

ERIE COUNTY LEGISLATURE
MEETING NO. 16
SEPTEMBER 22, 2022

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Lorigo.

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 15 from 2022. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. BARGNESI presented a proclamation Recognizing the City of Tonawanda's Day of Play and Celebrating and Honoring COT Neighbors United.

Item 6 – MR. BARGNESI presented a proclamation Celebrating and Honoring Craig's Jewelry Store.

Item 7 – MR. BARGNESI presented a proclamation Honoring and Recognizing Rick Davis.

Item 8 – MR. GILMOUR presented a proclamation Congratulating and Recognizing Ronald Francis McCann on Attaining the Rank of Eagle Scout.

Item 9 – MR. GILMOUR presented a proclamation Congratulating and Recognizing Terrence James McCann on Attaining the Rank of Eagle Scout.

Item 10 – MR. JOHNSON presented a proclamation In Remembrance of Deacon Dr. Theresa Harris-Tigg.

Item 11 – MR. JOHNSON presented a proclamation Acknowledging and Recognizing International Underground Railroad Month During the Month of September.

Item 12 – MR. BARGNESI presented a proclamation Celebrating and Honoring Robert LaPlante - Erie County Fire Safety Wall of Honor.

Item 13 – MR. BARGNESI presented a proclamation Celebrating and Honoring Donald E. Connolly - Erie County Fire Safety Wall of Honor.

Item 14 – MR. BARGNESI presented a proclamation Celebrating and Honoring David Rider - Erie County Fire Safety Wall of Honor.

Item 15 – MR. BARGNESI presented a proclamation Celebrating and Honoring Walter G. Byers - Erie County Fire Safety Wall of Honor.

Item 16 – MR. JOHNSON presented a proclamation In Remembrance of Mr. Cyrus Parks.

Item 17 – CHAIR BASKIN presented a proclamation Honoring and Recognizing Shetice Jackson on the Ribbon-Cutting of Crazy Good Eatz.

Item 18 – MR. GREENE presented a proclamation Honoring Karl Herbert Guenther on Achieving the Rank of Eagle Scout.

Item 19 – MR. GREENE presented a proclamation Honoring Alec Stevens on Achieving the Rank of Eagle Scout.

Item 20 – MR. GREENE presented a proclamation Commemorating the 200th Anniversary of the Town of Newstead, NY.

Item 21 – MR. MILLS presented a proclamation Celebrating the Grand Opening of the Orchard Park American Legion Post 567.

Item 22 – MR. MILLS presented a proclamation Celebrating Josphine Battaglia on Her 100th Birthday.

Item 23 – MR. MILLS presented a proclamation Honoring Adam and Drew Sprague on the Opening of 5 Leaf Clover Family Restaurant.

Item 24 – MR. TODARO presented a proclamation Recognizing and Honoring Aidan Carney for Excellence in Musical Arts.

Item 25 – MR. TODARO presented a proclamation Recognizing and Honoring Daniel DeAngelis for Excellence in Musical Education.

Item 26 – MR. TODARO presented a proclamation Celebrating Handsome Devil Barber Room on Their Fiftieth Anniversary.

Item 27 – MR. TODARO presented a proclamation Honoring and Recognizing Russell Salvatore as Citizen of the Month.

Item 28 – MR. LORIGO presented a proclamation Honoring Firefighter Thomas Casey on Being Inducted Into the Erie County Fire Advisory Board's Wall of Honor.

Item 29 – MR. LORIGO presented a proclamation Honoring Firefighter Thomas Bausch on Being Inducted Into the Erie County Fire Advisory Board's Wall of Honor.

Item 30 – MR. LORIGO presented a proclamation Honoring Firefighter Daniel Sikorski on Being Inducted Into the Erie County Fire Advisory Board's Wall of Honor.

Item 31 – MR. GILMOUR presented a proclamation Honoring Tom McDonnell as the Erie County Legislature Citizen of the Month for September 2022.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 32 – 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 33 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

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| September 15, 2022 | ENERGY & ENVIRONMENT COMMITTEE |
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| | REPORT NO. 12 |
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-7 (2022)
COUNTY EXECUTIVE: "ECSD No. 2 - Engineering Term Contract Agreement"
(Chair's Ruling)
 - b. COMM. 15E-36 (2022)
COUNTY EXECUTIVE: "Term Contract Agreement Work Order: Pace 1"
(Chair's Ruling)
 - c. COMM. 15E-37 (2022)
COUNTY EXECUTIVE: "EC Community Climate Action Plan Term Contract Agreement -
Work Order: Buffalo News"
(Chair's Ruling)
 - d. COMM. 15E-38 (2022)
COUNTY EXECUTIVE: "ECSD District No. 8 - Engineering Term Contract Agreement -
DiDonato Associates"
(Chair's Ruling)
 - e. COMM. 15E-39 (2022)
COUNTY EXECUTIVE: "ECSD District No. 4 - Engineering Term Contract Agreement -
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC"
(Chair's Ruling)
 - f. COMM. 15E-40 (2022)
COUNTY EXECUTIVE: "ECSD Nos. 1, 3, 4, & 5 - Construction Inspection Term Contract
Agreement - Wm. Schutt and Associates"
(Chair's Ruling)
 - g. COMM. 15E-41 (2022)
COUNTY EXECUTIVE: "ECSD District No. 2 - Engineer Term Contract Agreement -
GHD Consulting Services, Inc."
(Chair's Ruling)
 - h. COMM. 15M-10 (2022)
NYSDEC: "Public Notice Fact Sheet"
(Chair's Ruling)
 - i. COMM. 15M-11 (2022)
NYSDEC: "Invitation for Public Comment Regarding Brownfield Application"

(Chair's Ruling)

2. COMM. 15E-30 (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; 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 ECLIPSE; and

WHEREAS, Erie County entered into contracts with NYSERDA and also with the project subawardee, the Research Foundation of SUNY at Buffalo State College, as authorized by COMM. 3E-9 (2018); and

WHEREAS, the County has entered into a term contract with Pace University to support the ECLIPSE project, authorized by Comm. 5E-11(2022); and

WHEREAS, the County was authorized to execute necessary agreements with NYSERDA to extend the project until December 31, 2024 and to make budget adjustments by Comm. 13E-26 (2022); and

WHEREAS, NYSERDA has now requested the project be extended to March 31, 2025 instead of December 31, 2024; and

WHEREAS, the project extension will require schedule changes with the project subcontractors, Pace University and the Research Foundation of SUNY at Buffalo State College.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements with NYSERDA to extend the project until March 31, 2025; and be it further

RESOLVED, that County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements with Pace University to extend its subcontract agreement until March 31, 2025; 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 its subcontract agreement to March 31, 2025; 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 Castle, Commissioner of Environment and Planning, and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.

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

3. COMM. 15E-31 (2022)
COUNTY EXECUTIVE

WHEREAS, in 2021 and 2022 Erie County purchased electric vehicles to reduce environmental impacts and fuel costs, as part of the implementation of the Erie County Climate Action and Sustainability Plan (CASP) for internal operations, which was adopted by the Erie County Legislature in 2019 (COMM. 3E-4); and

WHEREAS, the Erie County Department of Environment and Planning (DEP) applied for and has been awarded a \$30,000 rebate for electric vehicle purchases from the New York State Department of Environmental Conservation (NYSDEC) Municipal Zero-Emission Vehicle Rebate Program; and

WHEREAS, in 2019 the County established a Paris/Climate Action Fund in DEP to support the implementation of the CASP, which is overseen by the interdepartmental Green Team; and

WHEREAS, accepting the rebate necessitates the execution of an agreement with NYSDEC.

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 rebate of \$30,000 from NYSDEC; and be it further

RESOLVED, that the rebate will be appropriated to the DEP Paris/Climate Action Fund as follows:

REVENUE:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|--------------------|-------------------|
| 409000 | State Aid Revenue | <u>(\$30,000)</u> |
| | TOTAL REVENUE: | (\$30,000) |

APPROPRIATIONS:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|----------------|-----------------------|-----------------|
| 516310 | Climate Action Fund | <u>\$30,000</u> |
| | TOTAL APPROPRIATIONS: | \$30,000 |

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 Environment and Planning; and Bonnie Lawrence, Deputy Commissioner of Environment and Planning.
(4-0) Chair Baskin not present for vote.

4. COMM. 15E-32 (2022)
COUNTY EXECUTIVE

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 (the "Sewer District") of the County of Erie, New York (the "County"), has heretofore been established; and

WHEREAS, this County Legislature (the "Legislature") has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the Sewer District (the "Report"), which Report has been approved by the Board of Managers of the Sewer District on April 6, 2022, and filed with the Legislature pursuant to Section 268 of the County Law; and

WHEREAS, the Report describes a proposed increase and improvement of the facilities of the Sewer District, consisting of improvements to the Southtowns Advanced Wastewater Treatment Facility, existing pumping stations, and the sanitary sewer collection system, all as more fully described in the Report; and

WHEREAS, the total maximum estimated cost of the aforesaid increase and improvement of the facilities of the Sewer District is \$100,000,000, which will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the Sewer District's Benefit and User Charge formulas, as such formulas currently exist and as the same may be amended from time to time; and

WHEREAS, pursuant to applicable provisions of Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is required prior to the expenditure of funds for such increase and improvement because the estimated \$111.17 cost thereof to the Typical Property (as defined in the County Law) exceeds the applicable threshold for Average Estimated Cost for County Districts on similar types of expenditures, which was computed by the State Comptroller to be \$11.00 for calendar year 2022; and

WHEREAS, it is now desired to call a public hearing to consider such increase and improvement in accordance with the provisions of Section 254 of the County Law.

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the Legislature shall be held at the County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in the County, on the 17th day of October, 2022, at 2:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of the Sewer District in the County, and for such other action on the part of the Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature (the "Legislature") of the County of Erie, New York (the "County"), shall be held at the County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in the County, on the 17th day of October, 2022, at 2:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 3 in the County (the "Sewer District").

The proposed increase and improvement of such facilities consist of improvements to the Southtowns Advanced Wastewater Treatment Facility, existing pumping stations, and the sanitary sewer collection system; all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of the Sewer District on April 6, 2022 (the "Report").

The maximum estimated cost of such increase and improvement of facilities is \$100,000,000, which will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the Sewer District's Benefit and User Charge formulas, as such formulas currently exist and as such may be amended from time to time.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is estimated to be \$111.17 for the District. The Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Legislature a detailed explanation of how such costs were computed, as incorporated in the Report.

(5-0)

5. COMM. 15E-33 (2022)
COUNTY EXECUTIVE

WHEREAS, Article 5 A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2022 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 2:00 p.m., local time, on November 2, 2022 for the purpose of meeting to hear and consider any objections which may be made to the 2022 Sewer District Assessment Rolls (2023 Levy) for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 17, 2022; 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)

6. COMM. 15E-34 (2022)
COUNTY EXECUTIVE

WHEREAS, the County Executive has made an appointment to the Erie County Sewer District No. 5 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. 5 Boards of Managers is hereby confirmed:

| Erie County Sewer District No. 5 | Term Expires |
|---|--------------|
| Mr. William Lardo Coordinator – Sewer Construction Projects Department of Environment and Planning 95 Franklin Street – Room 1034 Buffalo, New York 14202 | 12/31/23 |

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)

7. COMM. 15E-42 (2022)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works/Division of Highways has been extremely hard hit due to the unforeseen, enormous increases in the costs of materials and supplies this year; and

WHEREAS, due to these circumstances, the budget in Account 506200 – Maintenance and Repair, where supplies are purchased, has been depleted; and

WHEREAS, it is necessary to purchase much needed plow parts, from Account 506200, to get the plow trucks ready for the upcoming winter season so that the County is able to maintain the roads during snowstorms; and

WHEREAS, funding is available to be transferred from the 2022 Highway Operating Budget, Account 506400 – Highway Supplies, Funds Center 12310, Fund 210 to the Maintenance and Repair budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget transfers are authorized within the 2022 Highway Operating Budget – in Fund Center 12310, Fund 210:

| ACCOUNT | DESCRIPTION | CURRENT BUDGET | INCREASE/ DECREASE | REVISED BUDGET |
|----------|----------------------|----------------|--------------------|----------------|
| 506400 | Highway Supplies | \$5,973,903.19 | (\$170,000.00) | \$5,803,903.19 |
| 506200 | Maintenance & Repair | \$844,918.34 | \$170,000.00 | \$1,014,918.34 |
| EXPENSES | | \$6,818,821.53 | \$ 0.00 | \$6,818,821.53 |

and be it further

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

(5-0)

**TIMOTHY J. MEYERS
CHAIR**

Item 34 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

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| September 15, 2022 | HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 12 |
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14D-1 (2022)
DISTRICT ATTORNEY: “Letter to Chair Baskin Regarding Buffalo Resiliency Center”
(Chair’s Ruling)
 - b. COMM. 14M-3 (2022)
BOARD OF HEALTH: “Minutes of EC Board of Health Meeting from May 10, 2022 & Agenda for July 26, 2022 Meeting”
(Chair’s Ruling)
 - c. COMM. 15E-44 (2022)
BASKIN: “Letter to Director of the Office of Health Equity”
(Chair’s Ruling)
 - d. COMM. 15D-3 (2022)
COMMISSIONER OF SOCIAL SERVICES: “Comm. 12E-34 Compliance Report for Month of June”
(Chair’s Ruling)
 - e. COMM. 15D-4 (2022)
COMMISSIONER OF SOCIAL SERVICES: “Comm. 12E-34 Compliance Report for Month of July”
(Chair’s Ruling)
2. COMM. 15E-27 (2022)
COUNTY EXECUTIVE
WHEREAS, the Erie County Healthcare Careers (“ECHC”) program has successfully enrolled 485 Erie County residents into training and education programs related to highly in-demand healthcare careers as of September 1, 2022; and

WHEREAS, 485 enrollees far exceed the 110 Licensed Practical Nurse positions trained under the former Health Professional Opportunity Grant (“HPOG”) program by 126% and far

surpassed the anticipated 250 ECHC enrollees for 2022, demonstrating the tremendous success of, and exceptional demand for, the ECHC program; and

WHEREAS, significant demand remains for additional healthcare staffing here in Erie County and across the United States; and

WHEREAS, SUNY Erie Community College and Erie County Medical Center have developed an innovative program that will further expand the ECHC program, and provide a faster and more efficient education-to-employment pipeline in our healthcare system; and

WHEREAS, Erie County hospitals, skilled nursing facilities, and other healthcare employers report a significant shortage of trained employees, contributing to hospital crowding and a lack of available beds; and

WHEREAS, further support of the ECHC program can bolster and expand the number of high-quality employees in high-demand, frontline healthcare positions across Erie County; 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 the vital ECHC program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$1,418,970 in funding from unbudgeted revenue in Fund 110, Funds Center 14010, Revenue Account – 402520 Gaming Facilities Aid to Fund 110, Funds Center 1331010, Account 518700 – WIB HPOG Program as follows:

| | Economic Development Agency Funding Fund 110, Funds Center 1331010 | | |
|-------------------------|---|----------------|----------------|
| APPROPRIATIONS | Original | Change | New |
| 518700 WIP HPOG Program | \$1,350,000.00 | \$1,418,970.00 | \$2,768,970.00 |

and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with the Buffalo and Erie County Workforce Investment Board, Inc. (“BECWIB”) and Buffalo and Erie County Workforce Development Consortium, Inc., the BECWIB fiscal agent, for the purposes of expanding the ECHC program; and be it further

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

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the office of the County Executive; the Office of the Erie County Comptroller; the Division of Budget and Management, and the Department of Personnel.
(5-0)

3. COMM. 15E-29 (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, 2023 to December 31, 2025 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, 2023 to December 31, 2025; 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 D10 Grant
Grant Fund 281 160QID13ILS2325
January 1, 2023 to December 31, 2025

| | |
|-------------------------------------|----------------|
| Revenue | Increase |
| Account 409000 - State Aid Revenue | \$1,455,129 |
| Appropriation | Increase |
| Account 516601 - Legal Aid Bureau | \$727,566 |
| Account 516602 - EC Bar Association | <u>727,563</u> |
| 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.

(5-0)

**LISA M. CHIMERA
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

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| September 15, 2022 | ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 14 |
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

WHEREAS, there will be a huge capital investment in the area over the next five years due to the passing of President Biden's Infrastructure Law; and

WHEREAS, the Department of Public Works/Division of Highways (DPW) does not have enough staff to manage all of the projects that are being planned; and

WHEREAS, COMM 8E-1 (2022), approved by the Legislature on May 12, 2022, included an authorization of \$400,000 available in Funds Center 12210 in Fund 110 for a DPW Contract Manager; and

WHEREAS, DPW issued a Request for Proposal (RFP) for Municipal Capital Program Management services per the County's RFP procedures; and

WHEREAS, DPW seeks authorization to enter into an Agreement with C&S Companies, Inc., the consultant that was selected as the best able to provide these services after reviewing proposals and conducting interviews of consultants who submitted for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an Agreement with C&S Companies, Inc. to provide Municipal Capital Program Management services for a term of five years; and be it further

RESOLVED, that the funding for these services is hereby appropriated from Funds Center 12210 in Fund 110; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept any additional federal and non-federal aid reimbursements should they become available, and to adjust the project budgets to reflect the additional receipt of funds; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute all necessary Agreements, certifications, or reimbursement requests for federal aid and/or state aid on behalf of the County of Erie; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, the Director of the Division of Budget and Management, the Erie County Comptroller, the Commissioner of the Department of Public Works, William E. Geary, Jr., and Assistant County Attorney Kristen M. Walder.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

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| September 15, 2022 | GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 4 |
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10M-2 (2022)
HODGSON RUSS LLP: “Buffalo City Cemetery ("Forest Lawn") Merger with Clarence Fillmore Cemetery”
(Chair’s Ruling)
 - b. COMM. 12E-3 (2022)

COUNTY CLERK: “Letter Regarding Proposal to Bring Guns into County Clerk and Auto Bureau Offices”
(Chair’s Ruling)

- c. COMM. 12E-31 (2022)
BASKIN: “Letter to County Executive Regarding Disparity Study Workgroup Meetings”
(Chair’s Ruling)
- d. COMM. 14D-2 (2022)
DEPARTMENT OF LAW: “Transmittal of New Claims Against Erie County”
(Chair’s Ruling)
- e. COMM. 14D-5 (2022)
DEPARTMENT OF LAW: “Local Law Filing - LL No. 3-2022”
(Chair’s Ruling)
- f. COMM. 14M-4 (2022)
ASSIGNED COUNSEL PROGRAM: “Financial Report & Cash Basis for the Period 1/1/22 - 6/30/22”
(Chair’s Ruling)
- g. COMM. 14M-5 (2022)
ASSIGNED COUNSEL PROGRAM: “Quarterly Report for the 1st Quarter of 2022”
(Chair’s Ruling)
- h. COMM. 15D-2 (2022)
COUNTY ATTORNEY: “Local Law No. 3-2022 Filing Receipt”
(Chair’s Ruling)
- i. COMM. 15D-6 (2022)
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(Chair’s Ruling)
- j. COMM. 15M-4 (2022)
TOWN OF EAST OTTO: “Proposed Local Law 1-2022”
(Chair’s Ruling)

2. INTRO. 7-4 AS AMENDED (2022)
BASKIN

WHEREAS, New York State Public Authorities Law, Section 1299-c, provides that among the ten members of the Niagara Frontier Transportation Authority (“NFTA”) Board of Commissioners, one member shall be appointed by the Governor upon the recommendation of the Erie County Legislature, subject to State Senate confirmation; and

WHEREAS, the term of the current Commissioner recommended by the Erie County Legislature, appointed by the Governor and confirmed by the State Senate expired in June 2016; and

WHEREAS, Treneeka Cusack Fields has expressed a desire to be the Legislature’s recommendation to the Governor, offering solid credentials and a deep commitment to our region, as well as energy and enthusiasm for the appointment; and

WHEREAS, as an attorney, Ms. Fields possesses an exceptional understanding of complex matters, enabling her to excel as a member of the governing board of the NFTA; and

WHEREAS, Ms. Fields recognizes that our public transportation system is a critical asset for workforce development and improving the lives of our residents through allowing them to access jobs, education, and cultural and other quality-of-life activities and she is committed to working to help improve the public’s access to public transit, as well as NFTA accountability.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully requests the Governor to appoint Treneeka Cusack Fields (18 Greenboro Court, Amherst, NY 14051), as a member of the Niagara Frontier Transportation Authority Board of Commissioners representing the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution shall be transmitted to the Governor of New York; the Majority Leader of the New York State Senate, the local delegation of the New York State Senate, the Chair and Secretary of the NFTA Board of Commissioners.
(5-0)

JOHN A. BARGNESI, JR.
CHAIR

Item 37 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

| | |
|--------------------|---|
| September 15, 2022 | COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 4 |
|--------------------|---|

ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 15M-6 (2022)
PRESIDENT & CEO OF VISIT BUFFALO NIAGARA: “2022 Second Quarter Reports”
(Chair’s Ruling)

2. COMM. 15E-20 (2022)
COUNTY EXECUTIVE

WHEREAS, SUNY Erie Community College is renewing the subscription of the Workday ERP platform originally purchased July 24, 2017; and

WHEREAS, the cost to renew the subscription is \$559,742 year one, \$586,051 year two and \$613,900 year three; and

WHEREAS, the College will realize a total cost savings of \$431,205 over the life of the new 3-year agreement; and

WHEREAS, the funding for this subscription would be expensed from the ITS budget; and

WHEREAS, denial of this request would negatively impact the fiscal state of the College by forcing the renewal under the terms of the old agreement, costing an additional \$431,205; and

WHEREAS, at its June 30, 2022 meeting, the SUNY Erie Community College Board of Trustees approved the Workday 3 Year Renewal Agreement and on June 30, 2022 also approved seeking Erie County Legislature approval of the same amendment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approve the renewal agreement between SUNY Erie and Workday; and be it further

RESOLVED, that the total 3-year agreement cost will be \$1,759,390, a savings of \$431,205 over the renewal terms in the originally approved agreement; and be it further

RESOLVED, that copies of the resolution be forwarded the Erie County Executive, President of SUNY Erie Community College and the Chairwoman of the SUNY Erie Community College Board of Trustees.

(6-0)

3. COMM. 15E-21 (2022)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for SUNY Erie; and

WHEREAS, the SUNY Erie Board of Trustees approved Service Bridges, Inc. as a vendor at their July 28, 2022 Board Meeting to provide American Sign Language interpretation services to qualified students, faculty and staff for a three-year contract not to exceed \$150,000; and

WHEREAS, SUNY Erie has adequate funds available in its operating budget to cover the cost of the American Sign Language interpretation services; and

WHEREAS, American Sign Language interpretation is a requirement under the Americans with Disability Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973 as a reasonable accommodation.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize entering into a three-year contract not to exceed \$150,000 to Service Bridges, Inc. for the purpose of providing American Sign Language interpretation for classroom and campus functions; and be it further

RESOLVED, the President of SUNY Erie is authorized to enter a contract with Service Bridges, Inc. for American Sign Language interpretation services for a three-year period that does not exceed \$150,000 for the purpose of providing American Sign Language interpretation for classroom and campus functions; and be it further

RESOLVED, that the Clerk of the Legislature of the County of Erie shall forward certified copies of this resolution to the County Executive of the County of Erie, to the Chairman of the Board of Trustees of SUNY Erie, and to the President of SUNY Erie.
(6-0)

4. COMM. 15E-22 (2022) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Workday Enterprise Resource Planning (ERP) system does not properly satisfy the needs of the College; and

WHEREAS, the \$180 per hour, pay-as-you-go, cost of Workday's implementation partner's (Huron Consulting Group) technical support required to develop/customize the Workday solution is unaffordable; and

WHEREAS, 48 of 64 SUNY College and Universities have implemented the Ellucian Banner ERP tool with the assistance and on-going support of well-staffed SUNY support organizations ITEC (located at Buffalo State) and SICAS (located at Oneonta State); and

WHEREAS, SUNY, SUNY ITEC and SUNY SICAS recommend that SUNY Erie migrate from the Workday ERP system to the Ellucian Banner system, as soon as possible, to minimize on-going Workday and archived data management expense; and

WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for the College; and

WHEREAS, SUNY Erie Community College has formally requested \$3,000,000 in from Erie County in the 2023 Capital Budget to support the College's migration from Workday to Ellucian's Banner platform; and

WHEREAS, SUNY Erie Community College will be submitting a request to the State of New York for the State to match the requested \$3,000,000 County capital request; and

WHEREAS, SUNY Erie Community College has the cash reserves available to cover the requested ERP platform migration expense should the requested capital budget not be approved by the Erie County Legislature and/or the project by the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize the College to award a five-year contract to Strata Information Group (SIG), a current SUNY vendor, for an amount not to exceed \$2,809,762.50; and be it further

RESOLVED, that that the source of the funds available to pay for this expense is available in SUNY Erie's unrestricted fund balance account and is hereby authorized for expenditure by SUNY Erie's Board of Trustees, if County and State funding is not secured in the 2023 budget cycle or future budget cycles; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive, the Chairman of the Board of Trustees of SUNY Erie, and the SUNY Erie President.

(6-0)

5. COMM. 15E-23 (2022) 'AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Workday Enterprise Resource Planning (ERP) system does not properly satisfy the needs of the College; and

WHEREAS, the \$180 per hour, pay-as-you-go, cost of Workday's implementation partner's (Huron Consulting Group) technical support required to develop/customize the Workday solution is unaffordable; and

WHEREAS, 48 of 64 SUNY College and Universities have implemented the Ellucian Banner ERP tool with the assistance and on-going support of well-staffed SUNY support organizations ITEC (located at Buffalo State) and SICAS (located at Oneonta State); and

WHEREAS, SUNY, SUNY ITEC and SUNY SICAS recommend that SUNY Erie migrate from the Workday ERP system to the Ellucian Banner system, as soon as possible, to minimize on-going Workday and archived data management expense; and

WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for the College; and

WHEREAS, SUNY Erie Community College has formally requested \$3,000,000 in from Erie County in the 2023 Capital Budget to support the Collge's migration from Workday to Ellucian's Banner platform; and

WHEREAS, SUNY Erie Community College will be submitting a request to the State of New York for the State to match the requested \$3,000,000 County capital request; and

WHEREAS, SUNY Erie Community College has the cash reserves available to cover the requested ERP platform migration expense should the requested capital budget not be approved by the Erie County Legislature and/or the funding match from the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that SUNY Erie is hereby authorized to obtain the Erie County Legislature's approval to award a five-year contract to Ellucian, a current SUNY vendor, for an amount not to exceed \$2,318,908; and be it further

RESOLVED, that the source of the funds available to pay for this expense is available in SUNY Erie's unrestricted fund balance account and is hereby authorized for expenditure by SUNY Erie Community College Board of Trustees, if County and or State funding is not secured in the 2023 budget cycle or future budget cycles; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive, the Chairman of the Board of Trustees of SUNY Erie, and the SUNY Erie President.

(6-0)

**JOHN J. GILMOUR
CHAIR**

Item 38 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

| | |
|--------------------|--|
| September 15, 2022 | PUBLIC SAFETY COMMITTEE REPORT NO. 11 |
|--------------------|--|

ALL MEMBERS PRESENT, EXCPET FOR LEGISLATOR TODARO.
CHAIR BASKIN PRESENT AS EX-OFFICO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11D-1 (2022)
DEPARTMENT OF CENTRAL POLICE SERVICES: "Letter Regarding E-911 and MERS Operations"
(Chair's Ruling)
 - b. COMM. 12E-32 (2022)
BASKIN: "Letter to County Commissioner of Central Police Services Concerning the County's E-911 Communication Center"
(Chair's Ruling)

- c. COMM. 14E-19 (2022)
COUNTY EXECUTIVE: “Status Report on the Erie County Gun Violence Prevention Task Force”
(Chair’s Ruling)
- d. COMM. 14E-26 (2022)
BASKIN: “Letter to Commissioner of Central Police Services Concerning E911 Response System”
(Chair’s Ruling)
- e. COMM. 14D-3 (2022)
COMMISSIONER OF CENTRAL POLICE SERVICES: “Summary of Meeting on June 27, 2022”
(Chair’s Ruling)

2. COMM. 15E-18 (2022)
SHERIFF
WHEREAS, the New York State Canal Corporation has selected the Erie County Sheriff’s Office Marine Unit to received \$40,000.00 in funding; and

WHEREAS, this grant requires review and approval by the Canal Corporation, Office of the Attorney General, and Office of the State Comptroller for all submitted requisitions; and

WHEREAS, the Erie County Sheriff’s Marine Unit is responsible for patrolling parts of Lake Erie, Niagara River, the Erie Barge Canal, and other waterways along the over 90 miles of Erie County shoreline; and

WHEREAS, the marine unit is instrumental in maintaining safe waterways by enforcing navigation laws and educating the boating public; and

WHEREAS, this grant will provide the Erie County Sheriff’s Office with additional resources to increase patrols along the Erie Barge Canal; and

WHEREAS, this will have no impact on the county budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Sheriff to enter into a contract with the New York State Canal Corporation to accept \$40,000.00 for increased marine patrols on and around the waterways of the Erie Barge Canal; 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

FY 22-23 NYS Canal Corp. Grant

| | | |
|---------------|---------------------|-------------|
| REVENUE | | DECREASE |
| 409020 | NYS - Miscellaneous | \$40,000.00 |
| APPROPRIATION | | INCREASE |
| 501000 | Overtime | \$40,000.00 |
| | Total Revenue | \$40,000.00 |

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 necessary to effectuate these transfers should there be any unforeseen issues; and be it further

RESOLVED, that certified copies be forwarded to the County Executive's Office, the County Attorney, the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff.
(5-0)

3. COMM. 15E-26 (2022)
COUNTY EXECUTIVE

WHEREAS, the attached resolution requests authorization to add a Probation Officer position within the Erie County Department of Probation under our Gun Involved Violence Elimination (GIVE) grant 2022-2023 funding period; and

WHEREAS, the 2022 Erie County Adopted Budget includes an approved budget for Gun Involved Violence Elimination (GIVE) grant for funding period July1, 2022-June 30, 2023 that did not include the additional position of Probation Officer; and

WHEREAS, funding for this grant was awarded by the New York State Division of Criminal Justice Services (DCJS) on July 26, 2022 to include the costs for the additional position; and

WHEREAS, this position will enable the Probation Department to meet its contractual obligations for the GIVE grant; and

WHEREAS, the ratification of the CSEA contract in June 2022 will result in increases for several line items including the County Share contribution in the grants 2022 County Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that one (1) Probation Officer position be created October 1, 2022 (B-100 #13238) and be added to the grant's 2022-2023 funding period; and be it further

RESOLVED, that the Erie County Legislature does hereby authorizes the Division of Budget and Management to adjust the grant as follows:

Erie County Probation Department
Grant Fund 281, Fund Center 1261020
July 1, 2022 – June 30, 2023
126GIVE2223

| Revenue | Increase |
|--|----------------|
| Account 409000 - State Aid Revenue | \$103,000 |
| Account 479000 – County Share Contribution | <u>\$8,958</u> |
| | \$111,958 |
| | |
| Appropriation | Increase |
| Account 500000 – Full Time Salaries | \$62,926 |
| Account 501000 - Overtime | \$16,882 |
| Account 502000 – Fringe Benefits | \$30,352 |
| Account 510000 – Mileage | \$1,570 |
| Account 980000- DISS | <u>\$228</u> |
| | \$111,958 |

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office, Division of Budget and Management, County Comptroller, County Attorney, Personnel Department and the Probation Department c/o Jeff Lipman, Room 112, 1 Niagara Plaza.
(5-0)

4. COMM. 15E-43 (2022)
DISTRICT ATTORNTY

WHEREAS, the District Attorney through the Victim Witness Assistance Grant provides needed services to the residents of Erie County; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Victim Witness Assistance Grant Budget in Book B for 2022; and

WHEREAS, the contract received from the New York State Office of Victim Services authorizes positions and funding levels different from the adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that effective October 1, 2022, authorization is hereby provided to modify position #51000314 of Victim/Witness Case Manager (B100 #13229) from JG8 to JG9; and be it further

RESOLVED, that effective October 1, 2022, authorization is hereby provided to add one position of Victim/Witness Case Manager (JG9); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim Witness Assistance Grant to match authorized state funding levels, to be adjusted as follows:

VICTIM WITNESS ASSISTANCE GRANT
114VICTIMWTNSS2223
October 1, 2022 – September 30, 2023

| | <u>ORIGINAL</u> | <u>CHANGE</u> | <u>FINAL</u> |
|----------------------------------|-------------------|-------------------|-------------------|
| <u>Revenue</u> | | | |
| 414000 Federal Aid | \$ 557,350 | \$ 101,734 | \$ 659,084 |
| 479000 County Share Contribution | <u>243,676</u> | <u>38,061</u> | <u>281,737</u> |
| Total Revenue | <u>\$ 801,026</u> | <u>\$ 139,795</u> | <u>\$ 940,821</u> |

| | <u>ORIGINAL</u> | <u>CHANGE</u> | <u>FINAL</u> |
|------------------------------------|-------------------|-------------------|-------------------|
| <u>Appropriation</u> | | | |
| 500000 Full Time Salaries | \$ 505,080 | \$ 99,966 | \$ 605,046 |
| 502000 Fringe Benefits | 292,946 | 39,829 | 332,775 |
| 510000 Local Mileage Reimbursement | 4,000 | (2,000) | 2,000 |
| 510100 Out of Are Travel | - 0 - | 2,000 | 2,000 |
| 911490 ID DA Grant Services | <u>(1,000)</u> | <u>- 0 -</u> | <u>(1,000)</u> |
| Total Appropriations | <u>\$ 801,026</u> | <u>\$ 139,795</u> | <u>\$ 940,821</u> |

and be it further

RESOLVED, that during the grant fiscal year, the Director of Budget and Finance is hereby authorized to adjust budgets to comply with grantor approved funding levels, including interdepartmental billing adjustments; and be it further

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

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

LEGISLATOR RESOLUTIONS

Item 39 – CHAIR BASKIN directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

MR. LORIGO challenged the ruling of the Chair. MR. MILLS seconded.

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, MR. BARGNESI and MR. GILMOUR. NOES: CHAIR BASKIN, MS. CHIMERA, MR. JOHNSON, MR. MEYERS and MS. VINAL. (AYES: 6; NOES: 5)

CARRIED.

MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, MR. BARGNESI and MR. GILMOUR. NOES: CHAIR BASKIN, MS. CHIMERA, MR. JOHNSON, MR. MEYERS and MS. VINAL. (AYES: 6; NOES: 5)

CARRIED.

RESOLUTION NO. 143

RE: Opposition to New Overtime
Rules Being Imposed on Farmers
(INTRO. 16-1)

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

WHEREAS, farmers are critical components of our regional economy and are necessary to ensure supermarkets and food pantries remain stocked with food; and

WHEREAS, from the outset of the COVID-19 pandemic, Western New York farmers have stepped up and ensured their operations continued and were responsible for donating thousands of pounds of food to local food banks at a time of significant need; and

WHEREAS, the farming industry faces a tremendous number of problems outside of their control including changes the weather, fluctuations in consumer demand, obtaining and retaining skilled labor, climate change, land management policies, foreign market competition, livestock and crop disease, and natural disasters; and

WHEREAS, in addition to the practical issues related to growing and selling food products, farmers in New York have to contend with wavering levels of government interference and regulations including changes in wages and overtime threshold; and

WHEREAS, the 2019 Farm Laborers Fair Practice Act, gave farmworkers a right to overtime after sixty (60) hours of work each week. Further, the law created the Farm Labor Wage Board and provided it with the ability to arbitrarily adjust the farm laborer overtime threshold at any time; and

WHEREAS, farms are reliant on migratory work forces during the short growing season here in New York. Workers are here for only a few months in the spring and summer. This shortened

season means fewer potential hours for farmworkers over the course of the year. Many of these workers reside in New York only on a seasonal basis. With fewer hours during our growing period there is little to tie them to our state or interest them in returning each year; and

WHEREAS, recently, the Farm Labor Wage Board voted 2-1 to lower the overtime threshold and recommend a forty (40) hour overtime rule for farmworkers, the decision went against a significant portion of testimony presented during their hearings over the past few years; and

WHEREAS, farming, unlike many other labor-intensive industries, cannot measure worker output simply by time on-the-clock in a predictable and manageable way. Crops can ripen practically overnight or a shift in weather can necessitate more hours in one week at the expense of time in the next. Imposing strict overtime rules on the entirety of the farming industry will harm our local growers, almost all of whom are locally owned; and

WHEREAS, this decision will make it even more difficult for local area farmers to remain profitable during our short growing season and could cause a cut to pay earned by farm laborers, who will be provided with fewer hours as opposed to overtime; and

WHEREAS, if farms are left to deal with these drastic labor cost increases, many of them may decide to move elsewhere. Additionally, the migrant workforce that comes to New York to work as many hours as possible will choose to work in neighboring states that do not share the same overtime rules in order to avoid the reduction in hours this rule will result in.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby calls on Governor Kathy Hochul and Labor Commissioner Roberta Reardon to reject the Farm Labor Wage Board ruling and work to support New York State farmers and farmworkers with the reasonable overtime rules currently in place; and be it further

RESOLVED, that this honorable body hereby supports farmers and migrant workers who do not want their hours reduced and urges Governor Kathy Hochul, if the Farm Labor Board's decision is allowed to remain, to increase the Farm Workforce Retention Tax Credit and implement a new farm overtime tax credit; and be it further

RESOLVED, that a certified copy of this resolution in opposition to further cuts to the farmworker overtime threshold is to be submitted to the NYS Department of Labor's open comment period for review by the Commissioner of the Department of Labor in making her determination; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, Governor Kathy Hochul's office, the Department of Labor Commissioner Roberta Reardon, and any other party deemed necessary and proper.

Item 40 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 16-2 from LORIGO. Opposition to New York State Actions Restricting Legal Rights of Gun Owners.

Item 41 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 16-3 from LORIGO. Support for Portions of the Safer NY Plan.

Item 42 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 16-4 from LORIGO. Resolution Urging the Repeal of Recent Bail Reform Measures.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 43 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 16-5 from JOHNSON Re: Surplus Donation to Confident Girls Mentoring Program

MR. MEYERS moved for approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

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

WHEREAS, from time to time, the County has surplus equipment or furnishings which are considered non-usable by the County and for which County Legislators have opportunities to partner with other governments or community and non-profit agency partners to donate surplus items and assist local agencies in their good work and endeavors; and

WHEREAS, Confident Girl Mentoring Program has expressed their need for additional desks, chairs and other office furniture; and

WHEREAS, Confident Girl Mentoring Program utilizes evidence-based interventions to empower and build confidence in young girls 7-19 in New York State; and

WHEREAS, the County has one conference table, two desks and two chairs not being used by the County, and which are eligible for donation to a worthwhile and eligible community agency; and

WHEREAS, authorization of the Erie County Legislature is necessary to effectuate the transfer of Erie County property.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby donate surplus items, as follows: one conference table, two desks and two chairs to the Confident Girl Mentoring Program no cost to the organization; and be it further

RESOLVED, that once the transfer of the furniture takes place, Confident Girl Mentoring Program will take over all maintenance and care for the furniture as the new owner and the County will bear no legal, liability or other obligations for or associated with the furniture; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office; Vallie Ferraraccio, Director of Department of Purchasing; Division of Budget and Management; County Comptroller's Office; Department of Senior Services and Confident Girl Mentoring Program.

Item 44 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-20 from LORIGO Re: Abstention on COMM. 16E-16 (2022)

CHAIR BASKIN directed that the item be received, filed and printed.

September 22, 2022

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

RE: Abstention on Comm. 16E-16 (2022)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the 2022 Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 2 - 2018, I abstain from voting on the above referenced item. The reason for my abstention is based on potential conflicts created by my private sector employment.

Sincerely,

Joseph C. Lorigo
Erie County Legislature

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 45 – (COMM. 16E-1) Appointment to Erie County Deferred Compensation Committee

Received, filed and printed.

September 9, 2022

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

Re: Erie County Deferred Compensation Committee

Dear Honorable Members:

Pursuant to my authority, I hereby appoint Brian Bray to the Erie County Deferred Compensation Committee.

If you have any questions, please do not hesitate to contact my office.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

Item 46 – (COMM. 16E-2) Bergmann & Associates GIS Technical Support Services

Item 47 – (COMM. 16E-3) Rath Building - Social Services Third Floor Renovations

Item 48 – (COMM. 16E-4) SUNY Erie Community College North Campus Student Center Exterior Upgrades

Item 49 – (COMM. 16E-5) Transfer of Funds - Operating Budget

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

Item 50 – (COMM. 16E-6) Transfer of Funds for Phase One of Parks Exterior Sign Plan

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 51 – (COMM. 16E-7) Acceptance of Donated Furniture

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 52 – (COMM. 16E-8) Countering Domestic Violent Extremists Training Contract

Item 53 – (COMM. 16E-9) Department of Homeland Security & Emergency Services Transfer of Funds

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 54 – (COMM. 16E-10) ECSD No. 3 Engineering Term Contract Agreement

Item 55 – (COMM. 16E-11) ECSD Nos. 1-6 & 8 Professional Engineering Services Term Agreements

Item 56 – (COMM. 16E-12) ECSD - Updating Procedures for Setting User Charge Rates

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

Item 57 – (COMM. 16E-13) Memorandum of Understanding with SUNY Erie Community College - UI Expenditures

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 58 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: PLS III, LLC Shuttle Service Contract
with SUNY Erie Community College
(COMM. 16E-14)

WHEREAS, the Erie County Legislature must approve SUNY Erie contracts in excess of \$50,000; and

WHEREAS, without this service, students would have limited access to the college's academic programs, courses, events and activities, adversely impacting access, and retention as students rely on these services to travel between campuses; and

WHEREAS, an RFP was issued in the summer of 2022 to secure shuttle transportation services between its campuses for its students; and

WHEREAS, the SUNY Erie Board of Trustees at their August 30, 2022 Board Meeting approved PLS III LLC (Cedar Bus) as the vendor to provide shuttle transportation services between its campuses to its students with annual payments made in eight equal installments of \$37,238 throughout a three-year initial term and for up to two additional one-year periods at the same prices and conditions; and

WHEREAS, all transportation services are supported by the Student Transportation Fee collected from all students and require no additional cost to SUNY Erie for use.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize entering a three-year initial term and for up to two additional one-year periods at the same prices and conditions, with annual payments made in eight equal installments of \$37,238 for an annual total of \$297,904, to PLS III LLC (Cedar Bus) for the purpose of providing shuttle transportation services for its students between campuses; and be it further

RESOLVED, the President of SUNY Erie is authorized to enter with PLS III LLC (Cedar Bus) into a three-year initial term and for up to two additional one-year periods at the same prices and conditions, with annual payments made in eight equal installments of \$37,238 for an annual total of \$297,904 for the purpose of providing shuttle transportation services for its students between campuses; and be it further

RESOLVED, that the Clerk of the Legislature of the County of Erie shall forward certified copies of this resolution to the County Executive of the County of Erie, to the Chairman of the Board of Trustees of SUNY Erie, and to the President of SUNY Erie.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

RE: Buffalo Motor Car, LLC Contract with
SUNY Erie Community College
(COMM. 16E-15)

WHEREAS, the Erie County Legislature must approve SUNY Erie contracts in excess of \$50,000; and

WHEREAS, SUNY Erie's City campus has very limited student parking available which restricts access for commuter students and, thus, has a negative impact on enrollment; and

WHEREAS, an RFP was issued in the summer of 2022 to secure additional student parking spaces; and

WHEREAS, Buffalo Motor Car, LLC, the previous provider of these services, was selected to provide 150 reserved parking spaces at 175 Swan Street in the City of Buffalo, five (5) days per week, Monday through Friday, 7 am to 10 pm, for vehicular parking; and

WHEREAS, the SUNY Erie Board of Trustees at their August 30, 2022 Board Meeting approved Buffalo Motor Car, LLC as the vendor to provide the additional parking spaces for enrolled City campus students for a three-year term with the option for the College to renew or extend for two one-year period options at the same price and with the same conditions; and

WHEREAS, SUNY Erie will pay Buffalo Motor Car, LLC a monthly license fee of \$16,500 calculated at 150 parking spaces (including 5 handicapped spaces) at \$110 per parking space per month for a sum of \$148,500 ("License Fee") for the 9-month usage of said property; and

WHEREAS, all transportation services are supported by the Student Transportation Fee collected from all students and require no additional cost for use.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize entering with Buffalo Motor Car, LLC for a three-year contract with two one-year renewal or extension period options for the purpose of providing parking for enrolled students at SUNY Erie's City campus and to pay a monthly license fee of \$16,500 calculated at 150 parking spaces (including 5 handicapped spaces) at \$110 per parking space per month for a sum of \$148,500 ("License Fee") for each of the 9-month usage of said property; and be it further

RESOLVED, that the President of SUNY Erie is authorized to enter a contract with Buffalo Motor Car, LLC for parking services for a three-year period with two one-year renewal or extension period options for a sum of \$148,500 for each of the 9-month usage of said property; and be it further

RESOLVED, that the Clerk of the Legislature of the County of Erie shall forward certified copies of this resolution to the County Executive of the County of Erie, to the Chairman of the Board of Trustees of SUNY Erie, and to the President of SUNY Erie.

FROM THE COUNTY CLERK

Item 60 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded. MR. LORIGO abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 147

RE: Authorization to Contract with
Urbandale Development Company for
Leased Space at Urbandale Plaza
(COMM. 16E-16)

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County Clerk shall act as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity the Erie County Clerk operates the Erie County Auto Bureau; and

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County of Erie retains approximately 12.7% of all fees generated at Erie County Auto Bureau locations; and

WHEREAS, the Erie County Auto Bureau, at full operations, maintains six (6) branch locations and one (1) mobile unit throughout the County of Erie to provide convenient services to County residents; and

WHEREAS, one of those locations is currently located in Cheektowaga in the Urbandale Plaza; and

WHEREAS, the lease for that location is expiring, necessitating a new lease; and

WHEREAS, the County Clerk, recognizing a need to provide continued convenient in-person Auto Bureau services in Cheektowaga issued a request for proposals for a facility to serve those customers and (2) responses were received; and

WHEREAS, those responses were evaluated by a team in the County Clerk's Office and they determined the submission by Bella Vista Group as agent for Urbandale Development Company proposing to let space in the Urbandale Plaza in Cheektowaga to be the best proposal; and

WHEREAS, the Erie County Clerk's Office is requesting authorization to enter into a lease agreement with the Urbandale Development Company for the purpose of locating in the Urbandale Plaza in Cheektowaga.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into an Agreement with the Urbandale Development Company for the purpose of locating the Erie County Auto Bureau – Cheektowaga Satellite in the Urbandale Plaza in Cheektowaga; and be it further

RESOLVED, that said Lease Agreement shall be for a term of sixty (60) months and include approximately 6,000 square feet with rental payments, including construction costs, as follows: Year 1: \$90,000; Year 2: \$91,800; Year 3: \$93,636; Year 4: \$95,508; Year 5: \$97,419; and be it further

RESOLVED, provided that the County is not in default of the terms of the Lease Agreement, the County shall be entitled to renew the lease for a consecutive five (5) year term, in an annual amount not to exceed a two percent (2%) annual increase in the base rent, at the County's sole discretion upon written notice to landlord; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive; the Erie County Attorney; the Director of the Division of Budget and Management; and the Erie County Clerk.

FROM THE COUNTY EXECUTIVE

Item 61 – (COMM. 16E-17) Approval Requested for the Disposal of Real Property at SUNY Erie Community College

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 62 – (COMM. 16E-18) Transfer of Funds for Jail Operations

Item 63 – (COMM. 16E-19) Expansion of Project Blue to all Incarcerated Individuals

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF
BUDGET & MANAGEMENT

Item 64 – (COMM. 16D-1) Budget Monitoring Report for Period Ending July 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 65 – (COMM. 16D-2) ECDOH Nursing Home COVID-19 Infection Rates

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 66 – (COMM. 16D-3) Analysis of Erie County Contracts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 67 – (COMM. 16D-4) Audit of Buffalo Homecare Inc.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE CITY OF BUFFALO
DEPT. OF ASSESSMENT AND TAXATION

Item 68 – (COMM. 16M-1) Final Roll - Transit Mall 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 69 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, September 29, 2022, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, October 6, 2022.

MEMORIAL RESOLUTIONS

Item 70 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Fernando “Fred” Cipollitti.

Item 71 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of Mark G. Hillery.

ADJOURNMENT

Item 72 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. JOHNSON moved that the Legislature adjourn until Thursday, October 6, 2022 at 12:00 Noon Eastern Standard Time. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, October 6, 2022 at 12:00 Noon Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE