

ERIE COUNTY LEGISLATURE
MEETING NO. 21
NOVEMBER 18, 2021

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Hardwick.

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 20 from 2021. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. JOHNSON presented a proclamation Congratulating and Honoring 2021 Western New York Veterans Day Grand Marshal Andrea Anderson.

Item 6 – MR. JOHNSON presented a proclamation Congratulating and Honoring 2021 Western New York Veterans Day Grand Marshal Benigno "Benny" Rodríguez.

Item 7 – MS. VINAL presented a proclamation Celebrating and Honoring the Ribbon Cutting of the Cornerstone Community Federal Credit Union.

Item 8 – MR. JOHNSON presented a proclamation Recognizing 2021 Western New York Veterans Day Guest Speaker Colonel Gary R. Charlton, II.

Item 9 – MS. VINAL presented a proclamation Honoring the Grand Opening of WNY Appliances for Less.

Item 10 – MR. JOHNSON & CHAIR BASKIN presented a Memorial Resolution Remembering Lynette Rochelle Allen.

Item 11 – MS. VINAL presented a proclamation Celebrating & Honoring Windsong Radiology Group's Installation of Their Brand-New PET/CT Scanner.

Item 12 – MR. GREENE presented a proclamation Honoring Devin Scotch on Attaining the Rank of Eagle Scout.

Item 13 – MR. LORIGO presented a proclamation Honoring Armstrong's Barber Shop.

Item 14 – MR. LORIGO presented a proclamation Honoring the West Seneca Police Department as Citizen of the Month, November 2021.

Item 15 – MR. TODARO presented a proclamation Honoring Bulldog Manufacturing at Alden High School.

Item 16 – MR. TODARO & MR. GREENE presented a proclamation Honoring Top Seedz as 43 North's Startup Competition Winner.

Item 17 – MR. MILLS presented a proclamation Honoring the Zach Liberatore Foundation for Mental Health Awareness.

Item 18 – MR. MILLS presented a proclamation Honoring Owen Duckham on Achieving the Rank of Eagle Scout.

Item 19 – MR. LORIGO, MR. GREENE, MR. TODARO & MR. MILLS presented a proclamation Celebrating Small Business Saturday in Erie County.

Item 20 – CHAIR BASKIN presented a proclamation Honoring National Homeless Awareness Month and Recognizing the Fostering Greatness Organization.

Item 21 – MS. CHIMERA presented a proclamation Congratulating and Recognizing Dan Wiles on a Phenomenal Career.

Item 22 – MS. CHIMERA presented a proclamation Congratulating and Recognizing the Coaching Career of Dan Crangle.

Item 23 – MR. GREENE presented a proclamation Honoring Dylan Scotch on Attaining the Rank of Eagle Scout.

MR. MEYERS moved for consideration of the above nineteen items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above nineteen items as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 24 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 25 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 26 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2021 remain on the table and in the ECONOMIC & DEVELOPMENT and MINORITY & WOMEN OWNED BUSINESS COMMITTEES.

GRANTED.

Item 28 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2021 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 29 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2021 be directed to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 30 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

RE: Appropriation of 2021 Public
Benefit Funding
(INTRO. 21-1)

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

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

WHEREAS, the Depew Community Action Team (DCAT) is in the process of renovating the former Dom Polski building to serve as a community center providing an expanded Tri-Community Food pantry, low-cost laundromat, clothing exchange center, and a job training and placement facility. DCAT is requesting additional funding for their renovations in the amount of \$15,000; and

WHEREAS, the Hull House Foundation is adding to the Hull Family Home & Farmstead. The Foundation as an opportunity to reconstruct the threshing barn on the property thru the reconstruction of another 200-year-old barn in central New York. The project is expected to cost more than \$50,000. The Foundation is asking for support from Erie County in the amount of \$10,000, with the Ralph Wilson Foundation providing a significant amount of the remainder; and

WHEREAS, the above organizations are of a tremendous benefit to the residents of Erie County and are therefore worthy of support from this honorable body.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby appropriates \$15,000 from the Community Organization Relief Fund in the Community/Neighborhood Development Fund Center (Fund Center: 1332021, Account: 516320) to the Depew Community Action Team; and be it further

RESOLVED, that the Erie County Legislature hereby appropriates \$10,000 from the Community Organization Relief Fund in the Community/Neighborhood Development Fund Center (Fund Center: 1332021, Account: 516320) to the Hull House Foundation; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget and Management, the Commissioner of Environment and Planning, the Erie County Comptroller, the Depew Community Action Team, the Hull House Foundation, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

RE: Adoption of Agricultural District
Parcels
(INTRO. 21-2)

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

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which applicants may submit requests to include predominantly viable agricultural land into any existing certified agricultural district outside of the established eight-year review period; and

WHEREAS, during the 2021 thirty-day open enrollment period twenty-seven applicants requested that forty-eight parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the County Legislature adopt the inclusion of forty-eight parcels listed below in an existing agricultural district; and

PARCEL(S)	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
211.00-2-9.21	27.53	104 Breezewood Dr.	Boston	Kevin Monaco	Southwest #8
186.00-2-7.1	24.4	892 Jewett Holmwood Rd.	Aurora	Elizabeth O'Donnell	Central #5
255.00-3-20.1	3.8	9962 Sisson Hwy.	Eden	Michael T. Reding	Southwest #8
15.00-1-24; 15.00-1-25	16	1921 Tonawanda Creek Rd.	Amherst	Wm. F. Papke II	Amherst #17

197.00-2-1	44.95	6298 Bunting Rd.	Orchard Park	Michael and Lyn Delmonte	Southwest #8
209.00-2-20.2	53.65	8687 East Eden Rd.	Eden	Donald R. Mammoser	Southwest #8
224.00-2-32	50	3652 Schintzius Rd.	Eden	James G. Stoll	Southwest #8
336.13-1-39.11; 347.07-1-8.1; 347.11-1-1	146.84	225 Crescent Dr.	Springville	Mill Ridge LLC	Southeast #15
85.00-6-26.3; 85.00-6-26.2	24.17	3571 Pohl Rd.	Alden	Diane Peruzzini	Alden Newstead #1
282.07-1-2.2; 266.00-3-16	43.07	3707 Middle Rd.	Farnham; Brant	Daniel W. Snader	Southwest #8

PARCEL(S)	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
311.00-3-3.12; 311.00-3-44; 311.00-3-45; 311.00-3-46; 311.00-3-47; 311.00-3-48; 311.00-3-49; 311.00-3-41; 311.00-3-42; 311.00-3-50; 311.00-3-51; 311.00-3-53; 311.00-3-43	61.18	14001 Genesee Rd.	Sardinia	Russell and Karen George	Southeast #15
237.00-1-28	27.55	2074 New Jerusalem Rd.	Eden	Max Melber	Southwest #8
198.00-2-28.1	38	6033 Cole Rd.	Orchard Park	VanBuskirk Family Trust	Central #5
220.19-3-10	29	1009 Church Rd.	Evans	Sharon Roth	Southwest #8
200.00-3-2	52	1627 Bailey Rd.	Aurora	Damian Parker	Central #5
225.00-1-3; 225.00-1-4.1	39.6	7550 Ledges Park Dr.	Eden	Wesley and Karen Souder	Southwest #8
127.04-1-1.1	11.6	6731 Clinton St.	Elma	David & Heather Syracuse	Central #5
244.00-2-26	13.15	9927 Heath Rd.	Colden	Robert Walker	Southeast #15
239.00-4-8.11; 239.00-4-15	38.85	8973 Sisson Hwy.	Eden	George Haier	Southwest #8
220.00-3-17.1	4.29	1108 Church	Evans	Joseph, Sharon,	Southwest #8

		Rd.		and Rachel Kwilos	
220.00-3-17.22	6.5	1102 Church Rd.	Evans	Robert and Sherri Tait	Southwest #8
184.00-6-1	37.04	PO Box 945, Hamburg	Orchard Park	8045 Lapp Rd., LLC	Southwest #8
50.02-1-11	6.67	2685 Love Rd.	Grand Island	David and Betsy Hiser	Amherst #17
198.00-1-11.21	10.64	6616 Gartman Rd.	Orchard Park	John Keem III	Southwest #8
172.00-1-16.1; 172.00-1-13.112	41.53	PO Box 945, Hamburg	Orchard Park	Vanderbilt Properties, Inc.	Southwest #8
336.10-1-5.1; 268.00-1-7	48.8	1524 Cain Rd.	Springville; Brant	Vacco Farms, Inc.	Southeast #15
156.00-3-28.121	9.4	1321 Porterville Rd.	Elma	Tom Dilamarter Jr.	Central #5

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature gave the required public notice and set a public hearing for November 9, 2021; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a virtual public hearing was held at 6:00 p.m. on November 9, 2021 on Zoom to consider the 2021 Open Enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board; and

WHEREAS, the Erie County Legislature reviewed the requests pursuant to the NYS Environmental Quality Review Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature adopts the inclusion of the following forty-eight parcels into an adjacent existing agricultural district; and be it further

PARCEL(S)	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
211.00-2-9.21	27.53	104 Breezewood Dr.	Boston	Kevin Monaco	Southwest #8
186.00-2-7.1	24.4	892 Jewett Holmwood Rd.	Aurora	Elizabeth O'Donnell	Central #5

255.00-3-20.1	3.8	9962 Sisson Hwy.	Eden	Michael T. Reding	Southwest #8
15.00-1-24; 15.00-1-25	16	1921 Tonawanda Creek Rd.	Amherst	Wm. F. Papke II	Amherst #17
197.00-2-1	44.95	6298 Bunting Rd.	Orchard Park	Michael and Lyn Delmonte	Southwest #8
209.00-2-20.2	53.65	8687 East Eden Rd.	Eden	Donald R. Mammoser	Southwest #8
224.00-2-32	50	3652 Schintzius Rd.	Eden	James G. Stoll	Southwest #8
336.13-1-39.11; 347.07-1-8.1; 347.11-1-1	146.84	225 Crescent Dr.	Springville	Mill Ridge LLC	Southeast #15
85.00-6-26.3; 85.00-6-26.2	24.17	3571 Pohl Rd.	Alden	Diane Peruzzini	Alden Newstead #1
282.07-1-2.2; 266.00-3-16	43.07	3707 Middle Rd.	Farnham; Brant	Daniel W. Snader	Southwest #8
311.00-3-3.12; 311.00-3-44; 311.00-3-45; 311.00-3-46; 311.00-3-47; 311.00-3-48; 311.00-3-49; 311.00-3-41; 311.00-3-42; 311.00-3-50; 311.00-3-51; 311.00-3-53; 311.00-3-43	61.18	14001 Genesee Rd.	Sardinia	Russell and Karen George	Southeast #15

PARCEL(S)	ACRES	ADDRESS	TOWN	APPLICANT	DISTRICT
237.00-1-28	27.55	2074 New Jerusalem Rd.	Eden	Max Melber	Southwest #8
198.00-2-28.1	38	6033 Cole Rd.	Orchard Park	VanBuskirk Family Trust	Central #5
220.19-3-10	29	1009 Church Rd.	Evans	Sharon Roth	Southwest #8
200.00-3-2	52	1627 Bailey Rd.	Aurora	Damian Parker	Central #5
225.00-1-3; 225.00-1-4.1	39.6	7550 Ledges Park Dr.	Eden	Wesley and Karen Souder	Southwest #8
127.04-1-1.1	11.6	6731 Clinton St.	Elma	David & Heather Syracuse	Central #5
244.00-2-26	13.15	9927 Heath Rd.	Colden	Robert Walker	Southeast #15

239.00-4-8.11; 239.00-4-15	38.85	8973 Sisson Hwy.	Eden	George Haier	Southwest #8
220.00-3-17.1	4.29	1108 Church Rd.	Evans	Joseph, Sharon, and Rachel Kwilos	Southwest #8
220.00-3-17.22	6.5	1102 Church Rd.	Evans	Robert and Sherri Tait	Southwest #8
184.00-6-1	37.04	PO Box 945, Hamburg	Orchard Park	8045 Lapp Rd., LLC	Southwest #8
50.02-1-11	6.67	2685 Love Rd.	Grand Island	David and Betsy Hiser	Amherst #17
198.00-1-11.21	10.64	6616 Gartman Rd.	Orchard Park	John Keem III	Southwest #8
172.00-1-16.1; 172.00-1- 13.112	41.53	PO Box 945, Hamburg	Orchard Park	Vanderbilt Properties, Inc.	Southwest #8
336.10-1-5.1; 268.00-1-7	48.8	1524 Cain Rd.	Springville; Brant	Vacco Farms, Inc.	Southeast #15
156.00-3- 28.121	9.4	1321 Porterville Rd.	Elma	Tom Dilamarter Jr.	Central #5

RESOLVED, that the Erie County Legislature has complied with the requirements of the New York State Environmental Quality Review Act and hereby determines that the requested parcel additions to the Agricultural Districts noted above will not have a significant adverse environmental impact and therefore an environmental impact statement will not be required; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services, the Chair of the Erie County Agricultural and Farmland Protection Board, and the Supervisors of the Towns of Alden, Amherst, Aurora, Boston, Brant, Colden, Eden, Elma, Evans, Grand Island, Orchard Park, Sardinia, and the Mayors of the Villages of Farnham and Springville; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 32 – MR. MEYERS moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 19E-10 (2021). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

RE: Contract w/Local Firm to Paint Murals
at Service Link Stop
(COMM. 19E-10, 2021)

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

WHEREAS, the Department of Mental Health, along with various partners, has established an Erie County Re-entry Resource Center, known as the Service Link Stop (SLS), within the offices of its Forensic Mental Health Services Division at 120 W. Eagle Street; and

WHEREAS, the firm Buffalo Center for Arts and Technology has the necessary expertise and local artists to provide the design and construction of various murals within the SLS; and

WHEREAS, the Department of Buildings and Grounds (B&G) has agreed to cover the cost of the paintings from within its current operating budget; and

WHEREAS, the County Executive is seeking prior authorization to award a contract for the painting of the aforementioned murals to Buffalo Center for Arts and Technology.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement to provide professional services for the painting of various murals at the SLS located inside the Forensic Mental Health offices at 120 W. Eagle Street by the firm, Buffalo Center for Arts and Technology, for an amount not to exceed \$4,100; and be it further

RESOLVED, that B&G is authorized to use an amount not to exceed \$4,100 from its allocation within GL 516020 Professional Service Contracts and Fees; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from B&G's allocation in GL 516020 Professional Service Contracts and Fees, Fund 110; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Mental Health, Department of Buildings and Grounds, Office of the Sheriff, Division of Budget and Management and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 33 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21E-18 from BASKIN Re: Public Notice Concerning LL Intro. 4-1 (2021)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 34 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21D-8 from the CLERK OF LEGISLATURE Re: Notice of Public Hearing on LL Intro. 4-1 (2021)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 35 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 21-3 from GILMOUR Re: Re-Appropriation of 2021 Public Benefit Funding

RESOLUTION NO. 203

**A RESOLUTION SUBMITTED BY
LEGISLATOR GILMOUR**

WHEREAS, the Coalition for a Vibrant Seneca Street was awarded \$15,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 – Community/Neighborhood Development, Account 518516; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$15,000 of 2021 public benefit funding to the Village of Hamburg Youth and Recreation; and be it further

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

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

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR TODARO

Item 36 – (COMM. 21E-1) Letter of Absence from Session 20 - November 4th, 2021

Received, filed and printed.

November 2, 2021

Hon. Robert Graber
Clerk, Erie County Legislature
95 Franklin Street – 4th Floor
Buffalo, NY 14202

Dear Clerk Graber,

Please be advised that due to an out of town funeral, I will be unable to attend the November 4th Session of the Erie County Legislature.

Please enter the aforementioned in the Legislature's official record.

Sincerely,

Frank J. Todaro
Erie County Legislature

FROM THE DISTRICT ATTORNEY

Item 37 – (COMM. 21E-2) Request for Amendment to District Attorney Budget in the 2022 EC Budget

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

FROM THE COUNTY EXECUTIVE

Item 38 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

RE: Authorization to Contract - Families
First Prevention Services Act Qualified
Individual Assessments
(COMM. 21E-3)

WHEREAS, the Families First Prevention Services Act (FFPSA) was enacted in 2018 to prioritize family-based foster care, preferably with kin, over residential placement; and

WHEREAS, FFPSA creates a congregate care setting known as a Qualified Residential Treatment Program (QRTP). The FFPSA requires an assessment of a child by a Qualified Individual (QI) utilizing an age-appropriate, evidence-based, validated, functional assessment tool, which is conducted in conjunction with the family and permanency team within 30 days of placement in a QRTP; and

WHEREAS, the term Qualified Individual (QI) means a trained professional or licensed clinician acting within their scope of practice who has current or previous relevant experience in the child welfare field. Such individual cannot be an employee of the Office of Children and Family Services (OCFS) and may not have a direct role in case management or case-planning decision-making for the child for whom the assessment is being conducted; and

WHEREAS, effective September 29, 2021, a child placed in a QRTP must be assessed by a QI for appropriateness of placement within 30 days of placement. If approved, IV-E funding may be available for eligible youth. If not completed within 30 days, IV-E funding cannot be claimed for the duration of the placement in the QRTP; and

WHEREAS, to fulfill the FFPSA requirement of QI services, Local Departments of Social Services must negotiate and enter into a contract with at least one QI in their County; and

WHEREAS, the Department of Social Services issued a Request for Proposal (RFP) on August 23, 2021 seeking Assessment services for the Appropriateness of Child Placement into a QRTP by a QI; and

WHEREAS, Hillside Children's Services and Berkshire Farm Center and Services for Youth responded to the RFP and are qualified to perform the assessments; and

WHEREAS, The FFPSA allows the QI, if they are a 29-I licensed provider, to bill the clinical activities of the assessment to Medicaid; and

WHEREAS, The QI will invoice the Department of Social Services for activities that fall outside of the non-Medicaid eligible expenses such as reviewing placement referrals, facilitating meetings around placements, activities related to establishing the safety and permanency for a child, and preparing for court or making a court appearance. These QI costs will be accounted for as an agency administration expense; and

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into contracts with Hillside Children's Center and Berkshire Farm Center and Services for Youth to provide FFPSA QI assessments for a total new gross cost of no more than \$ 150,000; 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 in legislation and reimbursements received; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, the Director of Budget and Management, and the District Attorney.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

RE: PILOT Agreement - Affordable Family Housing Development, Buffalo (COMM. 21E-4)

WHEREAS, Pilgrim Village Families Project consists of the new construction of a 5-story building containing one hundred and thirty-two (132) affordable rental units for multi-family housing located at 1110 Michigan Avenue, Buffalo, New York 14209; 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 Pilgrim Village LLC and/or Pilgrim Village Family 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 Pilgrim Village LLC, Pilgrim Village Family Housing Development Fund Company, Inc, 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.

**SCHEDULE A
PILOT Payments**

PILGRIM VILLAGE - FAMILY			
Year	Total	City	County
1	\$ 110,501	\$ 82,876	\$ 27,625
2	\$ 113,816	\$ 85,362	\$ 28,454
3	\$ 117,231	\$ 87,923	\$ 29,308
4	\$ 120,748	\$ 90,561	\$ 30,187
5	\$ 124,370	\$ 93,278	\$ 31,093
6	\$ 128,101	\$ 96,076	\$ 32,025
7	\$ 131,944	\$ 98,958	\$ 32,986
8	\$ 135,902	\$ 101,927	\$ 33,976
9	\$ 139,980	\$ 104,985	\$ 34,995
10	\$ 144,179	\$ 108,134	\$ 36,045
11	\$ 148,504	\$ 111,378	\$ 37,126
12	\$ 152,959	\$ 114,720	\$ 38,240
13	\$ 157,548	\$ 118,161	\$ 39,387
14	\$ 162,275	\$ 121,706	\$ 40,569
15	\$ 167,143	\$ 125,357	\$ 41,786

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

RE: PILOT Agreement - Affordable Senior Housing Development, Buffalo (COMM. 21E-5)

WHEREAS, Pilgrim Village Senior Apartments Project consists of the new construction of a 4-story building containing one hundred and five (105) affordable rental units for seniors (ages 55+) located at 1110 Michigan Avenue, Buffalo, NY 14209; 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 SAA EVI MC Senior LLC and/or Pilgrim Village Senior 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 SAA EVI MC Senior LLC, Pilgrim Village Senior Housing Development Fund Company, Inc, 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.

**SCHEDULE A
PILOT Payments**

PILGRIM VILLAGE - SENIOR			
Year	Total	City	County
1	\$ 52,025	\$ 39,019	\$ 13,006
2	\$ 53,586	\$ 40,189	\$ 13,396
3	\$ 55,193	\$ 41,395	\$ 13,798
4	\$ 56,849	\$ 42,637	\$ 14,212
5	\$ 58,555	\$ 43,916	\$ 14,639
6	\$ 60,311	\$ 45,233	\$ 15,078
7	\$ 62,121	\$ 46,590	\$ 15,530
8	\$ 63,984	\$ 47,988	\$ 15,996
9	\$ 65,904	\$ 49,428	\$ 16,476
10	\$ 67,881	\$ 50,911	\$ 16,970
11	\$ 69,917	\$ 52,438	\$ 17,479
12	\$ 72,015	\$ 54,011	\$ 18,004
13	\$ 74,175	\$ 55,631	\$ 18,544

14	\$ 76,401	\$ 57,300	\$ 19,100
15	\$ 78,693	\$ 59,019	\$ 19,673

Item 41 – (COMM. 21E-6) Appointments to EC Arts & Cultural Advisory Board

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

RE: Request for ECMC to Utilize EC
Purchase Contracts
(COMM. 21E-7)

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities and special districts to make purchases through the County bidding procedure; and

WHEREAS, Erie County Medical Center has requested that the Director of Purchase be authorized to permit these public entities to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Division of Purchase will not create any additional cost or burdens upon said division, but will service to reduce Erie County Medical Center’s operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to Erie County Medical Center.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when deemed appropriate and as may be requested by Erie County Medical Center to provide in any particular County bid specification that the participating municipalities and special districts in Erie County shall have the right to make purchases based upon the bids received by the County
2. The County Purchasing Director within the limits of time and manpower shall disseminate relevant contract information to Erie County Medical Center
3. Erie County Medical Center participating in County contracts will issue purchase orders directly to vendors with the specified contract period referencing the

County contract involved and be liable for any payments due on such purchase orders

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Division of Purchase, the Comptroller's Office and the Erie County Medical Center Purchasing Department.

Item 43 – (COMM. 21E-8) Buffalo River Area of Concern Habitat Restoration - Revision & Contract Amendment

Item 44 – (COMM. 21E-9) ECSD No. 3 - Assistance w/Air Permit Requirements Engineering Term Agreement

Item 45 – (COMM. 21E-10) ECSD Board of Managers Appointments

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

Item 46 – (COMM. 21E-11) Creation of Variable Minimum - DPW

Item 47 – (COMM. 21E-12) Rehabilitation of Borden Rd., Towns of W. Seneca & Cheektowaga & Village of Depew

Item 48 – (COMM. 21E-13) SUNY Erie - Burt Flickinger Athletic Center 2021 Natatorium Improvements

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

FROM THE SHERIFF

Item 49 – (COMM. 21E-14) Requesting Authorization for Heliport Lease

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY CLERK

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

RE: EC Auto Bureau - Lease w/Southern
Region Satellite Facility
(COMM. 21E-15)

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County Clerk shall act as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity the Erie County Clerk operates the Erie County Auto Bureau; and

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

WHEREAS, the Erie County Auto Bureau, at full operations, maintains six (6) branch locations and one (1) mobile unit throughout the County of Erie to provide convenient services to County residents; and

WHEREAS, the Erie County Auto Bureau previously operated a satellite location in the Evans Town Hall pursuant to the terms of a Memorandum of Understanding, dated November 22, 2010, between the County of Erie and the Town of Evans; and

WHEREAS, the Erie County Auto Bureau satellite location at Evans Town Hall ceased operations during the COVID-19 pandemic due to the limited space of the facility which made proper socially distant operations impracticable; and

WHEREAS, on February 16, 2021, the Erie County Clerk informed the Town of Evans that it would no longer operate at the Town Hall facility; and

WHEREAS, the County Clerk, recognizing a need to provide convenient in-person Auto Bureau services to the southern region of Erie County issued a request for proposals for a new facility to serve those customers and (2) responses were received; and

WHEREAS, those responses were evaluated by a team in the County Clerk's Office and they determined the submission by James K. Roberts of Metro Roberts Realty proposing to let space in the Highland Plaza in Derby to be the best proposal; and

WHEREAS, the Erie County Clerk's Office is requesting authorization to enter into a lease agreement with James K. Roberts for the purpose of locating in the Highland Plaza in Derby.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into an Agreement with James K. Roberts for the purpose of locating the Erie County Auto Bureau – Southern Region Satellite in the Highland Plaza in Derby; and be it further

RESOVLED, that said Lease Agreement shall be for a term of sixty (60) months and include 4,400 square feet with rental payments, including construction costs, janitorial and maintenance services, operating expenses and utilities, as follows: Year 1: \$11.82 per square foot; Year 2: \$12.02 per square foot; Year 3: \$12.22 per square foot; Year 4: \$12.43 per square foot; Year 5: \$12.64 per square foot; and be it further

RESOLVED, provided that the County is not in default of the terms of the Lease Agreement, the County shall be entitled to renew the lease for two (2) consecutive five (5) year terms, in an annual amount not to exceed a two percent (2%) annual increase in the base rent, at the County's sole discretion upon written notice to landlord; and be it further

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

FROM THE COUNTY EXECUTIVE

Item 51 – (COMM. 21E-16) Appointments to the EC Conditional Release Commission

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 52 – (COMM. 21E-17) Appointments to the EC Advisory Board to the Division for Persons with Disabilities

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPUTY COMPTROLLER

Item 53 – (COMM. 21D-1) Law Department Spending - 09/2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 54 – (COMM. 21D-2) Child Protective Caseloads for 10/2021

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 55 – (COMM. 21D-3) Public Hearing Minutes for ECSD Nos. 1-6 & 8 2021 Assessment Rolls

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 56 – (COMM. 21D-4) Budget Monitoring Report for Period Ending 09/2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 57 – (COMM. 21D-5) Report on Managerial Confidential Overtime for Third Quarter, 2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 58 – (COMM. 21D-6) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPT. OF ENVIRONMENT & PLANNING

Item 59 – (COMM. 21D-7) Transcript of Public Hearing Held on November 9, 2021

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ECWA

Item 60 – (COMM. 21M-1) Minutes of Meeting Held on 10/28/2021

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ASSOC. OF COUNTY GOVERNMENTS

Item 61 – (COMM. 21M-2) Certified Copy of Resolution Approved at Meeting Held on 10/28/2021

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM JIM RUDNICKI

Item 62 – (COMM. 21M-3) Comments Concerning the Proposed Buffalo Bills Stadium

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 63 – The Legislature will conduct a Special Meeting this coming Tuesday, November 23, 2021 at 12:00 Noon, via Zoom, and notice will be sent by the Clerk tomorrow.

Also, the Legislature's Finance & Management/Budget Committee will reconvene on Tuesday, November 30, 2021, at 9:00 a.m., to complete their work on the County Executive's tentative 2022 budget. Following that meeting, the Legislature will hold a Special Meeting at 10:30 a.m., to receive the report of the budget committee and lay the tentative budget, and the report on the table for the required aging process.

Additionally, the Legislature will conduct a Public Hearing regarding Local Law Intro. 4-1 (2021), concerning the Reapportionment of County Legislative Districts in Erie County. The hearing will be held on Thursday, December 2, 2021 at 6 p.m., here in the Chambers of the Legislature.

Finally, the Legislature will conduct three Public Hearings regarding the Buffalo Bills stadium and the potential construction and location of a new stadium. The hearings will be held on Monday, December 6, 2021 at SUNY Erie City Campus, Tuesday, December 7, 2021 at SUNY Erie North Campus, and Wednesday, December 8, 2021 at SUNY Erie South Campus.

MEMORIAL RESOLUTIONS

Item 64 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Jordan Ali, Edward Kwandrans and Amy J. Frankel.

Item 65 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Evelyn Patterson Merriweather.

ADJOURNMENT

Item 66 - 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, December 2, 2021 at 12:00 p.m. Eastern Standard Time. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, December 2, 2021 at 12:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE