

ERIE COUNTY LEGISLATURE
MEETING NO. 9
APRIL 23, 2020

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Gilmour, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Chimera.

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

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 8 from 2020. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. GILMOUR presented a proclamation Recognizing the Praiseworthy Life of William J. "Bill" Griffin.

Item 6 – MR. TODARO presented a proclamation Commemorating the 100th Birthday of Stanley Markut - WWII Veteran.

Item 7 – MR. LORIGO, MR. RATH, MR. TODARO & MR. MILLS presented a proclamation Honoring D.J. Granville Upon Being the Recipient of the Bar Association of Erie County's 2020 Police Officer Award.

Item 8 – MR. JOHNSON presented a proclamation Honoring and Thanking Steve Bystran, Owner at Lakeward Spirits, for His Generous Donation to the Buffalo Fire and Police Departments.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above four items by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above four items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 11 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 12 – CHAIR BASKIN directed that the following resolution be received and filed.

GRANTED.

INTRO. 9-1 from BASKIN, MEYERS, GILMOUR, JOHNSON, CHIMERA & HARDWICK. Expressing Concern Over the Possible Transfer of Local Ventilators & Personal Protective Equipment and the Lack of Federal Ventilators Provided to NYS

Item 13 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: Support for Using Plastic Bags at

Grocery and Related Stores Due
to COVID-19 Outbreak
(INTRO. 9-2)

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

WHEREAS, in 2019, for environmental reasons, the New York State Legislature adopted legislation instituting a ban on the use of single-use plastic bags in stores, grocery stores, drug stores and other establishments, effective March 1, 2020; and

WHEREAS, with the advent of the COVID-19 outbreak, there are concerns about transmission of the virus at grocery and food stores, including potentially through reusable canvass or cloth or other bags owned and used by individuals; and

WHEREAS, while there is no evidence that Coronavirus can be transmitted through such bags, due to the virulence of the virus, there are reasons to be cautious for the time being about any known or potential ways in which COVID-19 can be transmitted; and

WHEREAS, the largest area of possible vulnerability and risk are grocery store employees, such as the cashier, who has to repeatedly touch individual customers' reusable bags; and

WHEREAS, the States of Massachusetts and New Hampshire and City of San Francisco, for instance, have temporarily banned reusable bags during the pandemic, due to these concerns; and

WHEREAS, Tops Markets has temporarily resumed distributing and offering plastic bags for customers due to COVID-19; and

WHEREAS, New York State has also delayed enforcement of the new plastic bag law until May 15, 2020 due to COVID-19.

NOW, THEREFORE, BE IT

RESOLVED, out of an over-abundance of caution, and to support public health and to help stop the spread of COVID-19, the Erie County Legislature expresses our support for any grocery or drug store that desires to temporarily resume using plastic bags during the COVID-19 emergency, to help protect store employees handling customers' reusable bags as well as the customers; and be it further

RESOLVED, that this Honorable Body expresses its support for New York State's decision to suspend enforcement of the plastic bag ban law until the COVID-19 crisis ends; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the Commissioner of the New York State Department of Environmental Conservation, the County Executive, and the Commissioner of the Erie County Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 14 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: Expressing Concern Over
Nursing Homes and NYS Dept.
of Health Lack of Transparency
During COVID-19 Outbreak
(INTRO. 9-3)

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

WHEREAS, the COVID-19 crisis has revealed stark and troubling issues with nursing homes in New York state, as well as the New York State Department of Health’s regulation and oversight of such nursing homes; and

WHEREAS, on April 7, 2020, the Buffalo News reported that “more than 700 of New York State’s estimated 100,000 nursing home residents have died from COVID-19, but the state (Department of Health) refuses to identify the nursing homes that housed more than 3,000 residents who tested positive for the highly contagious virus”; and

WHEREAS, when the Buffalo News sought the names of the nursing homes and COVID-19 cases in them, the New York State Department of Health declined to provide any details, but stated that the State Health Department began requiring nursing homes to notify residents and their families about any suspected or confirmed cases of COVID-19 at their facilities, prompting the newspaper to file a Freedom of Information Law request; and

WHEREAS, for instance, the Catholic Health system, which operates the Father Baker Manor nursing home in Orchard Park, reported as of that date that more than 60 people associated with the nursing home, including 41 residents, had tested positive for COVID-19; and

WHEREAS, an 88 year old man died at Mercy Hospital after contracting COVID-19 at Father Baker Manor; and

WHEREAS, The McGuire Group, which operates five nursing homes locally, told the Buffalo News that state and federal guidelines prohibit it from releasing numbers, with its majority

co-owner stating: “The guidance we are getting from the (New York State) DOH and CDC (US Centers for Disease Control and Prevention) is not to release specific numbers”; and

WHEREAS, the local spokesman for the New York State Department of Health contradicted that statement, saying “To be clear, the department’s nursing home guidance does not prohibit facilities from publicly releasing the number of COVID-19 positive cases”; and

WHEREAS, in an example of how nursing homes are not timely telling family members of nursing home patients about COVID-19 cases in their facilities or complying with the new State Health Department reporting requirement, the News reported that a patient at Garden Gate Health Care Facility in Cheektowaga (a McGuire Group facility) contracted COVID-19, and her daughter was not told for two days, and then the daughter only found out when she was inadvertently told by the nursing home’s social worker; and

WHEREAS, following the News’ reporting, Assemblyman Richard Gottfried, the Chair of the State Assembly’s Health Committee and Assemblyman Sean Ryan (whose relative was the positive COVID-19 case at Garden Gate), called on the State Health Department to publicly identify the hundreds of nursing homes where residents or staff have tested positive for COVID-19; and

WHEREAS, an elderly man died at the St. Joseph Campus of Sisters of Charity Hospital from COVID-19, a week after being discharged from the Garden Gate Health Care Facility; and

WHEREAS, a spokeswoman for Garden Gate owner McGuire Group told the Buffalo News that because the man was discharged with no signs of the virus, and was no longer a patient when he was diagnosed or when he died, his case does not trigger a notification to Garden Gate’s families; and

WHEREAS, two Weinberg Campus residents have died from COVID; and

WHEREAS, the News reported that in late March 2020, some nurses at the Elderwood nursing home in Amherst were so troubled by “what they feared were inadequate safety measures to prevent the spread of COVID-19 that they sent a letter to Erie County District Attorney John J. Flynn, asking him to investigate the situation”, and the District Attorney forwarded the anonymous letter to the State Department of Health; and

WHEREAS, family members of patients in multiple nursing homes have come forward to the Buffalo News to report about positive COVID-19 cases in those facilities and the families’ concern and anxiety about their loved ones; and

WHEREAS, by April 10, 2020, the number of nursing home residents killed by COVID-19 in New York state had doubled, rising to 1,439 and the number of positive cases in nursing homes had risen to 4,630, which likely is understated due to lack of tests; and

WHEREAS, while stating that nursing homes can themselves publicly report the names of nursing homes where COVID-19 cases and deaths have occurred, the State Department of Health still refuses to do the same and release the data; and

WHEREAS, no one is asking for individual patient information to be released publicly, but merely for nursing homes and the State Department of Health to publicly report positive COVID-19 cases and fatalities at nursing homes to the public in the interest of safety and transparency for the sake of the families of residents and the public at large who may be considering admitting a family member to a facility.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on the New York State Department of Health to enforce its regulations and orders, and to compel nursing homes to immediately report positive COVID-19 cases to the family members of the individual resident who tests positive, as well as reporting the positive cases and death information (without naming the resident or any HIPPA-protected medical information) at nursing homes to the public and the family members of other residents; and be it further

RESOLVED, that this Honorable Body expresses its support for the Erie County Department of Health working with the New York State Department of Health to help provide data and information-sharing that may allow for greater State enforcement of Section 2812 of the New York Public Health Law governing nursing homes and the protection of seniors; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the State Commissioner of Health, the County Executive, the County Commissioners of Senior Services and Health, and the New York State Health Facilities Association.

MR. MEYERS moved to amend the resolution by including Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: Support for "Essential" Bus
Passes and COVID-19
Protections for NFTA Operators
and Passengers
(INTRO. 9-4)

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

WHEREAS, responding to the COVID-19 outbreak, the Niagara Frontier Transportation Authority (NFTA) has taken extraordinary measures to try to protect their employees and passengers riding on Metro Bus and Metro Rail, such as suspending the collection of fares and on Metro Bus and Rail during the crisis; and

WHEREAS, we owe the men and women of the NFTA are very deepest thanks and appreciation, like all essential employees working during this pandemic, for continuing to come to work and perform their vital transportation service for our community; and

WHEREAS, despite precautionary measures taken by the NFTA to protect operators and riders alike and to help stop the spread of COVID-19, such as the posting of placards urging only ‘essential’ rides for passengers, the issuance of masks and gloves to drivers, and asking passengers to board the rear of the bus, there are still signs and concerns about COVID-19-related safety on Metro buses; and

WHEREAS, there are reports and indications that many ‘non-essential’ passengers are riding buses and making non-essential trips; and

WHEREAS, the Amalgamated Transit Union Local 1342 representing NFTA employees have suggested the creation and issuance of a special “essential” passenger pass to help limit non-essential travel; and

WHEREAS, this Honorable Body urges the NFTA to consider additional measures to limit non-essential persons from engaging in non-essential travel during the COVID-19 state of emergency, and to support stopping the spread.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for additional measures to be undertaken by the NFTA to further protect its employees and passengers during the COVID-19 outbreak, such as the creation and distribution of an “Essential Worker Rider” bus pass to limit non-essential riders during the COVID-19 outbreak; and be it further

RESOLVED, that the executive director of the NFTA is requested to report to the Legislature on the additional measures the NFTA will undertake to protect their employees and passengers during the COVID-19 outbreak, such as limiting riders on buses to ensure social distancing, creating and issuing special passes, cleaning buses daily, or multiple times/day, etc.; and be it further;

RESOLVED, that certified copies be transmitted to the Chair of the Board of Commissioners of the NFTA, the Executive Director of the NFTA, the Amalgamated Transit Union Local 1342, and the Commissioner of the Erie County Department of Health.

MR. MEYERS moved to amend the resolution for content, and by including MS. VINAL, MR. MEYERS and MS. CHIMERA as Co-Sponsors. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

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

WHEREAS, responding to the COVID-19 outbreak, the Niagara Frontier Transportation Authority (NFTA) has taken extraordinary measures to try to protect their employees and passengers riding on Metro Bus and Metro Rail, such as suspending the collection of fares and on Metro Bus and Rail during the crisis; and

WHEREAS, we owe the men and women of the NFTA our very deepest thanks and appreciation, like all essential employees working during this pandemic, for continuing to come to work and perform their vital transportation service for our community; and

WHEREAS, despite precautionary measures taken by the NFTA to protect operators and riders alike and to help stop the spread of COVID-19, such as creating a 12 foot barrier between drivers and passengers, the posting of placards urging only ‘essential’ rides for passengers, the issuance of masks and gloves to drivers, and asking passengers to board in the rear of the bus, there are still concerns about COVID-19-related safety on Metro buses; and

WHEREAS, there are reports and indications that many ‘non-essential’ passengers are riding buses and making non-essential trips; and

WHEREAS, transit authorities across the country, including Milwaukee, Phoenix, and Portland, Oregon, have set a limit of 10 passengers per bus to ensure passengers receive safe travel and practice physical distancing while on public transportation; and

WHEREAS, this Honorable Body urges the NFTA to consider additional measures to limit non-essential persons from engaging in non-essential travel during the COVID-19 state of emergency, and to support stopping the spread.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for additional measures to be considered by the NFTA to further protect its employees and passengers during the COVID-19 outbreak, such as limiting the number of passengers per bus to 10 during peak periods on highly-trafficked bus routes, placing signage on every other seat to indicate it should be left empty to increase physical distancing between passengers, and creating frequent bus trips during peak times on high usage bus routes to ensure riders are not significantly delayed by passenger limits; and be it further

RESOLVED, that the executive director of the NFTA is requested to report to the Legislature on the additional measures the NFTA will undertake to protect their employees and passengers during the COVID-19 outbreak, such as limiting riders on buses to ensure social distancing, signage, deploying “chaser buses”, and cleaning buses daily, or multiple times/day, etc.; and be it further

RESOLVED, that certified copies be transmitted to the Chair of the Board of Commissioners of the NFTA, the Executive Director of the NFTA, the Amalgamated Transit Union Local 1342, and the Commissioner of the Erie County Department of Health.

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

CARRIED UNANIMOUSLY.

Item 16 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

RE: Calling for the Establishment of
a COVID-19 Drive-Thru Testing
Site on the East Side of Buffalo
(INTRO. 9-5)

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

WHEREAS, a primary focus of the Erie County Legislature is to work with our partners in the Erie County Department of Health, the Erie County Executive, our healthcare partners, and community and civic organizations across the community to decrease the spread of the COVID-19 virus; and

WHEREAS, due to a nationwide, state and local shortage of tests, the Erie County Department of Health established a stated protocol to only test “essential” workers and certain symptomatic persons for COVID-19, with County officials noting that the positive test counts across the county likely significantly under-represent the true, actual number of positive COVID-19 cases; and

WHEREAS, data provided by the County has shown that the zip codes 14215, 14211, and 14208 on the East Side of Buffalo have been severely impacted with positive cases of COVID-19; and

WHEREAS, on April 13, 2020, 14215 had 117 positive COVID-19 cases, 14211 had 55 positive cases, and 14208 had 46 positive cases; and

WHEREAS, Erie County officials have noted that a large number of persons working in healthcare live in the 14215 and related zip codes on the East Side of Buffalo, and indicating potential causality between high numbers of COVID-19 in these communities and the employment status of residents who work as home healthcare aides, nurses, medical assistants, and support positions in nursing homes and hospitals; and

WHEREAS, the 1199 SEIU healthcare worker union has reported that 785 of their healthcare members live in the 14215 zip code, 440 live in the 14211 zip code, and 230 live in the 14208 zip code on the East Side of Buffalo; and

WHEREAS, there are many residents of these zip codes who work at hospitals, nursing homes, skilled nursing facilities, health clinics, and other places, including in individual homes, as medical aides, janitors, cleaners, maintenance workers, kitchen employees, and security personnel, etc. who could be susceptible to COVID-19 by virtue of their employment and designation as essential employees during this crisis; and

WHEREAS, these zip codes have some of the highest rates of poverty in Erie County – 26% in 14215, 38.5% in 14211 and 37.3% in 14208 – and therefore, there is a high likelihood that many of the healthcare workers and their neighbors in these neighborhoods are working poor, with limited access to transportation, living wages, childcare, fresh food markets and primary health care; and

WHEREAS, by way of comparison, on March 18, 2020, the Erie County Department of Health operated a drive-thru COVID-19 testing site for certain persons (including non-essential persons who were referred by their physicians) in Lancaster; and

WHEREAS, on March 25, 2020, the Erie County Department of Health operated a drive-thru COVID-19 testing site for certain persons (including non-essential persons who were referred by their physicians) in Amherst; and

WHEREAS, conducting drive-thru testing for COVID-19 is a national model and a safety issue to minimize potential exposure to healthcare workers and other patients; and

WHEREAS, there have been no drive-thru COVID-19 testing sites established in Buffalo so far and the creation of such a site would be helpful and reassuring to the community; and

WHEREAS, on April 11, 2020, the County announced an expansion of testing eligibility for COVID-19, to no longer require a referral from a primary care physician, and to expand testing to include symptomatic persons who receive dialysis and infusion therapy, hospital and community healthcare workers, hospital and community medical facility employees, and their families, such as those who live on the East Side; and

WHEREAS, due to the employment demographics of the East Side of Buffalo, the large number of COVID-19 cases there (and likelihood the data significantly under-counts the true number of positive COVID-19 cases there), and the need to properly test healthcare employees who are working in nursing homes, assisted living centers, private homes and other settings, the County should hold a drive-thru COVID-19 testing site on the East Side of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature calls on the Erie County Commissioner of Health to immediately establish a drive-thru COVID-19 testing site in, and establish eligibility for healthcare workers and symptomatic residents of the East Side of Buffalo, particularly those in the

14215, 14211 and 14208 zip codes, and including those persons suffering from acute chronic illnesses such as diabetes and asthma who may be more susceptible to COVID-19; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive and the Erie County Commissioner of Health.

MR. MEYERS moved to amend the resolution by including MS. CHIMERA, MR. JOHNSON, MR. MEYERS and MS. VINAL as Co-Sponsors. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

RE: Calling for the Establishment of
a COVID-19 Drive-Thru Testing
Site on the Lower West Side of
Buffalo
(INTRO. 9-6)

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

WHEREAS, a primary focus of the Erie County Legislature is to work with our partners in the Erie County Department of Health, the Erie County Executive, our healthcare partners, and community and civic organizations to decrease the spread of the COVID-19 virus; and

WHEREAS, due to a nationwide, state and local shortage of tests, County officials have noted that positive test counts reported so far across the county likely significantly under-represent the true, actual number of positive COVID-19 cases in Erie County; and

WHEREAS, many residents of the West Side of Buffalo, including the Lower West Side, are African-American, Latino, and other persons of color from multiple nationalities who immigrated to this country, many of whom have helped make Buffalo better as entrepreneurs and small business owners; and

WHEREAS, many of these communities and persons have historically suffered from a lack of access to primary and preventative healthcare and medicine, or have not been able to afford or gain access to health insurance, and could be particularly vulnerable to COVID-19 or not receiving access to testing or services; and

WHEREAS, during the COVID-19 crisis, it is imperative that these persons, many of whom live in poverty-stricken neighborhoods with housing challenges and in close proximity to one another, receive access to COVID-19 testing and services; and

WHEREAS, there are no COVID-19 testing sites on the West Side, creating risk and a need for the medical community to engage these residents and provide diagnostic and healthcare services for them; and

WHEREAS, conducting drive-thru testing for COVID-19 is a national model and a safety issue to minimize potential exposure to healthcare workers and patients; and

WHEREAS, Legislator April Baskin has introduced a resolution seeking a drive-thru COVID-19 test site on the East Side of Buffalo and this resolution is intended as a companion public health effort, in conjunction with that testing site; and

WHEREAS, there have been no drive-thru COVID-19 testing sites established in Buffalo and the creation of such a site on the Lower West Side would be helpful to the community, and community partners are willing and eager to assist with establishing such a site.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature calls on the Erie County Commissioner of Health to establish a drive-thru COVID-19 testing site in, and establish eligibility for symptomatic residents of the Lower West Side of Buffalo, particularly those persons suffering from acute chronic illnesses who may be more susceptible to COVID-19; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive and the Erie County Commissioner of Health.

MR. MEYERS moved to amend the resolution by including MR. MILLS, CHAIR BASKIN, MS. CHIMERA, MR. HARDWICK, MR. MEYERS and MS. VINAL as Co-Sponsors. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 18 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

RE: Supporting Action to Crack
Down on Price-Gouging Stores
or Entities Operating in Erie

County During the COVID-19
Crisis
(INTRO. 9-7)

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

WHEREAS, in 2019, the Erie County Legislature approved the Consumer Protection Act of 2019, a local law amending the Erie County Charter to create a new Division of Consumer Protection, and the new position of Director of Consumer Protection in the Erie County Department of Public Advocacy; and

WHEREAS, the intention behind this action was for the County to take a leading role on addressing consumer protection and consumer injustices across the county; and

WHEREAS, during the COVID-19 crisis, some stores, retail establishments and/or other entities may be engaging in price-gouging or anti-consumer, anti-competitive actions, such as marking up the prices of foodstuffs, fresh food, cleaning supplies, disinfectants, etc.; and

WHEREAS, in response to local reports of such actions, the Buffalo Common Council has recently approved a resolution asking the administration of Mayor Byron Brown to investigate and if necessary, have the City's Department of Permits and Inspection Services terminate the licenses of entities operating in the City of Buffalo that are found to have raised their local price on essential goods or services more than 20% during the Governor's COVID-19 state of emergency.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on the Erie County Department of Public Advocacy to solicit and accept reports from consumers and others, and to conduct investigations and inquiries into allegations of anti-consumer behavior and activities across Erie County during the COVID-19 crisis; and be it further

RESOLVED, that the Department of Public Advocacy is requested to report those findings to this Honorable Body; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive and the Commissioner of Public Advocacy.

MR. MEYERS moved to amend the resolution by including MR. MILLS, CHAIR BASKIN, MS. CHIMERA, MR. HARDWICK, MR. MEYERS and MS. VINAL as Co-Sponsors. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

RE: Supporting Healthcare Workers
and First Responders and the
Acquisition of Personal
Protective Equipment from the
Federal Government
(INTRO. 9-8)

**A RESOLUTION SUBMITTED BY
LEGISLATORS BASKIN, GILMOUR, VINAL, CHIMERA,
MEYERS, JOHNSON AND HARDWICK**

WHEREAS, Erie County, like all other local governments across the country is facing a public health crisis unlike any other in recent memory; and

WHEREAS, the COVID-19 pandemic is putting a significant stress on public and private healthcare systems that are already stretched very thin; and

WHEREAS, Erie County is experiencing a dramatic increase in COVID-19 cases and deaths, and the County and its healthcare partners are taking unprecedented steps aimed at slowing down or reducing the rate of infections and providing care to the ill; and

WHEREAS, our healthcare workers and first responders are on the front lines of this pandemic and need Personal Protective Equipment (PPEs), which are in such short supply; and

WHEREAS, healthcare organizations across the country, state, and our region report significant shortages in PPEs and difficulty in obtaining PPEs, even when funding is available to purchase such equipment, thus revealing gaps and problems at the national level and with the federal government in obtaining, coordinating and distributing PPEs to those places that need it most; and

WHEREAS, for instance, revealing the magnitude of the problem, and the extreme lengths organizations are going to try and protect their workers with limited equipment, media reported on April 14, 2020 that facing a shortage of medical gowns at New York City-area hospitals, city officials have recruited private businesses and other entities, such as the New York Yankees, New York Giants, Macy's and others to provide tens of thousands of plastic rain ponchos to be used as gowns by healthcare workers, and Walt Disney Company has given 150,000 ponchos to hospitals across America; and

WHEREAS, healthcare workers are putting themselves in personal danger while providing a life-saving service and they deserve proper equipment to protect themselves and those around them, including patients, colleagues and their family members.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for our brave and dedicated healthcare workers and first responders who are doing their best every day, at great personal risk to themselves; and be it further

RESOLVED, that this Honorable Body calls on the federal government to make every effort necessary to ensure that healthcare workers and first responders get the personal protective equipment that they need to protect their patients and themselves; and be it further

RESOLVED, that this Honorable Body calls on the federal government to institute a national protective equipment supply chain, fully utilize the National Strategic Stockpile to support localities and their healthcare partners, ban exports of personal protective equipment out of the US, and fully employ the Defense Production Act to require and support additional manufacturing of such equipment immediately; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, US Secretary of Health and Human Services, US Senators Charles Schumer and Kirsten Gillibrand, US Representative Brian Higgins, the Governor, the New York State Commissioner of Health, the Healthcare Association of New York State, SEIU 1199, Communication Workers of America, the County Executive, the Erie County Commissioner of Health, and the chief executive officers of Kaleida Health, Catholic Health, Erie County Medical Center Corporation, and Roswell Park Cancer Institute.

Item 20 – 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. 88

RE: Support for Allowing "No-Excuse" Expanded Absentee Voting in New York State (INTRO. 9-9)

**A RESOLUTION SUBMITTED BY
LEGISLATORS JOHNSON, MEYERS, CHIMERA, GILMOUR,
HARDWICK, BASKIN AND VINAL**

WHEREAS, due to the COVID-19 pandemic, via an executive order, the Governor postponed local, school and special elections set to be held in April and May 2020 and moved the special elections to June 23 2020, the current scheduled primary day for New York; and

WHEREAS, after that action, election commissioners from across New York state and the New York State Election Commissioners Association asked the New York State Board of Elections and the New York State Legislature to authorize the expanded use of absentee ballots for the June 23rd election, to protect the public and elections staff alike, and to address concerns that there may not be enough election inspectors, elections staff, or polling places available on June 23, 2020; and

WHEREAS, the Erie County Commissioners of Election have taken steps to facilitate expanded use of absentee ballots for the June 23rd elections due to COVID-19; and

WHEREAS, the recent election on April 7, 2020 in Wisconsin featuring long lines of voters waiting in line for hours to vote (in poor weather) demonstrates the need for action; and

WHEREAS, on April 8, 2020, due to COVID-19, the Governor announced he is issuing an executive order allowing New York voters to vote via absentee ballot for the June 23, 2020 primary and other elections that date, stating “New Yorkers shouldn't have to choose between their health and their civic duty,” and noting that he made the decision after seeing long lines forming at polling places for other states’ primaries, saying in-person voting poses too great a public health risk; and

WHEREAS, under current state law, absentee ballot requests may only be fulfilled for voters who will be outside of the county in which they are registered on Election Day, are unable to appear at the polls due to illness or disability, or are detained and awaiting Grand Jury action or in prison for a conviction for a non-felony offense, and for instance, individuals with work or family commitments, including people who work multiple jobs or who provide fulltime care for relatives, are effectively barred from casting a ballot on Election Day; and

WHEREAS, under existing state law, voting via absentee ballots is very limited, and voting by mail provisions that are permitted in some states would require a constitutional amendment in New York; and

WHEREAS, in January 2019, the New York State Legislature approved legislation for a proposed constitutional amendment that will allow any voter to request and vote by absentee ballot without needing to declare a reason for doing so, and if a similar measure is approved for a second time in 2021, that absentee ballot voting measure will be on the ballot in New York in the November 2021 election as a public referendum; and

WHEREAS, to enhance voter participation in elections, Common Cause and a county elections commissioner (outside of Erie County) have urged state legislators to codify an absentee ballot expansion into law to allow state residents to vote via absentee ballot for expanded reasons for any future elections; and

WHEREAS, expanded absentee ballot use for any reason helps increase public participation in the electoral process.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature expresses its support for the expansion of the use of absentee ballots for any reason, to enable and allow New York voters to vote in that manner, and in so doing, to encourage and facilitate maximum participation in the electoral process; and be it further

RESOLVED, that this Honorable Body expresses its support for a future constitutional referendum in New York that would allow anyone, without citing a reason, to vote by absentee ballot in elections; and be it further

RESOLVED, that this Honorable Body encourages all Erie County registered voters to consider, if they are so amenable and as appropriate, filing for an absentee ballot with the Erie County Board of Elections and voting in the June 23rd elections via absentee ballot; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, to the Speaker of the New York State Assembly, to the President of the New York State Senate, to the local delegation to the New York State Legislature, to the Commissioners of the New York State Board of Elections, and to the Commissioners of the Erie County Board of Elections.

Item 21 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

RE: Request for Federal Aid to Local Municipalities to Address Short-Term Budget Gaps Created by Measures to Impede the Spread of COVID-19
(INTRO. 9-10)

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

WHEREAS, local governments provide the most significant interactions between residents and elected government; and

WHEREAS, Erie County provides support for infrastructure projects, public health concerns, and administers many of the social services residents rely on every day; and

WHEREAS, much of the Nation, including NYS, has entered into a complete shutdown which has decimated the market for non-essential purchases like cars, clothing, and fuel; and

WHEREAS, the unprecedented drop in sales is likely to force sales tax receipts, a funding source many local governments are far too reliant on, to fall to levels not seen in decades; and

WHEREAS, Erie County, and most other New York Counties, will be hard hit by this loss in revenue, which could cause the closure of many essential government functions and force the

elimination of huge portions of local services including impacting municipal hospitals, libraries, and parks; and

WHEREAS, Erie County relies on Sales and Hotel Tax for a Very Significant portion of our revenues. If current federal and national economist projections are correct, Erie County would lose \$140 million in revenues; and

WHEREAS, it is a finding of this body that future federal stimulus packages should include mechanisms for local governments to be able to fill holes in at least the current year's budget to allow for the smallest disruption to services to county residents.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body respectfully requests the next round of stimulus measures from the federal government include provisions allowing local governments utilize the funding to address short term budget gaps for the 2020 fiscal year; and be it further

RESOLVED, that certified copies of this Resolution be sent to the President of the United States, the WNY delegation to the United States Congress, the Governor of the State of New York, the Western New York Delegation to the NYS Senate and Assembly, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 22 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

RE: Calling on the Federal Government to Amend the CARES Act to Allow Federal Financial Aid to Cover Lost Revenues for Local Governments (INTRO. 9-11)

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

WHEREAS, local governments provide the most significant interactions between residents and elected government; and

WHEREAS, Erie County provides support for infrastructure projects, public health concerns, and administers many of the social services residents rely on every day; and

WHEREAS, much of the Nation, including NYS, has entered into a complete shutdown which has decimated the market for non-essential purchases like cars, clothing, and fuel; and

WHEREAS, the unprecedented drop in sales is likely to force sales tax receipts, a funding source many local governments are far too reliant on, to fall to levels not seen in decades; and

WHEREAS, Erie County, and most other New York Counties, will be hard hit by this loss in revenue, which could cause the closure of many essential government functions and force the elimination of huge portions of local services including impacting municipal hospitals, libraries, and parks; and

WHEREAS, Erie County relies on Sales and Hotel Tax for a Very Significant portion of our revenues. If current federal and national economist projections are correct, Erie County would lose \$140 million in revenues; and

WHEREAS, it is a finding of this body that future federal stimulus packages should include mechanisms for local governments to be able to fill holes in at least the current year's budget to allow for the smallest disruption to services to county residents.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body respectfully requests the next round of stimulus measures from the federal government include provisions allowing local governments utilize the funding to address short term budget gaps for the 2020 fiscal year; and be it further

RESOLVED, that certified copies of this Resolution be sent to the President of the United States, the WNY delegation to the United States Congress, the Governor of the State of New York, the Western New York Delegation to the NYS Senate and Assembly, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

RE: Supporting More Personal
Protective Equipment for
Daycare & Childcare Workers
(INTRO. 9-12)

**A RESOLUTION SUBMITTED BY
LEGISLATORS CHIMERA, VINAL & MEYERS**

WHEREAS, during the COVID-19 pandemic, there are many workers on a variety of businesses, entities and sectors who are considered by New York State to be “essential workers” and who are expected and asked to report to work; and

WHEREAS, these include first responders, healthcare, group home and nursing home employees, those persons working in food service and stores/establishments selling food and drugs, transportation and utility sector employees, and daycare/childcare workers; and

WHEREAS, there are some daycare/childcare centers which are still operating and providing vital care for the children of essential employees who must continue to report to work; and

WHEREAS, as of April 18, 2020, under an executive order from Governor Andrew Cuomo, any essential employee who interacts with the public must wear a mask that covers the nose and mouth and employers supply masks for employees; and

WHEREAS, media reports indicate that daycare/childcare centers are facing problems and difficulties obtaining needed-safety materials such as gloves, face masks, hand sanitizer, bleach, soap, and personal protective equipment which is needed to protect the employees, the children they watch, and the family members of the children, including essential employees; and

WHEREAS, the Erie County logistics hotline has been assisting childcare organizations to obtain materials, but given the Governor’s new order on face masks and public demand, there may be difficulties in obtaining masks for childcare workers; and

WHEREAS, WKBW-TV reported on April 19, 2020 that the Child Care Resource Network is working to acquire items such as these to be provided to the front-line child care providers so they can continue to care for the children of essential front-line workers; and

WHEREAS, the Child Care Resource Network is also seeking donations of such items to be provided to childcare centers and workers; and

WHEREAS, the Child Care Resource Network encourages child care providers that are open and operating to contact the Network to find supplies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its thanks and appreciation to the daycare and childcare centers and workers who are providing care for the children of essential workers during the COVID-19 crisis; and be it further

RESOLVED, that this Honorable Body expresses support for efforts by Erie County government to work in collaboration with its partners, such as the Child Care Resource Network, to find and provide personal protective equipment and hygienic supplies to those front-line child care employees; and be it further

RESOLVED, that this Honorable Body sends its appreciation to the Child Care Resource Network for their work and services to the community during this crisis; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Commissioners of Health and Social Services, and the Child Care Resource Network.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 92

RE: Support for Extending the
Deadline for Reporting the 2020
Census
(INTRO. 9-13)

**A RESOLUTION SUBMITTED BY
LEGISLATORS LORIGO, RATH, TODARO & MILLS**

WHEREAS, the COVID-19 pandemic has greatly impacted every aspect of life including the economy and the operation of government; and

WHEREAS, in mid-March, 2020, households began receiving invitations to complete the decennial census, which is conducted to count every living person in the United States and five U.S. territories; and

WHEREAS, data collected from the census provide the basis for distributing more than \$675 billion in federal funding annually to communities across the country to support vital programs impacting daily life; and

WHEREAS, the County of Erie loses \$2,600 a year in federal funding for every resident not counted. That means for every 100 people not counted Erie County loses \$2.6 million in the time between census counts; and

WHEREAS, federal funding goes towards area schools, local workforce development, infrastructure projects, and services for those in need; and

WHEREAS, data collected from the census is also used to reapportion the boundaries of congressional, state and county legislative lines. It is also used to accurately determine the number of congressional seats each state has in the U.S. House of Representatives; and

WHEREAS, the Census Bureau has extended the deadline for collecting census data from August 15 to October 31, and would reopen some field offices after June 1, which have closed since mid-March due to COVID-19 concerns; and

WHEREAS, on April 13, 2020, the Census Bureau requested that Congress delay the delivery of final census figures to the President by no later than April 30, 2021, and redistricting data to be delivered to the states no later than July 31, 2021; and

WHEREAS, more than 50.5% percent of all American households have currently filled out the 2020 census, while according to the Census Bureau, New York State is lagging behind with only a 44.5% response rate; and

WHEREAS, additional time has been afforded to collect 2020 Census data. It is a finding of this body that additional time need also be given to the Census Bureau to accurately process and disseminate the collected census data.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body supports extending the deadlines for completion of the 2020 Census and reporting all official census data; and be it further

RESOLVED, this Honorable Body encourages all households to complete the 2020 Census to ensure proper representation and funding allotments; and be it further

RESOLVED, that certified copies of this resolution be sent to the President of the United States, the Western New York delegation to the United States House of Representatives, the New York delegation to the United States Senate, the Governor of the State of New York, the Western New York Delegation to the New York State Senate and Assembly, the Erie County Executive, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 25 – CHAIR BASKIN directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 9-14 from RATH & MILLS. Support for the Jump-Start New York Initiative

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 26 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9M-12 from BUFFALO TRANSIT RIDERS UNITED Re: Supporting Resolution Urging the NFTA to Protect Riders & Drivers

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 27 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9M-13 from M. MILES JOHNSON Re: Letter Supporting Protection of NFTA Riders & Drivers

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 28 – (COMM. 9E-1) Report of Apportionment & Distribution of Net Collections from Sales Tax - 12/2019 to 02/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR GILMOUR

Item 29 – (COMM. 9E-2) Letter to Sheriff Supporting Hazard Pay for Jail Management Personnel During COVID-19 Outbreak

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 30 – (COMM. 9E-3) Letter to Senators of NYS Regarding Use of Resources Administered by CARES Act

Item 31 – (COMM. 9E-4) Law Dept. Spending, January & February 2020

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

FROM CHAIR BASKIN

Item 32 – (COMM. 9E-5) Letter to Gov. Cuomo Concerning Obtainment of Data on COVID-19 Testing, Positive Cases and Deaths

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR BASKIN & LEGISLATOR JOHNSON

Item 33 – (COMM. 9E-6) Letter to U.S. Dept. of HHS Relating to COVID-19 Reporting of Data to States and Local Governments on Racial Disparities

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR BASKIN

Item 34 – (COMM. 9E-7) Rescheduling of the April 23, 2020 Legislative Session from 2:00 pm to 11:00 am Due to the Coronavirus Pandemic

Received, filed and printed.

April 16, 2020

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

Re: Rescheduling of the April 23, 2020 Legislative Session from 2:00 pm to 11:00 am and Holding Session via Videoconferencing due to the Coronavirus Pandemic

Dear Mr. Graber:

Due to the Coronavirus COVID-19 pandemic and the State of Emergency declared by the County Executive and the Governor, and in order to help protect the members and staff of the Erie County Legislature and the public from potential exposure to the virus, I am writing to advise you that I am moving the time of the Legislature's scheduled session on April 23, 2020 from 2:00 pm to 11:00 am.

In addition, the session will be held via videoconference, and the public will be made aware of the video conference details so they may watch and monitor the legislative session.

The planned schedule for that day will start with the Legislature's work session of both caucuses at 10:00, and then follow with the legislative session at 11:00 am.

Please immediately notify all legislators, staff, the media, and the public of this change in time and the holding of the legislative session via videoconferencing. Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin
Chair of the Legislature

FROM LEGISLATOR GILMOUR

Item 35 – (COMM. 9E-8) Letter Requesting N95 Respirator Masks for Jail Management Personnel and Detainees/Prisoners

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MEYERS

Item 36 – (COMM. 9E-9) Letter to Budget Dept. Requesting Analysis of NYS 2020-2021 Budget and Its Impact on EC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 37 – (COMM. 9E-10) Letter to NFTA Regarding Employee Safety & Data Analysis

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 38 – (COMM. 9E-11) 2020 Revenue Anticipation Note Notification

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 39 – (COMM. 9E-12) Letter to NFTA Regarding Protection of NFTA Bus & Rail Operators & Passengers During the COVID-19 Outbreak

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 40 – (COMM. 9E-13) Supplier Pay Program - Sets Revenue Record

Item 41 – (COMM. 9E-14) Letter Regarding NYS Budget Impacts on EC

Item 42 – (COMM. 9E-15) Letter Regarding Impact of Sales Tax Revenue Decline

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

FROM THE COUNTY EXECUTIVE

Item 43 – (COMM. 9E-16) ECSD No. 3 - Engineering Term Contract Agreement

Item 44 – (COMM. 9E-17) ECSD No. 6 - Well St. & Wilmuth Ave. Pumping Station Electrical Upgrades

Item 45 – (COMM. 9E-18) ECSD No. 6 - Engineering Term Contract Agreement

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

Item 46 – 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, and MR. MEYERS. NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

RESOLUTION NO. 93

RE: Waiver of Property

Transfer Inspection Fee
(COMM. 9E-19)

WHEREAS, the safe and proper function of septic systems and wells is imperative to protect the public's health; and

WHEREAS, the Erie County Sanitary code requires septic and well inspections when a property is transferred from one owner to another; and

WHEREAS, recent years have seen an increase in the volume of property transfers in Erie County leading to delays in testing; and

WHEREAS, due to the COVID-19 emergency non-essential environmental health work has been halted at the direction of the New York State Department of Health; and

WHEREAS, private engineering firms are authorized to perform property transfer inspections; and

WHEREAS, incentivizing third-party inspections will help property buyers and sellers proceed with real-estate transactions during this challenging time and going forward.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Department of Health to waive the following fees when the applicant uses a qualified third party inspector:

Septic Systems Property Transfers

Property Transfer by Outside Engineer	\$150.00
---------------------------------------	----------

and be it further

RESOLVED, that this authorization shall only be effective during the COVID-19 State of Emergency in Erie County as declared and extended by the Erie County Executive; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the Department of Health, the County Attorney, the Office of the Comptroller and the Director of Budget and Management.

Item 47 – (COMM. 9E-20) Indigent Legal Services Grant - ILS Distribution #10

Item 48 – (COMM. 9E-21) 2019 Year-End Budget Balancing Amendments & Designations

Item 49 – (COMM. 9E-22) Grant Programs - Authorization to Contract

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPT. OF LAW

Item 50 – (COMM. 9D-1) Local Emergency Orders, EC State of Emergency Declarations & Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 51 – (COMM. 9D-2) Report on Certain Local Impacts of CARES Act

Item 52 – (COMM. 9D-3) Report on NYS Budget Impacts on EC

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

FROM THE CLERK OF LEGISLATURE

Item 53 – (COMM. 9D-4) Erie County Legislature - Notice on April 23, 2020 Session Time Change

Received, filed and printed.

April 17, 2020

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: Rescheduling of the April 23, 2020 Legislative Session from 2:00 pm to 11:00 am and Holding Session via Videoconferencing due to the Coronavirus Pandemic

PLEASE TAKE NOTICE that pursuant to Erie County Legislature Chair April N.M. Baskin's letter, due to the Coronavirus COVID-19 pandemic and the State of Emergency declared by the County Executive and the Governor, and in order to help protect the members and staff of the Erie County Legislature and the public from potential exposure to the virus, that the time of the Legislature's scheduled session on April 23, 2020 is moved from 2:00 pm to 11:00 am.

In addition, the session will be held via videoconference, and the public will be made aware of the video conference details so they may watch and monitor the legislative session.

The planned schedule for that day will start with the Legislature's work session of both caucuses at 10:00 am, and then follow with the legislative session at 11:00 am.

The Chairwoman's letter attached.

Thank you.

FROM THE BUDGET DIRECTOR

Item 54 – (COMM. 9D-5) Fund 252 Consumption Report - RE: COVID-19 Funding

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ECMC

Item 55 – (COMM. 9M-1) 2019 ECMC Annual Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE VILLAGE OF WILLIAMSVILLE

Item 56 – (COMM. 9M-2) Certified Copy of Resolution Opposing the Accelerated Renewable Energy Growth & Community Benefit Act

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 57 – (COMM. 9M-3) NFTA Board Minutes for Meeting Held on 2/27/2020

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE AFRICAN AMERICAN VETERANS
MONUMENT COMMITTEE

Item 58 – (COMM. 9M-4) Letter Thanking Legislature for Support of the African American Veterans Monument

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC BOARD OF ETHICS

Item 59 – (COMM. 9M-5) Annual Report of Activities for 2019

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 60 – (COMM. 9M-6) Proposed Agenda for Meeting to be Held on 04/16/2020

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 61 – (COMM. 9M-7) Fact Sheet - Record of Decision for Forge Site - 2390 Kenmore Ave., Town of Tonawanda

Item 62 – (COMM. 9M-8) Invitation for Public Comment - Brownfield Cleanup Program Application for 125 Chandler St., Buffalo

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

FROM THE PLANT WNY

Item 63 – (COMM. 9M-9) Correspondence Concerning Classification of Essential Work

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYSDEC

Item 64 – (COMM. 9M-10) Public Notice - Brownfield Cleanup Program Application for 356 Hertel Ave. & 42 Foundry St.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 65 – (COMM. 9M-11) Quarterly Report for 1st Quarter of 2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 66 – Chair Baskin announced that following today's session, the informational meeting of the Health & Human Services Committee will begin. Chair Baskin further announced that the schedule for committee meetings to be held on Thursday, April 30, 2020 will be distributed.

MEMORIAL RESOLUTIONS

Item 67 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of William P. Orr, George F. Manthey, Helen Tang Singh, Nina Freudenheim, and Emily M. Shatzel.

Item 68 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Don Allen, Jr.

Item 69 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Lawrence Titzler, Judge John Gruber, Samuel Scinta, Jr., and Anna Mae Jones.

Item 70 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Judge John Gruber.

Item 71 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Lawrence Pohl, Eric Waziak, and Julianne Witoszek.

ADJOURNMENT

Item 72 - 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, May 7, 2020 at 2:00 p.m. Eastern Standard Time. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, May 7, 2020 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE