

ERIE COUNTY LEGISLATURE
MEETING NO. 13
JULY 7, 2022

The Legislature was called to order by Chair Baskin.

All members present, except Mr. Bargnesi.

An Invocation was held, led by Ms. Vinal, who offered a prayer.

The Pledge of Allegiance was led by Mr. Meyers.

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 2022. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. TODARO presented a proclamation Recognizing Luke Cellino, Owner of Cellino Plumbing for His Charitable Contributions.

Item 6 – MR. TODARO presented a proclamation Recognizing and Honoring Amelia Kelly - Recipient of the First Annual Crystal Bulldog Award.

Item 7 – MR. TODARO presented a proclamation Honoring Brian Sounevongsa as Valedictorian at Depew High School.

Item 8 – MR. TODARO presented a proclamation Honoring Natalie Kupczyk as Valedictorian at St. Mary's High School.

Item 9 – MR. MILLS presented a proclamation Recognizing and Honoring School Resource Officer Shawn Bishop.

Item 10 – MR. MILLS presented a proclamation Recognizing and Honoring School Resource Officer Brian Burgstahler.

Item 11 – MR. MILLS presented a proclamation Recognizing and Honoring School Resource Officer Jeremy Pickering.

Item 12 – MR. MILLS presented a proclamation Honoring Rob Fitzpatrick and Georgia Waczkowski on the Opening of Lake Shore Grooming Lounge LLC.

Item 13 – MR. LORIGO presented a proclamation Honoring Detective Christian Parisi on Receiving the Erie County Law Enforcement Foundation’s Lifetime Achievement Award.

Item 14 – MR. LORIGO presented a proclamation Honoring the East Aurora Advertiser on Its 150th Anniversary.

Item 15 – MR. LORIGO, MR. GREENE, MR. TODARO & MR. MILLS presented a proclamation Honoring Al Vaughters for His 28 Year Career with WIVB.

Item 16 – MR. LORIGO & MR. GREENE presented a proclamation Honoring Author Karen Wielinski for Her Contributions to Clarence High School Students and Her Inspiring Life Story.

Item 17 – MR. GREENE presented a proclamation Recognizing Coach Charlie Warkenthien 2022 All-Bee Boys Lacrosse Coach of the Year.

Item 18 – MR. GREENE presented a proclamation Recognizing Kenneth Stoldt - Recipient of the Niagara-Orleans League Foundation Award.

Item 19 – MS. CHIMERA presented a proclamation In Remembrance of Dr. Michael D. Calabrese.

Item 20 – MR. JOHNSON presented a proclamation In Remembrance of Marian Harrison - Retired Buffalo Elementary School Teacher & Artist.

Item 21 – MR. JOHNSON presented a proclamation Honoring National Culinary Arts Month.

Item 22 – CHAIR BASKIN, MS. CHIMERA & MS. VINAL presented a proclamation Honoring and Celebrating the 50th Anniversary of Title IX.

Item 23 – MR. JOHNSON presented a proclamation Remembering and Honoring the Life of Raymond Brinson.

Item 24 – CHAIR BASKIN & MR. JOHNSON presented a proclamation In Remembrance of William Paul Cobb III.

Item 25 – MR. JOHNSON & MR. GILMOUR presented a proclamation In Remembrance of Andre Edward Jones, Jr.

Item 26 – MR. JOHNSON presented a proclamation In Remembrance of Jaila "LeLe" Marrero.

Item 27 – MR. JOHNSON presented a proclamation In Remembrance of Jimmie R. Hill.

Item 28 – MR. BARGNESI presented a proclamation Happy 80th Birthday to Gerald (Gary) Wieczkowski, Jr..

Item 29 – MR. BARGNESI presented a proclamation Celebrating the 1 Year Anniversary of Chief’s Barber Parlour and Their Commitment to Our Community.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-five items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 30 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 31 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

June 30, 2022	PUBLIC SAFETY COMMITTEE REPORT NO. 9
---------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 12E-8 (2022)
SHERIFF

WHEREAS, the Erie County Sheriff's helicopter is due for a mandatory Federal Aviation Administration inspections and maintenance; and

WHEREAS, the Sheriff's Office has identified a certified aviation mechanic in the United States who can perform the FAA inspections and repairs; and

WHEREAS, the County would contract with a certified mechanic for \$30.00 per hour that would not exceed \$25,000.00 per year for three years from the date of contract execution; and

WHEREAS, the mechanic will be contracted to perform the following, including but is not limited to:

- Complete teardown and buildup of aircraft airframe;
- Inspection of the main rotor system, including teardown and buildup of the main rotor shaft;
- Tear down, inspect, and buildup of the tail rotor system;
- Main and tail gearbox removals for overhaul;
- Engine inspection;
- Inspection of aircraft flight control systems;
- Landing gear and shock absorber removal and inspection;
- O-rings, fluids, and seal replacements; and

WHEREAS, the Sheriff's Office has funds in the Professional Services (account #516020) for the mechanic's hourly rate of \$30.00/hour.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and the County Executive to enter into an agreement with Andrew Golembiewski, 25 Elsie Lane, Grand Island, NY 14072, to conduct mandatory FAA inspections and necessary repairs for Air-1 at an hourly rate of \$30.00; and be it further

RESOLVED, the term of the contract is three years from the date of the contract's execution and the amount not to exceed \$25,000.00 per year; and be it further

RESOLVED, the amount of \$25,000.00 for the contract is allocated in Fund 110, Fund Center 11510, Account #516020 (Professional Services); and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, the Clerk of the Legislature shall send certified copies of the approved resolution to the County Executive, the County Attorney's Office, the Division of Purchasing, the Division of Budget and Management, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

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

2. COMM. 12E-28 (2022)
SHERIFF & COUNTY EXECUTIVE

WHEREAS, at a recent session of the Erie County Legislature, the Honorable Members accepted the report and recommendations from the Corrections Advisory Board and the Sheriff's Office for the need to upgrade and expand the camera system within the facility; and

WHEREAS, the Legislature transferred \$500,000.00 to the Department of Information and Support Services budget for the camera upgrade project; and

WHEREAS, the Erie County Sheriff's Office and the Division of Budget and Management identified \$527,942.00 in account 516020 that is eligible to transfer to account 561410 – Jail Management Lab and Tech for the upgrade; and

WHEREAS, the Erie County Sheriff's Office will transfer \$755,000.00 from account 221800 – Telephone Revenue to account 561410 to complete the funding needed for the camera project; and

WHEREAS, the parties agree to transfer:

1. \$527,942.00 from account 516020 to 561410 – ECSO Jail Management Division;
2. \$500,000.00 from DISS Fund Center 105, account 561410 to ECSO JMD account 561410;
3. \$755,000.00 from account 221800 (Telephone Revenue) to ECSO JMD account 561410.
4. Total = \$1,777,942.00

and

WHEREAS, as of June 16, 2022, the Telephone Revenue Account's balance is \$909,361.00; and

WHEREAS, the Erie County Sheriff's Office has received a bid from U&S, a division of Stark Tech Group, Buffalo, New York, which is an approved New York State bidder; and

WHEREAS, the Sheriff's Office and the County Executive agree the Erie County Holding Center camera upgrade and expansion project is an appropriate use of the funds; and

WHEREAS, this use of funds complies with COMM. 6E-24, 2013, which states that telephone revenue "shall be dedicated to the general operation of the Holding Center and Correctional facility;" and

WHEREAS, these transfers will not have a fiscal impact on the 2022 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Division of Budget and Finance to transfer \$500,000.00 from the Department of Information and Support Services Fund Center 105, Account 561410, to the Erie County Sheriff's Fund Center 116, Account 561410; and be it further

RESOLVED, the Erie County Legislature authorizes the Division of Budget and Finance to transfer \$527,942.00 from account 516020 to 561410 – ECSO Jail Management Division; and be it further

RESOLVED, the Erie County Legislature authorizes the Division of Budget and Finance to transfer \$755,000.00 from account 221800 (Telephone Revenue) to ECSO JMD account 561410, and be it further

RESOLVED, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of U&S Services to be retained to provide equipment and technical services associated with the Erie County Holding Center Camera Upgrade and Expansion project; and be it further

RESOLVED, the Erie County Sheriff’s Office and the County Executive are authorized to enter into a purchasing agreement with U&S Services, Inc., 95 Stark Street, Tonawanda, New York 14150; and be it further

RESOLVED, that the Erie County Sheriff’s Office and the Division of Budget and Management are authorized to have any unused funds either remain in or returned to the Telephone Revenue Account; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer should there be any unforeseen issues; and be it further

RESOLVED, the Erie County Comptroller’s Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, The County Attorney, County Comptroller, Division of Budget and Finance, Division of Purchasing, and the Sheriff’s Office for implementation.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Item 32 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

June 30, 2022	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
---------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 12E-13 (2022)
COUNTY EXECUTIVE

WHEREAS, Blocher Homes Housing Project consists of the project consists of the rehab of an existing vacant building and the new construction of three residential buildings containing a total of ninety-three (93) affordable multi-family rental units located at 135 Evans Street, Amherst, NY; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Blocher Homes Apartments LLC and/ Blocher Homes Housing Development Fund Corporation to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Amherst.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Blocher Homes Apartments LLC, Blocher Homes Housing Development Fund Corporation, the Town of Amherst, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; 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 Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A
PILOT Payments

Year	Total	Village	Town	School	County
1	\$50,227	\$17,579	\$12,557	\$7,534	\$12,557
2	\$51,733	\$18,107	\$12,933	\$7,760	\$12,933
3	\$53,286	\$18,650	\$13,322	\$7,993	\$13,322
4	\$54,883	\$19,209	\$13,721	\$8,232	\$13,721
5	\$56,532	\$19,786	\$14,133	\$8,480	\$14,133
6	\$58,227	\$20,379	\$14,557	\$8,734	\$14,557
7	\$59,973	\$20,991	\$14,993	\$8,996	\$14,993
8	\$61,772	\$21,620	\$15,443	\$9,266	\$15,443

9	\$63,626	\$22,269	\$15,907	\$9,544	\$15,907
10	\$65,535	\$22,937	\$16,384	\$9,830	\$16,384
11	\$67,500	\$23,625	\$16,875	\$10,125	\$16,875
12	\$69,524	\$24,333	\$17,381	\$10,429	\$17,381
13	\$71,611	\$25,064	\$17,903	\$10,742	\$17,903
14	\$73,759	\$25,816	\$18,440	\$11,064	\$18,440
15	\$75,973	\$26,591	\$18,993	\$11,396	\$18,993
Total	\$934,161	\$326,956	\$233,540	\$140,124	\$233,540

(5-0)

2. COMM. 12E-17 (2022)
COUNTY EXECUTIVE

WHEREAS, it is desired to reconstruct Maple Street (CR 241) and Pine Street (CR 6) from Main Street (NYS 20A) to the Village Line, including complete pavement replacement and drainage modification; and

WHEREAS, the total cost of the Preliminary Design Engineering phase of this Project is \$178,000, and is available in Capital Project B.21150, 2021 Capital Overlay, Fund 420, Funds Center 123; and

WHEREAS, after the federal-aid selection process, the firm of C&S Engineers, has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the reconstruction of the above noted segment of Maple Street (CR 241) and Pine Street (CR 6).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Reconstruction of Maple Street and Pine Street, CAP-241&6-22Design (the "Project"); and be it further

RESOLVED, that the County Executive be authorized to execute an agreement between the County of Erie and the selected Project Design Engineers, C&S Engineers, for preliminary engineering design services in an amount not to exceed \$178,000, and execute any necessary Change Orders; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Fund 420, Funds Center 123, as follows:

B.21150 2021 Capital Overlay \$178,000

and be it further

RESOLVED, that in the event that federal or non-federal reimbursement becomes available for this project, the County Executive be authorized to execute all necessary Agreements,

certifications, or reimbursement requests with the funding agency, and execute any necessary Change Orders; and be it further

RESOLVED, that in the event that federal or non-federal reimbursement becomes available for this project, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of funds; 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, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

3. COMM. 12E-18 (2022)
COUNTY EXECUTIVE

WHEREAS, it is desired to replace the Genesee Road over Hosmer Brook Bridge (BIN 3328690/BR 409-02); and

WHEREAS, the total cost of the Design Engineering phase of this Project is \$300,000, and is available in Capital Project B.20013, 2020 Capital Bridge Design, Fund 420, Funds Center 123; and

WHEREAS, after the County's selection process, the firm of Popli, Architecture + Engineering & LS, DPC, dba Popli Design Group, has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the replacement of the Genesee Road Bridge over Hosmer Brook.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Replacement of the Genesee Road over Hosmer Brook Bridge, CAP-409-02-22 Design (the "Project"); and be it further

RESOLVED, that the County Executive be authorized to execute an agreement between the County of Erie and the selected Project Design Engineers, Popli Design Group, for engineering design services in an amount not to exceed \$300,000, and execute any necessary Change Orders; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Capital Project B.20013, 2020 Capital Bridge Design, Fund 420, Funds Center 123; 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, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

4. COMM. 12E-19 (2022)

COUNTY EXECUTIVE

WHEREAS, it is desired to replace the Hunters Creek Road over Hunters Creek Bridge (BIN 3328140/BR 382-01) and the Sanders Hill Road over Hunters Creek Bridge (BIN 3328180/BR 393-01), CAP-382-01-393-01-22 Design; and

WHEREAS, the total cost of the Design Engineering phase of this Project is \$400,000, and is available in Fund 420, Funds Center 123, as follows:

B.16015 – 2016 Bridge and Culvert Design	\$ 69,000
B.19055 – 2019 Preservation of Bridge and Culvert Design	\$ 145,000
B.20013 – 2020 Capital Bridge Design	\$ 186,000
Total	\$ 400,000

WHEREAS, after the County’s selection process, the firm of DiDonato Engineering & Architectural Professionals, has been selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the reconstruction of the above noted two (2) bridges in the Town of Holland.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Replacement of two (2) Bridges in the Town of Holland, CAP-382-01-393-01-22 Design (the “Project”); and be it further

RESOLVED, that the County Executive be authorized to execute an agreement between the County of Erie and the selected Project Design Engineers, DiDonato Engineering & Architectural Professionals, for engineering design services in an amount not to exceed \$400,000, and execute any necessary Change Orders; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Fund 420, Funds Center 123, as follows:

B.16015 – 2016 Bridge and Culvert Design	\$ 69,000
B.19055 – 2019 Preservation of Bridge and Culvert Design	\$ 145,000
B.20013 – 2020 Capital Bridge Design	\$ 186,000
Total	\$ 400,000

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, Office of the Commissioner, and 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-20 (2022)
COUNTY EXECUTIVE

WHEREAS, the Live Burn Training Buildings were originally constructed in 2009 at all three locations including Cheektowaga, Chestnut Ridge Park, and Amherst; and

WHEREAS, buildings at all three locations have deteriorated over time due to the extreme conditions seen by the building during the training sessions and are now beyond their useful life; and

WHEREAS, the Live Burn Training Facilities are used by Fire Departments throughout the Western New York area including municipalities, as well as Volunteer Fire Departments, to do their mandated yearly training and instruction; and

WHEREAS, the Fire Coordinator and Fire Safety Division of the Erie County Department of Homeland Security and Emergency Services controls and oversees all state, county, and local agency training that takes place at these facilities; and

WHEREAS, repairs to all three buildings were publicly bid by the Purchasing Department with the Cheektowaga location as the base bid and the Chestnut Ridge Park as well as Amherst locations being bid as separate alternates at that time; and

WHEREAS, the Purchasing Department opened bids on March 6, 2020, however, Erie County did not have the funding in place to repair all three locations so only the Cheektowaga location has been repaired to date; and

WHEREAS, Erie County is required to adhere to the manufacturer requirements of Fire Facilities Inc. (FFI), requiring that only certified contractors, through FFI's own certification process, are allowed to install their Live Burn Building System to ensure the building system and components are installed as designed by the manufacturer to be able to withstand the extreme environment seen by the building during training sessions; and

WHEREAS, the Department of Emergency Services and the Purchasing Department are recommending award to Harty Construction Inc. considering they are the only certified contractor in New York State and were the only contractor that submitted a bid proposal when it was publicly advertised by the Purchasing Department; and

WHEREAS, Emergency Services received updated pricing from Harty Construction Inc as it has been over 2 years since the project was originally bid.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Purchasing is authorized to enter into a contract with the lowest responsible bidder for the Live Burn Building Repair project for the remaining Amherst and Chestnut Ridge Park locations in an amount not to exceed as follows:

General Construction Work
Harty Construction Inc.

Base Bid: \$270,128

and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the project in Fund 410, Fund Center 122 as follows:

A.21105 - DPW (Buildings and Grounds) – Preservation of County
Buildings and Facilities \$270,128

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, the Director of Purchasing and the Office of the Comptroller, and the Department of Homeland Security and Emergency Services.

(5-0)

6. COMM. 12E-21 (2022)
COUNTY EXECUTIVE

WHEREAS, the existing structural members have deteriorated over time and are in need of repair; and

WHEREAS, the repairs to be made to the existing structural members within the Rath Sub-Basement will not only correct previous deterioration but will also prevent future deterioration; and

WHEREAS, the waterproofing coating on the parking garage level in the Rath Building is well-beyond its useful life and the new waterproofing application Alternate GC-01 will provide on the entirety of the floor will prevent future infiltration of water into the Sub-Basement as well as protect the structural repairs being made; and

WHEREAS, the existing concrete plaza along Franklin Street is also a source of water infiltration into the garage and Alternate GC-02 will provide a water-resistant product to the existing concrete to further prevent water infiltration; and

WHEREAS, the County of Erie received bids for the Erie County Rath Building Garage Rehabilitation project on March 24, 2022; and

WHEREAS, the lowest responsible bidder is Morris Masonry Inc.; and

WHEREAS, the Department of Public Works is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Erie County Rath Building Garage Rehabilitation project for an amount not to exceed as follows:

General Contracting Work
Morris Masonry Inc

Base Bid: \$446,119

	Alternate GC-01:	\$428,810
	Alternate GC-02:	\$126,100
Total Award of Construction Contract:		\$1,001,029

and be it further

RESOLVED, that the sum of \$ 98,971 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; 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, as follows:

A.21110 – DPW (Buildings and Grounds) – Rath Building Improvements
Total Payment Not to Exceed: \$ 1,100,000

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, and the Office of the Comptroller.
(5-0)

7. COMM. 12E-23 (2022)
COUNTY EXECUTIVE

WHEREAS, the existing layout of the Health Lab Building 17 BB CC is situated in a manner that does not meet the needs of the Health Department; and

WHEREAS, Foit Albert and Associates has proved they have the necessary expertise and manpower to provide professional design services for the project; and

WHEREAS, the County previously entered into an agreement with Foit Albert and Associates to provide architectural and engineering services for the Building 17 Health Lab per COMM. 18E-25 (2019) as well as COMM 6E-21 (2022); and

WHEREAS, the additional fee for Foit Albert's expanded scope, as the Health Department was provided additional staffing in response to the pandemic requiring the design team to revisit the originally established program, is to address the adjusted originally established program for the Health Lab Building as a whole, including renovation of the previously abandoned DD Building to meet the needs of the revised program; and

WHEREAS, authorization is required for the County Executive to issue an Agreement Amendment with Foit Albert Associates for providing additional professional design services for the

Health Lab Building 17 BB CC Programming & Design project located at the Health Department Laboratory Building.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a second Agreement Amendment with Foit Albert and Associates under EC DPW Contract No. 19-694-PW to increase their A/E design fee by a cost no greater than \$155,550, including a \$20,000 design contingency, for a total contract value of \$410,800 specific to the Health Lab Building 17 BB CC Programming & Design Project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments from Capital Project A.22004 - DPW (Buildings and Grounds) – EC Health Department – Improvements to Building 17 (Buffalo), Funds Center 122, Fund 410 for these services; and be it further

RESOLVED, that once the design and engineering is completed by Foit Albert and Associates, DPW will advertise and award the corresponding construction contract(s) to the lowest responsible bidder(s) pursuant to General Municipal Law section 103, and Erie County local laws; and be it further

RESOLVED, that the County Executive and/or Deputy County Executive shall have the authority to execute the aforementioned construction contract(s) with the lowest responsible bidder(s); and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of the Erie County Attorney, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

8. COMM. 12E-24 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the high-rise Rath Building elevator numbers 1 through 8 are the main vertical transportation to all floors in the Rath Building for County employees, as well as the public, and have not been modernized since 1999; and

WHEREAS, the loading dock elevator (elevator number 13) and the high-rise freight elevator (elevator number 9) have never been upgraded, are original to the building, and are essential for the operations of the Rath Building to move large materials, supplies, equipment, etc. about the building; and

WHEREAS, existing equipment for all elevators is well beyond their useful life and replacement parts associated with all elevators are worn, outdated, and obsolete with replacement parts becoming harder to find, in some cases, not available at all; and

WHEREAS, the scope of the work includes upgraded equipment for all elevators as well as an upgraded and centralized elevator emergency panel for all elevators in the Rath Building (elevator numbers 1 through 13); and

WHEREAS, the County of Erie originally received bids for the Rath Elevator Modernization project on December 21, 2021 and no electrical bids were received; and

WHEREAS, the General Construction and Mechanical Contracts associated with the project were previously approved per COMM. 4E-8 (2022) and the Department of Public Works re-advertised the Electrical Contract associated with the project on February 9, 2022; and

WHEREAS, bids for the electrical contract were accepted on February 24, 2022; and

WHEREAS, the Department of Public Works and Architectural Resources are recommending award of the contracts to the lowest responsible electrical bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter in contracts with the lowest responsible bidder for the Rath Building Elevator Modernization project for an amount not to exceed as follows:

<u>Electrical Construction Work</u>		
Goodwin Electric Corporation	Base Bid:	\$ 783,400

and be it further

RESOLVED, that any unspent allowance and contingency funds that remain as assigned under COMM. 4E-8 (2022) will be returned to the capital budget; and be it further

RESOLVED, that any allowance and contingency funds that remain unspent will be returned to the capital budgets as applicable; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for the above from the projects previously approved in the 2021 and 2022 Capital Budgets, Fund 410, Funds Center 122 as follows:

A.21110 - DPW (Buildings and Grounds) – Rath Building Improvements	\$ 33,400
A.22004 - DPW (Buildings and Grounds) – Rath Building Improvements	\$750,000
<u>Total</u>	<u>\$783,400</u>

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.

(5-0)

9. COMM. 12E-30 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Rehabilitation of Chestnut Ridge Casino and Wendt Beach Parking Lots (the “Project”) was approved by your Honorable Body on March 17, 2022 via Comm. 5E-9 (2022); and

WHEREAS, the Project is currently underway, but sub surface deficiencies, as well as unanticipated material price increases, have contributed to the necessity for a Project budget increase; and

WHEREAS, the Project requires additional repairs to increase accessibility to facilities; and

WHEREAS, the construction work is beyond the scope of the original project requiring additional funds; and

WHEREAS, the County of Erie desires to execute related contract Change Orders with the contractor, Anastasi Trucking, Inc., for the increase in construction costs; and

WHEREAS, the additional \$200,000 necessary for the Project increase is available from Fund 410, Funds Center 164, Capital Project A.21161 - 2021 Parks Expanded Capital Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Project budget be increased in the amount of \$200,000; and be it further

RESOLVED, that the additional funds be made available for the Project from Capital Project A.21161 - 2021 Parks Expanded Capital Program, Fund 410, Funds Center 164; and be it further

RESOLVED, that the County Executive be authorized to execute any and all necessary Project Agreements, certifications, Change Orders, and/or Amendments with the project contractor, Anastasi Trucking Inc.; 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 Department of Parks, Recreation, and Forestry, Office of the County Executive, Office of the County Attorney, the Division of Budget and Management, and the Office of the Comptroller. (4-1) Legislator Lorigo voted in the negative.

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

June 30, 2022	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 3
---------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11M-3 (2022)
SUNY ERIE BOARD OF TRUSTEES: “2022-2023 SUNY Erie Operating Budget”
(Chair’s Ruling)
 - b. COMM. 12E-4 (2022)
COMPTROLLER: “Analysis of SUNY Erie Community College’s 2022-2023 Budget”
(Chair’s Ruling)

2. COMM. 12E-25 (2022)
COUNTY EXECUTIVE

WHEREAS, the existing fiber-reinforced insulated translucent sandwich panel daylighting system at the Ellicott Street Building is 39 years old and faces severe exterior facesheet, fiberbloom, and delaminations due to its age and exposure to the sun and weather resulting in water infiltration to the recently installed flat roof system; and

WHEREAS, the new fiber-reinforced panel daylighting system with alternate scope of insulated laminated glazing insert will resolve the issues of water infiltration, improve thermal resistance resulting in lower energy costs for heating and cooling, and increase daylighting transmission reducing the need for artificial lighting, and SHPO approval has been received; and

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

WHEREAS, the County of Erie received bids for the Erie Community College (ECC) City Campus 2022 Ellicott Street Building Skylight Reconstruction and Roof Repairs project on Tuesday, May 10, 2022; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Allstate General Contracting Inc.; and

WHEREAS, the Department of Public Works (DPW) and CannonDesign are recommending award of the contract to the lowest responsible bidder; and

WHEREAS, the County of Erie previously entered into an Agreement with CannonDesign to provide professional architecture and engineering services for the project (COMM. 16E-15 on

September 20, 2018) and an additional A/E design contingency of \$250,000 is required for additional full-time Construction management and inspection services necessary to assist DPW due to the project's logistical complexity.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder for the ECC City Campus 2022 Ellicott Street Building Skylight Reconstruction and Roof Repairs project for an amount not to exceed as follows:

<u>General Construction Work</u>		
Allstate General Contracting	Base Bid:	\$ 2,997,300
	Add Alternate No 1	\$ 97,300
Total Award of General Construction Contract:		\$ 3,094,600

and be it further

RESOLVED, that the sum of \$300,981.94 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that that the County Executive is authorized to enter into an Agreement Amendment with CannonDesign for an additional A/E design contingency of \$250,000 for the project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved Capital Budgets, Fund 480, Funds Center 122, follows:

E.17002	2017 ECC Roof Replacement, Exterior Waterproofing and Masonry Collegewide	\$1,542,641.85
E.18002	2018 ECC Roof Replacement, Exterior Waterproofing and Masonry Collegewide	\$1,852,940.09
E.19001	2019 Collegewide Improvements and Renovations	\$ 250,000.00
For a Total Amount Not to Exceed		\$3,645,581.94

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.

(5-0)

HOWARD J. JOHNSON, JR.
ACTING CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

June 30, 2022	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
---------------	--

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12M-2 (2022)
NYS DIVISION OF LAND AND WATER RESOURCES: “Erie County Agricultural District No. 17 - Eight Year Review”
(Chair’s Ruling)
 - b. COMM. 12M-3 (2022)
NYS DIVISION OF LAND AND WATER RESOURCES: “Erie County Agricultural District No. 16 - Eight Year Review”
(Chair’s Ruling)

2. COMM. 10E-21 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract Nos. 64-A and 64-D at 10:00 a.m. on June 16, 2022:

Contract	Lowest Responsible Bidder	Amount
No. 64-A General	H&K Services, Inc. 12025 Leon-New Albion Road Leon, NY 14751	\$5,220,625.00
No. 64-D Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$304,000.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed projects for the Division of Sewerage Management or other municipalities in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Lackawanna Water Resource Recovery Facility Digestion and Solids Management Upgrades Project, Erie County Sewer District No. 6, Contract Nos. 64-A and 64-D be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
No. 64-A General	H&K Services, Inc. 12025 Leon-New Albion Road Leon, NY 14751	\$5,220,625.00
No. 64-D Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$304,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute Contracts with the aforementioned lowest responsible bidders, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$5,525,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract Nos. 64-A and 64-D; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the capital project and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(6-0)

3. COMM. 12E-12 (2022)
COUNTY EXECUTIVE

WHEREAS, the storm surge and seiche that occurred on October 31, 2019 was declared a Federal disaster and designated by the Federal Emergency Management Agency (FEMA) as DR 4472; and

WHEREAS, DR 4472 damaged facilities under the jurisdiction of Erie County Department of Parks, Recreation and Forestry (Parks) at Times Beach Nature Preserve; and

WHEREAS, FEMA has approved Project, PW 416 for a cost of \$138,736 to remove debris deposited by the storm surge; and

WHEREAS, the debris removal work approved by FEMA is eligible for Federal reimbursement of 75% of the FEMA approved project cost; and

WHEREAS, Erie County will be responsible for the 100% of the non-federal share of approved project cost and 100% of any overruns; and

WHEREAS, it is desired to accept Federal and State reimbursement funds as they become available for FEMA approved projects; and

WHEREAS, the debris removal project will be completed by Rodriguez Construction Group, currently under contract with Parks in accordance with New York State Municipal Law 103.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept \$104,052 in Federal reimbursement through FEMA, as well as any additional aid from FEMA or SEMO specific to the DR 4472, PW 416 Times Beach Debris Removal project as it is made available; and be it further

RESOLVED, that \$48,500 in excess revenue in Fund 110, Funds Center 14010, Account 400040 – Payments In Lieu of Taxes be transferred to the Parks General Fund 110, Funds Center 16410, Account 570050 – Interfund Transfer Capital and used as an Interfund Revenue Subsidy to cover the \$34,684.00 County share of DR 4472, PW 416, project plus a \$13,815 (10%) contingency; and be it further

RESOLVED, that authorization is hereby given to create a new capital project in Fund 410, Funds Center 164 for the DR 4472, PW 416 project as follows:

Project A.22XXX – DR4472, PW 416 Times Beach Debris Removal
Fund 410, Funds Center 164

REVENUES

412540 FEMA	\$(104,052.00)
486000 Interfund Revenue Subsidy	(48,500.00)
TOTAL	\$(152,552.00)

APPROPRIATIONS

Capital Project Expense	\$152,552
-------------------------	-----------

and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Project budget for any and all additions or reductions in Federal, State and/or local share revenues that are made available for the Project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute agreements related to this FEMA authorized project within the project amounts so authorized; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Parks, Recreation & Forestry, the Department of Public Works, Division of Highways, the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, the Office of the Comptroller, and the Department of Environment and Planning.
(6-0)

4. COMM. 12E-22 (2022)
COUNTY EXECUTIVE

WHEREAS, the County of Erie continues to pursue energy and cost savings through equipment upgrades and other modernization efforts; and

WHEREAS, via Comm. 18E-19 (2019) and Comm. 18E-5 (2020), your Honorable Body approved the County of Erie to enter into an Energy Performance Contract (EPC) with John W. Danforth Company (“Danforth”) to provide energy efficiency upgrades to over 20 buildings; and

WHEREAS, the culmination of the first phase of the EPC has resulted in over 100 facility improvement measures that has reduced carbon output by over 12% and has realized annual savings totaling \$417,000 as well as received over \$300,000 in additional utility incentives; and

WHEREAS, the success of this project prompted further investigation into remaining energy savings within County-owned facilities to initiate a second phase of the EPC; and

WHEREAS, the Department of Public Works (DPW) has reviewed the Facility Improvement Measures (FIM) proposed by Danforth and decided to select 74 cost effective FIM’s that have been identified by Danforth in over 15 County locations, including downtown buildings, as well as several Parks locations; and

WHEREAS, DPW worked diligently to narrow the focus of the audit results and has decided on a set of projects that provides the most benefit; and

WHEREAS, the energy savings identified in the proforma of the second phase of the EPC is guaranteed savings as determined in the FIM list the County has selected, as well as in conformance with the terms of the RFP that was advertised to initially obtain Danforth; and

WHEREAS, authorization is being requested that all utility incentives received by the County, in direct result of projects included within the EPC, will be added to the budget in A.20007 – Energy Conservation Implementation Measures, Fund 410, Funds Center 122; and

WHEREAS, a portion of the utility incentives obtained through the Energy Performance Contracts, as well as the funds described below, will be used to fund the EPC, not to exceed amount of \$10,547,387, as well as reduce the amount of capital money utilized to fund the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to amend the Agreement with John W. Danforth Company (“Danforth”) in the form of an Energy Performance Contract (EPC); and be it further; and be it further

RESOLVED, that given that the John W. Danforth Company performed an investment grade energy audit and cost-effective Facility Improvement Measures (FIM) have been found at multiple facilities, it is the desire of the Department of Public Works that construction move forward under the stipulations of the EPC, the cost of the said EPC will be paid for from Fund 410, Funds Center 122 as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
A.21111	Public Safety Campus – Hot Water Distribution Piping Replacement	\$500,000.00
A.20007	Erie County Energy Conservation Implementation Initiatives	\$8,870,776.72
A.19007	120/134 West Eagle Street Building Rehabilitation	\$206,670.37
A.18014	120/134 West Eagle Street Building Rehabilitation	\$748,605.67
A.22051	MEP Upgrades	\$221,334.24
Total Not to Exceed		\$10,547,387.00

and be it further

RESOLVED, that utility incentives will result in these funds being added to the budget in A.20007 – Energy Conservation Implementation Measures, Fund 410, Funds Center 122; and be it further

RESOLVED, any unused capital monies will be returned to the respective capital projects; and it be further

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

(6-0)

TIMOTHY J. MEYERS
CHAIR

Item 35 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

June 30, 2022	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
---------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, all items are hereby tabled.
(Chair's ruling)

**LISA M. CHIMERA
CHAIR**

LEGISLATOR RESOLUTIONS

Item 36 – 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, of members of the Minority Caucus, pursuant to the Erie County Charter.

AYES: MR. GREENE, MR. LORIGO, MR. MILLS and MR. TODARO. NOES: None.
(AYES: 4; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

RE: Minority Caucus Appointment to
the Citizens Salary Review
Commission
(INTRO. 13-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, GREENE, TODARO & MILLS**

WHEREAS, Article 22-A of the Erie County Charter establishes a Citizens Salary Review Commission consisting of nine members representative of taxpayer, civic labor, business, professional, financial, and minority groups in the County of Erie; and

WHEREAS, five members of the Commission shall be appointed by the County Executive;
and

WHEREAS, two of the members of the Commission shall be appointed by a majority vote of the members of the political party whose membership of the County Legislature constitutes a majority of the Legislature; and

WHEREAS, one member of the Commission shall be appointed by a majority vote of the members of the political party whose membership of the County Legislature constitutes a minority vote of the Legislature; and

WHEREAS, one member of the commission shall be appointed by the County Comptroller.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to authority granted in Article 22-A of the Erie County Charter, the Minority Caucus hereby appoints:

Mr. Gerald E. Paradise, III
180 Glenridge Road
East Aurora, NY 14052

to serve as our appointment on the Erie County Citizens Salary Review Commission for a three-year term, beginning July 1, 2022 and ending on June 30, 2025; and be it further

RESOLVED, that for the purposes of recording this vote, only members of the Minority Caucus shall be polled by the Clerk of the Legislature; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Erie County Comptroller, and Mr. Gerald E. Paradise, III.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 37 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 12E-27 (2022). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

RE: Department of Social Services -
American Rescue Plan Omnibus
Spending Package
(COMM. 12E-27, 2022)

WHEREAS, the American Rescue Plan was signed into law on March 11, 2021; and

WHEREAS, the Erie County Division of Budget presented a plan which was approved by your honorable body with COMM. 13E-15 (2021); and

WHEREAS, funding for these services have been included in the 2022 Adopted budget; and

WHEREAS, the Department of Social Services was awarded funding under this plan in the amount of \$1,275,000 to provide needed services in the community; and

WHEREAS, the Department of Social Services issued a Request for Proposal (RFP) #2022-001VF to seek out Homeless Shelters needing Certification Support; and

WHEREAS, Erie County Department of Social Services desires to contract with Center for Elder Law \$125,000 to provide legal support for older adults, International Institute \$50,000 to provide interpreter and language access services, Catholic Charities \$25,000, International Institute \$25,000, Jewish Family Services \$25,000 and Journey's End \$25,000 for technical upgrades and Saving Grace Ministries to complete repairs in the amount of \$261,500 to make their shelter certifiable.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all contracts necessary to implement these projects relative to the American Rescue Plan – the “RENEW Plan”; and be it further

RESOLVED, that sufficient funding is available for this purpose in the 2022 Adopted Budget in Fund Center 110 and Accounts 516020, 516425, 516450, and 561410; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with Federal funding allocation adjustments, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

MR. MEYERS moved to amend the item. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Delete the First Resolved Clause and Replace with the Following:

RESOLVED, that the County Executive is hereby authorized to enter into contracts with Center for Elder Law in the amount of \$125,000, International Institute in the amount of \$50,000, Catholic Charities in the amount of \$25,000, International Institute in the amount of \$25,000, Jewish Family Services in the amount of \$25,000, Journey's End in the amount of \$25,000 and Saving Grace Ministries in the amount of \$261,500 to implement these projects relative to the American Rescue Plan – the “RENEW Plan”; and be it further

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

CARRIED UNANIMOUSLY.

Item 38 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 12E-9 (2022). MR. JOHNSON seconded. MS. VINAL voted in the negative.

CARRIED. (9-1)

RESOLUTION NO. 112

RE: ECSO BTAT Positions
(COMM. 12E-9, 2022)

WHEREAS, On May 14, 2022, the African American Community was viscously attacked in a racially motivated massacre; and

WHEREAS, following that mass shooting, law enforcement and the world learned of the attacker’s evolution into a radicalized white supremacist. Initial investigations discovered the individual’s plans, activities, and law enforcement encounters leading up to the attack; and

WHEREAS, although each step seemed unique and separate when viewed together, these activities lay out a path to a murderous rampage specifically targeting African-Americans; and

WHEREAS, following the mass shooting, Sheriff Garcia contacted the U.S. Secret Service and Monroe County Sheriff to learn of plans, operations, and groups developed to investigate, mitigate, and redirect individuals in the early stages of the subject’s plans; and

WHEREAS, on June 9, 2022, Sheriff Garcia announced the Erie County Sheriff’s Office Behavioral Threat Assessment Team (ECSO BTAT) alongside federal, state, and local law enforcement partners and stakeholders from the county government; and

WHEREAS, the ECSO BTAT’s team structure consists of one Senior Detective and five Detectives that will receive training from the U.S. Secret Service; and

WHEREAS, following the team’s certification, these Detectives will work collaboratively with federal, state, and local law enforcement agencies, community organizations, schools, mental health providers, and numerous local stakeholders to build a network designed to stop and redirect individuals before they can initiate their evil plot; and

WHEREAS, on May 18, Governor Kathy Hochul issued Executive Order No. 18, which states in part:

“Every county and the City of New York must perform a comprehensive review of current strategies, policies, procedures, practices. Every county and the City of New York must develop and maintain a plan to identify and confront threats of domestic terrorism that includes racially or ethnically motivated violent extremists. This plan must include input from law enforcement, mental health professionals, school officials, and other key stakeholders within their jurisdiction and be submitted to the Division of Homeland Security and Emergency Services’ Office of Counterterrorism on or before December 31, 2022. These plans will be used to inform funding distributions in forthcoming grant opportunities;”
and

WHEREAS, although the executive order mandates every county to create a plan to confront domestic terrorism threats by the end of 2022, Sheriff Garcia and local leaders believe Erie County must develop and deploy a team immediately to detect and prevent an incident such as our community witnessed on May 14, 2022, and

WHEREAS, because there is a limit to the number of Deputies deployed for the event, there is no financial impact on the 2022 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and the Personnel Department to create one (1) Sheriff-Senior Detective position (JG X); and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and the Personnel Department to create five (5) Sheriff-Detective positions (JG X); and be it further

RESOLVED, that the Division of Budget and Management and the Commissioner of Personnel are authorized to make any changes necessary to effectuate the change; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive's Office, the Department of Personnel, the Division of Budget and Management, and the Erie County Sheriff's Office.

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

CARRIED UNANIMOUSLY.

Edit the First and Second Resolve Clauses to the Following:

RESOLVED, that the Erie County Legislature authorized the Erie County Sheriff's Office and the Personnel Department to create one (1) Sheriff-Senior Detective position (JG XI) in the Sheriff's PBA bargaining unit, B100 #13133; and be it further

RESOLVED, that the Erie County Legislature authorizes the Erie County Sheriff's Office and the Personnel Department to create five (5) positions of Detective Deputy (JG IX) in the Sheriff's PBA bargaining unit, B100 #13134; and be it further

Following the Second Resolve Clause, Add the Following:

RESOLVED, the Erie County Sheriff's Office shall report back to the Erie County Legislature on its communication and network plan for the Behavioral Threat Assessment Team for review prior to the communication and network plan's implementation; and be it further

RESOLVED, that the funding for this resolution totaling \$402,349 is available through fringe savings in Fund 110, Funds Center 11510, Account 502000; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the following adjustments to the 2022 Adopted Budget:

Fund 110, Funds Center 11510

Appropriation

Account 500000 – Full Time Salaries	225,649
Account 502000 – Fringe Benefits	(402,349)
Account 501000 – Overtime	124,700
Account 500320 – Uniform Allowance	4,500
Account 500350 – Other Employee Payments	7,500
Account 516020 – Professional Services	<u>40,000</u>
	\$ 0

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

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON and MR. MEYERS. NOES: MS. VINAL.
(AYES: 9; NOES: 1)

CARRIED.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 39 – (COMM. 13E-1) Letter Concerning Fiscal Issues Facing Erie County

Item 40 – (COMM. 13E-2) Report Detailing the Apportionment and Distribution of Sales Tax in Erie County for March, April & May 2022

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

FROM LEGISLATOR GILMOUR

Item 41 – (COMM. 13E-3) Letter in Support of the Creation of BTAT Positions in the Erie County Sheriff's Office

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR BASKIN

Item 42 – (COMM. 13E-4) Letter to President & CEO of the Resource Council of WNY
Regarding Intro. 10-2

Item 43 – (COMM. 13E-5) Letter to District Attorney Regarding Intro. 10-2

Item 44 – (COMM. 13E-6) Letter to County Executive Regarding Intro. 10-2

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MILLS

Item 45 – (COMM. 13E-7) Letter to County Executive Regarding Buffalo Bills Stadium
Project CBA

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 13E-8) PILOT Agreement for Solar Energy Systems, Town of Eden

Item 47 – (COMM. 13E-9) Erie County Board of Elections Construction Award

Item 48 – (COMM. 13E-10) Selection of On-Call Hazardous Material Consultants

Item 49 – (COMM. 13E-11) Structural Assessment & Repairs for the Buffalo Convention
Center

Item 50 – (COMM. 13E-12) Grover Cleveland Golf Course Schenck House & Restroom
Renovation

Item 51 – (COMM. 13E-13) Erie County Holding Center Hot Water Tank Replacement -
Construction Award

Item 52 – (COMM. 13E-14) Buffalo and Erie County Botanical Gardens 2019 Expansion
Plan

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

Item 53 – (COMM. 13E-15) Authorization to Enter into a Term Agreement with a Design,
Engineering, Construction, and Operations Firm for the Development of Turnkey Microgrid
Solutions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 54 – (COMM. 13E-16) Agreement with NYSDOT and Award of Construction - Locally Administered Federal Aid Project - Installation of New Electric Vehicle Charging Stations

Item 55 – (COMM. 13E-17) Agreement with NYSDOT and Award of Construction - Locally Administered Federal Aid Bridge Preservation Project - Towns of Elma, Marilla & Newstead

Item 56 – (COMM. 13E-18) Springville Dam Inspection & Design Engineering Services

Item 57 – (COMM. 13E-19) Final Construction Change Order for Rehabilitation of East & West Rd - Town of West Seneca

Item 58 – (COMM. 13E-20) 2022 Miscellaneous Culvert Group Construction - Towns of Aurora & Boston

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

Item 59 – (COMM. 13E-21) ECSD No. 3 - Southtowns Incinerator Tray Scrubber & Crane Installation Project - Change Order No. 1

Item 60 – (COMM. 13E-22) ECSD No. 8 - Engineering Term Contract Agreement

Item 61 – (COMM. 13E-23) ECSD No. 1 - Board of Managers Appointment

Item 62 – (COMM. 13E-24) ECSD No. 3 - Increase & Improvements of Facilities

Item 63 – (COMM. 13E-25) ECSD Nos. 1-6 & 8 - Board of Managers Resolutions

Item 64 – (COMM. 13E-26) ECLIPSE - No-Cost Time Extension & Budget Adjustment

Item 65 – (COMM. 13E-27) Authorization to Apply for NYS Dept. of Environmental Conservation Funding for a Natural Climate Solutions Mapping Project

Item 66 – (COMM. 13E-28) Senior Focused E-Waste Collection Project

Item 67 – (COMM. 13E-29) Authorization to Enter Into a Cooperative Agreement with the NYS Dept. of Agriculture & Markets

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

Item 68 – (COMM. 13E-30) Additional Building Guard Positions

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 69 – (COMM. 13E-31) Opioid Settlement

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 70 – (COMM. 13E-32) Levy of the 2022-2023 School Tax Budgets

Item 71 – (COMM. 13E-33) BENLIC Pre-Emptive Bid Powers & Subsequent Repayment Agreement for County of Erie in Rem Sales

Item 72 – (COMM. 13E-34) Department of Parks Transfer of Funds

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

Item 73 – (COMM. 13E-35) Disability Awareness Training

Item 74 – (COMM. 13E-36) On-Demand Transportation Provider Approval

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

FROM THE SHERIFF

Item 75 – (COMM. 13E-37) Howard G. Buffett Foundation Trafficking Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BOARD OF ELECTIONS

Item 76 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

RE: Fixing the Rate of Pay for
Election Inspectors
(COMM. 13D-1)

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE as follows:

RESOLVED, that the rate of pay established by the Erie County Legislature for services provided by election inspectors serving within the County of Erie is hereby fixed at Two Hundred Fifty (\$250.00) per day; and be it further

RESOLVED, that the equivalent rate of Fifteen Dollars and Sixty-Two Cents (\$15.62) per hour be and is hereby established as the rate of pay for services provided by election inspectors serving within the County of Erie on all dates and times wherein the hours of polling is established as less than 6 am to 9 pm; and be it further

RESOLVED, that this resolution shall take effect immediately and apply retroactively to all services by election inspectors on and subsequent to June 1, 2022.

FROM THE COMMISSIONER
OF DEPARTMENT OF SOCIAL SERVICES

Item 77 – (COMM. 13D-2) Comm. 12E-34 Compliance Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR
OF CONSUMER PROTECTION

Item 78 – (COMM. 13D-3) Letter to Legislator Greene Responding to an Inquiry

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR
OF BUDGET & MANAGEMENT

Item 79 – (COMM. 13D-4) Budget Monitoring Report for Period Ending May 2022

Item 80 – (COMM. 13D-5) 2022 Mid-Year Budget Hearings Data

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

FROM THE COMMISSIONER
OF ENVIRONMENT & PLANNING

Item 81– (COMM. 13D-6) Buffalo Bills Stadium State Environmental Quality Review

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Item 82 – (COMM. 13M-1) Inviting Public Comment About Brownfield Application for Site on Broadway and Adams St. in the City of Buffalo

Item 83 – (COMM. 13M-2) Brownfield Application for Site on Broadway and Adams St. in the City of Buffalo

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

ANNOUNCEMENTS

Item 84 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, July 14, 2022, and the schedule will be distributed.

Chair Baskin further announced that a Public Hearing is scheduled for Friday, July 8th, at 1:30 p.m., in Room 1004 of the Rath Building, concerning the adoption of an agency-specific NYS State Environmental Quality Review Act Short Environmental Assessment Form relating to the NYS Agricultural District Program, and that there is more information on our website.

Also, Chair Baskin announced that the Legislature will conduct Mid-Year Informational Budget Hearings through the Finance & Management Committee, on July 11th and 12th.

Finally, Chair Baskin announced that the next scheduled session of the Legislature is Thursday, July 21st.

MEMORIAL RESOLUTIONS

Item 85 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Raymond Brinson, Sr.

Item 86 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Kathryn A. Eichelberger.

Item 87 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Rev. Dr. William Gillison, and Dr. Jonathan Daniels.

ADJOURNMENT

Item 88 - 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, July 21, 2022 at 12:00 Noon Eastern Standard Time. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, July 21, 2022 at 12:00 Noon Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE