

ERIE COUNTY LEGISLATURE  
MEETING NO. 15  
JULY 22, 2021

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Ms. Vinal, who offered a prayer.

The Pledge of Allegiance was led by Mr. Todaro.

CHAIR BASKIN took the agenda out of order and directed that the presentation for the Citizen of the Month for 2021 be the next order of business.

\*\*\*\*\*CHAIR BASKIN entered the Legislature into recess at 12:33 P.M.

\*\*\*\*\*CHAIR BASKIN reconvened the Legislature at 12:38 P.M.

All members present.

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 14 from 2021. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. LORIGO presented a proclamation Welcoming Adrienne Grace Co. to East Aurora.

Item 6 – MR. GREENE presented a proclamation Celebrating Four Decades of Local Journalism at the Akron Bugle.

Item 7 – MS. VINAL presented a proclamation Recognizing Angel Swann on Being Honored as the Amherst Chamber of Commerce MWBE Business of the Year.

Item 8 – MR. JOHNSON presented a Memorial Resolution Remembering Arthur Edward "Juini" Booth.

Item 9 – MR. GREENE presented a proclamation Celebrating the Buffalo Philharmonic Orchestra.

Item 10 – MR. TODARO presented a proclamation Recognizing and Honoring Capozzi Paving and Concrete.

Item 11 – MR. MEYERS presented a proclamation Congratulating and Honoring Carolanne Hackett on Her Retirement as a Member of the Cheektowaga Police Department.

Item 12 – MR. TODARO presented a proclamation Recognizing and Honoring Cellino Plumbing.

Item 13 – MR. LORIGO presented a proclamation Honoring Chief Daniel Denz Upon the Occasion of His Retirement.

Item 14 – MS. CHIMERA & MR. JOHNSON presented a proclamation Honoring and Recognizing Dion Dawkins of the Buffalo Bills for Hosting Dion's Dreamers "Christmas in July" 716 Day.

Item 15 – MS. VINAL presented a Memorial Resolution Remembering Dr. Herschel J. Balsom.

Item 16 – MR. JOHNSON & CHAIR BASKIN presented a Memorial Resolution Remembering and Honoring the Life of Jarred John "Weeze" Barker.

Item 17 – MR. GREENE presented a proclamation Celebrating and Commemorating Jeffrey Maine Upon the Occasion of His Retirement.

Item 18 – CHAIR BASKIN presented a proclamation Congratulating and Honoring Jillian Hanesworth, Buffalo's First Poet Laureate.

Item 19 – MS. VINAL presented a proclamation Congratulating Joseph Mack on Being Drafted to the MLB.

Item 20 – MR. TODARO presented a proclamation Honoring Jon Taffer and the Launch of His Premium Cocktail Mixers.

Item 21 – MR. GREENE presented a proclamation Congratulating Joseph Mack on His Selection in the MLB Draft.

Item 22 – MR. MILLS presented a proclamation Honoring and Recognizing Marion Louise (Rucker) Williams Upon the Occasion of Her 100th Birthday.

Item 23 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Recognizing the Frank E. Merriweather Library for Dedicating and Naming Their Auditorium after Eva M. Doyle.

Item 24 – MR. TODARO presented a proclamation Recognizing and Honoring Michael Brown and The UPS Store.

Item 25 – MR. MILLS presented a proclamation Honoring and Recognizing the National Buffalo Wing Festival Upon the Occasion of its Twentieth Anniversary.

Item 26 – MR. MILLS presented a proclamation Honoring and Recognizing the Orchard Park Chamber of Commerce as it Celebrates the Sixteenth Anniversary of Taste of Orchard Park.

Item 27 – MR. LORIGO presented a proclamation Honoring Peter Moore for Receiving a National Award.

Item 28 – MR. MILLS presented a proclamation Honoring and Recognizing Sarah Stuhr for Earning the Gold Award, the Girl Scouts' Highest Honor.

Item 29 – MR. JOHNSON presented a Memorial Resolution Remembering Shaquelle Darnell Walker, Jr.

Item 30 – MR. MEYERS presented a proclamation Honoring the St. Joseph Campus for Sister of Charity Hospital's COVID Unit as Citizen of the Month for July 2021.

Item 31 – MR. TODARO presented a proclamation Honoring Valint's Meats Upon the Occasion of Their Grand Opening in Lancaster.

Item 32 – MS. VINAL presented a proclamation Honoring the Williamsville East Boys Baseball Teams on Winning the 2021 Section VI Class A-1 Final.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-eight items by adding one for Chair Baskin, one for Chair Baskin and Mr. Johnson, one for Mr. Lorigo, and by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-one items as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

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

GRANTED.

Item 34 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2020 remain on the table and in the SMALL BUSINESS COMMITTEE.

GRANTED.

Item 35 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2020 remain on the table and in the GOVERNMENT AFFAIRS 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.

GRANTED.

Item 37 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2021 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 38 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2021 be referred to the ECONOMIC & DEVELOPMENT and MINORITY & WOMEN OWNED BUSINESS COMMITTEES.

GRANTED.

Item 39 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2021 be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

	COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 14D-2 (2021)  
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending 05/2021”  
(Chair’s Ruling)
  - b. COMM. 14D-5 (2021)  
DIRECTOR OF BUDGET & MANAGEMENT: “Midyear Budget Hearing Documents”  
(Chair’s Ruling)

**TIMOTHY J. MEYERS  
CHAIR**

Item 41 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

July 15, 2021	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13E-4 (2021)  
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement”  
(Chair’s Ruling)
  - b. COMM. 13D-3 (2021)  
CLERK OF LEGISLATURE: “Acknowledgment of Filing of Documents Concerning Creation of the Cayuga Creek Water District in the Town of Alden”  
(Chair’s Ruling)
  - c. COMM. 13M-1 (2021)  
NYS COMPTROLLER - OFFICE OF LEGAL SERVICES: “Documents Concerning Creation of the Cayuga Creek Water District in the Town of Alden”

(Chair's Ruling)

d. COMM. 13M-4 (2021)  
NYSDEC: "Invitation for Public Comment - Application & Draft Remedial Investigation at 156 Chandler St., Buffalo"  
(Chair's Ruling)

e. COMM. 14E-17 (2021)  
COUNTY EXECUTIVE: "ECSD No. 3 - Engineer Term Contract Agreement"  
(Chair's Ruling)

f. COMM. 14E-19 (2021)  
COUNTY EXECUTIVE: "ECSD Nos. 1-6 & No. 8 - Board of Managers Resolutions"  
(Chair's Ruling)

g. COMM. 14E-23 (2021)  
COUNTY EXECUTIVE: "Authorization to Apply - NYSDEC Climate-Smart Communities Funding"  
(Chair's Ruling)

h. COMM. 14M-3 (2021)  
NYSDEC: "Public Notice - Program Application for Baseline Rd. & Grand Island Blvd., Grand Island"  
(Chair's Ruling)

i. COMM. 14M-4 (2021)  
NYSDEC: "Invitation for Public Comment - Program Application for 703 E. Delavan Ave., Buffalo"  
(Chair's Ruling)

j. COMM. 14M-5 (2021)  
NYSDEC: "Invitation for Public Comment - Program Application for Baseline Rd. & Grand Island Blvd., Grand Island"  
(Chair's Ruling)

k. COMM. 14M-6 (2021)  
NYSDEC: "Public Notice - Program Application for 703 E. Delavan Ave., Buffalo"  
(Chair's Ruling)

2. COMM. 8E-22 (2021)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 42 at 11:00 a.m. on June 22, 2021:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 42	Kandey Company Inc. 19 Ransier Drive	\$414,570.00

West Seneca, NY 14224

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR 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 the Rowley Road Sanitary Sewer Replacement Project, Erie County Sewer District No. 1, Contract No. 42 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 42	Kandey Company Inc. 19 Ransier Drive West Seneca, NY 14224	\$414,570.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$420,000.00 in Capital Project No. C.21 1XX (American Rescue Plan funds, pending WBS elements) to fund Contract No. 42; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the capital project and the budgets be adjusted accordingly; and be it further

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

(4-0)

3. COMM. 12E-5 (2021)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 26 at 11:30 a.m. on June 22, 2021:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 26	National Water Main Cleaning Co. 25 Marshall Street Canton, MA 02021	\$393,844.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR 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 the Transit Road Cured In Place Pipe Lining Project, Erie County Sewer District No. 5, Contract No. 26 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 26	National Water Main Cleaning Co. 25 Marshall Street Canton, MA 02021	\$393,844.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and/or the County Comptroller are authorized to allocate up to \$400,000.00 in Capital Project No. C.21 1XX (American Rescue Plan funds, pending WBS elements) to fund Contract No. 26; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that at the close of the project any unused funds be returned to the capital project and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and



Management, Kristen Walder, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(4-0)

4. COMM. 14E-3 (2021)  
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointments of the following individuals to the Erie County Fisheries Advisory Board with terms that will expire on December 31, 2024:

Thomas Sucharski  
19 Country Lane  
Buffalo, NY 14203

Kimberly Marron  
6478 Kevington Place  
Boston, NY 14025

Wendy Paterson  
447 Southside Parkway  
Buffalo, NY 14210

(4-0)

5. COMM. 14E-16 (2021)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District (ECS&WCD) who have the essential expertise and personnel to perform the necessary inspections and evaluations, as well as, to carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, road, bridge, and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood-related risk to roads, bridges, culverts, and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting the natural flow of streams, repair road, bridge, and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the ECS&WCD to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the ECS&WCD have previously authorized a municipal agreement on November 5, 2020, via Communication Number 20E-15 for the purpose of performing a County-wide Stream Maintenance Program; and

WHEREAS, scour from Cattaraugus Creek is encroaching on Zoar Valley Road (CR457) approximately across from 2840 Zoar Valley Road and is endangering the road; and

WHEREAS, it is necessary to execute a contract with the ECS&WCD for the stabilization of the stream scour and associated stream bank/roadway embankment failure at the site noted (the "Project"); and

WHEREAS, it is estimated that the cost of the necessary work will not exceed \$500,000 which is available from the SAP Project number hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to renew the contract between the County of Erie and the Erie County Soil and Water Conservation District (ECS&WCD) for \$150,000 to be allocated from the 2021 Highway Department Budget, GL 516020 – Professional Services, Fund 210, Funds Center 1231010 for technical services to identify drainage improvements, reduce erosion, embankment failure, scour, and localized flooding related risks to roads, bridges, culverts, and rights-of-way at various locations; and be it further

RESOLVED, that the Erie County Legislature hereby approves the site-specific work on Zoar Valley Road (the Project); and be it further

RESOLVED, the County Executive is authorized to execute a contract amendment for the Project with the ECS&WCD in an amount not to exceed \$500,000 for which funds are available from Fund 420, Fund Center 123, Project B.19017 – General Civil & Geotechnical Services Construction and which are hereby appropriated and made available for the Project; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(4-0)

6. COMM. 14E-20 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain over 1,100 miles of sewers, close to 100 pumping stations, five (5) overflow retention facilities, and six (6) wastewater treatment plants in the Erie County Sewer Districts; and

WHEREAS, the Division of Sewerage Management previously issued a request for proposals for engineering assistance on a term contract basis; and

WHEREAS, pursuant to Legislative Comm. 19E-10 (2019) the top seven (7) ranked firms submitting proposals were retained via engineering term contract agreements at an amount not to exceed \$250,000.00; and

WHEREAS, pursuant to Legislative Comm. 13E-15 (2021) significant capital monies will be provided for infrastructure improvements in the Erie County Sewer Districts through American Rescue Plan funding; and

WHEREAS, the Division of Sewerage Management has identified that additional engineering resources are needed to assist with projects to be implemented through American Rescue Plan funding; and

WHEREAS, to assist with the additional engineering workload, the Division of Sewerage Management recommends the total authorization for the existing seven (7) engineering term contract agreements be increased and three (3) additional firms be retained through new engineering term contract agreements.

NOW, THEREFORE, BE IT

RESOLVED, that agreements for engineering term contract services with C&S Companies (141 Elm Street #100, Buffalo, NY 14203), Greenman-Pedersen, Inc. (4950 Genesee Street – Suite 100, Buffalo, NY 14225), and Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC (375 Essjay Road, Buffalo, NY 14221) are hereby approved in an amount not to exceed \$250,000.00 each; and be it further

RESOLVED, that the County Executive be and hereby is, authorized to execute agreements with C&S Companies, Greenman-Pedersen, Inc, and Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Deputy Commissioner of the Division of Sewerage Management be approved to issue change orders to the existing engineering term contract agreements with AECOM, Arcadis of New York, Inc., CHA Consulting, DiDonato Engineering and Design Professionals, GHD Consulting Services, Inc., LaBella Associates, and Ramboll/O'Brien & Gere Engineers, Inc. to increase the total authorization of each agreement to an amount not to exceed \$500,000.00; and be it further

RESOLVED, that the County Comptroller be authorized to allocate an amount not to exceed \$250,000.00 for the agreements with C&S Companies, Greenman-Pedersen, Inc, and Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC to fund individual work order assignments; and be it further

RESOLVED, that the County Comptroller be authorized to allocate an amount not to exceed \$500,000.00 for the agreements with AECOM; Arcadis of New York, Inc., CHA Consulting, DiDonato Engineering and Design Professionals, GHD Consulting Services, Inc., LaBella Associates, and Ramboll/O'Brien & Gere Engineers, Inc. to fund individual work order assignments; and be it further

RESOLVED, that individual work orders may be funded from any Sewer Capital Project in Fund 430, the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, Account 516020 (Professional Service Contracts)), and/or Capital Project No. C.21 1XX (American Rescue Plan funds, pending WBS elements) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that no individual work order assignment issued under any of these agreements be greater than \$75,000.00; and be it further

RESOLVED, that the Division of Sewerage Management shall notify the Legislature when a work order is assigned to an engineering firm under this resolution; and be it further

RESOLVED, that when a Capital Project is selected as the funding source for a work order assignment, the Division of Sewerage Management shall include in its notice to the Legislature that the County Comptroller has reviewed and certified the availability of sufficient capital appropriations to fund the work order assignment; and be it further

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

(4-0)

7. COMM. 14E-25 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community (Comm. 12E-5 (2014)); and

WHEREAS, the Erie County Legislature authorized a New York State Department of Environmental Conservation (NYSDEC) grant to conduct Climate Smart Community certification activities (COMM 7E-38 (2018)); and

WHEREAS, the County Climate Vulnerability Assessment process has identified extreme heat as an increasing climate vulnerability to County residents; and

WHEREAS, the New York State Department of Conservation has issued a Request for Applications for New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15 that can support development of a heat emergency plan; and

WHEREAS, Erie County has identified the required matching funds that can be allocated to this project from in-kind staff support pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County authorizes P. Josh Wilson, Coordinator, Pollution Prevention Program, an employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for one hundred thousand dollars (\$100,000), to be used for development of the Erie County Heat Emergency Plan; and be it further

RESOLVED, that in the event of a grant award, Erie County will make resources available to the project to meet the one hundred thousand dollars (\$100,000) matching funds requirement through in-kind services, or otherwise, through County funds, if allocated in the County budget; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.  
(4-0)

**TIMOTHY J. MEYERS  
CHAIR**

Item 42 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

July 15, 2021	PUBLIC SAFETY COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 14E-7 (2021)  
COUNTY EXECUTIVE

WHEREAS, in order for the Erie County District Attorney to hire the best candidate to fill the most challenging positions within his office, it is important that they are compensated appropriately; and

WHEREAS, all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive; and

WHEREAS, the Erie County District Attorney is prepared and desires to fill the position of Executive Assistant-Second Deputy District Attorney at a variable minimum pending action from your honorable body; and

WHEREAS, Section 2507b of the Erie County Charter states that independent elected officials, including the District Attorney, have the power to manage their departments within the parameters of their adopted budget; and

WHEREAS, the funds necessary to effectuate the above changes are available within the District Attorney's adopted appropriations for 2021.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Executive Assistant-Second Deputy District Attorney (position #3420) is hereby authorized to be filled at a variable minimum step 5 (annual salary \$124,195); and be it further

RESOLVED, that the Director of Budget and Management and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution effective August 1, 2021; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Commissioner of Personnel and the Director of Budget and Management.

(5-0)

2. COMM. 14E-11 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services has been awarded \$98,687 by the New York State Office of Children and Family Services (OCFS) as additional STSJP funding to offer Restorative Justice training; and

WHEREAS, the New York State Office of Social Services has identified Restorative Justice Training and Consultation Service as the recipient of this award, based on the results of a RFP, to provide restorative justice training to Youth Services staff; and

WHEREAS, the Department of Social Services requires legislative approval to accept the State funds and to establish a budget in Fund 110; and

WHEREAS, \$60,485 County match funds will be necessary for Erie County to accept this state aid to serve individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept New York State STSJP funds for the restorative justice training and authorizes the Division of Budget and Management to establish a budget as follows:

Erie County Department of Social Services  
Fund 110

Revenue	Increase
Account 408000 - State Aid Revenue	\$98,687
Appropriation	Increase
Account 516020 – Contract Payments	\$98,687

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the 2021 Adopted Budget; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Social Services, the Office of the Comptroller, and the Division of Budget and Management.  
(5-0)

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

Item 43 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

July 15, 2021	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 14D-1 (2021)  
COMPTROLLER’S OFFICE: “Report on Capital Funds Available for SUNY Erie Roofing”  
(Chair’s Ruling)
2. COMM. 14E-14 (2021)  
COUNTY EXECUTIVE  
WHEREAS, the Rehabilitation of Elmwood Avenue (CR 119) from Kenmore Avenue (CR 307) to Knoche Road (CR 306), Town of Tonawanda and Village of Kenmore, PIN 5763.33 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, the project is also eligible for New York State (NYS) Marchiselli funding up to 15% of eligible project costs; and

WHEREAS, the New York State Department of Transportation (NYSDOT) agreement for the engineering Design (I-VI) and Right of Way (ROW) Incidentals Phases of the Project is pending; and

WHEREAS, the County of Erie desires to advance the Project in a timely fashion so as to make maximum use of good weather for the field work necessary for said Project phases; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable federal and NYS Marchiselli shares of the costs of the Engineering Design and ROW Incidentals (Phases I-VI) phases of the Project; and

WHEREAS, the firm of DiDonato Associates Engineering & Architecture, has been selected via the process required for Locally Administered Federal Aid Projects as having the necessary expertise, experience, and manpower to provide the County of Erie with engineering Design (I-VI) and ROW Incidentals services for the reconstruction of the above noted segment of Elmwood Avenue (CR 119); and

WHEREAS, the estimated total cost of the engineering Design (I-VI) and ROW Incidentals phases of this Project are available in the Capital Project hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the Rehabilitation of Elmwood Avenue, PIN 5763.33 (the "Project"); and be it further

RESOLVED, that the County Executive is authorized to execute the pending Project agreement with the NYSDOT provided the amounts therein do not exceed the \$1,200,000 budget in Capital Project B.21163, 2021 Federal Aid Project Design – Elmwood Avenue; and be it further

RESOLVED, that the County Executive is authorized to execute a negotiated agreement between the County of Erie and the selected Project Design Engineers, DiDonato Associates Engineering & Architecture, P.C. for engineering Design (I-VI) and ROW Incidental services in an amount not to exceed the amount allowed by the project agreement with NYSDOT; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the federal and non-federal shares of the cost of the Engineering Design (I-VI) and ROW Incidentals phases of the Project or portions thereof not to exceed the amounts contained in the Project agreement with NYSDOT; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the federal and state funds available for the Project; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the Project budgets as necessary based on the agreement with NYSDOT including appropriation of funds necessary for participation in the Project from Capital Project B.21163, 2021 Federal Aid Project Design Elmwood Avenue, Fund 420, Funds Center 123 provided the NYSDOT agreement amounts do not exceed the \$1,200,000 budget in B.21163; 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 cost of the Project's Design Engineering and ROW Incidentals (Scoping & Design I-VI) phases exceeds the amount appropriated above, 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, should the Agreement receive additional federal or non-federal reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of funds; 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 and non-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 County's first instance funding of Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

3. COMM. 14E-15 (2021)  
COUNTY EXECUTIVE

WHEREAS, a contract with CPL Architecture, Engineering and Planning (CPL) for engineering design services for the project noted (the "Project") was approved by your Honorable Body via Comm. 4E-23 (2019); and

WHEREAS, it is necessary to execute amendments to that contract for Project scope changes that became necessary during detailed design; and

WHEREAS, it is estimated that the cost of the necessary work will not exceed \$85,000 which is available from the SAP Project numbers hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to execute contract amendments for the Project with CPL in the not to exceed amount of \$85,000 for which funds are available from Fund 420, Fund Center 123, SAP Projects B.16002 – 2016 Preservation of Roads Design (\$73,730.68) and B.17003 - 2017 Preservation of Roads Design (\$11,269.32) and which are hereby appropriated and made available for the Project; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Division of Highways, and one copy each to the

Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

4. COMM. 14E-18 (2021)  
COUNTY EXECUTIVE

WHEREAS, Legislative Comm. 2E-16 (2012) approved the Town of Evans Multi-Use Pathway Project Phase 2 with funding from the New York State Marcheselli Aid Reimbursement Program administered by the New York State Department of Transportation; and

WHEREAS, additional time is needed to complete the project and therefore a contract term extension for the approved funding is requested; and

WHEREAS, the Erie County Department of Environment and Planning recommends to extend the completion date to December 31, 2022.

NOW, THEREFORE, BE IT

RESOLVED, that Contract #D034022, PIN 5757.49.321 & .322. between the County of Erie and the New York State Department of Transportation be extended to December 31, 2022; and be it further

RESOLVED, that the County Executive be authorized to execute a No-Cost Time Extension of Local/Miscellaneous Contract for Contract #D034022, PIN 5757.49.321 & .322 to modify the contract completion date to December 31, 2022; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management, County Attorney, Department of Public Works and five (5) certified copies to Mark Rountree, Department of Environment and Planning.  
(6-0)

5. COMM. 14E-21 (2021)  
COUNTY EXECUTIVE

WHEREAS, in 1999 Erie County entered into a license with Niagara Mohawk Power Corporation d/b/a "National Grid" for usage of National Grid's property located along Two Mile Creek Road in the City of Tonawanda and Town of Tonawanda to construct a multi-use trail known as the Two Mile Creek Greenway Trail; and

WHEREAS, pursuant to the 1999 license agreement, in the event National Grid required usage of their property the County would be responsible for relocating the Two Mile Creek Greenway; and

WHEREAS, National Grid notified the County of the need to relocate the Two Mile Creek Trail; and

WHEREAS, National Grid constructed a new electrical substation on the location of a section of the existing Two Mile Creek Greenway Trail to service increased electrical needs in North Youngman Commerce Park and Riverview Solar Technology Park; and

WHEREAS, the Two Mile Creek Greenway Trail is a critical connection between the population centers of the Town and City of Tonawanda and the waterfront trail network known as the Shoreline Trail; and

WHEREAS, the County desires to maintain the Two Mile Creek Greenway Trail connection; and

WHEREAS, due to the time required for Legislative approval, contract execution, and the anticipated lead time on necessary materials, it is desired to obtain Legislative approval as soon as possible to permit contract award and completion of the Two Mile Creek Greenway Bike Trail this construction season; and

WHEREAS, a contract will be negotiated with Wendel Companies for the construction phase engineering inspection services; and

WHEREAS, funding is available for the project from Fund 410, Business Area as follows:

<u>Project A.19053 – Two Mile Creek Greenway Trail Realignment</u>	<u>\$ 196,500</u>
Total not to exceed	\$ 196,500

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive is authorized to award and execute a construction contract for the project with the lowest responsible bidder; and be it further

RESOLVED, that the County Executive be authorized to execute an agreement with Wendel Companies for inspection/engineering services during construction; and be it further

RESOLVED, that the total cost of the contracts for construction, engineering/construction inspection, services during construction shall not exceed \$196,500; and be it further

RESOLVED, the Project budget, in the amount of \$196,500, be made available for the Project in Fund 410, Business Area 162 as follows:

<u>Project A.19053 – Two Mile Creek Greenway Trail Realignment</u>	<u>\$ 196,500</u>
Total not to exceed	\$ 196,500

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Director of the Division of Budget and Management; the Comptroller's Office; the Commissioner of the Department of Environment and Planning, and the County Attorney.

(6-0)

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

Item 44 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

MS. VINAL requested the separation of item Number 6.

GRANTED.

CHAIR BASKIN moved the previous question.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

July 15, 2021	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 3E-4 (2021)  
LORIGO, GREENE, TODARO & MILLS: “Letter Requesting In-Person Legislative Sessions & Committee Meetings”  
(Chair’s Ruling)
  - b. COMM. 10E-9 (2021)  
LORIGO, TODARO, GREENE & MILLS: “Letter to Commissioner of Social Services Regarding FOIL Request & Receipt”  
(Chair’s Ruling)
  - c. COMM. 10D-3 (2021)  
DEPT. OF SOCIAL SERVICES: “Response to FOIL Request for Information Related to COMM. 3E-9 (2021)”  
(Chair’s Ruling)
  - d. COMM. 11E-6 (2021)  
COUNTY EXECUTIVE: “Letter to Office of Temporary & Disability Assistance Regarding Emergency Rental Assistance Program”  
(Chair’s Ruling)

- e. COMM. 11D-5 (2021)  
COMMISSIONER OF SOCIAL SERVICES: “Child Protective Caseloads for 04/2021”  
(Chair’s Ruling)
- f. COMM. 11D-6 (2021)  
DEPARTMENT OF LAW: “Local Emergency Order Extensions”  
(Chair’s Ruling)
- g. INTRO. 12-11 (2021)  
TODARO, GREENE & MILLS: “Calling on NYS to Remove Mask Mandates in WNY Schools”  
(Chair’s Ruling)
- h. COMM. 12D-4 (2021)  
DEPARTMENT OF LAW: “Local Emergency Order Extensions”  
(Chair’s Ruling)
- i. COMM. 12D-5 (2021)  
COMMISSIONER OF SOCIAL SERVICES: “Response to COMM. 10E-9 (2021)”  
(Chair’s Ruling)
- j. COMM. 12D-6 (2021)  
COMMISSIONER OF SOCIAL SERVICES: “Child Protective Caseloads for 05/2021”  
(Chair’s Ruling)
- k. COMM. 12D-8 (2021)  
COMMISSIONER OF HEALTH: “Updated Nursing Home Outbreak Information - 05/2021”  
(Chair’s Ruling)
- l. COMM. 12M-3 (2021)  
PRESIDENT, EC BOARD OF HEALTH: “Board of Health Meeting Minutes and Agenda from Meeting Held on 1/14/2020”  
(Chair’s Ruling)
- m. COMM. 13E-3 (2021)  
COUNTY EXECUTIVE: “COVID-19 State of Emergency Status”  
(Chair’s Ruling)
- n. COMM. 13D-1 (2021)  
DIRECTOR OF BUDGET & MANAGEMENT: “Notification of New COVID-19 Contracts”  
(Chair’s Ruling)
- o. COMM. 13D-5 (2021)  
DEPARTMENT OF LAW: “Local Emergency Order Extensions”  
(Chair’s Ruling)

p. COMM. 14D-4 (2021)  
DEPARTMENT OF LAW: “Local Emergency Order Extensions”  
(Chair’s Ruling)

2. COMM. 13E-13 (2021)  
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the reappointments of the following individuals to the Erie County Medical Center Corporation for a term ending December 31, 2026:

Eugenio Russi 29 Dana Road Buffalo, NY 14216	Christopher J. O’Brien 25 Crosby Boulevard Amherst, NY 14226	Jennifer Persico Lippes Mathias Wexler Friedman LLP 50 Fountain Plaza, Suite 1700 Buffalo, NY 14202
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(5-0)

3. COMM. 13E-14 (2021)  
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointments of the following individuals to the Erie County Advisory Board, Division for Persons with Disabilities for a term ending December 31, 2023:

Anthony J. Anderson, P.E. 619 Ridge Road Lackawanna, NY 14218	Stephanie Orlando 3108 Main Street Buffalo, NY 14214
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(5-0)

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

RESOLVED, that the Erie County Legislature does hereby confirm the reappointments of the following individuals to the Erie County Emergency Medical Services Advisory Board for a term ending December 31, 2023:

Presley M.C. Redeye 14167 Route 438 Gowanda, NY 14070	Kimberely Atwater 7780A Eddy Road Colden, NY 14033	Thomas S. Barsi 30 Camelot Drive West Seneca, NY 14224
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Michael J. Baumgartner 79 Lison Street Buffalo, NY 14223	Janinne Blank 20 Sagebrush Lane Lancaster, NY 14086	Allan L. Brown 98 Chateau Terrace Snyder, NY 14226
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Robert Eleczko 6212 Genesee Street Lancaster, NY 14086	Johanna Innes, MD 36 Charleston Avenue Kenmore, NY 14217	Christine Verni 28 Tillinghast Place Buffalo, NY 14216
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Michael Krupski	Lynn Ann O’Donnell	Ryan M. Sheedy
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4834 Gerber Parkway  
Hamburg, NY 14075

22 Wesley Drive  
Akron, NY 14001

71 Jeffrey Drive  
Depew, NY 14043

Emily A. Rowles  
97 Meadow Lea Drive  
Amherst, NY 14226

(5-0)

5. COMM. 14E-5 (2021)  
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the reappointments of the following individuals to the Erie County Mental Hygiene Community Services Board for a term ending December 31, 2023:

Joan Baizer  
84 Russell Avenue  
Buffalo, NY 14214

BJ Stasio  
1 South Street, Apt 302  
Buffalo, NY 14204

(5-0)

6. COMM. 14E-8 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has responsibility to ensure that the Erie County Kindergarten through 12th grades (K-12) schools have the proper COVID-19 screening testing programs; and

WHEREAS, the NYSDOH grant will provide the Erie County Department of Health funding for the financial, staffing, and technical resources required to develop and assist Erie County grades K-12 schools on COVID-19 screening testing for the 2021-2022 academic year; and

WHEREAS, Erie County in providing the above-mentioned services will be able to identify emerging school COVID-19 testing needs and COVID-19 trends and provide technical services where needed; and

WHEREAS, Quadrant Biosciences has the staffing and technology capacity to perform COVID-19 diagnostic and screening PCR testing for the school population with lower test costs due to pooled COVID-19 PCR testing and quick turn-around times; and

WHEREAS, Walgreens Pharmacy has 26 pharmacy locations in Erie County; offers lower priced COVID-19 PCR tests and shorter test turn-around time compared to other pharmacies will enable many Erie County residents to easily access COVID-19 testing; and

WHEREAS, Erie County Department of Health has a working relationship with Buffalo HomeCare Inc. as a current contractor in providing home COVID-19 vaccine related nursing services and has expertise in COVID-19 specimen collection that can provide COVID-19 test specimen collection throughout Erie County in homes or schools; and

WHEREAS, Quest Diagnostics can provide COVID-19 test specimen collection and COVID-19 PCR testing at mobile sites throughout southern Erie County and other Erie County areas where Walgreens are not located; and

WHEREAS, appropriate Erie County personnel are needed to establish and oversee this large COVID-19 screening testing program in grade K-12 schools and comply with reporting requirements, administer the budget, and provide the necessary services and equipment required for screening testing.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept NYSDOH funds to establish COVID-19 screening testing programs for Erie County Kindergarten through 12<sup>th</sup> grade (K-12) schools to support and maintain in-person learning; and authorizes the Division of Budget and Management to amend the 2021 Adopted Budget as follows:

127ELCSCHOOLS2122  
 07/01/21 - 07/31/22

<u>SAP</u>	<u>REVENUE</u>		<u>BUDGET</u>
414000	Federal Aid		<u>18,465,482</u>
		TOTAL	<u><u>18,465,482</u></u>

<u>SAP</u>	<u>EXPENSES</u>		<u>BUDGET</u>
500000	Full Time Salaries		188,276
502000	Fringe Benefits		100,351
505000	Office supplies		5,000
510000	Local Mileage		1,000
516020	Prof Ser Cnt and Fees		17,084,945
912700	ID Health Services		369,310
912730	ID Health Lab Services		600,000
980000	ID DISS Services		<u>116,600</u>
		TOTAL	<u><u>18,465,482</u></u>

BD12700

<u>SAP</u>	<u>EXPENSES</u>		<u>BUDGET</u>
505800	Medical Supplies		300,000
516020	Prof Ser Cnt and Fees		69,310
912700	ID Health Services		<u>-369,310</u>
		TOTAL	<u><u>0</u></u>

BD12730

<u>SAP</u>	<u>EXPENSES</u>		<u>BUDGET</u>
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	Medical & Health		
505000	Supplies	600,000	
912730	ID Health Lab Services	<u>-600,000</u>	
	TOTAL	<u><u>0</u></u>	

and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with Quadrant Biosciences to provide COVID-19 PCR diagnostic and screening testing for Erie County grades K-12 school students and staff; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with Walgreens Pharmacy to provide COVID-19 PCR diagnostic and screening testing for Erie County grades K-12 school students and staff; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with Buffalo HomeCare, Inc. to provide COVID-19 specimen collection at homes and schools for diagnostic and screening testing for Erie County grades K-12 school students and staff; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with Quest Diagnostics to provide COVID-19 PCR diagnostic and screening testing for Erie County grades K-12 school students and staff; and be it further

RESOLVED, that the Erie County Legislature does hereby waive the procedures provided for in Section 28.06 of the Erie County Administrative Code to secure the services of Quadrant Biosciences to provide COVID-19 PCR diagnostic and screening testing for Erie County grades K-12 school students and staff; and be it further

RESOLVED, that the Erie County Legislature does hereby waive the procedures provided for in Section 28.06 of the Erie County Administrative Code to secure the services of Walgreens Pharmacy to provide COVID-19 PCR diagnostic and screening testing for Erie County grades K-12 school students and staff; and be it further

RESOLVED, that the Erie County Legislature does hereby waive the procedures provided for in Section 28.06 of the Erie County Administrative Code to secure the services of Buffalo HomeCare, Inc. to provide COVID-19 specimen collection at homes and schools for diagnostic and screening testing for Erie County grades K-12 school students and staff; and be it further

RESOLVED, that the Erie County Legislature does hereby waive the procedures provided for in Section 28.06 of the Erie County Administrative Code to secure the services of Quest Diagnostics to provide COVID-19 PCR diagnostic and surveillance testing for Erie County grades K-12 school students and staff; and be it further

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

Full-time Project Coordinator (JG-11)

B-100 No. 12306  
Budgeted Annual Salary: \$67,501

Full-time Assistant Project Coordinator (JG-9)  
B-100 No. 12307  
Budgeted Annual Salary: \$44,081

Full-time Accountant (JG-9)  
B-100 No. 12308  
Budgeted Annual Salary: \$44,081

Full-time Lab Assistant (JG-5)  
B-100 No. 12309  
Budgeted Annual Salary: \$33,854

and be it further

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

RESOLVED, that 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.

(4-1) Legislator Vinal voted in the negative.

7. COMM. 14E-10 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services has been awarded an amount of \$1,967,794 in 100% federal share funds to provide Outreach and Application Assistance for the COVID Emergency Rental Assistance Program; and

WHEREAS, the Erie County Department of Social Services issued a RFP on May 6, 2021 to qualified agencies interested in providing Outreach and Application Assistance Services to customers in Erie County applying for rental assistance secondary to the federal Emergency Rental Assistance Program; and

WHEREAS, based on the results of the RFP the Erie County Department of Social Services has identified Belmont Housing, The Martin Group, and the Community Action Organization of Western New York as the recipients of this funding to provided Outreach and Application services to the residents of Erie County; and

WHEREAS, the Department of Social Services requires legislative approval to accept the Federal funds and to amend the Adopted 2021 Budget; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept Federal funds for the Outreach and Application Assistance for the COVID Emergency Rental Assistance Program and authorizes the Division of Budget and Management to amend the 2021 Adopted Budget as follows:

Erie County Department of Social Services  
Fund 110, Fund Center 120

Revenue	Increase
Account 414000 - Federal Aid Revenue	\$1,967,794
Appropriation	Increase
Account 516020 – Professional Services Contracts	\$1,967,794

and be it further

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

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

(5-0)

8. COMM. 14E-12 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has declared opioid addiction a public health crisis; and

WHEREAS, for every fatal opioid overdose there are dozens of overdoses where the victim is revived with naloxone; and

WHEREAS, the hours and days after a non-fatal overdose are often when the individual with opioid use disorder is most open to beginning a path to recovery; and

WHEREAS, Erie County has begun a pilot program to identify root causes of the deaths attributed to opioids and other substances; and

WHEREAS, the University of Buffalo Primary Care Research Institute (PCRI) has agreed to expand evaluation efforts on the project; and

WHEREAS, this grant in the amount of \$20,000 and requires no local funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is authorized to receive a grant award from the Institute on Intergovernmental Research on behalf of the United States Department of Justice in the amount of \$20,000 to be budgeted as follows:

“Supplemental Opioid Mortality Review Board funding,  
Opioid Fatality Review Data Pilot Site”  
127SOMRB2021  
9/15/2020 – 9/30/2021

SAP	REVENUE	BUDGET
414000	Federal Aid	\$20,000
	TOTAL	<u>\$20,000</u>
	EXPENSES	
516020	Prof services	18,500
505000	Office Supplies	1,500
	TOTAL	\$20,000

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with State University at Buffalo, Primary Care Research Institute; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Personnel, the Department of Law and to Dr. Gale R. Burstein, Commissioner, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

(5-0)

9. COMM. 14E-13 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Northland Workforce Training Center is a unique workforce development asset that has trained over 500 students in a variety of trade skills; and

WHEREAS, like many educational institutions the Northland Workforce Training Center incurred significant new expenses during the COVID-19 pandemic while also experiencing a loss in revenue; and

WHEREAS, Northland Workforce Training Center’s COVID-19 related expenses are eligible to be reimbursed with Federal CARES Act dollars from Erie County as a subrecipient; and

WHEREAS, Northland Workforce Training Center has provided detailed receipts documenting the Center's COVID-19 related expenses; and

WHEREAS, sufficient funding is available in the CARES Act Fund 252, which must be encumbered by December 31<sup>st</sup> 2021.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Northland Workforce Training Center for the purposes of providing reimbursement for COVID-19 related expense in an amount not to exceed \$13,946.83; and be it further

RESOLVED, funding for the contract is available in Fund 252, Funds Center 14010, Account 516020; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, and the Department of Law. (5-0)

10. COMM. 14E-26 (2021)  
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services continually looks to enhance services for older adults in Erie County and for ways to fund such services; and

WHEREAS, the Department wishes to contract with Syracuse Jewish Family Service and accept \$26,000 to implement Project SECURE (Supporting the Experience of Upstate Region Elders) in Erie County; and

WHEREAS, Project SECURE will facilitate family caregiver well-being and enhance the overall caregiving experience, with focus on respite, social relationships, individual learning and skill building, and creative and therapeutic activities.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to enter into a contract with Syracuse Jewish Family Services and accept \$26,000 in funds to implement Project SECURE locally for the period April 1, 2021 to February 28, 2023; and be it further

RESOLVED, the Department is authorized to utilize funds to pay for family caregiver well-being and enhance the overall caregiving experience, with focus on respite, social relationships, individual learning and skill building, and creative and therapeutic activities, office printing supplies and postage costs; and be it further

RESOLVED, that the budget for the 163SECURE2123 grant, be established as follows:

INITIAL

REVENUES		BUDGET
Account	Description	
417060	Other Income Senior Services	\$26,000
	TOTAL	<u>\$26,000</u>
		BUDGET
APPROPRIATIONS		
505000	Office Supplies	\$ 900
530000	Other Expenses	\$ 100
916390	ID Senior Srvs Grant	\$25,000
	TOTAL	<u>\$26,000</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the budget as required to comply with the grantor approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the: County Executive's Office, Division of Budget and Management, Comptroller's Office, Purchasing Department and the Department of Senior Services.  
(5-0)

11. COMM. 14E-27 (2021)  
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the reappointments of the following individuals to the Erie County Youth Services Board for a term ending July 1, 2023:

Liza Acanfora 4890 Morgan Parkway Hamburg, NY 14075	Kelli Blakely 56 Cotton Street Lancaster, NY 14086	Nichelle Brown 1542 Main Street Buffalo, NY 14208
Alan Carter-Fambo 94 Rogers Drive Cheektowaga, NY 14225	David Caywood 124 Morris Avenue Buffalo, NY 14214	Paul Denning 118 Unionvale Road Cheektowaga, NY 14225
Melissa Jones 108 Indian Church Road Buffalo, NY 14210	Jack Kavanaugh 1896 Niagara Street Buffalo, NY 14207	Charity Lulas 10788 Gowanda State Road North Collins, NY 14211
Susan Lumadue 65 Niagara Square Buffalo, NY 14202	Brian Rochford 726 Exchange Street Buffalo, NY 14210	Kenny Simmons 505 City Hall, 65 Niagara Sq. Buffalo, NY 14201
Sean Tulumello 65 Niagara Square	Jasmine Ansah 2001 Main Street	

Buffalo, NY 14202                      Buffalo, NY 14208  
(5-0)

**LISA M. CHIMERA**  
**CHAIR**

MS. VINAL moved to amend item Number 6. MR. MILLS seconded.

MR. LORIGO moved to amend the amendment. MR. MILLS 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.

Add the Following to the Amendment Resolve Clause:

And if so, must notify the Legislature of any and all terms associated.

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

CARRIED UNANIMOUSLY.

Amend to Add the Following Whereas Clause:

WHEREAS, there are 232 licensed pharmacies in Erie County; and

Amend to Add the Following Resolved Clause:

RESOLVED, that the County Executive may enter into contract with any of the 232 pharmacies licensed in Erie County for testing or obtaining samples for testing; and be it further

MR. MEYERS moved to approve item Number 6 as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RE: Eight-Year Review &  
Recertification & Consolidation  
of Agricultural Districts 5  
(Marilla), 12 (Wales), & 13  
(Elma)  
(INTRO. 15-1)

**A RESOLUTION TO BE SUBMITTED BY  
CHAIR BASKIN**

WHEREAS, the Marilla Agricultural District 5 was initially created on December 4, 1973 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, the Wales Agricultural District 12 was initially created on November 9, 1979 pursuant to New York State Agriculture and Markets Law Section 303; and

WHEREAS, the Elma Agricultural District 13 was initially created on June 20, 1979 pursuant to New York State Agriculture and Markets Law section 303; and

WHEREAS, pursuant to Article 25AA of the New York State Agriculture and Markets Law, the Erie County Legislature is required to review Agriculture Districts every eight years; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a (2) the Erie County Legislature gave the required public notice, directed the Erie County Agricultural and Farmland Protection Board to prepare a report on the district and set and held a public hearing on July 15, 2021; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on June 24, 2021 to recommend that these districts be continued with the proposed modifications; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a (2) (c) on July 15, 2021 at 6:00 pm a public hearing was held at Dard Hunter Hall, 40 South Grove Street, East Aurora, New York to consider recertification of the district; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the continuation of the district will not have a significant effect on the environment; and



WHEREAS, Erie County has established a timeline for the consolidation of the County's fourteen Agricultural Districts into four; and

WHEREAS, this is the third consolidation, with Agricultural Districts No. 5, No. 12, and No. 13 proposed to be consolidated into the Marilla Agricultural District No. 5; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed the proposed consolidation, prepared a report to the Erie County Legislature and voted unanimously on June 24, 2021 to recommend that the aforementioned districts be consolidated into the Central Agricultural District (Consolidated Central Agricultural District No. 5).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Marilla Agricultural District No. 5, Wales Agricultural District No. 12, and Wales Agricultural District 13 should be continued with proposed modifications as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that the Erie County Legislature finds that Marilla Agricultural District No. 5, Wales Agricultural District No. 12, and Elma Agricultural District 13 should be consolidated into the Central Agricultural District No. 5; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Town Supervisors of Marilla, Wales, Elma, Wales, Orchard Park, and Aurora; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for recertification.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

RE: Legislature Appointment to  
Represent the Farm Bureau on  
the Board of Directors for the EC  
Soil & Water Conservation  
District  
(INTRO. 15-2)

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

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointment to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS; the appointment in question is a representative of the Farm Bureau; and

WHEREAS; in further accordance with New York State Law, the County Legislature shall appoint members to the District Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Mrs. Allison DeHoney (45 Pembroke Avenue Buffalo, NY 14215) to represent the Farm Bureau on the Board of Directors for the Erie County Soil and Water Conservation District for 3-year term; and be it further

RESOLVED, that the aforementioned appointment shall be effective immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052).

Item 47 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

RE: Appropriation of 2021 Public  
Benefit Funding for Alden  
American Legion Post #1377  
(INTRO. 15-3)

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

WHEREAS, in the adopted 2021 Erie County Budget, the Legislature established an account called the Community Organization Relief Fund in the Community/Neighborhood Development Fund Center and appropriated \$300,000 into that account for the benefit of community organizations; and

WHEREAS, Alden’s American Legion Post #1377 is a valuable contributor to our community and is seeking funding to conduct a renovation of their post’s foundation, which was discovered to need significant repair during a previous round of fundraising for other capital improvements; and

WHEREAS, it is this honorable body’s desire to provide funding to Alden American Legion Post #1377 for the purpose of repairing their facility.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature appropriates \$30,000 from the Community Organization Relief Fund in the Community/Neighborhood Development Fund Center (Fund Center: 1332021, Account: 516320) to the Alden American Legion Post #1377; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Budget and Management, the Commissioner of Environment and Planning, the Erie County Comptroller, Alden American Legion Post #1377, and any other party deemed necessary and proper.

Item 48 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: Transfer of Surplus Property to  
the Town of Clarence  
(INTRO. 15-4)

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

WHEREAS, the Town of Clarence has recently requested a transfer of property from the County’s surplus warehouse and has identified surplus items that would be of tremendous use to them; and

WHEREAS, these items no longer serve a purpose for the County of Erie and representatives of the Department of Purchasing have indicated that the request is proper therefore the vehicle identified below could be transferred to the Town of Clarence.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following item is hereby transferred from the County of Erie to the Town of Clarence:

Asset #	Description
43002308	2002 Gradall XL4100, vin SN-0413541

and be it further

RESOLVED, that these items are to be used for a purpose related to the operations of the Town of Clarence and should not be transferred to any other entity without prior consent of the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, Superintendent of Highways James Dussing for the Town of Clarence, and any other party deemed necessary and proper.

Item 49 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: Creation of the EC Small  
Business and Not-for-Profit  
Relief Program  
(INTRO. 15-5)

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

WHEREAS, COVID-19 has forced many businesses and not-for-profits in Erie County to take steps to reduce the spread of COVID-19. Areas open to the public have seen enhanced cleanings, installations of hand sanitizers, upgrades to HVAC units, and the introduction of sneeze guards and new crowd control implements; and

WHEREAS, many of the improvements, services, and equipment were purchased by the business or organizations to follow state and federal guidelines to help limit the spread of COVID-19; and

WHEREAS, further, as a result of Covid-19 restrictions, many nonprofit organizations were unable to fundraise at pre-pandemic levels but still incurred many of their pre-pandemic expenses that they need assistance with; and

WHEREAS, Erie County still has \$14 million in undesignated funding from the 2020 CARES Act allocations, all of which must be expended by the end of 2021; and

WHEREAS, Director Keating has indicated that this funding may be used to offset COVID-19 expenses incurred by small businesses and not-for-profits during the pandemic; and

WHEREAS, it is the position of this body that small businesses and local organizations should be supported for their losses incurred as a result of COVID-19 related expenses.

NOW, THEREFORE, BE IT

RESOLVED, that this body hereby creates the Erie County Small Business and Not-for Profit Relief Program to provide financial assistance to businesses and organizations across Erie County, including not-for-profit entities, who have expended funding to combat the spread of COVID-19; and be it further

RESOLVED, that this honorable body hereby directs the Department of Budget and Management and the Department Environment and Planning to accept requests for funding under this program and to facilitate the transfer of funding to eligible Erie County entities; and be it further

RESOLVED, prior to transferring any funding to any business or organization under this program, Erie County shall publish notice about the program in the newspapers of record for a period of two weeks; and be it further

RESOLVED, the program shall be run on a first come, first-served basis, and shall remain open until all funding in Fund 252 is exhausted or December 31, 2021, whichever comes first; and be it further

RESOLVED, for the purpose of this resolution, any entity that has COVID-19 related expenses shall be eligible to apply, whether they be a for profit business or a not-for-profit organization; and be it further

RESOLVED, that the following restrictions and requirements shall apply to all applicants:

1. The business or entity was in operation for a minimum of 12 months prior to March 15, 2020 and the applicant submits an itemized list detailing their costs requested for reimbursement from March 15, 2020 through to present;
2. The business or entity has not already received reimbursement for the same COVID-19 expenses from Erie County, New York State, or the Federal Government;
3. All applicants shall be based in Erie County;
4. Government entities shall not be eligible for reimbursement under this program.

and be it further

RESOLVED, eligible expenses for reimbursement shall include the following:

1. Purchase of Personal Protective Equipment for provision to employees or patrons;
2. Purchase of personal sanitizing materials for use by employees or patrons, whether it be hand sanitizer or cleaning products;
3. Purchase of glass or acrylic materials used to set up sneeze and cough guards;
4. Purchase of physical barriers and signage related to social distancing requirements; and

5. Upgrade of HVAC or other air handling system to include additional air filtering capabilities (i.e. UV or HEPA filtration).

and be it further

RESOLVED, that due to the limited nature of the funding source, it is this body's intention to restrict awards of funding to only those entities who can show some degree of current financial hardship. Proof of financial hardship may include inability to fully pay rent or mortgage, inability to make payroll or invest in their operations, or any other proof deemed acceptable by the Department of Budget and Management; and be it further

RESOLVED, it is the intent of this body to ensure all federal funding is expended in as timely a manner as possible and to provide as much aid and assistance to local businesses and entities. If part of this plan is now, or becomes, unworkable due to changes in federal guidelines for expending CARES Act funding, the Administration is hereby directed to effectuate this plan as widely as possible, or to return to the Legislature with a suitable alternative; and be it further

RESOLVED, reimbursement for expenses in excess of \$10,000 shall require legislative approval; and be it further

RESOLVED, the County Executive is hereby directed to provide the Legislature with a monthly report of all expenditures out of Fund 252 until all funding is accounted for; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Mark C. Poloncarz, the Director of Budget Management, the Erie County Comptroller, and any other party deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

Add Et Al Sponsorship and Amend the Fourth (4<sup>th</sup>) Resolved Clause as follows:

RESOLVED, that \$10 million in remaining CARES Act funding shall be set aside to fund this program, which will be run on a first-come, first-served basis, and will remain open until such funding is exhausted or December 31, 2021, whichever comes first; and be it further

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

CARRIED UNANIMOUSLY.

Item 50 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: Establishing an EC Gun  
Violence Alleviation Alliance  
(INTRO. 15-6)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS BASKIN & JOHNSON**

WHEREAS, according to the American Public Health Association, gun violence is a leading cause of premature death in the United States, and guns kill more than 38,000 people and cause nearly 85,000 injuries each year; and

WHEREAS, in 2020, violence involving guns increased in our community; and

WHEREAS, in 2021, gun violence and injuries and deaths due to guns have surged; for instance, in January and February 2021, 53 people were either wounded or killed in shootings in Buffalo, contrasted with 22 in 2020 and 16 in 2019, and in 2020, there were 65 homicides in Buffalo; and

WHEREAS, in 2020, 355 people were shot in Buffalo, compared with 188 in 2019; and

WHEREAS, through July 16, there have been 47 homicides in Buffalo so far in 2021, as contrasted with the record of 92 homicides in 1994; and

WHEREAS, one of the victims of this 2021 senseless gun violence is 3-year-old Shaquelle Walker Jr. who was shot on July 5, 2021 while watching fireworks; and

WHEREAS, this grim milestone and gun violence record cannot be allowed to be broken in 2021; and

WHEREAS, as has been the case in other municipalities across the country that are experiencing major levels of gun violence, it is time that gun violence in Erie County be declared as a public health emergency to allow advocacy groups and civic leaders to work with municipal officials, police departments and other stakeholders to address this scourge and to help save lives through a trauma-informed care approach.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls for the creation of an Erie County Gun Violence Alleviation Alliance that brings together police, prosecutors, advocacy groups, civic leaders, and elected officials across jurisdictions to work together to stem gun violence in our county; and be it further

RESOLVED, this alliance should include a robust Erie County government presence and involvement, including representatives from the Sheriff's Office, District Attorney's Office, and Departments of Central Police Services, Probation and Social Services, to help other municipal agencies and stakeholders; and be it further

RESOLVED, the new alliance should be impaneled to develop an anti-gun violence action plan and strategy for working across municipal boundaries to address this problem in our community; and be it further

RESOLVED, the new alliance should aggressively work to solicit grant funding and to seek access to federal American Rescue Plan funding, including from the County and from local governments in Erie County to help perform their mission; and be it further

RESOLVED, that this alliance is encouraged to engage certified community agencies with training expertise in conflict resolution, trauma informed care, and peer mediation in collaborative partnerships with community agencies skilled in outreach with Erie County zip codes wherein gun violence is most prevalent to develop measures to decrease gun violence; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Sheriff, District Attorney, Commissioners of Central Police Services, Probation and Social Services, the Erie County Association of Governments, to the mayors and supervisors of the cities, towns and villages in Erie County, and to the Erie County Chiefs of Police Association.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 51 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 14E-2 (2021). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

RE: Requesting Authority to Contract –  
External Quality Review of EC Audit  
Division  
(COMM. 14E-2, 2021)

WHEREAS, the Erie County Charter requires that the Comptroller conduct audits of county operations in accordance with standards published by the Comptroller General of the United States; and

WHEREAS, the Comptroller General of the United States requires that all municipalities conducting audits under GAO standards have an external quality review at least once every three years; and

WHEREAS, the Comptroller prepared and published a request for proposals to local Certified Public Accounting firms; and

WHEREAS, the Comptroller received one reply from The Bonadio Group.

NOW, THEREFORE, BE IT



RESOLVED, that the County Executive is authorized to enter into a contract with the firm The Bonadio Group for a quality assurance/external quality review of the Comptroller's Division of Audit and Control at an expected cost of \$12,000.00; and be it further

RESOLVED, that the Comptroller is authorized to appropriate funds for this contract from the Comptroller's account #516020 for Professional Services, Contracts and Fees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Comptroller and County Attorney.

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

CARRIED UNANIMOUSLY.

Item 52 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 14E-24 (2021). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: Authorization to Apply – NYSDEC  
Organics Management & Food Waste  
Drop-off Program Funding  
(COMM. 14E-24, 2021)

WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community (Comm. 12E-5 (2014)); and

WHEREAS, the Erie County Legislature authorized a New York State Department of Environmental Conservation (NYSDEC) grant to conduct Climate Smart Community certification activities (COMM 7E-38 (2018)); and

WHEREAS, organic waste, which accounts for an estimated 30% of our waste stream, is a significant source of greenhouse gas emissions; and

WHEREAS, the New York State Department of Conservation has issued a Request for Applications for New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15 that can support implementing organics-related actions that will include Organics Management Plans, promotion of food waste recycling and establishing food waste drop-off programs; and

WHEREAS, Erie County has identified the required \$650,000 of matching funds that can be allocated to this project from in-kind staff support, pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County authorizes Andrew Goldstein, Senior Environmental Compliance Specialist, an employee, to act on its behalf in submittal of an application through the Consolidated Funding Application not to exceed six-hundred fifty thousand dollars (\$650,000), to be used to establish Municipal Organics Management Plans and Food Waste Drop-off Programs; and be it further

RESOLVED, that in the event of a grant award, Erie County will make resources available to the project to meet or exceed the six-hundred fifty thousand dollars (\$650,000) matching funds requirement through in-kind services, or otherwise, through County funds, if allocated in the County budgets; and be it further

RESOLVED, that certified copies of this resolution shall be provided for the County Executive; the County Attorney; and Deputy Commissioner of Environment and Planning Bonnie Lawrence.

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

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

None.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM THE COMPTROLLER**

Item 53 – (COMM. 15E-1) EC 2020 Comprehensive Annual Financial Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

#### **FROM THE SHERIFF**

Item 54 – (COMM. 15E-2) Authorization to Accept Governor's Traffic Safety Committee Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

#### **FROM THE COMPTROLLER**

Item 55 – (COMM. 15E-3) Letter to Personnel Commissioner Regarding Health Information Disclosure

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

RE: EC Medical Examiner's Office - Morgue  
Renovation  
(COMM. 15E-4)

WHEREAS, on December 19, 2019 your Honorable Body authorized the Construction Contracts for the Erie County Medical Examiner's Office Morgue Renovation - Phase 5 via Comm. 25E-7 (2019); and

WHEREAS, unforeseen conditions incurred during the execution of the Project, brought on by delays during the COVID pandemic, along with additional work requested by the Erie County Medical Examiner's Office, have made it necessary for the Construction Contingency to be increased.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the current construction contingency fund by \$150,000 from \$222,500 (7% of approved Construction Contracts) to \$372,500 (12% of approved Construction Contracts); 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 Contract Amendments will be negotiated and issued to the previously approved contractors on site to complete the additional work; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all the above from Project A.20058 – 2020 Code & Environmental Compliance (Ctywide), Fund 410, Funds Center 122; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Office of the County Executive, the Department of Public Works, the Erie County Medical Examiner's Office, the Office of the Comptroller, and the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

RE: 134 West Eagle - Fuel Tank  
Replacement & Upgrades  
(COMM. 15E-5)

WHEREAS, the County of Erie must comply with NYS Department of Environmental Conservation (DEC) and the US Environmental Protection Agency (EPA) regulations; and

WHEREAS, the 134 West Eagle – Fuel Tank Replacement & Upgrades project (herein called the “Project”) seeks to replace diesel fuel storage tanks and upgrade the fuel system; and

WHEREAS, completion of the Project will ensure that the three emergency generators and one dual-fuel boiler for the 120 and 134 West Eagle building and the Erie County Holding Center are supplied with the necessary diesel fuel to operate in the event of electric and natural gas service interruptions; and

WHEREAS, the County of Erie received Electrical Construction bids for the Project on May 4, 2021, but did not receive any General Construction bids at that time; and

WHEREAS, the General Construction portion of work was promptly re-bid, but the County of Erie did not receive any General Construction bids on May 24, 2021; and

WHEREAS, in consultation with the Department of Law, and in conformance with General Municipal Law 103, the Department of Public Works was permitted to negotiate directly with General Construction contractors to award the work since no bids were received for two consecutive publicly advertised bids for General Construction scope of work; and

WHEREAS, Public Works requested General Construction bid proposals directly from several contractors, and received General Construction bids for the Project on July 1, 2021; and

WHEREAS, the Department of Public Works and Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. are recommending award of the contracts to the lowest responsible bidder for the Electrical Contract received on May 4, 2021 and to the lowest responsible bidder for the General Construction Contract received on July 1, 2021.

NOW, THEREFORE, BE IT

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

General Construction Work

Picone Construction Corporation	Base Bid:	\$ 870,321
Total Award of General Construction Contract:		\$ 870,321

Electrical Construction Work

CIR Electrical Construction Corporation	Base Bid:	\$ 58,680
Total Award of Electrical Construction Contract:		\$ 58,680



which were authorized by the County Legislature via COMM 6E-5 on April 26, 2018 and extended until June 1, 2022 via COMM. 9E-10 on May 13, 2021; and

WHEREAS, the County has an existing term contract with CHA Consulting for the provision of On Call Emergency Bridge & Culvert Engineering Services that ends on December 31, 2021; and

WHEREAS, in order to efficiently progress work under the RENEW plan intended for construction in 2022 it is desired to extend all three On Call contracts to December 31, 2022; and

WHEREAS, it is also desired to increase the On-Call contracts for General Civil and Geotechnical Services by \$250,000 to a new aggregate assignment of \$750,000 to include the Parks RENEW projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute contract extensions to December 31, 2022 for the current On-Call contracts with Bergmann Associates, Greenman-Pedersen, Inc., and CHA Consulting; and be it further

RESOLVED, that the County Executive is also authorized to execute contract amendments to the On-Call contracts with Bergmann Associates and Greenman-Pedersen, Inc. to increase by \$250,000 to a new aggregate assignment of \$750,000; and be it further

RESOLVED, that funding is available in the newly authorized Parks capital project – A.211XX – Parks Supplemental Capital Funding, Fund 410, Funds Center 164; and be it further

RESOLVED, that five (5) 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 Department of Parks, Recreation, and Forestry, the Office of the County Attorney, and the Office of the Comptroller.

Item 59 – (COMM. 15E-7) Letter to Comptroller Concerning Security Measures & Safety in Rath Building

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 60 – (COMM. 15E-8) ECSD No. 3 - RFP for Southtowns Phase 1 & 2 Expansion Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 61 – (COMM. 15E-9) PILOT Agreement - Folwell Apartments Project, City of Buffalo

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: Authorization to Contract/Issue PO  
(COMM. 15E-10)

WHEREAS, the Office of the District Attorney needs an efficient and streamlined method to meet its discovery obligations under Criminal Procedure Law Article 245 as it relates to Civil Rights Law §50-a – the acquiring and sharing of law enforcement personnel records with defense attorneys; and

WHEREAS, the Office of the District Attorney has identified the OnBase and ShareBase, products of Hyland Software, Inc., as the most efficient and cost-effective programs to help this office meet the above need; and

WHEREAS, Erie County is already contracted with Hyland Software Inc. for use of their OnBase software, which is used throughout County departments.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for Erie County to work with Hyland Software Inc to provide access and licenses necessary for the District Attorney’s Office to use OnBase, Unity Client and ShareBase features to meet ongoing discovery obligations; and be it further

RESOLVED, that authorization is hereby provided to the Director of Purchasing to issue a purchase order(s) to Hyland Software Inc. for the following services:

- One-time licensing costs for OnBase/Unity Client services
- Annual OnBase and ShareBase maintenance/licensing costs
- Consulting/training/implementation costs as may be needed in an amount not to exceed \$30,000

and be it further

RESOLVED, the authorization is provided to adjust budgets as follows in the 2021 District Attorney’s Office’s fund 110, fund center 11400:

Appropriation	
516020 – Professional Services	\$30,000
516030 – Maintenance Contracts	\$16,000
561410 – Lab & Technical Equipment	\$38,000
559000 – County Share Contribution	(\$84,000)

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any technical adjustments necessary to implement this resolution; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Division of Budget and Management, the Office of the Comptroller, the Division of Purchase, and the Division of Information and Support Services.

FROM CHAIR BASKIN

Item 63 – (COMM. 15E-11) Notice of Public Hearing Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 64 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: Authorization to Accept Funding &  
Enter into Contracts for Extended Hours  
of Youth Engagement Activities  
(COMM. 15E-12)

WHEREAS, the Erie County Department of Social Services in collaboration with the Erie County Youth Bureau is responsible for the delivery of a comprehensive range of services for the residents of Erie County; and

WHEREAS, the Erie County Department of Social Services in collaboration with the Erie County Youth Bureau has been awarded \$130,000 by the New York State Office of Children and Family Services (OCFS) as part of an Executive Order by Governor Andrew Cuomo to provide extended hours of youth engagement activities to youth ages 14-24 at risk of being perpetrators and victims of gun violence in high gun violence neighborhoods and census tracts; and

WHEREAS, Governor Andrew Cuomo has issued an Executive Order declaring a State-wide disaster emergency due to gun violence, the Department of Social Services in collaboration with the Erie County Youth Bureau is requesting that the Erie County Legislature waive Erie County Administrative Code Section 26.08 to enter into contracts with various anti-violence agencies to provide extended hours of youth engagement activities; and

WHEREAS, the Department of Social Services requires legislative approval to accept the State funds and to amend the 2021 Adopted Budget; and



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

WHEREAS, Erie County Youth Bureau has a working relationship with Boys and Girls Clubs of Buffalo as a current contractor providing services to at risk youth and has expertise in anti-violence curriculum and drop in recreation programs for teens and young adults at three sites; and

WHEREAS, SNUG/ECMC has the staffing and expertise in leadership activities for youth currently engaged in gun violence at sites throughout the east side; and

WHEREAS, Erie County Youth Bureau has a working relationship with Lt. Col. Matt Urban Human Services Center of WNY as a current contractor in providing services to at risk youth and has expertise in career exploration, restorative justice and leadership opportunities for youth in the Broadway Filmore neighborhood; and

WHEREAS, Buffalo Federation of Neighborhood Centers can provide media arts, urban agriculture, financial education, and intergenerational programs in the Fruit Belt as well as other areas of Buffalo; and

WHEREAS, Erie County Youth Bureau has a working relationship with Father Belle Center and they can offer drop in evening recreation and evidence based mental health services; and

WHEREAS, Police Athletic League (PAL) can provide Play Streets sports equipment and instruction in the community at several hot spots in the city; and

WHEREAS, Erie County Youth Bureau has a working relationship with many other Community based agencies throughout the 17 targeted areas that may have expertise in providing extended hours Youth Engagement activities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept New York State funds to provide extended hours of youth engagement activities to youth ages 14-24 at risk of being perpetrators and victims of gun violence and authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Youth Bureau  
Fund Center 12530  
July 6, 2021 – December 31, 2021

Revenue	Increase
Account 408000 – State Aid – Youth Programs	\$130,000
Appropriation	Increase
Account 517876 – Youth Development Programs	\$130,000

and be it further

RESOLVED, the Count Executive can enter into contract with Boys and Girls Clubs of Buffalo to provide anti-violence curriculum and drop in recreation programs for teens and young adults at three sites; and be it further

RESOLVED, the County Executive can enter into contract with SNUG/ECMC to provide leadership activities for youth currently engaged in gun violence at sites throughout the east side; and be it further

RESOLVED, the County Executive can enter into contract with Lt. Col. Matt Urban Human Services Center of WNY to provide services to at risk youth and has expertise in career exploration, restorative justice and leadership opportunities for youth in the Broadway Filmore neighborhood; and be it further

RESOLVED, the County Executive can enter into contract with Buffalo Federation of Neighborhood Centers to provide media arts, urban agriculture, financial education, and intergenerational programs in the Fruit Belt as well as other areas of Buffalo; and be it further

RESOLVED, the County Executive can enter into contract with Father Belle Center to offer drop in evening recreation and evidence based mental health services; and be it further

RESOLVED, the County Executive can enter into contract with the Police Athletic League (PAL) to provide Play Streets sports equipment instruction in the community at several hot spots in the city; and be it further

RESOLVED, the County Executive can enter into contracts with other Community based agencies in the 17 targeted areas to provide extended hours Youth Engagement Activities; and be it further

RESOLVED, that the Erie County Legislature does hereby waive the procedures provided for in Section 28.06 of the Erie County Administrative Code to secure the services of various anti-violence agencies throughout the targeted zip codes; and be it further

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

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPUTY COMPTROLLER**

Item 65– (COMM. 15D-1) Law Department Spending for 05/2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DPW COMMISSIONER

Item 66 – (COMM. 15D-2) Letter to Comptroller Concerning SUNY Erie Roofing Funding

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 67– (COMM. 15D-3) Updated Nursing Home Outbreak Information - 06/2021

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 68 – (COMM. 15D-4) Sales Tax Receipts for 05/2021

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 69 – (COMM. 15D-5) Local Emergency Order Extensions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPT. OF ENVIRONMENT & PLANNING

Item 70 – (COMM. 15D-6) Public Hearing Minutes for Agricultural District Modification

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 71 – (COMM. 15D-7) Notice of Public Hearing Concerning LL Intro. 1-1 (2021)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE BOTANICAL GARDENS

Item 72 – (COMM. 15M-1) Letter to Chair of Legislature Regarding Commitment to Diversity, Equity & Inclusivity

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 73 – (COMM. 15M-2) Board Meeting Minutes for Meeting Held on 3/25/2021

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 74 – (COMM. 15M-3) Quarterly Report for the Second Quarter of 2021

Item 75 – (COMM. 15M-4) Financial Report & Cash Basis for Period 1/1/21 - 6/30/21

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

ANNOUNCEMENTS

Item 76 – Chair Baskin wished everyone a safe summer recess, and announced that the next session of the Erie County Legislature is scheduled for Thursday, September 9, 2021.

MEMORIAL RESOLUTIONS

Item 77 – Legislator Meyers requested that when the Legislature adjourns, it do so in memory of Michael J. Sliwinski

Item 78 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Wende S. Janas.

Item 79 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of the Sheriff Deputy who lost his life in City Court.

Item 80 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of Frank L. Bybel.

Item 81 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Walter G. Melohusky.

Item 82 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Joseph Gerardi, Alice Caruso and Irene Sanok.

Item 83 – Chair Baskin requested on behalf of the entire Legislature that when the Legislature adjourns, it do so in memory of the victims lost to gun violence in Erie County.

**ADJOURNMENT**

Item 84 - 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, September 9, 2021 at 12:00 p.m. Eastern Standard Time. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, September 9, 2021 at 12:00 p.m. Eastern Standard Time.

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