

**ERIE COUNTY LEGISLATURE  
MEETING NO. 2  
JANUARY 21, 2021**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Ms. Chimera, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Greene.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 1 from 2021. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – CHAIR BASKIN presented a proclamation Recognizing BlueCross BlueShield of WNY for Its Support of District 2's Cookies and Cocoa Event.

Item 6 – CHAIR BASKIN presented a proclamation Recognizing the Buffalo Bills for Their Support of District 2's Cookies and Cocoa Event.

Item 7 – MR. JOHNSON presented a proclamation Congratulating and Honoring Captain Steve Nichols on His Retirement as a Member of the Buffalo Police Department.

Item 8 – MS. CHIMERA presented a proclamation Congratulating and Honoring Cheryl Matter on Her Extraordinary Work as an Erie County Employee.

Item 9 – MR. GILMOUR presented a proclamation Congratulating and Recognizing Dean J. Fisher on Attaining the Rank of Eagle Scout.

Item 10 – CHAIR BASKIN presented a proclamation Recognizing Delavan Grider Community Center for Its Support of District 2's Cookies and Cocoa Event.

Item 11 – MR. GILMOUR presented a Memorial Resolution Remembering Gerald "Jerry" R. Baldelli.

Item 12 – MS. CHIMERA presented a Memorial Resolution Remembering Harry Franklin Olewine.

Item 13 – MS. VINAL presented a proclamation Congratulating and Honoring Amherst High School Star Athlete, Jack Lenz.

Item 14 – MS. CHIMERA presented a proclamation Honoring and Recognizing Jill O'Malley on Her Appointment as the Newest Member of the Tonawanda Town Board.

Item 15 – CHAIR BASKIN, MR. MEYERS, MR. JOHNSON, MS. CHIMERA, MR. HARDWICK, MS. VINAL & MR. GILMOUR presented a Memorial Resolution Honoring and Remembering Joseph F. Crangle, Longtime Chairman of the Erie County Democratic Committee.

Item 16 – CHAIR BASKIN, MR. LORIGO, MR. MEYERS, MR. JOHNSON, MS. CHIMERA, MR. HARDWICK, MS. VINAL, MR. GREENE, MR. TODARO, MR. GILMOUR, & MR. MILLS presented a Memorial Resolution Honoring and Remembering Judge Norman E. Joslin.

Item 17 – MS. VINAL & MR. JOHNSON presented a proclamation Congratulating and Honoring Kelly Brinkworth on Her Election as Erie County Family Court Judge.

Item 18 – CHAIR BASKIN presented a proclamation Recognizing Luke and Jennifer Malecki for Their Support of District 2's Cookies and Cocoa Event.

Item 19 – MR. JOHNSON presented a proclamation Acknowledging and Honoring National Mentoring Month.

Item 20 – MS. CHIMERA presented a Memorial Resolution Remembering Richard W. Welker.

Item 21 – CHAIR BASKIN presented a proclamation Recognizing Tops Friendly Markets for Its Support of District 2's Cookies and Cocoa Event.

Item 22 – MR. JOHNSON presented a Memorial Resolution In Remembrance of Lurie L. Ford.

Item 23 – MR. TODARO presented a proclamation Honoring United Materials for Their Patriotism in the Creation of a Truck Honoring All Five Military Branches.

Item 24 – MR. GREENE presented a proclamation Congratulating Mary Ann and Frank Endres on the Special Occasion of Their 50th Wedding Anniversary.

Item 25 – MR. LORIGO presented a proclamation Honoring G.A. Family Services Foster Care Program for Its Continued Dedication to the Community.

Item 26 – MR. MILLS presented a proclamation Honoring Father Baker Manor for Its Commitment, Dedication, Perseverance and Consistency of Care.

Item 27 – MR. MILLS presented a proclamation Honoring Jennie B. Richmond Nursing Home for Its Commitment and Dedication of Care for Its Residents.

Item 28 – MR. TODARO presented a proclamation Commending Kelly Aldinger and Ryan Lee for Bringing the Little Free Library to the Alden Community.

Item 29 – MR. TODARO presented a proclamation Congratulating Marie Morreale Upon the Special Occasion of Celebrating Her 80th Birthday.

Item 30 – MR. TODARO presented a proclamation Honoring Stony Brook Shines for Others for Its Contribution to the Community, Giving Back to Those in Need.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-six items by adding one for MR. JOHNSON and by including Et Al Sponsorship. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

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

GRANTED.

Item 32 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 33 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 34 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 35 – CHAIR BASKIN directed that Local Law No. 7 (Print #1) 2020 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 36 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

**COMMITTEE REPORTS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

January 14, 2021	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1
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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. 23D-6 (2020)  
DEPARTMENT OF LAW: “Opinion as to Form - Local Law Intro. 6-1 (2020)”  
(Chair’s Ruling)
  - b. COMM. 24M-3 (2020)  
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 3100 Clinton St.,  
West Seneca”  
(Chair’s Ruling)
  - c. COMM. 1E-16 (2021)  
COUNTY EXECUTIVE: “ECSD No. 8 - Engineering Term Contract Agreement”  
(Chair’s Ruling)
  - d. COMM. 1E-20 (2021)  
COUNTY EXECUTIVE: “ECSD No. 6 - Lackawanna WRRF & ORF Disinfection Systems  
Improvement Project”  
(Chair’s Ruling)

- e. COMM. 1D-6 (2021)  
DEPARTMENT OF LAW: “Notice of County Executive's Public Hearing - LL Intro. 6-1-2020”  
(Chair’s Ruling)
- f. COMM. 1M-2 (2021)  
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 140 Chandler St., Buffalo”  
(Chair’s Ruling)
- g. COMM. 1M-3 (2021)  
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 6 Dona St., Lackawanna”  
(Chair’s Ruling)
- h. COMM. 1M-4 (2021)  
NYSDEC: “Fact Sheet - Completion of Brownfield Cleanup Program at 201 Ellicott St., Buffalo”  
(Chair’s Ruling)
- i. COMM. 1M-9 (2021)  
NYSDEC: “Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - 201 Ellicott St., Buffalo”  
(Chair’s Ruling)
- j. COMM. 1M-11 (2021)  
ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: “EMC Annual Recommendations Report”  
(Chair’s Ruling)

2. COMM. 1E-12 (2021)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the County of Erie advertised for and received responses to a Request for Proposals (RFP) to perform professional services associated with the Erie County Sewer District (ECSD) Nos. 1 & 4 – Flow Monitoring and I/I Quantification Project; and

WHEREAS, this flow monitoring and I/I quantification project will assist ECSD Nos. 1&4 in making informed decisions relative to future sewer collection system work; and

WHEREAS, a proposal review committee was established to evaluate all responses to the County’s RFP for this project, using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends Arcadis of New York, Inc. (Arcadis) to complete the requested consulting services; and

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

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body approves of Arcadis being retained to perform professional services associated with the ECSD Nos. 1 & 4 – Flow Monitoring and I/I Quantification Project; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with Arcadis, 50 Fountain Plaza, Suite 600, Buffalo, New York 14202 in an amount not to exceed \$400,000.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that authorization is hereby provided for the partial closure of up to \$160,000.00 from ECSD No. 1 Capital Reserve Account C.00033 and \$240,000.00 from ECSD No. 4 Capital Reserve Account C.00034 to fund this project; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to process a residual equity transfer of up to \$160,000.00 from ECSD No. 1 Capital Reserve Account C.00033 to ECSD No. 1 Capital Account C.00057 and \$240,000.00 from ECSD No. 4 Capital Reserve Account C.00034 to ECSD No. 4 Capital Account C.17401 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to increase the allocation in Erie County Sewer District No. 1 Capital Account C.00057 for this project by \$160,000.00 and in Erie County Sewer District No. 4 Capital Account C.17401 for this project by \$240,000.00; and be it further

RESOLVED, that any unused funds be returned to the appropriate capital reserve projects and the budget be adjusted accordingly; and be it further

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

(6-0)

**TIMOTHY J. MEYERS  
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

January 14, 2021	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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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. 16E-12 (2020)  
RATH: “Letter to DPW Commissioner Regarding Forward Into Light Campaign”  
(Chair’s Ruling)
  - b. COMM. 21E-9 (2020)  
COUNTY EXECUTIVE: “New Capital Project for County Clerk's Auto Bureau Division”  
(Chair’s Ruling)
  - c. COMM. 24M-2 (2020)  
NFTA: “17A Report & Capital Expenditure Reports for First Quarter of FY Ending 3/31/21”  
(Chair’s Ruling)
  - d. COMM. 1M-7 (2021)  
NFTA: “17A Report and Capital Expenditure Reports for Second Quarter of FY Ending 3/31/2021”  
(Chair’s Ruling)
  - e. COMM. 1M-8 (2021)  
NFTA: “NFTA Operating & Capital Budgets for FY 2021/2022”  
(Chair’s Ruling)
2. COMM. 24E-19 (2020)  
COUNTY EXECUTIVE  
WHEREAS, the County of Erie received bids for the Erie Community College City Campus 2018 Various ADA Upgrades project on Tuesday, November 24, 2020; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Willett Builders Inc., Mechanical/Plumbing Work is MKS Plumbing Corp, and Electrical Construction Work is Frey Electric Construction Co. Inc.; and

WHEREAS, as a result of New York State Education Department Civil Rights Compliance Review, a Voluntary Compliance Plan (VCP) was issued for the findings/violations, corrective actions were identified, ECC is obligated to remedy and implement the VCP, and the proposed accessibility upgrades work for the City Campus will contribute to compliance with the VCP; and

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

WHEREAS, the Department of Public Works and Architectural Resources P.C. are recommending award of the contract to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidders for Erie Community College City Campus 2018 Various ADA Upgrades project for an amount not to exceed as follows:

General Construction Work

Willett Builders Inc.	Base Bid:	\$ 409,000
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Total Award of General Construction Contract:	\$ 409,000
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Mechanical/Plumbing Construction Work

MKS Plumbing Corp.	Base Bid:	\$ 155,000
	Add Alternate No. MP-1	\$ 1,700

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Total Award of Mechanical/Plumbing Construction Contract:	\$ 156,700
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Electrical Construction Work

Frey Electric Construction Co. Inc.	Base Bid:	\$ 88,000
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Total Award of Electrical Construction Contract:	\$ 88,000
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and be it further

RESOLVED, that the sum of \$146,300 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund for a total cost not to exceed \$800,000; and be it further

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

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

E.17003	2017 Sitework (Collegewide)	Erie Community College	\$ 42,000.00
E.17005	2017 Code Compliance (Collegewide)	Erie Community College	\$237,031.32
E.17006	2017 Mechanical, Electrical, Plumbing and Miscellaneous Improvements (Collegewide)	Erie Community College	\$120,000.00



E.18004	2018 Erie Community College Collegewide Infrastructure Improvements/Renovations	\$400,968.68
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Total		\$800,000.00

and be it further

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

(6-0)

3. COMM. 24E-21 (2020)  
COUNTY EXECUTIVE

WHEREAS, at its November 19, 2020 meeting, the SUNY Erie Board of Trustees approved the Third Amendment to Lease Agreement with New Cingular Wireless PCS, LLC (AT&T) for purpose of continued lease and cell tower operation of the SUNY Erie South Campus cell tower; and

WHEREAS, the cell tower was constructed on the South Campus of SUNY Erie Community College by Buffalo Telephone, an AT&T predecessor, at no cost to the County or College, for the County and College use. From then on, the Erie County Legislature has authorized leases with New Cingular Wireless PCS, LLC (AT&T) and its predecessors; and

WHEREAS, the County entered into a Lease Agreement in 2007 and it will expire August 31, 2021. The College would like to renew and extend the Agreement commencing September 1, 2021 for a five (5) year period which would renew for up to two (2) additional five (5) year periods, ending August 31, 2036; and

WHEREAS, Commencing September 1, 2021, the rent charged to New Cingular Wireless PCS, LLC (AT&T) will be \$15,000 per year with an escalation of three percent (3%) from year to year. Potential rental income over the life of the agreement is \$278,983.71; and

WHEREAS, the County Executive is requesting authorization to approve the Third Amendment to Lease Agreement with New Cingular Wireless PCS, LLC (AT&T) for purpose of continued lease and cell tower operation of the SUNY Erie South Campus cell tower.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the Third Amendment to Lease Agreement with New Cingular Wireless PCS, LLC (AT&T); and be it further

RESOLVED, that under the Third Amendment, annual rent shall be \$15,000 per year with an escalation of three percent (3%) from year to year. Potential rental income over the life of the agreement is \$278,983.71; and be it further

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

Division of Budget and Management, SUNY Erie Executive Vice President of Administration and Finance, and the Office of the Comptroller.  
(6-0)

4. COMM. 1E-14 (2021)  
COUNTY EXECUTIVE

WHEREAS, the 2021 Bridge Painting and Steel Repairs of Leydecker Road Bridge over Cazenovia Creek (BIN 3328840/BR 723), PIN 5762.07, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds and a local share; and

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

WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal reimbursement funds, for the Project; 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 a construction contract with Amstar of Western New York, Inc. for \$762,000, enter into a construction phase engineering services agreement with CHA Consultants for \$72,000, and establish a construction contingency of \$66,000 for a total project allowance not to exceed \$900,000; and

WHEREAS, the total project costs are currently estimated, at \$900,000 with \$532,000 in Federal and State reimbursement funds and \$368,000 in local funds.

NOW, THEREFORE, BE IT

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

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

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

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with Amstar of Western New York, Inc. for \$762,000 enter into a construction phase engineering services agreement with CHA Consultants for \$72,000, and establish a construction contingency of \$66,000 for a total project cost not to exceed \$900,000; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the Federal reimbursement of \$532,000 from the NYSDOT Agreement, as well as any other additional funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$900,000 for the construction, and construction inspection phase for the Project is available in Fund 420, Funds Center 123, as follows:

B.15011 – 2015 Preservation of Bridges -	\$ 693,770
<u>B.17017 – 2017 Rehabilitation of Flagged Bridges</u>	<u>\$ 206,230</u>
TOTAL Project Cost	\$ 900,000

and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.15011, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
414000	Federal Aid	\$9,047.34	\$532,000	\$541,047.34
475000	Gen Oblig Bond Proc	<u>\$3,000,000.00</u>	<u>\$ 0</u>	<u>\$3,000,000.00</u>
TOTAL REVENUES		<u>\$3,009,047.34</u>	<u>\$532,000</u>	<u>\$3,541,047.34</u>
<b>APPROPRIATIONS</b>				
CAPITALPROJECTS	Capital Project Expense	<u>\$3,009,047.34</u>	<u>\$532,000</u>	<u>\$3,541,047.34</u>
TOTAL APPROPRIATIONS		<u>\$3,009,047.34</u>	<u>\$532,000</u>	<u>\$3,541,047.34</u>

and be it further

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

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$900,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid

eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward one (1) each certified copies of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

5. COMM. 1E-15 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public works desires to repair the Culvert 127-05 carrying Old Lakeshore Road (CR 127) over a Tributary of Eighteen Mile Creek in the Town of Hamburg and to replace the Culvert 228-13 carrying Springville-Boston Road (CR 228) over a Tributary of Eighteen Mile Creek in the Town of Concord as part of the 2020 Miscellaneous Culvert Group Rehabilitation and Repair Project (Project CUL-MISC2-2020); and

WHEREAS, design for this work has been completed and bids for construction have been received; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with the lowest responsible bidder, Union Concrete and Construction Corp., to enter an agreement with Urban Engineers of NY, D.P.C. for construction inspection and construction administration, to execute an agreement with Verizon – New York, Inc. (“Verizon”) and establish a construction contingency, for a total project construction phase allowance of \$690,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a contract for ECDPW Project CUL-MISC2-20 with the lowest responsible bidder, Union Concrete and Construction Corp. for \$543,999, enter into a construction phase engineering services agreement with Urban Engineers of NY, D.P.C., for \$85,000 and to execute an agreement with Verizon for \$25,000; and be it further

RESOLVED, that the County Executive is hereby authorized to establish a Project contingency and execute Project related change orders, amendments and agreements, as necessary, for an amount not to exceed \$36,001; and be it further

RESOLVED, that the estimated total sum of \$690,000 for the construction, and construction inspection phases for the Project, including contingency is available in Fund 420, Funds Center 123, as follows:

B.16014 – 2016 Preservation of Bridges and Culverts	\$ 188,152.50
<u>B.16050 – 2016 Capital Overlay Program</u>	<u>\$ 501,847.50</u>
TOTAL Project Cost	\$ 690,000.00

and be it further

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

(6-0)

6. COMM. 1E-17 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Washington Apartments Project consists of 82 existing units of affordable housing in the City of Buffalo located at 499 and 501 Washington Street, Buffalo, NY 14203; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Washington Apartments L.P. the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

SCHEDULE A  
PILOT Payments

	TOTAL PILOT	CITY	COUNTY
YEAR 1	\$ 42,407.16	\$ 31,805.37	\$ 10,601.79
YEAR 2	\$ 43,679.37	\$ 32,759.53	\$ 10,919.84
YEAR 3	\$ 44,989.76	\$ 33,742.32	\$ 11,247.44
YEAR 4	\$ 46,339.45	\$ 34,754.59	\$ 11,584.86
YEAR 5	\$ 47,729.63	\$ 35,797.22	\$ 11,932.41
YEAR 6	\$ 49,161.52	\$ 36,871.14	\$ 12,290.38
YEAR 7	\$ 50,636.37	\$ 37,977.28	\$ 12,659.09
YEAR 8	\$ 52,155.46	\$ 39,116.59	\$ 13,038.86
YEAR 9	\$ 53,720.12	\$ 40,290.09	\$ 13,430.03
YEAR 10	\$ 55,331.73	\$ 41,498.79	\$ 13,832.93
YEAR 11	\$ 56,991.68	\$ 42,743.76	\$ 14,247.92
YEAR 12	\$ 58,701.43	\$ 44,026.07	\$ 14,675.36
YEAR 13	\$ 60,462.47	\$ 45,346.85	\$ 15,115.62
YEAR 14	\$ 62,276.34	\$ 46,707.26	\$ 15,569.09
YEAR 15	\$ 64,144.63	\$ 48,108.48	\$ 16,036.16

(6-0)

7. COMM. 1E-18 (2021)  
COUNTY EXECUTIVE

WHEREAS, La Plaza de Virginia Project consists of the new construction of a 3- story building containing forty-six (46) affordable rental units for multi-family senior housing located at 253-269 Virginia Street, Buffalo, NY 14201; and

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

WHEREAS, in order to make the Project economically feasible for La Plaza de Virginia Owners LLC and/or La Plaza de Virginia Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with La Plaza de Virginia Owners LLC, La Plaza de Virginia Housing Development Fund Company, Inc., and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property

Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A  
PILOT Payments

PILOT Payment Schedule			
Year	Total	City	County
1	\$ 10,033.00	\$ 7,524.75	\$ 2,508.25
2	\$ 10,333.99	\$ 7,750.49	\$ 2,583.50
3	\$ 10,644.01	\$ 7,983.01	\$ 2,661.00
4	\$ 10,963.33	\$ 8,222.50	\$ 2,740.83
5	\$ 11,292.23	\$ 8,469.17	\$ 2,823.06
6	\$ 11,631.00	\$ 8,723.25	\$ 2,907.75
7	\$ 11,979.93	\$ 8,984.95	\$ 2,994.98
8	\$ 12,339.32	\$ 9,254.49	\$ 3,084.83
9	\$ 12,709.50	\$ 9,532.13	\$ 3,177.38
10	\$ 13,090.79	\$ 9,818.09	\$ 3,272.70
11	\$ 13,483.51	\$ 10,112.63	\$ 3,370.88
12	\$ 13,888.02	\$ 10,416.01	\$ 3,472.00
13	\$ 14,304.66	\$ 10,728.49	\$ 3,576.16
14	\$ 14,733.80	\$ 11,050.35	\$ 3,683.45
15	\$ 15,175.81	\$ 11,381.86	\$ 3,793.95

(6-0)

8. COMM. 1E-19 (2021)  
COUNTY EXECUTIVE

WHEREAS, the agricultural sector is a significant contributor to Erie County's economy, annually contributing nearly \$130 million to the local economy; and

WHEREAS, between 2007 and 2017, the number of farms in Erie County dropped at the alarming rate of nearly 22%; and

WHEREAS, the Erie County Agriculture and Farmland Protection Plan identified the need to develop new markets for agricultural product as a means to stabilizing and enhancing the Erie County Agricultural industry; and

WHEREAS, the development of an Agribusiness Park has been a key recommendation of the Erie County Agricultural and Farmland Protection Plan, Initiatives for a Smart Economy 1.0 and 2.0; and

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of vacant sites for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Eden Angola Airport has been unutilized for the last 20 years; and

WHEREAS, County of Erie, Town of Evans and Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Eden Angola Airport site into an agribusiness park; and

WHEREAS, Site Master Planning is necessary to plan utilities, road network, parcels in a comprehensive manner which is competitive in the attraction of agribusiness companies; and

WHEREAS, pursuant to 6 NYCRR Part 617, of the State Environmental Quality Review Act, the completion of a Generic Environmental Impact Statement is required to study the impacts of a Project of this magnitude; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants specializing in site master planning and SEQR for industrial development; and

WHEREAS, the County of Erie has approved funding in the County Capital Budget which may be utilized for planning and design work for the agribusiness park.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, Industrial Land Development Corporation and other state and federal agencies, and consultants in amounts not to exceed a total of \$230,100, for the purpose of production of a Site Master Plan and Generic Environmental Impact Statement (GEIS) and other pre-development activities at the former Eden Angola Airport in the Town of Evans; and be it further

RESOLVED, that the source of these funds shall be in SAP accounts A.14012 in the amount of \$230,100 available respectively as part of the approved County Capital Budget; 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, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

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

**LEGISLATOR RESOLUTIONS**



Item 39 – CHAIR BASKIN directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 2-1 from CHAIR BASKIN. Extending Abandoned and Vacant Home Contract of WNY Law Center into 2021.

Item 40 – CHAIR BASKIN directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 2-2 from JOHNSON. Support for Federal Forgiveness of Student Loan Debt for Eligible Borrowers.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 41 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 21E-12 (2020). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

RE: Lead Removal & Reimbursement  
Agreement  
(COMM. 21E-12, 2020)

WHEREAS, the Erie County Sheriff's Office, with financial assistance from the federal government and the Federal Bureau of Investigation, has constructed a state-of-the-art tactical training facility in Alden; and

WHEREAS, this advanced range is utilized by the Erie County Sheriff's Office, federal agencies, and local police departments for weapons training; and

WHEREAS, when the range was renovated and upgraded, advanced ammunition collection berms were installed behind the target lines; and

WHEREAS, the collection berms are designed to stop ammunition from deflecting or penetrating the earth; and

WHEREAS, the collection berms need periodical lead removal and material cleaning; and

WHEREAS, the FBI has dedicated funds to reimburse the Erie County Sheriff's Office and the County for the safe removal of lead, as well as the cleaning and replacement of the ammunition absorption material; and

WHEREAS, this resolution seeks authorization for the Sheriff's Office to pay for the lead removal and to enter into an agreement with the FBI to receive reimbursement for the abatement work for an amount not to exceed \$34,000.00; and

WHEREAS, there is no impact on the County's budget due to federal Reservation/Obligation Funds Document #20-3110-0000716.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and the County Executive to enter into an agreement with the Federal Bureau of Investigation to accept reimbursement funds from Reservation/Obligation of Funds Document #20-3110-0000716 for the lead cleanup at the Erie County Sheriff's Office Tactical Training Facility; and be it further

RESOLVED, the abatement service and the reimbursement are not to exceed \$34,000.00; and be it further

RESOLVED, the Division of Purchasing is authorized to issue a purchase order for the services provided by Metals Treatment Technologies, LLC, 14045 W. 66th Ave., Arvada, CO 80004; and be it further

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

RESOLVED, the Clerk of the Legislature shall send certified copies of the approved resolution to the County Executive, the County Attorney's Office, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

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

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON and MR. MEYERS.  
NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

Item 42 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO. 23-2 (2020). MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

RE: Asking for Public Support and Understanding in Combatting the

Deadly COVID-19 Virus  
(INTRO. 23-2, 2020)

WHEREAS, more than 268,000 Americans have died due to the COVID-19 virus during the pandemic; and

WHEREAS, 816 Erie County residents have died from COVID-19 and more than 25,000 residents have contracted the virus; and

WHEREAS, COVID-19 is not influenza; and

WHEREAS, the pandemic has had a devastating impact on the economy and individuals' personal financial situation, as many businesses have closed and many people have lost their jobs or faced hardship; and

WHEREAS, health care professionals, first responders and Health Department employees have worked tirelessly to mitigate the effects of the pandemic; and

WHEREAS, the government response at all levels to the pandemic has not been perfect; and

WHEREAS, the already serious problems of drug overdose, domestic violence and suicide have been exacerbated by the pandemic; and

WHEREAS, the government taking extraordinary measures to stop the spread of COVID-19 and save lives is not tantamount to tyranny or an assault on the US Constitution; and

WHEREAS, some have argued that there is no evidence that certain types of establishments facilitate the spread of the virus; and

WHEREAS, there are studies showing that certain types of establishments facilitate the spread of the virus; and

WHEREAS, although people can disagree with or dispute such evidence, they cannot say that the evidence does not exist; and

WHEREAS, some business owners and their supporters have argued that the precautions they take in operating their establishments make them completely safe for public events and gatherings, while arguing that the high rates of infection in Erie County are the results of gatherings outside their operations at unmasked events that are not socially distanced; and

WHEREAS, some business owners and their supporters have made the above point at mass gatherings in which opponents of COVID-limitations have not worn masks or engaged in socially distancing; and

WHEREAS, most business owners have complied with the measures that have negatively impacted them in the hope that slowing pandemic's spread in the short-term will permit them to get back to 'business as usual' sooner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature mourns the loss of all persons who have died from COVID-19 or related reasons during the pandemic; and be it further

RESOLVED, that this Honorably Body extends its sympathy to those who have lost loved ones or who have suffered lasting, debilitating health effects as a result of the pandemic; and be it further

RESOLVED, that this body expresses its concern for businesses and individuals that have suffered economically from the pandemic and encourages everyone to act responsible so that all businesses, establishments, schools and places of worship can fully and safely re-open; and be it further

RESOLVED, that this body applauds the efforts of the many health care professionals, first responders, Health Department employees and all others who have worked tirelessly to fight COVID-19; and be it further

RESOLVED, that this Honorable Body encourages the federal government to enact another round of COVID financial relief aimed at helping individuals, businesses and local governments deal with the harsh economic impacts of the pandemic.

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

CHAIR BASKIN 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. GREENE, MR. LORIGO, MR. MILLS and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

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

WHEREAS, 400,000 Americans have died due to the COVID-19 virus during the pandemic; and

WHEREAS, 1,371 Erie County residents have died from COVID-19 and 51,718 residents have contracted the virus; and

WHEREAS, COVID-19 is not influenza; and

WHEREAS, the pandemic has had a devastating impact on the economy and individuals' personal financial situation, as many businesses have closed and many people have lost their jobs or faced hardship; and

WHEREAS, health care professionals, first responders and Health Department employees have worked tirelessly to mitigate the effects of the pandemic; and

WHEREAS, the government response at all levels to the pandemic has not been perfect; and

WHEREAS, the government taking extraordinary measures to stop the spread of COVID-19 and save lives is not tantamount to tyranny or an assault on the US Constitution; and

WHEREAS, most business owners have complied with the measures that have negatively impacted them in the hope that slowing pandemic's spread in the short-term will permit them to get back to 'business as usual' sooner; and

WHEREAS, following a State court ruling, Erie County government recently acted to allow restaurants to re-open for in-house dining under certain restrictions, but nevertheless enabling these small businesses to resume more operations in an effort to alleviate their financial distress; and

WHEREAS, on December 2, 2020, the Erie County Comptroller suddenly and unilaterally, without warning or discussion or dialogue with the Erie County Department of Health or the county administration, purported to "strip" (his words) the Erie County Department of Health of its authority or ability to cash, collect, or deposit any COVID-19 related fines levied on establishments or entities which are not complying with the New York State Executive Order governing the Coronavirus public health emergency, instead asserting that only he has the power to collect, cash or deposit any such revenue; and

WHEREAS, despite personal financial losses and pain, the vast majority, if not nearly all businesses and establishments in Erie County have taken COVID seriously and while not happy about the decisions, have closed during COVID flare-up periods to comply with the State law and to reduce risk to themselves, their employees and their customers; and

WHEREAS, the Comptroller has also threatened to freeze and close all of the Department of Health's bank accounts immediately and unilaterally stated that he will change the way businesses with COVID-19 violations can pay Department of Health fines to allow businesses to pay their fines in payment plans in installments over a period of time between 20 and 100 years; and

WHEREAS, the Erie County Executive has rebuffed the Comptroller's December 2<sup>nd</sup> action, asserting that the Comptroller's accounting and financial powers under the Erie County Charter does not give the Comptroller the power or authority to act, and noting that the Comptroller is not a policymaking official under the Erie County Charter; and

WHEREAS, representatives of Erie County government should all be working together and supporting public health efforts to stop the spread of Coronavirus and working with businesses to promote public safety.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature mourns the loss of all persons who have died from COVID-19 or related reasons during the pandemic; and be it further

RESOLVED, that this Honorable Body extends its sympathy to those who have lost loved ones or who have suffered lasting, debilitating health effects as a result of the pandemic; and be it further

RESOLVED, that this body expresses its concern for businesses and individuals that have suffered economically from the pandemic and encourages everyone to act responsibly so that all businesses, establishments, schools and places of worship can fully and safely re-open; and be it further

RESOLVED, that the Erie County Legislature supports public health policies designed to protect the public during the COVID-19 pandemic, and urges all persons to engage in social distancing, wear masks, and avoid crowded indoor spaces or being in close proximity to persons other than those in their household; and be it further

RESOLVED, that this body applauds the efforts of the many health care professionals, first responders, Health Department employees and all others who have worked tirelessly to fight COVID-19; and be it further

RESOLVED, that this body encourages everyone to do everything they can to stop the spread of COVID-19 until such time as vaccines have been administered to all who wish to receive one; and be it further

RESOLVED, that this Honorable Body encourages the federal government to enact another round of COVID financial relief aimed at helping individuals, businesses and local governments deal with the harsh economic impacts of the pandemic; and be it further

RESOLVED, that this Honorable Body expresses support for small businesses and employees that are suffering during this pandemic and reiterates our commitment to sound public health practices recommended by the US Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), and other public health experts such as the University of Buffalo's School of Medicine and Biomedical Sciences, all of who are urging persons to wear masks, socially distance, and avoid crowds and close indoor spaces around persons; and be it further

RESOLVED, that this Honorable Body repudiates and rejects the actions of Erie County Comptroller Stefan Mychajliw for attempting to deter legal enforcement measures designed to protect the public health; and be it further

RESOLVED, that this Body notes that entities that receive a fine established under State law for COVID-related actions or behavior may avail themselves of the adjudicatory measures under State and County law to contest and appeal any such fines, including legal actions and availing themselves of legal counsel, as Athletes Unleashed has done; and be it further

RESOLVED, that this Honorable Body calls on the Governor and the New York State Department of Health to address and correct inconsistencies in orange zone COVID designations that have allowed certain areas of the state with higher COVID rates than Erie County to remain in yellow status, while we have been in the more restrictive orange status, leading to financial hardship

for restaurants and other businesses, and to adopt new protocols to allow, when safe, businesses to operate and patrons to patronize those establishments in a safe manner as long as distancing and mask wearing measures are in place; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, State Commissioner of Health, the Erie County Executive, the County Comptroller, the County Attorney and County Commissioner of Health.

CHAIR BASKIN directed that the Legislature enter into recess at 11:27 a.m.

CHAIR BASKIN reconvened the Legislature at 11:50 a.m.

All members present.

MR. LORIGO moved to further amend the resolution. MR. GREENE seconded.

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

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

FAILED.

MR. LORIGO moved to further amend the resolution. MR. MILLS seconded.

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

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

FAILED.

MR. LORIGO moved to further amend the resolution. MR. GREENE seconded.

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

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

FAILED.

MR. LORIGO moved to further amend the resolution. MR. TODARO seconded.

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON and MR. MEYERS.  
NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

Delete the Words “expresses its concern for businesses and individuals that have suffered economically from the pandemic” in the 3<sup>rd</sup> Resolved Clause.

Replace with:

“is taking action to support businesses and individuals that have suffered economically from the pandemic by directing the County Attorney and County Director of Real Property Tax Services to issue a joint opinion and memorandum to the Legislature of options within our power to provide small business owners who are suffering financially property tax relief in 2021”

MR. LORIGO moved to further amend the resolution. MR. TODARO seconded.

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

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

FAILED.

MR. LORIGO moved to further amend the resolution. MR. GREENE seconded.

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

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

FAILED.

MR. LORIGO moved to further amend the resolution. MR. GREENE seconded.

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

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

FAILED.



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

MR. LORIGO requested the separation of the Ninth and Tenth Resolve Clauses.

GRANTED.

CHAIR BASKIN moved the question of the Ninth and Tenth Resolve Clauses 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. GREENE, MR. LORIGO, MR. MILLS and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

CHAIR BASKIN moved the previous question (balance of the resolution) and directed that a roll-call vote be taken.

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

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

Item 43 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

MR. JOHNSON objected to immediate consideration.

INTRO. 2-3 from TODARO, LORIGO, GREENE & MILLS Re: Support for Permanently Lifting COVID-19 Restrictions on Erie County Restaurants

Received and referred to the SMALL BUSINESS COMMITTEE.

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

MR. JOHNSON objected to immediate consideration.

INTRO. 2-4 from MILLS, LORIGO, GREENE & TODARO Re: Second Request for Information from 43 North on Their Administration of the Back to Business Relief Program

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

RESOLUTION NO. 9

RE: Support Capping of 3rd Party Food  
Delivery Service Fees During a Declared  
Emergency  
(INTRO. 2-5)

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

WHEREAS, third-party food delivery services, like Uber Eats and Door Dash, typically earn between ten and thirty percent commission per order from restaurants; and

WHEREAS, in some cases the commission is increased to forty percent if a restaurant requests marketing services, for example to be prioritized on an third-party food delivery service app; and

WHEREAS, during the course of the COVID-19 pandemic, when many restaurants and other food service establishments have seen a partial or complete ban on indoor dining issued by the Governor, third-party food delivery services have increased their commissions significantly. This has placed a tremendous amount of pressure on local service establishments who have been forced to rely on food delivery services for a significant portion of their business; and

WHEREAS, the New York State Senate recently passed a bill amending the general business law, in relation to third-party food delivery service charges, to provide some additional relief to food service establishments; and

WHEREAS, the New York State Assembly has yet to take up a companion bill for this potential law; and

WHEREAS, Local Law 8-1 (2020) was introduced to the Erie County Legislature on December 1<sup>st</sup>, 2020, in an attempt to provide similar relief; to date, no public hearing has been scheduled; and

WHEREAS, both laws would place a cap on fees delivery services could charge a food service establishment. The cap would be limited at twenty percent of the total amount of the order being delivered; and

WHEREAS, the cap on the delivery fee is to be repealed after 90 days from the end of the state of emergency declared under Executive Order number 202; and

WHEREAS, this honorable body should take additional action to assist the service industry, which was hit particularly hard by the emergence of COVID-19.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby urges the New York State Assembly to submit, and pass, a companion bill to Senate Bill 1554B (2021); and be it further

RESOLVED, that this body further urges Governor Andrew Cuomo to expeditiously sign the Bill into law when it is delivered to his desk; and be it further

RESOLVED, certified copies of this Resolution be sent to Governor Andrew Cuomo, the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.

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

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, 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.

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

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. HARDWICK, MR. JOHNSON and MR. MEYERS. NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM CHAIR BASKIN**

Item 46 – (COMM. 2E-1) Letter to Jail Management Superintendent Requesting Status Update on Body Cameras

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 47 – (COMM. 2E-2) 2021 Schedule of Legislative Sessions, Invocation & Pledge Schedule

Received, filed and printed.

TO: ROBERT M. GRABER, CLERK  
FROM: APRIL N.M. BASKIN, CHAIR  
SUBJECT: 2021 SCHEDULE OF LEGISLATIVE SESSIONS  
INVOCATION & PLEDGE SCHEDULE

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**JANUARY**

7 Baskin Lorigo  
21 Chimera Greene

**JULY**

8 Hardwick Meyers  
22 Vinal Todaro

**FEBRUARY**

4 Hardwick Meyers  
18 Vinal Todaro

**AUGUST**

Recess

**MARCH**

4 Greene Gilmour  
18 Meyers Lorigo

**SEPTEMBER**

9 Greene Gilmour  
23 Meyers Lorigo

**APRIL**

15 Todaro Mills  
29 Gilmour Chimera

**OCTOBER**

7 Todaro Mills  
21 Gilmour Chimera

**MAY**

13 Lorigo Johnson  
27 Mills Hardwick

**NOVEMBER**

4 Lorigo Johnson  
18 Mills Hardwick

**JUNE**

10 Chimera Vinal  
24 Johnson Greene

**DECEMBER**

2 Chimera Vinal  
16 Johnson Greene

Item 48 – (COMM. 2E-3) Letter to Chair of Public Safety Committee Requesting Discussion on Professional Standards Issues & Concerns in the EC Sheriff's Office

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR LORIGO

Item 49 – (COMM. 2E-4) Letter to Chair of Legislature & HHS Committee Requesting HHS Committee Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR BASKIN

Item 50 – (COMM. 2E-5) Letter to Legislature Clerk Concerning Transition of Meetings on 1/21/21

Received, filed and printed.

January 14, 2021

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

Re: January 21st Work Session and Legislative Session will be Held Virtually due to the Coronavirus Pandemic and the Legislative Session Time Will Be Changed

Dear Mr. Graber:

Due to the Coronavirus COVID-19 pandemic, and in order to help protect the members and staff of the Erie County Legislature and the public from potential exposure to the virus, I am writing to advise you that pursuant to Section 2.03 of the Erie County Legislature's Rules of Order, I am shifting the Legislature's scheduled January 21, 2021 session from being held in the Chambers of the Legislature to a virtual hearing via Zoom. In addition, the legislative session will be held at 11:00 am instead of 2:00 pm.

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

Sincerely,

April N.M. Baskin  
Chair of the Legislature

FROM THE SHERIFF

Item 51 – (COMM. 2E-6) Contract - Air-1 Mechanic Contract for FAA Inspections & Repairs

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 52 – (COMM. 2E-7) 2021 Annual Action Plan for Community Development Block Grant, Emergency Solutions & HOME Investment Partnership Programs

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 53 – (COMM. 2E-8) ECSD Nos. 3, 6 & 8 - Sanitary Sewer Replacement Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 54 – (COMM. 2E-9) Proposed Easement - EC to Niagara Mohawk Power Corporation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

RE: Say Yes Buffalo Virtual Learning  
Support Center Grant  
(COMM. 2E-10)

WHEREAS, a Request-for-Proposal for Virtual Learning Support Centers (VLSC) was issued by the Erie County Department of Social Services (DSS) in September 2020 to school districts or their designee across the County; and

WHEREAS, more than 80 VLSC were funded by the County from October 6, 2020 to December 30, 2020 with the use of Coronavirus Relief Funds to support young children with their virtual education while their parents are working; and

WHEREAS, President Trump signed legislation on December 27, 2020 extending the use of Coronavirus Relief Funds through December 31, 2021; and

WHEREAS, given the extension for the use of these funds, Erie County DSS worked with Erie 1 and Erie 2 BOCES to survey school districts in Erie County to see if they needed to extend VLSC into 2021 and would be interested in and able to partner with the County to cover the expenses associated with operating VLSCs; and

WHEREAS two school districts expressed significant need and the desire to partner with the County by partially covering the VLSC expenses. These two districts included the City of Buffalo and the City of Lackawanna; and

WHEREAS, the YWCA is the designated representative of City of Lackawanna school district and together they wish to extend one VLSC site; and

WHEREAS, together the YWCA and the Lackawanna school district have pledged approximately \$15,000 towards the costs of VLSC operations and are in need of CRF grant funds in the amount of \$39,750; and

WHEREAS, Say Yes Buffalo is the designated representative for Buffalo Public Schools to administer Virtual Learning Support Centers; and

WHEREAS, Say Yes Buffalo successfully administered Virtual Learning Support Centers utilizing a network of child care providers; and

WHEREAS, Buffalo Public Schools has indicated a need for continued County support of Virtual Learning Support Centers with the defined plan of moving high needs students (ESL, Special Education, Pre-K-2nd Grade, Digital Divide) to in-person education first and slowly integrating other populations of students thereafter; and

WHEREAS, support of high needs and other students through Virtual Learning Support Centers reduces the risk of educational neglect referrals to the Department of Social Services; and

WHEREAS, Buffalo Public Schools has pledged one million dollars in continued support of Virtual Learning Support Centers.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue a contract with Say Yes Buffalo to continue Virtual Learning Support Centers; and be it further

RESOLVED, that the contract include terms requiring Say Yes Buffalo not expend the authorized grant funds until funds pledged by Buffalo Public Schools for the VLSC program have been fully expended; and be it further

RESOLVED, that the contract include terms requiring Say Yes Buffalo expend the authorized grant funds prior to March 5, 2021 or return the unexpended balance to Erie County; and be it further

RESOLVED, that the Comptroller's Office be authorized to make grant payments to Say Yes Buffalo from Fund 252, Funds Center 120, Account 525095 Virtual Learning Assistance for an amount not to exceed \$600,000; 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 Division of Information and Support Services, and the Department of Social Services.

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

CARRIED UNANIMOUSLY.

Attach the Following:

MEMORANDUM

To: Honorable Members of the Erie County Legislature  
From: Erie County Department of Social Services

Re: Authorization for Say Yes Buffalo Virtual Learning Support Center Grant  
Date: January 14, 2021

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**SUMMARY**

Say Yes Buffalo was selected for continued grant support on the strength of the existing Virtual Learning Support Center program and the high needs status of Buffalo Public School students. This resolution requests authorization to grant additional funds for the continuation of that critical program in Buffalo Public Schools.

**FISCAL IMPLICATIONS**

The resolution requests authorization to enter into an agreement with Say Yes Buffalo for a total not to exceed amount of \$600,000, under the conditions that pledged BPS funding be expended prior to Erie County funds and all Erie County funds be used prior to March 5th. Funds come from Fund 252, Funds Center 120, Account 525095 Virtual Learning Assistance

**REASONS FOR RECOMMENDATION**

Buffalo Public Schools has indicated that there is still a need for their students to be supported by VLSCs, as their district will continue to be 100% remote learning until February 1, 2021 and predominantly remote for the majority of students for many weeks thereafter. At that time, BPS projects that the highest needs students (ESL, Special Education, Pre-K-2nd Grade, Digital Divide) will begin the transition back to in-person learning. Buffalo Public Schools has also pledged \$1 million dollars in continued support for the VLSCs program administered by Say Yes Buffalo for BPS students ages 5-12.

**BACKGROUND INFORMATION**

A Request-for-Proposal for Virtual Learning Support Centers was issued in September 2020. Say Yes Buffalo was selected for grant support at that time on the strength of their plan to utilize child care providers in the creation of their VLSC network. This resolution would ensure the continuation of that program until Buffalo Public Schools can ensure all high needs students are educated in-person.

**CONSEQUENCES OF NEGATIVE ACTION**

Families of high needs students (ESL, Special Education, Pre-K-2nd Grade, Digital Divide), as well as other students in grades K-6 in the Buffalo Public School system will not be able to meet the virtual education expectations.

**STEPS FOLLOWING APPROVAL**

A contract will be issued to Say Yes Buffalo for professional services.

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

CARRIED UNANIMOUSLY.

Item 56 – (COMM. 2E-11) Installation of Historical Marker within County Shoreline Trail Right-of-Way, Lackawanna



Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 57 – (COMM. 2E-12) Indigent Legal Services Grant Amendment - ILS Counsel at First Appearance #2

Item 58 – (COMM. 2E-13) Indigent Legal Services Grant Amendment - ILS Distribution #7

Item 59 – (COMM. 2E-14) Indigent Legal Services Grant Amendment - ILS Distribution #6

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

Item 60 – (COMM. 2E-15) Contract to Survey & Revise Construction Documents - Two Mile Creek Greenway Trail

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 61 – (COMM. 2E-16) First Appointment to Lake Erie Watershed Protection Alliance Board of Directors

Item 62 – (COMM. 2E-17) Second Appointment to Lake Erie Watershed Protection Alliance Board of Directors

Item 63 – (COMM. 2E-18) Third Appointment to Lake Erie Watershed Protection Alliance Board of Directors

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

Item 64 – (COMM. 2E-19) Appointments to the Youth Services Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM LEGISLATORS LORIGO, TODARO, GREENE & MILLS**

Item 65 – (COMM. 2E-20) Letter to ED Committee Chair Requesting Discussion on Buffalo Metro Area Home Building Impact Study

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMMISSIONER OF HEALTH**

Item 66 – (COMM. 2D-1) Updated Nursing Home Outbreak Information - 1/2/21

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 67 – (COMM. 2D-2) Child Protective Caseloads for 11/2020

Item 68 – (COMM. 2D-3) Child Protective Caseloads for 12/2020

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

FROM THE CLERK OF LEGISLATURE

Item 69 – (COMM. 2D-4) Letter to Legislature Concerning Transition of Meetings on 1/21/21

Received, filed and printed.

January 14, 2021

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: JANUARY 21, 2021 WORK SESSION AND LEGISLATIVE SESSION WILL BE HELD VIRTUALLY DUE TO THE CORONAVIRUS PANDEMIC AND THE LEGISLATIVE SESSION TIME WILL BE CHANGED

PLEASE TAKE NOTICE that pursuant to Erie County Legislature Chair April N.M. Baskin's letter concerning COVID-19, the Erie County Legislature's scheduled January 21, 2021 legislative session and work session will be shifted from being held in the Chambers of the Legislature to a virtual hearing, to be held via Zoom. In addition, the legislative session will be held at 11:00 am, instead of 2:00 pm.

The Chairwoman's letter directing the changes is attached.

The Zoom details are as follows:

Topic: Erie County Legislature Work Session at 10:00 am and Legislative Session #2 (2021) at 11:00 am

<https://us02web.zoom.us/j/89480176776?pwd=c1B5MklQWGVyYjQyNDBER3VlaWlOQT09>

Meeting ID: 894 8017 6776

Passcode: 353690

Or call 646-876-9923

Thank you.

FROM THE COMMISSIONER OF HEALTH

Item 70 – (COMM. 2D-5) Updated Nursing Home Outbreak Information - 1/9/21

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SUPERINTENDENT OF JAILS

Item 71 – (COMM. 2D-6) Letter to Chair of Legislature Regarding Requested Status Update on Body Cameras

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 72 – (COMM. 2D-7) Law Department Spending - 11/2020

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 73 – (COMM. 2D-8) Open Item - Finance & Management Committee

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 74 – (COMM. 2D-9) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 75 – (COMM. 2D-10) Local Emergency Order Extensions

Item 76 – (COMM. 2D-11) Opinion on Authority of EC Legislature to Waive Administrative Fine Issued by EC Health Commissioner

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

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE EC CORRECTIONS SPECIALIST ADVISORY BOARD

Item 77 – (COMM. 2M-1) Letter to NYS Governor Requesting Prioritization of Inmates & Jail Personnel for COVID-19 Vaccinations

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYS AGRICULTURE AND MARKETS

Item 78 – (COMM. 2M-2) Letter Certifying Modification of Agricultural Districts

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 79 – (COMM. 2M-3) Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - 140 Chandler St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CATTARAUGUS COUNTY LEGISLATURE

Item 80 – (COMM. 2M-4) Certified Copy of Resolution Opposing Closure of Gowanda Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS DEPARTMENT OF STATE

Item 81 – (COMM. 2M-5) Local Law Filing Form for LL No. 1 (2021)

Received and filed.

FROM THE NFTA

Item 82 – (COMM. 2M-6) Board Minutes for Meeting Held on 10/22/2020

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 83 – (COMM. 2M-7) Fact Sheet - Brownfield Cleanup Program Application for 1155 Niagara St., Buffalo

Item 84 – (COMM. 2M-8) Invitation for Public Comment - Brownfield Cleanup Program for 1155 Niagara St., Buffalo

Item 85 – (COMM. 2M-9) Fact Sheet - Certification of Cleanup Requirements Achieved at Brownfield Site - 3100 Clinton St., West Seneca

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

FROM SARAH MCGUIRE

Item 86 – (COMM. 2M-10) Letter Advocating for Reopening of Youth Hockey

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 87 – Chair Baskin announced that on Thursday, January 21, 2021, at 6:00 p.m., the Legislature will conduct a public hearing on Local Law Intro. 7-1 (2020), to be held virtually. Chair Baskin further announced that the schedule for committee meetings to be held on Thursday, January 28, 2021, will be distributed.

Item 88 – Legislator Lorigo recognized Legislator Mills who celebrated his birthday the day before.

MEMORIAL RESOLUTIONS

Item 89 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of George Opera and Derek Cline.

Item 90 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of Krystle Dabb, Allison Harmon and John Wendover.

Item 91 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Josephine Aurilio.

Item 92 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Steven Skoda, Christian Koch and Daniel Prial.

Item 93 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Dorothy Harbison.

ADJOURNMENT

Item 94 - 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, February 4, 2021 at 2:00 p.m. Eastern Standard Time. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, February 4, 2021 at 2:00 p.m. Eastern Standard Time.

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