

ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 19, 2020

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Lorigo.

Item 1 – CHAIR BASKIN directed that the Rules of the Legislature for 2020 remain on the table.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 5 from 2020. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR BASKIN presented a proclamation Congratulating and Honoring Cedric M. Holloway on His Retirement as a Member of the Buffalo Police Department.

Item 6 – MS. CHIMERA presented a proclamation Honoring Dr. Jill O'Malley as Erie County's Citizen of the Month for March 2020.

Item 7 – MR. MEYERS & MR. GILMOUR presented a proclamation Congratulating and Honoring 2020 St. Patrick's Day Grand Marshal Patrick D. McGuinness.

Item 8 – MS. CHIMERA presented a proclamation Recognizing and Celebrating the 90th Birthday of Lindbergh Elementary.

Item 9 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Celebrating the Official Ribbon Cutting and Grand Opening of The Hair Hive.

Item 10 – MR. GILMOUR presented a proclamation Congratulating and Honoring Michele Fehmer, the First Ever Female Firefighter in Erie County.

MR. MEYERS moved for consideration of the above six items. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above six items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 11 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR BASKIN directed that Local Law No. 9 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2020 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 16 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED

COMMITTEE REPORTS

Item 17 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

March 12, 2020	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5E-12 (2020)
COUNTY EXECUTIVE: “ECSD No. 2 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 5M-2 (2020)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program Application & Draft Remedial Investigation - SpotOn Legacy LLC, 145 Ganson St., Buffalo”
(Chair’s Ruling)
 - c. COMM. 5M-7 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 240 Lakefront Blvd., Buffalo”
(Chair’s Ruling)
 - d. COMM. 5M-8 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 1827 Fillmore Ave., Buffalo”
(Chair’s Ruling)
 - e. COMM. 5M-9 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 1665 Main St., Buffalo”
(Chair’s Ruling)
 - f. COMM. 5M-10 (2020)
NYSDEC: “Environment Site Remediation Database Details for 127 Buffalo River, 189 Ganson St. & 191 Ganson St., Buffalo”
(Chair’s Ruling)
 - g. COMM. 5M-11 (2020)

NYSDEC: "Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 2075 Seneca St., Buffalo"
(Chair's Ruling)

2. COMM. 5E-7 (2020)
COUNTY EXECUTIVE

WHEREAS, Erie County on behalf of Erie County Sewer District Nos. 1 – 6 & 8 entered into an agreement with Wendel WD Architecture Engineering Surveying & Landscape Architecture P.C. (Wendel) on December 15, 2016 (Legislative Communication 22E-4 (2016)) to provide professional Engineering Services for various projects in Erie County Sewer District Nos. 1 – 6 & 8; and

WHEREAS, as part of this agreement Wendel was retained to evaluate the outfall for the Clarence Research Park Water Resource Recovery Facility in Erie County Sewer District No. 5; and

WHEREAS, an Engineer's Report drafted by Wendel as part of the evaluation of the Clarence Research Park Water Resource Recovery Facility will soon be submitted to the New York State Department of Environmental Conservation for review; and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management is of the opinion that continuity of engineering experience on the Clarence Research Park Water Resource Recovery Facility project would be in the best interest of Erie County Sewer District No. 5; and

WHEREAS, a time extension to Wendel's December 15, 2016 agreement would be required to allow for additional engineering work to be performed by Wendel, as necessary, to successfully complete the Clarence Research Park Water Resource Recovery Facility project.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 to the County of Erie/Wendel Term Agreement, dated December 15, 2016, be approved to allow for up to a two (2) year time extension for the agreement, with no modification to the overall cost; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby authorized to execute and process the no-cost time extension change order for Wendel's December 15, 2016 agreement; and be it further

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

3. COMM. 5E-8 (2020)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for

Snowmobile Trail Development during the 2019-2020 snowmobile season in the amount not to exceed \$183,552.00; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands as well as on trails located in Erie County Parks and Forestry lots.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$183,552.00 as pertains to snowmobile trail maintenance performed during the 2019-2020 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$183,552.00 for the purpose of snowmobile trail maintenance on club trails during the 2019-2020 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$ 17,172.00
Eden Trail Blazers Inc.	\$ 10,752.00
Grand Island Snowmobile Club Inc.	\$ 5,712.00
Hamburg Snowmobile Club Inc.	\$ 21,108.00
Holland Sno-Rascals Inc.	\$ 28,320.00
Marilla Sno-Mob Inc.	\$ 14,568.00
Northern Erie SnoSeekers Inc.	\$ 20,496.00
Pioneer Sno-Surfers Inc.	\$ 13,764.00
Southern Tier Snowdrifters Inc.	\$ 21,132.00
WNY Snowmobile Club of Boston Inc.	\$ <u>30,528.00</u>
	\$183,552.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$183,552.00, as well as an increase in appropriations in the amount of \$183,552.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Office of the Erie County Comptroller and Assistant County Attorney, Kristen Walder, of the Law Department.

(5-0)

4. COMM. 5E-13 (2020)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 19E-7 (2017), Contract 96 was awarded to Quackenbush Company, Inc. to construct the Big Sister Creek Water Resource Recovery Facility (WRRF) Aeration System Replacement Project, in Erie County Sewer District No. 2; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 96, in the final contract amount of \$534,940.00 which includes Change Order No. 1 (final), a decrease of (\$1,050.00) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 96 between the County of Erie and Quackenbush Company, Inc. (495 Kennedy Road, Buffalo, NY 14227) is accepted in the final contract amount of \$534,940.00 which includes Change Order No. 1 (final), a decrease of (\$1,050.00) and is allocated in Erie County Sewer District No. 2 Capital Account C.00011; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 96, to Quackenbush Company, Inc. for a total contract amount of \$534,940.00; and be it further

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

(5-0)

TIMOTHY J. MEYERS
CHAIR

Item 18 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

March 12, 2020	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby amended by a majority vote:

- a. COMM. 5E-18 (2020)
COMPTROLLER: “2020 Consolidated Bond Resolution Place Holder”
(5-0)
- 2. RESOLVED, the follow items are hereby received and filed:
 - a. COMM. 5E-2 (2020)
COUNTY EXECUTIVE: “Follow Up Letter Concerning Cash Flow Concerns/February IGT Payment”
(Chair’s Ruling)
 - b. COMM. 5E-16 (2020)
COMPTROLLER: “Letter Regarding Final Payments of 2019 Sales Tax”
(Chair’s Ruling)
- 3. COMM. 5E-20 (2020)
COUNTY EXECUTIVE
WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d; and

WHEREAS, the 2020 Adopted County Budget contains available funds from the collection of Real Estate Transfer Tax for repair of roads, bridges and equipment; and

WHEREAS, use of Road Repair Reserve funds is restricted to repair of roads and bridges in the County; and

WHEREAS, the Division of Budget and Management recommends the utilization of \$2,200,000 from the available balance in the Road Repair Reserve Fund to conduct important road work in 2020; and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing; and

WHEREAS, a public hearing was held on February 19, 2020.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following 2020 budget amendments:

Fund 210 – Road Repair Reserve Funds Center 12330			
	Current Budget	Adjustment	Adjusted Budget
Revenue			
402190 Appropriated Fund Balance		\$2,200,000	\$2,200,000
402600 Transfer Tax	<u>\$14,280,000</u>		<u>\$14,280,000</u>

Total Revenue	\$14,280,000	\$2,200,000	\$16,480,000
Expense			
912300 ID Highway Services	<u>\$14,280,000</u>	<u>\$2,200,000</u>	<u>\$16,480,000</u>
Total Expense	\$14,280,000	\$2,200,000	\$16,480,000
Net Change Road Repair Reserve		\$0	

Fund 210 - Highways Funds Center 123

Expense	Current Budget	Adjustment	Adjusted Budget
570000 Interfund Trans-Subs	\$10,530,000	\$2,200,000	\$12,730,000
912300 ID Highway Services	<u>(\$14,310,937)</u>	<u>(\$2,200,000)</u>	<u>(\$16,510,937)</u>
Total Expense	(\$3,780,937)	\$0	(\$3,780,937)
Net Change Fund 210		\$0	

Fund 420 - Capital Project B.20050

Revenue	Current Budget	Adjustment	Adjusted Budget
486000 Interfund Revenue	\$9,000,000	\$2,200,000	\$11,200,000
Expense			
Capital Projects	\$9,000,000	\$2,200,000	\$11,200,000
Net Change Fund 420		\$0	

and be it further

RESOLVED, that the Clerk of the Legislature did publish a Notice of Public Hearing once in each of the official newspapers of the County, at least five days prior to the date of the Public Hearing and said hearing took place on February 19, 2020; and be it further

RESOLVED, that authorization is provided to appropriate \$2,200,000 of available prior-year Transfer Tax to conduct 2020 road projects; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the County Attorney, and the Office of the Comptroller.

(5-0)

TIMOTHY J. MEYERS
CHAIR

Item 19 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

March 12, 2020	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 2E-15 (2020)
COUNTY EXECUTIVE: "Appointments to EC Arts & Cultural Advisory Board"
(Chair's Ruling)

January 9, 2020

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

Re: Appointments to Erie County Arts and Cultural Advisory Board

Dear Honorable Members:

Please be advised that, pursuant to Article 22, Section 22, Section 2205 of the County charter, I hereby appoint the following individuals to the Erie County Arts and Cultural Advisory Board. Their terms will expire 31, 2022.

Gina Emily Burkhardt
1119 Delaware Avenue #3
Buffalo, New York 14209

Margaret Kaiser
135 Washington Highway
Snyder, New York 14226

Desmond Rudd
175 North St., Apt 409
Buffalo, New York 14201

Glenn Spencer
248 Humboldt Parkway
Buffalo, New York 14214

Emily Winslow Tucker
24 Cleveburn Place
Buffalo, New York 14222

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

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 21E-28 (2019)
RATH: “Letter Regarding Roof Repair at SUNY Erie North”
(Chair’s Ruling)
 - b. COMM. 2M-1 (2020)
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda for Meeting to be Held on 1/16/2020”
(Chair’s Ruling)

KEVIN R. HARDWICK
CHAIR

Item 20 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

March 12, 2020	PUBLIC SAFETY COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5E-1 (2020)
COMPTROLLER: “Report on Financial Impact of NYS’s Bail Reform Efforts”
(Chair’s Ruling)
 - b. COMM. 5E-4 (2020)
COUNTY EXECUTIVE: “Forensic Laboratory Personnel Modification”
(Chair’s Ruling)
2. COMM. 5E-3 (2020)
COUNTY EXECUTIVE & SHERIFF
WHEREAS, in 2019, New York State amended the public health law to allow local correctional facilities to use body scanning equipment. The purpose of the change was to enable local jails to implement the equipment to reduce the smuggling of contraband and increase safety for inmates and jail personnel; and

WHEREAS, the introduction of contraband jeopardizes the safety of inmates and jail personnel. Whether it is a weapon or drugs, contraband can be used to intimidate, manipulate or injure Deputies, medical staff, social workers, and other inmates; and

WHEREAS, whether it is weapons or drugs, contraband can be used to intimidate, manipulate or injure Deputies, medical staff, social workers, and other inmates; and

WHEREAS, while proper techniques are deployed when searching inmates, contraband secreted in body cavities is extremely difficult to detect. The use of a contraband detection scanner can significantly reduce or eliminate smuggled goods into the jails; and

WHEREAS, the Erie County Sheriff's Office (ECSO), has experienced numerous smuggling incidents where the individual has secreted contraband in body cavities. In one incident, a female inmate was rushed to an area hospital where the attending staff discovered several hypodermic needles in her vaginal cavity; and

WHEREAS, the contraband detection equipment would have discovered these items earlier in the individual's incarceration and prevented additional medical care; and

WHEREAS, the use of this equipment will allow Deputies to safely search inmates in a less intrusive manner, and gain greater results in searching for contraband; and

WHEREAS, the Erie County Sheriff's Office would utilize Telephone Revenue funds to purchase the high-security, contraband detection body scanner which will eliminate any burden to the taxpayer or affect the 2020 Erie County Budget; and

WHEREAS, due to space limitations within the sally port of the holding center, the dimensions of the Intercept Tek84 Body Scanner best fit both the space and the needs of the jail; and

WHEREAS, the contract includes manufacturer installation, on-site training, and two (2) year parts and labor for the system; and

WHEREAS, the Sheriff's Office will purchase an additional three (3) year warranty to cover the equipment after the manufacturer's initial two (2) year warranty; and

WHEREAS, the Intercept Tek84 Body Scanner is included on the New York State GSA equipment bid list and the Erie County Sheriff's Office will utilize GSA's bid list to purchase the equipment; and

WHEREAS, because the body scanner is included on the NYS GSA bid list, the Erie County Sheriff's Office seeks to waive Section 19.08 of the Erie County Administrative Code because the ECSO will utilize GSA Contract #GS-35F-210DA for a Tek84 Intercept Whole Body Security Scanning System, which will not exceed the amount on the GSA contract; and

WHEREAS, the Sheriff and the County Executive agree the aforementioned items are necessary for the operation of the ECHC; and

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

WHEREAS, as of January 31, 2020, the Telephone Revenue account has a balance of \$1,139,624.00; and

WHEREAS, this resolution transfers \$179,000.00 from the Telephone Revenue account, and this resolution will not have any impact on the 2020 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Erie County Sheriff's Office and the Division of Budget and Management to transfer \$179,000.00 in available Telephone Revenue funds to the appropriate Erie County Sheriff's Office accounts:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program

REVENUE

415622

Jail Telephone Revenue Funds

DECREASE

\$1,139,624.00

APPROPRIATION

561410

Lab and Tech Equipment

INCREASE

\$179,000.00

Total Revenue

\$179,000.00

and be it further

RESOLVED, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of securing the services of Tek84, 13495 Gregg Street, Poway, CA 92064, to be retained to provide services associated with Tek84 Intercept Whole Body Security Scanning System; and be it further

RESOLVED, ECSO will utilize GSA Contract #GS-35F-210DA for a Tek84 Intercept Whole Body Security Scanning System, which will not exceed the amount on the GSA contract plus the additional three years of warranty; and be it further

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

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

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

RESOLVED, certified copies of the approved resolution are sent to the County Executive, the Department of Public Works - Division of Building and Grounds, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Item 21 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

March 12, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 5
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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. 4E-5 (2020)
LORIGO: “Letter Requesting Additional Information Concerning Convention Center Study”
(Chair’s Ruling)
 - b. COMM. 4D-2 (2020)
DEPT. OF ENVIRONMENT & PLANNING: “Convention Center Architectural & Engineering Assessment Report”
(Chair’s Ruling)
 - c. COMM. 5M-1 (2020)
NYS DOT: “Petition Ordering Public At-Grade Rail Crossing at Extension of Dona St., Lackawanna”
(Chair’s Ruling)
 - d. COMM. 5M-5 (2020)
KENILWORTH FIRE DISTRICT NO. 2: “Letter Regarding Concerns with NFTA Metro Rail Extension Project”
(Chair’s Ruling)
2. COMM. 5E-9 (2020)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the existing Ethernet cabling at the Jesse E. Nash Health clinic is well beyond its useful life is in need of modernization; and

WHEREAS, the County of Erie received bids for the Jesse E. Nash IT upgrade project on January 21, 2020; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Platinum Communication Services LLC; and

WHEREAS, the Department of Public Works is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Jesse E. Nash Health Center IT upgrade project for an amount not to exceed as follows:

<u>General Construction Work</u>			
Platinum Communication Services LLC	Base Bid:	\$	47,000
	Alternate No. 1	\$	7,160
<hr/>			
Total Award of General Construction Contract:		\$	54,160

and be it further

RESOLVED, that the sum of \$5,416 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that Division of Budget and Management is hereby authorized to transfer \$18,860 within the Health Department's Health Division's 2019 General Fund Budget as follows:

DEPARTMENT OF HEALTH, HEALTH DIVISION
 FUND 110, FUNDS CENTER 12700

APPROPRIATIONS	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
516020 Professional Svcs Contracts & Fees	\$961,358	\$ (18,860)	\$942,498
570050 Interfund Transfer Capital	<u>\$ 0</u>	<u>\$ 18,860</u>	<u>\$ 18,860</u>
TOTAL APPROPRIATION	<u><u>\$961,358</u></u>	<u><u>\$ 0</u></u>	<u><u>\$961,358</u></u>

and be it further

RESOLVED, that the budget in capital project A.00342 – 2008 Medical/Health Information System, Fund 410, Funds Center 127, be adjusted to reflect the increase of \$18,860 above as Interfund revenue subsidy for IT upgrade work as follows:

	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
REVENUES			
475000 General Obligation Bond Proceeds	\$900,000	\$ 0	\$900,000
486000 Interfund Revenue Subsidy	\$ 0	\$ 18,860	\$ 18,860
TOTAL REVENUE	<u>\$900,000</u>	<u>\$ 18,860</u>	<u>\$918,860</u>
APPROPRIATIONS			
Capital Projects Capital Project Exp.	\$900,000	\$ 18,860	\$918,860

and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved, as amended 2008 capital budget, Fund 410, Funds Center 127, follows:

A.00342 – 2008 Medical Health Information System \$59,576

and be it further

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

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

(6-0)

3. COMM. 5E-10 (2020)
COUNTY EXECUTIVE

WHEREAS, the County of Erie previously entered into an Agreement with Architectural Resources P.C. to provide professional architecture and engineering services for the Erie Community College City Campus 2018 Various ADA Upgrades and Ellicott Street Building Elevator Modernization project (COMM. 14E-15 on July 26, 2018); and

WHEREAS, additional A/E base fee is required to complete the design and construction administration services for the various ADA upgrade work identified on the Voluntary Compliance Plan issued by the New York State Education Department as a result of an on-site Civil Rights Compliance Review; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the County Executive is requesting authorization to enter in an Agreement Amendment with Architectural Resources P.C. to increase their A/E base fee for the Erie Community College City Campus 2018 Various ADA Upgrades and Ellicott Street Building Elevator Modernization project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment with Architectural Resources P.C. to increase their A/E base fee for a total amount of \$47,492 for the Erie Community College City Campus 2018 Various ADA Upgrades and Ellicott Street Building Elevator Modernization project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted capital budgets in Fund 480, Funds Center 122 as follows:

E.14006 – 2014 ECC Code Compliance Collegewide	\$25,683.62
<u>E.17005 – Erie Community College Code Compliance (Collegewide)</u>	<u>\$21,808.38</u>
Total Amount Not to Exceed	\$47,492.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Erie Community College of the Chief Administrative and Financial Officer.

(6-0)

4. COMM. 5E-14 (2020)
COUNTY EXECUTIVE

WHEREAS, a project for the replacement of Hillcroft Drive Bridge over Eighteen Mile Creek, BIN 3327840, PIN 5761.69, (the "Project") is eligible for Federal funding under Title 23, U.S. Code, as amended; and

WHEREAS, the County of Erie previously advanced the design of the Project via Legislative Communication 14E-37 dated June 26, 2018; and

WHEREAS, the Department of Public Works desires to advance the Construction and Construction Inspection phase of the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute a Supplemental Agreement with New York State Department of Transportation (NYSDOT) in the total amount of \$1,405,000 of which \$469,000 is the required local share, for the construction and construction inspection phases of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with the lowest responsible bidder, enter into a construction phase engineering services agreement with Mott MacDonald, and establish a construction contingency for a total project construction phase allowance of \$1,600,000 of which \$936,000 is made up of Federal and State reimbursements and \$664,000 in local funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a Supplemental Agreement with New York State Department of Transportation (NYSDOT) for this Project in the total amount of \$1,405,000 of which \$469,000 is the required local share; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for Federal aid or State aid; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the lowest responsible bidder in an amount not to exceed \$1,305,000, enter into a construction phase engineering services agreement with Mott MacDonald not to exceed \$220,000, and establish a construction contingency in an amount of \$75,000 for an estimated total project cost of \$1,600,000 of which \$936,000 is made up of Federal and State reimbursements and \$664,000 in local funds; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal and State aid reimbursements for the Construction and Construction Inspection Phases from the Supplemental Agreement with the NYSDOT as well as any other additional funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$1,600,000 for the Construction, Construction Inspection Phase, and contingency for the Project is available in Fund 420, Funds Center 123, in the following Projects:

B.18015 – 2018 Federal Aid Bridge Project Construction	\$ 264,000
<u>B.19010 – 2019 Hillcroft Drive Bridge Replacement</u>	<u>\$ 1,336,000</u>
TOTAL PROJECT	\$ 1,600,000

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.19010 – 2019 Hillcroft Drive Bridge Replacement, Fund 420, Funds Center 123, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
409000	State Aid	\$ 0	\$ 187,200	\$ 187,200
414000	Federal Aid	\$ 800,000	(\$ 51,200)	\$ 748,800
475000	Gen Oblig Bond Proc	\$ 400,000	\$ 0	\$ 400,000
TOTAL REVENUES		<u>\$ 1,200,000</u>	<u>\$ 136,000</u>	<u>\$1,336,000</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	\$ 400,000	\$ 936,000	\$1,336,000

UNALLOCATED	Unallocated Capital	<u>\$ 800,000</u>	<u>(\$ 800,000)</u>	<u>\$ 0</u>
TOTAL		\$ 1,200,000	\$ 136,600	\$ 1,336,000
APPROPRIATIONS				

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the project budget accordingly for any and all additions or reductions in Federal and/or State revenue that are necessary for this Project; and be it further

RESOLVED, that the County Legislature hereby agrees that the County of Erie shall be responsible for all costs of the Project which exceed the amount of the funding of Federal aid or State aid awarded to the County of Erie; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,600,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or state-aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy 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)

5. COMM. 5E-15 (2020)
COUNTY EXECUTIVE

WHEREAS, the 2020 Bridge Joints and Overlays (7 Bridges) PIN 5762.04, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds, State (Marchiselli) funds, and a local share; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal and State reimbursement funds, for the Project; and

WHEREAS, the County of Erie wants to award the project to the lowest responsible bidder, establish a contingency and enter into an agreement with CHA Consultants for construction inspection and construction administration; and

WHEREAS, the total project costs are currently estimated, at \$1,500,000 with \$1,045,000 in Federal and Marchiselli reimbursements and \$455,00 in local funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the above subject Project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for federal-aid and or state-aid reimbursement; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency for a total project cost not to exceed \$1,500,000 of which \$1,045,000 is made up of Federal and Marchiselli reimbursements and \$455,000 in local funds; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal and Marchiselli reimbursements from the NYSDOT Agreement, as well as any other additional funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$1,500,000 for the construction, and construction inspection phase for the Project is available in Fund 420, Funds Center 123, as follows:

B.15011 – 2015 Preservation of Bridges -	\$ 40,000
B.17012 – 2017 Federal Aid Bridge Preservation	\$ 655,000
<u>B.19012 - 2019 Federal Aid Bridge Preservation</u>	<u>\$ 805,000</u>
TOTAL Project Cost	\$1,500,000

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.17012, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
414000	Federal Aid	\$780,000	(\$85,000)	\$695,000
405160	Marchiselli Aid	\$0	\$85,000	\$ 85,000
475000	Gen Oblig Bond Proc	<u>\$195,000</u>	<u>\$ 0</u>	<u>\$195,000</u>
TOTAL REVENUES		<u>\$975,000</u>	<u>\$0</u>	<u>\$975,000</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	\$435,000	\$540,000	\$975,000
UNALLOCATED	Unallocated Capital	<u>\$540,000</u>	<u>(\$540,000)</u>	<u>\$0</u>
TOTAL APPROPRIATIONS		<u>\$975,000</u>	<u>\$0</u>	<u>\$975,000</u>

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.19012, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
414000	Federal Aid	\$533,325	(\$80,000)	\$453,325
405160	Marchiselli Aid	\$ 0	\$80,000	\$80,000
475000	Gen Oblig Bond Proc	<u>\$300,000</u>	<u>\$0</u>	<u>\$300,000</u>
TOTAL REVENUES		<u>\$833,325</u>	<u>\$0</u>	<u>\$833,325</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	\$300,000	\$505,000	\$805,000
UNALLOCATED	Unallocated Capital	<u>\$533,325</u>	<u>(\$505,000)</u>	<u>\$28,325</u>
TOTAL APPROPRIATIONS		<u>\$833,325</u>	<u>\$0</u>	<u>\$833,325</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the Project budget for any and all additions or reductions in Federal and/or State revenue that are made available for this Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,500,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) each 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 22 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

March 12, 2020	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
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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. 4E-1 (2020)
CHIMERA: “Letter Requesting Updates on Enforcement of EC Fair Housing Law”
(Chair’s Ruling)
- b. COMM. 4M-5 (2020)
FAIR HOUSING BOARD: “2019 EC Fair Housing Board Annual Report”
(Chair’s Ruling)
- c. COMM. 5E-17 (2020)
CHIMERA: “Letter to DoH Commissioner Concerning Coronavirus Covid-19 Outbreak”
(Chair’s Ruling)

LISA M. CHIMERA
CHAIR

LEGISLATOR RESOLUTIONS

Item 23 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 6-1 from MEYERS. Expressing Concern about Buffalo Fire Department's Use of "Dynamic Staffing" and Alternative Response Vehicles

Item 24 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

RE: Designation of March 2020 as
Women's History Month &
Commemorating the Centennial
Anniversary of the Women's
Suffrage Movement
(INTRO. 6-2)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS CHIMERA, BASKIN & VINAL

WHEREAS, women were granted the right to vote through the 19th Amendment to the United States Constitution which was ratified on August 18, 1920; and

WHEREAS, the month of March was first designated Women’s History Month in 1987 by the United States Congress and multiple Presidents who have adopted proclamations commemorating the Month; and

WHEREAS, Erie County government has expressed its unwavering support of women and their contributions to our community through numerous advocacy projects and programming carried out by the Commission on the Status of Women; and

WHEREAS, the women's suffrage movement has its origins in New York State at the Seneca Falls Convention of 1848, the first women's rights convention ever held in the United States; and

WHEREAS, New York women were on the front lines in the fight for suffrage, including Susan B. Anthony, Alva Vanderbilt Belmont, and Carrie Chapman Catt; and

WHEREAS, the ratification of the 19th Amendment represented a major victory and a turning point in the women's rights movement, ensuring women could more fully participate in our democracy and fundamentally changing the role of women in the civic life of our nation; and

WHEREAS, this amendment changed the face of the American electorate forever and helped open the door to women serving in government; and

WHEREAS, the theme of Women's History Month 2020 is "Valiant Women of the Vote" honoring "the brave women who fought to win suffrage rights for women, and for the women who continue to fight for the voting rights of others."

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its full support for the national designation of March 2020 as Women's History Month; and be it further

RESOLVED, that Erie County honors the role of the ratification of the 19th Amendment and women's contributions to our country and society in further promoting the core values of our democracy; and be it further

RESOLVED, that Erie County reaffirms the desire of counties to continue strengthening democratic participation and to inspire future generations to cherish and preserve this historic precedent and to recognize the role of women in our society.

Item 25 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: Appointments to
EC Soil & Water
(INTRO. 6-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS & GILMOUR**

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointment to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS; the appointments in question are the two representatives of the County Legislature, as well as the Farm Bureau representative; and

WHEREAS; in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Legislator John Mills, and Legislator John Gilmour, to the Board of Directors of the Erie County Soil and Water Conservation District as the Legislature's representatives to the board; and be it further

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Patrick Spoth (9270 Wolcott Road, Clarence Center, NY 14032) to represent the Farm Bureau on the Board of Directors for the Erie County Soil and Water Conservation District for 3-year term, and be it further

RESOLVED, that the aforementioned appointment shall be effective immediately, and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052).

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 26 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 5E-6 (2020). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

RE: Authorization to Enter into Contract for
Healing Communities Study
(COMM. 5E-6, 2020)

WHEREAS, the Erie County Department of Health has successfully won multiple new Federal grants to launch programs to address specific public health challenges created by the opioid epidemic; and

WHEREAS, Federal grants often include a requirement for staff retention and academic and CBO partnership contracts to complete deliverables; and

WHEREAS, the goal of this contract is to create and maintain a functional City of Buffalo Opioid Workgroup; and

WHEREAS, the purpose of this resolution is to authorize the County Executive to enter into a contract with Columbia University beginning retroactively on October 1, 2019 for \$959,343.00; and

WHEREAS, this grant in the amount of \$2,414,327.00 over four years, with \$959,343.00 be allocated for the first 18 months, requires no local funding and receives full financial support from Columbia University.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to receive and grant and enter into contract and with Columbia University retroactive to October 1, 2019 and sub-contract with the Primary Care Research Institute to be budgeted as follows:

“Erie County Communities that Heal”

127CHASE1921
10/1/19 – 3/31/21

SAP	REVENUE	BUDGET
414000	Federal Aid	<u>\$959,343</u>
	TOTAL	<u>\$959,343</u>

SAP	EXPENSES	BUDGET
500000	Full Time – Salaries	\$113,534
502000	Fringe Benefits	71,537
505000	Office Supplies	5,000
510000	Local Mileage Reimbursement	2,000
510100	Out of Area Travel	5,000
530000	Other Expenses	452,393
516020	Professional Svcs Contracts & Fees	<u>\$309,879</u>
	TOTAL	<u>\$959,343</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust grant appropriations and revenues in accordance with the final grantor funding levels or grantor authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that the Erie County Legislature authorizes the creation of one position of Project Coordinator – SUD, Job Group 11, Step 1 in the CSEA bargaining unit (B100#11912), and one position of Data Entry Operator Job Group 4, Step 1 in the CSEA bargaining unit (B100#11913); and be it further

RESOLVED, that funds necessary to cover the costs of this contract are available through the contract with Columbia University; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9th Floor, Rath Building.

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

CARRIED UNANIMOUSLY.

Item 27 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 5E-18 (2020). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RE: 2020 Consolidated Bond Resolution
Place Holder As Amended
(COMM. 5E-18, 2020)

RESOLUTION NO. 67-2020

BOND RESOLUTION DATED MARCH 19, 2020

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2020 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$76,704,783, APPROPRIATING SAID AMOUNT THEREFOR, AUTHORIZING THE ISSUANCE OF \$46,531,300 BONDS OF THE COUNTY TO A PORTION OF SAID APPROPRIATION; AND FURTHER AUTHORIZING \$19,338,980 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND \$10,834,503 EXPECTED TO BE RECEIVED FROM OTHER LOCAL RESOURCES TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) March 19, 2020

(Adopted) March 19, 2020

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column I of the attached schedule and the duly adopted 2020 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2020 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column B of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2020 Capital Budget for the County. The plan of financing includes the issuance of \$46,531,300 aggregate principal amount of bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance a portion of said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes, and the expenditure of \$19,338,980 in State and Federal aid expected to be received in the respective amounts set forth in column E of the attached schedule and \$10,834,503 in other local resources expected to be received in the respective amounts set forth in column F of the attached schedule towards the cost of the applicable objects or purposes or the redemption of any bonds and notes issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said bonds and notes.

Bonds of the County in the respective principal amounts set forth in column D of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriation.

The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$46,531,300 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column G of the attached schedule.

The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service,

§30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

This Resolution shall take effect immediately upon approval by the County Executive.

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

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 28 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda, and waive Rule 5.09, Amendment of Rules, concerning one days' notice.

GRANTED.

INTRO. 6-4 from BASKIN Re: Amending Rules of Order Due to the COVID-19 Emergency

RESOLUTION NO. 68

RESOLVED, that due to the COVID-19 emergency, the Erie County Legislature amends its Rules of Order, Section 2.03, to add the following: "During the State of Emergency involving COVID-19, a legislator or legislators affected by COVID-19 who cannot physically be present in the Legislative Chambers for a legislative session or legislative committee may, through advance written notice filed with the Clerk of the Legislature, participate in a legislative session or legislative committee via video or audio conferencing."

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 29 – (COMM. 6E-1) Audit of EC Sheriff's Office

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 30 – (COMM. 6E-2) Audit of Department of Personnel

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 31 – (COMM. 6E-3) Audit of Buffalo & EC Public Library

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 32 – (COMM. 6E-4) Audit of Division of Budget & Management Fund Center 500

Item 33 – (COMM. 6E-5) Audit of Division of Budget & Management Fund Center 14030

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

Item 34 – (COMM. 6E-6) Audit of Department of Law

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CHAIR BASKIN

Item 35 – (COMM. 6E-7) Request to Chair of Government Affairs Committee to Convene Committee to Conduct Interviews for Position of EC Director of OTB

Item 36 – (COMM. 6E-8) Letters of Interest & Resumes for Position of EC Director of OTB

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 37 – (COMM. 6E-9) Letter to Legislature Regarding NYS's Fiscal Year Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 38 – (COMM. 6E-10) Letter to Conservative Party Member Regarding Position of Commissioner of the ECWA

Item 39 – (COMM. 6E-11) Letter to Republican Party Member Regarding Position of Commissioner of the ECWA

Item 40 – (COMM. 6E-12) Request to Chair of Energy & Environment Committee to Convene Committee to Conduct Interviews for Position of Commissioner of ECWA

Item 41 – (COMM. 6E-13) Letters of Interest & Resumes for Position of Commissioner of ECWA

Item 42 – (COMM. 6E-14) Public Notice Concerning Position of Commissioner of ECWA

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

FROM THE COUNTY EXECUTIVE

Item 43 – (COMM. 6E-15) Notice of Order of Succession

Received, filed and printed.

March 9, 2020

Erie County Legislature
92 Franklin Street, 4th Floor

Buffalo, NY 14202

RE: Notice of Order of Succession

Dear Honorable Members,

Pursuant to Article 3, section 304, of the County's Charter, I hereby revoke the Notice of the Order of Succession provided to your Honorable Body On November 15, 2015. The new order of Succession pursuant to Article 3, section 304, of the County's Charter is as follows:

Mark C. Poloncarz, Erie County Executive;
Maria R. Whyte, Deputy County Executive;
Timothy Hogues, Commissioner of Personnel;
Michael Siragusa, County Attorney, and
Marie A. Cannon, Commissioner of Social Services.

If you have any questions on this matter, please contact Jennifer Hibit, my chief of staff, at your earliest convenience.

Sincerely yours.

Mark C. Poloncarz
Erie County Executive

FROM THE COMPTROLLER

Item 44 – (COMM. 6E-16) Letter Regarding Potential Impact of Coronavirus on County Finances & Operations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

RE: Sanitary Precautions - EC Clerk's Office
- Acceptance of Donated Pens
(COMM. 6E-17)

WHEREAS, the Erie County Clerk's Office is undertaking measures to ensure that its public service offices provide all available sanitary precautions to customers to prevent the spreading of COVID-19; and

WHEREAS, the Erie County Clerk's Office annually performs approximately one million transactions for its customers; and

WHEREAS, the nature of the transactions requires the completion of forms, most of which are filled out by pen in the local Auto Bureaus and Registrar Division, overseen by the County Clerk; and

WHEREAS, the CDC, in their guidance to curb the spread of COVID-19 referenced that pens were a means for communication of the virus; and

WHEREAS, the County Clerk intends to provide “takeaway pens” to customers to help prevent the spreading of COVID-19; and

WHEREAS, the County Clerk’s Office currently provides ball point pens, on an as needed basis for customers to use in completing necessary forms at a cost of approximately \$3,000 annually; and

WHEREAS, initial discussions with local businesses have indicated a willingness to donate pens that contain logos and advertising.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Clerk is hereby authorized to accept donations of ball point pens for use by customers of the Erie County Clerk’s Office from companies wishing to advertise their services within the County Clerk’s Office, both Registrar and Auto Bureau Divisions; and be it further

RESOVLED, that consideration will be given to all companies that would appropriately benefit from advertising with customers of the County Clerk’s Office, and the County Clerk shall retain the right of final approval over acceptance of pens form any advertisers based upon the appropriateness of advertising content.

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

CARRIED UNANIMOUSLY.

Add the Following Resolve Clause:

RESOLVED, that the Erie County Clerk shall provide the Legislature with the names of the entities that are donating pens for the use of the Clerk’s Office and the nature of the advertising provided in consideration for the donation of the pens during/after the Coronavirus COVID-19 emergency; and be it further

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

CARRIED UNANIMOUSLY.

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

RE: Acceptance of Live Scan Equipment
Program Grant
(COMM. 6E-18)

WHEREAS, the NYS Division of Criminal Justice Services has awarded \$18,000.00 to the Erie County Sheriff’s Office in funding specifically allocated to agencies with established Live Scan systems; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$18,000.00 in state resources to provide funds for specialized equipment to protect the residents of Erie County and the State of New York; and

WHEREAS, at the time of the grant application the Erie County Sheriff’s Office must submit a specific list of equipment and the NYSDCJS; and

WHEREAS, in an effort to maintain a highly trained and effective patrol unit, the Erie County Sheriff’s Office use these funds to procure equipment to the advancement of this unit; and

WHEREAS, the NYSDCJS approved equipment vendors for this grant are as follows:

Live Scan

and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff’s Office and the County Executive are hereby authorized to enter into an agreement with New York State Division of Criminal Justice Services for specialized equipment in the amount of \$18,000.00 and utilized accepted FY2020 NYSDCJS grant funding; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY20 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff’s Office

<u>REVENUE</u>	<u>Increase</u>
Account 414000 – State Revenue	<u>\$ 18,000.00</u>
TOTAL REVENUE	<u>\$ 18,000.00</u>

APPROPRIATIONS

Account 561410 – Lab & Technical Equipment

Increase
\$ 18,000.00

and be it further

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

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

RESOLVED, that the Clerk of the Legislature send certified copies the County Executive Office, the Division of Budget and Management, the County Attorney, the Office of the Comptroller and the Office of the Sheriff for implementation.

FROM LEGISLATOR RATH

Item 47 – (COMM. 6E-19) Abstention on Intro. 5-6 (2020)

Received, filed and printed.

March 5, 2020

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

Re: Abstention on Resolution Intro 5-6 (2020)

Dear Clerk Graber:

Pursuant to Rule 2.21 of the 2019 Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 2 – 2018, I abstain from voting on the above referenced item. The reason for my abstention based on potential conflicts from my private sector work in the energy industry.

Sincerely,

Edward A. Rath III
Legislator, 6th District

FROM CHAIR BASKIN

Item 48 – (COMM. 6E-20) Public Notice Concerning Position of EC Director of OTB

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 49 – (COMM. 6E-21) State of Emergency Declaration

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

RE: COVID-19 Emergency Funding
(COMM. 6E-22)

WHEREAS, the World Health Organization has declared COVID-19 a global pandemic; and

WHEREAS, President Trump has declared a National Emergency in response to COVID-19 under the National Emergencies Act and the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, Governor Cuomo has declared a State disaster emergency for the entire state of New York pursuant to Section 28, Article 2-B; and

WHEREAS, County Executive Poloncarz has declared a State of Emergency in the County of Erie under Section 24 of New York State Executive Law; and

WHEREAS, COVID-19, commonly known as Coronavirus, presents an imminent threat to public health not only in Erie County but through the entire world; and

WHEREAS, Erie County government must take extraordinary steps to control the spread of COVID-19 including extensive implementation of quarantine, testing, and modification of all day-to-day governmental operations; and

WHEREAS, the creation of a dedicated Fund Center will allow for better management of costs associated with the COVID-19 emergency and allow Erie County to best position itself for possible reimbursement for expense by the State and Federal governments; and

WHEREAS, Erie County is projected to close the 2019 fiscal year with an increase to unassigned fund balance of at least \$10,000,000; and

WHEREAS, utilization of 2019 surplus funding is a fiscally responsible way to pay for the significant short-term costs that may be associated with the COVID-19 emergency.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust the 2019 and 2020 Budgets in order to facilitate the allocation of emergency funding to respond to the novel coronavirus public health emergency; and be it further

RESOLVED, that a new Fund (Fund 252 COVID-19 Response) be established and will only be used for the purposes of responding to the COVID-19 public health emergency including but not limited to:

- Surveillance and case identification (including, but not limited to, public health epidemiological investigation activities such as contact follow-up).
- Monitoring of travelers.
- Data management.
- Laboratory equipment, supplies, staffing, and shipping.
- Isolation and quarantine (including, but not limited to, housing; wrap-around services; security; environmental control, clean-up and waste management; and behavioral health services).
- Infection control.
- Surge staffing.
- Emergency operations coordination.
- Risk communications support.
- Public health coordination with healthcare systems.

RESOLVED, that the Director of Budget and Management is hereby authorized to transfer up to \$5,000,000 from positive variances in the various 2019 Sales Tax accounts into a newly established appropriation line # 570035 (Inter-fund Transfer-COVID-19 Response Fund) and make the required 2019 and 2020 budgetary adjustments to implement all budgetary actions as authorized per this resolution; and be it further

RESOLVED, to the extent applicable, the RFP process set forth in Section 19.08 of the Erie County Administrative Code is hereby waived as impractical for all action taken in response to the COVID-19 public health emergency; and be it further

RESOLVED, to the extent applicable, all formal purchase policies and procedures which may hinder the immediate response to the COVID-19 public health emergency are hereby waived; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts, make purchases, and hire additional personnel for the purposes of responding to COVID-19 public health emergency; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller and the Director of Budget and Management.

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

CARRIED UNANIMOUSLY.

Add the Following Resolve Clause:

RESOLVED, that because the Legislature is proactively approving of the appropriation of up to \$5 million of 2019 surplus funds to be spent in 2020 without knowing any details, at the conclusion of the Coronavirus COVID-19 emergency, the Division of Budget and Management and Department of Health will submit a detailed report to the Legislature detailing all costs associated with the crisis and response (including personnel expense and overtime costs), all vendor payments and new jobs/positions created by the administration to address the Coronavirus crisis; and be it further

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

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

AYES: MR. LORIGO, MR. MILLS, MR. RATH, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS, and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

FROM CHAIR BASKIN

Item 51 – (COMM. 6E-23) Rescheduling of the March 19, 2020 Legislative Session from 2:00 pm to 11:00 am Due to the Coronavirus Pandemic

Received, filed and printed.

March 15, 2020

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

Re: Rescheduling of the March 19, 2020 Legislative Session from 2:00 pm to 11:00 am due to the Coronavirus Pandemic

Dear Mr. Graber:

Due to the Coronavirus COVID-19 pandemic and the State of Emergency declared by the County Executive, 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 I am moving the time of the Legislature's scheduled session on March 19, 2020 from 2:00 pm to 11:00 am.

The planned schedule for that day will start with the Legislature's work session of both caucuses at 10:00 am, and then follow with the legislative session at 11:00 am. Please note that I

expect the main action at this legislative session will be to review and act upon a forthcoming request from the County Executive to appropriate up to \$5 million of 2019 positive variance/surplus funds into a new special fund to address the COVID-19 outbreak.

My hope is that by limiting the amount of time that staff, legislators, and the public are in the work session, legislative session and in the building that day, we will engage in the “social distancing” recommended by the President, Governor, County Executive and public health experts and help to avert potential exposure.

Please immediately notify all legislators, staff, the media, and the public of this change in time of the legislative session. Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin
Chair of the Legislature

FROM THE COUNTY EXECUTIVE

Item 52 – (COMM. 6E-24) Buffalo & Erie County Public Library - 2020 - Solar Green Roof Feasibility Study

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 53 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

RE: Social Services - Division of Youth Services - Back to Basics Stop the Violence Coalition Detention Program (COMM. 6E-25)

WHEREAS, the Department of Social Services-Division of Youth Services is responsible for the emotional and educational needs of residents during their required stay at the detention center and wishes to provide positive youth development programming remanded to their custody; and

WHEREAS, the Division Youth Services seeks to provide quality youth development programming to detained youth to decrease negative behaviors and promote pro-social, positive decision making; and

WHEREAS, the Department of Social Services Youth Services division has previously contracted with Back to Basics to provide their Stop the Violence Coalition Program; and

WHEREAS, Back to Basics Stop the Violence Coalition program is provided by community members who have similar life experiences to many of the youth who reside temporarily at the Secure Youth Detention Center; and

WHEREAS, these classes foster listening, cooperation and engagement of youth in a learning process designed to enhance social/emotional skills; and

WHEREAS, the Youth Services division wishes to continue providing this program to the residents at youth detention for the remainder of 2020; and

WHEREAS, the Youth Services division has available balances within their current budget to contract with the Back to Basics to provide their Stop the Violence Coalition Program to the residents of the Secure Youth Detention facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend and continue the current contract in 2020 for an additional \$10,500 for Back to Basics to provide their Stop the Violence Coalition Program to the residents of the secure detention facility, funding being available in account 516041, youth facility programming, of the Youth Services division; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of Social Services, and the Division of Youth Services.

Item 54 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

RE: Elmwood Ave. Pedestrian & Bicycle
Improvements - Village of Kenmore
(COMM. 6E-26)

WHEREAS, the Elmwood Avenue Pedestrian-Bicycle Improvements Project, PIN 5762.30 (the “Project”) is eligible for funding under the Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the County of Erie has agreed to act as sponsor of the Project at the request of the Village of Kenmore; and

WHEREAS, under TAP, the Federal share is limited to the amount set forth in the NYSDOT agreement with any additional costs borne 100% by the local sponsor; and

WHEREAS, participation in the Project was previously approved via Comm. 19E-5 (November 2, 2017) and Comm. 18E-33 (September 26, 2019); and

WHEREAS, the County of Erie desires to advance the construction phase of the Project; and

WHEREAS, the Village of Kenmore, via an inter-municipal agreement (IMA), has agreed to reimburse the County of Erie for the entire local (non-Federal) share, including 100% of any cost

overages, up to a total project local share of \$334,680 (which includes the design phase of the Project); and

WHEREAS, the project was bid on February 20, 2020 and the low bidder was Edbauer Construction with a bid of \$1,251,291.58; and

WHEREAS, it is desired to award a contract for the construction of the project to Edbauer Construction; and

WHEREAS, it is desired to execute a contract with project engineers, CPL for Construction Phase Services for the Project in the amount of \$132,033.46; and

WHEREAS, it is desired to establish a project contingency in the amount of \$165,074.96 for unanticipated costs or change orders.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Construction Phase of the Project or portions thereof; and be it further

RESOLVED, that the County Executive be authorized to award and execute contracts for the Project with the responsible low bidder, Edbauer Construction in the amount of \$1,251,291.58, with CPL for construction phase services in the amount of \$132,033, and to establish a project construction contingency in the amount of \$165,074.96 and to execute contingency agreements and change orders for the Project in the amount of \$165,074.96 for a total Project cost of \$1,548,400; and be it further

RESOLVED, that funding for this Project is hereby appropriated from Fund 420, Funds Center 123, B.17081 2017 Pedestrian and Bicycle Improvements on Elmwood Avenue, Phase II, PIN 5762.30 and made available to cover the cost of construction of the Project; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the construction contingency fund; and be it further

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

Item 55 – (COMM. 6E-27) New Lancaster Highway Maintenance Facility

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 56 – (COMM. 6E-28) ECSD No. 3 - Engineer Term Contract Agreement - Work Order OBG-4

Item 57 – (COMM. 6E-29) ECSD No. 8 - Engineering Term Contract Agreement - Work Order LaB-1

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

Item 58 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

RE: Retain Professional Services for Climate Vulnerability Mapping
(COMM. 6E-30)

WHEREAS, climate change increasingly poses a threat to life and property in Erie County;
and

WHEREAS, Erie County Department of Environment and Planning (DEP) was authorized to contract with the New York State Energy Research and Development Authority to conduct the Erie County Low Income Project for Sustainable Energy (ECLIPSE) in 2018 by Comm. 3E-9 (SAP Grant 162ECLIPSE1820); and

WHEREAS, the County is conducting a Climate Vulnerability Assessment to identify and prioritize actions to protect Erie County from the impacts from climate change; and

WHEREAS, Greenlink Analytics (GLA) is a 501(c)(3) non-profit that is providing climate vulnerability mapping for cities nationwide at no cost using foundation funding; and

WHEREAS, Section 19.08 of Erie County Administrative Code only requires competitive bidding for professional services contracts when valued at \$10,000 or more; and

WHEREAS, GLA has provided a quote to Erie County for less than \$10,000 to expand its mapping effort to include climate vulnerability mapping for all of Erie County; and

WHEREAS, the climate vulnerability mapping project will inform the ECLIPSE project; and

WHEREAS, because this is an expansion of an existing mapping project, no other contractor could provide these services; and

WHEREAS, no County funds will be necessary to conduct the mapping project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or Deputy County Executive, is hereby authorized to enter into an agreement with Greenlink Analytics for an amount not to exceed \$9,999.00 to perform climate vulnerability mapping for Erie County; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that this resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the County Attorney; the Office of the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning, Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

Item 59 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

RE: Grant Extension - Enhanced Mobility of Seniors & Individuals with Disabilities Grant
(COMM. 6E-31)

WHEREAS, Legislative resolution Comm. 11E-28 (2019) dated May 23, 2019, authorized the Department of Senior Services to accept from the New York State Department of Transportation, Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities federal grant funding (163EMOBILITY1819); and

WHEREAS, the resolution incorrectly listed December 31, 2019 as the end date for the \$121,161 of Mobility Management and \$174,000 of Operating Assistance portions of the grant award; and

WHEREAS, the Department of Senior Services now desires to correct the end date to December 31, 2022 to utilize the \$87,907.48 of Operating Assistance and \$562.48 of Mobility Management appropriations remaining unspent at December 31, 2019; and

WHEREAS, no additional County funds are necessary to extend the grant, as existing transportation appropriations in other Departmental grants are available to cover the EMOBILITY1819 grant's required 50% Operating Assistance and 20% Mobility Management local share.

NOW, THEREFORE, BE IT

RESOLVED, that the end dates for the Mobility Management and Operating Assistance portion of the Department's 163EMOBILITY1819 grant be corrected to December 31, 2022; and be it further

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

Item 60 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: Commissioner of Mental Health -
Variable Minimum
(COMM. 6E-32)

WHEREAS, the most recent Commissioner of Mental Health retired in December 2019; and

WHEREAS, a highly qualified candidate, who is currently a director of Mental Health Services in a neighboring county, who has significant experience managing mental health services, is willing to accept the position of Commissioner for Mental Health in Erie County if hired at a variable minimum (Step 3); and

WHEREAS, the most recent Commissioner of Mental Health retired at a step E so there will still be a savings to the County hiring this candidate at the proposed variable minimum.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum, Job Group 20, Step 3 annual salary \$129,158 hiring level for the position of Commissioner of Mental Health for the Department of Mental Health; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2020 Budget of the Department of Mental Health as necessary; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, and the Department of Mental Health.

Item 61 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

RE: Acceptance of NYSERDA Rebate
(COMM. 6E-33)

WHEREAS, the Department of Public Works entered into contract with NYSERDA and Siemens for the purpose of taking advantage of NYSERDA's RTEM program which generated a rebate of \$85,865 for year one and will generate similar rebates over the next few years; and

WHEREAS, the enhancement of our BMS will aid in the tracking and data collection of energy use across some of our largest energy consuming structures which will provide the department with the information that will educate our future investments; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to accept the rebate and apply the funds to the Buildings and Grounds operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute any and all agreements to enter into a contract with NYSERDA and Siemens to accept an \$85,865 rebate, and any future rebates, as a result of participating in the NYSERDA RTEM Program; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to accept the incentive award and allocate it to GL Account 405060 – State Aid-NYSERDA in the Buildings and Grounds operating budget, Funds Center 12220, Fund 110; and be it further

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

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

Item 62 – (COMM. 6E-34) ECSD No. 1 - Indian Church Rd. Cured in Place Pipe Lining Project - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR LORIGO

Item 63 – (COMM. 6E-35) Letter to Visit Buffalo Niagara President/CEO - RE: Convention Center

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF LEGISLATURE

Item 64– (COMM. 6D-1) Public Notice Regarding Letters of Interest & Resumes for Position of EC Director of OTB

Received, filed and printed.

March 5, 2020

PUBLIC NOTICE / MEDIA ADVISORY

To: All Interested Parties

From: Robert M. Graber
Clerk of the Legislature

Subject: Letters of Interest and Resumes for Position of Erie County Director of Western Regional Off-Track Betting Corporation

PLEASE TAKE NOTICE, that letters of interest and resumes from individuals interested in appointment or reappointment to the position of Erie County Director of Western Regional Off-Track Betting Corporation are being accepted by the Erie County Legislature.

Individuals interested in consideration should submit a letter of interest and resume to Legislature Chair April N.M. Baskin, c/o Robert M. Graber, Clerk of the Legislature, 92 Franklin Street, Fourth Floor, Buffalo, New York 14202 or via electronic mail to Robert.Graber@erie.gov.

The deadline for receipt of all documents is no later than 5:00 pm on Thursday, March 26, 2020.

Item 65 – (COMM. 6D-2) Public Notice Regarding Letters of Interest & Resumes for Position of Commissioner of ECWA

Received, filed and printed.

March 9, 2020

PUBLIC NOTICE / MEDIA ADVISORY

To: All Interested Parties

From: Robert M. Graber
Clerk of the Legislature

Subject: Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority

PLEASE TAKE NOTICE, that letters of interest and resumes from individuals interested in appointment or reappointment to the position of Commissioner of the Erie County Water Authority are being accepted by the Erie County Legislature.

Pursuant to Section 5.01 of the Erie County Legislature's Rules of Order:

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position.

Individuals interested in consideration for Commissioner should submit a letter of interest and resume to Legislature Chair April N.M. Baskin, c/o Robert M. Graber, Clerk of the Legislature, 92 Franklin Street, Fourth Floor, Buffalo, New York 14202 or via electronic mail to Robert.Grabber@erie.gov.

The deadline for receipt of all documents is no later than 10:00 am on Tuesday, March 31, 2020.

Item 66 – (COMM. 6D-3) Erie County Legislature - Notice on March 19, 2020 Session Time Change

Received, filed and printed.

March 16, 2020

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE
FROM: ROBERT M. GRABER, CLERK
SUBJECT: CHANGE OF TIME OF LEGISLATIVE SESSION ON MARCH 19, 2020

PLEASE TAKE NOTICE that pursuant to Erie County Legislature Chair April N.M. Baskin's letter today concerning the Coronavirus COVID-19, the Erie County Legislature's regularly scheduled legislative session on Thursday, March 19, 2020 will be moved from 2:00 pm to 11:00 am.

The schedule of events for Thursday, March 19th will be as follows: Work Session (Joint Caucus) at 10:00 am, and then the Legislative Session at 11:00 am. Both meetings will be held in the Chambers of the Legislature, 4th Floor of Old County Hall, 92 Franklin St., Buffalo, New York.

The Chairwoman's letter directing the change in time of the session is attached.

Thank you.

FROM THE COUNTY ATTORNEY

Item 67 – (COMM. 6D-4) Emergency Order, 3/15/2020 - Closure of All Public & Parochial Schools

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE CITY ATTORNEY, LACKAWANNA

Item 68 – (COMM. 6M-1) Resolution in Support of Justice for Rachel Act

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 69 – (COMM. 6M-2) Resolution Opposing the Accelerated Renewable Energy Growth & Community Benefit Act

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO NIAGARA COALITION FOR OPEN GOVERNMENT

Item 70 – (COMM. 6M-3) Letter Regarding Public Awareness of EC Director of OTB Appointment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEPT. OF PARKS, REC. & HISTORIC PRESERVATION

Item 71 – (COMM. 6M-4) SEQR Solicitation for Lead Agency Status

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM FRANCIS G. WARTHLING

Item 72 – (COMM. 6M-5) Application for Position of EC Director of OTB

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM JAMES BANKS

Item 73 – (COMM. 6M-6) Application for Position of Commissioner of ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ALICIA MCDEVITT

Item 74 – (COMM. 6M-7) Letter Regarding Autonomy for Upstate NY

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 75 – Chair Baskin announced that there are no committee meetings scheduled for the coming week.

MEMORIAL RESOLUTIONS

Item 76 – Chair Baskin offered a prayer as the Legislature adjourns. asking the Lord to give us strength and knowledge, and working together through the health crisis.

ADJOURNMENT

Item 77 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, April 2, 2020 at 2:00 p.m. Eastern Standard Time. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

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

ROBERT M. GRABER
CLERK OF THE LEGISLATURE