

**ERIE COUNTY LEGISLATURE
MEETING NO. 18
OCTOBER 8, 2020**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Mills.

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 17 from 2020. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. VINAL presented a proclamation Congratulating and Honoring Carl Geib on His Induction to the Erie County Fire Services Wall of Honor.

Item 6 – MS. VINAL presented a proclamation Congratulating and Honoring Chief Ira H. Striejewske on His Induction to the Erie County Fire Services Wall of Honor.

Item 7 – MS. VINAL presented a proclamation Congratulating and Honoring Donald Geib on His Induction to the Erie County Fire Services Wall of Honor.

Item 8 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Honoring and Recognizing Brenda Williams McDuffie on Her Phenomenal Career as the President and CEO of the Buffalo Urban League.

Item 9 – MR. GILMOUR presented a proclamation Honoring Keith D. Mobley on His 6th Pastoral Anniversary of Mt. Olive Missionary Baptist Church in Lackawanna.

Item 10 – MR. JOHNSON presented a proclamation Acknowledging and Recognizing Casimiro Rodriguez Sr. During National Hispanic Heritage Month.

Item 11 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Celebrating and Honoring National Hispanic Heritage Month.

Item 12 – MR. JOHNSON presented a proclamation Celebrating and Honoring the Month of September as National Senior Center Month.

Item 13 – CHAIR BASKIN presented a memorial resolution Remembering Shirley Marie Jones Wagstaff.

Item 14 – MR. HARDWICK presented a proclamation Recognizing and Commending Randy C. Rider on Being Inducted onto the Erie County Wall of Honor at the Erie County Fire Academy.

Item 15 – MR. JOHNSON presented a proclamation Celebrating and Recognizing the Grand Opening of Humble Headquarters.

Item 16 – MS. CHIMERA presented a proclamation Congratulating and Honoring Robert C. Blount on His Induction to the Erie County Fire Services Wall of Honor.

Item 17 – MR. JOHNSON presented a memorial resolution Celebrating and Honoring the Life and Legacy of Clifford "Cliff" Robinson.

Item 18 – MS. VINAL & MR. RATH presented a proclamation Celebrating the 20th Anniversary of the Amherst Center for Senior Services.

Item 19 – MS. VINAL presented a proclamation Congratulating and Honoring Richard Ansteth Celebrating 50 Years of Service with the Snyder Fire Department.

Item 20 – MS. VINAL presented a proclamation Congratulating and Honoring Thomas "Thom" J. Knab on His Induction to the National Teacher Hall of Fame, Class of 2020.

Item 21 – MR. RATH presented a proclamation Recognizing and Acknowledging Flora Chen and Her Team on Launching More to Learn WNY.

Item 22 – MR. RATH presented a proclamation Congratulating Kathy Zwierzchowski on Becoming Head Coach of the Williamsville North's Lady Spartans Swim Team.

Item 23 – MR. RATH presented a proclamation Recognizing and Acknowledging Grant Wang and Alex Liang on Launching ALYUS Williamsville.

Item 24 – MR. TODARO & MR. RATH presented a proclamation Recognizing and Acknowledging Mrs. Sandy Hamilton on Launching Mrs. Hamilton's Classroom.

Item 25 – MR. MILLS presented a proclamation Honoring St. John Vianney School for Its 60 Year Commitment to Catholic Education.

Item 26 – MR. MILLS presented a proclamation Honoring Gowanda Ambulance Service as it Celebrates the Opening of the New Corporation Building.

Item 27 – MR. MILLS presented a proclamation Honoring and Recognizing Taffy's Hot Dog Stand, an Orchard Park Landmark for Over 70 Years.

Item 28 – MR. MILLS presented a proclamation Honoring Dawn K. Peters on Her Retirement from the Buffalo & Erie County Library.

Item 29 – MR. LORIGO presented a proclamation Recognizing Natalia Pernick as an Up-and-Coming Musical Star in Our Community.

Item 30 – MR. LORIGO presented a proclamation Acknowledging and Thanking Rachel Stepien and Plant Shack for Their Commitment to Our Green Spaces.

Item 31 – MR. LORIGO presented a proclamation Congratulating Carrie Vetter for Being Appointed Iroquois School District Athletic Director.

Item 32 – MR. TODARO presented a proclamation Recognizing and Honoring Robert C. Guggemos for Being Inducted into the "Wall of Honor".

Item 33 – MR. TODARO presented a proclamation Recognizing and Honoring David W. Strohmenger for Being Inducted into the "Wall of Honor".

Item 34 – MR. TODARO presented a proclamation Congratulating Mark Andol Upon the Occasion of the Grand Opening of the Made in America Store.

Item 35 – MR. TODARO presented a memorial resolution Honoring and Remembering Frank DiSanto.

MR. MEYERS moved for consideration of the above thirty-one items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above thirty-one items by adding one for Mr. Mills, one for Mr. Meyers, and by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-three items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

Item 37 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 38 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 39 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 40 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 41 – CHAIR BASKIN directed that Local Law No. 4 (Print #2) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 42 – CHAIR BASKIN directed that Local Law No. 6 (Print #1) 2020 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 43 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

October 1, 2020	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 17D-1 (2020)
DEPT. OF LAW: "Local Emergency Order Extensions"
(Chair's Ruling)

2. COMM. 17E-15 (2020)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, within the Department of Mental Health, the Forensic Mental Health Division employs certain clinical staff with eligible position title codes pursuant to applicable provisions of the New York State Mental Hygiene Law; and

WHEREAS, the New York State Office of Mental Health provides a 2% Workforce COLA to cover increases in salary and salary-related fringe benefit expenses; and

WHEREAS, in order to receive said funding, the State requires that the governing board of the county approve a resolution ensuring how the Workforce COLA funding will be allocated.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature agrees to accept the New York State Office of Mental Health COLA of 2%, as applied to salary and fringe expenditures, for those employees determined by the New York State Office of Mental Health to be eligible to receive the funding; and be it further

RESOLVED, that this funding will be distributed solely to those eligible employees at the appropriate rate as applied to actual salary and salary-related fringe expenditures incurred during the award period; and be it further

RESOLVED, that the funding received for any Workforce COLA will be used solely to support salary and salary-related fringe benefit expenses for eligible clinical staff professionals; and be it further; and be it further

RESOLVED, that this action is conducted pursuant to Subdivisions 3-b and 3-c of Section 1 of Part C of Chapter 57 of the Laws of 2006, as amended by L. 2019, Chapter 57, Part Y, Section 3 (paragraph (f)) and the applicable standards issued by New York State; and be it further

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

RESOLVED, that certified copies of this resolution shall be transmitted to the Erie County Executive, Commissioner of Personnel, Director of Budget and Management, County Comptroller, County Attorney and the Commissioner of Mental Health.

Subdivisions 3-b and 3-c of Section 1 of Part C of Chapter 57 of the Laws of 2006, as added by L. 2019, Ch. 57, Part Y, Section 3

3-f. (i) Notwithstanding the provisions of subdivision 3-b of this section

or any other inconsistent provision of law, and subject to the availability of the appropriation therefor, for the programs listed in paragraphs (i), (ii), and (iii) of subdivision 4 of this section, the commissioners shall provide funding to support (1) an overall average two percent (2.00%) increase to total salaries for direct care staff, direct support professionals for each eligible state-funded program beginning January 1, 2020; and (2) an overall average two percent (2.00%) increase to total salaries for direct care staff and direct support professionals, and clinical staff for each eligible state-funded program beginning April 1, 2020. For the purpose of this funding increase, direct support professionals are individuals employed in consolidated fiscal reporting position title codes ranging from 100 to 199; direct care staff are individuals employed in consolidated fiscal reporting position title codes ranging from 200 to 299; and clinical staff are individuals employed in consolidated fiscal reporting position title codes ranging from 300 to 399.

(ii) The funding made available pursuant to paragraph (i) of this subdivision shall be used: (1) to help alleviate the recruitment and retention challenges of direct care staff, direct support professionals and clinical staff employed in eligible programs; and (2) to continue and to expand efforts to support the professionalism of the direct care workforce. Each local government unit or direct contract provider receiving such funding shall have flexibility in allocating such funding to support salary increases to particular job titles to best address the needs of its direct care staff, direct support professionals and clinical staff. Each local government unit or direct contract provider receiving such funding shall also submit a written certification, in such form and at such time as each commissioner shall prescribe, attesting to how such funding will be or was used for purposes eligible under this section. Further, providers shall submit a resolution from their governing body to the appropriate commissioner, attesting that the funding received will be used solely to support salary and salary-related fringe benefit increases for direct care staff, direct support professionals and clinical staff, pursuant to paragraph (i) of this subdivision. Salary increases that take effect on and after April 1, 2019 may be used to demonstrate compliance with the January 1, 2020 funding increase authorized by this section, except for salary increases necessary to comply with state minimum wage requirements. Such commissioners shall be authorized to recoup and funds as appropriated herein determined to have been used in a manner inconsistent with such standards or inconsistent with the provisions of this subdivision, and such commissioners shall be authorized to employ any legal mechanism to recoup such funds, including an offset of other funds that are owed to such local government unit or provider.

(iii) Where appropriate, transfers to the department of health shall be made as reimbursement for the state share of medical assistance.

(5-0)

3. COMM. 17E-19 (2020)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded \$425,000 annually for a 5-year period that began 10/1/17 by Substance Abuse and Mental Health Services Administration (SAMHSA) as part of an initiative to offer expanded and enhanced substance use disorder treatment services in existing family treatment drug courts; and

WHEREAS, the Department of Mental Health thus requires legislative approval to accept the Federal funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve high-risk families residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept SAMHSA grant funds and to have the Department of Mental Health oversee the provision of related services by amending its contract with BestSelf Behavioral Health, and thus authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health
Grant Fund 281, Fund Center 12410
October 1, 2020 - September 30, 2021
124SAMHSAFTDC2021

Revenue	Increase
Account 414000 – Federal Revenue	\$425,000
Appropriation	Increase
Account 517534 – BestSelf Behavioral Health OMH	\$425,000

and be it further

RESOLVED, that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County's entering into contract with BestSelf Behavioral Health, Inc. on June 8, 2017 (Comm. 10E-18); and be it further

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

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.
(5-0)

LISA M. CHIMERA
CHAIR

Item 44 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

October 1, 2020	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 15M-6 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Draft Investigation Work Plan at 3077 Union Road, Orchard Park”
(Chair’s Ruling)
 - b. COMM. 15M-7 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 1100 Michigan Ave., Buffalo”
(Chair’s Ruling)
 - c. COMM. 15M-8 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 951 Ellicott St., Buffalo”
(Chair’s Ruling)
 - d. COMM. 16E-32 (2020)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - e. COMM. 16D-16 (2020)
DEPUTY COMPTROLLER – AUDIT: “Audit of EC Soil & Water Conservation District”
(Chair’s Ruling)

- f. COMM. 16M-8 (2020)
NYSDEC: “Public Notice - Brownfield Cleanup Program Application for 9 Lakeview Ave., Buffalo”
(Chair’s Ruling)
- g. COMM. 16M-10 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 100 Dona St., Lackawanna”
(Chair’s Ruling)
- h. COMM. 16M-11 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 1095 Niagara St., Buffalo”
(Chair’s Ruling)
- i. COMM. 16M-12 (2020)
NYS DEPT. OF PUBLIC SERVICE: “Letter to Public Regarding Updated Electric & Gas Delivery Rates & Practices”
(Chair’s Ruling)
- j. COMM. 16M-13 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 267 Marilla St., Buffalo”
(Chair’s Ruling)
- k. COMM. 16M-14 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 1130 Niagara St., Buffalo”
(Chair’s Ruling)
- l. COMM. 16M-15 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 9 Lakeview Ave., Lackawanna”
(Chair’s Ruling)
- m. COMM. 16M-16 (2020)
NYSDEC: “Invitation for Public Comment - Interim Remedial Measure Completion”
(Chair’s Ruling)

TIMOTHY J. MEYERS
CHAIR

Item 45 – MR. JOHNSON presented the following report, moved to separate item Number 2, and approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

October 1, 2020	PUBLIC SAFETY COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16E-7 (2020)
COUNTY EXECUTIVE: “Letter to ECCSAB Regarding NYS Police Reform & Reinvention Collaborative”
(Chair’s Ruling)
 - b. COMM. 16M-2 (2020)
EC CORRECTIONS SPECIALIST ADVISORY BOARD: “Letter to County Executive Regarding NYS Police Reform & Reinvention Collaborative”
(Chair’s Ruling)
 - c. COMM. 17E-20 (2020)
LORIGO: “Letter to Public Safety Chair Regarding Comm. 12E-16 (2020)”
(Chair’s Ruling)
 - d. COMM. 17M-1 (2020)
LEGAL AID BUREAU: “Request for Nomination to the EC Corrections Specialist Advisory Board”
(Chair’s Ruling)

2. INTRO. 17-7 (2020)
BASKIN, JOHNSON, MEYERS, CHIMERA & VINAL
WHEREAS, solitary confinement is the practice of isolating detainees in closed cells for 23-24 hours a day, virtually free of human contact, and with limited access to recreation or being outside of an enclosed space for periods of time ranging from days to weeks, months or years in sum; and

WHEREAS, in New York State, long-term solitary confinement units are often referred to as Special Housing Units and according to the New York Campaign for Alternatives to Isolated Confinement (NYCAIC), there are approximately 4,000 prisoners in New York State prisons and jails in solitary confinement units on any given day; and

WHEREAS, the New York State Department of Corrections and Community Supervision has reported a current “keep-lock” number of 479 prisoners kept in isolation for 23 hours per day and in 2018, the latest reported public year, there were 38,249 instances of prisoners kept in isolated confinement (including prisoners sent to isolation repeatedly), showing the State’s use of isolation is significant; and

WHEREAS, solitary confinement cells generally measure from 6 x 9 to 8 x 10 feet, and some have bars, but more often they have solid metal doors, with meals generally being transmitted through slots in these doors, as do any communications with prison staff and in Special Housing Units, prisoners are denied access to communal religious worship and educational programming; and

WHEREAS, within these cells, prisoners live lives of enforced idleness, required to stay in the cell for 23 hours per day or longer, and denied the opportunity to work or attend prison programming, and sometimes banned from having televisions, radios, art supplies, and reading materials; and

WHEREAS, data shows that suicide attempts and deaths of prisoners while incarcerated in solitary confinement are much higher than those of prisoners in the general population or the public; and

WHEREAS, according to NYCAIC, between 2015-2019, the rate of suicide by persons in solitary confinement was more than five times the rate for the rest of the New York prison population and in 2019, at least one third of all suicides occurred in solitary confinement and the rate of suicides in solitary confinement in state prisons was ten times the national prison suicide rate; and

WHEREAS, from January 2015-April 2019, 43% of all suicide attempts occurred in a Special Housing Unit; and

WHEREAS, many prisoners in new York State correctional facilities engage in self-inflicted injuries that are classified as less serious than suicide attempts, and according to NYCAIC, between January 2015-April 2019, the rate of such injuries for those in solitary confinement and in disciplinary residential mental health units was more than seven times greater than the rate in the remainder of the prison population; and

WHEREAS, NYCAIC supports sweeping reforms of New York State's use of solitary confinement and other forms of extreme isolation in state prisons and local jails; and

WHEREAS, to help address these problems and issues, Assemblyman Jeffrion Aubry has repeatedly introduced legislation in the New York State Assembly (A.2500) and Senator Luis Sepúlveda has introduced companion legislation in the New York State Senate (S.1623) called the "Humane Alternatives to Long-Term Solitary Confinement" Act (the HALT Solitary Confinement Act); and

WHEREAS, the HALT Solitary Confinement Act would limit the time an inmate can spend in segregated confinement, end the segregated confinement of vulnerable people, restrict the criteria that can result in such confinement, improve conditions of confinement, and create more human and effective alternatives to such confinement; and

WHEREAS, the HALT Solitary Confinement Act would provide a humane and more effective way of handling prisoners who pose a concrete threat to the safety of others, separating them from the general population but not isolating them, placing them in Residential Rehabilitation Units, separate from other housing units, where they would receive therapeutic and rehabilitative

programming to address the issues causing their problematic behavior, and would be out of their cells and in contact with other people many hours each day, in therapy and recreation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for New York State Assembly Bill A.2500 and Senate Bill S.1623 to reduce the amount of time that prisoners can spend in solitary confinement/segregated confinement in order to promote alternative therapeutic and rehabilitative confinement options, urges the New York State Legislature to expeditiously approve said legislation which can help reduce or avert suicides, deaths and adverse mental health effects and urges the Governor to publicly signal his support for, and sign the bill into law when approved by the State Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo, the Western New York delegation to the New York State Senate and Assembly, Erie County Sheriff Timothy Howard, and the New York Campaign for Alternatives to Isolated Confinement.

(5-1) Legislator Rath voted in the negative.

3. COMM. 17E-16 (2020)
COUNTY EXECUTIVE

WHEREAS, the existing jail management system original to the 1984 facility is outdated, has experienced maintenance issues leading to extended downtime for sections of the Erie County Correctional Facility at times, and therefore requires improvement and upgrades; and

WHEREAS, Black Creek Integrated Systems Corporation is considered a sole source vendor, having the ability to seamlessly integrate a new state-of-the-art, proprietary jail management system upgrade with the facility's existing electronic Watchtour and Sallyport NY inmate management system; and

WHEREAS, no other product provides substantially equivalent or similar benefits and considering the benefits received, the cost of the upgrades is deemed reasonable; and

WHEREAS, the County Executive is requesting authorization to enter into a Contract with Black Creek Integrated Systems Corporation for the design, furnishing of equipment, and installation of security upgrades for the Erie County Correctional Facility – Jail Management System Upgrades project; and

WHEREAS, in order to fund the project completely, it is necessary for the Sheriff's Office to transfer \$250,000 from their telephone revenue account, which will not have any impact on their 2020 Budget, into the 2020 Capital Project A.20059 – 2020 Improvements to the Holding Center and Correctional Facility, Fund 410, Funds Center 122; and

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

WHEREAS, the Sheriff and the County Executive agree the aforementioned items are necessary for the operation of the Erie County Correctional Facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a Contract with Black Creek Integrated Systems Corporation for the design, furnishing of equipment, and installation of security upgrades for the Erie County Correctional Facility – Jail Management System Upgrades project for an amount not to exceed \$1,960,238, including a contingency; and be it further

RESOLVED, that the Erie County Sheriff’s Office and the Division of Budget and Management are authorized to transfer Telephone Revenue funds into an existing capital project in the Department of Public Works in order to fully fund the jail management system upgrades, as follows:

Office of the Sheriff – Division of Jail Management
Fund 110, Funds Center 116

<u>Revenue</u>		<u>Increase/(Decrease)</u>
415622	Jail Telephone Revenue	(\$250,000)
570050	Interfund Subsidy-Capital	\$ 250,000
	Net	\$0

A.20059 – Improvements to Holding Center and Correctional Facility
Fund 410, Funds Center 122

GL Account	Budget	Increase	Revised Budget
REVENUE:			
486000-Interfund Revenue Subsidy	\$250,000	\$250,000	\$500,000
APPROPRIATIONS:			
Capital Project Expense	\$250,000	\$250,000	\$500,000

and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all of the above from the approved capital budgets, Fund 410, Funds Center 122, as follows:

A.20059 – 2020 Improvements to Holding Center and Correctional Facility	\$ 500,000.00
A.19026 – 2019 Erie County Sheriff’s Department – Miscellaneous Renovations	\$ 500,000.00
A.19027 – 2019 Erie County Correctional Facility – Video and Door Control Upgrades – Phase 3	\$ 500,000.00
A.18026 – 2018 Erie County Sheriff’s Department – Miscellaneous Renovations	\$ 62,464.28
A.18027 – 2018 Erie County Correctional Facility – Video and Door Control Upgrades – Phase 2	\$ 194,711.80
A.17026 – 2017 Improvements to Holding Center and Correctional Facility	\$ 203,061.92
For a Total Amount Not to Exceed:	\$ 1,960,238.00

and be it further

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

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

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

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

(5-0) Legislator Gilmour not present for vote.

4. COMM. 17E-18 (2020)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security & Emergency Services, through NYS Department of Homeland Security and Emergency Services, has agreed to provide funding in federal assistance to continue the implementation of programs to enhance the ability of the Buffalo, Erie, Niagara Region to manage emergency and disaster situations; and

WHEREAS, D-CO, Leaders and Training LLC is the sole source provider of a Leadership, Planning and Decision Making Course for Tactical Commanders and their staff; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract with D-CO, Leaders and Training LLC to conduct the Leadership, Planning and Decision Making Course; and

WHEREAS, funding is available in the FY 16 Complex Coordinated Terrorism Attack Grant to cover the costs incurred for this training; and

WHEREAS, the contract will be managed by the Erie County Department of Homeland Security & Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with D-CO, Leaders and Training LLC to conduct the Leadership, Planning and Decision Making Course; and be it further

RESOLVED, the contract will not exceed \$22,000 from available funds after budget modification in Grant HS167CCTA1820, Fund 281, Account 516020 – Professional Service Contracts and Fees; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(5-0) Legislator Gilmour not present for vote.

HOWARD J. JOHNSON, JR.
CHAIR

MR. JOHNSON moved to approve item Number 2. MR. MEYERS seconded.

MR. RATH moved to amend item Number 2. MR. LORIGO seconded.

CHAIR BASKIN directed that the Legislature enter into recess at 2:30 p.m.

CHAIR BASKIN reconvened the Legislature at 2:41 p.m.

All members present.

MR. JOHNSON moved to amend the amendment. MS. VINAL seconded.

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

AYES: MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. LORIGO and MR. RATH. (AYES: 9; NOES: 2)

CARRIED.

MR. JOHNSON moved to approve the amendment as amended. MS. VINAL seconded.

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

AYES: MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. LORIGO and MR. RATH. (AYES: 9; NOES: 2)

CARRIED.

Add the Following Resolved Clause as a New Additional Resolved:

RESOLVED, that this honorable body hereby supports the provisions of the HALT Act that limit the use of solitary confinement for extended periods of time and urges jails across New York

State, including the Erie County Corrections Facility, to self-limit the use of segregated confinement as directed in the HALT Act; and be it further

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

CHAIR BASKIN directed that the Legislature enter into recess at 3:01 p.m.

CHAIR BASKIN reconvened the Legislature at 3:04 p.m.

All members present.

MR. LORIGO requested the separation of the First Resolve Clause.

CHAIR BASKIN moved the previous question, less the First Resolve Clause, and 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.

CHAIR BASKIN moved the previous question, the approval of the First Resolve Clause, and directed that a roll-call vote be taken.

AYES: MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. LORIGO and MR. RATH. (AYES: 9; NOES: 2)

CARRIED.

Item 46 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

October 1, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 17E-7 (2020)
BASKIN: “Support for Appointment of Jeanne Vinal as EC Legislature’s Representative on NFTA Board of Commissioners”
(Chair’s Ruling)

2. COMM. 17E-10 (2020)
COUNTY EXECUTIVE

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 168 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 168 tax sale adopted by BENLIC on July 16, 2020, 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.
(6-0)

3. COMM. 17E-11 (2020)
COUNTY EXECUTIVE

WHEREAS, the Town of Tonawanda (“Town”) owns a sanitary sewage pump station (“Pump Station”) located within the County of Erie located on a County parcel that contains a section of the Shoreline Trail; and

WHEREAS, the Town has requested a permanent easement on and across a portion of the County’s land located at the Shoreline Trail in order to access the Bridge Pump Station for purposes of replacement, repairs and future operation and maintenance; as depicted on Attachment A and Attachment B; and

WHEREAS, the County’s Land Advisory Review Committee (“ARC”) has reviewed the request and recommended that this permanent easement be granted.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to execute a permanent easement agreement, as well as an related paperwork and/or agreements, with the Town of Tonawanda; and be it further

RESOLVED, that the purpose of the permanent easement will be to allow the Town access to the Bridge Pump Station for purposes of operation and maintenance; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Erie County Executive’s Office, The Department of Parks, Recreation & Forestry and the Erie County Division of Law.

ATTACHMENT A



ATTACHMENT B



(6-0)

4. **COMM. 17E-14 (2020)
COUNTY EXECUTIVE**

WHEREAS, the Lakeshore Shoreline Trail Multi-Use Pathway Phase III project in the Town of Evans, PIN 5758.02 project was approved by the Erie County Legislature via COMM. 24E-12 (January 18, 2018); and

WHEREAS, construction of the project by Nova Site Company, LLC is now complete and is ready to be closed out and final payment made to the contractor; and

WHEREAS, in order to close out the project and make final payment to Nova Site Company, LLC, it is necessary to execute a final change order to the construction contract that reflects the final status of all items of work; and

WHEREAS, the change order, in the amount of \$14,934.82 increases the current contract total from \$2,101,555.01 to \$2,116,489.83; and

WHEREAS, the amount of \$14,934.82 is available from the capital projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves execution of the subject change order; and be it further

RESOLVED, that the County Executive be authorized to execute a change order with Nova Site Company, LLC in the amount of \$14,934.82; and be it further

RESOLVED, that funding for the change order is hereby appropriated from Fund 410, Funds Center 162 as follows:

A.14079	2014 Evans Multi-Use Pathway	\$10,409.30
<u>A.16018</u>	<u>2016 Evans Shoreline Trail Phase III</u>	<u>\$4,525.52</u>
	Total Change Order	\$14,934.82

and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, the Office of the Comptroller, and the Department of Environment and Planning.
(6-0)

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

Item 47 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

October 1, 2020	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16E-17 (2020)
BASKIN: "Request for Updated COVID-19 Spending Report"
(Chair's Ruling)
 - b. COMM. 17D-2 (2020)
COMPTROLLER'S OFFICE: "Report on EC Chargeback Fees for Community College Tuition"
(Chair's Ruling)
 - c. COMM. 17D-3 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending 7/2020"
(Chair's Ruling)
 - d. COMM. 17D-4 (2020)
DEPUTY COMPTROLLER: "Letter to Legislature Concerning Second Round of July Sales Tax Receipts"
(Chair's Ruling)
 - e. COMM. 17D-5 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: "Fund 252 Consumption Report"
(Chair's Ruling)

2. COMM. 2D-1 (2020)
DIRECTOR OF REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 220098 through 220111, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities:

FISCAL YEAR	2020	Petition No.	220,098.00
	ASSESSOR	Cancel	\$935.49
S-B-L	24.20-2-19	Ransom Rd	144600 GRAND ISLAND
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$935.49 Town/SpecialDist/School

Charge To : 144600 GRAND ISLAND \$935.49
Relevy School \$935.49 144601 GRND ISLN
CENTRAL

RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll.

FISCAL YEAR 2020 Petition No. 220,099.00

ASSESSOR Cancel \$1,519.95
S-B-L 101.84-3-3.1 2177 Broadway St 143001 SLOAN

Charge To : Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,519.95 Town/SpecialDist/School
143001 SLOAN \$1,519.95
Relevy School \$1,519.95 143009 SLOAN UNION #9

RPTL 550(2): Incorrect assessed value
New tax bill to be issued.

FISCAL YEAR Petition No. 220,100.00

Cancel
S-B-L

Charge To : Acct. No. 112 \$0.00 County
Acct. No. 132 Town/SpecialDist/School
143089 CHEEKTOWAGA
Relevy School \$554.86 143007 DEPEW UNION-

CHEEK

RPTL 550(2): Falied to apply Basic STAR exemption
New tax bill to be issued.

FISCAL YEAR Petition No. 220,101.00

Cancel
S-B-L

Charge To : Acct. No. 112 \$0.00 County
Acct. No. 132 Town/SpecialDist/School
143400 COLDEN \$1,086.50
Relevy School \$1,086.50 143801 SPRING-GRIFFITH

RPTL 550(2): wholly exempt
New tax bill to be issued.

FISCAL YEAR Petition No. 220,102.00

Cancel

S-B-L

	Acct. No. 112	\$0.00	County
	Acct. No. 132		Town/SpecialDist/School
Charge To :	144889 HAMBURG		
	Relevy School	\$325.84	144804 FRONTIER

CENTRAL

RPTL 550(2): Failed to apply Basic STAR exemption
New tax bill to be issued.

FISCAL YEAR 2020 Petition No. 220,103.00

ASSESSOR Cancel \$1,855.71
S-B-L 128.04-4-2 11029 Clinton St 145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,855.71	Town/SpecialDist/School
Charge To :	145400 MARILLA	\$1,855.71	\$1,855.71
	Relevy School	\$1,855.71	142001 ALDEN CENTRAL

RPTL 550(2): Failed to apply Aged exemption
New tax bill to be issued.

FISCAL YEAR 2020 Petition No. 220,104.00

ASSESSOR Cancel \$150.28
S-B-L 47.07-1-28 16 Morgan St 145601 AKRON

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$150.28	Town/SpecialDist/School
Charge To :	145601 AKRON		\$150.28
	Relevy Village	\$150.28	Village of AKRON

RPTL 550(2): Failed to calculate Aged exemption properly
New tax bill to be issued.

FISCAL YEAR 2020 Petition No. 220,105.00

ASSESSOR Cancel \$906.16
S-B-L 47.06-2-24.1 8 Cummings Ave 145601 AKRON

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$906.16	Town/SpecialDist/School
Charge To :	145601 AKRON		\$906.16

Relevy School \$906.16 145601 AKRON CENTRAL
RPTL 550(2): Failed to apply Aged exemption
New tax bill to be issued.

FISCAL YEAR Petition No. 220,106.00

Cancel

S-B-L

Acct. No. 112 \$0.00 County
Acct. No. 132 Town/SpecialDist/School
60999 Exemption Removal V \$59.21

Charge To : 146001 ORCHARD PARK \$59.21

RPTL 550(2): Applied exemption removal charge in error
Refund to be issued to Gloria Miller.

FISCAL YEAR Petition No. 220,107.00

Cancel

S-B-L

Acct. No. 112 \$0.00 County
Acct. No. 132 Town/SpecialDist/School
60999 Exemption Removal V \$107.06

Charge To : 146001 ORCHARD PARK \$107.06

RPTL 550(2): Applied exemption removal charge in error.
Refund to be issued to QIS Leasing LLC.

FISCAL YEAR Petition No. 220,108.00

Cancel

S-B-L

Acct. No. 112 \$0.00 County
Acct. No. 132 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$1,298.49
Relevy School \$1,298.49 146401 KEN-TON UNION

FREE

RPTL 550(2): Removed Enhanced STAR exemption in error.
New tax bill to be issued.

FISCAL YEAR 2020 Petition No. 220,109.00

 ASSESSOR Refund \$313.16

S-B-L 144.19-1-21 154 Villa Maria Rd 146800 WEST SENECA

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$313.16 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$313.16

RPTL 550(2): Applied exemption removal charge in error.
Refund to be issued to Bonnie A. Simonick.

FISCAL YEAR 2019 Petition No. 220,110.00

 ASSESSOR Refund \$170.60

S-B-L 144.19-1-21 154 Villa Maria Rd 146800 WEST SENECA

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$170.60 Town/SpecialDist/School

520 Code SC520 \$170.60

Charge To : 146800 WEST SENECA \$0.00

RPTL 550(2): Applied exemption removal charge in error
Refund to be issued to Bonnie A. Simonick

FISCAL YEAR 2020 Petition No. 220,111.00

 ASSESSOR Cancel \$1,191.98

S-B-L 144.19-1-1./B6 1001 Reserve Rd 146800 WEST SENECA

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$1,191.98 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$1,191.98

 Relevy School \$1,191.98 146001 ORCH PARK

CENTRAL

RPTL 550(2): Removed Enhanced STAR exemption in error
New tax bill to be issued.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(6-0)

3. COMM. 17E-13 (2020)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three year grant totaling \$300,000 to the County for the provision of indigent defense services; and

WHEREAS, Erie County contracted with the Legal Aid Bureau of Buffalo to deliver the services required through the grant; and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one year period to allow the agency to complete the terms and conditions of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one year period of July 1, 2020 to June 30, 2021; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an amendment to the subcontract with the Legal Aid Bureau of Buffalo extending the contract term for an additional one year period of July 1, 2020 to June 30, 2021; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160CR2ILSF1720 in the County Attorney's Office to June 30, 2021; and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.

(6-0)

**TIMOTHY J. MEYERS
CHAIR**

Item 48 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

October 1, 2020	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13D-12 (2020)
DEPT. OF LAW: "Transmittal of New Claims Against EC"
(Chair's Ruling)
 - b. COMM. 16D-15 (2020)
DEPT. OF LAW: "Transmittal of Claims Against EC"
(Chair's Ruling)
 - c. COMM. 16D-17 (2020)
DEPT. OF LAW: "Transmittal of Claim Against EC"
(Chair's Ruling)
 - d. COMM. 16M-1 (2020)
RIVERVIEW INNOVATION & TECHNOLOGY CAMPUS: "Letter to Chair of
Government Affairs Committee Regarding Discussion Held on Thursday, 07/16/2020"
(Chair's Ruling)

2. INTRO. 17-9 (2020)
RATH, LORIGO, TODARO & MILLS
WHEREAS, in 2016 Governor Cuomo stated it was his goal to achieve full coverage for access to broadband internet for all New York residents by the end of 2018; and

WHEREAS, in the past, this honorable body has supported measures by New York State to provide expanded access to broadband services; and

WHEREAS, unfortunately, many of the rural areas in New York State, including parts of Erie County, still do not have full access to broadband internet speeds; and

WHEREAS, with the spread of COVID-19 and the resulting increase in people working or learning from home, access to high-speed internet has never been more important to providing a level playing field for our rural communities; and

WHEREAS, the Comprehensive Broadband Connectivity Act is intended to require the Public Service Commission conduct a study to determine the level of access to high-speed internet across the entire state; and

WHEREAS, the Public Service Commission's study would provide insights into how far New York has progressed in its efforts to achieve universal high-speed internet coverage and how much more work is still have left to do; and

WHEREAS, the bipartisan bill was overwhelmingly approved in both the state Senate and state Assembly, and has been awaiting executive action for over two months. Considering how important internet access is, the bill must be signed into law immediately.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby urges Governor Cuomo to act to sign the Comprehensive Broadband Connectivity Act immediately so that we are able to determine how much progress has been made to provide broadband internet access to all New York residents; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

(6-0)

**KEVIN R. HARDWICK
CHAIR**

Item 49 – MS. VINAL presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

October 1, 2020	SMALL BUSINESS COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, all items are hereby tabled.

**JEANNE M. VINAL
CHAIR**

LEGISLATOR RESOLUTIONS

Item 50 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

MR. LORIGO moved to amend the resolution. MR. TODARO 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.

CHAIR BASKIN moved the previous question and 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.

RESOLUTION NO. 205

RE: Support for the Use of CARES
Act Funding to Assist Local
Small Businesses
(INTRO. 18-1)

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

WHEREAS, among the many groups, organizations, sectors and parts of our country, society and community that have been negatively affected by the COVID-19 pandemic are local small businesses, including retail businesses, restaurants, bars and self-employed individuals who run their own business, often as solo operations; and

WHEREAS, Erie County has positively stepped up during the pandemic, providing tens of millions of dollars of federal CARES Act funding to support local governments, procure, purchase and distribute personal protective equipment (PPE), support schools and child care needs, and assist renters and homeowners facing possible eviction or loss of their homes to foreclosure; and

WHEREAS, members of this Honorable Body have expressed support for the establishment of a CARES Act-funded or supported process and task force to assist small businesses which are struggling; and

WHEREAS, in April 2020, the County Executive established the Coronavirus Small Business Task Force to aid small businesses, co-chaired by ECIDA Chairwoman Brenda McDuffie and the CEO of manufacturer Zehnder Rittling, Scott Pallotta, with members from the business community, such as the Buffalo Niagara Partnership, the WNY Area Labor Federation, Empire State Development, the Black Chamber of Commerce, the NYS Department of Labor, the Workforce Investment Board, Invest Buffalo Niagara, the Small Business Development Center, the Buffalo

Niagara Realtors Association, Buffalo-Niagara World Trade Center and multiple businesses and employers; and

WHEREAS, the Erie County Industrial Development Agency (ECIDA) is working with the County Executive and soliciting applications from small businesses for their new COVID PPE Cost Reimbursement Grant Program, offering up to \$10,000 in reimbursement for PPE and equipment and fixtures; and

WHEREAS, this Honorable Body concurs that the County should, and can further assist small businesses during these trying times.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses our support for the allocation of a portion of the County's remaining CARES Act federal appropriation to create a funding pool and mechanism to assist local small businesses during the COVID-19 pandemic; and be it further

RESOLVED, that this Honorable Body requests that the County Executive develop a plan, in conjunction with the Coronavirus Small Business Task Force, to provide grant funding to financially support eligible local small business applicants; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Executive Director and Board Chair of the ECIDA, and the members of the Erie County Coronavirus Small Business Task Force.

Item 51 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

RE: Appointment of Commissioners
of Elections
(INTRO. 18-2)

A RESOLUTION TO BE SUBMITTED BY
CHAIR BASKIN, LEGISLATORS MEYERS, HARDWICK, JOHNSON,
CHIMERA, GILMOUR, VINAL, LORIGO, MILLS, RATH & TODARO

WHEREAS, on September 28, 2020, pursuant to Election Law §3-204(2), the Erie County Democratic Committee filed with the Clerk of the Erie County Legislature a Certificate of Party Recommendation, recommending the appointment of Jeremy Zellner, residing at 613 Niagara Street, Tonawanda, New York 14150, for appointment to the office of Democratic Commissioner of Elections for a full four-year term; and

WHEREAS, on October 5, 2020, pursuant to Election Law §3-204(2), the Erie County Republican Committee filed with the Clerk of the Erie County Legislature a Certificate of Party Recommendation, recommending the appointment of Ralph M. Mohr, residing at 5622 Broadway

Street, Lancaster, New York 14086, for appointment to the office of Republican Commissioner of Elections for a full four-year term; and

WHEREAS, said appointments are to commence January 1, 2021.

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with New York State Election Law, the Erie County Legislature hereby appoints Jeremy Zellner, residing at 631 Niagara Street, Tonawanda, New York 14150, as Democratic Commissioner of Elections for a full four-year term commencing January 1, 2021; and be it further

RESOLVED, that in accordance with New York State Election Law, the Erie County Legislature hereby appoints Ralph M. Mohr, residing at 5622 Broadway Street, Lancaster, New York 14086, as Republican Commissioner of Elections for a full four-year term commencing January 1, 2021; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioners of the Erie County Board of Elections; and pursuant to Election Law §3-210, a certificate of appointment of Commissioners Jeremy Zellner and Ralph M. Mohr shall be filed in the Erie County Clerk's Office and the New York State Board of Elections.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 52 – MR. LORIGO moved to discharge the SMALL BUSINESS COMMITTEE of further consideration of INTRO. 17-4 (2020). MR. RATH seconded.

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

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

FAILED.

SUSPENSION OF THE RULES

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

MR. JOHNSON objected to the immediate consideration of the resolution.

INTRO. 18-3 from LORIGO, RATH, TODARO & MILLS Re: Calling for NYS to Allow Theaters to Reopen

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR BASKIN

Item 54 – (COMM. 18E-1) Letter to ECDOH Commissioner Regarding RFPs to Provide Plain Language Communications Outreach

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 55 – (COMM. 18E-2) Letter to EC Homeland Security & Emergency Services Commissioner Concerning Allocation of CARES Funding for PPE

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 56 – (COMM. 18E-3) Report of Apportionment & Distribution of Net Collections from Sales Tax - 06/20 - 08/20

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 57 – (COMM. 18E-4) Surplus Authorization for Access of WNY

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 58 – (COMM. 18E-5) Authorization to Add Funding to the Energy Performance Contract

Item 59 – (COMM. 18E-6) Acceptance of National Grid Energy Initiative Rebate - Buffalo & EC Botanical Gardens Project

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

Item 60 – (COMM. 18E-7) Authorization to Accept Donation from NYSEG

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 61 – (COMM. 18E-8) ECSD No. 4 - Engineering Term Contract Agreement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 62 – (COMM. 18E-9) ECSD No. 3 - Contract Close-Out

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

Item 63 – (COMM. 18E-10) PILOT Agreement - Affordable Housing Development

Item 64 – (COMM. 18E-11) A/E Contract Amendment - Buffalo & EC Botanical Gardens Project

Item 65 – (COMM. 18E-12) Property Transfer of 4111 River Rd. to Town of Tonawanda

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPT. OF LAW

Item 66 – (COMM. 18D-1) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 67 – (COMM. 18D-2) COVID-19 Overtime Expenses for County MC Employees Across NYS

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 68 – (COMM. 18D-3) Child Protective Caseloads for 08/2020

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 69 – (COMM. 18D-4) Breakdown of 2020 Hotel Occupancy Tax Revenue

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ERIE COUNTY DEMOCRATIC COMMITTEE

Item 70 – (COMM. 18M-1) 2020 Certification of Recommendation for Democratic Commissioner of Elections

Received, filed and printed

Robert Graber
Clerk of the Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

September 28, 2020

Mr. Graber,

Attached please find the 2020 Certification of Recommendation for the Democratic Commissioner of Elections made at the biennial reorganization meetings of the Erie County Democratic Committee, duly convened and held at Fontana's Grover, 2299 Clinton Street, West Seneca, NY 14224, County of Erie, and State of New York and via telephonic and video conferencing in accordance with Election Law sections 3-204 and 6-100 and NYS Executive Orders 202.47, 202.54, and 202.59, on the 26th of September 2020.

Sincerely,

Jennifer Hibit
Secretary, Erie County Democratic Committee

Certificate of Party Recommendation
For Commissioner of Elections
Erie County Democratic Party
(Pursuant to Election law, Sections 3-204)

To the Clerk of the Erie County Legislature:

We do hereby certify that:

At the biennial reorganization meeting of the Erie County Democratic Committee, duly convened and held at Fontana's Grove, 2299 Clinton Street, West Seneca, NY 14224, County of Erie, and State of New York and via telephonic and video conferencing in accordance with NYS Executive Orders 202.47, 202.54, and 202.59, on the 26th of September, 2020, under the provisions of section 3-204 of the Election Law of the State of New York and the rules of the Erie County Democratic Committee, a quorum of members of such committee being present,

Jeremy J. Zellner, residing at 613 Niagara St., Tonawanda, NY 14150 was recommended by said committee as a suitable and qualified person for appointment to the public office of Commissioner of Elections. Said designee is a registered voter of the County of Erie and a duly enrolled member of the Democratic Party.

September 26, 2020
Buffalo, New York

IN WITNESS WHEREOF, we have made and executed this Certificate, this 26th day of September, 2020

Jeremy J. Zellner, Chair and Presiding Officer
Erie County Democratic Committee, Executive Committee

Jennifer L. Hibit, Secretary
Erie County Democratic Committee

State of New York)
County of Erie) ss.:

On this 26th day of September, 2020, before me, the undersigned, a notary public/commissioner of deeds in and for said state, personally appeared Jeremy J. Zellner, Chairman and Presiding Officer and Jennifer L. Hibit, Secretary, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals described therein, and who executed the foregoing instrument, and acknowledged to me that they executed the same for the purposes therein mentioned.

JONICA B. DIMARTINO
Notary Public, State of New York
No. 01DI6069766
Qualified in Erie County
Commission Expires 2/11/2022
AFFIDAVIT

State of New York)
County of Erie) ss.:

We the undersigned, Jeremy J. Zellner, Chair and Presiding Officer and Jennifer L. Hibit, Secretary, being duly sworn, each for himself and herself, deposes and says:

That we are the same persons who signed the foregoing Certificate of party Recommendation for Democratic Elections Commissioner. We were and are the Chair/Presiding Officer and Secretary, respectively, of the Party Committee as provided for in the Rules of the Erie County Democratic Committee, which met on the 26th day of September 2020 at 8:00 a.m. at Fontana's Grove, 2299 Clinton Street, West Seneca, NY 14224, County of Erie, and State of New York and via telephonic and video conferencing in accordance with NYS Executive Orders 202.47, 202.54, and 202.59; and which is the committee as provided by the rules of said party to recommend a candidate of the Democratic Party for final appointment by the Erie County Legislature.

That at such meeting, the duly elected members of said Party committee did duly vote, with a quorum being present, to so recommend the candidate indicated, and the matters as stated in said Certificate are true.

Jeremy J. Zellner, Chair and Presiding Officer
Erie County Democratic Committee, Executive Committee

Jennifer L. Hibit, Secretary
Erie County Democratic Committee

Sworn to before me this 26th day of September, 2020

JONICA B. DIMARTINO
Notary Public, State of New York
No. 01DI6069766
Qualified in Erie County
Commission Expires 2/11/2022

FROM THE EC YOUTH DETENTION CENTER STAFF

Item 71 – (COMM. 18M-2) Letters & Petition Related to EC Youth Detention Center Management

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BUSPATROL

Item 72 – (COMM. 18M-3) Stop Arm Camera Implementation in EC

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ERIE COUNTY REPUBLICAN COMMITTEE

Item 73 – (COMM. 18M-4) 2020 Certification of Recommendation for Republican Commissioner of Elections

Received, filed and printed.

To the Clerk of the County Legislature, County of Erie:

I, Karl J. Simmeth Jr., certify that at a meeting of the county committee members of the Erie County Republican Committee, held on the 3rd day of October, 2020, at the George F. Lamm American Legion Post No. 622 locate at 962 Wehrle Drive, Williamsville, New York 14221, conducted pursuant to the provisions of the election law of the state of New York, the rules of the Erie County Republican Committee and all relevant Executive Orders, a quorum being present,

Ralph M. Mohr, residing at 5622 Broadway Street, Lancaster, New York 14086

was unanimously recommended by said committee as a suitable and qualified person for appointment to the public office of Commissioner of Elections for a full four year term commencing January 1, 2021 and ending December 31, 2024, and that said designee is a registered voter of the County of Erie and a duly enrolled member of the Republican Party.

Dated at Buffalo, New York
October 5, 2020

KARL J. SIMMETH JR
Karl J. Simmeth Jr., Chairman
Erie County Republican Committee

State of New York)
County of Erie) ss.:

On the 5th day of October in the year 2020, before me, the undersigned, personally appeared Karl J. Simmeth Jr., personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

ROBIN L. SION
Notary Public - State of New York
Robin L. Sion 01S15028051
Notary Public - State of New York
Originally Qualified in Erie County
My Commission Expires 5/23/2022

FROM THE NYSDEC

Item 74 – (COMM. 18M-5) Information Regarding Start of Riverview Innovation & Technology Cleanup Investigations

Item 75 – (COMM. 18M-6) Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 139 Buffalo River Rd. & 610 Ohio St., Buffalo

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

ANNOUNCEMENTS

Item 76 – Chair Baskin announced that the Committee Meetings for Thursday, October 15, 2020, have been scheduled. Chair Baskin further announced that the schedule for the committee meetings to be held on Thursday, October 1, 2020, has been distributed.

Item 77 – Legislator Lorigo requested the inclusion of a meeting of the Health & Human Services Committee concerning a discussion with the President of CSEA.

MEMORIAL RESOLUTIONS

Item 78 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Robert D. Holler.

Item 79 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Thomas G. Hancock.

Item 80 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Edward J. Schunk.

Item 81 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of Seth DeAnthony.

Item 82 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Stephen E. Barnes and Elizabeth Barnes.

ADJOURNMENT

Item 83 – 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 22, 2020 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, October 22, 2020 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER
CLERK OF THE LEGISLATURE**