

ERIE COUNTY LEGISLATURE
MEETING NO. 5
MARCH 5, 2020

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Gilmour.

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

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 4 from 2020. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. HARDWICK presented a proclamation Recognizing and Honoring Lenore Izetta Carroll on Her 100th Birthday and Commending Her for Her Dedication to Grand Island.

Item 6 – CHAIR BASKIN presented a proclamation Honoring and Recognizing Ms. Lorna C. Hill for Her Exceptional Accomplishments.

Item 7 – CHAIR BASKIN presented a proclamation Honoring and Recognizing Alpha Kappa Alpha Sorority, Incorporated, Xi Epsilon Omega Chapter.

Item 8 – MR. RATH presented a proclamation Recognizing March as Agriculture Month in Erie County.

Item 9 – MR. RATH presented a proclamation Recognizing and Acknowledging Mary Bengart for Her Commitment to Clarence and for Being Named the Clarence Chamber of Commerce's 2020 Volunteer of the Year.

Item 10 – MR. RATH presented a proclamation Recognizing and Acknowledging Brennan's Bowery Bar for Its Contributions to Clarence and WNY and for Being Named the Clarence Chamber of Commerce's 2020 Large Business of the Year.

Item 11 – MR. RATH presented a proclamation Recognizing and Acknowledging Clarence Pharmacy for Its Success and Exceptional Customer Service and for Being Named the Clarence Chamber of Commerce's 2020 Small Business of the Year.

Item 12 – MR. RATH presented a proclamation Recognizing and Acknowledging the Clarence Schools Enrichment Foundation for All Its Achievements and for Being Named the Clarence Chamber of Commerce's 2020 Organization of the Year.

Item 13 – MR. LORIGO presented a proclamation Recognizing and Acknowledging Colleen Edwards and Danny's Helping Hands for Providing Volunteer Assistance to Hundreds of Students and Families Annually.

Item 14 – MR. TODARO presented a proclamation Congratulating Florence "Tina" Fritz Upon the Occassion of Celebrating Her 100th Birthday.

Item 15 – MR. RATH presented a proclamation Recognizing and Acknowledging Reverend Doctor Gregory Hall for His Achievements and Contributions to the Clarence Community and for Being Named the Clarence Chamber of Commerce's 2020 Citizen of the Year.

Item 16 – MR. MILLS presented a proclamation Honoring Stephen Lillie as Collins Fire Company's 2020 Fireman of the Year.

Item 17 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Honoring and Recognizing Keynote Speaker Roland S. Martin, National Columnist, Author and Journalist.

Item 18 – CHAIR BASKIN, MR. MEYERS, MR. LORIGO, MR. JOHNSON, MS. CHIMERA, MR. HARDWICK, MS. VINAL, MR. RATH, MR. TODARO, MR. GILMOUR & MR. MILLS presented a memorial resolution Honoring and Remembering Joseph S. Mattina.

Item 19 – MR. LORIGO presented a proclamation Recognizing and Honoring Meals on Wheels and FeedMore WNY, Its Volunteers and Staff and Recognizing March 16th - March 20th as March for Meals Community Champions Week.

Item 20 – MR. RATH presented a proclamation Recognizing and Acknowledging John Mosher for All His Achievements and Contributions to the Clarence Community and for Being Named the Clarence Chamber of Commerce's 2020 Lifetime Achiever.

Item 21 – MR. RATH presented a proclamation Recognizing and Acknowledging Nathan Mroz for All His Achievements and Contributions to the Clarence and Western New York Communities and for Being Named the Clarence Chamber of Commerce's 2020 Young Entrepreneur of the Year.

Item 22 – MR. JOHNSON presented a memorial resolution Honoring and Remembering Randall "Gizmo" Neal.

Item 23 – MR. RATH presented a proclamation Recognizing and Acknowledging Firefighter Patrick Quinn Upon the Occasion of His Designation for Special Recognition After 25 Years of Dedicated Service to the North Amherst Fire Company.

Item 24 – MR. MILLS presented a proclamation Honoring Roy Schmitt as Langford New Oregon Fire Department's Fireman of the Year.

MR. MEYERS moved for consideration of the above twenty items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 25 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2018 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 26 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 – CHAIR BASKIN directed that Local Law No. 9 (Print #1) 2019 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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

GRANTED.

Item 31 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 32 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

February 27, 2020	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the follow items are hereby received and filed:
 - a. COMM. 3E-12 (2020)
MEYERS: “Letter to County Attorney Regarding Necessary Legislative Action on Erroneous 2020 Property Tax Bills”
(Chair’s Ruling)
 - b. COMM. 4E-3 (2020)
COUNTY EXECUTIVE: “Letter to Comptroller Regarding Cash Flow Concerns & February IGT Payment”
(Chair’s Ruling)
 - c. COMM. 4E-4 (2020)
COMPTROLLER: “Law Department Spending – 12/2019”
(Chair’s Ruling)
 - d. COMM. 4D-1 (2020)

DEPT. OF LAW: "Opinion on Required Legislative Action to Correct the 2020 EC Property Tax Bill Calculation Error"
(Chair's Ruling)

e. COMM. 4D-3 (2020)
COMPTROLLER'S OFFICE: "Letter Regarding Cash Flow & February IGT Payment Concerns"
(Chair's Ruling)

2. COMM. 2D-1 (2020)
DIRECTOR OF REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 220028 through 220052, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2020	Petition No.	220,028.00	
	ASSESSOR	Cancel	\$7,548.24	
S-B-L	142.70-3-52	48 Modern Ave	140900	LACKAWANNA
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$7,548.24	Town/SpecialDist/School
	9992 ECSD#6 SAN SEWER		\$7,548.24	
Charge To :		140900 LACKAWANNA		\$0.00

RPTL 550(2): Reduction of sewer charge
New tax bill to be issued.

FISCAL YEAR	2020	Petition No.	220,029.00	
	ASSESSOR	Cancel	\$954.80	
S-B-L	142.69-4-8.111	25 Wood St	140900	LACKAWANNA
	Acct. No. 112		\$0.00	County
	Acct. No. 132		\$954.80	Town/SpecialDist/School
	9992 ECSD#6 SAN SEWER		\$954.80	
Charge To :		140900 LACKAWANNA		\$0.00

RPTL 550(2): Leak allowance approved by ECWA
New tax bill to be issued.

FISCAL YEAR	2020	Petition No.	220,030.00
	ASSESSOR	Cancel	\$184.32
S-B-L	86.00-4-2.11	South Newstead Rd 142089	ALDEN
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$184.32 Town/SpecialDist/School
Charge To :	142089 ALDEN		\$184.32

RPTL 550(2): Failed to remove refuse charge.
New tax bill to be issued.

FISCAL YEAR	2020	Petition No.	220,031.00
	ASSESSOR	Cancel	\$184.32
S-B-L	86.04-2-11	3589 Crittenden Rd 142089	ALDEN
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$184.32 Town/SpecialDist/School
Charge To :	142089 ALDEN		\$184.32

RPTL 550(2): Failed to remove refuse charge.
New tax bill to be issued.

FISCAL YEAR	2020	Petition No.	220,032.00
	ASSESSOR	Refund	\$317.80
S-B-L	56.30-1-1./2G	940 Hopkins Rd Un	142289 AMHERST
	Acct. No. 112		\$180.85 County
	Acct. No. 132		\$136.95 Town/SpecialDist/School
Charge To :	142289 AMHERST		\$136.95

RPTL 550(2): Hardship granted
Refund to be issued to Jennie Pohl.

FISCAL YEAR	2020	Petition No.	220,033.00
	ASSESSOR	Cancel	\$300.00
S-B-L	266.14-1-8	10448 Erie Rd	142801 FARNHAM
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$300.00 Town/SpecialDist/School
28505 ECSD2 Flat Usage Fee		\$300.00	

Charge To : 142801 FARNHAM \$0.00

RPTL 550(2): Incorrect sewer charge
New tax bill to be issued.

FISCAL YEAR 2020 Petition No. 220,034.00

ASSESSOR Cancel \$258.29
S-B-L 91.19-5-4 23 Evergreen 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$258.29 Town/SpecialDist/School
019CB Curb 19-23 \$258.29
Charge To : 143089 CHEEKTOWAGA \$0.00

RPTL 550 (2): Applied curb charge in error
New tax bill to be issued.

FISCAL YEAR 2020 Petition No. 220,035.00

ASSESSOR Cancel \$3,520.00
S-B-L 43.13-2-1/A 6161 Transit Rd 143200 CLARENCE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$3,520.00 Town/SpecialDist/School
32106 ECSD #5 USER CHARGE \$3,520.00
Charge To : 143200 CLARENCE \$0.00

RPTL 550(2): Incorrect sewer user charge.
New tax bill to be issued.

FISCAL YEAR 2020 Petition No. 220,036.00

ASSESSOR Cancel \$25.29
S-B-L 243.00-4-16 8880 Hayes Hollow 143400 COLDEN

Acct. No. 112 \$14.96 County
Acct. No. 132 \$10.33 Town/SpecialDist/School
34021 COLDEN FIRE DIST \$3.77
Charge To : 143400 COLDEN \$6.56

RPTL 550(2): Incorrect assessed value
New tax bill to be issued.

FISCAL YEAR 2019 Petition No. 220,037.00

ASSESSOR Refund \$512.00

S-B-L 259.00-2-4 9202 Hayes Hollow 143400 COLDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$512.00	Town/SpecialDist/School
Charge To :	143400 COLDEN		\$512.00
	Relevy School	\$512.00	143801 SPRING-GRIFFITH

RPTL 550(2): Failed to apply Basic STAR exemption
Refund to be issued to Kip A Palmateer

FISCAL YEAR 2020 Petition No. 220,038.00

ASSESSOR Cancel \$4,863.96
S-B-L 245.00-1-13.12 8649 Center St 143400 COLDEN

	Acct. No. 112	\$1,067.16	County
	Acct. No. 132	\$3,796.80	Town/SpecialDist/School
	34021 COLDEN FIRE DIST	\$254.70	
Charge To :	143400 COLDEN		\$3,542.10
	Relevy School	\$2,942.87	145001 HOLLAND

CENTRAL

RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll.

FISCAL YEAR 2020 Petition No. 220,039.00

ASSESSOR Refund \$725.98
S-B-L 37.01-1-5 2333 Grand Island 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$725.98	Town/SpecialDist/School
Charge To :	144600 GRAND ISLAND		\$725.98

RPTL 550(2): Failed to remove special districts
Refund to be issued to Grand Island VFW Post 9249.

FISCAL YEAR 2019 Petition No. 220,040.00

ASSESSOR Refund \$801.57
S-B-L 37.01-1-5 2333 Grand Island 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$801.57	Town/SpecialDist/School
Charge To :	144600 GRAND ISLAND		\$801.57

RPTL 550(2): Failed to remove special districts

Refund to be issued to Grand Island VFW Post 9249.

FISCAL YEAR 2018 Petition No. 220,041.00

 ASSESSOR Refund \$639.89
S-B-L 37.01-1-5 2333 Grand Island 144600 GRAND ISLAND

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$639.89 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$639.89

RPTL 550(2): Failed to remove special districts

Refund to be issued to Grand Island VFW Post 9249.

FISCAL YEAR 2018 Petition No. 220,042.00

 ASSESSOR Refund \$230.00
S-B-L 171.18-3-7 5532 South Park Av 144889 HAMBURG

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$230.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$230.00

RPTL 550(2): Incorrect sewer charge

Refund to be issued to Howard & Jeanne Albert

FISCAL YEAR 2019 Petition No. 220,043.00

 ASSESSOR Refund \$235.00
S-B-L 171.18-3-7 5532 South Park Av 144889 HAMBURG

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$235.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$235.00

RPTL 550(2): Incorrect sewer charge

Refund to be issued to Howard & Jeanne Albert

FISCAL YEAR 2020 Petition No. 220,044.00

 ASSESSOR Refund \$240.00
S-B-L 171.18-3-7 5532 South Park Av 144889 HAMBURG

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$240.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$240.00

RPTL 550(2): Incorrect sewer charge

Refund to be issued ot Howard & Jeanne Albert.

FISCAL YEAR 2018 Petition No. 220,045.00

 ASSESSOR Refund \$24.00
S-B-L 115.10-3-26.1 1161 Penora St 145289 LANCASTER

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$24.00 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$24.00

RPTL 550(2): Incorrect sewer charge
Refund to be issued to Anthony & Carol Hairston

FISCAL YEAR 2019 Petition No. 220,046.00

 ASSESSOR Refund \$27.00
S-B-L 115.10-3-26.1 1161 Penora St 145289 LANCASTER

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$27.00 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$27.00

RPTL 550(2): Incorrect sewer charge
Refund to be issued to Anthony & Carol Hairston

FISCAL YEAR 2020 Petition No. 220,047.00

 ASSESSOR Refund \$28.50
S-B-L 115.10-3-26.1 1161 Penora St 145289 LANCASTER

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$28.50 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$28.50

RPTL 550(2): Incorrect sewer charge
Refund to be issued to Anthony & Carol Hairston

FISCAL YEAR 2020 Petition No. 220,048.00

 ASSESSOR Cancel \$2,214.59
S-B-L 140.00-12-5.1 Three Rod Rd 145400 MARILLA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$2,214.59 Town/SpecialDist/School
Charge To : 145400 MARILLA \$2,214.59
 Relevy School \$2,214.59 142001 ALDEN CENTRAL

RPTL 550(2): Applied school relevy in error
New tax bill to be issued.

FISCAL YEAR	2019	Petition No.	220,049.00
	ASSESSOR	Refund	\$96.23
S-B-L	500.00-28	Main Rd	145689 NEWSTEAD
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$96.23 Town/SpecialDist/School
	56020 AKRON FIRE PROTECTION		\$32.08
Charge To :	145689 NEWSTEAD		\$64.15

RPTL 550(2): Applied fire protection districts in error
Refund to be issued to Akron Water Works, Inc

FISCAL YEAR	2018	Petition No.	220,050.00
	ASSESSOR	Refund	\$94.47
S-B-L	500.00-28	Main Rd	145689 NEWSTEAD
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$94.47 Town/SpecialDist/School
	56020 AKRON FIRE PROTECTION		\$31.49
Charge To :	145689 NEWSTEAD		\$62.98

RPTL 550(2): Applied fire protection districts in error.
Refund to be issued to Akron Water Works, Inc

FISCAL YEAR	2020	Petition No.	220,051.00
	ASSESSOR	Cancel	\$12,456.32
S-B-L	Multiple parcels	Various Address	145689 NEWSTEAD
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$12,456.32 Town/SpecialDist/School
	56020 AKRON FIRE PROTECTION		\$6,228.16
Charge To :	145689 NEWSTEAD		\$6,228.16

RPTL 550(2): Incorrect fire district charges
New tax bills to be issued.

FISCAL YEAR	2020	Petition No.	220,052.00
	ASSESSOR	Refund	\$246.56
S-B-L	53.11-3-14	2181 Colvin Blvd	146489 TONAWANDA

	Acct. No. 112	\$246.56	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
Charge To :	146489 TONAWANDA		\$0.00

RPTL 550(2): Failed to apply aged exemption
Refund to be issued to Rosemarie Ortwein.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

3. COMM. 4E-17 (2020)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the United State Census Bureau is mandated by the Constitution to conduct a census in the year 2020; and

WHEREAS, the Erie County Executive established the Erie County Complete Count Committee (“Committee”) by Executive Order in April of 2019 in order to prepare for the census and ensure an accurate and complete count of Erie County residents; and

WHEREAS, the Committee has been working with many local non-profit organizations, libraries, faith based leaders, school districts, and other stakeholders on developing a plan for census awareness and outreach; and

WHEREAS, the Erie County Executive sent an Expression of Interest to the New York State Census Agencies for state funds to assist Erie County in achieving a complete and accurate census count; and

WHEREAS, the New York Census Agencies has issued a Request for Applications by which local governments can apply for grant funding in order to conduct a complete and accurate census count through community outreach activities by engaging community partners; and

WHEREAS, New York State has allocated Four Hundred Seventy-Three Thousand Eight-Hundred Four Dollars (\$473,804) for Erie County and Three Hundred Thousand Nine-Hundred Thirty-Six Dollars (\$300,936) for the City of Buffalo for said purposes; and

WHEREAS, as a condition of accepting the grant funding, local governments must agree to work with and allocate funding for libraries, local governments, and non-profit organizations who have previously been approved by the State.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County can apply for and accept grant funding in order to complete an accurate census count of Erie County residents; and be it further

RESOLVED, that in the event of a grant award, the County Executive is authorized to enter agreements with the State of New York for the estimated amount of \$473,804 or any other dollar amount approved by New York State; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into agreements with the Buffalo and Erie County Public Library System, local governments, as well as New York State approved non-profit community partners to assist with awareness, marketing, and outreach for an accurate census count; 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; and Daniel Castle, Deputy Commissioner of Planning and Economic Development.
(6-0)

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

WHEREAS, the Real Property Tax Services Director has transmitted to this Legislature transcripts of tax delinquencies and tax delinquent real properties for foreclosure pursuant to the In Rem provisions of the Erie County Tax Act, which will be known as In Rem Action No. 168, and has furnished this Legislature with the necessary abstracts from the Real Property Tax Services records of such delinquencies.

NOW, THEREFORE, BE IT

RESOLVED, that the In Rem provisions of the Erie County Tax Act be applied to such real property and the delinquent taxes set forth in said transcripts, as determined by the Real Property Tax Services Director from the transcripts of properties upon which the County of Erie owns a tax sale certificate which has been due and unpaid for a period of at least two years; and be it further

RESOLVED, that the County Attorney or his designee conduct and consummate such foreclosure proceedings known as In Rem Action No. 168 as directed by this Legislature and determined by the Real Property Tax Services Director; and be it further

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

RESOLVED, that certified copies of this resolution be transmitted to the Office of the County Executive, the Office of Budget and Management, the County Attorney, the Office of the Comptroller and the Office of Real Property Tax Services.
(6-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

February 27, 2020	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 4
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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. 3M-1 (2020)
NYS AGRICULTURE & MARKETS DEPT.: “Notice of Mandatory Review Process of EC Agricultural District No. 1”
(Chair’s Ruling)
 - b. COMM. 4E-8 (2020)
COMPTROLLER: “EC Dept. of Parks, Rec. & Forestry Audit of Revenues – 01/2019 – 06/2019”
(Chair’s Ruling)

2. COMM. 3E-17 (2020)
COUNTY EXECUTIVE
WHEREAS, Erie County has a Household Hazardous Waste (HHW) Collection Program to provide residents with a safe, effective, and cost-free opportunity to dispose of household generated hazardous waste; and

WHEREAS, Erie County receives calls from individual residents throughout the year who have a need for household hazardous waste disposal that cannot wait for a collection event; and

WHEREAS, Erie County would like to be able to provide residents who make the effort to safely and properly dispose of their HHW with options and alternatives to the single day collection events through a voucher system as recommended in a recently completed HHW Feasibility Study conducted for the County in 2018; and

WHEREAS, the Department of Environment and Planning (DEP) issued a Request for Proposals (RFP) on October 4, 2019 seeking proposals from qualified firms interested in providing Erie County with HHW and CESQG Collection and Management Services; and

WHEREAS, the following four (4) firms submitted proposals by the November 7, 2019 RFP deadline: CARE Environmental (CARE); MXI Environmental Services, LLC (MXI); Clean Harbors (CH); and The Environmental Service Group (ESG); and

WHEREAS, on November 19, 2019, the Selection Committee met. Considering the scope of specified services and the fact that ESG provided the only voucher option, it was the unanimous

recommendation of the Committee members to award a contract to ESG for the HHW voucher program.

NOW, THEREFORE, BE IT

RESOLVED, to authorize the County Executive or the Deputy County Executive to enter into a contract with The Environmental Service Group (ESG), the selected Household Hazardous Waste Services Contractor chosen to provide the voucher element of the County's HHW Implementation Project; and be it further

RESOLVED, that the source of these funds shall be from the \$120,000 that has been budgeted in the Hazardous Waste Days Budget line (Account 517629) in Fund 110; Funds Center 16200 for HHW services for 2020; and be it further

RESOLVED, that the costs for this element of the HHW Implementation Program will be funded through the existing NYS DOS HHW Implementation Grant if the current HHW budget is exhausted; 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.
(6-0)

3. COMM. 4E-15 (2020)
COUNTY EXECUTIVE

WHEREAS, The Erie County Department of Environment and Planning (DEP) provides support to the Northwest and the Northeast-Southtowns Solid Waste Management Boards for solid waste and recycling planning; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York; and

WHEREAS, the NYSDEC awarded Erie County a one-year recycling grant of \$76,845.50 for a Municipal Waste Reduction and Recycling Coordination Program (MWRRP); and

WHEREAS, the acceptance of this funding necessitates the execution of a grant contract with the NYSDEC, as well as the creation of a grant budget and a Senior Environmental Compliance Specialist (JG-12) position (B-11961); and

WHEREAS, NYSDEC identified Recycle Coach as a program partner and sub-awardee in the approved work plan to provide customized web interface to assist municipalities with recycling education and outreach.

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 \$76,845.50 from the New York State Department of Environmental Conservation for the purpose of continuing the County's Municipal Waste Reduction and Recycling Coordination Program (MWRRP); and be it further

RESOLVED, that the grant budget and project period for the NYSDEC Waste Reduction and Recycling Coordination Program is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

New York State Department of Environmental Conservation Waste Reduction and Recycling
Coordination Grant (Grant Period: 1/1/2020 – 12/31/2020),
SAP Grant 162MWRRCG2020

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
402499	Other Local Source Revenue (Solid Waste Boards)	\$20,250.00
409000	State Aid Revenue	\$76,845.50
559000	County Share Grants	\$63,904.50
TOTAL REVENUE		\$161,000.00

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Regular Full Time Wages	\$67,059.00
502000	Fringe Benefits	\$46,941.00
510100	Out of Area Travel	\$1,500.00
516020	Professional Services	\$24,000.00
530000	Other (Promotional)	\$8,100.00
54500	Rental	\$13,400.00
TOTAL APPROPRIATIONS:		\$161,000.00

and be it further

RESOLVED, that the following position, for which sufficient funding for personnel services and fringe benefits exists, will be funded in the above program:

Senior Environmental Compliance Specialist (JG-12)
B-100 No. 11961
Budgeted Annual Salary: \$67,059

and be it further

RESOLVED, that the County Executive or the Deputy County Executive execute a contract with grant sub-awardee, Recycle Coach, in the amount of \$22,000 to provide customized web interface to assist municipalities with recycling education and outreach; 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 the Department of Environment and Planning and Bonnie Lawrence, Deputy Commissioner of the Department of Environment and Planning.

(6-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

February 27, 2020	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 4
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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. 8E-1 (2019)
RATH, DIXON, LORIGO & MILLS: “Letter to Chair of Economic Development Committee Regarding Proposed Construction of Countrywide Broadband Infrastructure”
(Chair’s Ruling)
 - b. COMM. 4M-1 (2020)
VISIT BUFFALO NIAGARA: “Submission Pursuant to Budget Resolution No. 76, Disclosure of All Employees, Job Titles, Descriptions & Salaries”
(Chair’s Ruling)
 - c. COMM. 4M-2 (2020)
BUFFALO NIAGARA CONVENTION CENTER: “Submission Pursuant to Budget Resolution No. 76, Disclosure of All Employees, Job Titles, Descriptions & Salaries”
(Chair’s Ruling)
 - d. COMM. 4M-3 (2020)

CORNELL COOPERATIVE EXTENSION: “Budget Plan – 2020 County Appropriation”
(Chair’s Ruling)

e. COMM. 4M-4 (2020)
VISIT BUFFALO NIAGARA: “Fourth Quarter Reports for 2019”
(Chair’s Ruling)

2. COMM. 4E-12 (2020)
COUNTY EXECUTIVE
WHEREAS, the County of Erie is interested in the fostering of tourism and the preservation of its historical heritage; and

WHEREAS, the Roycroft Campus Corporation owns the property and is currently restoring the Copper Shop building on said property; and

WHEREAS, Erie County desires to fund a portion of the restoration of the Copper Shop building at the Roycroft Campus; and

WHEREAS, the Roycroft Campus Corporation has extensive experience in contracting and managing historical restoration projects; and

WHEREAS, the County of Erie has allocated \$100,000 for the restoration of the Copper Shop building at the Roycroft Campus in the Capital Budget section of the approved 2020 Erie County Capital Budget in project A.20054.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, easements and agreements with the Roycroft Campus Corporation, and any other municipal, state and federal agencies, in amounts not to exceed a total of \$100,000 for the purpose of restoration of the Copper Shop building; and be it further

RESOLVED, that the source of these funds shall be \$100,000 available in the approved 2020 Erie County Capital Budget in project A.20054; 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 Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0-1) Legislator Lorigo abstained.

3. COMM. 4E-14 (2020)
COUNTY EXECUTIVE
WHEREAS, the Bridge Washing PIN 5762.05, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds, and a 20% local share; and

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

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Project, it will be necessary for the County to execute an Agreement with the New York State Department of Transportation (NYSDOT) in the total amount of \$300,000 for the construction and construction inspection phases of the Project; and

WHEREAS, the total project with contingency, estimated at \$320,000, is available in Project B.17012 – Federal Aid Bridge Project Preservation Construction, Fund 420, Funds Center 123; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with Hunting Valley Construction, Inc. for \$243,970, enter an into a construction phase engineering services agreement with CHA Consultants for \$50,000, and establish a construction contingency of \$26,030 for a total project allowance not to exceed \$320,000.

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with New York State Department of Transportation (NYSDOT) for this Federal Aid Project in the amount of \$300,000; and be it further

RESOLVED, that the estimated total sum of the Construction, Construction Inspection Phase, and contingency for the Project is \$320,000; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with Hunting Valley Construction, Inc. for \$243,970, enter into a construction phase engineering services agreement with CHA Consultants for \$50,000, and establish a construction contingency of \$26,030 for a total project cost not to exceed \$320,000; and be it further

RESOLVED, that the total sum of the Construction, Construction Inspection Phase, and contingency for the Project, in an amount not to exceed \$320,000 is hereby appropriated from Project B.17012 – Federal Aid Bridge Project Preservation Construction, Fund 420, Funds Center 123; and be it further

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

Current Increase / Revised

Account	Description	Budget	(Decrease)	Budget
REVENUES				
414000	Federal Aid	\$ 780,000	\$ 0	\$ 780,000
475000	Gen Oblig Bond Proc	\$ 195,000	\$ 0	\$ 195,000
TOTAL REVENUES		<u>\$ 975,000</u>	<u>\$ 0</u>	<u>\$ 975,000</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	\$ 195,000	\$ 240,000	\$ 435,000
UNALLOCATED	Unallocated Capital	\$ 780,000	(\$240,000)	\$ 540,000
TOTAL APPROPRIATIONS		<u>\$ 975,000</u>	<u>\$ 0</u>	<u>\$ 975,000</u>

and be it further

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

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$320,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) each certified copies of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

HOWARD J. JOHNSON, JR.

CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

February 27, 2020	PUBLIC SAFETY COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 4E-16 (2020)
COUNTY EXECUTIVE

WHEREAS, the Erie County Medical Examiner’s Office Toxicology Laboratory performs vital analysis of human fluid samples for post-mortem cases, DUIs, and those who have been poisoned including with “date-rape” drugs; and

WHEREAS, the results of testing from the Toxicology Laboratory is important evidence in criminal proceedings; and

WHEREAS, maintaining the highest standards of testing is critical to the successful operation of the laboratory; and

WHEREAS, newly evolving accreditation standards necessitate the training and certification of all Toxicology Laboratory employees; and

WHEREAS, thanks to a successful grant application funding is available from the National Institute of Justice to help the Erie County Medical Examiner’s Office meet new international accreditation standards.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant award and enter into contract with the National Institute of Justice in the amount of \$180,000 to be budgeted as follows:

Erie County Department of Health
Paul Coverdell Forensic Science Improvement Grant
127NAFRCOMP2020
1/1/20-12/31/20

SAP	REVENUE	BUDGET
414000	Federal Aid	<u>\$180,000</u>

		TOTAL	<u>\$180,000</u>
SAP	EXPENSES		BUDGET
501000	Overtime		\$21,929
502000	Fringe Benefits		\$5,484
561410	Lab & Technical Equipment		\$121,100
510100	Out of Area Travel		\$21,438
912740	ID Medical Examiner Services		\$2,849
510200	Training and Education		<u>\$7,200</u>
		TOTAL	<u>\$180,000</u>

and be it further

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

(6-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46

February 27, 2020	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 4E-2 (2020)
COUNTY EXECUTIVE: “Appointment to the EC Board of Health”
(Chair’s Ruling)

February 5, 2020

Erie County Legislature
92 Franklin St.
4th Floor

Buffalo, New York 14202

Dear Honorable Members:

I, Mark C. Poloncarz, Erie County Executive, pursuant to Erie County Charter Section 503, do hereby appoint the following individual to the Board of Health, for a term expiring December 31, 2025.

Appointee:

Hon. Lisa Chimera
92 Franklin St., 4th Floor
Buffalo, NY 14202

Should you have any questions or concerns, please contact my office at (716) 858-8500.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-6 (2020)
CHIMERA: "Letter to County Attorney Regarding Ruthie's Law Compliance & Enforcement"
(Chair's Ruling)
 - b. COMM. 3D-1 (2020)
COUNTY ATTORNEY: "Letter to Legislator Chimera Concerning Ruthie's Law"
(Chair's Ruling)
 - c. COMM. 4E-7 (2020)
CHIMERA: "Letter Requesting Additional Information Relating to Ruthie's Law Enforcement"
(Chair's Ruling)
3. COMM. 4E-10 (2020)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services participated in a pilot study of the Aging Mastery Program (AMP) in 2016 and 2017 as part of a collaborative effort of the New York State Office of Aging (NYSOFA) and the National Council on Aging (NCOA) to build evidence of the effectiveness of AMP across New York State; and

WHEREAS, the preliminary results from the pilot projects conducted both locally and across the country show that the AMP participants significantly increased their physical activity levels,

healthy eating habits, use of advanced planning, social connectedness, and participation in evidence-based self-management programs after taking the core curriculum; and

WHEREAS, evidence has shown older adults are interested and have requested further information on Sexual Health in aging; and

WHEREAS, the NCOA has subsequently requested Erie County supplement the AMP series with a Sexual Health elective and develop a curriculum to be incorporated into further AMP class schedules and build additional evidence for impact of the program; and

WHEREAS, the NCOA desires to contract with and provide \$2,500 of grant funding for the Department of Senior Services to function as the developer of a Sexual Health Elective and expand the offerings of the AMP for the year period March 1, 2020 to October 20, 2020; and

WHEREAS, no additional County funds are required as the grant is 100% funded by NCOA.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to contract with the Nation Council on Aging to accept \$2,500 of AMP grant monies for the development and implementation of the Sexual Health Elective for the Aging Mastery Program for the period March 1, 2020 through October 30, 2020; and be it further

RESOLVED, that the Department's 163AMPNCOA2021 grant be established as follows:

Account	Revenues Description	Initial Budget
417060	Other Income Senior Services	\$2,500

Account	Appropriations Description	Initial Budget
916390	ID Senior Services Grant	\$2,500

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenue which may be impacted by changes to grantor awards; 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, and the Department of Senior Services.

(6-0)

4. COMM. 4E-13 (2020)
COUNTY EXECUTIVE

WHEREAS, one of the primary goals of child protective services (CPS) is preserving families and protecting children. Yet, when a caregiver is experiencing a substance abuse issue, the goals of preserving families and protecting children can seem at odds with each other; and

WHEREAS, of the many risk factors that could be present for families, it is suspected that substance use is underreported. The stigma of mental health and substance abuse diagnoses may lead many parents/caregivers away from seeking the very support and services that could preserve their ability to parent their children and reduce the need for CPS; and

WHEREAS, children born to a mother who used alcohol and/or drugs during her pregnancy often present various health-related issues. The early identification, referral and implementation of services is critical to these families; and

WHEREAS, fourteen Social Services districts in New York State have previously used behavioral health consultants and found that these positions provided direct support to child protective and preventive caseworkers; and

WHEREAS, the New York State Office of Children and Family Services is making a portion of its Child Abuse Prevention and Treatment Act Comprehensive Addiction and Recovery Act allocation from the Consolidated Appropriations Act of 2018 available to Erie County Department of Social Services to hire behavioral health consultants or public health nurses to assist in the identification of families experiencing substance abuse disorders, and in the development, implementation, and monitoring of plans of safe care with infants and families affected by substance abuse; and

WHEREAS, in September 2019, the Department of Social Services issued a Request-for-Proposal (RFP) to provide child abuse prevention public health services. Best-Self Behavioral Health was the only respondent to the RFP. The scoring committee reviewed the proposal and have recommended the Erie County Department of Social Services award a contract to it to provide the requested service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the State of New York to accept the aforementioned funds; and be it further

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into a contract with Best-Self Behavioral Health in the amount of \$90,000 for the provision of child abuse prevention public health services; and be it further

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

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE
516010	Contractual Payments	<u>\$90,000</u>
	Total Expenditures	<u>\$90,000</u>
409000	State Aid	<u>\$90,000</u>
	Total Revenues	<u>\$90,000</u>

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

(6-0)

5. COMM. 4E-18 (2020)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services previously contracted with Diona (US) Inc. to develop a custom solution that integrates mobile and desktop components which will allow Child Protective Services (CPS) and Adult Protective Services (APS) staff to develop, create, access and update case files; and

WHEREAS, the software developed by Diona (US) Inc. has been deployed and Department of Social Services and Division of Information and Support Services staff support the software on day-to-day issues; and

WHEREAS, the Department of Social Services entered into an agreement with Diona (US) Inc. to provide high-level support for the software; and

WHEREAS, the Department of Social Services and Division of Information and Support Services do not have the technical expertise to make significant changes to the software and rely on support from Diona (US) Inc. to make those changes; and

WHEREAS, because Diona (US) Inc. has developed the software and customized it for the Department of Social Services, it is the best vendor to provide ongoing support; and

WHEREAS, the Department of Social Services has negotiated an agreement for Diona (US) Inc. to provide ten months (220 hours of support) of offsite support for \$31,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Diona (US) Inc. to provide ten months (220 hours of support) of offsite support for \$31,000; and be it further

RESOLVED, that the funding is available in account 516020, professional services, of the Department of Social Services (Fund Center 120); and be it further

RESOLVED, the County Administrative Code requirement in section 19.08 Request for Proposals (RFP) is hereby waived as Diona is the sole source provider of this service; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of Social Services, and the Division of Information and Support Services.
(6-0)

LISA M. CHIMERA
CHAIR

LEGISLATOR RESOLUTIONS

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

MR. RATH moved to send the item to committee for further consideration. MR. LORIGO seconded.

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

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

FAILED.

CHAIR BASKIN moved the previous question and directed that a roll-call vote be taken.

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

CARRIED.

RESOLUTION NO. 47

RE: Support for Designation of
University Heights
Neighborhood on National
Register of Historic Places
(INTRO. 5-1)

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

WHEREAS, the University District Community Development Association (UDCDA) has worked with consultants from kta preservation specialists in determining that the area between Bailey Avenue and Main Street in the city of Buffalo would qualify to be listed on the National Register of Historic Places; and

WHEREAS, the UDCDA has held numerous community forums regarding this designation to help educate and inform residents of the University District and has received overwhelming community support; and

WHEREAS, this designation would potentially include over 1600 properties in this area, some of which are over 100 years old; and

WHEREAS, receiving this designation while working with the New York State Office of Parks, Recreation and Historic Preservation, would make available many benefits including residential and commercial tax credits from both New York State and the federal government; and

WHEREAS, this would make certain interior and exterior rehabilitation projects refundable by the federal government at a rate of up to 20% of the finished project; and

WHEREAS, New York State also offers an additional tax credit of up to 20% for both income-producing and residential properties up to a maximum of \$50,000 per year; and

WHEREAS, the City of Buffalo has the oldest housing stock in the country according to a study by the US Census Bureau, with 64.1% of housing units having been built prior to 1940; and

WHEREAS, defraying the cost of home renovations can stabilize and strengthen communities while also promoting healthier living spaces by removing possible lead and other potential carcinogens from the interior of aging buildings; and

WHEREAS, this program would be advantageous and lucrative to attract potential businesses to the area therefore adding to the economic revitalization of the City of Buffalo as a whole.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature supports the addition of the University Heights-Summit Park-Berkshire Terrace area to the National Register of Historic Places; and be it further

RESOLVED, that this Honorable Body commends the work of the UCCDA and all of their strategic partners in identifying and committing to this neighborhood by pursuing this valuable designation; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to Governor Andrew M. Cuomo, the Honorable Crystal Peoples-Stokes, Majority Leader of the New York State Assembly, New York State Senator Tim Kennedy, the Honorable Rasheed Wyatt, University District Common Councilmember, and the Erie County Executive, Mark Poloncarz.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

RE: Transfer of Surplus Property to
Village of Orchard Park
(INTRO. 5-2)

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

WHEREAS, officials from the Village of Orchard Park recently visited the County’s surplus warehouse to select needed furnishings for their village hall; and

WHEREAS, the Village of Orchard Park has identified several items, currently unused by Erie County, that would be of great value to the village; and

WHEREAS, the Director of Purchasing has reviewed and approved of the below request; and

WHEREAS, because these items no longer serve a purpose for the County of Erie, I am pleased to sponsor this resolution to transfer the following items to the Village of Orchard Park.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following items:

<u>Item</u>	<u>County ID</u>
Small wooden table	FLM00152
Small wooden table	FLM001004
Round 4’ Table	FLM01175
(2) Wooden chairs with Cushioned Seats	FM00111 and FM0092
Large wooden conference table	FM00TH59

is hereby transferred from the County of Erie to the Village of Orchard Park for the purpose of furnishing their village hall; and be it further

RESOLVED, that none of these items are to be used for a purpose other than official business by the Village of Orchard Park; and be it further

RESOLVED, that certified copies of this resolution are sent to the Department of Purchase, the County Executive’s Representative for Intergovernmental Affairs and the Village of Orchard Park Mayor JoAnn Litwin Clinton.

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

RESOLUTION NO. 49

RE: Opposition to Governor's 2020-
2021 State Budget Proposal
Cutting Public Library Funding
(INTRO. 5-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MEYERS & CHIMERA**

WHEREAS, the Buffalo and Erie County Public Library (BECPL) system adopted their 2020 budget on December 19, 2018 after this Honorable Body approved a 2.6% increase in their operating budget and Erie County has also committed \$500,000 in the 2020 capital budget to support structural improvements to the downtown Central Library location; and

WHEREAS, for multiple years in a row, the proposed executive budget cuts State library aid and library capital and construction aid; and

WHEREAS, under the Governor's proposed 2020-2021 State Budget, New York State library construction aid would be drastically reduced, including a \$20 million cut to Library Construction Aid and \$5 million cut to Library State Aid, which would leave critical construction projects to library branches unfunded; and

WHEREAS, if the proposed state budget is not amended, the reduction in state aid to the BECPL would be about \$152,000; and

WHEREAS, the BECPL has experienced a dramatic increase in demand for new programs (up 30%) and Internet usage (up 117%) since 2007, indicating that the value of public libraries is evolving but still remaining a key component of thriving, informed communities; and

WHEREAS, access to public libraries helps combat the epidemic of illiteracy in our country and also helps members of our community to assimilate into society; and

WHEREAS, the BECPL, like other local library systems across the state, is playing a critical role, working with counties and the State government, to support the 2020 Census count and outreach and engagement to maximize the number of local residents to participate in the 2020 Census and in so doing, to help our area receive the maximum amount of federal financial resources possible; and

WHEREAS, Erie County taxpayers pay a small library tax every year and deserve a return on that investment with continued State support for the programs and materials they desire and have invested in.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby expresses its opposition to the Governor's proposed 2020-2021 Budget that cuts library aid to localities, and requests the New York State Legislature to, as in prior years, amend the Governor's budget proposal to maintain Library State Aid and Library Construction Aid at the 2019 levels; and be it further

RESOLVED, that this Honorable Body joins with other local elected officials in opposing such cuts and commends the important work of the Buffalo and Erie County Public Library System in serving our community; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the local delegation to the New York State Legislature, and the Director and Chair of the Board of Trustees of the Buffalo and Erie County Public Library.

MR. MEYERS moved to amend the resolution with content, and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Amend the Third Whereas Clause to Read as Follows:

WHEREAS, under Governor Andrew M. Cuomo's proposed 2020-2021 State Budget, New York State library construction aid would be drastically reduced, including a \$20 million cut to Library Construction Aid and \$5 million cut to Library State Aid, which would leave critical construction projects to library branches unfunded; and

Add the Following Whereas Clause After the Third Whereas Clause:

WHEREAS, this is the second consecutive year Governor Andrew M. Cuomo has slashed funding to the state's library system; and

Amend the First Resolve Clause to Read as follows:

RESOLVED, that the Erie County Legislature hereby expresses its opposition to Governor Andrew M. Cuomo's proposed 2020-2021 Budget that cuts library aid to localities, and requests the New York State Legislature to, in prior years, amend Governor Cuomo's budget proposal to maintain Library State Aid and Library Construction Aid at the 2019 levels at the bare minimum; and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

RE: Opposition to President's
Proposed 2021 Budget that
Slashes or Ends Critical
Programs Benefiting EC &

Residents
(INTRO. 5-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS HARDWICK, MEYERS, VINAL,
BASKIN, JOHNSON, GILMOUR & CHIMERA**

WHEREAS, in mid-February 2020, President Donald Trump released his proposed federal fiscal year 2021 budget; and

WHEREAS, that budget proposes slashing funding for, or ending federal programs that are hugely important to residents of Erie County and Western New York ranging from Medicare and Medicaid to home heating assistance and community development programs; and

WHEREAS, the budget proposes to cut funding to Medicare in an aggregate amount of \$756 billion, with most of that funding cuts coming from doctors and other Medicare providers that serve the nearly 200,000 Medicare recipients in Erie County which could lead to providers declining to accept local Medicare clients; and

WHEREAS, these Medicare cuts are concerning in part, because just two days before releasing his budget, President Trump tweeted: "We will not be touching your Social Security and Medicare in Fiscal 2021 Budget", when he in fact, is proposing massive cuts to Medicare; and

WHEREAS, recently at a meeting with state governors, President Trump stated that he would preserve entitlement programs, saying "We're not touching Medicare. We want to keep Medicare. We're not touching Social Security." "We're not decreasing Medicaid", while he is cutting funding for these programs; and

WHEREAS, the President's budget also features \$920 billion less in federal Medicaid spending over the next decade, and shifts move of the Medicaid cost burden to states – which would likely lead New York State to pass along the costs to the counties; and

WHEREAS, the budget calls for \$1 trillion in funding cuts to Medicaid and the Affordable Care Act over a decade, which healthcare analysts say would cause many millions to lose healthcare coverage and eliminate protections for people with pre-existing conditions; and

WHEREAS, advocates for low-income Americans worry that the cuts would have a dramatic impact on people enrolled in Medicaid, which total about 280,000 people in Erie County; and

WHEREAS, the President's budget reduces funding for families with children experiencing poverty by cutting the Temporary Assistance for Needy Families (TANF) program by \$20 billion over ten years and eliminates the Social Services Block Grant, which provides flexible funding to states for services such as child care, day programs for seniors and people with disabilities, and services for homeless individuals and families; and

WHEREAS, the President's budget eliminates the Low Income Home Energy Assistance Program ("LIHEAP"), which serves about 70,000 Erie County families; and

WHEREAS, the President's budget cuts funding for the successful Children's Health Insurance Program – Child Health Plus in New York – by about 10%; and

WHEREAS, the President's budget also proposes, once again, restricting eligibility for the Supplemental Nutrition Assistance Program ("SNAP"), aka Food Stamps, a move that could trim 700,000 people from the rolls nationwide, and hundreds if not thousands locally, with one analyst saying "That's just taking food off people's tables"; and

WHEREAS, the budget also eliminates a policy that helps working poor families get back on their feet, which would cause kids to lose access to SNAP and direct enrollment in the free school meal program; and

WHEREAS, the President's budget also attempts, again, to eliminate the Community Development Block Grant program ("CDBG"), a critical federal program for Buffalo and Erie County, providing \$14 million annually to the city, and millions more to Erie County to help the poor and elderly to improve their homes and neighborhoods; and

WHEREAS, the budget cuts funding to the US Department of Housing and Urban Development and the elimination of programs that support the building and rehabilitation of affordable housing at a time when 71% of extremely low-income households spend more than half of their incomes on housing; and

WHEREAS, the President's budget cuts funding for the US Army Corps of Engineers by almost 50%, which is troubling at a time when we are working with the Army Corps on the Scoby Dam project and the Corps are examining needed improvements to the Buffalo harbor breakwalls due to storm damage; and

WHEREAS, the President's Budget cuts federal funding for improvements to local sewage and drinking water systems, and cuts environmental enforcement via a 27% budget cut at the Environmental Protection Agency at a time when we urgently need upgrades in our water and sewer infrastructure and aid for cleaning-up brownfields like Tonawanda Coke; and

WHEREAS, the budget includes no new federal funding for addressing infrastructure needs across America, including roads, bridges, dams, and other municipal systems; and

WHEREAS, as a child advocate recently stated in an op-ed in The Hill publication, "the policies coming from this administration violate the fundamental social contract we have as a nation to provide for the basic human needs of our most vulnerable people."

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its strong opposition to President Donald Trump's proposed federal fiscal year 2021 budget that would massively cut federal funding to essential health, human and social service programs that are highly-utilized and needed in Erie County; and be it further

RESOLVED, that this Honorable Body expresses its desire that the US House of Representatives and US Senate act, once again, as they have in the past several years, to amend the President's unacceptable budget, to restore funding for these federal programs and services, and to stand-up for the needy and disadvantaged persons in our community and county who rely on federal entitlement and related programs; and be it further

RESOLVED, that this Honorable Body calls on Congress to act to address the urgent infrastructure needs across our country which lead to high local costs and burdens on local residents and governments; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, Congressman Brian Higgins, the vacant office of the 27th Congressional District, and Senators Charles Schumer and Kirsten Gillibrand.

Item 41 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

RE: Support for State Legislation to
Ban Animal-Tested Cosmetics
(INTRO. 5-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO & TODARO**

WHEREAS, the Food and Drug administration (FDA) defines cosmetics as “articles intended to be applied to the human body for cleansing, beautifying, promoting attractiveness or altering the appearance without affecting the body’s structure or functions.” Examples include skin cream, perfume, lipstick, nail polish, eye and facial makeup, shampoo and hair color; and

WHEREAS, the United States Humane Society estimates 500,000 animals suffer and die every year because of cosmetic animal testing. These animals include rabbits, guinea pigs, hamsters, rats and mice; and

WHEREAS, animal tests for cosmetics typically include skin and eye irritation tests where chemicals are rubbed onto the shaved skin or dripped into the eyes of animals to look for signs of general illness or specific health hazards, such as cancer or birth defects; and

WHEREAS, this testing can cause considerable pain and distress to the animals including blindness, swollen eyes, sore bleeding skin, internal bleeding and organ damage, convulsions and death; and

WHEREAS, testing on animals continues despite non-animal testing methods being widely available to companies, these tests are often more accurate and faster than animal testing methods; and

WHEREAS, over 250 companies have endorsed legislation that would end unnecessary cosmetics animal testing in the United States; and

WHEREAS, to date over 39 countries have full or partial bans on cosmetics animal testing, including all European union countries, Norway, India, New Zealand, Israel and South Korea; and

WHEREAS, a growing number of U.S. states are pursuing legislation to ban the sale of cosmetics within their state borders that have been tested on animals; and

WHEREAS, legislation has already passed in the past year in California, Nevada and Illinois; and

WHEREAS, New York State Assembly bill A00496 sponsored by Assemblywoman Rosenthal and New York State Senate Bill S04250 sponsored by Senator Martinez amends general business law in relation to a prohibition on the sale or manufacturing of cosmetics in New York State that have been tested on animals.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body is in support of State Senate bill S04250 and Assembly bill A00496 which would prohibit the sale of cosmetics in New York State that have been tested on animals; and be it further

RESOLVED, that certified copies of this resolution are sent to the Western New York delegation of the NYS Senate and Assembly, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Governor Andrew Cuomo, and any other party deemed necessary and proper.

MR. MEYERS moved to amend the resolution by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 42 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

RE: Opposition to Governors 30-Day
Amendment Excluding Local
Residents in the Siting of
Alternative Energy Projects
(INTRO. 5-6)

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

WHEREAS, approximately twelve million people live in the Lake Erie watershed, including seventeen different metropolitan areas with more than 50,000 residents each. Most of these residents get their drinking water from Lake Erie; and

WHEREAS, this honorable body finds that the Lake is of tremendous importance to the economic health of our region, the physical wellbeing of Erie County's residents, and provides significant recreational and tourism attractions to residents and visitors year round; and

WHEREAS, a new policy has been proposed in Albany through 2021 Budget amendments that would fast track the development of alternative energy systems and revoke significant amounts of local control in the decision making process; and

WHEREAS, this body wishes to express its concern that New York State or any other authority, agency, commission, or department thereof might nearsightedly allow any private and/or public entity to construct, place, position, and/or install, with or without permanent bases, pylons, piers, or similar structures, one or more wind turbines in the waters of Lake Erie. Even more troubling is that the new proposal would allow for such decisions to be made without the input of any local review; and

WHEREAS, the proposed policy would also remove wind and solar power from NYS's traditional energy permitting process and put them into a new office within an economic development agency for approval. This will mean that wind and solar power will no longer face scrutiny from the state's environmental and utility regulators; and

WHEREAS, the wildlife in Erie County was decimated by years of human progress has finally returned, with increased fish stocks in Lake Erie to birds on its shores. Much of the polluted land has been returned to a useable state. It would be short-sighted for New York to push activities that have the potential to needlessly disturb pollutants in the lake bed, destroy fish habitats, and at best interrupt the migratory patterns of birds and bats; and

WHEREAS, this honorable body finds local input to be of tremendous value in assisting the decision making process with regards to large size energy producing projects. Further, this body finds that any large scale energy producing construction project should have to face review of the project's potential environmental impact using the same standards provided to every other large-scale construction project.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature goes on record opposing the 30-day amendment proposed by the Governor which would substantially remove municipalities, environmental, birding and citizens groups from the process of vetting wind and solar projects in New York State; and be it further

RESOLVED, that this body hereby calls for the reconsideration of any state procedure that would eliminate environmental review and local opinion regarding the construction of any energy producing systems; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, New York State Assembly leader Carl Hestie, NYS Senate President and Majority Leader Andrea Stewart Cousins, Minority Leader John Flanagan, Governor Andrew Cuomo, Erie County Executive Mark C. Poloncarz, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

WHEREAS, on February 21, 2020, Governor Andrew M. Cuomo submitted a 30-day amendment to the State's proposed 2020-2021 Budget concerning "Accelerated Renewable Energy Growth and Community Benefit Act" regarding renewable energy; and

WHEREAS, the Accelerated Renewable Energy Growth and Community Benefit Act will create a new Office of Renewable Energy Permitting that the Governor said will "improve and streamline the process for environmentally responsible and cost-effective siting of large-scale renewable energy projects across New York while delivering significant benefits to local communities"; and

WHEREAS, the Act would establish a new process for energy permitting and siting on renewable energy projects such as solar and wind in which the permitting would come under the new State Office of Renewable Energy Permitting; and

WHEREAS, currently, local governments review and decide on smaller energy-producing solar and wind development plans and large energy projects that generate 25 megawatts or more are considered by a panel composed of five state and two local government officials; and

WHEREAS, the new proposed process would limit or end local governments' authority to approve or ability to offer comments or act regarding permitting of local large-scale renewable energy projects; and

WHEREAS, that while this Honorable Body supports renewable energy projects and initiatives, any State efforts to block, limit or stop local governments' from having authority to approve or comment on energy siting is not acceptable and a violation of the tradition of home rule.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its concerns and opposition to any State-imposed measures, whether regulatory, budgetarily, or legislatively, that take authority away from local governments and centralize control in the State government; and be it further

RESOLVED, that this Honorable Body expresses its opposition to the Governor's proposed 30-day amendment that would eliminate local governments' role in reviewing and acting on large-scale energy projects; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the Assembly Speaker, Senate President, and the local delegation of the State Legislature.

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

CARRIED. (10-0-1)

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 43 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 4E-11 (2020). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

RE: Authorization to Contract –
Consumer Directed Home Care
Services
(COMM. 4E-11, 2020)

WHEREAS, the Department of Senior Services continually looks to enhance services to help seniors remain in their homes longer; and

WHEREAS, the Department of Senior Services wishes to reduce long-term care costs by providing services to reduce or delay long-term admissions to facilities; and

WHEREAS, providing home care is a cost effective manner to provide service; and

WHEREAS, Consumer Directed Home Care Service is a service option that provides access and flexibility in care; and

WHEREAS, the Department of Senior Services desires to continue to offer Consumer Directed Services to eligible residents in Erie County; and

WHEREAS, through a RFP process America Homecare Inc., All-Metro Health Care, and Premier Home Health Care Service were selected to provide services to the clients of the Department of Senior Services at an average agency rate of \$20.44 per hour and a minimum of \$13.00 per hour wage for every aide; and

WHEREAS, the Department of Senior Services now desires to contract with America Homecare Inc., All-Metro Health Care and Premier Home Health Care Service for a 3 year period

of March 1, 2020 to March 31, 2023, which at the sole discretion of the County may be extended beyond the initial term for up to two one-year periods at prices and conditions agreed upon by County and Agency; and

WHEREAS, no additional County funds are required as budgetary appropriations for aggregate home care expenditures (which include PCA I, PCA II, and Consumer Direct Home Care) are available in the Department's Home Care Services account (#516026) in the 163EISEP2021, 163III-E2020, 163ADCSI2020 and 163Unmetneed2021 grants; and

WHEREAS, amounts for subsequent contract years are to be determined by appropriations available in each of those year's County budgets.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with America Homecare Inc., All-Metro Health Care and Premier Home Health Care Service to provide Consumer Directed Home Care Services for the Department of Senior Services during the March 1, 2020 to March 31, 2023 period. Which at the sole discretion of the County may be extended beyond the initial term for up to two, one-year periods, at prices and conditions agreed upon by County and Agency; and be it further

RESOLVED, that existing aggregate Home Care Services account (#516026) appropriations in the 163EISEP2021, 163III-E2020, 163ADCSI2020 and 163Unmetneed2021 grants be utilized to pay for the Consumer Direct Services, with amounts for subsequent contract years to be determined by appropriations available in each of those year's County budgets; and be it further

RESOLVED, and if necessary the County Executive is hereby authorized to execute amendments to the contract to effectuate adjusted funding levels; and be it further

RESOLVED, and if necessary the County Executive is hereby authorized to execute additional contracts with vendors who responded to the initial RFP in the event service demands exceed capacity and funding permits; 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 and the Department of Senior Services.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 44 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 5-7 from LEGISLATORS LORIGO, RATH, TODARO & MILLS Re: Minority Caucus Staffing Adjustments

RESOLUTION NO. 54

WHEREAS, in response to a position vacancy the Minority Caucus is seeking to reorganize their 2020 budget appropriation for personnel; and

WHEREAS, the reorganization deletes 3 positions to create 3 new positions; and

WHEREAS, the reorganization lowers the Minority Caucus staff appropriation by \$671 and retains the same staff headcount with no impact on the Legislature's Fringe Benefit account.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature does hereby make the following budget adjustments to the Legislature's 2020 Adopted Departmental Budget:

DELETE three (3) Senior Administrative Clerk (Legislature) positions:

<u>Position Number</u>	<u>Fund Center</u>	<u>Cost Center</u>	<u>Amount Budgeted</u>
51014502	100	1004040	\$58,020 (JG10/Step 5)
51014503	100	1004040	\$58,020 (JG10/Step 5)
51014504	100	1004040	<u>\$58,020</u> (JG10/Step 5)
			\$174,060

ADD three (3) positions:

<u>Position Title</u>	<u>Fund Center</u>	<u>Cost Center</u>	<u>Amount Appropriated</u>
Junior Administrative Clerk (Legislature), JG7 100	100	1004040	\$46,251 (JG7/Step 5)
Senior Administrative Clerk (Legislature), JG11 100	100	1004040	\$63,569 (JG11/Step 5)
Senior Administrative Clerk (Legislature), JG11 100	100	1004040	<u>\$63,569</u> (JG11/Step 5)
			\$173,389

and be it further

RESOLVED, that the Minority Caucus is authorized to recruit and fill the positions at a variable minimum Step 5; and be it further

RESOLVED, that the Budget Director and Department of Personnel are authorized and directed to make any necessary changes to the 2020 Budget to accomplish these changes; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to the Minority Leader, the Budget Director, and the Commissioner of Personnel.

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

CARRIED UNANIMOUSLY.

Item 45 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-19 from LEGISLATOR LORIGO Re: Abstention on COMM. 4E-12 (2020)

Received, filed and printed.

February 27, 2019

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

RE: Abstention on Comm. 4E-12 (2020)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the 2018 Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 2 – 2018, my abstention to the above referenced communication was done to avoid any possible conflict of interest due to my position on the Board of Directs for the Roycroft Campus.

Sincerely,

Joseph C. Lorigo
Erie County Legislature Minority Leader

Item 46 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-20 from COUNTY EXECUTIVE Re: Real Estate Transfer Tax Surplus
Appropriation

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

INTRO. 5-8 from LEGISLATOR LORIGO Re: Calling for Release of Information Regarding Number of Quarantined & Isolated Residents in EC

RESOLUTION NO. 55

WHEREAS, there is an unknown number of Erie County residents in medical quarantine and isolation awaiting test results for potential NCOVID-19 (Coronavirus) infection; and

WHEREAS, the Erie County Executive and Erie County Health Department have refused to release any information regarding residents in quarantine and isolation, including any information about the actual number of residents affected; and

WHEREAS, any secrecy associated with Coronavirus infection only serves to allow imagination to substitute for actual facts and drives unnecessary fear throughout the community; and

WHEREAS, trust in government is one of the cornerstones of our democracy. By withholding information from residents, the Administration is causing that trust to erode. That erosion of trust could exacerbate any future crisis situation that may present itself, regardless of its association with the spread of the Coronavirus; and

WHEREAS, it is a finding of this body that transparency is paramount to the functioning of Erie County government, and therefore Erie County residents have a right to know the truth of the situation as it is unfolding; and

WHEREAS, it is a finding of this body that the transparent handling of the present situation by Governor Andrew Cuomo, along with the New York counties of Westchester, Onondaga, Dutchess, Rockland, Nassau, Suffolk, and New York City is the most appropriate method to maintain the public trust and foster transparency.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body directs the Department of Health and County Executive Poloncarz to release all non-privileged information relating to the quarantined and isolated residents located in Erie County, including the actual number of residents currently in quarantine and/or isolation; and be it further

RESOLVED, that certified copies of this Resolution be sent to Erie County Executive Mark C. Poloncarz, the Commissioner of the Department of Health, New York State Governor Andrew Cuomo, and any other party deemed necessary and proper.

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

*****CHAIR BASKIN entered the Legislature recessed at 2:42 P.M.

*****CHAIR BASKIN reconvened the Legislature at 2:59 P.M.

All members present.

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

MR. LORIGO moved to amend the amendment. MR. RATH seconded.

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

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

FAILED.

CHAIR BASKIN moved the previous question (the motion to amend), and directed that a roll-call vote be taken.

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

CARRIED.

Delete the 2nd, 3rd, 4th, 5th and 6th Whereas Clauses in Their Entirety and Replace with the Following:

WHEREAS, transparency in government is important to maintain public trust and provide timely and accurate information to the public during this Coronavirus outbreak.

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

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 48 – (COMM. 5E-1) Report on Financial Impact of NYS's Bail Reform Efforts

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 49 – (COMM. 5E-2) Follow Up Letter Concerning Cash Flow Concerns/February IGT Payment

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE & THE SHERIFF

Item 50 – (COMM. 5E-3) Joint Resolution - Transfer of Telephone Funds for Jail Safety Equipment

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 51 – (COMM. 5E-4) Forensic Laboratory Personnel Modification

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

RE: Extension of 1.0% & Additional
0.75% Sales & Compensating
Use Tax
(COMM. 5E-5)

WHEREAS, Erie County is requesting authorization to continue to impose an additional one percent and additional three quarters percent sales and compensating use tax pursuant to New York State Tax Law 1210 (i)(4); and

WHEREAS, the revenue anticipated from this additional tax will allow the County of Erie to continue to provide services deemed vital to the community, while maintaining a balanced budget; and

WHEREAS, Erie County derives all of its tax imposing authority directly from State law;
and

WHEREAS, the Erie County Department of Law has prepared the necessary State authorizing legislation to effectuate the continued imposition of sales and compensation use tax; and

WHEREAS, Erie County's authority to impose its additional 1.0% and additional 0.75% sales tax rate will expire at midnight on November 30, 2020 absent enactment of new State authorizing legislation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby memorializes to the NYS Assembly and Senate, particularly those lawmakers who serve as Western New York's delegation in Albany, that immediate introduction of new State authorizing legislation is needed so that Erie County can continue to impose its additional 1.0% and its additional 0.75% sales tax rate for the period beginning December 1, 2020 and ending November 30, 2023; and be it further

RESOLVED, that, as the proposed Bill indicates, if the county of Erie imposes the additional one percent rate of sales and compensating use taxes authorized by item (i) of clause (4) of subparagraph (i) of the opening paragraph of section twelve hundred ten of New York State Tax Law (NYSTL) during the period beginning January first, two thousand seven, or thereafter, the county shall allocate each calendar year the first twelve million five hundred thousand dollars of the net collections from such one percent rate to the cities of such county and the area in such county outside its cities to be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section twelve hundred sixty-two of NYSTL in effect on January first, two thousand six, and subject to all provisions of such agreement governing the net collections for such cities and area and shall retain the remainder of such net collections for any county purpose; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Assemblyman Robin Schimminger and Senator Michael Ranzenhofer, together with the Erie County Division of Budget and Management, the County Attorney, and the County Comptroller.

Item 53 – (COMM. 5E-6) Authorization to Enter into Contract for Healing Communities Study

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 54 – (COMM. 5E-7) ECSD No. 1-6 & 8 - Engineering Term Agreement

Item 55 – (COMM. 5E-8) Authorization to Enter into Agreement - State Aid for Snowmobile Development

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

Item 56 – (COMM. 5E-9) Authorization to Enter into Contract - Jesse E. Nash Health Center IT Upgrades

Item 57 – (COMM. 5E-10) Authorization to Enter into Agreement Amendment for SUNY Erie 2018 ADA Upgrades & Ellicott St. Building Elevator Modernization

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

RE: Authorization to Enter into Agreement for Operation of Grover Cleveland Golf Course Concession Area (COMM. 5E-11)

WHEREAS, the Erie County Department of Parks, Recreation & Forestry has contracted with an outside vendor for a number of years to operate the concession area at Grover Cleveland Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments for park patrons to enjoy throughout the golf season; and

WHEREAS, Nine's Food Service Inc. D.B.A. Carnivorous of Amherst, NY provided the only proposal for service, as well as a revenue fee for the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Executive is authorized to enter into an agreement with Nine's Food Service Inc. D.B.A. Carnivorous for operation of the concession stand at Grover Cleveland Golf Course; and be it further

RESOLVED, the Erie County Department of Parks, Recreation & Forestry will receive \$3,500.00 in revenue annually from Nine's Food Service Inc. D.B.A. Carnivorous for the length of the contract; and be it further

RESOLVED, the certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation & Forestry and the Erie County Department of Law.

Item 59 – (COMM. 5E-12) ECSD No. 2 - Engineering Term Contract Agreement

Item 60 – (COMM. 5E-13) ECSD No. 2 - Contract Close Out

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

Item 61 – (COMM. 5E-14) Authorization to Enter into Supplemental Agreement w/NYS DOT & Award of Construction - Eighteen Mile Creek Replacement, Town of Boston

Item 62 – (COMM. 5E-15) Authorization to Enter into Agreement w/NYS DOT & Award of Construction - Bridges: Towns of Alden, Lancaster, North Collins, W. Seneca & City of Lackawanna

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

FROM THE COMPTROLLER

Item 63 – (COMM. 5E-16) Letter Regarding Final Payments of 2019 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR CHIMERA

Item 64 – (COMM. 5E-17) Letter to DoH Commissioner Concerning Coronavirus Covid-19 Outbreak

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 65 – (COMM. 5E-18) 2020 Consolidated Bond Resolution Place Holder

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPT. OF LAW

Item 66– (COMM. 5D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYSDOT

Item 67 – (COMM. 5M-1) Petition Ordering Public At-Grade Rail Crossing at Extension of Dona St., Lackawanna

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NYSDEC

Item 68 – (COMM. 5M-2) Fact Sheet - Brownfield Cleanup Program Application & Draft Remedial Investigation - SpotOn Legacy LLC, 145 Ganson St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITY OF TONAWANDA

Item 69 – (COMM. 5M-3) Letter from City Attorney to National Grid Regarding City Purchase Sales Agreement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF ALDEN

Item 70 – (COMM. 5M-4) Certified Resolution Reaffirming Support of the 2nd Amendment & Declaring Alden a Second Amendment Sanctuary Town

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE KENILWORTH FIRE DISTRICT NO. 2

Item 71 – (COMM. 5M-5) Letter Regarding Concerns with NFTA Metro Rail Extension Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO NIAGARA COALITION FOR OPEN GOVERNMENT, INC.

Item 72 – (COMM. 5M-6) Letter Concerning ECWA Appointment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NYSDEC

Item 73 – (COMM. 5M-7) Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 240 Lakefront Blvd., Buffalo

Item 74 – (COMM. 5M-8) Fact Sheet - Completion of Brownfield Cleanup Program at 1827 Fillmore Ave., Buffalo

Item 75 – (COMM. 5M-9) Fact Sheet - Completion of Brownfield Cleanup Program at 1665 Main St., Buffalo

Item 76 – (COMM. 5M-10) Environment Site Remediation Database Details for 127 Buffalo River, 189 Ganson St. & 191 Ganson St., Buffalo

Item 77 – (COMM. 5M-11) Invitation for Public Comment - Brownfield Cleanup Proposed Remedy for 2075 Seneca St., Buffalo

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

FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS

Item 78 – (COMM. 5M-12) Certified Resolution Opposing Amendment to NYS Final Budget

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 79 – Legislature Clerk announced that the schedule for committee meetings to be held on Thursday, March 12, 2020, has been distributed.

MEMORIAL RESOLUTIONS

Item 80 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Douglas Bruce.

Item 81 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Gerald J. Greenan Jr.

Item 82 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Dr. Edward W. Bockstahler, Bruce G. Phillips, Gail R. Hammond, and William P. Orr.

Item 83 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Gioacchino “Gino” Farruggio, and Charles K. Bomaster.

Item 84 – Legislator Meyers requested that when the Legislature adjourns, it do so in memory of Barbara A. Huestis.

ADJOURNMENT

Item 85 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

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

CARRIED UNANIMOUSLY.

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

ROBERT M. GRABER
CLERK OF THE LEGISLATURE