

**ERIE COUNTY LEGISLATURE
MEETING NO. 5
MARCH 4, 2021**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Gilmour.

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 4 from 2021. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Celebrating and Recognizing Black Restaurant Week.

Item 6 – MR. GILMOUR presented a Memorial Resolution Remembering Bronislaw Brozyna.

Item 7 – MS. CHIMERA presented a Memorial Resolution Remembering Gary M. Stott.

Item 8 – MR. GILMOUR presented a Memorial Resolution In Remembrance of James M. Palmer, Sr. - Decorated WWII Veteran and a Founding Member of Hamburg Township Post 1419, Veterans of Foreign Wars.

Item 9 – MR. JOHNSON & CHAIR BASKIN presented a Memorial Resolution Remembering Lloyd James Hargrave, Sr.

Item 10 – CHAIR BASKIN presented a Memorial Resolution Remembering Maria Berlie Saxon.

Item 11 – MR. JOHNSON presented a Memorial Resolution Remembering Deaconess Mary Helen Thompson.

Item 12 – MR. GILMOUR presented a proclamation Congratulating and Recognizing the Administrative Career of Thomas Braunscheidel - Longest-Serving Principal at St. Francis High School, Hamburg.

Item 13 – MR. JOHNSON presented a Memorial Resolution Remembering Tynetta Odetta Prim.

Item 14 – MR. JOHNSON presented a proclamation Honoring Valmore "Val" Edwin James on His Trial-Blazing Career in the National Hockey League.

Item 15 – MR. MILLS presented a proclamation Honoring Jeanne Hellert for Her Continued Leadership and Dedication to the Members of the Business Community.

Item 16 – MR. MILLS presented a proclamation Honoring Jeffrey J. Miller for His Contribution to Researching and Recording the History of the Players, People and Moments in Football.

Item 17 – MR. LORIGO presented a proclamation Celebrating the Grand Opening of Break'n Ground Coffee Co.

Item 18 – MR. LORIGO presented a proclamation Honoring Bravo Cafe and Catering.

Item 19 – MR. TODARO presented a proclamation Observing the Month of March 2021 as Irish American Heritage Month.

Item 20 – MR. TODARO presented a proclamation Celebrating Greek Heritage Month and the Achievements and Contributions of Greek Americans.

Item 21 – MR. TODARO presented a proclamation Recognizing and Celebrating Bloomfield's Pub Upon the Occasion of Their Grand Opening.

Item 22 – MR. TODARO presented a proclamation Recognizing and Honoring Lori A. Allan for Her Volunteerism Serving in Various Organizations and Charities in Western New York.

Item 23 – MR. TODARO presented a proclamation Expressing Gratitude to Andrew's Army for Honoring the life of Andrew Gramza.

Item 24 – MR. GREENE & MS. VINAL presented a proclamation Honoring Youth Engaged Service President's Award Winner Yolanda Wang.

Item 25 – MR. GREENE & MS. VINAL presented a proclamation Honoring Youth Engaged Service President's Award Winner Eileen Wang.

Item 26 – MR. GREENE & MS. VINAL presented a proclamation Honoring Youth Engaged Service President's Award Winner Hannah Joseph.

Item 27 – MR. GREENE & MS. VINAL presented a proclamation Honoring Youth Engaged Service President's Award Winner Anand Menon.

Item 28 – MR. GREENE & MS. VINAL presented a proclamation Honoring Youth Engaged Service President's Award Winner Anish Lakshman.

Item 29 – MR. GREENE & MS. VINAL presented a proclamation Honoring Youth Engaged Service President's Award Winner Freda Su.

Item 30 – MR. GREENE presented a proclamation Recognizing the Lavocat Family Greenhouse and Nursery and Celebrating Their Philanthropy to the Local Business Community.

Item 31 – MR. LORIGO presented a proclamation Honoring Emily Gordon's Volunteerism.

Item 32 – MR. LORIGO presented a proclamation Honoring Trooper Joseph Butler, Jr.

Item 33 – MR. GREENE presented a proclamation Congratulating Jason Kasnicki on His Outstanding Musical Achievements.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-nine items by adding two for CHAIR BASKIN, one for MR. GREENE & MS. VINAL, and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

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

GRANTED.

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

GRANTED.

Item 37 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

February 25, 2021	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 4
-------------------	---

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-8 (2021)
COUNTY EXECUTIVE: “ECSD Nos. 1 & 4 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 4E-9 (2021)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement”
(Chair’s Ruling)
2. COMM. 4E-3 (2021)
COUNTY EXECUTIVE

WHEREAS, the Wendt Mansion and some of the subsequent outbuildings at Wendt Beach Park continue to deteriorate, and the costs for rehabilitation are exorbitant; and

WHEREAS, the Erie County Department of Public Works currently has term agreement with Watts Architecture and Engineering for Hazardous Material Design and/or Sample Testing and Air Monitoring; as depicted on Attachment A; and

WHEREAS, the Erie County Parks, Recreation & Forestry Department is working with the Department of Environment and Planning and the Department of Public Works on an RFP for a vendor/business to make repairs and improvements to the Wendt Mansion, and subsequent outbuildings, in lieu of being able to operate.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Deputy County Executive is hereby authorized to enter into an amended agreement with Watts Architecture & Engineering in an amount not to exceed \$9,750.00 (Attachment B); 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, Erie County Department of Law, the Department of Public Works, the Office of the Comptroller.

[ATTACHMENT A]

Watts Architecture and Engineering
95 Perry Street, Suite 300
Buffalo, NY 14203

July 8, 2020

RE: Hazardous Material Design and/ or Sample Testing and Air Monitoring,
various Locations – Term Agreement

Mr. Janik:

This letter is to formally extend the above referenced term agreement by one (1), one (1) – year per the terms of the Request For Proposal & Qualifications dated June 23, 2017. The original contract (Contract # 18-114-PW) was effective from July 1, 2017 through July 1, 2020.

Per the attached letter from your company agreeing to this contract extension, this contract will now run through June 30, 2021 at the proposed rates of service provided. At that time, the County reserves the right to exercise the last one (1) year extension as agreed upon by the County as well as Watts Architecture and Engineering.

This contract extension will use the remaining balance of the previously approved \$75,000 per certified resolution COMM 21E-36 (2017). In addition, DPW has submitted a resolution for Legislative approval to allocate an additional \$25,000 to the term agreement as the balance of the previously approved monies is \$3837.34 as of this date. Use of the additional \$25,000 is pending legislative approval.

Thank you for all the work you have done and we look forward to working together for another year on the above referenced term agreement.

Regards,

Kristofer Straus, PE
Senior Construction Project Manager
Department of Public Works – Buildings and Grounds

July 7, 2020

Kristofer Straus, P.E.
Erie County Department of Public Works
95 Franklin Street
Buffalo, NY 14202

RE: County-Wide Hazardous Materials Design and/or Sample Testing and Air Monitoring
Various Project Locations
Document No. 18-114-PW
CE40000

Dear Mr. Straus,

Per your request, Watts Architecture & Engineering (Watts) is pleased to accept a one-year extension to the above-referenced contract for the term of July 1, 2020 to July 1, 2021. Attached are our proposed rates, as requested.

We appreciate the opportunity to continue working with the County on this Contract. Should you have any questions or need additional information, please contact me at (716) 866-2558.

Sincerely,

WATTS ARCHITECTURE & ENGINEERING

Kevin P. Janik, P.E.
Principal

Item	Description	Unit Price (Each)
1	PLM Bulk Sample Analysis ELAP 198.1 (3-hour turnaround)	\$25.00
2	PLM Bulk Sample Analysis ELAP 198.1 (6-hour turnaround)	\$17.50
3	PLM Bulk Sample Analysis ELAP 198.1 (24-hour turnaround)	\$9.00
4	PLM Bulk Sample Analysis ELAP 198.1 (48-hour turnaround)	\$8.00
5	PLM Bulk Sample Analysis ELAP 198.1 (72-hour turnaround)	\$7.50
6	PLM Bulk Sample Analysis ELAP 198.1 (5-day turnaround)	\$7.00
7	PLM Bulk Sample Analysis ELAP 198.6 (24-hour turnaround with	\$21.00

	gravimetric reduction)	
8	PLM Bulk Sample Analysis ELAP 198.6 (24-hour turnaround with gravimetric reduction)	\$17.50
9	PLM Bulk Sample Analysis ELAP 198.6 (72-hour turnaround with gravimetric reduction)	\$13.00
10	PLM Bulk Sample Analysis ELAP 198.6 (5-day turnaround)	\$12.00
11	TEM Bulk Samples ELAP 198.4 without Gravimetric Reduction (3-hour turnaround)	
12	TEM Bulk Samples ELAP 198.4 without Gravimetric Reduction (24-hour turnaround)	\$48.00
13	TEM Bulk Samples ELAP 198.4 without Gravimetric Reduction (48-hour turnaround)	\$34.00
14	TEM Bulk Samples ELAP 198.4 without Gravimetric Reduction (72-hour turnaround)	\$28.00
15	TEM Bulk Samples ELAP 198.4 without Gravimetric Reduction (5-day turnaround)	\$22.00
16	Gravimetric Reduction Only (24-hour turnaround)	\$11.00
17	Gravimetric Reduction Only (48-hour turnaround)	\$10.00
18	Gravimetric Reduction Only (>48-hour turnaround)	\$6.00
19	SM-V, Vermiculite in Surfacing Materials ELAP 198.8 (2-day turnaround)	\$480.00
20	SM-V, Vermiculite in Surfacing Materials ELAP 198.8 (3-day turnaround)	\$320.00
21	SM-V, Vermiculite in Surfacing Materials ELAP 198.8 (4-day turnaround)	\$280.00
22	SM-V, Vermiculite in Surfacing Materials ELAP 198.8 (1-week-turnaround)	\$250.00
23	SM-V, Vermiculite in Surfacing Materials ELAP 198.8 (2-week turnaround)	\$225.00

ASBESTOS AIR ANALYTICAL

Item	Description	Unit Price (Each)
24	PCM Air Sample (immediate turnaround)	\$20.00
25	PCM Air Sample (3-hour turnaround)	\$7.50
26	PCM Air Sample (> 3-hour turnaround)	\$7.50
27	PCM Personal Air Samples with OSHA Time Weighted Average (3-hour turnaround)	\$11.50
28	PCM Personal Air Samples with OSHA Time Weighted Average (≥24-hour turnaround)	\$8.00
29	TEM AHERA Air Sample (3-hour turnaround)	\$340.00
30	TEM AHERA Air Sample (6-hour turnaround)	
31	TEM Samples, 6 hour turn-around time	\$74.00
32	TEM AHERA Air Sample (24-hour turnaround)	\$70.00

33	TEM AHERA Air Sample (48-hour turnaround)	\$58.00
34	TEM Air Sample NIOSH Method 7402 (6-hour turnaround)	\$170.00
35	TEM Air Sample NIOSH Method 7402 (24-hour turnaround)	\$135.00
36	TEM Air Sample NIOSH Method 7402 (48-hour turnaround)	\$110.00
37	TEM Air Sample Prep (Samples Prepped but not analyzed.)	\$25.00

LABOR RATES (Per Hour Rate Which Includes But is Not Limited to Labor, Material, Profit and Overhead to Perform Required Countywide Hazardous Materials, Building Surveys, Reporting and Design)

Item	Title	Hourly Rate
38	Environmental Engineer VI (P.E.: QA/QC, seal bid documents) – Reg Bldg Mat Dept Mgr	\$161.00 - \$174.00
39	Environmental Department Manager (Assistance with environmental consulting services, e.g.: soil contamination; spill response; etc.)	\$169.00 - \$183.00
40	Project Monitor/Air Sampling Technician	\$55.00 - \$60.00
41	Environmental Consultant (Asbestos building surveys, asbestos abatement design documents, indoor air quality investigations, mold/microbial studies and remediation design, environmental consulting services, e.g.: soil contamination; spill response, etc.)	\$72.00 - \$104.00
42	CADD Technician II	\$72.50 - \$80.00

[ATTACHMENT B]

December 28, 2020

Mr. Troy Schinzel
Erie County Department of Parks, Recreation & Forestry
95 Franklin Street, Room 1260
Buffalo, New York 14202

RE: Wendt Beach Park, Derby, NY
Pre-Renovation Asbestos and Lead-Based Paint Surveys Watts
Proposal No. 20-687, Revision 1

Dear Mr. Schinzel:

Watts Architecture & Engineering (Watts) is pleased to submit this revised proposal to provide the above referenced services. Our proposal is presented in the following sections: Background, Scope of Services, Compensation, Assumptions and Schedule.

BACKGROUND

The Erie County Department of Parks, Recreation & Forestry (Erie County) is planning to seek a developer to reuse the former Wendt Beach Mansion and supporting structures located in the town of Derby, New York. Prior to the renovation of the structures, surveys for asbestos-containing materials (ACM) and lead-based paint (LBP) will need to be performed. Erie County is seeking a proposal from Watts to provide these survey services. The site includes the mansion, chauffeur/caretakers house/garage, comfort station, former stables and maintenance barn.

SCOPE OF SERVICES

Watts will do the following:

I. Pre-Renovation Asbestos and Lead-Based Paint Surveys

A. Asbestos Survey

1. Make visits to the buildings to identify suspect ACM, collect representative bulk samples from each homogeneous area (HA) of suspect ACM and delineate ACM identified within each of the structures.
 - a. An HA is defined as an area of material that is uniform in color and texture. Other factors used in determining HAs are dates of installation and function of the material.
 - b. For suspect ACM, the Occupational Safety and Health Administration (OSHA) requires that a minimum of three (3) samples be taken from each homogeneous area of thermal system insulation (pipes, boilers, tanks, etc.) and three-to-seven samples of each homogeneous area of surfacing material (sprayed-on or troweled-on plasters and fireproofing) depending on total square footage. All other materials, which are referred to as miscellaneous, must be identified by two (2) or more samples.
2. Deliver all samples to a NYSDOH approved analytical laboratory. The lab will also be a participant in the National Voluntary Laboratory Approval Program (NVLAP), administered by the National Institute of Standards and Technology (NIST).
 - a. All samples will be analyzed by Polarized Light Microscopy (PLM) under NYSDOH Method 198.1, Stratified Point Count with the exception of samples classified as non-friable organically bound (NOB) and ceiling tiles. NOBs include, but are not limited to, asphalt roofing, roofing cement, bituminous coatings, caulk, glazing compound, vinyl flooring products and mastics. NOBs and ceiling tiles will be analyzed using NYSDOH Method 198.6 which includes gravimetric reduction (GR) and then PLM for residues greater than 1% after GR. NOBs and ceiling tiles with results of less than 1% asbestos after PLM will be further analyzed under

- NYSDOH Method 198.4 for Transmission Electron Microscopy (TEM).
- b. For estimating purposes, it is assumed that a total of 80 samples will need to be collected and analyzed under Method 198.1. It is assumed that 116 NOB samples each will need to be collected and analyzed under Method 198.6 and Method 198.4 for TEM. If one analysis is positive for any HA, that area must be considered to be ACM.
 - c. The NYSDOH has a protocol regarding surfacing materials (sprayed-on fireproofing, plaster, etc.) that contain vermiculite (SM-V). In the protocol, analysis for the presence of vermiculite must be performed in each sample. If vermiculite is detected, analysis under an additional analytical method (ELAP 198.8) must be performed in order to declare the SM-V a non- asbestos-containing material. The 198.8 method costs considerably more than other asbestos bulk sample analytical protocols. No samples of SM-V are anticipated and the costs associated with SM-V analysis are not included within the estimated costs for this proposal. If it is determined that SM-V is present, additional analysis by 198.8 will be required in accordance with the unit prices provided below.
 - d. All samples will be analyzed with a 5-day turn-around time upon laboratory receipt.
- B. Lead-Based Paint X-Ray Fluorescence Spectrum Analyzer (XRF) Survey
1. Provide an EPA certified Lead Risk Assessor/Inspector with experience in conducting lead inspections and operating an X-Ray Fluorescence Spectrum Analyzer (XRF). The assessor will develop a sampling inventory of suspect homogeneous areas in areas of the building where work will take place.
 2. The materials will be categorized into sampling areas and testing combinations.
 - a. A testing combination is characterized by location, component type, substrate and visible color.
 - b. Examples of suspect surfaces include: painted walls, ceilings, doors, windows, casements, partitions, structural steel, etc.
 3. Visit the site to perform representative XRF testing of suspect surfaces that may be disturbed within the project limits using an XRF Spectrum Analyzer. Results will be reported in milligrams per square centimeter (mg/cm²). Watts' proposal does not include any confirmatory paint chip AAS analysis by a third-party laboratory.
- C. Report

1. Issue a report detailing the findings of the inspection, sampling, and analysis. The report will include:
 - a. Executive summary.
 - b. Drawings showing the approximate locations of bulk samples based upon AutoCAD drawings supplied by Erie County. If AutoCAD drawings are not available, Watts will prepare simple hand sketches.
 - c. The full laboratory report including bulk sample chain-of-custody records.
 - d. Laboratory and Watts' accreditations, licenses and certifications.

COMPENSATION

Compensation required for the Scope of Services indicated above will be in accordance with the prices quoted below and Appendix A. Any services required beyond the above described Scope of Services will be performed on a labor-and-expense basis in accordance with the unit rates provided below. Your express written consent will be required prior to the commencement of any additional services. Our invoices will be submitted at the completion of all work, with 30 days terms of net.

Pre-Renovation Asbestos and Lead-Based Paint Surveys (not to exceed) \$9,750.00

Labor rates will be billed at actual rates times a multiplier of 2.9. Laboratory

analysis and reimbursable expenses:

PLM Bulk Sample Analysis 198.1 (24-hour turnaround)	\$10.00/Ea
PLM Bulk Sample Analysis 198.1 (72-hour turnaround)	\$8.00/Ea
PLM Bulk Sample Analysis 198.1 (5-day turnaround)	\$8.00/Ea
PLM Bulk Sample Analysis 198.6 (24-hour turnaround with gravimetric reduction)	\$20.00/Ea
PLM Bulk Sample Analysis 198.6 (72-hour turnaround with gravimetric reduction)	\$17.50/Ea
PLM Bulk Sample Analysis 198.6 (5-day turnaround with gravimetric reduction)	\$12.00/Ea
TEM Bulk Samples 198.4 without Gravimetric Reduction (24-hour turnaround)	\$40.00/Ea
TEM Bulk Samples 198.4 without Gravimetric Reduction (72-hour turnaround)	\$30.00/Ea
TEM Bulk Samples 198.4 without Gravimetric Reduction (5-day turnaround)	\$25.00/Ea
PLM SOF-V Bulk Sample Analysis 198.8 (2-week turnaround)	\$300.00/Ea
PCB Caulk Sample Analysis (5-day turnaround)	\$45.00/Ea
Gravimetric Reduction	\$8.00/Ea
Hotel, Meals, Mileage, Etc	at current Federal Rate
Tolls, Copies, Photos, Etc	at cost

ASSUMPTIONS

- A. Erie County personnel will provide access to the interior and exterior of the buildings as required to perform investigation and sampling activities.
- B. Destructive methods may be used such as: coring of walls, ceilings and floors and cutting away of flooring. Watts will not be responsible for any permanent repairs to the building.

- C. The roof and other exterior components will require sampling. Watts will make temporary repairs but cannot warranty the repair.
- D. No testing for PCB caulks/sealants or any other testing will be performed, unless included in scope of services above.

SCHEDULE

We are prepared to begin services within two (2) weeks after receipt of your written authorization. The survey report will be submitted within two (2) weeks after receipt of all laboratory reports.

We appreciate the opportunity to present this proposal and look forward to working with you on this project. Should you have any questions or need additional information, contact me at (716) 866-2558.

Sincerely,

WATTS ARCHITECTURE & ENGINEERING

Kevin P. Janik, P.E.
Principal

PROPOSAL ACCEPTANCE

The above Scope of Services, Compensation, Assumptions, Schedule and attached Appendix A are acceptable for Proposal No. 20-687, Revision 1, Pre-Renovation Asbestos and Lead-Based Paint Surveys for Wendt Beach Park in Derby, New York for the Erie County Department of Parks, Recreation & Forestry (CLIENT).

Agreed to and accepted this day of , 2020.

Signed:

Name:
(please print)

Title:

Your Company Reference Number
to Appear on our Invoice(s):

GENERAL CONDITIONS FOR PROFESSIONAL SERVICES

Watts Architecture & Engineering (WATTS) will perform professional services in a timely manner but it is agreed between the parties to this Agreement that WATTS cannot be responsible for delays occasioned by factors beyond its control, nor by factors which could not reasonably have been foreseen at the time this Agreement was prepared and executed.

WATTS will perform its services using that degree of care and skill ordinarily exercised under similar conditions by professional consultants practicing in the same field at the same time in the same or similar locality. No other warranty, express or implied, is made or intended related to the services provided. Watts shall only be liable for its own negligent acts or omissions and assumes no liability for the acts or omissions of any other party.

Drawings, specifications and other documents, prepared by WATTS and their consultants are Instruments of Service for use solely with respect to this Project. This includes documents in electronic form. WATTS and their consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights. The Instruments of Service shall not be used by any other party for future additions or alterations to this Project or for other projects, without the prior written agreement of WATTS. Any unauthorized use of the Instruments of Service shall be at the other party's sole risk and without liability to WATTS and their consultants.

During the performance of services within this Agreement, the scope of WATTS' services and compensation thereon may be adjusted by written consent of the client.

If a dispute arises out of or relates to this Agreement or its breach, and if the dispute cannot be settled through direct discussions, the parties agree that prior to the filing of any legal action, they will first endeavor to settle the dispute in an amicable matter by non-binding mediation, using a certified mediator or certified mediation service. Failure of the parties to resolve the dispute through mediation shall in no way remove the right of either party to pursue any legal action or recourse. Unless otherwise specified within the Agreement, this Agreement shall be governed by the laws of the State of New York.

Neither party shall hold the other responsible for damages or delays in performance caused by acts of God, strikes, lockouts, accidents, pandemics, epidemics or other events beyond the control of the other or the other's employees and agents.

Progress payments shall be made in proportion to services performed and shall be due and payable within 30 days of submittal, without retainage unless other terms are specified in proposal. Overdue invoices shall bear an interest rate of 1-1/2% per month calculated from the 31st day after submittal.

The total liability, in the aggregate, of WATTS to CLIENT and anyone claiming by, through, or under CLIENT, for any and all claims, losses, costs or damages whatsoever arising out of, resulting from or in any way related to the Project or the Agreement from any cause or causes, including but not limited to the negligence, professional errors or omissions, strict liability or breach of contract, or warranty express or implied, of WATTS, shall not exceed the total insurance proceeds paid on behalf of or to CLIENT by WATTS insurers in settlement or satisfaction of CLIENT's claims under the terms and conditions of WATTS insurance policies applicable thereto (excluding fees, costs, and expenses of investigation, claims adjustment, defense, and appeal).

To the fullest extent permitted by law, WATTS shall indemnify and hold harmless CLIENT's officers, directors, partners, and employees from and against any and all damages caused solely by the negligent acts or omissions of WATTS in the performance and furnishing of services under this Agreement.

To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless WATTS from and against any and all costs, losses and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or other dispute resolution costs) caused solely by the negligent acts or omissions of CLIENT with respect to this Agreement or the Project.

To the fullest extent permitted by law, WATTS' total liability to CLIENT and anyone claiming by, through, or under CLIENT for any cost, loss or damages caused in part by the negligence of WATTS and in part by the negligence of CLIENT or any other negligent entity or individual shall not exceed the percentage share that WATTS' negligence bears to the total negligence of CLIENT, WATTS, and all other negligent entities and individuals.

To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless WATTS from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from a Hazardous Environmental Condition, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or to injury or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing shall obligate CLIENT to indemnify any individual or entity from and against the consequences of that individual's or entity's own negligence or willful misconduct.

(6-0)

3. COMM. 4E-5 (2021)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 13E-15 (2020), Contract 55 (General) was awarded to Pinto Construction Services, Inc. to construct the Bowmansville Pump Station Flow Meter Replacement Project, in Erie County Sewer District No. 4; and

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

WHEREAS, the Erie County Department of Environment and Planning recommends closeout of Contract No. 55 (General) and requests approval to issue final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 55 (General) between the County of Erie and Pinto Construction Services, Inc. (132 Dingens Street, Buffalo, New York 14206) is accepted in the final contract amount of \$42,169.74 which includes Change Order No. 1 (final), a decrease of (\$5,830.26) and is allocated in Erie County Sewer District No. 4 Capital Account C.17401; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 55 (General), to Pinto Construction Services, Inc. for a total contract amount of \$42,169.74; 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)

4. COMM. 4E-6 (2021)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 14E-11 (2019), Contract 18-D (Electrical) was awarded to CIR Electrical Construction Corporation to construct the East Aurora Water Resource Recovery Facility (WRRF) Influent Building and Screen Replacement Project, in Erie County Sewer District No. 8; and

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

WHEREAS, the Erie County Department of Environment and Planning recommends closeout of Contract No. 18-D (Electrical) and requests approval to issue final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 18-D (Electrical) between the County of Erie and CIR Electrical Construction Corporation (2417 Long Road, Grand Island, NY 14072 formerly 400 Ingham Avenue, Buffalo, NY 14218) is accepted in the final contract amount of \$125,000.00 which includes Change Order No. 2 (final), a decrease of (\$10,000.00) and is allocated in Erie County Sewer District No. 8 Capital Account C.00071; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 18-D (Electrical), to CIR Electrical Construction Corporation for a total contract amount of \$125,000.00; and be it further

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

(6-0)

5. COMM. 4E-7 (2021)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 14E-11 (2019), Contract No. 18-A (General/Mechanical) was awarded to STC Construction, Inc. to construct the East Aurora Water Resource Recovery Facility (WRRF) Influent Building and Screen Replacement Project, in Erie County Sewer District No. 8; and

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

WHEREAS, the Erie County Department of Environment and Planning recommends closeout of Contract No. 18-A (General/Mechanical) and requests approval to issue final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 18-A (General/Mechanical) between the County of Erie and STC Construction, Inc. (63 Zoar Valley Road, P.O. Box 459, Springville, NY 14141-0459) is accepted in the final contract amount of \$556,505.00 which includes Change Order No. 2 (final), a decrease of (\$619.00) and is allocated in Erie County Sewer District No. 8 Capital Account C.00071; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 18-A (General/Mechanical), to STC Construction, Inc. for a total contract amount of \$556,505.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

**TIMOTHY J. MEYERS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

February 25, 2021	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 4
-------------------	---

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4M-1 (2021)
VISIT BUFFALO NIAGARA: “Submission Pursuant to Budget Resolution No. 83, Disclosure of All Employees, Job Titles, Descriptions & Salaries”
(Chair’s Ruling)
 - b. COMM. 4M-2 (2021)

CORNELL COOPERATIVE EXTENSION: “Submission Pursuant to Budget Resolution No. 84, 2021 Budget Appropriation”
(Chair’s Ruling)

c. COMM. 4M-3 (2021)
BUFFALO NIAGARA CONVENTION CENTER: “Submission Pursuant to Budget Resolution No. 83, Disclosure of All Employees, Job Titles, Descriptions & Salaries”
(Chair’s Ruling)

2. COMM. 4E-4 (2021)
COUNTY EXECUTIVE
WHEREAS, the agricultural sector is a significant contributor to Erie County’s economy, annually contributing nearly \$130 million to the local economy; and

WHEREAS, between 2007 and 2017, the number of farms in Erie County dropped at the alarming rate of nearly 22%; and

WHEREAS, the adopted Erie County Agricultural and Farmland Protection Plan noted the need to develop additional markets for the sale of local agricultural products as a means to improve the economic viability of local agricultural producers; and

WHEREAS, Erie County desires to develop an industrial park dedicated to the agricultural producers to provide an additional market for Erie County agricultural products; and

WHEREAS, County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the redevelopment of sites into industrial parks to attract and retain companies; and

WHEREAS, County of Erie, Town of Evans, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Eden Angola Airport into an industrial park focused on agribusiness; and

WHEREAS, the development of water infrastructure is necessary to market the site to businesses interested in the site; and

WHEREAS, the County of Erie approved funding in the 2020 County Budget to be utilized specifically for infrastructure development at the proposed agribusiness park.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, agreements and easements as necessary with the Town of Evans, in amounts not to exceed a total of \$500,000, for the purpose of administration of design and construction of water infrastructure at the proposed Erie County Agribusiness Park located at 1526 Eden Evans Center Road in Evans; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with the Erie County Water Authority, Erie County Industrial Development Agency, Buffalo and Erie County Industrial Land Development Corporation and other state and federal agencies as necessary to execute this project and complete the work; and be it further

RESOLVED, that the source of these funds shall be in SAP account A.20009 in the amount of \$500,000; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

3. COMM. 4E-10 (2021)
COUNTY EXECUTIVE

WHEREAS, the Canalway Trail and Hopkins Road Trail Safety Enhancements Project in the Town of Amherst (PIN 5762.63) (the “Project”) is eligible for the Consolidated Funding Application (CFA) with funding through the New York State Canal Corporation and New York State Parks Recreation & Historic Preservation (OPRHP); and

WHEREAS, such funding is allocated for trail safety enhancements, including guiderail installation, bollard removal, and off-street trail improvements; and

WHEREAS, such treatments will occur on both Town and Erie County Rights-of-Way, permission from Erie County is required to allow the Town to access Erie County roads for such construction; and

WHEREAS, the Town of Amherst will be the sole owner of the Project improvements and responsible for any and all future maintenance costs and responsibilities; and

WHEREAS, it is necessary to enter into an Inter-Municipal Agreement with the Town of Amherst for the Project improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Canalway Trail and Hopkins Road Trail Safety Enhancements Project in the Town of Amherst (PIN 5762.63) (the “Project”); and be it further

RESOLVED, that the County Executive be authorized to enter into the necessary Inter-Municipal Agreement with the Town of Amherst; and be it further

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

(6-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

February 25, 2021	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 2
-------------------	---

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 23E-23 (2020)
BASKIN: “Letter to SUNY Erie Interim President Regarding Community Enrichment Committee Meeting & Discussion”
(Chair’s Ruling)
2. COMM. 4E-11 (2021)
COUNTY EXECUTIVE
RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Kimberly Johnson to the Buffalo and Erie County Public Library Board of Directors for a term ending December 31, 2024.
(6-0)
3. COMM. 4E-12 (2021)
COUNTY EXECUTIVE
RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Alan J. Bedenko, Esq. to the Buffalo and Erie County Public Library Board of Directors for a term ending December 31, 2024; and be it further

RESOLVED, that the Erie County Legislature does hereby confirm the appointments of Theodore K. Johnson and Sharon M. Kelly, Esq. to the Buffalo and Erie County Public Library Board of Directors for a term ending December 31, 2025; and be it further

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of John D. Craik to the Buffalo and Erie County Public Library Board of Directors for a term ending December 31, 2023.
(6-0)

**KEVIN R. HARDWICK
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40

February 25, 2021	MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE REPORT NO. 2
-------------------	---

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

**LISA M. CHIMERA
CHAIR**

LEGISLATOR RESOLUTIONS

Item 43 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR 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 and MR. MEYERS.
NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

RESOLUTION NO. 41

RE: Supporting an Independent
Investigation into Sexual
Harassment Allegations Against
Governor Cuomo
(INTRO. 5-1)

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

WHEREAS, several women who worked for Governor Andrew M. Cuomo in the Executive Chamber have come forward in the past week making sexual harassment allegations against the Governor; and

WHEREAS, Lindsey Boylan, a former state economic development official, came forward with allegations that Governor Cuomo had harassed her on several occasions between 2016-2018, at one point giving her an unsolicited kiss on the lips at his Manhattan office; and

WHEREAS, Governor Cuomo's office has called Ms. Boylan's accusations untrue, but they led to some state elected officials calling for investigations into her claims; and

WHEREAS, the Sexual Harassment Working Group, an anti-sexual-harassment group made up of former state legislative staffers, called for an "immediate independent investigation into Governor Cuomo's workplace behavior, conducted by an entity over which Cuomo does not have any appointment or supervisory powers"; and

WHEREAS, Charlotte Bennett, who served as an executive assistant and health policy adviser to the Governor, and who is a sexual assault survivor, told The New York Times that the governor had harassed her in May-June 2020; and

WHEREAS, Ms. Bennett said she reported the incident to the Governor's chief of staff, Jill DesRosiers, and was transferred to another job with an office on the opposite side of the Capitol, soon after, and Ms. Bennett also said she had also given a length statement to a special counsel to the governor, Judith Mogul, in late June 2020, but she decided not to insist on an investigation because she was content in her new job and "wanted to move on"; and

WHEREAS, Ms. Bennett also made contemporaneous comments about the Governor's alleged conduct to family members and friends, and exchanged text messages from that time commenting on the incident, as well as retained text messages from Ms. DesRosiers and Ms. Mogul that alluded to their meetings; and

WHEREAS, the Governor said in a statement to The New York Times that he believed he had been acting as a mentor to Ms. Bennett and he said he had "never made advances toward Ms. Bennett, nor did I ever intend to act in any way that was inappropriate"; and

WHEREAS, following the Bennett allegations, the Sexual Harassment Working Group called on Governor Cuomo to resign due to the sexual harassment allegations against him; and

WHEREAS, State Senate Majority Leader Andrea Stewart-Cousins called the allegation "extremely disturbing" and she called for New York State Attorney General Letitia James to conduct an independent inquiry – a call echoed by Assembly Speaker Carl Heastie; and

WHEREAS, many other state legislators and Members of Congress have come forward calling for an independent investigation of the allegations, and if true, for Cuomo to resign.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby requests that the New York State Attorney General's Office conduct an independent investigation in the allegations of sexual harassment by Governor Andrew M. Cuomo; and be it further

RESOLVED, that this Honorable Body condemns and deplors sexual harassment in all of its forms and notes our commitment to supporting victims of sexual assault and harassment; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, to the Assembly Speaker, Senate Majority Leader, and the Attorney General.

Item 44 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded. MS. VINAL voted in the negative.

CARRIED. (10 -1)

RESOLUTION NO. 42

RE: Calling for an Independent Investigation into the Multiple Claims of Sexual Harassment Levied Against Governor Andrew Cuomo (INTRO. 5-2)

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

WHEREAS, two former aides to Governor Andrew Cuomo have come forward and accused him of intimidation and sexual harassment. Their accusations reference several instances where, if true, the Governor's actions would be considered at least a violation of public ethics laws; and

WHEREAS, it is the position of our nation's president that "when a person comes forward they deserve to be treated with dignity and respect. Their voice should be heard, not silenced;" and

WHEREAS, the standard process for investigating a claim like this, investigation by an organization like JCOPE (the Joint Commission on Public Ethics), is ineffective and biased towards those in a position of power. In particular, JCOPE is a board comprised of direct appointments from the Governor himself; and

WHEREAS, Senator Liz Krueger has echoed the words of President Biden stating that "All credible allegations of sexual harassment must be taken seriously and given a thorough, transparent, and independent investigation." The Senator also cautioned against the use of JCOPE as the primary vehicle through which to conduct an investigation of the Governor; and

WHEREAS, leadership and members in both the State Senate and State Assembly have asked for a full independent investigation of all accusations against Governor Cuomo; and

WHEREAS, Sunday evening Governor Cuomo acknowledged the accusations stating "At work sometimes I think I am being playful and make jokes that I think are funny. I do, on occasion, tease people in what I think is a good-natured way. I have teased people about their personal lives,

their relationships, and about getting married or not getting married. I mean no offense and only attempt to add some levity and banter to what is a serious business; and

WHEREAS, whether the Governor meant offense or not, the alleged victims viewed his comments and actions as harassment.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby recognizes that every victim of sexual harassment deserves to have their claim fully investigated and reviewed, regardless of who they are claiming perpetrated the harassment; and be it further

RESOLVED, that this honorable body hereby calls for a non-partisan investigation with subpoena power by the New York State Attorney General Letitia James into the allegations against Governor Cuomo; and be it further

RESOLVED, that the disposition of the present accusation and any other accusation that may arise during the course of the investigation be presented publicly; and be it further

RESOLVED, that certified copies of this resolution be sent to the New York State Office of the Attorney General and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

RE: Support for Expansion of NYS's
Current Vaccination Eligibility to
Include Food Pantry Workers,
Food Bank Workers, Grab-and-
Go Staffers & Volunteers
(INTRO. 5-3)

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

WHEREAS, COVID-19 has disrupted the lives and livelihoods of residents across New York State. Unemployment rates have more than doubled since 2019 with December 2020 unemployment rates rising to 8.2%, compared to the December 2019 figure 3.9%; and

WHEREAS, many residents have been forced to deal with food insecurity this past year. This is defined as a general change in eating behavior due to financial hardship. As a result, services provided by our county's food banks have become more important to residents of Erie County; and

WHEREAS, foodbanks can only continue their mission so long as their workers and volunteers, who have been deemed essential by the Governor, are willing and able to work; and

WHEREAS, the COVID-19 vaccine can protect these vital workers from infection ensuring the work they do for the foodbank and the county's most needy can continue; and

WHEREAS, New York State currently provides 1B priority eligibility to some essential workers including frontline grocery and convenience store employees. However, the state has not included foodbank workers and volunteers in that designation; and

WHEREAS, it is vital that in a time of heightened food insecurity and wide-ranging job loss that foodbanks are able to continue operations and their workers should be provided the COVID-19 vaccine as part of the 1B designation; and

WHEREAS, the week of February 22, more than 30 state lawmakers wrote Governor Cuomo urging him to expand vaccination eligibility to these workers and this honorable body should do the same.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the inclusion of essential food pantry workers, food bank workers, grab-and-go staffers, and volunteers into the 1B designation to allow them to receive the COVID-19 vaccine immediately; and be it further

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

RE: Support for Changes to NY Law to Allow the Attorney General to Engage in Investigations when the Attorney General Determines it to be Necessary
(INTRO. 5-4)

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

WHEREAS, current Executive Law authorizes the New York State Attorney General, an independently elected official, to conduct an investigation only with the consent of the governor, or by the directive of the governor, comptroller, secretary of state, commissioner of transportation, superintendent of financial services, commissioner of taxation and finance, commissioner of motor vehicles or the state inspector general or other division or agency of the state; and

WHEREAS, Executive Law Section 63 further provides a requirement that the New York State Governor approve appointments, salaries, duties, and expenses related to any investigation; and

WHEREAS, this procedure can be problematic if ever there is an instance where the Attorney General needs to investigate the Governor or allies of the Governor. Whether or not the Governor chooses to interfere with the investigation process is irrelevant, the need for his or her approval and his or her ability to actively manage the staff and finances of the investigation gives cause for concern; and

WHEREAS, the New York Attorney general has taken it upon herself to investigate multiple claims of sexual harassment levied against Governor Cuomo. Unfortunately, the investigation was briefly held up, as the Governor initially withheld approval for her to move forward with the investigation and instead asked the Attorney General to appoint an independent lawyer with the Chief Judge of the Court of Appeals, a judge appointed by the Governor, to lead an investigation. After further pressure in the last few days, official referral for an independent investigation was finally given by the Governor's Office on March 1st; and

WHEREAS, the Attorney General should be free to conduct investigations as his or her office deems necessary, without any additional approval from the Governor; and

WHEREAS, Senate Bill S5260 seeks to address this problem by extending the authority of the Attorney General to investigate the alleged commission of any crimes and offenses recognized by New York Courts whenever the Attorney General, in his or her own discretion, deems it just and proper. The bill also seeks to remove the approval function of the Governor in the hiring, firing, and salaries of employees of the Attorney General's Office.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports NYS Senate Bill S5260, which amends Executive Law Section 63 to authorize the Attorney General to conduct appropriate investigations as he or she deems appropriate; 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, the New York State Attorney General's Office, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

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

GRANTED.

RESOLUTION NO. 45

RE: Amendment to Intro. 16-7 (2020)
As Amended: Local Support for
NYS Funding Relating to FAA
Grants for Lancaster Airport
(INTRO. 5-5)

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

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

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

and

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

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

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

NOW, THEREFORE, BE IT

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

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

RESOLVED, it has heretofore been determined by the County Legislature, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the above described project constitutes a Type I Action which will not have a significant impact upon the environment; and be it further

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

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 48 – (COMM. 5E-1) Letter to Chair of Legislature Regarding COMM. 3E-9 (2021)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR BASKIN

Item 49 – (COMM. 5E-2) Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority

Item 50 – (COMM. 5E-3) Letter to Conservative Party Caucus Regarding Position of Commissioner of the Erie County Water Authority

Item 51 – (COMM. 5E-4) Interviews for Position of Commissioner of the Erie County Water Authority

Item 52 – (COMM. 5E-5) Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority

Item 53 – (COMM. 5E-6) Public Notice Concerning Position of Commissioner of the Erie County Water Authority

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

Item 54 – (COMM. 5E-7) SUNY Erie Presidential Search Confidentiality Agreement and Committee Expectations

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 55 – (COMM. 5E-8) Letter to Legislature Clerk Concerning Transition of Meetings on 3/4/21

Received, filed and printed.

February 26, 2021

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

Re: March 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 March 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 LEGISLATOR MEYERS

Item 56 – (COMM. 5E-9) Appointment to the EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 57 – (COMM. 5E-10) SUNY Erie Installment Purchase Contract for New Help Desk Software

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 58 – (COMM. 5E-11) Transfer of Homeland Security Mobile Operations Centers & ATV Trailer

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 59 – (COMM. 5E-12) Extension of Household Hazardous Waste & Conditionally Exempt Small Quantity Generator Contracts

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 60 – (COMM. 5E-13) Acceptance of Section 5310 Enhanced Mobility Grant Funding - Dept. of Senior Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 61 – (COMM. 5E-14) Agreement to Accept State Aid for Snowmobile Development 2020-2021

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 62 – (COMM. 5E-15) Acceptance of Grant Extension for Virtual Aging Mastery Program Classes - Dept. of Senior Services

Item 63 – (COMM. 5E-16) Acceptance of Grant Award for Comprehensive Opioid, Stimulant & Substance Abuse Site-Based Program

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

Item 64 – (COMM. 5E-17) PILOT Agreement for the Angela's House Project - Town of Cheektowaga

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 65 – (COMM. 5E-18) Providing Wheelchair Transportation for Residents - Town of Amherst

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 66 – (COMM. 5E-19) Foreclosure Pursuant to the In Rem Provisions of the EC Tax Act - In Rem Action No. 169

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 67 – (COMM. 5E-20) Final Report & Recommendations Relating to the EC Sheriff's Office Police Services Division - 3/2/2021

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 68 – (COMM. 5D-1) Cost to Prepare City of Tonawanda Tax Rolls & Bills

Received, filed and printed.

February 16, 2021

The Honorable
Erie County Legislature
25 Delaware Avenue – Fourth Floor
Buffalo, New York 14202

RE: Cost to Prepare City of Tonawanda Tax Rolls & Bills

Honorable Members:

Please receive, file and print the following billing for the preparation of City of Tonawanda City Tax Rolls and Bills for the year 2020 at your next meeting.

As directed by Section 3-2.2 of the amended Erie County Tax Act, it is herewith certified to the Erie County Legislature that the attached statement is the total cost of material and labor in making and spreading City of Tonawanda City Tax Rolls and Bills.

Very truly yours,

Scott A. Bylewski
Director of Real Property Tax Services

TO THE ERIE COUNTY LEGISLATURE 2020

STATEMENT, MATERIALS AND LABOR IN PRODUCING
CITY OF

TONAWANDA BILLS AND THE SPREADING OF
ASSOCIATED COSTS:

Tax Bills	\$225.00
Tax Rolls, Assessment Roll & Worksheets	\$200.00
Wages	\$1,112.54
Data Processing Time	\$1,754.73
<hr/>	
Total Cost	\$3,292.27

Item 69 – (COMM. 5D-2) Cost to Prepare School District Tax Rolls & Bills

Received, filed and printed.

February 16, 2021

The Honorable
Erie County Legislature
25 Delaware Avenue – Fourth Floor
Buffalo, New York 14202

RE: Cost to Prepare School District Tax Rolls & Bills

Honorable Members:

Please receive, file and print the attached billing for the preparation of 2020-2021 School District Tax Rolls at your next meeting.

As directed by Section 4-3.1 of the amended Erie County Tax Act, it is herewith certified to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading School District Tax Rolls, together with the apportionment to each School District benefitted for the year 2020-2021.

Very truly yours,

Scott A. Bylewski
Director of Real Property Tax Services

TO THE ERIE COUNTY LEGISLATURE 2020-2021
STATEMENT, MATERIALS AND LABOR IN PRODUCING SCHOOL
DISTRICT TAX
BILLS AND THE SPREADING OF ASSOCIATED
COSTS:

Tax Bills Paper	\$11,200.00
Tax Roll Paper	\$1,000.00
Data Processing Charges	\$59,839.71
Wages	\$75,558.92
Total	\$147,598.63

272,614.00 parcels 0.541419828 Cost per parcel

Alden Out of County	\$100.00
AKC1 Out of County	\$200.00
Gowanda Extra Roll	\$0.00
Attica Flat Charge @ \$150.00	\$150.00
Silver Creek Charge @ \$150.00	\$150.00
Pioneer Extra Set Bills	\$0.00

Total to Spread: Cost per parcel and Flat Charge \$148,198.63

School	Parcels	Rate	Amount Due
Alden	4960	0.541419828	\$2,785.44
Akron	3807	0.541419828	\$2,261.19
Amherst	9125	0.541419828	\$4,940.46
Sweet Home	11204	0.541419828	\$6,066.07
Attica	0	0	\$150.00
East Aurora	6303	0.541419828	\$3,412.57
Cheektowaga	8419	0.541419828	\$4,558.21
Maryvale	7491	0.541419828	\$4,055.78
Cleveland Hill	4596	0.541419828	\$2,488.37
Sloan	5125	0.541419828	\$2,774.78
Clarence	12745	0.541419828	\$6,900.40
Springville	6866	0.541419828	\$3,717.39
Depew	6821	0.541419828	\$3,693.02
Eden	4948	0.541419828	\$2,678.95
Frontier	17021	0.541419828	\$9,215.51
Grand Is	8958	0.541419828	\$4,850.04
Gowanda	1522	0.541419828	\$824.04
Hamburg	10414	0.541419828	\$5,638.35
Holland	3589	0.541419828	\$1,943.16
Iroquois	8450	0.541419828	\$4,575.00
Lancaster	18788	0.541419828	\$10,172.20
Lake Shore	10177	0.541419828	\$5,510.03
North Collins	2744	0.541419828	\$1,485.66
Orchard Park	14317	0.541419828	\$7,751.51
Pioneer	1001	0.541419828	\$541.96
Silver Creek	0	0	\$150.00
Ken-Ton	26555	0.541419828	\$14,377.40
Williamsville	28261	0.541419828	\$15,301.07
West Seneca	21966	0.541419828	\$11,892.83
City of Tonawanda	6441	0.541419828	\$3,487.29
Total	272,614		\$148,198.63

Item 70 – (COMM. 5D-3) Cost to Prepare Village Tax Rolls & Bills

Received, filed and printed.

February 16, 2021

The Honorable
Erie County Legislature
25 Delaware Avenue – Fourth Floor
Buffalo, New York 14202

RE: Cost to Prepare Village Tax Rolls & Bills

Honorable Members:

Please receive, file and print the attached billing for the preparation of Village Tax Rolls and Bills for the year 2020-2021 at your next meeting.

As directed by Section 3-2.2 of the amended Erie County Tax Act it is herewith certified to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading Village Tax Rolls and Bills.

Very truly yours,

Scott A. Bylewski
Director of Real Property Tax Services

TO THE ERIE COUNTY LEGISLATURE 2020-2021

STATEMENT, MATERIALS AND LABOR IN PRODUCING
VILLAGE BILLS AND THE SPREADING OF ASSOCIATED
COSTS:

Tax Bills/Paper Costs	\$3,700.00
Tax Rolls, Assessment Roll & Worksheets	\$950.00
Wages	\$5,083.29
Data Processing Time	\$6,936.51
<hr/>	
Total Cost	\$16,669.80
Extra Bills	\$110.00

\$16,779.80

Village	parcels	1 Extra set of bills	Rate	Cost
			\$0.464949	
Akron	1263	\$20.00	\$0.464949	\$607.23
Alden	885		\$0.464949	\$411.48
Angola	940		\$0.464949	\$437.05
Blasdell	1148	\$20.00	\$0.464949	\$553.76
Depew	6716		\$0.464949	\$3,122.59
East Aurora	2597		\$0.464949	\$1,207.47
Farnham	207	\$10.00	\$0.464949	\$106.24
Gowanda	1204		\$0.464949	\$559.80
Hamburg	3830		\$0.464949	\$1,780.75
Kenmore	5667		\$0.464949	\$2,634.86
Lancaster	4332		\$0.464949	\$2,014.16
North Collins	543		\$0.464949	\$252.47
Orchard Park	1153	\$20.00	\$0.464949	\$556.09
Sloan	1578		\$0.464949	\$733.69
Springville	1659		\$0.464949	\$771.35
Williamsville	2131	\$40.00	\$0.464949	\$1,030.81
	35853	\$110.00		\$16,779.80

FROM THE COMMISSIONER OF HEALTH

Item 71 – (COMM. 5D-4) Updated Nursing Home Outbreak Information - 2/13/21

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 72 – (COMM. 5D-5) Letter to Legislature Regarding December Sales Tax Receipts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 73 – (COMM. 5D-6) Letters of Interest & Resumes for Position of Commissioner of the Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 74 – (COMM. 5D-7) Audit of EC Dept. of Health

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 75 – (COMM. 5D-8) Updated Nursing Home Outbreak Information - 2/20/21

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 76 – (COMM. 5D-9) Letter to County Attorney's Office Concerning COMM. 3E-9
(2021)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 77 – (COMM. 5D-10) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 78 – (COMM. 5D-11) Response to Letter Dated February 25, 2021, Concerning EC
Ethics Board

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 79 – (COMM. 5D-12) Letter to Legislature Concerning Transition of Meetings on
3/4/21

Received, filed and printed.

February 26, 2021

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: MARCH 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 March 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 #5 (2021) at 11:00 am

<https://us02web.zoom.us/j/81832037282?pwd=M0R0RHlyWG92Q1NjUGtEQjdtZEY2dz09>

Meeting ID: 818 3203 7282

Passcode: 293817

Or call 646-876-9923

Thank you.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EC SOIL & WATER CONSERVATION DISTRICT

Item 80 – (COMM. 5M-1) 2021 Budget Submission

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 81 – (COMM. 5M-2) 2021 Business Plans & Budgets for Visit Buffalo Niagara & the Buffalo Niagara Convention Center

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 82 – (COMM. 5M-3) Fact Sheet - Brownfield Cleanup Program Application for 293 Grote St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ECCSAB

Item 83 – (COMM. 5M-4) Letter to Superintendent of Jails Requesting Input on Proposed Draft Pre-Release Plan

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM TED DINOTO

Item 84 – (COMM. 5M-5) Letter to Legislature Regarding Appointment of Law Enforcement Leaders

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYSDEC

Item 85 – (COMM. 5M-6) Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - Superfund Site, Genesee St., Cheektowaga

Item 86 – (COMM. 5M-7) Invitation for Public Comment - Brownfield Cleanup Program for 293 Grote St., Buffalo

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

FROM PETER A. REESE

Item 87 – (COMM. 5M-8) Letter to County Attorney Concerning Violations of Open Meetings Law - County Ethics Committee

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM KAREN GEELAN

Item 88 – (COMM. 5M-9) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM JEFF SWIATEK

Item 89 – (COMM. 5M-10) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS AGRICULTURE & MARKETS

Item 90 – (COMM. 5M-11) Notice of Mandatory Review Process of EC Agricultural District No. 5

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHRISTINA G. HOLDSWORTH

Item 91 – (COMM. 5M-12) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BRANDI LOBIANCO

Item 92 – (COMM. 5M-13) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM JAMES P. DOMAGALSKI

Item 93 – (COMM. 5M-14) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM GUY R. MARLETTE

Item 94 – (COMM. 5M-15) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM JOSEPH T. BURNS

Item 95 – (COMM. 5M-16) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM RAYMOND W. WALTER

Item 96 – (COMM. 5M-17) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM JESSICA A. KULPIT

Item 97 – (COMM. 5M-18) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM MATTHEW J. KIBLER

Item 98 – (COMM. 5M-19) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BRITTANYLEE PENBERTHY

Item 99 – (COMM. 5M-20) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DANISE C. WILSON

Item 100 – (COMM. 5M-21) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DANIELLE M. JOHNSON

Item 101 – (COMM. 5M-22) Application to Serve on 2021 EC Advisory Committee on Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 102 – Chair Baskin further announced that the schedule for committee meetings to be held on Thursday, March 11, 2021, will be distributed.

MEMORIAL RESOLUTIONS

Item 103 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Christine Milosich.

Item 104 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Richard E. 'Dick' Leous.

Item 105 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of Willow Sobaszek.

Item 106 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Frank Cuomo and Raymond Miranda.

ADJOURNMENT

Item 107 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

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

CARRIED UNANIMOUSLY.

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

ROBERT M. GRABER
CLERK OF THE LEGISLATURE