

ERIE COUNTY LEGISLATURE
MEETING NO. 17
SEPTEMBER 24, 2020

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Lorigo.

Item 1 – No tabled items.

Item 2 – MR. MEYERS moved to reconsider INTRO. 16-7 (2020). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

RE: Local Support for NYS Funding
Relating to FAA Grants for
Lancaster Airport - PIN 5908.22
Project
(INTRO. 16-7)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR TODARO

WHEREAS, Lancaster Airport, Inc. received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at Buffalo-Lancaster Regional Airport:

Design and construction for the removal of both approach surface tree obstructions (Runway ends 08 and 26) and unoccupied structures within the Runway 8 Runway Protection Zone (RPZ) (PIN 5908.22); and

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding; and

WHEREAS, said project was completed November 6th, 2015.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie endorses the above described project for the purpose of making the project eligible for State funding; and be it further

RESOLVED, that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the County Legislature, the Planning Board and/or the Zoning Board of Appeals of the County of Erie to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Buffalo-Lancaster Regional Airport; and be it further

RESOLVED, it has heretofore been determined by the County Legislature, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the above described project constitutes a Type II Action which will not have a significant impact upon the environment. The County Executive of the County of Erie is hereby authorized to sign and date the State Environmental Quality Review form, as attached herewith; and be it further

RESOLVED, that this Resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Department of Law, Commissioner of Environment & Planning, President of Lancaster Airport, Inc, and any other party deemed necessary and proper.

***[Bracketed] material is to be deleted; Underlined material is to be added

NYS PIN 5908.22

State Environmental Quality Review

In accordance with the rules, regulation and procedures adopted by

The County of Erie

(or 6NYCRR Part 617 where the Municipal Corporation has not adopted such rules, regulations and procedures) pursuant to the intent of the State Environmental Quality Review Act, the project described below is classified as a:

CHECK ONE

- Type I Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Type I Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Unlisted Action - with possible significant effect (NEPA or SEQR DEIS, FEIS and SEQR Record of Decision have been prepared).
- Unlisted Action - with no significant effect (Environmental Assessment Form or Environmental Assessment and Negative Declaration have been prepared and filed).
- Type II Action
- Ministerial Act
- Exempt Act

PROJECT DESCRIPTION

Design and construction for the removal of both approach surface tree obstructions (Runway ends 08 and 28) and unoccupied structures within the Runway 8 Runway Protection Zone (RPZ).

Authorized Signature

Title

Date

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

CARRIED UNANIMOUSLY.

Amend the Third Resolved to Read as Follows:

RESOLVED, it has heretofore been determined by the County Legislature, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the above described project constitutes a [Type II] Type I Action which will not have a significant impact upon the environment. The County Executive of the County of Erie is hereby authorized to sign and date the State Environmental Quality Review form, as attached herewith; and be it further

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

CARRIED UNANIMOUSLY.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 16 from 2020. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. VINAL & MR. RATH presented a proclamation Celebrating the 75th Anniversary of the Amherst Symphony Orchestra.

Item 6 – MR. MILLS presented a proclamation Honoring Andrew Beiter on Being Inducted into the National Teachers Hall of Fame, Class of 2020.

Item 7 – MR. MILLS presented a proclamation Honoring Philanthropist Annabelle Bunnell.

Item 8 – MR. LORIGO presented a proclamation Recognizing Anne Spisiak for Being Selected as a Woman of Influence 2020 for Her Leadership within the Cantalician Center for Learning, Inc.

Item 9 – MR. MILLS presented a proclamation Honoring Bertrand Chaffee Hospital and Its New Medical Arts Building.

Item 10 – MS. CHIMERA presented a proclamation Acknowledging and Recognizing Camp Good Days for National Childhood Cancer Month in September.

Item 11 – MR. RATH presented a proclamation Recognizing and Congratulating Carla Todaro-Pantano for Receiving the 2020 Women of Influence Award from Buffalo Business First.

Item 12 – MR. TODARO presented a memorial resolution Honoring and Remembering Chester J. "Chet" Martin, Jr.

Item 13 – MR. MILLS presented a proclamation Honoring and Recognizing Members of The Chestnut Ridge Conservancy on Its 10th Anniversary.

Item 14 – MR. LORIGO, MR. RATH, MR. TODARO & MR. MILLS presented a proclamation Proclaiming September 20-26, 2020 as "Child Passenger Safety Week" and September 26, 2020, as "National Seat Check Saturday" in Erie County.

Item 15 – MR. TODARO presented a proclamation Congratulating and Celebrating Raymond and Pauline Eisenhower on the Occasion of Their 60th Wedding Anniversary.

Item 16 – CHAIR BASKIN presented a memorial resolution Remembering Elnora Norwood.

Item 17 – MR. TODARO presented a proclamation Congratulating and Celebrating Thomas and Patricia George on the Occasion of Their 50th Wedding Anniversary.

Item 18 – MR. TODARO presented a proclamation Congratulating and Celebrating Ronald and Arlene Horst on the Occasion of Their 60th Wedding Anniversary.

Item 19 – MR. RATH presented a proclamation Recognizing September 26, 2020, as Hunting and Fishing Day in Erie County, in Conjunction with the Observance by New York State and National Hunting and Fishing Day.

Item 20 – MR. RATH presented a proclamation Recognizing and Acknowledging Kim Borden on the Occasion of Celebrating 30 Years of Serving at Erie 1 BOCES.

Item 21 – MR. RATH presented a proclamation Recognizing and Acknowledging Mary Jo Schumacher on the Occasion of Celebrating 30 Years of Service at Erie 1 BOCES.

Item 22 – MR. RATH presented a proclamation Recognizing and Honoring Mary LaMartina as a Recipient of the American Association of Critical-Care Nurses Circle of Excellence Award for 2020.

Item 23 – MR. TODARO presented a memorial resolution Honoring and Remembering Pasquale P. "Bart" DiBartolomeo.

Item 24 – MR. RATH presented a proclamation Recognizing and Acknowledging Rachel Lane on the Occasion of Receiving the National Merit Scholarship in 2020.

Item 25 – MR. RATH presented a proclamation Recognizing and Congratulating Rebecca Brady for Receiving the 2020 Women of Influence Award from Buffalo Business First.

Item 26 – MR. TODARO presented a proclamation Congratulating and Celebrating Mark and Ginny Sansone on the Occasion of Their 50th Wedding Anniversary.

Item 27 – MR. RATH presented a proclamation Recognizing and Congratulating Simone Fancher for Receiving the 2020 Women of Influence Award from Buffalo Business First.

Item 28 – MR. LORIGO, MR. RATH, MR. TODARO & MR. MILLS presented a proclamation Proclaiming September 22-24, 2020 as "Small Business Week" in Erie County.

Item 29 – MR. RATH presented a proclamation Recognizing and Acknowledging Thomas Knab on Being Inducted into the National Teachers Hall of Fame, Class of 2020.

Item 30 – MR. TODARO presented a proclamation Congratulating and Celebrating James and Diana Werner on the Occasion of Their 50th Wedding Anniversary.

Item 31 – MR. TODARO presented a proclamation Congratulating and Celebrating Joseph and Angela Zaklikowski on the Occasion of Their 50th Wedding Anniversary.

Item 32 – MR. LORIGO presented a proclamation Congratulating Vidler's 5 & 10 for Its Year of Celebration, Marking Its 90th Year of Operation in East Aurora.

MR. MEYERS moved for consideration of the above twenty-eight items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 33 – CHAIR BASKIN directed that Local Law No. 9 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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

GRANTED.

Item 35 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 36 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 37 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 38 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

September 17, 2020	PUBLIC SAFETY COMMITTEE REPORT NO. 8
--------------------	---

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby tabled by a majority vote:
 - a. COMM. 16E-33 (2020)
COUNTY EXECUTIVE: “Authorization to Enter into Contract w/Professional Ambulance LLC”
(6-0)
2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-3 (2020)
RATH: “Letter to Chair Baskin Concerning Creation of a Permanent Fulltime SWAT Team in EC”
(Chair’s Ruling)
 - b. COMM. 3E-3 (2020)
JOHNSON: “Letter Regarding Creation of Full-Time SWAT Team for EC”
(Chair’s Ruling)
 - c. COMM. 10E-2 (2020)
JOHNSON: “Letter to Sheriff Concerning Overtime Expenses in Sheriff’s Office During COVID-19 Outbreak”
(Chair’s Ruling)
 - d. COMM. 10D-2 (2020)
SHERIFF’S OFFICE: “Letter to Chair of Public Safety Committee Regarding Overtime Expenses in EC Sheriff’s Office During COVID-19 Outbreak”
(Chair’s Ruling)
 - e. INTRO. 13-3 (2020)
JOHNSON & BASKIN: “Support for State Reform of Section 50-a of the New York Civil Rights Law”
(Chair’s Ruling)

- f. COMM. 13E-1 (2020)
BASKIN: “Letter to Commissioner of Buffalo Police Department Regarding Incident in Niagara Square”
(Chair’s Ruling)
- g. COMM. 13E-16 (2020)
BASKIN: “Letter to Chair of ECCSAB Concerning "NYS Police Reform & Reinvention Collaborative" Executive Order”
(Chair’s Ruling)
- h. COMM. 13D-15 (2020)
SUPERINTENDENT - JAIL MANAGEMENT DIVISION, SHERIFF'S OFFICE: “Letter to NFTA Regarding Bus Service to EC Correctional Facility”
(Chair’s Ruling)
- i. COMM. 14E-11 (2020)
BASKIN: “Request for Legal Aid Bureau to Nominate Replacement on EC Corrections Specialist Advisory Board”
(Chair’s Ruling)
- j. COMM. 14M-8 (2020)
NFTA: “Letter to EC Jail Management Superintendent Regarding Bus Services to EC Correctional Facility”
(Chair’s Ruling)
- k. COMM. 15D-4 (2020)
DEPT. OF LAW: “Local Emergency Order Extension”
(Chair’s Ruling)
- l. COMM. 15M-1 (2020)
EC CORRECTIONS SPECIALIST ADVISORY BOARD: “Addendum Request for Testimony/Written Comments Concerning ECSO's Proposal to "Close" the ECHC”
(Chair’s Ruling)
- m. COMM. 15M-5 (2020)
CSEA: “Letter to Public Safety Committee Regarding ECSO's 2020 Budget Proposal”
(Chair’s Ruling)
- 3. COMM. 16E-29 (2020)
COUNTY EXECUTIVE
WHEREAS, the City of Buffalo has been awarded funding under the Justice Assistance Grant program through the U.S. Department of Justice; and

WHEREAS, the Buffalo Police Department seeks the assistance of Central Police Services to provide law enforcement software enhancements for its projects.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for the County of Erie to accept grant funding from the City of Buffalo in the amount of \$4,500.00; and be it further

RESOLVED, that the authorization is hereby provided to establish the grants in the budget of the Department of Central Police Services as follows:

Grant Fund – SAP #165CPSJAG1923
Central Police Services
10/1/2019 – 9/30/2023

<u>Revenue</u>	<u>Increase</u>
414000 Federal Aid	\$4,500.00
<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$4,500.00
Total Appropriation	\$4,500.00

and be it further

RESOLVED, that the authorization is hereby provided for the Division of Purchase to issue purchase orders with Globalquest Solutions Inc., a local WBE/New York State contract vendor in the amount of \$4,500.00 to provide the professional technical staff for these projects; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services, attention: Brian Speers.
(6-0)

4. COMM. 16E-31 (2020)
COUNTY EXECUTIVE

WHEREAS, Central Police Services is in need of upgrades and enhancements with its All CHARMS data warehouse and other law enforcement technology; and

WHEREAS, two companies, Stuart Allen Software & EM Systems, Inc., are uniquely experienced with this software development and highly skilled with this type of work and knowledge; and

WHEREAS, Stuart Allen Software & EM Systems, Inc., responded to RFP # 1907VF and their responses were accepted by an RFP review committee; and

WHEREAS, Central Police Services has the funds available from (A.20068) Account #570050 Interfund Transfers Capital.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the Division of Purchase to issue purchase orders with Stuart Allen Software Development, 154 Parkledge Drive, Snyder, NY 14226 and EM Systems, 4043 Maple Road Suite 211, Amherst, New York 14226, not to exceed the amount of \$215,800.00 to provide the professional technical staff for these projects; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller, the Bureau of Purchasing, and the Department of Central Police Services, attention: Brian Speers.
(6-0)

5. COMM. 16E-36 (2020)
COUNTY EXECUTIVE

WHEREAS, positions in the Department of Central Polices Services forensic laboratory were developed in conjunction with New York State Civil Service to allow the laboratory to hire staff at an entry-level position and then promote to higher levels as they meet years of work experience qualifications for upgrades; and

WHEREAS, the employee in the entry-level position has met the work experience requirement for the upgrade.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided to create the position of Firearms Examiner II (Job Group 10) in the Department of Central Police Services 165GIVE2021 grant and delete the position of Firearms Examiner I (Job Group 9) in the same grant (B-100 #12055); and be it further

RESOLVED, upon the successful completion of the requirements of a Firearms Examiner II the employee should be promoted to the next job level; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, Department of Personnel and the Department of Central Police Services, attention: Brian Speers.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

Item 40 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

September 17, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
--------------------	--

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-27 (2020)
COUNTY EXECUTIVE: “New Lancaster Highway Maintenance Facility”
(Chair’s Ruling)
 - b. COMM. 10E-18 (2020)
COUNTY EXECUTIVE: “SUNY Erie South Campus - 2019 Classroom Infrastructure & Gymnasium Improvements”
(Chair’s Ruling)
 - c. COMM. 15E-1 (2020)
COMPTROLLER: “Letter to DPW Commissioner Regarding Cleaning Services in the Rath Building”
(Chair’s Ruling)
 - d. COMM. 16E-18 (2020)
TODARO: “Supplemental Information Regarding Buffalo-Lancaster Regional Airport Resolutions”
(Chair’s Ruling)
 - e. COMM. 16E-19 (2020)
RATH: “Supplemental Information Regarding Akron Jesson Field Resolution”
(Chair’s Ruling)
 - f. COMM. 16M-5 (2020)
NFTA: “2019-20 NFTA-Metro Annual Performance Report”
(Chair’s Ruling)
 - g. COMM. 16M-9 (2020)
NFTA: “Letter to Legislature in Response to Request for NFTA Metro Bus Services for Wende Erie County Correctional Facility”
(Chair’s Ruling)
2. COMM. 16E-27 (2020)
COUNTY EXECUTIVE

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2020 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 4:00 p.m., local time, on November 5, 2020 for the purpose of meeting to hear and consider any objections which may be made to the 2020 Sewer District Assessment Rolls (2021 Levy) for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 19, 2020; 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, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.

(6-0)

3. COMM. 16E-28 (2020)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to administer many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP is committed to coordinate, oversee, and support work towards the delisting of the Buffalo River as a Great Lakes Area of Concern; and

WHEREAS, the United States Environmental Protection Agency (USEPA) Great Lakes Restoration Initiative (GLRI) provides grant assistance to municipalities to implement projects to improve the quality of the Great Lakes; and

WHEREAS, the USEPA-GLRI awarded Erie County an \$831,000.00 grant (SAP Grant Account #162BRRPMPH2) to complete the USEPA-GLRI Buffalo River Habitat Restoration –Erie County: NFTA-61 Smith Street project; and

WHEREAS, a no-cost extension through 12/31/2021 is necessary to complete the project workplan; and

WHEREAS, it is necessary to revise the existing budget in accordance with the current work plan and contractual requirements of the granting agency.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive or Deputy County Executive is hereby authorized to execute the necessary agreements to extend the USEPA-GLRI Buffalo River Habitat Restoration –Erie County: NFTA-61 Smith Street contract for one year (January 1, 2021-December 31, 2021); and be it further

RESOLVED, that the grant budget for the Buffalo River AOC Habitat Restoration – Erie County-NFTA 61 Smith Street Project is hereby revised in the DEP, Business Area 162, Fund 281 as follows:

Buffalo River AOC Habitat Restoration – Erie County-NFTA 61 Smith Street Project
SAP Grant #162BRRPMPH21516

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	Federal Aid Revenue	(\$831,000)
TOTAL REVENUE		(\$831,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Full Time – Salaries	\$ 45,080	\$65,000	\$110,080
502000	Fringe Benefits	\$ 29,920	\$35,000	\$ 64,920
506200	Maintenance & Repair	\$ 5,000	\$ 0	\$ 5,000
516020	Professional Services	\$751,000	(\$100,000)	\$651,000
TOTAL APPROPRIATIONS		\$831,000		\$831,000

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie L. Lawrence, Deputy Commissioner of Environment and Planning.

(6-0)

4. COMM. 16E-30 (2020)
COUNTY EXECUTIVE

WHEREAS, the existing window and storefront systems at the Spring Student Center have either been replaced with glass block or are original 60-year-old non-thermally broken aluminum storm window system with single pane glazing added to the interior of the existing original storefront and in poor condition; and

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

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Watts Architecture & Engineering to provide professional design and construction administration services for the SUNY Erie Community College North Campus 2020 Spring Student Center Exterior Upgrades project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Watts Architecture & Engineering to provide professional design and construction administrative services for the SUNY Erie Community College North Campus 2020 Spring Student Center Exterior Upgrades project; and be it further

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

E.14003 – 2014 ECC Window and Door Replacement Collegewide	\$ 6,510
E.16002 – 2016 ECC Roof Replacement and Exterior Waterproofing Collegewide	\$ 343,490

and be it further

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

(6-0)

5. COMM. 16E-34 (2020)
COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of tourism and the improvement of this historic structure; and

WHEREAS, the Theodore Roosevelt Inaugural Site is an important cultural resource, providing valuable lessons on United States history, government, and civics; and

WHEREAS, the National Park Service owns the Ansley Wilcox House which constitutes the Inaugural Site; and

WHEREAS, the site is operated under an agreement between the National Park Service and the Theodore Roosevelt Inaugural Site Foundation; and

WHEREAS, Erie County desires to fund a portion of the improvements to the Inaugural Site; and

WHEREAS, the County of Erie has allocated \$100,000 for improvements to the Site in the Capital Budget section of the approved 2020 Erie County budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Theodore Roosevelt Inaugural Site Foundation, the National Park Service and other municipal, state and federal agencies, in amounts not to exceed a total of \$100,000 for the purpose of Improvements to the Theodore Roosevelt Inaugural National Historic Site; and be it further

RESOLVED, that the source of these funds shall be \$100,000 available in the approved 2020 Erie County Capital Budget in A.20065; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; County Attorney; Principal Planner Mark P. Rountree and Commissioner Thomas R. Hersey, Jr. of the Department of Environment and Planning.

(6-0)

6. COMM. 16E-35 (2020)
COUNTY EXECUTIVE

WHEREAS, the County of Erie recognizes the role of the performing arts in preserving cultural heritage; and

WHEREAS, performance theatres attract thousands of visitors to Erie County; and

WHEREAS, tourism is recognized as a key economic sector within Erie County's economy; and

WHEREAS, the Ujima Company Theater located at 429 Plymouth Avenue, Buffalo currently provides the aforementioned programming to the West Side of Buffalo; and

WHEREAS, Ujima Company Theater has a loyal audience and desires to increase attendance among residents living in high-poverty neighborhoods; and

WHEREAS, the existing theater within the former School 77 building is in need of capital improvements to provide Ujima Company Theater with a functional performance space; and

WHEREAS, the proposed capital improvements will enable Ujima Company Theater to better provide performing arts programming in the community; and

WHEREAS, Erie County desires to fund a portion of the improvements to the new theater space; and

WHEREAS, the County of Erie has allocated \$75,000 for the theater improvements in the approved 2020 Capital Budget in account A.20066.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, easements and agreements with People United for Sustainable Housing Incorporated or Ujima Company Incorporated, in amounts not to exceed a total of \$75,000 for the purpose of capital improvements and associated activities at the Ujima Company Theater; and be it further

RESOLVED, that the source of these funds shall be \$75,000 available in the approved 2020 Erie County Capital Budget within SAP account A.20066; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the County Attorney; and Commissioner Thomas R. Hersey, Jr. and Principal Planner Mark Rountree, Department of Environment and Planning.
(6-0)

7. COMM. 16E-37 (2020)
COUNTY EXECUTIVE

WHEREAS, the Legislature of Erie County authorized the 2019-2021 On Call/Emergency Engineering Services Contract with CHA Consultants in COMM 14E-16 (2019) on July 11, 2019; and

WHEREAS, this contract provides emergency bridge/culvert design, technical/engineering services, construction management and inspection, and Federal Aid Bridge Maintenance design services; and

WHEREAS, there are several approved Federal Aid Bridge Maintenance projects on the TIP, which do not include federal funding for design but need to be designed in advance of their required 2020 or 2021 lettings; and

WHEREAS, the original contract including only funding for the first year of the contract, and the contract is entering the second year.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an amendment to the 2019-2021 On Call/Emergency Engineering Services with CHA Consultants, Inc. for the second year of the contract in an amount not to exceed \$365,000 from Fund 420, Funds Center 123 as follows:

B.17011 – 2017 Federal Aid Bridge Preservation Design	\$165,000
B.17020 – 2017 Preservation of Bridges – Leydecker	\$ 50,000
<u>B.19056 – 2019 Pres. of Bridges and Culverts Design Services</u>	<u>\$150,000</u>
TOTAL Project Cost	\$365,000

and be it further

RESOLVED, that five (5) 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 Division of Budget and Management, and the Office of the Comptroller.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

September 17, 2020	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 9
--------------------	---

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed, and referred to the Small Business Committee:
 - a. COMM. 16E-38 (2020)
LORIGO, RATH, TODARO & MILLS: “Small Business Assistance Grant Program”
(Chair’s Ruling)
2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11E-24 (2020)
HARDWICK: “Letter to Comptroller Regarding Details Surrounding Declaration of Deficit”
(Chair’s Ruling)
 - b. COMM. 11E-28 (2020)
COMPTROLLER: “Report on Deficit Declaration Remediation Plan”
(Chair’s Ruling)

- c. COMM. 13E-2 (2020)
COMPTROLLER: “2020 COVID-19 Deficit Remediation Plan”
(Chair’s Ruling)
- d. COMM. 13E-15 (2020)
BASKIN: “Letter Regarding 2020 Mid-Year Budget Hearings”
(Chair’s Ruling)
- e. COMM. 13D-1 (2020)
COMPTROLLER'S OFFICE: “Report on Historical Fund Balance”
(Chair’s Ruling)
- f. COMM. 13D-2 (2020)
DEPUTY COMPTROLLER: “Letter Concerning April Sales Tax Receipts”
(Chair’s Ruling)
- g. COMM. 13D-8 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period
Ending 04/2020”
(Chair’s Ruling)
- h. COMM. 13D-14 (2020)
DEPUTY COMPTROLLER: “Letter Concerning Second Round of April Sales Tax
Receipts”
(Chair’s Ruling)
- i. COMM. 14E-5 (2020)
COMPTROLLER: “Revenue Anticipation Note”
(Chair’s Ruling)
- j. COMM. 14E-8 (2020)
COMPTROLLER: “Report of Apportionment & Distribution of Net Collections from
Sales Tax - 03/2020 - 05/2020”
(Chair’s Ruling)
- k. COMM. 14D-6 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period
Ending 05/2020”
(Chair’s Ruling)
- l. COMM. 14D-8 (2020)
DEPT. OF REAL PROPERTY TAX SERVICES: “2020 Annual Report - 2019 Equalization
Rates & 2019-20 Tax Rates”
(Chair’s Ruling)
- m. COMM. 15E-20 (2020)
COUNTY EXECUTIVE: “Documents Relating to Overtime During COVID-19 Outbreak”

- (Chair's Ruling)
- n. COMM. 15D-1 (2020)
DEPUTY COMPTROLLER: "Letter to Legislature Concerning Second Round of May Sales Tax Receipts"
(Chair's Ruling)
- o. COMM. 15D-3 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: "Fund 252 Consumption Report"
(Chair's Ruling)
- p. COMM. 15D-5 (2020)
DEPUTY COMPTROLLER: "Letter Concerning Albright Knox Funding"
(Chair's Ruling)
- q. COMM. 15D-7 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: "Update Concerning Albright-Knox Art Gallery Funding"
(Chair's Ruling)
- r. COMM. 15D-8 (2020)
DEPUTY COMPTROLLER: "Follow-Up Letter Regarding Albright-Knox Art Gallery Funding"
(Chair's Ruling)
- s. COMM. 15M-3 (2020)
ASSIGNED COUNSEL PROGRAM: "Financial Report & Cash Basis for the Period 1/1/20 - 6/30/20"
(Chair's Ruling)
- t. COMM. 15M-4 (2020)
ASSIGNED COUNSEL PROGRAM: "Quarterly Report for 2nd Quarter of 2020"
(Chair's Ruling)
- u. COMM. 16E-1 (2020)
COMPTROLLER: "Six-Month Interim Financial Report for Period Ending 06/30/2020"
(Chair's Ruling)
- v. COMM. 16E-4 (2020)
BASKIN: "Request for Data Concerning Managerial-Confidential Overtime During COVID-19 Pandemic"
(Chair's Ruling)
- w. COMM. 16E-13 (2020)
COMPTROLLER: "Letter to Chair of Legislature Regarding Sale of Rath Building"
(Chair's Ruling)

- x. COMM. 16E-14 (2020)
COMPTROLLER: “EC 2019 Comprehensive Annual Financial Report”
(Chair’s Ruling)
- y. COMM. 16E-15 (2020)
COMPTROLLER: “EC Federal Financial Assistance Audit Report for Year Ending 12/31/2019”
(Chair’s Ruling)
- z. COMM. 16E-16 (2020)
COMPTROLLER: “EC NYSDOT Single Audit Report for Year Ending 12/31/2019”
(Chair’s Ruling)
- aa. COMM. 16D-1 (2020)
COMPTROLLER’S OFFICE: “Report on Food Expenses Charged to COVID-19 Relief Fund”
(Chair’s Ruling)
- bb. COMM. 16D-2 (2020)
COMPTROLLER’S OFFICE: “Report on Use of "Unutilized" & "Emergency Closing" Pay Codes”
(Chair’s Ruling)
- cc. COMM. 16D-5 (2020)
COMPTROLLER’S OFFICE: “Report on Overtime Expenses for Bargaining Unit Employees Charged to COVID-19 Relief Fund”
(Chair’s Ruling)
- dd. COMM. 16D-6 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending 06/2020”
(Chair’s Ruling)
- ee. COMM. 16D-7 (2020)
DEPUTY COMPTROLLER – AUDIT: “Letter to Chair of Legislature Regarding Overtime Charged to Fund 252 (COVID)”
(Chair’s Ruling)
- ff. COMM. 16D-8 (2020)
DEPT. OF LAW: “Letter Concerning Albright-Knox Art Gallery Funding”
(Chair’s Ruling)
- gg. COMM. 16D-10 (2020)
DEPUTY COMPTROLLER: “Letter to Legislature Concerning Second Round of June Sales Tax Receipts”
(Chair’s Ruling)

- hh. COMM. 16D-12 (2020)
DEPUTY COMPTROLLER: “Law Department Spending - 02/2020 - 06/2020”
(Chair’s Ruling)
- ii. COMM. 16D-13 (2020)
DEPUTY COMPTROLLER: “Letter to Legislature Regarding Hotel Occupancy Tax Collection”
(Chair’s Ruling)
- jj. COMM. 16D-14 (2020)
COMPTROLLER’S OFFICE: “Report on Updated Overtime Expenses Charged to COVID-19 Relief Fund & Pay for Not Working”
(Chair’s Ruling)
- kk. COMM. 16D-18 (2020)
DEPUTY COMPTROLLER: “Law Department Spending - 07/2020”
(Chair’s Ruling)
- ll. COMM. 16M-3 (2020)
INVEST BUFFALO: “Letter Regarding Financial Support for Invest Buffalo Niagara in 2021 EC Budget”
(Chair’s Ruling)
- mm. COMM. 16M-6 (2020)
EC FISCAL STABILITY AUTHORITY: “Audited Financial Statements”
(Chair’s Ruling)
3. COMM. 16E-23 (2020)
COUNTY CLERK
WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the Erie County Clerk acts as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity the operates the Erie County Auto Bureau; and

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County of Erie retains approximately 12.7% of all fees generated at Erie County Auto Bureau locations; and

WHEREAS, prior to the COVID-19 pandemic, the Erie County Auto Bureau maintained six (6) branch locations and one (1) mobile unit throughout the County of Erie to provide convenient services to County residents; and

WHEREAS, pursuant to a Lease Agreement (18-99-CC) the County currently leases from MDC Eastern Hills, LLC (the “Landlord”) 2,100 rentable square feet of space located at 4545 Transit Road, Williamsville, New York (the “EHM Auto Bureau Branch”); and

WHEREAS, during the COVID-19 pandemic response, the Governor of the State of New York ordered the shuttering of all county operated auto bureau facilities; and

WHEREAS, the Governor subsequently reopened the county auto bureaus with the caveat that they accept customers by appointment only and operate consistently with NY Forward reopening health, safety and social distancing guidelines; and

WHEREAS, the current location of the EHM Auto Bureau Branch provides inadequate area for employees and customers to maintain social distancing protocols; and

WHEREAS, the leased space for the EHM Auto Bureau Branch must be increased so the facility may fully operate in compliance with NY Forward reopening health, safety and social distancing guidelines; and

WHEREAS, the Landlord has agreed to relocate the County to a 3,350 square foot space in the Eastern Hills Mall; and

WHEREAS, the relocation will also provide immediate access for customers to a bathroom facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into an Amended Lease Agreement with the Landlord for the purpose of relocating the EHM Auto Bureau Branch at the Property; and be it further

RESOLVED, that said Amended Lease Agreement shall be for an identical term as the prior agreement and include approximately 3,350 rentable square feet with rental payments for rubbish removal, water and sewer, and property insurance in a monthly amount not to exceed \$2,899.32 annually, a one-time construction build out cost in an amount not to exceed \$135,169.53; and be it further

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

(6-0)

TIMOTHY J. MEYERS
CHAIR

Item 42 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

September 17, 2020	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 8
--------------------	--

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 12-1 (2020)
BASKIN & JOHNSON: “Calling for Recruitment & Hiring of Unemployed Residents as COVID-19 Contact Tracers”
(Chair’s Ruling)
 - b. COMM. 13D-3 (2020)
COMPTROLLER'S OFFICE: “Report Compiling Information Regarding Nursing Homes & COVID-19”
(Chair’s Ruling)
 - c. COMM. 13D-9 (2020)
DEPT. OF LAW: “Local Emergency Orders, EC State of Emergency Declarations & Extensions”
(Chair’s Ruling)
 - d. COMM. 13D-11 (2020)
COMMISSIONER OF SOCIAL SERVICES: “Child Protective Caseloads for 05/2020”
(Chair’s Ruling)
 - e. COMM. 14D-1 (2020)
DEPT. OF LAW: “Local Emergency Orders, EC State of Emergency Declarations & Extensions”
(Chair’s Ruling)
 - f. COMM. 14D-3 (2020)
COMPTROLLER'S OFFICE: “ECDoH Lead Poisoning Primary Prevention Grant for 4/1/2018 - 3/31/2019”
(Chair’s Ruling)
 - g. COMM. 14D-4 (2020)
DEPUTY COMPTROLLER: “Letter Concerning Reduced County Medicaid Obligations”
(Chair’s Ruling)
 - h. COMM. 14D-5 (2020)
COMPTROLLER’S OFFICE: “A Report on Return to County Facilities Concerns Received from EC Employees”
(Chair’s Ruling)
 - i. COMM. 15D-2 (2020)
COMMISSIONER OF SOCIAL SERVICE: “Update of Child Protective Caseloads for 06/2020”

(Chair's Ruling)

- j. COMM. 16E-2 (2020)
CHIMERA: "Letter to NYS Office of Children & Family Services Commissioner Regarding State Funds Owed to the Child Care Resource Network"
(Chair's Ruling)
- k. COMM. 16E-11 (2020)
COUNTY EXECUTIVE: "Letter to Local Health Insurance Companies Regarding Coverage for COVID-19 Testing"
(Chair's Ruling)
- l. COMM. 16D-3 (2020)
DEPT. OF LAW: "Local Emergency Order Extensions"
(Chair's Ruling)
- m. COMM. 16D-11 (2020)
COMMISSIONER OF SOCIAL SERVICES: "Update of Child Protective Caseloads for July, 2020"
(Chair's Ruling)

LISA M. CHIMERA
CHAIR

LEGISLATOR RESOLUTIONS

Item 43 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. HARDWICK seconded.

MR. LORIGO requested a separation of the second and third resolve clause.

CHAIR BASKIN directed that a roll-call vote be taken on the balance of the resolution.

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

CARRIED UNANIMOUSLY.

CHAIR BASKIN directed that a roll-call vote be taken on the approval of the second and third resolve clauses.

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

CARRIED.

RESOLUTION NO. 187

RE: Calling on NYSDEC to
Investigate the Sheridan Park
Crematory's Operations &
Engage with Local Residents
(INTRO. 17-1)

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

WHEREAS, on September 9, 2020, local residents and at least one Town of Tonawanda government official observed and photographed thick, black smoke that emanated for one hour from the Sheridan Park Crematory at Amigone Funeral Home on Sheridan Drive in the Town of Tonawanda; and

WHEREAS, amidst public and local scrutiny, the crematory reopened in 2018 with new equipment that was supposed to prevent odors, soot and noise from emanating into the air, as the crematory is located mere feet away from a residential neighborhood; and

WHEREAS, a spokesperson for the New York State Department of Environmental Conservation ("DEC") has stated that "DEC's investigation into the cause of the smoke is ongoing. Additional information will be provided when it is available"; and

WHEREAS, the Chief Executive Officer of Amigone Funeral Homes, declined to answer questions about the incident when asked by a media outlet; and

WHEREAS, a full and transparent DEC investigation is necessary, and should include opportunities for neighboring residents to comment and provide input before the crematory is allowed to resume operations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests the New York State Department of Environmental Conservation conduct or continue a thorough investigation into the September 9, 2020 incident at Sheridan Park Crematory that includes opportunities for neighboring residents to provide written or oral comments to DEC investigators; and be it further

RESOLVED, that this Honorable Body urges the DEC to prohibit the re-commencement of operations at the Crematory until public input is provided and the investigation is concluded; and be it further

RESOLVED, that this Honorable Body requests that the Erie County Department of Health conduct a parallel inquiry into the Sheridan Park matter, and monitor air quality in the neighborhood, to determine any potential negative health effects due to the release of the thick black smoke and soot; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Commissioner and Regional Administrator of the New York State Department of Environmental Conservation, the Erie County Commissioners of Health and Environment and Planning, and to the Town of Tonawanda Board.

Item 44 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 188

RE: Understanding the Role of 911
Call-Takers & Dispatchers in
Potential Mental Health Crises &
the Use of Force by Law
Enforcement
(INTRO. 17-2)

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

WHEREAS, increasingly, events in the United States in which persons call 911 for assistance involving potentially mentally-ill persons have resulted in situations in which responding law enforcement officers have ultimately used force in addressing the situation, leading to injury or death; and

WHEREAS, one such potential situation occurred on Saturday, September 12, 2020 in Buffalo; and

WHEREAS, there are effects and consequences from these situations for the individual(s) who are being investigated, the first responders, the local government and the community as a whole; and

WHEREAS, to help reduce the risk of such incidents occurring in the future, it is necessary to understand the critical role that 911 call takers and dispatchers play in taking 911 calls from the public, and then disseminating information to and dispatching first responders including police, fire, and emergency medical services to help appropriately handle the situation, and if necessary, to de-escalate an incident in which a person may be mentally ill, physically ill, or intoxicated by drugs or alcohol.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests the Erie County Commissioners of Central Police Services and Mental Health and the Erie County Sheriff attend a forthcoming meeting of the Legislature's Public Safety Committee to discuss the protocols and measures associated with 911 calls into the County's Public Safety Campus and how call-takers address the calls and then transfer calls to relevant city, town, village, county and state law enforcement dispatchers for action; and be it further

RESOLVED, that this Honorable Body expresses its concerns and intention to hold a hearing in the Public Safety Committee to discuss the nexus between 911 calls and how first responders are dispatched, to understand how persons that are mentally ill, physically ill, or intoxicated by drugs or alcohol can be best handled by first responders without the use of force by police officers being necessary; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Commissioner of Central Police Services, the Erie County Commissioner of Mental Health, the Erie County Sheriff, the County Executive, and the Executive Director of Crisis Services.

MR. MEYERS moved to amend the resolution by including MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL as co-sponsors. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to approve the resolution as amended. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

Item 45 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

RE: Appointment to the EC
Corrections Specialist Advisory
Board
(INTRO. 17-3)

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

WHEREAS, the Erie County Corrections Specialist Advisory Board was created in 2019 via Local Law 3-2019; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Advisory Board, and an appointing authority, the Legal Aid Bureau, has submitted the name of a recommended appointee for Legislature ratification, to fill a vacancy.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendations of the various appointing authorities and pursuant to Local Law 3-2019, the following person is hereby confirmed to serve on the Erie County Corrections Specialist Advisory Board for a three year term effective September 11, 2020:

Candidate:

Michael Deal
290 Main Street, Suite 400
Buffalo, NY 14203

Appointing Authority:

Leal Aid Bureau
Prisoners' Rights Organization

and be it further

RESOLVED, that certified copies of this resolution be transmitted to the members of the Erie County Corrections Specialist Advisory Board.

Item 46 – CHAIR BASKIN directed that the following resolution be referred to the SMALL BUSINESS COMMITTEE.

MR. LORIGO challenged the ruling of the chair. Mr. RATH seconded.

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

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

FAILED.

INTRO. 17-4 from LORIGO, RATH, TODARO & MILLS. Creation of a Grant Program to Fund Supplies to Prepare for Colder Weather Outdoor Dining.

Item 47 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 17-5 from GILMOUR, CHIMERA & BASKIN. Supporting a New Approach to Coordinating & Providing Mental Health Professionals & Social Workers for Assisting Law Enforcement in Crisis Situations & 911 Calls.

Item 48 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

RE: Supporting Allocation of Erie County CARES Act Funding for Purchasing Personal Protective Equipment, Masks & Related Materials to Fight Coronavirus (INTRO. 17-6)

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

WHEREAS, Erie County has received \$160.3 million in federal funding under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, for use in responding to the COVID-19 crisis; and

WHEREAS, according to the Poloncarz Administration's latest update reporting spending through September 1, 2020, \$62.5 million has been spent by the County, and \$67.7 million has been committed to be spent, including funds for schools, child care and day care, and eviction/foreclosure assistance; and

WHEREAS, there are looming concerns as the country enters the Autumn about a resurgence of COVID-19, in conjunction with influenza, and the return to schools and colleges of students; and

WHEREAS, during the COVID pandemic, there has been grave concerns about racial and socioeconomic equity, as communities, neighborhoods and persons of low income, and of color have been disproportionately negatively-affected by COVID, including deaths, injuries and lacking access to testing and health care resources; and

WHEREAS, Erie County should consider racial equity in the dissemination of personal protective equipment (PPE) to assist persons during the pandemic and get masks and other protective measures where they are needed the most; and

WHEREAS, the County should utilize additional CARES Act funds to purchase additional PPE and masks, as well as testing supplies and materials and distributing those items across our community, working in conjunction with primary care physicians and family medicine practitioners to educate and provide PPE throughout our community, including hard-hit communities with disproportionate health disparities and susceptibility to the Coronavirus; and

WHEREAS, in June 2020, the County assisted licensed local barber shops and hair salons to re-open their businesses by providing face shields for barbers and stylists' use as they returned to work in Phase Two of Gov. Cuomo's plan to reopen New York; and

WHEREAS, the Governor has allowed Erie County to resume public gatherings and some community-based groups such as block clubs, faith-based institutions, youth programs, and social service groups need PPE in order to hold their group meetings and activities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the County's continued allocation of CARES Act funding to provide essential needs and support to the community, and urges the County Administration to make spending commitments and procurements of personal protective equipment, masks, testing supplies and materials, and to work with primary

care physicians and family medicine practitioners to educate and provide PPE throughout our community; and be it further

RESOLVED, that this Honorable Body calls for the establishment of an Erie County community organization PPE resource center for community groups and faith institutions to apply, be vetted, and be supplied with face masks, hand sanitizer, and COVID resources; and be it further

RESOLVED, that the same process should provide primary care physicians who service communities with impoverished residents with high rates of pre-existing health conditions with testing supplies and basic medical equipment; and be it further

RESOLVED, this new community PPE process should take care to include poverty and racial and healthcare disparities as factors to provide PPE and resources to eligible groups and organizations, and use an equity lens to address the needs of the most adversely impacted community members, prioritizing equity and serving populations that are hardest hit by COVID-19, including older adults, people with underlying health conditions, people experiencing homelessness or living in overcrowded housing and Black, Latinx and immigrant communities; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Commissioner of Health, Director of Budget and Management, the Commissioner of Homeland Security and Emergency Services, and the Director of Purchase.

Item 49 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 17-7 from BASKIN, JOHNSON, MEYERS, CHIMERA & VINAL. Supporting the HALT Solitary Confinement Act.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 50 – MR. MEYERS moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of INTRO. 10-7 (2020). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

RE: Appointment to Board of Directors of Buffalo & EC Naval & Military Park (INTRO. 10-7, 2020)

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

WHEREAS, the Erie County Legislature is permitted to recommend the appointment of an individual to serve on the Board of Directors of the Buffalo and Erie County Naval and Military Park; and

WHEREAS, Kanasha Blue has expressed interest in joining the Board of Directors of the Buffalo and Erie County Naval and Military Park as the appointed representative of the Erie County Legislature; and

WHEREAS, Ms. Blue comes highly recommended from members of the community and is a veteran of Operation Enduring Freedom, a retired Staff Sergeant of the New York Arm National Guard, as well as a Labor Service Representative for New York State Department of Labor and a member of the Buffalo Branch NAACP executive committee and the First Vice Commander of American Legion Jesse Clipper Post 430.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby appoints Kanasha Blue to serve as its representative on the Board of Directors of the Buffalo and Erie County Naval and Military Park; and be it further

RESOLVED, that certified copies of this resolution be sent to Paul Marzello, Sr., President and CEO of the Buffalo and Erie County Naval and Military Park, Terrence McGuire, Chair of the Board of Directors of the Buffalo and Erie County Naval and Military Park, and Kanasha Blue.

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

CARRIED UNANIMOUSLY.

Item 51 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 16E-25 (2020). MR. JOHNSON seconded.

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

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

CARRIED.

RESOLUTION NO. 192

RE: Continued Imposition of Additional 1 & 0.75% Sales & Compensating Use Tax for Period Ending 11/30/2023 (COMM. 16E-25, 2020)

RESOLUTION

of the

Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to continue the imposition of the additional 1% rate of tax and the additional $\frac{3}{4}\%$ rate of tax, pursuant to Article 29 of the New York Tax Law.

Be it enacted by the Legislature of the County of Erie, as follows:

Section 1. The first sentence of section two of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax. On and after March first, nineteen hundred eighty-nine, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March first, nineteen hundred eighty-nine and ending November thirtieth, two thousand [twenty,] twenty-three, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivisions (h) and (i) of section three of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are amended to read as follows:

(h) With respect to the additional tax of 1 percent imposed for the period commencing March 1, 1989, and ending November 30, two thousand [twenty] twenty-three, the provisions of subdivisions (a), (b), (c), (d), (e), (f) and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d) and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the additional tax imposed effective on that date.

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December first, two thousand [twenty] twenty-three. With respect to the tax rate of 3 percent effective December first, two thousand [twenty] twenty-three, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to December first, two thousand [twenty] twenty-three, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November thirtieth, two thousand [twenty] twenty-three. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December first, two thousand [twenty] twenty-three, any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 3. Section four of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section 2, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty] twenty-three, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty] twenty-three, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty] twenty-three, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty] twenty-three, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty] twenty-three, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or creator shall not be deemed a taxable use by such person.

Section 4. Section four-A of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

In addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2009 and ending November 30, [twenty] twenty-three. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section; provided that net collections from such additional rate shall be set aside for county purposes as provided in subdivision (f) of section 14 of this resolution.

Section 5. Subdivisions (D) and (E) of clause (1) of section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are amended to read as follows:

(D) With respect to the additional tax of one percent imposed by section 4 of this resolution for the period beginning March first, nineteen hundred eighty-nine, and ending November thirtieth, two thousand [twenty] twenty-three, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

(E) With respect to the additional tax of three-quarters of one percent imposed by section 4-A of this resolution, for the period beginning December 1, 2009 and ending November 30, [twenty] twenty-three, in respect to the use of property used by the purchaser in this county prior to January 15, 2006.

Section 6. Subdivision (f) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(f) Net collections from the additional three-quarters of one percent rate of taxes imposed during the period commencing December 1, 2009 and ending November 30, two thousand [twenty] twenty-three, by section 4-A of this resolution received by the county shall be used by the county solely for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law.

Section 7. Subdivision (g) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(g) The County shall allocate each calendar year the first twelve million five hundred thousand dollars (\$12,500,000) of the net collections from the additional one percent rate of sales and compensating use taxes imposed during the period commencing December 1, [2017] 2020, and ending November 30, [2020] 2023, by sections 2 and 4 of this resolution to the cities of the County and the area in the County outside the cities and such net collections shall be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law in effect on January 1, 2006, and shall be subject to all provisions of such agreement governing the net collections for such cities and area, and the County shall retain the remainder of net collections from such additional one percent rate which shall be used by the County for any County purpose and such remainder shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law.

Section 9. This enactment shall take effect December first, two thousand twenty.

***NOTE: ADDITIONS IN TEXT ARE INDICATED BY UNDERLINE;
DELETIONS BY [BRACKETS]

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

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

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

CARRIED UNANIMOUSLY.

Item 52 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 16E-9 (2020). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 193

RE: Acceptance of Governor's Traffic Safety
Committee Grant
(COMM. 16E-9, 2020)

WHEREAS, the Erie County Sheriff's Office (ECSO) has been awarded a grant from the New York State Governor's Traffic Safety Committee; and

WHEREAS, the grant funding is to reimburse the County \$17,280.00 for seat belt and traffic safety enforcement details throughout the county; and

WHEREAS, the goal of the gran is to reduce serious injuries and deaths from traffic crashed; and

WHEREAS, the grant will have a neutral to positive fiscal impact to the 2020 and 2021 county budgets because grant will reimburse the County \$17,280.00 for traffic safety enforcement details.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Office to enter into an agreement with the New York State Governor's Traffic Safety Committee to accept \$17,280.00 in grant funding for ECSO traffic safety enforcement activities; and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and Division of Budget and Management adjust accounts:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program		
<u>REVENUE</u>		<u>INCREASE</u>
409020	NYS Miscellaneous	<u>\$17,280.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
501000	Overtime	\$17,280.00
	Total Revenue	<u>\$17,280.00</u>

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, County Attorney, County Comptroller, Division of Budget and Finance, and the Sheriff’s Office for implementation.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 53 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 194

RE: Re-Appropriation of 2020 Public Benefit Funding
(INTRO. 17-8, 2020)

**A RESOLUTION SUBMITTED BY
LEGISLATOR HARDWICK**

WHEREAS, the Grand Island Golden Age Club was awarded \$4,000 in public benefit funding by the Erie County Legislature in the adopted 2020 Budget in Fund Center 1332010 – Community/Neighborhood Development, Account 518525; and

WHEREAS, the organization is not able to accept the funds, and the funding should be transferred to an alternative organization; and

WHEREAS, as in similar 2018, 2019 and 2020 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$4,000 of 2020 public benefit funding to the Town of Grand Island; and be it further

RESOLVED, that while the agency name is changing the overall budget line amount is to remain the same; and be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

Item 54 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 17-9 from RATH, LORIGO, TODARO & MILLS Re: Calling on Gov. Cuomo to Sign the Comprehensive Broadband Connectivity Act

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 55 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-20 from LORIGO Re: Letter to Public Safety Chair Regarding Comm. 12E-16 (2020)

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 56 – (COMM. 17E-1) Appointments to EC Police Reform & Reinvention Collaborative

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR CHIMERA

Item 57 – (COMM. 17E-2) Letter to Health Commissioner Concerning Use of Face Masks on School Buses & in Primary, Middle & High Schools

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR BASKIN

Item 58 – (COMM. 17E-3) Creation of Special Committee - External Board Appointee Reporting Committee

Received, filed and printed.

September 14, 2020

Honorable Members
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Creation of a Special Committee of the Legislature – External Board Appointee Reporting

Dear Colleagues:

Pursuant to Section 3.02 of the Legislature’s 2020 Rules of Order, I am writing to inform you that I am creating a new special committee, the External Board Appointee Reporting Committee.

The intention behind the creation of this committee is to create a process for Legislature appointees to external organizations (such as, for instance, the Botanical Gardens, Albright Knox Art Gallery, Buffalo Zoo, Erie County Bar Association’s Assigned Counsel Program, etc.) to report and update the Legislature on their activities on those boards.

The members of the Committee will be as follows:

John Gilmour, Chair	Joseph Lorigo
Jeanne Vinal, Vice Chair	Edward Rath
Howard Johnson	
April N.M. Baskin (ex officio)	

I look forward to the establishment of the committee and to its work on behalf of our Honorable Body. If you have any questions, please do not hesitate to contact me.

Sincerely,

April N.M. Baskin
Chair, Erie County Legislature

FROM LEGISLATOR GILMOUR

Item 59 – (COMM. 17E-4) Letter to Sheriff Regarding Status Report on Body Camera Deployment & Use

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR BASKIN

Item 60 – (COMM. 17E-5) Creation of a Special Committee - Small Business Committee

Received, filed and printed.

September 14, 2020

Honorable Members
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Creation of a Special Committee of the Legislature

Dear Colleagues:

Pursuant to Section 3.02 of the Legislature's 2020 Rules of Order, I am writing to inform you that I am creating a new special committee, the Small Business Committee, intended to be a subcommittee of the Economic Development Committee.

The members of the Small Business Committee will be as follows:

Jeanne Vinal, Chair John Mills
John Gilmour, Vice Chair Frank Todaro
Howard Johnson
April N.M. Baskin (ex officio)

I look forward to the establishment of the committee and to its work on behalf of businesses in Erie County. If you have any questions, please do not hesitate to contact me.

Sincerely,

April N.M. Baskin
Chair, Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 61 – (COMM. 17E-6) Letter to Minority Caucus Concerning Small Business Assistance Grant Program

Received and referred to the SMALL BUSINESS COMMITTEE.

FROM CHAIR BASKIN

Item 62 – (COMM. 17E-7) Support for Appointment of Jeanne Vinal as EC Legislature's Representative on NFTA Board of Commissioners

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 63 – (COMM. 17E-8) ECSD No. 3 - Holland Water Resource Recovery Facility Generator Replacement Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 64 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

RE: Residence Demolition - Wendt Beach
Park
(COMM. 17E-9)

WHEREAS, the County of Erie received bids for the Wendt Beach Residence Demolition on June 12, 2020 through the Department of Purchasing; and

WHEREAS, the lowest responsible bidder for the was deemed to be Reginal Environmental Demolition Inc. and awarded accordingly; and

WHEREAS, an administrative error in the Hazardous Materials Survey provided to the Department of Public Works identified a lower quantity of asbestos containing material abatement than what was actually required; and

WHEREAS, bid proposals received by the Department of Purchasing included the lower quantity of abatement as report with the inaccurate quality was inadvertently include within the bid package prepared by the Department of Public Works; and

WHEREAS, upon review of the cost proposal provided by Reginal Environmental Demolition Inc to abatement the discrepancy in quantity in the amount of \$16,600 is approved and justified in the opinion of the Dept of Public Work and the Dept of Parks and Recreation; and

WHEREAS, the Department of Parks and recreation previously obtained approval from the Advisory Review Committee (ARC) pursuant to the Erie County Parks Protection Law on March 6, 2020.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to approve a contract amendment with Reginal Environmental Demolition Inc on the Wendt Beach Residence Demolition project as they were previously determined to be the lowest responsible bidder for an amount not to exceed as follows:

Regional Environmental Demolition	Contract Amendment	\$ 16,600
-----------------------------------	--------------------	-----------

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 410, Funds Center 164, follows:

A.18017.3.1 Wendt Residence Cont'd	\$16,600
------------------------------------	----------

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Parks and Recreation, 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.

Item 65 – (COMM. 17E-10) BENLIC Pre-Emptive Bid Powers & Subsequent Repayment Agreement for EC in Rem 168 Sale

Item 66 – (COMM. 17E-11) Granting Town of Tonawanda a Permanent Easement on County Land - River Rd. Containing Shoreline Trail

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

Item 67 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

RE: Extension of Innovations in Nutrition
2018-20 Grant
(COMM. 17E-12)

WHEREAS, the Department of Senior Services was one of four applicants selected nationwide by the Administration on Aging (AoA), part of the Department of Health and Human Services Administration for Community Living (ACL), to receive \$500,000 of Innovation in Nutrition Program Federal grant monies for the period September 1, 2018 through August 31, 2020; and

WHEREAS; due to the COVID-19 Pandemic, the ACL has authorized a four-month extension of the grant period to December 31, 2020; and

WHEREAS; the Department desires to extend its contract with the ACL to accept grant funding through December 31, 2020 and continue its Go and Dine restaurant program for eligible older adults; and

WHEREAS; the Department also desires to extend, through December 31, 2020, its existing contract with the Albany County Department of Aging, our co-applicant for the grant and recipient of one half of the federal grant funds; and

WHEREAS; the Department also desires to extend, through December 31, 2020, the existing contracts with the local restaurants participating in the Go and Dine program.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to extend the contract with the Administration on Aging, part of the Department of Health and Human Services Administration for Community Living, to continue to accept Innovations in Nutrition grant funding through December 31, 2020; and be it further

RESOLVED, the County Executive be and is hereby authorized to extend, through December 31, 2020, the contract with the Office for the Aging of Albany County, NY, as a subcontractor of the Department of Senior Services; and be it further

RESOLVED, the County Executive is authorized to extend, through December 31, 2020, contracts with the local restaurant partners in the Go and Dine program; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the budget as required to comply with the grantor approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, Purchasing and the Department of Senior Services.

Item 68 – (COMM. 17E-13) Indigent Legal Services Grant Amendment - Second Upstate Quality Improvement & Caseload Reduction

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 69 – (COMM. 17E-14) Multi-Use Pathway Phase III - Lakeshore Shoreline Trail

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 70 – (COMM. 17E-15) NYS Office of Mental Health Workforce COLA Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 71 – (COMM. 17E-16) Jail Management System Upgrades - EC Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

RE: 2020 Overhead Sign Structure Removal
- Cayuga Rd., Cheektowaga
(COMM. 17E-17)

WHEREAS, the 2020 Overhead Sign Structure (245-S-01) on Cayuga Road in Cheektowaga was damaged during a car crash; and

WHEREAS, the project is being publically bid and bids will be opened on September 10, 2020 for the 2020 Overhead Sign Structure (245-S01) Removal, Project Number CAP – 245 – 2020 in the Town of Cheektowaga, (the “Project”); and

WHEREAS, the Erie County Department of Public Works recommends the award of contract to the lowest responsible bidder in the amount not to exceed \$25,000; and

WHEREAS, the estimated total cost of the Project is \$25,000, and is available in Fund 420, Funds Center 123, Project B.18050–2018 Capital Overlay Program (B.18050.1.7 Cayuga Road Overhead); and

WHEREAS, it is desired to remove the sign structure before the winter weather due to structural damage to the sign structure.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to award and execute a contract for Project Number CAP – 245 – 2020, to the lowest responsible bidder in the amount not to exceed \$25,000; and be it further

RESOLVED, that the Project budget, in the amount of \$25,000, be made available for the Project in Fund 420, Funds Center 123, Project B.18050–2018 Capital Overlay Program (B.18050.1.7 Cayuga Road Overhead); and be it further

RESOLVED, that in the event the amount required for the project exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) 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.

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

CARRIED UNANIMOUSLY.

Replace First and Second Resolve Clause with the Following:

RESOLVED, that the County Executive is hereby authorized to award and execute the contract for Project Number CAP - 245-2020, to Union Concrete and Construction Corp. in the amount not to exceed \$10,000; and be it further

RESOLVED, that the Project budget, in the amount of \$10,000, be made available for the project Fund 420, Funds Center 123, Project B. 18050-2018 Capital Overlay Program (B.18050.1.7 Cayuga Road Overhead); and be it further

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

CARRIED UNANIMOUSLY.

Item 73 – (COMM. 17E-18) Contract for Leadership, Planning & Decision-Making Course - ECDHS & Emergency Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 74 – (COMM. 17E-19) Acceptance of Grant Funding & Amendment of Contract - Substance Abuse & Mental Health Services Administration

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPT. OF LAW

Item 75– (COMM. 17D-1) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 76 – (COMM. 17D-2) Report on EC Chargeback Fees for Community College Tuition
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 77 – (COMM. 17D-3) Budget Monitoring Report for Period Ending 7/2020
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPUTY COMPROLLER

Item 78 – (COMM. 17D-4) Letter to Legislature Concerning Second Round of July Sales
Tax Receipts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 79 – (COMM. 17D-5) Fund 252 Consumption Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE LEGAL AID BUREAU

Item 80 – (COMM. 17M-1) Request for Nomination to the EC Corrections Specialist
Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 81 – Chair Baskin announced that the Committee Meetings for Thursday, October 1,
2020, have been scheduled. Chair Baskin further announced that the schedule for committee
meetings to be held on Thursday, October 1, 2020, has been distributed.

MEMORIAL RESOLUTIONS

Item 82 – Legislator Rath requested that when the Legislature adjourns, it do so in memory
of Charles Kelkenberg.

Item 83 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Chester “Chet” Martin, Jr., Pasquale P. “Bart” DiBartolomeo, and Frank DiSanto.

Item 84 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Supreme Court Justice Ruth Bader Ginsburg.

ADJOURNMENT

Item 85 - 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, October 8, 2020 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, October 8, 2020 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE