

ERIE COUNTY LEGISLATURE
MEETING NO. 19
October 22, 2020

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Vinal.

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

The Pledge of Allegiance was led by Ms. Chimera.

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 18 from 2020. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. JOHNSON presented a memorial resolution Remembering Anna Vernell Triggs.

Item 6 – MS. VINAL & MR. RATH presented a proclamation Celebrating the Council of Heritage and Arts of India, Inc. in Celebration of the 151st Birth Anniversary of Mahatma Gandhi and the Unveiling of the Gandhi Bust in Amherst.

Item 7 – MS. VINAL presented a proclamation Congratulating and Recognizing Colin Flavin on Completing His Eagle Scout Project.

Item 8 – MR. JOHNSON presented a memorial resolution Remembering Mrs. Gloria Jean McWilson.

Item 9 – MR. TODARO presented a proclamation Recognizing October 2020 as "Italian American Heritage and Culture Month".

Item 10 – MS. VINAL presented a proclamation Congratulating and Honoring Judith H. Katz, Recipient of the Everett R. Dyer Award.

Item 11 – MR. TODARO presented a proclamation Celebrating the Grand Opening of Urban Air Adventure Park.

Item 12 – MR. JOHNSON presented a proclamation Acknowledging and Recognizing Health Literacy Month.

Item 13 – MR. JOHNSON presented a proclamation Honoring and Recognizing National Medical Assistants Week.

Item 14 – MS. VINAL presented a proclamation Recognizing National Federation for Just Communities and Their Virtual Citation Banquet.

Item 15 – MR. RATH presented a proclamation Recognizing and Acknowledging Thomas DeMartino for Nineteen Years of Service to Erie County.

Item 16 – MR. RATH presented a proclamation Recognizing and Acknowledging Peter Arnold for His Tenure with the Buffalo & Erie County Public Library System.

Item 17 – MR. RATH presented a proclamation Recognizing and Congratulating People Inc. on Its Golden Jubilee.

Item 18 – MR. RATH presented a proclamation Recognizing and Congratulating Niagara Label Co. on Receiving the 2020 Buffalo Niagara Business Ethics Award.

Item 19 – MR. LORIGO presented a proclamation Celebrating the 40th Anniversary of the West Seneca Bee.

Item 20 – MR. LORIGO presented a proclamation Acknowledging and Congratulating Sandra Haase on Her Retirement After Over 40 Years of Service to St. John's Preschool.

Item 21 – MR. LORIGO presented a proclamation Recognizing 42 North Brewing Company in the Celebration of Its 5th Anniversary.

Item 22 – MR. TODARO & MR. MILLS presented a proclamation Honoring Larry Robb as the Small Business Association Buffalo District 2020 Small Business Person of the Year.

Item 23 – MR. MILLS presented a proclamation Honoring Dr. Patrick J. Keem for His Dedication and Commitment to Orchard Park.

Item 24 – MR. MILLS presented a proclamation Honoring Dr. Joseph Rumfola as the Springville Area Chamber of Commerce 2020 Young Professional of the Year.

Item 25 – MR. MILLS presented a proclamation Honoring Michelle Gonter and Her Investment and Commitment to the New Eden Farmers Market.

Item 26 – MR. TODARO presented a proclamation Recognizing and Honoring Frank Caruso as a Valuable Citizen, Judge and Community Member.

Item 27 – MR. TODARO presented a proclamation Recognizing and Honoring Peter LoJacono as a Valuable Citizen and Advocate of the Buffalo Italian Community.

Item 28 – MR. TODARO presented a proclamation Recognizing and Honoring Rocco Termini as a Valuable Member of the Buffalo Community.

Item 29 – MR. TODARO presented a proclamation Recognizing and Honoring Joe Basil Chevrolet for Its Commitment to Giving Back to the Community.

Item 30 – MR. TODARO presented a proclamation Honoring Gwen Mysiak as Citizen of the Month for October 2020.

Item 31 – MR. TODARO presented a proclamation Recognizing and Honoring Ben Klostermann as a Valuable Community Member.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-seven items by adding one for Mr. Todaro, one for the Minority Caucus, and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 32 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 33 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 34 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 35 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 36 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 37 – CHAIR BASKIN directed that Local Law No. 4 (Print #2) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 38 – 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 39 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

October 15, 2020	SMALL BUSINESS COMMITTEE REPORT NO. 2
------------------	--

ALL MEMBERS PRESENT.

1. RESOLVED, all items are hereby tabled.

JEANNE M. VINAL
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

October 15, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 14
------------------	--

ALL MEMBERS PRESENT.

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

WHEREAS, from time to time, the County has surplus equipment or furnishings which are considered non-usable by the County and for which County Legislators have opportunities to partner with other governments or community and non-profit agency partners to donate surplus items and assist local agencies in their good work and endeavors; and

WHEREAS, Access of WNY has expressed their need for a van and the capability to provide transportation to their clients and community members needing support; and

WHEREAS, there is a need for additional sources to provide transportation services to members of our community; and

WHEREAS, Access of WNY primarily serves the Arab American community, an undeserved community in Erie County; and

WHEREAS, the Department has an unneeded 2014 Chevrolet 12 passenger surplus "Going Places" van which is not being used by the County, and which is eligible for donation to a worthwhile and eligible community agency; and

WHEREAS, authorization of the Erie County Legislature is necessary to effectuate the transfer of Erie County property.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby donate an Erie County Senior Services van (VIN# 1GAZGZFG4E1139019), a 2014 Chevrolet 12 passenger van, to Access of WNY at no cost; and be it further

RESOLVED, that once the transfer of the van takes place, Access of WNY will take over all maintenance and care for the vehicle as the new owner and the County will bear no legal, liability or other obligations for or associated with the van; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive Office; Vallie Ferraraccio, Director of Department of Purchasing; Division of Budget and Management; County Comptroller's Office; Department of Senior Services and Access of WNY.
(5-0)

2. COMM. 18E-7 (2020)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services has received a donation from New York State Electric and Gas in the amount of \$1,000.00; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to accept this donation; and

WHEREAS, these funds will be utilized by the Erie County Department of Homeland Security & Emergency Services to purchase bottled water for use in shelters operated by Erie County during extreme weather events; and

WHEREAS, there will be no negative impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept funds in the amount of \$1,000.00 from New York State Electric and Gas for use by the Erie County Department of Homeland Security & Emergency Services; and be it further

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

Erie County Department of Homeland Security & Emergency Services
Fund 110 – Fund Center 1670030

<u>Revenue</u>	<u>Increase</u>
Account 467000 – Miscellaneous Dept. Income	<u>\$1,000.00</u>
<u>Appropriation</u>	<u>Increase</u>
Account 505400 – Food & Kitchen Supplies	<u>\$1,000.00</u>

and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Division of Budget and Management; the Department of Homeland Security & Emergency Services, c/o Melissa Calhoun.
(5-0)

3. COMM. 18E-10 (2020)
COUNTY EXECUTIVE

WHEREAS, The Wingate Project consists of 188 units of affordable housing in the City of Buffalo located at 345 Niagara Street/176 Virginia Street (21 units), 332 14th Street/287 Rhode Island Street (34 units), 10 17th Street (27 units), 112 Chenango Street/465 Massachusetts Avenue (19 units), 310 Bryant Street (14 units), 298 Richmond Avenue/475 Vermont Street (12 units), 941 Connecticut Street (12 units), 17 Wadsworth Street (16 units), 263 Georgia Street (10 units), 281 Jersey Street/325 West Avenue (12 units), 98 Chenango Street (5 units), 96 Chenango Street (6 units); and

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

WHEREAS, in order to make the Project economically feasible for New Buffalo 12, LLC and/or Buffalo Communities Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Buffalo Communities Housing Development Fund Company, Inc., New Buffalo 12, LLC, and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

Year	PILOT	City	County
1	\$ 63,824.95	\$ 47,868.71	\$ 15,956.24
2	\$ 65,739.70	\$ 49,304.78	\$ 16,434.93
3	\$ 67,711.89	\$ 50,783.92	\$ 16,927.97
4	\$ 69,743.25	\$ 52,307.44	\$ 17,435.81
5	\$ 71,835.55	\$ 53,876.66	\$ 17,958.89
6	\$ 73,990.61	\$ 55,492.96	\$ 18,497.65
7	\$ 76,210.33	\$ 57,157.75	\$ 19,052.58
8	\$ 78,496.64	\$ 58,872.48	\$ 19,624.16
9	\$ 80,851.54	\$ 60,638.65	\$ 20,212.88
10	\$ 83,277.09	\$ 62,457.81	\$ 20,819.27
11	\$ 85,775.40	\$ 64,331.55	\$ 21,443.85
12	\$ 88,348.66	\$ 66,261.50	\$ 22,087.17
13	\$ 90,999.12	\$ 68,249.34	\$ 22,749.78
14	\$ 93,729.09	\$ 70,296.82	\$ 23,432.27
15	\$ 96,540.97	\$ 72,405.72	\$ 24,135.24

(5-0)

4. COMM. 18E-11 (2020)
COUNTY EXECUTIVE

WHEREAS, additional construction scope was uncovered during the course of construction which includes, but is not limited, to wood restoration of House 11 vestibules and vent windows, Main Entrance window replacement, complete roof replacement of House 7, and other

miscellaneous upgrades, for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations project; and

WHEREAS, the Legislature has previously authorized the County Executive to enter into an Agreement Amendment with Foit Albert Associates to provide additional professional design and construction administration services for this project (COMM. 17E-11 (2018)); and

WHEREAS, the Department of Public Works recommends these additional services due to unforeseen conditions during construction that required additional construction administrative services, and the extended construction completion date due to the additional scope; and

WHEREAS, the County Executive is requesting authorization to enter into a second Agreement Amendment with Foit Albert Associates for extended construction administration services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations project in an amount not to exceed \$18,424.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a second Agreement Amendment with Foit Albert Associates for extended construction administration services for the Buffalo and Erie County Botanical Gardens – 2017 – Houses 1, 4, 7, 10, 11 & 12 Renovations project; and be it further

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

A.18002 – 2018 Rehabilitation of Buffalo & Erie County Botanical Gardens	\$18,424
--	----------

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Buffalo and Erie County Botanical Gardens c/o Dave Swarts.

(5-0)

5. COMM. 18E-12 (2020)
COUNTY EXECUTIVE

WHEREAS, the County of Erie (“County”) is interested in the stabilization of the County tax base; and

WHEREAS, the former INX Scrapyard located at 4111 River Road located in the Town of Tonawanda neglected to pay their property taxes for multiple years totaling approximately \$1.4 Million; and

WHEREAS, in 2016 the County foreclosed on the parcel located at 4111 River

Road, Town of Tonawanda, State of New York; and

WHEREAS, in conjunction with the Town of Tonawanda (“Town”), New York State Department of Environmental Conservation (“NYSDEC”), as well as National Grid, the County commenced an environmental clean-up of the underlying property; and

WHEREAS, additional environmental cleanup is needed to return the site to productive use; and

WHEREAS, the County is desirous of the continued clean-up of the site; and

WHEREAS, the Town has agreed to continue environmental clean-up efforts with the NYSDEC; and

WHEREAS, the Town is desirous of acquiring the site for the purposes of redevelopment into a Town composting facility; and

WHEREAS, the Lands Advisory Review Committee (“ARC”) classified the action as an Unlisted Action under SEQR as per NYCRR, 617.2(al) and upon review, it was determined that the proposed real estate transfer will not have a significant environmental impact and a negative declaration was issued; and

WHEREAS, the Lands Advisory Review Committee deemed 4111 River Road, Town of Tonawanda as surplus County property.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature concurs with the SEQR review conducted by ARC that the proposed action will not have a significant environmental impact; and be it further

RESOLVED, that the County owned parcel located at 4111 River Road, Town of Tonawanda, State of New York is hereby deemed surplus property; and be it further

RESOLVED, that authorization is hereby provided for the County Executive to enter into all necessary agreements to transfer the property located at 4111 River Road, Town of Tonawanda, to the Town of Tonawanda at zero cost; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Director of Real Property; the County Attorney; and the Commissioner of the Department of Environment and Planning.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

October 15, 2020	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 12
------------------	--

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-40 (2020)
MEYERS: “Letter to Commissioner of Environment & Planning Concerning Committee Discussion on PACE Local Law”
(Chair’s Ruling)
 - b. COMM. 18E-8 (2020)
COUNTY EXECUTIVE: “ECSD No. 4 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - c. COMM. 18M-5 (2020)
NYSDEC: “Information Regarding Start of Riverview Innovation & Technology Cleanup Investigations”
(Chair’s Ruling)
 - d. COMM. 18M-6 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 139 Buffalo River Rd. & 610 Ohio St., Buffalo”
(Chair’s Ruling)

2. COMM. 16E-22 (2020)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the County of Erie advertised for and received responses to a Request for Proposals to perform professional services associated with the Big Sisters Creek Water Resource Recovery Facility (WRRF) – NFA Report in Erie County Sewer District (ECSD) No. 2; and

WHEREAS, this project is necessary to address requirements in the State Pollutant Discharge Elimination System (SPDES) permit for ECSD No. 2; and

WHEREAS, a review committee was established by the Erie County Division of Sewerage Management to evaluate all responses to the County’s Request for Proposals for this project, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends GHD Consulting Services, Inc. (GHD) be retained to complete the requested consulting services; and

WHEREAS, ECSD No. 2 has adequate authorization in Bond Account C.17201 to fund this project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with GHD, 285 Delaware Ave, Suite 500, Buffalo, New York 14202 for professional services associated with this project in an amount not to exceed \$156,700.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the costs associated with this project be allocated in Bond Account C.17201; and be it further

RESOLVED, that the Clerk of the Legislature shall send one (1) certified copy each to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Division of Sewerage Management. (5-0)

3. COMM. 17E-8 (2020)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Holland WRRF Generator Replacement project, Contract Nos. 64-A (General/Mechanical) and 64-D (Electrical), at 2:00 p.m. on October 1, 2020:

Contract	Lowest Responsible Bidder	Amount
Contract No. 64-A General/Mechanical	The State Group Industrial (USA) Limited 100 Stradtman St. Buffalo, NY 14206	\$186,000.00
Contract No. 64-D Electrical	Frey Electric Construction Co. Inc 100 Pearce Avenue Tonawanda, NY 14150	\$188,000.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed similar work for the Division of Sewerage Management and/or other municipalities; and

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

WHEREAS, there is adequate cash reserves available in Erie County Sewer District No. 3 Capital Reserve Account C.00007 to fund.

NOW, THEREFORE, BE IT

RESOLVED, that the Holland WRRF Generator Replacement project, Erie County Sewer District No. 3, Contract Nos. 64-A and 64-D be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract No. 64-A General/Mechanical	The State Group Industrial (USA) Limited 100 Stradtman St. Buffalo, NY 14206	\$186,000.00
Contract No. 64-D Electrical	Frey Electric Construction Co. Inc 100 Pearce Avenue Tonawanda, NY 14150	\$188,000.00

and be it further

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

RESOLVED, that the County Comptroller is authorized and directed to allocate \$186,000.00 for Contract 64-A and \$188,000.00 for Contract 64-D from Erie County Sewer District No. 3, Capital Bond Account C.17301; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer up to \$374,000.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 to Erie County Sewer District No. 3 Capital Bond Account C.17301 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 3 Capital Bond Account C.17301 by \$374,000.00; and be it further

RESOLVED, that any unused funds for these Contracts will be returned to Erie County Sewer District No. 3 Capital Reserve Account C.00007 based on guidance from the Division of Sewerage Management and the budget for the Capital Reserve Account be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each 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., Department of Environment and Planning, Rath Building, 10th Floor.

(5-0)

4. COMM. 18E-5 (2020)
COUNTY EXECUTIVE

WHEREAS, the County of Erie wishes to identify the most effective means to reduce energy consumption and costs by energy efficient measures; and

WHEREAS, pursuant to that goal, a Request for Proposals (RFP) was issued to provide architectural and engineering services for a multi-facility building energy consumption reduction plan, also known as an Energy performance Contract (EPC), and such proposals were received; and

WHEREAS, the first step towards beginning the EPC process was to conduct an investment grade energy audit, approved via Comm. 24E-2 (2018), December 20, 2018, which was finalized during the summer of 2019; and

WHEREAS, an array of cost effective facility improvement measures have been found at various facilities; and

WHEREAS, the Department of Public Works worked diligently to narrow the focus of the audit results and has decided on a set of projects that it feels warrants the most immediate attention; and

WHEREAS, in 2019 the County authorized and partially funded an EPC with J.W. Danforth Company under COMM. 18E-19 (2019), September 26, 2019 and the County would like to add the additional funding to the contract in an amount not to exceed \$7,118,779; and

WHEREAS, authorization is being requested to accept all of the expected \$802,755 in utility incentive rebates for the lighting, building envelope, and heating and cooling equipment upgrades received as a direct result of Facility Improvement Measures (FIM's) included within the EPC and be added to the budget in A.20007 – 2020 Energy Conservations Implementation Initiatives (Countywide), Fund 410, Funds Center 122; and

WHEREAS, the utility incentives will be used to both fund the EPC as well as reduce the amount of capital money needed to fund the project and provide savings to the County.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to add the additional funding to the Energy Performance Contract (EPC) contract with J.W. Danforth Company to bring the total contract up to an amount not to exceed \$7,118,779; and be it further

RESOLVED, that authorization is hereby provided for the County to accept all of the expected \$802,755 in utility incentive rebates for the lighting, building envelope, and heating and cooling equipment upgrades received as a direct result of Facility Improvement Measures (FIM's) included within the EPC; and be it further

RESOLVED, that authorization is hereby provided to increase the Capital Project budget A.20007 – 2020 Energy Conservation Implementation Initiatives (Countywide), Fund 410, Funds Center 122 for any and all incentive rebates received; and be it further

RESOLVED, that the Comptroller's Office is authorized to make payments for the Energy Performance Contract with J.W. Danforth Company and that funding for the EPC contract is available in Fund 410, Funds Center 122 in the projects below, from the projects listed in Comm. 18E-19 (2019), and from the utility incentives as follows:

Project	Description	Amount
A.17007	Energy Conservation Implementation Initiatives	\$37,688.72
A.20007	Energy Conservation Implementation Initiatives (Countywide)	\$2,500,000.00
Comm. 18E-19 (2019), 9/26/19		\$4,492,779.00
Utility Incentive Initiatives		\$88,311.28
Not to Exceed		\$7,118,779

and be it further

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

5. COMM. 18E-6 (2020)
COUNTY EXECUTIVE

WHEREAS, the implementation of an energy efficient lighting system at the Buffalo and Erie County Botanical Gardens will allow it to maintain its competitiveness as a destination, provide energy savings for the facility and preserve it for a longer useful life. Project energy savings from the fixtures upgrade shall be \$14,040/year with a gross annual kWh savings of 140,402kWh, and CO₂ savings of 154,442 lbs.; and

WHEREAS, the Department of Public Works applied for and was awarded a \$5,610 National Grid Energy Initiative Rebate as a result of the implementation of the energy-efficient lighting system; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to accept the rebate revenue and to utilize such revenue as a funding source for new appropriations for the A.16002 – 2016 Botanical Gardens Rehabilitation (Buffalo) Capital Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute any and all agreements to enter into a contract with National Grid to accept a \$5,610 Energy Initiative Rebate as a result of the implementation of the energy-efficient lighting system; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to accept the incentive award revenue and use such

revenue as a funding source for additional Project appropriations for A.16002 – 2016 Botanical Gardens Rehabilitation (Buffalo), Fund 410, Funds Center 122; and be it further

RESOLVED, that all expenditures meet the requirements of the National Grid incentive guidelines and that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with County funding requirements; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Botanical Gardens Society c/o Dave Swarts, and Financial Controller.

(5-0)

6. COMM. 18E-9 (2020)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 20E-20 (2019), Contract 65 (General) was awarded to Patterson-Stevens, Inc. to construct the Southtowns Solids Handling Area Repairs Project, in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 65 (General), in the final contract amount of \$178,559.00 which includes Change Order No. 2 (final), a decrease of (\$2,239.00) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 65 (General) between the County of Erie and Patterson-Stevens, Inc. (400 Sawyer Ave, Tonawanda, New York 14150) is accepted in the final contract amount of \$178,559.00 which includes Change Order No. 2 (final), a decrease of (\$2,239.00) and is allocated in Erie County Sewer District No. 3 Capital Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 65 (General), to Patterson-Stevens, Inc. for a total contract amount of \$178,559.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

TIMOTHY J. MEYERS
CHAIR

Item 42 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

October 15, 2020	PUBLIC SAFETY COMMITTEE REPORT NO. 10
------------------	--

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

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 17E-1 (2020)
COUNTY EXECUTIVE: “Appointments to EC Police Reform & Reinvention Collaborative”
(Chair’s Ruling)

September 11, 2020

Honorable Members Erie County Legislature 92 Franklin Street – 4 th Floor Buffalo, New York 14202	Sheriff Timothy Howard Erie County Sheriff’s Office 10 Delaware Avenue Buffalo, New York 14202
---	---

Re: Appointments to Erie County Police Reform and Reinvention Collaborative

Dear Honorable Members and Sheriff Howard:

Please be advised that, pursuant to Governor Andrew M. Cuomo’s Executive Order 203, I hereby appoint the following individuals to the Erie County Police Reform and Reinvention Collaborative Task Force (the “Task Force”).

Erie County Police Reform Panel At-Large Appointments

Joseph Agro, Esq. 759 Bird Ave. Buffalo, NY 14209	Melodie Baker 5553 Hidden Pines Ct. Williamsville, NY 14221	Kevin Barnas 306 Enchanted Forest N Lancaster, NY 14086
Ysaias Feliz 210 Carpenter Ave Buffalo, NY 14223	Jonathan Miles Gresham, Esq. 66 Summer St. Buffalo, NY 14209	Supervisor Melissa Hartman 3063 Hillbrook Dr. Eden, NY 14057
Holly L. Hubert	Mayor William Krebs	Margaret Murphy, Esq.

1576 Sweet Home Rd. #218
Amherst, NY 14228

8 Windswept Dr.
Springville, NY 14141

5354 Briercliff Dr.
Hamburg, NY 14075

Olivia Owens
391 Washington St. #509
Buffalo, NY 14210

Brittany Pemberthy, Esq.
80 Aspenwood Dr.
East Amherst, NY 14051

Keith White
102 South Main St.
Angola, NY 14006

Martin Scott Floss Ph.D
178 Kings Highway
Amherst, NY 14226

It is my administration's intention to hold the first meeting of the task force later this month, at which time the guidelines as provided by New York State will be discussed, as well as the timeline for passage of a final plan by the April 1st deadline as required by Executive Order 203.

Because the Governor's Executive Order contemplates an open process where all members of the community are involved and the public's comments are to be taken into considered, the first meeting of the Task Force will be held at a location large enough to hold an in-person, with future meetings to be either in-person or virtually held.

Should you have any questions regarding these appointments please feel free to contact my office at (716) 858-8500.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

HOWARD J. JOHNSON, JR.
CHAIR

LEGISLATOR RESOLUTIONS

Item 43 – CHAIR BASKIN directed that the following resolution be referred to the SMALL BUSINESS COMMITTEE.

GRANTED.

INTRO. 19-1 from VINAL. Expressing Opposition to National Grid-Proposed Rate Increase.

Item 44 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 19-2 from CHIMERA. Support for EC Departments Developing Trauma-Informed Care Approaches & Awareness when Interacting with Traumatized Clients.

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

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, MR. TODARO, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK and MR. MEYERS. NOES: CHAIR BASKIN and MR. JOHNSON. (AYES: 8; NOES: 2)

CARRIED.

RESOLUTION NO. 211

RE: Request for Report on Back 2
Business Program Expenditures
(INTRO. 19-3)

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

WHEREAS, business owners continue to struggle with the impact of Covid-19 related shutdowns, restrictions, and regulations; and

WHEREAS, the CARES Act provided funding to local governments that is being used to aid small businesses to cover costs incurred as a result of the pandemic; and

WHEREAS, Erie County, in partnership with 43 North, has created the Erie County Back to Business Grant program, which provides direct grants to eligible local small businesses utilizing up to \$20 million in CARES Act funding; and

WHEREAS, transparency in the expenditure of taxpayer money is an important part of keeping the trust of the county's residents.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby directs 43 North to provide this honorable body a report that includes a full accounting of how the federal CARES Act funding was spent and/or awarded through the Erie County Back to Business Small Business Grant Relief Program that they managed; and be it further

RESOLVED, that this honorable body hereby determines that a full accounting shall include the name of the applicant/business owner regardless of whether or not they received a grant, the name and address of the business, the type of business, the grant amount applied for, the grant amount awarded, a written reason for any applications that were denied or did not receive a grant award, the date of the grant award or the date of the decision to deny a grant application, the date the grant application was received, and the score or rating the application received; and be it further

RESOLVED, that 43 North is hereby directed to provide the Erie County Legislature a written description of the algorithm they are using to score or analyze Erie County Back to Business Grant Program; and be it further

RESOLVED, that 43 North is hereby directed to deliver this full accounting report to the Clerk of the Erie County Legislature, no later than January 15, 2021; and be it further

RESOLVED, that certified copies of this resolution shall be delivered to Erie County Executive Mark C. Poloncarz, Erie County Comptroller Stefan I. Mychajliw, Jr., 43 North President Colleen Heidinger, 43 North Chief Financial Officer Adam Petrie, and the Deputy Inspector General of the United States Department of the Treasury Richard K. Delmar.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MEYERS

Item 46 – (COMM. 19E-1) Request for Public Safety Committee Discussion on Local Law 3-1 (2020)

Received and filed.

FROM THE COMPTROLLER

Item 47 – (COMM. 19E-2) Letter to Health Commissioner Regarding Whistleblower Hotline Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR BASKIN

Item 48 – (COMM. 19E-3) Letter to Sheriff Concerning Employee Conduct at 08/08/2020 Street Protest

Item 49 – (COMM. 19E-4) Letter to Sheriff Regarding Assignment & Use of 24-Hour Take-Home Vehicles

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

FROM THE COMPTROLLER

Item 50 – (COMM. 19E-5) Letter to Health Commissioner - Concerns/Questions Over Whistleblower Hotline Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 51 – (COMM. 19E-6) Review of 2021 Revenue Projections

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 52 – (COMM. 19E-7) 2021 Tentative EC Budget

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM THE SHERIFF

Item 53 – (COMM. 19E-8) Award of Professional Services Contract for Correctional Health Comprehensive Laboratory Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 54 – (COMM. 19E-9) Letter to Health Commissioner - Further Concerns/Questions Over Whistleblower Hotline Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR BASKIN

Item 55 – (COMM. 19E-10) Letter to Director of Budget & Management Regarding 2020 Budget Documents for 2021 Budget Process

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 56 – (COMM. 19E-11) WNY Stormwater Coalition - Storm System Mapping Project

Item 57 – (COMM. 19E-12) ECSD No. 3 - Contract No. 63 Close-Out

Item 58 – (COMM. 19E-13) Regional Niagara River/Lake Erie Watershed Management Plan - Phase 3

Item 59 – (COMM. 19E-14) Start with Saving - EC Food Waste Reduction Project

Item 60 – (COMM. 19E-15) ECSD No. 6 - Contract Close-Out

Item 61 – (COMM. 19E-16) ECSD No. 3 - Contract No. 59 Close-Out

Item 62 – (COMM. 19E-17) ECSD No. 6 - Contract No. 57R-A Close-Out

Item 63 – (COMM. 19E-18) ECSD No. 6 - Contract No. 57R-B Close-Out

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

Item 64 – (COMM. 19E-19) PILOT Agreement - Silo City Phase I Project

Item 65 – (COMM. 19E-20) Buffalo & EC Botanical Gardens - 2020 Vent & Vent Control System Replacement

Item 66 – (COMM. 19E-21) PILOT Agreement - Public School 75 Project

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

Item 67 – (COMM. 19E-22) ECSD No. 5 - Board of Managers Appointment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 68 – (COMM. 19E-23) Authorization to Support Transformative Diversity Initiative

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 69 – (COMM. 19E-24) Extension of Dept. of Senior Services Grants

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 70 – (COMM. 19E-25) Contract for Rural Outreach Center Capital Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE UNDERSHERIFF

Item 71– (COMM. 19D-1) Response to Inquiry Regarding Status Report of Body Camera Deployment & Use

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPT. OF LAW

Item 72 – (COMM. 19D-2) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 73 – (COMM. 19D-3) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 74 – (COMM. 19D-4) 2020 Revised Tentative Budget Revenue & Expense Projections

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 75 – (COMM. 19D-5) Letter to Legislature Regarding August Sales Tax Receipts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 76– (COMM. 19D-6) Child Protective Caseloads for 09/2020

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 77 – (COMM. 19D-7) Budget Monitoring Report for Period Ending 08/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 78 – (COMM. 19D-8) Letter to Comptroller Regarding COVID-19 Information Request

Item 79 – (COMM. 19D-9) Letter to Comptroller Concerning County Employee COVID-19 Case

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

FROM THE COMPTROLLER'S OFFICE

Item 80 – (COMM. 19D-10) Report on Fines Issued by DoH Under COVID-19 Policies
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 81 – (COMM. 19D-11) Law Department Spending - 08/2020
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYSDEC

Item 82 – (COMM. 19M-1) Fact Sheet - Brownfield Cleanup Program Application & Draft Remedial Investigation Work Plan - 324, 328, 334 North Oak St. & 441 Ellicott St., Buffalo
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 83 – (COMM. 19M-2) NFTA Board Minutes for Meeting Held on 6/25/2020
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE SENECA COUNTY BOARD OF SUPERVISORS

Item 84 – (COMM. 19M-3) Certified Resolutions Concerning NYS Legislation on Nursing Homes
Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYSDEC

Item 85 – (COMM. 19M-4) Fact Sheet - Completion of Brownfield Cleanup Program at 301 Connecticut St., Buffalo

Item 86 – (COMM. 19M-5) Invitation for Public Comment - Brownfield Cleanup Program Application for 324, 328, 334 North Oak St. & 441 Ellicott St., Buffalo

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

FROM JESS MARTIN

Item 87 – (COMM. 19M-6) Letter to Legislature Requesting Support for Extension of Statute of Limitations

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 88 – Chair Baskin announced that the Committee Meetings for Thursday, October 29, 2020, have been scheduled. Chair Baskin further announced that the schedule for the committee meetings to be held on Thursday, October 29, 2020, has been distributed.

MEMORIAL RESOLUTIONS

Item 89 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Rashaun Nicole King.

Item 90 – Legislator Meyers requested that when the Legislature adjourns, it do so in memory of Patricia A. Jaworowicz.

Item 91 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Marisa Beechler.

ADJOURNMENT

Item 92 - 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, November 5, 2020 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, November 5, 2020 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE