

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 4, 2021**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Hardwick, who requested a moment of silence, on behalf of the victims of COVID-19, from our community, our nation, our world.

The Pledge of Allegiance was led by Mr. Meyers.

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 2 from 2021. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. JOHNSON presented a proclamation Acknowledging and Honoring Dr. Martin Luther King Day.

Item 6 – MR. JOHNSON presented a Memorial Resolution Remembering Bishop William Henderson.

Item 7 – MR. MEYERS presented a proclamation Congratulating and Recognizing Orville Roberts - New Head Coach of the Mount St. Mary's Head Varsity Soccer Team.

Item 8 – MR. JOHNSON presented a proclamation Honoring Elizabeth Triggs as Citizen of the Month for January 2021.

Item 9 – MS. VINAL presented a Memorial Resolution Remembering Lorraine D. Lannon.

Item 10 – MS. CHIMERA presented a proclamation Congratulating and Honoring Robin Schimminger - Public Servant, County Legislator and State Assemblyman.

Item 11 – MR. TODARO presented a proclamation Honoring Patrick Farruggio for His Volunteerism and Dedication in Serving Others.

Item 12 – MR. GREENE presented a proclamation Recognizing and Acknowledging Sandy Fowler and the Fowler Family.

Item 13 – MR. TODARO presented a proclamation Recognizing and Honoring Glenn Jackson for His Volunteerism and Dedication in Serving Others.

Item 14 – MR. TODARO presented a proclamation Honoring Craig Sims for His Years of Dedicated Service with the Erie County Division of Sewer Management.

Item 15 – MR. TODARO presented a proclamation Recognizing Schuster Construction as a Community-Minded Local Business.

Item 16 – MS. VINAL & MR. JOHNSON presented a Memorial Resolution Remembering Meredith Coleman Anding Jr., Retired University at Buffalo Faculty Member and Civil Rights Activist.

Item 17 – MR. LORIGO presented a proclamation Honoring East Aurora Artist Charles S. Clough.

Item 18 – MR. GREENE presented a proclamation Recognizing & Honoring First Assistant Fire Chief Ruth Rider-Work.

Item 19 – MR. MILLS presented a proclamation Honoring Eden Rehabilitation & Nursing Center for Its Commitment and Perseverance During the Pandemic.

Item 20 – MR. MILLS presented a proclamation Honoring Fiddler's Green for Its Commitment, Dedication and Consistency of Care for Its Residents During the Pandemic.

Item 21 – MR. MILLS presented a proclamation Honoring Captain Jason Schiedel for His Commitment, Dedication and Courage in Serving and Protecting the Orchard Park Community.

Item 22 – MS. VINAL presented a Memorial Resolution Remembering Kirsten M. Milbrath.

Item 23 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Honoring & Celebrating African American History Month.

Item 24 – MS. CHIMERA, MS. VINAL & MR. GILMOUR presented a Memorial Resolution Remembering Donald A. Ogilvie.

Item 25 – MR. MEYERS presented a Memorial Resolution Remembering William F. Nosbisch.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

Item 27 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 29 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 – MR. MEYERS moved to take Local Law No. 7 (Print #1) 2020 from the table. MR. JOHNSON seconded.

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

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

CARRIED.

LOCAL LAW INTRO. NO. 7-1 - 2020

LOCAL LAW NO. ___ - 2020

A LOCAL LAW updating and reforming Erie County's Requirements for Lowest Responsible Bidding on County Construction Projects and Repealing and Replacing Local Law 1-2009 in its entirety.

Be it enacted by the Erie County Legislature as follows:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

- A. New York General Municipal Law Section 103 requires that all contracts entered into by the County of Erie for public work involving an expenditure of more than thirty-five thousand dollars (\$35,000) shall be awarded to the lowest responsible bidder.
- B. Taxpayers have a strong interest in an effective screening process to ensure that appropriate contractors be awarded public works contracts. A thorough evaluation process ensures that the taxpayers get a proper return on their investment and that qualified contractors are awarded bids.
- C. General Municipal Law § 103(15)(a) recognizes the need for this process and provides that municipalities, such as the County of Erie, may establish guidelines governing the qualifications of bidders seeking to bid or enter into such contracts.
- D. By enacting this Local Law, the County of Erie seeks to establish such guidelines in order to assure the prudent and economical use of public moneys for the benefit of all the inhabitants of the County.

Section 2. Short Title.

This Local Law shall be known as "the Erie County Lowest Responsible Bidder Law".

Section 3. Applicability.

This Local Law shall apply to County of Erie construction projects, defined herein, in excess of \$35,000 and advertised for bids on or after the effective date of this Local Law.

Section 4. Definitions.

- A. "The County of Erie" or "County" as used herein shall include the political subdivision known as the County of Erie as well as those County Departments responsible for letting public works contracts.
- B. "Bidder" or "bidders" as used herein shall include individuals, companies, partnerships or other entities that respond to requests for bids issued by the County of Erie.

C. “Construction Projects” as used herein shall mean projects with a value in excess of \$35,000 where the County of Erie is a direct or indirect party to the contract which includes more than an incidental amount of construction type activity intended to benefit the public, including all work which is necessary, incidental or connected with the execution of the contract which is performed by construction workers. A public entity need not be party to the construction contract. A construction contract includes: projects that the County of Erie funds directly, projects that the County of Erie funds indirectly by providing funds to a separate entity to perform the construction type activity; privately financed construction projects specifically built with the intent of leasing them to any Department of the County of Erie government; and construction projects built under the County of Erie’s direction and later paid for with County of Erie funds.

D. “Commissioner” as used herein shall mean the Commissioner of the County of Erie Department that is requesting bids and/or his or her designee.

E. “Responsible” or “responsibility” as used herein means the financial ability, legal capacity, integrity, past performance of a business entity and compliance with applicable laws and regulations and as such terms have been interpreted relative to public procurements.

F. “Responsive” as used herein means a bidder meeting the minimum specifications or requirements as prescribed in the request for bids.

G. “Responsibility Questionnaire” shall mean the current the New York Vendor Responsibility Questionnaire For-Profit Construction (CCA-2), as maintained by the New York Office of the State Comptroller, and as may be amended from time to time, which requires all bidders to answer questions demonstrating their financial ability, legal capacity, integrity, past performance on municipal contracts and compliance with applicable laws and regulations. Such Questionnaire shall be affirmed by a principal of the bidder.

Section 5. Requirements.

A. By submitting bids in response to solicitations from the County of Erie, all bidders and sub-bidders (including sub-sub bidders) for construction projects funded by the County of Erie, acknowledge the terms and conditions of this Local Law and agree that they shall comply with the obligations of this Local Law.

B. In addition to the bid response, all bidders shall complete and submit a Responsibility Questionnaire as defined in Section 4 so that the County can evaluate the financial responsibility and organizational capacity of the bidder; the bidder’s legal authority to do business in this County and State; the integrity of the owners, officers, principals, members and contract managers and the past performance of the bidder on prior municipal or public contracts. The completed Responsibility Questionnaire must be submitted with the bid.

C. Failure to submit the completed Responsibility Questionnaire with the bid documents shall render the bid non-responsive and the bid shall not be considered by the Commissioner.

Section 6. Procedure.

- A. Bids for construction projects to which this Local Law applies shall be advertised in accordance with the requirements of the General Municipal Law and other applicable State and Local Laws. Such advertisement shall set forth the request for bids and shall set forth the deadline for submission and the time and place of the public opening of the bids.
- B. The Commissioner, or his or her designee, shall distribute to all bidders a copy of this Local Law and the Responsibility Questionnaire referenced above. Distribution of the aforementioned documents shall be deemed effectuated when delivered in the same manner as the request for bids and any associated documents. The submission of a bid shall establish that the bidder received all necessary documents, including but not limited to, the Responsibility Questionnaire.
- C. Only Bids accompanied by the Responsibility Questionnaire and all other necessary documentation will be considered by the Commissioner and or his or her designee.
- D. All bids received shall be publicly opened and read at the time and place so specified in the advertisement for bids and the identity of all bidders shall be publicly disclosed at the time and place so specified. The apparent lowest bidder shall be announced at that time.
- E. Commencing on the date of the bid opening and lasting for ten (10) calendar days thereafter, there shall be a public comment period during which members of the public may submit information relative to any such bidder to the Commissioner. The Commissioner shall acknowledge receipt of such information, and provide a written response prior to the final determination of bidder responsibility.
- F. After review of the bid documents, the information collected pursuant to this and other Local Laws, New York State Law, applicable rules and regulations, consideration of the information provided in the Responsibility Questionnaire and of the financial ability, legal capacity, integrity, past performance of the bidder and compliance with applicable laws and regulations, the Commissioner shall determine if the apparent lowest bidder is responsible.
- H. If the amount of the lowest responsible bidder appears disproportionately low when compared with estimates undertaken by or on behalf of the County of Erie, and/or compared to other bids submitted (10% or greater disparity), the County reserves the right to inquire further of the apparent lowest bidder to determine whether the bid contains mathematical errors, omissions and/or erroneous assumptions, and whether the apparent lowest bidder has the capability to perform and complete the contract for the bid amount.
- I. If the apparent lowest bidder is deemed responsible by the Commissioner, such low bidder will be notified, as soon as is practicable.
- J. At least five (5) business days prior to the award of the contract to the low bidder, the Commissioner shall post on the Erie County Website a listing of the three apparent lowest bidders for the work.

Section 7. Non-Responsibility Determination.

A. If, after review of the bid documents, the information collected pursuant to this and other Local Laws, New York State Law, applicable rules and regulations, consideration of the information provided in the Responsibility Questionnaire and of the financial ability, legal capacity, integrity, past performance of the bidder and compliance with applicable laws and regulations, the Commissioner makes a provisional determination that the apparent lowest bidder is deemed not to be responsible, the provisions of subdivisions C-E herein shall apply.

B. In the event the bidder is found to have falsified information on a submitted Responsibility Questionnaire or if the bidder fails to properly disclose information that would call into question the financial ability, legal capacity, integrity, or past performance of the business entity, the Commissioner shall make a provisional determination that the bidder is not responsible subject to the provisions of subdivisions C-E herein.

C. Not less than five (5) business days prior to any final determination that the apparent lowest bidder is not responsible, the County shall notify the affected bidder of the same, in writing, stating the reasons therefore and setting forth a time, date and place for the apparent lowest bidder to appear and be heard on the issue of non-responsibility. Mailing via first class mail to the address provided by bidder shall constitute sufficient service of the notice.

D. At the date, time and place set forth above, the bidder may appear in person, with or without counsel or via affidavit. After due consideration, the Commissioner shall make a determination with regard to responsibility. Such determination may be appealed pursuant to the CPLR.

E. If the apparent lowest bidder is deemed not to be responsible, then the next lowest bidder will be reviewed and so on until the lowest bidder is deemed responsible and selected as the lowest responsible bidder. The Commissioner reserves the right to award the contract to the bidder determined to be the lowest responsible bidder or to reject all bids and rebid the contract in accordance with the General Municipal Law.

Section 8. Ongoing Responsibility.

A. The Contractor shall at all times during the Contract term remain responsible. The Contractor agrees, if requested by the Commissioner or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organizational and financial capacity.

B. Any resident of Erie County who has reason to believe that an awarded contractor is not responsible, may submit to the Commissioner evidence as to why the contractor or subcontractor is not responsible. The Commissioner shall acknowledge receipt of such evidence, and provide a written response within fifteen (15) calendar days.

C. The Commissioner may, upon receipt of such information, conduct a further investigation into whether or not the contractor is responsible and prior to making any determination of non-responsibility shall proceed in accordance with the process set forth in Section 7 above.

Section 9. Sanctions.

A. Any contractor or subcontractor, its alter ego or control group, or principal officer who has, after the opportunity to be heard as set forth above, been determined by the Commissioner to be non-responsible, shall be barred from bidding on contracts for the County of Erie for a period of six months for the first violation. In the event the bidder subsequently fails to comply with the provisions of this Local Law on future bids, it may be subject to additional penalties, including prohibition against work on County contracts for three years for the second violation, and permanently for the third violation.

Section 10. Emergency.

A. Notwithstanding the provisions of this Local Law, in the case of a public emergency arising out of an accident or any other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of the County of Erie, which requires immediate action which cannot await competitive bidding or competitive offering, contracts for public work may be let by the appropriate officer, board or agency of the County of Erie without competitive bidding and as it otherwise deems appropriate.

Section 11. Severability.

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

Section 12. Effective Date.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

Sponsors:

Timothy Meyers
April N.M. Baskin
Howard Johnson

MR. MEYERS moved to approve Local Law No. 7 (Print #1) 2020. MR. JOHNSON seconded.

MR. LORIGO moved to table the item. MR. GREENE seconded.

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

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

CARRIED.

Item 31 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 32 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

January 28, 2021	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 23E-15 (2020)
COUNTY EXECUTIVE: “Appointments to the EC Poverty Advisory Board”
(Chair’s Ruling)

November 24, 2020

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

Re: Appointments of Members to the Erie County Poverty Advisory Board

Dear Honorable Members:

Pursuant to the Erie County Charter Article 22, Section 2208, I, Mark C. Poloncarz, Erie County Executive hereby appoint and reappoint the following seven individuals to the Erie County Poverty Advisory Board:

Reappointments:

Rev. Kinzer M. Pointer
254 Minnesota Ave, Apt 1.
Buffalo, New York 14215
Term Expires: 1/1/2025

Anna Falicov, Esq.
89 Plymouth Ave
Buffalo, New York 14201
Term Expires: 1/1/2024

Rev. Frank Cerny
194 Walnut Street
East Aurora, New York 14052
Term Expires: 9/1/2023

Dr. Henry Louis Taylor, PhD.
360 Linwood Ave
Buffalo, New York 14209
Term Expires: 1/1/2023

Dr. Yvonne S. Minor-Ragan
402 Gull Landing
Buffalo, New York 14202
Term Expires: 9/1/2022

New Appointments:

Dr. Fred D. Archer, III, MD
489 Berryman Ave
Amherst, NY 14225
Term Expires: 1/1/2023

Roland Cercone, Esq.
225 Beard Ave
Buffalo, New York 14214
Term Expires: 1/1/2024

2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18M-2 (2020)
EC YOUTH DETENTION CENTER STAFF: "Letters & Petition Related to EC Youth Detention Center Management"
(Chair's Ruling)
 - b. COMM. 21E-1 (2020)
COMPTROLLER: "Letter to Health Commissioner Regarding Intro. 20-2 (2020)"
(Chair's Ruling)
 - c. COMM. 21E-2 (2020)
COMPTROLLER: "Letter to Health Commissioner Concerning Whistleblower Report on COVID Outbreak"
(Chair's Ruling)
 - d. COMM. 21E-6 (2020)
COMPTROLLER: "Letter to Chair of Legislature Regarding Whistleblower Hotline Concern"

- (Chair's Ruling)
- e. COMM. 21E-8 (2020)
BASKIN: "Letter to Legislature Regarding Positive COVID-19 Case at Recent Meeting"
(Chair's Ruling)
 - f. COMM. 21D-1 (2020)
DEPARTMENT OF LAW: "Local Emergency Order Extensions"
(Chair's Ruling)
 - g. COMM. 21D-2 (2020)
COMMISSIONER OF SOCIAL SERVICES: "Child Protective Caseloads for 10/2020"
(Chair's Ruling)
 - h. COMM. 21D-3 (2020)
COMMISSIONER OF HEALTH: "Response to Comptroller's Whistleblower Hotline Travel Concerns"
(Chair's Ruling)
 - i. COMM. 21D-8 (2020)
COMMISSIONER OF HEALTH: "Response to Chair of HHS Committee Regarding COVID & Nursing Homes Inquiry"
(Chair's Ruling)
 - j. COMM. 23E-16 (2020)
COMPTROLLER: "Letter to Chair of Legislature Regarding COVID-19 Case"
(Chair's Ruling)
 - k. COMM. 23E-18 (2020)
BASKIN: "Letter to NYS Commission of Correction Concerning COVID-19 Outbreak in the EC Correctional Facility"
(Chair's Ruling)
 - l. COMM. 23E-19 (2020)
BASKIN: "Letter to Comptroller Concerning COVID-19 Outbreak in the EC Correctional Facility"
(Chair's Ruling)
 - m. COMM. 23E-20 (2020)
BASKIN: "Letter to Sheriff Regarding COVID-19 Outbreak in the EC Correctional Facility"
(Chair's Ruling)
 - n. COMM. 23E-21 (2020)
LORIGO: "Letter to County Executive & Health Commissioner Concerning Schools During the COVID-19 Pandemic"
(Chair's Ruling)

- o. COMM. 23E-22 (2020)
CHIMERA: “Letter to Health Commissioner Concerning COVID-19 Contract Tracing”
(Chair’s Ruling)
- p. COMM. 23E-25 (2020)
COMPTROLLER: “Letter to Chair of Legislature Regarding Employee Concerns Surrounding COVID-19”
(Chair’s Ruling)
- q. COMM. 23E-26 (2020)
COMPTROLLER: “Letter to Chair of Legislature Regarding COVID-19 Cases in EC”
(Chair’s Ruling)
- r. COMM. 23D-2 (2020)
DEPARTMENT OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)
- s. COMM. 23D-4 (2020)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 11/18/2020”
(Chair’s Ruling)
- t. COMM. 23D-5 (2020)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 11/24/2020”
(Chair’s Ruling)
- u. COMM. 24E-8 (2020)
LORIGO: “Request for Health & Human Services Committee Meeting”
(Chair’s Ruling)
- v. COMM. 24D-1 (2020)
DEPARTMENT OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)
- w. COMM. 24D-4 (2020)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 11/28/2020”
(Chair’s Ruling)
- x. COMM. 24D-7 (2020)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 12/5/2020”
(Chair’s Ruling)
- y. COMM. 24D-8 (2020)

- COMMISSIONER OF HEALTH: “Letter to Chair of HHS Committee Regarding Delays in COVID-19 Contact Tracing”
(Chair’s Ruling)
- z. COMM. 24D-9 (2020)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 12/12/2020”
(Chair’s Ruling)
- aa. COMM. 1D-7 (2021)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 12/19/2020”
(Chair’s Ruling)
- bb. COMM. 1D-8 (2021)
DEPARTMENT OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)
- cc. COMM. 1D-9 (2021)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 12/26/2020”
(Chair’s Ruling)
- dd. COMM. 2E-4 (2021)
LORIGO: “Letter to Chair of Legislature & HHS Committee Requesting HHS Committee Meeting”
(Chair’s Ruling)
- ee. COMM. 2D-1 (2021)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 1/2/21”
(Chair’s Ruling)
- ff. COMM. 2D-2 (2021)
COMMISSIONER OF SOCIAL SERVICES: “Child Protective Caseloads for 11/2020”
(Chair’s Ruling)
- gg. COMM. 2D-5 (2021)
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 1/9/21”
(Chair’s Ruling)
- hh. COMM. 2D-10 (2021)
DEPARTMENT OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)
3. COMM. 2E-19 (2021)
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointments of Iman Abuhadra, Angelina Bolognese, Benjamin A. Fox and Anessa Masaed to the Erie County Youth Services Board for a term ending December 31, 2022.
(5-0) Legislator Vinal not present for vote.

**LISA M. CHIMERA
CHAIR**

Item 33 – MR. MEYERS presented the following report, moved to separate item Number 3 and approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

January 28, 2021	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby tabled by a majority vote:
 - a. INTRO. 2-4 (2021)
MILLS, LORIGO, GREENE & TODARO: “Second Request for Information from 43 North on Their Administration of the Back to Business Relief Program”
(4-2) Legislators Lorigo and Mills voted in the negative.
2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2D-1 (2020)
DIRECTOR OF REAL PROPERTY TAX SERVICES: “Open Item in Finance & Management Committee - Correction of Errors/NYS Real Property Tax Law”
(Chair’s Ruling)
 - b. COMM. 11E-2 (2020)
COUNTY CLERK: “COVID-19 Response Funding Request - Foreclosure Prevention & Relief Services”
(Chair’s Ruling)
 - c. COMM. 19D-1 (2020)
UNDERSHERIFF: “Response to Inquiry Regarding Status Report of Body Camera Deployment & Use”
(Chair’s Ruling)
 - d. COMM. 24E-10 (2020)

- COMPTROLLER: “Letter to President of 43North Regarding Award of \$10,000”
(Chair’s Ruling)
- e. COMM. 24D-5 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period
Ending 10/2020”
(Chair’s Ruling)
- f. COMM. 24D-6 (2020)
COMPTROLLER’S OFFICE: “Audit of Personnel Department Civil Service Exam Fee
Revenues - 7/1/19 - 12/31/19”
(Chair’s Ruling)
- g. COMM. 1E-8 (2021)
COMPTROLLER: “Letter to Legislature Concerning Back to Business Award”
(Chair’s Ruling)
- h. COMM. 1E-9 (2021)
COMPTROLLER: “Letter to 43North Regarding Award of CARES Act Funds to Local
Businesses”
(Chair’s Ruling)
- i. COMM. 1E-21 (2021)
COMPTROLLER: “Report of Apportionment & Distribution of Net Collections from Sales
Tax - 09/2020 - 11/2020”
(Chair’s Ruling)
- j. COMM. 1D-1 (2021)
COMPTROLLER’S OFFICE: “Audit of DISS' Operating Budget Expenditures - 1/1/2020 -
5/31/2020”
(Chair’s Ruling)
- k. COMM. 1D-2 (2021)
COMPTROLLER’S OFFICE: “Audit of EC Soil & Water Conservation District Cash
Receipts & Disbursements - 1/1/2019 - 12/31/19”
(Chair’s Ruling)
- l. COMM. 1D-4 (2021)
DIRECTOR OF REAL PROPERTY TAX: “2021 County Property Tax Review”
(Chair’s Ruling)
- m. COMM. 1D-5 (2021)
COMPTROLLER'S OFFICE: “Audit of Sheriff's Office Operating Budget Revenues -
7/1/2019 - 12/31/2019”
(Chair’s Ruling)
- n. COMM. 1D-10 (2021)

DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending 11/2020”
(Chair’s Ruling)

o. COMM. 2D-7 (2021)
DEPUTY COMPTROLLER: “Law Department Spending - 11/2020”
(Chair’s Ruling)

3. INTRO. 2-2 (2021)
JOHNSON

WHEREAS, currently, 42.3 million Americans have “Direct” federal loans and PLUS education (college) loans which were guaranteed and backed by the federal government and a total of 45 million borrowers are carrying around \$1.6 trillion in student loan debt; and

WHEREAS, one in 10 loans are in delinquency or default and the US Federal Reserve estimates the typical monthly loan payment for borrowers to be between \$200 and \$299; and

WHEREAS, the US Federal Reserve’s recent Survey of Consumer Finances report noted that the nearly \$1.6 trillion of student debt continued to be the largest source, in dollar terms, of non-mortgage debt owed by American families; and

WHEREAS, due to COVID-19, Federal student loans have been in automatic forbearance, accruing zero interest for nine months now, and the US Department of Education has granted the over 40 million Americans who have Direct federal loans a one month extension of forbearance through January 31, 2021; and

WHEREAS, the current federal forbearance period does not apply to private loans, which make up 7.9% of all outstanding student loan debt, meaning they are still accruing interest; and

WHEREAS, since 2007, the federal government has maintained several limited student loan forgiveness/discharge programs, including the Teacher Loan Forgiveness program, the Public Service Loan Forgiveness program, and the Total and Permanent Disability (TPD) Discharge program; and

WHEREAS, while President-Elect Joseph Biden has not committed to any specific action on student loans, he is expected to further continue the freeze on payments and interest before considering his campaign policy education loan goals, which included: help for undergraduate borrowers who earn \$25,000 or less; automatic enrollment in the income-based repayment program; changes to the taxation of debt forgiveness, and the possible cancellation of up to \$10,000 in debt for students who work in national or community service; and

WHEREAS, Alan Collinge, who leads a grassroots campaign called Student Loan Justice, argues that canceling student loan debt would be a major boost to the economy, especially for younger people who cannot start families, start businesses, and purchase homes due to student loan debt; and

WHEREAS, Democratic leaders in Congress are preparing legislation to forgive up to \$50,000 in student debt per borrower for people making less than \$125,000 a year as part of a plan to help stimulate the economy; and it is not clear if the Democratic plan would cover all student loans or just federal student loans and whether the plan would cover graduate student loans or undergraduate loans only; and

WHEREAS, if such legislation cannot be approved in Congress, Senator Charles Schumer and Senator Elizabeth Warren are urging President-Elect Biden to provide relief through an executive order, citing the Higher Education Act of 1965 that they say gives the president the authority to forgive student loans without Congressional approval; and

WHEREAS, as the economic recession caused by COVID-19 continues and the unemployment rate remains high, consideration of Federal proposals to provide student loan forgiveness should be considered to help struggling Americans and to help stimulate the economy.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby expresses its support for federal legislation or a presidential executive order to forgive up to \$50,000 in federal and private student loan debt for those persons earning under \$125,000 per year; and be it further

RESOLVED, that this Honorable Body notes and calls for federal action to address the massive \$1.6 trillion in student loan debt borne by 45 million Americans as such a financial burden is crippling and does not support a robust and thriving economy; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, to the President-Elect, to US Senators Mitch McConnell and Charles Schumer, and to US Representatives Nancy Pelosi, Brian Higgins, Christopher Jacobs and Kevin McCarthy.
(4-2) Legislators Mills and Lorigo voted in the negative.

4. COMM. 2E-12 (2021)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$750,000 to the County for the provision of indigent defense services at first appearance; and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society 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 January 1, 2021 to December 31, 2021; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an amendment to the subcontract with the Erie County Bar Association's Aid to Indigent Prisoners Society extending the contract term for an additional one-year period of January 1, 2021 to December 31, 2021; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160CAFA2ILS1719 in the County Attorney's Office to December 31, 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)

5. COMM. 2E-13 (2021)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$1,455,129 to the County for the provision of indigent defense services; and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and 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 agencies 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 January 1, 2021 to December 31, 2021; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo extending the contract term for an additional one-year period of January 1, 2021 to December 31, 2021; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID7ILS1719 in the County Attorney's Office to December 31, 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)

6. COMM. 2E-14 (2021)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three year grant totaling \$1,455,129 to the County for the provision of indigent defense services; and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and 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 agencies 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 January 1, 2021 to December 31, 2021; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into amendments to the subcontracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo extending the contract term for an additional one-year period of January 1, 2021 to December 31, 2021; and be it further

RESOLVED, that authorization is provided to extend the grant period of 160QID6ILS1618 in the County Attorney's Office to December 31, 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)

7. COMM. 2D-8 (2021)
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 230001 through 230042, 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	2019	Petition No.	230,001.00
	ASSESSOR	Refund	\$306.04
S-B-L	96.00-4-15.1	2731 Townline Rd	142089 ALDEN
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$306.04	Town/SpecialDist/School
	20055 Sewer Dist 1 Pt 1	\$306.04	
Charge To :	142089 ALDEN		\$0.00

RPTL 550(2): Sewer district applied in error
Refund to be issued to 2731 Townline Road LLC

FISCAL YEAR	2018	Petition No.	230,002.00
	ASSESSOR	Refund	\$340.57
S-B-L	96.00-4-15.1	2731 Townline Rd	142089 ALDEN
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$340.57	Town/SpecialDist/School
	20055 Sewer Dist 1 Pt 1	\$340.57	
Charge To :	142089 ALDEN		\$0.00

RPTL 550(2): Sewer district applied in error
Refund to be issued to 2731 Townline Road LLC

FISCAL YEAR	2020	Petition No.	230,003.00
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ASSESSOR Refund \$523.70
S-B-L 96.00-4-15.1 2731 Townline Rd 142089 ALDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$523.70 Town/SpecialDist/School
20055 Sewer Dist 1 Pt 1 \$523.70
Charge To : 142089 ALDEN \$0.00

RPTL 550(2): Sewer district applied in error
Refund to be issued to 2731 Townline Road LLC

FISCAL YEAR 2021 Petition No. 230,004.00

ASSESSOR Cancel \$1,664.58
S-B-L 175.15-1-43 23 Creekstone Dr 142489 AURORA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,664.58
Town/SpecialDist/School
Charge To : 142489 AURORA

RPTL 550(2): Incorrect rubbish charge
New tax bill to be issued.

FISCAL YEAR 2021 Petition No. 230,005.00

ASSESSOR Cancel \$94.15
S-B-L 103.06-1-26 38 Barnabas Dr 143003 DEPEW

Acct. No. 112 \$94.15 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 143003 DEPEW \$0.00

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

FISCAL YEAR 2021 Petition No. 230,006.00

ASSESSOR Cancel \$2,177.15
S-B-L 114.06-2-66 36 Deer Trl 143089 CHEEKTOWAGA

Acct. No. 112 \$558.52 County
Acct. No. 132 \$1,618.63 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$1,618.63

RPTL 550(2): Incorrect assessed value

New tax bill to be issued.

FISCAL YEAR 2020 Petition No. 230,007.00

 ASSESSOR Cancel \$1,911.35
S-B-L 114.06-2-66 36 Deer Trl 143089 CHEEKTOWAGA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,911.35 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$1,911.35
 Relevy School \$1,911.35 143001 CHEEKTO.

CENTRAL

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

FISCAL YEAR 2021 Petition No. 230,008.00

 ASSESSOR Cancel \$265.14
S-B-L 343.12-1-15 3758 Rt 39 143689 COLLINS

 Acct. No. 112 \$265.14 County
 Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 143689 COLLINS \$0.00

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

FISCAL YEAR 2020 Petition No. 230,009.00

 ASSESSOR Refund \$239.62
S-B-L 322.00-2-4.32 Sharp St 143889 CONCORD

 Acct. No. 112 \$138.44 County
 Acct. No. 132 \$101.18 Town/SpecialDist/School
 38019 CONCORD FIRE PROTECT \$43.91
Charge To : 143889 CONCORD \$57.27

RPTL 550(2): Duplicate parcel
Refund to be issued to Gernatt Asphalt Products Inc

FISCAL YEAR 2019 Petition No. 230,010.00

 ASSESSOR Refund \$234.92
S-B-L 322.00-2-4.32 Sharp St 143889 CONCORD

 Acct. No. 112 \$138.40 County

Acct. No. 132 \$96.52 Town/SpecialDist/School
38019 CONCORD FIRE PROTECT \$41.84
Charge To : 143889 CONCORD \$54.68

RPTL 550(2): Duplicate parcel
Refund to be issued to Gernatt Asphalt Products Inc

FISCAL YEAR 2020 Petition No. 230,011.00

ASSESSOR Refund \$489.51
S-B-L 322.00-2-4.32 Sharp St 143889 CONCORD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$489.51 Town/SpecialDist/School
Charge To : 143889 CONCORD \$489.51
Relevy School \$489.51 143801 SPRING-GRIFFITH

RPTL 550(2): Duplicate parcel
Refund to be issued to Gernatt Asphalt Products Inc

FISCAL YEAR 2019 Petition No. 230,012.00

ASSESSOR Refund \$465.65
S-B-L 322.00-2-4.32 Sharp St 143889 CONCORD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$465.65 Town/SpecialDist/School
Charge To : 143889 CONCORD \$465.65
Relevy School \$465.65

RPTL 550(2): Duplicate parcel
Refund to be issued to Garnatt Asphalt Products Inc

FISCAL YEAR 2018 Petition No. 230,013.00

ASSESSOR Refund \$463.40
S-B-L 322.00-2-4.32 Sharp St 143889 CONCORD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$463.40 Town/SpecialDist/School
Charge To : 143889 CONCORD \$463.40
Relevy School \$463.40 143801 SPRING-GRIFFITH

RPTL 550(2): Duplicate parcel
Refund to be issued to Gernatt Asphalt Products Inc

FISCAL YEAR 2021 Petition No. 230,014.00

ASSESSOR Cancel \$150.00
S-B-L 235.00-2-6.1 8930 Erie Rd 144489 EVANS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$150.00 Town/SpecialDist/School
Charge To : 144489 EVANS \$150.00

RPTL 550(2): Incorrect cleanup charge applied
New tax bill to be issued.

FISCAL YEAR 2021 Petition No. 230,015.00

ASSESSOR Cancel \$408.78
S-B-L 51.15-1-34 1140 Lasalle Ave 144600 GRAND ISLAND
Acct. No. 112 \$264.71 County
Acct. No. 132 \$144.07 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$144.07

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

FISCAL YEAR 2021 Petition No. 230,016.00

ASSESSOR Cancel \$46.25
S-B-L 64.05-5-11 90 County Club Dr 144600 GRAND ISLAND
Acct. No. 112 \$27.28 County
Acct. No. 132 \$18.97 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND

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

FISCAL YEAR 2020 Petition No. 230,017.00

ASSESSOR Refund \$98.89
S-B-L 64.05-5-11 90 Country Club Dr 144600 GRAND ISLAND
Acct. No. 112 \$0.00 County
Acct. No. 132 \$98.89 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$98.89
Relevy School \$98.89 144601 GRND ISLN

RPTL 550(2): Incorrect assessed value
Refund to be issued to Gregory & Patricia Hess

FISCAL YEAR 2021 Petition No. 230,018.00

 ASSESSOR Cancel \$480.72
S-B-L 23.00-1-16.1 2401 Bedell Rd 144600 GRAND ISLAND

 Acct. No. 112 \$283.80 County
 Acct. No. 132 \$196.92 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$196.92

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

FISCAL YEAR 2020 Petition No. 230,019.00

 ASSESSOR Cancel \$1,028.45
S-B-L 23.00-1-16.1 2401 Bedell Rd 144600 GRAND ISLAND

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,028.45 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$1,028.45
 Relevy School \$1,028.45 144601 GRND ISLN

CENTRAL

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

FISCAL YEAR 2020 Petition No. 230,020.00

 ASSESSOR Cancel \$1,629.18
S-B-L 170.75-1-25.1 5083 College St 144600 GRAND ISLAND

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,629.18 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$1,629.18
 Relevy School \$1,629.18 144601 GRND ISLN

CENTRAL

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

FISCAL YEAR 2020 Petition No. 230,021.00

 ASSESSOR Refund \$140.80

S-B-L 142.62-6-44 1578 Electric Ave 140900 LACKAWANNA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$140.80	Town/SpecialDist/School
	9992 ECSD#6 SAN SEWER	\$140.80	
Charge To :	140900 LACKAWANNA		\$0.00

RPTL 550(2): Incorrect sewer charge
Refund to be issued to Margaret M Rush

FISCAL YEAR 2020 Petition No. 230,022.00

ASSESSOR Refund \$7,107.21
S-B-L 141.11-1-47.2 449 Warehouse 140900 LACKAWANNA

	Acct. No. 112	\$5,573.33	County
	Acct. No. 132	\$1,533.88	Town/SpecialDist/School
	9992 ECSD#6 SAN SEWER	\$260.74	
	9993 ECSD#6 STORM	\$1,273.14	
Charge To :	140900 LACKAWANNA		\$0.00

RPTL 550(2): Incorrect assessment
Refund to be issued to Jeannine Halsey

FISCAL YEAR 2020 Petition No. 230,023.00

ASSESSOR Refund \$381.99
S-B-L 104.19-6-18 43 Irwinwood 145203 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$381.99	Town/SpecialDist/School
Charge To :	145203 LANCASTER		\$381.99
	Relevy School	\$381.99	145201 LANCASTER

CENTRAL

RPTL 550(2): Incorrect assessment
Refund to be issued to Laura Holtyn

FISCAL YEAR 2020 Petition No. 230,024.00

ASSESSOR Refund \$353.69
S-B-L 104.49-1-7 21 Harold Pl 145203 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$353.69	Town/SpecialDist/School
Charge To :	145203 LANCASTER		\$353.69

Relevy School \$353.69 145201 LANCASTER
CENTRAL

RPTL 550(2): Incorrect assessment.
Refund to be issued to Carl & Nicollette Nuwer.

FISCAL YEAR 2021 Petition No. 230,025.00

ASSESSOR Cancel \$562.86
S-B-L 128.04-4-2 11029 Clinton St 145400 MARILLA

Acct. No. 112 \$536.54 County
Acct. No. 132 \$26.32 Town/SpecialDist/School
Charge To : 145400 MARILLA \$26.32

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

FISCAL YEAR 2020 Petition No. 230,026.00

ASSESSOR Cancel \$1,486.93
S-B-L 85.00-2-35.11 Wahl Rd 145689 NEWSTEAD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,486.93 Town/SpecialDist/School
Charge To : 145689 NEWSTEAD \$1,486.93
Relevy School \$1,486.93 142001 ALDEN CENTRAL

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

FISCAL YEAR 2021 Petition No. 230,027.00

ASSESSOR Cancel \$384.10
S-B-L 271.00-2-4.2 10268 Sisson Hwy 145889 NORTH COLLINS

Acct. No. 112 \$196.54 County
Acct. No. 132 \$187.56 Town/SpecialDist/School
Charge To : 145889 NORTH COLLINS \$187.56

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

FISCAL YEAR 2020 Petition No. 230,028.00

OWNER Cancel \$0.00
S-B-L 178.00-1-28.122 4648 Woods Rd 146600 WALES

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
Charge To :	146600 WALES	\$0.00	
FISCAL YEAR	2019	Petition No.	230,029.00
	OWNER	Cancel	\$0.00
S-B-L	178.00-1-28.122	4648 Woods Rd	146600 WALES
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
Charge To :	146600 WALES	\$0.00	
FISCAL YEAR	2018	Petition No.	230,030.00
	OWNER	Cancel	\$0.00
S-B-L	178.00-1-28.122	4648 Woods	146600 WALES
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
Charge To :	146600 WALES	\$0.00	
FISCAL YEAR	2017	Petition No.	230,031.00
	OWNER	Cancel	\$0.00
S-B-L	178.00-1-28.122	4648 Woods	146600 WALES
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
Charge To :	146600 WALES	\$0.00	
FISCAL YEAR	2016	Petition No.	230,032.00
	OWNER	Cancel	\$0.00
S-B-L	178.00-1-28.122	46748 Woods	146600 WALES
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
Charge To :	146600 WALES	\$0.00	
FISCAL YEAR	2015	Petition No.	230,033.00
	OWNER	Cancel	\$0.00
S-B-L	178.00-1-28.122	4648 Woods	146600 WALES
	Acct. No. 112	\$0.00	County

Charge To :	Acct. No. 132 146600 WALES	\$0.00	Town/SpecialDist/School \$0.00
FISCAL YEAR	2014	Petition No.	230,034.00
S-B-L	OWNER 178.00-1-28.122	Cancel 4648 Woods	\$0.00 146600 WALES
Charge To :	Acct. No. 112 Acct. No. 132 146600 WALES	\$0.00 \$0.00	County Town/SpecialDist/School \$0.00
FISCAL YEAR	2013	Petition No.	230,035.00
S-B-L	OWNER 178.00-1-28.122	Cancel 4648 Woods	\$0.00 146600 WALES
Charge To :	Acct. No. 112 Acct. No. 132 146600 WALES	\$0.00 \$0.00	County Town/SpecialDist/School \$0.00
FISCAL YEAR	2012	Petition No.	230,036.00
S-B-L	OWNER 178.00-1-28.122	Cancel 4648 Woods	\$0.00 146600 WALES
Charge To :	Acct. No. 112 Acct. No. 132 146600 WALES	\$0.00 \$0.00	County Town/SpecialDist/School \$0.00
FISCAL YEAR	2011	Petition No.	230,037.00
S-B-L	OWNER 178.00-1-28.122	Cancel 4648 Woods	\$0.00 146600 WALES
Charge To :	Acct. No. 112 Acct. No. 132 146600 WALES	\$0.00 \$0.00	County Town/SpecialDist/School \$0.00
FISCAL YEAR	2010	Petition No.	230,038.00
S-B-L	OWNER 178.00-1-28.122	Cancel 4648 Woods	\$0.00 146600 WALES
Charge To :	Acct. No. 112 Acct. No. 132 146600 WALES	\$0.00 \$0.00	County Town/SpecialDist/School \$0.00

FISCAL YEAR	2009	Petition No.	230,039.00
	OWNER	Cancel	\$0.00
S-B-L	178.00-1-28.122	4648 Woods	146600 WALES
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
Charge To :	146600 WALES		\$0.00
FISCAL YEAR	2008	Petition No.	230,040.00
	OWNER	Cancel	\$0.00
S-B-L	178.00-1-28.122	4648 Woods	146600 WALES
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
Charge To :	146600 WALES		\$0.00
FISCAL YEAR	2007	Petition No.	230,041.00
	OWNER	Cancel	\$0.00
S-B-L	178.00-1-28.122	4648 Woods	146600 WALES
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
Charge To :	146600 WALES		\$0.00
FISCAL YEAR	2006	Petition No.	230,042.00
	OWNER	Cancel	\$0.00
S-B-L	178.00-1-28.122	4648 Woods	146600 WALES
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
Charge To :	146600 WALES		\$0.00

and be it further

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

(6-0)

**TIMOTHY J. MEYERS
CHAIR**

MR. MEYERS moved to approve item Number 3. MR. JOHNSON seconded.

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

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

FAILED.

Item 34 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

January 28, 2021	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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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. 2M-6 (2021)
NFTA: “Board Minutes for Meeting Held on 10/22/2020”
(Chair’s Ruling)

2. COMM. 2E-7 (2021)
COUNTY EXECUTIVE
WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2021 Annual Action Plan at their session held on January 21, 2021.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban

Development (HUD) as supportive material to the 2021 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated:

1. Erie County Consortium Community Development Program: \$3,170,812
2. Emergency Solutions Program: \$ 239,450
3. HOME Investment Partnership Program: \$ 940,446
4. Town of Hamburg Community Development Program: \$ 420,000

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

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

(6-0)

3. COMM. 2E-11 (2021)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is requesting authorization to grant the Eugene V. Debs Local Initiative to install a historical marker within the County's Shoreline Trail right-of-way at the former Bethlehem Steel property; and

WHEREAS, the location is on County-owned Shoreline Trail right-of-way along NYS Route 5 and former Bethlehem Steel property approximately parallel with Kane St in the City of Lackawanna; 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 the Installation of Historical Marker be granted.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby grant to install a historical marker within the County's Shoreline Trail right-of-way; and be it further

RESOLVED, that the County Executive and/or Deputy County Executive is hereby authorized to execute any and all appropriate documents as may be necessary; and be it further

RESOLVED, that certified copies of this resolution are forwarded to the Erie County Executive's Office, the Department of Parks, Recreation & Forestry.



4. COMM. 2E-15 (2021)
COUNTY EXECUTIVE

WHEREAS, in 1999 Erie County entered into a license with Niagara Mohawk Power Corporation d/b/a “National Grid” for usage of National Grid’s property located along Two Mile Creek Road in the City of Tonawanda and Town of Tonawanda to construct a multi-use trail known as the Two Mile Creek Greenway Trail; and

WHEREAS, pursuant to the 1999 license agreement, in the event National Grid required usage of their property the County would be responsible for relocating the Two Mile Creek Greenway; and

WHEREAS, National Grid notified the County of the need to relocate the Two Mile Creek Trail; and

WHEREAS, National Grid constructed a new electrical substation on the location of a section of the existing Two Mile Creek Greenway Trail to service increased electrical needs in North Youngman Commerce Park and Riverview Solar Technology Park; and

WHEREAS, the Two Mile Creek Greenway Trail is a critical connection between the population centers of the Town and City of Tonawanda and the waterfront trail network known as the Shoreline Trail; and

WHEREAS, the County desires to maintain the Two Mile Creek Greenway Trail connection; and

WHEREAS, through the scope of work associated with the Parks Master Plan update the County utilized Wendel Companies to prepare construction documents for the new location of the Two Mile Creek Greenway Trail; and

WHEREAS, the original encumbrance from the Parks Master plan project has been expanded and closed, it is necessary to direct pay Wendel from the new capital account for the Trail reconstruction (A.19053); and

WHEREAS, the construction activities of the NGRID’s new electrical substation changed the topography of the site, necessitating a new site survey and revisions to completed construction drawings.

NOW, THEREFORE, BE IT

RESOLVED, that the County Comptroller is authorized through direct pay from Capital Budget Account A.19053 to provide Wendel an amount not to exceed \$ 3,500.00 to conduct a topographical survey and revise its prepared construction drawings to reflect current site conditions after NGRID’s construction of a new substation facility allowing for construction of the County’s permanent greenway trail realignment as part of the Shoreline Trail System; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Commissioner of the Department of Public Works; the

Commissioner of the Department of Environment and Planning; County Attorney and the
Commissioner of Parks, Recreation and Forestry.
(6-0)

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

Item 35 – MR. MEYERS presented the following report and moved for immediate
consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

January 28, 2021	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received, filed and printed:
 - a. COMM. 2E-16 (2021)
COUNTY EXECUTIVE: “First Appointment to Lake Erie Watershed Protection
Alliance Board of Directors”
(Chair’s Ruling)

January 11, 2021

Mr. Mark Gaston
District Manager
Erie County Soil and Water Conservation District
50 Commerce Way
East Aurora, NY 14052

RE: Appointment to the Lake Erie Watershed protection Alliance Board of Directors

Dear Mr. Gaston:

Pursuant to the Intermunicipal Agreement dated February 24, 2015 and amended on
December 19, 2019, that established the Lake Erie Watershed Protection Alliance, I, Mark C.
Poloncarz, Erie County Executive do hereby confirm your appointment to the Board of Directors of
the Lake Erie Watershed Protection Alliance (LEWPA) based upon the recommendation from the
Erie County Water Quality Committee as indicated in the minutes of the meeting held on November
18, 2020. You will serve as the Soil and Water Conservation District representative for the County
of Erie for a three-year term to expire December 31, 2023. Your alternate will be Donald Stribick,
Soil and Conservation District Technician.

LEWPA is a three-county alliance composed of Cattaraugus, Chautauqua, and Erie counties working together on water quality issues. The LEWPA Board of Directors is composed of three members from each of the three counties. Your role is to represent the Soil and Water Conservation District interests of Erie County on this Board. LEWPA meets quarterly in February, May, August, and November and meetings rotate throughout the three counties of the Alliance.

Thank you very much for your service to Erie County and LEWPA.

Yours Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

- b. COMM. 2E-17 (2021)
COUNTY EXECUTIVE: "Second Appointment to Lake Erie Watershed Protection Alliance Board of Directors"
(Chair's Ruling)

January 11, 2021

Honorable Mary Hosler
Supervisor Town of Evans
8787 Erie Road
Angola NY 14006

RE: Appointment to the Lake Erie Watershed protection Alliance Board of Directors

Dear Supervisor Hosler:

Pursuant to the Intermunicipal Agreement dated February 24, 2015 and amended on December 19, 2019, that established the Lake Erie Watershed Protection Alliance, I, Mark C. Poloncarz, Erie County Executive do hereby confirm your appointment to the Board of Directors of the Lake Erie Watershed Protection Alliance (LEWPA) based upon the recommendation from the Erie County Water Quality Committee as indicated in the minutes of the meeting held on November 18, 2020. You will serve as the local government representative for the County of Erie for a three-year term to expire December 31, 2023. Your alternate will be William Smith, Director of Planning and Community Development for the Town of Evans.

LEWPA is a three-county alliance composed of Cattaraugus, Chautauqua, and Erie counties working together on water quality issues. The LEWPA Board of Directors is composed of three members from each of the three counties. Your role is to represent the local governments of Erie County on this Board. LEWPA meets quarterly in February, May, August, and November and meetings rotate throughout the three counties of the Alliance.

Thank you very much for your service to Erie County and LEWPA.

Yours Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

- c. COMM. 2E-18 (2021)
COUNTY EXECUTIVE: “Third Appointment to Lake Erie Watershed Protection Alliance Board of Directors”
(Chair’s Ruling)

January 11, 2021

Ms. Bonnie Lawrence
Deputy Commissioner
Erie County Department of Environment & Planning
95 Franklin Street, Room 1077
Buffalo, NY 14202

RE: Appointment to the Lake Erie Watershed protection Alliance Board of Directors

Dear Ms. Lawrence:

Pursuant to the Intermunicipal Agreement dated February 24, 2015 and amended on December 19, 2019, that established the Lake Erie Watershed Protection Alliance, I, Mark C. Poloncarz, Erie County Executive do hereby confirm your appointment to the Board of Directors of the Lake Erie Watershed Protection Alliance (LEWPA) based upon the recommendation from the Erie County Water Quality Committee as indicated in the minutes of the meeting held on November 18, 2020. You will serve as the regional government representative for the County of Erie for a three-year term to expire December 31, 2023. Your alternate will be Mary MacSwan with the Western New York Stormwater Coalition.

LEWPA is a three-county alliance composed of Cattaraugus, Chautauqua, and Erie counties working together on water quality issues. The LEWPA Board of Directors is composed of three members from each of the three counties. Your role is to represent the regional government interests of Erie County on this Board. LEWPA meets quarterly in February, May, August, and November and meetings rotate throughout the three counties of the Alliance.

Thank you very much for your service to Erie County and LEWPA.

Yours Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

- 2. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 16-9 (2020)

RATH, LORIGO, TODARO & MILLS: “Support for Funding WNY Farms & Opposing Imposition of New Wage Requirements”
(Chair’s Ruling)

- b. COMM. 2M-2 (2021)
NYS AGRICULTURE AND MARKETS: “Letter Certifying Modification of Agricultural Districts”
(Chair’s Ruling)
- c. COMM. 2M-3 (2021)
NYSDEC: “Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - 140 Chandler St., Buffalo”
(Chair’s Ruling)
- d. COMM. 2M-7 (2021)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program Application for 1155 Niagara St., Buffalo”
(Chair’s Ruling)
- e. COMM. 2M-8 (2021)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program for 1155 Niagara St., Buffalo”
(Chair’s Ruling)
- f. COMM. 2M-9 (2021)
NYSDEC: “Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - 3100 Clinton St., West Seneca”
(Chair’s Ruling)

3. COMM. 2E-8 (2021)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 13E-6 (2020), Contract 82 was awarded to Kandey Company, Inc. to construct the Sanitary Sewer Replacement Project in Erie County Sewer District Nos. 3, 6, and 8; and

WHEREAS, the Erie County Division of Sewerage Management has advised additional contract time is needed to complete contract work (with no cost implications); and

WHEREAS, the Erie County Department of Environment and Planning recommends issuance of Change Order No. 2 to extend the completion date to June 15, 2021.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 82 between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, New York 14224) be amended to add 187 days to the contract time; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management be authorized to execute a changer order for Contract 82 to modify the contract completion date to June 15, 2021; 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 Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

**TIMOTHY J. MEYERS
CHAIR**

Item 36 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

January 28, 2021	PUBLIC SAFETY COMMITTEE REPORT NO. 1
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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. 17E-4 (2020)
GILMOUR: “Letter to Sheriff Regarding Status Report on Body Camera Deployment & Use”
(Chair’s Ruling)
 - b. COMM. 18E-2 (2020)
BASKIN: “Letter to EC Homeland Security & Emergency Services Commissioner Concerning Allocation of CARES Funding for PPE”
(Chair’s Ruling)
 - c. COMM. 19E-3 (2020)
BASKIN: “Letter to Sheriff Concerning Employee Conduct at 08/08/2020 Street Protest”
(Chair’s Ruling)
 - d. COMM. 19E-4 (2020)
BASKIN: “Letter to Sheriff Regarding Assignment & Use of 24-Hour Take-Home Vehicles”
(Chair’s Ruling)
 - e. COMM. 19M-6 (2020)

- JESS MARTIN: “Letter to Legislature Requesting Support for Extension of Statute of Limitations”
(Chair’s Ruling)
- f. COMM. 20D-8 (2020)
SHERIFF’S OFFICE: “Information Concerning Sheriff Office Take-Home Vehicles”
(Chair’s Ruling)
- g. COMM. 24E-4 (2020)
BASKIN: “Letter to Sheriff & Undersheriff Concerning COVID-19 Outbreak in Division of Jail Management”
(Chair’s Ruling)
- h. COMM. 24E-5 (2020)
SHERIFF: “Letter to Chair Baskin Regarding Request to Attend Public Safety Committee Meeting”
(Chair’s Ruling)
- i. COMM. 1E-5 (2021)
SHERIFF: “Letter to Governor Concerning COVID Vaccine Prioritization in Jails”
(Chair’s Ruling)
- j. COMM. 1M-5 (2021)
NYS COMMISSION OF CORRECTION: “Letter to EC Sheriff Regarding COVID-19 Protocols in ECHC & Correctional Facility”
(Chair’s Ruling)
- k. COMM. 2E-1 (2021)
BASKIN: “Letter to Jail Management Superintendent Requesting Status Update on Body Cameras”
(Chair’s Ruling)

HOWARD J. JOHNSON, JR.
CHAIR

LEGISLATOR RESOLUTIONS

Item 37 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

RE: Re-Appropriation of 2021 Public
Benefit Funding
(INTRO. 3-1)

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

WHEREAS, Kaisertown Friends Association was awarded \$2,500 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 – Community/Neighborhood Development, Account 518587; and

WHEREAS, the Legislator who appropriated the funding has deemed it necessary to transfer the funding 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 \$2,500 of 2021 public benefit funding to Black Achievers, Inc.; and be it further

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

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

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

RE: Establishing a Standard Work
Day for Elected Official
(INTRO. 3-2)

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

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for elected officials and will report the following Standard Work Day to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u> <u>Month</u>	<u>Name</u>	<u>Standard</u> <u>Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates</u> <u>in Employer's</u> <u>Time Keeping</u> <u>System</u>	<u>Days/</u> <u>(Based on</u> <u>Record</u> <u>Of Activities)</u>
District Attorney	John J. Flynn	7	01/01/2021 - 12/31/2024	N	28.48

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the New York State Comptroller, Erie County Commissioner of Personnel and to Kim Mecca, Senior Payroll and Roster Clerk – Erie County Department of Personnel.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

RE: Support for the Protecting Rural
Access to Care Act
(INTRO. 3-3)

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

WHEREAS, the Protecting Rural Access to Care Act (the Act) has been introduced by Congressman Antonio Delgado (D-NY) and Congresswoman Elise Stefanik (R-NY), and later sponsored by Congressman Chris Jacobs (R-NY), to attempt to protect small and rural hospitals across the United States like the Bertrand Chaffee Hospital in Springville; and

WHEREAS, the Act secures the Critical Access Hospital (CAH) status of smaller hospitals. CAH status, in turn, provides qualifying hospitals with higher reimbursement levels from the Centers for Medicare and Medicaid Services (CMS) based on the need to provide medical services to our rural communities; and

WHEREAS, Bertrand Chaffee Hospital provides quality health care services to the thousands of residents living in Erie County's southern tier. In 2015, CMS changed guidelines as to how

funding was to be provided to hospitals based on their proximity to other health care service providers. Based on these changes and the recent influx of high-care COVID patients, many rural hospitals are unable to continue operating; and

WHEREAS, the Protecting Rural Access to Care Act would restore the pre-2015 distance standard permanently for Critical Access Hospitals certified prior to 2015, require CMS to engage in public notice and comment period for any future guidance or regulation changes made to the designation criteria for CAHs; and ensure that hospitals seeking CAH certification or recertification will be subject to the pre-2015 standard, unless any formal update to distance criteria is finalized; and

WHEREAS, without these additional without additional dollars provided by this act, already struggling rural hospitals will be forced to continue to cut back care and many have to close despite the outstanding work they have done during the course of the pandemic.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby urges the U.S. House of Representatives to take action and approve the Protecting Rural Access to Care Act to protect funding for rural hospitals both here in Erie County and across the nation; and be it further

RESOLVED, that certified copies of this resolution be sent to Bertrand Chaffee Hospital, Congressman Antonio Delgado (D-NY), Congresswoman Elise Stefanik (R-NY), Congressman Chris Jacobs (R-NY), and Congressman Brian Higgins (D-NY), and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

RE: Support for Increased Vaccine
Supply for EC
(INTRO. 3-4)

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

WHEREAS, Erie County's Department of Health has stated its capacity for delivering vaccinations is 2,200 injections per day; and

WHEREAS, Erie County is currently receiving 1,700 COVID-19 Vaccine doses per week. At this rate, Erie County will not see all of its residents vaccinated until 2031; and

WHEREAS, Erie County is currently expecting to spend the next batch of doses to catch up to the appointments that were cancelled due to lack of supply meaning a longer wait for those who have not already applied; and

WHEREAS, failure on the part of the federal government and New York State has led to confusion and anger from residents who were scheduled to receive their first round of vaccinations; and

WHEREAS, communication regarding the availability of the COVID-19 vaccine, or lack thereof, is a significant factor in the anger and disappointment faced by residents locally who have seen appointments made and cancelled on them.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body calls on the federal government to provide more vaccines to New York as rapidly as possible; and be it further

RESOLVED, that this body further calls on New York State to enhance its communication and supply of vaccines to Erie County; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York delegation to the United State Congress, the Director of the Center for Disease Control, the Western New York Delegation to the New York State Senate and Assembly, Governor Andrew Cuomo, the Commissioner of the New York State Department of Health, the Erie County Executive Mark C. Poloncarz, the Commissioner of the Erie County Department of Health and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

RE: Calling for More COVID-19
Vaccine Doses to be Provided to
Erie County and All Counties
(INTRO. 3-5)

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

WHEREAS, there is a shortage of available COVID-19 vaccine doses available in Erie County for eligible persons; and

WHEREAS, Erie County, which has been administering some of the vaccine sites, has been forced to cancel or postpone vaccine appointments of eligible persons due to a lack of vaccine doses available as provided by New York State, with the County Executive stating “It's kind of out of our hands,” since Erie County receives its supply from the State; and

WHEREAS, since January 4, 2021, while the Erie County Department of Health has administered 17,628 first doses and 715 second doses, due to a lack of available doses, vaccination appointments during the week of January 23rd were cancelled; and

WHEREAS, the County Executive reported on January 29, 2021 that based on data “provided to the Erie County Executive’s Office by NYS, as of January 28, 72,633 first doses have been administered to Phase 1A and 1B eligible Erie County residents, not including the doses administered by the long-term care nursing facility program. This total is equal to 8.0% of Erie County’s estimated 2019 population of 918,702”; and

WHEREAS, other counties have also reported difficulty obtaining doses and have had to cancel or not schedule appointments; and

WHEREAS, the Erie County Department of Health is working to reschedule previously canceled COVID vaccination appointments, and will begin contacting people early this week, and begin administering doses on February 4th and 5th, with the number of persons to be vaccinated depending on how many vaccines the county receives from the state; and

WHEREAS, at an Erie County Legislature Health and Human Services Committee meeting on January 28, 2021, Erie County Health Commissioner Gale Burstein stated that Erie County currently receives 1,700 vaccines from the State each week, and added that the New York State Department of Health has issued highly specific and prescriptive directives on which persons can administer the vaccines, such as directing pharmacies to vaccinate seniors and ordering the County not to vaccinate any person aged 65 and older; and

WHEREAS, on January 29th, the County Executive stated that 8.3% of all county residents had received the first dose of the COVID-19 vaccine and 86% of eligible nursing home residents had received the first dose and 36% had also received the second dose; and

WHEREAS, one of the other problems hindering more vaccinations appears to be the federal allocation of Pfizer-BioNtech and Moderna vaccines to the state government, which oversees how many doses go to hospitals, pharmacies and other vaccination sites; and

WHEREAS, the pool of 7.1 million New Yorkers initially eligible for vaccinations has far outpaced the supply of COVID vaccines from the federal government (2.2 million doses); and

WHEREAS, Commissioner Burstein has lamented and noted that there is a national vaccine shortage as well; and

WHEREAS, healthcare leaders in New York have stated that the COVID-19 vaccine rollout in New York has been plagued by supply shortages, miscommunication and unpredictable deliveries as state and federal officials struggle to streamline the dire push to end the coronavirus pandemic; and

WHEREAS, the Erie County Legislature desires to get as many vaccine doses into as many persons possible, as quickly and safely as possible, to protect the public.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on the state and federal governments to work as expeditiously as possible to speed up the delivery of vaccine doses to county governments and other health care providers, such as pharmacies and healthcare providers; and be it further

RESOLVED, that this Honorable Body requests improved coordination with county governments as partners to administer more COVID vaccine doses; and be it further

RESOLVED, that this Honorable Body calls for the allocation of more COVID vaccine doses to New York State as quickly as possible to assist in vaccinating the public; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, the Acting Secretary of the US Department of Health and Human Services, the Governor, the State Health Commissioner, the Erie County Executive and the Erie County Commissioner of Health.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

RE: Calling for Investigation into
Reports of Misleading COVID-
19 Death Count at NYS Nursing
Homes
(INTRO. 3-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR LORIGO, GREENE, TODARO & MILLS**

WHEREAS, as of January 18, 2021 New York State officially reported 8,671 deaths from COVID-19 in long-term-care facilities, the majority of which, 8,469, occurred in nursing homes; and

WHEREAS, during the early months of the pandemic, Governor Cuomo ordered nursing home patients infected with COVID-19 to remain in nursing homes. This decision turned out to be catastrophic for many the residents who ultimately succumbed to the disease, and the many more who contracted COVID-19 as a result; and

WHEREAS, facing backlash for the decision, the governor reversed the policy and let patients be transferred to hospitals for treatment; and

WHEREAS, the Department of Health's stated policy then became to only count deaths that occur while the person was on nursing home property as a COVID-19 death regardless of where the patient contracted COVID-19 or their health upon leaving the nursing home. Patients who were transferred out of a nursing home due to COVID-19 complications and died, whether on the way to, or at, the hospital from their disease were not counted as a nursing home death; and

WHEREAS, based on allegations that the administration engaged in improper recording of nursing home deaths to lessen the blame for the decision to leave nursing home residents infected with COVID at the homes, the Office of the Attorney General sought to review how deaths of nursing home residents were classified; and

WHEREAS, due to concerns about the nature of the reporting of the deaths of COVID-19 - positive nursing home patients after they had been admitted to hospitals, the Office of the New York State Attorney General sought to review how deaths of nursing home residents were classified by the State; and

WHEREAS, according to the Attorney General's report, New York State's Department of Health reported fewer total overall deaths of residents dying in nursing home facilities from COVID-19 than were self-reported to the Office of the Attorney General by the nursing homes themselves; and

WHEREAS, the Attorney General further reported a substantial divergence in the total number of nursing home residents who died of COVID-19, irrespective of whether the death occurred at a nursing home or any other location. The report showed 50% fewer deaths reported by the Department of Health when compared to self-reporting of nursing homes for this investigation; and

WHEREAS, members of the community have a right to receive accurate and timely public health information and the State Attorney General's investigation indicates that the State did not accurately track positive COVID cases in nursing homes, as well as the deaths of nursing home patients after admission to hospitals due to COVID-positivity.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body decries the lack of transparency on behalf of New York State in the classification of fatalities related to COVID-19 deaths in nursing homes; and be it further

RESOLVED, that this honorable body further urges the New York State Legislature to hold a full investigation into these allegations to determine who is ultimately responsible for the undercounting of COVID-19 deaths in New York's nursing homes; 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, Attorney General Letitia James, Governor Andrew Cuomo, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

Delete the Sixth (6th) Whereas Clause in its Entirety and Replace with the Following:

WHEREAS, due to concerns about the nature of the reporting of the deaths of COVID-19 - positive nursing home patients after they had been admitted to hospitals, the Office of the New York State Attorney General sought to review how deaths of nursing home residents were classified by the State; and

Delete the Tenth (10th) Whereas Clause in its Entirety and Replace with the Following:

WHEREAS, members of the community have a right to receive accurate and timely public health information and the State Attorney General's investigation indicates that the State did not accurately track positive COVID cases in nursing homes, as well as the deaths of nursing home patients after admission to hospitals due to COVID-positivity.

Delete the Second (2nd) Resolve Clause in its Entirety and Replace with the Following:

RESOLVED, that this Honorable Body recognizes that the misreporting of COVID-19 cases in, and deaths of nursing home patients by the State of New York may have created a lower sense of severity about the virus' deadly impact in nursing homes and placed people in jeopardy and cost lives; and be it further

Delete the Fourth (4th) Resolve Clause in its Entirety and Replace with the Following:

RESOLVED, that this Honorable Body urges the New York State Legislature to conduct a full bipartisan investigation into these allegations to determine responsibility for the under-counting of COVID-19 nursing home patient deaths and the impact of that under-reporting, as well as offer recommendations for new measures to ensure this situation does not occur again; and be it further

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

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, 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.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 43 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 2E-6 (2021). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

RE: Contract – Air-1 Mechanic Contract for

FAA Inspections & Repairs
(COMM. 2E-6, 2021)

WHEREAS, the Erie County Sheriff's helicopter is due for a mandatory Federal Aviation Administration's 24-month/600-hour and 6-year inspections; and

WHEREAS, due to COVID-related travel restrictions, the Sheriff's Office cannot transport the helicopter to the North American manufacturer's facility in Fort Erie, Canada; and

WHEREAS, the Sheriff's Office has identified a certified aviation mechanic in the United States who can perform the FAA inspections and anticipated repairs; and

WHEREAS, the County would contract with a certified mechanic for \$28.10 per hour that would exceed \$25,000.00 or extend past December 31, 2021; and

WHEREAS, the mechanic will be contracted to perform the following that includes but is not limited to:

- Complete teardown and buildup of aircraft airframe;
- Inspection of the main rotor system, to include teardown and buildup of the main rotor shaft;
- Tear down, inspection, and buildup of the tail rotor system;
- Main and tail gearbox removals for overhaul;
- 150-hour engine inspection;
- Removal and inspection of "dog bone" suspension system;
- Inspection of aircraft flight control systems;
- Landing gear and shock absorber removal and inspection;
- O-rings, fluids, and seal replacements

and

WHEREAS, the Sheriff's Office has funds in the Professional Services (account #516020) for the mechanic's hourly rate of \$28.10/hour.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and the County Executive to enter into an agreement with Andrew Golembiewski, 25 Elsie Lane, Grand Island, NY 14072, to conduct mandatory FAA inspections and necessary repairs for Air-1 at an hourly rate of \$28.10; and be it further

RESOLVED, the term of the contract is until the inspections and repairs are complete and shall not extend past December 31, 2021, and an amount not to exceed \$25,000.00; 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, the Clerk of the Legislature shall send certified copies of the approved resolution to the County Executive, the County Attorney's Office, the Division of Purchasing, the Division of Budget and Management, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

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

CARRIED UNANIMOUSLY.

Add the Following after the Second Resolve Clause:

RESOLVED, the amount of \$25,000.00 for the contract is allocated in Fund 110, Fund Center 11510, Account #516020 (Professional Services); and be it further

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

CARRIED UNANIMOUSLY.

Item 44 – MR. MEYERS moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of INTRO. 2-1 (2021). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

RE: Extending Abandoned and Vacant Home Contract of WNY Law Center into 2021 (INTRO. 2-1, 2021)

WHEREAS, in the amended and adopted 2020 Erie County Budget, the Legislature appropriated \$200,000 in funding in the Community/Neighborhood Development Fund Center for the Western New York Law Center to be used by the agency for combatting and addressing vacant and abandoned homes in Erie County; and

WHEREAS, the Western New York Law Center has not utilized all available 2020 funds, and the agency desires to continue to perform its work in 2021 using the unutilized 2020 Erie County funds; and

WHEREAS, the Western New York Law Center has submitted a letter dated December 23, 2020 requesting the continuation of the initiative in 2021 using the 2020 funds; and

WHEREAS, the Department of Law has opined that to allow the rollover and use of the 2020 funds and to extend the Western New York Law Center's contract, legislative assent via a legislative resolution is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its support for, and approval for the extension of a contract with the Western New York Law Center for its vacant and abandoned

home program in the Community/Neighborhood Development Fund Center, Fund Center 1332010, Account 518615 in 2021, and authorizes the amendment of the 2020 contract between the County of Erie and the Western New York Law Center for 2021; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Commissioner of Environment and Planning, Kristen Walder in the Department of Law, the Director of Budget and Management, and Joseph Kelemen of the Western New York Law Center.

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

CARRIED UNANIMOUSLY.

Add the Following Resolve Clause:

RESOLVED, that at year-end 2020, the 2020 contract and appropriation for the Western New York Law Center for the vacant and abandoned home initiative had approximately \$93,000 available of unutilized funds, which are available for carry-forward and use on the initiative in 2021 under an extended/amended contract; and be it further

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

CARRIED UNANIMOUSLY.

Item 45 – MR. LORIGO moved to discharge the SMALL BUSINESS COMMITTEE of further consideration of INTRO. 17-4 (2020).

CHAIR BASKIN entered the Legislature into recess 11:31 a.m.

CHAIR BASKIN reconvened the Legislature at 11:50 a.m.

All members present.

CHAIR BASKIN moved the previous question and directed that a roll-call vote be taken.

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

FAILED.

Item 46 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of INTRO. 2-4 (2021).

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

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

FAILED.

SUSPENSION OF THE RULES

Item 47 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3D-10 from the DEPARTMENT OF LAW Re: Opinion as to Form Concerning Local Law Intro 7-1 (2020)

Received, filed and printed.

February 2, 2021

Via Email Only (april.mccants-baskin@erie.gov)
Hon. April N.M. Baskin, Chairwoman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Opinion as to Form - Local Law Intro. No. 7-1-2020
Our File No.: 28-20200065

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in Article 2, Section 204(3) of the Erie County Charter, this legal opinion concerns Local Law Intro. No. 7-1-2020 (hereinafter referred to as "LL 7-1").

Preemption

Under New York State law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

With respect to the proposed underlying local law, New York State General Municipal Law §103(15)(a) specifically authorizes certain political subdivisions charged with awarding public works contracts to establish guidelines governing the qualifications of prospective

bidders. Therefore, LL 7-1 is specifically authorized in this manner and there are no preemption issues.

Grammar and Intent

The purpose of LL 7-1 is to ensure a strong screening process whereby bidders are thoroughly and effectively vetted prior to award of an Erie County public works contract. The establishment of guidelines regarding bidder qualifications will help ensure that taxpayers receive a proper return on their investment and that responsible contractors are selected to perform the work. We find the grammar and usage of LL 7-1 sufficient to achieve the stated purpose.

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, LL 7-1 does not present any facial ambiguities that would frustrate its implementation and enforcement. In fact, this update helps alleviate the inconsistencies in the prior version of the local law that hindered enforcement.

Conclusion

We find that the Local Law Intro. 7-1-2020 is sufficient as to form.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By _____
Kristen M. Walder
Assistant County Attorney
Direct Dial: (716) 858-2222
E-mail: kristen.walder@erie.gov

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE & CHAIR BASKIN

Item 48 – (COMM. 3E-1) Request for Information Regarding January 6, 2021

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 49 – (COMM. 3E-2) Response to Request for Information Regarding January 6, 2021

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR JOHNSON

Item 50 – (COMM. 3E-3) Invitation to Sheriff for Discussion on Professional Standards Issues & Concerns in the EC Sheriff's Office

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATORS LORIGO, GREENE, TODARO & MILLS

Item 51 – (COMM. 3E-4) Letter Requesting In-Person Legislative Sessions & Committee Meetings

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 52 – (COMM. 3E-5) Letter to Health Commissioner Concerning COVID Outbreak Amongst County Employees

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 53 – (COMM. 3E-6) ECSD No. 2 - Big Sister Creek Water Resource Recovery Facility Concrete Repairs

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 54 – (COMM. 3E-7) EC Medical Examiner's Office - Anthropology Lab Renovation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 55 – (COMM. 3E-8) Indigent Legal Services Grant - Counsel at First Appearance #3

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 56 – (COMM. 3E-9) Personnel Modification - Dept. of Social Services

Received and referred to the HEALTH & HUMAN SERVICES.

Item 57 – (COMM. 3E-10) ECSD No. 3 - Engineer Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 58 – (COMM. 3E-11) SUNY Erie Campus-Wide 2020 Power Distribution/Wiring & Mechanical Upgrades

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 59 – (COMM. 3E-12) Appointments to the EC Arts & Cultural Advisory Board

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 60 – (COMM. 3E-13) Reappointments and Appointments to the Senior Services Advisory Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR HARDWICK

Item 61 – (COMM. 3E-14) Letter to SUNY Erie Regarding Community Enrichment Committee Discussion on 2/11

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CHAIR BASKIN

Item 62 – (COMM. 3E-15) Letters of Support for Lowest Responsible Bidder Local Law

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR JOHNSON

Item 63 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: Lease Agreement for Legislative Office
Space
(COMM. 3E-16)

RESOLVED, the Erie County Executive is hereby authorized to sign an 11-Monthr Lease Agreement with Numan Community Dev. Corp. for Legislative office space for Howard J. Johnson, Jr., located at 1367 Fillmore Ave., Buffalo, NY 14211 for a monthly rate of \$1,000 effective February 1, 2021 through December 31, 2021.

FROM CHAIR BASKIN

Item 64 – (COMM. 3E-17) Letter to Legislature Clerk Concerning Transition of Meetings on 2/4/21

Received, filed and printed.

February 1, 2021

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

Re: February 4th Work Session and Legislative Session will be Held Virtually due to the Coronavirus Pandemic and the Legislative Session Time Will Be Changed

Dear Mr. Graber:

Due to the Coronavirus COVID-19 pandemic, and in order to help protect the members and staff of the Erie County Legislature and the public from potential exposure to the virus, I am writing to advise you that pursuant to Section 2.03 of the Erie County Legislature's Rules of Order, I am shifting the Legislature's scheduled February 4, 2021 session from being held in the Chambers of the Legislature to a virtual hearing via Zoom. In addition, the legislative session will be held at 11:00 am instead of 2:00 pm.

Please notify all legislators, staff, the media, and the public of this change and the call-in details. Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin
Chair of the Legislature

FROM THE COUNTY EXECUTIVE

Item 65 – (COMM. 3E-18) Installment Purchase Contract Between EC & Key Bank

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 66 – (COMM. 3E-19) Senior Services Education & Public Messaging Campaign

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 67 – (COMM. 3E-20) Intermunicipal Agreement w/NYS DOT for Shared Services
w/EC

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER OF HEALTH

Item 68 – (COMM. 3D-1) Updated Nursing Home Outbreak Information - 1/16/21

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 69 – (COMM. 3D-2) Notification of COVID-19 Federal Aid

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 70 – (COMM. 3D-3) Updated Nursing Home Outbreak Information - 1/23/21

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 71 – (COMM. 3D-4) Notification of Reporting Requirements for Organizations and Departments

Received, filed and printed.

January 27, 2021

The Honorable Erie County Legislature
Old County Hall
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Honorable Members,

Attached for the public record please find letters of notification to be sent on January 27, 2021 concerning reporting requirements for organizations and departments as outlined in Budget Resolutions in the 2021 Erie County Budget as Amended, adopted by the Legislature on December 3, 2020.

The following organizations and departments are included:

- Buffalo Niagara Convention and Visitors Bureau, Buffalo Convention Center
- Buffalo Niagara Film Commission – WNED
- Cornell Cooperative Extension Service of Erie County
- Erie County Soil & Water Conservation District
- Erie County Department of Personnel

- Erie County Department of Budget & Management

Sincerely,

Robert M. Graber
Clerk of the Legislature

FROM THE COMPTROLLER'S OFFICE

Item 72 – (COMM. 3D-5) Report on Updated Overtime & Food Expenses Charged to COVID-19 Relief Fund

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 73 – (COMM. 3D-6) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 74– (COMM. 3D-7) Letter to County Attorney Concerning Information Submitted by 43 North

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 75 – (COMM. 3D-8) 2020 Certificate of Attendance of Committee Members

Received, filed and printed.

January 29, 2021

Honorable Erie County Legislature
Old County Hall
92 Franklin St., 4th Floor
Buffalo, NY 14202

RE: Recording Presence or Absence of Committee Members -
2020 Certificates of Attendance

Dear Honorable Members,

Attached for the public record please find 2020 Certificates of Attendance, all members present and absent from all regularly called committee meetings, pursuant to Section 3.04 of the Legislature Rules of Order.

Thank you.

Sincerely,

Robert M. Graber, Clerk
Erie County Legislature

Finance & Management Committee – 2020 Certificate of Attendance

Meeting	Present	Absent
No. 1	Lorigo, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	Mills
No. 2	Lorigo, Mills, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	
No. 3	Lorigo, Mills, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	Mills
No. 4	Lorigo, Mills, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	
No. 5	Lorigo, Mills, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	
No. 6	Lorigo, Mills, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	
No. 7	Lorigo, Mills, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	
No. 8	Lorigo, Mills, Hardwick, Johnson, Meyers	
No. 9	Lorigo, Mills, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	
No. 10	Lorigo, Mills, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	
No. 11	Lorigo, Mills, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	

I certify that this is an accurate attendance record for this committee:

Timothy J. Meyers – Chair

Finance & Management/Budget Committee – 2020 Certificate of Attendance

Meeting	Present	Absent
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No. 1	Lorigo, Mills, Todaro, Chimera, Hardwick, Johnson, Meyers, Baskin (Ex-Officio)	
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I certify that this is an accurate attendance record for this committee:

Timothy J. Meyers – Chair

Health & Human Services Committee – 2020 Certificate of Attendance

Meeting	Present	Absent
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No. 1	Lorigo, Todaro, Chimera, Gilmour, Vinal, Baskin (Ex-Officio)	
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No. 2	Lorigo, Todaro, Chimera, Gilmour, Vinal, Baskin (Ex-Officio)	
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No. 3	Lorigo, Todaro, Chimera, Gilmour, Vinal, Baskin (Ex-Officio)	
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No. 4	Lorigo, Todaro, Chimera, Gilmour, Vinal, Baskin (Ex-Officio)	
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No. 5	Lorigo, Todaro, Chimera, Gilmour, Vinal, Baskin (Ex-Officio)	
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No. 6	Lorigo, Todaro, Chimera, Gilmour, Vinal, Baskin (Ex-Officio)	
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No. 7	Lorigo, Todaro, Chimera, Gilmour, Vinal	
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No. 8	Lorigo, Todaro, Chimera, Gilmour, Vinal, Baskin (Ex-Officio)	
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No. 9	Lorigo, Todaro, Chimera, Vinal, Baskin (Ex-Officio)	Gilmour
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No. 10	Lorigo, Todaro, Chimera, Gilmour, Vinal, Baskin (Ex-Officio)	
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No. 11	Lorigo, Todaro, Chimera, Gilmour, Vinal	
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I certify that this is an accurate attendance record for this committee:

Lisa M. Chimera – Chair

Public Safety Committee – 2020 Certificate of Attendance

Meeting	Present	Absent
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No. 1	Rath, Todaro, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 2	Rath, Todaro, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 3	Rath, Todaro, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 4	Rath, Todaro, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 5	Rath, Todaro, Gilmour, Johnson, Meyers	
No. 6	Rath, Gilmour, Johnson, Meyers	Todaro
No. 7	Rath, Todaro, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 8	Rath, Todaro, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 9	Rath, Todaro, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 10	Todaro, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	Rath
No. 11	Rath, Todaro, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	

I certify that this is an accurate attendance record for this committee:

Howard J. Johnson, Jr. – Chair

Government Affairs Committee – 2020 Certificate of Attendance

Meeting	Present	Absent
No. 1	Lorigo, Todaro, Chimera, Gilmour, Hardwick, Baskin (Ex-Officio)	
No. 2	Lorigo, Todaro, Chimera, Gilmour, Hardwick, Baskin (Ex-Officio)	
No. 3	Lorigo, Todaro, Chimera, Gilmour, Hardwick, Baskin (Ex-Officio)	
No. 4	Lorigo, Todaro, Chimera, Gilmour, Hardwick	
No. 5	Lorigo, Todaro, Chimera, Gilmour, Hardwick, Baskin (Ex-Officio)	
No. 6	Lorigo, Todaro, Chimera, Gilmour, Hardwick, Baskin (Ex-Officio)	

I certify that this is an accurate attendance record for this committee:

Kevin R. Hardwick – Chair

Community Enrichment Committee – 2020 Certificate of Attendance

Meeting	Present	Absent
No. 1	Rath, Hardwick, Johnson, Vinal	Mills
No. 2	Rath, Hardwick, Johnson, Vinal	Mills
No. 3	Mills, Rath, Hardwick, Vinal, Baskin (Ex-Officio)	Johnson

I certify that this is an accurate attendance record for this committee:

Kevin R. Hardwick – Chair

Economic Development Committee – 2020 Certificate of Attendance

Meeting	Present	Absent
No. 1	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 2	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 3	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 4	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 5	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 6	Lorigo, Rath, Gilmour, Johnson, Meyers	
No. 7	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 8	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 9	Lorigo, Rath, Gilmour, Johnson, Meyers	
No. 10	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 11	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	
No. 12	Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)	

- No. 13 Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)
- No. 14 Lorigo, Rath, Gilmour, Johnson, Meyers
- No. 15 Lorigo, Rath, Gilmour, Johnson, Baskin (Ex-Officio) Meyers
- No. 16 Lorigo, Rath, Gilmour, Johnson, Baskin (Ex-Officio) Meyers
- No. 17 Lorigo, Rath, Gilmour, Johnson, Meyers, Baskin (Ex-Officio)

I certify that this is an accurate attendance record for this committee:

Howard J. Johnson, Jr. – Chair

Small Business Committee – 2020 Certificate of Attendance

Meeting	Present	Absent
No. 1	Mills, Todaro, Gilmour, Johnson, Vinal, Baskin (Ex-Officio)	
No. 2	Mills, Todaro, Gilmour, Johnson, Vinal	

I certify that this is an accurate attendance record for this committee:

Jeanne M. Vinal – Chair

Item 76 – (COMM. 3D-9) Letter to Legislature Concerning Transition of Meetings on 2/4/21

Received, filed and printed.

February 1, 2021

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: FEBRUARY 4, 2021 WORK SESSION AND LEGISLATIVE SESSION WILL BE HELD VIRTUALLY DUE TO THE CORONAVIRUS PANDEMIC AND THE LEGISLATIVE SESSION TIME WILL BE CHANGED

PLEASE TAKE NOTICE that pursuant to Erie County Legislature Chair April N.M. Baskin’s letter concerning COVID-19, the Erie County Legislature’s scheduled February 4, 2021 legislative session and work session will be shifted from being held in the Chambers of the Legislature to a virtual

hearing, to be held via Zoom. In addition, the legislative session will be held at 11:00 am, instead of 2:00 pm.

The Chairwoman's letter directing the changes is attached.

The Zoom details are as follows:

Topic: Erie County Legislature Work Session at 10:00 am and Legislative Session #3 (2021) at 11:00 am

Join Zoom Meeting

<https://us02web.zoom.us/j/89987080656?pwd=UW9iVnk1SXB0ZU5zcHJJbXY2VHEvdz09>

Meeting ID: 899 8708 0656

Passcode: 724636

Or call 646-876-9923

Thank you.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ASSIGNED COUNSEL PROGRAM

Item 77 – (COMM. 3M-1) Quarterly Report for the Fourth Quarter of 2020

Item 78 – (COMM. 3M-2) Financial Report & Cash Basis for Period 7/1/2020-12/31/2020

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

FROM THE NYSDEC

Item 79 – (COMM. 3M-3) Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - 19 Doat St. & 9 Landsdale Place, Buffalo

Item 80 – (COMM. 3M-4) Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - 6 Dona St., Lackawanna

Item 81 – (COMM. 3M-5) Invitation for Public Comment - Brownfield Cleanup Draft Work Plan for 1155 Niagara St., Buffalo

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

FROM THE NYS AGRICULTURE AND MARKETS

Item 82 – (COMM. 3M-6) Letter Certifying Modification of Agricultural Districts

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 83 – (COMM. 3M-7) Invitation for Public Comment - Brownfield Cleanup Draft Investigation Work Plan

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC FAIR HOUSING BOARD

Item 84 – (COMM. 3M-8) 2020 EC Fair Housing Board Annual Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE

FROM THE NYSDEC

Item 85 – (COMM. 3M-9) Invitation for Public Comment - Brownfield Cleanup Draft Work Plan for 356 Hertel Ave. & 42 Foundry St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 86 – (COMM. 3M-10) NFTA Annual 17A Report for Third Quarter of FYE 3/31/2021

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECWA

Item 87 – (COMM. 3M-11) Detailed Financial Report for Years Ended 12/31/2020 & 2019

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 88 –Chair Baskin further announced that the schedule for committee meetings to be held on Thursday, February 11, 2021, has been distributed.

MEMORIAL RESOLUTIONS

Item 89 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Norman Karcher & Timothy Kanalley.

Item 90 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of Charles Lavelle.

Item 91 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Richard Gallivan.

Item 92 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Dr. Arnold Lubin, Clare Rajewski and Deborah Sepielli.

Item 93 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Mildred Poliner.

Item 94 – Legislator Meyers requested that when the Legislature adjourns, it do so in memory of Earl Loder.

Item 95 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Sylvia J. Sabers.

ADJOURNMENT

Item 96 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. MEYERS moved that the Legislature adjourn until Thursday, February 18, 2021 at 2:00 p.m. Eastern Standard Time. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, February 18, 2021 at 2:00 p.m. Eastern Standard Time.

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