm violence has disproportionately affected
7 underserved black and brown neighborhoods in our cities and throughout
8 the state despite stringent state and local laws against the illegal
9 possession of firearms while, according to the Bureau of Alcohol, Tobac-
10 co, Firearms and Explosives statistics, 74% of firearms used in crimes
11 in New York are purchased outside of New York. Thus, the legislature
12 further finds that given the ease at which legal firearms flow into the
13 illegal market, and given the specific harm illegal firearm violence
14 causes certain New Yorkers, those responsible for the illegal or unrea-
15 sonable sale, manufacture, distribution, importing or marketing of
16 firearms may be held liable for the public nuisance caused by such
17 activities.

18 § 2. The general business law is amended by adding a new article
19 39-DDDD to read as follows:

ARTICLE 39-DDDD

21 SALE, MANUFACTURING, IMPORTING AND MARKETING OF FIREARMS

22 Section 898-a. Definitions.

23 898-b. Dangers to safety and health.

24 898-c. Public nuisance.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD06691-01-1

1 898-d. Enforcement.

2 898-e. Private right of action.

3 § 898-a. Definitions. For purposes of this article, the following
4 terms shall have the following meanings:

5 1. "Deceptive acts or practices" shall have the same meaning as
6 defined in article twenty-two-A of this chapter.

7 2. "False advertising" shall have the same meaning as defined in arti-
8 cle twenty-two-A of this chapter.

9 3. "Gun industry member" shall mean a person, firm, corporation or
10 association engaged in the sale, manufacturing, distribution, importing
11 or marketing of firearms.

12 4. The terms "knowingly" and "recklessly" shall have the same meaning
13 as defined in section 15.05 of the penal law.

14 5. "Qualified product" shall have the same meaning as defined in 15
15 U.S.C. section 7903(4).

16 § 898-b. Dangers to safety and health. No gun industry member, by
17 conduct either unlawful in itself or unreasonable under all the circum-
18 stances shall knowingly or recklessly create or maintain a condition
19 that endangers the safety or health of the public through the sale,
20 manufacturing, importing or marketing of a qualified product.

21 § 898-c. Public nuisance. 1. A violation of section eight hundred
22 ninety-eight-b of this article that results in harm to the public shall
23 hereby be declared to be a public nuisance.

24 2. The existence of a public nuisance shall not depend on whether the
25 gun industry member acted for the purpose of causing harm to the public.

26 3. The acts or omissions of a gun industry member shall constitute a
27 proximate cause of the public nuisance if the harm to the public was a
28 reasonably foreseeable effect of such acts or omissions, notwithstanding
29 any intervening actions, including but not limited to criminal actions
30 by third parties.

31 4. In determining whether a nuisance exists, a finder of fact shall
32 consider the totality of the evidence, which may include, but is not
33 limited to:

34 (a) the distribution, importation, marketing or sales methods utilized
35 by the gun industry member and their foreseeable effects on crimes in
36 New York;

37 (b) the number of qualified products that have been diverted to the
38 illegal market through the alleged illegal, irresponsible or unreason-
39 able conduct of the gun industry member;

40 (c) the number of crimes that have been committed in New York with
41 qualified products sold, manufactured, distributed, imported or marketed
42 by the gun industry member in the alleged illegal, irresponsible or
43 unreasonable manner;

44 (d) the total number of qualified products that the gun industry
45 member manufactured, distributed or sold in the United States, through
46 the alleged illegal, irresponsible or unreasonable conduct, which were
47 recovered in, or destined for, New York;

48 (e) whether the alleged illegal, irresponsible or unreasonable conduct
49 of the gun industry member constitutes deceptive acts or practices in
50 the conduct of any business, trade or commerce or in the furnishing of
51 any service;

52 (f) whether the alleged illegal, irresponsible or unreasonable conduct
53 of the gun industry member constitutes false advertising in the conduct
54 of any business, trade, or commerce or in the furnishing of any service;
55 and

1 (g) any other illegal, irresponsible or unreasonable acts or omissions
2 by the gun industry member that create, contribute to or maintain public
3 harm.

4 § 898-d. Enforcement. The provisions of this article may be enforced
5 by the attorney general in the name of the people of the state of New
6 York, or by the town attorney, city corporation counsel, or other
7 lawfully designated enforcement officer of a municipality or local
8 government.

9 § 898-e. Private right of action. Any person, firm, corporation or
10 association that has been damaged as a result of a gun industry member's
11 acts or omissions in violation of this article shall be entitled to
12 bring an action for recovery of damages or to enforce this article.

13 § 3. This act shall take effect immediately.

New York Coalition

EC LEG AUG 17 '21 AM 10:59



For Open Government, Inc.

Advocating for timely access to information & meaningful citizen participation

www.nyopengov.org

August 16, 2021

Mark C. Poloncarz
Erie County Executive

Via email only

Re: Commitment to Transparency Regarding Buffalo Bills Stadium Negotiations

Dear County Executive:

With discussions taking place between you and the Buffalo Bills regarding the construction of a new stadium funded in whole or part with tax dollars, we are calling for a commitment to transparency by you, New York State officials and the Bills.

Any public investment in a facility designed to accommodate a private enterprise must have the public's benefit as its primary objective. Before any agreement is finalized the public should be given time to review and comment on any stadium deal that will require the use of county and state tax dollars.

Pegula Sports and Entertainment as the owner of the Buffalo Bills has stated that they are seeking a public/private partnership to build a new stadium. The financial assistance sought by the Buffalo Bills is based on a study completed by CAA Icon, which evaluated the costs involved to construct a new stadium. As a first step towards transparency and towards establishing a partnership, the CAA Icon study should be made available to the public.

In 2013, when a lease agreement was entered into between Erie County and the Buffalo Bills, which involved the expenditure of taxpayer funds, the public was not provided an opportunity to be heard by the Erie County Legislature or the New York State Legislature prior to both bodies approving the lease agreement.

- The closed door approach which occurred in 2013, should not be repeated again. We are calling upon all elected officials representing the County of Erie and New York State to advocate for stadium negotiations that are done in a transparent way and to utilize a process which provides the public information and the opportunity to be heard before any agreement is approved by the Erie County Legislature, the New York State Legislature or any public authority that may have a role in the process.

In June of this year the Jacksonville Jaguars announced their plans for a new stadium and as part of that effort, they have scheduled 14 public meetings to provide information and to answer questions regarding their proposal.

In 2002, San Diego formed the Citizens Task Force on Chargers Issues to evaluate the Chargers request for a new football stadium. The Task Force held over 50 public meetings as part of their work.

In 1998, the San Diego Padres requested a new stadium, which they stated was necessary to address their financial concerns. A citizens committee was formed to evaluate the request, and the Padres agreed to open their books as part of a review process. Several public hearings were held and a spirited citywide debate occurred.

If Pegula Sports and Entertainment are interested in a public/private partnership then their stadium study should be released to the public. Elected representatives at the local and state level must demand transparency and provide the public opportunities to be heard, before any votes occur on a stadium agreement that involves the commitment of tax dollars.

Sincerely,

Paul W. Wolf, Esq.

President

New York Coalition for Open Government

392 Evans Street

Williamsville, New York 14221

(716) 435-4976

cc:

Lt. Governor Kathy Hochul

Members of the NY State Legislature

Members of the Erie County Legislature

Pegula Sports and Entertainment

Michael B. Risman
 Partner
 Direct Dial: 716.848.1291
 Direct Facsimile: 716.819.4758
mrisman@hodgsonruss.com



December 22, 2021

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

Dear Mr. Graber:

Re: Buffalo City Cemetery ("Forest Lawn") Mergers

I represent the Buffalo City Cemetery (d/b/a "Forest Lawn Group"). I am writing to request the Erie County Legislature approve the mergers of three cemeteries with and into Forest Lawn.

By way of background, the Griffins Mills Cemetery Association in West Falls, Mount Olive Cemetery Association in Akron, and Bloomingdale Cemetery Association a/k/a Evergreen Lawn Cemetery Association in Akron, each wish to merge with and into Forest Lawn to improve the quality and efficiency of ongoing capital and maintenance needs at the respective cemeteries. Griffins Mills Cemetery is located at 67 West Falls Road in West Falls, New York 14170. Mount Olive Cemetery is located on South Newstead Road, Akron, New York 14001. Evergreen Lawn Cemetery is located at 13430 Bloomingdale Rd., Akron, New York 14001. The proposed mergers will be beneficial to the lot owners of each cemetery and the public health and welfare of the residents of Erie County.

Pursuant to New York State Not-For-Profit Corporation Law section 1506(c), approval of the transactions by the Erie County Legislature is required. There is no cost to the County as a result of the transactions and the County is not assuming any responsibility with respect to the cemeteries. I have enclosed draft proposed resolutions for your review and consideration. I would respectfully request that these resolutions be placed on the Legislature's agenda and that a public hearing be scheduled in approximately ten (10) weeks. The applications may legally be considered by the Legislature after Forest Lawn publishes notice of the applications in two newspapers once a week for six weeks.

I will be contacting you regarding scheduling the hearing, the two newspapers notice should be published in for each cemetery, and contacting the legislators in the relevant districts.

Thank you for your consideration. If you have any questions, please contact me.

December 22, 2021
Page 2

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael B. Risan", written in a cursive style.

Michael B. Risan

MBR/bml
Enclosures

ERIE COUNTY LEGISLATURE

Resolution Approving the Merger of the Griffins Mills Cemetery Association with and into the Buffalo City Cemetery, Inc. d/b/a Forest Lawn Group

WHEREAS, The Buffalo City Cemetery, Inc. d/b/a the 'Forest Lawn Group,' a New York cemetery corporation ("Forest Lawn") has agreed to merge with the Griffins Mills Cemetery Association (the "Association"), a New York cemetery corporation consisting of what is commonly known as the "Griffins Mills Cemetery," which includes approximately 7.5 acres located at 67 West Falls Road, West Falls, County of Erie, State of New York; SBL No. 186.04-1-24 (the "Cemetery") pursuant to a written agreement between Forest Lawn and the Association (referred to as the "Transaction"); and

WHEREAS, in connection with the Transaction, Forest Lawn has requested the County Legislature's consent as required by New York State Not-For-Profit Corporation Law Section 1506(c); and

WHEREAS, pursuant to Section 1506(c), notice of the application for consent has been published, once a week, for six weeks, in two newspapers published in the County as the Legislature has designated; and

WHEREAS, the Association wishes to merge with and into Forest Lawn to improve the quality and efficiency with which the ongoing capital and maintenance needs of the Cemetery are met; and

WHEREAS, Forest Lawn is ready and equipped to assume such responsibilities at the Cemetery; and

WHEREAS, the merger of the Association with and into Forest Lawn will be beneficial to the lot owners of the Cemetery and the public health and welfare of the residents of Erie County; and

WHEREAS, the County Legislature wishes to approve the Transaction:

NOW THEREFORE BE IT RESOLVED by the Erie County Legislature that the Transaction is hereby approved; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute any required documents in connection with the matter contemplated above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Erie County Attorney; the Erie County Comptroller, and the New York State Cemetery Board.

PASSED AND ADOPTED by the Erie County Legislature on _____, 2022.

ERIE COUNTY LEGISLATURE

Resolution Approving the Merger of The Mount Olive Cemetery Association with and into the Buffalo City Cemetery, Inc. d/b/a Forest Lawn Group

WHEREAS, The Buffalo City Cemetery, Inc. d/b/a the 'Forest Lawn Group,' a New York cemetery corporation ("Forest Lawn") has agreed to merge with The Mount Olive Cemetery Association (the "Association"), a New York cemetery corporation consisting of what is commonly known as the "Mount Olive Cemetery," which includes approximately 2.6 acres located on South Newstead Road, Akron, County of Erie, State of New York; SBL No. 74.00-1-12 and 74.00-1-11 (the "Cemetery") pursuant to a written agreement between Forest Lawn and the Association (referred to as the "Transaction"); and

WHEREAS, in connection with the Transaction, Forest Lawn has requested the County Legislature's consent as required by New York State Not-For-Profit Corporation Law Section 1506(c); and

WHEREAS, pursuant to Section 1506(c), notice of the application for consent has been published, once a week, for six weeks, in two newspapers published in the County as the Legislature has designated; and

WHEREAS, the Association wishes to merge with and into Forest Lawn to improve the quality and efficiency with which the ongoing capital and maintenance needs of the Cemetery are met; and

WHEREAS, Forest Lawn is ready and equipped to assume such responsibilities at the Cemetery; and

WHEREAS, the merger of the Association with and into Forest Lawn will be beneficial to the lot owners of the Cemetery and the public health and welfare of the residents of Erie County; and

WHEREAS, the County Legislature wishes to approve the Transaction:

NOW THEREFORE BE IT RESOLVED by the Erie County Legislature that the Transaction is hereby approved; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute any required documents in connection with the matter contemplated above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Erie County Attorney; the Erie County Comptroller, and the New York State Cemetery Board.

PASSED AND ADOPTED by the Erie County Legislature on _____, 2022.

ERIE COUNTY LEGISLATURE

Resolution Approving the Merger of The Bloomingdale Cemetery Association a/k/a Evergreen Lawn Cemetery Association with and into the Buffalo City Cemetery, Inc. d/b/a Forest Lawn Group

WHEREAS, The Buffalo City Cemetery, Inc. d/b/a the 'Forest Lawn Group,' a New York cemetery corporation ("Forest Lawn") has agreed to merge with The Bloomingdale Cemetery Association a/k/a Evergreen Lawn Cemetery (the "Association"), a New York cemetery corporation consisting of what is commonly known as the "Evergreen Lawn Cemetery," which includes approximately 11.5 acres located at 13430 Bloomingdale Road, Akron, County of Erie, State of New York; SBL No. 33.00-3-7.211 and 33.00-3-27.1 (the "Cemetery") pursuant to a written agreement between Forest Lawn and the Association (referred to as the "Transaction"); and

WHEREAS, in connection with the Transaction, Forest Lawn has requested the County Legislature's consent as required by New York State Not-For-Profit Corporation Law Section 1506(c); and

WHEREAS, pursuant to Section 1506(c), notice of the application for consent has been published, once a week, for six weeks, in two newspapers published in the County as the Legislature has designated; and

WHEREAS, the Association wishes to merge with and into Forest Lawn to improve the quality and efficiency with which the ongoing capital and maintenance needs of the Cemetery are met; and

WHEREAS, Forest Lawn is ready and equipped to assume such responsibilities at the Cemetery; and

WHEREAS, the merger of the Association with and into Forest Lawn will be beneficial to the lot owners of the Cemetery and the public health and welfare of the residents of Erie County; and

WHEREAS, the County Legislature wishes to approve the Transaction:

NOW THEREFORE BE IT RESOLVED by the Erie County Legislature that the Transaction is hereby approved; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute any required documents in connection with the matter contemplated above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Public Works; the Erie County Attorney; the Erie County Comptroller, and the New York State Cemetery Board.

PASSED AND ADOPTED by the Erie County Legislature on _____, 2022.



EC LEG JAN 28 '22 PM12:01

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 26, 2022

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

Re: Appointment to the Erie County Board of Ethics

Dear Honorable Members:

Pursuant to Article 26, Section 26.01 of the County Administrative Code, I do hereby appoint and submit for your confirmation the following individual to the Erie County Board of Ethics for a term expiring January 31, 2027.

Taunya Abaya
480 Rambling Road
Amherst, NY 14051

Should you have any questions regarding this re-appointment please feel free to contact my office at (716) 858-8500.

Sincerely yours,

A handwritten signature in black ink, reading "Mark C. Poloncarz", with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/oo

cc: Chris Trapp, Chair, Erie County Board of Ethics



ERIE COUNTY LEGISLATURE

HON. JOHN J. MILLS
LEGISLATOR

January 20, 2022

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any
Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government. I have many relatives with whom I have lost contact; however, to the best of my knowledge, there are no members of my family, as defined by Section 5(c) of the Code of Ethics, presently employed by any government entity.

If there are any other questions, please feel free to contact Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

A handwritten signature in blue ink, appearing to read "John J. Mills", is written over a printed name.

John J. Mills
Erie County Legislator



EC LEG FEB 1 '22 AM 9:22

ERIE COUNTY LEGISLATURE

HON. JOSEPH C. LORIGO
10TH DISTRICT LEGISLATOR
MINORITY LEADER

January 20, 2022

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government.

- My brother-in-law, Shane Good, works at the Erie County Water Authority; and
- My cousin, Garrett Grieser, works for State Supreme Court Justice Daniel Furlong.

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government entity. If there are other questions, please feel free to contact the Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,


Joseph C. Lorigo
Erie County Legislator



EC LEG FEB 1 '22 AM 9:22

ERIE COUNTY LEGISLATURE

HON. CHRISTOPHER D. GREENE

LEGISLATOR

January 20, 2022

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government.

- My wife, Kathryn, is an educator at the Clarence Central Schools;
- My cousin, Lisa Venuto, is a physician assistant practicing at the Erie County Medical Center; and
- My aunt, Ann Venuto, is a member of the Erie County Corrections Specialist Advisory Board.

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government entity. If there are other questions, please feel free to contact the Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

A handwritten signature in blue ink that reads "Christopher D. Greene".

Christopher D. Greene
Erie County Legislator



ERIE COUNTY LEGISLATURE

HON. FRANK J. TODARO

LEGISLATOR

8TH DISTRICT

January 20, 2022

Robert Graber
Clerk, Erie County Legislature
92 Franklin St. – Fourth Floor
Buffalo, NY 14202

Re: Submission to EC Code of Ethics, Disclosure of Family Members Employed by Any Government Organization

Dear Clerk Graber,

Pursuant to the Erie County Code of Ethics, I am notifying you of my family members who work in government.

- My wife's first cousin, Kelly Mercado, is a Sheriff's deputy at the Erie County Holding Center;
- My brother-in-law, Neil Eckert, is a Sheriff's reserve officer; and
- My father's cousin's husband, Charlie Morreale, is employed at the Buffalo Municipal Housing Authority.

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government entity. If there are other questions, please feel free to contact the Chief of Staff to the Minority Caucus, Bryan Fiume.

Sincerely,

A handwritten signature in blue ink that reads "Frank J. Todaro".

Frank J. Todaro
Erie County Legislator
8th District

Alden | Lancaster | Bowmansville | Depew | Cheektowaga