

ERIE COUNTY LEGISLATURE
MEETING NO. 16
SEPTEMBER 9, 2021

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Greene, who requested a moment of silence on behalf of those who perished twenty years ago on September 11, 2001.

The Pledge of Allegiance was led by Mr. Gilmour.

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 15 from 2021. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. LORIGO, MR. GREENE, MR. TODARO & MR. MILLS presented a proclamation Celebrating National Chicken Wing Day.

Item 6 – CHAIR BASKIN presented a Memorial Resolution Remembering Betty Jane Smith.

Item 7 – MR. GILMOUR presented a proclamation Congratulating Quentin Musty on Being Selected #1 Overall in the 2021 Ontario Hockey Draft.

Item 8 – MR. HARDWICK presented a proclamation Acknowledging and Thanking the Erie Niagara Sunrise Exchange Club and 9/11 Memorial Field at Gratwick-Riverside Park for Hosting the Remembrance of the Victims of September 11, 2001.

Item 9 – MR. TODARO presented a proclamation Recognizing and Honoring Lt. Col. Matt W. Urban VFW/AMVETS Post 7275.

Item 10 – MR. TODARO presented a proclamation Recognizing and Honoring Lakeshore Primary Care Associates.

Item 11 – MR. TODARO presented a proclamation Honoring Kenneth Kowalski on the Occasion of His Retirement.

Item 12 – MR. TODARO presented a proclamation Honoring Premier Dog Sports and Event Center.

Item 13 – MR. TODARO presented a proclamation Congratulating Fannie Holtz Upon the Occasion of Her 100th Birthday.

Item 14 – MR. GREENE presented a proclamation Congratulating Max Northem, Thomas Northem, Jr., and the Backlot Entertainment Venue on Their Ribbon Cutting and Grand Opening.

Item 15 – MS. VINAL presented a Memorial Resolution Remembering Lawrence R. Brenton.

Item 16 – MS. VINAL presented a Memorial Resolution Remembering Deborah M. Carbone.

Item 17 – MS. VINAL presented a proclamation Congratulating and Recognizing Taylor Balsler as the New Head Coach of the Amherst High School Varsity Field Hockey Team.

Item 18 – MS. VINAL presented a proclamation Congratulating Williamsville Artists Sabine Kutt and Tony Chirico on the Grand Opening of the Contemporary Art Salon.

Item 19 – CHAIR BASKIN presented a proclamation Congratulating Princessa Figueroa-Williams and Recognizing the Grand Opening of Princessa's Studio & Art Gallery.

Item 20 – CHAIR BASKIN, MR. MEYERS, MR. JOHNSON, MS. CHIMERA, MR. HARDWICK, MS. VINAL & MR. GILMOUR presented a Memorial Resolution Remembering Ethel DiPaolo, Founding Owner of Ilio DiPaolo's Restaurant.

Item 21 – MR. JOHNSON presented a Memorial Resolution Remembering and Honoring the Life of Franklin Lamar Milton Cooke.

Item 22 – MR. MEYERS presented a Memorial Resolution Remembering Police Chief Michael J. Sliwinski.

Item 23 – MR. JOHNSON presented a proclamation Honoring National Immunization Awareness Month.

Item 24 – MR. GILMOUR & MR. JOHNSON presented a proclamation Celebrating Joseph West Upon the Occasion of His 40th Birthday.

Item 25 – MR. JOHNSON presented a Memorial Resolution Remembering Otis N. Glover, Jr.

Item 26 – MS. VINAL & MR. MEYERS presented a proclamation Congratulating Matt Weiser on Being Named the New Athletic Director at Bishop Timon - St. Jude High School.

Item 27 – MS. VINAL presented a proclamation Recognizing the Grand Opening of The Junkluggers of the Northtowns.

Item 28 – MR. MEYERS presented a proclamation Recognizing the Ribbon Cutting Ceremony of the New Cheektowaga Boys & Girls Club.

Item 29 – CHAIR BASKIN presented a proclamation Celebrating, Honoring and Recognizing Dianne Andrews.

Item 30 – MR. MEYERS presented a proclamation Congratulating and Honoring Brian Gould on His Appointment as Chief of Police of the Cheektowaga Police Department.

Item 31 – MR. JOHNSON presented a Memorial Resolution Remembering Salvatore J. Buscarino, Longtime Owner of Sammy's Auto Repair.

Item 32 – MR. JOHNSON presented a proclamation Honoring Hutch Tech's JROTC for Winning the 2021 National Leadership Bowl.

Item 33 – MS. CHIMERA & MS. VINAL presented a Memorial Resolution Remembering Mark E. Hamister.

Item 34 – MR. LORIGO, MR. MILLS, MR. GREENE & MR. TODARO presented a proclamation Honoring and Recognizing Robert D. Gioia Upon the Occasion of His Retirement.

Item 35 – MR. MILLS presented a proclamation Honoring and Recognizing Matthew Agle for His Ingenuity, Creativity and Generosity.

Item 36 – MR. MILLS presented a proclamation Honoring and Recognizing Sheret Jewelers Upon the Occasion of Its 75th Anniversary.

Item 37 – MR. MILLS presented a proclamation Honoring and Recognizing Sarah Stuhr for Receiving the Girl Scout Gold Award.

Item 38 – MR. MILLS presented a proclamation Honoring and Recognizing the Town of Collins as it Celebrates its Bicentennial.

Item 39 – MR. LORIGO presented a proclamation Honoring Birch Herring-Jackson on Being Named the 2020-2021 Co-Male Athlete of the Year.

Item 40 – MR. LORIGO presented a proclamation Honoring and Recognizing Isabelle Larson for Receiving the Girl Scout Gold Award.

Item 41 – MR. LORIGO presented a proclamation Honoring Pam Cohen for Her 25 Years of Serving Others.

Item 42 – MR. LORIGO presented a proclamation Honoring Emma Suplicki for Her Accolades in Equestrian Riding.

Item 43 – MR. LORIGO presented a proclamation Honoring and Celebrating Winifred Clark Upon the Occasion of Her 100th Birthday.

Item 44 – MR. LORIGO presented a proclamation Honoring and Celebrating Don Swyers Upon the Occasion of His 95th Birthday.

Item 45 – MR. GREENE presented a proclamation Congratulating Chase Clark on His Selection in the National Hockey League Draft.

Item 46 – MR. GREENE presented a proclamation Congratulating Tim and Rick Smith and the Clarence Pizza Company.

Item 47 – MR. HARDWICK presented a proclamation Recognizing and Acknowledging the Outstanding Achievement of Samuel Francis Herr.

Item 48 – MR. GREENE presented a proclamation Recognizing Amherst Meals on Wheels for Their Outstanding Contributions to Our Community.

Item 49 – MR. GREENE presented a proclamation Celebrating Edward Ballow Upon the Occasion of His 90th Birthday.

Item 50 – MR. LORIGO presented a proclamation Honoring Sean Saramak & Linda Transki.

Item 51 – MR. LORIGO presented a proclamation Welcoming B-Fit @ Bradshaw Fitness to West Seneca.

Item 52 – MR. LORIGO presented a proclamation Honoring Gymnastics Unlimited for 45 Years of Tumbles and Rolls.

Item 53 – MR. LORIGO presented a proclamation Honoring Brian Bork for His Athletic Accomplishments.

Item 54 – MR. LORIGO presented a proclamation Honoring Maggie Lenda for Her Athletic Accomplishments.

Item 55 – MR. TODARO presented a proclamation Recognizing and Honoring Sports 365 Bar & Grill Upon the Occasion of Their Grand Opening.

Item 56 – MR. LORIGO presented a proclamation Honoring Trey Kleitz for His Athletic Accomplishments.

Item 57 – MR. TODARO presented a proclamation Honoring Tony and Bernadette Misita as Citizens of the Month for September 2021.

Item 58 – MS. CHIMERA, MR. HARDWICK, MS. VINAL, MR. GREENE, MR. MEYERS, MR. TODARO, MR. GILMOUR, MR. LORIGO & MR. MILLS presented a proclamation Honoring Medal of Honor Recipient David G. Bellavia.

Item 59 – MS. CHIMERA, MR. HARDWICK, MS. VINAL, MR. GREENE, MR. MEYERS, MR. TODARO, MR. GILMOUR, MR. LORIGO & MR. MILLS presented a proclamation Honoring Erie County Crisis Services and the Western and Central New York Chapters of the American Foundation for Suicide Prevention during National Suicide Prevention Awareness Month.

Item 60 – MR. LORIGO, MR. GREENE, MR. TODARO & MR. MILLS presented a proclamation Honoring the Employees of the Erie County Sheriff's Office during Sheriffs' Week.

MR. MEYERS moved to separate the Miscellaneous Resolution concerning Sheriffs' Week, and moved for consideration of the remaining fifty-five resolutions. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above fifty-five items by adding one for MS. VINAL, and by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above fifty-six items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for consideration of the resolution concerning Sheriffs' Week. MR. GILMOUR seconded. CHAIR BASKIN and MR. JOHNSON voted in the negative.

CARRIED. (9-2)

MR. MEYERS moved to include MR. GILMOUR, MS. CHIMERA, MS. VINAL, MR. MEYERS and MR. HARDWICK as co-sponsors. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to approve the Sheriffs' Week resolution as amended. MR. GILMOUR seconded. CHAIR BASKIN and MR. JOHNSON voted in the negative.

CARRIED. (9-2)

LOCAL LAWS

Item 61 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 62 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 63 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 64 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 65 – MR. LORIGO moved to take Local Law No. 1 (Print #1) 2021 from the table. MR. MILLS seconded. MS. VINAL voted in the negative.

CARRIED. (10-1)

COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 1-1-2021
LOCAL LAW – NO. _____ - 2021

A Local Law authorizing twelve (12) and thirteen (13) year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of a licensed adult

SECTION 1. Legislative Intent

Historically, twelve (12) and thirteen (13) year old residents in New York have only been able to hunt deer, with a bow or small game with appropriate firearms. This rule has left New York as the only state to prohibit twelve (12) and thirteen (13) year old hunters from using firearms to hunt deer.

The 2021 New York State Budget includes legislation that would allow residents aged twelve (12) and thirteen (13) to hunt deer with a firearm or crossbow under the supervision of an experienced adult hunter, provided the county in which they are hunting has opted into the program pursuant to Environmental Conservation Law 11-0935.

Environmental Conservation Law (ENV) 11-0935 provides a pilot program for counties to allow young residents, aged twelve (12) and thirteen (13) years old, the opportunity to safely learn to hunt deer with firearms under adult supervision. It is the intent of this law to permit twelve (12) and thirteen (13) year old residents to hunt deer with firearms and crossbows, by opting into New York's new pilot program pursuant to Environmental Conservation Law 11-0935.

Erie County is passing this local law as hunting is a valued tradition for many families, and this new opportunity allows experienced, adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young people safe, responsible, and ethical hunting practices will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

SECTION 2. Pilot Program Authorization

Pursuant to Environmental Conservation Law, ECL 11-0935, Erie County elects to participate in the temporary program allowing young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow through 2023.

SECTION 3. State Requirements to Adhere Once Authorized

Per New York State requirements twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer with the following requirements:

- Twelve (12) and thirteen (13) year old licensed hunters shall be under the supervision of a licensed adult hunter, aged 21 years or older, with a rifle, shotgun, or muzzle loading firearm in areas where, and during the hunting season in which, such firearms may be used; and
- Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer under the supervision of a licensed adult hunter, aged 21 years or older, with a crossbow during the times when other hunters may use crossbows; and
- Supervision of a licensed adult hunter, aged twenty-one (21) years or older, with at least three (3) years of experience who exercises dominion and control over the youth hunter at all times is required; and
- All licensed twelve (12) and thirteen (13) year old hunters as well as their adult supervisors shall be required to wear fluorescent orange or pink clothing while engaged in hunting to an extent and covering so designated pursuant to the law, rules, and regulations promulgated by the State of New York; and
- All licensed twelve (12) and thirteen (13) year old hunters shall remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; and
- Notwithstanding any State or Federal Law to the contrary, this local law shall not authorize the hunting of bear by twelve (12) and thirteen (13) year old hunters with a firearm or crossbow.

SECTION 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

SECTION 5. Severability

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its

application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Sponsors Legislator Todaro, Legislator Greene, Legislator Lorigo, Legislator Mills

MR. LORIGO moved to approve Local Law No. 1 (Print #1) 2021. MR. MILLS seconded.

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

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

CARRIED.

Item 66 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2021 remain on the table and in the ECONOMIC & DEVELOPMENT and MINORITY & WOMEN OWNED BUSINESS COMMITTEES.

GRANTED.

Item 67 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2021 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 68 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 16-1 from HARDWICK. Calling on NYS Gov. Andrew Cuomo to Resign from Office.

Item 69 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 16-2 from TODARO, GREENE & MILLS. Opposition to County-Wide Masking Mandate in Erie County Schools.

Item 70 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

RE: Selection of Firm to Conduct
Annual Audit
(INTRO. 16-3)

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

WHEREAS, the contract for the audit of Erie County expires with the completion of the audit for the fiscal year ended December 31, 2020; and

WHEREAS, the Audit Committee for Erie County prepared and forwarded requests for proposal (RFP) to national and regional certified public accounting firms requesting proposals for the audits of the County for fiscal years 2021 through 2023, with an option to continue in year 2024 and 2025; and

WHEREAS, the winning proposal is as follows:

For the Year Ended		
December 31	Audit of Financial Statements	Single Audit
2021	\$81,400	\$45,000
2022	\$82,100	\$45,500
2023	\$82,800	\$46,000

Prices of a "Due Diligence" letter will vary from \$5,000 through \$12,500; and

WHEREAS, that the independent accountant will audit the state required reports of the Mental Health and Health Departments at a per-report cost as follows:

For the Year Ended			
December 31	Mental Health	Health Department	Other
Departments			
2021	\$4,650	\$4,650	\$4,650
2022	\$4,675	\$4,675	\$4,675
2023	\$4,700	\$4,700	\$4,700

and

WHEREAS, the firm Drescher & Malecki LLP was the lowest responsible bidder; and

WHEREAS, the response from Drescher & Malecki LLP complied with all aspects of the Audit Committee's RFP.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract for the audit of Erie County's financial statements, to include the Federal Single Audit for fiscal years 2021 through 2023; and be it further

RESOLVED, that the contract for the audit of Erie County's financial statements shall be paid from the Comptroller's dues and fees account and will be negotiated to select the lowest possible cost for each audit each year; and be it further

RESOLVED, and that such fees will also apply in the event that New York State assigns special reporting requirements to other County Departments; and be it further

RESOLVED, that should the County wish to extend the contract through the years 2024 and 2025, the fees agreed are as follows:

For the Year Ended December 31	Audit of Financial Statements	Single Audit
2024	\$84,500	\$47,000
2025	\$86,000	\$48,000

Prices of a "Due Diligence" letter will vary from \$2,500 through \$12,500; and be it further

RESOLVED, that the independent accountant will audit the state required reports of the Mental Health and Health Departments at a per-report cost as follows:

For the Year Ended December 31 Departments	Mental Health	Health Department	Other
2024	\$4,750	\$4,750	\$4,750
2025	\$4,800	\$4,800	\$4,800

and be it further

RESOLVED that certified copies of this resolution be provided to the County Executive, Budget Director, Comptroller and County Attorney.

Item 71 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MS. CHIMERA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

RE: Support for the Stop Reading
Challenge on International

Literacy Day
(INTRO. 16-4)

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

WHEREAS, New York State ranks 49th in the country for literacy, with 3.4 million New Yorkers lacking high school diplomas and/or have limited English language skills, and 25% of adults in New York State are considered ‘low literate’; and

WHEREAS, poor literacy means that 22% of New Yorkers are at risk for unemployment, poverty, health issues and incarceration; and

WHEREAS, September 8, 2021 is International Literacy Day, and on that day, literacy and reading organizations across the country, as well as Literacy New York and Literacy Buffalo Niagara, are working to bring attention and support to adult literacy issues; and

WHEREAS, as part of that day, and in order to draw attention to the high rates of illiteracy in our community and state, and the need for assistance to help people learn to read, Literacy Buffalo-Niagara is issuing the “Stop Reading Challenge” for September 8, 2021; and

WHEREAS, on September 8th, people are challenged and urged to try to go for 5 minutes without reading anything such as computer screens, phones, televisions, signs, posters, books, newspapers – nothing”; if a person fails to make it for 5 minutes without reading, Literacy Buffalo-Niagara encourages the person to donate \$5, and/or challenge a friend, colleague, co-worker, neighbor to try it themselves; and

WHEREAS, the Stop Reading Challenge reveals the simple fact that life literally requires reading, and people who cannot read or have literacy challenges face greater and larger problems getting through daily life.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the work of Literacy Buffalo-Niagara and its volunteers in its earnest efforts to improve reading skills and the literacy of Western New Yorkers; and be it further

RESOLVED, that this Honorable Body expresses its support for the Stop Reading Challenge, and urges all people to participate in the challenge on International Literacy Day on September 8, 2021, or any date after that, and to consider supporting literacy efforts; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Literacy Buffalo-Niagara, and to the Buffalo and Erie County Public Library system.

Item 72 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

RE: Appropriation of 2021 Public
Benefit Funding
(INTRO. 16-5)

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

WHEREAS, in the adopted 2021 Erie County Budget, the Legislature established an account called the Community Organization Relief Fund in the Community/Neighborhood Development Fund Center and appropriated \$300,000 into that account for the benefit of community organizations; and

WHEREAS, the Lou Gehrig Youth Baseball organization is a valuable contributor to our community and is seeking funding to conduct a renovation of their baseball field's safety netting, which needs replacement; and

WHEREAS, it is this honorable body's desire to provide funding the Lou Gehrig Youth Baseball organization for the purpose of replacing the netting for their facility.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature appropriated \$25,000 from the Community Organization Relief Fund in the Community/Neighborhood Development Fund Center (Fund Center: 1332021, Account: 516320) to the Lou Gehrig Youth Baseball and Softball organization; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget & Management, the Commissioner of Environment & Planning, the Erie County Comptroller, Mr. Michael Minnuto who is the Chairman of the Lou Gehrig Youth Baseball and Softball organization, and any other party deemed necessary and proper.

Item 73 – CHAIR BASKIN directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 16-6 from MILLS, LORIGO, GREENE & TODARO. Support for a Full Cost-Benefit Analysis of the Technical & Economic Feasibility of Renewable Energy Systems in NY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 74 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-50 from MEYERS Re: Majority Leader Designee to the EC Advisory Committee on Reapportionment

Received, filed and printed.

September 8, 2021

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

Re: Majority Leader Designee to the Erie County Advisory Committee on Reapportionment

Dear Clerk Graber:

Pursuant to Section 210 of the Erie County Charter, I hereby appoint William F. Schmid, Jr. of 101 Reo Avenue, Cheektowaga, NY 14211 to serve as the Majority Leader's designee to the Erie County Advisory Committee on Reapportionment. Mr. Schmid will serve in my place as my designee.

Thank you for your assistance and courtesies.

Sincerely,

Timothy J. Meyers
Majority Leader

Item 75 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-51 from LORIGO Re: Replacement of Minority Leader Appointment to the EC Advisory Committee on Reapportionment

Received, filed and printed.

September 9, 2021

Hon Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Replacement of Minority Leader Appointment to the Erie County Advisory
Committee on Reapportionment

Dear Clerk Graber:

Pursuant to Article 2, Section 210 of the Erie County Charter, the Minority Leader is required to appoint five members of the Advisory Committee on Reapportionment. Due to an unforeseen conflict my appointee, Raymond Walter, needed to resign from his appointment. To fill Mr. Walter's vacancy, I hereby appoint the following individual to the Advisory committee:

Michael Charles Cimasi, Esq.
66 Park Circle
Amherst, New York 14226

Mr. Cimasi's resume is appended to this letter, I appreciate your time and attention in this matter.

Sincerely,

Hon. Joseph C. Lorigo
Erie County Legislature Minority Leader
District 10 Legislator

Item 76 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16M-22 from WNY LAW CENTER Re: Letter to Legislature Requesting Meeting to Present Homeowners Tax Assistance Program

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 77 – (COMM. 16E-1) SUNY Erie Chargebacks

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 78 – (COMM. 16E-2) Interim Financial Report for Second Quarter of 2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 79 – (COMM. 16E-3) Appointments to the Disaster Preparedness Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 80 – (COMM. 16E-4) Re-Appointment to the Mental Hygiene Community Services Board

Item 81 – (COMM. 16E-5) Appointments to the Mental Hygiene Community Services Board

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

Item 82 – (COMM. 16E-6) Re-Appointment to the Buffalo & EC Public Library Board of Directors

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 83 – (COMM. 16E-7) Sales Tax Receipts for First Half of 2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 84 – (COMM. 16E-8) Letter to Parks Commissioner Regarding Public Access to Park Amenities

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 85 – (COMM. 16E-9) Appointment to the Board of Health

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF

Item 86 – (COMM. 16E-10) Acceptance of NYS Canal Corporation Marine Patrol Grant

Item 87 – (COMM. 16E-11) Acceptance of 2021 Livescan Equipment Grant Program

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

FROM THE COUNTY EXECUTIVE

Item 88 – (COMM. 16E-12) Re-Appointments to the Disaster Preparedness Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 89 – (COMM. 16E-13) Notification of Appointment of Commissioner of Environment & Planning

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 90 – (COMM. 16E-14) NYSDoT Single Audit Report for Year Ended 12/31/2020

Item 91 – (COMM. 16E-15) EC Federal Financial Assistance Audit Report for Year Ended 12/31/2020

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

FROM THE SHERIFF

Item 92 – (COMM. 16E-16) Public Safety Agreements and Creation of New Positions

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR HARDWICK

Item 93 – (COMM. 16E-17) Letter to BoE Commissioners Concerning Board of Election Employee

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR LORIGO

Item 94 – (COMM. 16E-18) Letter to BoE Commissioners Concerning Board of Election Employee

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 95 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

RE: Levy of the 2021-2022 School Tax
Budgets
(COMM. 16E-19)

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and will have fixed their school tax rates, said budgets, amounts and rates to be certified to and filed with the Real Property Tax Services Department of Erie County, no later than August 10, 2021; and

WHEREAS, the Director for said Real Property Tax Services Department will spread and extend said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Services Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director of the Real Property Tax Services Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Director of the Real Property Tax Services Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Director for the Real Property Tax Services Department in connection with the foregoing is hereby ratified and confirmed; and be it further

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature; and be it further

RESOLVED that certified copies of this resolution be forwarded to the County Executive, County Attorney, County Comptroller, Director of Budget and Management, and Director of Real Property Tax Services.

Item 96 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

RE: BENLIC Preemptive Bid Powers &
Subsequent Repayment Agreement for
EC in Rem 169 Sale
(COMM. 16E-20)

WHEREAS, it is the mission of BENLIC to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, section 1616(i) of the New York Not-for-Profit Corporation Law provides that New York Land banks, including BENLIC, may tender a pre-emptive bid at In Rem tax sales in an amount equal to the total amount of all municipal claims and liens which were the basis for the judgment and in the event of such tender by a land bank, the property shall be deemed sold to the land bank regardless of any bids by any other third parties; and

WHEREAS, the bid of the land bank shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank wherein the obligation of the land bank to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment; and

WHEREAS, it is anticipated that BENLIC will exercise its pre-emptive bid powers at the upcoming County In Rem 169 tax sale; and

WHEREAS, agreements between the County and BENLIC are necessary to outline the obligations of the Land Bank and the expected repayment, if any, of the County taxes which were the basis for the judgment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts and agrees to the Buffalo Erie Niagara Land Improvement Corporation's (BENLIC's) Property Tax and Maintenance & Foreclosure Cost Recapture Policy for In Rem 169 tax sale adopted by BENLIC on June 17, 2021, which outlines the obligations of the Land Bank and the expected repayment, if any, of the County taxes which were the basis for the judgment and that the County Director of Real Property Tax Services is hereby authorized to enter into agreements with BENLIC as may be necessary; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of County taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant to Section 12-1.0 of the Erie County Tax Act, the Erie County Legislature authorizes the cancellation of such past due real property taxes and further authorizes the Department of Real

Property Tax Services to take all steps necessary to effectuate the cancellation of said taxes; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Department of Real Property Tax Services, and the Buffalo Erie Niagara Land Improvement Corporation.

Item 97 – (COMM. 16E-21) ECSD Nos. 1-6 & 8 - User Charges - 2022

Item 98– (COMM. 16E-22) ECSD No. 3 - Engineering Term Contract Agreement

Item 99 – (COMM. 16E-23) ECSD No. 8 - Engineering Term Contract Agreement

Item 100 – (COMM. 16E-24) ECSD Nos. 1 & 4 - Engineering Agreement Dated 1/21/2021

Item 101 – (COMM. 16E-25) ECSD No. 4 - Engineer Term Contract Agreement

Item 102 – (COMM. 16E-26) ECSD No. 1 - Engineering Term Contract Agreement

Item 103 – (COMM. 16E-27) ECSD No. 4 - Contract No. 54

Item 104 – (COMM. 16E-28) Notice of Public Hearing - ECSD 2021 Assessment Rolls (2022 Levy)

Item 105 – (COMM. 16E-29) Amendment to Household Hazardous Waste Facility Implementation Program - COMM. 21E-26 (2019)

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

Item 106 – (COMM. 16E-30) PILOT Agreement - Princeton Court Project, Town of Amherst

Item 107 – (COMM. 16E-31) PILOT Agreement - Brewster Mews Project, Town of Amherst

Item 108 – (COMM. 16E-32) PILOT Agreement - Parkside Homes Project, Town of Amherst

Item 109 – (COMM. 16E-33) PILOT Agreement - Oxford Village Project, Town of Amherst

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

Item 110 – (COMM. 16E-34) 2021 Justice Assistance Grant

Item 111 – (COMM. 16E-35) Transfer of Central Police Services Laboratory Vehicle

Item 112 – (COMM. 16E-36) Acceptance of FY 20-21 Public Safety Answering Point Operations Grant

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

Item 113 – (COMM. 16E-37) Authorization for SUNY Erie to Continue Utilizing Starfish Software Contract via EAB Global

Item 114 – (COMM. 16E-38) Lease Agreement Between SUNY Erie & Key Bank

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 115 – (COMM. 16E-39) Adjustment for State Aid - Snowmobile Development 2020-2021

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 116 – (COMM. 16E-40) Authorization to Contract w/Envision Wellness WNY

Item 117 – (COMM. 16E-41) Appointment to the Youth Services Board

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

FROM THE COMPTROLLER

Item 118 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

RE: Authorization to Contract for Financial
Advisory & Continuing Disclosure
Services
(COMM. 16E-42)

WHEREAS, Erie County has utilized the services of a Financial Adviser since 2005; and

WHEREAS, the services of a Financial Advisor have saved the County far in excess of its costs; and

WHEREAS, the current contract for Financial Advisor services was terminated due to the inability to meet certain contractual terms; and

WHEREAS, the Comptroller's Office issued a request for proposals (RFP) on July 28, 2021 for a Financial Advisor contract, along with continuing disclosure services, for a three-year period and an option of an additional two years; and

WHEREAS, the Comptroller's Office received five responses to the RFP and had them evaluated by a committee; and

WHEREAS, the RFP committee selected Masterson Advisors, LLC to perform the professional services for a contract of three years with an option to extend the contract for an additional two years.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the firm Masterson Advisors, LLC, for a three-year period, with the option to extend the contract for an additional two years, to provide financial advisory services beginning in 2021 at a cost of \$35,000 for New Money Bond Sales, \$40,000 for Refunding Bond Sales and \$20,000 for Note Sales and continuing disclosure services at a cost of \$750 for Annual Report Dissemination Agent Services, \$250 for Rating Change Monitoring Services, and \$2,500 for Continuing Disclosure Annual Reporting Services; and be it further

RESOLVED, that the Comptroller is authorized to appropriate funds for this contract from the Comptroller's account #516020 for Professional Services, Contracts and Fees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Comptroller and County Attorney.

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

CARRIED UNANIMOUSLY.

Replace the First Paragraph of the Fiscal Implications Section of the Memorandum with the Following:

"The Comptroller forwarded requests for proposals to accounting firms as well as electronically posted the request online. Five firms submitted a bid, and Masterson Advisors, LLC, the highest scoring firm, was selected. Their proposed fee structure for this agreement is as follows:"

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 119 – (COMM. 16E-43) Authorization for Cornell University Childcare Cost of Care Study

Item 120 – (COMM. 16E-44) ECDoH RFP - Remote Wastewater Sampling Program for SARS-CoV-2 Testing

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

Item 121 – (COMM. 16E-45) Authorization for Equipment Purchase Using Unanticipated Revenue

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 122 – (COMM. 16E-46) County Executive's Veto of INTRO. 15-5 (2021)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 123 – (COMM. 16E-47) Acceptance of Donated Billboard Space

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF

Item 124 – (COMM. 16E-48) Commissary Extension with Tech Expansion & Inmate Tablet Program

Item 125 – (COMM. 16E-49) Telephone Services Extension with Cost Reduction & Tech Expansion

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPUTY COMPTROLLER

Item 126 – (COMM. 16D-1) Law Dept. Spending - 06/2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 127 – (COMM. 16D-2) Updated Nursing Home Outbreak Information - 07/2021

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 128 – (COMM. 16D-3) Commencement of Audit of ECSO's Commissary Fund for Period 01/01/2019 - 12/31/2020

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 129 – (COMM. 16D-4) Commencement of Audit of Social Services for Period 01/01/2020 - 06/30/2021

Item 130 – (COMM. 16D-5) Commencement of Audit of Senior Services for Period 04/01/2020 - 06/30/2021

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

Item 131 – (COMM. 16D-6) Commencement of Audit of Division of Purchase for Period 01/01/2020 - 06/30/2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 132 – (COMM. 16D-7) Budget Monitoring Report for Period Ending 06/2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 133 – (COMM. 16D-8) Child Protective Caseloads for 06/2021

Item 134 – (COMM. 16D-9) Child Protective Caseloads for 07/2021

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

FROM THE DEPARTMENT OF LAW

Item 135 – (COMM. 16D-10) Opinion as to Form LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 136 – (COMM. 16D-11) Budget Monitoring Report for Period Ending 07/2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 137 – (COMM. 16D-12) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 138 – (COMM. 16D-13) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM YSAIAS FELIZ

Item 139 – (COMM. 16M-1) Resignation from ECCSAB

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ECCSAB

Item 140 – (COMM. 16M-2) Request to Public Safety Committee for Study on Blind Spots in ECHC & Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS CONSERVATION FUND ADVISORY BOARD

Item 141 – (COMM. 16M-3) Letter Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 142 – (COMM. 16M-4) Board Minutes for Meeting Held on 06/24/2021

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHRISTINE COLLINS

Item 143 – (COMM. 16M-5) Letter Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM KATE BOROWIAK

Item 144 – (COMM. 16M-6) Letter Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM JAMES BURNETTE

Item 145 – (COMM. 16M-7) Letter Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM JINA GENTRY

Item 146 – (COMM. 16M-8) Letter Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC FEDERATION OF SPORTSMAN'S CLUB, INC.

Item 147 – (COMM. 16M-9) Letter Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM RICH DAVENPORT

Item 148 – (COMM. 16M-10) Letter Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MAUREEN SCHIENER

Item 149 – (COMM. 16M-11) Letter Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LESLIE WHEELER

Item 150 – (COMM. 16M-12) Letter Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 151 – (COMM. 16M-13) Notice of Proposed Rulemaking

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPT. OF TAXATION & FINANCE

Item 152– (COMM. 16M-14) Information Regarding State Equalization Rates for the 2021 Assessment Rolls

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NY COALITION FOR OPEN GOVERNMENT, INC.

Item 153 – (COMM. 16M-15) Letter to County Executive Concerning Commitment to Transparency and the Buffalo Bills Stadium Negotiations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM RAYMOND W. WALTER

Item 154 – (COMM. 16M-16) Resignation of 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION CENTER

Item 155 – (COMM. 16M-17) 2021 Second Quarter Report & Financial Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 156 – (COMM. 16M-18) 2021 Second Quarter Report & Financial Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SUNY ERIE

Item 157 – (COMM. 16M-19) Letter in Response to Intro. 14-2 (2021)

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CITY OF BUFFALO DEPT. OF ASSESSMENT AND TAXATION

Item 158 – (COMM. 16M-20) Final Roll - Transit Mall 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC AUDIT COMMITTEE

Item 159 – (COMM. 16M-21) Letter Regarding Annual Audit Report RFP

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 160 – Chair Baskin announced committee meetings will be held Thursday, September 16, 2021, and that the schedule for the committee meetings will be distributed. Chair Baskin further announced that the next meeting of the Legislature is scheduled for Thursday, September 16, 2021.

MEMORIAL RESOLUTIONS

Item 161 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Maryann Kern and Hon. Howard M. “Hub” Frawley, Jr.

Item 162 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Raymond Pauley.

Item 163 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Arlee Daniels, Jr.

ADJOURNMENT

Item 164 - 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, September 16, 2021 at 12:00 p.m. Eastern Standard Time. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, September 16, 2021 at 12:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE