

**ERIE COUNTY LEGISLATURE  
MEETING NO. 11  
MAY 25, 2023**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Mills, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Bargnesi.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 10 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – Miscellaneous Resolutions were offered, as follows:

MAJORITY CAUCUS	Recognizing Teacher Appreciation Week 2023
MAJORITY CAUCUS	Recognizing National Cancer Research Month
VINAL	Congratulating Head Coach Brian Davis on Earning His 150th Win
GILMOUR	In Remembrance of Maribel Rodriguez
BARGNESI	Acknowledging the Celebrating Art! Event - 2023
BASKIN & JOHNSON	Recognizing the Tulsa Massacre - Honoring Black Wall Street Week 2023
JOHNSON	Honoring and Recognizing Keynote Speaker – Dr. Raven Patricia Baxter
JOHNSON	Recognizing Confident Girl Mentoring During Mental Health Awareness Month

BASKIN	Recognizing Danise Wilson - Executive Director, Friend and Colleague
VINAL	Honoring the Amherst Police Department Citizen of the Month - May 2023
JOHNSON	Acknowledging National Senior Health & Fitness Day
BARGNESI & KOOSHOIAN	Acknowledging Stella Hycner - Celebrating Her 105th Birthday
TODARO	Recognizing and Honoring Audrey Hamernik as Recipient of the 2023 NAF Advisory Board Champion Award
MILLS	Recognizing North Collins American Legion Post 1640 on Memorial Day, May 29, 2023
MILLS	Recognizing Sardinia American Legion Post 1131 on Memorial Day, May 29, 2023
MILLS	Recognizing VFW Felton Burns Post 5260 on Memorial Day, May 29, 2023
MILLS	Recognizing Orchard Park American Legion Post 567 on Memorial Day, May 29, 2023
MILLS	Recognizing Newell-Faulkner American Legion Post 880 on Memorial Day, May 29, 2023
MILLS	Recognizing Concord American Legion Post 431 on Memorial Day, May 29, 2023
MALCZEWSKI	Recognizing June as National Dairy Month in Erie County
MALCZEWSKI	Celebrating National Senior Health and Fitness Day in Erie County and Recognizing the West Seneca Senior Fitness Center
TODARO	Celebrating the 75th Anniversary of Boy Scout Troop 545
TODARO	Remembering the Life of Judge Gordon Willis
TODARO	Recognizing Mercy Flight Pilot Jim Havens on His Retirement
GREENE	Recognizing Twenty-One Service Member Honorees on the Clarence Veterans Memorial Wall

GILMOUR Honoring Keith D. Mobley on His 9th Pastoral Anniversary  
of Mt. Olive Missionary Baptist Church

GREENE Recognizing Keeley Noworytas and Celebrating the  
Contributions of Keeley Kares for Kids

MALCZEWSKI Celebrating Elma Wine & Liquor on Its 55th Anniversary

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above twenty-eight items by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 6 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 7 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2022 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 9 – CHAIR BASKIN directed that Local Law No. 2 (Print #2) 2023 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2023 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 11 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

May 18, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.

1. COMM. 10E-11 (2023)  
COUNTY EXECUTIVE

WHEREAS, a capital account in the amount of \$295,009.70 was authorized by the Erie County Legislature on June 23,2022 by Resolution COMM.12E-26 to upgrade the training facilities at the Erie County Fire Academy; and

WHEREAS, work on this project has begun and the cost of NYS Stamped Engineered Drawings in the amount of \$15,111.24 was not included in the original budget, therefore creating a budget shortfall in this capital project; and

WHEREAS, the Erie County Department of Budget and Management has identified available funds in Fund Center 14010, Account 400010 – Exemption Removal Revenue for transfer to the capital project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the recognition of previously unbudgeted revenue in Fund 110, Funds Center 14010, Revenue Account #400010, and the appropriation of a like amount of funding into the Department of Homeland Security and Emergency Services 2023 Budget, Fund 110, Funds Center 16700 Account #570050 Interfund Transfer Capital as follows:

2023 Budget  
Fund 110 – Funds Center 14010  
Countywide Budget Accounts

**REVENUES**

400010 – Exemption Removal Revenue \$15,211.54

2023 Budget  
Fund 110 – Funds Center 16700  
Department of Homeland Security and Emergency Services

APPROPRIATIONS

570050 – Interfund Transfer Capital \$15,211.54

and be it further

RESOLVED, that authorization is hereby given to increase the existing Capital Project A.21119 - EC Fire Academy Fire Training Facilities in the amount of \$15,211.54 as follows:

Project A.21119  
2023 EC Fire Academy Training Facilities  
Fund 410, Fund Center 16700

<u>REVENUE</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>REVISED</u>
486000 - Interfund Revenue Subsidy	\$295,009.70	\$15,211.54	\$310,221.74
TOTAL	\$295,009.70	\$15,211.54	\$310,221.74

<u>APPROPRIATIONS</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>REVISED</u>
Capital Projects	\$295,009.70	\$15,211.54	\$310,221.74
TOTAL	\$295,009.70	\$15,211.54	\$310,221.74

and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive's Office, the Comptroller's Office, Department of Homeland Security & Emergency Services, and the Division of Budget and Management.  
(4-0)

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

Item 12 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

May 18, 2023	ECONOMIC DEVELOPMENT COMMITTEE
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	REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLS & TODARO.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 10E-7 (2023)  
COUNTY EXECUTIVE

WHEREAS, water infiltration has caused the existing concrete sidewalk above the vault to move away from the building over time as well as has caused the structural steel elements in the basement level beneath Pearl Street to deteriorate at the Buffalo Convention Center; and

WHEREAS, continual deterioration without corrective action may pose a risk to Convention Center employees as well as sidewalk pedestrians along the west side of Pearl Street adjacent to the Convention Center; and

WHEREAS, corrective measures must be implemented and the repairs to be made will not only correct previous deterioration but will also prevent future deterioration by replacement of the structural elements as well as new waterproofing beneath the new sidewalk; and

WHEREAS, it is important to execute these repairs during the summer months, so the existing structural elements are not exposed to another freeze/thaw cycle in the winter months causing further deterioration; and

WHEREAS, the Erie County Department of Public Works (DPW) received bids for the Buffalo Convention Center Sidewalk Rehabilitation Project on April 11, 2023; and

WHEREAS, the lowest responsible bidder is Patterson-Stevens Inc.; and

WHEREAS, the Department of Public Works is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidder, Patterson – Stevens, for the Buffalo Convention Center Sidewalk Vault Rehabilitation Project in the amount noted below:

General Contracting Work		
<u>Patterson – Stevens</u>	<u>Base Bid:</u>	<u>\$1,167,000</u>
Total Construction Contract Award		\$1,167,000

and be further

RESOLVED, that authorization is hereby given to allocated the sum of \$100,000 to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that sufficient funding for the project exists in the following Division of Buildings & Grounds' capital projects in Funds Center 122, Fund 410:

A.22003 – DPW (Buildings and Grounds) – Buffalo Niagara Convention Center (BNCC) Improvements \$ 850,288.25

A.21105 – DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities \$ 416,711.75

Total Not to Exceed \$1,267,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the County Executive's Office, the Comptroller's Office, the Department of Law, and the Division of Budget and Management (4-0)

2. COMM. 10E-8 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works previously engaged the services of Electrical Engineers in order to comply with the requirements of electrical code and provide advisement on various County projects per COMM. 15E-24 (2019); and

WHEREAS, while funding was previously approved in the resolution noted above in the amount of \$250,000 total, only \$135,000 was dedicated to the electrical on-call contracts due to an administrative error when planning the money within SAP; and

WHEREAS, the balance of the that money that was previously dedicated for the electrical on-call contracts, was then inadvertently planned and approved to be used for the Elevator Modernization Project per COMM 4E-8 (2022); and

WHEREAS, in short, DPW used less money on the electrical on-call contracts when compared to what was previously approved per COMM. 15E-24 (2019) and therefore, DPW is requesting approval of this \$115,000 to make the contract whole funding the project as previously approved; and

WHEREAS, the contracts with the firms of Buffalo Engineering P.C. and M/E Engineering are currently within the first one (1) – year extension through July 25, 2023 with an additional extension available through July 25, 2024 per the terms of the Request for Proposals advertised by the Department of Public Works (DPW); and

WHEREAS, this contract will continue to address the anticipated scope of services as they arise and approved by DPW; and

WHEREAS, each firm has displayed the expertise, experience, and manpower to provide the required services as requested by the County; and

WHEREAS, each assignment will be billed on an hourly basis according to an approved rate schedule unless an agreed upon work scope and fee is negotiated with the assigned consultant prior to beginning any services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Executive to allocated an additional \$115,000.00 to make the contract whole per COMM. 15E-24 (2019) for an amount not to exceed a total of \$250,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for services from Capital Project A.22050 – Code and Environmental Compliance, Funds Center 122, Fund 410 for a total amount not to exceed \$115,000; and be it further

RESOLVED, that two (2) certified copies each of this resolution be sent to the Department of Public Works, Commissioner's Office and one (1) copy each to the County Executive's Office, the Comptroller's Office, and the Division of Budget and Management.  
(4-0)

3. COMM. 10E-9 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Information and Support Services (DISS) requires a Point of Presence (POP) server room to be installed on the 15<sup>th</sup> floor of the Erie County Rath Building in preparation of ErieNet; and

WHEREAS, this abatement project is the first step toward preparing the space for construction that will eventually house the Point of Presence to support ErieNet; and

WHEREAS, asbestos containing materials, including spray applied fireproofing, has been found on the east side of the electrical closets on floors 1 thru 13 of the Rath building as well as on the 15<sup>th</sup> floor of the Rath building; and

WHEREAS, the Department of Public Works (DPW) received bids for the Rath Building 15<sup>th</sup> Floor Abatement Project on April 6, 2023; and

WHEREAS, the lowest responsible bidder was Caysea Contracting; and

WHEREAS, the Department of Public Works and LaBella Associates are recommending award of the contract to the lowest responsible bidder for the Rath Building 15<sup>th</sup> Floor Abatement project; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment in the amount of \$22,500 to the firm LaBella Associates for air monitoring services



during construction as required by New York State Department of Labor, Code Rule 56 during abatement project for the Rath Building – 15<sup>th</sup> Floor Abatement Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidder, Caysea Contracting, for the Rath Building – 15<sup>th</sup> Floor POP Server Room abatement project for an amount not to exceed as follows:

Abatement Construction Work

Caysea Contracting	Base Bid:	\$ 368,000.00
Total Award of Abatement Construction Contract:		\$ 368,000.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$37,000.00 to be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that authorization is hereby given for the County Executive to execute an Agreement Amendment with the firm of LaBella Associates to provide air monitoring services during construction for the Rath Building – 15<sup>th</sup> Floor Abatement Project for an amount not to exceed \$22,500; and be it further

RESOLVED, that sufficient funding for this project exists in the Division of Building and Grounds’ (Fund Center 122, Fund 410) capital project A.22068 – 2022 DISS Point of Presence Server Room; and be it further

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

(4-0)

4. COMM. 10E-12 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security & Emergency Services, through NYS Department of Homeland Security and Emergency Services, has agreed to provide funding for training in emergency response; and

WHEREAS, the Recreational Off-Highway Vehicle Association has been identified as an appropriate and competent provider of the requested training; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract with the Recreational Off-Highway Vehicle Association to conduct the training for emergency response with the use of an all-terrain vehicles; and

WHEREAS, funding is available in the HS167SHSP2223 State Homeland Security Program Grant to cover the costs incurred for this training; and

WHEREAS, the vendor will be managed by the Erie County Department of Homeland Security & Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the Recreational Off-Highway Vehicle Association in an amount not to exceed \$9,000 to conduct emergency response training; and be it further

RESOLVED, that sufficient funding exists to cover this expense in HS167SHSP2223; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive's Office, Comptroller's Office, Department of Homeland Security & Emergency Services, Department of Law, and the Division of Budget and Management.  
(4-0)

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

Item 13 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

May 18, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 17E-17 (2022)  
COUNTY EXECUTIVE: “Authorization to Enter into Contract with Stall Senior Medical and Rutowski Pharmacies, Inc. for Home Monkeypox Vaccination”  
(Chair’s Ruling)

- b. COMM.7M-2 (2023)  
ERIE COUNTY MEDICAL CENTER CORPORATION: “2022 Annual Report of ECMCC”  
(Chair’s Ruling)
- c. COMM. 10E-5 (2023)  
MINORITY CAUCUS: “Constituent Concern”  
(Chair’s Ruling)

2. COMM. 10E-13 (2023)  
COUNTY EXECUTIVE

WHEREAS, a key provision of the Preventing Sex Trafficking and Strengthening Families Act is to move sexually exploited youth from the criminal and juvenile justice systems to the family court where children and their families can receive support and services from the child welfare system; and

WHEREAS, services are to be provided to victims of sex trafficking and core elements of the service include case management, emergency temporary housing, health care, mental health counseling, language interpretation and translation services, job training and placement and services to assist in establishing permanent residence; and

WHEREAS, International Institute of Buffalo has been the lead agency for this program since its inception and is the only local agency with the expertise and existing resources to carry out the program; and

WHEREAS, International Institute of Buffalo was re-awarded this contract in 2021 after a request-for-proposal, and the next scheduled request for proposal for this program is scheduled for 2024; and

WHEREAS, a gradual decrease in State funding over the past few years has required additional county funding to operate this valuable program.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with the International Institute of Buffalo in the amount of \$43,350 for the provision of services for the Safe Harbor for Exploited Children program, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept \$43,350 in State Aid and amend the 2023 General Fund Budget (Fund 110, Funds Center 1209010) as follows:

Department of Social Services  
Fund 110, Funds Center 1209010

ACCOUNT

REVENUE

CHANGE

409000	State Aid Revenue	<u>\$43,350</u>
	TOTAL	<u>\$43,350</u>
<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516410	Preventative Agencies–International	\$43,350
	TOTAL	<u>\$43,350</u>

and be it further

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

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

(5-0)

3. COMM. 10E-14 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services Child Welfare Division provides protective, preventive, and permanency services for children in Erie County who are victims, or at risk of becoming victims of maltreatment (abuse or neglect) or exploitation; and

WHEREAS, Social Services Law 423.1 mandates that there be a sufficient level of qualified staff to perform the duties of a Child Protective worker and meet their mandated responsibilities; and

WHEREAS, an expert witness is a person who has extensive knowledge or skill in a specific field or discipline beyond that of a layperson; and

WHEREAS, Dr. Iram Ashraf, a Board Certified Child Abuse & General Pediatrician, possesses the needed qualifications and reliability that is needed for the department to effectively aid victims in Child Abuse/Neglect cases; and

WHEREAS, the Department of Social Services would like to contract with Dr. Iram Ashraf in an amount not to exceed \$50,000 to act as an expert witness in Child Abuse/Neglect cases overseen by the department.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Dr. Iram Ashraf to act as an expert witness in Child Abuse/Neglect cases handled by the Department of Social Services in an amount not to exceed \$50,000, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services 2023 General Fund Budget (Fund 110, Funds Center 1208020) to be amended as follows:

Department of Social Services  
Fund 110, Funds Center 1208020

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Prof Svcs Contracts & Fees	\$50,000
530000	Other Expenses	(\$50,000)
	TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management 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's Office, Comptroller's Office, Department of Social Services, and Division of Budget and Management.

(5-0)

4. COMM. 10E-15 (2023)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the following individuals for appointment to the Erie County Senior Services Advisory Board for a full two-year term expiring on December 31, 2024.

Mario Pena  
114 Minerva Street  
Tonawanda, NY 14150  
New Appointment

Francis McLaughlin  
2901 E. Pleasant Avenue  
Eden, NY 14057  
Re-Appointment

Jim Banko  
2850 Amsdell Road, #8  
Hamburg, NY 14075  
Re-Appointment

Leonard Vento  
127 Fourth Avenue  
Buffalo, NY 14204  
Re-Appointment

Jennifer Wood  
236 Highland Avenue  
Buffalo, NY 14222  
Re-Appointment

Kristin DiMartino  
232 Glendale Avenue  
Tonawanda, NY 14051  
Re-Appointment

(5-0)

5. COMM. 10E-16 (2023)  
COUNTY EXECUTIVE

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

WHEREAS, a request for proposal was issued to select an agency to provide consultation services to evaluate and recommend improvements and efficiencies to the transportation services currently provided by the Department; and

WHEREAS, Via Mobility, LLC is a consulting agency that has a record of previous success in evaluating and recommending changes to transportation systems locally, statewide and beyond; and

WHEREAS, the Department wishes to prepare for the future transportation needs of older adults and residents with disabilities in Erie County in a timely and cost-effective manner; and

WHEREAS, the Department of Senior Service now desires to contract with Via Mobility, LLC to ensure its ability to continue to offer and meet the growing need of transportation for older adults and residents with disabilities, with a 12-month contract term from June 1, 2023 to May 31, 2024; and

WHEREAS, existing appropriations are available in the Department's 163III-BARP2124 grant's professional services account #516020 to cover the contract cost, not to exceed \$50,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a one-year contract with Via Mobility, LLC to assist in evaluating the County's current transportation model efforts and to make recommendations for an efficient, sustainable, cost-effective countywide transportation system capable of serving Erie County's older adults and residents with disabilities; and be it further

RESOLVED, that authorization is hereby given that up to \$50,000 of existing appropriations in the Department's 163III-BARP2124 grant's professional services account #516026 be utilized to fund the contract; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust the grant budget as required to comply with the grantor approved funding levels; and be it further

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

(5-0)

6. COMM. 10E-17 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services – Youth Bureau is seeking approval to execute contracts with community providers for the 2023 summer Primetime program; and

WHEREAS, the availability of local share funding provided in the 2023 adopted budget enable this program implementation; and

WHEREAS, Operation Primetime provides for an adult-supervised environment for the ten-week school summer recess period, and program activities consist of structured recreation that prevents delinquency, increase socialization and foster respect for authority; and

WHEREAS, a Request for Proposal was distributed for this program and Youth Board panel recommendations were utilized to determine contract award amounts; and

WHEREAS, there is no additional local share necessary for these awards, and there is no fiscal impact based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts with the following providers for Operation Primetime from available 2023 funds in Fund Center 12530, Account 517749 (Operation Primetime) in the Youth Bureau:

Agency	Total Score	Ranking by Score	Requested Amount	Recommended Award
BACK TO BASICS OUTREACH MINISTRIES, INC.	78.00	61	\$ 13,482.00	\$10,112.00
BAKER HALL, INC. (OLV HUMAN SERVICES)	86.00	33	\$ 11,367.48	\$8,526.00
BE-A-FRIEND PROGRAM, INC., BIG BROTHERS BIG SISTERS OF ERIE, NIAGARA, AND THE SOUTHERN TIER	92.67	3	\$ 10,000.00	\$10,000.00
BESTSELF BEHAVIORAL HEALTH	94.33	1	\$ 10,000.00	\$10,000.00
BOYS & GIRLS CLUB OF EAST AURORA	89.00	17	\$ 10,000.00	\$10,000.00
BOYS & GIRLS CLUB OF ELMA, MARILLA, AND WALES	85.00	37	\$ 10,000.00	\$7,500.00
BOYS & GIRLS CLUB OF HOLLAND	87.33	24	\$ 10,000.00	\$10,000.00
BOYS & GIRLS CLUB OF ORCHARD PARK	83.33	44	\$ 10,000.00	\$7,500.00
BOYS & GIRLS CLUBS OF THE NORTHTOWNS	85.67	35	\$ 15,000.00	\$11,250.00
BOYS AND GIRLS CLUB OF EDEN-LAKE SHORE	86.33	32	\$ 15,000.00	\$11,250.00
BRIDGES FROM BORDERS,	61.67	70	\$ 15,000.00	\$5,000.00

INC				
BUFFALO ARTS AND TECHNOLOGY CENTER, INC.	88.33	19	\$ 15,000.00	\$11,250.00
BUFFALO FEDERATION OF NEIGHBORHOOD CENTERS	90.33	8	\$ 10,000.00	\$10,000.00
BUFFALO URBAN LEAGUE	91.67	4	\$ 15,000.00	\$15,000.00
BUFFALO VINEYARD (5 LOAVES FARM)	86.67	28	\$ 10,000.00	\$10,000.00
BUFFALO-AREA ENGINEERING AWARENESS FOR MINORITIES	88.00	20	\$ 10,000.00	\$10,000.00
CHILDCARE NETWORK OF THE NIAGARA FRONTIER, INC (JUST FOR KIDS)	78.67	59	\$ 10,000.00	\$7,500.00
COMMUNITY ACTION ORGANIZATION OF WESTERN NEW YORK, INC. (CAO)	84.00	42	\$ 10,000.00	\$7,500.00
COMPEER OF GREATER BUFFALO	90.00	10	\$ 15,000.00	\$15,000.00
CORNELL COOPERATIVE EXTENSION OF ERIE COUNTY	89.67	12	\$ 10,000.00	\$10,000.00
CRADLE BEACH CAMP	91.33	6	\$ 15,000.00	\$15,000.00
ENLIGHTENMENT BOOKSTORE & LITERARY ARTS CENTER, INC.	86.67	29	\$ 15,000.00	\$13,750.00
ERIE REGIONAL HOUSING DEVELOPMENT CORPORATION (THE BELLE CENTER)	79.67	56	\$ 15,000.00	\$11,250.00
EVERY PERSON INFLUENCES CHILDREN - EPIC	90.33	9	\$ 10,000.00	\$10,000.00
F BITES (FOOD BASED INTERVENTIONS WITH TECHNOLOGY, ENERGY, AND SCIENCE)	81.67	51	\$ 15,000.00	\$11,250.00
FIRST SHILOH YOUTH FOUNDATION, INC.	87.00	26	\$ 10,000.00	\$10,000.00
FRIENDS INC	70.33	68	\$ 15,000.00	\$7,500.00
GAY & LESBIAN YOUTH SERVICES OF WESTERN NEW YORK	93.00	2	\$ 10,000.00	\$10,000.00
GIRL SCOUTS OF WESTERN NEW YORK, INC.	85.00	38	\$ 10,000.00	\$7,500.00



GREATER NIAGARA FRONTIER COUNCIL, BSA	83.33	45	\$ 15,000.00	\$11,250.00
JEWISH COMMUNITY CENTER OF GREATER BUFFALO	86.67	30	\$ 15,000.00	\$13,750.00
KAREN SOCIETY OF BUFFALO	89.67	13	\$ 10,000.00	\$10,000.00
KIDS ESCAPING DRUGS	79.33	57	\$ 5,000.00	\$3,750.00
KING URBAN LIFE CENTER INC.	86.00	34	\$ 10,000.00	\$7,500.00
LACKAWANNA SOCCER CLUB/ SPORTS AND EDUCATION	71.00	66	\$ 15,000.00	\$7,500.00
LOCUST STREET NEIGHBORHOOD ART CLASSES, INC.	71.00	67	\$ 10,000.00	\$5,000.00
Agency	Total Score	Ranking by Score	Requested Amount	Recommended Award
MASSACHUSETTS AVENUE PROJECT	90.67	7	\$ 10,000.00	\$10,000.00
METRO COMMUNITY DEVELOPMENT CORPORATION	81.00	53	\$ 15,000.00	\$11,250.00
MT. OLIVE MBC, INC.	84.67	39	\$ 10,000.00	\$7,500.00
NATIVE AMERICAN COMMUNITY SERVICES OF ERIE AND NIAGARA COUNTIES, INC.	85.67	36	\$ 9,998.00	\$7,499.00
NORTHWEST BUFFALO COMMUNITY CENTER INC	89.33	14	\$ 15,000.00	\$11,250.00
OLD FIRST WARD COMMUNITY ASSOCIATION, INC.	87.00	27	\$ 15,000.00	\$13,750.00
PARKER ACADEMY CHILD CARE AND LEARNING CENTER INC	82.33	49	\$ 10,000.00	\$7,500.00
PEACE OF THE CITY	90.00	11	\$ 15,000.00	\$15,000.00
POLICE ATHLETIC LEAGUE OF BUFFALO, INC.	87.33	25	\$ 15,000.00	\$13,750.00
POLISH COMMUNITY CENTER OF BUFFALO INC. (LT. COL. MATT URBAN HUMAN SERVICES CENTER OF WNY)	88.00	21	\$ 15,000.00	\$11,250.00
RESEARCH FOUNDATION	87.67	22	\$ 13,904.00	\$10,428.00

FOR SUNY / BUFFALO STATE				
RESOURCE COUNCIL OF WNY	89.33	15	\$ 15,000.00	\$11,250.00
SENECA STREET COMMUNITY DEVELOPMENT CORPORATION	91.67	5	\$ 15,000.00	\$15,000.00
SOLID FOUNDATION PREP, INC.	88.67	18	\$ 10,000.00	\$10,000.00
SOMALI BANTU COMMUNITY ORGANIZATION OF WNY	89.33	16	\$ 15,000.00	\$11,250.00
SPRINGVILLE YOUTH INC.	84.33	40	\$ 15,000.00	\$11,250.00
THE CITY SWIM PROJECT	61.67	71	\$ 15,000.00	\$7,500.00
THE GALACTIC TRIBE	72.33	65	\$ 10,000.00	\$5,000.00
THE RURAL OUTREACH CENTER	87.67	23	\$ 10,000.00	\$7,500.00
THE SALVATION ARMY	86.67	31	\$ 15,000.00	\$11,250.00
TOTAL PACKAGE SPORTS, INC	76.67	64	\$ 15,000.00	\$11,250.00
TOWN OF CHEEKTOWAGA	77.67	62	\$ 9,500.00	\$7,125.00
TOWN OF HAMBURG, NEW YORK	82.33	50	\$ 10,000.00	\$7,500.00
TOWN OF WEST SENECA	78.67	60	\$ 10,000.00	\$7,500.00
TRE & ASSOCIATES INC. (WILLIE HUTCH JONES EDUCATIONAL & SPORTS PROGRAM)	82.67	47	\$ 15,000.00	\$11,250.00
TRU WAY COMMUNITY CENTER INC.	79.00	58	\$ 15,000.00	\$11,250.00
UNITED CHURCH HOME, INC (PLYMOUTH CROSSROADS)	81.67	52	\$ 9,700.00	\$7,275.00
UNIVERSITY DISTRICT COMMUNITY DEVELOPMENT ASSOCIATION, INC.	84.33	41	\$ 15,000.00	\$11,250.00
URBAN CHRISTIAN MINISTRIES	77.67	63	\$ 10,000.00	\$7,500.00
VALLEY COMMUNITY ASSOCIATION INC.	84.00	43	\$ 15,000.00	\$11,250.00
VOICE BUFFALO	64.67	69	\$ 15,000.00	\$7,500.00
WAVE BUFFALO INC	83.00	46	\$ 7,200.00	\$5,400.00
WEST SIDE COMMUNITY SERVICES, INC.	80.67	55	\$ 15,000.00	\$11,250.00
WESTMINSTER ECONOMIC DEVELOPMENT INITIATIVE, INC.	82.67	48	\$ 10,000.00	\$7,500.00

YWCA OF WESTERN NEW YORK, INC.	81.00	54	\$ 15,000.00	\$11,250.00
				<u>\$697,615</u>

and be it further

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

(5-0)

**JOHN J. GILMOUR**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 14 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 11-1 from MALCZEWSKI. Supporting the Essential Caregivers Act.

Item 15 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

MR. MALCZEWSKI moved to challenge the ruling of the Chair.

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS and MR. TODARO. NOES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. (AYES: 4; NOES: 7)

FAILED.

INTRO. 11-2 from MALCZEWSKI. Calling for a State of Emergency to Avoid Effects of an Immigration Crisis in Erie County.

Item 16 – CHAIR BASKIN directed that the following resolution be received and filed.

GRANTED.

INTRO. 11-3 from BASKIN. Community Inclusion in Public Safety Needs Assessment.

Item 17 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: Establishing a Standard Work Day for Elected Officials (INTRO. 11-4)

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

WHEREAS, the New York State and Local Employees’ Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for elected officials and will report the following Standard Work Day to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer’s Time Keeping System</u>	<u>Days/ Month (Based on Record of Activities)</u>
County Clerk	Michael P. Kearns	7	1/1/2023 - 12/31/2026	N	28.33
Legislator	James Malczewski	6	01/01/2023 - 12/31/2023	N	29.64

and be it further

RESOLVED, that a certified copy of this resolution shall be posted on the Legislature’s website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the New York State Comptroller, Erie County Commissioner of Personnel and to Laurie Haug, Senior Payroll and Roster Clerk – Erie County Department of Personnel.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 18 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 6E-9 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: ECSD No. 6 - Lackawanna WRRF &  
ORF Disinfection Systems  
Improvements Project  
(COMM. 6E-9, 2023)

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

CARRIED UNANIMOUSLY.

Insert the following:

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract Nos. 62-A, 62-B and 62-D at 10:00 a.m. on April 19, 2023:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 62-A General	H&K Services, Inc. 12025 Leon-New Albion Road Leon, NY 14751	\$2,460,700.00
Contract No. 62-B HVAC	John W. Danforth 300 Colvin Woods Pkwy Tonawanda, NY 14150	\$264,700.00
Contract No. 62-D Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$277,200.00

and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed projects for the Division of Sewerage Management or other municipalities in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is an unlisted action in accordance with 6NYCRR Section 617 and a negative declaration has been issued following a State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Lackawanna WRRF and ORF Disinfection Systems Improvements Project, Erie County Sewer District No. 6, Contract Nos. 62-A, 62-B and 62-D be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
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Contract No. 62-A General	H&K Services, Inc. 12025 Leon-New Albion Road Leon, NY 14751	\$2,460,700.00
Contract No. 62-B HVAC	John W. Danforth 300 Colvin Woods Pkwy Tonawanda, NY 14150	\$264,700.00
Contract No. 62-D Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$277,200.00

and be it further

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

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$1,700,000.00 in Capital Account No. C.21150 (American Rescue Plan funds), Fund 430, Funds Center 1861010 to fund Contract Nos. 62-A, 62-B and 62-D; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$1,302,600 in Capital Account No. C.00064 (including \$1,160,295.75 of existing grant authorization), Fund 430, Funds Center 1861010 to fund Contract Nos. 62-A, 62-B and 62-D; and be it further

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

RESOLVED, that at the close of the project unused funds may be returned to the capital project as directed by the Division of Sewerage Management and the budgets be adjusted accordingly; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 19 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 6E-11 (2023). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: ECSD No. 2 - Big Sister Creek WRRF  
IT Infrastructure Improvements  
(COMM. 6E-11, 2023)

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

CARRIED UNANIMOUSLY.

Insert the following:

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 100 at 10:00 a.m. on April 11, 2023:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 100 Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$693,000.00

and

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

WHEREAS, the Division of Sewerage Management has determined this project is a New York State Environmental Quality Review (SEQR) Unlisted Action and after due consideration a Negative Declaration was issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Big Sister Creek Water Resource Recovery Facility (WRRF) Information Technology (IT) Infrastructure Improvements Project, Erie County Sewer District No. 2, Contract No. 100 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 100 Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$693,000.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute Contracts with the aforementioned lowest responsible bidder, subject to approval as to form by the County

Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$693,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract No. 100; and be it further

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

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

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

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

CARRIED UNANIMOUSLY.

Item 20 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO. 3-2 (2023). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: Appointment to the EC Health Equity  
Advisory Board  
(INTRO. 3-2, 2023)

**A RESOLUTION SUBMITTED BY  
LEGISLATOR BASKIN**

WHEREAS, the Erie County Health Equity Advisory Board was created in 2021 via Local Law 3-2021; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Health Equity Advisory Board; and

WHEREAS, the Legislators representing the legislative districts with the two highest rates of poverty have one recommendation each to the Health Equity Advisory Board; and

WHEREAS, Legislative District 2 has a poverty rate of 25%, the second highest poverty rate amongst the 11 legislative districts; and



WHEREAS, per Section 5(A) of Local Law 3-2021, a member shall have a background in health issues for minorities and disadvantaged persons, as well as at least one member shall have a medical degree or master's degree in public health; and

WHEREAS, Dr. Kenyani Davis, a resident of Erie County, is the Chief Medical Officer of the Community Health Center of Buffalo, where she specializes in primary care in underserved communities; and

WHEREAS, in addition to her medical degree, Dr. Davis obtained a Master's in Public Health from SUNY Buffalo; and

WHEREAS, Dr. Davis' was a member of the African American Health Equity Task Force and has performed extensive research and practice on the disparities minorities and other disadvantaged persons struggle with in society.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendation of one of the legislators representing the two legislative districts with the highest poverty rates, Dr. Kenyani Davis is appointed to the Erie County Health Equity Advisory Board, for a three-year term; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Department of Health's Office of Health Equity and Dr. Kenyani Davis.

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

CARRIED UNANIMOUSLY.

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

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

WHEREAS, the Erie County Health Equity Advisory Board was created in 2021 via Local Law 3-2021; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Erie County Health Equity Advisory Board; and

WHEREAS, the Legislators representing the legislative districts with the two highest rates of poverty have one recommendation each to the Erie County Health Equity Advisory Board; and

WHEREAS, Legislative District 1 has a poverty rate of 30.2% and Legislative District 2 has a poverty rate of 25%, which are the two highest rates of poverty per Legislative District; and

WHEREAS, per Section 5(A) of Local Law 3-2021, a member shall have a background in health issues for minorities and disadvantaged persons, as well as at least one member shall have a medical degree or master's degree in public health; and

WHEREAS, Dr. Olivia Smith-Blackwell is a primary care physician with extensive public health experience as a former Regional Health Director for the New York State Department of Health's Office of Public Health – Western Region and as a former Medical Director for Erie County's Department of Health; and

WHEREAS, Dr. Kenyani Davis is the Chief Medical Officer of the Community Health Center of Buffalo, where she specializes in primary care in underserved communities, has served on the African American Health Equity Task Force, and has researched the health disparities minorities and other disadvantaged persons struggle with in society; and

WHEREAS, in addition to their medical degrees, both individuals have master's degrees in public health.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendations of the legislators representing the two districts with the highest poverty rates, Dr. Olivia Smith-Blackwell and Dr. Kenyani Davis are appointed to the Erie County Health Equity Advisory Board, for three-year terms; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Department of Health's Office of Health Equity, Dr. Olivia Smith-Blackwell, and Dr. Kenyani Davis.

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

CARRIED UNANIMOUSLY.

Item 21 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 10E-18 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

RE: Appointment to the EC Health Equity  
Advisory Board  
(COMM. 10E-18, 2023)

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following named individuals as members of the Erie County Health Equity Advisory Board for a full three-year term expiring on May 1, 2026:

Maria M. Cruz of Lancaster, NY and George Nicholas of Amherst, NY

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 22 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-34 from COUNTY EXECUTIVE Re: RENEW Plan Contracts Authorizations  
- Phase 7

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 23 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-35 from SHERIFF Re: Lease Space at 10 Centre Dr., Orchard Park

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 24 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-36 from SHERIFF Re: Moose and Deimos K9 Retirement Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 25 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11M-7 from CINDI MCEACHON Re: Resignation Letter - ECCSAB

Received, filed and printed.

May 25, 2023

Greetings, Chairwoman Baskin,

Please accept this email as notice of my immediate resignation as Chair as well as member of the Erie County Corrections Specialist Advisory Board. It has been an honor to serve this legislative body as both vice chair and chair over the last three and half years.

Cheers,  
Cindi

Cindi McEachon  
Chief Executive Officer

Peaceprints of WNY  
660 Smith Street  
Buffalo, NY 14210

www.peaceprintswny.org  
@peaceprintswny

Item 26 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 11-5 from BASKIN Re: Appointments to the Erie County Corrections Specialist Advisory Board

RESOLUTION NO. 85

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

WHEREAS, the Erie County Corrections Specialist Advisory Board was created in 2019 via Local Law 3-2019; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Advisory Board, and those appointing authorities have submitted the names of their recommended appointees for Legislature ratification.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendations of the various appointing authorities and pursuant to Local law 3-2019, the following persons are hereby confirmed to serve on the Erie County Corrections Specialist Advisory Board for three-year terms effective May 25, 2023:

Candidate  
Jerome Wright  
96 Jewett Parkway  
Buffalo, New York 14214

Appointing Authority  
Chairwoman April N.M. Baskin

Orlando Dixon  
22 Aviano Way  
Amherst, NY 14226

Majority Leader Timothy Meyers

Corey McCarthy  
41 Maynard Drive  
Amherst, NY 14226

Sheriff John Garcia

Felicia Beard  
372 Springville Avenue  
Amherst, NY 14226

County Commissioner of Probation

Michael Ranney  
5721 Salt Road  
Clarence, NY 14031

County Commissioner of Mental Health

Keisha A. Williams, Esq.  
193 Brunswick Boulevard  
Buffalo, NY 14208

Erie County Bar Association

Michael Deal  
290 Main Street, Suite 300  
Buffalo, NY 14203

Legal Aid Bureau  
Prisoners' Rights Organization

Dixie Farr  
34 Edge Park Drive  
Cheektowaga, NY 14225

Center for Employment Opportunities  
Former Offender Transition Organization

and be it further

RESOLVED, that certified copies of this resolution be transmitted to the members of the Erie County Corrections Specialist Advisory Board.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE DISTRICT ATTORNEY**

Item 27 – (COMM. 11E-1) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 9, 2023

Honorable Robert Graber  
Clerk of the Legislature  
92 Franklin Street  
Buffalo, NY 14202

Re: Disclosure/Family Members Employed by (any) Government

Dear Clerk Graber,

Pursuant to Local Law 2(2018), Section 5c, I am providing a list of family members employed by any government organization:

My wife, Debra Flynn, is a Teacher's Aide in the Ken-Ton School District;

My daughter, Kelsie Flynn, is a Labor Relations Specialist in the Town of Tonawanda Personnel Department.

Please contact me if you have any further questions.

Respectfully submitted,

JOHN J. FLYNN  
DISTRICT ATTORNEY

FROM LEGISLATOR MALCZEWSKI

Item 28 – (COMM. 11E-2) Letter to County Executive Concerning the Erie County Gender Identity Policy

Received and filed.

FROM THE COUNTY CLERK

Item 29 – (COMM. 11E-3) Erie County Clerk's Office - Annual Report 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

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

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

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

RESOLUTION NO. 86

RE: Home Rule Request for Immediate  
Consideration - Extension of Additional  
1.0% & 0.75% Sales Tax  
(COMM. 11E-4)

EXTENSION OF ADDITIONAL 1% AND .75% SALES TAX  
ASSEMBLY

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2023 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$373 million in the Erie County budget, and

WHEREAS, Assembly Bill No. A.6629 and Senate Bill No. S.6475, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2023 to November 30, 2025;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.6629 entitled "AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$373 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

EXTENSION OF ADDITIONAL 1% AND .75% SALES TAX  
SENATE

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2023 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$373 million in the Erie County budget, and

WHEREAS, Senate Bill No. S.6475 and Assembly Bill No. A.6629, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2023 to November 30, 2025;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.6475 entitled "AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$373 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two thirds of the total membership thereof having voted in favor of such request.



AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

FROM LEGISLATOR GILMOUR

Item 31 – (COMM. 11E-5) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

- Brian Moran (uncle), Erie County Department of Public Works
- Kristin Gilmour (wife), Town of Hamburg
- Pat Moran (cousin), Buffalo Fire Department
- Morgan Moran (cousin), Buffalo Public Schools
- David Gilmour (uncle), City of Buffalo

Thank you in advance for your assistance.

Sincerely,

John Gilmour  
Erie County Legislator

FROM LEGISLATOR MEYERS

Item 32 – (COMM. 11E-6) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

Valerie Meyers (wife), Erie County Water Authority  
Faith Meyers (daughter), NYS Supreme Court

Thank you in advance for your assistance.

Sincerely,

Timothy J. Meyers  
Erie County Legislator

FROM LEGISLATOR JOHNSON

Item 33 – (COMM. 11E-7) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, I have no family members employed by any government organization in any capacity.

Thank you in advance for your assistance.

Sincerely,

Howard Johnson  
Erie County Legislator

FROM LEGISLATOR VINAL

Item 34 – (COMM. 11E-8) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

Gregory Vinal (son): SUNY Buffalo  
James Vezina (brother): US Department of Energy  
Stacey Vezina (niece): US Department of State  
Tricia Vezina (niece): Buffalo Public Schools  
Stephanie Vezina (niece): Cincinnati Public Schools, Ohio  
Kathleen Steele (niece): Braintree Electric Lighting District, Massachusetts

Thank you in advance for your assistance.

Sincerely,

Jeanne Vinal  
Erie County Legislator

FROM CHAIR BASKIN

Item 35 – (COMM. 11E-9) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

Hon. Robert M. Graber  
Clerk of the Legislature  
92 Franklin Street  
Buffalo, NY 14202

Re: Required Disclosure/Family Members Employed by (any) Government

Dear Clerk Graber:

Pursuant to Section 5(c) of the Code of Ethics, I am providing a list of my family members employed by any government organization in any capacity as of May 15, 2023.

My Mother Lisa Jacobs-Watson works for the NY State Supreme Court, Office of Hon. Craig Hannah.

My Step-Father Brian Watson is a Corrections Officer at Albion Correctional Facility.

My Brother Maxwell V. McCants Jr. is in the U.S. Marine Corps.

My Sister Seana L. McCants is in the U.S. Air Force.

Respectfully,

April N.M. Baskin  
Chair, Erie County Legislature

FROM THE SHERIFF

Item 36 – (COMM. 11E-10) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

Mr. Robert Graber  
Clerk of the Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

Dear Mr. Graber:

In accordance with the Disclosure of Interest in County Business, Section 5-c, please see the list below of family members employed by any government organization in any capacity:

Jake Giarrano, Nephew                      Buffalo Police Department

To my knowledge, there are no other family members as defined by Section 5-c presently employed by any government organization.

Respectfully submitted,

JOHN C. GARCIA  
SHERIFF OF ERIE COUNTY

FROM THE COUNTY CLERK

Item 37 – (COMM. 11E-11) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023  
Hon. Robert M. Graber  
Clerk of the Legislature  
92 Franklin St  
Buffalo, New York 14202

RE: Required Disclosure/Family Members Employed by (any) Government Agency

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2 (2018), Section 5c, I am providing a list of my family members employed by any government organization in any capacity. They include:

<u>Name</u>	<u>Relation</u>	<u>Employer</u>
Joanne Kearns	Sister	City of Buffalo Clerk
Patrick Kearns	Cousin	City of Buffalo Teacher
Dr. Kevin Kearns	Cousin	SUNY Fredonia VP of Economic Development
McKenna Kearns	Daughter	Teacher Aide City of Buffalo

If you have any questions please feel free to contact me at (716) 858-6985 or email me at Michael.Kearns@erie.gov

Sincerely,

Michael P. Kearns  
Erie County Clerk

FROM LEGISLATOR KOOSHOIAN

Item 38 – (COMM. 11E-12) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

Attn: Mr. Robert Graber  
Clerk - Erie County Legislature  
92 Franklin St., 4<sup>th</sup> Floor  
Buffalo, NY 14202

Dear Clerk Graber:

The purpose of this letter is to comply with our ethics law regarding relatives who hold governmental positions. The only relatives who are employed by governments of whom I am aware are:

- My sister in law, Molly Kooshoian, who is a City of Buffalo crossing guard;
- My first cousin Amy Schmit, who is the Assistant Vice President/Chief of Staff for Research and Economic Development at the University at Buffalo; and
- My first cousin Joseph Schmit's wife, Kerry Gould-Schmit, who is the Director of Planning, Capital Planning and Construction at the the New York Public Library.

Thank you for your time and attention to this matter.

Very truly yours,

Michael H. Kooshoian

FROM THE COUNTY CLERK

Item 39 – (COMM. 11E-13) Authorization to Extend Contract with WNY Law Center, Inc. for Zombie Property Outreach Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 11E-14) Appointments to the EC Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 41 – (COMM. 11E-15) Appointments to EC Environmental Management Council

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 42 – (COMM. 11E-16) Huron Human Capital Management Financial Aid Student Managed Services & Post-Production Support

Item 43 – (COMM. 11E-17) Authorization to Contract with First Amendment First Vote

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 44 – (COMM. 11E-18) Authority to Enter into Contract for New Lancaster Highway Maintenance Facility

Item 45 – (COMM. 11E-19) Authorization to Enter Into Contract for Zoeller Rd. Pumping Station - Electric Service Project

Item 46 – (COMM. 11E-20) Authorization to Enter Into Contract for Emery Park Amphitheater Rehabilitation

Item 47 – (COMM. 11E-21) Rehabilitation of Bailey Ave. from Millersport Highway to Sheridan Dr.

Item 48 – (COMM. 11E-22) Rehabilitation of Maryvale Dr. from Beach Rd. to Cayuga Rd. - Contract for Engineering Design Services

Item 49 – (COMM. 11E-23) PILOT Agreement for Mt. Olive Senior Manor, City of Buffalo - Affordable Housing Development

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

Item 50 – (COMM. 11E-24) Solid Waste Management Boards MOU

Item 51 – (COMM. 11E-25) ECSD No. 3 - Southtowns Incinerator Tray Scrubber Replacement & Crane Installation Project

Item 52 – (COMM. 11E-26) ECSD No. 4 - Warner Rd. & Bowmansville Pump Stations Value Installations Project

Item 53 – (COMM. 11E-27) ECSD No. 3 - Southtowns Influent Pumps Replacement Project

Item 54 – (COMM. 11E-28) ECSD No. 6 - Engineer Term Contract Agreement

Item 55 – (COMM. 11E-29) ECSD No. 2 - Engineering Term Contract Agreement

Item 56 – (COMM. 11E-30) ECSD No. 4 - Engineering Term Contract Agreement

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

Item 57 – (COMM. 11E-31) Sheriff's Office Personnel Adjustment - Division of Correctional Health

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM CHAIR BASKIN**

Item 58 – (COMM. 11E-32) Erie County Corrections Specialist Advisory Board Inquiry

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COMPTROLLER**

Item 59 – (COMM. 11E-33) EC Comptroller Access to EC Clerk's Government Bank Accounts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE PERSONNEL COMMISSIONER**

Item 60– (COMM. 11D-1) Letter from Legislator Malczewski Concerning the Erie County Gender Identity Policy

Received and filed.

**FROM THE COMMISSIONER OF HEALTH**

Item 61 – (COMM. 11D-2) COVID-19 Outbreaks at Nursing Homes (Intro. 20-2)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.



FROM THE COUNTY ATTORNEY

Item 62 – (COMM. 11D-3) Filing Document for Local Law No. 4-1-2023: A Local Law Providing for Remote Public Meetings & Remote Participation of the Legislature in the County of Erie

Item 63 – (COMM. 11D-4) Filing Document for Local Law No. 1-2-2023: A Local Law Providing for 10% Property Tax Exemptions for Volunteer Firefighters & Ambulance Workers in Erie County

The above two items were received and filed.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 64 – (COMM. 11D-5) Budget Monitoring Report for Period Ending March 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM ASSEMBLYMAN GOODELL

Item 65 – (COMM. 11M-1) Acknowledgment of Receipt of Certified Resolution

Received and filed.

FROM THE NYS DEPARTMENT OF TAXATION & FINANCE

Item 66 – (COMM. 11M-2) List of Certified 2023 Class Equalization Rates

Item 67 – (COMM. 11M-3) List of Certified 2023 Class Equalization Rates

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

FROM THE NYSDEC

Item 68 – (COMM. 11M-4) Brownfield Cleanup Program Public Notice Fact Sheet

Item 69 – (COMM. 11M-5) DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Ohio St., Buffalo

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

**FROM COMMUNITY ORGANIZATIONS**

Item 70 – (COMM. 11M-6) Needs Assessment for Alternatives to a New Jail

Received and referred to the PUBLIC SAFETY COMMITTEE.

**ANNOUNCEMENTS**

Item 71 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, June 1, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, June 8, 2023.

**MEMORIAL RESOLUTIONS**

Item 72 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Clara Gomez.

Item 73 – Chair Baskin joined Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Clara Gomez.

Item 74 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Donald Yavicoli.

Item 75 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Barbara J. Parish.

Item 76 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of John B. "Jay" Askey.

Item 77 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Jeffrey R. Beers and Justin A. Costantino.

**ADJOURNMENT**

Item 78 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. MEYERS moved that the Legislature adjourn until Thursday, June 8, 2023 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, June 8, 2023 at 12:00 Noon.

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