

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 10**  
**MAY 11, 2023**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Malczewski, who offered a prayer.

The Pledge of Allegiance was led by Mr. Kooshoian.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. GILMOUR moved for the approval of the minutes for Meeting Number 8, and Meeting Number 9, from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – Miscellaneous Resolutions were offered, as follows:

BASKIN	Celebrating and Honoring National Nurses Week
BASKIN	Recognizing Apraxia Awareness Day
TODARO	Honoring the Elwood Jordans Insurance Agency as the Alden Chamber of Commerce 2023 Business of the Year
TODARO	Recognizing Coach McKenzie Bezon, 2023 All-Bee Girls' Basketball Coach of the Year
TODARO	Honoring Tyler DeKruger on Achieving the Rank of Eagle Scout
TODARO	Honoring Luciano Grande on Achieving the Rank of Eagle Scout
TODARO	Honoring Eric Frys on Achieving the Rank of Eagle Scout
VINAL	Acknowledging and Honoring Geoffrey and Robin Klein

BASKIN	Honoring and Recognizing The Phi Omega Chapter of Omega Psi Phi Fraternity, Inc. – 100th Year Anniversary
VINAL	Honoring Gary Schautt – Celebrating 50 Years of Service with the Eggertsville Hose Company
JOHNSON	Recognizing Military Appreciation Month 2023
VINAL	Honoring Past Fire Chief John Daniels – 50 Years of Service with the Eggertsville Hose Company
MAJORITY CAUCUS	Recognizing National Blood Pressure Month - May 2023
MAJORITY CAUCUS	Honoring National Lupus Awareness Month - May 2023
BASKIN	Acknowledging Shai Arnold and For Grieving Daughters Organization Celebrating 4th Annual Motherless-Daughter Brunch
GREENE	Honoring Brothers of Mercy Wellness Campus on National Nursing Home Week
GREENE	Honoring and Congratulating Police Officer Keith Felgemacher on His Retirement
GREENE	Honoring and Congratulating Amherst Police Officer Scott Banning on His Retirement
GREENE	Honoring the Cystic Fibrosis Association of Western New York and Recognizing Cystic Fibrosis Awareness Month in Erie County
MALCZEWSKI	Recognizing Lyme WNY During Lyme Disease Awareness Month
MILLS	Honoring Fox Run at Orchard Park on National Nursing Home Week
MILLS	Honoring the Jennie B. Richmond Nursing Home During National Nursing Home Week
MILLS	Celebrating the Wayland Brewing Company on Its Grand Opening
TODARO	Recognizing the Correctional Officers at the Erie County Holding Center During National Correctional Officers’ Week

May 7-13, 2023

TODARO	Recognizing the Correctional Officers at the Erie County Correctional Facility During National Correctional Officers' Week May 7-13, 2023
MILLS	Honoring Stanley Brown for Serving Our Country and Community
MALCZEWSKI	Congratulating Anna Tavernier for Winning the 2023 Youth of the Year Competition
TODARO	Honoring Christopher Gust for Being Named Alden Chamber of Commerce 2023 Citizen of the Year

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

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

GRANTED.

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

GRANTED.

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

GRANTED.

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

GRANTED.

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

GRANTED.

**COMMITTEE REPORTS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

May 4, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 6
-------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MEYERS.  
CHAIR BASKIN PRESENT AS EX-OFFICO MEMBER.

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

a. COMM. 6E-1 (2023)  
JOHNSON: “Documents Supporting 3 Bell System for BPS”  
(Chair’s Ruling)

2. COMM. 7E-10 (2023)  
SHERIFF

WHEREAS, the Erie County Sheriff’s Office continues to offer community reintegration programming through Project Blue and other programs; and

WHEREAS, in conjunction with Project Blue, the Sheriff’s Office seeks to expand its programming for participants; and

WHEREAS, the Erie County Sheriff’s Office seeks to enter into an agreement with The Prevention Council for Mindful Awareness Skill-Building Workshops; and

WHEREAS, the workshops will provide tools, techniques, and strategies on how to enjoy moments and navigate challenges; and

WHEREAS, the 6-week programming would be offered to Project Blue participants at the holding center and the correctional facility; and

WHEREAS, the agreement is not to exceed \$4,992.00 and will expire December 31, 2023; and

WHEREAS, this program will be funded through the commissary account without impacting the 2023 operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and the Erie County Executive to enter into a contract with The Prevention Council of Erie County, 1625 Hertel Ave, Buffalo, New York 14216, for Mindful Awareness Skill-Building workshops; and be it further

RESOLVED, that the agreement is for six weeks of programming at the Erie County Holding Center and the Erie County Correctional Facility; and be it further

RESOLVED, the agreement is not to exceed \$4,992.00; and be it further

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, and the Chief of Administration of the Sheriff's Office for implementation.

(5-0)

3. COMM. 8E-3 (2023)

SHERIFF

WHEREAS, the Erie County Sheriff's Office maintains a chaplain unit to provide religious services and spiritual counseling to the incarcerated population at the Erie County Holding Center and the Erie County Correctional Facility inmates; and

WHEREAS, the Sheriff's Office will enter into separate three-year agreements with Chaplain Frederick Gelsey and Chaplain Kenneth Simmons; and

WHEREAS, the chaplains shall be compensated \$50.00 per week; and

WHEREAS, the contracts will be paid from account 516020 – Professional Services and Fees and will not affect the 2023 operational budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and the Erie County Executive to enter into a three-year contract with Frederick Gelsey, 217 Northampton Street, Buffalo, New York 14208, at a rate of \$50.00 per week for religious and spiritual services; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and the Erie County Executive to enter into a three-year contract with Kenneth Simmons, 60 Stewart Avenue, Buffalo, New York 14211, at a rate of \$50.00 per week for religious and spiritual services; and be it further

RESOLVED, the contracts will be paid from account 516020 – Professional Services and Fees and will not affect the 2023 operational budget; 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 Budget and Management, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.  
(5-0)

4. COMM. 8E-13 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Probation Department provides pretrial Release Under Supervision services for the courts as an alternative to incarceration; and

WHEREAS, bail reform legislation enacted by New York State in 2020 has significantly increased the caseloads of the Probation Officers providing pretrial Release Under Supervision services as well as the demand for electronic monitoring of released defendants; and

WHEREAS, the attached resolution requests authorization to add a Probation Officer position within the Erie County Probation Department to the pretrial services staff to address the increase in caseloads and the resulting increase in electronic monitoring of defendants; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department funding to address expenses related to the provision of Pretrial Services; and

WHEREAS, the Erie County Probation Department proposes to use a portion of this funding to add a Probation Officer position and to increase the 2023 budget amount for electronic monitoring; and

WHEREAS, these appropriations will not result in an increase in County funding of the existing Probation Department's 2023-2025 Budgets and will be readdressed with the 2026 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes to add one Probation Officer position effective June 3, 2023 (B-100 #13653) in the 2023 Probation Department General Fund; and be it further

RESOLVED, that authorization is hereby given for the following budgetary increase in the 2023 Budget of the Probation Department to fund the cost of the new position and increases in electronic monitoring costs:

Probation Fund 110, Fund Center 12610		
<u>Account</u>	<u>Revenue</u>	<u>Increase</u>
409060	State Aid Pretrial Service	\$78,394
<u>Account</u>	<u>Appropriation</u>	<u>Increase</u>
500000	Full Time Salaries	\$32,632
502000	Fringe Benefit	\$16,316
516030	Maintenance Contracts	\$27,846
561410	Lab and Technical Equipment	<u>\$ 1,600</u>
		\$ 78,394

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to implement any budget adjustments and to make any technical adjustments required to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office, Division of Budget and Management, County Comptroller, Personnel Department, Department of Purchase and the Probation Department.  
(5-0)

5. COMM. 8E-14 (2023)  
SHERIFF & COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Erie County Sheriff's Office has initiated a tablet program for the incarcerated population; and

WHEREAS, the tablets are used for educational, personal skill-building, and entertainment purposes; and

WHEREAS, the tablets are used in conjunction with service providers to enhance programming; and

WHEREAS, the Erie County Sheriff's Office will purchase an additional 475 tablets and 70 charging carts from Keefe Commissary Network, which will provide greater access to the tablets for the incarcerated population at the holding center and the correctional facility; and

WHEREAS, the Erie County Sheriff's Office will transfer \$82,000.00 from account 221800 – Telephone Revenue to account 561410 – Lab & Tech to purchase the tablets and charging carts; and

WHEREAS, the Sheriff's Office created the Community Reintegration Division to provide educational, personal skill-building, and re-entry programming to the incarcerated population; and

WHEREAS, the Community Reintegration offices have moved to 134 West Eagle Street due to the expansion of services and the number of service providers; and

WHEREAS, the division needs additional office furniture to provide workstations for the increased county and non-county personnel within the office; and

WHEREAS, the Sheriff's Office will transfer \$22,500.00 from account 221800 – Telephone Revenue to account 561420 – Office Furniture & Fixtures to purchase the furniture; and

WHEREAS, the office furniture will be purchased from Millington-Lockwood, an approved New York State bidder; and

WHEREAS, as of April 24, 2024, the Telephone Revenue Account's balance is \$537,396.00; and

WHEREAS, the Sheriff and the County Executive agree the tablet expansion program and the furniture for the Community Reintegration office are appropriate use of the funds; and

WHEREAS, this use of funds complies with COMM. 6E-24, 2013, which states that telephone revenue "shall be dedicated to the general operation of the Holding Center and Correctional Facility;" and

WHEREAS, these transfers will not have a fiscal impact on the 2023 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Division of Budget and Finance to transfer \$82,000.00 from account 221800 – Telephone Revenue to account 561410 – Lab & Tech to purchase the tablets and charging carts; and be it further

RESOLVED, the Erie County Legislature authorizes the Division of Budget and Finance to transfer \$22,500.00 from account 221800 – Telephone Revenue to account 561420 – Office Furniture & Fixtures to purchase the furniture; and be it further

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 purchasing the tablets and charging carts from Keefe Commissary Network; 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 funds either remain in or returned to the Telephone Revenue Account; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer 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 this resolution shall be forwarded to the County Executive, the County Attorney, the County Comptroller, the Division of Budget and Finance, the Division of Purchasing, and the Sheriff's Office for implementation.  
(5-0)

6. COMM. 8E-17 (2023)  
SHERIFF

WHEREAS, the Erie County Sheriff's Division of Correctional Health is responsible for the medical care of individuals in its custody; and

WHEREAS, this medical care requires access to radiology imaging services; and

WHEREAS, Correctional Health has twice issued a Request for Proposal (RFP) for on-site diagnostic imaging services; and

WHEREAS, staff publicly published the RFP and contacted multiple vendors; and

WHEREAS, Buffalo Ultrasound was the only vendor to submit a proposal following the second publication of the RFP; and

WHEREAS, the vendor will provide the following, but not limited to, diagnostic imaging services: x-rays, ultrasound, Doppler, and echocardiographs; and

WHEREAS, the Sheriff's Office recommends that Buffalo Ultrasound be awarded the contract for RFP #2023-004VF; and

WHEREAS, the Erie County Sheriff's Office and the County of Erie shall enter into a three-year agreement with Buffalo Ultrasound for \$25,000.00 per year; and

WHEREAS, either party may terminate the agreement, with or without cause, with ten days written notice; and

WHEREAS, there are no fiscal implications on the operating budget. The professional services contract for diagnostic imaging services at the Erie County Holding Center and the Erie County Correctional Facility are funded in account:

516020	Professional Services	\$25,000.00
--------	-----------------------	-------------

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to award RFP #2023-004VF to Buffalo Ultrasound 388 Evans Street, Williamsville, New York 14221, for on-site diagnostic imaging services comprehensive for the Erie County Sheriff's Division of Correctional Health; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff to enter into a contract with Buffalo Ultrasound 388 Evans Street, Williamsville, New York 14221; and be it further

RESOLVED, the terms of the agreement are for three years at \$25,000.00, and either party may terminate the contract, with or without cause, with ten days written notice; and be it further

RESOLVED, the contract is funded in Fund Center 11650, in the following accounts:

516020	Professional Services	\$25,000.00
--------	-----------------------	-------------

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any technical adjustments necessary 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.

(5-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

May 4, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 6
-------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MEYERS.  
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received, filed and referred to the ENERGY & ENVIRONMENT COMMITTEE:
  - a. COMM. 8E-5 (2023)  
COUNTY EXECUTIVE: "ECSD Nos. 1 & 3 - Various Sanitary Sewer Replacements"

(Chair's Ruling)

2. RESOLVED, the following items are hereby received and filed:

a. COMM. 8M-1 (2023)

NFTA: "Metro Cash Flow Statements"

(Chair's Ruling)

b. COMM. 8M-2 (2023)

NYSDEC: "DEC Invites Public Comment About Brownfield Application for Site on East Huron St., Buffalo"

(Chair's Ruling)

c. COMM. 8M-3 (2023)

NYS DEPT OF AGRICULTURE & MARKETS: "Final Notice of Intent to Undertake an Action within an Agricultural District, Grand Island"

(Chair's Ruling)

3. COMM. 8E-6 (2023)

COUNTY EXECUTIVE

WHEREAS, the Erie County Division of Sewerage Management (DSM) is in the design phase for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project; and

WHEREAS, it has been identified during the design phase that a proposed electrical substation for the Southtowns AWTF Expansion Project requires the relocation of an existing 2-inch diameter gas line owned by National Fuel Gas Distribution Corporation; and

WHEREAS, the DSM recommends executing right of way and gas line relocation agreements to allow the existing 2-inch diameter gas line to be moved.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of a 10-foot-wide right of way to be granted to National Fuel Gas Distribution Corporation within the bounds the Southtowns AWTF parcel, SBL No. 159.00-1-24, S-3690 Lake Shore Road, Buffalo, New York 14219, so that National Fuel Gas Distribution Corporation may lay, maintain, alter, operate, relocate, remove, abandon in place, extend, re-lay and change the size of a pipeline or pipelines and to install cathodic protection devices, cable, regulators, connections, meters, valves, fittings, and accessories and do such other activity as is necessary and/or convenient for system maintenance, transportation and distribution of gas, over, under and/or through via a new 2-inch diameter gas line, or future gas lines, as may be necessary to service the Southtowns AWTF; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Environment and Planning to sign any and all documentation requiring the signature of the property owner, including Right of Way and Gas Line Relocation Agreements, as it relates to the new gas line provided by National Fuel Gas Distribution Corporation for the Southtowns AWTF expansion project, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Division of Budget and Management, Department of Law, Department of Environment and Planning, and the Division of Sewerage Management.

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

4. COMM. 8E-7 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Division of Sewerage Management (DSM) is in the design phase for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project; and

WHEREAS, it has been identified during the design phase that a proposed electrical substation for the Southtowns AWTF Expansion Project would require a new electrical service; and

WHEREAS, the DSM recommends granting Niagara Mohawk Power Corporation (NMPC) a 20-foot wide easement for the new electrical service and associated appurtenances.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of a 20-foot wide easement to be granted to NMPC within the bounds the Southtowns AWTF parcel, SBL No. 159.00-1-24, S-3690 Lake Shore Road, Buffalo, New York 14219, so that NMPC may construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at their pleasure, abandon or remove electric facilities as may be necessary to service the Southtowns AWTF; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Environment and Planning to sign any and all documentation requiring the signature of the property owner, including the easement agreement, as it relates to the new electrical service provided by NMPC for the Southtowns AWTF expansion project, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Division of Budget and Management, Department of Law, Department of Environment and Planning, and the Division of Sewerage Management.

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

5. COMM. 8E-8 (2023)  
COUNTY EXECUTIVE

WHEREAS, the need for developing additional units of affordable housing is a priority for Erie County; and

WHEREAS, Erie County recognizes that various urban, suburban and rural communities within the County seek to explore creation of new units but may lack the technical expertise relative to siting such developments; and

WHEREAS, the County recognizes that studying existing zoning, public transit, and neighborhood amenity patterns relative to affordable housing development is beneficial in strategically

locating such sites; and

WHEREAS, Erie County has solicited proposals from qualified professional planning consultants for proposals to undertake such Affordable Housing Study; and

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

WHEREAS, Erie County desires to work with Dr. Jason Knight, AICP (SUNY Buffalo State) to produce such Study; and

WHEREAS, this Affordable Housing Study is intended to assist Erie County and local municipalities with bringing additional units of affordable housing online.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement to provide professional planning services to conduct an Affordable Housing Study in an amount not to exceed \$30,000 with Dr. Jason Knight, AICP (SUNY Buffalo State); and be it further

RESOLVED, that an amount of \$30,000 be allocated from the 2023 Erie County Budget in fund 110, fund center 16200, general ledger 516020; and be it further

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

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

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

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

6. COMM. 8E-9 (2023)  
COUNTY EXECUTIVE

WHEREAS, Ellicott Town Center Project consists of the acquisition, rehabilitation, and preservation of 281 units for low income tenants within four high-rise tower buildings located at 211 & 233 East Eagle Street, and 202 & 214 South Division Street, the Shiloh Senior Homes townhomes-style facility at 245 East Eagle Street and parcels at 215 East Eagle Street, 216 East Eagle Street and 243 East Eagle Street; 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 Ellicott Town Center LLC and First Shiloh 2 Housing Development Fund Company, Inc. 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 authorization is hereby given for the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Ellicott Town Center LLC, First Shiloh 2 Housing Development Fund Company, Inc., 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 Erie County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Real Property Tax Services, Department of Environment and Planning, and the Department of Law.

SCHEDULE A  
PILOT Payments

Year	Total	City	County
1	\$ 114,572	\$ 85,929	\$ 28,643
2	\$ 118,009	\$ 88,507	\$ 29,502
3	\$ 121,550	\$ 91,163	\$ 30,387
4	\$ 125,196	\$ 93,897	\$ 31,299
5	\$ 128,952	\$ 96,714	\$ 32,238
6	\$ 132,821	\$ 99,616	\$ 33,205
7	\$ 136,805	\$102,604	\$ 34,201
8	\$ 140,909	\$105,682	\$ 35,227
9	\$ 145,137	\$108,853	\$ 36,284
10	\$ 149,491	\$112,118	\$ 37,373
11	\$ 153,976	\$115,482	\$ 38,494
12	\$ 158,595	\$118,946	\$ 39,649
13	\$ 163,353	\$122,515	\$ 40,838
14	\$ 168,253	\$126,190	\$ 42,063
15	\$ 173,301	\$129,976	\$ 43,325

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

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

WHEREAS, the Stone Walls at Culvert PK-21 in Chestnut Ridge Park are deteriorating and causing a potential safety hazard of the travelling public; and

WHEREAS, the replacement of the stone Walls at Culvert PK-21 in Chestnut Ridge Park (Project CAP-PK-21-WALL-22) was approved by your Honorable Body via COMM 17E-15 (2021) and COMM 9E-6 (2022); and

WHEREAS, unforeseen conditions found during the construction resulted in additional construction costs, an extended construction schedule, and the need for additional construction inspection; and

WHEREAS, the work performed was beyond the scope of the original project and therefore requires additional funding; and

WHEREAS, the County Executive and department of Parks, Recreation & Forestry desires to execute a Change Order with the Contractor, McLaughlin Construction Corp. dba Edbauer Construction, for the increase in construction costs estimated at \$31,000 for the Construction phase of the project; and

WHEREAS, the County Executive and department of Parks, Recreation & Forestry desires to execute an Amendment with the Consultant, Greenman-Pedersen, Inc., with an increase in funding for the Construction Inspection phase of the Project estimated at \$5,000; and

WHEREAS, the additional \$36,000 needed for the Change Order and Amendment is available from Fund 410, Funds Center 164, Project A.21112 - 2021 Countywide Parks Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute any necessary Change Orders with the Project Contractor; McLaughlin Construction Corp. dba Edbauer Construction in an amount not to exceed \$31,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute any necessary Amendments with the Project Consultant, Greenman-Pedersen, Inc. in an amount not to exceed \$5,000; and be it further

RESOLVED, that the additional funds for the Project will be allocated from Fund 410, Funds Center 164, Project A.21112- 2021 Countywide Parks Improvements; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive's Office, Division of Budget and Management, Department of Parks, Recreation, and Forestry.

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

8. COMM. 8E-11 (2023)  
COUNTY EXECUTIVE

WHEREAS, from 2010 to 2012, exterior restorations of the Ellicott Street Building were completed which included replacing the existing asphalt shingles and the sloped roof cladding on the street side around the perimeter of the building with a clay tile roof that duplicates the original; since then, a number of localized failures have occurred on the clay tile roof system that has compromised pedestrian safety; and

WHEREAS, in 2018 after several localized failures at the City campus, the Department of Public Works contracted with a Register Roofing Consultant to perform a forensic analysis to determine the cause for the roof failures; and

WHEREAS, after onsite investigations were performed, the forensic analysis revealed that neither the calculated design resistance of the tiles as installed, nor the prescriptive guidelines referenced in the design documents provided a structurally-sound, code-compliant roof assembly for the Ellicott Street Building; and

WHEREAS, the investigation and analysis also revealed that the lifting and/or separation of clay tile units from the building is primarily due to a failure of the smooth shank copper roofing nails that secure the clay tile units to the underlying horizontal wood batten and the existing roof mortar filler material at all hip locations is failing; and

WHEREAS, remedial action is necessary to ensure that the clay tile units that are currently anchored with smooth shank nails be re-installed with screws to the underlying horizontal wood battens to eliminate their potential to become dislodged by wind and fall to grade; and

WHEREAS, the Department of Public Works coordinated with the Department of Law to determine if there was any recourse to the original design consultant from the 2010 project to hold them accountable, however, it was determined that we were outside the statute of limitations on the project resulting in the inability to hold the original design consultant accountable; and

WHEREAS, based on the forensic analysis and the inability to hold the original design consultant accountable, a different design consultant was selected through the County's standard RFP process to prepare documents to make the necessary corrective action to the existing roof system; and

WHEREAS, the County of Erie previously received bids for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair project on Tuesday, December 20, 2022, however the bid prices far exceeded the consultant's pre-bid estimate, the scope was reduced to approximately half of the roof areas; and



WHEREAS, the County of Erie received bids for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project on Tuesday, March 14, 2023; and

WHEREAS, the lowest bidder failed to submit their Experience Questionnaire as part of the sealed proposal rendering them non-responsive, making it so that their bid could not be considered in accordance with the Erie County Local Law 2-2021; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Jos A. Sanders & Sons, Inc.; and

WHEREAS, the County of Erie will receive 50% reimbursement from New York State for this project; and

WHEREAS, the Department of Public Works and Bell & Spina Architects-Planners PC are recommending award of the contract to the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project for an amount not to exceed as follows:

General Construction Work

Jos. A. Sanders & Sons, Inc.	Base Bid:	\$ 3,701,344.00
Total Award of General Construction	Contract:	\$ 3,701,344.00

and be it further

RESOLVED, that the sum of \$298,656 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the approved Capital Budgets, Fund 480, Funds Center 122, as follows:

E.14006	2014 ECC Code Compliance (Collegewide)	\$ 146.33
E.15004	2015 ECC Code Compliance (Collegewide)	\$ 23,528.00
E.17005	2017 ECC Code Compliance (Collegewide)	\$ 36,568.49
E.18005	2018 ECC Code Compliance (Collegewide)	\$ 1,150.00
E.19001	2019 Collegewide Improvements and Renovations	\$ 370,360.48

E.20001	2000 Collegewide Improvements and Renovations	\$ 1,569,546.70
E.21150	2021 ECC City Roof	\$ 1,998,700.00
For a Total Amount Not to Exceed		\$ 4,000,000.00

and be it further

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

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

9. COMM. 8E-12 (2023)  
COUNTY EXECUTIVE

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

WHEREAS, the Department of Public Works and Watts Architecture and Engineering, DPC are recommending award of the contracts to the lowest responsible bidder for the General, Mechanical, Electrical and Plumbing Contract received on March 8, 2023; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with the lowest responsible bidder for the Grover Cleveland Golf Course Schenck House and Restroom Renovation Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts with the lowest responsible bidders for the Project for an amount not to exceed as follows:

General Construction Work

<u>Walter Johnson Building Co., Inc.</u>	Base Bid:	\$ 1,089,604
Total Award of General Construction Contract:		\$ 1,089,604

Mechanical Construction Work

<u>John W. Danforth Company</u>	Base Bid:	\$ 156,500
Total Award of General Construction Contract:		\$ 156,500

Electrical Construction Work

<u>CIR Electrical Construction Corporation</u>	Base Bid:	\$ 198,550
Total Award of Electrical Construction Contract:		\$ 198,550

Plumbing Construction Work

<u>M.K.S Plumbing Corp.</u>	<u>Base Bid:</u>	<u>\$ 49,000</u>
Total Award of Electrical Construction Contract:		\$ 49,000

and be it further

RESOLVED, that the sum of \$150,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

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

<u>A.21162 – 2021 Parks Managed by DPW</u>	<u>\$1,643,654</u>
Total not to exceed	\$1,643,654

and be it further

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

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

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

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

RE: RENEW Plan Funding  
Re-Allocation  
(INTRO. 10-1)

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

WHEREAS, the GBUAHN was awarded \$200,000 in RENEW Plan funding by the Erie County Legislature in Comm. 18E-18 (2021) in Erie County Department of Health Fund Center 12700, Account 516020; and

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

WHEREAS, this Honorable Body, in partnership with the District Attorney, is looking to collaborate with United States District Court for the Western District of New York (“WDNY”) and New York State Office of Court Administration (“OCA”) on an effort to increase the diversity of Erie County’s juries; and

WHEREAS, WDNY, OCA, and Erie County have agreed to share the costs of the Jury Diversification Project with services provided by Causewave who was chosen after months of analysis and vetting performed by numerous committees and subcommittees from the entities described above as well as by more than a dozen community agencies.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to transfer funds previously reserved for the GBUAHN Health Home Fund 110, Fund Center 12700, Account #516020 – Professional Services, Contracts, and Fees to Fund 110, Fund Center 1332010 and reallocate \$15,000 for the Jury Diversification Project; 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 Purchase is authorized to create any necessary documents to facilitate the granting of funds for the Jury Diversification Project; 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 the Division of Purchase, the Director of Budget and Management, and any other party deemed necessary and proper.

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

GRANTED.

INTRO. 10-2 from MALCZEWSKI. Supporting the Separation of Policy and Financial Issues in the New York State Budget.

Item 15 – MR. GILMOUR presented the following resolution and moved for immediate

consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

RE: Supporting Kyra's Law in the  
New York State Senate and  
Assembly  
(INTRO. 10-3)

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

WHEREAS, Kyra Franchetti was a Nassau County toddler who was ordered by the court to have unsupervised visits with her father, despite being notified that her father was dangerous, angry and suicidal; and

WHEREAS, Kyra's mother's pleas for the court protect Kyra were dismissed, with the judge remarking that it was "not a life-or-death" situation; and

WHEREAS, while on a court-sanctioned unsupervised visit with her father in Virginia, Kyra was murdered and her father committed suicide by burning his house down while in it; and

WHEREAS, research is now available regarding domestic violence and child abuse that was not available when custody courts developed their current practices; and

WHEREAS, courts have been slow to integrate this research; and

WHEREAS, most judges, lawyers and evaluators do not have the requisite training and background to properly evaluate certain domestic violence and child abuse cases; and

WHEREAS, New York State Senate bill S.7425 and Assembly Bill A.5398A encourages a multidisciplinary approach that would include experts in domestic violence and child abuse; and

WHEREAS, the bills would require an evidentiary hearing within 60 days of the filing of a verified pleading to make a determination upon competent admissible evidence and enter findings regarding child abuse, family violence or domestic abuse; and

WHEREAS, the bills would require the court to prioritize the health and safety of a child when making a decision based on the best interest of a child; and

WHEREAS, the bills would prevent the courts from presuming that a child's deficient or negative relationship with a parent was caused by the other parent and a child's contact with the primary attachment figure will not be restricted as a means of attempting to improve the deficient relationship; and

WHEREAS, the bills would require that in cases where domestic violence or child abuse has occurred, the court would not base decisions on a legal presumption of shared parenting; and

WHEREAS, the bills would also allow the court to order payment of legal fees for both parties by the abuser, if the abuser is so able; and

WHEREAS, the bills would require judges and court personnel handling child custody cases in which one or both of the parties have alleged domestic violence or child sexual abuse to complete training for the handling of such cases at least once annually; and

WHEREAS, additional modifications would also be implemented to protect children in abusive relationships, as outlined in the bills, copies of which are attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the passage and enactment of New York State Senate bill S. 7425 and Assembly bill A. 5398A, commonly known as Kyra's Law; and be it further

RESOLVED, that copies of this resolution be forwarded to the local delegation of the New York State Senate and Assembly and the New York State Governor.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 16 – MR. GILMOUR moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 4E-9 (2023). MR. BARGNESI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

RE: ECSD No. 5 RFP - Transit Road  
Corridor Sanitary Sewer Service  
Evaluation Report  
(COMM. 4E-9, 2023)

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

CARRIED UNANIMOUSLY.

Insert the Following:

WHEREAS, funding was appropriated as part of Legislative Comm. 8E-1 (2023) – 2023 Budget Balancing and Year End Designations Resolution – for a study of Erie County Sewer District (ECSD) No. 5's future sanitary sewer capacity needs, including items listed in the Town of Clarence's master plan and potential redevelopment of the Eastern Hills Mall site; and

WHEREAS, the County of Erie issued a Request for Proposals to retain an engineering firm to perform professional services for the Transit Road Corridor Sanitary Sewer Service Evaluation Report in ECSD No. 5; and

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

WHEREAS, after ranking proposals and conducting interviews the review committee recommends JM Davidson, D.P.C. to complete the requested consulting services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement with JM Davidson, D.P.C. (935 Sheridan Drive – Suite 120, Tonawanda, New York 14150) for professional services associated with this project in an amount not to exceed \$100,000.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney’s Office; and be it further

RESOLVED, that sufficient funding exists within ECSD No. 5, Fund 430, Funds Center 181, Capital Project C.23550 – Transit Road Sanitary Sewer Service Evaluation to fund these engineering services; and be it further

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

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

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

CARRIED UNANIMOUSLY.

Item 17 – MR. GILMOUR moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 6E-10 (2023). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

RE: ECSD No. 6 - Ridgewood Village  
Sanitary Sewer Service Lateral  
Connection Lining Project  
(COMM. 6E-10, 2023)

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

CARRIED UNANIMOUSLY.

Insert the Following:

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 66 at 2:00 p.m. on April 4, 2023:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 66	United Survey, Inc. 25145 Broadway Avenue Oakwood Village, OH 44146	\$498,140.00

and

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

WHEREAS, the Division of Sewerage Management has determined this project is a 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 Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project, Erie County Sewer District No. 6, Contract No. 66 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 66	United Survey, Inc. 25145 Broadway Avenue Oakwood Village, OH 44146	\$498,140.00

and be it further

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

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$498,140.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract No. 66; and be it further

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

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

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and



Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 18 - MR. GREENE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 10-4 from GREENE, MILLS, TODARO & MALCZEWSKI Re: Requesting that Michael Joseph be Suspended from Board Positions at the Buffalo AKG Art Museum & Roswell Park Comprehensive Cancer Center Pending an Investigation of Clover Management

MR. GREENE moved to approve the resolution. MR. TODARO seconded.

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

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

FAILED.

Item 19 - MR. GILMOUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 10-5 from JOHNSON, BASKIN, KOOSHOIAN, BARGNESI, VINAL, GREENE, MEYERS, TODARO, GILMOUR, MALCZEWSKI, MILLS Re: Requesting the Termination of Employees at Clover Group

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

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

WHEREAS, this honorable body stands united against racism, white supremacy, and discrimination, and acknowledges the pain these hateful ideologies have caused in this Country, especially in light of the anniversary of the May 14<sup>th</sup> racist terrorist attack; and

WHEREAS, the Clover Group has been accused of implementing racist policies, in particular refusing to develop affordable housing for senior citizens in neighborhoods that are majority-minority neighborhoods, particularly neighborhoods that are predominantly Black; and

WHEREAS, a number of Clover Group employees were recorded making racist tropes, using the term “Canadians” to refer to Black people, and were jovial in their racist remarks; and

WHEREAS, the allegations against the Clover Group and the corresponding evidence are clear and disturbing enough that immediate action needs to occur, in the form of termination of the persons and parties who were recorded on tape making racist statements; and

WHEREAS, these allegations highlight the systemic problem in this Country of racial discrimination, in particular with housing development; and

WHEREAS, Buffalo, as much as any other city, has been suffering from discriminatory housing practices that are being alleged at Clover Group, which has resulted in Buffalo being one of the most segregated cities in this Country, and a target for racist attacks, such as May 14, 2022.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges Clover Group to terminate the persons on the recording who made and accepted racist remarks; and be it further

RESOLVED, calls on Clover Group to make a statement against racial housing discrimination; and be it further

RESOLVED, urges the United States Department of Housing and Urban Development to investigate Clover Group and its policies; and be it further

RESOLVED, that certified copies of this resolution be forwarded to United States Department Housing and Urban Development, New York State Governor, Erie County Executive.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE SHERIFF**

Item 20 – (COMM. 10E-1) EC Sheriff's Office - NYS Canal Corporation Marine Patrol Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MEYERS

Item 21 – (COMM. 10E-2) Letter of Absence for Session No. 9 - May 4, 2023

Received, filed and printed.

May 4, 2023

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

Dear Clerk Graber,

This letter is to explain my absence from the May 4, 2023 Legislature Session #9. Due to recovery from recent surgery, I will be unable to attend the meeting.

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

Sincerely,

Timothy J. Meyers  
Erie County Legislator, 7<sup>th</sup> District

FROM LEGISLATOR BARGNESI

Item 22 – (COMM. 10E-3) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, 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:

<u>Name</u>	<u>Relationship</u>	<u>Governmental Entity</u>	<u>Position Held</u>
John A. Bargnesi, Jr.	Self	Erie County Legislature	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 23 – (COMM. 10E-4) Interim Financial Report of Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE MINORITY CAUCUS

Item 24 – (COMM. 10E-5) Constituent Concern

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 25 – (COMM. 10E-6) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 4, 2023

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

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

Item 26 – (COMM. 10E-7) Buffalo Convention Center - Sidewalk Vault Rehabilitation Project

Item 27 – (COMM. 10E-8) Erie County - On-Call Electrical Engineering Consultant

Item 28 – (COMM. 10E-9) Authorization to Enter Into Contract for Rath Building - 15th Floor Amendment

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

Item 29 – MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: On-Call General Civil Engineering &  
Land Survey Services RFP  
(COMM. 10E-10)

WHEREAS, the Department of Public Works previously advertised an RFP for the General Civil Engineering & Land Survey Services – On Call Term Agreement as the County has determined that there is a need for the ability to access general civil engineering and land survey services in an efficient and timely manner to be able to respond to problems, emergency situations and issues that are of such magnitude that an issuance of a request for proposals is not warranted; and

WHEREAS, the County has in the past met this need by the awarding two On-Call contracts for such services to consultants selected in accordance with County policy and the County selection process; and

WHEREAS, the County previously entered into an agreement through the Department of Public Works (DPW) standard consultant selection process with Greenman-Pedersen, Inc. (GPI) and DiDonato Associates Engineers and Architects (DiDonato) for professional services for the Professional General Civil Engineering & Land Survey Services On-Call Term Agreement per COMM. 2E-21 (2023) for an initial term of three (3) years with the option of two (2) one (1) year extensions; and

WHEREAS, the County reserved the right for all Erie County Departments to utilize the contract provided a funding source per the terms of the RFP that was issued on November 4, 2022; and

WHEREAS, the terms of DPW Contract No. 23-172-PW will remain unchanged while including the ability to use Department of Parks, Recreation and Forestry funding sources as described herein; and

WHEREAS, the firms are anticipated to be utilized by the Department of Parks, Recreation, & Forestry, and other Departments/Divisions within the County; and

WHEREAS, funding for the On-Call contracts is available from the Capital Projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute Agreement Amendments on a case by case basis as negotiated with the County and GPI or DiDonato per the terms of DPW Contract No. 23-172-PW as projects arise to utilize Department of Parks, Recreation and Forestry funding sources by an amount not to exceed \$255,234.67; and be it further

RESOLVED, that of that amount, \$100,000.00 will be exclusively for the Bennett Beach Parking Lot Reconstruction and \$155,234.67 for the exclusive use of various civil, survey, geotechnical, and construction projects in the Department of Parks, Recreation & Forestry; and be it further

RESOLVED, that sufficient funding is available in Fund 410, Funds Center 164 as follows:

Project	Title	Fund	Fund Center	Amount
A.22022	2022 Bennett Beach Reconstruction	410	164	\$100,000.00
A.22008	Countywide Parks Improvements and ADA Accessibility	410	164	\$155,234.67
Total not to Exceed				\$255,234.67

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 County Executive's Office, the Comptroller's Office, the Division of Budget and Management, and to the Department of Parks, Recreation, & Forestry.

Item 30 – (COMM. 10E-11) Transfer of Funds to Capital Project

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 31 – (COMM. 10E-12) Authorization to Enter Into Contract with the Recreational Off-Highway Vehicle Association

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 32 – (COMM. 10E-13) Acceptance of State Aid for Safe Harbor for Sexually Exploited Children

Item 33 – (COMM. 10E-14) Authorization to Enter Into Contract with Dr. Iram Ashraf

Item 34 – (COMM. 10E-15) Appointment to the EC Senior Services Advisory Board

Item 35 – (COMM. 10E-16) Authorization to Enter Into Contract for Transportation Consultant for Older Adult & Disabled Populations

Item 36 – (COMM. 10E-17) Authorization to Award 2023 Summer Operation Primetime Contracts

Item 37 – (COMM. 10E-18) Appointment to the EC Health Equity Advisory Board

The above six items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE SHERIFF**

Item 38 – (COMM. 10E-19) Accept Donation of Sanitation Supplies

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 39 – (COMM. 10D-1) February 2023 Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DEPUTY COMPTROLLER OF AUDIT**

Item 40 – (COMM. 10D-2) EC Comptroller's Office Audit of the EC Clerk's Office - Notification of Expanded Scope & Separation into Two Audits

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 41– (COMM. 10D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE BUDGET DIRECTOR**

Item 42 – (COMM. 10D-4) Information Request Per INTRO. 7-3 (2023)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE ASSIGNED COUNSEL PROGRAM**

Item 43 – (COMM. 10M-1) Quarterly Report of Assigned Counsel Program - 1st Quarter of 2023

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE ECIDA**

Item 44 – (COMM. 10M-2) ECIDA 2022 Annual Financial Statements

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE NYSERDA**

Item 45 – (COMM. 10M-3) Notice of Intent to Undertake an Action Within an Agricultural District - RPNY Solar 11, LLC's Two Rod Road Project in the Town of Marilla

Item 46 – (COMM. 10M-4) Notice of Intent to Undertake an Action Within an Agricultural District - RPNY Solar 10, LLC's Stolle Road Solar Project in the Town of Marilla

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

**ANNOUNCEMENTS**



Item 47 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, May 18, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, May 25, 2023.

Item 48 – Legislator Johnson announced that on Saturday, May 13, 2023, from 8:00 a.m. to 3:00 p.m., the inaugural Buffalo Black Caucus will conduct workshops on various topics to empower residents in many ways, as we mark the anniversary of the tragedy that occurred on May 14, 2022. The event is open to the public, Legislator Johnson added.

### **MEMORIAL RESOLUTIONS**

Item 49 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Bela S. Petho.

Item 50 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Joan K. Bozer.

Item 51 – Legislator Malczewski requested that when the Legislature adjourns, it do so in memory of Leonard J. Blizniak.

### **ADJOURNMENT**

Item 52 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. JOHNSON moved that the Legislature adjourn until Thursday, May 25, 2023 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, May 25, 2023 at 12:00 Noon.

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