

ERIE COUNTY LEGISLATURE
MEETING NO. 14
JULY 21, 2022

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Todaro.

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 13 from 2022. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MEYERS presented a proclamation Recognizing & Honoring Joseph McCarthy, Citizen of the Month - July 2022.

Item 6 – MR. JOHNSON presented a proclamation Acknowledging & Honoring the 1st Annual 716 Music Awards.

Item 7 – MR. GREENE presented a proclamation Congratulating Ava Smart on the Grand Opening of Barbell & Abs Fitness Studio.

Item 8 – MR. GREENE presented a proclamation Celebrating Big Sings Ice Cream on National Ice Cream Day.

Item 9 – MR. TODARO presented a proclamation Honoring & Recognizing Bob Verso on His Retirement.

Item 10 – MS. CHIMERA presented a proclamation Congratulating & Honoring Brett Baker on His Outstanding Leadership.

Item 11 – MR. TODARO & MS. CHIMERA presented a proclamation Celebrating the 2022 Buffalo Italian Heritage Festival on July 15-17, 2022.

Item 12 – MR. GREENE & MR. GILMOUR presented a proclamation Celebrating Carmela Maria Giancarlo on Her 100th Birthday.

Item 13 – MR. MILLS presented a proclamation Recognizing & Honoring School Resource Officer Courtney Mackey.

Item 14 – CHAIR BASKIN presented a proclamation In Remembrance of Derrick M. Byrd, Jr.

Item 15 – MR. LORIGO presented a proclamation Recognizing the 100th Anniversary of the East Aurora Veterinary Hospital.

Item 16 – MR. TODARO presented a proclamation Celebrating Frosty's Ice Cream on National Ice Cream Day.

Item 17 – MR. MILLS presented a proclamation Recognizing & Honoring School Resource Officer John Starr.

Item 18 – MR. MILLS presented a proclamation Honoring D.A.R.E. Officer Kristen Mazur.

Item 19 – CHAIR BASKIN presented a proclamation Honoring the Late Dr. Lance R. Formolo & Acknowledging His Memorial Scholarship Fund.

Item 20 – MR. LORIGO presented a proclamation Honoring Marlene Baumgartner for Her Leadership with the Elma Historical Society.

Item 21 – CHAIR BASKIN & MR. JOHNSON presented a proclamation National Minority Mental Health Awareness Month.

Item 22 – CHAIR BASKIN presented a proclamation Celebrating & Honoring Pretrial, Probation, and Parole Supervision Week 2022.

Item 23 – MR. JOHNSON presented a proclamation In Remembrance of Reverend Richard Keith.

Item 24 – CHAIR BASKIN & MR. JOHNSON presented a proclamation In Remembrance of Reverend William Gillison.

Item 25 – MR. MILLS presented a proclamation Recognizing & Honoring School Resource Officer Robert Simmons II.

Item 26 – MS. VINAL presented a proclamation Acknowledging & Recognizing SABAH for Hosting Their Kickstock Event.

Item 27 – MR. TODARO presented a proclamation Recognizing & Honoring School Resource Officer Scott Hossfield.

Item 28 – MR. GREENE presented a proclamation Celebrating Sweet Jenny's on National Ice Cream Day.

Item 29 – CHAIR BASKIN presented a proclamation Recognizing Valerie Crawford & Her A.D.A.C.C. Crawford Foundation.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 30 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 31 – MS. CHIMERA presented the following report, moved to separate item Number 3, and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

July 14, 2022	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 13D-2 (2022)
COMMISSIONER OF DEPARTMENT OF SOCIAL SERVICES: “Comm. 12E-34
Compliance Report”
(Chair’s Ruling)

2. COMM. 12E-16 (2022)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services will provide a three year grant totaling \$1,455,129 to the County for the provision of indigent defense services; and

WHEREAS, Erie County will contract with the Erie County Bar Association’s Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$1,455,129 over three years from January 1, 2022 to December 31, 2024 to provide enhanced representation to indigent defendants; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into three year subcontracts with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver said services from January 1, 2022 to December 31, 2024; and be it further

RESOLVED, that authorization is provided to establish grant funding in the County Attorney’s Office as follows:

Erie County Attorney’s Office
ILS Quality Improvement D12 Grant
Grant Fund 281 160QID12ILS2224
January 1, 2022 to December 31, 2024

Revenue	Increase
Account 409000 - State Aid Revenue	\$1,455,129

Appropriation	Increase
Account 516601 - Legal Aid Bureau	\$727,566
Account 516602 - EC Bar Association	\$727,563

Total Appropriation \$1,455,129

and be it further

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

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

(4-0) Chair Baskin not present for vote.

3. COMM. 13E-31 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, between 2012 and 2021, there were more than 2,000 opioid-related deaths in Erie County; and

WHEREAS, in 2016, County Executive Mark Poloncarz declared the opioid epidemic a public health crisis and created an Opioid Epidemic Task Force to coordinate a community-wide response to the crisis; and

WHEREAS, largely through the work of the Task Force, Erie County experienced nearly a 50 percent decrease in deaths between 2016 and 2019; and

WHEREAS, the pandemic reversed the progress, and Erie County experienced a significant increase in deaths in 2020 and 2021; and

WHEREAS, Erie County, joining numerous other counties, brought a lawsuit against opioid drug manufacturers and distributors in 2017, and New York State filed its own lawsuit in 2019; and

WHEREAS, these lawsuits were settled at the end of 2021 and in the spring of 2022; and

WHEREAS, Erie County will receive \$19,209,474.84 in 2022 as a result of these settlements, with \$14,272,407.43 being restricted on specific opioid-epidemic-related activities, including:

- Treatment
 - Treat opioid use disorder
 - Support people in treatment and recovery
 - Connections to care
 - Address the needs of criminal-justice involved persons
 - Address the needs of pregnant or parenting women and their families
- Prevention
 - Prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids
 - Prevent misuse of opioids
 - Prevent overdose deaths and other harms
- Other Strategies

- First Responders
- Leadership, Planning and Coordination
- Training
- Research
- Post-Mortem

and

WHEREAS, Erie County will receive \$44,026,032.50 in years 2023 through 2038 as a result of this settlement, half of which is restricted; and

WHEREAS, four opioid-related grants (Opioid Response Initiative, Comprehensive Opioid, Stimulant, and Substance Abuse Program, Naloxone Expansion and Emergency Department Care Coordination, and County Hub and Spoke Empowerment) are expected to end soon, and the positions associated with the grants would have to be deleted unless an additional funding source is made available; and

WHEREAS, the Division of Budget and Management has been meeting with the Health Department, Mental Health Department, Probation Department, and Social Services Department for several months to devise a strategy to most effectively use the settlement dollars to address the opioid epidemic.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with the following entities in the amounts indicated as a supplement to their funding from New York State Office of Addiction Services and Supports:

AGENCY	AMOUNT
BestSelf Behavior Health	\$ 388,007
Cazenovia Recovery Systems, Inc.	\$ 202,067
EPIC - Every Person Influences Children	\$ 20,000
Mid-Erie Counseling and Treatment Services (d.b.a Endeavor Health Services)	\$ 20,000
Native American Community Services	\$ 20,000
The Prevention Council of Erie County, Inc.	\$ 77,502
Preventionfocus, Inc.	\$ 67,725
Renaissance Addiction Services, Inc.	\$ 57,049
Restoration Society, Inc.	\$ 26,469
Save the Michaels of the World	\$ 55,258
WNY Independent Living Project, Inc.	\$ 26,647
WNY United Against Drug & Alcohol Abuse, Inc.	\$ 108,062
West Side Community Services	\$ 20,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with BestSelf Behavior Health for \$120,000 and Promesa Inc. for \$225,000 for the purposes of starting a Mobile Narcotic Treatment Programs; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with Catholic Charities, International Institute, Jericho Road, Jewish Family Services, and Journey's End for \$30,000 each for engagement with the immigrant and refugee community on opioid issues; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with D'Youville University and SUNY Buffalo - School of Pharmacy for \$5,000 each for pharmacy detailing; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Peaceprints of WNY for \$500,000 to provide services to 200 individuals with a substance abuse disorder being released from incarceration; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into two contracts with Positive Directions: Screening, Brief Intervention, and Referral to Treatment Training to ten Obstetrician-Gynecologists for \$20,000, and Case Management Services to 100 pregnant individuals with substance abuse disorders; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with Rebecca Rose Recovery Group Living Home for \$200,000 and Group Ministries for \$100,000 for expansion of housing services for individuals with a substance abuse disorder; and be it further

RESOLVED, that because these agencies already provide these services and it would be impractical to issue a request for proposal, this resolution waives Section 26.08 of the Erie County Administrative Code for the aforementioned contracts; and be it further

RESOLVED, that the Health Department and Probation Department are hereby authorized to transfer positions from their existing grants to Fund 295:

Dept.	Title	Job Group	Current Grant	B100 Number
Health	Peer Navigator	3	Comprehensive Opioid, Stimulant, and Substance Abuse Program	13088
Health	Peer Navigator	3	Comprehensive Opioid, Stimulant, and Substance Abuse Program	13089
Health	Project Coordinator - Substance Abuse Disorder	11	County Hub and Spoke Empowerment	13152
Health	Data Entry Operator	4	County Hub and Spoke	13087

			Empowerment	
Health	Peer Navigator-Substance Abuse Disorder	3	Naloxone Expansion and Emergency Department Care Coordination	13090
Health	Project Coordinator - Substance Abuse Disorder	11	Naloxone Expansion and Emergency Department Care Coordination	13151
Probation	Peer Navigator	3	Opioid Response Initiative	13122
Probation	Peer Navigator	3	Opioid Response Initiative	13122
Probation	Probation Officer	11	Opioid Response Initiative	13123

and be it further

RESOLVED, that the Health, Probation, and Social Services Departments are hereby authorized to create the following positions:

Dept.	Title	Job Group	B100 Number
Probation	Peer Navigator	3	13122
Probation	Peer Navigator	3	13122
Health	Family Services Coordinator	10	13085
Health	Peer Navigator	3	13086
Health	Data Analyst	12	13181
Health	Chief Account Clerk	7	13084
Social Services	Counsel - Social Services	14	13141
Social Services	Employment Counselor	9	13142
Social Services	Caseworker	7	13143
Social Services	Community Resource Technician	6	13144

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2022 Adopted Budget:

G/L Name	Fund	Funds Center	G/L	Amount
Restricted Opioid Settlement Revenue	295	14010	415380	\$ 10,686,861.70

ECDOH FT Salaries	295	12700	500000	\$ 177,022.31
ECDOH Fringe	295	12700	502000	\$ 76,617.47
ECDOH Professional Services	295	12700	516020	\$ 8,170,000.00
ECDOH Lab & Technical Equipment	295	12700	561410	\$ 25,000.00
ECDOH Medical and Health Supplies	295	12700	505800	\$ 350,000.00
ECDOH Other Expenses	295	12700	530000	\$ 20,000.00
ECDOH Out of Area Travel	295	12700	510100	\$ 20,000.00
ECDOH Training and Education	295	12700	510200	\$ 15,000.00
Correctional Health Medical Supplies	295	11650	505800	\$ 150,000.00
Probation FT Salaries	295	12610	500000	\$ 111,381.92
Probation Fringe	295	12610	502000	\$ 61,705.58
DSS FT Salaries	295	120	500000	\$ 49,130.19
DSS Fringe	295	120	502000	\$ 27,218.13
Mental Health Professional Services	295	12410	516020	\$ 1,433,786.10

RESOLVED, that future year budgeting for the Opioid Settlement Fund will be including in proposed adopted budgets in the “Special Funds” Book B, with unutilized 2022 funding rolled forward for future year expenses; and be it further

RESOLVED, that the Erie County Legislature authorizes the Director of Budget and Management to make any necessary budgetary adjustments as needed to administer the opioid settlement funding; and be it further

RESOLVED, that the opioid epidemic task force is hereby directed to issue a request-for-proposal to fund initiatives totaling \$6 million to combat the opioid epidemic; and be it further

RESOLVED, the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, the Director of the Division of Budget and Management, the Office of the Comptroller, the Personnel Department, the Commissioner of Health, the Commissioner of Mental Health, the Commissioner of Probation, and the Commissioner of Social Services.

(5-0)

4. COMM. 13E-35 (2022)
COUNTY EXECUTIVE

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

WHEREAS, the Department of Senior Services wishes to improve the lives of those living with disabilities and their caregivers by educating the community; and

WHEREAS, the Department of Senior Services was chosen by the New York State Office for the Aging (NYSOFA), to be a pilot Area Association for the Aging (AAA) to increase awareness throughout Erie County of challenges and opportunities for persons with Intellectual and/or Developmental Disabilities (I/DD); and

WHEREAS, NYSOFA previously awarded the Department of Senior Services \$21,875 of grant funding (163DISAWARE2022) for Disability Awareness projects; and

WHEREAS, Disability Awareness Training (DAT), founded by David Whalen, a regional leader and expert in the field, is an ideal resource to meet Department's training objectives; and

WHEREAS, grant funding is already established for this purpose and no addition County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to enter into an agreement with David Whalen, d/b/a Disability Awareness Training (DAT) to meet disability awareness training objectives for the period of August 1st, 2022 through December 31st, 2022, at a cost not to exceed \$2,000.00; and be it further

RESOLVED, that the agreement be funded out of the Department's 163DISAWARE2022 grant's Professional Services account (#516020); and be it further

RESOLVED, if necessary the County Executive is hereby authorized to execute amendments to the contract to effectuate adjusted funding levels; and be it further

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

(4-0) Chair Baskin not present for vote.

5. COMM. 13E-36 (2022)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services continually looks to enhance services to help seniors remain in their homes longer; and

WHEREAS, the Department of Senior Services wishes to increase independence of older adults and reduce the long-term care costs by providing services to reduce or delay long-term admission to facilities; and

WHEREAS, the Department of Senior Services desires to continue to offer and expand transportation services to eligible residents in Erie County in a cost-effective manner; and

WHEREAS, through an RFP process, Lyft, Inc. and Erie Bus, Inc. were selected to provide services to ambulatory and wheelchair bound clients; and

WHEREAS, the Department of Senior Services now desires to enter into contracts with Lyft, Inc. and Erie Bus, Inc. for a 1-year period of August 1, 2022 to July 31, 2023, which at the sole discretion of the County may be extended beyond the initial term for up to two one-year periods at prices and conditions agreed upon by the County and Agency; and

WHEREAS, no additional County funds are required as budgetary appropriations for aggregate transportation expenditures are available in the Department's Professional Services account in the CSE2223, EMOBILITY2124, AAA TRAN2223, III-B2022 and III-BARP2124 grants; and

WHEREAS, amounts for subsequent contract years are to be determined by appropriations available in each of those year's County budgets.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive be and is hereby authorized to enter into contracts with Lyft, Inc. and Erie Bus, Inc. to provide On-Demand Transportation Services for the Department during the August 1, 2022 to July 31, 2023 period, which at the sole discretion of the County may be extended beyond the initial term for up to two, one-year periods, at prices and conditions agreed upon by County Agency; and be it further

RESOLVED, that the existing aggregate Professional Services Account appropriations in the CSE2223, EMOBILITY2124, AAA TRAN2223 and III-B2022 grants be utilized to pay for On-Demand Transportation Services, up to \$120,000 for the first year, with amounts for the subsequent years to be determined by appropriations in each of those year's County budgets; and be it further

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

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

(4-0) Chair Baskin not present for vote.

LISA M. CHIMERA
CHAIR

MR. LORIGO moved to return item Number 3 to committee for further consideration. MR. TODARO seconded.

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

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

FAILED.

MS. CHIMERA moved to amend item Number 3. MR. JOHNSON seconded.

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

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

CARRIED.

Add a New First Resolve Clause in Its Entirety as Follows:

RESOLVED, the County Executive or the Deputy County Executive is authorized to execute any necessary agreements to accept monies from the Opioid Settlement Fund for the purposes of funding the initiatives detailed in this resolution to address the opioid epidemic in Erie County; and be it further

MS. CHIMERA moved to approve item Number 3 as amended. MR. JOHNSON seconded.

MR. LORIGO moved to further amend item Number 3. MR. TODARO seconded.

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

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

FAILED.

CHAIR BASKIN moved to previous question and directed that a roll-call vote be taken.

MR. LORIGO requested the separation of the first, tenth and fifteenth resolve clauses.

GRANTED.

CHAIR BASKIN moved the balance of item Number 3.

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

CARRIED.

CHAIR BASKIN moved the first, tenth and fifteenth resolve clauses.

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

July 14, 2022	PUBLIC SAFETY COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-3 (2022)
GILMOUR: “Letter in Support of the Creation of BTAT Positions in the Erie County Sheriff’s Office”
(Chair’s Ruling)
 - b. COMM. 13E-4 (2022)
BASKIN: “Letter to President & CEO of the Resource Council of WNY Regarding Intro. 10-2”
(Chair’s Ruling)
 - c. COMM. 13E-5 (2022)
BASKIN: “Letter to District Attorney Regarding Intro. 10-2”
(Chair’s Ruling)
 - d. COMM. 13E-6 (2022)
BASKIN: “Letter to County Executive Regarding Intro. 10-2”
(Chair’s Ruling)

2. COMM. 13E-30 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services' Division of Protective Services is jointly responsible for the protection of county operated facilities along with members of the law enforcement community; and

WHEREAS, the Division of Protective Services utilizes several access control and screening devices to achieve the protective measures; and

WHEREAS, such screening devices have become crucial to the protection of Erie County staff, visitors, and assets; and

WHEREAS, the Division of Protective Services has a disparity where a group of staffers are unable to perform functions related to the safety and security of county facilities through the operation of such devices; and

WHEREAS, eliminating the position disparity shall create a more efficient and effective working environment; and

WHEREAS, there will be no budgetary impact for the fiscal year 2022 budget as position vacancies shall account for the funding variance; and

WHEREAS, future budgetary impact shall be in accordance with the AFSCME local 1095 collective bargaining agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Personnel be authorized to make the necessary personnel alterations to create the five (5) additional Building Guard positions and eliminate the five (5) current Watch Attendant positions as follows:

Delete: Watch Attendant
Position Number: 51015612
Annual Salary: \$31,237 (JG-3)

Delete: Watch Attendant
Position Number: 51015613
Annual Salary: \$40,225 (JG-3, Step E)

Delete: Watch Attendant
Position Number: 51015615
Annual Salary: \$31,237 (JG-3)

Delete: Watch Attendant
Position Number: 51015617
Annual Salary: \$31,237 (JG-3)

Delete: Watch Attendant
Position Number: 51015618
Annual Salary: \$31,237 (JG-3)

Add: Building Guard Position 10
Budgeted Annual Salary \$35,320 (JG-4)

Add: Building Guard Position 11
Budgeted Annual Salary \$35,320 (JG-4)

Add: Building Guard Position 12
Budgeted Annual Salary \$35,320 (JG-4)

Add: Building Guard Position 13
Budgeted Annual Salary \$35,320 (JG-4)

Add: Building Guard Position 14
Budgeted Annual Salary \$35,320 (JG-4); and be it further

RESOLVED, that the Erie County Department of Budget Management be authorized to make the necessary budgetary alterations within cost center 1670050 to fund the five (5) additional Building Guard positions and defund the five (5) current Watch Attendant positions. Such alterations shall effect Full Time salaries and Fringe Benefits for which a sufficient budgetary surplus shall be created within the modifications:

Delete: Watch Attendant
Position Number: 51015612
Annual Salary: \$31,237 (JG-3)

Delete: Watch Attendant
Position Number: 51015613
Annual Salary: \$40,225 (JG-3, Step E)

Delete: Watch Attendant
Position Number: 51015615
Annual Salary: \$31,237 (JG-3)

Delete: Watch Attendant
Position Number: 51015617
Annual Salary: \$31,237 (JG-3)

Delete: Watch Attendant
Position Number: 51015618
Annual Salary: \$31,237 (JG-3)

Add: Building Guard Position 10

Budgeted Annual Salary \$35,320 (JG-4)

Add: Building Guard Position 11
Budgeted Annual Salary \$35,320 (JG-4)

Add: Building Guard Position 12
Budgeted Annual Salary \$35,320 (JG-4)

Add: Building Guard Position 13
Budgeted Annual Salary \$35,320 (JG-4)

Add: Building Guard Position 14
Budgeted Annual Salary \$35,320 (JG-4); and be it further

RESOLVED, that the Clerk of the Erie County Legislature shall forward certified copies of this Resolution to the County Executive, the Office of the Comptroller, the Director of the Division of Budget and Management, the Commissioner of the Department of Personnel, and the Commissioner of the Department of Homeland Security & Emergency Services.
(5-0)

3. COMM. 13E-37 (2022)
SHERIFF

WHEREAS, the Erie County Sheriff's Office has had personnel dedicated to the Western District of New York Human Trafficking Task Force for several years; and

WHEREAS, the Erie County Sheriff's Office is the lead law enforcement agency for the task force; and

WHEREAS, the agency's efforts, along with the task force, have had success in investigating human trafficking cases in the region; and

WHEREAS, the Erie County Sheriff's Office applied for a grant to enhance its efforts to investigate labor trafficking incidents throughout the area; and

WHEREAS, the Howard G. Buffett Foundation has awarded the Erie County Sheriff's Office, and its partners, \$4,999,529.06 for labor trafficking investigations and public awareness efforts; and

WHEREAS, the funding is for three (3) years and funds the creation of a "soft interview room" for victims of labor trafficking, fund the creation and distribution of campaign awareness materials, purchase of a dedicated vehicle for the Human Trafficking Task Force, reimburse the Sheriff's Office for the annual wages and benefits of a Deputy Sheriff, and reimburse grant partners' expenses related to labor trafficking investigations and victim support services; and

WHEREAS, the Buffett Foundation has also awarded funding for an Assistant District Attorney V (JG 16) in the Erie County District Attorney's Office to prosecute labor trafficking cases; and

WHEREAS, this dedicated prosecutor will work jointly with the WDNY United States Attorney's Office as a Special Assistant U.S. Attorney (SAUSA); and

WHEREAS, the dedicated prosecutor will work upon request as a specially assigned prosecutor to other area District Attorney Offices in the State of New York, increasing prosecutorial support of labor trafficking cases; and

WHEREAS, the Erie County Sheriff's Office will act as the administrator of the grant, and the agency and the County of Erie will enter into agreements with the following entities for labor trafficking investigations and victim support services:

- International Institute of Buffalo;
- Western New York Coalition of Farm Workers Servicing Agencies;
- St. Lawrence County Sheriff's Office;
- Renewal House;
- Erie County District Attorney's Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff to enter into a contract with the Howard G. Buffett Foundation to accept a \$4,999,529.06 grant dedicated for labor trafficking activities; and be it further

RESOLVED, the contract with the Howard G. Buffett Foundation and the grant partners is three (3) years from the date of the contract's execution; and be it further

RESOLVED, the Fund Center is 11510, and the grant will be allocated to the following accounts:

ERIE COUNTY SHERIFF'S OFFICE
Howard G. Buffett Foundation Grant

<u>REVENUE</u>		<u>DECREASE</u>
420499	Revenue	<u>\$4,999,529.06</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
500000	Salary and Fringe Benefits	\$237,261.08
500300	Shift Differential	\$6,000.00
500320	Uniform	\$4,500.00
500340	Line Up Pay	\$11,675.00
501000	Overtime	\$170,736.22
502000	Fringe Benefits	\$189,642.85
510100	Out of Area Travel	\$34,198.50
515000	Utility Charges	\$1,125.00
516010	Cnt Payments-Non Pro Pur	\$3,696,798.88
516020	Professional Service & Fees	\$21,800.00

530000	Other Expenses	\$3,728.00
561410	Lab and Tech	\$26,247.53
561420	Office Furniture & Fixtures	\$5,000.00
561440	Motor Vehicles	\$58,891.00
911490	ID Billing DA Grant Services	\$531,325.00
	Total Revenue	<u>\$4,999,529.06</u>

and be it further

RESOLVED, the Erie County Legislature authorizes the County to enter into an agreement with the Erie County District Attorney's Office, 25 Delaware Avenue, Buffalo, New York, 14202, for the term of three years to commence on the date the contract with Howard G. Buffett Foundation is signed; and be it further

RESOLVED, the Erie County Legislature authorizes the County to enter into an agreement with the International Institute of Buffalo, 864 Delaware Avenue, Buffalo, New York, 14209, for three years for the amount of \$1,058,211.55 to commence on the date the contract with Howard G. Buffett Foundation is signed; and be it further

RESOLVED, the Erie County Legislature authorizes the County to enter into an agreement with the WNY Coalition of Farmworker Serving Agency, P.O. Box 157, Brockport, New York, 14420, for three years for the amount of \$1,270,529.29 to commence on the date the contract with Howard G. Buffett Foundation is signed; and be it further

RESOLVED, the Erie County Legislature authorizes the County to enter into an agreement with the St. Lawrence County Sheriff's Office, 49 ½ Court Street, Canton, New York, 13617, for three years for the amount of \$1,000,719.14 to commence on the date the contract with Howard G. Buffett Foundation is signed; and be it further

RESOLVED, the Erie County Legislature authorizes the County to enter into an agreement with the Renewal House, 3 Chapel Street, Canton, New York, 13617, for three years for the amount of \$367,338.99 to commence on the date the contract with Howard G. Buffett Foundation is signed; and be it further

RESOLVED, the Erie County Sheriff's Office and the Personnel Department are authorized to create a civil service Deputy Sheriff-Criminal job group 8, step 5 position stipulated in the grant agreement; and be it further

RESOLVED, the Erie County District Attorney's Office and the Personnel Department are authorized to create a managerial confidential Assistant District Attorney V (Job Group 16) position in fund center 11400 as stipulated in the grant agreement; and be it further

RESOLVED, that authorization is hereby provided to establish the Erie County District Attorney's Howard G. Buffett Foundation Labor Trafficking Grant as follows:

Labor Trafficking Grant

Grant: 114TRAFFICK2225
Fund: 281 Cost Center: 1140050

<u>Appropriation</u>		
500000	Full Time Salaries	\$ 333,302.00
502000	Fringe Benefits	183,481.10
510100	Out of Area Travel	12,660.00
561440	Lab & Tech	1,881.90
911490	ID District Attorney Grant Services	<u>(\$531,325.00)</u>
Total Appropriations		<u>\$ - 0 -</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary transfers and to make any technical adjustments required to effectuate these transfers should there be any unforeseen issues; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Purchasing, the Personnel Department, the Erie County Comptroller's Office, the Erie County District Attorney's Office, and the Sheriff's Office for implementation.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Item 33 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

July 14, 2022	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 12E-10 (2022) AS AMENDED
COUNTY EXECUTIVE
WHEREAS, the County of Erie is interested in the improvement of Isle View Park; and

WHEREAS, Erie County owns and maintains Isle View Park and is responsible for capital improvements that are needed periodically; and

WHEREAS, Erie County was awarded a \$425,000 New York State Department of State Local Waterfront Revitalization Program (NYS LWRP) grant; and

WHEREAS, Erie County was awarded a \$1,065,068 grant from the Ralph C. Wilson Jr. Foundation; and

WHEREAS, Erie County was awarded a \$315,000 Niagara River Greenway Commission grant; and

WHEREAS, the grant funding will be utilized for the undertaking capital improvements within Isle View Park in the Town and City of Tonawanda; and

WHEREAS, Erie County is desirous of engaging design and engineering services to design capital improvements to Isle View Park in the Town and City of Tonawanda; and

WHEREAS, in compliance with Section 26.08 of the Erie County Administrative Code a consultant selection process evaluated responses to a Request for Proposal# 2022-032VF; and

WHEREAS, the ranking and selection is further detailed in "Attachment A".

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to A.19075:

Increase Revenue/ Appropriations totaling \$1,805,068 as follows:

Revenue

Commitment Item 409000 (State Aid Revenues) \$425,000

Revenue

Commitment Item 420499 (Other Local Source Revenue) \$1,065,068

Revenue

Commitment Item 420499 (Other Local Source Revenue) \$315,000

Appropriation

Commitment Item 516020 (Professional Services – Contractual Fees) \$196,374

and be it further

RESOLVED, that authorization is hereby provided for the County Executive or Deputy County Executive to execute all agreements with New York State Department of State as necessary

to accept funding and seek reimbursement of these funds in an amount not to exceed \$425,000 from the NYS Department of State LWRP grant program; and be it further

RESOLVED, that authorization is hereby provided for the County Executive or Deputy County Executive to execute all agreements with the Community Foundation of Greater Buffalo, Inc. as necessary to accept funding and seek reimbursement of these funds in an amount not to exceed \$1,065,068 from the Ralph C. Wilson Jr. Foundation; and be it further

RESOLVED, that authorization is hereby provided for the County Executive or Deputy County Executive to execute all agreements with the Community Foundation of Greater Buffalo, Inc. as necessary to accept funding and seek reimbursement of these funds in an amount not to exceed \$315,000 from the Buffalo and Erie County Greenway Standing Committee; and be it further

RESOLVED, that the County Executive be authorized to execute a Contract for Engineering and Design Services for the Isle View Park Enhancement Project in an amount not to exceed \$196,374 with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C.; and be it further

RESOLVED, that the County Executive or Deputy County Executive shall be authorized to execute change orders with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. in total contract amount shall not exceed \$235,648; and be it further

RESOLVED, that the source of funding of the aforementioned contracts is A.19075; and be it further

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

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

Attachment A:

Consultant	Pricing	Reviewer Rankings					Ranking
		1	2	3	4	5	
Clark Patterson Lee	\$196,374.00	1	1	1	1	1	1
LaBella	\$173,253.00	2	2	2	2	2	2
C&S Companies	\$192,156.00	3	3	3	3	3	3
Wendel	\$210,000.00	4	4	4	4	4	4
Bergmann	\$230,430.00	5	5	5	5	5	5
Barton & Loguidice	\$247,000.00	6	6	6	6	6	6

Shortlisted and interviewed - ranking reflects post-interview scoring
 Selected firm

(5-0)

2. COMM. 12E-11 (2022) AS AMENDED
 COUNTY EXECUTIVE

WHEREAS, it is recognized that access to high speed internet service is a necessity for creating growth, equity and prosperity for the region; and

WHEREAS, Erie County has received additional federal American Recovery Plan (ARP) funding to potentially assist with securing a design, engineering, and construction management firm to further develop an Open Access Network (OAN) in Erie County; and

WHEREAS, Erie County’s Initiative for Smart Economy Erie identifies broadband service as a priority within Erie County’s and the County has committed to the goal of increasing broadband access for citizens; and

WHEREAS, Erie County has solicited proposals from qualified technology firms for proposals to provide design, engineering, and construction management services; and

WHEREAS, the results of the selection process are included as an attachment to this resolution as outlined in the Erie County Administrative Code 26.08; and

WHEREAS, Erie County desires to work with ECC Technologies to provide design, engineering, and construction management services to build an Open Access Network (OAN) in Erie County; and

WHEREAS, this Open Access Network will benefit tens of thousands of Erie County Residents which have limited or no access to high-speed internet service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute a Contact provide design, engineering, and construction management services to build an Open Access Network (OAN) in Erie County in an amount not to exceed \$2,446,800 with ECC Technologies or other entities as appropriate; and be it further

RESOLVED, that an amount of \$2,446,800 be allocated from fund 110, fund center 16200, general ledger 516020 and additional amount of TBD be allocated for a Department of Environment and Planning contingency fund with authorization from the County Executive to approve contract amendments with ECC Technologies or other entities as necessary with the source of said funds also allocated from the same account; and be it further

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

RESOLVED, that this Resolution takes effect from and after its date of adoption; and be it further

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

(4-0) Chair Baskin not present for vote.

3. COMM. 13E-8 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, consistent with Erie County's Commitment to Paris goals, the County encourages the development of Solar Facilities which reduce dependence upon fossil fuels and further climate goals to mitigate global warming; and

WHEREAS, Project Owner, (Eden Solar LLC) has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law ("RPTL") Section 487(1)(b) (the "Project") with an expected nameplate capacity ("Capacity") of approximately 3.75 Megawatts AC on a parcel of land located within the Town of Eden, identified as 7501 Sisson Highway, SBL No 209.00-3-6; and

WHEREAS, the Taxing Jurisdictions have not opted out of RPTL § 487; and

WHEREAS, pursuant to RPTL § 487(9)(a) the Taxing Jurisdictions have indicated their intent to require a Payment in Lieu of Taxes Agreement ("PILOT") with the Project Owner, under which the Project Owner will be required to make annual payments to the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Project Owner has submitted or will submit to the Assessor of the Town an Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems ("Form RP-487"); and

WHEREAS, the Real Property not part of the Project will be assessed for any statutory real property taxes levied by the Taxing Jurisdictions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Eden Solar LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located at 7501 Sisson Highway, Eden New York (SBL 209.00-3-6); and be it further

RESOLVED, that said Agreement shall include an annual PILOT payment in the amount \$4,557, subject to annual escalation of 2%; and be it further

RESOLVED, that said Agreement shall include an estimated annual PILOT based on the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

4. COMM. 13E-9 (2022)
COUNTY EXECUTIVE

WHEREAS, updates to New York State election law has required the Erie County Board of Elections to accommodate the arrival of 1,600 iPad devices; and

WHEREAS, the Erie County Board of Elections Fourth Floor iPad Storage Area project (herein called the "Project") seeks to renovate and upgrade an existing unoccupied office area for use as a storage space for the newly acquired iPad devices; and

WHEREAS, completion of the Project will ensure these new laws set forth by New York State are met, as well as safely and securely storing the devices to prevent any damage or loss; and

WHEREAS, the County of Erie received General and Electrical Construction bids for the Project on May 21, 2022; and

WHEREAS, the Department of Public Works and Buffalo Engineering are recommending award of the contracts to the lowest responsible bidder for the General and Electrical Contract received on May 21, 2022.

NOW, THEREFORE, BE IT

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

General Construction Work

Javen Construction Co., Inc.	Base Bid:	\$251,000
Total Award of General Construction Contract:		\$251,000

Electrical Construction Work

Weydman Electric, Inc.	Base Bid:	\$ 159,747
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	Alternate 1:	\$ 60,500
Total Award of Electrical Construction Contract:		\$ 220,247

and be it further

RESOLVED, that the sum of \$50,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted Capital Projects in Fund 410, Funds Center 122 as follows:

A.22052 – 2022 Pres of County Bldgs & Facilities	\$501,247
Total not to exceed	\$501,247

and be it further

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

(5-0)

5. COMM. 13E-10 (2022)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works (DPW) desires to engage the services of Environmental Service Consultants in order to comply with the New York State Department of Labor Code Rule 56 and to implement Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring; and

WHEREAS, DPW advertised for Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring on May 31, 2022 through the County's standard Request for Qualification process; and

WHEREAS, the current contract for the same services that was originally advertised in 2017 is expiring and is out of one-year extensions, therefore these professional services had to be re-advertised; and

WHEREAS, a review of proposals evaluated each firm's expertise, experience, and manpower to provide the required services; and

WHEREAS, after careful review of all submissions, it has been determined that it was appropriate to award two term contracts to meet the needs of the County; and

WHEREAS, DPW is recommending award of the three (3) year term contract with the possibility of two (2) one (1) year extensions to Watts Architects and Engineers and LaBella Associates as they have shown in their proposal submission they have the expertise and knowledge to provide these services for 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; and

WHEREAS, while the RFP/RFQ consultant selection package is still pending approval by the Commissioner of Public Works as well as the Deputy County Executive, it was important for DPW Buildings and Grounds to request approval of these contracts so there is not a gap in these necessary services as the existing contracts are expiring; and

WHEREAS, DPW will provide the signed consultant selection scoring summary to your Honorable Body upon formal approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into a three (3) year Term Agreement contract with the possibility of two (2) one (1) year extensions with the Watts Architects and Engineers in an amount of \$75,000 and LaBella Associates in an amount of \$75,000 for the Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring for a total amount not to exceed \$150,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for services from Capital Project A.21103 – DPW (Buildings and Grounds) – Code and Environmental Compliance (Countywide), Funds Center 122, Fund 410 for a total amount not to exceed \$150,000; 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 Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

6. COMM. 13E-11 (2022)
COUNTY EXECUTIVE

WHEREAS, water infiltration has caused concrete and steel structural elements in the basement level beneath Pearl Street and adjacent sidewalk to crack, spall, and deteriorate at the Buffalo Convention Center; and

WHEREAS, continual deterioration with 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, an assessment of the existing structural member along with designed repairs and corrective measures of the structural members must be implemented; and

WHEREAS, the Department of Public Works (DPW) advertised and solicited for interested engineering firms on May 31, 2022 and accepted proposal submissions on June 21, 2022 through the County's standard RFP process; and

WHEREAS, the Consultant Selection Committee is in the process of reviewing the received proposal submissions; and

WHEREAS, the last Legislative meeting before summer recess would delay the start of the necessary assessment and eventual repair recommendations until fall 2022; and

WHEREAS, it is important to start these necessary repairs as soon as possible to minimize the amount of deterioration to the extent possible; and

WHEREAS, authorization is required for the County Executive to issue an Agreement to the most qualified engineering firm for providing professional design and construction administration services for a structural repairs and assessment project located at the Buffalo Convention Center.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement the most qualified engineering firm for providing professional design and construction administration services for the Structural Assessment and Repairs of the Buffalo Convention Center for an amount not to exceed \$200,000, including design contingency; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment from the following capital project in Funds Center 122, Fund 410:

A.22003 – DPW (Buildings and Grounds) – Buffalo Niagara Convention Center (BNCC) Improvements	\$200,000
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and be it further

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

7. COMM. 13E-12 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has identified a capital improvement project at Grover Cleveland Golf Course requiring professional design services to renovate the existing historic Grover Schenk House; and

WHEREAS, the Department of Public Works will be receiving construction bids for the Grover Cleveland Golf Course Schenk House and Restroom Renovation – Roof Replacement and Structural Repairs project during the Legislative recess period; and

WHEREAS, this is a time-sensitive item to prevent further deterioration of the existing historic Schenk House on Grover Cleveland Park property; and

WHEREAS, the last Legislative meeting before summer recess will not allow for the normal award process of construction contracts after bids are received before the winter season; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with the lowest responsible bidder in accordance with General Municipal Law 103 for the Grover Cleveland Golf Course Schenk House and Restroom Renovation – Roof Replacement and Structural Repairs Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the lowest responsible bidder, including a construction contingency for the Grover Cleveland Golf Course Schenk House and Restroom Renovation – Roof Replacement and Structural Repairs Project for an amount not to exceed \$500,000; and be it further

RESOLVED, that the Department of Public Works will report to the Legislature the value of the contract awarded and to whom; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following Capital Project approved in the American Rescue Plan resolution, COMM 13E-15, on 7/8/21, Fund 410, Funds Center 122:

A.21162	Parks Managed by DPW Expanded Capital Program	\$500,000
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and be it further

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

(5-0)

8. COMM. 13E-13 (2022)
COUNTY EXECUTIVE

WHEREAS, ongoing issues with the hot water tanks and their associated equipment at the Erie County Holding Center has caused complications and reoccurring problems for the maintenance as well as operating staff; and

WHEREAS, the Erie County Holding Center 2021 Hot Water Tank Replacement project (herein called the “Project”) seeks to replace hot water storage tanks and upgrade the hot water distribution system; and

WHEREAS, completion of the Project will ensure that the many reoccurring issues including temperature inconsistency, water damage and flooding, will be resolved; and

WHEREAS, the County of Erie received Abatement and Plumbing Construction bids for the Project on May 6, 2022, but did not receive any Electrical Construction bids at that time; and

WHEREAS, the Electrical Construction portion of work was promptly re-bid and advertised publicly, and Electrical Construction bids were received on June 17, 2022; and

WHEREAS, the Department of Public Works and Clark Patterson Lee are recommending award of the contracts to the lowest responsible bidder for the Abatement and Plumbing Contract received on May 6, 2022 and to the lowest responsible bidder for the Electrical Construction Contract received on June 17, 2022.

NOW, THEREFORE, BE IT

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

Abatement Construction Work

Metro Contracting & Environmental Inc.	Base Bid:	\$ 46,000
Total Award of Abatement Construction Contract:		\$ 46,000

Plumbing Construction Work

M.K.S Plumbing Corporation	Base Bid:	\$ 298,000
	Alternate 1:	\$ 13,000
	Alternate 2:	\$ 25,000
	Alternate 3:	\$ 11,000
Total Award of Abatement Construction Contract:		\$ 347,000

Electrical Construction Work

Goodwin Electric Corporation	Base Bid:	\$ 65,400
Total Award of Electrical Construction Contract:		\$ 65,400

and be it further

RESOLVED, that the sum of \$50,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted Capital Projects in Fund 410, Funds Center 122 as follows:

A.21107 – 2021 EC Sheriffs Dept Misc Renovations	\$400,000
<u>A.22005 - 2022 EC Sheriffs Dept Misc Renovations</u>	<u>\$108,400</u>
Total not to exceed	\$508,400

and be it further

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

(5-0)

9. COMM. 13E-14 (2022)
COUNTY EXECUTIVE

WHEREAS, the construction of an addition to the existing Buffalo and Erie County Botanical Gardens will triple the event space allowing for more revenue-generating events, promote growth south of Buffalo by attracting tourism and business to the area, and provide considerable cost savings by allowing for the demolition of existing non-historic houses that have fallen into disrepair which require substantial investment to remain operational; and

WHEREAS, this A/E services contract will be funded entirely by the Buffalo and Erie County Botanical Gardens Society Inc. (Botanical Gardens Society); and

WHEREAS, the project may be eligible for rebates and incentives from various agencies such as NYPA, NYSERDA and/or utility companies; and

WHEREAS, the Botanical Gardens Society have solicited proposals from A/E firms which have been reviewed by a selection committee, and have recommended Toshiko Mori Architect PLLC and their sub-consultants; and

WHEREAS, Toshiko Mori Architect PLLC and their sub-consultants shall provide professional architectural, engineering, and LEED consultant services for the design and construction administration services of the new exhibit spaces, state-of-the-art educational classrooms and greenhouses, multipurpose event spaces and outdoor exhibition gardens; and the project will be LEED Silver certified; and

WHEREAS, the County Executive is requesting authorization for the County Executive be added as an interested party to the existing contract that the Botanical Gardens Society has with the architectural firm Toshiko Mori Architect PLLC (TMA) for the Buffalo and Erie County Botanical Gardens 2019 Expansion Plan project; and

WHEREAS, the County Executive is requesting authorization to enter into a Memorandum of Understanding (MOU) with the Botanical Gardens Society, to ensure all Erie County requirements are adhered to as well as to make sure that building code compliance as required by the New York State Department of State, Buildings and Codes Division is followed as; and

WHEREAS, the design intention of TMA and vision of the Botanical Gardens Society is to have full exterior cladding and roof system for this project will be constructed of translucent Ethylene Tetrafluoroethylene ("ETFE") material within particularly shaped panels, and

WHEREAS, the County Executive is requesting authorization and is also requesting permission on behalf of the Botanical Gardens Society and their design consultant, TMA, to allow a basis of design vendor of Vector Foiltech to be included within the project providing a specific roof membrane and associated structural support system for the roof membrane allowing the building to meet the needs of the Society; and

WHEREAS, the County has received a letter from the previously approved Construction Manager, Savarino Companies, for the project per COMM. 23E2 (2019) recommending to proceed with Vector FoilTec as the basis of design to achieve the Society and TMA's vision of the project; and

WHEREAS, in close coordination with DPW as well as the Botanical Gardens Society, both TMA and Savarino Companies have researched the different types of systems as well as several vendors for the desired roof system of the main addition and have had extensive conversations with this specific vendor to recommend Vector Foiltech while meeting the needs of the facility; and

WHEREAS, if a basis of design vendor was not included, the use of a panel system and product varying from the overall design intention, would likely require redesign by the design consultant during construction causing delays and cost increases, as the performance of the ETFE system is vendor-specific as well as reliant upon the structural steel support below; and

WHEREAS, the consideration of the environmental and social impacts of the project through the State Environmental Quality Review Act (SEQR) is required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to be added as an interested party to the existing agreement between the Botanical Gardens Society and Toshiko Mori Architect PLLC (TMA) providing professional design and construction services for the Botanical Gardens Expansion project; and be it further

RESOLVED, that the County Executive is authorized to enter into a Memorandum of Understanding with the Botanical Gardens Society to ensure county requirements are adhered to; and be it further

RESOLVED, the County Executive is authorized to allow the Botanical Gardens Society's design consultant, TMA, to include Vector Foiltech as a basis of design vendor with the project; and it be further

RESOLVED, that the Erie County Executive, upon acceptance of a complete Full Environmental Assessment Form for the contemplated Botanical Gardens Expansion, as representative of Erie County is through its Department of Environment and Planning is authorized to solicit Lead Agency for SEQR on behalf of the County; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, Department of Environment and Planning, Commissioner's Office and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Botanical Gardens Society c/o Mark Mortenson.

(5-0)

10. COMM. 13E-16 (2022)
COUNTY EXECUTIVE

WHEREAS, the Installation of New Electric Vehicle Charging Stations- CMAQ PIN 5763.49, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds, and a local share; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal reimbursement funds, for the Project; and

WHEREAS, the County of Erie wants to award the project to the lowest responsible bidder, establish a contingency and enter into an agreement with LaBella Engineering Consultants for construction inspection and construction administration; and

WHEREAS, the Locally Administered Federal Aid Project agreement for the construction phase of this Project is \$253,567.50 with \$202,854 in Federal reimbursements and a total Project cost estimated at \$477,227 requiring and up to \$274,373 in local funds; and

WHEREAS, further funding from state agencies, such as NYSERDA, and utility rebate programs will be sought to offset the cost of the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the above subject Project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for federal-aid and or state-aid reimbursement; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the responsible low bidder and enter into a construction phase engineering services

agreement with Labella Engineering, and establish a construction contingency to be used on the project. The total project cost is not to exceed \$477,227 of which \$202,854 is made up of Federal reimbursements and \$274,373 in local funds; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal reimbursements from the NYSDOT Agreement, as well as any other additional Federal, State, or Grant funding, or utility incentives which may be made available; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into any necessary agreements for any revenues not included in the NYSDOT Agreement; and be it further

RESOLVED, that any additional funding that is received will result in these funds being added to the budget in A.21161 – 2021 Parks Expanded Capital Program, Fund 410, Funds Center 164; and be it further

RESOLVED, that the estimated total sum of \$477,227 for the construction, construction administration and construction inspection phase for the Project is available in A.21161 – 2021 Parks Expanded Capital Program, Fund 410, Funds Center 164; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in A.21161, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
414000	Federal Aid	\$0	\$202,854	\$202,854
486000	Interfund Rev Subsidy	<u>\$3,045,904</u>	<u>\$0</u>	<u>\$3,045,904</u>
TOTAL REVENUES		<u>\$3,045,904</u>	<u>\$202,854</u>	<u>\$3,248,758</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	<u>\$3,045,904</u>	<u>\$202,854</u>	<u>\$3,248,758</u>
TOTAL APPROPRIATIONS		<u>\$3,045,904</u>	<u>\$202,854</u>	<u>\$3,248,758</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the Project budget for any and all additions or reductions in Federal, State, or other revenue that are made available for this Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$477,227 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal and/or State Aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution each of the following: the Department of Public Works, the Office of the County Executive, the Division of Budget and Management, the Department of Parks, Recreation, and Forestry, and the Office of the Comptroller.

(5-0)

11. COMM. 13E-17 (2022)
COUNTY EXECUTIVE

WHEREAS, the 2022 Bridge Painting and Vertical Down Repairs (4 Bridges) PIN 5763.38, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal and State funds, and a local share; and

WHEREAS, the County of Erie desires to advance the Construction phase of the Project by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal and State reimbursement funds, for the Project; and

WHEREAS, the County of Erie wants to award the project to the lowest responsible bidder, establish a contingency and enter into an agreement with CHA Consultants for construction inspection and construction administration; and

WHEREAS, the total project costs are currently estimated at \$1,350,000 with \$880,000 in Federal reimbursements, \$165,000 in NYS Marchiselli reimbursements, and \$305,000 in local funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the above subject Project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of construction and construction inspection phases of the Project or portions thereof with the understanding that qualified costs may be eligible for federal-aid and or state-aid reimbursement; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency for a total project cost not to exceed \$1,350,000 of which \$880,000 is made up of Federal reimbursements, \$165,000 is made up of NYS Marchiselli reimbursements, and \$305,000 in local funds; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept all Federal and State reimbursements from the NYSDOT Agreement, as well as any other additional Federal or State funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$1,350,000 for the construction, and construction inspection phase for the Project is available in B.21105 – 2021 Federal Aid Preservation of Bridges, Fund 420, Funds Center 123; and be it further

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to adjust the budget in B.21105, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
405160	NYS Marchiselli	\$0	\$165,000	\$165,000
414000	Federal Aid	\$1,200,000	\$288,000	\$1,488,000
475000	Gen Oblig Bond Proc	<u>\$500,000</u>	<u>\$0</u>	<u>\$500,000</u>
TOTAL REVENUES		<u>\$1,700,000</u>	<u>\$453,000</u>	<u>\$2,153,000</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	\$760,000	\$1,350,000	\$2,110,000
UNALLOCATED	<u>Unallocated Capital</u>	<u>\$940,000</u>	<u>(\$897,000)</u>	<u>\$43,000</u>
TOTAL APPROPRIATIONS		<u>\$1,700,000</u>	<u>\$453,000</u>	<u>\$2,153,000</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust the Project budget for any and all additions or reductions in Federal and/or State revenue that are made available for this Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,350,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal or State Aid on behalf of the County of Erie, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Division of Highways, to be forwarded to the NYSDOT; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) each certified copies of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

12. COMM. 13E-18 (2022)
COUNTY EXECUTIVE

WHEREAS, Erie County (County), owns and operates the Springville Dam which is a 'Class C High Hazard' dam; and

WHEREAS, pursuant to 6 NYCRR 673.13), Erie County is required to perform an Engineering Assessment, and to submit an Engineering Assessment Report to the New York State Department of Environmental Conservation (NYSDEC) dam safety section for any Class C dam on a decennial basis; and

WHEREAS, the previous Engineering Assessment (EA) and Report are dated 2012; and

WHEREAS, a new EA and Report are due this year, 2022; and

WHEREAS, Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann) has an existing Dam Inspection and Engineering Services contract with the County; and

WHEREAS, Bergmann has the necessary expertise to provide the engineering services necessary for the 2022 EA and Report having performed the first (2012) EA of the dam, developed

the inspection and maintenance plan for the dam, developed the dam's Emergency Action plan and can provide engineering services relative to the County's involvement in the U.S. Army Corps of Engineer's Springville Dam Ecosystem Restoration Project (ERP) including all current structural and hydraulic analyses of the dam; and

WHEREAS, it is desired to execute an amendment to Bergmann's current Dam Inspection and Engineering Services agreement for the engineering services required for the 2022 EA and Report; and

WHEREAS, the total estimated cost of such an amendment is \$180,000 and said amount is available from the Capital Project hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an amendment to Bergmann's current Dam Inspection and Design Engineering Services contract, in the not to exceed amount of \$180,000 which is hereby appropriated and made available for the amendment from Capital Project B.17023 2017 Preservation of Dams Design (Countywide), Fund 420, Funds Center 123; and be it further

RESOLVED, that five (5) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

13. COMM. 13E-19 (2022)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body approved a project for the Rehabilitation of East & West Road (CR 363) between Union Road (NYS Rte 277) and Leydecker Road (CR 364), Project No. CAP-363-19, (the "Project") in the Town of West Seneca via COMM. 7E-17 (2019); and

WHEREAS, the Project is complete and ready to be closed out; and

WHEREAS, a final change order for the contractor, Concrete Applied Technologies Corp. (dba CATCO) is required to account for necessary additional work revealed during the course of the Project and to bring all contract quantities to their final values; and

WHEREAS, the final change order requires an increase in contract funding of \$570,521.82 to the current contract of \$6,235,753.46 for a final contract total of \$6,806,275.28; and

WHEREAS, the necessary funding is available in the Capital Projects hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a final change order for the Project as noted above and thereafter close out the project and make final payment to the contractor; and be it further

RESOLVED, that the total sum of \$570,521.82 for the final change order for the Project is available in Fund 420, Funds Center 123, as follows:

B.19050:	2019 Overlay Program	\$130,886.62
<u>B.20001:</u>	<u>2020 East & West Road Construction</u>	<u>\$439,635.20</u>
TOTAL PROJECT		\$570,521.82

and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.
(5-0)

14. COMM. 13E-20 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works desires to replace two (2) culverts, the first on Emery Road (CR 67) near Cornwall Road in the Town of Aurora and the second on Boston State Road (CR 227) between South Abbot Road (CR 28) and Chestnut Ridge Road (CR 552) in the Town of Boston, as part of the 2022 Miscellaneous Culvert Group Construction (Project CUL-MISC-2-22); and

WHEREAS, the design of the Culvert Replacement is nearly complete by CHA Consulting, Inc., and is anticipated to be publicly bid in July 2022; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with the lowest responsible bidder and establish a construction contingency, for a total project construction phase allowance of \$1,200,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the above subject Project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a contract for ECDPW Project CUL-MISC-2-22 with the lowest responsible bidder and establish a construction contingency for a total project cost not to exceed \$1,200,000 and execute any necessary construction phase change orders; and be it further

RESOLVED, that the estimated total sum of \$1,200,000 for the construction and contingency for the Project is available in Fund 420, Funds Center 123, as follows:

B.16014 – 2016 Preservation of Bridges & Culverts	\$ 25,167
B.18019 – 2018 Preservation of Bridges & Culverts	\$ 100,000
B.19014 – 2019 Miscellaneous Culvert Repair/Replacement	\$ 64,861
B.19015 – 2019 Repair & Rehabilitation of Flagged Bridges & Culverts	\$ 500,000
B.20055 – 2020 Preservation of Bridges & Culverts	\$ 164,624
B.21159 – 2021 Preservation of Bridges & Culverts	\$ 170,348
<u>B.21160 – 2021 Preservation of Flagged Bridges & Culverts</u>	<u>\$ 175,000</u>
TOTAL PROJECT COST	\$1,200,000

and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

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

Item 34 – MR. MEYERS presented the following report, moved to separate item Number 4, and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

July 14, 2022	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR LORIGO.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10D-1 (2022)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending March 2022”
(Chair’s Ruling)
 - b. COMM. 11D-2 (2022)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending April 2022”

- (Chair's Ruling)
- c. COMM. 11M-2 (2022)
VISIT BUFFALO NIAGARA: "2022 First Quarter Report & Financial Statements"
(Chair's Ruling)
 - d. COMM. 12E-2 (2022)
COMPTROLLER: "Department of Law Risk Retention Fund Spending - April 2022"
(Chair's Ruling)
 - e. COMM. 12E-33 (2022)
COMPTROLLER: "Letter Concerning Proposed CSEA Local 815 Erie Unit Collective Bargaining Agreement"
(Chair's Ruling)
 - f. COMM. 12M-1 (2022)
NYS DEPARTMENT OF TAXATION AND FINANCE: "List of Certified 2022 Class Equalization Rates"
(Chair's Ruling)
 - g. COMM. 13E-1 (2022)
COMPTROLLER: "Letter Concerning Fiscal Issues Facing Erie County"
(Chair's Ruling)
 - h. COMM. 13E-2 (2022)
COMPTROLLER: "Report Detailing the Apportionment and Distribution of Sales Tax in Erie County for March, April & May 2022"
(Chair's Ruling)
 - i. COMM. 13D-4 (2022)
DIRECTOR OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending May 2022"
(Chair's Ruling)
 - j. COMM. 13D-5 (2022)
DIRECTOR OF BUDGET & MANAGEMENT: "2022 Mid-Year Budget Hearings Data"
(Chair's Ruling)
2. COMM. 1D-1 (2022) AS AMENDED
DIRECTOR OF REAL PROPERTY TAX SERVICES
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 240079 through 240100, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2022	Petition No.	240,079.00
	ASSESSOR	Refund	\$369.59
S-B-L	119.00-5-9.11/A	Gas Well 142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$369.59	Town/SpecialDist/School
Charge To :	142089 ALDEN		\$369.59

RPTL 550(2): Applied refuse collection in error
Refund to be issued to Reserve Gas Co.

FISCAL YEAR	2022	Petition No.	240,080.00
	ASSESSOR	Refund	\$184.79
S-B-L	119.00-5-33./A	Gas Well 142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$184.79	Town/SpecialDist/School
Charge To :	142089 ALDEN		\$184.79

RPTL 550(2): Applied refuse collection in error
Refund to be issued to Reserve Gas Co

FISCAL YEAR	2020	Petition No.	240,081.00
	ASSESSOR	Cancel	\$1,367.58
S-B-L	86.00-4-13.11	Genesee St 142089 ALDEN	
	Acct. No. 112	\$742.96	County
	Acct. No. 132	\$624.62	Town/SpecialDist/School
Charge To :	142089 ALDEN		\$624.62

RPTL 550(2): Apportioned split parcel incorrectly
New tax bill to be issued.

FISCAL YEAR	2022	Petition No.	240,082.00
	ASSESSOR	Refund	\$174.67
S-B-L	67.20-3-10	150 Koster Row 142289 AMHERST	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$174.67	Town/SpecialDist/School
Charge To :	142289 AMHERST		\$174.67

RPTL 550(2): Incorrect sewer dist charge
Refund to be issued to Carolyn Kennedy & Sean Martin Guetti

FISCAL YEAR 2021 Petition No. 240,083.00

	ASSESSOR	Refund	\$76.53
S-B-L 67.20-3-10	150 Koster Row	142289 AMHERST	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$76.53	Town/SpecialDist/School
Charge To :	142289 AMHERST		\$76.53

RPTL 550(2): Incorrect sewer dist charge
Refund to be issued to Carolyn Kennedy & Sean Martin Guetti

FISCAL YEAR 2022 Petition No. 240,084.00

	ASSESSOR	Cancel	\$285.83
S-B-L 103.07-1-13	38 Lou Ann Dr	143003 DEPEW	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$285.83	Town/SpecialDist/School
Charge To :	143003 DEPEW		\$285.83

	Relevy Village	\$285.83	Village of DEPEW
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RPTL 550(2): Failed to apply alt vet exemption
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 240,085.00

	ASSESSOR	Cancel	\$706.23
S-B-L 113.01-1-23.12	V/L Harlem/Stradt	143001 SLOAN	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$706.23	Town/SpecialDist/School
Charge To :	143001 SLOAN		\$706.23

	Relevy Village	\$706.23	Village of SLOAN
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RPTL 550(3): Incorrect parcel swis code
Delete entire parcel from tax roll

RPTL 550(2): Error in ECSD units
Refund to be issued to Michael S. Laing

FISCAL YEAR 2020 Petition No. 240,090.00

 ASSESSOR Refund \$376.56
S-B-L 238.00-4-38.1 9057 S State Rd 144000 EDEN

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$376.56 Town/SpecialDist/School
40050 ERIE CO SEW DST 2 \$376.56
Charge To : 144000 EDEN \$0.00

RPTL 550(2): Error in ECSD units
Refund to be issued to Michael S. Laing

FISCAL YEAR 2020 Petition No. 240,091.00

 OWNER Refund \$698.56
S-B-L 171.18-5-78 5150 Azalea Ct 144889 HAMBURG

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$698.56 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$698.56
 Relevy School \$698.56 144801 HAMBURG

CENTRAL

RPTL 550(2): Failed to apply Enhanced STAR exemption
Refund to be issued to Carlton & Susan Koester

FISCAL YEAR 2021 Petition No. 240,092.00

 OWNER Refund \$716.57
S-B-L 171.18-5-78 5150 Azalea Ct 144889 HAMBURG

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$716.57 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$716.57
 Relevy School \$716.57 144801 HAMBURG

CENTRAL

RPTL 550(2): Failed to apply Enhanced STAR exemption
Refund to be issued to Carlton & Susan Koester

FISCAL YEAR 2022 Petition No. 240,093.00

 ASSESSOR Cancel \$402.73

S-B-L 47.06-2-24.1 8 Cummings Ave 145601 AKRON

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$402.73	Town/SpecialDist/School
Charge To :	145601 AKRON		\$402.73
	Relevy Village	\$402.73	Village of AKRON

RPTL 550(2): Failed to apply senior exemption
New tax bill to be issued.

FISCAL YEAR 2020 Petition No. 240,094.00

 ASSESSOR Refund \$240.00
S-B-L 162.13-1-10 3965 N Buffalo Rd 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$240.00	Town/SpecialDist/School
60148 ECSD 3 Flat Usage Fee		\$240.00	
Charge To :	146089 ORCHARD PARK		\$0.00

RPTL 550(2): Incorrect units on ECSD
Refund to be issued to Kathleen Ann Herman

FISCAL YEAR 2021 Petition No. 240,095.00

 ASSESSOR Refund \$240.00
S-B-L 162.13-1-10 3965 N Buffalo Rd 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$240.00	Town/SpecialDist/School
60148 ECSD 3 Flat Usage Fee		\$240.00	
Charge To :	146089 ORCHARD PARK		\$0.00

RPTL 550(2): Incorrect units on ECSD
Refund to be issued tp Kathleen Ann Herman.

FISCAL YEAR 2019 Petition No. 240,096.00

 OWNER Cancel \$0.00
S-B-L 41.03-1-66./B 500 John James Au 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
Charge To :	142289 AMHERST		\$0.00

Deny CE

Tower inventory remains

FISCAL YEAR 2020 Petition No. 240,097.00

OWNER Cancel \$0.00
S-B-L 41.03-1-66./B 500 John James Au 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$0.00

Deny CE

Tower inventory remains

FISCAL YEAR 2021 Petition No. 240,098.00

OWNER Cancel \$0.00
S-B-L 41.03-1-66./B 500 John James Au 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$0.00

Deny CE

Tower inventory remains

FISCAL YEAR 2022 Petition No. 240,099.00

OWNER Cancel \$0.00
S-B-L 41.03-1-66./B 500 John James Au 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$0.00

Deny CE

Tower inventory remains.

FISCAL YEAR 2022 Petition No. 240,100.00

OWNER Cancel \$0.00
S-B-L 151.63-3-1 54 Madison Ave 144801 BLASDELL

Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 144801 BLASDELL \$0.00

Deny CE

Application for wholly exempt wasn't received until 2/9/22.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(5-0)

3. COMM. 13E-32 (2022)
COUNTY EXECUTIVE

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and will have fixed their school tax rates, said budgets, amounts and rates to be certified to and filed with the Real Property Tax Services Department of Erie County, no later than August 10, 2022; and

WHEREAS, the Director for said Real Property Tax Services Department will spread and extend said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Services Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director of the Real Property Tax Services Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Director of the Real Property Tax Services Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Director for the Real Property Tax Services Department in connection with the foregoing is hereby ratified and confirmed; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature; and be it further

RESOLVED that certified copies of this resolution be forwarded to the County Executive, County Attorney, County Comptroller, Director of Budget and Management, and Director of Real Property Tax Services.

(5-0)

4. COMM. 13E-33 (2022)
COUNTY EXECUTIVE

WHEREAS, it is the mission of BENLIC to confront and alleviate the problems distressed properties cause to communities by supporting municipal and regional revitalization efforts and strategically acquiring, improving, assembling, and selling distressed, vacant, abandoned, and/or tax-delinquent properties; and

WHEREAS, section 1616(i) of the New York Not-for-Profit Corporation Law provides that New York Land banks, including BENLIC, may tender a pre-emptive bid at In Rem tax sales in an amount equal to the total amount of all municipal claims and liens which were the basis for the judgment and in the event of such tender by a land bank, the property shall be deemed sold to the land bank regardless of any bids by any other third parties; and

WHEREAS, the bid of the land bank shall be paid as to its form, substance, and timing according to such agreement as is mutually acceptable to the plaintiff and the land bank wherein the obligation of the land bank to perform in accordance with such agreement shall be deemed to be in full satisfaction of the municipal claim which was the basis for the judgment; and

WHEREAS, it is anticipated that BENLIC will exercise its pre-emptive bid powers at each of the upcoming County In Rem 170 and BENLIC – only tax sales; and

WHEREAS, agreements between the County and BENLIC are necessary to outline the obligations of BENLIC and the expected repayment, if any, of the County taxes which were the basis for the judgment(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts and agrees to BENLIC's Property Tax and Maintenance & Foreclosure Proceeds Distribution Policy for 2022 adopted by BENLIC on June 16, 2022, which outlines the obligations of BENLIC and the expected repayment, if any, of the County taxes which were the basis for the judgment(s) and that the County Director of Real Property Tax Services is hereby authorized to enter into agreements with BENLIC as may be necessary; and be it further

RESOLVED, that to the extent that such agreement results in the repayment of County taxes in the amount less than the amount of County taxes which were the basis for the judgment, pursuant to Section 12-1.0 of the Erie County Tax Act, the Erie County Legislature authorizes the cancellation of such past due real property taxes and further authorizes the Department of Real Property Tax Services to take all steps necessary to effectuate the cancellation of said taxes; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Erie County Comptroller, County Attorney, Department of Real Property Tax Services, and BENLIC.

(5-0)

5. COMM. 13E-34 (2022)
COUNTY EXECUTIVE

WHEREAS, as a result of widespread economic disruptions from COVID-19 and recent increases in fuel costs, costs for all manner of repair parts and materials have increased significantly; and

WHEREAS, the Department of Parks, Recreation and Forestry (Parks) did not anticipate the significant inflation on nearly all repair parts and materials used in maintaining its parks and has nearly exhausted several vital budgetary accounts for the 2022 fiscal year; and

WHEREAS, without a transfer of funding into these accounts, Parks may not be able to make necessary repairs to essential equipment and amenities that would result in the deterioration of public spaces for residents and taxpayers; and

WHEREAS, Erie County recently received \$16,050,531 in unbudgeted revenue for prior-year Gaming Facilities Aid owed to the State of New York and select municipalities which provides adequate funding to effectuate a replenishment of vital Parks budgetary accounts.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the utilization of \$170,000 in funding from unbudgeted revenue in Fund 110, Funds Center 14010, Revenue Account – 402520 Gaming Facilities Aid to fund Parks Fund 110, Funds Center 16410 needs as follows:

Fund 110, Funds Center 14010
County-wide Account Budget

REVENUES

402250 Gaming Facilities Aid	<u>\$170,000.00</u>
TOTAL	<u>\$170,000.00</u>

Fund 110, Funds Center 16410
Department of Parks, Recreation & Forestry

APPROPRIATIONS

505600 Auto, Truck & Heavy Equipment	\$20,000.00
506200 Maintenance & Repair	<u>\$150,000.00</u>
TOTAL	<u>\$170,000.00</u>

NET GENERAL FUND 110 ADJUSTMENT \$0.00

and be it further

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

TIMOTHY J. MEYERS
CHAIR

MR. MEYERS moved to approve item Number 4. MS. CHIMERA seconded.

MR. LORIGO moved to return item Number 4 to committee for further consideration. MR. MILLS seconded.

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, MR. BARGNESI, MR. GILMOUR, MR. MEYERS and MS. VINAL. NOES: CHAIR BASKIN, MS. CHIMERA and MR. JOHNSON. (AYES: 8; NOES: 3)

CARRIED.

Item 35 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

July 14, 2022	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-22 (2022)
COUNTY EXECUTIVE: “ECSD No. 8 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 13E-24 (2022)
COUNTY EXECUTIVE: “ECSD No. 3 - Increase & Improvements of Facilities”
(Chair’s Ruling)

- c. COMM. 13E-25 (2022)
COUNTY EXECUTIVE: “ECSD Nos. 1-6 & 8 - Board of Managers Resolutions”
(Chair’s Ruling)
- d. COMM. 13M-1 (2022)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: “Inviting Public
Comment About Brownfield Application for Site on Broadway and Adams St.
in the City of Buffalo”
(Chair’s Ruling)
- e. COMM. 13M-2 (2022)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: “Brownfield
Application for Site on Broadway and Adams St. in the City of Buffalo”
(Chair’s Ruling)

2. COMM. 10E-19 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the County of Erie issued a Request for Proposals to retain an engineering firm to provide “Construction Inspection Services” for the Erie County Sewer District No. 6 – Lackawanna Water Resource Recovery Facility Digester & Solids Management Upgrades; and

WHEREAS, a review committee evaluated the response to the Request for Proposals using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends AECOM USA, Inc. complete the requested engineering services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with AECOM USA Inc. (1 John James Parkway, Suite 210, Amherst, New York 14228) for professional services associated with this project in an amount not to exceed \$275,000.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney’s Office; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$275,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund these professional services; 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 & Planning.
(5-0)

3. COMM. 12E-14 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Environmental Management Council (EMC) is an advisory board to the Erie County Department of Environment and Planning (DEP); and

WHEREAS, the EMC is developing its 2022 Annual Recommendations Report; and

WHEREAS, it is important that the Annual Recommendations Report is both readable and engaging for our stakeholders and the public; and

WHEREAS, the DEP solicited proposals to retain a contractor to provide editing services for the Annual Recommendations Report; and

WHEREAS, WNY Media House, LLC., a Minority and Women Owned Business, was selected by DEP to provide these services.

NOW, THEREFORE, BE IT

RESOLVED, that WNY Media House, LLC. be retained to perform editing services for the Annual Recommendations Report; and be it further

RESOLVED, that the County Executive or Deputy County Executive is hereby authorized to enter into an agreement with WNY Media House, LLC. for an amount not to exceed \$900.00; and be it further

RESOLVED, that the contract will be funded from funds from DEP's 2022 Environmental Management Council budget, Account (110), G/L #517593; and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive; the Director of the Division of Budget and Management; the Office of the County Attorney; the Office of the County Comptroller; Daniel R. Castle, Commissioner of Environment and Planning, and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

(5-0)

4. COMM. 12E-15 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) advertised and issued an RFP seeking proposals to perform a multi-site waste audit and waste analysis on select and representative County facilities and properties; and

WHEREAS, the purpose of the waste audit is to create a baseline, identify savings opportunities, reduce risk, support Erie County's Sustainability Goals, and meet requirements set forth in New York State's Climate Smart Communities program; and

WHEREAS, the multi-site waste audit will involve a physical analysis of waste streams at a minimum of 20 representative county sites; and

WHEREAS, the waste analysis will aggregate and utilize the waste audit data to identify opportunities to manage waste streams to optimize collection schedules, as well as recycling, reuse and diversion options for select waste streams; and

WHEREAS, Erie County conducted a review and selection process for the proposal that was received; and

WHEREAS, the review committee selected the Research Foundation for the State University of New York to conduct the waste audit and waste analysis; and

WHEREAS, the project is wholly funded through the Erie County Paris/Climate Action Fund account 516310 in BA 162.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with the Research Foundation for the State University of New York to complete the waste audit project, in an amount not to exceed \$66,387; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; and Bonnie Lawrence, Deputy Commissioner of the Department of Environment and Planning.

(5-0)

5. COMM. 13E-15 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works (DPW) operates critical infrastructure that requires 100% up-time; and

WHEREAS, the electric grid is becoming increasingly stressed leaving buildings vulnerable; and

WHEREAS, DPW is seeking a turnkey microgrid system to provide increased resiliency to County infrastructure as well as to provide grid services; and

WHEREAS, a microgrid system would provide uninterrupted backup power to a facility in the event of a blackout; and

WHEREAS, a microgrid system would allow for the integration of renewable energy technologies, long-duration battery storage, and green hydrogen; and

WHEREAS, a microgrid system could generate revenue by participating in grid and utility-sponsored demand response programs, reduce demand charges through peak shaving, and utility pricing arbitrage; and

WHEREAS, the Department of Public Works advertised for Microgrid and Resiliency Solutions received proposals on July 8th, 2022; and

WHEREAS, a review of proposals evaluated each firm's expertise, experience and manpower to provide the required services; and

WHEREAS, the Department of Public Works is recommending award of the three (3) year term contract with the possibility of two (2) one (1) year extensions to Palm Energy, LLC and Stark Tech Operating Company, LLC via the County's consultant selection process to provide the required services; and

WHEREAS, any construction project modifying any County building will be brought before your Honorable Body prior to commencing construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a term contract with Palm Energy, LLC and Stark Tech Operating Company, LLC for the Microgrid Term Agreement; and be it further

RESOLVED, that the Department of Public Works will seek funding authorization from the Legislature once a project has been identified and details made available; and be it further

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

6. COMM. 13E-21 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 25E-4 (2021), Contract 68 was awarded to Quackenbush Co. Inc. to construct the Southtowns Incinerator Tray Scrubber Replacement and Crane Installation project in Erie County Sewer District No. 3; and

WHEREAS, the Division of Sewerage Management has determined that additional improvements are needed for the air pollution control system; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Change Order No. 1, an increase of \$222,076.00.

NOW, THEREFORE, BE IT

RESOLVED, that the total Contract Amount for Contract No. 68 between the County of Erie and Quackenbush Co., Inc. (495 Kennedy Road, Buffalo, NY 14227) for the Southtowns Incinerator Tray Scrubber Replacement and Crane Installation Project, Erie County Sewer District No. 3, be increased as follows:

Original Contract	\$769,000.00
Change Order No. 1	<u>\$222,076.00</u>
Revised Contract Amount	\$991,076.00

and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management be authorized to execute Change Order No. 1 for Contract No. 68; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$222,076.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract No. 68, Change Order No. 1; 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 Account 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.
(5-0)

7. COMM. 13E-23 (2022)
COUNTY EXECUTIVE

WHEREAS, the County Executive has made an appointment to the Erie County Sewer District No. 1 Board of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 2204 of the County Charter.

NOW, THEREFORE, BE IT

RESOLVED, that the following appointment to the Erie County Sewer District No. 1 Board of Managers is hereby confirmed:

<u>Erie County Sewer District No. 1</u>	<u>Term Expires</u>
Hon. Susan Kims Councilmember, Town of West Seneca	12/31/23

1250 Union Road
West Seneca, New York 14224

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 appointee, and Joseph Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning.
(5-0)

8. COMM. 13E-26 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Low Income Program for Sustainable Energy Program (ECLIPSE) will support the County and New York State's respective energy and environmental goals, including those outlined in the New York State Climate Leadership and Community Protection Act; and

WHEREAS, the State of New York, through its Energy Research and Development Authority (NYSERDA) Cleaner, Greener Communities Program granted Erie County \$1,500,000.00 to commence the Erie County Low Income Program for Sustainable Energy Project; and

WHEREAS, Erie County and the NYSERDA entered into a contract (SAP grant #162ECLIPSE1922) authorized by COMM. 3E-9 (2018); and

WHEREAS, changes to regulations and other changes have necessitated schedule and budget adjustments to successfully complete ECLIPSE; and

WHEREAS, NYSERDA has agreed to extend the term of this contract to December 31, 2024 and make budget adjustments that will allow for successful completion of the project; and

WHEREAS, the project changes will also require schedule and budget changes to the County's agreement with a project subcontractor, the Research Foundation of SUNY at Buffalo State College.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive or the Deputy County Executive is authorized to execute the necessary agreements with NYSERDA to extend the project until December 31, 2024 and to make necessary budget adjustments to the contract budget; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute an agreement with the Research Foundation of SUNY at Buffalo State College to extend their subcontract agreement to December 31, 2024, and to increase their subcontract budget from \$222,000 to \$228,782; and be it further

RESOLVED, that the grant budget for the Erie County Low Income Program for Sustainable Energy Project is hereby revised in the DEP, Business Area 162, as follows:

Erie County Low Income Program for Sustainable Energy Project
(Grant Period: 11/12/19 – 12/31/24), SAP Grant 162ECLIPSE1922

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue	(\$1,500,000)
TOTAL REVENUE:		(\$1,500,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Full time Salaries	\$210,000	\$47,284	\$257,284
502000	Fringe Benefits	\$136,500	(\$5,138)	\$131,362
516020	Professional Service	\$826,000	(\$208,924)	\$617,076
561410	Lab & Technical Equipment	\$9,750	\$0	\$9,750
561420	Office Furniture and Fixtures	\$500	\$0	\$500
510100	Out of Area Travel	\$15,000	\$0	\$15,000
510000	Local Mileage Reimbursement	\$5,000	\$0	\$5,000
505000	Office Supplies	\$7,500	\$0	\$7,500
505400	Food and Kitchen Supplies	\$7,500	\$0	\$7,500
530000	Other Expenses	\$10,000	\$0	\$10,000
916400	ID Social Services	\$272,250	\$166,778	\$439,028
TOTAL APPROPRIATIONS:				(\$1,500,000)

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Daniel R. Castle; Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.

(5-0)

9. COMM. 13E-27 (2022)
COUNTY EXECUTIVE

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

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

WHEREAS, the Natural Resource Inventory was completed but requires an investment to refine tree inventory data; and

WHEREAS, the New York State Department of Conservation has issued a Request for Applications for New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15 that can support this Natural Climate Solutions Mapping project; and

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

NOW, THEREFORE, BE IT

RESOLVED, that Erie County authorizes Tracy Skalski, Sustainability Coordinator, an employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for one hundred thousand dollars (\$100,000), to be used for development of a Natural Climate Solutions Mapping project; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Daniel R. Castle; Commissioner of the Department of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance Services.

(5-0)

10. COMM. 13E-28 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides recycling and waste services to Erie County residents; and

WHEREAS, the Community Foundation of Greater Buffalo solicited grant proposals on behalf of the Tonawanda Community Environmental Benefits Program for environmental projects that will improve the environment or public health in the Tonawanda community, geographically defined as: Town of Tonawanda, City of Tonawanda, North Tonawanda, Village of Kenmore, Town of Grand Island, and Buffalo's Riverside neighborhood; and

WHEREAS, the Community Foundation of Greater Buffalo awarded Erie County \$25,000 in grant funding to create a senior citizen focused e-waste (electronic waste such as old televisions, printers, computers, and other household electronic devices) collection program; and

WHEREAS, the acceptance of this funding necessitates the execution of an agreement with the Community Foundation of Greater Buffalo by the County Executive or Deputy County Executive and the establishment of a project budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept \$25,000 in grant funding from the Community Foundation of Greater Buffalo; and be it further

RESOLVED, that the grant budget and project period for the Senior Focused E-Waste Collection Project is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Senior Focused E-Waste Collection Project
(Grant Period: 6/1/2022 - 12/31/2022)

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
402499	Other Local Source Revenue	\$ 25,000.00
TOTAL REVENUE:		\$ 25,000.00

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Services	\$ 25,000.00
TOTAL APPROPRIATIONS:		\$ 25,000.00

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the

County Comptroller; Daniel R. Castle, Commissioner of the Department of Environment and Planning and Bonnie L. Lawrence, Deputy Commissioner of the Department of Environment and Planning.
(5-0)

11. COMM. 13E-29 (2022)
COUNTY EXECUTIVE

WHEREAS, the NYS Department of Agriculture and Markets (AGM) and the Erie County are agencies as defined in Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, hereinafter "SEQRA") and its implementing regulations (Title 6 of the New York Code of Rules and Regulations, Part 617), and which requires agencies to review environmental impact in its related planning and decision-making processes; and

WHEREAS, the Agricultural Districts Law, Article 25-AA of the Agriculture and Markets Law (AML), establishes a process by which county legislative bodies may create, review, modify, consolidate, or terminate Agricultural Districts throughout the State, which the Commissioner of AGM then certifies; and

WHEREAS, the Department of Environmental Conservation (DEC) has determined that the creation, modification, consolidation, termination, and certification of an Agricultural District are all actions subject to review pursuant to SEQRA; and

WHEREAS, AGM and Erie County wish to cooperate to the fullest extent to reduce duplication of efforts consistent with SEQRA and the Agricultural Districts Law; and

WHEREAS, the DEC has promulgated regulations pursuant to SEQRA which strongly encourage agencies to enter into cooperative agreements with other agencies regularly involved in carrying out or approving the same actions for the purposes of coordinating their procedure; and

WHEREAS, the cooperative agreement requires the adoption of an agency-specific Short Environmental Assessment Form (SEAF) to further comply with the SEQRA process; and

WHEREAS, AGM and Erie County hereby propose to enter into such cooperative agreement to establish procedures to eliminate the overlap and duplication in comment and review, and it is in the best interest of AGM and Erie County to create uniformity in SEQRA processes within the context of Article 25-AA for certain actions related to Agricultural Districts within the County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized and directed to sign a cooperative agreement with the AGM to establish SEQR procedures to eliminate overlap and duplication and to create uniformity in the SEQR process within the context of Article 25-AA of the New York State Agriculture and Markets Law for Unlisted Actions related to agricultural districts within Erie County, effective upon the date of this resolution for a period of eight years with automatic one (1) year renewals for an indefinite period; and be it further

RESOLVED, that the Erie County Legislature hereby adopts the agency-specific SEAF to further comply with the SEQRA process; and be it further

RESOLVED, that his Resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Chair of the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the executed Cooperative agreement to the Commissioner of New York State Department of Agriculture and Markets.
(5-0)

**TIMOTHY J. MEYERS
CHAIR**

LEGISLATOR RESOLUTIONS

Item 36 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

RE: Re-Appropriation of 2020 Public
Benefit Funding
(INTRO. 14-1)

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

WHEREAS, the Kenmore Rugby Club was awarded \$2,000 in public benefit funding by the Erie County Legislature in the adopted 2020 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518589; and

WHEREAS, the organization is not able to accept the funds, and the funding should be transferred to an alternative organization; and

WHEREAS, as in similar 2019, 2020 and 2021 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$2,000 of 2020 public benefit funding to the Kenmore Village Improvement Society; and be it further

RESOLVED, that while the agency name is changing the overall budget line amount is to remain the same; and be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further

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

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 37 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-29 from COMPTROLLER Re: Letter to Sheriff Regarding Stadium Pay for Managerial-Confidential Employees

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 38 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-30 from BASKIN, MEYERS & MILLS Re: Letter to Attorney Franklin D.R. Jones, Jr., Concerning Non-Disclosure Agreement as it Relates to the Community Benefits Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 39 - MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

MR. JOHNSON objected to its immediate consideration.

INTRO. 14-2 from LORIGO, GREENE, TODARO & MILLS Re: Legislative Participation in Drafting a Community Benefits Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 40 – (COMM. 14E-1) Letter Regarding Western Regional Off-Track Betting Corporation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 41 – (COMM. 14E-2) Appointment to Citizens Salary Review Commission

Received, filed and printed.

July 7, 2022

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

Hon. Mark C. Poloncarz, Esq.
Erie County Executive
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Re: Appointment to the Erie County Citizens Salary Review Commission

Dear Honorable Members and County Executive Poloncarz:

Pursuant to Section 22-A-01 of the Erie County Charter, I hereby appoint David W. Pietrowski to serve as the Erie County Comptroller's appointee to the Erie County Citizens Salary Review Commission.

Thank you for your assistance and courtesies.

Sincerely,

Kevin R. Hardwick, Ph.D.
Erie County Comptroller

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 14E-3) Appointments to Citizens Salary Review Commission

Received, filed and printed.

July 7, 2022

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

RE: Appointments to the Erie County Citizens Salary Review Commission

Dear Honorable Members:

Pursuant to the powers vested in me by Section 22 (a) of the Erie County Charter, I, Mark C. Poloncarz, Erie County Executive, do hereby submit the following individuals to serve on the Citizens Salary Review Commission. Their term will expire June 30, 2025.

NAME AND ADDRESS

Mr. Frederick G. Floss, Ph.D.
27 Sanders Road
Kenmore, NY 14217

Dr. Laurie Buonanno, Ph.D.
134 Euclid Avenue
Kenmore, NY 14217
Reappointment

Mr. Gregory Rabb, JD
1685 Hertel Avenue
Buffalo, NY 14216

Mr. William Ransom, Jr.
8125 Oak Leaf Lane
Williamsville, NY 14221
Reappointment

Christopher Stone
3933 Summerway Lane
Hamburg, NY 14075
Reappointment

If you have any questions regarding these appointments please contact my office at your earliest convenience.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

FROM THE COUNTY CLERK

Item 43 – (COMM. 14E-4) Erie County Auto Bureau Services in East Buffalo

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR BARGNESI

Item 44 – (COMM. 14E-5) Letter of Absence from Session 13 - July 7, 2022

Received, filed and printed.

July 14, 2022

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

Dear Mr. Graber,

In accordance with the Rules of the Erie County Legislature, please accept this letter concerning my absence from the Regular Meeting of the Legislature held on July 7, 2022. Due to a personal influenza-like illness, I was unable to attend this meeting.

Thank you for your attention to this matter.

Sincerely,

John A. Bargnesi, Jr.
Erie County Legislator
4th District

FROM LEGISLATOR MILLS

Erie Item 45 – (COMM. 14E-6) Request for Conversation Regarding Wind Turbines on Lake

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 14E-7) ECSD No. 2 - Engineering Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

RE: Lease Renewal of 500 Commerce Dr.,
Amherst
(COMM. 14E-8)

WHEREAS, as part of its response to the COVID-19 emergency, the County needed to lease additional warehouse space to house Personal Protective Equipment (PPE), as well as other cleaning, sanitizing and medical supplies; and

WHEREAS, in August of 2020 the County entered into a Lease Agreement for approximately 57,250 square feet of warehouse space with Ivoclar Vivadent, Inc.; and

WHEREAS, the current Lease Agreement is set to expire in August of 2022; and

WHEREAS, the County is seeking permission to exercise the renewal option contained within the Lease Agreement for an additional four-year eight-month term; and

WHEREAS, the location is desirable as it provides suitable warehouse storage space at below market rate prices.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Amendment to the Lease Agreement for property located at 500 Commerce Drive, Amherst, New York to store PPE; cleaning, sanitizing and medical supplies, as well as other general office need; and be it further

RESOLVED, that the Lease Amendment shall be for a term of four-years and eight-months, commencing on August 1, 2022; and be it further

RESOLVED, that the monthly Base Rent shall be as follows:

Aug.1, 2022-23	\$297,556.00	\$24,796.33 (monthly)	\$5.20 per square foot
Aug. 1, 2023-24	\$312,433.00	\$26,036.08 (monthly)	\$5.45 per square foot
Aug. 1, 2024-25	\$328,054.00	\$27,337.83 (monthly)	\$5.73 per square foot
Aug. 1, 2025-26	\$344,456.00	\$28,704.67 (monthly)	\$6.02 per square foot
Aug. 1, 2026- March 31, 2027 – 8 months	\$241,119.23(8 months)	\$30,139.90 (monthly)	\$4.21 per square foot

and be it further

RESOLVED, that in addition to the Base Rent, the County shall be responsible for its portion of Common Area Maintenance (CAM) expenses; and be it further

RESOLVED that funding is available in Fund 253, Funds Center 127000, Account 516044; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any necessary adjustments to Fund 253 to facilitate this resolution including transfers from Account 516044 COVID-19 Mitigation American Rescue Plan to Account 545000 Rental Charges; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Public Works, the Office of the Comptroller, the Division of Budget and Management, and the Department of Law.

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

CARRIED UNANIMOUSLY.

Amend the Second Resolve Clause in Its Entirety as Follows:

RESOLVED, that the Lease Agreement shall be for the term of one-year, commencing on August 1, 2022; and be it further

Amend the Third Resolve Clause in Its Entirety as Follows:

RESOLVED, that the monthly Base Rent shall be \$24,796.33, for an annual total of \$297,556.00, at a rate of \$5.20 per square foot; and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

RE: Department of Social Services –
Authorization to Enter Into Contract
with Hyland Software, Inc.
(COMM. 14E-9)

WHEREAS, funds are available from the 2020 Pay-As-You-Go Component of the Capital Budget; and

WHEREAS, the Department of Social Services stores the majority of its records on OnBase and through the use of internal and external resources has been able to develop work flow and application tracking systems for several programs; and

WHEREAS, the Department of Social Services issued a Request for Proposal (RFP) in April 2022, RFP #2022-021VF; and

WHEREAS, Hyland Software, Inc. responded to the RFP with a strong proposal; and

WHEREAS, Hyland Software, Inc. currently provides the Department of Social Services with OnBase support; and

WHEREAS, the Department of Social Services wishes to have Hyland Software, Inc. develop new solutions, and modify existing ones, related to the OnBase package; and

WHEREAS, the Department of Social Services would like to contract with Hyland Software, Inc. in the amount of \$199,832 to develop new solutions, and modify existing ones, related to the OnBase package.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with Hyland Software, Inc. in the amount of \$199,832 to develop new solutions, and modify existing ones, related to the OnBase package; 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.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: Department of Social Services - ARP
Omnibus Spending Package - "RENEW
Plan"
(COMM. 14E-10)

WHEREAS, the American Rescue Plan was signed into law on March 11, 2021; and

WHEREAS, the Erie County Division of Budget presented a plan which was approved by your honorable body with COMM. 13E-15 (2021); and

WHEREAS, funding for these services have been included in the 2022 Adopted budget; and

WHEREAS, the Department of Social Services was awarded funding under this plan in the amount of \$1,000,000 to provide grants to shelters to make necessary upgrades needed to recertify; and

WHEREAS, the Department of Social Services issued a Request for Proposal (RFP) #A2022-001VF to seek out Homeless Shelters needing Certification Support; and

WHEREAS, Erie County Department of Social Services desires to contract with Empowerment Temple in the amount of \$250,000 and My Place Home for the Homeless, Inc. in the amount of \$36,540 to complete repairs to make their shelters certifiable.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with Empowerment Temple in the amount of \$250,000 and My Place Home for the Homeless, Inc. in the amount of \$36,540 to complete repairs to make their shelters certifiable; and be it further

RESOLVED, that sufficient funding is available for this purpose in the 2022 Adopted Budget in Fund Center 120 and Account 516425; 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.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

RE: Erie County Youth Bureau - Youth
Sports Services
(COMM. 14E-11)

WHEREAS, the Department of Social Services – Youth Services Division is seeking approval to execute contracts with community providers for Youth Sports Services; and

WHEREAS, the availability of New York State Funding enables this program's implementation; and

WHEREAS, these awards are designed to promote positive youth development and family engagement; and

WHEREAS, a Request for Proposal (RFP # 2022-029VF) 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 County Executive and the Commissioner of Social Services are hereby authorized to execute contracts with the following providers for Youth Sports Services, Seneca-Babcock Community Association, Inc. \$7,500, Willie Hutch Jones Educational & Sports Program \$7,500, Northwest Buffalo Community Center, Inc. \$7,427, Police Athletic League of Buffalo, Inc. \$7,500, and Erie Regional Housing Development Corporation \$7,500 using Fund Center 12530, Account 517876 (Youth Development Programs) and Account 408000 (State Aid – Youth Programs) in the Youth Bureau; and be it further

RESOLVED, that after contracts are executed and filed, the Department of Social Services, Division of Budget and Management and Office of the Comptroller are authorized to effectuate 2022 payments for these agencies for providing Youth Sports Services; and be it further

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

Item 51 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

RE: Authorization to Award Funding to
Community Connections of NY, Inc.
(COMM. 14E-12)

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, there was a need identified for grief counseling, support services, and food support due to the tragic mass shooting that occurred on May 14, 2022 at the Tops Supermarket at 1275 Jefferson Avenue in the City of Buffalo; and

WHEREAS, the Erie County Department of Mental Health has received an allocation from the NYS Office of Mental Health (OMH) in the amount of \$100,000 for the delivery of grief counseling and other support services; and

WHEREAS, the County Executive declared a State of Emergency on May 14th 2022 to procure emergency support services for victims of the shooting; and

WHEREAS, the Erie County Department of Mental Health through its existing contracts with various local non-profits partnered with them to provide said services.

NOW, THEREFORE, BE IT

RESOLVED, that in order to implement the aforementioned grief counseling and support services for individuals adversely impacted by the tragic events and aftermath of the Tops mass shooting, the Department of Mental Health is authorized to amend its agency contracts with BestSelf

Behavioral Health, Coordinated Care Services Inc., Endeavor Health Services, Spectrum Human Services and Suicide Prevention & Crisis Services; and be it further

RESOLVED, that the County Executive is hereby authorized to accept the NYS OMH funding and to utilize emergency-use County share to amend or create contracts with these various providers for the period May 14, 2022 through December 31, 2022 for a total amount not to exceed \$460,000 and thus authorizes the Division of Budget and Management to process the following budgetary adjustments up to:

2022 BUDGET – Countywide Accounts, Business Area 140
Fund Center 14010, Fund 110

<u>Revenue</u>	<u>Increase</u>
Account 402250– Gaming Facilities Aid	\$360,000

2022 BUDGET - Mental Health, Business Area 124
Fund Center 12410, Fund 110

<u>Revenue</u>	<u>Increase</u>
Account 406830 – SA-Mental Health	\$100,000

<u>Appropriation</u>	<u>Increase</u>
Account 505400 – Food & Kitchen Supplies	2,000
Account 517534 – BestSelf Beh Health OMH254,400	
Account 517578 – Coord Care Service OMH	4,000
Account 517717 – Mid-Erie MH Srvcs OMH	110,500
Account 517809 – Spectrum Human OMH	40,600
Account 517818 – Suicide Prevent OMH	23,500
Account 516020 – Professional Services	<u>25,000</u>
	\$460,000

and be it further

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

Item 52 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

RE: Request for Authorization to Contract with Local Agencies to Provide Grief Counseling & Support Services Related

to Tops Mass Shooting
(COMM. 14E-13)

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, there was a need identified for grief counseling, support services, and food support due to the tragic mass shooting that occurred on May 14, 2022 at the Tops Supermarket at 1275 Jefferson Avenue in the City of Buffalo; and

WHEREAS, the Erie County Department of Mental Health has received an allocation from the NYS Office of Mental Health (OMH) in the amount of \$100,000 for the delivery of grief counseling and other support services; and

WHEREAS, the County Executive declared a State of Emergency on May 14th 2022 to procure emergency support services for victims of the shooting; and

WHEREAS, the Erie County Department of Mental Health through its existing contracts with various local non-profits partnered with them to provide said services.

NOW, THEREFORE, BE IT

RESOLVED, that in order to implement the aforementioned grief counseling and support services for individuals adversely impacted by the tragic events and aftermath of the Tops mass shooting, the Department of Mental Health is authorized to amend its agency contracts with BestSelf Behavioral Health, Coordinated Care Services Inc., Endeavor Health Services, Spectrum Human Services and Suicide Prevention & Crisis Services; and be it further

RESOLVED, that the County Executive is hereby authorized to accept the NYS OMH funding and to utilize emergency-use County share to amend or create contracts with these various providers for the period May 14, 2022 through December 31, 2022 for a total amount not to exceed \$460,000 and thus authorizes the Division of Budget and Management to process the following budgetary adjustments up to:

2022 BUDGET – Countywide Accounts, Business Area 140
Fund Center 14010, Fund 110

<u>Revenue</u>	<u>Increase</u>
Account 402250– Gaming Facilities Aid	\$360,000

2022 BUDGET - Mental Health, Business Area 124
Fund Center 12410, Fund 110

<u>Revenue</u>	<u>Increase</u>
Account 406830 – SA-Mental Health	\$100,000

<u>Appropriation</u>	<u>Increase</u>
Account 505400 – Food & Kitchen Supplies	2,000
Account 517534 – BestSelf Beh Health OMH	254,400
Account 517578 – Coord Care Service OMH	4,000
Account 517717 – Mid-Erie MH Srvc OMH	110,500
Account 517809 – Spectrum Human OMH	40,600
Account 517818 – Suicide Prevent OMH	23,500
Account 516020 – Professional Services	<u>25,000</u>
	\$460,000

and be it further

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

Item 53 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: Climate Smart Communities Grant for
Food Waste: Municipal Organics
Management Programs
(COMM. 14E-14)

WHEREAS, the Erie County Department of Environment and Planning (DEP) has received a grant from the New York State Department of Environmental Conservation (NYSDEC) to assist our communities in creating and expanding their own customized plans and programs for managing food scraps and yard waste by collecting and composting the materials; and

WHEREAS, Erie County is creating a Community Climate Action Plan which targets reduction of greenhouse gas emissions (GHG) generated by the community; and

WHEREAS, food waste makes up approximately 40% of the average waste stream; and

WHEREAS, the NYSDEC awarded Erie County \$502,438 in a five-year grant to assist communities in designing and operating of food scrap collection sites and programs; and recruiting, training and managing volunteers; and

WHEREAS, composting food waste will reduce GHG emissions and create a beneficial resource that can be used as a soil amendment; and

WHEREAS, NYSDEC identified the sub-awardee We Radiate LLC in the approved work plan to recruit, train and manage volunteers at food scrap collection sites; and

WHEREAS, the Erie County Sheriff's Office (ECSO) will have a critical role in overseeing inmate and compost operation management as was identified in the NYSDEC approved work; and

WHEREAS, the addition of this initiative necessitates the execution of contracts with the NYSDEC and We Radiate LLC; the adoption of a grant budget; the creation of a Senior Environmental Compliance Specialist (JG-12) position and the continuation of a Corrections Officer (JG-12) position.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$502,438 from the NYSDEC to assist our communities in creating and expanding their own customized plans and programs for managing food scraps and yard waste by collecting and composting the materials; and be it further

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to contract with sub-awardee We Radiate LLC in an amount not to exceed \$195,250 for the purpose of providing technical assistance for the project; and be it further

RESOLVED, that the grant budget and project period for the Climate Smart Communities Grant for Food Waste: Municipal Organics Management Programs is hereby created in the Department of Environment and Planning, Business Area 162, as follows:

Erie County Food Waste - Municipal Organics Management Programs
SAP Grant Account #162ECFWMOMP2227
March 15, 2022 – March 14, 2027

NYSDEC REVENUE

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid Revenue	\$502,438

TOTAL REVENUE \$502,438

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Salaries	\$152,572
502000	Fringe	\$83,915
510200	Out of Area Travel	\$3,000
516020	Professional Services	\$195,250
530000	Other	\$6,000
561410	Lab/Tech Equipment	\$11,781

911500	ID ECSO Services	<u>\$49,920</u>
TOTAL		\$502,438
APPROPRIATIONS		

and be it further

RESOLVED, that the following position, which is grant funded, will be created for the Climate Smart Communities Grant for Food Waste – Municipal Organics Management Programs grant business area 162, fund 281 into the newly created grant 162ECFWMOMP2227

Senior Environmental Compliance Specialist (JG-12)
B-100 # 13172
Budgeted Annual Salary: \$71,740

and be it further

RESOLVED, that the following position, which will have 25% of salary reimbursed via ID billing, be continued in the Erie County Sheriff’s Office business area 11510 fund 110 for the duration of the grant commitment:

Corrections Officer (JG-12)
B-100 # 9841 Budgeted Annual Salary: \$77,700

Fund 110 – 2022 Budget
Erie County Sherriff Office - Funds Center 1150

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Amount</u>
50000	Full Time Salaries	\$49,920
502000	Fringe Benefits	0
911500	ID Sheriff	<u>\$(49,920)</u>
TOTAL APPROPRIATIONS		\$0

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Daniel R. Castle, Commissioner of Environment and Planning; Sheriff John C. Garcia; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

Item 54 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

RE: Climate Smart Communities
Certification - Continuing Activities
Grant Amendment
(COMM. 14E-15)

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in pollution prevention and sustainability issues throughout the region for decades; and

WHEREAS, DEP is committed to promoting pollution prevention, energy conservation, climate change mitigation, and resiliency to impacts from climate change within the County; and

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) has established a program called Climate Smart Communities to recognize local governments that achieve specified sustainability criteria; and

WHEREAS, in 2014 Erie County pledged to become a Climate Smart Community (COMM 12E-5); and

WHEREAS, in 2019 Erie County was designated a certified Climate Smart Community, at the Bronze level; and

WHEREAS, Erie County was awarded \$99,758 by NYSDEC to support efforts to implement projects as Erie County strives for Silver Level Climate Smart Community certification, including a Community Climate Action Plan; and

WHEREAS, while the certification has been achieved. the Climate Action planning process is continuing; and

WHEREAS, there are funds remaining in the grant to support the creation of a position to assist with this planning process.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$99,758 from NYSDEC for the purpose of establishing a “Climate Smart Communities Certification - Continuing Activities” project; and be it further

RESOLVED, that the grant budget and project period for the “Climate Smart Communities Certification - Continuing Activities” project is hereby amended in the Department of Environment and Planning, Business Area 162, as follows:

Climate Smart Communities Certification - Continuing Activities
(March 15, 2020 to March 14, 2025)
SAP Grant Account #162ECCSCCA2025

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
409000	State Aid Revenue	(\$99,758)	0	(\$99,758)
559000	County Grant Share		(\$13,000)	(\$13,000)
TOTAL REVENUE		(\$99,758)	(\$13,000)	(\$112,758)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Full Time – Salaries	\$ 72,413	\$9,300	\$81,713
502000	Fringe Benefits	\$ 25,345	\$5,700	\$31,045
510100	Out of Area Travel	\$ 2,000	(\$2,000)	\$ 0
TOTAL APPROPRIATIONS		\$99,758	\$13,000	\$112,758

and be it further

RESOLVED, that the following position will be created:

Junior Environmental Compliance Specialist (JG-7) RPT
B-100 No. 13171
Budgeted Annual Salary: \$33,567

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Daniel Castle, Commissioner of Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

FROM CHAIR BASKIN

Item 55 – (COMM. 14E-16) Letter Regarding CBA Community Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 56 – (COMM. 14E-17) Department of Law Risk Retention Fund Spending - May 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 57 – (COMM. 14E-18) Letter Concerning the Hotel at Batavia Downs

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (COMM. 14E-19) Status Report on the Erie County Gun Violence Prevention Task Force

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 59 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Erie County Sheriff's Office Warehouse
& Office Lease
(COMM. 14E-20)

WHEREAS, the Sheriff's Office is in need of warehouse and office space to replace the soon-to-be decommissioned bunker at Chestnut Ridge Park; and

WHEREAS, the Sheriff's Office is in need of space for the Professional Standards Division and Training Division; and

WHEREAS, a Request-for-Proposals was issued for new space by the Department of Public Works, and the Sheriff's Office considered several options; and

WHEREAS, the Sheriff's Office concluded the best location for warehouse/office space for the Special Services Division to be at 10 Centre Drive in the Town of Orchard Park; and

WHEREAS, both locations were the lowest bidders that responded to the Request-for-Proposal.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to execute a lease for the Erie County Sheriff's Office with Twenty-Four Ventures, LLC for a lease of a maximum of 44,000 square feet at a base rent cost of \$5.40 per square foot for the first year, with a 4 percent increase for each subsequent year of the 5-year term; and be it further

RESOLVED, the County Executive is authorized to execute a lease for the Erie County Sheriff's Office with Cedarland Development for a lease of a maximum of 5,894 square feet at a base rent of \$18.50 per square foot for the first year, with a 3 percent increase for each subsequent year of the 5-year term; and be it further

RESOLVED, that the Director of Budget and Management is authorized to transfer up to \$173,319.00 from Fund 110, Funds Center 14010, Account 402250, Gaming Facilities Aid to Fund 110, Funds Center 11510, Account 545000 to facilitate these leases; and be it further

RESOLVED, in addition to the base rent, the County may be responsible for its portion of the common area expenses; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Sheriff, Department of Public Works, and the Director of the Division of Budget and Management.

FROM LEGISLATORS LORIGO, GREENE,
TODARO & MILLS

Item 60 – (COMM. 14E-21) Letter Requesting Additional Discussions on Proposed Opioid Settlement Plan

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 61 – (COMM. 14E-22) Letter Regarding Health, Dental & Vision Benefits for WROTB Board Members

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Security Improvements & Sitewide
Term Agreement for Erie County Youth
Detention
(COMM. 14E-23)

WHEREAS, the Division of Youth Services is required to provide a safe and secure environment for staff and youth held at the Youth Detention Facility; and

WHEREAS, security inspection of the facility was performed at by the Erie County Sheriff's office; and

WHEREAS, a number of physical interior and exterior improvements were recommended to be implemented in the Sheriff's inspection report; and

WHEREAS, interior security improvements include physical modifications to a housing unit and construction with more durable materials to harden the interior walls making the housing units safer for occupants; and

WHEREAS, exterior security improvements that include additional layer of security fencing along the perimeter of the property, removal of scalable features on the building exterior as identified by the Sheriff's Office; and

WHEREAS, improvements will include phasing to maintain facility operation and accommodate circulation throughout the entirety of construction; and

WHEREAS, stamped plans are required to be submitted to NYSCOC and NYSOCFS for review and approval before construction and alteration; and

WHEREAS, proposals were solicited in accordance with the Department of Public Works standard Request for Proposal/ Qualification process; and

WHEREAS, Labella PC has the necessary expertise and manpower to provide professional design services, construction documents, and construction administration services, and facilitate approvals for the project; and

WHEREAS, the facility has a general need for professional design services to support ongoing health, safety, and facility upgrades; and

WHEREAS, the County Executive is requesting authorization to enter into a three (3) year Term Agreement with Labella PC for a lump sum basis for the base scope of work providing professional architectural/engineering services for Erie County Youth Detention Facility – Interior and Exterior Security Improvements & Sitewide Term Agreement project, with the possibility of two (2) one (1) year extensions at the discretion of DPW; and

WHEREAS, authorization is required for the County Executive to issue an Agreement to Labella PC for providing professional design and construction administration services for Youth Detention Facility – Interior and Exterior Security Improvements & Sitewide Term Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into one three (3) year Term Agreement with the firm of Labella PC with the possibility of two (2) one (1) year extensions, for providing professional engineering services on a lump sum basis for the Erie County Youth Detention Facility – Interior and Exterior Security Improvements & Sitewide Term Agreement project for an amount not to exceed \$350,000; and be it further

RESOLVED, the initial design services as part of the term agreement includes exterior security improvements as well as interior renovations to existing pod units for a combined amount not to exceed \$250,000 inclusive of base design fee, reimbursables, and design contingency, with future work to be determined in coordination with the Consultant and DPW as a negotiated lump sum fee for the scope of work at hand as agreed upon by all parties; and be it further

RESOLVED, the balance of \$100,000 will be used for future scopes of work yet to be determined as requested by the facility and approved by the County upon negotiation with the consultant; and it be further

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement Amendment with Labella PC for providing professional design and construction administration services for the Youth Detention Facility – Interior and Exterior Security Improvements & Sitewide Term Agreement for an amount not to exceed \$350,000, including design contingency; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment from the following capital project in Funds Center 122, Fund 410:

A.17031 – Renovations to Secure Youth Facility	\$ 14,032.65
<u>A.19030 – Youth Detention Health, Safety, & Facility Upgrades</u>	<u>\$ 335,967.35</u>
Total Amount Not to Exceed	\$ 350,000.00

and be it further

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

Item 63 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

RE: NYSDOT New York Works Program
Capital Project Agreement, Town of
Orchard Park
(COMM. 14E-24)

WHEREAS, the New York State Department of Transportation (NYSDOT) would like to enter into a New York Works Program Capital Project Agreement with Erie County; and

WHEREAS, the above referenced project and acceptance of the original funding source was approved by the Erie County Legislature via COMM. 17E-6 on October 7, 2021; and

WHEREAS, the New York State Department of Transportation had originally identified funding for this project from the Multi-Modal Program, but has since identified an alternate funding source from the New York Works Program for this project; and

WHEREAS, New York Works Program Capital Project Agreement - PIN S418.10.301, Comptrollers Contract #D040332, for resurfacing roadway, shoulder work, and installation of guiderail on Transit Road from Route 20A to Jewett Holmwood Road is for \$300,000; and

WHEREAS, the County will be reimbursed 100% per this agreement; and

WHEREAS, the Department of Public Works is requesting authorization for the County Executive to execute the agreement with the NYSDOT in order to successfully implement the construction activities on Transit Road.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the change in funding source for the above subject Project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into the New York Works Program Capital Project Agreement – PIN S418.10.301, Comptroller’s Contract # D040332 for \$300,000 with the New York State Department of Transportation (NYSDOT); and be it further

RESOLVED, that the County of Erie is hereby authorized to accept the revenue that is available as administered by the NYSDOT; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward one (1) certified copies of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: Closeout of Federal Aid Construction Project & Creation of New Capital Project for Abbott Road Design (COMM. 14E-25)

WHEREAS, a construction project for the resurfacing of Abbott Road, McKinley Parkway and Armor Duells Road PIN 5762.25, (the “Federal Aid Project”) was advanced via Legislative Communication COMM 26E-6 (2019) on January 16, 2020; and

WHEREAS, construction of the Federal Aid Project has been completed and the remaining contingency of \$310,000 is no longer needed; and

WHEREAS, Legislative approval is needed to close out the Federal Aid Construction Project - Abbott Road (CR4) – B.19005, Fund 420, Funds Center 123; and

WHEREAS, the Department of Public Works desires to rehabilitate the adjacent section of Abbott Road, from Milestrip Road to Fisher Road (the “Capital Project”), including pavement replacement; and

WHEREAS, the cost of the Design Engineering phase of the Capital Project is \$310,000, authorization is being requested to create a new Capital Project B.22XXX – Abbott Road Design from Milestrip to Fisher Road, in Fund 420, Funds Center 123; and

WHEREAS, funding for the project can be derived through a transfer from known available balance in Fund 110, Funds Center 12090, GL 525000 MMIS-Medicaid Local Share to Fund 110, Funds Center 14020, GL 570050 Interfund Transfers Capital.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Division of Budget and Management is hereby authorized to close-out the unused funding in Project B.19005 – Federal Aid Construction Projects - Abbott Road (CR4), Fund 420, Funds Center 123, in the amount of \$310,000 which is to be used to fund the payment of remaining outstanding principal and interest related to the project of \$ 295,492.23 with the remaining \$ 14,507.77 balance of the close-out funding to be realized as revenue in Countywide Budget Accounts, Funds Center 14010, Account 486010 Residual Equity Transfers In; and be it further

RESOLVED, that authorization is hereby given to create a new Capital Project for \$310,000 (with funding derived through a transfer of \$ 310,000 from Fund 110, Funds Center 12090, GL 525000 MMIS-Medicaid Local Share to Fund 110, Funds Center 14020, GL 570050 Interfund Transfers Capital) as follows:

B.22XXX - Abbott Road Design from Milestrip to Fisher Road
Fund 420, Funds Center 123

Revenue	Account Description	Budget
486000	Interfund Revenue Subsidy	\$310,000
Appropriations		
CAPITALPROJECTS	Capital Project Exp	\$310,000

and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Division of Highways, and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

FROM CHAIR BASKIN

Item 65 – (COMM. 14E-26) Letter to Commissioner of Central Police Services Concerning E911 Response System

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 66 – (COMM. 14E-27) Letter to Director of Equal Employment Opportunity

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

FROM THE COMPTROLLER

Item 67 – (COMM. 14E-28) Annual Comprehensive Financial Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DISTRICT ATTORNEY

Item 68 – (COMM. 14D-1) Letter to Chair Baskin Regarding Buffalo Resiliency Center

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 69 – (COMM. 14D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF
CENTRAL POLICE SERVICES

Item 70 – (COMM. 14D-3) Summary of Meeting on June 27, 2022

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 71 – (COMM. 14D-4) ECDOH Nursing Home COVID-19 Infection Rates

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 72 – (COMM. 14D-5) Local Law Filing - LL No. 3-2022

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 73 – (COMM. 14D-6) Process for the Burial of Unclaimed Persons

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 74 – (COMM. 14M-1) 2022 NFTA-Metro Annual Performance Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE PRESIDENT & CEO OF NORTHLAND
WORKFORCE DEVELOPMENT CENTER & BUFFALO URBAN LEAGUE

Item 75 – (COMM. 14M-2) Buffalo Bills Stadium Project Labor & Community Benefits
Agreements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BOARD OF HEALTH

Item 76 – (COMM. 14M-3) Minutes of EC Board of Health Meeting from May 10, 2022 & Agenda for July 26, 2022 Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 77 – (COMM. 14M-4) Financial Report & Cash Basis for the Period 1/1/22 - 6/30/22

Item 78 – (COMM. 14M-5) Quarterly Report for the 1st Quarter of 2022

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 79 – Chair Baskin announced that the Legislature is entering its summer recess and wished everyone well during the break. Chair Baskin also announced that the next session of the Legislature is scheduled for Thursday, September 8, 2022.

MEMORIAL RESOLUTIONS

Item 80 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Margaret Songin.

Item 81 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Joyce Ali, and Vincent Patronaggio.

Item 82 – Legislator Chimera requested that when the Legislature adjourns, it do so in memory of Paul Catalano, and James Goff.

Item 83 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Dennis Redfern.

ADJOURNMENT

Item 84 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, September 8, 2022 at 12:00 Noon Eastern Standard Time. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, September 8, 2022 at 12:00 Noon Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE