

ERIE COUNTY LEGISLATURE
MEETING NO. 10
MAY 26, 2022

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Mills, who offered remarks on the tragedy at Tops Market on Jefferson Avenue in Buffalo, and requested a moment of silence.

The Pledge of Allegiance was led by Mr. Bargnesi.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 9 from 2022. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR BASKIN presented a proclamation In Remembrance of Celestine "Stiny" Chaney.

Item 6 – CHAIR BASKIN presented a proclamation In Remembrance of Roberta Drury.

Item 7 – CHAIR BASKIN presented a proclamation In Remembrance of Andre Mackneil.

Item 8 – CHAIR BASKIN presented a proclamation In Remembrance of Katherine "Kat" Eleanor Massey.

Item 9 – CHAIR BASKIN presented a proclamation In Remembrance of Margus Morrison.

Item 10 – CHAIR BASKIN presented a proclamation In Remembrance of Heyward Patterson.

Item 11 – CHAIR BASKIN presented a proclamation In Remembrance of Aaron Salter.

Item 12 – CHAIR BASKIN presented a proclamation In Remembrance of Geraldine Talley.

Item 13 – CHAIR BASKIN presented a proclamation In Remembrance of Ruth Whitfield.

Item 14 – CHAIR BASKIN presented a proclamation In Remembrance of Pearl Young.

Item 15 – MR. JOHNSON & MS. CHIMERA presented a proclamation Recognizing National Stroke Awareness Month.

Item 16 – CHAIR BASKIN presented a proclamation Honoring Dr. Marvel E. Ross-Jones on Her Retirement.

Item 17 – MS. VINAL presented a proclamation Honoring Dr. David Wilson - May 2022 Citizen of the Month.

Item 18 – MR. MILLS & MR. MEYERS presented a proclamation Honoring Glenn H. Absolom Jr. for Nearly 44 Years of Service with the Erie County Department of Sewers.

Item 19 – MR. MILLS presented a proclamation In Commemoration of North Collins Schoolhouse #8's 165 Year History.

Item 20 – MR. MILLS presented a proclamation Honoring John Phillip Hartel on Earning the Rank of Eagle Scout.

Item 21 – MR. MILLS presented a proclamation Honoring Ethan Lawrence Patterson on Earning the Rank of Eagle Scout.

Item 22 – MR. GREENE presented a proclamation Honoring the Veterans Added to the Clarence Veterans Memorial Wall.

Item 23 – MR. TODARO presented a proclamation Honoring and Recognizing Alyssa Kornacki as Recipient of the Community All-Star Scholarship.

Item 24 – MR. TODARO presented a proclamation Welcoming Western New York Immediate Care to Depew.

Item 25 – MR. TODARO presented a proclamation Recognizing the Town of Lancaster Youth Bureau on Its 50th Anniversary.

Item 26 – MR. LORIGO presented a proclamation Recognizing Aurora Waldorf School's 30th Anniversary.

Item 27 – MR. LORIGO presented a proclamation Recognizing ConnectLife on Opening Its Southgate Plaza Location Expansion.

Item 28 – MR. LORIGO presented a proclamation Recognizing West Seneca's Farmer's Market 2022 Grand Opening.

Item 29 – CHAIR BASKIN presented a proclamation Honoring and Recognizing Alpha Kappa Alpha Sorority Incorporated Gamma Phi Omega Chapter - 40th Debutante Leadership Program Mother Daughter High Tea: "For Such a Time as This".

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 30 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 31 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2022 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 32 – MR. JOHNSON presented the following report, moved to separate item Number 2, and approve the balance of the report. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

May 19, 2022	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8E-34 (2022)
LORIGO: "Letter to Comptroller Regarding Borrowing Analysis for New Stadium Construction"
(Chair's Ruling)
 - b. COMM. 9E-5 (2022)
COMPTROLLER: "Response to Letter Concerning Borrowing Analysis for New Stadium Construction"
(Chair's Ruling)
 - c. COMM. 9M-5 (2022)
ECIDA: "ECIDA's 2021 Annual Audited Financial Statements"
(Chair's Ruling)

2. COMM. 7E-14 (2022)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, Ralph C. Wilson Jr. formed a professional football team in 1960 that became known as the Buffalo Bills; and

WHEREAS, the Buffalo Bills is an original American Football League franchise and has been located in Buffalo and Erie County for the last sixty-two years; and

WHEREAS, it is the desire of the Buffalo Bills, Erie County, the State of New York and the numerous fans of the Buffalo Bills who are located throughout the world, that the Buffalo Bills, remain in Erie County; and

WHEREAS, the State, County and Buffalo Bills (the "Parties") have negotiated a Memorandum of Understanding ("MOU"), that contains the terms of the construction of a new multi-use stadium to be owned by the State of New York, and a corresponding thirty-year lease; and

WHEREAS, compliance with all applicable federal, state, and local laws, and regulations including but not limited to compliance with Article 8 of New York State's Environmental Conservation law (SEQR) is necessary to advance the Project; and

WHEREAS, the draft Memorandum of Understanding presently under consideration by your Honorable Body assigned roles and responsibilities between the State, County and the Buffalo Bills; and

WHEREAS, pursuant to the MOU the County shall be designated as the lead agency (following solicitation) under the New York State Environmental Quality Review Act ("SEQRA") and responsible for coordinating review of all permits and approvals required under SEQRA, and any applicable state or local building codes and zoning ordinances, as may be applicable, and shall also be the responsible party to coordinate any non-environmental permitting, regulatory and construction matters; and

WHEREAS, a Consultant Selection Process consistent with Section 26.08 of the Erie County Administrative Code occurred; and

WHEREAS, the consultant selection committee recommends Phillips Lytle LLP for the engagement.

NOW, THEREFORE, BE IT

RESOLVED, that the authorization is hereby provided for the County Executive or Deputy County Executive to enter into all agreements necessary to implement the environmental review and permitting of the new Buffalo Bills stadium; and be it further

RESOLVED, that the Erie County Executive, upon acceptance of a complete Full Environmental Assessment Form for the contemplated multi-use stadium, as representative of his office, and Erie County and the Erie County Legislature, is, through its Department of Environment and Planning, authorized to solicit Lead Agency Status for the environmental review of the Project, and upon the completion of the environmental process; and be it further

RESOLVED, that Erie County or Erie County Legislature acting through the Department of Environment and Planning or Department of Public Works be authorized to submit permits or applications as necessary to advance the project through required Federal, State and local agency approval; and be it further

RESOLVED, that authorization is hereby provided for the County Executive or Deputy County Executive to enter into all agreements as necessary in an amount not exceed \$266,084.54 with Phillips Lytle LLP to assist in the environmental review and permitting of the new Buffalo Bills stadium; and be it further

RESOLVED, that the sum of \$53,216.80 be allocated to a Design Contingency Fund with authorization for the County Executive or Deputy County Executive to execute contract change orders, if needed, with Phillips Lytle LLP; and be it further

RESOLVED, that the source of funding is the fund 110, cost center 1620060, general ledger account 516020; 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 certified copies of this resolution be forwarded to the County Executive, the Deputy County Executive, the County Attorney, Commissioner of Department and Environment and Planning, the Buffalo Bills and the Empire State Development Corporation.

(5-0)

3. COMM. 9E-7 (2022)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body approved a project to rehabilitate Lakeshore Road between Bennett Beach Road and the entrance to Evans Town Park, including full replacement of the storm drainage between Hickory Road and Big Sister Creek, via COMM 15E-5 (July 23, 2020); and

WHEREAS, that same resolution also authorized contracting with Wendel for the necessary design engineering services; and

WHEREAS, it is desired to improve pedestrian accommodations to the extent practical within the project limits and it is necessary for the three elements, road, drainage, and pedestrian accommodations to be designed together to function properly; and

WHEREAS, to preserve the opportunity for federal funding for the construction phase of the project the design engineering services, a County capital expense, must follow the requirements of the New York State Department of Transportation (NYSDOT) Local Projects Manual; and

WHEREAS, it is desired to amend Wendel's existing design engineering services contract to include the expanded scope noted; and

WHEREAS, your Honorable Body approved American Rescue Plan funding for work on East River Road in Grand Island under COMM 13E-15 on July 8, 2021; and

WHEREAS, that work has been completed leaving a balance of \$126,005.49 in unused funds in Fund 420, Fund Center 123, Capital Project B.21150.4 – 2021 Capital Overlay - Grand Island-East River Road; and

WHEREAS, it is desired to reallocate those funds to the Division of Highways Pay-As-You-Go (PAYGO) funding also authorized under COMM 13E-15 (2021) in Fund 420, Fund Center 123, Capital Project B.21150.3 – 2021 Capital Overlay - PAYGO; and

WHEREAS, funds for the desired contract amendment are then available from the sources hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the reallocation of \$126,005.49 from Fund 420, Fund Center 123, Capital Project B.21150.4 – 2021 Capital Overlay - Grand Island-East River Road to B.21150.3 – 2021 Capital Overlay - PAYGO; and be it further

RESOLVED, that the Erie County Legislature hereby approves the expanded project scope for the Lakeshore Road (CR 111) Rehabilitation and Drainage Project; and be it further

RESOLVED, that the County Executive be authorized to execute a design engineering services contract amendment with Wendel in the amount of \$128,030 which increases the current contract from \$185,000 to \$313,030; and be it further

RESOLVED, that funding for the amendment is hereby appropriated from Fund 420, Fund Center 123 and made available for the project as follows:

B.18004	2018 Preservation of Roads Design	\$43,999.33
B.21150	2021 Capital Overlay	\$84,030.67
Total Contract Amendment		\$128,030.00

and be it further

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

(5-0)

4. COMM. 9E-8 (2022)
COUNTY EXECUTIVE

WHEREAS, replacement of the Sharp Street (CR 181) Bridge over Spring Brook, BIN 3328440, Town of Concord, PIN 5763.79 (the "Project") is eligible for funding under CFR Title 23 U.S. Code, as amended, that calls for the appropriation of the costs of such program to be borne at the ratio of 95% Federal funds and 5% non-Federal funds under the BridgeNY Program; and

WHEREAS, the bridge needs to be replaced due to its age, functional, and structural deficiencies; and

WHEREAS, the County of Erie desires to advance the Project by entering into an agreement with NYSDOT and making a financial commitment to advance the reimbursable 95% Federal share and commit to payment of the 5% Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design phases I-VI) and Right of Way (ROW) Incidentals phases of the project; and

WHEREAS, the roadway has a slight S-curve south of the bridge to accommodate an old railroad crossing which is no longer needed and is to be removed as part of the Project due to the railroad ROW being converted into a recreational trail; and

WHEREAS, the engineering design services for the removal of the S-curve are not part of the NYSDOT BridgeNY Sharp Street Bridge Replacement funding and are therefore a 100% County cost; and

WHEREAS, the estimated total cost of the engineering services for Preliminary Engineering (Scoping & Design phases I-VI) and Right of Way (ROW) Incidentals phases for the bridge replacement and elimination of the S-curve is \$315,000; and

WHEREAS, the BridgeNY Program will provide a total \$291,000 (95% federal - \$276,450 and 5% local - \$14,550) in project funding; and

WHEREAS, the estimated cost for the design engineering services for the elimination of the S-curve and a small design contingency, a 100% local share, is \$24,000; and

WHEREAS, the total local share will be \$38,550 (\$14,550 + \$24,000) which is available in Fund 420, Funds Center 123, Project B.18014 -2018 Fed Aid Project Bridge NY Program; and

WHEREAS, the County of Erie will design, let, and construct the Project; and

WHEREAS, using the Federal Aid RFQ process, the firm of Greenman-Pedersen, Inc., was selected as having the necessary expertise, experience, and manpower to provide the design engineering services required for the replacement of the above noted bridge; and

WHEREAS, the BridgeNY program requires that the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months after award.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Replacement of the Sharp Street (CR 181) Bridge over Spring Brook, BIN 3328440, Town of Concord, PIN 5763.79 (the "Project") and the associated roadway realignment for elimination of the S-curve; and be it further

RESOLVED, that the County Executive be authorized to execute the Agreement with the New York State Department of Transportation (NYSDOT), and an agreement with the selected Project Design Engineers, Greenman-Pedersen, Inc., for engineering design services for the Preliminary Engineering (Scoping & Design phases I-VI) and Right of Way (ROW) Incidentals phases of the project, including elimination of the S-curve, in an amount not to exceed \$315,000, and execute any authorized Change Orders; 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 the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design phases I-VI) and Right of Way (ROW) Incidentals phases of the Project or portions thereof in the amount of \$315,000; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the federal revenue that is available as administered by the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that Capital Project B.18014, 2018 Fed Aid Project Bridge NY Program, Fund 420, Funds Center 123, be adjusted as follows:

REVENUES		CURRENT	INCREASE/	REVISED
Account	Description	BUDGET	DECREASE	BUDGET
414000	Federal Aid	\$0	\$276,450	\$276,450
475000	Gen Oblig Bond Proc	\$100,000	\$0	\$100,000
TOTAL REVENUES		\$100,000	\$276,450	\$376,450

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$100,000	\$276,450	\$376,450
TOTAL APPROPRIATIONS		\$100,000	\$276,450	\$376,450

and be it further

RESOLVED, that the estimated total Project cost of \$315,000 for Preliminary Engineering (Scoping & Design phases I-VI) and Right of Way (ROW) Incidentals and elimination of the S-curve is hereby appropriated from Fund 420, Funds Center 123, Project B.18014, 2018 Fed Aid Project Bridge NY Program, and made available to cover the cost of participation in the above phases of the 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 cost of the Project's Preliminary Engineering (Scoping & Design phases I-VI) and Right of Way (ROW) Incidentals phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that should the Agreement receive additional federal or non-federal reimbursements in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of funds; and be it further

RESOLVED, that the County of Erie hereby agrees that the construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; 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 and NYS Marchiselli aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and providing for the administration of the Project and the County's first instance funding of 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 six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and one copy each to

the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

5. COMM. 9E-9 (2022)
COUNTY EXECUTIVE

WHEREAS, the Legislature of Erie County authorized the 2019-2021 On Call/Emergency Engineering Services Contract with CHA Consultants in COMM 14E-16 (2019) on July 11, 2019; and

WHEREAS, this contract was extended to December 31, 2022 in COMM 15E-6 (2021) on July 22, 2021, without any increase in funding; and

WHEREAS, this contract provides Federal Aid Bridge Maintenance design services; and

WHEREAS, there are several approved Federal Aid Bridge Maintenance projects on the TIP, which do not include federal funding for design but need to be designed in advance of their required 2022 lettings; and

WHEREAS, it is desired to amend CHA's contract to provide funding for the required design services; and

WHEREAS, funding for the requested contract amendment is available from the sources hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an amendment to the 2019-2021 On Call/Emergency Engineering Services with CHA Consultants, Inc. in an amount not to exceed \$200,000 from Fund 420, Funds Center 123, Project B.19053 – 2019 Federal Aid Bridge Preservation Design; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent 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, and the Office of the Comptroller.

(5-0)

6. COMM. 9E-10 (2022)
COUNTY EXECUTIVE

WHEREAS, the general classrooms, lecture halls, corridors, and student spaces at North Campus Bretschger and Kittinger Halls are original to the 1958/1967 construction, are poorly utilized due to outdated furnishings and configuration, lack of technology, and poor acoustics; and

WHEREAS, renovating classrooms is an important strategy for improving utilization, and will increase student station sizes to a minimum of 22 sf per SUNY guidelines to support active learning and contribute to the College's Comprehensive Academic and Facilities Master Plan by JMZ Architects, September 2021; and

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

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Ashley McGraw Architects DPC to provide professional design and construction administration services for the SUNY Erie Community College North Campus 2021 Bretschger and Kittinger Halls Classroom Infrastructure Improvements project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Ashley McGraw Architects DPC to provide professional design and construction administration services for a total amount not to exceed \$550,000.00 including reimbursables and a design contingency, for the SUNY Erie Community College North Campus 2021 Bretschger and Kittinger Halls Classroom Infrastructure Improvements project; and be it further

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

E.14005	2014 ECC Classroom Renovation Improvement	\$ 465,809.27
E.16004	2016 Erie Community College Infrastructure Improvements And Construction of South Campus Student Center (Collegewide)	\$ 84,190.73
	For a Total Amount Not to Exceed	\$ 550,000.00

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 SUNY Erie and Financial Officer.

(5-0)

7. COMM. 9E-11 (2022)
COUNTY EXECUTIVE

WHEREAS, the emergency generator at the Rath Building broke down in May 2021 and it was estimated that the County would need to rent a 300kw portable generator through the County's contract for heavy equipment rental with CaHill, LLC for one year at a cost of \$7,991 per month; and

WHEREAS, it is going to be approximately 9 more months before a new rental can be incorporated into the generator portion of Phase 2 of the Energy Performance Contract (EPC) at a reduced rate and the associated savings will be documented as part of the EPC; and

WHEREAS, it is necessary to continue renting the portable generator for up to an additional nine months until the EPC contract is signed; and

WHEREAS, during the preparation of the 2022 budget request, the Department of Public Works (DPW) was unaware of the need for the extra \$65,000 for equipment rental, so the additional funding was not requested in the rental line in the 2022 DPW Operating Budget; and

WHEREAS, it is necessary for the Rath Building to have a working emergency generator available in case of a power outage; and

WHEREAS, funding is available in Funds Center 14020, Fund 110, GL Account 570050.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to transfer \$65,000 from Funds Center 14020, Fund 110, GL Account 570050 to the 2022 DPW Operating Budget, Funds Center 12220, Fund 110, GL Account 545000 – Rental to cover the cost of the additional months of renting the portable generator through CaHill, LLC at \$7,991 per month; and be it further

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

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

MR. LORIGO moved to amend item Number 2. MR. TODARO seconded.

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

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

FAILED.

MR. JOHNSON moved to approve item Number 2. MR. GILMOUR seconded.

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

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

CARRIED UNANIMOUSLY.

Item 33 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

May 19, 2022	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 9E-15 (2022)
COUNTY EXECUTIVE: “ECSD No. 3 – Engineering Term Contract Agreement”
(Chair’s Ruling)
2. COMM. 8E-28 (2022)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 58 at 10:00 a.m. on May 4, 2022:

Contract	Lowest Responsible Bidder	Amount
No. 58	STC Construction, Inc. 63 Zoar Valley Road P.O. Box 459 Springville, NY 14141-0459	\$167,000.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Warner Road and Bowmansville Pump Stations Valve Installations Project, Erie County Sewer District No. 4, Contract No. 58 be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
No. 58	STC Construction, Inc. 63 Zoar Valley Road P.O. Box 459 Springville, NY 14141-0459	\$167,000.00

and be it further

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

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$167,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract No. 58; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the capital project and the budgets be adjusted accordingly; and be it further

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

3. COMM. 9E-13 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to lead and manage many initiatives that protect and preserve our natural water resources; and

WHEREAS, the Lake Erie Watershed Protection Alliance (LEWPA) has been appropriated funds through the New York State Environmental Protection Fund managed by New York State Department of Environmental Conservation (NYSDEC) to coordinate and implement projects to improve the quality of the watershed; and

WHEREAS, the Erie County Soil and Water Conservation District (ECSWCD) is the Treasurer for LEWPA and is authorized to enter into contracts on behalf of LEWPA; and

WHEREAS, COMM. 6E-14 (2021) was passed to enter into a contract with ECSWCD for these services through March 31, 2023, but was not executed due to a delay in ECSWCD receiving a contract from NYSDEC; and

WHEREAS, the ECSWCD wishes to execute a contract with Erie County through June 30, 2026 to match the dates on their new contract with NYSDEC and retain an existing DEP Senior Environmental Compliance Specialist position and to make budget adjustments that will allow for successful completion of the scope of work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements with ECSWCD to execute the Lake Erie Watershed Protection Alliance Coordinator Contract through June 30, 2026; and be it further

RESOLVED, that the associated revenue from the Erie County Soil and Water Conservation District is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

New York State Department of State:
Regional Niagara River Lake Erie Watershed Management Plan Phase 3
(Grant Period: October 1, 2020 – September 31, 2025)
SAP Grant Account #162RNRLEWMP2025

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
409000	State Aid Revenue	\$501,000.00		\$501,000.00
409010	State Aid - Other		\$161,000.00	\$161,000.00
TOTAL REVENUE				\$662,000.00

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Personnel Services	\$172,000.00	\$103,000.00	\$275,000.00
500030	Seasonal - Wages	\$64,500.00		\$64,500.00
502000	Fringe Benefits	\$119,500.00	\$58,000.00	\$177,500.00
505000	Supplies	\$6,500.00		\$6,500.00
510000	Local Travel & Mileage	\$1,500.00		\$1,500.00
516020	Professional Services Contract	\$137,000.00		\$137,000.00
TOTAL APPROPRIATIONS		\$501,000.00	\$161,000.00	\$662,000.00

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 Federal and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Daniel R. Castle, Commissioner of Environment and Planning; and Bonnie L. Lawrence, Deputy Commissioner of Environment and Planning.
(6-0)

4. COMM. 9E-14 (2022)
COUNTY EXECUTIVE

WHEREAS, Erie County is committed to promoting energy conservation and renewable energy, and has several ongoing internal and community-facing clean energy initiatives; and

WHEREAS, internship positions offer a cost-effective way for the County to increase its capacity while supporting development of the local workforce; and

WHEREAS, New York State Energy Research and Development Authority (NYSERDA) has established a program called the New York State Clean Energy Internship Program (NYSCEIP) to provide internships to organizations such as the County; and

WHEREAS, NYSEDA has approved the County as a participating organization in the NYSCEIP program, and the County intends to create five (5) clean energy internships positions and apply for grant funding for up to fifteen (15) individual interns through December 31, 2023; and

WHEREAS, NYSEDA will approve individual intern-specific grant awards on a rolling basis and fund 75% of the intern salary for a maximum of 480 hours per internship; and

WHEREAS, the County portion of the funding would be from the Department of Environment and Planning (DEP) Paris/Climate Action Fund; and

WHEREAS, this necessitates the creation of five (5) Seasonal Intern (JG-1) positions in DEP, and the authorization for the County to execute up to fifteen (15) individual intern-specific grant agreements with NYSEDA as individual intern grants are awarded.

NOW, THEREFORE, BE IT

RESOLVED, that Fund 110 is modified as follows:

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenues	(\$78,311)
51310	Paris/Climate Action Fund	(\$37,589)

TOTAL REVENUE (\$115,900)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Personnel Services	\$ 104,414
502000	Fringe Benefits	\$ 11,486
TOTAL APPROPRIATIONS		\$115,900

and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept grants from NYSERDA for the purpose of funding Clean Energy Internships for a total value of up to \$78,311, with the term of the agreements ending by December 31, 2023; and be it further

RESOLVED, the following five internship positions would be created in DEP, with 75% of salaries funded by the New York State Clean Energy Internship Program:

Seasonal Intern (JG-1)
B-100 No. 12854 (five positions)
Budgeted Annual Salary \$6,961 (per position, \$14.502 per hour for 480 hours)

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 certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Daniel R. Castle, Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and P. Josh Wilson, Sustainability Director.

(6-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

May 19, 2022	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
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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. 9E-1 (2022)
COMPTROLLER: “Dept. of Law Risk Retention Fund Spending – 02/2022 – 03/2022”
(Chair’s Ruling)
 - b. COMM. 9E-2 (2022)
COMPTROLLER: “Interim Financial Report – First Quarter 2022”
(Chair’s Ruling)
 - c. COMM. 9D-1 (2022)
COMMISSIONER OF SOCIAL SERVICES: “Child Protective Caseloads – 04/2022”
(Chair’s Ruling)
 - d. COMM. 9M-4 (2022)
ASSIGNED COUNSEL PROGRAM: “Quarterly Report for the First Quarter of 2022”
(Chair’s Ruling)
2. COMM. 9E-17 (2022)
COUNTY EXECUTIVE
WHEREAS, the American Rescue Plan was signed into law on March 11th 2021; and

WHEREAS, the American Rescue plan included State and Local Relief funding to be used to offset lost revenue, provide premium pay to essential workers, respond to COVID-19 and its economic effects, and invest in sewer, water and broadband infrastructure; and

WHEREAS, Erie County has received \$89,213,547 in State and Local Relief funding and will receive a second tranche of State and Local Relief Funding in May of 2022; and

WHEREAS, by receiving State and Local Relief Funding the State of New York has eliminated local aid withholding, benefiting Erie County and creating a significant positive budget variance; and

WHEREAS, facing a major possible deficit in 2020, Erie County took significant action through a deficit remediation plan which eliminated positions, cut other costs, and appropriated fund balance and Fiscal Year 2019 surplus funding; and

WHEREAS, Erie County made additional budget cuts in the Adopted 2021 Budget in face of uncertainty regarding Federal assistance and the future of the coronavirus pandemic and its associated economic impacts; and

WHEREAS, American Rescue Plan Funding is eligible to be encumbered through December 31st 2024 and spent through December 31st 2026 allowing for long-term infrastructure projects to be designed and built; and

WHEREAS, Erie County has also prepared numerous “shovel-ready” projects to begin stimulating the economy quickly; and

WHEREAS, funding for this resolution is available through the first tranche of the American Rescue Plan and the elimination of state-aid cuts related to the passage of the American Rescue Plan; and

WHEREAS, funding for the projects in this resolution was allocated via Comm. 13E-15 on July 8th 2021; and

WHEREAS, authorization to contract with various non-profits is needed to implement additional projects funded via Comm. 13E-15.

NOW, THEREFORE, BE IT

RESOLVED, that the “City of Buffalo/Town of Tonawanda Elmwood Avenue Improvements Project” with funding located in B.21165 as proposed and authorized in Comm. 13E-15 (2021) shall be deleted and a portion of the funding allocated to the Project shall be reallocated to the “Greater Buffalo Italian Heritage Festival Inc.” project; and be it further

RESOLVED, that the County Executive/Deputy County Executive be authorized to execute contracts with the following entities in the amounts indicated, from the capital accounts noted:

Project	Contract Authorized With:	Contract Amount Not to Exceed:	From the following capital account:
Gierlach Post Renovation	Frank L. Gierlach Post 1320	\$40,000	A.21xxx
Greater Buffalo Italian Heritage Festival Inc.	Greater Buffalo Italian Heritage Festival Inc.	\$20,000	A.21xxx
Cheektowaga Police Training Facility	Town of Cheektowaga Police Department	\$500,000	A.21xxx
Hawk Creek Wildlife Center Improvements	Hawk Creek Wildlife Center, Inc.	\$100,000	A.21xxx

and be it further

RESOLVED, that the Erie County Legislature authorizes the Director of Budget and Management to make any necessary budgetary adjustments as needed to administer these projects; and be it further

RESOLVED, the Erie County Legislature authorizes the Department of Law and County Executive/ Deputy County Executive to execute easements and/or place additional requirements on the aforementioned contracting entities and associated real property (project location) as necessary to implement the projects; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Erie County Comptroller; the Director of Budget and Management; and Department of Environment and Planning.
(6-0)

TIMOTHY J. MEYERS
CHAIR

LEGISLATOR RESOLUTIONS

Item 35 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 10-1 from LORIGO & GREENE. Erie County Action Plan to Combat Baby Formula Shortage.

Item 36 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MS. CHIMERA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

RE: Erie County Resiliency in
Communities After Stress and
Trauma Initiative
(INTRO. 10-2)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR BASKIN

WHEREAS, according to US Department of Health and Human Service’s Substance Abuse and Mental Health Services Administration, trauma “is a widespread, harmful and costly public health problem. It occurs as a result of violence, abuse, neglect, loss, disaster, war, and other emotionally harmful experiences”; and

WHEREAS, resiliency is defined by the American Psychological Association as “the process of adapting well in the face of adversity, trauma, tragedy, threats or significant sources of stress” and this process occurs at multiple different levels, both individually, and within in a family, as well as at the community-level; and

WHEREAS, in understanding the impact of trauma on a community, and how resiliency can help address reconciling with past trauma and absorbing future trauma, there have been multiple efforts across the country in recent years to build trauma-informed, resilient communities; and

WHEREAS, a community is trauma-informed if the people in the community realize the widespread prevalence of trauma, recognize the signs and symptoms, respond in an understanding and supportive manner, and resist doing further harm; and

WHEREAS, Buffalo was very recently traumatized by a racist, terrorist attack that inflicted profound, personal hurt on the families and friends of the ten lives that were lost and three individuals who were physically harmed; and

WHEREAS, Buffalo’s Black community was also traumatized by the intent to inflict as much harm as possible on Black people, by choosing to attack the heart of Buffalo’s Black community at its only major supermarket; and

WHEREAS, this racist attack was the latest incident in decades of trauma-inflicting actions on Buffalo’s Black community, from segregated schools and redlining of home ownerships, to a historic lack of public investment in parks, streets, and sidewalks and overwhelming gun violence, there is significant, deep trauma plaguing Black people; and

WHEREAS, after many years, racism and trauma have been recognized as public health issues, both nationally and locally; and

WHEREAS, it is vital to our existence as a responsive, equitable, empathic local government system that we address this trauma and its embedded, long-standing causes by creating long-term solutions that build resiliency through trauma-informed processes and programs.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body commits to developing a Resiliency in Communities After Stress and Trauma Initiative in partnership with pertinent County branches and departments, non-government organizations, and other levels of government; and be it further

RESOLVED, that this initiative shall develop a plan to address the trauma exacerbated by the recent racist attack at Tops Markets on Jefferson Avenue, which should include, but not be limited to:

- Creation of permanent location for trauma counseling, including free access to counseling services.

- Plan to address underinvestment in development on Buffalo’s East Side commercial corridors, including funding mechanism for security upgrades for small business and public gathering spaces.
- Long-term investment in programming and services for Buffalo’s communities of color, particularly its young people of color.
- Psychological First Aid training for residents, block clubs, community organizations, and faith institutions located in densely-populated minority neighborhoods.

and be it further

RESOLVED, copies of the resolution shall be sent to the County Executive, District Attorney, Commissioner of Social Services, Commissioner of Health, Commissioner of Central Police Services, and any other party or individual determined to be necessary.

Item 37 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 10-3 from GREENE. Resolution Approving the Merger of the Clarence Fillmore Cemetery with and into the Buffalo City Cemetery, Inc. d/b/a Forest Lawn Group.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

RE: Erie County Anti-Gun Violence
Annual Reporting
(INTRO. 10-4)

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

WHEREAS, on December 2, 2021 the Erie County Legislature passed the 2022 amended county budget which included a new Anti-Gun Violence Community Coordinator position in Central Police Services; and

WHEREAS, the position will involve assisting anti-violence and other public/private organizations involved in public safety with planning, coordinating and implementing programs to promote a safer community; and

WHEREAS, Erie County provides funding to multiple local community organizations to administer anti-violence programming and intervention services in order to mitigate gun violence in Erie County; and

WHEREAS, the county departments most known for partnering with these organizations include Probation, Social Services, and the Division of Youth Services; and

WHEREAS, as a 2018 study by the NY Extreme Risk Protection Orders Coalition found that Erie County had the highest rate of gun homicides, and that in 2020 the Erie County District Attorney noted that deaths from gun violence surged, rising from 34 in 2019 to 46 in 2020, and in June 2021, the New York State Division of Criminal Justice Services released a report indicating Erie County was the county that had the highest rate of violent crimes involving a firearm in 2020, per capita, across New York State (130.7 crimes involving a firearm per 100,000 residents), which was more than double the state average (57.4 per 100,000 residents), and even much greater than New York City's rate (77.6 per 100,000 residents); and

WHEREAS, on July 5, 2021 a three-year-old boy, Shaquelle Walker, Jr., was shot in the head while riding his bicycle in front of his grandparents' home on Donovan Drive and succumbed to his injuries three days later; and

WHEREAS, on May 14, 2022 ten Black men and women were murdered and three injured by a white supremacist in the largest mass shooting in Buffalo's history; and

WHEREAS, on July 20, 2021, Erie County Executive Mark Poloncarz declared gun violence to be a public health crisis in Erie County and directed county officials to form a task force to work in concert with local law enforcement as well as local anti-violence organizations and leaders, and the Live Well Erie Task Force to prepare programs and initiative; and authorized the Commissioner of the Department of Probation to increase the number of monthly home visits, known as Individual Custom Notifications, performed by Department of Probation officers with probationers who are at high-risk of involvement with guns and violence under the Gun Involved Violence Elimination ("GIVE") Initiative; and expedited the investment of the additional \$530,727 received by Erie County from New York State for additional summer youth employment opportunities, under the new age and geographic residence restrictions provided by New York State, thereby making more at-risk youth and young adults eligible for the program, and to work with local anti-violence organizations and leaders to identify at risk youth and young adults for the initiative; and work to transition said young adults into permanent employment opportunities using the Department of Social Services' Placing Individuals in Vital Opportunity Training ("PIVOT") program; and

WHEREAS, the residents of Buffalo and Erie County are desperately in need of action that will alleviate this public health crisis which has resulted in the untimely deaths of local residents and inflicted violence and trauma on their families and neighbors; and

WHEREAS, it is imperative that our community has clear understanding of all of the measures being taken by Erie County as public dollars are invested in mitigating gun violence; and

WHEREAS, an anti-gun violence community impact report that outlines the local community organizations that receive county funding to alleviate gun violence, progress on initiatives, and recommendations for improvements, as well as initiatives and programming by the Erie County Anti-Gun Violence Task Force, will help in providing transparency on County action

and assist in strengthening collaboration across all local government agencies that touch gun violence.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the Commissioner of Central Police Services to submit annually an anti-gun violence report that outlines the services funding allocations and data outcomes of all programs and initiatives implemented by Erie County to reduce gun violence in our community; and be it further

RESOLVED, copies of this resolution will be given to the Erie County Anti-Gun Violence Task Force, Erie County Executive, the Erie County District Attorney, the Erie County Sheriff, , the New York State Attorney General, the Erie County Commissioner of Central Police Services, Erie County Commissioner of Health, Erie County Commissioner of Probation, and the Erie County Commissioner of Social Services.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 39 – MR. MEYERS moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 7E-15 (2022). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

RE: Bills, NYS & EC MOU Regarding
Construction of New Stadium
(COMM. 7E-15, 2022)

WHEREAS, Ralph C. Wilson, Jr. formed a professional football team in 1960 that became known as the Buffalo Bills; and

WHEREAS, the Buffalo Bills is an original American Football League franchise and has been located in Buffalo and Erie County for the last sixty-two years; and

WHEREAS, the Buffalo Bills football team has played in what is now known as Highmark Stadium since 1973 pursuant to the original 25-year lease, said stadium having been constructed and paid for solely by Erie County; and

WHEREAS, after a one-year extension in 1998 a new 15-year lease was entered into that expired on July 30, 2013. The 1998 Lease included stadium improvements that extended the structural and economic life of the Stadium; and

WHEREAS, in 2013 a subsequent 10-year lease was entered into that will expire on July 30, 2023. The 2013 Lease also included stadium improvements that extended the life of the structural and economic life of the Stadium; and

WHEREAS, the Stadium turns forty-nine years old at the end of this lease year. At this age many of the elements of the Stadium are dated and do not function adequately to serve the public's interest in today's marketplace, nor does it conform to the accepted standards of an NFL franchise; and

WHEREAS, the Stadium will be more than fifty years old at the end of the 2013 Lease and it is prudent to begin to plan for a new stadium in order to keep the Buffalo Bills in Erie County for years to come; and

WHEREAS, the Buffalo Bills football team has been an important part of New York for more than 62 years. The Team brings pride, distinction, and a sense of community to Erie County and New York State; and

WHEREAS, the Buffalo Bills, as part of the regional and New York State economy, bring large amounts of sales tax, hotel occupancy tax, and personal income tax to public sector coffers; and

WHEREAS, the Buffalo Bills are a part of the efforts to promote Erie County and Western New York as a major community where companies may settle and grow; and

WHEREAS, it is the desire of the Buffalo Bills, Erie County, the State of New York and the numerous fans of the Buffalo Bills who are located throughout the world, that the Buffalo Bills, remain in Erie County; and

WHEREAS, the State, County and Buffalo Bills (the "Parties") have negotiated a Memorandum of Understanding ("MOU"), that contains the terms of the construction of a new multi-use stadium to be owned by the State of New York, and a corresponding thirty-year lease; and

WHEREAS, the MOU specifies that there will be a total of approximately \$1.4 billion contributed to the construction of a new stadium with the County contributing \$250 million, Erie County Stadium Corporation, on behalf of New York State, contributing \$600 million, the Buffalo Bills contributing the remainder of the project budget, including any cost overruns associated with the project, and also contributing rent payments of \$900,000 per annum; and

WHEREAS, the Buffalo Bills have agreed to enter into a Non-Relocation Agreement that can be enforced by specific performance or liquidated damages in the amount of the public's contribution for the first fourteen years and declining thereafter; and

WHEREAS, on Monday, March 28, 2022, Governor Kathy Hochul, Erie County Executive Mark Poloncarz and the Buffalo Bills each announced an agreement on the new stadium construction and lease terms and signed the MOU as of Tuesday, March 29, 2022; and

WHEREAS, The County's approval of the MOU is to be effective upon the approval of the County Legislature; and

WHEREAS, the approval of the MOU between the Parties is a reasonable step necessary to set forth the process pursuant to which the Parties will move forward and commit substantial

resources to the design and siting of a facility which will meet the respective needs of the Parties, and comply with all applicable federal, state, and local laws, and regulations including but not limited to compliance with Article 8 of New York State's Environmental Conservation law ("SEQRA"); and

WHEREAS, in order for the Parties to move forward, and for the County Executive to negotiate the final documents that will include a Stadium Lease, a Construction Coordinating Agreement, a Non-Relocation Agreement, an Extension Agreement of the 2013 Stadium Lease, a Community Benefits Agreement, along with all other necessary documents, it is necessary for the Erie County Legislature to approve the MOU that is attached to this Resolution; and

WHEREAS, upon completion of the environmental review process it is anticipated that the above-referenced final documents will be submitted to the Erie County Legislature for its approval and ratification of said documents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the MOU dated March 29, 2022 by and among Buffalo Bills, LLC, the County of Erie, and the New York State Urban Development Corporation d/b/a Empire State Development Corporation; and be it further

RESOLVED, that the Erie County Executive, upon acceptance of a complete Full Environmental Assessment Form for the contemplated multi-use stadium, as representative of Erie County, is, through its Department of Environment and Planning, authorized to solicit Lead Agency Status for the environmental review of the Project, and upon the completion of the environmental review process; and be it further

RESOLVED, that the Erie County Executive is directed and authorized to engage in negotiations on the Stadium Lease, Construction Coordinating Agreement, Non-Relocation Agreement, Extension Agreement of the 2013 Stadium Lease, Community Benefits Agreement, and all other agreements and documents necessary to complete the construction and lease of a new multi-use stadium; and be it further

RESOLVED, that the Erie County Executive shall submit the negotiated Stadium Lease, Construction Coordinating Agreement, Non-Relocation Agreement, Extension Agreement of the 2013 Stadium Lease, Community Benefits Agreement, and all other agreements and documents necessary to complete the construction and lease of a new multi-use stadium, to the Erie County Legislature for their review and ratification after all applicable environmental review(s) for the specific action or project is completed in accordance with the applicable laws, including but not limited to the New York State Environmental Quality Review Act (Art 8 of New York State Environmental Conservation Law); and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Deputy County Executive, the County Attorney, the Buffalo Bills and the Empire State Development Corporation.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 40 – (COMM. 10E-1) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 10, 2022

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

Dear Mr. Graber:

The purpose of this letter is to comply with our ethics law regarding relatives who hold government positions. The only relatives who are employed by governments in Erie County of whom I am aware are:

- My wife, Deborah L. Hardwick, an elementary teacher for the Buffalo Public Schools; and
- My daughter, Aubrey Hill, who is also an elementary teacher for the Buffalo Public Schools.

In addition, I am aware of the following relatives who live outside of Erie County and are employed by government entities:

- My sister, Peggy Holmes, who is employed by Broome Community College;
- My niece, Alicia Woodard, a police officer in Norwich, NY;
- My nephew, Ricky Green, a state trooper in Connecticut;
- My nephew, Jason Woodard, who is a police officer in Jackson Township, Pennsylvania; and
- My niece, Sidney Holmes, who is a teacher in the Chenango Valley Central School District in Broome County.

I also have numerous cousins and other relatives who I have lost contact with over the years. To my knowledge, though, none reside in Western New York and I am unaware of any who are employed by government.

Sincerely,

Kevin R. Hardwick
Erie County Comptroller

FROM CHAIR BASKIN

Item 41 – (COMM. 10E-2) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

05/10/22

Hon. Robert M. Graber
Clerk of the Legislature
92 Franklin Street
Buffalo, NY 14202

Re: Required Disclosure/Family Members Employed by (any) Government

Dear Clerk Graber:

Pursuant to Section 5c, of the Code of Ethics, I am providing a list of my family members employed by any government organization in any capacity as of May 15th, 2020.

My Mother Lisa Jacobs-Watson works in the NYS Court as Assistant Court Analyst for the office of the Eighth Judicial District.

My Step-Father is a Corrections Officer at the Albion Correctional Facility

My Brother Maxwell V. McCants Jr. is in the U.S. Marine Corps

My Sister Seana L. McCants is in the U.S. Air Force

Respectfully,

April N.M. Baskin
Chair, Erie County Legislature

FROM THE DISTRICT ATTORNEY

Item 42 – (COMM. 10E-3) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 14, 2022

Honorable Robert Graber
Clerk of the Legislature
92 Franklin Street
Buffalo, NY 14202

Re: Disclosure/Family Members Employed by (any) Government

Dear Clerk Graber:

Pursuant to the Local Law 2(2018), Section 5c, I am providing a list of family members employed by any government organization:

My wife Debra Flynn is a Teacher's Aide in the Ken-Ton School District.

Please contact me you have further questions.

Very truly yours,

JOHN J. FLYNN
DISTRICT ATTORNEY

FROM THE COUNTY CLERK

Item 43 – (COMM. 10E-4) Erie County Clerk's ZOMBIE Initiative Tax Delinquency Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR VINAL

Item 44 – (COMM. 10E-5) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 13, 2022

Robert M. Graber, Clerk
Erie County Legislature

92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

Gregory Vinal (son): SUNY Buffalo
James Vezina (brother): US Department of Energy
Stacey Vezina (niece): US Department of State
Tricia Vezina (niece): Buffalo Public Schools
Stephanie Vezina (niece): Cincinnati Public Schools, Ohio
Kathleen Steele (niece): Braintree Electric Lighting District, Massachusetts

Thank you in advance for your assistance.

Sincerely,

Jeanne Vinal
Erie County Legislator

FROM LEGISLATOR CHIMERA

Item 45 – (COMM. 10E-6) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 13, 2022

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

Alessandra Chimera (daughter): Kenmore-Tonawanda School District
John Cipolla (cousin in law): Erie County Department of Law
Ted Rymarczyk (brother in law): Town of Tonawanda
Elizabeth Leifert (sister): Rye Neck School District; Rye, NY
Seri Chimera (brother-in-law): Kenmore-Tonawanda School District

Thank you in advance for your assistance.

Sincerely,

Lisa M. Chimera
Erie County Legislator

FROM LEGISLATOR JOHNSON

Item 46 – (COMM. 10E-7) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 13, 2022

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, I have no family members employed by any government organization in any capacity.

Thank you in advance for your assistance.

Sincerely,

Howard Johnson
Erie County Legislator

FROM LEGISLATOR MEYERS

Item 47 – (COMM. 10E-8) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 13, 2022

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

Valerie Meyers (wife), Erie County Water Authority

Thank you in advance for your assistance.

Sincerely,

Timothy J. Meyers
Erie County Legislator

FROM LEGISLATOR GILMOUR

Item 48 – (COMM. 10E-9) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 13, 2022

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

- Brian Moran (uncle), Erie County Department of Public Works
- Kristin Gilmour (wife), Town of Hamburg
- Pat Moran (cousin), Buffalo Fire Department
- Morgan Moran (cousin), Buffalo Public Schools
- David Gilmour (uncle), City of Buffalo

Thank you in advance for your assistance.

Sincerely,

John Gilmour
Erie County Legislator

FROM THE COUNTY CLERK

Item 49 – (COMM. 10E-10) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 11, 2022

Hon. Robert M. Graber
Clerk of the Legislature
92 Franklin St.
Buffalo, New York 14202

RE: Required Disclosure/Family Members Employed by (any) Government Agency

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2 (2018), Section 5c, I am providing a list of my family members employed by any government organization in any capacity. They include:

Name	Relation	Employer
Joanne Kearns	Sister	City of Buffalo Clerk
Patrick Kearns	Cousin	City of Buffalo Teacher
Eileen Ryan	Cousin	Erie County RN
Dr. Kevin Kearns	Cousin	SUNY Fredonia VP of Economic Development
McKenna Kearns	Daughter	Teacher Aide City of Buffalo

If you have any questions please feel free to contact me at (716) 858-6985 or email me at Michael.Kearns@erie.gov

Sincerely,

Michael P. Kearns
Erie County Clerk

FROM THE SHERIFF

Item 50 – (COMM. 10E-11) Renewing Re-Entry Programming Contracts

Item 51 – (COMM. 10E-12) Sheriff's Office Personnel Adjustment

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

FROM LEGISLATOR BARGNESI

Item 52 – (COMM. 10E-13) Letter of Absence from Session No. 9 - May 12, 2022

Received, filed and printed.

May 18, 2022

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

Dear Mr. Graber,

In accordance with the Rules of the Erie County Legislature, please accept this letter concerning my absence from the Regular Meeting of the Legislature held on May 12, 2022. Due to an unexpected and urgent family medical emergency, I was unable to attend this meeting.

Thank you for your attention to this matter.

Sincerely,

John A. Bargnesi, Jr.
Erie County Legislator
4th District

FROM THE COUNTY EXECUTIVE

Item 53 – (COMM. 10E-14) Department of Social Services - Authorization to Enter into Contract with VenTrek, Inc.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 54 – (COMM. 10E-15) Implementing Parks Donation Policy with Creation of Parks Donation Trust Fund

Item 55 – (COMM. 10E-16) Erie County Seneca Bluffs Natural Habitat Park Green Innovation Grant Program Award Acceptance

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

Item 56 – (COMM. 10E-17) PILOT - Amherst Senior Housing Project, Town of Amherst

Item 57 – (COMM. 10E-18) PILOT - Solar Energy Systems, Town of Evans

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

Item 58 – (COMM. 10E-19) ECSD No. 6 - Management Upgrades Project - RFP

Item 59 – (COMM. 10E-20) ECSD No. 6 - Engineering Term Contract Agreement

Item 60 – (COMM. 10E-21) ECSD No. 6 - Management Upgrades Project - Bid Opening

Item 61 – (COMM. 10E-22) ECSD No. 3 - Southtowns Influent Pumps Replacement Project - Bid Opening

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

Item 62 – (COMM. 10E-23) Department of Social Services - Adult Protective Services Grant

Item 63 – (COMM. 10E-24) EC Youth Bureau - 2022 Summer Primetime Funding

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

Item 64 – (COMM. 10E-25) ECDPW - GIS Centric Asset Management/Work Order System

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE & THE SHERIFF

Item 65 – (COMM. 10E-26) Interdepartmental Transfer for MAT Program Provider Contract

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR BASKIN & LEGISLATOR JOHNSON

Item 66 – (COMM. 10E-27) Letter to County Executive Regarding E-911 & MERS Operations

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 67 – (COMM. 10E-28) MAT Program Provider Contract

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 68 – (COMM. 10E-29) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

December 28, 2021

Mr. Robert Graber
Clerk of the Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Graber:

In accordance with the Disclosure of Interest in County Business, Section 5-c, please see the list below of family members employed by any government organization in any capacity:

Jake Giarrano, Nephew Buffalo Police Department

To my knowledge, there are no other family members as defined by Section 5-c presently employed by any government organization.

Respectfully submitted,

JOHN C. GARCIA
SHERIFF-ELECT OF ERIE COUNTY

FROM CHAIR BASKIN & LEGISLATOR JOHNSON

Item 69 – (COMM. 10E-30) Letter to County Executive Requesting Appointment to Gun Violence Taskforce

Received, filed and printed.

May 16, 2022

Hon. Mark C. Poloncarz
95 Franklin St., 16th Floor
Buffalo, NY 14202

Dear County Executive Poloncarz,

In the wake of the racially motivated act of terrorism that occurred at Tops Markets this weekend, we are requesting you appoint us to the Gun Violence Taskforce that you created as part of your 2021 Executive Order designating gun violence as a public health crisis. As representatives of the communities that have been most impacted by gun violence, we bring both an understanding of real people who are suffering and a knowledge of the options available to county government to respond to this crisis.

Sincerely,

April N. M. Baskin
Chair, Erie County Legislature

Howard Johnson
Legislator, District 1

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 70– (COMM. 10D-1) Budget Monitoring Report for Period Ending March 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 71 – (COMM. 10D-2) Nursing Home Report, April 2022

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 72 – (COMM. 10D-3) Local State of Emergency Declaration, May 14, 2022

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEPT OF TAXATION & FINANCE

Item 73 – (COMM. 10M-1) List of Certified 2022 State Equalization Rates

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM HODGSON RUSS LLP

Item 74 – (COMM. 10M-2) Buffalo City Cemetery ("Forest Lawn") Merger with Clarence Fillmore Cemetery

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF BRANT

Item 75 – (COMM. 10M-3) Certified Copy of Resolution Concerning NYS DoH Emergency Regulations

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF MARILLA

Item 76 – (COMM. 10M-4) Certified Copy of Resolution Concerning NYS DoH Emergency Regulations

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

ANNOUNCEMENTS

Item 77 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, June 2, 2022, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, June 9, 2022. Finally, Chair Baskin announced that a public hearing concerning Local Law Intro. 2-1 (2022), in relation to increasing veterans' property tax exemptions, will be held in the Chamber of the Legislature, this evening, Thursday, May 26, 2022, at 6:00 P.M.

MEMORIAL RESOLUTIONS

Item 78 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of John Durkin, and Emily Aquino.

Item 79 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Celestine "Stiny" Chaney, Roberta Drury, Andre Mackneil, Katherine "Kat" Eleanor Massey, Margus Morrison, Heyward Patterson, Aaron Salter, Geraldine Talley, Ruth Whitfield, and Pearl Young.

Item 80 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of David C. Parker, and Craig H. Parker.

ADJOURNMENT

Item 81 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. MEYERS moved that the Legislature adjourn until Thursday, June 9, 2022 at 12:00 Noon Eastern Standard Time. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, June 9, 2022 at 12:00 Noon Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE