

THE ERIE COUNTY LEGISLATURE

HEALTH & HUMAN SERVICES COMMITTEE

Lisa M. Chimera
Chair

John J. Gilmour
Vice-Chair

Meeting No. 3 – March 11, 2021 – 11:45 AM

TAB R&F APP

1.	<u>INTRO. 10-9 (2020)</u> Session 10	LORIGO <i>“Calling on Administration to Provide Statistics on Active COVID-19 Infections in EC”</i>			
2.	<u>INTRO. 23-1 (2020)</u> Session 23	LORIGO, RATH, TODARO & MILLS <i>“Waiver of Health Department Fine”</i>			
3.	<u>COMM. 2D-3 (2021)</u> Session 2	COMMISSIONER OF SOCIAL SERVICES <i>“Child Protective Caseloads for 12/2020”</i>			
4.	<u>COMM. 2D-11 (2021)</u> Session 2	DEPARTMENT OF LAW <i>“Opinion on Authority of EC Legislature to Waive Administrative Fine Issued by EC Health Commissioner”</i>			
5.	<u>COMM. 3E-4 (2021)</u> Session 3	LORIGO, GREENE, TODARO & MILLS <i>“Letter Requesting In-Person Legislative Sessions & Committee Meetings”</i>			

6.	<u>INTRO. 4-3 (2021)</u> Session 4	BASKIN, MEYERS, HARDWICK, JOHNSON, CHIMERA, GILMOUR & VINAL <i>“Supporting Our Vulnerable Senior Citizens in Long-Term Care and Nursing Homes and Calling for a State Inquiry into COVID Nursing Home Deaths”</i>			
7.	<u>COMM. 4E-1 (2021)</u> Session 4	COMPTROLLER <i>“Letter to Commissioner of Social Services Concerning COMM. 3E-9 (2021)”</i>			
8.	<u>COMM. 4E-2 (2021)</u> Session 4	COMPTROLLER <i>“Follow-Up Letter to Commissioner of Social Services Concerning COMM. 3E-9 (2021)”</i>			
9.	<u>COMM. 4E-13 (2021)</u> Session 4	COMPTROLLER <i>“Letter to Chair of Legislature Concerning COMM. 3E-9 (2021)”</i>			
10.	<u>COMM. 4E-14 (2021)</u> Session 4	COUNTY CLERK <i>“Update on EC Clerk's Office COVID-19 Response”</i>			
11.	<u>COMM. 4D-6 (2021)</u> Session 4	COMMISSIONER OF HEALTH <i>“Updated Nursing Home Outbreak Information - 2/6/21”</i>			

12.	<u>COMM. 4D-8 (2021)</u> Session 4	COMMISSIONER OF SOCIAL SERVICES <i>“Response to Comptroller's Letter Regarding COMM. 3E-9 (2021)”</i>			
13.	<u>COMM. 4D-9 (2021)</u> Session 4	DEPARTMENT OF LAW <i>“Local Emergency Order Extensions”</i>			
14.	<u>COMM. 4D-11 (2021)</u> Session 4	COMMISSIONER OF SOCIAL SERVICES <i>“Child Protective Caseloads for 01/2021”</i>			
15.	<u>COMM. 5E-1 (2021)</u> Session 5	COMPTROLLER <i>“Letter to Chair of Legislature Regarding COMM. 3E-9 (2021)”</i>			
16.	<u>COMM. 5E-13 (2021)</u> Session 5	COUNTY EXECUTIVE <i>“Acceptance of Section 5310 Enhanced Mobility Grant Funding - Dept. of Senior Services”</i>			
17.	<u>COMM. 5E-15 (2021)</u> Session 5	COUNTY EXECUTIVE <i>“Acceptance of Grant Extension for Virtual Aging Mastery Program Classes - Dept. of Senior Services”</i>			
18.	<u>COMM. 5E-16 (2021)</u> Session 5	COUNTY EXECUTIVE <i>“Acceptance of Grant Award for Comprehensive Opioid, Stimulant & Substance Abuse Site-Based Program”</i>			

19.	<u>COMM. 5E-18 (2021)</u> Session 5	COUNTY EXECUTIVE <i>“Providing Wheelchair Transportation for Residents - Town of Amherst”</i>			
20.	<u>COMM. 5D-4 (2021)</u> Session 5	COMMISSIONER OF HEALTH <i>“Updated Nursing Home Outbreak Information - 2/13/21”</i>			
21.	<u>COMM. 5D-7 (2021)</u> Session 5	DEPUTY COMPTROLLER - AUDIT <i>“Audit of EC Dept. of Health”</i>			
22.	<u>COMM. 5D-8 (2021)</u> Session 5	COMMISSIONER OF HEALTH <i>“Updated Nursing Home Outbreak Information - 2/20/21”</i>			
23.	<u>COMM. 5D-9 (2021)</u> Session 5	DEPUTY COMPTROLLER <i>“Letter to County Attorney’s Office Concerning COMM. 3E-9 (2021)”</i>			
24.	<u>COMM. 5D-10 (2021)</u> Session 5	DEPARTMENT OF LAW <i>“Local Emergency Order Extensions”</i>			

SUSPENSION

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR LORIGO

Re: Calling on the Administration to Provide Statistics on Active COVID-19 Infection in Erie County

WHEREAS, as of May 6th, COVID-19 related infection statistics, as published on Erie County's COVID-19 heat map, showed 3,939 confirmed cases, 323 deaths, with 20,734 residents being tested; and

WHEREAS, this information is a cumulative tally of infected persons since the middle of March; and

WHEREAS, what this cumulative record does not show is the number of residents who have tested positive for COVID-19 but are no longer active cases nor does it show the number of active cases of residents who need ventilator assistance, though the latter is reported during daily press conferences with the Executive; and

WHEREAS, the CDC provides guidelines for infection control that assume a 7-10 day period of isolation from the date a first positive test for residents not under hospital care; and

WHEREAS, inferring numbers of active cases should be avoided when making policy decisions, especially if better information is available as to spread and severity; and

WHEREAS, it is a finding of this body that clarity is vital to helping residents cope with the lock-down requirements and that the total number of active cases is needed to provide that clarity and to allow the Legislature to create appropriate policy; and

WHEREAS, New York State has set criteria for re-opening regional economies. Failure to accurately depict our active numbers of cases might inhibit our opportunity for a timely re-open as well and should be avoided.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby requests that the County Executive and his administration provide residents with a tally of active infection in the community and the number of residents currently requiring the use of a ventilator on the county's COVID through Erie County's interactive heat map; and, be it further

SUSPENSION

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

Fiscal Impact: None for resolution

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

Re: Waiver of Health Department Fine

WHEREAS, The Erie County Department of Health has fined the owner of Athletes Unleashed, a CrossFit Gym located at 3646 California Road in Orchard Park, New York, \$15,000 for violating multiple stipulations of New York State Public Health Law, New York State Rules and Regulations, Executive Orders and the New York State Sanitary Code after the owner refused to allow an inspector from the Erie County Health Department and Erie County Sheriff's deputies entry onto his private property because they did not have necessary legal documentation to gain entry to the privately owned property under state and federal law; and

WHEREAS, according to the October 19th report published by the Erie County Comptroller, between late March and early October, the total of all County fines related to COVID violations in Erie County was \$15,250 with the largest fine for that period being \$800; and

WHEREAS, this situation raises very serious questions as to whether the 1st, 4th, and 8th Amendments to the United States Constitution were violated as they pertain to the gym owner.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body finds the \$15,000 fine levied on Athletes Unleashed to be excessive, and therefore waives the fine; and, be it further

RESOLVED, that this honorable body understands the struggle and frustrations of small businesses throughout Erie County during the COVID-19 crisis and does not support increasing their fiscal burdens by levying excessive fines; and, be it further

RESOLVED, that this honorable body cares deeply about the health and safety of Erie County residents and believes the Erie County Department of Health needs to work with business owners to reopen and operate their businesses safely; and, be it further

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



FILED - NOV 21 PM 4:27

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 8, 2020

Erie County Legislature
92 Franklin St. – 4th Floor
Buffalo, NY 14202

Dear Honorable Members:

RE: Comm. 12E-34 Compliance Report

In accordance with Comm. 12E-34, please find an update of Child Protective caseloads for the month of December.

	December	Change Since November
Caseload size at the last day of the Month	1403	-101
Number of CPS workers assigned at least five case last day of month	87	-2
Average number of cases per worker	16.13	-0.77
Cases Closed in Month	1732	270.
Intake during Month	692	-37
Overdue Investigations at the last day of month	288	38
Timely Determinations during month	1274	91

Thank you.

Sincerely,

Marie A. Cannon, MSW, Commissioner
Erie County Department of Social Services

cc: Erie County Executive Mark Poloncarz



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

January 15, 2021

Hon. April N.M. Baskin, Chairwoman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, NY 14202

**Re: Opinion – Authority of Erie County Legislature to Waive
Administrative Fine Issued by Erie County Health Commissioner**

Dear Chairwoman Baskin:

We offer the following in response to your request for an opinion as to the propriety of the Erie County Legislature resolving to unilaterally waive the administrative fine issued by the Commissioner of the Erie County Department of Health as against RJOV Properties, LLC.

Public Health Law Section 201 empowers the New York State Department of Health to protect the public health by regulating the sanitary aspects of businesses.

§ 201. Functions, powers and duties of the department. 1. The department shall, as provided by law:

(m) supervise and regulate the sanitary aspects of camps, hotels, boarding houses, public eating and drinking establishments, swimming pools, bathing establishments and other businesses and activities affecting public health;"

The New York State Commissioner of Health is empowered by Public Health Law Section 206 to carry out these duties and powers.

“§ 206. Commissioner; general powers and duties. 1. The commissioner shall:

(a) take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto and exercise the functions, powers and duties of the department prescribed by law;”

Public Health Law Section 324(e) empowers local health officers within local health districts to enforce the Public Health Law, including regulations promulgated pursuant thereto.

324. Local health officer; general powers and duties. 1. In addition to such other duties as may be lawfully imposed upon him and subject to the provisions of this chapter and the sanitary code, every health officer shall:

(e) enforce within his jurisdiction the provisions of this chapter and the sanitary code;

The Erie County Health Commissioner is the local health officer for the Erie County health district.

Erie County Charter Section 501. County Health District and Department; Commissioner; qualifications; appointment and term. The County, including the cities, towns and villages and special districts situated therein, shall continue to be a County Health District.

Erie County Charter Section 502. Powers and duties of the Commissioner. Except as otherwise provided in this Charter, the Commissioner of Health shall have all the powers and perform all the duties conferred or imposed upon county health commissioners and/or county boards of health by law.

Erie County Health Commissioner Gale Burstein charged RJOV Properties, LLC (the “Respondent”) with violations of the New York State Public Health Law, New York State Rules and Regulations, and Executive Orders, including violation of New York State Governor’s Order 202.68 which provides that: “any individual who encourages, promotes or organizes a non-essential gathering as set forth in Department of Health regulation, shall be liable for a civil penalty not to exceed \$15,000 per day”.

The resolution at issue here proposes to waive this fine unilaterally by action of the Erie County Legislature. The proposed resolution is in excess of the authority of the Erie County Legislature as the power to enforce the relevant Public Health Law and rules and regulations thereunder by a County Health District, including settlement of an enforcement action, rests exclusively with the Erie County Commissioner of Health. See Public Health Law Section 324(e).

Further, the waiver of a claim or debt owed to a local municipality cannot be unilaterally waived. Such a waiver would constitute a gift of public property in violation of New York State Constitution Article VIII.

“Section 1. No county, city, town, village or school district shall give or loan any money or property to or in aid of any individual, or private corporation or association, or private undertaking...”

Erie County now has a valid claim against the Respondent. Waiving that claim as proposed by the proposed resolution would constitute an unconstitutional gift.

“A “gift” within [NYS Constitution Article VIII section 1], is a voluntary transfer of money or property without any consideration or compensation therefor...” *Lecci v. Nickerson*, 63 Misc. 2d 756, 758, 313 N.Y.S.2d 474, 476 (Sup. Ct. 1970)

For the reasons stated above, we find no authority for the Erie County Legislature to waive the fine in question.

Very truly yours,



GREGORY P. KAMMER
Assistant County Attorney

ERIE COUNTY LEGISLATURE



92 Franklin Street
Buffalo, New York 14202

January 28, 2021

Hon. April N.M. Baskin
Erie County Legislature, Chairwoman
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

RE: In-Person Legislative Sessions & Committee Meetings

Dear Chairwoman Baskin,

We are writing to request that the Erie County Legislature return to in-person meetings in our Chambers in Old County Hall. We believe it is imperative to do so in order to handle the People's Business properly. While we acknowledge the fact that Covid-19 remains a presence in our community, we also acknowledge that our region is heading in the right direction in terms of testing and controlling the spread of the virus. Recently, Governor Andrew Cuomo removed the Micro-Cluster Zone Designations that burdened so many in our community with restrictions. He did this out of recognition that our region is managing the virus sufficiently.

We also recognize the difficulty that every single member of the Legislature has encountered while participating in official meetings. This is not the fault of any individual Legislator, but it is indisputable that someone experiences technical difficulties during each meeting that could easily be avoided if we return to in-person meetings.

The Legislature is meant to be a deliberative body, and the evidence is clear that proper deliberation is done best in person. Our Legislative Chamber is large and can easily accommodate proper social distancing. We would be happy to work with you and your colleagues to develop a plan that allows for proper debate in person. We are confident that together we can figure this out.

Sincerely,

Joseph C. Lorigo
Minority Leader, District 10

Christopher D. Greene
Legislator, District 6

Frank J. Todaro
Legislator, District 8

John J. Mills
Legislator, District 11

**A RESOLUTION SUBMITTED BY
LEGISLATORS BASKIN, MEYERS, HARDWICK, JOHNSON, CHIMERA, GILMOUR
AND VINAL**

**Re: Supporting our Vulnerable Senior Citizens in Long-Term Care and Nursing Homes
and Calling for a State Inquiry into COVID Nursing Home Deaths**

WHEREAS, the care of our most vulnerable persons is one of the government's most-important functions, and our senior citizens residing in nursing homes, long term care facilities and skilled nursing facilities are amongst the most-vulnerable persons during the COVID pandemic; and

WHEREAS, our seniors deserve the most compassionate care possible in their golden years, particularly for those who are confined to nursing facilities and who are not ambulatory or who cannot leave those congregate settings; and

WHEREAS, as of February 4, 2021, in 2020 and 2021, Erie County lost 621 people who died in nursing homes whose deaths were confirmed as caused by COVID-19, and lost 211 people who died in nursing homes whose deaths are presumed to be of COVID-19 and lost 9 people who were nursing home residents whose deaths were confirmed as COVID-19 but who died in the hospital, and lost 6 people who died at adult care facilities in Erie County whose deaths were confirmed and we mourn those losses; and

WHEREAS, the New York State Department of Health issued a comprehensive report in July 2020 (revised on February 11, 2021), entitled "Factors Associated with Nursing Home Infections and Fatalities in New York State During the COVID-19 Global Health Crisis", indicating, among other things, that infected staff without symptoms accounted for the bulk of the spread as during the peak in mortality in nursing homes in 2020 it was not known that people without symptoms were contagious; and

WHEREAS, the Office of the New York State Attorney General recently issued a report which was critical of the care provided by nursing home operators across New York during the COVID pandemic, finding allegations of patient neglect and other concerning conduct that may have jeopardized the health and safety of residents and employees such as lack of compliance with infection control protocols; and

WHEREAS, the State Attorney General also found that a large number of people who died in the hospital of COVID had been nursing home residents at the time they contracted COVID-19 and were reported as hospital deaths and were not published as related to a nursing home, and

WHEREAS, a court order that prompted the release of new numbers from the State concerning the COVID deaths in nursing and related long term care facilities, recently increased the state's long-term care COVID-19 death toll from about 8,500 to around 15,000, when including presumed and confirmed cases, when previously presumed but not confirmed cases

were excluded from the number of deaths released daily by the State and such exclusion was so noted in the daily figures released; and

WHEREAS, some State Legislators are now calling for hearings and inquiries by the State Assembly and State Senate concerning the COVID reporting discrepancy, as well as the care and preventive measures utilized by nursing home operators to protect their residents and staff.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for a State inquiry into the measures undertaken by nursing homes, long term care facilities and skilled nursing facilities to address COVID-19, including preventive measures to protect residents and staff; and be it further

RESOLVED, that the Erie County Legislature requests the New York State Department of Health provide this Honorable Body and the residents of Erie County the results of said State inquiry into the measures undertaken by nursing homes, long term care facilities and skilled nursing facilities to address COVID-19, including preventive measures to protect residents and staff, as soon as possible to promote transparency, decrease confusion, decrease worry, and allow for informed decision making and informed consent for patients, residents, and their family members; and be it furthe

RESOLVED, that this Honorable Body declares our support for the health and well-being of senior citizens, as evidenced in our 2017 passage of Ruthie's Law to help protect seniors; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, State Health Commissioner and the local New York State Legislature delegation.

Fiscal Impact: None for this resolution.



EGJGF00471 PH1210

ERIE COUNTY COMPTROLLER

HON. STEFAN I. MYCHAJLIW

February 4, 2021

Marie Cannon
Erie County Commissioner of Social Services
95 Franklin Street
Buffalo, NY 14202

Dear Commissioner Cannon,

We are inquiring about your request to the Erie County Legislature on the agenda for their February 4, 2021 meeting. The request for a nearly \$18,000 variable minimum is in essence a \$22,387 raise for a political appointee that has not worked in the current position. The compensation for this position for an employee with no county experience, or who has left the employ of Erie County and is seeking to return, would typically be \$71,978, not the \$94,365 sought by this resolution. While the variable minimum request is for almost \$18,000, the true "raise" for this position is actually \$22,387.

Resolution item COMM. 3E-9, titled "Personnel Modification - Dept. of Social Services," asks the Legislature to approve a variable minimum for this political appointee for \$17,979 annually. The Special Assistant to the Commissioner is a Managerial Confidential position, Group 15. With massive budget cuts, hiring freezes and union employees not receiving raises anywhere near this kind of massive increase, the Office of Erie County Comptroller has the following questions about this political position that is about to see a nearly \$22,387 raise if approved by the Legislature:

- Have you identified the individual for the position? If so, who? If not, why is a variable minimum sought?
- Why didn't Social Services conduct open interviews for the job?
- Where can the Office of Erie County Comptroller direct individuals to apply for this position that could pay \$94,365, including a \$22,387 raise even before they begin working?
- Since this position has not been filled since March of last year and has been vacant for what is approaching one full year, why is there a need to fill it now?
- Given the job restrictions placed on departments as part of this year's budget, a \$22,387 raise is troubling. If the position is urgently needed, why was it not filled last year at the height of the pandemic?
- As you are aware it is a felony to use the promise of a taxpayer funded job to secure political favors, such as the promise of providing a job for someone to run for public office. Is it possible that someone in the Poloncarz Administration promised this political position to someone with the intention of having that political appointee run for public office while in this social services position with a \$22,387 raise?

Thank you very much for providing these answers in a timely manner, considering the Legislature is about to approve a significant raise for this soon to be named political appointee.

Sincerely,



Stefan I. Mychajliw, Jr.
Erie County Comptroller

CC: Honorable Members, Erie County Legislature

OFFICE OF ERIE COUNTY COMPTROLLER STEFAN I. MYCHAJLIW • 95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • E-MAIL: COMPTROLLER@ERIE.GOV
WHISTLEBLOWER HOTLINE FOR REPORTING WASTE, FRAUD & ABUSE: (716) 858-7722 OR E-MAIL: WHISTLEBLOWER@ERIE.GOV



FILED FEB 10 '21 PM 12:38

ERIE COUNTY COMPTROLLER
HON. STEFAN I. MYCHAJLIW

February 10, 2021

Marie Cannon
Erie County Commissioner of Social Services
95 Franklin Street
Buffalo, NY 14202

Dear Commissioner Cannon,

It is alarming that you and your department did not answer and refused to respond to the most important question about giving a \$22,000 raise to a political appointee whose private sector, non-profit employer refused to give permission for your appointee to run for public office. We will repeat the question one more time and would like a response instead of you ignoring it:

As you are aware it is a felony to use the promise of a taxpayer funded job to secure political favors, such as the promise of providing a job for someone to run for public office. Is it possible that someone in the Poloncarz Administration promised this political position to someone with the intention of having that political appointee run for public office while in this social services position with a \$22,387 raise?

Thank you for answering this question. If a response is not given, we will forward our concerns to local, state and federal law enforcement, considering the payment of this individual's salary comes from multiple government sources. Because these agencies may have further questions regarding this hire, please preserve all email, correspondence, notes or any other documents or recordings related to the hire. It is illegal for Erie County government to leverage and promise someone an almost \$100,000 political patronage job with the promise they will run for political office as a favor to the Erie County Executive. Please send us your response as soon as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stefan I. Mychajliw, Jr.", is written over a circular stamp or seal.

Stefan I. Mychajliw, Jr.
Erie County Comptroller

CC: Honorable Members, Erie County Legislature

OFFICE OF ERIE COUNTY COMPTROLLER STEFAN I. MYCHAJLIW • 95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
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ECI PG FEB12'21 PM 3:32

ERIE COUNTY COMPTROLLER

HON. STEFAN I. MYCHAJLIW

February 12, 2021

Hon. April N.M. Baskin
Chairwoman
Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Chairwoman Baskin,

The Erie County Legislature, your Honorable Body, declined to publicly discuss your potential approval of a \$22,387 raise for a political patronage position in Social Services. It was "left on the table" of the Health and Human Services Committee. No committee discussion. No public discussion. Legislators can take the political patronage raise "off the table" and vote on it at your next meeting on February 18, 2021 without committee or public discussion. This makes it possible for the Legislature to ram through this huge political patronage raise without meaningful public discussion.

I would strongly encourage the Legislature to publicly discuss, in a full committee, your potential passage of a massive, \$22,387 raise for a political patronage employee to hop back on the county payroll. Why the secrecy? Why no interviews for the new hire? Based on correspondence written by the Social Services Commissioner, the political patronage hire with an approximately \$22,387 raise has already been identified and chosen. We cannot find anywhere in a current union contract where our employees represented by a bargaining unit receive a \$22,387 raise.

Numerous questions still exist concerning the secrecy of this patronage hire and why it is necessary to bring this specific political hire back on the county payroll. Why the immediacy now, considering the Social Services position has been open since early 2020? The most important question posed to the Commissioner of Social Services which remains unanswered:

As you are aware it is a felony to use the promise of a taxpayer funded job to secure political favors, such as the promise of providing a job for someone to run for public office. Is it possible that someone in the Poloncarz Administration promised this political position to someone with the intention of having that political appointee run for public office while in this social services position with a \$22,387 raise?

Thank you very much for your prompt attention to these serious concerns surrounding a variable minimum salary increase for a political patronage hire. Please reconsider your decision to bypass a public discussion in the Health and Human Services Committee for a \$22,387 raise for a pre-determined employee, who is being put back on a public payroll under highly suspicious circumstances.

Sincerely,

STEFAN I. MYCHAJLIW
Erie County Comptroller

CC: Honorable Members - Erie County Legislature
Commissioner Marie Cannon - Erie County Department of Social Services

OFFICE OF ERIE COUNTY COMPTROLLER STEFAN I. MYCHAJLIW • 95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202

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COUNTY OF ERIE
MICHAEL P. KEARNS
ERIE COUNTY CLERK

686 W. FRANKLIN ST. BUFFALO, NY 14202

February 16, 2021

Erie County Legislature
92 Franklin Street - 4th Floor
Buffalo, New York 14202

Re: Erie County Clerk's Office
COVID-19 Response Update

Dear Honorable Members:

It's been a tough year for all of us due to COVID-19 and the unpredictable circumstances our community has endured. Through it all, the Erie County Clerk's Office continued to conduct business. Any praise belongs to our dedicated staff as they persevered and worked together to prevent the spread of COVID-19.

Although not every division of the County Clerk's Office is currently conducting in-person transactions, I wanted to provide an update and share with you what changes have been implemented in the various departments as we find new norms to protect our workers and customers:

Erie County Auto Bureau: Our main offices in Buffalo, Cheektowaga, Tonawanda and West Seneca are operational and require a reservation for all in-person transactions. Due to space limitations, and to comply with social distancing protocols, we are unable to provide mobile satellite services at any of our host locations in Elma, Evans, Grand Island, Hamburg and Springville at this time. However, we are currently developing the necessary protocols in order to resume auto bureau services in a safe and healthy manner in those localities. Additionally, construction is underway on our new location inside the Eastern Hills Mall that will allow for us to: meet social distancing guidelines, provide protective glass at every customer window and handle the transaction volume that has increased over the past few years.

Pistol Permit Department: Due to limited space, all in-person services have been suspended until further notice. However, we are accepting the following transactions by mail: new applications, replacement of lost/stolen permits, and registering, deleting and transfers of a firearm. During the pandemic, nearly triple the amount of pistol permit applications of previous years were received and processed while operating under COVID-19 protocols.

Land Records/Actions & Proceedings/Archive Records: The remaining departments within the County Clerk's Office are working daily and conducting in-person transactions. The Courts remained open throughout the pandemic and our Actions and Proceedings Department was able to ensure that the timely filing of court documents occurred. Our Land Records department processed more than \$2 billion in Erie County real estate transactions. The Archive Records Department offered limited services at times; however, they were still able to issue business certificates and provide support to title searchers needed to ensure mortgages could be issued.

Vacant and Abandoned Homes Initiative: On February 11th, the County Clerk, the Western New York Law Center and other community stakeholders kicked off the "Stay in Your Home Campaign." This initiative was established to provide: free information and assistance to homeowners who are delinquent or in danger of falling behind in their monthly payments; assistance in negotiating with their mortgage company; and, advice with paperwork to help evaluate further options while staying in their home.

The strain placed on the County Clerk's Office provided opportunities to determine what resources are necessary to provide efficient services to the public. In light of this, I will be conducting a space study of all of our facilities to determine where further cost-cutting measures can be implemented.

I thank this Honorable Body for its support and leadership during the pandemic. It is my hope that soon this test will be behind us, so we can continue adapting the new normal and proceed with business as usual.

Sincerely,

A handwritten signature in blue ink that reads "Michael P. Kearns". The signature is fluid and cursive, with a large, stylized initial "M" that loops around the first part of the name.

MICHAEL P. KEARNS, Erie County Clerk



RC LEG FEB09'21 PM 12:49

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

GALE R. BURSTEIN, MD, MPH
COMMISSIONER OF HEALTH

February 9, 2021

Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Legislators:

As requested by the Erie County Legislature in its resolution on November 5, 2020, the Erie County Department of Health (ECDOH) is providing the names and addresses of nursing homes in Erie County with infection rates of 5% or more.

This information is provided with the following caveats.

The nursing home COVID case data sources may be multiple sources and received at different times. One source is NY HERDS data. Another source is surveillance data case reports. NYSDOH may occasionally inform ECDOH of active nursing home investigations.

Data may include "persistent positives." Nursing homes test residents regularly. Older residents, particularly with compromised immune systems, may have positive COVID tests for an extended period. HERDS data do not specify if COVID+ tests are new cases or persistent positive tests. Repeat positive COVID-19 tests may be included in the data.

Reported case numbers may not include all Erie County residents and may include residents from outside Erie County.

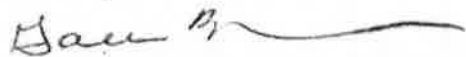
The ECDOH reports may not include information about residents who were transferred to a different facility or discharged home.

continued

For the week ending February 6, 2021, no nursing homes had a percent positive rate of more than 5% based on the data available to our department.

It is our department's intent to provide this information on a weekly basis.

Sincerely,

A handwritten signature in black ink, appearing to read "Gale R. Burstein", followed by a long, horizontal, wavy line that extends to the right.

Gale R. Burstein, MD, MPH, FAAP
Commissioner of Health



EOLEO PFR12'21 am10:26

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 11, 2021

Dear Comptroller Mychajliw,

In response to your letter dated February 10, 2021, I have always responded in a professional and respectful manner to all of your requests and will continue to do so. I expect the same level of respect and professionalism in return. I was surprised that the tone of your letter was accusatory, bullying and threatening in nature. As noted in my previous letter to you, all proper procedures were followed, as they always are. If the answer was not satisfactory to you, a simple request was all that was needed.

To answer your question: I have no idea if the person has any desire or plans to run for public office because it was not discussed. That is a question I have never asked of a potential candidate, and to be honest, I have never asked anyone that question in my life. My focus is running the department and ensuring that our community is served to the best of our ability, and when I interview a person for a position in our department I seek the best person possible based on their work experiences.

As Commissioner, I manage one of the most complex departments and I need every staff person that joins us to be able to assist me in ensuring that the work is completed. I recommended this person because they were the most qualified of all the applicants. I have worked with them when they worked in county government and in their current community-based work. I respect their ability to lead, understand and develop administrative policy, and their experience working with state agencies that have oversight of local programs.

Finally, I demand an apology from you for your baseless allegation that I would act in such a nefarious manner and that if I did not respond you would forward it to law enforcement. I have always operated in integrity and honesty, and if you have any respect for me, you will apologize for your actions.

Sincerely,

Marie A. Cannon, MSW
Commissioner-DSS

cc: Erie County Legislature



FILED FEB 20 21 PM 12:54

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 9 2020

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN REC.

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County State of Emergency Declaration
issued on March 15, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County State of Emergency Declaration Extension executed by the Erie County Executive on February 1, 2021 and effective February 8, 2021.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By Gregory P. Kammer
Gregory P. Kammer

Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF STATE OF EMERGENCY DECLARATION

WHEREAS, I declared a State of Emergency within the County of Erie, State of New York on March 15, 2020 due to the impact of the Global Pandemic related to the Novel Coronavirus, the resulting disease COVID-19, and the aftereffects thereof; and

WHEREAS, I hereby find that the COVID-19 Pandemic continues to threaten the health, welfare, and safety of the residents of Erie County.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(1) of New York State Executive Law do hereby:

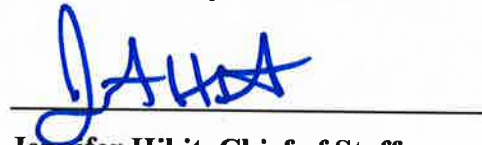
- **Declare that the State of Emergency within the County of Erie, State of New York continues and is extended for a period not to exceed 30 days unless further extended or rescinded.**
- **Direct all departments and agencies of the County of Erie, State of New York, to continue to take whatever steps necessary to protect life and property, public infrastructure, and provide such emergency assistance deemed necessary.**

This State of Emergency Extension shall take effect at 12:00 p.m. on the 8th day of February, 2021.

Signed this 1st day of February, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



Jennifer Hibit, Chief of Staff

Witness



FILED 02/05/21 01:25:54

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 3, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.3[62])
issued on April 1, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 5, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 1, 2020, I issued a local emergency order which directs sick employees to stay home, directs building security to deny entry to sick individuals, and directs Erie County supervisors to send sick employees home; and

WHEREAS, since April 1, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and, in response to the COVID-19 pandemic, the need to maintain a healthy Erie County workforce for the provision of essential governmental services continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Further extend the local emergency order issued under my hand on April 1, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 5, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 2:00 PM, in Erie County, New York.

**Mark C. Poloncarz, County Executive
Erie County, New York**

**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 2, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.4[60])
issued on April 9, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 3, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By A. Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 9, 2020, I issued a local emergency order which prohibits facilities from denying entry to patrons who choose to wear cloth face coverings, masks, or gloves and further prohibits employers from preventing employees from wearing cloth face coverings, masks, or gloves and further mandates that employers provide employees access and opportunity to clean their hands frequently; and

WHEREAS, since April 9, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and the need to mitigate the transmission of COVID-19 continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Extend the local emergency order issued under my hand on April 9, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 3, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



02 FEB 23 10:21 AM '21

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 2, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.7[53])
issued on May 15, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 4, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on May 15, 2020, I issued a local emergency order which orders all Erie County employees and agents to wear a mask or cloth face covering while in buildings owned or operated by Erie County; and

WHEREAS, since May 15, 2020, I have duly extended such local emergency order in increments of five days; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, the Center for Disease Control and Prevention (CDC) continues to

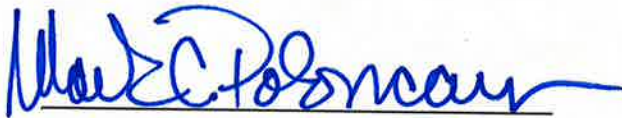
recommend wearing cloth face coverings which cover the nose and mouth in order to slow the spread of the novel coronavirus.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

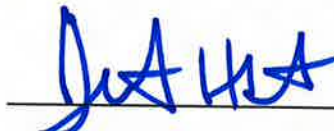
- **Extend the local emergency order issued under my hand on May 15, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 4, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



Jennifer Hibit, Chief of Staff

Witness



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 2, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.9[23])
issued on October 13, 2020**

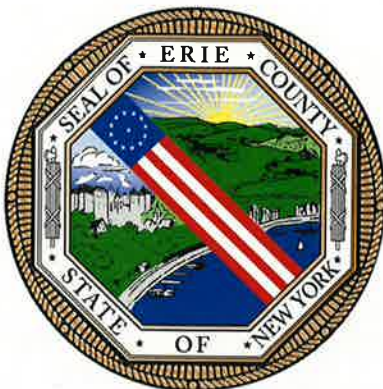
Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 5, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By J. Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on October 13, 2020, I issued a local emergency order which suspends or modifies any local law, ordinance, regulation, or executive order which, if complied with, would prevent, hinder, or delay the issuance of contracts intended to improve, expand, renovate, acquire, lease or modify Erie County buildings, facilities, technology, property or other type of non-road infrastructure, which safeguard the health and welfare of the public and are reasonably necessary to respond to the COVID-19 pandemic for certain delineated buildings/projects; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, those certain delineated buildings/projects have not yet been completed.

WHEREAS, since October 13, 2020, I have duly extended such local emergency order in increments of five days; and

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Extend the local emergency order issued under my hand on October 13, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 5, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



Jennifer Hibit, Chief of Staff

Witness



FILED FEB 10 2021 PM 12:24

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 8, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.3[63])
issued on April 1, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 10, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By *Gregory P. Kammer*
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 1, 2020, I issued a local emergency order which directs sick employees to stay home, directs building security to deny entry to sick individuals, and directs Erie County supervisors to send sick employees home; and

WHEREAS, since April 1, 2020, I have duly extended such local emergency order in five day increments; and


WHEREAS, the County of Erie remains in a State of Emergency and, in response to the COVID-19 pandemic, the need to maintain a healthy Erie County workforce for the provision of essential governmental services continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Further extend the local emergency order issued under my hand on April 1, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 10, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



FILED BY [unclear] FEB 24 2021

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 8, 2021

VIA FEDERAL EXPRESS

NYS Department of State
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One Commerce Plaza
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CERT. MAIL/RETURN RECEIPT

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Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.4[61])
issued on April 9, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 8, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By: Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 9, 2020, I issued a local emergency order which prohibits facilities from denying entry to patrons who choose to wear cloth face coverings, masks, or gloves and further prohibits employers from preventing employees from wearing cloth face coverings, masks, or gloves and further mandates that employers provide employees access and opportunity to clean their hands frequently; and

WHEREAS, since April 9, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and the need to mitigate the transmission of COVID-19 continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Extend the local emergency order issued under my hand on April 9, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 8, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



12/17/2020 2:24

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 8, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
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99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.7[54])
issued on May 15, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 9, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on May 15, 2020, I issued a local emergency order which orders all Erie County employees and agents to wear a mask or cloth face covering while in buildings owned or operated by Erie County; and

WHEREAS, since May 15, 2020, I have duly extended such local emergency order in increments of five days; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, the Center for Disease Control and Prevention (CDC) continues to

recommend wearing cloth face coverings which cover the nose and mouth in order to slow the spread of the novel coronavirus.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

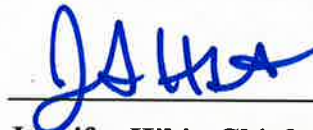
- **Extend the local emergency order issued under my hand on May 15, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 9, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 8, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.9[24])
issued on October 13, 2020**

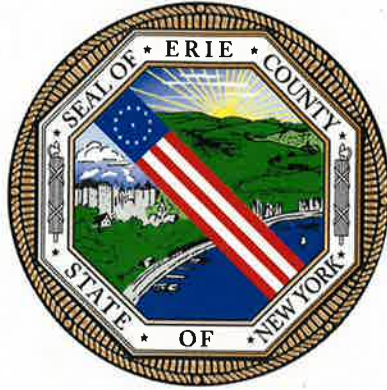
Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 10, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on October 13, 2020, I issued a local emergency order which suspends or modifies any local law, ordinance, regulation, or executive order which, if complied with, would prevent, hinder, or delay the issuance of contracts intended to improve, expand, renovate, acquire, lease or modify Erie County buildings, facilities, technology, property or other type of non-road infrastructure, which safeguard the health and welfare of the public and are reasonably necessary to respond to the COVID-19 pandemic for certain delineated buildings/projects; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, those certain delineated buildings/projects have not yet been completed.

WHEREAS, since October 13, 2020, I have duly extended such local emergency order in increments of five days; and

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Extend the local emergency order issued under my hand on October 13, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 10, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



EST. EC FEB 10 '21 AM 10:19

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

February 8, 2021

Erie County Legislature
92 Franklin St. – 4th Floor
Buffalo, NY 14202

Dear Honorable Members:

RE: Comm. 12E-34 Compliance Report

In accordance with Comm. 12E-34, please find an update of Child Protective caseloads for the month of January.

	January	Change Since December
Caseload size at the last day of the Month	1467	64
Number of CPS workers assigned at least five case last day of month	87	0
Average number of cases per worker	16.86	0.73
Cases Closed in Month	1620	-112
Intake during Month	768	76
Overdue Investigations at the last day of month	338	50
Timely Determinations during month	1204	-70

Thank you.

Sincerely,

Marie A. Cannon, MSW, Commissioner
Erie County Department of Social Services

cc: Erie County Executive Mark Poloncarz



ERIE COUNTY OFFICE AM 8:55

ERIE COUNTY COMPTROLLER

HON. STEFAN I. MYCHAJLIW

February 17th, 2021

Hon. April N.M. Baskin
Chairwoman, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Chairwoman Baskin:

In June 2020, the Erie County Legislature eliminated a political patronage position in Social Services. Your Honorable Body determined last year the job was not necessary at the height of the COVID outbreak to fight the pandemic. Cutting this patronage job also helped reduce the declared deficit.

Fast forward to February 2021. Erie County Executive Mark C. Poloncarz is attempting to use COVID emergency powers to not only bring the patronage job back but is giving this already identified individual a \$22,000 raise. This cannot take place without Legislature approval.

It is our understanding on Thursday, February 18th, 2021 the Erie County Legislature is going to discharge this patronage hire resolution and \$22,000 raise from Committee and vote to immediately approve it. Keep in mind, the Majority Caucus refused to debate this item during Committee hearings last week. No public debate. No discussion. Now it appears the Legislature is going to ram through this political patronage hire on Thursday.

If the Erie County Legislature eliminated this patronage job at the height of the COVID crisis last year, knowing it was not needed to battle the pandemic, why allow the County Executive to cite emergency powers to resurrect a patronage job that was not mission critical last year?

If Erie County Executive Mark C. Poloncarz is asking the Legislature to approve a patronage position with a \$22,000 raise in exchange for the political hire to leave their non-profit job to run for office, it very well could be a violation of New York State Penal Law (PEN 200.56) and New York State Election Law (17-154). Clearly, the political person has been chosen to fill the position already, based on language in the COVID emergency powers legislation. We have heard on numerous occasions the Erie County Executive is using this political position as leverage to compel this person to run for public office.

If this turns out to be true, there is an obligation to report this abuse of power and potential illegal activity to both state and federal authorities. Erie County Legislators would then be complicit in this scheme to approve, with no public debate, a \$22,000 raise for a political patronage hire in a secretive political deal to get them to run for office.

I would strongly encourage having a public discussion in Committee about the secretive need to hire this specific person when in fact your Honorable Body voted to cut the patronage position last year. There are numerous unanswered questions, including but not limited to:

- Did the Poloncarz administration notify the Majority Caucus who this patronage hire is going to be, why do they need a \$22,000 raise and is there a secretive deal to get them to run for public office?
- Why did the Majority Caucus refuse to discuss this item in Committee, plan to discharge it Thursday, and possibly rush a vote through with no public discussion?
- Why was there a fear and reluctance to publicly discuss this item in Committee?
- What concerns does the Legislature have about the potential exchange of a political job to compel someone to run for office?
- Why the rush to pass the resolution? Is it possible the passage coincides with Town political committees endorsing candidates for public office next week?

Thank you for your prompt response to this serious matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stefan', followed by a flourish.

Stefan I. Mychajliw Jr.
Erie County Comptroller

CC: Honorable Members, Erie County Legislature



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2021

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Accept Section 5310 Enhanced Mobility Grant Funding

Dear Honorable Members:

The attached resolution requests authorization for the Department of Senior Services to accept \$284,000 in Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities federal grant funds from the New York State Department of Transportation (NYSDOT) for the period January 1, 2021 to September 30, 2025. This grant will be used to help fund the Department's Going Places transportation program which provides rides for older adults who are unable to drive.

The NYSDOT award also includes an additional \$82,058 of federal funding to cover 80% of the cost of two new mini-busses, which NYSDOT will purchase for the Department of Senior Services off of a NY State purchasing contract. The mini-busses will replace aging vehicles in the existing fleet.

Should your Honorable Body require any further information, I encourage you to contact Commissioner David J. Shenk in the Department of Senior Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ds
Enclosure

cc: David J. Shenk, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: Accept Section 5310 Enhanced Mobility Grant Funding
Date: March 1, 2021

SUMMARY

Approve the attached resolution to accept Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities federal grant funds, from the New York State Department of Transportation (NYSDOT). The Department of Senior Services was awarded the monies through a competitive process and will use the funds for the operation of the Going Places Transportation Program. The NYSDOT monies were awarded in two separate categories:

- 1) Vehicle Purchases: \$82,058 will cover 80% of the cost of two mini-busses NYSDOT will purchase for our Going Places fleet.
- 2) Operating Assistance: \$284,000 to reimburse, up to 50% of costs of Going Places' wheelchair and other rides.

The mobility management and operating assistance award and vehicle purchases are both for the period January 1, 2021 to September 30, 2025. Which covers the expected useful life of the vehicles.

FISCAL IMPLICATIONS

No additional County funds are required. Appropriations exist in the departments 163CSE2021 grant's motor vehicles account number 561440 and its county share funds to cover the 20% local share for the purchase of the two mini-busses. Departmental grant fund appropriations are also available in the existing Areawide Agency on Aging (Title III-B2021), Community Services for the Elderly (CSE2021 and CSE2122) and New York State AAA Transportation Program (AAATRAN2122) grants to cover the required local match for drawing down the operating assistance funds. Based on transportation costs through March 2022 ensuing successor grant year(s) budgets to the above listed grants might need to be utilized.

REASONS FOR RECOMMENDATION

The Going Places transportation program provides older adults, who have no other means of transportation, with rides to medical appointments, grocery shopping, and senior centers for congregate meals. The Department of Senior Services performs the central dispatch function for the program, which is a partnership with Erie County municipalities and subcontracted transportation service providers.

BACKGROUND INFORMATION

NYSDOT periodically makes available to applicants on a competitive basis 5310 grant federal monies for the operation of transportation programs for seniors and individuals with disabilities. The Department applied in the summer of 2019 through a competitive process for this grant.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Services will not be able to accept these transportation monies for the benefit of seniors in Erie County.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will establish the grant budget for the 5310 Enhanced Mobility grant, and purchase the mini-busses through NYSDOT.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: Accept 5310 Enhanced Mobility
Grant Funding

WHEREAS, the Department of Senior Services, applied in the summer of 2019 to the New York State Department of Transportation (NYSDOT) for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities federal grant funding for the operation of the Department's Going Places Transportation Program; and

WHEREAS, the Going Places program provides older adults, who have no other means of transportation, with rides to medical appointments, grocery shopping, and senior centers for congregate meals, with the Department of Senior Services performing the central dispatch function for the program in partnership with Erie County municipalities and subcontracted transportation service providers; and

WHEREAS, NYSDOT has recently awarded the Department, Section 5310 Enhanced Mobility Grant funding under two categories:

- 1) Vehicle Purchases - \$82,058 to cover 80% of the purchase price of two replacement mini-busses.
- 2) Operating Assistance - \$284,000 to reimburse, up to 50% of the costs of Going Places' wheelchair and other rides; and

WHEREAS, the operating assistance grant and vehicle purchases are both for the period January 1, 2021 to September 30, 2025, which covers their expected useful lives; and

WHEREAS, NYSDOT will retain the \$82,058 awarded for the vehicles and use the monies to purchase the two mini-busses for the Department of Senior Services through a NY State Office of General Services purchasing contract; and

WHEREAS, NYSDOT requires the Department of Senior Services to make a check payable to the NYSDOT for \$22,565 which represents the required 20% local share of the two mini-busses plus a contingency of 10% for possible cost changes and send the check to NYSDOT upon grant contract execution; and

WHEREAS, the Department of Senior Services proposes to use the 163CSE2021 Motor Vehicles Account and its existing county budgeted county share to cover the \$22,565 to fund the 20% local share of the two mini-busses; and

WHEREAS, no additional County funds are required to secure this new grant funding as the Department has identified transportation appropriations in the existing Areawide Agency on Aging (Title III-B2021), and NYS AAA Transportation Program (AAATRAN2122), and Community Services for the Elderly (CSE2021 and CSE2122) grants. Based on transportation costs through March 2022 ensuing successor grant year(s)

budgets to the above listed grants might need to be utilized. These various grants will provide the required local match for the mobility management and operating assistance funding.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with the NYSDOT to accept the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant funding for the mobility management and operating assistance and vehicle purchases both for the period January 1, 2021 to September 30, 2025; and be it further

RESOLVED, that the County is authorized to acquire the two mini-busses and upon passage of this resolution, pay the NYSDOT the 20% local share plus the 10% contingency for possible cost changes by issuing a check for the required local share of \$22,565 payable to the NYSDOT from existing appropriations taken from the 163CSE2021 grant's motor vehicle account; and be it further

RESOLVED, that the budget for the 5310 Enhanced Mobility Grant for the period January 1, 2021 to September 30, 2025 (163EMOBLTY2125) be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
414000	Federal Aid	\$284,000
417000	Contributions-Participant	<u>\$6,000</u>
	TOTAL REVENUE	<u>\$290,000</u>

APPROPRIATIONS		INITIAL BUDGET
Account	Description	
516020	Professional Services & Fees	\$290,000
	TOTAL APPROPRIATIONS	<u>\$290,000</u>

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 grantor awards; and be it further

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



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2021

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: 163AMP1820 grant extension

Dear Honorable Members:

The attached resolution requests authorization to extend the Department of Senior Services 163AMP1820 grant through April 15, 2021 and accept supplemental funding of \$4,000 to provide virtual Aging Mastery Program (AMP) classes.

Should your Honorable Body require any further information, I encourage you to contact Commissioner David J. Shenk in the Department of Senior Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc

Enclosure

cc: David J. Shenk, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: 163AMP1820 grant extension
Date: March 1, 2021

SUMMARY

The attached resolution requests authorization to extend the Department of Senior Services 163AMP1820 grant from August 15, 2020 to April 15, 2021 and accept supplemental funding of \$4,000 to provide virtual Aging Mastery Program (AMP) classes.

FISCAL IMPLICATIONS

No additional county funds are required. The 163AMP1820 grant remains 100% funded.

REASONS FOR RECOMMENDATION

Due to the pandemic, our grantor, the P2 Collaborative of WNY, dba Population Health Collaborative wishes to pilot the successful AMP program in a virtual format. They have therefore offered the Department a contract extension and an additional \$4,000 to offer virtual classes.

BACKGROUND INFORMATION

AMP is an evidence-based intervention developed by the National Council on Aging. Through a 10-week program it addresses several ways to mitigate triggers of decline in older adults and encourages mastery of sustainable behaviors that will lead to improved health, stronger financial security and overall well-being. Preliminary results from pilot projects conducted across the country (including right here in Erie County) confirmed AMP participants significantly increased their physical activity levels, healthy eating habits, use of advanced planning, social connectedness, and participation in evidence-based self- management programs.

The Population Health Collaborative previously awarded the Department \$54,000 to operate AMP classes during the period May 15, 2018 through August 15, 2020 (163AMP1820).

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Services would be unable to provide the 100% AMP grant funded services for seniors in Erie County.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will execute the amended contract with the Population Health Collaborative, and perform the AMP grant services.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: 163AMP1820 grant extension

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

WHEREAS, the results from the pilot projects conducted both locally and across the country show that the AMP participants significantly increased their physical activity levels, healthy eating habits, use of advanced planning, social connectedness, and participation in evidence-based self-management programs after taking the core curriculum; and

WHEREAS, The Population Health Collaborative previously awarded the Department \$54,000 to operate AMP classes during the period May 15, 2018 through August 15, 2020, (163AMP1820); and

WHEREAS, the Population Health Collaborative now desires to extend the contract and provide an additional \$4,000 of grant funding for the Department to pilot a virtual AMP program model through April 15, 2021; and

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

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to extend the contract with the Population Health Collaborative to accept \$4,000 of AMP grant monies for the virtual operation of the program through April 15,2021; and be it further

RESOLVED, that the Department's 163AMP1820 grant budget is amended as follows:

REVENUES		INITIAL		AMENDED
Account	Description	BUDGET	CHANGE	BUDGET
417060	Other Income Senior Services	\$54,000	+\$4,000	\$58,000

		INITIAL		AMENDED
		BUDGET	CHANGE	BUDGET
APPROPRIATIONS				
510000	Local Mileage	\$680		\$680
530000	Other Expenses	34,400	+\$2,000	36,400
916390	ID Senior Srvs Grant	18,920	+2,000	20,920
	TOTAL	\$54,000	+4,000	\$58,000

and be it further

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

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



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2021

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Acceptance of Grant Award – “Comprehensive Opioid, Stimulant, and Substance Abuse Site-based Program (COSSAP)”

Dear Honorable Members:

The Erie County Department of Health (ECDOH) has received a grant award in the amount of \$1,200,000 over three years from the United State Department of Justice, Bureau of Justice Assistance. The purpose of this grant is to expand on existing Erie County Opioid Epidemic Task Force efforts, with a particular emphasis on expanding the Buffalo Matters program to a fully virtual access system and increase peer support for those seeking treatment for substance use disorders working with local law enforcement departments.

Should your Honorable Body require further information, please contact Commissioner of Health Gale Burstein. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cm

cc: Dr. Gale Burstein, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Acceptance of Grant Award – “Comprehensive Opioid, Stimulant, and Substance Abuse Site-based Program (COSSAP)”
Date: March 1, 2021

SUMMARY

ECDOH has received a grant award in the amount of \$1,200,000 over 3 years from the Department of Justice (DOJ.) These funds will be used to support existing Erie County Opioid Epidemic Task Force projects, and to launch an expanded law enforcement/peer navigator/Virtual Buffalo Matters overdose follow-up program and linkage program.

FISCAL IMPLICATIONS

Positive. This grant will provide \$1,200,000 over three years to expand Erie County’s efforts to combat opioid overdose deaths.

REASONS FOR RECOMMENDATION

In July of 2016 President Obama signed into law the Comprehensive Addiction and Recovery Act. This law included grant funding to support local efforts across the United States. As a community with an active and robust Opioid Epidemic Task Force, Erie County was well positioned to receive this funding to support our efforts to combat the opioid epidemic.

This funding will be primarily be used to support a law-enforcement driven overdose response program, a pilot of which is currently seeing significant success in Cheektowaga. This program will ensure that individuals who overdose are followed up with peer counseling, and a direct path to medication assisted treatment through immediate linkage to the Buffalo Matters program.

Law Enforcement officers have increasingly expressed frustration that they are reviving the same individuals time and time again with naloxone. A failure to link these individuals with treatment both increases their long-term risk of suffering a fatal overdose, and puts a strain on local police agencies and emergency medical services.

The concept of this program is to follow up non-fatal overdoses within 24-48 by a certified peer navigator and link individuals to Medication Assisted Treatment and wrap around support services. Those who have the potential to overdose in the future who are identified by local first responders will also be linked to treatment before an overdose occurs if it is their desire. Law enforcement will have the opportunity to offer options for treatment, and if the individual is amenable directly link or re-link them into a medication assisted treatment program that same day and not wait for an overdose incident to occur. Concurrently, the person will also be offered a connection to a peer for ongoing support.

A pilot of this program is currently underway in Cheektowaga and has been successful in linking over half the cases into treatment. This will occur through the expanded NYMATTERS project.

This funding will have a County wide focus, and will include Buffalo Police Department, West Seneca PD, Evans PD, Orchard Park PD to initiate moving to include a minimum of 7 local Erie County police departments by the completion of the grant cycle. Per Federal requirements, Erie County will contract with the University at Buffalo Primary Care Research Institute to provide independent evaluation of the program. Program staff and peer navigators will be required to attend several conferences in Washington D.C. to discuss program successes/failures, etc.

CONSEQUENCES OF NEGATIVE ACTION

We will be unable to benefit from this additional funding.

STEPS FOLLOWING APPROVAL

The Erie County Department of Health will work with the Division of Budget and Management and the Office of the Erie County Comptroller to accept the additional funding. ECDOH will work with the involved police agencies to implement a referral and case management system.

RESOLUTION SUBMITTED BY:
HEALTH DEPARTMENT

Re: Acceptance of Grant Award – “Comprehensive Opioid, Stimulant, and Substance Abuse Site-Based Program (COSSAP)

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 link persons to medication assisted treatment (MAT) after non-fatal overdoses and before they have a chance to occur; and

WHEREAS, the U.S. Department of Justice has decided to fund an expanded virtual version of the NYMatters linkage to MAT in Erie County; and

WHEREAS, this program will allow the Erie County Department of Health to support local law enforcement outreach to individuals with opioid use disorder to address the challenge of repeat overdoses through linkage to treatment on the spot and connection to a peer in recovery for ongoing support; and

WHEREAS, UBMD Emergency Medicine has agreed to expand the NYMatters project to a virtual platform; and

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

WHEREAS, this grant in the amount of \$1,200,000.00 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 United States Department of Justice in the amount of \$1,200,000 to be budgeted as follows:

**“Comprehensive Opioid Stimulant, and Substance Abuse Site-Based Program
(COSSAP)”**

127COSSAP2023

10/1/20 – 9/30/23

SAP	REVENUE	BUDGET
414000	Federal Aid	\$1,200,000
	TOTAL	<u>\$1,200,000</u>
	EXPENSES	
516020	Prof services	840,000
500000	Full time salaries	211,288
502000	Fringe	133,116
510100	Out of Area Travel	9,000
510000	Local Travel	4,500
505000	Office Supplies	2,096
	TOTAL	\$1,200,000

and be it further

RESOLVED, that the Erie County Legislature authorizes the creation of two (2) Peer Navigator – SUD Job Group 3 Step 0 positions (B100#12242) fully funded by grant funds; and

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with UBMD Emergency Medicine; and

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

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, 9th Floor, Rath Building.



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 1, 2021

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Serving Town of Amherst residents with wheelchair van service

Dear Honorable Members:

The Town of Amherst, through Amherst Senior Transportation Services (ASTS), a not-for-profit entity created by the Town to provide transportation services for older adults, has requested assistance from the Department of Senior Services to provide wheelchair transportation for Amherst residents.

The attached resolution requests authorization for the Department to purchase, from ASTS, a used 2017 E350 Ford Phoenix Wheelchair van which will be used to replace a vehicle in the Department's Going Places fleet.

Should your Honorable Body require any further information, I encourage you to contact David J. Shenk, Commissioner of Senior Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

Enclosure
MCP/mc

cc: David J. Shenk, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: Serving Town of Amherst residents with wheelchair van service
Date: March 1, 2021

SUMMARY

The Town of Amherst, through Amherst Senior Transportation Services (ASTS), a not-for-profit entity created by the Town to provide transportation services for older adults, has requested assistance from the Department of Senior Services to provide wheelchair transportation for Amherst residents.

To address this need, the attached resolution requests authorization for the Department to contract with ASTS for the period April 1, 2021 through March 31, 2022, and provide, through the County's Going Places transportation program, wheelchair rides for town residents 60 years and older. The contract also includes the Department purchasing a used 2017 E350 Ford Phoenix Wheelchair van with approximately 36,500 miles from ASTS, at a price not to exceed \$34,500. The wheelchair van will be used to replace a vehicle in the Department's Going Places fleet.

FISCAL IMPLICATIONS

\$25,000 Gross projected annual cost to the Department for Amherst wheelchair rides
-\$6,250 Less: 25% of gross costs to be paid for by ASTS
\$18,750 Net projected annual cost to the Department to be funded by:

various Departmental grants, including but not limited to 163CSE2122, 163AAATRAN2122, 163III-B2021, which have funds available in their Professional Services & Fees accounts (#516020) to cover this cost.

Appropriations also exist in the Department's 163CSE2021 grant's Motor Vehicles account #561440- Motor Vehicles, to cover the \$34,500 purchase price of the ASTS wheelchair van.

REASONS FOR RECOMMENDATION

The Department of Senior Services strives to provide services to more older adults in Erie County. The contract agreement provides a mutually beneficial solution to the transportation problem in Amherst. The Department regularly purchases vehicles for transportation services. The purchase of this vehicle will lower the average age of the Going Places fleet with a low mileage vehicle, while at the same time reducing the burden of an unusable vehicle to ASTS. ASTS has also agreed, beginning April 1, 2021 to reimburse the Department monthly, for 25% of the cost of Amherst wheelchair rides, thereby offering cost effective services for both parties.

The used wheelchair van has been stated to be mechanically sound by ASTS but will be inspected and approved by the County's Division of Fleet Management and Gorman Enterprises, an outside vendor the County selected to inspect the van, prior to purchase. The purchase price may be reduced depending on the results of the County's inspection. The County Purchasing Division has determined that \$34,500 is a reasonable price to pay for a used van of this make, model, age and in good condition.

BACKGROUND INFORMATION

The Town provides transportation for its older adults, on a fee for service basis, through the not-for-profit Amherst Senior Transportation entity. NY State regulatory requirements for fee for service (for hire) transportation providers has resulted in the Town and ATS determining that it is no longer practical for them to directly provide wheelchair rides for older adults in the town. See attached memo from Amherst Senior Services.

The Department of Senior Services provides transportation for Erie County residents 60 years and older through it's Going Places van service. The Department of Senior Services performs the centralized dispatching function which schedules rides for the municipalities and not-for-profit entities in the program, as well as rides provided through a transportation company annually selected through a County Purchasing Division bid process. Riders are not charged a fee for a ride, but are asked for a voluntary contribution to defray program costs, the remainder of which are paid for through various Department grants. The Department of Senior Services plans on utilizing the Purchasing Division selected vendor to provide the Amherst wheelchair rides.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Senior Services will be unable to purchase this vehicle and complete the agreement with ASTS, negatively impacting older adults in Amherst who need wheelchair transportation.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will contract with ASTS to provide wheelchair rides for older adults of the Town of Amherst, and purchase the 2017 E350 Ford Phoenix van.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: Serving Town of Amherst residents
with wheelchair van service

WHEREAS, the Department of Senior Services wishes to provide Older Adults in Erie County with necessary transportation services; and

WHEREAS, the Town of Amherst had been providing wheelchair transportation for older adults in the Town, through Amherst Senior Transportation Services (ASTS) a not for profit entity, that has encountered regulatory obstacles to continue providing wheelchair van service; and

WHEREAS, the Department of Senior Services is able to provide wheelchair van service for older adults living in the Town of Amherst in partnership with ASTS; and

WHEREAS, ASTS has agreed to reimburse the Department of Senior Services for 25% of the cost of wheelchair rides the Department provides to older adult residents of the Town of Amherst; and

WHEREAS, appropriations are available in the Department's Professional Services account (#516020) in the 163CSE2122, 163AAATRAN2122 and III-B2021 grants to cover the projected annual net cost of \$18,750 to provide wheelchair rides for older adults living in Amherst, for the period April 1, 2021 through March 31, 2022; and

WHEREAS, ASTS has in its possession a used 2017 E350 Ford Phoenix (VIN 1FDDE3FS8HDC12758) wheelchair van with 36,500 miles, which they are unable to use due to the aforementioned regulatory obstacles; and

WHEREAS, the wheelchair van is stated to be mechanically sound by ASTS; and

WHEREAS, as part of negotiations and a shared cost plan the Department will purchase the ASTS van for an agreed price not to exceed \$34,500, pending the outcome of County inspections as to the condition of the van; and

WHEREAS, appropriations are available in the Department's 163CSE2021 grant's Motor Vehicle account (#561440) to pay for the van.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to contract with Amherst Senior Transportation Services (ASTS), for the period of April 1, 2021 through March 31, 2022, and begin providing wheelchair rides to eligible Amherst residents 60 years and older, with ASTS reimbursing the Department of Senior Services for 25% of the cost of each ride; and be it further

RESOLVED, that pending a positive inspection from Fleet Management and Gorman Enterprises, the County Executive be and is hereby authorized to purchase the 2017 Ford E350 Phoenix (VIN 1FDEE3FS8HDC12758) from ASTS at a cost not to exceed \$34,500; and be it further

RESOLVED, that available appropriations in the 163CSE2021 grant's Motor Vehicle account be utilized to pay for the van; and be it further

RESOLVED that available appropriations in the 163CSE2122, 163AAATRAN2122 and 163III-B2021 grants' Professional Services Contracts and Fees accounts be utilized to pay for the wheelchair rides provided to Amherst residents; and be it further

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



370 John James Audubon Pkwy • Amherst, New York • 14228
Phone (716) 636-3050 Fax (716) 636-3060

MEMORANDUM

To: David Shenk, Commissioner, Erie County Senior Services

From: Brian C. Bray, Director, Amherst Senior Services

CC: Mike Gibbons, Director, Amherst Senior Transportation Services

Date: February 9, 2021

Re: Background of Wheelchair Services in Amherst

Amherst Senior Transportation Services (ASTS) has been a long-standing partner of the Amherst Department of Senior Services, providing transportation services to older adults in the Town of Amherst. ASTS contracts with the Town of Amherst to provide transportation services, with the Town of Amherst subsidizing ASTS. Until recently, ASTS has provided wheelchair service in the Town.

Following a widely publicized limousine accident in Schoharie, New York, the New York State Department of Transportation (NYS DOT) tightened its enforcement of "for hire" transportation providers. NYSDOT informed ASTS that in order to operate they would have to provide services in accordance with bus driver certification regulations. ASTS did not have the resources necessary to comply with these regulations, nor did it make sense to change its model to comply. To remain in operation, ASTS then began using smaller vans and stopped transporting individuals in wheelchairs. ASTS initially worked with an independent transportation provider to provide this service, and now they are working with the Erie County Department of Senior Services.

The NFTA had a lien on one of the vehicles used by ASTS to transport individuals in wheelchairs. The vehicle was purchased from a federal grant, and the lien was required as per federal regulations. The lien was recently released, allowing ASTS to now dispose of the vehicle. ASTS would like for Erie County to purchase the vehicle for a fair price.



FILED FEB 17 2021 PM 2:39

COUNTY OF ERIE
MARK C. POLONCARZ
COUNTY EXECUTIVE

GALE R. BURSTEIN, MD, MPH
COMMISSIONER OF HEALTH

February 16, 2021

Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Legislators:

As requested by the Erie County Legislature in its resolution on November 5, 2020, the Erie County Department of Health (ECDOH) is providing the names and addresses of nursing homes in Erie County with infection rates of 5% or more.

This information is provided with the following caveats.

The nursing home COVID case data sources may be multiple sources and received at different times. One source is NY HERDS data. Another source is surveillance data case reports. NYSDOH may occasionally inform ECDOH of active nursing home investigations.

Data may include "persistent positives." Nursing homes test residents regularly. Older residents, particularly with compromised immune systems, may have positive COVID tests for an extended period. HERDS data do not specify if COVID+ tests are new cases or persistent positive tests. Repeat positive COVID-19 tests may be included in the data.

Reported case numbers may not include all Erie County residents and may include residents from outside Erie County.

The ECDOH reports may not include information about residents who were transferred to a different facility or discharged home.

continued

For the week ending February 13, 2021, one nursing home had a percent positive rate of more than 5% based on the data available to our department.

Name	Address	# Beds	Week Ending 2/13/2021 Total	% Positive	Suspected Source of Infection
Absolut Center for Nursing & Rehab at Aurora Park, LLC	292 Main St, East Aurora, 14052	320	24	7.5	unknown

It is our department's intent to provide this information on a weekly basis.

Sincerely,



Gale R. Burstein, MD, MPH, FAAP
Commissioner of Health



STEFAN I. MYCHAJLIW
ERIE COUNTY COMPTROLLER

February 22, 2021

Dr. Gale R. Burstein, MD, MPH, & FAAP
Commissioner of Health
Erie County Department of Health
95 Franklin Street, Room 910
Buffalo, NY 14202

Re: Erie County Comptroller's Office Audit of the Department of Health

Dear Dr. Burstein:

The Erie County Comptroller's Office is commencing an audit of the Erie County Department of Health – Division of Emergency Medical Services. The audit will include testing and evaluating expenditure transactions in the operating budget. The audit will also include an evaluation of internal controls over expenditure transactions. The audit will cover the period July 1, 2020 through December 31, 2020.

In conjunction with this audit, we request access to documentation and County, departmental and other records as necessary. The scope of this audit will not be expanded without written notice.

We will contact your office to arrange a meeting to review the audit procedures. If there are any issues that you would like us to examine, please feel free to bring them to our attention. Please contact me at 858-8843 or by email at Scott.Kroll@Erie.gov if you have any questions or concerns. Thank you in advance for your assistance and cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Scott Kroll".

Scott W. Kroll
Deputy Comptroller – Audit

cc: Hon. Mark C. Poloncarz, Erie County Executive
Hon. Erie County Legislature
Robert W. Keating, Director, Division of Budget and Management
Erie County Fiscal Stability Authority
Hon. Stefan I. Mychajliw, Erie County Comptroller



UNCLAS FEB23 '21 AM 11:19

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

GALE R. BURSTEIN, MD, MPH
COMMISSIONER OF HEALTH

February 22, 2021

Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Legislators:

As requested by the Erie County Legislature in its resolution on November 5, 2020, the Erie County Department of Health (ECDOH) is providing the names and addresses of nursing homes in Erie County with infection rates of 5% or more.

This information is provided with the following caveats.

The nursing home COVID case data sources may be multiple sources and received at different times. One source is NY HERDS data. Another source is surveillance data case reports. NYSDOH may occasionally inform ECDOH of active nursing home investigations.

Data may include "persistent positives." Nursing homes test residents regularly. Older residents, particularly with compromised immune systems, may have positive COVID tests for an extended period. HERDS data do not specify if COVID+ tests are new cases or persistent positive tests. Repeat positive COVID-19 tests may be included in the data.

Reported case numbers may not include all Erie County residents and may include residents from outside Erie County.

The ECDOH reports may not include information about residents who were transferred to a different facility or discharged home.

continued

For the week ending February 20, 2021, no nursing homes had a percent positive rate of more than 5% based on the data available to our department.

It is our department's intent to provide this information on a weekly basis.

Sincerely,

A handwritten signature in black ink, appearing to read "Gale R. Burstein", followed by a long horizontal flourish line.

Gale R. Burstein, MD, MPH, FAAP
Commissioner of Health



1 FEB 23 2021 AM 9:07

ERIE COUNTY COMPTROLLER HON. STEFAN I. MYCHAJLIW

February 23, 2021

Mr. Michael Siragusa, Esq.
County Attorney
Erie County Attorney's Office
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Dear County Attorney Siragusa,

It is my understanding that you had a conversation with Comptroller Mychajliw on February 21, 2020, in which you discussed his concerns regarding the creation of a position in the Department of Social Services.

As you know, his primary objection is that the position was not properly created and thus lacks funding. As such, the individual hired for the position would not be paid for work performed. In December, the Legislature considered the County Executive's requests for spending on needed and/or wanted items. At the time of the Legislature's approval of these requests, the position in question was not deemed to be needed or wanted. It appears now that the County Executive wants to add the position in question. However, to do so, the position must be properly created.

Comm. 3E-9, approved by the Legislature on February 18, 2021, grants a variable minimum, amounting to a \$22,387 pay raise over what the position would normally pay, for a position that does not exist in the budget. Although the resolution authorizes the Division of Budget and Management to adjust the budgeted amount to a Job Group 15, Step 5, the position is not in the budget to be adjusted. In order to grant the raise, the position must first actually exist.

As background, there was a Special Assistant to the Commissioner of Social Services, created in 2013, which was vacated on May 23, 2020, when the incumbent accepted a position elsewhere. On June 4, 2020, as part of his deficit reduction plan, the County Executive asked that the position be deleted. The Legislature approved the plan on June 18, 2020.

The Special Assistant position was neither proposed to be restored, nor re-created, as part of the 2021 budget process. However, the creation of the position was initiated by the Deputy Commissioner of Social Services and ultimately approved by the Commissioner of Social Services, the Commissioner of Personnel and the Budget Director. Despite not existing in the 2021 budget, the position was created on December 29, 2020.

The position was created under the purported authority granted by Comm. 6E-22 (2020). That resolution waives certain requirements implemented to protect tax dollars and ensure fairness, such as the competitive bidding and purchasing policies and procedures, in order to address COVID-19 issues. The item also allows the County Executive to create positions and hire to fill such positions, without the usual further approval by the Legislature, in order to combat COVID-19. Further, the resolution created

OFFICE OF ERIE COUNTY COMPTROLLER STEFAN I. MYCHAJLIW • 95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • E-MAIL: COMPTROLLER@ERIE.GOV
WHISTLEBLOWER HOTLINE FOR REPORTING WASTE, FRAUD & ABUSE: (716) 858-7722 OR E-MAIL: WHISTLEBLOWER@ERIE.GOV

The item also allows the County Executive to create positions and hire to fill such positions, without the usual further approval by the Legislature, in order to combat COVID-19. Further, the resolution created Fund 252, funding it with \$5,000,000 in 2019 surplus funds. That is also the fund where \$150 million in CARES Act funds were placed.

During her presentation at the caucus meeting prior to the session at which a variable minimum for this position was approved, the Commissioner of Social Services, when asked, provided a vague description of the purpose and duties for this position. The description was not specific to COVID-19. It was also shared that the position would be funded 47% by the county, with 53% coming from state and federal sources. Therefore, Comm. 6E-22 (2020) is not the proper authority to create such a position. Further evidence that the position is not proper under Comm. 6E-22 is that the position is listed on the F77 detail report as being funded by Fund 110, commonly known as the General Fund, and not Fund 252.

Before the position can be funded it must be created properly. Without addressing the need for the position or advocating for a particular approach to fund the position, options to properly fund include:

- Dedicate the position to battling COVID-19 and pay the individual through fund 252, so long as the authority to so fund the position exists; or
- Use fund balance to fund the position through Fund 110. At this point in time, being only February, it is too early to determine that there is a surplus. As such, securing a super-majority to utilize fund balance to fund this position would allow the individual hired to be paid for his or her services.

Given that it appears that this position has not been properly created in the budgetary or legislative process, I may be forced to withhold or recover payments made to the person hired for this position until it is properly funded. This precedence for taking such action was started by former Comptroller Mark C. Poloncarz.

I strongly suggest that the position not be filled until it is created properly. In the alternative, I request that if an individual is hired, that individual be made aware of the questions surrounding the position and the possibility of not receiving payment for his or her services. If the Legislature and Administration does not remedy the improper process of filling the position, we will seek outside counsel to litigate the matter, and will not fund the position until a legal resolution is made.

Thank you for your attention to this matter.

Sincerely,



Gregory G. Gach
Deputy Comptroller
Erie County Comptroller's Office

cc: Honorable Members - Erie County Legislature
Commissioner Timothy Hogues, Erie County Personnel Department



FILED: 11:04 AM 2/25

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOH
SECOND ASSISTANT COUNTY ATTORNEY

February 13, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.3[64])
issued on April 1, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 15, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 1, 2020, I issued a local emergency order which directs sick employees to stay home, directs building security to deny entry to sick individuals, and directs Erie County supervisors to send sick employees home; and

WHEREAS, since April 1, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and, in response to the COVID-19 pandemic, the need to maintain a healthy Erie County workforce for the provision of essential governmental services continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Further extend the local emergency order issued under my hand on April 1, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 15, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 12, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.4[62])
issued on April 9, 2020**

Dear Sirs:

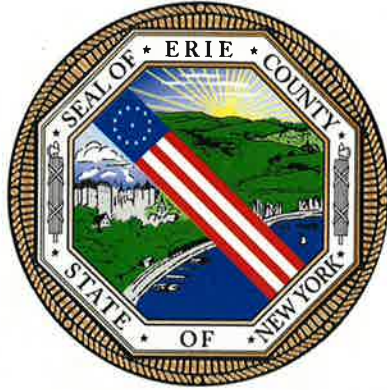
Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 13, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By Gregory P. Kammer
Gregory P. Kammer

Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 9, 2020, I issued a local emergency order which prohibits facilities from denying entry to patrons who choose to wear cloth face coverings, masks, or gloves and further prohibits employers from preventing employees from wearing cloth face coverings, masks, or gloves and further mandates that employers provide employees access and opportunity to clean their hands frequently; and

WHEREAS, since April 9, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and the need to mitigate the transmission of COVID-19 continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

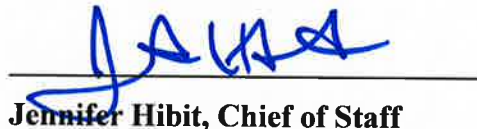
- **Extend the local emergency order issued under my hand on April 9, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 13, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 12, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.7[55])
issued on May 15, 2020**

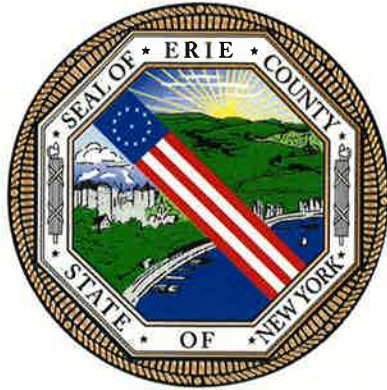
Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 14, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on May 15, 2020, I issued a local emergency order which orders all Erie County employees and agents to wear a mask or cloth face covering while in buildings owned or operated by Erie County; and

WHEREAS, since May 15, 2020, I have duly extended such local emergency order in increments of five days; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, the Center for Disease Control and Prevention (CDC) continues to

recommend wearing cloth face coverings which cover the nose and mouth in order to slow the spread of the novel coronavirus.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

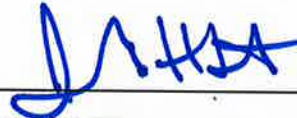
- **Extend the local emergency order issued under my hand on May 15, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 14, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

February 10, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.9[25])
issued on October 13, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on January 20, 2021 and effective February 15, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By: Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on October 13, 2020, I issued a local emergency order which suspends or modifies any local law, ordinance, regulation, or executive order which, if complied with, would prevent, hinder, or delay the issuance of contracts intended to improve, expand, renovate, acquire, lease or modify Erie County buildings, facilities, technology, property or other type of non-road infrastructure, which safeguard the health and welfare of the public and are reasonably necessary to respond to the COVID-19 pandemic for certain delineated buildings/projects; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, those certain delineated buildings/projects have not yet been completed.

WHEREAS, since October 13, 2020, I have duly extended such local emergency order in increments of five days; and

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Extend the local emergency order issued under my hand on October 13, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 15, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 20th day of January, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

February 17, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
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CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.9[26])
issued on October 13, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective February 20, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on October 13, 2020, I issued a local emergency order which suspends or modifies any local law, ordinance, regulation, or executive order which, if complied with, would prevent, hinder, or delay the issuance of contracts intended to improve, expand, renovate, acquire, lease or modify Erie County buildings, facilities, technology, property or other type of non-road infrastructure, which safeguard the health and welfare of the public and are reasonably necessary to respond to the COVID-19 pandemic for certain delineated buildings/projects; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, those certain delineated buildings/projects have not yet been completed.

WHEREAS, since October 13, 2020, I have duly extended such local emergency order in increments of five days; and

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

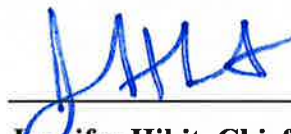
- **Extend the local emergency order issued under my hand on October 13, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 20, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



FILED - FEB 22 2021 10:13:33

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

February 17, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.7[56])
issued on May 15, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective February 19, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on May 15, 2020, I issued a local emergency order which orders all Erie County employees and agents to wear a mask or cloth face covering while in buildings owned or operated by Erie County; and

WHEREAS, since May 15, 2020, I have duly extended such local emergency order in increments of five days; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, the Center for Disease Control and Prevention (CDC) continues to

recommend wearing cloth face coverings which cover the nose and mouth in order to slow the spread of the novel coronavirus.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Extend the local emergency order issued under my hand on May 15, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 19, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



10166 15822121 011338

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

February 17, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.4[63])
issued on April 9, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective February 18, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By Gregory P. Kammer
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 9, 2020, I issued a local emergency order which prohibits facilities from denying entry to patrons who choose to wear cloth face coverings, masks, or gloves and further prohibits employers from preventing employees from wearing cloth face coverings, masks, or gloves and further mandates that employers provide employees access and opportunity to clean their hands frequently; and

WHEREAS, since April 9, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and the need to mitigate the transmission of COVID-19 continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:


- **Extend the local emergency order issued under my hand on April 9, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 18, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



10110 FEB22'21 AM 11:38

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

February 17, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.3[65])
issued on April 1, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective February 20, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 1, 2020, I issued a local emergency order which directs sick employees to stay home, directs building security to deny entry to sick individuals, and directs Erie County supervisors to send sick employees home; and

WHEREAS, since April 1, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and, in response to the COVID-19 pandemic, the need to maintain a healthy Erie County workforce for the provision of essential governmental services continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Further extend the local emergency order issued under my hand on April 1, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 20, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

February 00, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.9[27])
issued on October 13, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective February 25, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on October 13, 2020, I issued a local emergency order which suspends or modifies any local law, ordinance, regulation, or executive order which, if complied with, would prevent, hinder, or delay the issuance of contracts intended to improve, expand, renovate, acquire, lease or modify Erie County buildings, facilities, technology, property or other type of non-road infrastructure, which safeguard the health and welfare of the public and are reasonably necessary to respond to the COVID-19 pandemic for certain delineated buildings/projects; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, those certain delineated buildings/projects have not yet been completed.

WHEREAS, since October 13, 2020, I have duly extended such local emergency order in increments of five days; and

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

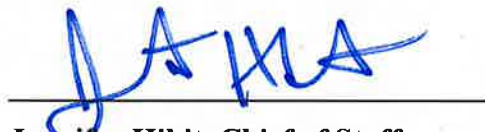
- **Extend the local emergency order issued under my hand on October 13, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 25, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

February 28, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.7[57])
issued on May 15, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective February 24, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on May 15, 2020, I issued a local emergency order which orders all Erie County employees and agents to wear a mask or cloth face covering while in buildings owned or operated by Erie County; and

WHEREAS, since May 15, 2020, I have duly extended such local emergency order in increments of five days; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, the Center for Disease Control and Prevention (CDC) continues to

recommend wearing cloth face coverings which cover the nose and mouth in order to slow the spread of the novel coronavirus.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

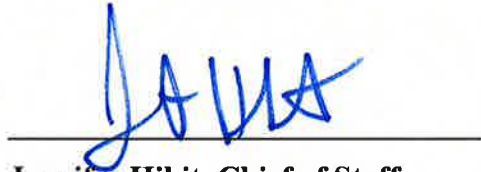
- **Extend the local emergency order issued under my hand on May 15, 2020.**

This local emergency order extension shall take effect at 10:00 am on February 24, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



10:04 AM FEB 23 2021

COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

February 23, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.4[64])
issued on April 9, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective February 23, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 9, 2020, I issued a local emergency order which prohibits facilities from denying entry to patrons who choose to wear cloth face coverings, masks, or gloves and further prohibits employers from preventing employees from wearing cloth face coverings, masks, or gloves and further mandates that employers provide employees access and opportunity to clean their hands frequently; and

WHEREAS, since April 9, 2020, I have duly extended such local emergency order in five day increments; and

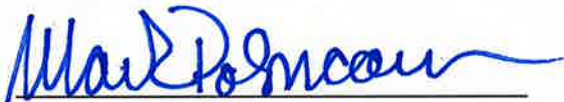
WHEREAS, the County of Erie remains in a State of Emergency and the need to mitigate the transmission of COVID-19 continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

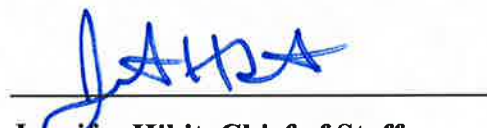
- **Extend the local emergency order issued under my hand on April 9, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 23, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

February 20, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.3[66])
issued on April 1, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective February 25, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 1, 2020, I issued a local emergency order which directs sick employees to stay home, directs building security to deny entry to sick individuals, and directs Erie County supervisors to send sick employees home; and

WHEREAS, since April 1, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and, in response to the COVID-19 pandemic, the need to maintain a healthy Erie County workforce for the provision of essential governmental services continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

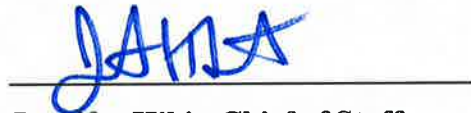
- **Further extend the local emergency order issued under my hand on April 1, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 25, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

February 25, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.9[28])
issued on October 13, 2020**

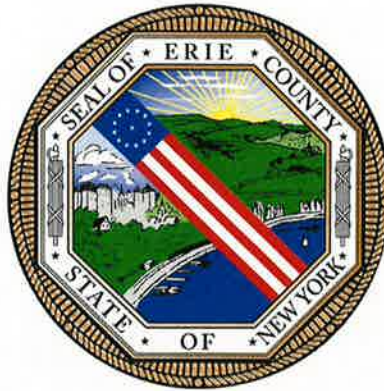
Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective March 2, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on October 13, 2020, I issued a local emergency order which suspends or modifies any local law, ordinance, regulation, or executive order which, if complied with, would prevent, hinder, or delay the issuance of contracts intended to improve, expand, renovate, acquire, lease or modify Erie County buildings, facilities, technology, property or other type of non-road infrastructure, which safeguard the health and welfare of the public and are reasonably necessary to respond to the COVID-19 pandemic for certain delineated buildings/projects; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, those certain delineated buildings/projects have not yet been completed.

WHEREAS, since October 13, 2020, I have duly extended such local emergency order in increments of five days; and

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

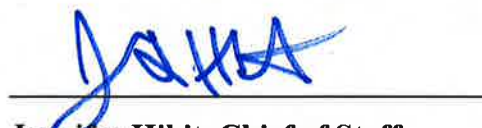
- **Extend the local emergency order issued under my hand on October 13, 2020.**

This local emergency order extension shall take effect at 10:00 am on March 2, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

February 25, 2021

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
& Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

VIA FEDERAL EXPRESS

NYS HSES
Office of Emergency Management
1220 Washington Avenue
Suite 101, Building 22
Albany, NY 12226-2551

CERT. MAIL/RETURN RECEIPT

Hon. Michael P. Kearns
Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, New York, 14202

CERT. MAIL/RETURN REC.

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

**Re: Extension of Erie County Local Emergency Order (1.7[58])
issued on May 15, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective March 1, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State Disaster Emergency for the entire State of New York; and

WHEREAS, on May 15, 2020, I issued a local emergency order which orders all Erie County employees and agents to wear a mask or cloth face covering while in buildings owned or operated by Erie County; and

WHEREAS, since May 15, 2020, I have duly extended such local emergency order in increments of five days; and

WHEREAS, the County of Erie and the State of New York remain in a state of emergency; and

WHEREAS, the Center for Disease Control and Prevention (CDC) continues to

recommend wearing cloth face coverings which cover the nose and mouth in order to slow the spread of the novel coronavirus.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

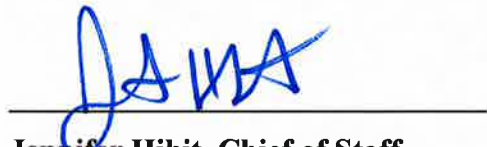
- **Extend the local emergency order issued under my hand on May 15, 2020.**

This local emergency order extension shall take effect at 10:00 am on March 1, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 9:00 AM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

MICHAEL A. SIRAGUSA
COUNTY ATTORNEY

MARK C. POLONCARZ
COUNTY EXECUTIVE

JEREMY C. TOTH
FIRST ASSISTANT COUNTY ATTORNEY

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92 Franklin Street, 4th Floor
Buffalo, NY 14202

**Re: Extension of Erie County Local Emergency Order (1.4[65])
issued on April 9, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective February 28, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPJ/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 9, 2020, I issued a local emergency order which prohibits facilities from denying entry to patrons who choose to wear cloth face coverings, masks, or gloves and further prohibits employers from preventing employees from wearing cloth face coverings, masks, or gloves and further mandates that employers provide employees access and opportunity to clean their hands frequently; and

WHEREAS, since April 9, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and the need to mitigate the transmission of COVID-19 continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

- **Extend the local emergency order issued under my hand on April 9, 2020.**

This local emergency order extension shall take effect at 3:00pm on February 28, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**



COUNTY OF ERIE

101 ERIE COUNTY 21 FEB 22 28

MARK C. POLONCARZ

COUNTY EXECUTIVE

MICHAEL A. SIRAGUSA
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Hon. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

**Re: Extension of Erie County Local Emergency Order (1.3[67])
issued on April 1, 2020**

Dear Sirs:

Enclosed for filing in your office please find the Erie County Local Emergency Order Extension executed by the Erie County Executive on February 15, 2021 and effective March 2, 2021.

Very truly yours,
MICHAEL A. SIRAGUSA
Erie County Attorney

By /S/GREGORY P. KAMMER
Gregory P. Kammer
Assistant County Attorney
Direct Dial: (716) 858-2248
E-mail: gregory.kammer@erie.gov

GPK/jls
Enclosure



EXTENSION OF LOCAL EMERGENCY ORDER

WHEREAS, on March 15, 2020, in response to the COVID-19 pandemic, I declared a State of Emergency within the County of Erie; and

WHEREAS, on April 1, 2020, I issued a local emergency order which directs sick employees to stay home, directs building security to deny entry to sick individuals, and directs Erie County supervisors to send sick employees home; and

WHEREAS, since April 1, 2020, I have duly extended such local emergency order in five day increments; and

WHEREAS, the County of Erie remains in a State of Emergency and, in response to the COVID-19 pandemic, the need to maintain a healthy Erie County workforce for the provision of essential governmental services continues.

NOW THEREFORE, I, Mark C. Poloncarz, the Chief Executive of the County of Erie, New York, by virtue of the authority vested in me by Section 24(2) of New York State Executive Law do hereby:

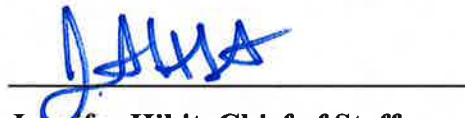
- **Further extend the local emergency order issued under my hand on April 1, 2020.**

This local emergency order extension shall take effect at 3:00pm on March 2, 2021 and shall remain in effect for five days or until removed by order of the Chief Executive. The local emergency order may continue to be renewed in five (5) day increments.

Signed this 15th day of February, 2021, at 2:00 PM, in Erie County, New York.



**Mark C. Poloncarz, County Executive
Erie County, New York**



**Jennifer Hibit, Chief of Staff
Witness**