

**ERIE COUNTY LEGISLATURE
MEETING NO. 20
NOVEMBER 5, 2020**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Lorigo, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Johnson.

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 19 from 2020. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. TODARO presented a proclamation Honoring Advance Care Physical Therapy of WNY.

Item 6 – MR. RATH presented a proclamation Celebrating the Akron Bugle on the Occasion of Its 40th Anniversary.

Item 7 – MR. TODARO presented a proclamation Honoring Esential Care Spa & Wellness Center.

Item 8 – MR. JOHNSON presented a proclamation Celebrating and Recognizing Jack Reid IV and Honoring the Grand Opening of the Allentown Café.

Item 9 – MR. TODARO presented a proclamation Honoring and Recognizing Kim Raczky on Her Retirement from Erie County.

Item 10 – MR. TODARO presented a proclamation Celebrating LaPaloma Pizzeria on the Occasion of Its 60th Anniversary.

Item 11 – MR. TODARO presented a proclamation Recognizing and Honoring Larry Mietus.

Item 12 – MR. RATH presented a proclamation Recognizing and Congratulating Mary Sage on Receiving the 2020 Distinguished Alumni Award for Service to the Community from Daemen College.

Item 13 – MR. TODARO presented a proclamation Recognizing Sean Witucki for Adding to the Arts and Culture of Western New York.

Item 14 – MR. TODARO presented a memorial resolution Honoring and Remembering Susan Bennett.

Item 15 – MR. LORIGO presented a proclamation Recognizing Marie Pantera on the Occasion of Her 100th Birthday.

Item 16 – MR. MILLS presented a proclamation Honoring Chevalier Outdoor Living for Its Dedication and Passion to Creating Beautiful Outdoor Living Spaces.

Item 17 – MR. MILLS presented a proclamation Honoring Edward Cosgrove for His Commitment and Dedication to Excellence in the Practice of Law.

Item 18 – MR. MILLS presented a proclamation Honoring Gary Carini and Alex Smith for the Legacy They Created with Gary's Barber Shop.

Item 19 – MR. MILLS presented a proclamation Honoring the Opening of Harmony Wellness Center.

Item 20 – MR. LORIGO presented a proclamation Congratulating Laurie Pfister for Being Elected as the New President of the Kiwanis Club of Holland.

Item 21 – MR. LORIGO presented a proclamation Acknowledging and Thanking Timm Slade for His 33 Year Career as the Section VI Executive Director.

Item 22 – MR. GILMOUR presented a proclamation Recognizing and Honoring Angela M. Erwin on the Occasion of Her 60th Birthday.

Item 23 – MR. TODARO & MR. MEYERS presented a proclamation Recognizing and Honoring Tom Fay for His Dedication to Being an Educator for Over 50 Years.

Item 24 – MR. TODARO presented a proclamation Recognizing and Honoring Dave Gordon and Gordon Companies for Being a Christmas Destination for WNY.

Item 25 – MR. TODARO presented a proclamation Congratulating Mr. and Mrs. Bendasz Upon the Occasion of Their 50th Anniversary.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-one items by adding one for Ms. Vinal and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

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

GRANTED.

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

GRANTED.

Item 29 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS 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 – CHAIR BASKIN directed that Local Law No. 4 (Print #2) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 32 – CHAIR BASKIN directed that Local Law No. 6 (Print #1) 2020 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 33 – CHAIR BASKIN directed that Local Law No. 7 (Print #1) 2020 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

October 29, 2020	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 19M-1 (2020)
NYSDEC: “Fact Sheet - Brownfield Cleanup Program Application & Draft Remedial Investigation Work Plan - 324, 328, 334 North Oak St. & 441 Ellicott St., Buffalo”
(Chair’s Ruling)
 - b. COMM. 19M-4 (2020)
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 301 Connecticut St., Buffalo”
(Chair’s Ruling)
 - c. COMM. 19M-5 (2020)
NYSDEC: “Invitation for Public Comment - Brownfield Cleanup Program Application for 324, 328, 334 North Oak St. & 441 Ellicott St., Buffalo”
(Chair’s Ruling)
2. COMM. 19E-11 (2020)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations;
and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County, in partnership with 40 municipalities, \$320,000 to commence the WNY Stormwater Coalition (WNYSC): Storm System Mapping Project; and

WHEREAS, Erie County and the DEC entered into a contract (Grant #162WNYSCSSMP1720) authorized by COMM. 21E-22 (2017); and

WHEREAS, continued execution of the project work plan in accordance with the contractual requirements set forth by the granting agency necessitates the following grant funded staff position:

Information Technology Specialist 1 (JG 8)

and

WHEREAS, it is necessary to extend the term of this contract to December 31, 2022.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is authorized to execute the necessary agreements with the DEC to extend the project until December 31, 2022; and be it further

RESOLVED, that the following position, which is 100% grant funded, will be created under the WNY Stormwater Coalition: Storm System Mapping Project grant 162WNYSCSSMP1720, business area 162, fund 281:

Information Technology Specialist 1 (JG 8)
B-100—No. 12134
Budgeted Annual Salary: \$47,142

and be it further

RESOLVED, that the following existing position will be eliminated:

Junior Environmental Compliance Specialist (JG 7)

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 Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(5-0)

3. COMM. 19E-12 (2020)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 14E-8 (2019), Contract No. 63 was awarded to Kandey Company, Inc. to construct the Parker Road Elevated Sewer Repair Project in Erie County Sewer District No. 3; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 63, in the final contract amount of \$388,810.38 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 63 between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, NY 14224) is accepted in the final contract amount of \$388,810.38, as allocated in Erie County Sewer District No. 3 Capital Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 63, to Kandey Company, Inc. for a total contract amount of \$388,810.38; and be it further

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

(5-0)

4. COMM. 19E-13 (2020)
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 administer many initiatives that protect and preserve our natural water resources; and

WHEREAS, DEP completed the Regional Niagara River Lake Erie Watershed Management Plan Phase 2 project in 2019, which began the process of developing a Nine-Element Watershed Management Plan for the region to protect and improve our water resources and to allow the County and stakeholders to better compete for certain funding sources; and

WHEREAS, DEP is committed to coordinate, oversee, and conduct work to complete the creation of a Nine-Element Watershed Management Plan in the Regional Niagara River Lake Erie Watershed Management Plan Phase 3 project on behalf of the Lake Erie Watershed Protection Alliance (LEWPA); and

WHEREAS, the New York State Department of State (NYSDOS) provides grant assistance to municipalities to prepare watershed plans; and

WHEREAS, the NYSDOS awarded Erie County a \$501,000.00 grant to complete the “Regional Niagara River/Lake Erie Watershed Management Plan Phase 3” project including stream assessments; and

WHEREAS, LEWPA has expertise within the member County Soil & Water Conservation Districts to conduct stream assessments throughout the Niagara River/Lake Erie Watershed, and is specified as the project sub-awardee by NYSDOS; and

WHEREAS, this necessitates the execution of a grant contract with the NYSDOS; the adoption of a grant budget; the continued funding of a Senior Environmental Compliance Specialist (JG-12) position within the DEP; the creation of six (6) Intern Seasonal (JG-01) positions within the DEP; and the execution of a subcontract with LEWPA.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$501,000 from the NYSDOS for the purpose of establishing a “Regional Niagara River/Lake Erie Watershed Management Plan Phase 3” project; and be it further

RESOLVED, that the grant budget and project period for the NYSDOS “Regional Niagara River Lake Erie Watershed Management Plan Phase 3” is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

New York State Department of State: Regional Niagara River Lake Erie Watershed Management Plan Phase 3 (October 1, 2020 – September 30, 2025), SAP Grant Account #162RNRLEWMP2025
10/1/2020 through 9/30/2025

NYSDOS REVENUE

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	\$501,000
TOTAL REVENUE		\$501,000

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$172,000
500030	Seasonal – Wages	\$64,500
502000	Fringe	\$119,500
505000	Supplies	\$6,500
510000	Local Travel & Mileage	\$1,500
516020	Professional Services Contract	\$137,000
TOTAL APPROPRIATIONS		\$501,000

and be it further

RESOLVED, that the following position, which is 100% grant funded, will be transferred from the Lake Erie Watershed Protection Alliance grant (SAP Grant Account 162LEWPA1718) upon consumption of the budget for that project:

Senior Environmental Compliance Specialist (JG-12)
B-100 #12152
Budgeted Annual Salary: \$75,469

and be it further

RESOLVED, that the following positions, for which sufficient funding exists in the NYSDOS grant for personal services and fringe benefits, will be created in the above grant:

(6) Intern Seasonal (JG-01)
B-100 #11998, #11999, and #12000
Budgeted Annual Salary: \$32,256

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; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(5-0)

5. COMM. 19E-14 (2020)
COUNTY EXECUTIVE

WHEREAS, Erie County wants to develop effective outreach programs to institutions about food waste reduction, diversion, donation, composting, and disposal in accordance with the New York State (NYS) Food Donation and Food Scraps Recycling Law; and

WHEREAS, approximately 40% of the food produced in the United States goes uneaten. Meanwhile an estimated 2.8 million New Yorkers are food insecure. Simultaneously, excess edible food and food scraps see the end of their life at a landfill, where their decomposition produces methane, a potent greenhouse gas; and

WHEREAS, NYS has taken a stand to make the most of our food by mandating large generators of food scraps to redirect wholesome edible food to those in need and food scraps to organics recycling facilities where they will be recycled into a product beneficial to our environment; and

WHEREAS, Erie County and its partners, Northeast Waste Management Officials Association (NEWMOA), LEANPATH, and State University of New York (SUNY) Erie Culinary, are developing a food reduction project focused on reducing food waste through tracking, measuring, and planning; and

WHEREAS, this project will facilitate the characterization of food waste sources and quantities for the Local Solid Waste Management Plans which are submitted to New York State Department of Environmental Conservation (NYSDEC). It will also help SUNY Erie implement the food waste reduction goals outlined as part of the comprehensive SUNY System “Ensuring a Greener Future” Initiative; and

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) provides competitive funding for local government to better consolidate and share services; and

WHEREAS, Erie County applied to NYSDEC for a grant to implement the Erie County Food Waste Reduction Program to develop needed experience and data during the implementation of the Food Donation and Food Scraps Recycling Law, with enforcement scheduled to begin in January 2022; and

WHEREAS, Erie County received a NYSDEC award for \$200,000 in funding to conduct such a project; and

WHEREAS, the NYSDEC grant award also included two sub-awardees, NEWMOA and LEANPATH, which require contracts with Erie County; and

WHEREAS, the Erie County Food Waste Reduction Program necessitates the execution of a contract between Erie County and NYSDEC, the adoption of a grant budget, and the creation of a Senior Environmental Compliance Specialist (JG 12) position.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$200,000 from NYSDEC for the purpose of establishing an “Erie County Food Waste Reduction Program”; and be it further

RESOLVED, that the County Executive or the Deputy County Executive execute a contract with grant sub-awardee, Northeast Waste Management Officials Association (NEWMOA), in the amount of \$70,000, to provide education, training and outreach targeting the specific sources and types of food waste identified by the tracking and measurement process; and be it further

RESOLVED, that the County Executive or Deputy County Executive execute a contract with grant sub-awardee LEANPATH, in the amount of \$99,150 to lease LEANPATH food waste tracking and measurement systems; and be it further

RESOLVED, that the grant budget and project period for the “Erie County Food Waste Reduction Program” is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Food Waste Reduction Program
SAP Grant Account 162ECFWRP1923
October 1, 2019 – September 30, 2023

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid	\$200,000
TOTAL REVENUE		\$200,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
916290	ID Env & Planning Grants	\$24,246
516020	Professional Services	\$70,000
545000	Rental Charges	\$99,150
510100	Travel	\$ 4,000
530000	Other (promotional materials and advertising)	\$ 2,604
TOTAL APPROPRIATIONS:		\$200,000

and be it further

RESOLVED, that funding may be used to partially fund an existing County position; 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 the grantor 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; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(5-0)

6. COMM. 19E-15 (2020)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 4E-25(2019), Contract 57R-D (Electrical) was awarded to CIR Electrical Construction Corporation to construct the Well Street and Wilmuth Avenue Pumping Stations Electrical Systems Upgrade Project, in Erie County Sewer District No. 6; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 57R-D (Electrical), in the final contract amount of \$464,384.05 which includes Change Order No. 2 (final), a decrease of (\$5,815.95) and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 57R-D (Electrical) between the County of Erie and CIR Electrical Construction Corporation (400 Ingham Avenue, Buffalo, NY 14218) is accepted in the final contract amount of \$464,384.05 which includes Change Order No. 2 (final), a decrease of (\$5,815.95) and is allocated in Erie County Sewer District No. 6 Capital Account C.17601; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 57R-D (Electrical) to CIR Electrical Construction Corporation for a total contract amount of \$464,384.05; 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.
(5-0)

7. COMM. 19E-16 (2020)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 11E-29 (2019), Contract No. 59 was awarded to Hohl Industrial Services Inc. to construct the Southtowns AWTF ORF Rehabilitation Repairs Project, in Erie County Sewer District No. 3; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 59, in the final contract amount of \$666,666.95 which includes Change Order No. 3 (final), an increase of \$15,213.75 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 59 between the County of Erie and Hohl Industrial Services Inc. (770 Riverview Blvd, Tonawanda, New York 14150) is accepted in the final contract amount of \$666,666.95 which includes Change Order No. 3 (final), an increase of \$15,213.75 and is allocated in Erie County Sewer District No. 3 Capital Account C.00062; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 59, to Hohl Industrial Services Inc. for a total contract amount of \$666,666.95; 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 L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

8. COMM. 19E-17 (2020)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 4E-25(2019), Contract No. 57R-A (General) was awarded to STC Construction, Inc. to construct the Well Street and Wilmuth Avenue Pumping Stations Electrical Systems Upgrade Project, in Erie County Sewer District No. 6; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 57R-A (General), in the final contract amount of \$543,000.00 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 57R-A (General) between the County of Erie and STC Construction, Inc. (63 Zoar Valley Road, P.O. Box 459, Springville, New York 14141-0459) is accepted in the final contract amount of \$543,000.00 and is allocated in Erie County Sewer District No. 6 Capital Account C.17601; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 57R-A (General) to STC Construction, Inc. for a total contract amount of \$543,000.00; and be it further

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

(5-0)

9. COMM. 19E-18 (2020)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 4E-25(2019), Contract No. 57R-B (Heating and Ventilation) was awarded to Quackenbush Co., Inc. to construct the Well Street and Wilmuth Avenue Pumping Stations Electrical Systems Upgrade Project, in Erie County Sewer District No. 6; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 57R-B (Heating and Ventilation), in the final contract amount of \$99,115.00 and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 57R-B (Heating and Ventilation) between the County of Erie and Quackenbush Co., Inc. (495 Kennedy Road, Buffalo, New York 14227) is accepted in the final contract amount of \$99,115.00 and is allocated in Erie County Sewer District No. 6 Capital Account C.17601; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 57R-B (Heating and Ventilation) to Quackenbush Co., Inc. for a total contract amount of \$99,115.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(5-0)

10. COMM. 19E-22 (2020)
COUNTY EXECUTIVE

WHEREAS, the County Executive has made the below appointment to the Erie County Sewer District Board of Managers pursuant to the power vested to him by Section 2204 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointment to the Erie County Sewer District Board of Managers is hereby confirmed:

Erie County Sewer District No. 5
Mr. Jonathan Bleuer
Director of Community Development
Town of Clarence
One Town Place
Clarence, New York 14031

Term Expires

12/31/21

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the appointee, and Joseph Fiegl, P.E. – Deputy Commissioner of the Department of Environment and Planning.
(5-0)

**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. 213

October 29, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MEYERS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 19M-2 (2020)
NFTA: “NFTA Board Minutes for Meeting Held on 6/25/2020”
(Chair’s Ruling)
2. COMM. 19E-19 (2020)
COUNTY EXECUTIVE
WHEREAS, the Silo City Phase I Project consists of 168 units of affordable housing in the City of Buffalo located at 139 Buffalo River; 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 Silo City Phase I LLC and/or Silo City Phase I Housing Development Fund Company, Inc. 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 Silo City Phase I LLC, Silo City Phase I Housing Development Fund Company, Inc., the City of Buffalo, 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

Year	Total	City	County
1	\$ 79,685.05	\$ 59,763.79	\$ 19,921.26
2	\$ 82,075.60	\$ 61,556.70	\$ 20,518.90
3	\$ 84,537.87	\$ 63,403.40	\$ 21,134.47
4	\$ 87,074.01	\$ 65,305.50	\$ 21,768.50
5	\$ 89,686.23	\$ 67,264.67	\$ 22,421.56
6	\$ 92,376.81	\$ 69,282.61	\$ 23,094.20
7	\$ 95,148.12	\$ 71,361.09	\$ 23,787.03
8	\$ 98,002.56	\$ 73,501.92	\$ 24,500.64
9	\$ 100,942.64	\$ 75,706.98	\$ 25,235.66
10	\$ 103,970.92	\$ 77,978.19	\$ 25,992.73
11	\$ 107,090.04	\$ 80,317.53	\$ 26,772.51
12	\$ 110,302.75	\$ 82,727.06	\$ 27,575.69
13	\$ 113,611.83	\$ 85,208.87	\$ 28,402.96
14	\$ 117,020.18	\$ 87,765.14	\$ 29,255.05
15	\$ 120,530.79	\$ 90,398.09	\$ 30,132.70

(5-0)

3. COMM. 19E-20 (2020)
COUNTY EXECUTIVE

WHEREAS, the existing vents and vent control system are only partially operational, and adequate climate control in the various Houses cannot be achieved for plant life; and the replacement with new environmental greenhouse controls similar to the recently completed Grow Houses are warranted; and

WHEREAS, a detailed evaluation and cost estimate are necessary for the selective repair or replacement of operable ridge vents, replacement of vent actuators, actuator controls, compressor and other associated equipment; and fully integrate the new window vent system with the existing building management system; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Foit Albert Associates to provide professional Phase 1 Pre-Design services for the Buffalo & Erie County Botanical Gardens 2020 Replacement of Vents and Vent Control Systems at Various Houses project in an amount not to exceed \$53,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement with Foit Albert Associates to provide professional Phase 1 Pre-Design services for the Buffalo & Erie County Botanical Gardens 2020 Replacement of Vents and Vent Control Systems at Various Houses 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 410, Funds Center 122, follows:

A.18002 – 2018 Rehabilitation of Buffalo & Erie County Botanical Gardens	\$53,000
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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 Buffalo and Erie County Botanical Gardens c/o Dave Swarts.

(5-0)

4. COMM. 19E-21 (2020)
COUNTY EXECUTIVE

WHEREAS, The Public School 75 Project involves Wester New York Veteran's Housing Coalition, Inc. (WNYVHC) to adaptively reuse the former City of Buffalo Public School 75 located at 65 Howard Street into 65 affordable housing units and 18 new construction single-family affordable rental homes located on vacant land at 38 Howard Street, 44 Howard Street, 50 Howard Street, 57 Howard Street, 86 Howard Street, 96 Howard Street, 98 Howard Street, 70 Adams Street, 71 Adams Street, 75 Adams Street, 76 Adams Street, 79 Adams Street, 81 Adams Street, 85 Adams Street, 128 Monroe Street, 130 Monroe Street, 134 Monroe Street, 136 Monroe Street, 138 Monroe Street; 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 PS 75 LLC and/or PS 75 Housing Development Fund Corp. 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 PS 75 LLC, PS 75 Housing Development Fund Corp., the City of Buffalo, 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

PILOT Payment Schedule			
Year	Total	City	County
1	\$ 14,269.00	\$ 10,701.75	\$ 3,567.25
2	\$ 14,697.00	\$ 11,022.75	\$ 3,674.25
3	\$ 15,138.00	\$ 11,353.50	\$ 3,784.50
4	\$ 15,592.00	\$ 11,694.00	\$ 3,898.00
5	\$ 16,060.00	\$ 12,045.00	\$ 4,015.00
6	\$ 16,541.00	\$ 12,405.75	\$ 4,135.25
7	\$ 17,038.00	\$ 12,778.50	\$ 4,259.50
8	\$ 17,549.00	\$ 13,161.75	\$ 4,387.25
9	\$ 18,075.00	\$ 13,556.25	\$ 4,518.75
10	\$ 18,618.00	\$ 13,963.50	\$ 4,654.50
11	\$ 19,176.00	\$ 14,382.00	\$ 4,794.00
12	\$ 19,751.00	\$ 14,813.25	\$ 4,937.75
13	\$ 20,344.00	\$ 15,258.00	\$ 5,086.00
14	\$ 20,954.00	\$ 15,715.50	\$ 5,238.50
15	\$ 21,583.00	\$ 16,187.25	\$ 5,395.75

(5-0)

5. COMM. 19E-23 (2020)
COUNTY EXECUTIVE

WHEREAS, Erie County represents everyone – regardless of race, national origin, age, sex, sexual orientation, religious affiliation, disability, genetic information, or socioeconomic status; and

WHEREAS, Erie County has provided essential support to arts and culture not-for-profit organizations for over 40 years, supporting employment in the sector and overall quality of life and tourism for County residents and visitors; and

WHEREAS, the Erie County Arts and Cultural Advisory Board has consistently recommended increased diversity and inclusion within the leadership and programming of organizations applying for County Cultural Funding; and

WHEREAS, the ten largest cultural organizations have submitted a joint proposal to the Community Foundation for Greater Buffalo to develop a work plan for region-wide inclusion in the sector; and

WHEREAS, the Community Foundation for Greater Buffalo has determined to provide \$50,000.00 of the \$100,000.00 requested for this initiative; and

WHEREAS, the ten organizations will provide in-kind support; and

WHEREAS, Erie County desires to support this initiative by the award of \$25,000.00 to the Community Foundation for Greater Buffalo to support non-administrative components of the initiative; and

WHEREAS, \$25,000.00 is available from Fund 110, Fund Center 16200, GL Account 559000.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County can support the Transformative Diversity Initiative by the award of \$25,000.00; and be it further

RESOLVED, that \$25,000.00 be transferred from GL Account 559000 to Fund: 110, Fund Center: 1332010, GL Account: 518075; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into agreements with the Community Foundation for Greater Buffalo to assist with conducting assessments and developing strategies to improve diversity among the leadership, operations, and programming of arts and cultural organizations; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; Thomas R. Hersey, Jr., Commissioner of Environment and Planning.

(5-0)

6. COMM. 19E-25 (2020)
COUNTY EXECUTIVE

WHEREAS, the Rural Outreach Center provides critical services to Southern Erie County residents living in rural poverty; and

WHEREAS, the Rural Outreach Center serves as the Code Blue site for Southern Erie County; and

WHEREAS, the Rural Outreach Center has seen a sharp increase in demand for its services in recent years; and

WHEREAS, the Rural Outreach Center plans to construct a 4,000 square foot distribution center in furtherance of several of its programs; and

WHEREAS, Erie County wishes to fund the construction of the new warehouse; and

WHEREAS, the County of Erie has allocated \$400,000 for construction of the distribution center in the Capital Budget section of the approved 2020 Erie County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, easements, and agreements with the Rural Outreach Center in amounts not to exceed a total of \$400,000 for the purpose of construction of the Rural Outreach Center warehouse; and be it further

RESOLVED, that the source of these funds shall be \$400,000 available in the approved 2020 Erie County Capital Budget in A.20013; 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 local funding requirements; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the County Attorney; and Commissioner Thomas R. Hersey, Jr. and Principal Planner Mark Rountree, Department of Environment and Planning.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

October 29, 2020	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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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-1 (2020)
BASKIN: “Letter to ECDOH Commissioner Regarding RFPs to Provide Plain Language Communications Outreach”
(Chair’s Ruling)
 - b. COMM. 18D-1 (2020)
DEPT. OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)
 - c. COMM. 18D-3 (2020)
COMMISSIONER OF SOCIAL SERVICES: “Child Protective Caseloads for 08/2020”
(Chair’s Ruling)
 - d. COMM. 19E-2 (2020)

- COMPTROLLER: “Letter to Health Commissioner Regarding Whistleblower Hotline Report”
(Chair’s Ruling)
- e. COMM. 19E-5 (2020)
COMPTROLLER: “Letter to Health Commissioner - Concerns/Questions Over Whistleblower Hotline Report”
(Chair’s Ruling)
- f. COMM. 19E-9 (2020)
COMPTROLLER: “Letter to Health Commissioner - Further Concerns/Questions Over Whistleblower Hotline Report”
(Chair’s Ruling)
- g. COMM. 19D-2 (2020)
DEPT. OF LAW: “Local Emergency Order Extensions”
(Chair’s Ruling)
- h. COMM. 19D-6 (2020)
COMMISSIONER OF SOCIAL SERVICES: “Child Protective Caseloads for 09/2020”
(Chair’s Ruling)
- i. COMM. 19D-8 (2020)
COMMISSIONER OF HEALTH: “Letter to Comptroller Regarding COVID-19 Information Request”
(Chair’s Ruling)
- j. COMM. 19D-9 (2020)
COMMISSIONER OF HEALTH: “Letter to Comptroller Concerning County Employee COVID-19 Case”
(Chair’s Ruling)
- k. COMM. 19D-10 (2020)
COMPTROLLER'S OFFICE: “Report on Fines Issued by DoH Under COVID-19 Policies”
(Chair’s Ruling)
- l. COMM. 19M-3 (2020)
SENECA COUNTY BOARD OF SUPERVISORS: “Certified Resolutions Concerning NYS Legislation on Nursing Homes”
(Chair’s Ruling)
2. INTRO. 19-2 (2020)
CHIMERA

WHEREAS, research over the last two decades in the evolving fields of neuroscience, public health, and epigenetics reveals that trauma and adverse childhood experiences cause changes in the neurology and biology of the human body that, in turn, influence the person’s physical and mental health and overall wellbeing over their lifetime and can be passed down from parent to child, and

that the burden of this growing public health crisis has implications for the County's education, juvenile justice, criminal justice, public health, public safety, labor, and commerce systems; and

WHEREAS, adverse childhood experiences are those that occur during childhood, including physical, emotional or sexual abuse, physical and emotional neglect, household dysfunction, including substance abuse, untreated mental illness or incarceration of a household member, domestic violence, or separation or divorce involving household members, that can have a profound effect on a child's developing brain, body, and spirit and can result in poor health during the person's adulthood; and

WHEREAS, children and adults affected by adverse and traumatic events are more likely to:

- perform poorly in school and other academic pursuits;
- become chronically unemployed or underemployed as adults;
- become dependent on and addicted to tobacco, alcohol, prescription medications, illicit drugs, and other substances;
- become directly engaged with law enforcement and the criminal justice system;
- suffer from significant mental illness including depression, psychosis, and severe anxiety leading to suicides and attempted suicides that otherwise would not have occurred;
- suffer from serious physical health problems with poor long-term outcomes that otherwise would not have occurred;
- struggle despite their sincere efforts, to provide a stable and nurturing environment for their current and future children, resulting in increased likelihood of intergenerational trauma and intergenerational poverty;
- face a life expectancy shortened by as many as 20 years when compared to average life expectancy for adults who did not experience severe trauma as children

and

WHEREAS, the adverse effects of the COVID-19 pandemic and on-going civil/social unrest continue to exacerbate the negative impacts of trauma on mental and physical health and wellbeing of children, families, adults and the workforce, especially immigrants as well as Black, Indigenous, and people of color; and

WHEREAS, nearly 33% of residents across the Buffalo Niagara region live in or near poverty, 25 out of every 1,000 children/youth are believed to be suffering from abuse and maltreatment, and In Erie County there has been over 150 completed suicides and 94 confirmed opioid-related deaths in the last year; and

WHEREAS, trauma-informed care is a culture change process that when adopted into workplaces, communities, schools and government programs, can aid in preventing re-traumatization and promoting resilience in children, families and adults; and

WHEREAS, trauma-informed care recognizes the impact of working with individuals and families who have experienced trauma on the workforce, such as vicarious trauma, secondary traumatic stress and compassion fatigue; and

WHEREAS, every group, business, public or nonprofit agency, and tribe in Erie County has a role to play in raising awareness of the importance of supporting the health and well-being of children and families, and investing in trauma-informed services and systems for people throughout the course of life is a vital strategy to improve outcomes, prevent physical, emotional, behavioral, cognitive, spiritual, neurobiological and relational issues for people impacted by trauma, and to build a more prosperous and sustainable County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the importance, effectiveness, and need for trauma-informed care among existing programs and agencies in the County, and encourages all officers, agencies, and employees of the County whose responsibilities include working with vulnerable children and adults to:

- become informed regarding the well-documented short-term and long-term impacts of adversity and trauma on individuals, families and the workforce;
- implement evidence-based interventions and practices that are proven to be successful in developing resiliency in children and adults suffering from trauma-related disorders to help them recover from their trauma and function at their full capacity and potential;
- provide services which are trauma-sensitive and trauma-informed, and when appropriate, in a trauma-specific manner

and be it further

RESOLVED, that County departments and offices are requested to include trauma-informed principles into plans, policies, procedures and procurement, including, but not limited to:

- include goals and objectives related to trauma and trauma-informed care when developing their annual Programmatic Budget;
- consider if and how agencies or vendors are implementing trauma-informed principles when reviewing vendor response to request-for-proposals for programs working with vulnerable children and adults;
- provide professional development opportunities for staff on how to respond to trauma in constituents/consumers/service users as well as recognize and manage secondary traumatic stress, vicarious trauma, and other occupational stress that may emerge during the course of performing their job duties;
- establish policies and procedures that create and sustain a trauma-informed culture

and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Sheriff, County Clerk, District Attorney, and to the Commissioners of Social Services, Health, Mental Health, Senior Services, Central Police Services, Homeland Security and Emergency Services, Labor Relations, Public Advocacy, and Personnel, the Veterans Service Officer and the Directors of Equal Employment Opportunity, Purchase and the Office for the Disabled.

(5-0) Legislator Lorigo not present for vote.

3. COMM. 19E-8 (2020)

SHERIFF

WHEREAS, the Erie County Sheriff's Office – Division of Correctional Health (DoCH) is committed to providing the highest level of inmate care at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the DoCH is utilizing a vendor from New York State's bidder list; and

WHEREAS, the current vendor only provides laboratory services currently; and

WHEREAS, the 837 inmate laboratory orders cost the County on average \$5,240.00 per month; and

WHEREAS, the Sheriff's Division of Correctional Health received two proposals for the RFP; and

WHEREAS, the company would provide 24/7, customer service for both Erie County Sheriff's Office Facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to award RFP #2020-022VF to Quest Diagnostics for on-site laboratory services for inmate health care; and be it further

RESOLVED, the authorization is granted to the County Executive and the Erie County Sheriff's Office, by the Erie County Legislature, to enter into a three (3) agreement with Quest Diagnostic for on-site diagnostic services for inmate health care; and be it further

RESOLVED, the agreement states that after the second year of the three-year agreement, the Erie County Sheriff's Office – Division of Correctional Health and the County of Erie may opt out of the agreement with proper notification; and be it further

RESOLVED, certified copies of this resolution will be forwarded to the County Executive, County Attorney, Division of Budget and Management, Erie County Comptroller, Division of Purchase and the Sheriff's Office for implementation.

(6-0)

4. **COMM. 19E-24 (2020)**
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services relies primarily on grant funding to provide programs and services to older adults in Erie County in partnership with numerous community agencies; and

WHEREAS, the pandemic crisis disrupted usual provision of programs and services, and expenditures in their support; and

WHEREAS, the Department's grantors have therefore extended existing grant periods to permit continued utilization of funding to meet the needs of older adults during the pandemic; and

WHEREAS, the Department of Senior Services utilizes grant funding to contract with community agencies to provide programs and services and such contracts need to be extended to coincide with grant extension timeframes; and

WHEREAS, no additional County funds are required to extend the grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to utilize grant funds through extension timeframes:

- Access to Home for Medicaid Grant 2017-19 (163ACCESS1719) extended until 12/31/20
- Community Services for the Elderly Grant (163CSE1920) extended until 9/30/20
- Expanded In Home Services for the Elderly Grant (163EISEP1920) extended until 9/30/20
- Unmet Need Grant (163Unmetneed1920) extended until 9/30/20
- Aging by Design Grant (163ABD1718) extended until 6/30/20

and be it further

RESOLVED, the Access to Home for Medicaid Grant 2019-20 funding period is established as 5/10/19 through 5/10/21; and be it further

RESOLVED, that the County Executive be and is hereby authorized to extend contracts with associated agencies that utilize extended grant funds; and be it further

RESOLVED, that in the event grant extensions authorized are further extended, the County Executive be and is hereby authorized to utilize those funds through extension periods and extend associated contracts with agencies funded by such grants; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the: County Executive; Director of the Division of Budget and Management; Comptroller's Office; and the Department of Senior Services.
(6-0)

LISA M. CHIMERA
CHAIR

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: Requesting Potential Transfer of
Unutilized CARES Act Funds to
the “Back to Business” Small
Business Assistance Program
(INTRO. 20-1)

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

WHEREAS, the Coronavirus pandemic has had a significant adverse effect on tens of thousands, if not hundreds of thousands of Erie County residents and businesses; and

WHEREAS, in response, Erie County has created several CARES Act, federally-funded initiatives designed to assist small businesses, day care/child care/schools, local governments (With PPE purchases), and renters and homeowners facing eviction or foreclosure due to an inability to pay their rent or mortgage; and

WHEREAS, we have learned that the dollar value of applications for the County’s small business assistance program, “Back to Business” have exceeded the \$20 million allocated for the program, as local workers remain unemployed or underemployed and businesses have been shuttered or received fewer customers during the pandemic; and

WHEREAS, we have been told anecdotally, that applications for the Live Well Eire CARES Act Rental and Mortgage Assistance program and the childcare/daycare program have been more limited than expected, both in number of applicants and the dollar value of support requested; and

WHEREAS, part of the success of the high number of applicants to the Back to Business program is due to the advertising of the program; and

WHEREAS, it appears that the same level of advertising has not been conducted for the Rental and Mortgage Assistance program and the childcare/daycare program; and

WHEREAS, due to the overwhelming number of applications for the Back to Business program, consideration should be made for transferring some of the unused CARES Act funding from the Rental and Mortgage Assistance program, as well as the local government and child care/day care programs to the Back to Business program administrator, 43North, so they can consider more applications and aware more than \$20 million to eligible entities; and

WHEREAS, this Honorable Body believes that the County should, and can further assist small businesses and their employees during these trying times.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests the County administration to increase the County’s advertising for the Rental and Mortgage Assistance program and the childcare/daycare program to help encourage more applicants and awarded funds; and be it further

RESOLVED, that this action will help to clarify whether the lack of applications for both programs is not due to the lack of awareness, but rather, to the satisfaction of need; and be it further

RESOLVED, that this Honorable Body requests a status report from the County Administration explaining each of the CARES Act-funded programs, the number of applicants, and funds awarded to-date, including any unallocated funding which may be available for re-appropriation; and be it further

RESOLVED, that the Erie County Legislature expresses our support for the reallocation of a portion of the County's unused CARES Act federal funding allocated to the County's day care/child care, local governments, and renters and homeowners assistance programs to the Back to Business program, in order to consider more applicants and assist more businesses and employees during the COVID-19 pandemic; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Deputy County Executive, Director of Budget and Management, Commissioner of Social Services, Commissioner of Homeland Security and Emergency Services, the Live Well Erie Emergency Childcare Task Force, the Live Well Erie COVID 19 Housing Advisory Taskforce, 43North, and the Erie County Coronavirus Small Business Task Force.

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

CARRIED UNANIMOUSLY.

Add Legislators Baskin, Meyers, Hardwick, Johnson, Chimera and Gilmour as co-sponsors, and Delete the First Resolved Clause and Replace with the Following:

RESOLVED, that the Erie County Legislature requests the County administration to increase the County's marketing and promotion for the Rental and Mortgage Assistance program and the childcare/daycare program to help encourage more applicants and awarded funds; and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 216

RE: A Resolution Directing the Erie County Health Department to Release Information on COVID-19 Outbreaks at Nursing Homes (INTRO. 20-2)

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

WHEREAS, trust in government is essential for effective and efficient policy making in good times and in bad. Right now, the government is demanding residents wear masks, slow or shutter their businesses, avoid social contact, and take additional extraordinary measures to reduce the spread of COVID-19. It is difficult for residents to maintain their faith in government that these measures are effective and necessary to save lives when the government is picking and choosing whether or not to share relevant information, such as presence and location of COVID-19 infection; and

WHEREAS, Erie County's Health Department has been secretive when it comes to details of infections at nursing homes in Erie County despite the fact that having access to more information regarding COVID-19 helps residents to be safer and more diligent about preventing the spread of COVID-19, as the Health Department has shown with contact tracing; and

WHEREAS, informing the public helps to both maintain public trust and limit the spread of COVID-19. Publicizing information on nursing home infections holds the nursing home operators accountable for their facility, provides residents peace of mind about loved ones residing at nursing homes, and alerts the public to what could be a potential risk of infection to the community thereby allowing residents to take the proper precautions; and

WHEREAS, the Erie County Health Department has hidden behind the Health Insurance Portability and Accountability Act (HIPAA) to defend their lack of transparency; and

WHEREAS, Many New York counties, including other Western New York Counties, have been far more transparent and have provided the public with the name of the facility and the number of infected residents. It is unacceptable that Erie County maintain a heightened level of secrecy when it comes to information related to COVID clusters in nursing homes; and

WHEREAS, releasing nonspecific information is not a HIPAA violation; and

WHEREAS, the New York State Department of Health acknowledged to the Buffalo News on October 29th that the Erie County Health Department is allowed to release information "provided that notification does not contain personally identifiable or protected health information".

NOW, THEREFORE, BE IT

RESOLVED, this honorable body hereby acknowledges the importance of transparency when dealing with matters of public health; and be it further

RESOLVED, that this honorable body finds no HIPAA regulations which would prohibit the sharing of infection rate and numbers as they occur in Erie County nursing homes; and be it further

RESOLVED, that this honorable body hereby directs the Erie County Health Department to release information that identifies when a nursing home suffers a COVID-19 outbreak, the number

of individuals at the nursing home that are infected, the number of total nursing home residents, and the suspected source of the outbreak; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Erie County Health Department, the Erie County Executive Mark Poloncarz, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

Add the Following Resolved Clause after the Third Resolved Clause:

RESOLVED, that for the purposes of this resolution a daily infection rate of 5% or greater of the residential population shall be considered an “outbreak” triggering the reporting requirements presented in this resolution; and be it further

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 39 – (COMM. 20E-1) Notification to Legislature on Appointment of Acting Commissioner of Probation

Received, filed and printed.

October 30, 2020

Re: Notification to the Legislature on the appointment of the Acting Commissioner of Probation

Dear Honorable Members;

Pursuant to Article 3, Section 307 of the Erie County Charter, I hereby appoint Michelle Olszowy, to the position of the Acting Commissioner of Probation effective immediately. Ms. Olszowy will serve temporarily until a permanent Commission has been selected.

Should your Honorable Body require further information, I encourage you to contact my Chief of Staff, Jennifer Hibit. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

FROM CHAIR BASKIN

Item 40 – (COMM. 20E-2) Schedule of Legislature's 2021 Budget Hearings

Received, filed and printed.

October 30, 2020

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

Re: 2021 Budget Hearings

Dear Mr. Graber:

Please find attached the 2021 Budget Hearings schedule for the Legislature's Finance and Management/Budget Committee.

The hearings on the county executive's proposed 2021 Budget will be held on Tuesday, November 17 and Wednesday, November 18, 2020. In addition, the schedule includes the proposed date for the Public Hearing on the 2021 Budget on November 23, 2020 and the Legislature's December 3, 2020 session to vote on the budget.

Please disseminate the schedule and inform the public, media outlets and other governmental agencies of the hearings. Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin
Chair, Erie County Legislature

2021 Erie County Budget Hearings
Finance and Management/Budget Committee

The following is the schedule of the 2021 Budget Hearings to be held in the Chambers of the Erie County Legislature, 92 Franklin St., Fourth Floor, Buffalo, NY

Tuesday, November 17, 2020

Administration/Budget and Management – Overview	9:00-9:15 am
County Attorney	9:15-9:30 am
Public Works	9:30-10:30 am
Parks	10:30-11:00 am
Buffalo and Erie County Library	11:00-11:30 am
Comptroller	11:30-11:45 am
LUNCH	11:45 am-1:00 pm
Central Police Services	1:00-1:30 pm
Personnel and Labor Relations	1:30-2:00 pm
Environment and Planning	2:00-2:30 pm
Information and Support Services	2:30-2:45 pm
Senior Services	2:45-3:00 pm
Social Services/Youth	3:00-4:00 pm
District Attorney	4:00-4:15 pm

Wednesday, November 18, 2020

Sheriff	10:00-10:30 am
County Clerk	10:30-10:45 am
Probation	10:45-11:00 am
Homeland Security and Emergency Services	11:00-11:15 am
Mental Health	11:15-11:30 am
Health	11:30-12:00 pm
Board of Elections	12:00-12:15 pm

Monday, November 23, 2020

Public Hearing on the Proposed 2021 Erie County Budget 6:00 pm
Note: due to COVID-19, this hearing may be held with some Zoom functionality for persons to watch remotely due to physical distancing protocols
Strict physical distancing procedures will be in place for the hearing in the Chambers of the Legislature

Thursday, December 3, 2020

Legislative Session and Budget Vote 2:00 pm

FROM THE COMPTROLLER

Item 41 – (COMM. 20E-3) Letter to Commissioner of Health Regarding Quarantining Post-Out-of-State Travel

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR CHIMERA

Item 42 – (COMM. 20E-4) Letter to Commissioner of Health Concerning COVID Incidences in Nursing Homes & Assisted Care Facilities

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR VINAL

Item 43 – (COMM. 20E-5) Letter of Absence from Session 19 - October 22, 2020

Received, filed and printed.

October 22, 2020

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

Dear Clerk Graber:

I was absent from the October 22, 2020 Legislative Session due to illness.

Thank you in advance for your assistance and courtesies.

Sincerely yours,

Jeanne Vinal
Erie County Legislator

FROM CHAIR BASKIN

Item 44 – (COMM. 20E-6) Appointment of Additional Member to Finance & Management/Budget Committee

Received, filed and printed.

October 22, 2020

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

Re: 2021 Budget – Additional Member of Finance and Management/Budget Committee

Dear Mr. Graber:

Pursuant to Section 3.02 of the Rules of Order of the Erie County Legislature, I hereby appoint Legislator Lisa M. Chimera to serve as a member of the Legislature's Finance and Management/Budget Committee for the purposes of reviewing and acting upon the county executive's proposed 2021 Budget.

The Minority Caucus also has the option to designate an additional member of their caucus to the Committee during the budget process and you may expect a similar letter from their Caucus to be forthcoming.

Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin
Chair, Erie County Legislature

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 217

RE: Authorization to Contract for Home
Care Services
(COMM. 20E-7)

WHEREAS, the Department of Senior Services' 2020 adopted County Budget included \$2.2 million of grant appropriations for Home Care Services, to be provided by contract agencies, during the period January 1, 2020 through March 31, 2021; and

WHEREAS, as of September 30, 2020, there was \$ 892,224.46 spent of the initial budget on Home Care Services; and

WHEREAS, the fourteen home care agencies the Department of Senior Services currently contracts with are not always able to meet the demands for services; and

WHEREAS, the Department of Senior Services issued a request for proposal to increase its ability to serve Erie County residents; and

WHEREAS, the Department of Senior Services has identified additional home care agencies, Ciambella Home Care, Inc. d/b/a FirstLight Home Care, Happier at Home, Good Samaritan Home Health Agency, and B&C United Home Care, to provide services to seniors residing throughout the county under the Department's Home Care Services program; and

WHEREAS, the Department of Senior Services desires to contract with Ciambella Home Care, Inc. d/b/a FirstLight Home Care, Happier at Home, Good Samaritan Home Health Agency, and B&C United Home Care to provide Home Care services, under the Department's Home Care Services program for the period November 1, 2020 to March 31, 2021.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into contracts with Ciambella Home Care, Inc. d/b/a FirstLight Home Care, Happier at Home, Good Samaritan Home Health Agency, and B&C United Home Care to provide home care services to individuals referred by the Department of Senior Services' Case Management staff for the period November 1, 2020 through March 31, 2021; and be it further

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 218

RE: Authorization to Contract for Family
First Transition Fund
(COMM. 20E-8)

WHEREAS, Governor Andrew M. Cuomo signed legislation on April 12, 2019 that established the Family First Transition Fund to help Social Service Districts support, recruit, and retain current and prospective foster families, including kinship caregivers; and

WHEREAS, the Department has been awarded \$243,036 in 100% NY State funding to be used to help support, recruit, and retain current and prospective foster families, including kinship caregivers; and

WHEREAS, the intent of this Fund is to produce sustained systemic improvements that encourage the least-restrictive setting for children in foster care; and

WHEREAS, this proposed resolution authorizes the Department to amend the 2020 Budget and to enter into a contract with Hillside Children's Center; and

WHEREAS, there is no local share fiscal impact based upon this actions noted within this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into a contract with Hillside Children’s Center; and be it further

RESOLVED, that the following budget amendments are hereby authorized to the 2020 Budget:

Department of Social Services, Fund 110, Funds Center 120

ACCOUNT	DESCRIPTION	INCREASE
516020	Hillside Children’s Center	<u>\$243,036</u>
	Total Expenditures	<u>\$243,036</u>
409000	State Aid	<u>\$243,036</u>
	Total Revenues	<u>\$243,036</u>

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

Item 47 – (COMM. 20E-9) Assistive Technology, Environmental Modifications, and Vehicle Modifications

Item 48 – (COMM. 20E-10) Authorization to Accept Donation of 1,000 Turkeys

Item 49 – (COMM. 20E-11) Authorization to Accept Benefit Enrollment Center Grant Funding

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

Item 50 – (COMM. 20E-12) Authorization to Enter into Inter-Municipal Agreement - Implementation of Agricultural Planning Grant Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 51 – (COMM. 20E-13) Authorization to Contract for Gallery Restoration - Buffalo History Museum

Item 52 – (COMM. 20E-14) Federal-Aid Highway Local Project Agreement w/NYS DOT

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 219

RE: Authorization to Amend Contract - Zoar Valley Rd., Springville (COMM. 20E-15)

WHEREAS, a contract with Erie County Soil and Water Conservation District (ECS&WCD) for Stream Maintenance and Technical Services was approved by your Honorable Body via Comm. 22E-13 (November 21, 2019); and

WHEREAS, it is necessary to execute an amendment to that contract to permit ECS&WCD to temporarily stabilize the stream scour and associated stream bank/roadway embankment failure on Zoar Valley Road (CR 457) adjacent to Cattaraugus Creek (the “Project”); and

WHEREAS, it is estimated that the cost of the necessary work will not exceed \$60,000 which is available from the SAP Project number hereinafter identified.

NOW, THEREFORE, BE IT

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

RESOLVED, the County Executive is authorized to execute a contract amendment for the Project with the ECS&WCD in an amount not to exceed \$60,000 for which funds are available from Fund 420, Fund Center 123, Project B.19017 - 2019 General Civil and Geotechnical Services and which are hereby appropriated and made available for the Project; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) 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 Office of Budget and Management, and the Office of the Comptroller.

Item 54 – (COMM. 20E-16) Seneca Bluffs Natural Habitat Park Field Survey

Item 55 – (COMM. 20E-17) PILOT Agreement - 1293 Main Solar 1, LLC

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

FROM THE COMPTROLLER

Item 56 – (COMM. 20E-18) Interim Financial Report of EC for the Third Quarter of 2020

Item 57 – (COMM. 20E-19) Cost of Issuance & Debt Service Requirements for 2020 Bond Issues

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

Item 58 – (COMM. 20E-20) Letter to Commissioner of Health Regarding County Employee Cases of COVID-19

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE & SHERIFF

Item 59 – (COMM. 20E-21) Joint Resolution Requesting Transfer of Telephone Funds for Crisis Intervention Training

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMPTROLLER'S OFFICE

Item 60– (COMM. 20D-1) Report on Imprest Fund Expenses Charged to COVID-19 Relief Fund

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 61 – (COMM. 20D-2) Letter to Comptroller Regarding County Employee Positive COVID-19 Cases

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 62 – (COMM. 20D-3) 2020 Budget Documents Requested by Legislature

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 63 – (COMM. 20D-4) Audit of Department of Law - 01/01/2019 - 12/31/2019

Item 64 – (COMM. 20D-5) Audit of Department of Budget & Management - 07/01/2019 - 12/31/2019

Item 65 – (COMM. 20D-6) Audit of Buffalo & EC Public Library - 07/01/2019 - 12/31/2019

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

FROM THE DEPARTMENT OF LAW

Item 66 – (COMM. 20D-7) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF'S OFFICE

Item 67 – (COMM. 20D-8) Information Concerning Sheriff Office Take-Home Vehicles

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM BUFFALO PLACE

Item 68 – (COMM. 20M-1) Proposed Resolution & Buffalo Place 2021 Budget

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC AGRICULTURAL & FARMLAND PROTECTION BOARD

Item 69 – (COMM. 20M-2) 2020 Agricultural & Farmland Protection Board Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 70 – (COMM. 20M-3) Quarterly Report for 3rd Quarter of 2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 71 – Chair Baskin announced that the schedule for committee meetings to be held on Thursday, November 12, 2020, has been distributed. Chair Baskin further announced that the

Legislature will conduct a public hearing on the Assessment Rolls for 2020 (2021 Levy) at 4:00 P.M., a public hearing on Local Law Intro. 4-2 (2020), in relation to updating the County Administrative Code at 6:00 P.M., and a public hearing on Local Law Intro. 6-1 (2020), in relation to the Energize NY Open C-PACE Financing Program at 6:15 P.M. on Thursday, November 5, 2020, all of which are to be held in the Chamber of the Legislature.

MEMORIAL RESOLUTIONS

Item 72 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of John Keith Alford.

ADJOURNMENT

Item 73 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, November 19, 2020 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, November 19, 2020 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE