

ERIE COUNTY LEGISLATURE
MEETING NO. 13
JUNE 24, 2021

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Greene.

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 12 from 2021. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. VINAL presented a Memorial Resolution Remembering Felix "Phil" DiRe.

Item 6 – MS. VINAL presented a proclamation Recognizing Juneteenth in the Town of Amherst.

Item 7 – MR. MEYERS presented a proclamation Congratulating and Recognizing Reimann and Georger Corporation, Celebrating 75 Years of Business Excellence.

Item 8 – MS. CHIMERA presented a proclamation Recognizing Dr. Jill O'Malley for Receiving the ASBO Advocate of the Year Award.

Item 9 – MR. JOHNSON presented a proclamation Celebrating and Recognizing the Opening of Mister Sizzles.

Item 10 – MR. TODARO presented a proclamation Honoring Depew High School's Valedictorian and Salutatorian.

Item 11 – MR. TODARO presented a proclamation Honoring Depew High School's Top Students.

Item 12 – MR. TODARO presented a proclamation Honoring Emmerson Bartels for Her Excellence in Academics and Volunteer Work.

Item 13 – MR. TODARO presented a proclamation Honoring Donna Alessi Upon the Occasion of Her Retirement.

Item 14 – MR. TODARO presented a proclamation Honoring Alyssa Okon for Her Excellence in Academics and Volunteer Work.

Item 15 – MR. TODARO presented a proclamation Honoring Gene Baran for His Continuous Selfless Acts, Dedication and Volunteer Work.

Item 16 – MR. MILLS presented a Memorial Resolution Honoring the Life and Legacy of Lois Jackson and Suburban Adult Services, Inc..

Item 17 – MR. MILLS presented a proclamation Honoring Eric Stuhr for Achieving the Rank of Eagle Scout.

Item 18 – MR. MILLS presented a proclamation Honoring the Ulman Foundation for the Work They Do to Support and Educate Our Community.

Item 19 – MR. MILLS presented a proclamation Honoring St. Mark's Episcopal Church for Its Role in Improving the Community.

Item 20 – MR. GREENE presented a proclamation Honoring and Congratulating Deric Brege on Being Named Western New York History Day Teacher of the Year.

Item 21 – MR. GREENE presented a proclamation Honoring Annie Leeds as the Erie County Legislature's Citizen of the Month for June 2021.

Item 22 – MR. GREENE presented a proclamation Honoring and Congratulating Captain Tracy Martin on Her Promotion.

Item 23 – MR. GREENE presented a proclamation Celebrating Jennie Concetta Mazza Martino Upon the Occasion of Her 100th Birthday.

Item 24 – MR. LORIGO presented a proclamation Honoring Lieutenant David Suttell Upon His Retirement.

Item 25 – MR. LORIGO presented a proclamation Honoring Summit Gymnastics Center Upon the Occasion of Their 40th Anniversary.

Item 26 – MR. LORIGO, MR. GREENE, MR. TODARO & MR. MILLS presented a proclamation Recognizing and Acknowledging Alzheimer's and Brain Awareness Month in Erie County.

MR. MEYERS moved for consideration of the above twenty-two items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 27 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 28 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 29 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – 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 32 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

June 17, 2021	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 9E-13 (2021)
COUNTY EXECUTIVE
RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of the following individual to the SUNY Erie Board of Trustees:

NAME AND ADDRESS

Todd P. Hobler
78 Woodward Ave
Buffalo, NY 14214

TERM EXPIRATION

June 30, 2023

(5-0)

KEVIN R. HARDWICK
CHAIR

Item 33 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

June 17, 2021	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-8 (2021)
EC FAIR HOUSING BOARD: “2020 EC Fair Housing Board Annual Report”

(Chair's Ruling)

- b. COMM. 12M-4 (2021)
ECIDA: "ECIDA's 2020 Annual Audited Financial Statements"
(Chair's Ruling)

2. COMM. 12E-2 (2021)
COUNTY EXECUTIVE

WHEREAS, the assessment of the existing skylight structure in the Ellicott Street Building's main atrium to analyze the existing member sizes, connections, and determine their loading capacity is required; and will allow the A/E firm on record and the Department of Public Works to investigate the potential replacement of the existing fiber-reinforced insulated translucent skylight system with a more energy efficient double paned glazing system; and

WHEREAS, the additional scope for a full structural analysis needs to be performed at the request of the Department of Public Works to investigate the possibility of restoring the skylight system to its original construction while considering building codes; and

WHEREAS, CannonDesign is the A/E firm on record currently providing A/E design and construction document services for the Erie Community College City Campus 2017 Ellicott Street Building Skylight Reconstruction and Roof Repairs project (COMM. 16E-15 (2018)) and recommends that Bergman Associates, Architects, Engineers, Landscape Architects & Surveyors, DPC ("Bergman Associates") is qualified and capable to perform the work; and

WHEREAS, per Section 19.08 of the Erie County Code, professional services under \$10,000 do not have to be publicly advertised for RFP; and

WHEREAS, the Department of Public Works is seeking authorization for the County Executive to create a new purchase order with the engineering firm of Bergman Associates for skylight structural assessment for the Erie Community College City Campus 2017 Ellicott Street Building Skylight Reconstruction and Roof Repairs project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to create a new purchase order in the amount of \$8,000 with the engineering firm of Bergman Associates for skylight structural assessment for the Erie Community College City Campus 2017 Ellicott Street Building Skylight Reconstruction and Roof Repairs; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment in an amount not to exceed \$8,000 from the previously approved, as adopted Erie County capital budget, Funds Center 122, Fund 480, Project E. 15003 – 2015 Erie Community College – Roof Replacement and Exterior Waterproofing (Collegewide); 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, and one copy to SUNY Erie of the Chief Administrative and Financial Officer.

(5-0)

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

WHEREAS, the Healthy Neighborhoods / Safe Routes to School II Project in the Village of Hamburg (PIN 5763.50) (the “Project”) is eligible for Transportation Alternatives Program (TAP) funding; and

WHEREAS, such funding is allocated for alternative transportation projects, including pedestrian facility improvements and safe routes to school projects, including sidewalks, pedestrian crossing installation, and landscaping; and

WHEREAS, such treatments will occur within both Village and Erie County Rights-of-Way, permission from Erie County is required to allow the Village to access Erie County roads for such construction; and

WHEREAS, the County of Erie is not responsible of any of the costs for design or construction of the project; and

WHEREAS, the Village of Hamburg will be the sole owner of the Project improvements and responsible for any and all future maintenance costs and responsibilities; and

WHEREAS, it is necessary to enter into an Inter-Municipal Agreement with the Village of Hamburg for the Project improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the implementation of the Healthy Neighborhoods / Safe Routes to School II Project in the Village of Hamburg (PIN 5763.50) (the “Project”) within the County’s right-of way; and be it further

RESOLVED, that the County Executive be authorized to enter into the necessary Inter-Municipal Agreement with the Village of Hamburg; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(4-0) Chair Baskin not present for vote.

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

WHEREAS, the Baseline Road Sidewalk Project in the Town of Grand Island (PIN 5763.46) (the “Project”) is eligible for Transportation Alternatives Program (TAP) funding; and

WHEREAS, such funding is allocated for alternative transportation projects, including pedestrian facility improvements such as sidewalk installation; and

WHEREAS, such treatments will occur within an Erie County Right-of-Way, permission from Erie County is required to allow the Town to access Erie County roads for such construction; and

WHEREAS, the Town of Grand Island will be the sole owner of the Project improvements and responsible for any and all future maintenance costs and responsibilities; and

WHEREAS, the County of Erie is not responsible for any costs associated with the design and construction of the project; and

WHEREAS, it is necessary to enter into an Inter-Municipal Agreement with the Town of Grand Island for the Project improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves implementation of the Baseline Road Sidewalk Project in the Town of Grand Island (PIN 5763.46) (the "Project") within the County right-of-way; and be it further

RESOLVED, that the County Executive be authorized to enter into the necessary Inter-Municipal Agreement with the Town of Grand Island; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

5. COMM. 12E-13 (2021)
COUNTY EXECUTIVE

WHEREAS, the County of Erie recognizes the role of recreational programming in building community character and enhancing quality of life for residents; and

WHEREAS, the Challenger Division, a youth baseball league for players with disabilities and functional needs utilizes Kingsgate Park for baseball; and

WHEREAS, Central Amherst Little League currently provides programming at Kingsgate Park in the Town of Amherst; and

WHEREAS, due to the central location and unique recreational programming the site is utilized by residents from multiple municipalities within Erie County; and

WHEREAS, the proposed capital improvements will enable Central Amherst Little League to better provide recreational programming and ADA accessibility for County residents; and

WHEREAS, the Town of Amherst is the owner of Kingsgate Park and has an ongoing user agreement with Central Amherst Little League; and

WHEREAS, Erie County desires to fund a portion of the improvements to Kingsgate Park; and

WHEREAS, the County of Erie has allocated \$250,000 for the proposed improvements in the approved 2021 Capital Budget in account A.21158.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, easements and agreements with the Town of Amherst, in amounts not to exceed a total of \$250,000 for the purpose of capital improvements and associated activities at Kingsgate Park; and be it further

RESOLVED, that the source of these funds shall be \$250,000 available in the approved 2021 Erie County Capital Budget within SAP account A.21158; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.
(5-0)

6. COMM. 12E-14 (2021)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services in Erie County during actual or potential disaster events; and

WHEREAS, the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through the New York State Department of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$50,000 in federal assistance to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Homeland Security & Emergency Services requires legislative approval to accept the funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept these funds to serve individuals residing in Erie County; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$50,000 in federal resources to harden a section of the perimeter of the Erie County Training & Operation Center.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services to receive \$50,000 in grant funding for the Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Homeland Security & Emergency Services will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant 281, as follows:

Erie County Department of Homeland Security & Emergency Services
Grant Fund 281, Fund Center 1670030
April 1, 2021 - August 31, 2022
HS167CIGP1922

Revenue	Increase
Account 414000 – Federal Revenue	\$50,000.00
Appropriation	Increase
Account 506200 – Maintenance & Repair	<u>\$ 50,000.00</u>
Total Appropriations	\$50,000.00

and be it further

RESOLVED, that the Director of Budget & Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grant or award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Attorney, the Office of the Comptroller, and the Division of Budget and Management.

(5-0)

7. COMM. 12E-19 (2021)
COUNTY EXECUTIVE

WHEREAS, there is a need for large culvert and pedestrian bridge condition inspections to be performed by an engineering firm specializing in such services; and

WHEREAS, the Department of Public Works, Division of Highways, determined that Popli Design Group has the appropriate expertise and experience in large culvert and pedestrian bridge condition inspections through an RFP process; and

WHEREAS, Legislative approval is required for the County Executive to enter into a contract with Popli Design Group for large culvert and pedestrian bridge condition inspections for the 2021-2022 period; and

WHEREAS, at the conclusion of the 2021-2022 period, the contract may be extended for an additional 2-year period covering 2023-2024, subject to renegotiated costs and Legislative approval.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with Popli Design Group for the 2021-2022 Large Culvert/Small Bridge and Pedestrian Bridge Condition Inspection Services project for an amount of \$410,000; and be it further

RESOLVED, that funds be made available for the Project from the following Projects in Fund 420, Funds Center123:

B.15010 – 2015 Small Bridge Inspection	\$122,601.95
<u>B.21155 – 2021 Culvert & Bridge Inspection</u>	<u>\$287,398.05</u>
TOTAL PROJECT	\$410,000.00

and be it further

RESOLVED, that the contract may be extended for an additional 2-year period covering 2023-2024, subject to renegotiated costs and Legislative approval; and be it further

RESOLVED, that five (5) 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, the Office of the Comptroller, and the Division of Purchase.
(5-0)

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

Item 34 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

June 17, 2021	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12E-3 (2021)
COUNTY EXECUTIVE: “ECSD Nos. 1, 4 & 5 – Construction Inspection Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 12E-16 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement, Work Order DA-5”
(Chair’s Ruling)
 - c. COMM. 12E-17 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement, Work Order DA-4”
(Chair’s Ruling)
 - d. COMM. 12M-1 (2021)
NYSDEC: “Update on Status of Investigation and Cleanup Activities – Riverview Innovation & Technology Campus”
(Chair’s Ruling)

2. COMM. 12E-4 (2021)
COUNTY EXECUTIVE
WHEREAS, the Federal Government, through the Environmental Protection Agency, provides grant assistance for the Great Lakes Area of Concern Program; and

WHEREAS, the Environmental Protection Agency awarded Erie County \$2,529,500 to complete a five-year Buffalo River Remedial Action Plan Project; and

WHEREAS, the 8.43% local match will be provided by Erie County DEP staff in in-kind services; and

WHEREAS, Erie County solicited proposals from qualified firms to prepare an invasive species removal and habitat restoration plan; and

WHEREAS, Erie County conducted a review and selection process for the proposals that were received for the Feasibility Study; and

WHEREAS, the review committee selected RES Great Lakes, LLC to complete the invasive species removal and habitat restoration project work; and

WHEREAS, the grant budget and project period for the invasive species removal and habitat restoration project is located in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

Erie County Buffalo River AOC Project Management
(Grant Period: 10/1/2019-09/30/2024)
SAP Grant Account #162BUFRRIVERAP1924

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
414000	Federal Aid Revenue	\$2,529,500
TOTAL REVENUE		\$2,529,500

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
516020	Professional Services	\$580,000
TOTAL APPROPRIATIONS		\$580,000

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with RES Great Lakes, LLC to complete the invasive species removal and habitat restoration project work, in an amount not to exceed \$580,000 in grant resources; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.

(5-0)

3. COMM. 12E-11 (2021)
COUNTY EXECUTIVE

WHEREAS, the State of New York through its Department of Environmental Conservation (DEC) and Environmental Facilities Corporation (EFC) provides financial assistance through the Engineering Planning Grant program; and

WHEREAS, the State of New York has awarded Erie County a maximum of \$100,000.00 for the Erie County Sewer District (ECSD) No. 4 Flow Monitoring and Infiltration/Inflow (I/I) Quantification Project through the Engineering Planning Grant program; and

WHEREAS, a minimum local match of 20% is required for the grant award; and

WHEREAS, Arcadis was retained by the County of Erie for the ECSD Nos. 1&4 Flow Monitoring and I/I Quantification Project pursuant to Legislative Comm. 1E-12 (2021); and

WHEREAS, the project budget listed in Legislative Comm. 1E-12 (2021) must be adjusted to reflect the grant award; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie previously determined pursuant to Legislative Comm. 1E-12 (2021) that the ECSD Nos. 1&4 Flow Monitoring and I/I Quantification Project is a Type II SEQR action in accordance with 6 NYCRR Section 617.5 (c) and therefore is not subject to further review under 6 NYCRR Part 617; and be it further

RESOLVED, that the County Executive or his/her designee is authorized to execute a Grant Agreement with the DEC or EFC for the project; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management or his/her designee is authorized to execute all other contracts, documents and instruments with the DEC or EFC to bring about the Project and to fulfill the obligations under the Engineering Planning Grant Agreement; and be it further

RESOLVED, that the minimum 20% local match required for the Engineering Planning Grant Program will be provided through ECSD No. 4 accounts; and be it further

RESOLVED, that the authorization provided in Legislative Comm. 1E-12 (2021) for the partial closure of up \$240,000.00 from ECSD No. 4 Capital Reserve Account C.00034 shall remain in the budget and shall be the source of the local match for the Engineering Planning Grant; and be it further

RESOLVED, that the Director of Budget and the County Comptroller be authorized to increase estimated revenues in Bond Account C.17401 for the \$100,000.00 grant; and be it further

RESOLVED, that upon receipt of the grant monies and completion of the project, any unused capital reserves funds shall be returned to the appropriate capital reserve account and the budget be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of the Division of Budget and Management, Kristen Walder, Assistant County Attorney, Joseph Fiegl,

P.E., Deputy Commissioner of the Department of Environment and Planning, and the Albany offices of the New York State DEC and EFC.
(5-0)

TIMOTHY J. MEYERS
CHAIR

Item 35 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

June 17, 2021	PUBLIC SAFETY 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. 24E-9 (2020)
SHERIFF: “Authorization to Award Professional Services Contract for Correctional Health Comprehensive Occupational Health Software”
(Chair’s Ruling)
 - b. COMM. 10D-2 (2021)
SUPERINTENDENT OF JAILS: “Letter to Legislator Gilmour Regarding Completion of Implicit Bias Training”
(Chair’s Ruling)
 - c. COMM. 10D-5 (2021)
COUNTY EXECUTIVE’S OFFICE: “County Executive’s Statement on 2021 Homeland Security Conference”
(Chair’s Ruling)
 - d. COMM. 10D-10 (2021)
SUPERINTENDENT OF JAILS: “Letter to Legislature Majority Leader Regarding Communications Between Legislature & Sheriff’s Department”
(Chair’s Ruling)
 - e. COMM. 11D-2 (2021)
DEPT. OF HOMELAND SECURITY & EMERGENCY SERVICES: “Letter to Chair of Legislature Concerning 2021 National Homeland Security Conference”
(Chair’s Ruling)

f. COMM. 11D-3 (2021)
COMPTROLLER’S OFFICE: “Audit of Dept. of Homeland Security & Emergency Services”
(Chair’s Ruling)

2. COMM. 12E-1 (2021)
COUNTY EXECUTIVE
WHEREAS, the Department of Social Services has been awarded an amount of \$203,811 in 100% federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence; and

WHEREAS, the additional Federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence; and

WHEREAS, the provisions of the award specifically prohibit the sup-plantation of existing funding agreements and also prohibit the use of funds for County government operations; and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department’s Consolidated Services Plan (CSP) approved by the State.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts with Child and Family Services, Crisis Services, Family Justice Center, and Hispanics United for expanded non-residential services to victims of domestic violence; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2021 Adopted Budget:

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE/ (DECREASE)
516410	Child and Family Services	\$56,380.74
516410	Crisis Services	\$91,563.26
516410	Family Justice Center	\$23,947.00
516410	Hispanics Untied	\$ 7,920.00
911400	ID District Attorney Services	<u>\$24,000.00</u>
	Total Expenditures	<u>\$203,811.00</u>
414000	Federal Aid	<u>\$203,811.00</u>
	Total Revenue	<u>\$203,811.00</u>

and be it further

RESOLVED, that an interdepartmental agreement be amended between the District Attorney and Social Services for non-residential services to victims of domestic violence; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the budget of the District Attorney's Office in order to amend funding to implement the interdepartmental agreements; and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, the Director of Budget and Management, and the District Attorney.

(6-0)

3. COMM. 12E-15 (2021)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services in Erie County during actual or potential disaster events; and

WHEREAS, the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through the New York State Department of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$150,000 in federal assistance to continue the implementation of programs to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Homeland Security & Emergency Services requires legislative approval to accept the funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept these funds to serve individuals residing in Erie County; and

WHEREAS, this is a regional grant and Erie County will purchase the necessary equipment and training for the eight (8) local Fire Departments (Gowanda Fire Company, Orchard Park Fire Company, Hillcrest Fire Company, West Falls Fire Company (Aurora – Colden Fire District) East Aurora Fire Department, Eden Fire Department, West Seneca Fire District (Seneca Hose) and the City of Buffalo Fire Department), the Erie County Sheriff's Office, the Niagara Frontier Search & Rescue Team, The Western New York ALERT Swift Water Rescue Team, and Cattaraugus Emergency Management (Allegany Fire Department, City of Salamanca Fire Department, Westons Mills Fire Department; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$150,000 in federal resources to provide funding for the purchase of necessary equipment and training to enhance the ability of Erie County to manage emergency & disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through New York State Office of Department of Homeland Security & Emergency Services to receive \$150,000 in grant funding for the Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Homeland Security & Emergency Services will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, these funds will be utilized to assist the Erie County Hazmat Team, Niagara County Hazmat Team and the Buffalo Fire Hazmat Team; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant 281, as follows:

Erie County Department of Homeland Security & Emergency Services
Grant Fund 281, Fund Center 1670030
April 1, 2021 - August 31, 2022
HS167TECHRESCUE1922

Revenue	Increase
Account 414000 – Federal Revenue	\$150,000.00

Appropriation	Increase
Account 501000 – Overtime	\$18,000.00
Account 505200 – Clothing Supplies	\$10,000.00
Account 510100 – Out of Area Travel	\$12,000.00
Account 510200 – Training & Education	\$ 5,000.00
Account 561410 – Equipment (Lab & Tech)	<u>\$105,000.00</u>
Total Appropriations	\$150,000.00

and be in it further

RESOLVED, that the Director of Budget & Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grant or award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Attorney, the Office of the Comptroller, and the Division of Budget and Management.
(6-0)

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

LEGISLATOR RESOLUTIONS

Item 36 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

RE: Designation of Tourism
Promotion Agency for 2021-
2022
(INTRO. 13-1)

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

WHEREAS, the development, expansion and promotion of tourist travel to Erie County are of great benefit to the citizens of Erie County; and

WHEREAS, tourism spending in Erie County is reflected in bed and sales tax collections, as well as spurring a positive economic impact on amateur and professional sporting events, shopping, arts and culture and the hospitality industry; and

WHEREAS, this positive impact helps hold down property taxes and spurs economic growth and job creation; and

WHEREAS, in 1977, the New York State Legislature enacted the New York State Tourism Promotion Act to enable counties in the state to draw down funds to support their marketing and advertising campaigns; and

WHEREAS, the Tourism Promotion Act authorizes the state's Department of Economic Development to operate a program of matching state funds for non-profit tourism promotion agencies designated by county legislative bodies as agencies that are authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (VBN) – formerly known as the Buffalo Niagara Convention and Visitors Bureau – has done a commendable job bringing together a diverse array of

non-profit organizations, attractions, retail businesses and members of the hospitality industry to work collaboratively for the benefit of our entire region.

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2021-2022; and be it further

RESOLVED, that this Honorable Body requests that Visit Buffalo Niagara submit the appropriate application to the New York State Department of Economic Development for state matching funds to assist VBN to finance its tourism marketing, media relations and advertising campaigns as set outlined in the New York State Tourism Promotion Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Economic Development, Patrick Kaler and Judy Smith of Visit Buffalo Niagara, the tourism committees of both the New York State Assembly and Senate, County Executive Mark Poloncarz, the Erie County Department of Environment and Planning, and all other deemed necessary and proper.

Item 37 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 13-2 from CHIMERA. Support for Increasing the New York State Childcare Market Rate.

Item 38 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

MR. LORIGO challenged the ruling of the chair. MR. TODARO 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.

INTRO. 13-3 from LORIGO, GREENE, TODARO & MILLS. Waiver of Health Department Fee on Permit to Operate a Temporary Food Service Establishment.

Item 39 – CHAIR BASKIN directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 13-4 from TODARO, LORIGO, GREENE & MILLS. Support for the Help Wanted Act.

Item 40 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: Supporting the Establishment of
Juneteenth as an Observed Erie
County Holiday
(INTRO. 13-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BASKIN & JOHNSON**

WHEREAS, Juneteenth is the oldest nationally celebrated commemoration of the ending of slavery in the United States; and

WHEREAS, Juneteenth commemorates June 19, 1865, when Union Army soldiers, led by Major General Gordon Granger, landed at Galveston, Texas with news that the Civil War had ended and Black slaves were now free; and

WHEREAS, General Granger read to the residents of Galveston General Order Number 3, which stated: “The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves”; and

WHEREAS, the celebration of June 19th was termed “Juneteenth” and grew with participation from descendants of those freed Black slaves, with the date becoming highly revered in Texas decades later, with many former slaves and descendants making an annual pilgrimage back to Galveston on this date; and

WHEREAS, Juneteenth has become a national day of celebration, parades, picnics, and prayer events; and

WHEREAS, along with parties, barbecues, sporting activities, and family gatherings, Juneteenth also focuses on education and self-improvement, featuring celebrations with guest speakers and prayer services; and

WHEREAS, historically, little interest existed outside the African American community in participation in the celebrations and White Americans have traditionally had little participation or involvement in Juneteenth commemorations or events; and

WHEREAS, recent tragic and senseless events in our country and community involving African Americans and law enforcement have led to public outcry and introspection about the state of racial relations in our country and community, and the need for more improvements and progress in addressing racial inequity; and

WHEREAS, as a part of the public outcry and expressions of concern, many elected officials and activists have called for more awareness of the contributions of African Americans to our society, and the naming of Juneteenth as an observed public and government holiday, to allow persons of all ethnicities to recognize the legacy of slavery and racism in our country, and to celebrate all of the positive accomplishments and contributions of African Americans in the United States; and

WHEREAS, Juneteenth is also a time to focus on advancing racial equity and fighting racial injustice; and

WHEREAS, Buffalo features one of the largest annual Juneteenth celebrations in the country; and

WHEREAS, on January 1, 1980, Juneteenth became an official state holiday in Texas through the efforts of Al Edwards, an African American state legislator; and

WHEREAS, Governor Andrew Cuomo named June 19, 2020 as an observed state government holiday for State employees and starting in 2021, Juneteenth is now an observed State holiday for State employees; and

WHEREAS, Juneteenth became a paid holiday for City of Buffalo employees beginning in 2021; and

WHEREAS, on June 17, 2021, President Joseph Biden signed legislation making Juneteenth – June 19th – a new annual federal holiday, and established the federal observance of the new holiday immediately on Friday, June 18, 2021; and

WHEREAS, the leaders of most of the County's collective bargaining units (CSEA, AFSCME, Sheriff PBA, CSEA Correction Officers, and NYSNA signed a letter to the County Executive I October 2020 (attached) supporting the designation of Juneteenth as an observed Erie County government holiday; and

WHEREAS, Erie County government can and should make an affirmative expression of support for the naming of Juneteenth annually as an Erie County government observed holiday to commemorate the ending of slavery, and to be a day of reflection of race relations in this country and to stress the importance of racial parity and justice.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its support for the naming of Juneteenth as an annual observed Erie County government holiday and urges the Erie County Executive to act to designate Juneteenth as an observed holiday; and be it further

RESOLVED, upon passage by this Honorable Body, the County Executive and Commissioner of Labor Relations are urged to negotiate the terms of Juneteenth becoming an observed paid County holiday for County employees with the County's collective bargaining units, provided there is no loss of any other observed holidays or rights for County employees; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Commissioners of Labor Relations and Personnel, the County's collective bargaining units, and the NAACP Buffalo Chapter.

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.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 41 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 12E-18 (2021). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

RE: Authorization to Contract with Hear 2
Learn, PLLC
(COMM. 12E-18, 2021)

WHEREAS, the Erie County Department of Health Division of Services of Children with Special Needs is responsible for the operation of Preschool and Early Intervention Programs; and

WHEREAS, through the Pre-School Program for three and four-year-old children specialized education and therapeutic services are provided to children with special needs; and

WHEREAS, the Preschool Program serves over 2,000 children every year; and

WHEREAS, Erie County is required to contract with any Agency providing services to children in the Pre-School Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Hear 2 Learn, PLCC for Related Services Only; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9th Floor, Rath Building.

MR. MEYERS moved to approve the item. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY CLERK

Item 42 – (COMM. 13E-1) Mortgage Tax Semi-Annual Report of Receipts & Disbursements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 43 – (COMM. 13E-2) Letter to Chair of Legislature Concerning Warrant for Payment of Additional Mortgage Recording Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 13E-3) COVID-19 State of Emergency Status

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 45 – (COMM. 13E-4) ECSD No. 3 - Engineering Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 46 – (COMM. 13E-5) Authorization to Enter into Agreement for EC Park Signage & Wayfinding Manual

Item 47 – (COMM. 13E-6) ECHC - 2021 Hot Water Tank Replacements

Item 48 – (COMM. 13E-7) Buffalo & EC Botanical Gardens 2020 Replacement of Vents & Vent Control Systems

Item 49 – (COMM. 13E-8) Rath Building - Parking Garage Sprinkler System Replacement

Item 50 – (COMM. 13E-9) Buffalo & EC Public Library - One Year Extension of Various Capital Projects Term Agreement

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

Item 51 – (COMM. 13E-10) Authorization to Contract for Commercial Real Estate Brokerage Services in EC Home

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 52 – (COMM. 13E-11) IMA for Parker Blvd. Complete Streets Initiative Project, Town of Tonawanda

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHAIR BASKIN

Item 53 – (COMM. 13E-12) Letter to Legislature Clerk Concerning Transition of Meetings on 6/24/2021

Received, filed and printed.

June 18, 2021

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

Re: June 24th 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 June 24, 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 THE COUNTY EXECUTIVE

Item 54 – (COMM. 13E-13) Reappointments to the ECMCC

Item 55 – (COMM. 13E-14) Appointments to the EC Advisory Board Division for Persons with Disabilities

The above two items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 56 – (COMM. 13E-15) American Rescue Plan Omnibus Spending Package - "RENEW Plan"

Item 57 – (COMM. 13E-16) Grant Budget Modification & New Position - HIV Prevention within Communities of Color

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 58 – (COMM. 13D-1) Notification of New COVID-19 Contracts

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 59 – (COMM. 13D-2) Letter to Legislature Regarding April Sales Tax Receipts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 60 – (COMM. 13D-3) Acknowledgment of Filing of Documents Concerning Creation of the Cayuga Creek Water District in the Town of Alden

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 61 – (COMM. 13D-4) Letter to Legislature Concerning Transition of Meetings on 6/24/21

Received, filed and printed.

June 18, 2021

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: JUNE 24, 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 June 24, 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 #13 (2021) at 11:00 am

<https://us02web.zoom.us/j/88922929661>

Meeting ID: 889 2292 9661

Or call 646-876-9923

Thank you.

FROM THE DEPARTMENT OF LAW

Item 62 – (COMM. 13D-5) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS COMPTROLLER - OFFICE OF LEGAL SERVICES

Item 63 – (COMM. 13M-1) Documents Concerning Creation of the Cayuga Creek Water District in the Town of Alden

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITIZENS CAMPAIGN FOR THE ENVIRONMENT

Item 64 – (COMM. 13M-2) Letter to Legislature Regarding Moratorium on Wind Turbines in the Great Lakes

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPT. OF TAXATION & FINANCE

Item 65 – (COMM. 13M-3) Additional Information Regarding State Equalization Rates for the 2021 Assessment Rolls

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYSDEC

Item 66 – (COMM. 13M-4) Invitation for Public Comment - Application & Draft Remedial Investigation at 156 Chandler St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 67 – Chair Baskin announced that committee meetings will be held on Thursday, July 1, 2021.

MEMORIAL RESOLUTIONS

Item 68 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Mary C. Miller and Leonard “Skip” Chase.

ADJOURNMENT

Item 69 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. MEYERS moved that the Legislature adjourn until Thursday, July 8, 2021 at 12:00 p.m. Eastern Standard Time. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, July 8, 2021 at 12:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE