

**ERIE COUNTY LEGISLATURE  
MEETING NO. 9  
MAY 12, 2022**

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Bargnesi.

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

The Pledge of Allegiance was led by Mr. Johnson.

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 8 from 2022. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. VINAL presented a proclamation Honoring and Recognizing Diane K. and Richard A. Wojtowicz on Their Impact in Amherst & Williamsville.

Item 6 – MR. LORIGO, MR. TODARO, MR. GREENE & MR. MILLS presented a proclamation Proclaiming May 1-7, 2022 National Correctional Officers' Week in Erie County.

Item 7 – MR. LORIGO, MR. TODARO, MR. GREENE & MR. MILLS presented a proclamation Proclaiming May 15-21, 2022 as National Police Week in Erie County.

Item 8 – MR. MILLS presented a proclamation Honoring The Flower Shop at Runfolo's Farm for Enriching the Community.

Item 9 – MR. MILLS presented a proclamation Honoring Brian Christman on Opening of State Farm Insurance Agency.

Item 10 – MR. MILLS presented a proclamation Honoring Ronald Salzman for 60 Years of Service to the Eden Volunteer Fire Company #1.

Item 11 – MR. MILLS presented a proclamation Honoring Robert Stickney for 60 Years of Service to the Eden Volunteer Fire Company #1.

Item 12 – MR. JOHNSON presented a proclamation Congratulating and Recognizing Primitivo "Tivo" Rodriguez on Completing His First Comic Book.

Item 13 – CHAIR BASKIN presented a proclamation Congratulating and Recognizing Dr. Pat Freeman.

Item 14 – MR. GREENE presented a proclamation Celebrating Hybrid Performance's First Anniversary in the Town of Amherst.

Item 15 – MR. TODARO presented a proclamation In Memory of Albert Joseph Rinow, Sr.

Item 16 – MR. TODARO presented a proclamation Honoring Manko Automotive for Its 70th Anniversary.

Item 17 – MR. TODARO presented a proclamation Honoring Angela Stewart from the Lancaster Police Department.

Item 18 – MR. TODARO presented a proclamation Honoring Sitzman's Appliance Center for Their Contributions to the Alden Community Since 1946.

Item 19 – MR. GREENE presented a proclamation Recognizing and Honoring Richard and Diane Wojtowicz.

Item 20 – MR. GREENE presented a proclamation Honoring Pure Water Technology of WNY During Drinking Water Week.

Item 21 – MR. LORIGO presented a proclamation Honoring and Recognizing Elaine Schlitz on Her Retirement.

Item 22 – MR. LORIGO presented a proclamation Honoring Jimmy Reidy for 60 Years of Service with the West Seneca Lions Club.

Item 23 – MR. GREENE presented a proclamation Recognizing and Honoring Erik Polkowski for His Service as an Akron School Board Member.

Item 24 – MR. LORIGO presented a proclamation Celebrating Herman "Pat" Pawlicki's 101st Birthday.

Item 25 – MR. LORIGO presented a proclamation Honoring and Recognizing Josh Dannecker as the 2021-22 All-Bee Coach of the Year.

Item 26 – MR. MEYERS presented a proclamation Recognizing and Honoring NYS Senator Timothy M. Kennedy on His Impact in the Town of Cheektowaga.

Item 27 – CHAIR BASKIN & MR. GILMOUR presented a proclamation Recognizing Apraxia Awareness Day.

Item 28 – CHAIR BASKIN presented a proclamation Celebrating, Honoring and Recognizing Dr. Kanasha L.N. Blue on Her Doctorate in Leadership and Policy from Niagara University.

Item 29 – MS. CHIMERA presented a proclamation Recognizing Teacher Appreciation Week 2022.

Item 30 – MR. JOHNSON presented a proclamation Recognizing Military Appreciation Month 2022.

Item 31 – CHAIR BASKIN & MS. CHIMERA presented a proclamation Honoring National Foster Care Month.

Item 32 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Honoring National Lupus Awareness Month.

Item 33 – CHAIR BASKIN presented a proclamation Honoring and Recognizing WNY Child Care Action Team on A Day Without Child Care.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-nine items as amended. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 34 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT SERVICES COMMITTEE.

GRANTED.

Item 35 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2022 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

May 5, 2022	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

CHAIR BASKN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 8M-3 (2022)  
NFTA: “Cash Flow Statement for 4/1/2021 – 3/31/2022 & Projected Cash Flow for 4/1/2022 – 3/31/2023”  
(Chair’s Ruling)

2. COMM. 8E-6 (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; and

WHEREAS, the qualifications and proposals were solicited by the Erie County Department of Public Works (DPW) in coordination with Parks to renovate the Schenck House and Restroom Outbuilding; and

WHEREAS, DPW received professional Architectural/Engineering design qualifications and proposals for the Grover Cleveland Golf Course Schenck House and Restroom Renovation - Historic project on February 22, 2022; and

WHEREAS, a review of qualifications evaluated each firm, it was deemed via the County’s consultant selection process that Watts Architecture and Engineering, DPC has the necessary expertise, experience, and manpower to provide the required architectural and engineering services; and

WHEREAS, the scope of work will include a full-scale renovation of the existing historic buildings to include a new roof, interior finish upgrades, interior restoration of historic features, and new electrical/ HVAC system as needed to house a heritage museum for public display or historic County artifacts; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with Watts Architecture and Engineering, DPC for providing professional architecture and engineering services for the Grover Cleveland Golf Course Schenck House and Restroom Renovation - Historic Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Watts Architecture and Engineering, DPC for the Grover Cleveland Golf Course Schenck House and Restroom Renovation - Historic Project for an amount not to exceed \$116,200.00 for Professional Design Fee, Bidding and Construction Administration, \$500.00 for reimbursables, as well as a \$12,000 design contingency; 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	\$128,700
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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.

(6-0)

3. COMM. 8E-7 (2022)  
COUNTY EXECUTIVE

WHEREAS, the east elevator machine room and boiler chimney structure at the Buffalo and Erie County Public Library appears original to the 1960's building; and

WHEREAS, the brick structure has deteriorated due to age, requiring brick replacement and repointing; and

WHEREAS, the Buffalo & Erie County Public Library – East Elevator Machine Room & Chimney Exterior Rehabilitation project (herein called the "Project") is necessary to address this issue and provide a sound and weathertight structure; and

WHEREAS, the County of Erie received bids for the Project on March 8, 2022; and

WHEREAS, the Department of Public Works, along with its consultant Trautman Associates, are recommending award of the contract Raymond E. Kelley, Inc. as the lowest responsible bidder.

NOW, THEREFORE, BE IT

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

<u>General Construction Work</u>		
Raymond E. Kelley, Inc.	Base Bid	\$ 90,000
Total Award of all Construction Contracts:		\$ 90,000

and be it further

RESOLVED, that the sum of \$10,000 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 Fun; 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 all the above from the following Capital Project in Fund 490, Funds Center 122:

F.21101	Buffalo & Erie County Public Library – Various Improvements and Upgrades	\$100,000
Total Payment not to Exceed:		\$100,000

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, the Office of the Comptroller, and Chief Financial Officer Kenneth Stone of the Buffalo and Erie County Public Library.

(6-0)

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

WHEREAS, the Erie County Court Building has cracks in the façade allowing water infiltration into and behind the façade causing deterioration of the façade from freeze/ thaw cycles resulting in falling façade debris; and

WHEREAS, sidewalk protections were put in place to protect the public from falling façade fragments via; and

WHEREAS, Trautman Associates (TA) was selected through the Department of Public Works (DPW) Request for Proposal/ Qualification (RFP/Q) process; and

WHEREAS, Trautman Associates was previously authorized to provide professional Architectural / Engineering investigative, design, and construction administration services for the Erie County Court Building – Exterior Repair and Waterproofing per COMM. 20E-17 (2019); and

WHEREAS, an investigative survey of the building’s exterior was performed by the engineering firm of Trautman Associates in accordance with the original base scope that revealed the cracking of the façade panels was pervasive and more extensive that originally anticipated; and

WHEREAS, the inspection also revealed extreme corrosion of the façade’s steel support elements leaving the existing façade system compromised in its current condition and cannot be left in place; and

WHEREAS, reconstruction of the building envelope, inclusive of window replacement and a new building veneer system, must be implemented to install a building cladding system that is able to withstand the conditions that the west face of the building sees; and

WHEREAS, additional design services to are needed to remove the distressed façade of the Erie County Court Building and replace with a new system in accordance with the investigation inspection performed after the commencement of the design project which is when the additional costs as well as unforeseen conditions were realized; and

WHEREAS, upon review of the proposal for additional services, the Department of Public Works has determined that the requested fee is fair and reasonable considering the comprehensiveness of the project and the expected construction budget; and

WHEREAS, authorization is required for the County Executive to issue an Agreement Amendment with Trautman Associates for providing additional professional design and construction administration services for the Erie County Court Building – Exterior Repair and Waterproofing project; and

WHEREAS, at times capital projects may receive unanticipated revenue and/or project scopes are reduced when less revenue is to be received than what is budgeted; and

WHEREAS, authorization is required to adjust the budgets in the capital projects to match the known actual revenue to be received; and

WHEREAS, all additional spending would continue to need Legislative approval.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given for the Division of Budget and Management to increase or decrease the budgets in capital projects to match the actual known revenue to be received; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an Agreement Amendment with Trautman Associates increasing their design fee for providing additional professional Architectural / Engineering design services and construction administration for the Erie

County Court Building – Exterior Repair and Waterproofing by an amount not to exceed \$500,000 bringing the total value of the contract to \$750,000, inclusive of a \$52,750 design contingency in total; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment from the following capital project, approved via the American Rescue Plan resolution, COMM. 13E-15 on July 8, 2021 in Funds Center 122, Fund 410:

<u>A.21167 – 2021 25 Delaware Exterior</u>	<u>\$ 500,000</u>
Total	\$ 500,000

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.  
(6-0)

5. COMM. 8E-9 (2022)  
COUNTY EXECUTIVE

WHEREAS, the 2022 Bridge Painting and Vertical Down Repairs (Bullis Road Bridge) PIN 5763.78, (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 CHA Consultants for construction inspection and construction administration; and

WHEREAS, the total project costs are currently estimated, at \$1,275,000 with \$608,000 in Federal reimbursements and \$667,000 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 \$1,275,000 of which \$608,000 is made up of Federal reimbursements and \$667,000 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 or State funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$900,000 for the construction, and construction inspection phase for the Project is available in Fund 420, Funds Center 123, as follows:

B.17017 – 2017 Rehabilitation of Flagged Bridges	\$ 357,695
B.18019 – 2018 Rehabilitation of Flagged Bridges	\$ 157,305
<u>B.21105 – 2021 Federal Aid Pres. of Bridges</u>	<u>\$ 760,000</u>
TOTAL Project Cost	\$ 1,275,000

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				
414000	Federal Aid	\$1,200,000	\$0	\$1,200,000
475000	Gen Oblig Bond Proc	<u>\$500,000</u>	<u>\$0</u>	<u>\$500,000</u>
TOTAL REVENUES		<u>\$1,700,000</u>	\$0	<u>\$1,700,000</u>
APPROPRIATIONS				
CAPITALPROJECTS	Capital Project Expense	\$500,000	\$260,000	\$760,000
<u>UNALLOCATED</u>	<u>Unallocated Capital</u>	<u>\$1,200,000</u>	<u>(\$260,000)</u>	<u>\$940,000</u>
TOTAL APPROPRIATIONS	<u>\$1,700,000</u>	<u>\$0</u>	<u>\$1,700,000</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, \$1,275,000 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 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.

(6-0)

6. COMM. 8E-10 (2022)  
COUNTY EXECUTIVE

WHEREAS, the 2022 Bridge Washing (209 Bridges) PIN 5763.40, (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 CHA Consultants for construction inspection and construction administration; and

WHEREAS, the total project costs are currently estimated, at \$375,000 with \$280,000 in Federal reimbursements and \$95,000 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 \$375,000 of which \$280,000 is made up of Federal reimbursements and \$95,000 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 or State funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$375,000 for the construction, and construction inspection phase for the Project is available in B.19012 – 2019 Federal Aid Bridge Preservation, 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.19012, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
<b>REVENUES</b>				
405160	Marchiselli Aid	\$80,000	\$0	\$80,000
414000	Federal Aid	\$781,325	\$280,000	\$1,061,325
475000	Gen Oblig Bond Proc	<u>\$300,000</u>	<u>\$0</u>	<u>\$300,000</u>
<b>TOTAL REVENUES</b>		<u>\$1,161,325</u>	<u>\$280,000</u>	<u>\$1,441,325</u>
<b>APPROPRIATIONS</b>				
<b>CAPITALPROJECTS</b>	Capital Project Expense	\$1,161,325	\$280,000	\$1,441,325
<b>UNALLOCATED</b>	<u>Unallocated Capital</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>TOTAL APPROPRIATIONS</b>	<u>\$1,161,325</u>	<u>\$280,000</u>	<u>\$1,441,325</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, \$375,000 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 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.  
(6-0)

7. COMM. 8E-11 (2022)  
COUNTY EXECUTIVE

WHEREAS, the 2022 Bridge Deck Sealing (32 Bridges) PIN 5763.39, (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 CHA Consultants for construction inspection and construction administration; and

WHEREAS, the total project costs are currently estimated, at \$453,000 with \$328,000 in Federal reimbursements and \$125,000 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 \$453,000 of which \$328,000 is made up of Federal reimbursements and \$125,000 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 or State funding which may be made available; and be it further

RESOLVED, that the estimated total sum of \$453,000 for the construction, and construction inspection phase for the Project is available in B.19012 – 2019 Federal Aid Bridge Preservation, 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.19012, as follows:

Account	Description	Current Budget	Increase / (Decrease)	Revised Budget
REVENUES				
405160	Marchiselli Aid	\$80,000	\$0	\$80,000
414000	Federal Aid	\$453,325	\$328,000	\$781,325
475000	Gen Oblig Bond Proc	<u>\$300,000</u>	<u>\$0</u>	<u>\$300,000</u>
TOTAL REVENUES		<u>\$833,325</u>	<u>\$328,000</u>	<u>\$1,161,325</u>
APPROPRIATIONS				
CAPITALPROJECTS				
	Capital Project Expense	\$805,000	\$356,325	\$1,161,325
<u>UNALLOCATED</u>	<u>Unallocated Capital</u>	<u>\$28,325</u>	<u>(\$28,325)</u>	<u>\$0</u>

TOTAL APPROPRIATIONS     \$833,325                             \$328,000             \$1,161,325

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, \$453,000 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 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.

(6-0)

8.     COMM. 8E-12 (2022)  
       COUNTY EXECUTIVE

WHEREAS, bids were received and opened on March 31, 2022, for the Rehabilitation of Borden Road (CR322) – Phase 1, Strasmer Road to Broadway (NY130) Project, ECDPW Project No. CAP-CR322-1-2022 (the" Project"); in the Town of Cheektowaga and the Village of Depew; and

WHEREAS, the bids are still being evaluated in accordance with the applicable local laws;  
and

WHEREAS, due to the time required for Legislative approval, contract execution, the anticipated lead time on necessary materials due to current supply chain issues, and to make

maximum use of the 2022 construction season, it is desired to obtain Legislative approval as soon as possible to permit contract award; and

WHEREAS, it will be necessary to establish a Project Contingency in the amount of 5% of the lowest responsible bid with authorization for the County Executive to execute related approved Change Orders, Amendments and/or Agreements; and

WHEREAS, the project includes work funded by ECDPW Division of Highways (HGWYS), ECDEP – Division of Sewerage Management (DSM) and Erie County Water Authority (ECWA) and funding for the Project is available from the sources hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby approves the subject Project; and be it further

RESOLVED, that the County Executive is authorized to award and execute a construction contract for the project with the lowest responsible bidder; and be it further

RESOLVED, that the County Executive be authorized to establish a Project Contingency and execute Project related change orders, amendments and agreements, as necessary, for an amount not to exceed 5% of the lowest responsible bid; and be it further

RESOLVED, that the total cost of the contracts for construction and the Project Contingency shall not exceed \$13,036,500; and be it further

RESOLVED, the Project budget, in the not to exceed amount of \$13,036,500 be made available for the Project, as follows:

HGWYS:

- Fund 420, Funds Center 123:
  - Project B.21102 – Preservation of Roads Borden - \$3,997,000
  - Project B.22050 – 2022 Capital Budget – Borden - \$1,846,000

DSM:

- Fund 430, Funds Center 181:
  - Capital Account C.21150 (American Rescue Plan) – Depew FM Replacement - \$6,380,000

ECWA:

- Fund 420, Funds Center 123
  - Project B.21102 – Preservation of Roads Borden - \$813,500 (increase to project budget for the cost of the ECWA work, approved via COMM 5E-23 (2022) on March 17, 2022).

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution 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 Division of Sewerage Management, and the Office of the Comptroller.

(6-0)

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

WHEREAS, the existing parking garage sprinkler system is beyond a 50-year service life;  
and

WHEREAS, the sprinkler system will be replaced in its entirety to allow for at least another 50 years of service life; and

WHEREAS, the Rath Building – Parking Level Sprinkler System Replacement project (herein called the “Project”) is necessary to address this issue and provide a new and improved sprinkler system; and

WHEREAS, bids for the Project were first received by the Department of Public Works on December 28, 2021; and

WHEREAS, the one and only bid received was an unresponsive bid and could not be considered; and

WHEREAS, the Project was then re-bid, resulting in no bids received on January 31, 2022; and

WHEREAS, upon direction of the Department of Law to forego the traditional bid procedures under General Municipal Law 103, the Department of Public Works engaged with potential fire protection contractors directly by requesting bid proposals for the Project; and

WHEREAS, the County of Erie received one bid proposal for the Project on March 8, 2022; and

WHEREAS, the Department of Public Works, along with its consultant Trautman Associates, are recommending award of the contract to M&S Fire Protection, LLC as the lowest responsible bidder.

NOW, THEREFORE, BE IT

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

<u>General Construction Work</u>		
M&S Fire Protection, LLC	Base Bid	\$ 445,675
Total Award of all Construction Contracts:		\$ 445,675

and be it further



RESOLVED, that the sum of \$54,325 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 Fun; 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 all the above from the following Capital Project in Fund 410, Funds Center 122:

A.21106	Mechanical, Electrical, Plumbing, and Misc. Improvements (Countywide)	\$500,000
Total Payment not to Exceed:		\$500,000

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.  
(6-0)

10. COMM. 8E-17 (2022)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie recognizes the role of the performing arts in preserving cultural heritage, building community character, and enhancing economic vitality; and

WHEREAS, Shea’s Buffalo Theater, located at 650 Main Street, Buffalo, currently provides the aforementioned programming to the residents of Erie County; and

WHEREAS, Shea’s has a loyal audience and serves as a major cultural destination in Erie County; and

WHEREAS, the existing theater building currently does not contain a publicly accessible elevator to provide ADA accessibility to all levels of the Theater; and

WHEREAS, the proposed capital improvements will enable Shea’s to provide a more inclusive experience to all members of the community; and

WHEREAS, the addition will also address capacity issues and improve the functionality of the existing theatre; and

WHEREAS, Erie County desires to fund a portion of the improvements to the new theater space; and

WHEREAS, the City of Buffalo is the owner of the Theater building located at 642 Pearl Street, Buffalo; and

WHEREAS, the Shea's O'Connell Preservation Guild Ltd., a subsidiary of Shea's is the property owner of 439 Pearl Street, Buffalo the parcel where the expansion shall occur; and

WHEREAS, the County of Erie has allocated \$750,000 for the theater improvements in the approved 2020 Capital Budget in account A.20012.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts, easements and agreements with the City of Buffalo, and Shea's O'Connell Preservation Guild Ltd or affiliated subsidiaries of the City of Buffalo or Shea's Theatre as necessary to implement the proposed project; and be it further

RESOLVED, that the source of these funds shall be \$750,000 available in the approved 2020 Erie County Capital Budget within SAP account A.20012; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; Mark Rountree, Department of Environment and Planning and the County Attorney.

(6-0)

11. COMM. 8E-18 (2022)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has identified a capital improvement project at Wendt Beach requiring professional design services; and

WHEREAS, the qualifications and proposals were solicited by the Erie County Department of Public Works (DPW) in coordination with Parks to renovate the Wendt Beach Mansion and Stables; and

WHEREAS, DPW received professional Architectural/Engineering design qualifications and proposals for the Wendt Beach Mansion and Stables project on March 8, 2022; and

WHEREAS, after an extensive review of qualifications submitted by all respondents as well as an in-person presentation from the qualified firms scoring in the top three, it was deemed via the County's consultant selection process that Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C has the necessary expertise, experience, vision and manpower to provide the required architectural and engineering services; and

WHEREAS, the scope of work will include a full-scale renovation of the existing historic buildings, interior finish upgrades, interior restoration of historic features, and new electrical/ HVAC system as needed for the adaptive re-use of the mansion and stables; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C for

providing professional architecture and engineering services for the Wendt Beach Mansion and Stables Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C for the Wendt Beach Mansion and Stables Project for an amount not to exceed \$697,810 inclusive of; \$630,740 for Professional Base Design, Bidding and Construction Administration Fee, \$3,070 for reimbursables, and a \$64,000 design contingency; 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	\$697,810
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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 the Department of Parks, Recreation and Forestry.  
(6-0)

12. COMM. 8E-19 (2022)  
COUNTY EXECUTIVE

WHEREAS, The County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site into Renaissance Commerce Park; and

WHEREAS, the development of utility and transportation infrastructure is necessary for the commercial development of the site; and

WHEREAS, the County of Erie is the owner of a 6.9-acre linear parcel where the Shoreline Trail is located which is situated between the Hamburg Turnpike (N.Y.S. Route 5) and Renaissance Commerce Park; and

WHEREAS, utility and transportation easements are necessary on the County parcel to connect Hamburg Turnpike (N.Y.S. Route 5) utility and transportation infrastructure to existing and proposed development located within Renaissance Commerce Park; and

WHEREAS, the Department of Environment and Planning will coordinate the easements with the Parks, Recreation and Forestry and Law Departments to minimize the disruption of the Shoreline Trail and conform to the County requirements relative to disturbance and restoration; and

WHEREAS, the Erie County Lands Advisory Review Committee will continue to evaluate each easement individually and review the futures actions under SEQRA.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into non-exclusive, utility and transportation easements with adjacent land owners, utility companies, municipal and other state and federal agencies as needed to facilitate the development of Renaissance Commerce Park; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; Commissioner of Real Property, Commissioner of Parks, Recreation and Forestry and the County Attorney.

(6-0)

13. COMM. 8E-20 (2022)  
COUNTY EXECUTIVE

WHEREAS, the County is interested in the fostering of business growth and job retention within the County; and

WHEREAS, the County is the owner of a short line railroad, running between Lancaster and Cheektowaga which serves numerous commercial and industrial customers; and

WHEREAS, the County leases the rail line to the Erie County Industrial Development Agency (the "Organization"), and the Organization manages or causes to be managed, the operation of the aforementioned line; and

WHEREAS, portions of the line are slated for various safety and efficiency improvements and the County desires to fund a portion of such improvements; and

WHEREAS, the Organization has experience in contracting for construction projects on behalf of the County; and

WHEREAS, a \$1,617,000 grant award through the NYS PFRAP grant program was recently awarded to offset the cost of the project; and

WHEREAS, the County has allocated \$250,000 for improvements to the Depew Lancaster & Western Railroad (the "DL&W Railroad Project") in its 2022 Capital Budget in Capital Account A.22057 which will serve as the match to the NYS PFRAP grant award.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive/ Deputy County Executive is hereby authorized to execute contracts as necessary with the Erie County Industrial Development Agency and DL&W in amounts not to exceed \$250,000 from Capital Account A.22057 (pay as you go) to implement the Project; and be it further

RESOLVED, and the County, through the Department of Environment and Planning, is authorized to make payments for the DL&W Project with the Organization and its contractors in an amount not to exceed \$250,000 from A.22057 (pay as you go); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner, Department of Environment and Planning; Mark Rountree, Department of Environment and Planning and the County Attorney.  
(6-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

May 5, 2022	PUBLIC SAFETY COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 8E-2 (2022)  
SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$100,000.00 for FY21 to Erie County in funding to increase security along the Canadian border; and

WHEREAS, the Erie County Sheriff’s Office will coordinate with police agencies from the cities of Buffalo and Tonawanda and the towns of Brant, Evans, and Hamburg to conduct joint waterway patrols; and

WHEREAS, these patrols support the U.S. Border Patrol’s mission of protecting the international borders from human trafficking and illegal drug operations as well as apprehending terrorists and others intent on conducting illegal activities on U.S. soil; and

WHEREAS, the funds will be used for overtime and fringe benefits of the participating law enforcement agencies associated with the mission, and

WHEREAS, this resolution accepts \$100,000.00 in grant funding and will provide for all expenses needed to support this program.

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 New York State Department of Homeland Security to accept \$100,000.00 for FY21; 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 2021 Operation Stonegarden Grant  
September 1, 2021, to August 31, 2024

REVENUE		DECREASE
414000	Federal Revenue	\$100,000.00
APPROPRIATION		INCREASE
501000	Overtime	\$22,200.00
502000	Fringe Benefits	\$8,140.00
516010	Contractual Payments	\$69,660.00
Total Revenue		\$100,000.00

and be it further

RESOLVED, that the County Executive and the Erie County Sheriff's Office are authorized to enter into sub-contracts with the cities of Buffalo and Tonawanda and the towns of Brant, Evans, and Hamburg to reimburse the expenses they incur while participating in Operation Stonegarden and border security operations; 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, 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 Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

(6-0)

2. COMM. 8E-4 (2022)  
SHERIFF

WHEREAS, the Erie County Sheriff's Office is utilizing the PowerDMS software for sworn personnel within the Police Services Division; and

WHEREAS, the software allows the Erie County Sheriff's Office to manage employee training records digitally and warehouse the records in a single location; and

WHEREAS, PowerDMS allows the agency to:

- Store and manage training records;
- Manage Policy and Procedure compliance;
- Make records easily accessible for recertification or court discovery;
- Manages the agency's accreditation progress for the Police Services, Civil Enforcement, and Jail management divisions;
- Maintain PREA standards;
- Modernize training and allow for online individual or group training

and

WHEREAS, the Sheriff's Office is seeking to purchase an additional 849 software licenses to upload all sworn personnel within the Jail Management Division and all civilian staff throughout the agency; and

WHEREAS, this purchase will enact a Police Reform Citizen Task Force recommendation; and

WHEREAS, the Asset Forfeiture Trust Account balance as of April 20, 2022, is \$357,079.00; and

WHEREAS, this transfer will not have any fiscal impact on the 2022 County Budget; and

WHEREAS, the items requested meet the U.S Justice and Treasury department's guidelines outlined in the July 2018 Guide to Equitable Sharing; and

WHEREAS, the Erie County Sheriff's Office recertifies with the departments to maintain its program eligibility each year.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and Division of Budget and Management to transfer \$15,762.43 from the Asset Forfeiture Trust Account #421550 to account #516030; and be it further

Sheriff – SAFS Funded Program		
<u>REVENUE</u>		<u>DECREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$ 15,762.43</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
516030	Maintenance Contracts	\$ 15,762.43
Total Revenue		<u>\$ 15,762.43</u>

and be it further

RESOLVED, the designated seized asset fund expenditures meet the U.S Justice and Treasury department’s guidelines outlined in the July 2018 Guide to Equitable Sharing; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this acquisition should there be any unforeseen issues; and be it further

RESOLVED, that the Erie County Sheriff’s Office and the Division of Budget and Management are authorized to have any unused funding either remain in the designated account or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Comptroller’s Office is hereby authorized to release the designated funds and make any payments necessary to complete the acquisition of the equipment; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Division of Budget and Finance, the Division of Purchasing, and the Sheriff’s Office for implementation.  
(6-0)

3. COMM. 8E-5 (2022)  
SHERIFF

WHEREAS, the Erie County Sheriff’s Office is seeking to amend the current Keefe Commissary agreement to add the Securepak program; and

WHEREAS, Keefe Commissary Network (Keefe) is the current vendor for inmate commissary programs; and

WHEREAS, this program provides online and toll-free ordering of approved food, hygiene, clothing, shoes, and electronic items for incarcerated individuals at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the packages will be shipped weekly; and

WHEREAS, provides an easier and quicker method for incarcerated individuals and their families to order and receive items; and



WHEREAS, the program allows for a secure ordering method for incarcerated individuals and their families and friends. The items will be screened for contraband before shipping. Therefore, increasing the facilities' security and further preventing the introduction of contraband; and

WHEREAS, the Sheriff's Office has been in negotiations with Keefe to improve commissary programs and delivery of programs; and

WHEREAS, with the new agreement, Keefe will:

- Will pay the Erie County Sheriff's Office a commission of 30% of total net sales; and
- Keefe shall pay the commission quarterly; and
- The payment is due by the 15<sup>th</sup> day of the month following the end of the quarter; and

WHEREAS, this amendment will reflect the master agreement; and

WHEREAS, this agreement will not have a fiscal impact on the 2022 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to amend the current contract with the Keefe Commissary Network, LLC, 10880 Lin Page Place, St. Louis, Missouri 63132, to add the Securepak Incarcerated Individuals Service Agreement; and be it further

RESOLVED, that the amended will terminate with the current master agreement, and either party may terminate the agreement immediately by written notice to the other party upon and breach of the provision of this agreement; and be it further

RESOLVED, either party may, at any time and for any reason, terminate the agreement by providing written notice no less than ninety (90) days prior to the expiration of any term or extended term that the party so giving notice does not wish to extend this Agreement; 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, the Purchasing Department, and the Office of the Sheriff for implementation.

(6-0)

4. COMM. 8E-35 (2022)  
SHERIFF

WHEREAS, the Erie County Sheriff's Office helicopter utilizes a camera and downlink system to provide "real-time" imagery for large public events, gatherings, and law enforcement activities; and

WHEREAS, images and videos from Air-1 are shared with federal, state, and local government agencies, and local law enforcement agencies; and

WHEREAS, the current downlink system is approximately 3-year-old and needs vital upgrades to share and protect imagery; and

WHEREAS, the new components will digitally encrypt and transmit video images; and

WHEREAS, the upgrade will increase the range in which the imagery can be transmitted; and

WHEREAS, Air-1 uses a downlink system manufactured by Vislink Technologies, and all new components and upgrades must use systems produced by Vislink; and

WHEREAS, the Sheriff's Office seeks authorization to waive Section 19.08 of the Erie County Administrative Code because Vislink Technologies is the manufacturer and sole-source provider for the components of the system already in use by the agency's helicopter; and

WHEREAS, the Asset Forfeiture Trust Account balance as of April 26, 2022, is \$357,079.00; and

WHEREAS, this transfer will not have any fiscal impact on the 2022 County Budget; and

WHEREAS, the items requested meet the U.S Justice and Treasury department's guidelines outlined in the July 2018 Guide to Equitable Sharing; and

WHEREAS, the Erie County Sheriff's Office recertifies with the departments to maintain its program eligibility each year.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of acquiring airborne video downlink components from Vislink Technologies, 350 Clark Drive, Mt. Olive, New Jersey 07828; and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and Division of Budget and Management to transfer \$89,500.00 from the Asset Forfeiture Trust Account #421550 to account #561410; and be it further

ERIE COUNTY SHERIFF'S OFFICE  
Fund Center 11510

Sheriff – SAFS Funded Program

REVENUE

421550 Forfeiture Crime Proceeds

DECREASE

\$ 89,500.00

APPROPRIATION

561410 Lab and Tech Equipment

INCREASE

\$ 89,500.00

Total Revenue \$ 89,500.00

and be it further

RESOLVED, the designated seized asset fund expenditures meet the U.S Justice and Treasury department’s guidelines outlined in the July 2018 Guide to Equitable Sharing; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this acquisition should there be any unforeseen issues; and be it further

RESOLVED, that the Erie County Sheriff’s Office and the Division of Budget and Management are authorized to have any unused funding either remain in the designated account or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Comptroller’s Office is hereby authorized to release the designated funds and make any payments necessary to complete the acquisition of the equipment; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Division of Budget and Finance, the Division of Purchasing, and the Sheriff’s Office for implementation.

(6-0)

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

Item 38 – MS. CHIMERA presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

May 5, 2022	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 8D-3 (2022)  
COMMISSIONER OF SOCIAL SERVICES: “Child Protective Caseloads - 03/2022”  
(Chair’s Ruling)

2. COMM. 8E-3 (2022)  
COUNTY EXECUTIVE

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of David Smaczniak to serve on the Erie County Youth Services Board, for a term that will expire on April 1, 2024.

(4-0)

**LISA M. CHIMERA**  
**CHAIR**

Item 39 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

May 5, 2022	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR VINAL.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-21 (2022)  
COUNTY EXECUTIVE: “ECSD No. 1 - Construction Inspection Term Contract Agreement”  
(Chair’s Ruling)
  - b. COMM. 8E-22 (2022)  
COUNTY EXECUTIVE: “ECSD No. 2 - Engineering Term Contract Agreement - Work Order CHA-6”  
(Chair’s Ruling)
  - c. COMM. 8E-23 (2022)  
COUNTY EXECUTIVE: “ECSD No. 4 - Engineering Term Contract Agreement”  
(Chair’s Ruling)
  - d. COMM. 8E-24 (2022)  
COUNTY EXECUTIVE: “ECSD Nos. 1 & 4 - Engineering Term Contract Agreement”  
(Chair’s Ruling)
  - e. COMM. 8E-25 (2022)  
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement”  
(Chair’s Ruling)

- f. COMM. 8E-26 (2022)  
COUNTY EXECUTIVE: “ECSD No. 6 - Engineering Term Contract Agreement”  
(Chair’s Ruling)
- g. COMM. 8E-27 (2022)  
COUNTY EXECUTIVE: “ECSD No. 3 - Construction Inspection Term Contract Agreement”  
(Chair’s Ruling)
- h. COMM. 8E-29 (2022)  
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement - Work Order DA-10”  
(Chair’s Ruling)
- i. COMM. 8E-30 (2022)  
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Contract Agreement - Work Order ARC-4”  
(Chair’s Ruling)
- j. COMM. 8E-31 (2022)  
COUNTY EXECUTIVE: “ECSD No. 2 - Engineering Term Contract Agreement - Work Order WDL-3R”  
(Chair’s Ruling)
- k. COMM. 8M-2 (2022)  
NYSDEC: “Public Notice - Program Application for 310 Ship Canal Parkway”  
(Chair’s Ruling)

2. COMM. 8E-14 (2022)  
COUNTY EXECUTIVE  
WHEREAS, on or about October 21, 2021 Erie County Parks, Recreation & Forestry staff discovered the illegal removal of approximately 30 trees from Como Lake Park by an adjacent residential property owner; and

WHEREAS, the Erie County Sheriff’s Office opened case # 21-077040 in the Town of Lancaster, under the County of Erie’s jurisdiction, on behalf of the Department of Parks, Recreation & Forestry for the illegally tree removal; and

WHEREAS, on April 7, 2022 the defendant agreed to plea to a misdemeanor of Criminal Mischief which included the full restitution for the damage to Erie County Parks property in the amount of \$25,0000; and

WHEREAS, the Department of Parks, Recreation & Forestry would like to utilize the funds from the plea agreement to purchase and plant trees system-wide, some of which will be designated to restore the site at Como Lake Park where damage occurred; and

WHEREAS, authorization is also requested for the funding to go in existing Parks Capital Project - A.22053 Countywide Park Amenities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept \$25,000.00 as a result of the plea agreement reached on April 7, 2022; and be it further

RESOLVED, that authorization is hereby given for the \$25,000 to be deposited into the Department of Parks, Recreation & Forestry’s General Fund 110, Cost Center 1401010, G/L Account # 415360 - Legal Settlement and be made available as Interfund Revenue Subsidy in A.22053 - Countywide Park Amenities, Fund 410, Funds Center 164; and be it further

RESOLVED, that the budget in capital project A.22053, Fund 410, Funds Center 164 be increased as follows:

REVENUES	Current Budget	Revision	Revised Budget
486000 Interfund Revenue Subsidy	<u>\$(100,000)</u>	<u>\$(25,000)</u>	<u>\$(125,000)</u>
TOTAL	<u>\$(100,000)</u>	<u>\$(25,000)</u>	<u>\$(125,000)</u>
APPROPRIATIONS			
Capital Project Expense	<u>\$ 100,000</u>	<u>\$ 25,000</u>	<u>\$ 125,000</u>
TOTAL	<u>\$ 100,000</u>	<u>\$ 25,000</u>	<u>\$ 125,000</u>

and be it further

RESOLVED, the certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation & Forestry and the Erie County Department of Law, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

3. COMM. 8E-15 (2022)  
COUNTY EXECUTIVE

WHEREAS, the City of Lackawanna intends to undertake road and utility reconstruction of Center Street (hereinafter referred to as the “Road Reconstruction Project”); and

WHEREAS, pursuant to Legislative Comm. 6E-13 (2021) the City of Lackawanna and the County of Erie entered into an intermunicipal agreement to include Erie County Sewer District (ECSD) No. 6 betterments in the Road Reconstruction Project; and

WHEREAS, after execution of the aforementioned intermunicipal agreement, the City of Lackawanna requested ECSD No. 6 fund additional work specific to the ECSD No. 6 owned storm sewer system; and

WHEREAS, the Division of Sewerage Management and City of Lackawanna desire to enter into an amended cooperative agreement to coordinate and facilitate the Road Reconstruction Project and the revised scope of ECSD No. 6 funded betterments in order to achieve cost containment, efficiency, and minimize impact to the residents; and

WHEREAS, the Division of Sewerage Management has determined ECSD No. 6's work as part of the Road Reconstruction Project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amended intermunicipal agreement with the City of Lackawanna for the ECSD No. 6 betterments in the Road Reconstruction Project, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$1,000,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund ECSD No. 6 specific costs in the Road Reconstruction Project; 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 all unused funds authorized to be transferred to ECSD No. 6 Capital Account C.21601 pursuant to Legislative Comm. 6E-13 (2021) be returned to ECSD No. 6 Capital Reserve Account C.00006 and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the Director of Budget and Management, the County Comptroller, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.  
(5-0)

4. COMM. 8E-16 (2022)  
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 17E-8 (2020), Contract 64-D was awarded to Frey Electric Construction Co. Inc. to construct the Holland WRRF Generator Replacement project in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No.64-D, in the final contract amount of \$178,392.00 which includes Change Order No. 1 (Final) a decrease of (\$9,608.00) and recommends approval for final payment; and

WHEREAS, due to manufacturing and shipping delays a no cost time extension of the contract completion date from September 1, 2021 to March 24, 2022 is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 64-D between the County of Erie and Frey Electric Construction Co. Inc., (100 Pearce Avenue, Tonawanda, NY 14150) is accepted in the final contract amount of \$178,392.00 which includes Change Order No. 1 (final), a decrease of (\$9,608.00), along with a no-cost time extension; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 64-D, to Frey Electric Construction Co. Inc. for a total contract amount of \$178,392.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive, the Erie 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, Rath Building, 10<sup>th</sup> Floor.  
(5-0)

**TIMOTHY J. MEYERS  
CHAIR**

Item 40 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

May 5, 2022	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 8D-1 (2022)  
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report - 02/2022”  
(Chair’s Ruling)



2. COMM. 1D-1 (2022)  
DIRECTOR OF REAL PROPERTY TAX SERVICES AS AMENDED  
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 240068 through 240078, 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.	240,068.00
	ASSESSOR	Cancel	\$152,370.40
S-B-L	141.11-1-48.12	2303 Hamburg Tpk 140900	LACKAWANNA
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$152,370.40 Town/SpecialDist/School
	9992 ECSD#6 SAN SEWER	\$152,370.40	
Charge To :	140900 LACKAWANNA		\$0.00

RPTL 550(2): Sewer charge applied to wrong parcel after split  
New tax bill to be issued.

FISCAL YEAR	2022	Petition No.	240,069.00
	ASSESSOR	Cancel	\$369.59
S-B-L	119.00-1-17	12812 Broadway 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): Opted out of garbage collection  
New tax bill to be issued.

FISCAL YEAR	2022	Petition No.	240,070.00
	ASSESSOR	Refund	\$261.87
S-B-L	259.00-1-10	9610 South Hill Rd 143400	COLDEN
	Acct. No. 112		\$186.68 County
	Acct. No. 132		\$75.19 Town/SpecialDist/School

Charge To : 143400 COLDEN \$75.19

RPTL 550(2): Failed to apply vet exemption  
Refund to be issued to Paul and Janet Kumrow

FISCAL YEAR 2022 Petition No. 240,071.00

ASSESSOR Cancel \$943.37  
S-B-L 290.00-2-14.112 Springville Boston 143889 CONCORD

Acct. No. 112 \$547.18 County  
Acct. No. 132 \$396.19 Town/SpecialDist/School  
38019 CONCORD FIRE PROTECT \$173.39  
Charge To : 143889 CONCORD \$222.80

RPTL 550(3): Failed to split house from parcel  
New tax bill to be issued

FISCAL YEAR 2022 Petition No. 240,072.00

ASSESSOR Cancel \$877.40  
S-B-L 38.13-5-2.2 514 Park Pl 144600 GRAND ISLAND

Acct. No. 112 \$272.14 County  
Acct. No. 132 \$605.26 Town/SpecialDist/School  
Charge To : 144600 GRAND ISLAND \$605.26

RPTL 550(2): Duplicate parcel  
Delete entire parcel from tax roll

FISCAL YEAR 2021 Petition No. 240,073.00

ASSESSOR Cancel \$971.81  
S-B-L 38.13-5-2.2 514 Park Pl 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$971.81 Town/SpecialDist/School  
Charge To : 144600 GRAND ISLAND \$971.81  
Relevy School \$971.81 144601 GRND ISLN

CENTRAL

RPTL 550(2): Duplicate parcel  
Delete entire parcel from tax roll

FISCAL YEAR 2022 Petition No. 240,074.00

OWNER Refund \$87.91

S-B-L 231.00-1-12 North Canada 145000 HOLLAND

	Acct. No. 112	\$38.48	County
	Acct. No. 132	\$49.43	Town/SpecialDist/School
	50020 HOLLAND FIRE DIST #1	\$12.43	
Charge To :	145000 HOLLAND		\$37.00

RPTL 550(2): Incorrect acreage  
Refund to be issued to Pamela Mathis Irrev Trust

FISCAL YEAR 2022                      Petition No.                      240,075.00

   ASSESSOR                      Cancel                      \$185.00  
S-B-L 139.13-3-6.1 Land Locke West A                      145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$185.00	Town/SpecialDist/School
Charge To :	145400 MARILLA		\$185.00

RPTL 550(2): Applied sanitation charge in error  
New tax bill to be issued.

FISCAL YEAR 2022                      Petition No.                      240,076.00

   ASSESSOR                      Refund                      \$703.00  
S-B-L 21.00-3-4.132 7900 Cedar St                      145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$703.00	Town/SpecialDist/School
Charge To :	145689 NEWSTEAD		\$703.00

RPTL 550(2): Incorrect units applied to water dist and refuse  
Refund to be issued to Amy Kumf

FISCAL YEAR 2022                      Petition No.                      240,077.00

   ASSESSOR                      Refund                      \$305.83  
S-B-L 202.00-2-46.211                      6050 Vermont Hill                      146600 WALES

	Acct. No. 112	\$133.45	County
	Acct. No. 132	\$172.38	Town/SpecialDist/School
	66100 Exemption Removal	\$158.37	
Charge To :	146600 WALES		\$14.01

RPTL 550(2): Removed vet exemption in error  
Refund to be issued to Patrick and Jennifer Staerker

FISCAL YEAR	2021	Petition No.	240,078.00
	ASSESSOR	Refund	\$518.64
S-B-L	202.00-2-46.211	6050 Vermont Hill	146600 WALES
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$518.64	Town/SpecialDist/School
	520 Code SC520	\$169.19	
Charge To :	146600 WALES	\$349.45	
	Relevy School	\$349.45	145001 HOLLAND
CENTRAL			

RPTL 550(2): Removed exemption in error  
Refund to be issued to Patrick and Jennifer Staerker

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.  
(6-0)

**TIMOTHY J. MEYERS**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 41 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: Re-Appropriation of 2021 &  
2022 Public Benefit Funding  
(INTRO. 9-1)

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

WHEREAS, the North Buffalo Community Center was awarded \$5,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 517773, and was awarded \$10,000 in public benefit funding by the Erie County Legislature in the adopted 2022 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 517773; and

WHEREAS, the organization is no longer in operation of the community center at 203 Sanders Road, Buffalo, NY 14216, and the funding should be transferred to the organization that currently operates the building; and

WHEREAS, as in similar 2018, 2019 and 2020 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 \$15,000 of 2021 and 2022 public benefit funding to the Northwest Buffalo Community Center (Fund Center 1332010 - Community/Neighborhood Development, Account 517737); and be it further

RESOLVED, that while the agency names are 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**

Item 42 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 6E-29 (2022). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

RE: 2022 Consolidated Bond Resolution  
(COMM. 6E-29, 2022)

RESOLUTION NO. 77-2022  
BOND RESOLUTION DATED MAY 12, 2022

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2022 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$56,122,222, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$17,758,254 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND \$927,854 IN CURRENT FUNDS, AND AUTHORIZING THE ISSUANCE OF \$37,436,114 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF

CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) May 12, 2022  
(Adopted) May 12, 2022

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as provided in column C of the attached schedule, each as more fully described in column K of the attached schedule and the duly adopted 2022 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2022 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column D of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column E of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2022 Capital Budget for the County. The plan of financing includes the expenditure of \$17,758,254 in State and Federal aid expected to be received and \$927,854 in current funds, the issuance of \$37,436,114 aggregate principal amount of bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance the balance of said appropriations, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and notes and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column F of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$37,436,114 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column I of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the respective specific

objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

Section 9. The Clerk of the Erie County Legislature is hereby directed to publish the foregoing bond resolution, in full, in the Buffalo Challenger Newspaper, and the Lancaster Bee Newspaper, the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 10. This resolution shall take effect immediately.

\*\*\*\*\* (See attached list of components)

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

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

Item 43 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 8E-1 (2022). MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

RE: 2021 Year-End Budget Balancing  
Amendments & Designations  
(COMM. 8E-1, 2022)

WHEREAS, year-end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2021 fiscal year; and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports; and

WHEREAS, existing 2021 funding within Environment & Planning, County Attorney – Risk Retention, the Department of Social Services, the Department of Health, the Department of Mental Health, and the Buffalo and Erie County Public Library, is established as fund reservations and designated for re-appropriation into 2022 with no additional transfer required; and

WHEREAS, additional 2021 fund transfers are also requested in order to designate funding for specific needs which will be re-appropriated into 2022 to help maintain a balanced budget and maintain countywide operations.



NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust the 2021 Budget in order to facilitate the completion of 2021 financial statements, based on the following schedule:

2021 Year-End Budget Balancing Amendments

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year-end spending. In most cases the source of funds was obtained from within the department from where the shortfall occurred.

Department	Account		Increase/ (Decrease)
General Fund 110 - Expense Adjustments			
100	Legislature		
		Other Employee	
	500350	Pymts	23,043
	502000	Fringe Benefits	19,702
	530000	Other Expenses	(42,745)
	Legislature Total		0
10210	Division of Budget & Management		
		Other Employee	
	500350	Pymts	10,816
	500010	Part Time - Wages	(10,816)
	Budget & Management Total		0
105	Information & Support Services		
	500000	Full Time - Salaries	(233,319)
		Other Employee	
	500350	Pymts	23,202
	515000	Utility Charges	341,442
	545000	Rental Charges	(131,325)
	Information & Support Services Total		0
10910	Public Advocacy		
	500000	Full Time - Salaries	(15,613)
	502000	Fringe Benefits	(5,341)
	Public Advocacy Total		(20,954)
1093020	Bureau of Weights & Measures		

		500000	Full Time - Salaries	(20,286)
		501000	Overtime	(4,808)
		502000	Fringe Benefits	46,048
		<b>Bureau of Weights &amp; Measures Total</b>		<b>20,954</b>
11200	Comptroller's Office			
		500000	Full Time - Salaries	(48,776)
		502000	Fringe Benefits	48,776
		<b>Comptroller's Office Total</b>		<b>0</b>
11310	Registrar Division			
		500000	Full Time - Salaries	(110,650)
		500010	Part Time - Wages	24,698
		501000	Overtime	182,861
		502000	Fringe Benefits	(23,655)
			Professional Services	
		516020	Cont & Fees	(69,606)
		516030	Maintenance Contracts	(3,648)
		<b>Registrar Division Total</b>		<b>0</b>
11320	Auto Bureau Division			
		500000	Full Time - Salaries	(50,012)
		500010	Part Time - Wages	(55,688)
			Other Employee	
		500350	Pymts	15,141
		501000	Overtime	90,559
		<b>Auto Bureau Division Total</b>		<b>0</b>
11400	District Attorney's Office			
		500000	Full Time - Salaries	(50,511)
		500020	Regular PT Wages	11,966
			Other Employee	
		500350	Pymts	38,545
		<b>District Attorney's Office Total</b>		<b>0</b>
11510	Sheriff Division			
		500000	Full Time - Salaries	(1,406,581)
		500330	Holiday Worked	50,743
			Other Employee	
		500350	Pymts	82,098
		501000	Overtime	1,273,740
		<b>Sheriff Division Total</b>		<b>0</b>

116	Jail Management			
		500000	Full Time - Salaries	(3,544,941)
		500300	Shift Differential	34,542
		500320	Uniform Allowance	63,375
		500330	Holiday Worked	248,017
			Other Employee	
		500350	Pymts	40,445
		501000	Overtime	3,158,562
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	Jail Management Total			0
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11650	Correctional Health Services			
		500000	Full Time - Salaries	(154,031)
		500300	Shift Differential	
			Other Employee	
		500350	Pymts	23,076
		501000	Overtime	130,955
			Medical & Health	
		505800	Supplies	(136,130)
			Professional Services	
		516020	Cont & Fees	(263,461)
			Dept Payments to	
		516050	ECMCC	493,968
<hr/>				
	Correctional Health Total			94,377
<hr/>				
120	Department of Social Services			
		500020	Regular PT Wages	22,444
		500030	Seasonal - Wages	(118,400)
			Other Employee	
		500350	Pymts	95,956
			Professional Services	
		516020	Cont & Fees	(488,182)
		516300	Poverty Initiatives	100,000
		516410	Title XX Dom Vio Srv	488,182
			RTA Comm Agencies	
		517775	Pr	30,000
			MMIS-Medicaid Loc	
		525000	Sh	(5,739,992)
		525020	UPL Expense	(1,342,962)
		525130	State Training School	5,095,247
		525140	HEAP Program Costs	614,745
		525150	DSH Expense	1,342,962
<hr/>				
	Department of Social Services Total			100,000
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12410	MH - Program Admin.			
		500000	Full Time - Salaries	(38,002)
			Court Ordered-MH	
		517581	Srv	(23,827)
		502000	Fringe Benefits	61,829
	<u>MH - Program Admin. Total</u>			<u>0</u>
12520	Youth Detention			
		500000	Full Time - Salaries	(331,841)
		501000	Overtime	331,841
	<u>Youth Detention Total</u>			<u>0</u>
12610	Probation			
		500000	Full Time - Salaries	(10,136)
			Other Employee	
		500350	Pymts	10,136
	<u>Probation Total</u>			<u>0</u>
12700	Health Division			
		500010	Part Time - Wages	(69,609)
		500020	Regular PT Wages	(111,727)
		500300	Shift Differential	26,200
		500330	Holiday Worked	15,216
			Other Employee	
		500350	Pymts	11,968
		501000	Overtime	127,952
		506200	Maintenance & Repair	14,363
			Medical & Health	
		505800	Supplies	(14,363)
	<u>Health Division Total</u>			<u>0</u>
1273030	Environmental Health			
		500000	Full Time - Salaries	(69,798)
			Other Employee	
		500350	Pymts	69,798
		510000	Local Mileage Reimb	37,279
			Professional Services	
		516020	Cont & Fees	(72,268)
			Dept Payments to	
		516050	ECMCC	34,989
	<u>Environmental Health Total</u>			<u>0</u>
13000	Veterans' Services			
		500000	Full Time - Salaries	(11,313)

	502000	Fringe Benefits	11,313
	Veterans' Services Total		0
1332010	Comm/Neighborhood Dev Agency Funding		
	516300	Poverty Initiatives	(100,000)
	Comm/Neighborhood Dev Agency Funding Total		(100,000)
1335010	Aid to Local Governments		
	516060	Sales Tax Loc Gov 3 %	69,901,143
	Aid to Local Governments Total		69,901,143
14010	County-wide Acct Budget		
	504990	Reductions Per Srv	1,600,000
	516050	Dept Payments to ECMCC	11,940,001
	520070	Buffalo Bills	35,212
	520072	Maintenance	32,840
	Working Capital Asst		32,840
	County-wide Acct Budget Total		13,608,053
14030	Community College		
	520020	Co Res Enrl Comm Col	774,138
	Community College Total		774,138
150	Board of Elections		
	501000	Overtime	(25,610)
	500350	Other Employee Pymts	25,610
	Board of Elections Total		0
16010	Law Division		
	500000	Full Time - Salaries	(24,174)
	500350	Other Employee Pymts	24,174
	Law Division Total		0
16110	Personnel		
	500000	Full Time - Salaries	(54,749)
	500350	Other Employee Pymts	15,248
	501000	Overtime	39,501

	Personnel Total		0
16410	Parks Department		
	500000	Full Time - Salaries	(58,424)
	501000	Overtime	58,424
	506200	Maintenance & Repair	(24,286)
	515000	Utility Charges	33,245
		Professional Services	
	516020	Cont & Fees	(8,959)
	Parks Department Total		0
16500	Central Police Services		
	500000	Full Time - Salaries	(10,140)
	501000	Overtime	10,140
	502000	Fringe Benefits	50,709
		Medical & Health	
	505800	Supplies	(50,709)
	Central Police Services Total		0
16700	Homeland Security & Emergency Services		
	500000	Full Time - Salaries	(88,439)
	500010	Part Time - Wages	38,026
		Other Employee	
	500350	Pymts	20,446
	501000	Overtime	29,967
	Homeland Security & Emergency Services Total		0
500	ECMC		
	502000	Fringe Benefits	253,360
	ECMC Total		253,360
510	EC Home		
	502000	Fringe Benefits	(83,763)
	EC Home Total		(83,763)
	Total General Fund 110 Expense Adjustments		84,547,308

General Fund 110 - Revenue Adjustments

14010	County-wide Acct Budget		
		Sales Tax to Local	
	402140	Gov	69,901,143
	405500	SA-Spec Need Presch	4,942,809

	409050	State Aid Revenue Offset	9,703,356
County-wide Acct Budget Total			84,547,308
Total General Fund 110 Revenue Adjustments			84,547,308
Net General Fund 110 Adjustments			0

Highway Fund 210 - Expense Adjustments

123	Highways (DPW)		
	500000	Full Time - Salaries	(182,998)
	500300	Shift Differential	11,933
	500330	Holiday Worked	23,011
		Other Employee	
	500350	Pymts	85,017
	501000	Overtime	63,037
	502000	Fringe Benefits	844,055
	506400	Highway Supplies	(844,055)
Highways (DPW) Total			0

E-911 Fund 230 -Expense Adjustments

11510	Sheriff Division		
	500000	Full Time - Salaries	30,532
		Other Employee	
	500350	Pymts	36,740
	980000	ID DISS Services	5,783
Sheriff Division Total			73,055

12720	Emergency Medical Services		
	500000	Full Time - Salaries	(26,598)
	500300	Shift Differential	10,311
		Other Employee	
	500350	Pymts	39,379
	501000	Overtime	39,994
	502000	Fringe Benefits	(17,332)
Emergency Medical Services Total			45,754

16500	Central Police Srvcs		
	500000	Full Time - Salaries	(105,133)
		Other Employee	
	500350	Pymts	101,481
	501000	Overtime	71,955
	516030	Maintenance Contracts	12,596

	916500	ID CPS Services	13,113
Central Police Srvcs Total			94,012

Total E-911 Fund 230 Expense Adjustments			212,821
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E-911 Fund 230 - Revenue Adjustments

11510	Sheriff Division		
		450000	Interfnd Rev Non-Sub
			55,234
		486000	Interfund Revenue-
			Subsidy
			17,821
Sheriff Division Total			73,055

12720	Emergency Medical Services		
		450000	Interfnd Rev Non-Sub
			43,795
		486000	Interfund Revenue-
			Subsidy
			1,749
		405540	SA-Art VI-P H Work
			210
Emergency Medical Services Total			45,754

16500	Central Police Srvcs		
		450000	Interfnd Rev Non-Sub
			113,582
		486000	Interfund Revenue-
			Subsidy
			(19,570)
Central Police Srvcs Total			94,012

Total E-911 Fund 230 Revenue Adjustments			212,821
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Net E-911 Fund Adjustments			0
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Debt Service Fund 310 - Expense Adjustments

17200	General Debt Expense		
		550000	Principal - Bonds
			(335,000)
			Principal - Long Term
		550010	Loan
			4,865,000
		550110	Bond Issue Costs
			204,541
		550800	Interest - Bonds
			367,576
			Interest-Long Term
		550810	Loan
			6,867,300
General Debt Expense Total			11,969,417

Revenue



	445070	Premium on Obligations	224,201
	445180	Interest-Long Term Loan	4,921,476
	466350	Principal-Long Term Loan	6,801,135
	486010	Resid Equity Tran-In	22,605
General Debt Revenue Total			11,969,417
Net General Debt Adjustments			0

and be it further

RESOLVED, that authorization is provided to re-appropriate available 2021 funding established as fund reservations into 2022 for the following items, no transfer is required.

Countywide

- Grant Local Share \$2,191,953
- RENEW Plan Capital-Unexpended \$6,182,434

County Attorney

- Risk Retention \$2,716,692

Social Services

- DSS Programs \$1,087,270
- 2021 Poverty Funds \$400,000

Environment and Planning

- 2021 Cultural/Public Benefit \$332,035
- 2021 Legislatively Directed Public Benefit Funding \$137,500
- 2020 & Prior Public Benefits & Cult Agency Funding -Unspent \$73,631
- PARIS Fund \$136,353

Health

- Health Equity Office Funding-RENEW Plan \$971,264
- 2021 ECDOH Water Safety Prog-RENEW Plan \$225,000
- 2021 Health Cancer Services Marketing-RENEW Plan \$250,000

Mental Health

- Intro 19-1 10/2/21-Forensic Mental Health & Jail Management Funding \$700,000
- Suboxone Initiative-Jail Management \$300,000
- Respite & Recovery Services \$350,000
- E-911 Diversion Services \$50,000

and be it further

RESOLVED, that authorization is provided to transfer available 2021 funding for additional designations and establish re-appropriations into 2022 as follows:

- New Buffalo Bills Stadium \$75,000,000
- Cultural Agency Capital Fund \$25,000,000
- Phase 2 Energy Performance Contract \$8,500,000
- 25 Delaware Façade – Cost Increase \$4,000,000
- AFSCME Contractual Reserve \$2,700,000
- ECC Early Retirement Incentive \$2,487,650
- Rath Building Generator Replacement \$2,000,000
- ErieNet Construction Management \$1,400,000
- 2022 Fuel Cost Increases \$1,268,000
- DSS Summer Youth Anti-Violence Program Expansion \$1,100,000
- Parks Parking Lots – Cost Increase \$1,000,000
- SEQR Needs \$500,000
- El Centro - 2020 Capital Project Funding – Conversation to PAYGO \$500,000
- Board of Elections Device Storage Room Construction \$400,000
- DPW Contract Manager Contract – Federal Aid \$400,000
- DPW Asset Management Software \$300,000
- Weights and Measures Inspection Pit – Code Requirements \$300,000
- Parks Showmobile Replacement \$225,000
- Grover Cleveland Golf Course Improvements – Increased Cost \$200,000
- Youth Mental Health App & Website \$170,000
- Renaissance Commerce Park Sign \$150,000
- DISS Point of Presence Server Room \$750,000
- Update to 2003 Forestry Management Plan \$125,000
- Parks Department Various HVAC Replacements \$100,000
- Say Yes Summer Camp Support \$100,000
- Fair Futures-At Risk Youth \$100,000

Department	Account	Increase/ (Decrease)
Designations		
General Fund 110 - Expense Adjustments		
105	Information & Support Services	
	500000 Full Time – Salaries	(94,019)
	516020 Professional Services Cont & Fees	169,062
	516030 Maintenance Contracts	(75,043)
	<u>Information &amp; Support Services Total</u>	<u>0</u>
10710	Bureau of Fleet Services	
	505600 Auto Tr & Hvy Eq Sup	1,185,714
	<u>Bureau of Fleet Services Total</u>	<u>1,185,714</u>
120	Department of Social Services	
	516020 Professional Services Cont & Fees	(122,985)
	525040 Family Assistance (FA)	(12,072,249)
	525060 Safety Net Assistance (SNA)	(10,366,196)
	525070 Emerg Assist To Adults (EAA)	(844,771)
	525160 Indigent Care Adjustment-DSH	(275,858)
	530000 Other Expenses	(3,148,568)
	530030 Pivot Wage Subsidies	(2,297,894)
	<u>Department of Social Services Total</u>	<u>(29,128,521)</u>
12210	DPW Commissioner’s Office	
	516020 Professional Services Cont & Fees	677,360
	<u>DPW Commissioner's Office Total</u>	<u>377,360</u>
12220	DPW Building & Grounds	
	570050 InterFund Trans-Cap	(1,000,000)
	<u>DPW Building &amp; Grounds Total</u>	<u>(1,000,000)</u>
12530	Youth Bureau	
	518876 Youth Development Program	936,205
	516020 Pro Ser Cnt and Fees	69,037
	<u>Youth Bureau Total</u>	<u>1,005,242</u>
14010	County-wide Acct Budget	
	504992 Full Time - Salaries	2,700,000

	570050	InterFund Trans-Cap	115,950,000
County-wide Acct Budget Total			118,650,000
14030	Community College		
	575000	Interfnd Exp Non-Sub	2,487,650
Community College Total			2,487,650
16200	Env.&Planning Divn.		
	500000	Full Time – Salaries	(55,865)
	516020	Pro Ser Cnt and Fees	405,865
	570050	InterFund Trans-Cap	2,050,000
Env.&Planning Divn. Total			2,400,000
16410	Parks Department		
	570050	InterFund Trans-Cap	2,350,000
Parks Department Total			2,350,000
Total Designations Expense			98,627,445

Designations

General Fund 110 - Revenue Adjustments

120	Department of Social Services		
	414030	FMAP Revenue	1,360,738
	466070	Refunds P/Y Expenses	2,236,157
Department of Social Services Total			3,596,895
14010	County-wide Acct Budget		
	402000	Sales Tax EC Purp	33,644,959
	402100	1% Sales Tax-EC Purp	26,016,028
	402120	.25% Sales Tax	9,011,648
	402130	.5% Sales Tax	18,023,297
	402500	Off Track Pari-Mutuel Tax	985,663
	405500	SA-Spec Need Presch	212,406
	405500	SA-Spec Need Presch	212,406
	405520	SA-NYS DOH EI Serv	604,160
	405540	SA-Art VI-P H Work	117,866
	405560	SA-NYS DOH EI Admin	3,884
	406010	SA-Fr Nav Law Enforc	14,550
	406550	Emergency Medical Training	23,295
	406560	SA-Art VI-PubHlthLab	227,643
	406610	STD Clinic Fees	1,275

407520	SA-Family Assistance	1,219
407540	SA-Soc Serv Admin	465,105
407600	SA-Sec Det Other Co	512,843
407610	SA-Sec Det Loc Yth	914,203
407615	SA-Non-Sec Loc Yth	212,606
407625	SA-Raise the Age	2,073,374
407670	SA-EAF Prev POS	192,957
407680	SA-Serv Fr Recipnts	250,815
407780	SA-Daycare Block Grt	392,977
407785	State Aid - WDI Enrollment	145,281
408000	State Aid - Youth Programs	13,008
408020	Youth-Reimb Programs	125,440
408030	Yth-Runaway Adv Prog	5,492
408040	Yth-Runway Reim Prog	7,178
408050	Yth-Homeless Adv Prg	11,625
408060	Yth-Homeless Reim Pr	9,422
408065	Yth-Supervision	67,067
409000	State Aid Revenues	5,921
409030	SA-Main-Lieu of Rent	30,732
411640	FA-Daycare Block Grt	494,205
<hr/> County-wide Acct Budget Total		95,030,550
<hr/> Total Designations Revenue		98,627,445
<hr/> Designations Net Impact		0

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required 2021 and 2022 budgetary adjustments to implement these budgetary amendments and re-appropriations authorized in this resolution; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any further 2021 Budget adjustments that may be required based on inter-departmental budget balancing or adjusting entries identified by the Erie County Comptroller or the County's independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose; and be it further

RESOLVED, that none of the aforesaid budget transfer items shall be deemed to approve, fund, or permit the physical alteration of the environment for any specific action or project identified above until the applicable environmental review(s) for the specific action or project is completed in accordance with the applicable laws, including but not limited to the New York State Environmental Quality Review Act (Art 8 of New York State Environmental Conservation Law); and be it further

RESOLVED, that the Director of Budget and Management is authorized to cancel a receivable due to the County by Say Yes to Education totaling \$89,708.03 relating to services performed by Say Yes to Education as part of their Virtual Learning Center contract; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller and the Director of Budget and Management.

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

\*\*\*\*\*CHAIR BASKIN entered the Legislature into recess at 12:30 P.M.

\*\*\*\*\*CHAIR BASKIN reconvened the Legislature at 1:08 P.M.

All members present, except Legislator Bargnesi.

MR. MEYERS withdrew the motion to amend.

GRANTED.

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

CARRIED UNANIMOUSLY.

Add the following:

RESOLVED, the Budget Director is hereby directed to transfer available 2021 funding for the additional designations and establish re-appropriation into 2022 per the attachment.

FUND CENTER - ACCOUNT	AGENCY	DESCRIPTION / NAME	FUNDING AMOUNT
116-516020	Erie County Sheriff's Office - Jail Management Division	Erie County Holding Center Security Camera Upgrade and Expansion	\$527,942
10810-516020	Office of Equal Employment Opportunity, Diversity, and Inclusion	Disparity Study	\$1,000,000
A22.1xx	The Buffalo Zoo	Capital Improvement Project to Maintain Accreditation	\$2,000,000
A22.1xx	Buffalo History Museum - Tift Nature Preserve	ADA Ramps and Other Accessibility Improvements	\$1,100,000
	Visit Buffalo Niagara	Theater Promotion Months for 2022	\$100,000
	Ladies of Charity of the	Hosting 2022 National Conference	\$15,000

	Diocese of Buffalo (Catholic Charities of WNY)		
A22.1xx	Willow Ridge Civic Association	Construction of Walking Path in Willow Ridge Park	\$15,000
	Amherst Public Library	Extension of hours of operation at Williamsville Branch for 2022	\$25,000
	Amherst Chamber of Commerce	Back Office Infrastructure Upgrades	\$20,000
1332010-518714	Williamsville Business Association	Support for Soup, Stroll, and Music on Main Street	\$5,000
1332010-518135	Literacy Buffalo Niagara	Support for 2022 Training Campaign	\$40,000
1332010-518695	YoungLife of Buffalo North	Summer Camp Transportation	\$40,000
A22.1xx	Boys & Girls Club of the Northtowns	Town Clubhouse Capital Improvements	\$200,000
	James V. and Fay. P. Ryan Paramedics Foundations	Community Automatic External Defibrillator Project	\$20,000
	Grand Island Soccer Club	Purchase of goals and equipment for youth soccer	\$10,000
A22.1xx	City of Tonawanda	Construction of a Splash Pad in City of Tonawanda at Kohler Pool	\$100,000
A22.1xx	Town of Tonawanda	Project will fund the creation of the east-west connection at Moore and Moulton/Darlington.	\$120,000
16410-570050	Erie County Parks Department	All Inclusive Playground Sensory Walk at Ellicott Creek Park	\$200,000
16410-570050	Erie County Parks Department	Casino upgrades at Ellicott Creek Park	\$200,000
1332010-518171	Tonawanda Aquatics	Facility upgrades and maintenance at Aquatics Pool	\$40,000
	Boys & Girls Club of East Aurora	Clubhouse and Summer Camp Improvements	\$50,000
	West Seneca Police Department	Drone Program	\$20,000
A22.1xx	Friends of Knox Farm	Building Renovations and Park Equipment	\$150,000
A22.1xx	Town of West Seneca	All-Inclusive Playground Equipment Purchase	\$75,000
	Bread of Life Outreach Center	Center Maintenance and Updates	\$10,000
	East Aurora Police Department	Equipment and Building Upgrades	\$45,000
A22.1xx	Boys & Girls Club of Holland	Facility Upgrades and Improvements	\$50,000
A22.1xx	Boys & Girls Club of Elma,	Facility Upgrades and Improvements	\$50,000

	Marilla, & Wales		
	Town of Wales	Wales Community Center Improvements	\$10,000
	Town of Elma	Elma Senior Center Program Funding	\$10,000
	Town of Aurora	East Aurora Senior Center Program Funding	\$10,000
	Town of West Seneca	West Seneca Senior Center Program Funding	\$10,000
	Town of Marilla	Marilla Senior Citizen Group Funding	\$10,000
A22.1xx	St. Mary's High School	All Inclusive Theatre Renovation	\$200,000
A22.1xx	Village of Depew	Police Department Dispatch Center Renovation	\$140,000
	Depew Police PBA	Depew Police Station Fitness Center	\$29,000
	Village of Depew	George Urban Bridge Safety Alert System	\$26,000
	Village of Depew	Fireman's Park Outdoor Fitness Center	\$29,000
	Lt. Colonel Matt. L. Urban VFW Post & AMVETS Post 7275	Lancaster VFW Post Facility Improvements	\$30,000
	Village of Lancaster	Village of Lancaster Downtown Planters	\$15,000
	The Lancaster Depew Elma Chamber of Commerce	Chamber Business Initiative Programming	\$5,000
	Town of Alden	Alden Senior Center Facility Improvements & Programming	\$26,000
A22.1xx	Buffalo and Erie County Naval & Military Park	Facility Upgrades and Improvements	\$100,000
A22.1xx	Explore & More The Ralph C. Wilson Children's Museum	Facility Upgrades and Improvements	\$100,000
A22.1xx	Buffalo Heritage Carousel, Inc.	Facility Upgrades and Improvements	\$50,000
A22.1xx	Family Promise Of Western New York	HVAC Upgrade for Homeless Shelter	\$50,000
A22.1xx	Black Achievers, Inc.	Facility Upgrades and Improvements for Museum	\$50,000
A22.1xx	Bethesda Community Development Corporation	Facility Upgrades and Improvements	\$50,000
A22.1xx	Town of Clarence	Town Park Improvements	\$150,000
	Clarence Senior Center	Clarence Senior Center Programming and Improvements	\$25,000
133020-518514	Clarence Concert Association	Clarence Concert Association Programming	\$10,000
A22.1xx	Town of Clarence Baseball Association	Installation of Batting Cages at Memorial Park	\$50,000



	Victory Sports Global Outreach, Inc.	Making Sports Equipment Accessible to Children from low-income families	\$10,000
	Foster Closet WNY	Supplies for Foster Families in WNY	\$15,000
	WNY Heroes, Inc.	WNY Heroes Veteran Support Program	\$10,000
	Home of My Own WNY	Mental Health and Housing Program for people with intellectual and developmental disabilities	\$25,000
	Amherst Meals on Wheels	Amherst Meals on Wheels Programming	\$25,000
A22.1xx	Lou Gehrig Youth Baseball & Softball	Lou Gehrig Youth Baseball LED Lighting Conversion Project	\$65,000
A22.1xx	American Legion LL Tillman Post	American Legion LL Tillman Post Improvements	\$50,000
	Akron Sports Inc.	Akron Baseball Equipment and Facilities Upgrade	\$40,000
	Akron Newstead Senior Center	Akron Newstead Senior Center Programming	\$25,000
A22.1xx	Town of Evans	2022 Dredging of Sturgeon Point Marina	\$100,000
	Orchard Park Chamber of Commerce	Orchard Park Chamber of Commerce Buffalo Bills related Economic Development Activities	\$50,000
	Boys and Girls Club of Orchard Park	Boys and Girls Club of Orchard Park Programming	\$50,000
	Boys and Girls Club of Boston	Boys and Girls Club of Boston Programming	\$50,000
	Boys and Girls Club of Eden Lakeshore	Boys and Girls Club of Eden Lakeshore Programming	\$50,000
	Boys and Girls Club of Angola	Boys and Girls Club of Angola Programming	\$50,000
	Niagara Region Disc Golf Association	Erie County Disc Golf Course Maintenance	\$25,000
133020-518567	Erie County Federation of Sportsmen's Clubs	EC Federation of Sportsmen's Clubs Funding	\$25,000
A22.1xx	Chestnut Ridge Park Conservancy	Chestnut Ridge Park Conservancy Programming and Projects	\$70,000
133020-518581	Concord Historical Society	Concord Historical Society Programming and Improvements	\$30,000
A22.1xx	Village of Williamsville	Upgrades to Bathrooms at Island Park	\$20,000
A22.1xx	Town of Amherst	Installation of Bathrooms at Glen Park	\$70,000
A22.1xx	Town of Amherst	Renovation of Royal Park	\$440,000
	InterFund Trans-Cap	New Buffalo Bills Stadium	\$25,000,000
	<b>Total Expenses</b>		<b>\$33,707,942</b>

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

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

AYES: MR. GREENE, MR. LORIGO, MR. MILLS, MR. TODARO, CHAIR BASKIN, MS. CHIMERA, MR. GILMOUR, MR. JOHNSON, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

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

GRANTED.

COMM. 9E-20 from BASKIN Re: Letter to Leaders in Community Research

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 45 – (COMM. 9E-1) Dept. of Law Risk Retention Fund Spending - 02/2022 - 03/2022

Item 46 – (COMM. 9E-2) Interim Financial Report - First Quarter 2022

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

**FROM THE COUNTY EXECUTIVE**

Item 47 – (COMM. 9E-3) Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization

Receive, filed and printed.

May 2, 2022

Robert Graber, Clerk  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor

Buffalo, New York 14202

Re: Filing Pursuant to Erie County Ethics Law Section 5(c)

Dear Honorable Members:

Pursuant to Section 5(c) of the recently enacted Code of Ethics, the undersigned hereby submits to you a list of all family members as defined in the law presently employed by any government organization in any capacity:

Name of Relative	Relation to Self	Employer
Robb Poloncarz	Brother	Erie County
Lynn Poloncarz	Sister-in-law	Orchard Park Central School District
James Jurek	First Cousin	Erie County
Ryan Poloncarz	Nephew	Erie County

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government. If you have any questions on this filing please contact the undersigned at your earliest convenience.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

FROM LEGISLATOR BARGNESI

Item 48 – (COMM. 9E-4) Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization

Receive, filed and printed.

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

To whom it may concern:

Please accept the following as my disclosure of family members working in any governmental organization, in any capacity:

Name:                      Relationship   Governmental Entity                      Position Held

John A. Bargnesi, Jr.	Self	Erie County	Legislator, District #4
Jennifer A. Bargnesi	Spouse	Buffalo Schools	Teacher
Dominic J. Bargnesi	Son	Town of Tonawanda	Water Department-Operator
Jack A. Bargnesi	Son	Town of Tonawanda	Town Prosecutor
Anna G. Bargnesi	Daughter	Akron Central School District	Teacher
Grace E. Bargnesi	Daughter	Town of Tonawanda	PT Clerk - Town Clerk's Office
James F. Bargnesi	Brother	Erie County Courts	Judge
Tom Mesi	Cousin	Town of Tonawanda	Water Department-Laborer

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

FROM THE COMPTROLLER

Item 49 – (COMM. 9E-5) Response to Letter Concerning Borrowing Analysis for New Stadium Construction

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: 2022 Public Works Projects –  
Authorization to Appropriate Funds &  
Enter into Contracts  
(COMM. 9E-6)

WHEREAS, it is critical that the Department of Public Works accomplish as many highway rehabilitation projects and commence projects as soon as possible, including taking advantage of the short construction season and the availability of lower pricing by contractors by early bidding; and

WHEREAS, due to the condition of County facilities, every effort must be made to expedite this work, which includes seeking pre-approval from the Erie County Legislature to award highway construction, design, and testing contracts and to appropriate funds for 2022 highway and related work.

NOW, THEREFORE, BE IT

RESOLVED, that in order to best promote the public interest and expedite 2022 highway work, the award of 2022 highway construction, design, and testing contracts as designated by the Commissioner of Public Works for projects listed in the attached Exhibit A document and any other necessary projects added to the 2022 road list by the Commissioner of Public Works are hereby pre-approved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contracts; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of all 2022 highway construction projects pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidders and submit recommendations to the County Executive; and be it further

RESOLVED, that the pre-approved contract authorization shall apply to the 2022 highway project contracts, as designated by the Commissioner of Public Works and noted on the attached Exhibit A document, and shall not exceed an aggregate total of \$45,538,000 from the following funding sources:

2019, 2020, and 2021 Bond Proceeds, Federal Aid, and Pay-As-You-Go	\$17,475,075
2022 Bond Proceeds, Federal Aid, and Pay-As-You-Go	\$28,062,925
<hr/> Total Funding	<hr/> \$45,538,000

and be it further

RESOLVED, the authorization is hereby given for the expenditures of the funding provided for the above pre-approved projects be extended into 2023 if construction work is unable to be completed in 2022; and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to make any necessary adjustments to the revenues and expenses to the projects included in Exhibit A; and be it further

RESOLVED, that the Comptroller's Office is directed to effectuate the release of funds for road projects based on requests from the Department of Public Works from the above-noted funding sources or related sources of funds made available in 2022; and be it further

RESOLVED, that periodic informational reports shall be filed with the Legislature by the Department of Public Works indicating awarded 2022 highway project contracts and contractors; 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.

Item 51 – (COMM. 9E-7) Lakeshore Rd. Rehabilitation & Drainage, Town of Evans

Item 52 – (COMM. 9E-8) Bridge Replacement, Town of Concord

Item 53 – (COMM. 9E-9) On-Call/Emergency Bridge & Culvert Engineering Services, Erie County

Item 54 – (COMM. 9E-10) SUNY Erie Classroom Infrastructure Improvements

Item 55 – (COMM. 9E-11) Increase Rental Line Budget in Buildings & Grounds

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

Item 56 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: PILOT Agreement - Whitney  
Apartments Project, City of Buffalo  
(COMM. 9E-12)

WHEREAS, Whitney Apartments Project consists of the historic rehab and redevelopment of 10 multi-family apartment buildings into one hundred and thirty-five (135) affordable rental units for multi-family housing in the West Village Historic District of Buffalo located at 126 Prospect Ave, 76 Johnson Park, 273 Georgia, 222 Carolina, 211 Carolina, 205 Carolina, 209 Carolina, 59 Whitney, 66 Whitney, 35 Whitney; Buffalo, NY; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Whitney Buffalo LLC, Whitney Buffalo Housing Development Fund Corporation to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Whitney Buffalo LLC, Whitney Buffalo Housing Development Fund Corporation, and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in 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.

SCHEDULE A  
PILOT Payments

YEAR	PILOT	CITY	COUNTY
1	\$ 41,491	\$ 31,118	\$ 10,373
2	\$ 42,735	\$ 32,052	\$ 10,684
3	\$ 44,017	\$ 33,013	\$ 11,004
4	\$ 45,338	\$ 34,003	\$ 11,334
5	\$ 46,698	\$ 35,024	\$ 11,675
6	\$ 48,099	\$ 36,074	\$ 12,025
7	\$ 49,542	\$ 37,157	\$ 12,386
8	\$ 51,028	\$ 38,271	\$ 12,757
9	\$ 52,559	\$ 39,419	\$ 13,140
10	\$ 54,136	\$ 40,602	\$ 13,534
11	\$ 55,760	\$ 41,820	\$ 13,940
12	\$ 57,433	\$ 43,075	\$ 14,358
13	\$ 59,156	\$ 44,367	\$ 14,789
14	\$ 60,930	\$ 45,698	\$ 15,233
15	\$ 62,758	\$ 47,069	\$ 15,690

Item 57 – (COMM. 9E-13) Lake Erie Watershed Protection Alliance Coordinator Contract

Item 58 – (COMM. 9E-14) NYS Clean Energy Internship Program Authorization

Item 59 – (COMM. 9E-15) ECSD No. 3 - Engineering Term Contract Agreement

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

FROM THE COUNTY CLERK

Item 60 – (COMM. 9E-16) 2021 Annual Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 68 – (COMM. 9E-17) RENEW Plan Contracts Authorizations - Phase 3

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: Personnel Adjustment - District  
Attorney's Office  
(COMM. 9E-18)

WHEREAS, all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive; and

WHEREAS, because of the challenges in recruiting experienced attorneys, the Erie County District Attorney is prepared and desires to fill two positions of Assistant District Attorney V at a variable minimum pending action from your honorable body; and

WHEREAS, Section 2507b of the Erie County Charter states that independent elected officials, including the District Attorney, have the power to manage their departments within the parameters of their adopted budget; and

WHEREAS, the funds necessary to effectuate the above changes are available within the District Attorney's adopted appropriations for 2022.

NOW, THEREFORE, BE IT

RESOLVED, that two position of Assistant District Attorney V (position #51007251 and #470) are hereby authorized to be filled at a variable minimum step 5 (annual salary \$106,752 each); and be it further

RESOLVED, that the Director of Budget and Management and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution effective May 21, 2022; and be it further

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

FROM THE CHIMERA

Item 63 – (COMM. 9E-19) Letter of Absence from Session 7 - April 7, 2022



Received, filed and printed.

Robert Graber, Clerk  
Erie County Legislature  
92 Franklin Street  
Buffalo, NY 14202

Dear Clerk Graber,

This letter is to explain my absence from the April 7, 2022 Legislature Session #7. Due to an unforeseen scheduling conflict, I was unable to attend the April 7 meeting.

Please enter the aforementioned into the Legislature's official record.

Sincerely,

Lisa Chimera  
District 3 Legislator

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMMISSIONER  
OF SOCIAL SERVICES**

Item 64– (COMM. 9D-1) Child Protective Caseloads - 04/2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM JOMO AKONO**

Item 65 – (COMM. 9M-1) Letter of Support for New Buffalo Bills Stadium

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE IUPAT DISTRICT COUNCIL 4**

Item 66 – (COMM. 9M-2) Letter of Support for New Buffalo Bills Stadium

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE IBEW LOCAL 41**

Item 67 – (COMM. 9M-3) Letters of Support for New Buffalo Bills Stadium

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE ASSIGNED COUNSEL PROGRAM**

Item 68 – (COMM. 9M-4) Quarterly Report for the First Quarter of 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE ECIDA**

Item 69 – (COMM. 9M-5) ECIDA's 2021 Annual Audited Financial Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 70 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, May 19, 2022, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, May 26, 2022. Finally, Chair Baskin announced that a public hearing concerning Local Law Intro. 2-1 (2022), in relation to increasing veterans' property tax exemptions, will be held in the Chamber of the Legislature, on Thursday, May 26, 2022, at 6:00 P.M.

**MEMORIAL RESOLUTIONS**

Item 71 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of John P. Scanlon.

Item 72 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Jeffrey D. Gorski, and Albert Joseph Rinow Sr.

**ADJOURNMENT**

Item 73 - At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. MEYERS moved that the Legislature adjourn until Thursday, May 26, 2022 at 12:00 Noon Eastern Standard Time. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, May 26, 2022 at 12:00 Noon Eastern Standard Time.

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