

THE ERIE COUNTY LEGISLATURE

HEALTH & HUMAN SERVICES COMMITTEE

Lisa M. Chimera
Chair

John J. Gilmour
Vice-Chair

Meeting No. 2 – February 10, 2022 – 11:30 AM

TAB R&F APP

1.	<u>INTRO. 4-3 As Amended (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>			
2.	<u>INTRO. 13-2 (2021)</u> Session 13	CHIMERA <i>“Support for Increasing the New York State Childcare Market Rate”</i>			
3.	<u>INTRO. 13-3 (2021)</u> Session 13	LORIGO, GREENE, TODARO & MILLS <i>“Waiver of Health Department Fee on Permit to Operate a Temporary Food Service Establishment”</i>			
4.	<u>COMM. 1M-2 (2022)</u> Session 1	TOWN OF NEWSTEAD <i>“Copy of Certified Resolution Regarding EC's COVID-19 Emergency Response Mandates”</i>			

5.	<u>COMM. 1M-10 (2022)</u> Session 1	VILLAGE OF AKRON <i>“Copy of Certified Resolution Regarding EC’s COVID-19 Emergency Response Mandates”</i>			
6.	<u>COMM. 1M-12 (2022)</u> Session 1	MARILLA <i>“Copy of Certified Resolution Regarding EC’s COVID-19 Emergency Response Mandates”</i>			
7.	<u>COMM. 2D-11 (2022)</u> Session 2	DEPUTY COUNTY EXECUTIVE <i>“Cornell University True Cost of Childcare Study”</i>			
8.	<u>COMM. 2M-2 (2022)</u> Session 2	TOWN OF EDEN <i>“Copy of Certified Resolution Regarding EC’s COVID-19 Emergency Response Mandates”</i>			
9.	<u>INTRO. 3-5 (2022)</u> Session 3	GREENE, LORIGO, TODARO & MILLS <i>“Authorization for the Purchase of 1 Million COVID-19 Rapid Tests”</i>			
10.	<u>COMM. 3E-22 (2022)</u> Session 3	COUNTY EXECUTIVE <i>“Authorization to Contract for Additional Modifications to Grant Funds - Social Services”</i>			
11.	<u>COMM. 3E-26 (2022)</u> Session 3	COUNTY EXECUTIVE <i>“Authorization to Contract for Solution Focused Trauma Informed Care - Social Services”</i>			

TAB R&F APP

12.	<u>COMM. 3D-5 (2022)</u> Session 3	DEPARTMENT OF LAW <i>“Local Emergency Order Extensions”</i>			
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**A RESOLUTION SUBMITTED BY BASKIN, MEYERS,
HARDWICK, JOHNSON, CHIMERA, GILMOUR & VINAL**

**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," indicated, 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 further

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

RESOLVED, that this honorable body finds the deliberate actions of Governor Andrew Cuomo to conceal and lie about nursing home COVID death statistics to the public and federal authorities, as admitted by Secretary to the Governor Melissa DeRosa, to be deeply concerning and hereby supports an in-depth federal investigation; and be it further

RESOLVED, that said investigation should include a full review of the measures undertaken by Governor Andrew Cuomo and his executive staff relating to their handling of COVID-19 infected persons sent to nursing homes, and the effects of that deadly decision; and be it further

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

**A RESOLUTION SUBMITTED BY
LEGISLATOR CHIMERA**

Re: Support for Increasing the New York State Childcare Market Rate

WHEREAS, the New York State Office of Children and Family Services (OCFS) sets a “market rate” that is used by multiple entities, including Erie County, to reimburse daycare providers for their services when families are eligible for subsidies; and

WHEREAS, this rate typically falls well below the actual cost of care and far below the private pay amount that is paid by those who are ineligible for government subsidies; and

WHEREAS, one of the most pressing issues in securing accessible, high quality childcare is the high turnover rate of staff, due in large part to the low wages that workers are paid even after extensive training; and

WHEREAS, these workers are both a vital part of our national infrastructure, were considered “essential” during the COVID-19 pandemic, and are also predominantly women and persons of color; and

WHEREAS, by establishing such a low rate of pay, New York State is inadvertently disadvantaging those members of our society that need the most help economically and also provide a service that is indisputably important; and

WHEREAS, Erie County is considered to be a “childcare desert” because there are very few childcare options due in large part to the low profit margins which has forced many facilities and providers to close.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature supports and calls on the New York State Office of Children and Family Services to increase the market rate for which childcare providers are paid; and be it further

RESOLVED, that this Honorable Body declares that we believe childcare to be a necessary ‘infrastructure’ investment, worthy of federal and state funding and commitment; and be it further

RESOLVED, that this Honorable Body supports increased eligibility guidelines and childcare subsidies for working families throughout Erie County and New York State; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the Governor, the Erie County delegation of the New York State Legislature, the Commissioner of OCFS, the Erie County Executive and the Erie County Commissioner of Social Services.

Fiscal Impact: None.

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

Re: Waiver of Health Department Fee on Permit to Operate a Temporary Food Service Establishment

WHEREAS, as New York State is lifting all restrictions, residents in Erie County are looking forward to a summer filled with social gatherings and public events like the Erie County Fair, full attendance sporting events, and festivals; and

WHEREAS, restaurants have faced the brunt of negative impact from the COVID-19 related restrictions and shutdowns; and

WHEREAS, specific events like the Taste of Buffalo, the Erie County Fair, the Buffalo Italian Heritage Festival, the Queen of Heaven Carnival, the Taste of Orchard Park and others are in the process of being planned now. Event vendors, many of whom are local restaurants, could benefit from a waiver of the fees imposed by Erie County's Health Department; and

WHEREAS, Erie County is flush with cash from the American Rescue Plan and the cancelation of potential state funding cuts. Waiving the fees charged to operate a temporary food service establishment provides a benefit to local vendors and a boost to our local economy and cultural scene.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby waives any-and-all county fees associated with an application for a permit to operate a temporary food services establishment for the remainder of 2021; and, be it further

RESOLVED, this Resolution is not intended to waive any sanitation requirements imposed by the Department of Health nor any right of inspection held by Erie County or its departments nor does it waive the need for filling out an application to operate a temporary food service establishment when required; and, be it further

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

Fiscal Impact: Waiver of the fee will result in a loss of revenue to Erie County.



Town of Newstead

P.O. Box 227 - 5 Clarence Center Rd - Akron, NY 14001

(716) 542-4573

Supervisor: **option 5*** Town Clerk: **option 2*** Court: **option 1***

Assessor/Code Enforcement: **option 4*** Fax: (716) 542-3702

Calls for Hearing Impaired: 1-800-662-1220

December 14, 2021

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

Dear Honorable Representatives,

Enclosed please find a certified resolution passed by the Newstead Town Board at their regular meeting held on Monday, December 13, 2021 regarding their opposition of New York State and Erie County's Covid-19 Emergency Response mandates and restrictions and opposing their associated enforcement by outside agencies within the Town of Newstead.

If you have any questions or concerns regarding this matter, please contact me at (716) 542-4573, option 2 or Town Supervisor David Cummings at option 5. Thank you.

Sincerely,

Dawn D. Izydorczak, RMC
Town Clerk

Enclosures

This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

THE FOLLOWING RESOLUTION OPPOSING ERIE COUNTY AND NEW YORK STATE'S
COVID-19 EMERGENCY RESPONSE WAS OFFERED BY
COUNCILMAN JENDROWSKI, WHO MOVED ITS ADOPTION
SECONDED BY COUNCILMAN DUGAN

WHEREAS, the Town Board of the Town of Newstead, New York (the Town Board) recognizes that the Covid-19 Pandemic virus has become a widespread global endemic disease that will likely never be eradicated due to its mutations and that managing it by declaring a State of Emergency and declaring mandates every time a new variant and/or spike in cases arises must not continue, due to negative impacts on mental and societal health, residents' rights and freedoms, and negative impacts on businesses and schools ability to cope with and manage through what will likely be regular occurrences in the coming months and years; and

WHEREAS, the Town Board recognizes that this virus will continue to be part of our everyday life and must no longer be used to infringe on individual and business owner rights and freedoms as a result of declaring a State of Emergency, vaccine mandates, mask mandates and lockdowns; and

WHEREAS, the Town Board recognizes that actions associated with vaccine mandates in the healthcare field has resulted in decreased capacity, due to job terminations, and severely limits the ability to hire and fill positions due to unvaccinated hiring restrictions, increasing, rather than mitigating, the virus's risk to our community; and

WHEREAS, the Town Board recognizes that a long-term management plan is required to manage the Covid-19 virus and that Erie County and New York State should be proactively addressing hospital capacity issues that impact the health and well-being of our residents instead of suspending certain procedures; and

WHEREAS, the Town Board questions why Erie County is one of the only counties in NY that renewed, every thirty days, the Covid-19 State of Emergency since March 15, 2020. It is our belief that further extensions are not justified; and

WHEREAS, the Town Board supports proposed legislation in the New York State Senate that would require approval by Town, Village and City Governing Boards any County Executive's or County Health Board's extension of a State of Emergency beyond 30 days within their Town, Village or City; and

WHEREAS, the Town Board recognizes that the Covid-19 virus has become a long-term widespread global endemic disease and requests that our town residents, businesses and schools have the right to determine for themselves their unique requirements for mitigating risks and the Town Board respectfully requests that New York State and Erie County not enter the Town of Newstead for the purpose of enforcement of their Covid mandates or associated restrictions; and

WHEREAS, the Town Board supports similar concerns from other town and village leaders, such as those serving in Williamsville, Marilla, West Seneca and Grand Island, whom



STATE OF NEW YORK)
COUNTY OF ERIE) SS.
TOWN OF NEWSTEAD)

I, Dawn D. Izydorczak, Town Clerk of the Town of Newstead, County of Erie, State of New York, do hereby certify that at an adjourned regular meeting of the Newstead Town Board, on the 13th day of December, 2021 at the Newstead Town Hall, 5 Clarence Center Rd, Akron, New York, the above resolution was adopted, with each member present voting therefore, as follows:

David L. Cummings, Supervisor-	AYE
Edmund J. Burke, Councilman-	NO
Joseph Dugan, Councilman-	AYE
John Jendrowski, Jr, Councilman-	AYE
Patricia Pope, Councilwoman-	AYE

I do further certify that the resolution duly adopted by the Town Board and the official meeting minutes are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Town of Newstead, County of Erie, State of New York, this 14th day of December, 2021.

Dawn D. Izydorczak, RMC, Town Clerk
Town of Newstead, New York

SEAL



EC LEG DEC 27 '21 PM 4:59

MAYOR
CARL E. PATTERSON
TRUSTEES
E. PETER FORRETEL
MICHAEL R. MIDDAUGH
BRIAN T. PERRY
DARRIN L. FOLGER

VILLAGE CLERK
JAYNE DeTINE
VILLAGE TREASURER
SARAH B. MICHEL
VILLAGE ATTORNEY
ANDREW A. BORDEN

December 21, 2021

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

Dear Legislators:

Please find enclosed a certified copy of a Resolution passed by the Village of Akron Board of Trustees on December 20, 2021.

Sincerely,

Jayne DeTine
Clerk

Enclosure

MAYOR
CARL E. PATTERSON
TRUSTEES
E. PETER FORRETEL
MICHAEL R. MIDDAUGH
BRIAN T. PERRY
DARRIN L. FOLGER



VILLAGE CLERK
JAYNE DeTINE
VILLAGE TREASURER
SARAH B. MICHEL
VILLAGE ATTORNEY
ANDREW A. BORDEN

THE FOLLOWING RESOLUTION OPPOSING ERIE COUNTY AND NEW YORK STATE'S COVID-19 EMERGENCY RESPONSE WAS OFFERED BY TRUSTEE DARRIN L. FOLGER, WHO MOVED ITS ADOPTION SECONDED BY TRUSTEE MICHAEL R. MIDDAUGH on DECEMBER 20, 2021

WHEREAS, the Village Board of the Village of Akron, New York, (the Village Board) recognizes that the Covid-19 Pandemic virus has become a widespread global endemic disease that will likely never be eradicated due to its mutations and that managing it by declaring a State of Emergency and declaring mandates every time a new variant and/or spike in cases arises must not continue, due to negative impacts on mental and societal health, residents' rights and freedoms, and negative impacts on businesses and schools ability to cope with and manage through what will likely be regular occurrences in the coming months and years; and

WHEREAS, the Village Board recognizes that this virus will continue to be part of our everyday life and must no longer be used to infringe on individual and business owner rights and freedoms as a result of declaring a State of Emergency, vaccine mandates, mask mandates and lockdown; and

WHEREAS, the Village Board recognizes that actions associated with vaccine mandates in the healthcare field has resulted in decreased capacity, due to job terminations, and severely limits the ability to hire and fill positions due to unvaccinated hiring restrictions, increasing, rather than mitigating, the virus's risk to our community; and

WHEREAS, the Village Board recognizes that a long-term management plan is required to manage the Covid-19 virus and that Erie County and New York State should be proactively addressing hospital capacity issues that impact the health and well-being of our residents instead of suspending certain procedures; and

WHEREAS, the Village Board questions why Erie County is one of the only counties in New York that renewed, every thirty days, the Covid-19 State of Emergency since March 15, 2020. It is our belief that further extensions are not justified; and

WHEREAS, the Village Board supports proposed legislation in the New York State Senate that would require approval by Village, Town and City Governing Boards any County Executive's or County Health Board's extension of a State of Emergency beyond 30 days within their Village, Town or City; and

WHEREAS, the Village Board recognizes that the Covid-19 virus has become a long-term widespread global endemic disease and requests that our Village residents, businesses, and schools have the right to determine for themselves their unique requirements for mitigating risks and the Village Board respectfully requests that New York State and Erie County not enter the Village of Akron for the purpose of enforcement of their Covid mandates or associated restrictions; and

WHEREAS, the Village Board supports similar concerns from other Village and Town leaders, such as those serving in Williamsville, Marilla, West Seneca, and Grand Island, whom are also respectfully requesting New York State and Erie County refrain from entering their Villages for the purpose of enforcement of Covid Mandates and/or associated restrictions.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board goes on record opposing any further New York State and Erie County vaccine mandates, mask mandates and other Covid-19 restrictions and the Village Board opposes their associated enforcement by outside agencies within the Village of Akron; and

BE, IT FURTHER RESOLVED, that the Akron Village Clerk shall forward certified copies of this resolution to the Governor of the State of New York Kathy Hochul, Senator Edward A. Rath III, Assemblyman Michael J. Norris, County Executive Mark Poloncarz, the Clerk of the Erie County Legislature (for distribution), Legislator Christopher D. Greene and others as deemed necessary and proper.

ADOPTED	CARL E. PATTERSON	- AYE
	E. PETER FORRESTEL	- AYE
	MICHAEL R. MIDDAUGH	- AYE
	DARRIN L. FOLGER	- AYE

I certify that the above Resolution was duly adopted by the Board of Trustees of the Village of Akron on December 20, 2021.


Village Clerk



**A RESOLUTION SUBMITTED BY:
Earl "Skip" Gingerich, Supervisor of the Town of Marilla**

EC LEG JAN 3 '22 PM 2:34

WHEREAS, The Town of Marilla has been dealing with the Covid-19 pandemic and its disastrous effects on our residents, their families and small businesses for nearly two years; and

WHEREAS, The Town of Marilla has taken a sensible approach to managing the pandemic that respects those we are elected to serve and their rights afforded to them under the Constitution of the United States of America; and

WHEREAS, at no time has the Town of Marilla taken any adverse action against our residents or small businesses throughout the course of this pandemic, but rather we have chosen to work with them to get through this together; and

WHEREAS, the same cannot be said for Erie County Government, who have continued to address the pandemic with a heavy-handed approach of lockdowns, restrictions, rules, regulations, and fines that two years later have not shown to be working in the favor of the residents they are paid to serve; and

WHEREAS, despite being unable to get the virus under control through bureaucratic expansion, many county officials have taken advantage of the pandemic to profit heavily off of taxpayer funded overtime, an unfortunate outcome that now provides county bureaucrats with a financial incentive to keep on the same path we've been on despite its obvious failure; and

WHEREAS, many public employees are owed overtime as part of their bargained union contracts and they have worked mightily throughout this pandemic and they are owed fair compensation and our gratitude; and

WHEREAS, however, certain appointed and elected positions in government are not allowed to collect overtime because their functions are to be focused on public service, in good times and in bad; and

WHEREAS, recent reports from the Erie County Comptroller's Office have shown that Erie County Health Commissioner Dr. Gale Burstein has illegally collected over \$336,000 in overtime from taxpayers for her work in managing this public health crisis; and

WHEREAS, various laws and regulations acknowledge that an appointed Commissioner of Health cannot accept overtime, even in the event of an emergency, because it is their very job as a public servant to work and respond to an emergency and it is not additional work or duties; and,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Marilla Board goes on record establishing that our elected and appointed officials work to serve residents in good times and in bad and find the practice of utilizing a public health emergency to change overtime collections rules so certain individuals can profit from public service to be abhorrent; and be it further

RESOLVED, that the Town of Marilla Board acknowledges that New York State Law, Public Health Law, Article 3, Local Health Organizations, Title 3 County and Part-County Health Districts, Section 351-6 clearly states that the Commissioner of Health's compensation shall be fixed by the local Board of Supervisors or County Legislature; and, be it further

RESOLVED, that Erie County Commissioners are Management Employees who are not members of a union but adhere to the contract of the CSEA Local 815 bargaining unit, whose contract clearly prohibits, in Section 16.12-1, those possessing a medical degree from earning overtime; and, be it further

RESOLVED, that in 2009, then Erie County Comptroller Mark C. Poloncarz conducted a payroll audit and announced publicly a finding that during the county's October 2006 Storm the County improperly paid overtime to certain appointed officials because an emergency was declared. Then Comptroller Poloncarz clearly laid out the position for why certain titles, including the Commissioner of Health, Commissioner of Public Works, Commissioner of Emergency Services, amongst others, are ineligible for the collection of overtime even during a declared emergency; and be it further

RESOLVED, that for these reasons the Town of Marilla hereby goes on record demanding that county public officials who have abused their office to illegally publicly profit return their overtime payments to the taxpayer's immediately; and be it further

RESOLVED, that the Town of Marilla hereby requests that the Erie County Comptroller immediately conduct an audit of overtime earned throughout the pandemic and release a publicly establish a list of titles that illegally earned compensation and then establish a repayment plan to make taxpayers whole; and be it further

RESOLVED, that certified copies of this resolution be sent by the Town Clerk to County Executive Mark Poloncarz, County Comptroller Stefan Mychajliw, County Comptroller-Elect Kevin Hardwick, District Attorney John Flynn, New York State Comptroller Thomas DiNapoli, and members of the Erie County Legislature.

FISCAL IMPACT: *Positive for Taxpayers. Correcting this egregious misuse of authority to allow certain public officials to profit off of public service will return millions of dollars back to the taxpayers.*

CLERK CERTIFICATION

State of New York
County of Erie

I, the undersigned Town Clerk of the Town of Marilla, DO HEREBY CERTIFY as follows:

1. Regular meeting of the Town Board of the Town of Marilla, Erie County, State of New York, were held on December 30, 2021 Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board.
2. I have compared the attached Extracts of this Resolution from the December 30, 2021 with said Minutes so recorded and said Extracts are a true copy of said Minutes and of the whole thereof insofar as said minutes relate to matters referred to in said Extracts.
3. Said Minutes correctly state the time when said Meeting was convened and the place where such Meeting was held and the members of said Board who attended said meeting.
4. Public Notice of the time and place of said Meeting and Public Hearing was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

In witness whereof, I have hereunto set my hand and have hereunto affixed the corporate seal of the Town of Marilla this 31st day of December 2021.

Dawn Pearce, Marilla Town Clerk



SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

Honorable Lisa M. Chimera
Erie County Legislator, District 3
Chair, Health and Human Services Committee
92 Franklin Street
Buffalo, NY 14202

January 19, 2022

RE: Cornell University True Cost of Childcare Study

Dear Legislator Chimera:

It is our pleasure to provide you with a copy of Cornell University's True Cost of Childcare Study in Erie County. We would welcome the opportunity to present the study findings at an upcoming meeting of your Health and Human Services Committee.

As you know, this report represents the culmination of months of hard work of the Erie County Emergency Childcare Task Force, of which you have served as an active member. The task force, operating throughout the pandemic, was tasked with ensuring the childcare industry remains operational. Through the task force, it became clear that a significant threat to the childcare industry is the gap between the actual cost of childcare and the "market rate" set by the NYS Office of Children and Family Services and paid to providers by Erie County for those children receiving a childcare subsidy. The purpose of this study was to specifically identify the size of the gap between the market rate and the actual cost of care. The study also makes clear the dire consequences to our childcare workers, businesses, and the local economy should this gap remain unaddressed.

Please let me know if you have any questions. In the meantime, we will look forward to an opportunity to present Cornell's findings and discuss next steps.

Very truly yours,

Maria R. Whyte
Deputy Erie County Executive
Co-Chair, Erie County Emergency Childcare Task Force

cc: Mark C. Poloncarz, Erie County Executive
April Baskin, Erie County Legislature Chairwoman
Marie Cannon, Co-Chair Erie County Emergency Childcare Task Force and DSS Commissioner
Jackie Hall, Director DSS Family Independence
Karen King, Commissioner of Public Advocacy
Catherine Creighton, Cornell University ILR Buffalo Co-Lab
Lou Jean Fleron, Cornell University ILR Buffalo Co-Lab

SUSPENSION

THE TRUE COST OF CHILD CARE: ERIE COUNTY NY Executive Summary of Phase One: Primary Findings December 2021

Background and Goals

This is an executive summary of findings of a study of the costs of child care in Erie County, NY, undertaken in Fall 2021 by a Cornell research team from the ILR School in Buffalo. An Action Research project, it was undertaken in collaboration with the Live Well Erie Emergency Child Care Task Force, child care providers and advocates, and Erie County and New York State public officials. The goals of the project are to determine the actual cost of quality child care by modality in Erie County; compare those costs to OCFS "market rate" price of care and with NYS/Erie County DSS subsidy rates; compare current costs with true costs if all child care workers earned a thriving wage and the system was equitable, economically sustainable, and universally accessible; and to provide the data and analysis to County and State officials for consideration in public policy and budget negotiations in 2022.

Methodology

This study utilized a three-pronged methodological approach:

- a professional on-line survey was conducted with all 499 Erie County licensed providers resulting in 234 valid responses, a remarkable 49%, yielding a margin of error of +/-4 %, and a sample well representative by geography and by modality;
- public geographic and economic data were expertly analyzed for understanding the economics and workforce of the local child care industry;
- four focus groups, composed of eight to twelve providers each, by child care modality, examined nuances of true costs, as well as the challenges and opportunities for improving child care in Erie County.

Child Care Industry and Workforce Overview

In Erie County, the number of jobs in child care grew for five years, from 2013-2018, before starting to fall in 2019. The industry's current workforce numbers from 3,100 to 3,300, when including self-employed. **That workforce is the lowest in over a decade, and recorded an 11% loss between 2019 and 2020 as child care workers leave the industry for jobs with increasing wages in retail and fast-food.** Average annual wages for full-time workers is just over \$23,000, with median hourly wage of \$10.38. Three-quarters of all child care workers earn less than \$15/hour, compared to just one-third of all workers in Erie County. Many providers work unpaid hours, especially family and group family providers who report working between 1,000 and 1,200 hours per year for which they are not compensated. More than half of all child care workers lack employer health care, compared to one-quarter of the county-wide workforce. **Child care workers in Erie County are disproportionately women (88%) and people of color (35%), therefore their low wages and poor benefits exacerbate existing patterns of economic and racial inequality.** Given the foundational role that child care work plays in support of the entire workforce system, allowing these dynamics to play out uninterrupted has multiplying, and devastating, effects throughout society and the economy.

Survey Results: Costs of Care

Seven out of ten survey respondents indicated that they currently do not make enough money to offer the level and quality of services they wish to provide. That situation is more severe for DSS subsidy recipients: over 80% of subsidized providers report inadequate revenue compared with 50% of providers who do not care for subsidy children, meaning that the **facilities serving more financially disadvantaged children are themselves more financially disadvantaged.** Two-thirds of providers who accept DSS subsidies agree that existing subsidy rates do not cover their *current* costs of care. Yet, subsidized facilities report higher interest in expansion of services, an important source of unrealized capacity. When asked to rank eight categories of needed investment if they had sufficient funding, higher salaries and better benefits for current staff, additional staff, and capital improvements top the list.



Cornell University

ILR Buffalo Co-Lab



SUSPENSION

The NYS Market Rate Survey, used to establish DSS subsidy rates is based on the *rates that providers charge parents and guardians*. Yet providers report being unable to raise their rates to desired levels because they will lose clients to lower cost alternatives or parents will drop out of the workforce to care for children themselves. These market pressures push providers to charge below-true-cost rates, assuring that the subsidy rate schedule does not reflect the true costs of child care. Further, unlike private payer practices, providers receive *subsidies based on attendance, not on enrollment*.



Costs of Care The graph to the left reports the costs of care under four scenarios:

- 1) current conditions with 75% subsidy rate
- 2) current conditions with 100% subsidy rate
- 3) self-reported actual costs
- 4) costs with higher wages and 100% subsidy rate.

The top chart to the right reports the approximate gap between current subsidy rates and current costs of care.

The bottom chart to the right reports the approximate gap between current subsidy rates and costs of care if all workers earned \$25/hour for full-time and \$20/hour for part-time work. This scenario would allow providers to begin implementing their number one priority of raising staff wages, and could begin to address worker shortages in child care.

Provider Type	Weekly Gap Per Child	Monthly Gap Per Child	Annual Gap Per Child
DCC and SACC	\$53	\$230	\$2,756
FDC and GFDC	\$107	\$464	\$5,564

Provider Type	Weekly Gap Per Child	Monthly Gap Per Child	Annual Gap Per Child
DCC and SACC	\$141	\$611	\$7,332
FDC and GFDC	\$240	\$1,040	\$12,480

Focus Groups

The in-depth conversations of four focus groups provided highly valuable information about the true cost of high quality child care, focusing particularly on non-personnel costs. The concerns of providers in the focus groups mirrored findings of the survey, and also highlighted less obvious, more inequitable, or unreimbursed cost factors. Among the most prominent cost concerns was unpaid working time. Group and Family Day Care providers report working on average 25 hours a week uncompensated. As one caregiver observed, *“My biggest cost is what I’m not getting by doing this job.”*

The insufficiency of subsidies extend to the federal food subsidy which is inadequate to feed children fresh healthy food. For many facilities Insurance is the top non-personnel cost. Compliance costs, including antiquated and conflicting regulations, are another time consuming cost. Providers do not have sufficient funding for needed capital improvements. The child care industry’s inability to meet daily short-term expenses means that its long term physical infrastructure is *crumbling*—sadly, a word also used for the condition of its workforce of dedicated, compassionate caregivers and educators.

Conclusion and Next Steps: Seeking (E)Quality in Child Care

Gross disparities between the needs for equitably accessible, quality child care and current funding models make it obvious that great public investment is urgently required. This report of primary findings is phase one of a continuing collaborative project to assure that Erie County’s children, parents, caregivers and educators can thrive.

Investing in quality child care is a critical public investment into a better functioning, more equitable, democratic economy and society.



Cornell University

ILR Buffalo Co-Lab



The True Cost of Child Care: Erie County NY

Phase One: Primary Findings
of a
Collaborative Action Research Project
2021-22



ILR Buffalo Co-Lab



LiveWell
Erie

The True Cost of Child Care: Erie County NY

maybe it takes an emergency...

With great appreciation
to

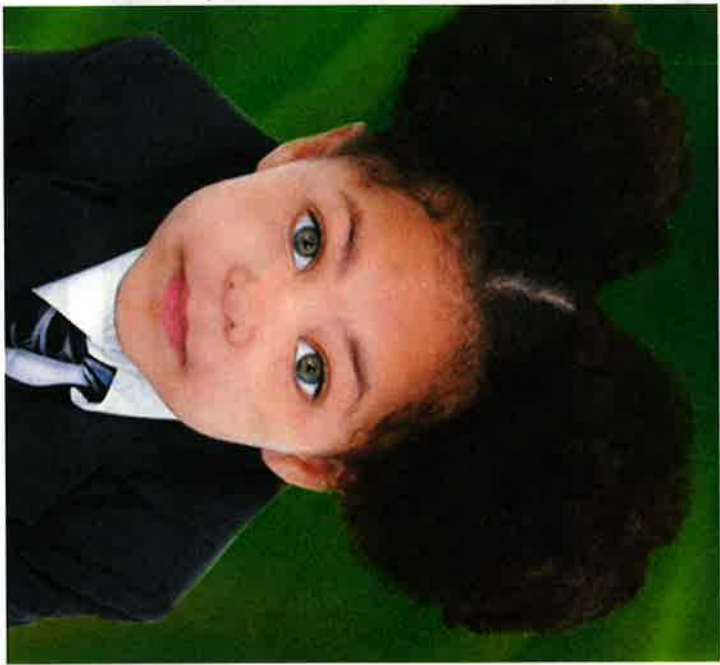
Live Well Erie Emergency
Child Care Task Force

Co-Chairs Marie Cannon and Maria Whyte

Tireless Providers and Advocates

Erie County and NYS Leaders

the kids... they're still counting on us



The True Cost of Child Care: Phase One Study Results

This preliminary report presents the data and information gathered and analyzed in phase one of the Cornell ILR–Erie County action research project. Phase two will complete the project in Q1 2022 by providing further analysis and application to county and state policies for improving child care locally and across the state.

Cornell ILR Buffalo Co-Lab Research Team

Catherine Creighton, Lou Jean Fleron, Russell Weaver
With Yasamin Miller Associates

**In tribute to the dedication and compassion of
Child Care Givers and Educators.**

Table of Contents

Goals and Process	4
Industry Overview	5
Workforce Overview	8
Survey Sample	18
Survey Results:	
• DSS Subsidized Providers	19
• Quality Care	21
• Capacity and Demand	23
• Goals and Priorities	26
• Staffing and Wages	27
• Costs of Care	30
• Costs of Care – Higher Wages	40
Focus Groups:	42
• Unpaid Working Time	43
• Attendance vs. Enrollment	44
• Food Subsidy Insufficiency	45
• Compliance Costs	46
• Capital Improvements	47
• Insurance Costs	48
Next Steps	49



Goals and Process

This project's goals are to:

- determine actual cost of quality child care by modality in Erie County;
- compare with OCFS "market rate" price of care;
- compare with NYS/Erie County DSS subsidy rates;
- compare with "true costs" of child care if all child care workers earned a living wage and the system was equitable, economically sustainable, and universally accessible;
- provide the data and analysis to County and State officials for consideration in public policy and budgets negotiations in 2022.

The action research project is undertaken in collaboration with stakeholder, community, and public official partners. Methodologically, it includes:

- a professional on-line survey of all 500 Erie County providers was conducted by Cornell University research team;
- focus groups by modality examined costs, challenges, and opportunities for improving child care in Erie County;
- geographic and economic data was analyzed to provide contextual understanding of the local child care industry and workforce;
- a Steering Committee of core partners is providing regular guidance for the project;
- an Advisory Committee is meeting monthly, providing expertise, experience, community input, and support.



ILR Buffalo Co-Lab



Living Well
Erie

Industry Overview

As of December 2021, the New York State (NYS) Office of Child and Family Services (OCFS) recognizes 499 licensed child care providers in Erie County.

- **216 (43.3%) Day Care Centers (DCC)**
- **123 (24.6%) Group Family Day Cares (GFDC)**
- **95 (19.0%) School-Age Child Centers (SACC)**
- **65 (13.0%) Family Day Cares (FDC)**

According to 2020 annual data from the Bureau of Labor Statistics (BLS), which surveys firms and therefore excludes most at-home providers, roughly 3,121 employees work in “child day care establishments” (i.e., firms with a North American Industry Classification Code of 6244).

This total is highly consistent with the number of Erie County residents (3,337) who self-identified as non-self-employed “childcare workers” in the most recent U.S. Census American Community Survey (ACS). The slight discrepancy between the two totals is likely due to ACS data being collected prior to the COVID-19 pandemic (between 2015 and 2019), whereas BLS data collected during 2020 capture some of the job loss that occurred in the industry because of the pandemic.

As detailed in subsequent slides, both datasets are essential for characterizing the child care industry and workforce.

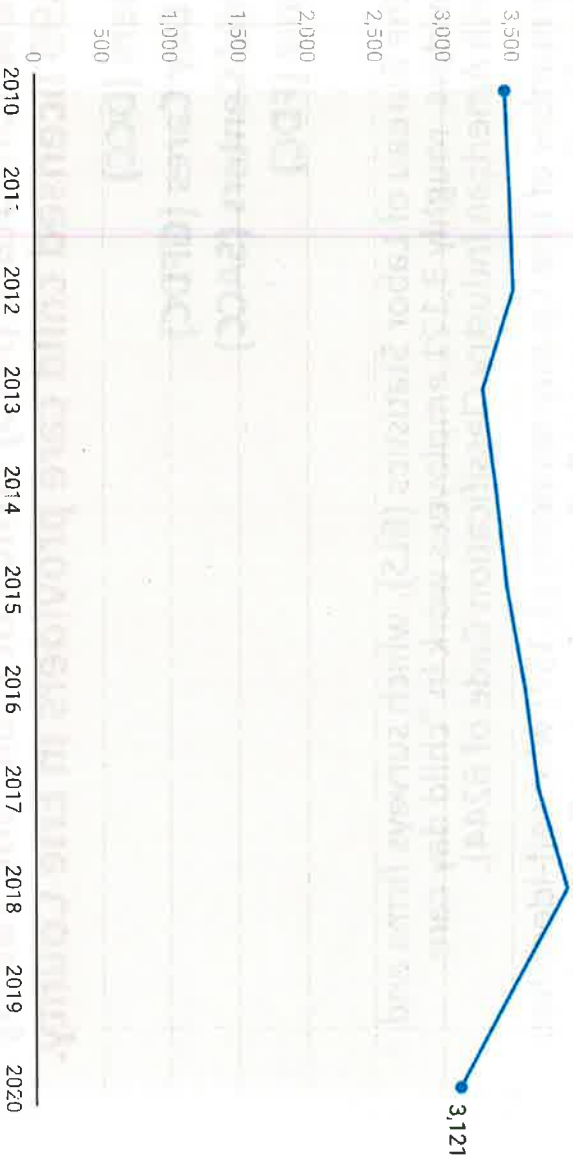
SUSPENSION

Industry Overview

BLS data show trends in the size and average wages of the non-self-employed child care workforce over time. **In Erie County, the number of jobs in child care grew for five consecutive years, from 2013-2018, before starting to fall in 2019.**

Thus, contraction in the industry began *before* the COVID-19 pandemic, though COVID presumably reinforced and exacerbated the initial drop. Indeed, the child care workforce shrunk by an additional 11% between 2019 and 2020. The current level of jobs (3,121) is the lowest value in the eleven-year period for which data are available.

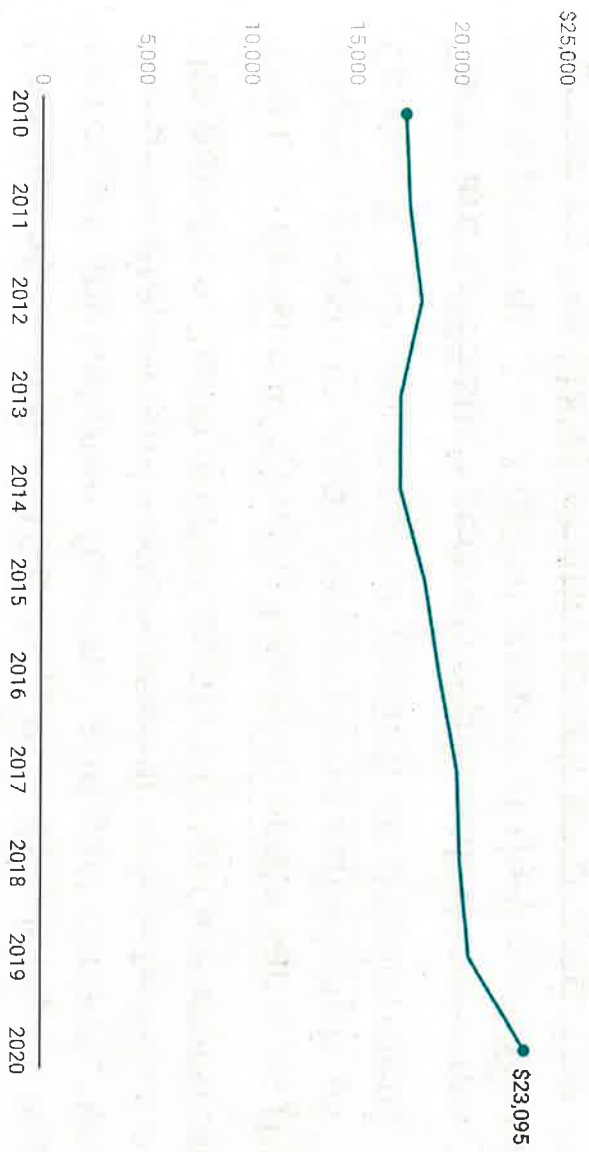
Annual Average Employment in Child Day Care Services Firms in Erie County, NY



BLS QCEW data exclude "proprietors, the unincorporated self-employed, unpaid family members, certain farm and domestic workers". For this project, these exclusions mean that most at-home providers are not included in the totals.
Chart: Russell Weaver, Cornell University • Source: U.S. Bureau of Labor Statistics Quarterly Census of Employment & Wages, Series ENU360291055244 • Created with Datalwrapper

Industry Overview

Annual Average Wages for Employees of Child Day Care Services Firms in Erie County, NY



BLS QCEW data exclude "proprietors, the unincorporated self-employed, unpaid family members, certain farm and domestic workers". For this project, these exclusions mean that most at-home providers are not included in the totals.
Chart: Russell Weaver, Cornell University - Source: U.S. Bureau of Labor Statistics Quarterly Census of Employment & Wages, Series ENU360295056244 - Created with Datawrapper

Unlike the number of workers at child day care services firms, which is currently falling, the average wage for child care workers is at an 11-year high point. However, there is more to this trend than meets the eye. In the first place, **the average wage is still quite low, at just over \$23,000 per year.**

Second, and perhaps more importantly, the relatively large jump in the average wage from 2019 to 2020 is misleading. Most data suggest that **jobs permanently lost to COVID-19 were low-wage jobs near the bottom of the pay scale.** Assuming this trend holds in the child care workforce, most child care jobs lost in 2019 and 2020 (see previous slide) were likely paying below industry averages. Removing those jobs from the equation will cause average wages to appear to increase, even if workers' paychecks have not risen in substantive ways.

Workforce Overview: Data Sources

SUSPENSION

One downside of the BLS data is that they lump all workers together – there is no distinguishing between full-time and part-time workers, nor is it possible to explore the demographic and socioeconomic characteristics of workers to better answer the question, “*who is Erie County’s child care workforce?*”

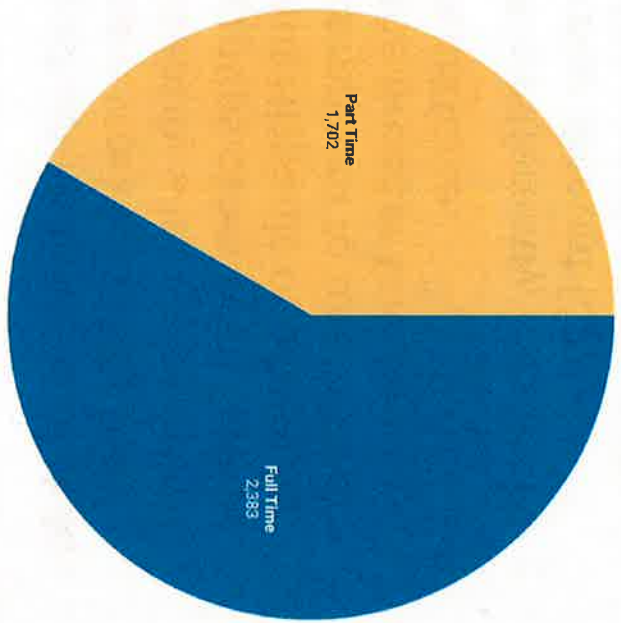
The U.S. Census ACS Public Use Microdata Samples (PUMS) dataset fills this gap. It allows analysts to study persons who self-identify as “Child Care Workers” to the Census Bureau when asked about their employment.

There are 4,085 such persons represented in the most recent PUMS dataset. Of those persons, 3,337 (82%) state that they work for employers, while the remaining 748 (18%) identify as self-employed. This latter group, which likely includes most FDC and GFDC providers, is not well-represented in the BLS data discussed above. Approximately 58% of child care workers report working at least 30 hours per week, which is taken to be “full-time work” for the purposes of this report.

Workforce Overview

Child Care Workers in Erie County, NY

By Hours Worked
■ Full Time
■ Part Time



Full Time: >= 30 hours/wk
 Part Time: < 30 hours/wk
 Chart: Russell Weaver, Cornell University - Source: Authors' Estimates from U.S. Census American Community Survey (ACS) 5-Year Public Use Microdata Sample (PUMS), 2015-19 - Created with Datawrapper

Child Care Workers in Erie County, NY

By employment type

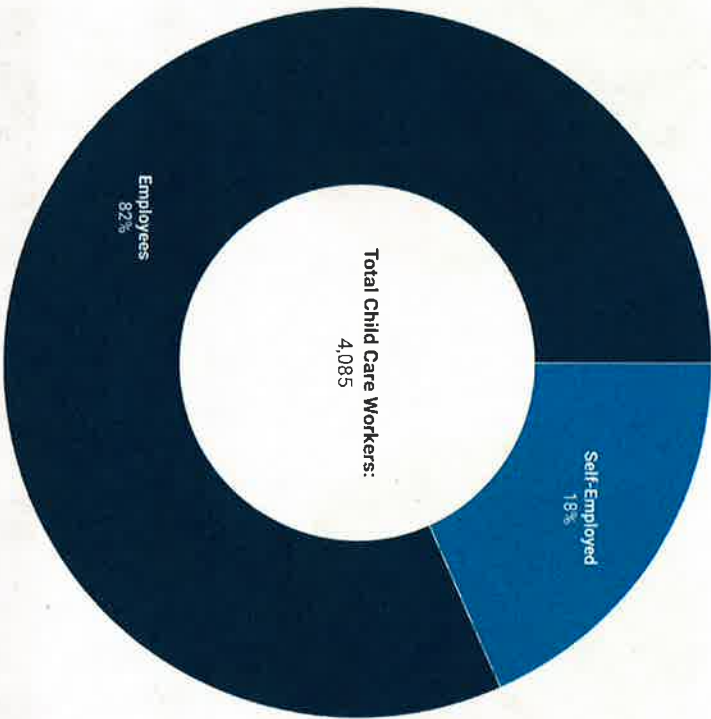


Chart: Russell Weaver, Cornell University - Source: Authors' Estimates from U.S. Census American Community Survey (ACS) 5-Year Public Use Microdata Samples (PUMS), 2015-19 - Created with Datawrapper

SUSPENSION

Workforce Overview

Just over one-third of child care workers (35%) self-identify with racial-ethnic groups other than “white, not Hispanic or Latino/a”, compared to one-fifth of the broader Erie County workforce.

Put differently, persons of color account for a disproportionately high share of the County’s child care workforce.

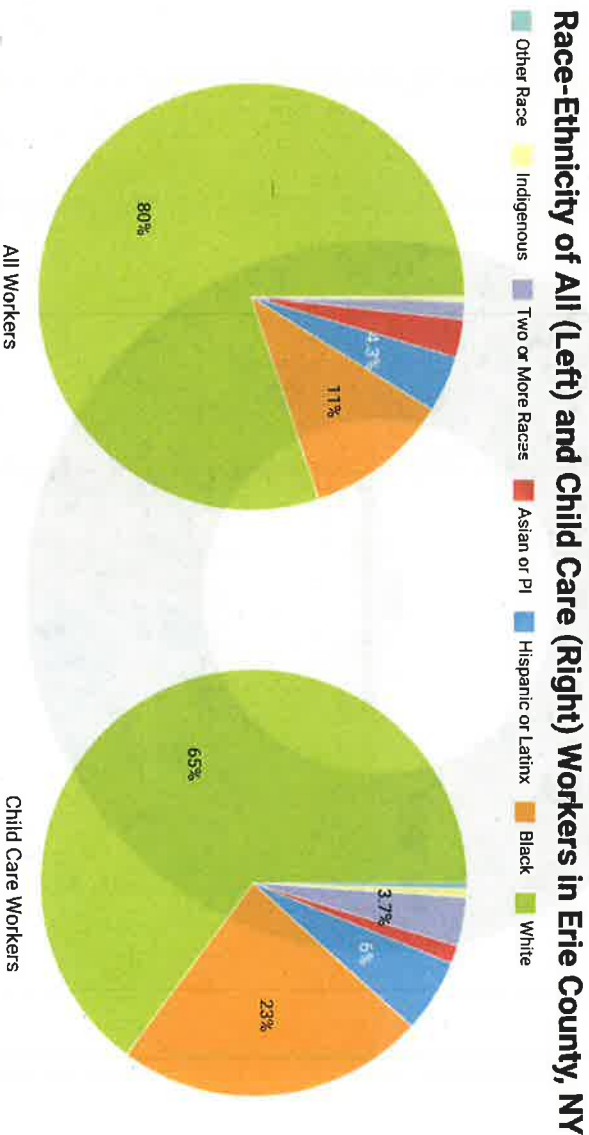


Chart: Russell Weaver, Cornell University - Source: Authors' Estimates from U.S. Census American Community Survey (ACS) 5-Year Public Use Microdata Samples (PUMS), 2015-19 - Created with Datawrapper

Workforce Overview

Workforce Overview

Similarly, child care workers in Erie County are predominantly women. Whereas the County's overall labor force is split relatively evenly between men and women, **nearly nine out of every ten child care workers identify as women.**

Combined with the preceding observation, it is reasonable to conclude that child care in Erie County is driven by women and persons of color. By extension, women of color play an especially outsized role in Western New York's care economy.

Gender of All (Left) and Child Care (Right) Workers in Erie County, NY

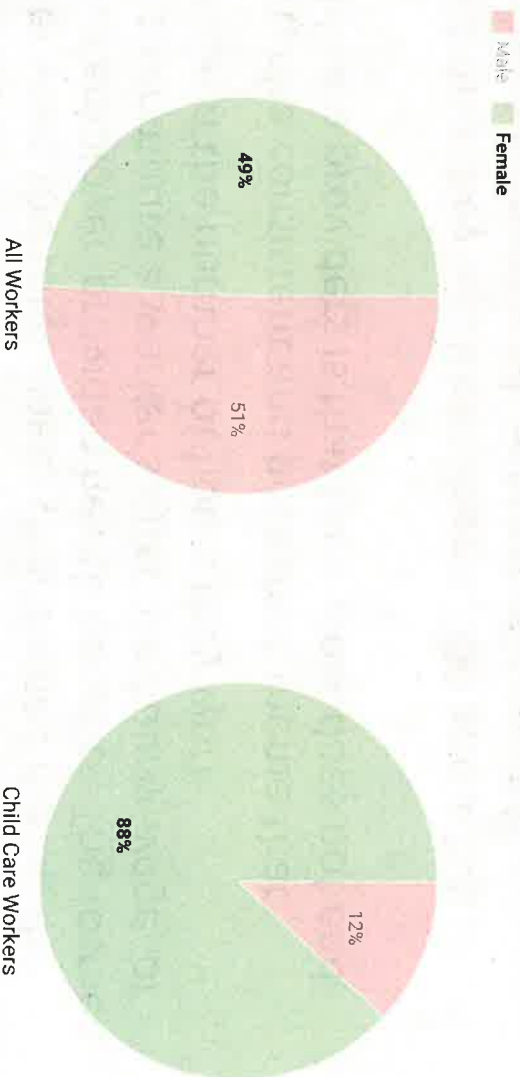


Chart: Russell Weaver, Cornell University • Source: Authors' Estimates from U.S. Census American Community Survey (ACS) 5-Year Public Use Microdata Samples (PUMS), 2015-19 • Created with Datawrapper

Workforce Overview

SUSPENSION

In addition to reporting their occupations and demographic characteristics, respondents to the ACS self-report the usual number of hours they work per week, the number of weeks they work per year, the total wages they earned during the past year, and whether they receive employer-provided health benefits. The former three of these values can be used to compute a worker's *effective hourly wage*, or the amount they receive per hour given the number of hours they work.

As expanded on later in this report, one consistent and persistent theme that emerged in focus groups with child care providers is that their work does not end when children leave for the day.

Indeed, **providers generally agreed that they work between 1,000 and 1,200 hours per year for which they are not compensated.** For that reason, many providers report that **they effectively earn less than New York State minimum wage, let alone a living or thriving wage.** Self-reported ACS data support these claims.

Workforce Overview

According to the research team's analyses, the **median effective hourly wage of child care workers given their self-reported data is just \$10.38, or about \$21,590 per year for a year-round, 40-hour-per week job.** Thus, the hourly rate for performing essential care work in Erie County is less than the countywide minimum wage of \$12.50, and considerably less than the MIT-estimated "living wage" for a single adult (with no children) in the County, which is roughly \$15/hour.

Median Effective Hourly Wages in Erie County, NY



Effective hourly wages computed from self-reported data on usual hours worked, weeks worked, and earnings
Chart: Russell Weaver, Cornell University • Source: Authors' Estimates from U.S. Census American Community Survey (ACS)
5-Year Public Use Microdata Samples (PUMS), 2015-19 • Created with Datawrapper

2021 Living Wage for a
Single Adult: **\$14.59**

Source: <https://livingwage.mit.edu/counties/36029>

SUSPENSION

Workforce Overview

More generally, three-quarters of all child care workers report earning effective hourly wages below \$15, compared to just one-third of all workers in Erie County.

Effective Hourly Earnings for Child Care Workers in Erie County, NY



Effective hourly wages computed from self-reported data on usual hours worked, weeks worked, and earnings
Chart: Russell Weaver, Cornell University - Source: Authors' Estimates from U.S. Census American Community Survey (ACS) 5-Year Public Use Microdata Samples (PUMS), 2015-19 - Created with Datawrapper

If it were possible to immediately increase all sub-\$15/hour child care workers' hourly pay to \$15 and pay them for all the hours they work, the cost would be approximately \$27.8 million per year.

Still, even that investment would likely be insufficient to attract and retain quality workers. As multiple providers noted during focus groups, the child care workforce is increasingly losing employees to retail and fast-food establishments that have been raising wages during the COVID-19 pandemic (to \$16-\$17/hour) to cope with understaffing.

Workforce Overview

Compounding low wages and long work hours, self-reported ACS data show that child care workers are less likely to receive employer-provided health benefits than a typical member of the Erie County labor force.

More than half of child care workers lack employer health insurance, compared to one-quarter of the Countywide labor force.

Employer Health Coverage for Child Care Workers in Erie County, NY

Relative to All Workers



Chart: Russell Weaver, Cornell University • Source: Authors' Estimates from U.S. Census American Community Survey (ACS) 5-Year Public Use Microdata Samples (PUMS), 2015-19 • Created with Datawrapper

Industry and Workforce Overview

Taken together, BLS and ACS data point to at least four broad conclusions about child care work and workers in Erie County:

1. Employment in child care was decreasing prior to COVID-19, and the pandemic likely accelerated this trend.
2. Jobs vacated or lost in child care since 2018 were likely concentrated at low end of the pay scale, leading to the appearance of rising average wages.
3. However, wages and benefits in the industry remain critically low. Three-quarters of self-identified child care workers earn effective wages below \$15/hour, and fewer than half of workers report having employer-provided healthcare. Providers report losing workers to retail and fast-food establishments like McDonalds and Delta Sonic, where starting wages have increased to \$16-\$17/hour to attract employees.
4. Child care workers are disproportionately women and persons of color. As such, low wages and poor benefits in child care exacerbate existing, systemic patterns of economic inequality in society.

Provider Survey and Focus Groups

The secondary data summarized hereinbefore made it clear that child care work is underfunded in Erie County.

Workers, on balance, earn low wages and seem to lack essential job-related benefits like employer-provided health coverage. That the number of child care employees in the County has been falling is not coincidence. Upward pressure on wages in other traditionally low-paying industries (e.g., retail and food service) might be acting as a pull factor – *pulling* workers out of child care and into higher paying jobs; while financial strains on providers, made worse by the pandemic, are concurrently *pushing* workers out of the industry via temporary or permanent layoffs or business closures.

Given the critical role that (child)care work plays in society, allowing these dynamics to play out uninterrupted could have multiplying, and devastating, effects throughout society and the economy.

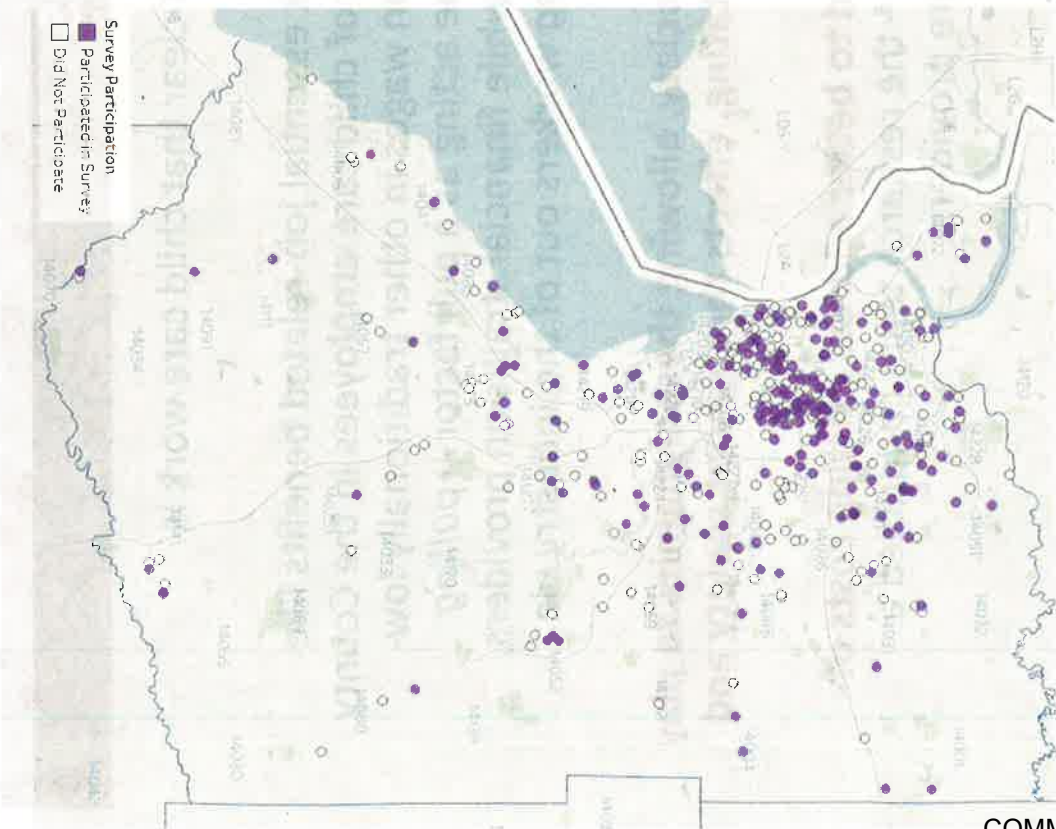
To get a sense for **how much funding might be needed to better address existing costs of care** – and, potentially, to enhance the quality of care – the research team conducted a survey and four focus groups with Erie County child care providers.

Survey: Sample

The on-line survey was sent to all 499 licensed providers registered with NYS OCFS. In total, the team obtained 234 valid responses.

Both the spatial distribution of respondents and the breakdown of responses by program type were well-matched to population totals. Moreover, the survey achieved better response rates than the NYS market survey (for County Cluster 2) in all program types.

Program Type	# in Sample	% of Sample	# in Population	% of Population	Response Rate
FDC and GFDC	92	39.3%	188	37.7%	48.9%
DCC and SACC	142	60.7%	311	62.3%	45.7%
Total	234	--	499	--	46.9%



Survey Results: DSS Subsidized Providers

Altogether, 70% of responding providers indicated that they accept and care for children who receive Erie County DSS subsidies.

Countywide, DCC and SACC programs were slightly more likely than FDC and GFDC programs to indicate that they accept children who receive subsidies.

However, children receiving subsidies make up a greater percentage of children served at FDC and GFDC facilities compared to DCC and SACC programs – the median share of DSS-subsidized children is 33% at family and group family facilities, but only 13% at day care centers and in school-aged programs.

Erie County Child Care Providers by Program Type and Care for Children who Receive DSS Subsidies

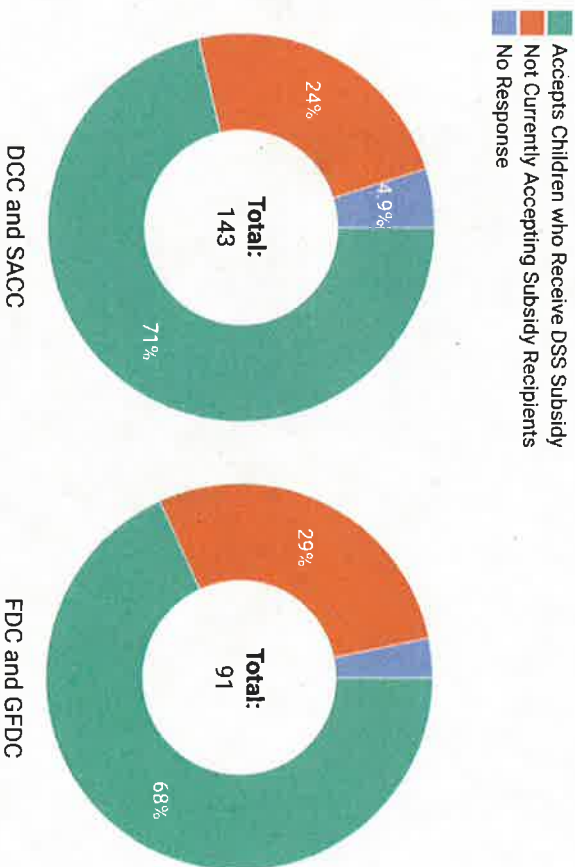


Chart: Russell Weaver • Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

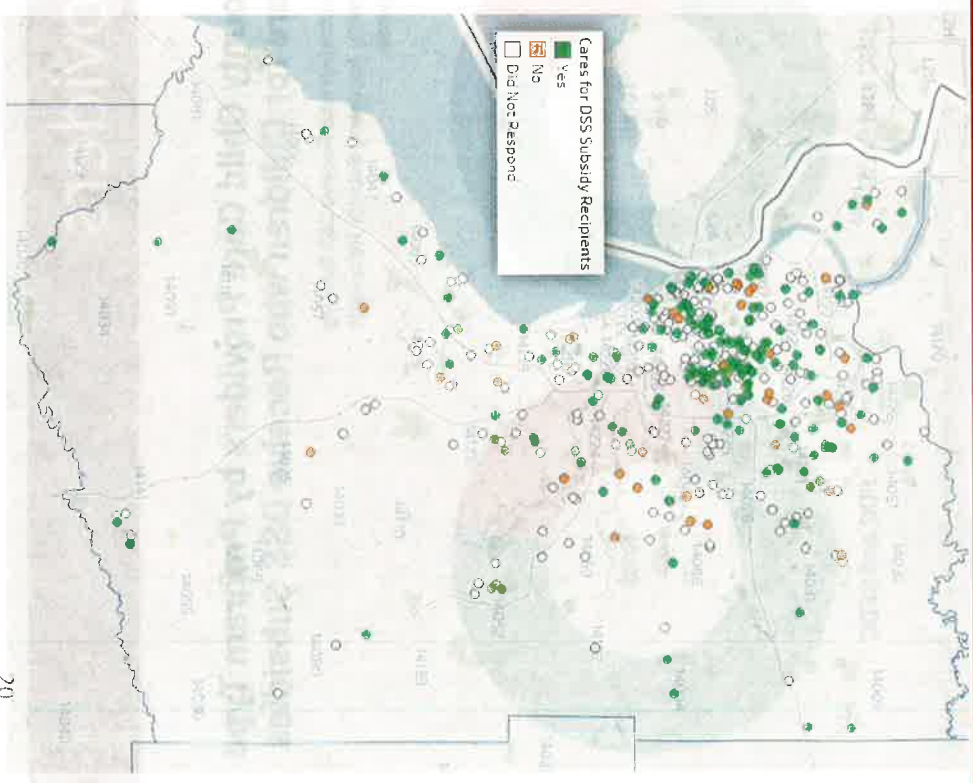
Survey Results: DSS Subsidized Providers

SUSPENSION

Reflecting the geography of poverty, DSS-subsidized providers are located disproportionately in the City of Buffalo.

Compared to the 63% of respondents outside of the City who reported that they accept children receiving subsidies, nearly eight in ten Buffalo-based providers (78.5%) care for children who receive subsidies.

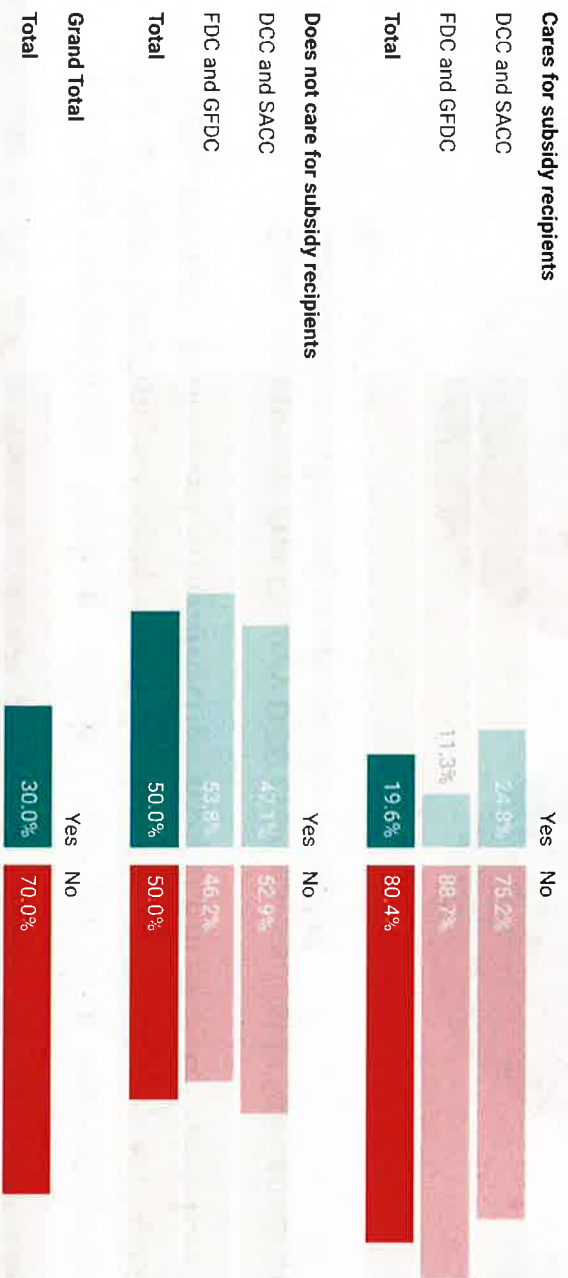
Stated another way, Buffalo-based providers account for fewer than half (45.7%) of survey respondents but are the majority (51.2%) of respondents who accept DSS subsidies.



Survey Results: Quality Care

Seven out of every ten survey respondents indicated that they currently do not make enough money to offer the level and quality of services they wish to provide. However, the situation is much more severe for

Is your child care business making enough money to provide the services you would like to provide?



Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

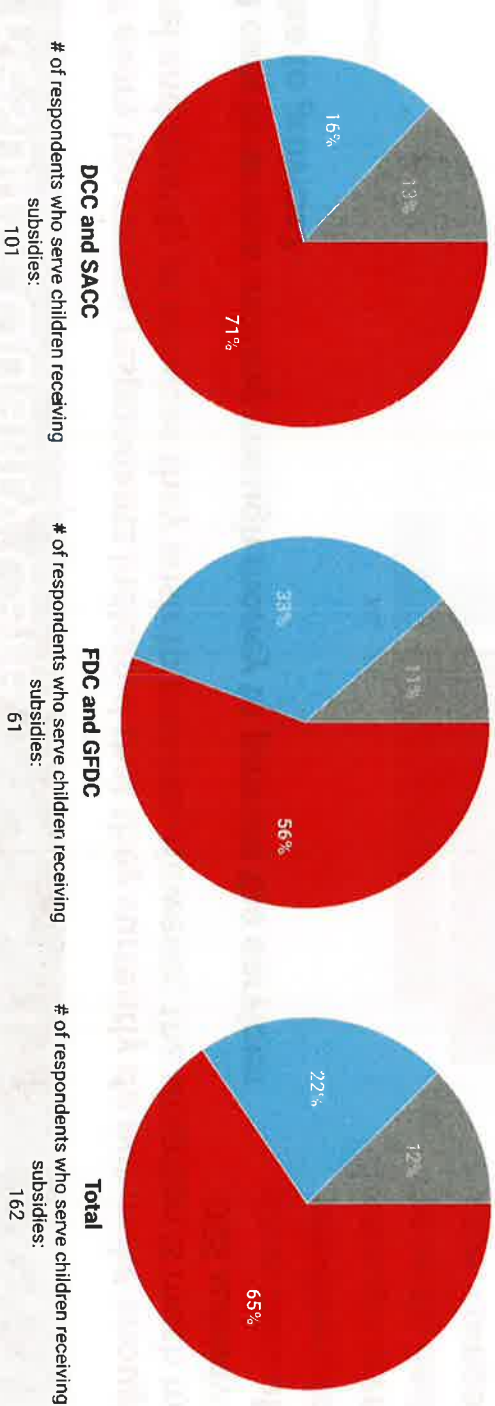
DSS subsidy recipients. **Over 80% of subsidized providers do not generate enough revenue to provide desired levels of care, compared to just 50% of their counterparts who rely more heavily on other funding sources (especially parent private pay).** The implication is that the facilities serving more financially disempowered children are themselves more financially disempowered.

Survey Results: Quality Care

Echoing the previous finding, roughly two-thirds of respondents who accept DSS subsidies agree **that existing subsidy rates do not cover their current costs of care** – suggesting that the rates are well below an amount that would allow providers to offer their *desired* levels of care.

Does the current Erie County DSS child care subsidy fully cover your costs of providing care for the child(ren) receiving the subsidy?

■ No
 ■ Yes
 ■ Not Sure

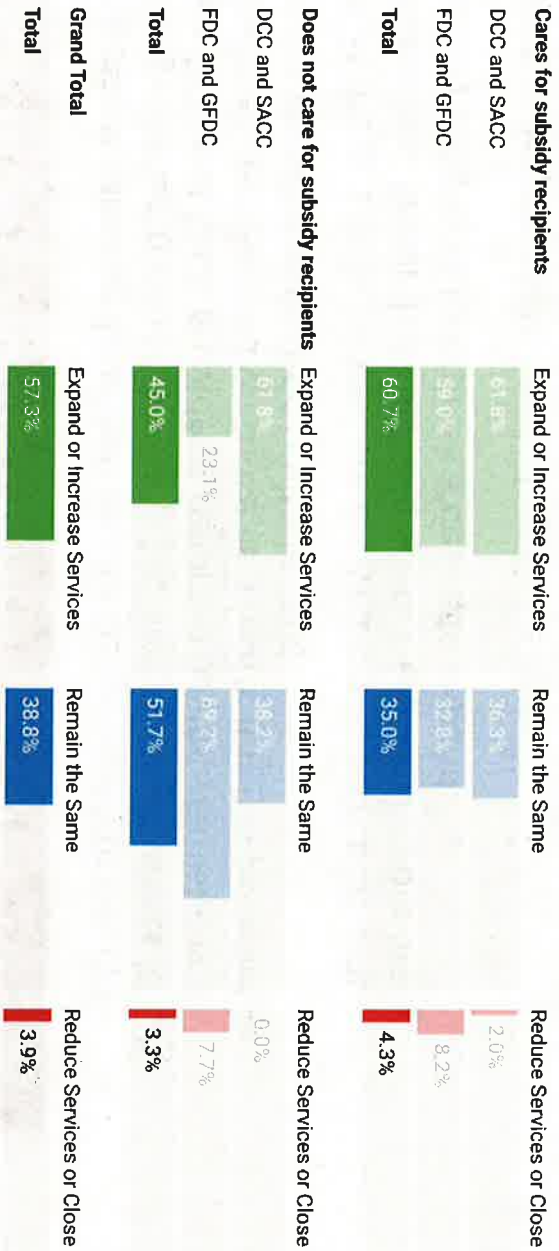


Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

Survey Results: Capacity and Demand

One potential consequence of insufficient DSS subsidy rates is unrealized capacity. Whereas most providers (51.7%) who do not accept DSS subsidies wish to continue operating at their current scales over the next two years, more than three-fifths (60.7%) of subsidy recipients expressed a desire to expand or increase the services they currently offer.

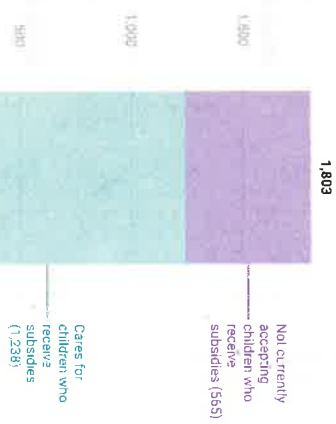
What are your goals for your child care business in the next two years?



Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

Survey Results: Capacity and Demand

If you have a waitlist, how many children are on it currently?



Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) - Clicked with Datavizapp

Unlocking the latent capacity described on the last slide might help to address existing mismatch issues. Namely, 101 survey respondents (81.2% of which were DCC and SACC providers) reported having waitlists, with 1,803 total children represented on those lists (note: it is not possible to know how many children appear on multiple lists).

Roughly 69% of those 1,803 children are on waitlists at providers who accept DSS subsidies. Recall that such providers were much more likely than non-subsidy recipients to express a desire to expand.

That being said, most providers – including those with waitlists – are currently caring for fewer children than the number for which they are licensed. DCC and SACC providers who do not accept DSS subsidies have the highest median number of seemingly unused slots, at 13. However, focus groups revealed that at least some of this “excess capacity” is likely to be temporary, as providers are holding slots for families whose schedules and employment have been affected by the COVID-19 pandemic.

Median Number of Unused Slots* for Erie County Child Care Providers, by Provider Type and Subsidy Acceptance

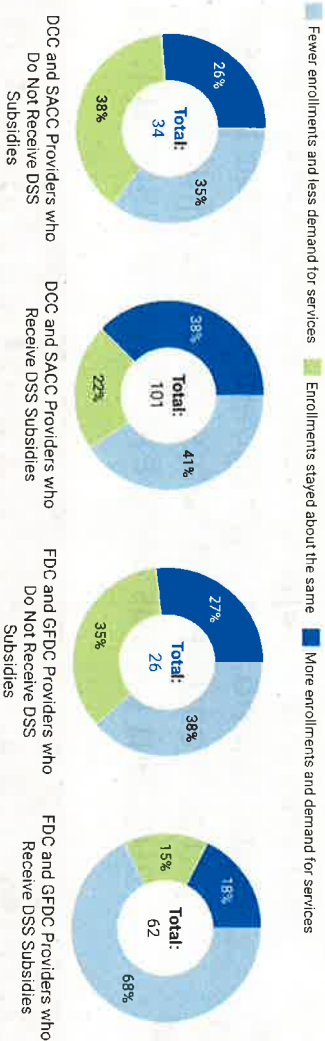
Program Type	Accepts Children Receiving DSS Subsidies	Does Not Accept Children Receiving DSS Subsidies	Total
DCC and SACC	10	13	12
FDC and GFDC	3	2	3
Total	5	4	5

*The number of unused slots, or excess capacity, for a given provider is computed as the number of children the provider is licensed to care for minus the number of children the provider is currently serving.
Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) - Created with Datawrapper

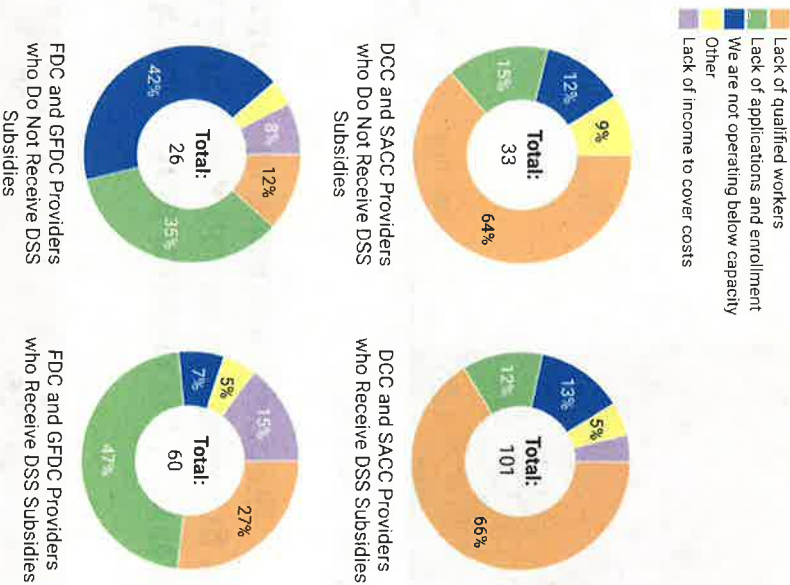
Survey Results: Capacity and Demand

The possibility of temporary excess capacity, especially for DCC and SACC providers who do not accept DSS-subsidized children, is also hinted at in provider responses to other survey questions. The plurality of non-DSS-subsidized DCC and SACC respondents reported that COVID has not affected their enrollments. However, **centers that are operating below capacity point to a lack of qualified workers as the main reason why**. For FDC and GFDC providers, the plurality of non-subsidized respondents are not operating below capacity. Those that are, though, cite insufficient applications and enrollment – which is the same barrier facing FDC and GFDC providers who accept DSS subsidies, and who have experienced lower enrollments during the pandemic.

Since COVID 19, how have your enrollments/demand for your services changed?



If you are operating below capacity, what is the primary reason?



Source: Cornell University Survey of Licensed Erie County Child-Care Providers (Nov-Dec 2021) • Created with Datawrapper

Source: Cornell University Survey of Licensed Erie County Child-Care Providers (Nov-Dec 2021) • Created with Datawrapper

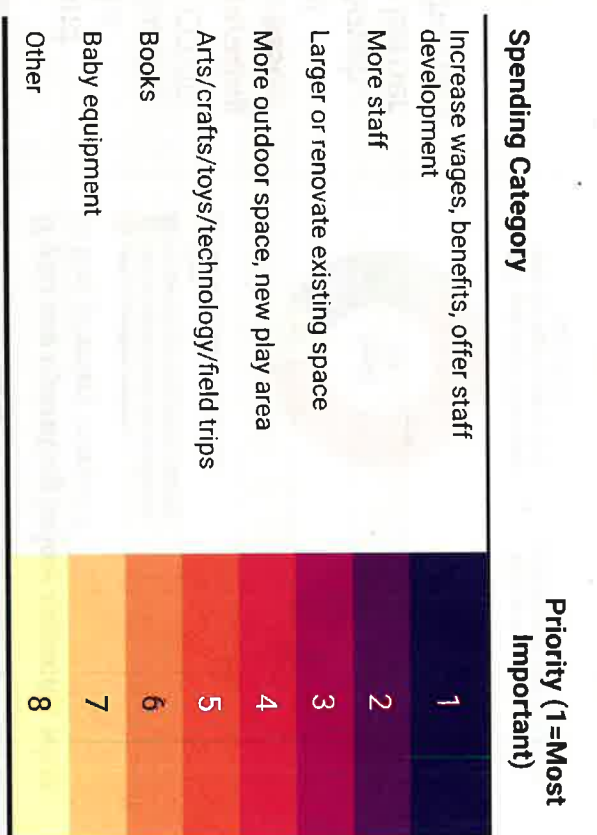
Survey Results: Goals and Priorities

To this point, survey data have shown that Erie County child care providers, on balance, are not making enough money to offer the quality and level of services they wish to offer – and that this tendency is especially true for providers who accept children on DSS subsidies.

On that backdrop, an important question is: into which areas would providers prioritize investment if they had sufficient funding?

Despite the difference between subsidy-accepting and non-subsidy-accepting providers observed thus far, median rankings of both groups of respondents were identical when asked to prioritize eight categories of investments. **Higher salaries and better benefits for current staff, additional staff, and capital improvements top the list.**

Please rank from most important (1) to least important (8) the categories of spending you would prioritize with additional funding



Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

Survey Results: Staffing and Wages

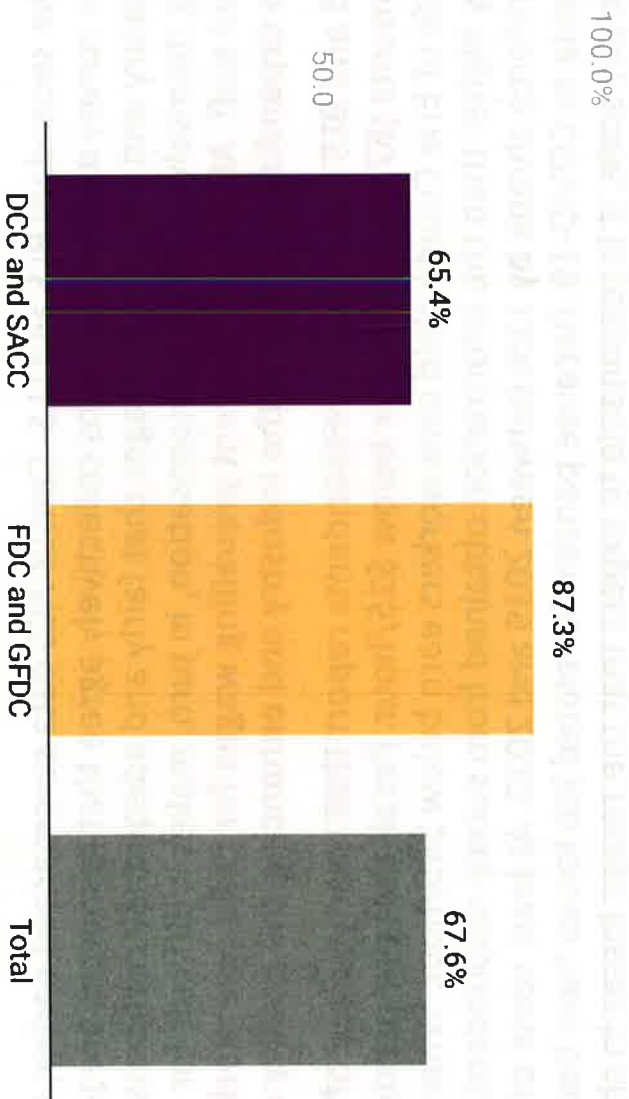
Consistent with the secondary BLS and U.S. Census ACS data summarized earlier, the providers who participated in the survey and focus groups collectively agree that resources are too scarce in their industry to offer salary and benefits packages that fairly and adequately compensate child care workers (including themselves). Poor compensation, in turn, makes it difficult for providers to attract and retain qualified staff. **At bottom, current prevailing wages for child care work in Erie County are a major barrier to expanding the size of the industry and enhancing the quality of care.**

Mirroring the ACS and BLS data, survey respondents report that nearly seven of every ten workers at their establishments (67.6%) earn at or below \$15/hour. Recall that pre-pandemic ACS data suggested that 75% of Erie County child care workers earn below \$15/hour. Whereas the ACS estimate is slightly higher than the information obtained from survey respondents, keep in mind that the child care workforce shrank by 11% between 2019 and 2020. At least some of that contraction is probably attributable to COVID-19. Because pandemic-related job losses have been concentrated at the low end of the pay scale, it is reasonable to expect that the recent losses in child care jobs in Erie County followed that pattern.

Accordingly, the slightly lower fraction of low-wage workers reported by survey respondents relative to ACS data is plausibly due, at least in part, to fewer sub-\$15/hour earners in the workforce now compared to when the ACS data were collected. That observation notwithstanding, the survey strongly buttresses the narrative that child care work in Erie County is low-wage work. **The plurality of employees at DCC and SACC facilities earn \$12.51-\$15/hour; while the majority of FDC and GFDC providers earn at or below the current Erie County minimum wage of \$12.50/hour.**

Survey Results: Staffing and Wages

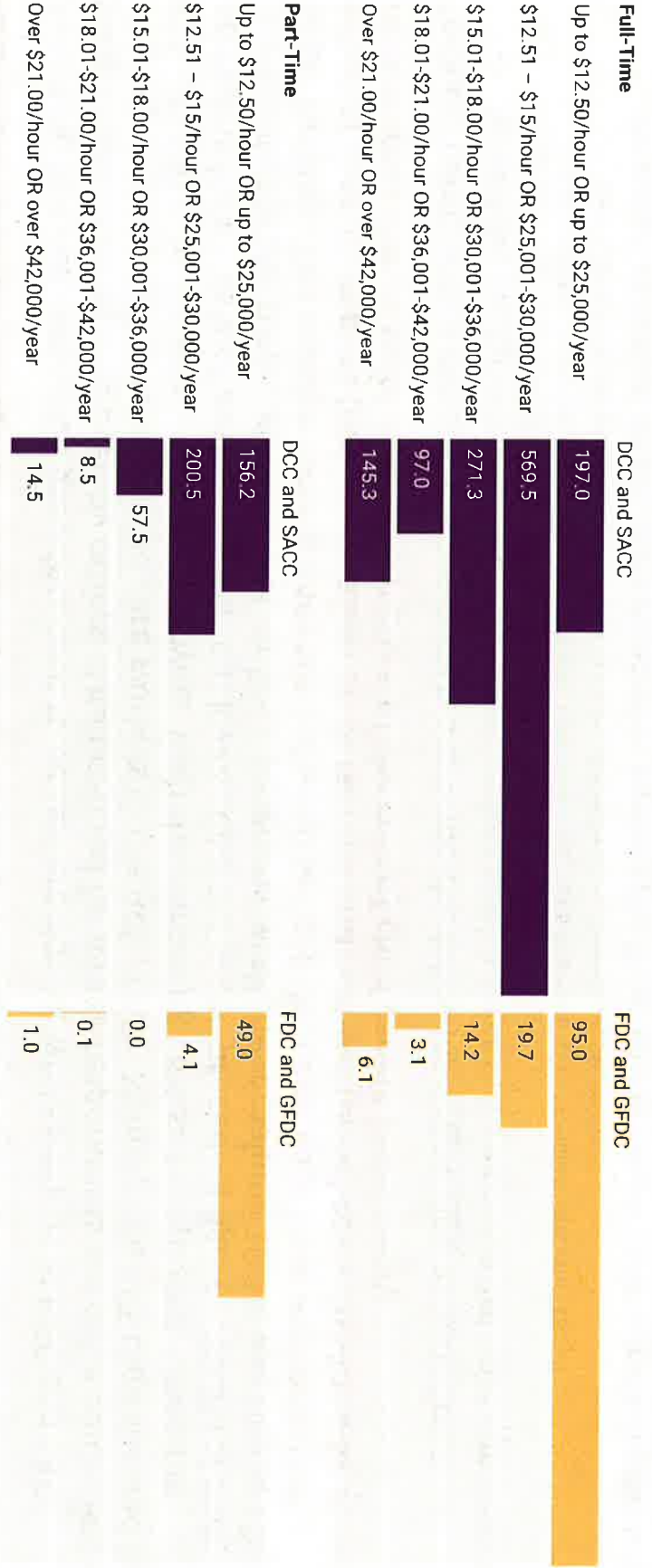
% of Erie County Child Care Workers who are Paid at or Below \$15/hour



Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

Survey Results: Staffing and Wages

How many employees working at your facility fall into each of the following pay ranges?



Full-time >= 30 or more hours per week; Part-time < 30 hours per week
Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

Survey Results: Costs of Care

Assuming that FDC and GFDC providers tend to be self-employed, while workers at DCC and SACC programs tend to be employed by others, data provided by survey respondents are quite consistent with data reported by self-identified child care workers in the ACS PUMS. Namely, the ACS data showed that 82% of child care workers work for employers, with the remaining 18% self-employed. Using the preceding logic – as well as the employment levels reported in the preceding figure – 89.9% of staff represented in the survey work for DCC or SACC programs, with the remaining 10.1% working at FDC and GFDC facilities. **The relative correspondence between sample data and data from authoritative external sources implies that information on personnel and non-personnel costs provided by survey respondents should paint a realistic picture of the cost of child care in Erie County.**

To begin painting that picture, the research team made the following simplifying assumptions:

- For each pay range on which data are available (see previous slide), full time staff members in that range earn wages at the midpoint. Part time staff members earn one-half of that midpoint
 - E.g., FT staff members in the >\$25,000 to \$30,000 range earn, on average, \$27,500 per year; their PT counterparts earn \$13,750
 - The <=\$25,000 range is bottom-coded at \$25,000 for FT; the >\$42,000 range is top-coded at \$50,000 for FT
- “Personnel” costs equal the sum of estimated salary expenses *plus* the estimated value of health benefits (respondents self-reported the number of employees receiving such benefits, if any, as well as the average monthly contribution per employee), retirement benefits, and paid leave
- “Non-personnel” costs equal total personnel costs divided by a provider’s self-reported share of personnel costs relative to total costs (respondents reported what percentage of their total costs are personnel costs)
- “Total” costs equal total personnel costs plus total non-personnel costs

Survey Results: Costs of Care

Average Values of Key Cost of Care Variables for Erie County Child Care Providers, by Program Type

Approximately half of respondents were unable to provide complete data on their personnel and non-personnel costs. About 20% of those respondents who did supply complete data came from facilities that do not receive DSS subsidies. Thus, the analyses and thought exercises that follow are based on only a subset of the survey sample (i.e., providers who receive DSS subsidies *and* who supplied usable cost data).

For that reason, cost estimates obtained from the self-reported survey data are later compared to – and shown to be compatible with – statewide cost estimates from the Center for American Progress (CAP). On that backdrop, the table to the right presents average values, by provider types, for key cost variables.

Provider Type	DCC and SACC	FDC and GFDC
Personnel Costs as a Percent of Total Costs	64.2%	45.8%
Staff Members	14	4
Estimated Wages and Benefits (Annual)	\$383,751	\$85,183
Estimated Wages and Benefits per Staff Member	\$28,692	\$21,895
Estimated Non-Personnel Costs (Annual)	\$259,370	\$137,671
Estimated Total Costs (Annual)	\$643,121	\$222,855
Children Currently Serving	56	11

Limited to respondents who receive DSS subsidies and provided complete cost data
Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

Survey Results: Costs of Care

Not surprisingly, FDC and GFDC facilities, on average, have smaller staffs and serve fewer children than DCC and SACC programs, and their workers appear to earn lower average wages.

Importantly, though, family providers report that non-personnel costs constitute a significantly higher share of their total costs (on average). This finding fits with anecdotal evidence obtained in two focus groups that were held with FDC and GFDC providers. The providers, who all operated out of their homes, stressed that they are essentially always “on duty” – cleaning, making repairs, shopping for supplies while running household errands – because they spend most of their time at, and stewarding, their home-workplaces.

Focus group participants uniformly agreed that they work 1,000 to 1,200 hours per year that go uncompensated, and that they are never able to fully “write off” their true expenses on their tax returns because their work-related expenses are so intermixed with their household expenses.

When asked about their greatest costs, one provider responded: **“My biggest cost is what I’m not getting by doing this job.”** Economists refer to this concept – what one could earn if they used their time and resources for some other purpose – as an *opportunity cost*. It was clear during the focus groups that FDC and GFDC providers are fully aware of their opportunity costs – suggesting that their tendency to report higher relative non-personnel costs than DCC and SACC providers might reflect an inherent accounting for these [non-monetary] costs in their survey responses.

Survey Results: Costs of Care

While at-home providers were open with the research team about their non-personnel and opportunity costs during focus groups, and while such information appears to explain the relatively high levels of non-personnel costs reported by FDC and GFDC survey respondents compared to DCC/SACC respondents, **the NYS Market Survey used to establish DSS subsidy rates is based on the rates that providers charge parents and guardians.**

One consistent theme to emerge in all four focus groups conducted by the Cornell researchers – but especially in the two that featured at-home providers – is that **providers feel that they are unable to raise rates to desired levels because they will lose clients to lower cost alternatives.** As an extreme (though still hypothetical) example, there is a near-universal fear among providers that federal funding for universal Pre-K will see most families with Pre-K-aged children opt out of the existing provider landscape in favor of public schools.

These observations about the ways in which **market pressures push providers to charge below-true-cost rates imply that the existing, market-price-based DSS subsidy rate schedule does not reflect true costs of child care.** Put another way, as 65% of survey respondents who care for DSS-subsidized children observed (see above), current subsidy levels are too low.

Survey Results: Costs of Care

The current NYS subsidy schedule for Erie County is shown below. Each value represents the weekly subsidy payment that a provider would receive if a student in the given age group were to attend the provider's facility on a full-time basis for an entire week.

Current NYS Child Care Market Subsidy Rates for Erie County

Values are expressed as weekly rates per subsidized child

Provider Type	DCC and SACC	FDC and GFDC
Infant	\$280	\$190
Toddler	\$264	\$185
Pre-K	\$245	\$180
School-Aged	\$215	\$175

Source: NYS Childcare Market Rate Survey 2019 and Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

Survey Results: Costs of Care

As intimated above, **providers receive subsidies based on attendance, not enrollment.** For example, if a DCC cares for one infant whose tuition is subsidized by DSS, then the provider is paid the full rate of \$280 per week for that infant only if the infant attends the facility full-time for the whole week. If the infant is ill or otherwise unable to attend the facility for, say, three days during a specific week, then the provider will only receive the *daily* subsidy rate (\$59/day) for the two days that the child was in the provider's care. Thus, even though the provider's costs remain the same – staff, utilities, supplies, etc. – they are subsidized by only \$118 (2 days x \$59/day) rather than the weekly \$280 rate they would normally receive.

The takeaway is that **providers essentially never receive the full value of the subsidy for any given child over the course of a year** – a point that was made and reinforced with strong emphasis by all subsidy-accepting providers during the four focus groups. For the purposes of this report, the implication is that applying the full weekly subsidy rates to the number of children receiving DSS subsidies (if any) that each provider self-reported in the survey will *meaningfully overstate* the amount of subsidy that a provider actually receives. Herein, the research team therefore adopts a conservative assumption that a provider receives, on average, 75% of the full subsidy value for each subsidized child in their care. Based on focus group conversations, even this assumption is likely to overstate a provider's actual amount of subsidy received. However, absent more exact figures, the 75% assumption allows for a useful starting point.

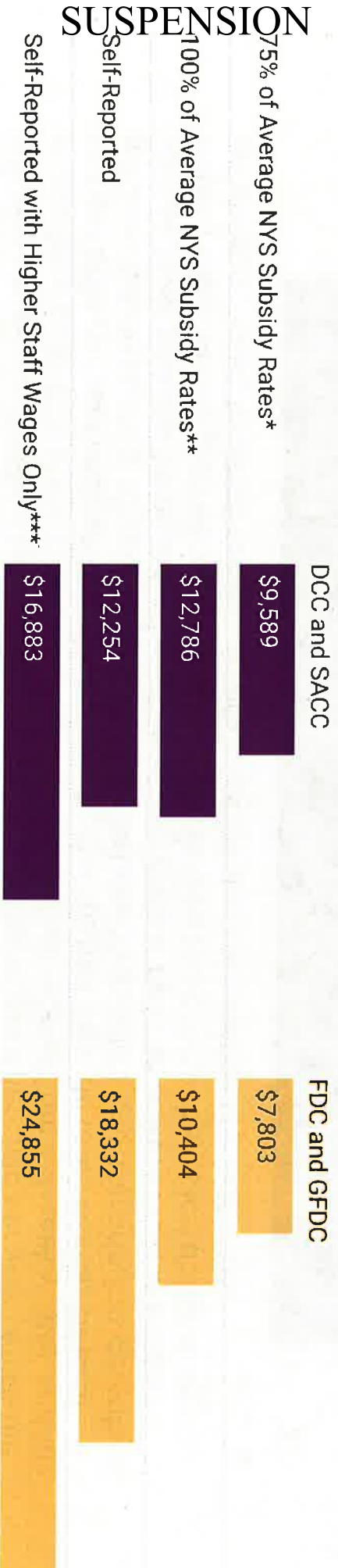
Survey Results: Costs of Care

To begin, the chart that follows shows the average cost per child of child care for four scenarios:

1. Scenario 1 applies current weekly NYS subsidy rates to the number of subsidized children self-reported by providers, adjusting for the ages of children served by the providers. It then multiplies that total by 75% and divides by the number of children receiving subsidies.
2. Scenario 2 assumes that providers receive full weekly rates for all subsidized children in their care. In other words, all subsidized children are assumed to attend full-time on a year-round basis.
3. Scenario 3 sums self-reported personnel and non-personnel costs and divides by the number of children currently in a provider's care. Because respondents were asked for the total number of children in their care – and not the number of full-time children – costs per child will appear artificially low for providers who care for relatively many part time children (i.e., the denominator in the ratio of total cost to number of children served will be higher).
4. Scenario 4 begins with the self-reported costs from Scenario 2 and adds the cost of increasing the wages of all staff members, while holding all other costs (benefits and non-personnel costs) constant. The following wage increases were applied:
 - a. Hourly wages for full-time (FT) staff were set to \$25/hour, which is roughly what federal minimum wage would be if minimum wage continued to track with productivity as it had up until the 1960s. Hours for all FT staff were set to 40.
 - b. Hourly wages for part-time (PT) staff were set to \$20/hour, which is the midpoint between the roughly \$15/hour "living wage" for a single adult without children in Erie County and the \$25/hour rate described above. Hours for all PT staff were set to 20.

Survey Results: Costs of Care

Approximate Annual Cost Per Child of Child Care, Under Selected Scenarios



*Based on self-reported classroom sizes and total number of DSS-subsidized children.

**Assumes that all DSS-subsidized children attend full-time, year-round, and providers receive full weekly rates for all subsidized children.

***Higher Staff Wages are set at \$25/hr for FT workers and \$20/hr PT. FT and PT were set at 2,080 and 1,040 hours per year, respectively.

Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021) • Created with Datawrapper

Survey Results: Costs of Care

The previous graph reaffirms that, regardless of the scenario, NYS subsidy rates fall short of covering the costs of child care in Erie County. To better understand the typical “gap” between subsidy rates and costs of care, the research team, for each provider who supplied usable data, computed the difference between the provider’s estimated annual subsidy received per child per year (which the researchers set at 75% of the subsidy if all subsidized children received the full weekly rate), and the cost per child per year implicated in the provider’s self-reported data. (In other words, for each provider, the researchers computed the difference between Scenario 1 and Scenario 3 as described above.) These provider-by-provider “gaps” were then divided by 52 to express them in weekly terms. Finally, weekly gaps were averaged by provider type to estimate the typical dollar amounts, per child per week, by which current subsidy rates fall short of covering provider costs.

Provider Type	Typical Weekly Gap per Child	Approximate Gap Per Child Per Month	Approximate Gap Per Child Per Year
DCC and SACC	\$53	\$230	\$2,756
FDC and GFDC	\$107	\$464	\$5,564

Survey Results: Costs of Care

The data suggest that, on average, raising weekly subsidy rates by \$50-\$55 per child for DCC and SACC providers and \$105-\$110 per child for FDC and GFDC providers will begin to close many of the gaps between current subsidy levels and providers' costs of care. However, recall that most providers who accept DSS-subsidized children (61%) indicated that they hope to expand – and more than 80% of such providers stated that their current financial constraints are preventing them from providing the quality of services and/or the quality working environment for their employees that they wish to offer. Accordingly, it is useful to think about gaps not just between existing subsidy rates and costs of care for current services, but also between subsidy rates and the costs of raising quality in the industry (both of care and for child care workers).

Scenario 4 describes a first step for raising quality in the child care industry: raising workers' wages (while holding all else constant). In general, fairer compensation is tied to worker happiness and productivity, and higher wages are associated with lower worker turnover. Providers recognize these relationships. Attracting and retaining quality staff was cited by providers as a major barrier to fulfilling their ambitions; and paying staff fairer wages was, on balance, the highest priority of survey respondents. Scenario 4 is a modest, conservative, proposal that simulates provider costs if **full-time (FT) workers were paid \$25/hour for 40 hours/week of work and part-time (PT) employees were paid \$20/hour for 20 hours/week.** According to the most recent BLS Employer Cost for Employee Compensation survey (for June 2021), the national average wage in the Educational and Health Services industry is \$28.26/hour for FT employees and \$22.76 for PT employees. In that respect, the wage rates used in Scenario 4 are slightly below the national industry-wide average. **The costs of Scenario 4 should therefore be considered a floor rather than a ceiling. Ideally, efforts to raise wages in child care should aim higher and include additional funding for employee benefits.**

Survey Results: Costs of Care – Higher Wages

Following the strategy used earlier to quantify the typical “gap” between subsidy rates and self-reported costs of care, the researchers computed differences between providers’ estimated subsidy per child per year (which, again, the researchers set at 75% of the subsidy if all subsidized children received the full weekly rate), and costs per child per year if providers’ self-reported data on costs were increased by the additional cost of raising their employees’ wages to \$25/hour for FT workers and \$20/hour for PT workers. As before, provider-by-provider “gaps” were then divided by 52 to express them in weekly terms, and weekly gaps were averaged by provider type to estimate the typical dollar amounts, per child per week, by which current subsidy rates fall short of covering costs in this “Higher Wages” scenario. **Implementing this scenario, which would allow most providers to begin addressing their #1 priority of raising staff wages, would require increases in weekly subsidy rates of around \$140 per child for DCC and SACC providers and \$240 per child for FDC and GFDC providers.**

Provider Type	Typical Weekly Gap per Child	Approximate Gap Per Child Per Month	Approximate Gap Per Child Per Year
DCC and SACC	\$141	\$611	\$7,332
FDC and GFDC	\$240	\$1,040	\$12,480

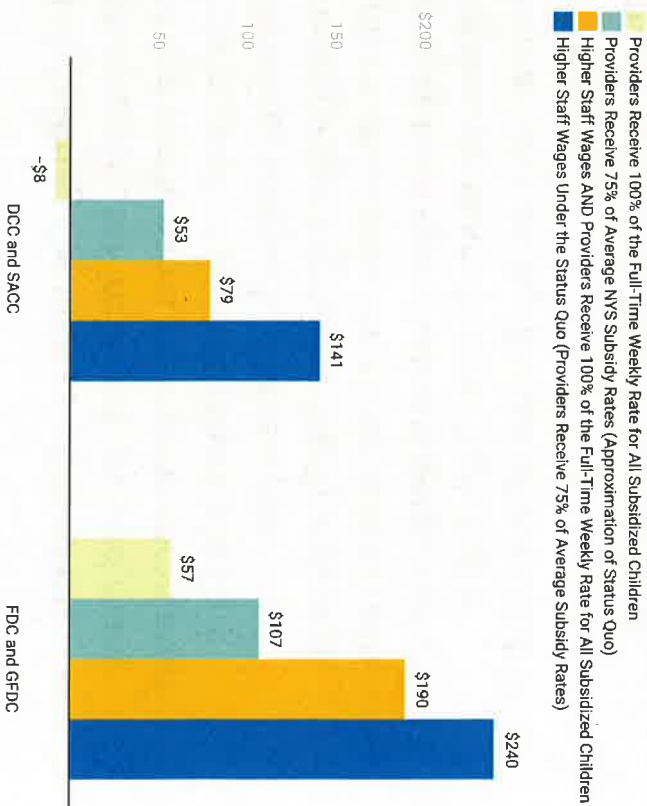
Survey Results: Costs of Care – Summary

Based on self-reported data, paying providers 100% of full-time weekly subsidy rates for all DSS-subsidized children might cover current costs of care per child for DSS and SACC providers, but not FDC and GFDC providers. However, recall that respondents from all program types largely agreed that existing rates do not cover the costs of their *desired* levels of care. And, under the current policy of paying subsidies based on attendance and not enrollment, providers almost never receive the full weekly subsidy rate for each subsidized child in their care. Thus, survey data suggest that raising weekly rates by around \$53 for DCC/SACC programs and \$107 for FDC/GFDC programs would (on average) better cover the costs of care under the status quo.

Next, providers to agree that the first step toward higher quality care is to raise wages in the workforce. In the fourth scenario, in which FT and PT workers are paid \$25 and \$20 per hour, respectively, the weekly subsidy rate would need to increase by around \$141 per child for DCC/SACC and \$240 per child for FDC/GFDC (on average). In something of a hybrid option, the third scenario shown in the figure presents the weekly per-child subsidy increase needed to raise staff wages *if providers receive the full subsidy rate for all subsidized children in their care*. Put another way, if providers receive the full weekly subsidy rate for all DSS-subsidized children enrolled at their facilities, year-round, regardless of attendance, then the weekly subsidy increase needed to pay higher wages would be around \$80 per child for DCC/SACC and \$190 per child for FDC/GFDC programs, on average.

The preceding numbers confirm what providers unanimously conveyed in four focus groups: the true cost of quality child care is steep – and it ought to be, given how essential child care is to all other economic activity. After all, as the pandemic is continuing to show, if parents and guardians are not confident that their children can be cared for in a safe, enriching, and yet affordable environment, then they might leave the workforce altogether in favor of at-home caregiving. The more that workers (predominantly women) assess and potentially make this trade-off, the lower the labor force participation rate – and the more likely it becomes that employers in other sectors raise concerns of “labor shortages”. **Investing in quality child care is a critical investment into a better functioning, more equitable and democratic economy.**

Estimated Increases Needed in Weekly DSS Subsidy Rates Per Child Under Selected Scenarios in Erie County, NY



The third scenario is a compromise that shows the approximate gap between the cost of care when staff wages are raised to \$25/hr FT and \$20/hr PT when providers receive the full-time weekly subsidy rate, year-round, for all DSS-subsidized children enrolled at their facilities, regardless of attendance.

Source: Cornell University Survey of Licensed Erie County Child Care Providers (Nov-Dec 2021). Created with Datawrapper

Focus Groups

SUSPENSION



In November and December, the Cornell research team conducted four focus groups, composed of eight to twelve providers each, across the four child care modalities: Family Day Care, Group Family Day Care, Day Care Center, and School Age Child Care.

The Steering Committee assisted with recruitment for focus groups, and many of the participants previously completed costing workshops with the Child Care Resource Network. These in-depth conversations provided highly valuable information about the true cost of high quality child care, focusing particularly on non-personnel costs. They put a human face on the picture of our child care crisis.

The concerns of providers in the focus groups mirrored findings of the survey. Following are highlights of cost factors, especially those less obvious, more inequitable, or unreimbursed.

Focus Groups: Unpaid Working Time



Group and Family Day Care providers report **working on average 25 hours a week uncompensated**. They receive no compensation for time spent performing many necessary tasks which cannot be performed while the children are at their homes such as shopping for food and supplies, cleaning, yard work, snow removal, maintenance work, food preparation, curriculum preparation, and administrative and book-keeping work.

Often family members help perform such non child care work, and they are not compensated for their time.

The pandemic exacerbated challenges in the already broken child care system. COVID resulted in absences and loss of income while expanding regulations, increasing costs of cleaning, and producing inflation and other market disruptors.

Focus Groups: Attendance vs. Enrollment

The County pays a child care subsidy to children based on attendance versus enrollment in the program, and providers must wait eight (8) weeks for payment.

While providers who enroll non-subsidy children charge families based on enrollment and NOT attendance, providing a predictable source of income.

Virtually every provider who accepts subsidy children states that **payment based on attendance is not a sustainable model** since providers continue to pay fixed costs while not receiving income. This model has been particularly burdensome with children not showing up due to COVID quarantines and illness.



Focus Groups: Food Subsidy Insufficiency



The Federal **food subsidy is insufficient to pay for feeding children healthy fresh food**. Food purchases are retroactively reimbursed by attendance and not enrollment. This means providers have to buy enough food for every child enrolled in the program, but when attendance is low they are not reimbursed for the cost of the purchased food.

Inflationary food prices have worsened the problem. Child care providers spend additional, often unpaid time searching for discounted food to feed children within their budget.

The issue has become so severe that providers say they lose money by feeding children.

When one provider noted that she reaches into her own pocket to provide healthy meals, the other providers assured her that such inclinations would lead her to eventually go out of business.

Focus Groups: Compliance Costs

Providers report spending much of their time performing administrative functions such as record keeping to Erie County and OCFS, and they are often not paid for the time spent doing this work. Providers note antiquated and conflicting regulations require inordinate time, and time away from child care.

School aged child centers and day care centers often apply for grants to make up for the true cost of providing quality care, and the time for grant application and grant maintenance has become an additional cost of running a child care center.



Focus Groups: Capital Improvements



The unanimous consensus is that providers do not have sufficient funding for capital improvements. Many providers wish to fund expansion of their businesses by renovating current space or adding additional space in order to increase the number of children they care for.

Providers would like to have more outdoor space and more playground equipment for children. Many providers noted that they have not upgraded their outdoor equipment for *decades*.

Providers note that long term maintenance, renovation and expansion are the first items cut from programs in times of financial distress.

The child care industry's inability to meet daily short term expenses means that its long term physical infrastructure is crumbling.

Focus Groups: Insurance Costs

Insurance ranks as one of the most costly non-personnel expenses. Many providers are paying more than \$10,000 per year in liability insurance and other home owner or facility insurance, and they cannot pass that cost along to families.

High insurance costs are also a barrier to providing services to families. For example, some providers wish to provide transportation to families, but high insurance costs prevent them from offering this service.

Providers suggested that the County/State provide one stop shopping for child care insurance.



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Working Together

for equality, accessibility, affordability, and diversity,
in a sustainable high quality child care system
to match what our children deserve.

Next Steps

Utilize findings to support NYS subsidy increases.
Continue collaboration with public officials, providers, and
advocates for policy reforms and local innovation.
Complete phase two of the project with full report
in April 2022.

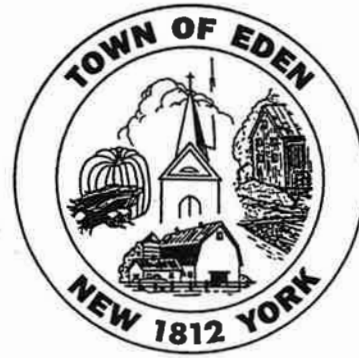


ILR Buffalo Co-Lab



LiveWell
ETIE

town of eden



Resolution No. 8-2021

STATE OF NEW YORK :
 COUNTY OF ERIE : ss:
 TOWN OF EDEN :

I, Emily Hawkins, Town Clerk of the Town of Eden, Erie County, New York do hereby certify that a Regular Meeting of the Town Board of the aforesaid town, held on the 29th day of December, 2021, virtually, the following resolution was adopted,

Resolution Opposing Erie County and New York State’s COVID-19 Emergency Response

WHEREAS, the Town Board of the Town of Eden, New York (the Town Board) recognizes that the Covid-19 Pandemic virus has become a widespread global endemic disease that will likely never be eradicated due to its mutations and that managing it by declaring a State of Emergency and declaring mandates every time a new variant and/or spike in cases arises must not continue, due to negative impacts on mental and societal health, residents’ rights and freedoms, and negative impacts on businesses and schools ability to cope with and manage through what will likely be regular occurrences in the coming months and years; and

WHEREAS, the Town Board recognizes that this virus will continue to be part of our everyday life and must no longer be used to infringe on individual and business owner rights and freedoms as a result of declaring a State of Emergency, vaccine mandates, mask mandates and lockdowns; and

WHEREAS, the Town Board recognizes that actions associated with vaccine mandates in the healthcare field has resulted in decreased capacity, due to job terminations, and severely limits the ability to hire and fill positions due to unvaccinated hiring restrictions, increasing, rather than mitigating, the virus’s risk to our community; and

WHEREAS, the Town Board recognizes that a long-term management plan is required to manage the Covid-19 virus and that Erie County and New York State should be proactively addressing hospital capacity issues that impact the health and well-being of our residents instead of suspending certain procedures; and

WHEREAS, the Town Board questions why Erie County is one of the only counties in NY that renewed, every thirty days, the Covid-19 State of Emergency since March 15, 2020. It is our belief that further extensions are not justified; and

WHEREAS, the Town Board supports proposed legislation in the New York State Senate that would require approval by Town, Village and City Governing Boards any County Executive’s or County Health Board’s extension of a State of Emergency beyond 30 days within their Town, Village or City; and

WHEREAS, the Town Board recognizes that the Covid-19 virus has become a long-term widespread global endemic disease and requests that our town residents, businesses and schools have the right to determine for themselves their unique requirements for mitigating risks and the Town Board respectfully requests that Erie County not enter the Town of Eden for the purpose of enforcement of their Covid mandates or associated restrictions; and

WHEREAS, the Town Board supports similar concerns from other town and village leaders, such as those serving in Newstead, Grand Island, Williamsville, Marilla and West Seneca, whom are also respectfully requesting Erie County refrain from entering their Towns for the purpose of enforcement of Covid Mandates and/or associated restrictions.

Now Therefore Be It RESOLVED, that the Town Board goes on record opposing any further Erie County vaccine mandates, mask mandates and other Covid-19 restrictions and the Town

Board opposes their associated enforcement by outside agencies within the Town of Eden.

And be it Further RESOLVED, that the Eden Town Clerk shall forward certified copies of this resolution to the Governor of the State of New York Kathy Hochul, Senator Patrick M. Gallivan, Assemblyman David DiPietro, County Executive Mark Poloncarz, the Clerk of the Erie County Legislature (for distribution), Legislator John J. Mill and others as deemed necessary and proper.

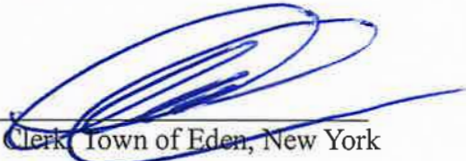
MOTION was made by Councilperson Sam to approve the Resolution as presented; seconded by Councilperson Ventry; Ayes: Sam, Ventry, Wilhelm, Byrnes; Opposed: Hartman; Abstain: None; Motion carried.

I do further certify that I have compared the foregoing with the original Minutes of the Town Board Meeting of the Town Board of the said Town held on the 29th day of December, 2021 and that the foregoing is a true and correct transcript from said original Minutes and the whole thereof, and that the resolutions duly adopted by the said Town Board are on file in my office.

I do further certify that the members of the Eden Town Board were as follows: Supervisor: Melissa Hartman; Councilperson: Richard Ventry; Councilperson: Susan Wilhelm; Councilperson: Michael Byrnes and Councilperson: Gary Sam.

IN WITNESS WHEREOF; I have hereunto set my hand and seal of the said Town of Eden, Erie County, New York, the 6th day of January, 2022.

Seal


Town Clerk Town of Eden, New York

SUSPENSION

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

Re: Authorization for the Purchase of 1 million COVID-19 rapid tests

WHEREAS, members of the minority caucus have called for a more robust testing program for county residents as early as September of 2021 in an effort to stem the predicted COVID surge related to a return to school and the Thanksgiving holiday; and

WHEREAS, members of this honorable body again called for the provision of more test kits and the use of more rapid tests leading into the Christmas and winter holiday season in the face of the Omicron variant, culminating with the introduction of Intro. 25-4 (2021); and

WHEREAS, in December of 2021 Intro. 25-4 (2021) called for the implementation of a countywide at-home testing program. At the time, the majority caucus sent the resolution to committee with no discussion. The majority caucus provided no committee discussion on the resolution, the version that was discharged and passed at Session on January 20th of 2022, five weeks after it was introduced, simply called for the state to send more test kits and authorized the Executive to purchase more as a compliment to the federal government's at-home testing program, which did not begin arriving until last week; and

WHEREAS, the Minority Caucus proposal, if approved as introduced, would have left the details of the administration of the program up to the County Executive. It called for him to purchase a "sufficient number" of test kits and required the Executive to set up 15 distribution centers across the county. The term "distribution center" was left to the County Executive to define but could have easily included current testing centers, specific pharmacies, publicly owned buildings, or empty parking lots with easy access; and

WHEREAS, our failure to appropriately act in advance of the Omicron variant and the winter holidays likely contributed to the differences in transmission rates, positivity rates, current hospitalizations and death rates in Erie County compared to surrounding counties who have adopted a more significant home testing program for their residents; and

WHEREAS, by the end of January, 2022, Erie County has received approximately 60,000 at-home test kits for distribution to residents. Unfortunately, this falls far short of the 1.5 million tests provided to residents of Monroe County by January 13th; and

WHEREAS, the results of neighboring counties and the experiences of counties across the nation have shown the provision of at home testing supplies is a significant weapon to combat the spread of COVID-19 in our communities. Erie County needs to adopt meaningful policy today that will help slow the spread of whatever variant our residents face next.

NOW, THEREFORE, BE IT

SUSPENSION

RESOLVED, that this honorable body hereby directs and authorizes Erie County Executive Mark C. Poloncarz to purchase 1 million COVID-19 rapid tests immediately, and create plans for a public distribution program; and, be it further

RESOLVED, that this honorable body authorizes the use of funds from Account 516044, Fund Center 12700, for this purchase; and, be it further

RESOLVED, that this honorable body further authorizes the Budget Director to make any transfers necessary to facilitate this specific purchase; and, be it further

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

Fiscal Impact: The cost will be contingent upon market prices for reliable COVID-19 test kits.



EC LEG JAN 28 '22 PM12:03

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 28, 2022

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

Re: Department of Social Services – Authorization to enter into Contract with Diona (US), Inc.

Dear Honorable Members:

The Department of Social Services is seeking authorization to enter into contract with Diona (US), Inc. for additional modification to the Mobile Adult Protective Preventive Services (MAPPS) system with funds received in the Grant to Enhance Adult Protective Services to Respond to COVID-19 administered by the Administration for Community Living (ACL).

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk

Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Authorization to enter into a Contract with Diona (US), Inc.
Date: January 28, 2022

SUMMARY

This proposed resolution authorizes the Department of Social Services to enter into a Contract with Diona (USA), Inc. using funding received through the Administration for Community Living (ACL). The resolution to accept this funding was approved by this Honorable Body on October 21, 2021 and the reference is COMM. 18E-12 (2021). The contract with Diona (USA), Inc. will allow us to make additional modifications to our Mobile Adult Protective Preventive Services (MAPPS) system.

FISCAL IMPLICATIONS

This resolution authorizes the Department of Social Services to enter into a contract with Diona (US), Inc. in the amount of \$70,000 for additional modifications to the MAPPS system to allow Adult Protective Caseworkers to work in the field more efficiently.

REASONS FOR RECOMMENDATION

These funds are being made available to states to provide Adult Protection Services with resources related to their response during the Coronavirus Public Health Emergency. The funding is intended to enhance, improve, and expand the ability of Adult Protective Services to investigate allegations of abuse, neglect, and exploitation in the context of COVID-19. The Adult Protective Services division will also use these funds to purchase additional modifications to the MAPPS system to enable Adult Protective Caseworkers to work in the field more efficiently.

CONSEQUENCES OF NEGATIVE ACTION

These important services could not be provided.

STEPS FOLLOWING APPROVAL

The Department of Social Services will establish a contract with Diona (US), Inc. to additional modifications to the MAPPS system.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Authorization to enter into Contract with Diona (US), Inc.

WHEREAS, federal funds are available through the Grants to Enhance Adult Protective Services to Respond to COVID-19 administered by the Administration for Community Living (ACL); and

WHEREAS, the resolution to accept this funding was approved on October 21, 2021 and the reference is COMM. 18E-12 (2021); and

WHEREAS, services are to be provided to Adult Protective Services (APS) Clients to enhance, improve, and expand the ability of APS to investigate allegations of abuse, neglect, and exploitation in the context of COVID-19; and

WHEREAS, Diona (US), Inc. currently provides the Department of Social Services with the Mobile Adult Protective Preventive Services (MAPPS) system; and

WHEREAS, the Department of Social Services wishes to have Diona (US), Inc. provide additional modification to the MAPPS system; and

WHEREAS, the Department of Social Services would like to contract with Diona (US), Inc. in the amount of \$70,000 to provide these additional modifications; and

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with Diona (US), Inc. in the amount of \$70,000 for the provision of services outlined in the grant to provide additional modifications to the MAPPS system; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with Federal funding allocation adjustments, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.



EC LEG JAN 31 '22 PM12:11

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

January 31, 2022

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

Re: Department of Social Services – Authorization to enter into Contracts with Denise Krause and Susan A. Green

Dear Honorable Members:

The Department of Social Services is seeking authorization to enter into contracts with Denise Krause and Susan A. Green to provide Solution Focused Trauma Informed Care (SFTIC) training and consulting.

We would also like to request that the Erie County Legislature waive Erie County Administrative Code Section 26.08 to enter into these contracts for SFTIC training and consulting.

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk

Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Authorization to enter into Contracts with Denise Krause and Susan A. Green
Date: January 31, 2022

SUMMARY

This proposed resolution authorizes the Department of Social Services to enter into Contracts with Denise Krause and Susan A. Green using funding allocated to Research Foundation for training. The contracts with Denise Krause and Susan A. Green will allow the Department of Social Services to continue training staff in Solution Focused Trauma Informed Care (SFTIC) practices and provide consulting expertise to members of the Executive and Senior Management Teams.

FISCAL IMPLICATIONS

This resolution authorizes the Department of Social Services to enter into contracts with Denise Krause and Susan A. Green in the amount of \$10,000 each for continued training to departmental staff in SFTIC practices. These funds will be taken from the current contract with Research Foundation.

REASONS FOR RECOMMENDATION

These funds are being made available from our contract with the Research Foundation. The funding is intended to enhance, improve, and expand the ability of Department of Social Services staff to apply SFTIC practices to their daily duties. In previous years Denise Krause and Susan A. Green were paid as subcontractors through the Research Foundation. Both ladies are current employees of State University of New York at Buffalo (UB) and it was determined that they cannot receive compensation as a subcontractor and an employee. This has caused an interruption in the necessary trainings that have currently been scheduled.

CONSEQUENCES OF NEGATIVE ACTION

These important services could not be provided.

STEPS FOLLOWING APPROVAL

The Department of Social Services will establish contracts with Denise Krause and Susan A. Green to continue training staff in SFTIC practices and provide consulting expertise to members of the Executive and Senior Management Teams.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Authorization to enter into Contracts with Denise Krause and Susan A. Green

WHEREAS, funds are available in the training contract with The Research Foundation;
and

WHEREAS, Denise Krause and Susan A. Green currently provide these services through the contract with The Research Foundation; and

WHEREAS, the State University system has stated that these individuals cannot be compensated as both employees and contractors; and

WHEREAS, The Department of Social Services wishes to have Denise Krause and Susan A. Green continue training staff in SFTIC practices and consulting with Executive and Senior Management; and

WHEREAS, due to the circumstances we would like to request that the Erie County Legislature waive Erie County Administrative Code Section 26.08 to enter into these contracts for SFTIC training and consulting; and

WHEREAS, an RFP will be issued in 2022 for these services to be provided in 2023; and

WHEREAS, The Department of Social Services would like to contract with Denise Krause and Susan A. Green in the amount of \$10,000 each to provide SFTIC training and consulting services; and

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contracts with Denise Krause and Susan A. Green in the amount of \$10,000 each for the continuation of training and consulting in SFTIC practices; and be it further

RESOLVED, that the funding will come from the current contract with The Research Foundation; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any additional budget adjustment which may be required in order to match expense with funding allocation adjustments; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.



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

January 18, 2022

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, NY 14202

CERT. MAIL/RETURN RECEIPT

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

**Re: Extension of Erie County Local Emergency Order (20[11])
issued on November 23, 2021**

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 16, 2022 and effective January 17, 2022.

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/dld
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 November 23, 2021, I issued a local emergency order which mandates masking in certain public places; and

WHEREAS, since November 23, 2021, 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 mask while in public in order to reduce COVID-19 transmission remains.

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:

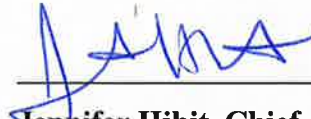
- **Further extend the local emergency order issued under my hand on November 23, 2021.**

This local emergency order extension shall take effect at 6:00am on January 17, 2022 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 16th day of January, 2022, at 2:00 PM, in Erie County, New York.



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



**Jennifer Hibit, Chief of Staff
Witness**



EC LEG JAN 21 '22 PM 4:02

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

January 18, 2022

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
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CERT. MAIL/RETURN RECEIPT

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Erie County Clerk
Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, NY 14202

CERT. MAIL/RETURN RECEIPT

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

**Re: Extension of Erie County Local Emergency Order (1.12[34])
issued on July 29, 2021**

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 3, 2022 and effective January 15, 2022.

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/dld
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, the novel coronavirus which causes coronavirus disease 2019 (“COVID-19”) spreads readily from person-to-person; and

WHEREAS, on May 13, 2021, the Center for Disease Control and Prevention (CDC) updated their recommendations for wearing masks or cloth face coverings

which cover the nose and mouth based on the vaccination status of individuals; and

WHEREAS, the CDC considers a person to be “fully vaccinated” against COVID-19 two weeks after they receive the second dose in a two-dose series vaccine or two weeks after they receive a one-dose vaccine; and

WHEREAS, pursuant to the May 13, 2021 CDC recommendations, people who are fully vaccinated against COVID-19 no longer needed to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations; and

WHEREAS, on June 14, 2021 I issued Local Emergency Order 1.11 which, *inter alia*, provides that fully vaccinated Erie County employees, fee-for-service workers, interns and volunteers who provide proof of vaccination will no longer be required to wear a mask or face covering while in a building or facility owned or operated by Erie County; and

WHEREAS, on July 27, 2021, the CDC further updated their recommendations for wearing masks or cloth face coverings for fully vaccinated individuals based on new evidence indicating that some fully vaccinated individuals, infected with the Delta Variant of COVID-19 after vaccination, may be contagious and able to spread the virus to others; and

WHEREAS, pursuant to the July 27, 2021 CDC recommendations, people who are fully vaccinated against COVID-19 should wear a mask or cloth face covering while in public indoor settings in areas of substantial or high transmission; and

WHEREAS, the CDC has released a real time map which designates high, substantial, moderate, and low transmission areas and can be broken down by county; and

WHEREAS, Erie County is currently designated by the CDC as a moderate transmission area allowing for the provisions of Local Emergency Order 1.11 to remain in effect; and

WHEREAS, continuation of governmental functions and the ability to provide essential services to the residents of Erie County is dependent on maintaining a healthy workforce such that, if Erie County meets the CDC definition of a substantial or high transmission area, the July 27, 2021 CDC masking recommendations should be implemented.

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:

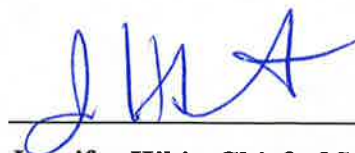
- **Further extend the Local Emergency Order issued under my hand on July 29, 2021.**

This local emergency order extension shall take effect at 10:00 AM, on January 15, 2022 and shall remain in effect for five days or until removed by order of the Chief Executive. This order may also be renewed in five (5) day increments.

Signed this 3rd Day of January, 2022 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

January 18, 2022

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, NY 14202

CERT. MAIL/RETURN RECEIPT

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

**Re: Extension of Erie County Local Emergency Order (1.3[131])
issued on April 1, 2020**

Dear Sirs:

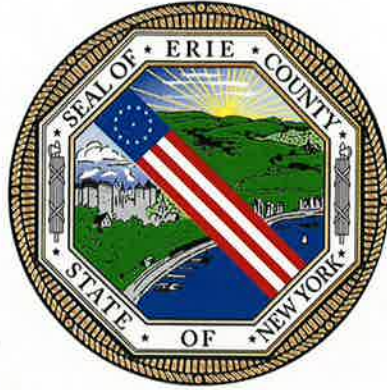
Enclosed for filing in your office please find the Erie County Local Emergency Order Extension, executed by the Erie County Executive on January 3, 2022 and effective January 16, 2022.

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/dld
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

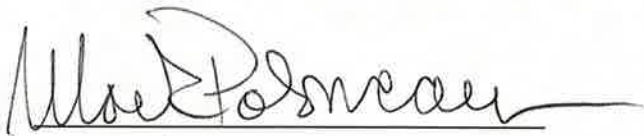
WHEREAS, the County of Erie remains in a State of Emergency and, in response to the COVID-19 pandemic, the need to maintain a healthy Erie County workforce for the provision of essential governmental services continues.

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 January 16, 2022 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 3rd January, 2022, 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

January 24, 2022

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, NY 14202

CERT. MAIL/RETURN RECEIPT

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

**Re: Extension of Erie County Local Emergency Order (1.3[132])
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 3, 2022 and effective January 21, 2022.

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/dld
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

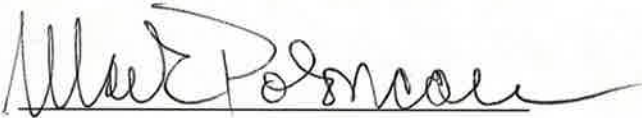
WHEREAS, the County of Erie remains in a State of Emergency and, in response to the COVID-19 pandemic, the need to maintain a healthy Erie County workforce for the provision of essential governmental services continues.

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 January 21, 2022 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 3rd January, 2022, 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

January 24, 2022

VIA FEDERAL EXPRESS

NYS Department of State
Division of Corporations, State Records
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One Commerce Plaza
99 Washington Avenue
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NYS HSES
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Old Erie County Hall
92 Franklin Street, 1st Floor
Buffalo, NY 14202

CERT. MAIL/RETURN RECEIPT

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

**Re: Extension of Erie County Local Emergency Order (1.12[35])
issued on July 29, 2021**

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 3, 2022 and effective January 20, 2022.

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/dld
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, the novel coronavirus which causes coronavirus disease 2019 (“COVID-19”) spreads readily from person-to-person; and

WHEREAS, on May 13, 2021, the Center for Disease Control and Prevention (CDC) updated their recommendations for wearing masks or cloth face coverings

which cover the nose and mouth based on the vaccination status of individuals; and

WHEREAS, the CDC considers a person to be “fully vaccinated” against COVID-19 two weeks after they receive the second dose in a two-dose series vaccine or two weeks after they receive a one-dose vaccine; and

WHEREAS, pursuant to the May 13, 2021 CDC recommendations, people who are fully vaccinated against COVID-19 no longer needed to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations; and

WHEREAS, on June 14, 2021 I issued Local Emergency Order 1.11 which, *inter alia*, provides that fully vaccinated Erie County employees, fee-for-service workers, interns and volunteers who provide proof of vaccination will no longer be required to wear a mask or face covering while in a building or facility owned or operated by Erie County; and

WHEREAS, on July 27, 2021, the CDC further updated their recommendations for wearing masks or cloth face coverings for fully vaccinated individuals based on new evidence indicating that some fully vaccinated individuals, infected with the Delta Variant of COVID-19 after vaccination, may be contagious and able to spread the virus to others; and

WHEREAS, pursuant to the July 27, 2021 CDC recommendations, people who are fully vaccinated against COVID-19 should wear a mask or cloth face covering while in public indoor settings in areas of substantial or high transmission; and

WHEREAS, the CDC has released a real time map which designates high, substantial, moderate, and low transmission areas and can be broken down by county; and

WHEREAS, Erie County is currently designated by the CDC as a moderate transmission area allowing for the provisions of Local Emergency Order 1.11 to remain in effect; and

WHEREAS, continuation of governmental functions and the ability to provide essential services to the residents of Erie County is dependent on maintaining a healthy workforce such that, if Erie County meets the CDC definition of a substantial or high transmission area, the July 27, 2021 CDC masking recommendations should be implemented.

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:

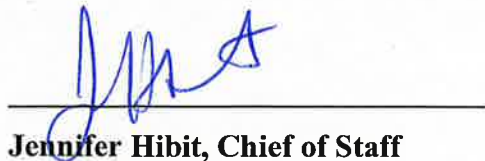
- **Further extend the Local Emergency Order issued under my hand on July 29, 2021.**

This local emergency order extension shall take effect at 10:00 AM, on January 20, 2022 and shall remain in effect for five days or until removed by order of the Chief Executive. This order may also be renewed in five (5) day increments.

Signed this 3rd Day of January, 2022 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

January 24, 2022

VIA FEDERAL EXPRESS

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Buffalo, NY 14202

CERT. MAIL/RETURN RECEIPT

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

**Re: Extension of Erie County Local Emergency Order (1.20[12])
issued on November 23, 2021**

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 21, 2022 and effective January 22, 2022.

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/dld
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 November 23, 2021, I issued a local emergency order which mandates masking in certain public places; and

WHEREAS, since November 23, 2021, I have duly extended such local emergency order in five-day increments; and

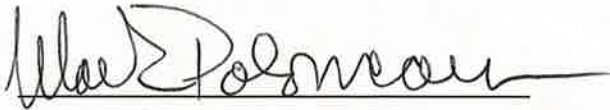
WHEREAS, the County of Erie remains in a State of Emergency and, in response to the COVID-19 pandemic, the need to mask while in public in order to reduce COVID-19 transmission remains.

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 November 23, 2021.**

This local emergency order extension shall take effect at 6:00am on January 22, 2022 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 21st day of January, 2022, 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

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

January 28, 2022

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, NY 14202

CERT. MAIL/RETURN RECEIPT

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

**Re: Extension of Erie County Local Emergency Order (1.20[13])
issued on November 23, 2021**

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 26, 2022 and effective January 27, 2022.

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/dld
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 November 23, 2021, I issued a local emergency order which mandates masking in certain public places; and

WHEREAS, since November 23, 2021, 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 mask while in public in order to reduce COVID-19 transmission remains.

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 November 23, 2021.**

This local emergency order extension shall take effect at 6:00am on January 27, 2022 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 26th day of January, 2022, 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
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DEPARTMENT OF LAW

JEREMY C. TOTH
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January 28, 2022

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

**Re: Extension of Erie County Local Emergency Order (1.12[36])
issued on July 29, 2021**

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 3, 2022 and effective January 25, 2022.

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/dld
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, the novel coronavirus which causes coronavirus disease 2019 (“COVID-19”) spreads readily from person-to-person; and

WHEREAS, on May 13, 2021, the Center for Disease Control and Prevention (CDC) updated their recommendations for wearing masks or cloth face coverings

which cover the nose and mouth based on the vaccination status of individuals; and

WHEREAS, the CDC considers a person to be “fully vaccinated” against COVID-19 two weeks after they receive the second dose in a two-dose series vaccine or two weeks after they receive a one-dose vaccine; and

WHEREAS, pursuant to the May 13, 2021 CDC recommendations, people who are fully vaccinated against COVID-19 no longer needed to wear a mask or physically distance in any setting, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations; and

WHEREAS, on June 14, 2021 I issued Local Emergency Order 1.11 which, *inter alia*, provides that fully vaccinated Erie County employees, fee-for-service workers, interns and volunteers who provide proof of vaccination will no longer be required to wear a mask or face covering while in a building or facility owned or operated by Erie County; and

WHEREAS, on July 27, 2021, the CDC further updated their recommendations for wearing masks or cloth face coverings for fully vaccinated individuals based on new evidence indicating that some fully vaccinated individuals, infected with the Delta Variant of COVID-19 after vaccination, may be contagious and able to spread the virus to others; and

WHEREAS, pursuant to the July 27, 2021 CDC recommendations, people who are fully vaccinated against COVID-19 should wear a mask or cloth face covering while in public indoor settings in areas of substantial or high transmission; and

WHEREAS, the CDC has released a real time map which designates high, substantial, moderate, and low transmission areas and can be broken down by county; and

WHEREAS, Erie County is currently designated by the CDC as a moderate transmission area allowing for the provisions of Local Emergency Order 1.11 to remain in effect; and

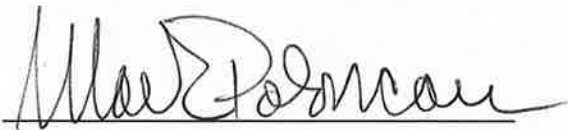
WHEREAS, continuation of governmental functions and the ability to provide essential services to the residents of Erie County is dependent on maintaining a healthy workforce such that, if Erie County meets the CDC definition of a substantial or high transmission area, the July 27, 2021 CDC masking recommendations should be implemented.

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:

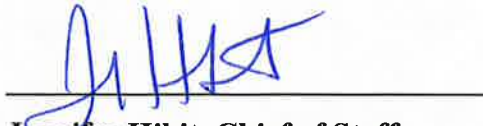
- **Further extend the Local Emergency Order issued under my hand on July 29, 2021.**

This local emergency order extension shall take effect at 10:00 AM, on January 25, 2022 and shall remain in effect for five days or until removed by order of the Chief Executive. This order may also be renewed in five (5) day increments.

Signed this 3rd Day of January, 2022 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

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

DEPARTMENT OF LAW

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

January 28, 2022

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

**Re: Extension of Erie County Local Emergency Order (1.3[133])
issued on April 1, 2020**

Dear Sirs:

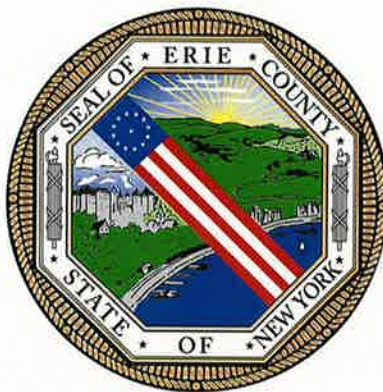
Enclosed for filing in your office please find the Erie County Local Emergency Order Extension, executed by the Erie County Executive on January 3, 2022 and effective January 26, 2022.

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/dld
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:

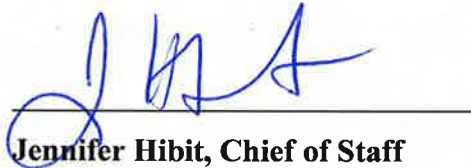
- **Further extend the local emergency order issued under my hand on April 1, 2020.**

This local emergency order extension shall take effect at 3:00pm on January 26, 2022 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 3rd January, 2022, at 2:00 PM, in Erie County, New York.



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



**Jennifer Hibit, Chief of Staff
Witness**