

ERIE COUNTY LEGISLATURE
MEETING NO. 11
MAY 27, 2021

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Mills, who requested a moment of silence to honor our “brave military heroes.”

The Pledge of Allegiance was led by Mr. Hardwick.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 10 from 2021. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. GILMOUR presented a proclamation Recognizing Apraxia Awareness Day in Erie County.

Item 6 – MR. MEYERS presented a memorial resolution Remembering Bruce I. Kogan.

Item 7 – MR. JOHNSON presented a memorial resolution Honoring and Remembering Demetrius M. Mack.

Item 8 – MR. JOHNSON presented a memorial resolution Remembering Gwendolyn White Zinermon.

Item 9 – MR. JOHNSON presented a proclamation Honoring and Recognizing Robert Cornelius for His Community Service.

Item 10 – MR. GILMOUR presented a proclamation Recognizing and Honoring Town of Hamburg Police Officer Bret P. McCabe.

Item 11 – MR. LORIGO presented a proclamation Honoring Two Smokin' Guys on National Barbecue Day.

Item 12 – MR. LORIGO presented a proclamation Honoring The Deli for Being a Top Destination to Eat in the Southtowns.

Item 13 – MR. GREENE presented a proclamation Congratulating Jennifer Reid DePasquale on Joining the Sweet Home School District's Distinguished Alumni on the Wall of Fame.

Item 14 – MR. GREENE presented a proclamation Honoring and Congratulating Assistant Chief Charles Cohen upon the Occasion of His Retirement.

Item 15 – MR. MILLS presented a proclamation Honoring Gary Balone as the Eden Chamber of Commerce 2020 Citizen of the Year.

Item 16 – MR. MILLS presented a proclamation Honoring Eden Dairy Queen as the Eden Chamber of Commerce 2020 Business of the Year.

Item 17 – MR. MILLS presented a proclamation Honoring Goya Foods and Goya Foods Great Lakes as It Celebrates Its 85th Anniversary.

Item 18 – MR. TODARO & MR. MILLS presented a proclamation Honoring Gernatt Asphalt Products for Being the Largest Sand and Gravel Producer in New York State.

Item 19 – MR. TODARO presented a proclamation Honoring Bases Loaded Sports Collectibles as the Premier Place in Buffalo for Sports Memorabilia.

Item 20 – MR. TODARO presented a proclamation Honoring Alden Senior High School's Top Students.

Item 21 – MR. TODARO presented a proclamation Recognizing and Honoring Plum Bottom Salon for Being a Valued and Trusted Small Business.

Item 22 – MR. TODARO presented a proclamation Honoring Dawson Field Upon the Occasion of Its 95th Anniversary.

Item 23 – MR. LORIGO presented a proclamation Honoring Harlee Bendzula for Her Charitable Work Helping Animals and Animal Rescue Organizations.

Item 24 – MR. LORIGO presented a proclamation Recognizing and Honoring Divine Detail as West Seneca's Newest Detail Shop.

Item 25 – MR. LORIGO presented a proclamation Recognizing and Honoring the Aktion Foundation and the Aktion Club of East Aurora.

Item 26 – MS. VINAL presented a proclamation Recognizing the Make Lemon Aide Foundation for Cerebral Palsy for Hosting Their 2021 Laps of Love Hybrid Event.

Item 27 – MS. CHIMERA presented a proclamation Celebrating and Recognizing National Emergency Medical Services Week.

Item 28 – MR. JOHNSON & CHAIR BASKIN presented a memorial resolution Remembering Sheila Joan Nickson.

Item 29 – MS. VINAL presented a proclamation Honoring Brian J. Kulpa as Erie County's Citizen of the Month for May 2021.

Item 30 – CHAIR BASKIN presented a proclamation Celebrating, Honoring and Recognizing Dr. Catherine Fisher Collins on Her Honorary Doctorate of Humane Letters from Niagara University.

Item 31 – MR. JOHNSON presented a memorial resolution Remembering Myrtle Griggs.

Item 32 – MR. GREENE presented a proclamation Congratulating James Foye III on Joining the Sweet Home High School's Distinguished Alumni on the Wall of Fame.

Item 33 – MR. LORIGO presented a proclamation Honoring Renee Day as Educator of the Year.

MR. MEYERS moved for consideration of the above twenty-nine items. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-nine items by including Et Al Sponsorship. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-nine items as amended. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 34 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 35 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 36 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 37 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 38 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2021 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 39 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 97

May 20, 2021	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10E-15 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 10E-16 (2021)
COUNTY EXECUTIVE: “ECSD Nos. 3 & 8 - Construction Inspection Term Contract Agreement”
(Chair’s Ruling)
 - c. COMM. 10M-1 (2021)
NYSDEC: “Public Notice - Brownfield Cleanup Program Application at 1984 Elmwood Ave., Buffalo”
(Chair’s Ruling)

- d. COMM. 10M-2 (2021)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at 1984 Elmwood Ave., Buffalo”
(Chair’s Ruling)
- e. COMM. 10M-3 (2021)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at 592 Seneca St., Buffalo”
(Chair’s Ruling)
- f. COMM. 10M-4 (2021)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at 145 Buffalo River Rd., Buffalo”
(Chair’s Ruling)
- g. COMM. 10M-5 (2021)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at 2800 Hamburg Turnpike, Lackawanna”
(Chair’s Ruling)
- h. COMM. 10M-10 (2021)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program Application and Draft Remedial Investigation Work Plan at 592 Seneca St., Buffalo”
(Chair’s Ruling)
- i. COMM. 10M-11 (2021)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program Application and Draft Remedial Investigation Work Plan at 145 Buffalo River Rd., Buffalo”
(Chair’s Ruling)
- j. COMM. 10M-12 (2021)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program Application and Draft Remedial Investigation Work Plan at 2800 Hamburg Turnpike, Lackawanna”
(Chair’s Ruling)
- k. COMM. 10M-13 (2021)
NYSDEC: “Invitation for Public Comment - Proposal to Address Contamination at Former Bethlehem Steel Site, Lackawanna”
(Chair’s Ruling)
- 2. COMM. 10E-17 (2021)
COUNTY EXECUTIVE
RESOLVED, that the Erie County Legislature does hereby confirm the appointments/reappointments of the following individuals to the Erie County Environmental Management Council for terms that shall expire June 1, 2023:

Environmental Management Council At-Large Appointments

Anne Bergantz 20 Dorchester Road Buffalo, NY 14222 Re-Appointment	George Besch 39 Lake Avenue Lancaster, NY 14086 Re-Appointment	Sharon Bachman 157 Kings Street East Aurora, NY 14052 Re-Appointment	Jeanne Beiter 298 Sycamore Street East Aurora, NY 14052 Re-Appointment
Rosa A. Gonzalez 8 Lakewood Drive Orchard Park, NY 14127 Re-Appointment	David Hahn-Baker 440 Lincoln Parkway Buffalo, NY 14216 Re-Appointment	Eric "Luke" Krieg 67 Chatham Ave Buffalo, NY 14216 Re-Appointment	Jason Kulaszewski 282 Hoyt Street Buffalo, NY 14213 Re-Appointment
Faustenia Morrow 9514 Transit Rd., Unit D East Amherst, NY 14051 Re-Appointment	Marcus Rosten D 373 Adam Street Tonawanda, NY 14150 Re-Appointment	on Stribick 50 Commerce Way East Aurora, NY 14052 Re-Appointment	De'yrone Tabb 183 Florida Street Buffalo, NY 14208 Re-Appointment

Municipal Appointments

Don Owens 1865 Hubbard Road East Aurora, NY 14052 Town of Aurora Re-Appointment	Mitch Tucker, Ph.D. 7126 Parkside Drive Hamburg, NY 14075 Town of Boston	Nadine Marrero 65 Niagara Square, 901 City Hall Buffalo, NY 14202 City of Buffalo Re-Appointment
Councilwoman Linda Hammer 3301 Broadway Street Cheektowaga, NY 14227 Town of Cheektowaga Re-Appointment	Brenda Young 9402 Douglas Fir Ct. Clarence Center, NY 14032 Town of Clarence Re-Appointment	Trustee Jackie Kucewicz 85 Manitou Street Depew, NY 14043 Village of Depew
Greg Genco 9602 Jennings Eden, NY 14057 Town of Eden Re-Appointment	Raymond Boy 269 Gaylord Court Elma, New York 14059 Town of Elma	Paul Michalec 1224 Church Road Angola, NY 14006 Town of Evans Re-Appointment
Sam Akinbami 2227 West River Road Grand Island, NY 14072 Town of Grand Island Re-Appointment	Leona Rockwood 5724 Old Lakeshore Rd Lakeview, NY 14085 Town of Hamburg Re-Appointment	Andrew Schrauth 225 Highland Avenue Hamburg, NY 14075 Village of Hamburg Re-Appointment
William Kolacki 9292 Savage Road Holland, NY 14080 Town of Holland Re-Appointment	Julius McCann 33 Burwell Avenue Lancaster, NY 14086 Town of Lancaster Re-Appointment	Mayor Lynne Ruda 5432 Broadway Lancaster, NY 14086 Village of Lancaster
Lewis Tandy 13678 Main Road	Richard Schechter 4 Lennys Lane	Patrick Mang 251 Argonne Drive

Akron, NY 14001
Town of Newstead
Re-Appointment

Orchard Park, NY 14127
Town of Orchard Park
Re-Appointment

Kenmore, NY 14217
Town of Tonawanda
Re-Appointment

Michael Wass
150 Westcliff Drive
West Seneca, NY 14224
Town of West Seneca

Jane Vohwinkel
50 North Long Street
Williamsville, NY 14221
Village of Williamsville
Re-Appointment

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

TIMOTHY J. MEYERS
CHAIR

Item 40 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 98

May 20, 2021	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10D-1 (2021)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 4/24/2021”
(Chair’s Ruling)
 - b. COMM. 10D-6 (2021)
DEPARTMENT OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)

LISA M. CHIMERA
CHAIR

Item 41 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 99

May 20, 2021	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 10M-8 (2021)

NFTA: "Cash Flow Statement for 4/1/20 - 3/31/21 & Projected Cash Flow for 4/1/21 - 3/31/22"

(Chair's Ruling)

2. COMM. 10E-5 (2021)

COUNTY EXECUTIVE

WHEREAS, the Lincoln Building (previously named Ticor Building) was previously renovated on the 1st and 2nd floors to house a Covid Call Center to better serve the public; and

WHEREAS, Phase 2 will continue renovations to the building to provide office space for the County to continue to serve the public, as needs and services evolve, as the pandemic progresses; and

WHEREAS, the County of Erie is asking for permission to award construction contracts to the lowest responsible bidders on a not to exceed basis; and

WHEREAS, the project will be publicly bid by the Department of Public works in accordance with General Municipal Law as well as Wick's Law awarding several contracts to separate trades as required; and

WHEREAS, the federal funding source of the project requires all work and invoicing to be completed by 12/31/21; and

WHEREAS, the County Executive is seeking prior authorization to award contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with the lowest responsible bidders, including a construction contingency for Lincoln Building Phase 2 Renovations project in an amount not to exceed \$2,000,000; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, COVID-related Capital Project A.20070 – COVID Call Center @ Tigor, Fund 410, Fund Center 122 in an amount not to exceed \$2,000,000; and be it further

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

3. COMM. 10E-11 (2021)
COUNTY EXECUTIVE

WHEREAS, the New York State Education Department (NYSED) conducted an on-site Civil Rights Compliance Review of the Career and Technical Education programs and support services at SUNY Erie Community College, a recipient of federal funding administered through NYSED, and a Voluntary Compliance Plan (VCP) was issued as a result of the finding/violations, and code violations related to ADA items were identified in JMZ Architects' Existing Condition Assessment; and

WHEREAS, the proposed accessibility upgrade work for the South Campus will contribute to compliance with the NYSED's VCP, and similar accessibility upgrade projects are underway for the City Campus (COMM. 24E-19 (2020)); and North Campus (COMM. 6E-18 (2021)); and

WHEREAS, the completion of a Phase 1 Pre-Design assessment which will include a construction budget and phasing plan will allow the Department of Public Works to prioritize the College's critical needs; and

WHEREAS, the County of Erie will receive 50% reimbursement from New York State for this project; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Foit Albert Associates to provide professional Phase 1 Pre-Design services for the SUNY Erie Community College South Campus 2021 Various ADA Upgrades project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Foit Albert Associates to provide professional Phase 1 Pre-Design services for the SUNY Erie Community College South Campus 2021 Various ADA Upgrades project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved capital budget, Fund 480, Funds Center 122, E.19001 – 2019 Erie Community College Collegewide Improvements and Renovations, in an amount not to exceed \$100,000; and be it further

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

Division of Budget and Management, Erie Community College, Director of Finance, and the Office of the Comptroller.

(6-0)

4. COMM. 10E-12 (2021)
COUNTY EXECUTIVE

WHEREAS, a survey conducted of the existing roof located at Erie County Family Court concluded a roof replacement is necessary and a full roof removal and repair is recommended to address the issues caused by the wet insulation found throughout the roof area; and

WHEREAS, this has generated many problems throughout the years and continues to cause issues for the staff and integrity of the building itself; and

WHEREAS, the warranty of the existing roof system has expired; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Foit Albert Associates to provide professional A/E Design services for the Erie County Family Court Roof Repair project in an amount not to exceed \$60,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Foit Albert Associates to provide professional Design services for the Erie County Family Court Roof project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved capital budget, Fund 410, Funds Center 122, A.20002 – DPW Roof Replacement and Exterior Waterproofing (Countywide), in an amount not to exceed \$60,000; and be it further

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

(6-0)

5. COMM. 10E-14 (2021)
COUNTY EXECUTIVE

WHEREAS, the Clarence Highway Maintenance Building has structural issues and is deemed unsafe for occupancy; and

WHEREAS, it is prudent and cost effective to construct a new building to provide services and comply with all current safety, OSHA, and building code requirements; and

WHEREAS, a new facility is to be constructed within the Clarence Maintenance District;
and

WHEREAS, The Liro Group has the necessary expertise and manpower to provide professional design services for the project; and

WHEREAS, authorization is required for the County Executive to issue an Agreement with The Liro Group for providing professional design and construction administration services for the New Highway Maintenance Facility project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement with The Liro Group for providing professional design and construction administration services for the Erie County - New Lancaster Highway Maintenance Facility for an amount not to exceed \$300,000, including design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment from the following capital project in Funds Center 122, Fund 410:

A.18011 – 2018-Highway maintenance Facility	\$ 300,000
Total Amount Not to Exceed	\$ 300,000

and be it further

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

HOWARD J. JOHNSON, JR.
CHAIR

CHAIR BASKIN directed that the Legislature enter into recess at 11:34 a.m.

CHAIR BASKIN reconvened the Legislature at 12:26 p.m.

All members present.

LEGISLATOR RESOLUTIONS

Item 42 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

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

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO and MS. VINAL.
NOES: CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON
and MR. MEYERS. (AYES: 5; NOES: 6)

FAILED.

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

AYES: MR. MILLS, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR.
HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR.
LORIGO and MR. TODARO. (AYES: 8; NOES: 3)

CARRIED.

RESOLUTION NO. 100

RE: Support for Senate Bill S.6171
and Assembly Bill A.6740
Concerning Crematory/Funeral
Entities
(INTRO. 11-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS HARDWICK & CHIMERA**

WHEREAS, for many years, the Sheridan Park Crematory run by Amigone Funeral Home on Sheridan Drive in the Town of Tonawanda has often emitted smoke and odors, raising community concerns and opposition by neighboring residents; and

WHEREAS, neighbors have long complained about the smell of human flesh emitting into their neighborhoods; and

WHEREAS, the crematory was closed from 2012 to 2018 for violating state clean air laws; and

WHEREAS, New York State Senator Sean Ryan has introduced Senate Bill S.6171 relating to funeral entities and the operation of any crematory or crematorium and State Assemblyman William Conrad of the Town of Tonawanda has introduced the companion bill in the State Assembly, A.6740; and

WHEREAS, this legislation amends Chapter 560 of the Laws of 1998, amending the not-for-profit corporation law and other laws, relating to combinations of cemetery corporations and funeral entities in relation to funeral entities and the operation of any crematory or crematorium; and

WHEREAS, under state law, a single building cannot have a funeral home and crematory, but the Amigone crematory was exempt because they were already operating prior to the State's 1998 ban on such joint facilities; and

WHEREAS, the legislation would allow Amigone, or any similarly, situated funeral home to move to a non-residential location without facing any consequence and being allowed to continue to operate a crematory and funeral home in one property; and

WHEREAS, it is in the best interest of the community for the Amigone crematory to be re-located away from the residential properties next to the funeral home and crematory.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its support for the passage of Senate Bill S.6171 and Assembly A.6740 to provide relief to Tonawanda residents while allowing the Amigone funeral home and crematory to continue operations in a different non-residential location; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, to the State Senate and State Assembly Erie County delegation, and to Amigone funeral home.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 43 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of INTRO. 6-2 (2021). MR. MILLS seconded.

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

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

FAILED.

SUSPENSION OF THE RULES

Item 44 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

MR. JOHNSON objected to immediate consideration.

INTRO. 11-2 from LORIGO, GREENE, TODARO & MILLS Re: Calling on the Federal Governments of Canada & the US to Reopen the Border

CHAIR BASKIN directed that the resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR BASKIN

Item 45 – (COMM. 11E-1) Letter to Legislature Clerk Concerning Transition of Meetings on 5/27/2021

Received, filed and printed.

May 21, 2021

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

Re: May 27th Work Session and Legislative Session will be Held Virtually due to the Coronavirus Pandemic and the Legislative Session Time Will Be Changed

Dear Mr. Graber:

Due to the Coronavirus COVID-19 pandemic, 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 pursuant to Section 2.03 of the Erie County Legislature's Rules of Order, I am shifting the Legislature's scheduled May 27, 2021 session from being held in the Chambers of the Legislature to a virtual hearing via Zoom. In addition, the legislative session will be held at 11:00 am instead of 2:00 pm.

Please notify all legislators, staff, the media, and the public of this change and the call-in details. Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin
Chair of the Legislature

FROM LEGISLATOR GILMOUR

Item 46 – (COMM. 11E-2) Letter to Minority Leader Regarding Committee Discussion on Proposed Business Closure Local Law

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 47 – (COMM. 11E-3) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 14, 2021

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

RE: Required Disclosure / Family Members Employed by (any) Government

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2 (2018), Section 5c, I am providing a list of my family members employed by any government organization in any capacity. They include:

NAME	RELATION	EMPLOYER
Charlene Morales	Sister	US Postal Service
Christine Kowalyk	Mother In Law	Erie Community College *Part time employee *Retired from Erie County, started in 1970
Adam Kowalyk	Brother In Law *Wife's Brother	Erie County *Hired in 2001
Sean McMahon	Brother In Law *Sister's Husband	US Border Patrol
Anne Mychajliw	First Cousin	Buffalo Public Schools

If you have any questions about this letter, please feel free to contact me at (716) 858-8404, or e-mail me at Comptroller@erie.gov.

Sincerely,

STEFAN I. MYCHAJLIW
Erie County Comptroller

FROM CHAIR BASKIN

Item 48 – (COMM. 11E-4) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 14, 2021

Hon. Robert M. Graber
Clerk of the Legislature
92 Franklin Street
Buffalo, NY 14202

RE: Required Disclosure/Family Members Employed by (any) Government

Dear Clerk Graber:

Pursuant to Section 5c, of the Code of Ethics, I am providing a list of my family members employed by any government organization in any capacity as of May 14th, 2021.

My Mother Lisa Jacobs-Watson works in the NYS Court as Assistant Court Analyst for the office of the Eight Judicial District.

My Step-Father is a Corrections officer in Albion Correctional Facility.

My Brother Maxwell V. McCants Jr. is in the U.S. Marine Corps.

My Sister Seana L. McCants is in the U.S. Air Force.

Respectfully,

April N.M. Baskin
Chair, Erie County Legislature

FROM THE COUNTY CLERK

Item 49 – (COMM. 11E-5) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 11, 2021

Hon. Robert M. Graber
Clerk of the Legislature
92 Franklin St
Buffalo, New York 14202

RE: Required Disclosure/Family Members Employed by (any) Government Agency

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2 (2018), Section 5c, I am providing a list of my family members employed by any government organization in any capacity. They include:

NAME	RELATION	EMPLOYER
Joanne Kearns	Sister	City of Buffalo Clerk
Patrick Kearns	Cousin	City of Buffalo Teacher
Eileen Ryan	Cousin	Erie County RN
Dr. Kevin Kearns	Cousin	SUNY Fredonia VP of Economic Development

If you have any questions please feel free to contact me at (716) 858-6985, or e-mail me at Michael.Kearns@erie.gov

Sincerely,

Michael P. Kearns
Erie County Clerk

FROM THE COUNTY EXECUTIVE

Item 50 – (COMM. 11E-6) Letter to Office of Temporary & Disability Assistance Regarding Emergency Rental Assistance Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR GILMOUR

Item 51 – (COMM. 11E-7) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 11, 2021

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

Re: Submission Pursuant to EC Code of Ethics (Local Law #2 – 2018), Disclosure of Family Members Employed by Any Government Organization

Dear Mr. Graber:

Pursuant to the Erie County Code of Ethics, Section 5(c), please find below the information concerning family members serving in government:

- Brian Moran (uncle), Erie County Department of Public Works
- Julian Moran (aunt), Buffalo Public Schools
- Pat Moran (cousin), Buffalo Fire Department
- Morgan Moran (cousin), Buffalo Public Schools
- David Gilmour (uncle), City of Buffalo

Thank you in advance for your assistance.

Sincerely,

John J. Gilmour
Erie County Legislator

FROM LEGISLATOR VINAL

Item 52 – (COMM. 11E-8) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 11, 2021

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

Re: Submission Pursuant to EC Code of Ethics (Local Law #2 – 2018), Disclosure of Family Members Employed by Any Government Organization

Dear Mr. Graber:

Pursuant to the Erie County Code of Ethics, Section 5(c), please find below the information concerning family members serving in government:

- My son Gregory Vinal is an aid teaching assistant at the University of Buffalo.
- My brother James Vezina works for the US Department of Energy.
- My niece Stacey Vezina works for the US Department of State.
- My niece by marriage Tricia Vezina is a teacher in Buffalo.
- Another niece by marriage is a teacher in Cincinnati, Ohio.

Thank you in advance for your assistance.

Sincerely,

Jeanne M. Vinal
Erie County Legislator

FROM THE DISTRICT ATTORNEY

Item 53 – (COMM. 11E-9) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 14, 2021

Honorable Robert Graber
Clerk of the Legislature
92 Franklin Street
Buffalo, NY 14202

Re: Disclosure/Family Members Employed by (any) Government

Dear Clerk Graber:

Pursuant to the Local Law 2(2018), Section 5c, I am providing a list of family members employed by any government organization:

My wife Debra Flynn is a Teacher's Aide in the Ken-Ton School District.

Please contact me you have further questions.

Very truly yours,

JOHN J. FLYNN
DISTRICT ATTORNEY

FROM THE COUNTY CLERK

Item 54 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

RE: Authorization to Increase the
Change Making Fund - Auto
Bureau, Eastern Hills Mall
(COMM. 11E-10)

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County Clerk acts as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity operates the Erie County Auto Bureau; and

WHEREAS, the local auto bureaus annually perform approximately 400,000 transactions resulting in nearly \$10,000,000 in annual revenue; and

WHEREAS, to efficiently conduct Auto Bureau business cashiers at all times require adequate amounts of available cash to make change.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an increase in the County Clerk's change making fund for Auto Bureau (Eastern Hills) cashiers from \$1,000 to \$1,200; and be it further

RESOLVED, that these funds will be allocated to:

BA 113 – Erie County Clerk – 109893 Change Making Fund
Cnty Clerk – Cashier Change Fund – Auto Bureau EHM

Current:	\$1,000
Increase:	\$ 200
Total:	\$1,200

and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Director of Budget Management; the County Attorney; the County Comptroller and the Erie County Clerk.

FROM THE COUNTY CLERK

Item 55 – (COMM. 11E-11) Amendment of Lease w/Southgate Associates, LLC & Amendment to 2021 Budget

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 56 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

RE: Directing Asset Forfeiture
Appropriations to Crime
Stoppers Buffalo
(COMM. 11E-12)

WHEREAS, pursuant to 21 U.S.C. § 881 (e) and 19 U.S.C. § 1616 the US Department of Justice’s guidelines for expenditure of seized assets allows for the transfer of monies to non-profit agencies whose missions are consistent with those of a law enforcement effort, policy, and/or initiative up to \$25,000 annually; and

WHEREAS, the Erie County District Attorney’s Office has identified an organization as a valuable agency which aids law enforcement efforts and which meet the criteria necessary to receive said monies; and

WHEREAS, the source of funds for the above-mentioned items will be paid from the District Attorney’s asset forfeiture proceeds, and it may be necessary to transfer funds from the Erie County District Attorney’s Asset Forfeiture Trust Fund prior to their being expended.

NOW, THEREFORE, BE IT

RESOLVED, that \$5,000 in available balances in the Erie County District Attorney’s Assets Forfeiture Trust Fund are hereby transferred to the District Attorney’s Assets Forfeiture Program, Funded Program “SAFDA”; and be it further

RESOLVED, that the following appropriations are hereby authorized:

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM
BUSINESS AREA: 114 COST CENTER: 1140010
FUNDED PRGORAM/WBS ELEMENT: SAFDA

<u>Revenue</u>	
421550 Forfeiture Crime Proceeds	<u>\$5,000</u>
Total Revenue	<u>\$5,000</u>
<u>Appropriation</u>	
516010 Contract Payments – Non-Profit	<u>\$5,000</u>
Total Appropriations	<u>\$5,000</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes a direct payment of five thousand dollars (\$5,000) to Crime Stoppers Buffalo to be paid from account 516010 Non-Profit Subsidy; and be it further

RESOLVED, that the Director of Budget and Finance is hereby authorized to adjust SAFDA budgets as necessary during the year in order for the District Attorney’s Office to enhance its

investigative, surveillance and prosecutorial efforts, as the forfeiture regulations dictate; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget and Management.

FROM THE DISTRICT ATTORNEY

Item 57 – (COMM. 11E-13) Notice of Decrease of Authorized Balance of Petty Cash Account

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (COMM. 11E-14) Chestnut Ridge Conservancy MOU

Item 59 – (COMM. 11E-15) ECSD No. 2 - Engineering Term Contract Agreement

Item 60 – (COMM. 11E-16) ECSD No. 3 - Engineering Term Contract Agreement

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

Item 61 – (COMM. 11E-17) Clock Tower & Roof Repairs - EC Old County Hall

Item 62 – (COMM. 11E-18) Acceptance of FBI Reimbursement for EC Range Construction

Item 63 – (COMM. 11E-19) Bridge Replacement of Four Rod Rd., Town of Marilla

Item 64 – (COMM. 11E-20) Reconstruction of Alden-Crittenden Rd. & Bullis Rd. Rehab, Village of Alden & Town of Marilla

Item 65 – (COMM. 11E-21) Retaining Consultant to Provide Broadband Utility Business Plan & Design in EC

Item 66 – (COMM. 11E-22) Reappointment to EC Fair Housing Board

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

FROM THE COMPTROLLER

Item 67 – (COMM. 11E-23) Interim Financial Report of EC for the First Quarter of 2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF LEGISLATURE

Item 68 – (COMM. 11D-1) Letter to Legislature Concerning Transition of Meetings on 5/27/21

Received, filed and printed.

May 21, 2021

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: MAY 27, 2021 WORK SESSION AND LEGISLATIVE SESSION WILL BE HELD VIRTUALLY DUE TO THE CORONAVIRUS PANDEMIC AND THE LEGISLATIVE SESSION TIME WILL BE CHANGED

PLEASE TAKE NOTICE that pursuant to Erie County Legislature Chair April N.M. Baskin's letter concerning COVID-19, the Erie County Legislature's scheduled May 27, 2021 legislative session and work session will be shifted from being held in the Chambers of the Legislature to a virtual hearing, to be held via Zoom. In addition, the legislative session will be held at 11:00 am, instead of 2:00 pm.

The Chairwoman's letter directing the changes is attached.

The Zoom details are as follows:

Erie County Legislature Work Session at 10:00 am and Legislative Session #11 (2021) at 11:00 am
<https://us02web.zoom.us/j/85365540212>
Meeting ID: 853 6554 0212
Or call 646-876-9923

Thank you.

FROM THE DEPT. OF HOMELAND SECURITY & EMERGENCY SERVICES

Item 69 – (COMM. 11D-2) Letter to Chair of Legislature Concerning 2021 National Homeland Security Conference

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 70 – (COMM. 11D-3) Audit of Dept. of Homeland Security & Emergency Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 71 – (COMM. 11D-4) Receipt of COVID-19 Funds through the American Rescue Plan Act 2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 72 – (COMM. 11D-5) Child Protective Caseloads for 04/2021

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 73 – (COMM. 11D-6) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE LEAGUE OF HUMANE VOTERS

Item 74 – (COMM. 11M-1) Statement Related to LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE MAUREEN SCHIENER

Item 75 – (COMM. 11M-2) Statement Related to LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPT. OF TAXATION & FINANCE

Item 76 – (COMM. 11M-3) State Equalization Rates of Municipalities for the 2021 Assessment Rolls

Item 77 – (COMM. 11M-4) Additional Information Regarding State Equalization Rates of Municipalities for the 2021 Assessment Rolls

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

FROM THE NYSDEC

Item 78 – (COMM. 11M-5) Sixth Annual NYS Redevelopment Summit

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE FRANK BOGULSKI

Item 79 – (COMM. 11M-6) Letter in Support of the Erie County Fair

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE LEGAL AID BUREAU

Item 80 – (COMM. 11M-7) Minutes of Board of Directors Meetings & Financial Statements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE VISIT BUFFALO NIAGARA

Item 81 – (COMM. 11M-8) First Quarter Reports 2021

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE POLLA MILLIGAN

Item 82 – (COMM. 11M-9) Statement Related to LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE LAUREN WESP

Item 83 – (COMM. 11M-10) Statement Related to LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 84 – Chair Baskin announced that committee meetings will be held on Thursday, June 3, 2021. Chair Baskin further announced that the schedule for committee meetings to be held on Thursday, June 3, 2021, will be distributed.

MEMORIAL RESOLUTIONS

Item 85 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Richard Patrick.

Item 86 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Robert Mileham, Lyle Took and Roger Burgler.

Item 87 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of John Mosher.

Item 88 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of William Kothe.

Item 89 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Vincent Louis Polito.

Item 90 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Diane M. Andreana.

Item 91 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Neal Dobbins.

ADJOURNMENT

Item 92 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. JOHNSON moved that the Legislature adjourn until Thursday, June 10, 2021 at 2:00 p.m. Eastern Standard Time. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, June 10, 2021 at 2:00 p.m. Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE