

**ERIE COUNTY LEGISLATURE
MEETING NO. 2
JANUARY 20, 2022**

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Mills.

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 – CHAIR BASKIN directed that the Rules of the Legislature for 2022 be tabled.

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 2022. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR BASKIN & MR. JOHNSON presented a proclamation Celebrating Bashir Siddiq Ansari Upon the Occasion of His 35th Birthday.

Item 6 – MS. VINAL presented a Memorial Resolution Remembering Mary Ann "Penny" Torch.

Item 7 – MS. CHIMERA presented a proclamation Celebrating Joan LaDuca Upon the Occasion of Her 100th Birthday.

Item 8 – MS. VINAL presented a proclamation Celebrating and Recognizing Terry Wolfisch Cole for Competing on Jeopardy.

Item 9 – MS. CHIMERA presented a proclamation Honoring National Blood Donor Month, January 2022.

Item 10 – MR. JOHNSON presented a proclamation Acknowledging and Honoring National Mentoring Month.

Item 11 – MR. MILLS & MR. GREENE presented a proclamation Honoring John & Justin Sanderson on Twenty Years in Business.

Item 12 – MR. MILLS presented a proclamation Honoring Tira Kopec Upon the Occasion of the Grand Opening of Helotechy LLC.

Item 13 – MR. MILLS presented a proclamation Honoring George Richert Upon the Occasion of His Retirement from WIVB.

Item 14 – MR. MILLS presented a proclamation Honoring Brandy Lombardo Upon the Occasion of the Grand Opening of BTR Brews.

Item 15 – MR. LORIGO presented a proclamation Honoring and Recognizing Rebecca O'Connor for Her Help in Improving School Meals.

Item 16 – MR. GREENE presented a proclamation Honoring Raymond G. Skaine as Recipient of the Clarence Chamber of Commerce Volunteer of the Year Award.

Item 17 – MR. TODARO presented a proclamation Honoring Natalie Napierala for Her Community Achievements.

Item 18 – MR. TODARO presented a proclamation Honoring Officer Pat O'Brien Upon the Occasion of His Retirement from the Lancaster Police Department.

Item 19 – MR. TODARO presented a Memorial Resolution Remembering Roger P. Dearmyer.

Item 20 – MR. LORIGO presented a proclamation Honoring Emily Savage Upon the Occasion of Opening Her New Business, "Savage Wheat Project".

Item 21 – MR. LORIGO presented a proclamation Honoring Sydney Kosnik for Children's Book, "My Big Floofy Feet".

Item 22 – MR. GREENE & MR. TODARO presented a proclamation Honoring Lt. Col. Ben Canetti as Recipient of the International Council of Air Shows Special Achievement Award.

Item 23 – MR. GREENE presented a proclamation Honoring Joseph G. Gonzales as Clarence Chamber of Commerce's 2022 Young Entrepreneur of the Year.

Item 24 – MR. LORIGO presented a proclamation Honoring J.R. Seeger Upon the Occasion of His Newest Book Release.

Item 25 – MR. TODARO presented a proclamation Honoring Clarksburg Cider Co.'s Grand Opening.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

Item 27 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 29 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

January 13, 2022	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 25M-1 (2021)
VISIT BUFFALO NIAGARA: “2021 Second Quarter Report & Financial Statements”
(Chair’s Ruling)
 - b. COMM. 1M-7 (2022)
NFTA: “NFTA Annual 17A Report for Second Quarter of FY Ending 03/2022”
(Chair’s Ruling)
 - c. COMM. 1M-8 (2022)
NFTA: “Adoption of Operating & Capital Budgets for FY 2022/2023”
(Chair’s Ruling)
 - d. COMM. 1M-11 (2022)
NFTA: “Board Minutes for Meetings Held on 07/22/2021, 09/23/2021 & 10/28/2021”
(Chair’s Ruling)

2. COMM. 1E-12 (2022)
COUNTY EXECUTIVE

WHEREAS, various exterior improvements including precast panel and exterior stair tread repair, entrance storefront replacement, exterior structural steel recoating; and bollard replacement, need to be addressed for the existing 28-year-old Burt Flickinger Athletic Center as part of capital maintenance; and

WHEREAS, the County of Erie received bids for the SUNY Erie Community College City Campus Burt Flickinger Athletic Center 2021 Exterior Improvements project on Thursday, December 16, 2021; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Allstate General Contracting, Inc.; and

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

WHEREAS, the Department of Public Works and CHA Consulting Inc. are recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder for SUNY Erie Community College City Campus Burt Flickinger Athletic Center 2021 Exterior Improvements project for an amount not to exceed as follows:

General Construction Work

Allstate General Contracting, Inc.	Base Bid:	\$ 267,000
Total Award of General Construction Contract:		\$ 267,000

and be it further

RESOLVED, that the sum of \$23,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

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

E.15003	2015 Roof Replacement & Waterproofing (Collegewide) Erie Community College	\$ 3,291.85
E.17002	2017 Roof Replacement, Exterior Waterproofing and Masonry (Collegewide) – Erie Community College.	\$ 286,708.15
For a Total Amount Not to Exceed		\$ 290,000.00

and be it further

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

(5-0)

3. COMM. 1E-13 (2022)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has identified abandoned natural gas wells throughout New York State; and

WHEREAS, the NYSDEC developed a well plugging program to mitigate the potential threats to public safety and environment presented by these abandoned wells; and

WHEREAS, the NYSDEC has identified three abandoned wells in the Village of Kenmore; and

WHEREAS, the County of Erie is the owner an adjacent property (the “Property”) identified on the Village of Kenmore Tax Map as parcel 66.71-6-19; and

WHEREAS, the Property provides access to the one of the abandoned wells and provides space for equipment staging during plugging operations; and

WHEREAS, NYSDEC has requested access to the wells utilizing the County owned parcel;
and

WHEREAS, the Lands Advisory Review Committee has reviewed the action and has made the determination of a minimal impact on County land; and

WHEREAS, the Lands Advisory Review Committee has reviewed the action under the environmental regulations contained within the New York State Environmental Quality Review Act (SEQR) and has made the determination that the action is a Type II action under SEQR and is expected to have a minimum impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature concurs with the SEQR classification of a Type II action and believes that the action will have a negligible impact upon the environment; and be it further

RESOLVED, that the County Executive is authorized to enter into a temporary use and occupancy agreement with the NYSDEC, for the purpose of authorizing the NYSDEC to utilize the Property to access the well and to stage equipment on; 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 Real Property; the Commissioner of the Department of Environment and Planning; and the County Attorney.
(5-0)

4. COMM. 1E-14 (2022)
COUNTY EXECUTIVE

WHEREAS, McCarley Gardens Project consists of the redevelopment of an existing affordable housing development located in the City of Buffalo into one hundred and fifty (150) affordable rental units for multi-family housing located at 818 Michigan Avenue, Buffalo, New York 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 McCarley Gardens LLC, Oak Michigan 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 McCarley Gardens LLC, Oak Michigan Housing Development

Fund Company, Inc., 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**

	YEAR	Total	CITY	COUNTY
2023-2024	1	\$ 52,119.43	\$ 39,089.57	\$ 13,029.86
2024-2025	2	\$ 53,683.01	\$ 40,262.26	\$ 13,420.75
2025-2026	3	\$ 55,293.51	\$ 41,470.13	\$ 13,823.38
2026-2027	4	\$ 56,952.31	\$ 42,714.23	\$ 14,238.08
2027-2028	5	\$ 58,660.88	\$ 43,995.66	\$ 14,665.22
2028-2029	6	\$ 60,420.71	\$ 45,315.53	\$ 15,105.18
2029-2030	7	\$ 62,233.33	\$ 46,675.00	\$ 15,558.33
2030-2031	8	\$ 64,100.33	\$ 48,075.25	\$ 16,025.08
2031-2032	9	\$ 66,023.34	\$ 49,517.50	\$ 16,505.83
2032-2033	10	\$ 68,004.04	\$ 51,003.03	\$ 17,001.01
2033-2034	11	\$ 70,044.16	\$ 52,533.12	\$ 17,511.04
2034-2035	12	\$ 72,145.48	\$ 54,109.11	\$ 18,036.37
2035-2036	13	\$ 74,309.85	\$ 55,732.39	\$ 18,577.46
2036-2037	14	\$ 76,539.14	\$ 57,404.36	\$ 19,134.79
2037-2038	15	\$ 78,835.32	\$ 59,126.49	\$ 19,708.83

(5-0)

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

Item 30 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

January 13, 2022	PUBLIC SAFETY 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. 25E-1 (2021)
COUNTY EXECUTIVE: “Re-Appointment to EC Conditional Release Commission”
(Chair’s Ruling)
 - b. COMM. 25E-17 (2021)
COUNTY EXECUTIVE: “Appointments to the Fire Advisory Board”
(Chair’s Ruling)
 - c. COMM. 1D-8 (2022)
COMPTROLLER’S OFFICE: “Audit of Sheriff’s Office – 01/2019 – 12/31/2020”
(Chair’s Ruling)

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

Item 31 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

January 13, 2022	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 25E-2 (2021)
COUNTY EXECUTIVE: “ECSD No. 4 - Engineer Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 1E-15 (2022)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Contract Agreement - RAM-4”
(Chair’s Ruling)
 - c. COMM. 1E-17 (2022)

COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Contract Agreement - RAM-5”
(Chair’s Ruling)

- d. COMM. 1M-4 (2022)
NYSDEC: “Invitation for Public Comment - Program Application for 1689 Main St., Buffalo”
(Chair’s Ruling)
- e. COMM. 1M-5 (2022)
NYSDEC: “Invitation for Public Comment - Program Application for 71 Tonawanda St., Buffalo”
(Chair’s Ruling)
- f. COMM. 1M-9 (2022)
NYS AGRICULTURE & MARKETS: “Letter Regarding Feasibility for Agricultural District Nos. 1, 5, 8, 15 & 17”
(Chair’s Ruling)

2. COMM. 1E-16 (2022)
COUNTY EXECUTIVE
WHEREAS, the VENDOR is the current Concession Operator at Chestnut Ridge Park Casino; and

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

WHEREAS, the agreement dated December 5, 2018, No. 2 “Term” allows for renewal of one additional term of three (3) years upon the same terms and conditions; and

WHEREAS, the VENDOR has requested to renew this agreement for one additional term of three (3) years.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Executive is authorized to enter into an agreement renewal with Grateful Grind Coffee, LLC for the operation of the concession stand at Chestnut Ridge Park; and be it further

RESOLVED, the Erie County Parks Department will receive \$10,785.00 in revenue annually from Grateful Grind Coffee, LLC for the length of the contract; and be it further

RESOLVED, that 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.
(5-0)

3. COMM. 1E-19 (2022)

COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointments and reappointments of the individuals listed below to the Erie County Fisheries Advisory Board for terms ending December 31, 2025.

Joseph Fischer 17 Kingston Lane Cheektowaga, NY 14225 Re-Appointment (5-0)	George Johnson 2518 Bailey Avenue Buffalo, NY 14215 New Appointment	Win Min Thant 11 Abbottsford Place Buffalo, NY 14213 New Appointment
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**TIMOTHY J. MEYERS
CHAIR**

LEGISLATOR RESOLUTIONS

Item 32 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

RE: Support for Allowing Bars &
Restaurants to Sell "To-Go"
Alcoholic Beverages
(INTRO. 2-1)

**A RESOLUTION SUBMITTED BY
LEGISLATORS LORIGO, GREENE, TODARO & MILLS**

WHEREAS, during the height of the pandemic, New York State's Liquor Authority allowed restaurants and bars licensed to sell alcohol for on-site consumption to sell alcohol for off-site consumption. New Yorker's enjoyed that privilege responsibly and it saved many bars and restaurants from being forced out of business by providing an additional revenue stream at a time when state mandated restrictions were reducing their hours of operation and seating capacity; and

WHEREAS, alcohol sales make up a significant portion of revenue for most bars and restaurants and it presents a profit margin more than 50% over costs. This means that alcohol is one of the most profitable items sold to restaurant customers; and

WHEREAS, prior reports to the Erie County Legislature by the Erie County Sheriff's office did not show an increase in DWI arrests or accidents during the period of time New York State allowed the sale of mixed drinks for offsite consumption; and

WHEREAS, Governor Kathy Hochul, during her latest State-of-the-State, said her intent is to push for the permanent ability to sell cocktails to go; and

WHEREAS, this honorable body supported the former Governor's decision to allow to-go sales of alcoholic beverages and urged it be made permanent in Intro. 12-4 (2020) and called for a permanent extension on the sale of to-go alcoholic beverages in Intro. 8-4 (2021). Both of the previous resolutions from this honorable body are appended to this resolution; and

WHEREAS, despite all the restrictions and mandates, New Yorker's are far from being able to live without fear of COVID-19. Infection rates are among the highest they have ever been. As a result, fewer people are willing to go out and bars and restaurants are struggling again; and

WHEREAS, New York State has an opportunity to help thousands of family businesses increase their bottom line by loosening restrictions on where mixed drinks are consumed and allowing patrons to take a mixed drink home with a food order.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby urges the New York State Senate and New York State Assembly to enact legislation enabling bars and restaurants to sell alcohol, including mixed drinks and cocktails, for off-site consumption; 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 New York State Assembly, Governor Kathy Hochul's Office, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

RE: Minority Caucus Staffing
(INTRO. 2-2)

**A RESOLUTION SUBMITTED BY
LEGISLATORS LORIGO, GREENE, TODARO & MILLS**

WHEREAS, in response to a vacancy the Minority Caucus is seeking to maintain their 2022 staffing budget as approved in the County's 2022 Adopted Budget; and

WHEREAS, as of January 14, 2022 the JG7 position of Junior Administrative Assistant (Legislature) in the Minority Caucus' budget is vacant; and

WHEREAS, the Minority Caucus wishes to fill the position at the same 2022 funding level of \$48,593 approved in our budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Minority Leader is authorized to fill the position of Junior Administrative Assistant (Legislature), Job Group 7, at a variable minimum Step 5; and be it further

RESOLVED, that a certified copy of this resolution be provided to Minority Leader Joseph C. Lorigo.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 34 – MR. LORIGO moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO. 25-4 (2021). MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8 RE: A Resolution Creating a County-Wide COVID-19 At-Home Testing Program (INTRO. 25-4 (2021))

WHEREAS, the COVID-19 virus has impacted our community for more than 18 months and the number of sick residents is among the highest we have ever seen; and

WHEREAS, shutdowns have destroyed businesses and taken a generation of wealth from our community as many of the businesses that were forced to close during the shutdowns never reopened; and

WHEREAS, former-Governor Cuomo's vaccine mandate has led to a staffing cut at area hospitals of nearly 2% of the total workforce, at a time when we need healthcare workers more than ever, but rates have continued to rise. Despite the prevalence of the COVID-19 vaccine in our community, the numbers of infected and hospitalized in 2021 is similar to 2020 when there was no vaccine available; and

WHEREAS, masking requirements have slowed the spread of the disease on a national scale. Locally, County Executive Poloncarz has maintained a mask mandate since the spring of 2020 to some degree, despite this mandate the number of infected residents is as high now as they were last year at this time; and

WHEREAS, wide-spread testing, which has been enacted in counties across the United States, could be a better solution to slowing the spread through Erie County. Providing residents with the opportunity to be tested through an at-home test kit would allow individuals to know whether or not they are carrying the virus before they attend family gatherings or go to social events; and

WHEREAS, Monroe County ordered 750,000 at-home tests to be freely distributed to their residents. They utilized distribution centers allowing residents to quickly and easily pick up at-home antigen test kits. These kits will allow residents who have concerns about COVID-19 to test themselves and then make an informed decision about whether or not they should go to their next family party, public social event, or work-related gathering; and

WHEREAS, the state of New Hampshire has recently doubled their state-run COVID-19 testing sites and has started their own at-home antigen and PCR testing program, on the first day 800,000 of their tests were taken home. New Hampshire's contract for the antigen tests is \$8 million and they anticipate purchasing more; and

WHEREAS, Massachusetts has also announced they plan to distribute 2 million at-home COVID tests, their contract for the test kits is expected to cost \$10 million; and

WHEREAS, Colorado has also implemented an at-home testing program. The state works their program by mail to provide residents with at-home test kits that use saliva instead of a nasal swab. Their program requires residents to mail their sample in for testing, but the results are typically back in 48-72 hours and the kits have a 98% accuracy; and

WHEREAS, Erie County should engage in a similar county-wide push to provide testing to all residents of Erie County. The ease of free at-home test kits could make it more likely for our residents to get themselves and their children tested. In turn, the more frequent testing can cut back on the occurrences of super-spreader events thereby limiting community spread and all the challenges that come with it.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body acknowledges that data gathered in 2020 by contact tracers and released by the New York State Department of Health clearly demonstrates that more than 73.84% of COVID-19 positive persons contracted the virus in a household or social gathering and 7.81% of positive persons contracted the virus in a healthcare setting and no other transmission source accounted for more than 2.02% of the spread; and be it further

RESOLVED, that this honorable body acknowledges that Governor Kathy Hochul has implemented mask mandates across the state as of Monday, December 13th, but recognizes that when Erie County was the only regional county with the same mask mandates imposed, both our positivity and hospitalization rates were rising faster than our neighboring counties who did not impose similar restrictions, despite the fact that thousands of Erie County residents were leaving the county to dine, shop and entertain themselves; and be it further

RESOLVED, that this honorable body requests that the New York State Department of Health and the Erie County Department of Health release updated contact tracing data that shows the current top thirty (30) exposure sources; and be it further

RESOLVED, that absent the State and County's willingness to release updated exposure data, we must rely on 2020 data that concludes COVID-19 is not being widely spread in hair salons, gyms, theatres, auto-dealers, places of business, places of worship, and retail stores. Rather the highest levels of transmission are occurring at home and in healthcare settings, rendering our current masking mandates ineffective against actual spread and concludes that we must retreat from policies that encourage people to stay at home and in community gatherings and embrace a large scale testing policy that allows people who feel ill free and convenient access to rapid COVID-19 tests that will provide them a quick answer as to whether or not they should isolate themselves from family, friends and society in order to stop the spread of the virus; and be it further

RESOLVED, that the County Executive is hereby directed to immediately purchase a sufficient number of COVID-19 at-home test kits and that such test kits be distributed from easily accessible pick-up sites situated throughout Erie County based on population; and be it further

RESOLVED, that within fourteen (14) days from passage of this resolution, Erie County shall establish a minimum of fifteen (15) distribution centers situated throughout the county with each serving an approximate population of 60,000 persons, for the purposes of distributing free, fast, and reliable at-home COVID-19 tests to residents; and be it further

RESOLVED, that each resident be allowed to pick up one free testing kit in the first thirty (30) days and any additional tests shall be provided at the discretion of the Erie County Health Department; and be it further

RESOLVED, that the Budget Director is hereby authorized to establish a 2021 year-end surplus allocation to fund the aforementioned projects and is then directed to provide the County Legislature a project budget within 60 days, and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, County Comptroller, Director of Budget and Management, Commissioner of Health, Commissioner of Emergency Services, all 3 City Mayors, all 16 Village Mayors and all 25 Town Supervisors in Erie County.

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

CARRIED UNANIMOUSLY.

Amend the Tenth Whereas Clause in its Entirety as Follows:

Erie County has started a county-wide at-home COVID-19 program, providing 40,000 test kits that were distributed through municipalities, community centers, and libraries across Erie County. This program provided free, easy to administer at-home tests that made it more likely that residents would test themselves and their children. This program helped cut down on super-spreader events thereby limiting community spread and getting workers back to their jobs and children back to the classroom.

Delete the First Resolve Clause in its Entirety and Replace as Follows:

This Honorable Body encourages the State of New York to continue to supply Erie County with free at-home COVID-19 tests to complement the Federal Government's at-home COVID-19 test program that is providing four tests per household, in the event there continues to be a vital need for at-home COVID-19 tests following the Federal Government program; and be it further

Delete the Second Resolve Clause in its Entirety.

Delete the Third Resolve Clause in its Entirety.

Delete the Fourth Resolve Clause in its Entirety.

Amend the Fifth Resolve Clause as Follows:

In addition to requesting additional allotments of from the State of New York The County Executive is hereby authorized to purchase additional COVID-19 at-home tests to complement the Federal Government's at-home COVID-19 test program that is providing four tests per household, should the County determine there is still widespread need for at-home tests; and be it further

Amend the Sixth Resolve Clause as Follows:

The County shall establish a distribution system, similar to its most recent at-home test distribution effort, for the purposes of distributing free, fast, and reliable at-home COVID-19 test to residents; and be it further

Delete the Seventh Resolve Clause in its Entirety.

Delete the Eighth Resolve Clause in its Entirety.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 35 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2D-11 from the DEPUTY COUNTY EXECUTIVE Re: Cornell University True Cost of Childcare Study

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR JOHNSON

Item 36 – (COMM. 2E-1) Lease Agreement for Legislative Office Space

Received and filed.

FROM CHAIR BASKIN

Item 37 – (COMM. 2E-2) 2022 Committee Assignments

Received, filed and printed.

2019 Committee Assignments

Finance & Management

Chair: Timothy Meyers
Chair of Legislature: April Baskin
Vice Chair: Howard Johnson
Members: Lisa Chimera
Joseph Lorigo
John Mills
Clerk: John Davis

Energy & Environment

Chair: Timothy Meyers
Chair of Legislature: April Baskin
Vice Chair: Jeanne Vinal
Members: Lisa Chimera
John Mills
Frank Todaro
Clerk: Sean Mulligan

Health & Human Services

Chair: Lisa Chimera
Chair of Legislature: April Baskin
Vice Chair: John Gilmour
Members: Jeanne Vinal
Joseph Lorigo
Frank Todaro
Clerk: Rebecca Brooks

Public Safety

Chair: Howard Johnson
Chair of Legislature: April Baskin
Vice Chair: John Gilmour
Members: Timothy Meyers
Frank Todaro
Christopher Greene
Clerk: Louis Eve

Government Affairs

Chair: John Bargnesi
Chair of Legislature: April Baskin
Vice Chair: Lisa Chimera
Members: John Gilmour
Joseph Lorigo
Frank Todaro
Clerk: Sean Mulligan

Community Enrichment

Chair: John Gilmour
Chair of Legislature: April Baskin
Vice Chair: Howard Johnson
Members: Jeanne Vinal
John Mills
Christopher Greene
Clerk: Jacob Wagner

Economic Development

Chair: Howard Johnson
Chair of Legislature: April Baskin
Vice Chair: Timothy Meyers
Members: John Gilmour
Joseph C. Lorigo
John Mills
Clerk: Brendan O'Connor

Minority & Women Business Enterprise

Chair: Lisa Chimera
Chair of Legislature: April Baskin
Vice Chair: Jeanne Vinal
Members: John Bargnesi
John Mills
Christopher Greene
Clerk: Olivia Owens

Item 38 – (COMM. 2E-3) 2022 Legislative Session Schedule

Received, filed and printed.

2022 SCHEDULE OF LEGISLATIVE SESSIONS

JANUARY

6
20

JULY

7
21

FEBRUARY

3
17

AUGUST

Recess

MARCH

3
17

SEPTEMBER

8
22

APRIL

7
28

OCTOBER

6
20

MAY

12
26

NOVEMBER

3
17

JUNE

9
23

DECEMBER

1 - Session & Budget Vote
15 - Session & Budget Override

All Regular Sessions will begin at 12:00 p.m. in the Legislature Chambers unless notice is provided for meeting(s) to be conducted virtually/telephonically due to the Covid-19 pandemic. Pre-Session Joint Caucus Meetings held on the day of Session begin at 10:00 a.m. in the Legislature Caucus Room unless notice is provided. All Meetings are open to the public.

Item 39 – (COMM. 2E-4) 2022 Schedule of Legislative Sessions' Invocation & Pledge Schedule

Received, filed and printed.

TO: ROBERT M. GRABER, CLERK
FROM: APRIL N.M. BASKIN, CHAIR
SUBJECT: 2022 SCHEDULE OF LEGISLATIVE SESSIONS
INVOCATION & PLEDGE SCHEDULE

JANUARY			JULY		
6	Baskin	Lorigo	7	Bargnesi	Meyers
20	Chimera	Greene	21	Vinal	Todaro
FEBRUARY			AUGUST		
3	Bargnesi	Meyers	Recess		
17	Vinal	Todaro			
MARCH			SEPTEMBER		
3	Greene	Gilmour	8	Greene	Gilmour
17	Meyers	Lorigo	22	Meyers	Lorigo
APRIL			OCTOBER		
7	Todaro	Mills	6	Todaro	Mills
28	Gilmour	Chimera	20	Gilmour	Chimera
MAY			NOVEMBER		
12	Lorigo	Johnson	3	Lorigo	Johnson
26	Mills	Bargnesi	17	Mills	Bargnesi
JUNE			DECEMBER		
9	Chimera	Vinal	1	Chimera	Vinal
23	Johnson	Greene	15	Johnson	Greene

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 9

RE: Authorization to Contract w/Private
Schools & School Districts for Test to
Stay Reimbursement
(COMM. 2E-5)

WHEREAS, the COVID-19 pandemic has resulted in K-12 students missing a significant amount of in-person schooling due to school closures and required isolations and quarantines; and

WHEREAS, to increase the amount of in-person schooling for children, New York State authorized counties to implement a Test to Stay (TTS) program in November 2021; and

WHEREAS, TTS is a practice comprised of contact tracing and serial testing to allow school-associated close contacts who are not fully vaccinated to continue in-person learning during their quarantined period; and

WHEREAS, Erie County Department of Health (ECDOH) conducted a successful TTS in the Grand Island School District in December 2021 that was able to save a significant amount of in-person learning for students who were not fully vaccinated for COVID-19 and in close contact with someone in school who tested positive for COVID-19; and

WHEREAS, schools and school districts must dedicate significant resources to test students participating in the test-to-stay program (i.e., staff to give the test and fill out required paperwork); and

WHEREAS, in order to ensure cost is not a barrier to participation for schools and school districts, ECDOH would like to compensate schools for providing the test. ECDOH will provide schools with a reimbursement of \$10 for each test given in the TTS program; and

WHEREAS, in July 2021, Erie County accepted \$18.4 Million in “Expanded Laboratory Capacity (ELC) Reopening Schools” funding that is to be used to support and maintain in-person learning.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to enter into agreements with private schools, charter schools, and school districts to reimburse the schools \$10 for each test given as part of the TTS program; and be it further

RESOLVED, ECDOH will utilize Epidemiology and Laboratory Capacity Reopening Schools grant funding (127ELCSCHOOLS2122) for this program; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with the grantor funding

requirements and to effectuate contracts with school districts, charter schools and private schools; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, the Director of the Division of Budget and Management, the Office of the Comptroller, the County Attorney's Office, and Dr. Gale Burstein, the Commissioner of Health.

FROM CHAIR BASKIN

Item 41 – (COMM. 2E-6) Letter to Legislature Clerk Concerning Transition of Meeting on 01/20/2022

Received, filed and printed.

January 14, 2022

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

Re: January 20, 2022 Work Session and Legislative Session to be
Held via Video Conferencing Due to the Coronavirus Pandemic

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 20, 2022 session from being held in the Chambers of the Legislature to a virtual hearing via Zoom. Accordingly, the work session will be at 10:00 am and the legislative session will be held at 12:00 Noon on January 20th.

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 COUNTY EXECUTIVE

Item 42 – (COMM. 2E-7) Notification to Legislature of Appointment of Commissioner of Labor Relations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 43 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MS. CHIMERA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

RE: Dept. of Environment & Planning –
Personnel Modification
(COMM. 2E-8)

WHEREAS, the position of Deputy Commissioner of Planning has been vacant since September 2021; and

WHEREAS, after thorough consideration of sixteen (16) candidates, and multiple interviews with the top three candidates, one candidate has been selected as bringing the most relevant and important capabilities, qualifications and experience to the Department of Environment & Planning; and

WHEREAS, the selected candidate brings specific experience in planning, affordable housing, legal and contracting matters involving planning contracts and capital projects which will be critical to the ability of the Department of Environment & Planning to more effectively administer and implement programs and priorities as designated by the Administration and the County Legislature; and

WHEREAS, the selected candidate brings a level of expertise and experience in the disciplines of planning, affordable housing, law/compliance, economic development, and contracting which warrant a variable minimum salary adjustment as proposed.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of variable minimum, Job Group 17, Step 5 (annualized 2022 salary \$116,854) hiring level for the position of Deputy Commissioner of Planning; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2022 Budget of the Department of Environment & Planning as necessary; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, and the Department of Environment & Planning.

Item 44 – (COMM. 2E-9) New Lancaster Highway Maintenance Facility

Item 45 – (COMM. 2E-10) Federal-Aid Highway Project for Resurfacing Wehrle Dr., Amherst

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

Item 46 – (COMM. 2E-11) ECSD No. 4 - Engineering Term Contract Agreement

Item 47 – (COMM. 2E-12) ECSD No. 2 - Engineering Term Contract Agreement

Item 48 – (COMM. 2E-13) ECSD No. 3 - Engineering Term Contract Agreement

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

Item 49 – (COMM. 2E-14) Authorization to Award Funding Regarding Recovering Substance Use Related Disorders

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 50 – (COMM. 2E-15) 2022 Annual Action Plan for Community Development Block Grant, Emergency Solutions & HOME Investment Partnership Programs

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMPTROLLER'S OFFICE

Item 51 – (COMM. 2D-1) Update Concerning Audit of Senior Services

Item 52 – (COMM. 2D-2) Update Concerning Audit of Social Services

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

FROM THE DEPARTMENT OF LAW

Item 53 – (COMM. 2D-3) Local Law Filing for LL No. 3-1 (2021)

Received and filed.

Item 54 – (COMM. 2D-4) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 55 – (COMM. 2D-5) Local Law Filing for LL No. 4-1 (2021)

Received and filed.

Item 56 – (COMM. 2D-6) Local Law Filing for LL No. 2-2 (2021)

Received and filed.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 57 – (COMM. 2D-7) Child Protective Caseloads for 11/2021

Item 58 – (COMM. 2D-8) Child Protective Caseloads for 12/2021

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

FROM THE CLERK OF LEGISLATURE

Item 59 – (COMM. 2D-9) Notice Concerning Transition of Meetings on 01/20/2022

Received, filed and printed.

January 14, 2022

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: ROBERT M. GRABER, CLERK

SUBJECT: January 20, 2022 Work Session and Legislative Session to be Held via Video Conferencing Due to the Coronavirus Pandemic

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 20, 2022 work session and legislative session will be shifted from being held in the Chambers of the Legislature to video conferencing, to be held via Zoom.

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 (2022) at 12:00 Noon

Join Zoom Meeting -

<https://us02web.zoom.us/j/89116730489?pwd=YmhiUklyUzRXRkJBWURCMWhrMC9FUT09>

Meeting ID: 891 1673 0489

Passcode: 632027

Or call 929-436-2866

Thank you.

FROM THE DEPARTMENT OF LAW

Item 60 – (COMM. 2D-10) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE HODGSON RUSS LLP

Item 61 – (COMM. 2M-1) Buffalo City Cemetary ("Forest Lawn") Mergers

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF EDEN

Item 62 – (COMM. 2M-2) Copy of Certified Resolution Regarding EC's COVID-19
Emergency Response Mandates

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE EC M/WBE UTILIZATION ADVISORY BOARD

Item 63 – (COMM. 2M-3) Minutes of Meeting Held on 2/1/2021

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

ANNOUNCEMENTS

Item 64 – Chair Baskin announced that the schedule for committee meetings to be held on
Thursday, January 27, 2022, will be distributed. Chair Baskin further announced that the next
regular session of the Erie County Legislature will be held on Thursday, February 3, 2022.

MEMORIAL RESOLUTIONS

Item 65 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Charles “The Bubbleman” Incorvia.

Item 66 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Donna Okon.

Item 67 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Steven Matthews.

Item 68 – Legislator Meyers requested that when the Legislature adjourns, it do so in memory of Sandy Schmidt.

ADJOURNMENT

Item 69 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. GILMOUR moved that the Legislature adjourn until Thursday, February 3, 2022 at 12:00 p.m. Eastern Standard Time. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, February 3, 2022 at 12:00 p.m. Eastern Standard Time.

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