

**ERIE COUNTY LEGISLATURE
MEETING NO. 24
DECEMBER 17, 2020**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Rath.

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 Meetings Number 22 and Number 23 from 2020. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. JOHNSON presented a Memorial Resolution In Remembrance of Robert J. Kresse.

Item 6 – MS. CHIMERA presented a Memorial Resolution In Remembrance of Philip L. Haberstro IV.

Item 7 – MR. JOHNSON presented a proclamation Acknowledging and Honoring National Pearl Harbor Remembrance Day.

Item 8 – MR. JOHNSON presented a Memorial Resolution In Remembrance of Pamela Darlene Wiggins.

Item 9 – CHAIR BASKIN presented a proclamation Congratulating and Recognizing the Opening of Mogadishu Food.

Item 10 – MR. GILMOUR presented a Memorial Resolution In Remembrance of Michael J. Burns.

Item 11 – MR. TODARO presented a proclamation Congratulating Hoffman's Driving Academy for Its Opening.

Item 12 – MR. TODARO presented a proclamation Congratulating The Black Sheep and Company on Their Grand Opening.

Item 13 – MR. MILLS presented a proclamation Honoring Shirley Church for Twenty Years of Dedicated Service to Erie County.

Item 14 – MR. MILLS presented a Memorial Resolution Honoring the Memory of Nan Ackerman.

Item 15 – MR. MILLS presented a proclamation Celebrating Bill Miller Upon the Occasion of His 100th Birthday.

Item 16 – MR. MILLS presented a proclamation Honoring James Lint for His Service to Our Nation.

Item 17 – MR. RATH presented a Memorial Resolution Honoring and Celebrating the Life of Robert J. Kresse.

Item 18 – MR. TODARO presented a proclamation Recognizing and Honoring Ali Jafari as an Outstanding Citizen and Exceptional Chiropractor.

Item 19 – MR. TODARO presented a proclamation Recognizing and Honoring Len Jankiewicz as an Impactful Teacher and Football Coach.

Item 20 – MR. TODARO presented a proclamation Congratulating Elderwood Lancaster for Its National Recognition.

Item 21 – MR. LORIGO, MR. RATH, MR. TODARO & MR. MILLS presented a proclamation Honoring and Thanking the Healthcare Workers in Our Community.

Item 22 – MR. RATH presented a proclamation Recognizing and Acknowledging Akron Acres in Celebrating Their 30th Anniversary.

Item 23 – CHAIR BASKIN, MR. LORIGO, MR. MEYERS, MR. MILLS, MS. VINAL, MR. TODARO, MR. JOHNSON, MR. GILMOUR, MR. HARDWICK & MS. CHIMERA presented a proclamation Honoring Edward A. Rath, III for His Service as Erie County Legislator.

Item 24 – MR. LORIGO, MR. RATH, MR. TODARO & MR. MILLS presented a proclamation Honoring Linda Pellegrino Upon the Occasion of Her Retirement from Broadcasting.

Item 25 – MR. LORIGO presented a proclamation Recognizing the West Seneca Public Library and Its Staff Upon the Occasion of Its 85th Anniversary.

Item 26 – MR. LORIGO presented a proclamation Recognizing the Iroquois Central School District for Being Designated as a Best Community for Music Education.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-two items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

Item 28 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 30 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – MR. MEYERS moved to take Local Law No. 6 (Print #1) 2020 from the table. MR. JOHNSON seconded. MR. LORIGO and MR. RATH voted in the negative.

CARRIED. (9-2)

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 6 (Print #1)-2020

LOCAL LAW NO. ___-2020

A Local Law entitled the “Energize NY Open C-PACE Financing Program of Erie County” in relation to establishing a sustainable energy loan program in Erie County.

Be it enacted by the Legislature of the County of Erie as follows:

Section 1 Legislative Findings, Intent and Purpose, and Authority

- A. It is the policy of both the County of Erie (“County”) and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the County pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the County and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The County is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

Section 2 Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

County – Erie County, New York.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the County to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the County as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the County.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the County that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

Section 3 Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the County, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the County, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the County. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

Section 4 Procedures for Eligibility

- A. Any property owner in the County may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the County's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the County, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and Section 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the County, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with Section 6 of this local law.

Section 5 Application Criteria

Upon the submission of an application, EIC acting on behalf of the County, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the County, or EIC acting on its behalf, or other Financing Parties may set from time to time.

Section 6 Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the County, shall be a third-party beneficiary (the "Finance

Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”.

- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

Section 7 Terms and Conditions of Repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the County. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the County, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the County.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the County, as provided in the Finance Agreement.

Section 8 Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the County. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the County, in the land records for properties in the County. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County. The

Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the County.

- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the County, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the County. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the County, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the County, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the County, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the County’s agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the County, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens

received from EIC, on behalf of the County, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the County would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

Section 9 Verification and Report

EIC, on behalf of the County, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

Section 10 Effective Date

This Local Law shall take effect upon filing with the New York Secretary of State.

Section 11 Severability

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

Sponsors:

Timothy Meyers
April N.M. Baskin
Howard Johnson
Lisa Chimera
Jeanne Vinal

MR. MEYERS moved to approve Local Law No. 6 (Print #1) 2020. MR. JOHNSON seconded.

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

AYES: MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: MR. LORIGO and MR. MILLS. ABSTENTIONS: MR. RATH. (AYES: 8; NOES: 2; ABSTENTIONS: 1)

CARRIED.

Item 32 – CHAIR BASKIN directed that Local Law No. 7 (Print #1) 2020 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 33 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

December 10, 2020	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 15
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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. 20M-2 (2020)
EC AGRICULTURAL & FARMLAND PROTECTION BOARD: “2020 Agricultural & Farmland Protection Board Report”
(Chair’s Ruling)
 - b. COMM. 21M-1 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 1951 Hamburg Turnpike, Lackawanna”
(Chair’s Ruling)
 - c. COMM. 21M-4 (2020)
NYSDEC: “Invitation for Public Comment - No Further Action at 140 Chandler St., Buffalo”
(Chair’s Ruling)
 - d. COMM. 21M-5 (2020)
NYSDEC: “Invitation for Public Comment - No Further Action at 3100 Clinton St., West Seneca”
(Chair’s Ruling)

- e. COMM. 21M-6 (2020)
NYSDEC: "Fact Sheet - Completion of Brownfield Cleanup Program at 301 Connecticut St., Buffalo"
(Chair's Ruling)
- f. COMM. 21M-7 (2020)
NYSDEC: "Invitation for Public Comment - Draft Investigation Work Plan for 1200 Jefferson Ave., Buffalo"
(Chair's Ruling)
- g. COMM. 21M-8 (2020)
NYSDEC: "Invitation for Public Comment - Draft Investigation Work Plan for 1100 Michigan Ave., Buffalo"
(Chair's Ruling)
- h. COMM. 23E-8 (2020)
COUNTY EXECUTIVE: "ECSD No. 3 - Engineering Term Contract Agreement"
(Chair's Ruling)
- i. COMM. 23E-11 (2020)
COUNTY EXECUTIVE: "ECSD No. 8 - Engineering Term Contract Agreement"
(Chair's Ruling)
- j. COMM. 23E-24 (2020)
COMPTROLLER: "Letter to Parks Commissioner Regarding Whistleblower Hotline Concern"
(Chair's Ruling)

2. COMM. 16E-20 (2020)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, as has been done in past years, the Boards have requested and are desirous of collecting said User Charges or Fees in 2021 for properties in the same manner and fashion as the regular sewer district taxes.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2021 Sewer District User Charges or Fees against properties serviced by Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District No. 1

\$ 5,098,012.84

Sewer District No. 2	\$ 3,629,122.32
Sewer District No. 3	\$ 9,764,641.56
Sewer District No. 4	\$ 5,064,651.93
Sewer District No. 5	\$ 994,227.00
Sewer District No. 6	\$ 2,319,189.59
Sewer District No. 8	\$ 912,717.00

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget and Management, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0) Chair Baskin not present for vote.

3. COMM. 23E-7 (2020)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 6E-34 (2020), Contract 43 was awarded to Skanex Pipe Services, Inc. to construct the Indian Church Road Cured In Place Pipe Lining Project, in Erie County Sewer District No. 1; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Change Order No. 1 to extend contract time 180 days.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 43 between the County of Erie and Skanex Pipe Services, Inc. (753 Rowley Road, Victor, NY 14564) be amended to add 180 days of Contract Time; and be it further

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

(6-0)

4. COMM. 23E-12 (2020)
COUNTY EXECUTIVE

WHEREAS, the 2020 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 4:00 p.m., local time on November 5, 2020 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2020 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; 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, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.

(6-0)

5. COMM. 23E-13 (2020)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is requesting authorization to accept the possible donation of a parcel of land to be converted into Seneca Bluffs Natural Habitat Park within the department; and

WHEREAS, said parcel consists of 0.07-acre of an undeveloped lot located in the City of Buffalo, which is currently within the boundaries of, and landlocked by Seneca Bluffs Natural Habitat Park.; as depicted on Attachment A; and

WHEREAS, the County's Land Advisory Review Committee ("ARC") has reviewed the request and recommended that this dedication request be granted.

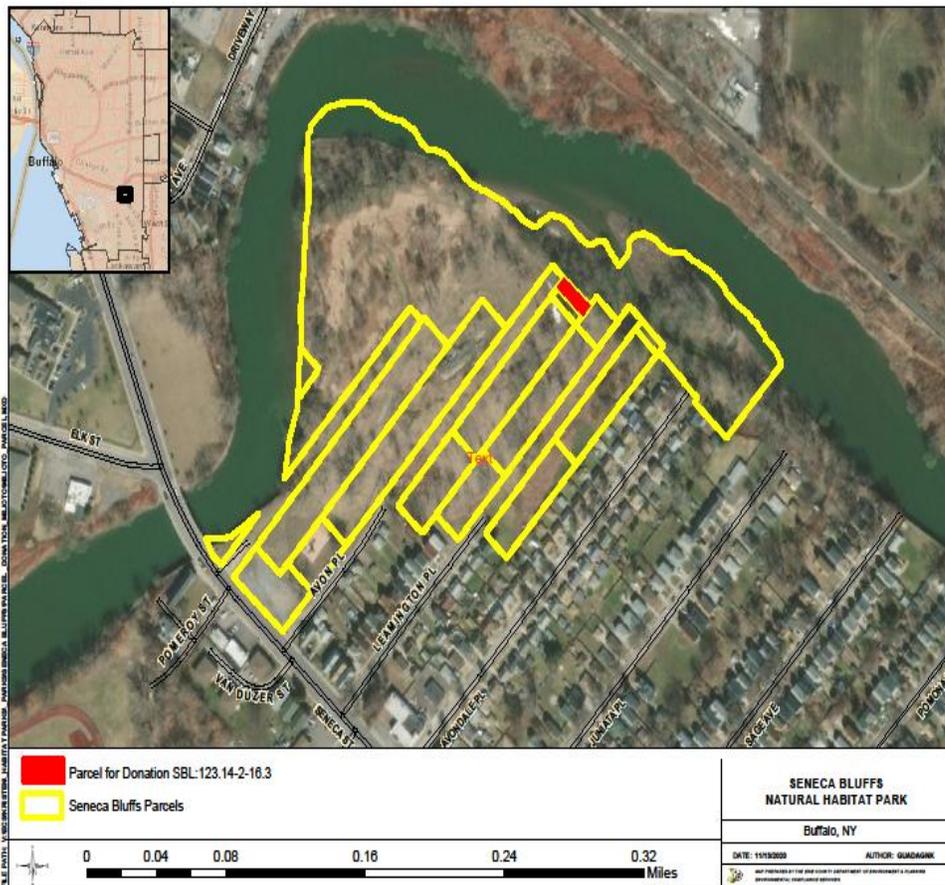
NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby dedicate the land described herein as County parkland; and be it further

RESOLVED, that the County Executive and/or Deputy County Executive is hereby authorized to execute any and all appropriate documents as may be necessary for the dedication of said land as parkland and its incorporation into Seneca Bluffs Natural Habitat Park; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Erie County Executive's Office, The Department of Parks, Recreation & Forestry and the Erie County Division of Law.

Attachment A



(6-0)

**TIMOTHY J. MEYERS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

December 10, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 17
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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. 21M-3 (2020)
NFTA: "NFTA Annual 17A Report for FYE 2020"
(Chair's Ruling)
 - b. COMM. 21M-9 (2020)
NFTA: "Board Minutes for Meeting Held on 09/04/2020"
(Chair's Ruling)
 - c. COMM. 21M-10 (2020)
VISIT BUFFALO NIAGARA: "Third Quarter Reports for 2020"
(Chair's Ruling)
 - d. COMM. 21M-11 (2020)
BUFFALO NIAGARA CONVENTION CENTER: "Financial Statements for 09/30/2020 & 2019"
(Chair's Ruling)

2. COMM. 21E-7 (2020)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the St. Paul's Apartment Project consists of 16 existing units of affordable housing in the Town of Evans located at 930 Lake Street, Angola, NY 14006; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for St. Paul's Place Apartments L.P. to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with St. Paul's Place Apartments L.P. the Town of Evans, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

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

SCHEDULE A
PILOT Payments

Amendment Year	Total Payment	Town	County
Year 16	\$8,121.04	\$5,527.13	\$ 2,593.91
Year 17	\$8,364.67	\$5,692.94	\$ 2,671.73
Year 18	\$8,615.61	\$5,863.73	\$ 2,751.88
Year 19	\$8,874.08	\$6,039.64	\$ 2,834.44
Year 20	\$9,140.30	\$6,220.83	\$ 2,919.47
Year 21	\$9,414.51	\$6,407.46	\$ 3,007.05
Year 22	\$9,696.95	\$6,599.68	\$ 3,097.26
Year 23	\$9,987.85	\$6,797.67	\$ 3,190.18
Year 24	\$10,287.49	\$7,001.60	\$ 3,285.89
Year 25	\$10,596.12	\$7,211.65	\$ 3,384.46
Year 26	\$10,914.00	\$7,428.00	\$ 3,486.00
Year 27	\$11,241.42	\$7,650.84	\$ 3,590.58
Year 28	\$11,578.66	\$7,880.37	\$ 3,698.30
Year 29	\$11,926.02	\$8,116.78	\$ 3,809.24
Year 30	\$12,283.80	\$8,360.28	\$ 3,923.52

(6-0)

3. COMM. 23E-9 (2020)
COUNTY EXECUTIVE

WHEREAS, the current, deteriorated and antiquated public address system at the Buffalo and Erie County Public Library simply fails to notify all building occupants effectively; and

WHEREAS, the Buffalo and Erie County Public Library – Public Address System Upgrades project (herein called the “Project”) is necessary to address this issue and provide a fully functional system with complete audio notification coverage throughout the building for both staff and the public alike; and

WHEREAS, the County of Erie received bids for the Project on November 9, 2020; and

WHEREAS, The Department of Public Works, along with its consultant Trautman Associates, are recommending award of the contract to Goodwin Electric Corporation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Project for an amount not to exceed as follows:

Electrical Construction Work

Goodwin Electric Corporation	Base Bid	\$ 395,000
Total Award of all Construction Contracts:		\$ 395,000

and be it further

RESOLVED, that the sum of \$45,000 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 the Comptroller's Office be authorized to make payment for all the above from the following Capital Projects in Fund 490, Funds Center 122:

F.16002	Buffalo & Erie County Public Library Life Safety Improvements	\$ 200,183.18
F.18002	Buffalo & Erie County Main Library Mechanical, Electrical, & Plumbing Improvements	\$ 146,369.44
F.19002	Buffalo & Erie County Main Library Mechanical, Electrical, & Plumbing Improvements	\$ 93,447.38
Total Payment not to Exceed:		\$ 440,000.00

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, the Office of the Comptroller, and Chief Financial Officer Kenneth Stone of the Buffalo and Erie County Public Library.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

December 10, 2020	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 11
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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. 18E-3 (2020)
COMPTROLLER: “Report of Apportionment & Distribution of Net Collections from Sales Tax - 06/20 - 08/20”
(Chair’s Ruling)
 - b. COMM. 18D-2 (2020)
DEPUTY COMPTROLLER - AUDIT: “COVID-19 Overtime Expenses for County MC Employees Across NYS”
(Chair’s Ruling)
 - c. COMM. 18D-4 (2020)
DEPUTY COMPTROLLER: “Breakdown of 2020 Hotel Occupancy Tax Revenue”
(Chair’s Ruling)
 - d. COMM. 19D-5 (2020)
DEPUTY COMPTROLLER: “Letter to Legislature Regarding August Sales Tax Receipts”
(Chair’s Ruling)
 - e. COMM. 19D-7 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending 08/2020”
(Chair’s Ruling)
 - f. COMM. 19D-11 (2020)
DEPUTY COMPTROLLER: “Law Department Spending - 08/2020”
(Chair’s Ruling)
 - g. COMM. 20E-18 (2020)
COMPTROLLER: “Interim Financial Report of EC for the Third Quarter of 2020”
(Chair’s Ruling)
 - h. COMM. 20E-19 (2020)
COMPTROLLER: “Cost of Issuance & Debt Service Requirements for 2020 Bond Issues”
(Chair’s Ruling)
 - i. COMM. 20D-1 (2020)
COMPTROLLER’S OFFICE: “Report on Imprest Fund Expenses Charged to COVID-19 Relief Fund”
(Chair’s Ruling)
 - j. COMM. 20D-4 (2020)
COMPTROLLER’S OFFICE: “Audit of Department of Law – 01/01/2019 – 12/31/2019”
(Chair’s Ruling)

- k. COMM. 20D-5 (2020)
COMPTROLLER'S OFFICE: "Audit of Department of Budget & Management – 07/01/2019 – 12/31/2019"
(Chair's Ruling)
- l. COMM. 20D-6 (2020)
COMPTROLLER'S OFFICE: "Audit of Buffalo & EC Public Library – 07/01/2019 – 12/31/2019"
(Chair's Ruling)
- m. COMM. 20M-3 (2020)
ASSIGNED COUNSEL PROGRAM: "Quarterly Report for 3rd Quarter of 2020"
(Chair's Ruling)
- n. COMM. 21D-4 (2020)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending 09/2020"
(Chair's Ruling)
- o. COMM. 23E-17 (2020)
COMPTROLLER: "Law Department Spending – 09/2020 & 10/2020"
(Chair's Ruling)
- p. COMM. 23D-1 (2020)
DEPUTY COMPTROLLER – AUDIT: "Update Regarding COVID-19 Overtime Expenses for County MC Employees Statewide"
(Chair's Ruling)
- q. COMM. 23M-1 (2020)
EC AUDIT COMMITTEE: "Annual Report for Year Ended 12/31/2019"
(Chair's Ruling)
- 2. COMM. 23E-4 (2020)
COUNTY EXECUTIVE
WHEREAS, the Erie County Division of Information and Support Services is responsible for the delivery of a comprehensive range of Information Technology and Record management for Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept New York State's Retention and Disposition Schedule for New York Local Government Records (LGS-1) issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein; and be it further

RESOLVED, that in accordance with Article 57A:

- (a) Only those records will be disposed of that are described in Retention and Disposition schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein.
- (b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Chief Information Officer, Office of the County Attorney and the County Executive's Office.

(6-0)

3. COMM. 23E-5 (2020)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services is requesting authorization to extend a lease at 43 Court Street with 43 Court Street Realty Company for the purpose of housing multiple Social Services programs at this site; and

WHEREAS, the lease extension for the period January 13, 2021 through January 12, 2026 is for space totaling 21,034 square feet at an annual base rental amount of \$13.52 per square feet for an annual base rental amount of \$284,274.96 for Years 1 and 2 and \$15.85 per square feet for an annual base rental amount of \$333,388.90 for Years 3 through 5. The increase in Years 3 through 5 are due to extensive planned leasehold improvements including upgraded HVAC system, updated restrooms, updated flooring, and painting; and

WHEREAS, the current lease period ends on January 12, 2021, and this lease is needed to maintain Department of Social Services administered programs at this location; and

WHEREAS, the Department of Social Services has leased space at 43 Court Street since 1999, and the facility currently houses its Special Investigations Division and the Human Resources Division; and

WHEREAS, the County included funds for this lease in the 2021 Proposed Budget; therefore, there will be no fiscal impact to the County in 2021.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to execute the lease extension for 43 Court Street at the rental amount of \$23,689.58 per month for Years 1 and 2, and \$27,782.41 per month for Years 3 through 5 and under the rental terms herein presented; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to the County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Division of Budget and Management.

(6-0)

4. COMM. 23E-10 (2020)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$2,910,255 to the County for the provision of indigent defense services; and

WHEREAS, Erie County contracted with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant; and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the contract term for an additional one-year period to allow the agencies to complete the terms and conditions of the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract amendment with the State of New York Office of Indigent Legal Services, extending the contract term for an additional one-year period of January 1, 2021 to December 31, 2021; and be it further

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

RESOLVED, that authorization is provided to extend the grant period of 160QID8ILS1820 in the County Attorney's Office to December 31, 2021; and be it further

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

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

(6-0)

5. COMM. 23E-14 (2020)
COUNTY EXECUTIVE

WHEREAS, it has been determined that the previous position transfer action of COMM. 5E-14 (2018) placing the pay grade 11 position of Systems Accountant (Budget) into the Department of Probation was a technical error based in financial consideration rather than work structure and civil service classification; and

WHEREAS, for the purposes of Civil Service classification alignment, position oversight and reporting structure for significant financially responsible positions within Erie County and under

the promotional guidelines as defined under Civil Service Law, this position should have remained in the Budget and Management Department; and

WHEREAS, the Department of Budget and Management seeks to rectify this error and retreat the position of Systems Accountant (Budget) to its appropriate specification and classified Department of Budget and Management; and

WHEREAS, this action shall not impede the work of either the Department of Probation nor the office of Budget and Management, but rather seeks to provide a more comprehensive ability, structure and appropriate civil service classification plan for the significant financially responsible work of Erie County involved.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize the transfer of one position of Systems Accountant (Budget), Job Group 11, Position Number 10209 from Funds Center 12610, Cost Center 1261010 to Funds Center 10210, Cost Center 1021020 B100#12146; and be it further

RESOLVED, that no 2020 budgetary transfers are required due to sufficient available balances in the Division of Budget and Management; and be it further

RESOLVED, that the Division of Budget and Management is authorized to make any necessary budgetary adjustments to the 2021 Adopted Budget in order to facilitate this request; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; the Commissioner of Personnel, and the Commissioner of Probation.
(6-0)

**TIMOTHY J. MEYERS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

December 10, 2020	PUBLIC SAFETY COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

a. COMM. 21E-12 (2020)
SHERIFF: "Lead Removal & Reimbursement Agreement"
(6-0)

2. COMM. 21E-10 (2020)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services resources in Erie County during actual or potential disaster events; and

WHEREAS, the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through the New York State Division of Homeland Security & Emergency Services has agreed to provide funding in the amount of \$1,680,898 to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Erie County Department of Homeland Security & Emergency Services will be the fiduciary agency for the City of Buffalo's award of \$337,067 in State Homeland Security Program Grant funds; and

WHEREAS, the Erie County Department of Homeland Security & Emergency Services requires legislative approval to accept the funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept these funds to serve individuals residing in Erie County; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$1,680,898 in federal resources to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract and accept funds in the amount of \$1,680,898 from the US Department of Homeland Security, Federal Emergency Management Agency with administration of the funds through the New York State Division of Homeland Security & Emergency Services for the Erie County Department of Homeland Security & Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions with existing Erie County Department of Homeland Security & Emergency Services grants to SHSP FY 2020 effective during the timeframe of 9/1/2020-8/31/2020 as required to maintain public safety services to Erie County residents; and be it further

RESOLVED, that the Erie County Department of Homeland Security & Emergency Services will be the fiduciary agency for the City of Buffalo's \$337,067 in State Homeland Security Program Grant funds; and be it further

RESOLVED, that this grant, under the Erie County Department of Homeland Security & Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

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

Erie County Department of Homeland Security & Emergency Services
Grant Fund 281, Fund Center 1670030
September 1, 2020 – August 31, 2023
HS167SHSP2023

<u>Revenue</u>	<u>Increase</u>
Account 414000 - Federal Revenue	<u>\$1,680,898</u>
<u>Appropriation</u>	<u>Increase</u>
Account 500000 – Full Time - Salaries	\$ 378,011
Account 500010 – Part Time – Wages	\$ 29,500
Account 502000 – Fringe Benefits	\$ 248,011
Account 505200 – Clothing Supplies	\$ 26,000
Account 505800 – Medical & Health Supplies	\$ 15,125
Account 510100 – Out of Area Travel	\$ 13,987
Account 515000 – Utilities	\$ 113,252
Account 516020 – Professional Services Contracts	\$ 139,379
Account 516030 – Maintenance Contracts	\$ 403,048
Account 561410 – Lab & Technical Equipment	\$ 284,585
Account 561440 – Motor Vehicle Equipment	<u>\$ 30,000</u>
	<u>\$1,680,898</u>

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Homeland Security & Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(6-0)

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

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

RE: Supporting the Creation of a
Small Business Utility Support
Program by the NYS Public
Service Commission
(INTRO. 24-1)

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

WHEREAS, during the COVID-19 pandemic, millions of New Yorkers have been negatively affected, be it from losing their jobs, to under-employment, to loss of their home or apartment, losing or being threatened with the loss of health insurance or healthcare; and

WHEREAS, using federal CARES Act funding, Erie County government has responded in a variety of ways to assist residents with rental and mortgage assistance, school assistance, day care and virtual learning centers, PPE tests and supplies for local governments, and the Back to Business initiative; and

WHEREAS, this assistance is still not enough, but the 2020 CARES Act funds have been depleted and unless Congress and the President act, there is no further federal economic assistance, stimulus funds or relief coming via federal funds to state and local governments, which are themselves facing historic fiscal stress due to Coronavirus; and

WHEREAS, one area that has gone unaddressed so far is the plight of small businesses and their utility expenses, such as electricity and natural gas, as businesses struggle to ‘make ends meet’ and pay their bills and employees while frequently being compelled by public health directives to close or reduce their hours and manner of operation; and

WHEREAS, in early 2020, Governor Andrew Cuomo signed into law a measure mandating that utility services cannot be shut off through march 2021 for those who have been financially affected by COVID-19, and the Public Service Commission established a process requiring utilities to offer deferred payment agreements with no money down, late fees or penalties to customers through March 31, 2021, but these regulations only apply to residential customers and not small businesses or commercial customers; and

WHEREAS, in winter months, the State's Home Energy Assistance Program (HEAP) is available to assist low income residents with their home heating and utility costs, but the program is not designed to nor does it allow for supporting small businesses; and

WHEREAS, small businesses, which are the lifeblood of our economy, are suffering and additional State support is necessary and could be facilitated through action by the Public Service Commission; and

WHEREAS, the Public Service Commission is best suited to oversee and implement a small business utility relief program to assist struggling businesses during COVID with their utility expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on the New York State Public Service Commission to create a small business utility relief program to assist small businesses with COVID-related financial distress, with options for deferring payments, waiving penalties and interest, and establishing potential waivers for businesses from utility payments or cash grants to pay such utility bills for small businesses, such as that conducted by the State of Iowa's Small Business Utility Disruption Prevention Program; and be it further

RESOLVED, that this Honorable Body once again calls on the President, the US Senate and the US House of Representatives to act immediately, to create a new round of financial assistance for state and local governments, businesses and the unemployed, to assist during this historical economic recession; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, to the New York State Assembly and State Senate, the Chair of the New York State Public Service Commission, and the leaders of the local chambers of commerce in Erie County.

MR. MEYERS moved to amend the resolution by including MR. LORIGO, MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON, MR. MEYERS and MS. VINAL as Co-Sponsors. MR. JOHNSON seconded. MR. RATH abstained.

CARRIED. (10-0-1)

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

CARRIED. (10-0-1)

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 39 – MR. MEYERS moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 23E-3 (2020). MR. JOHNSON seconded.

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

AYES: MR. MILLS, MR. RATH, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. HARDWICK, MR. JOHNSON and MR. MEYERS. NOES: MR. LORIGO, MR. GILMOUR and MS. VINAL. (AYES: 8; NOES: 3)

CARRIED.

RE: Contract to Assist SUNY Erie in
Presidential Search
(COMM. 23E-3, 2020)

WHEREAS, the SUNY Erie Community College Board of Trustees, in conjunction with the administration of SUNY Erie Community College, requested and advertised a Request for Proposal (RFP) for professional services in connection with a Presidential Search; and

WHEREAS, based upon a detailed review and evaluation by an ad hoc Presidential Search firm committee of the seven responses received, utilizing three sets of criteria – mandatory elements, technical qualifications and competence, and price and interviews of the top three firms; and

WHEREAS, the firm of AGB Search has exhibited and demonstrated the qualifications that will allow SUNY Erie Community College to actively seek and hire a new President; and

WHEREAS, SUNY Erie Community College has adequate funding available in its 2020-2021 budget to fund these expenses; and

WHEREAS, the SUNY Erie Community College Board of Trustees can approve consultants/professional services agreements for up to \$50,000; and

WHEREAS, as the recommended firms price proposal of \$70,000 to \$83,000 inclusive of all direct and in-direct costs (final pricing proposal is currently being negotiated) exceeds the SUNY Erie Community College Board of Trustees authority, it is recommended that the Erie County Legislature act to approve such recommended firm.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves awarding a contract to AGB Search to assist the SUNY Erie Community College Board of Trustees in its search for the next President of SUNY Erie Community College; and be it further

RESOLVED, that the SUNY Erie Community College Interim President is authorized to enter a contract, subject to legal review, with AGB Search for the above-mentioned services.

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

MS. VINAL moved to table the item. MR. LORIGO seconded.

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

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

CARRIED.

SUSPENSION OF THE RULES

NONE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR BASKIN

Item 40 – (COMM. 24E-1) Letter to Legislature Clerk Concerning Time Change of Meeting on 12/3/2020

Received, filed and printed.

December 1, 2020

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

Re: December 3rd Legislative Session will be Held at 1:00 pm

Dear Mr. Graber:

To maintain compliance with Rule 4.01 of the Erie County Legislature's Rules of Order, concerning the report of the Finance and Management/Budget Committee laying on the table for forty-eight (48) hours prior to the Annual Budget Meeting, I am shifting the Legislature's scheduled December 3, 2020 session from being held at 11:30 am to 1:00 pm.

This session will also still be held virtually, via Zoom, due to the COVID outbreak.

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

Sincerely,

April N.M. Baskin
Chair of the Legislature

Item 41 – (COMM. 24E-2) Letter to Legislature Clerk Regarding Transition of Meetings on 12/17/2020

Received, filed and printed.

December 10, 2020

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

Re: December 17th Work Session and Legislative Session will be Held Virtually due to the Coronavirus Pandemic and the Legislative Session Time Will Be Changed

Dear Mr. Graber:

Due to the Coronavirus COVID-19 pandemic, and in order to help protect the members and staff of the Erie County Legislature and the public from potential exposure to the virus, I am writing to advise you that pursuant to Section 2.03 of the Erie County Legislature's Rules of Order, I am shifting the Legislature's scheduled December 17, 2020 session from being held in the Chambers of the Legislature to a virtual hearing. In addition, the legislative session will be held at 11:30 am instead of 2:00 pm.

In order to help minimize risk and protect the health and safety of County personnel and guests, it is prudent to shift next week's session and work session from in-person in the Legislature Chambers to virtual, via Zoom.

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

Sincerely,

April N.M. Baskin
Chair of the Legislature

Item 42 – (COMM. 24E-3) 2021 Schedule of Legislative Sessions

Received, filed and printed.

2021 SCHEDULE OF LEGISLATIVE SESSIONS

JANUARY
7
21

JULY
8
22

FEBRUARY
4
18

AUGUST
Recess

MARCH
4
18

SEPTEMBER
9
23

APRIL
15
29

OCTOBER
7
21

MAY
13
27

NOVEMBER
4
18

JUNE
10
24

DECEMBER
2 - Session & Budget Vote
16 - Session & Budget Override

All Regular Sessions listed begin at 2:00 p.m. in the Legislature Chambers unless notice is provided for meeting(s) to be conducted virtually/telephonically due to the Covid-19 pandemic.

Pre-Session Joint Caucus Meetings held on the day of Session begin at 10:00 a.m. in the Legislature Caucus Room unless notice is provided. All Meetings are open to the public.

Item 43 – (COMM. 24E-4) Letter to Sheriff & Undersheriff Concerning COVID-19 Outbreak in Division of Jail Management

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 44 – (COMM. 24E-5) Letter to Chair Baskin Regarding Request to Attend Public Safety Committee Meeting

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

RE: Reappointment of Member of EC Board
of Ethics
(COMM. 24E-6)

RESOLVED, that the Erie County Legislature hereby confirms the re-appointment of Chris Trapp to the Erie County Board of Ethics for a term that will expire on December 31, 2025.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 24E-7) 2021 EC Budget as Amended - No Objections to Additions

Received, filed and printed.

December 3, 2020

Honorable Members
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: 2021 Erie County Budget, as Amended

Dear Honorable Legislators:

Pursuant to Section 2508(b) of the Erie County Charter, I have reviewed the amendments to my executive recommended 2021 Erie County Budget approved by your Honorable Body on December 3, 2020.

While certain of your amendments will necessitate technical amendments to the 2021 Budget in 2021, such as fee reductions which will modify revenues in the Departments of Health and Parks, I hereby formally state that I have no objections to the additions made by your Honorable Body to the 2021 Budget.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

FROM LEGISLATOR LORIGO

Item 47 – (COMM. 24E-8) Request for Health & Human Services Committee Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF

Item 48 – (COMM. 24E-9) Authorization to Award Professional Services Contract for Correctional Health Comprehensive Occupational Health Software

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 49 – (COMM. 24E-10) Letter to President of 43North Regarding Award of \$10,000

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 50 – (COMM. 24E-11) Re-Appointment to the EC Agricultural & Farmland Protection Board

Received, filed and printed.

December 15, 2020

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

Re: Re-Appointment to the Erie County Agricultural and Farmland Protection Board

Dear Clerk Graber:

Pursuant to my authority as Chair of the Erie County Legislature, and under Article 25-AA of the New York Agriculture and Markets Law, Section 302 which establishes the provisions for a county agricultural and farmland protection board, I hereby re-appoint Rachel. Chrostowski as a member of the Erie County Agricultural and Farmland Protection Board as the representative of the Western New York Land Conservancy.

Thank you in advance for your assistance and courtesies.

Sincerely yours,

April N.M. Baskin
Chair

FROM THE COUNTY CLERK

Item 51 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

RE: Personnel Adjustments - Registrar
Division, 2021 Budget
(COMM. 24E-12)

WHEREAS, the Erie County Clerk's Office continues to meet the mandates and service demands of the Office of the County Clerk; and

WHEREAS, due to the effects of the COVID-19 pandemic and an historic influx of pistol permit applications and firearm registrations, the County Clerk has developed a cross-functional collaboration initiative in the Registrar Division where individuals from different departments in the Division may work together to provide resources in those areas where it is most needed; and

WHEREAS, especially in light of the impact COVID-19 has had on the County's revenues, the County Clerk's Office understands the necessity of its functions to generate revenue for the County and annually aid in balancing the budget upon those revenues; and

WHEREAS, a restructuring of the Registrar Division will permit comprehensive supervision of the staff members as they perform duties within departments; and

WHEREAS, the personnel adjustments requested will maintain a positive fiscal impact.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the deletion of Principal Document Clerk (Job Group 8 – Step A) (Position #510122826) (pro-rated annual salary \$52,000.00) in Fund Center 1131010; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the creation of one full time position of Supervising Data Processing Control Clerk (Job Group 10 – Step C) in the CSEA bargaining unit (pro-rated annual salary \$62,900.00) in Fund Center 1131020; and be it further

RESOLVED, that the Erie County Clerk shall leave Clerk PT (Position #51002355) vacant through July 26, 2021 to offset the economic impact of these budgetary changes; and be it further

RESOLVED, that the Director of Budget and Management, and the Commissioner of Personnel are hereby authorized and directed to make all necessary changes necessary to effectuate the implementation of this resolution; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget and Management, Commissioner of Personnel, County Comptroller, and the County Clerk.

FROM THE COUNTY EXECUTIVE

Item 52 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

RE: Transfer of Surplus County Owned
Parcel
(COMM. 24E-13)

WHEREAS, the Director of Real Property Tax Services recommended the transfer of the surplus county owned property described below; and

WHEREAS, the County Lands Advisory Review Committee reviewed the transfer under SEQR and classified the action as Unlisted and issued a negative declaration acknowledging the minimal environmental impact; and

WHEREAS, the parcel was reviewed and deemed surplus by the County Lands Advisory Review Committee.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature concurs with the SEQR classification and findings of the County Lands Advisory Review Committee of a minimal environmental impact; and be it further

RESOLVED that the surplus county owned parcels listed below be transferred:

Village of Lancaster - SBL #1104.82-1-19; 0 Aurora Street, Lancaster - to the Village of Lancaster. This parcel is triangular-shaped that includes a portion of Cayuga Creek to the east of the Aurora Street Bridge. It is an undeveloped County-owned parcel that the Village of Lancaster desires to acquire to incorporate into its plans for a park along the north side of Cayuga Creek. Negotiated Price: \$1.00. Measures: 0.1 acres.

and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying any and all interest of the County of Erie in the above described properties to the aforesaid purchasers; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.

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

CARRIED UNANIMOUSLY.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required to construct the Project; and be it further

RESOLVED, that the County of Erie is authorized to acquire the necessary real property interests from the aforementioned Subject Properties for the purpose of constructing the Project; and be it further

RESOLVED, that the County of Erie is authorized to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that funding for the ROW acquisition, in an amount not to exceed \$1,500 be made available in Project B.17006 - 2017 Capital Right of Way, Fund 420, Funds Center 123; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including CPL Architects, Engineers, Landscape Architect & Surveyor, D.P.C. of New York, Inc., are hereby authorized to establish the amounts which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including CPL Architects, Engineers, Landscape Architect & Surveyor, D.P.C. of New York Inc., are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring the necessary real property interest in portions of their respective parcels of real property by easement and/or fee, which acquisition is necessary for construction of the Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including CPL Associates of New York Inc., are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Properties; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, including Urban Engineers of New York, Inc., the County is authorized to commence eminent domain procedures; 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 also one copy each

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

RE: ECSD No. 6 - Closure of Capital Project
(COMM. 24E-15)

WHEREAS, the projects allocated in Erie County Sewer District No. 6 Capital Project C.00069 have been completed; and

WHEREAS, funds of \$3,616.49 remain in the Capital Project Account; and

WHEREAS, the Department of Environment and Planning recommends Capital Project C.00069 be closed.

NOW, THEREFORE, BE IT

RESOLVED, that \$3,616.49, along with any additional interest earned before the transfer date, be transferred from Erie County Sewer District No. 6 Capital Account C.00069 to Erie County Sewer District No. 6 Fund Center 186, Fund 220, Account 486010; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to make any and all budgetary and financial entries required to implement this Resolution, including any adjustments needed to account for interest earned; and be it further

RESOLVED, that the Clerk of the Legislature shall be directed to send certified copies of this Resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Kristen Walder, County Attorney's office, and Joseph Fiegl, P.E., Department of Environment and Planning, Division of Sewerage Management.

Item 55 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

RE: Levy & Apportionment of EC Real
Property Tax for 2021
(COMM. 24E-16)

WHEREAS, the Erie County budget for the year 2021 has been adopted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the amounts in said County budget that are required to be raised by taxes, by the Legislature's adoption of the Erie County Budget for 2021, are hereby levied upon and shall be collected from the taxable property situated within the County of Erie and liable therefore, effective January 1, 2021; and; be it further

RESOLVED, that the Director of Real Property Tax Services is hereby directed to apportion said taxes to be raised for such budget against the taxable property liable, therefore, as provided by law; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Director of Budget and Management, County Comptroller, County Attorney, and Scott A. Bylewski, Director of Real Property Tax Services.

Item 56 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

RE: 2021 Levy of Town and Special District
Budgets
(COMM. 24E-17)

RESOLVED, that the following abstracts of the adopted Town and Special District Budgets for the year 2021, as certified and presented to this Legislature by the appropriate Town Officers; be printed by the Clerk in the minutes of the proceedings of this Legislature; and be it further

RESOLVED, that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and Districts and liable therefore; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to make adjustments and modifications as deemed appropriate; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby directed to spread said taxes to be so raised for such budgets against the taxable property liable therefore as provided by Article VI of the Erie County Tax Act, as amended; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Director of Budget and Management, County Comptroller, County Attorney and Scott A. Bylewski, Director of Real Property Tax Services.

Item 57 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 243

RE: Section 520 Exemption Charges for
2021
(COMM. 24E-18)

WHEREAS, Section 520 Exemption Charges for 2021 have been calculated as indicated on the attached schedule.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Director of Real Property Tax Services is directed to spread the amount of taxes, as indicated on the attached schedule, upon the tax rolls of the several municipalities in Erie County, being taxes due from the exemption removal on properties transferred during the past year, pursuant to Section 520 of the Real Property Tax Law; and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, Scott A. Bylewski, Director of Real Property Tax Services, the Erie County Comptroller, and Assistant County Attorney Gregory Kammer.

Item 58 – (COMM. 24E-19) SUNY Erie City Campus - 2018 Various ADA Upgrades

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

RE: Renaming 110 Franklin St. to Lincoln
Building
(COMM. 24E-20)

WHEREAS, in 1833 the building currently known as the Ticor Building located at 110 Franklin Street was designed and eventually erected; and

WHEREAS, the building boasts countless unique facts such as being the second oldest religious building remaining within the City of Buffalo, that it housed a free school for underprivileged children, which was the first of its kind within the City of Buffalo, and was home to the Buffalo Fine Arts Academy, the parent organization of the Albright Knox Art Gallery; and

WHEREAS, originally constructed as a church, the building held many gatherings and played host to many of the nation's historical figures, most notably its most prestigious Chartered Member Millard Fillmore (13th President 1850-1853) hosted many dignitaries of his day including in 1843 when he welcomed John Quincy Adams (6th President 1825-1829) and in 1861 when he welcomed Abraham Lincoln (13th President 1861-1865); and

WHEREAS, over the years the building had been reconfigured from its above mentioned uses to eventually becoming an office building where perhaps its most well-known tenant was the architectural firm of Green & Wicks, the original firm co-founded by E.B. Green. E.B Green served as one of Buffalo's most prolific architects whose works included, the Buffalo Athletic Club, the Electric Tower, Albright-Knox Art Gallery and the Buffalo Savings Bank building; and

WHEREAS, the County of Erie acquired the Ticor Building (named after its previous owner the Ticor Title Company) in 2001 where it has served as an office space for various County departments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute all necessary documentation to change/amend the official and documented name of the property located at 110 Franklin Street from all previous names and that it would forever be known as the Lincoln Building; 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, and Office of the County Attorney.

Item 60 – (COMM. 24E-21) SUNY Erie South Campus - 2020 Cell Tower Amendment to Lease Agreement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 245

RE: Adoption of Mall District Service Charge Roll for 2021 (COMM. 24E-22)

WHEREAS, after a public hearing, held on October 27, 2020 by Buffalo Place Inc., and upon adoption of Intro 20-2, the Erie County Legislature determined that the total amount to be raised by mall district service charges for 2021 for the downtown pedestrian/transit mall special district shall be the sum of \$1,744,200; and

WHEREAS, the 2021 Mall District Budget requires that the amount to be raised by Mall District payments in lieu for 2021 for the downtown pedestrian/transit mall special district shall be the sum of \$52,675.00; and

WHEREAS, the Director of Real Property Tax Services has established the 2021 mall district service charge and payment in lieu roll apportioning the amount to be raised and has transmitted such roll to the Erie County Legislature for adoption.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the mall district service charge and payment in lieu roll established by the Director of Real Property Tax Services for the purpose of assessing 2021 service charges for the downtown pedestrian/transit mall special district; and be it further

RESOLVED, that 2021 mall district service charges and payment in lieu amounts shall be assessed, due and a lien on benefited properties within the downtown pedestrian/transit mall special district on and as of January 1, 2021 and shall be payable to the Director of Real Property Tax Services as provided in Erie County Local Law No. 8-1984; and be it further

RESOLVED, that late fees shall be collected on payments made after the dates provided in Erie County Local Law No. 8-1984, and an interest budget line of \$10,000.00 shall be added to the Mall Budget for collection of these late fees; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish the 2021 Downtown Mall Budget in the amount \$1,806,875 which includes \$1,744,200 for service charges, \$52,675 for payment in lieu, and \$10,000 for interest earnings; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to make adjustments and modifications as deemed appropriate; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Budget Director, County Comptroller, County Attorney, and Scott A. Bylewski, Director Real Property Tax Services.

Item 62 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

RE: Feasibility Study for EC Seneca Bluffs
Natural Habitat Infrastructure Project
Amendment
(COMM. 24E-23)

WHEREAS, the New York State Department of Environmental Conservation awarded Erie County \$27,000 to commence a Feasibility Study for Erie County Seneca Bluffs Natural Habitat Park Green Infrastructure Project (Feasibility Study); and

WHEREAS, the New York State Environmental Facilities Corporation was incorrectly identified as the funding agency in resolution COMM. 11E-21 (2020); and

WHEREAS, it is necessary to amend resolution COMM 11E-21 (2020) to change the funding agency from New York State Environmental Facilities Corporation to New York State Department of Environmental Conservation.

NOW, THEREFORE, BE IT

RESOLVED, that resolution COMM. 11E-21 (2020) be amended to authorize the County Executive or the Deputy County Executive to execute an agreement with the New York State Department of Environmental Conservation to accept \$27,000 in grant funding for the Feasibility Study for Erie County Seneca Bluffs Natural Habitat Park Green Infrastructure Project; 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; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.

FROM LEGISLATOR VINAL

Item 63 – (COMM. 24E-24) Letter to Governor Regarding the Re-Opening of Salons

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF LAW

Item 64 – (COMM. 24D-1) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 65 – (COMM. 24D-2) Letter to Legislature Concerning Transition of Future Meetings to Virtual Meetings

Received, filed and printed.

December 10, 2020

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: DECEMBER 17th WORK SESSION AND LEGISLATIVE SESSION WILL BE HELD VIRTUALLY DUE TO THE CORONAVIRUS PANDEMIC AND THE LEGISLATIVE SESSION TIME WILL BE CHANGED

PLEASE TAKE NOTICE that pursuant to Erie County Legislature Chair April N.M. Baskin's letter concerning COVID-19, the Erie County Legislature's scheduled December 17, 2020 legislative session and work session will be shifted from being held in the Chambers of the Legislature to a virtual hearing, to be held via Zoom. In addition, the legislative session will be held at 11:30 am, instead of 2:00 pm.

The Chairwoman's letter directing the changes is attached.

The Zoom details are as follows:

Topic: Erie County Legislature Work Session at 10:00 am and Legislative Session #24 at 11:30 am
Time: Dec 17, 2020 10:00 AM and 11:30 AM
<https://us02web.zoom.us/j/83177299181?pwd=eDJsbn0pRZndKK3FEckw0ekFtYVU1QT09>
Meeting ID: 831 7729 9181
Passcode: 970949
Or call 646-876-9923

Thank you.

FROM THE DEPARTMENT OF LAW

Item 66 – (COMM. 24D-3) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 67 – (COMM. 24D-4) Updated Nursing Home Outbreak Information - 11/28/2020

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 68 – (COMM. 24D-5) Budget Monitoring Report for Period Ending 10/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 69 – (COMM. 24D-6) Audit of Personnel Department Civil Service Exam Fee Revenues - 7/1/19 - 12/31/19

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 70 – (COMM. 24D-7) Updated Nursing Home Outbreak Information - 12/5/2020

Item 71 – (COMM. 24D-8) Letter to Chair of HHS Committee Regarding Delays in COVID-19 Contact Tracing

Item 72 – (COMM. 24D-9) Updated Nursing Home Outbreak Information - 12/12/2020

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE CSEA

Item 73 – (COMM. 24M-1) Letter to Health Commissioner & County Executive Regarding EC Corrections COVID-19 Testing

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 74 – (COMM. 24M-2) 17A Report & Capital Expenditure Reports for First Quarter of FY Ending 3/31/21

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 75 – (COMM. 24M-3) Fact Sheet - Completion of Brownfield Cleanup Program at 3100 Clinton St., West Seneca

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 76 – Chair Baskin announced that the next session would be held via zoom and that instructions would be distributed shortly after adjournment.

MEMORIAL RESOLUTIONS

Item 77 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Anna May Grisante Moriarity.

Item 78 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Jim Bednasz.

Item 79 – Legislator Meyers requested that when the Legislature adjourns, it do so in memory of Arthur Hammer.

Item 80 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of Jerry Sullivan.

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. RATH moved that the Legislature adjourn until Thursday, January 7, 2021 at 2:00 p.m. Eastern Standard Time. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, January 7, 2021 at 2:00 p.m. Eastern Standard Time.

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