

**ERIE COUNTY LEGISLATURE  
MEETING NO. 7  
APRIL 13, 2023**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – No tabled items.

Item 2 – Items for reconsideration from previous meeting.

MR. MILLS moved to reconsider COMM. 4E-23 as Amended, from the previous meeting.  
MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RE: 2023 Consolidated Bond Resolution  
(COMM. 4E-23, 2023 as Amended)

RESOLUTION NO. \_\_\_\_\_, 2023  
BOND RESOLUTION DATED \_\_\_\_\_, 2023

BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE "COUNTY"), AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS PROJECTS THAT WERE INCLUDED IN THE COUNTY'S 2023 CAPITAL BUDGET (COLLECTIVELY, THE "PROJECTS"), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECTS TO BE \$55,626,800, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF \$11,147,330 OF STATE AND FEDERAL AID) AND AUTHORIZING THE ISSUANCE OF UP TO \$44,479,470 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (COLLECTIVELY, THE "OBLIGATIONS") TO FINANCE THE BALANCE OF SUCH APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECTS TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF THE PROJECTS AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS.

(Introduced) \_\_\_\_\_, 2023

(Adopted) \_\_\_\_\_, 2023

WHEREAS, the County Legislature (the “Legislature”) of the County of Erie (the “County”), a municipal corporation of the State of New York (the “State”) has been in the process of planning various capital improvements projects (collectively, the “Projects”) that are listed on the schedule/listing of such Projects that is attached hereto and by this reference made a part hereof (the “Schedule”); and

WHEREAS, such planning has been undertaken, together with appropriate environmental compliance determination proceedings under the State Environmental Quality Review Act, by the County’s Energy and Environment Committee (the “Committee”) and/or the County’s Department of Environment & Planning (the “Department”), and has included such administrative actions as are necessary or required by the State or any federal agency with respect to assessing the potential environmental impacts of the Projects and ensuring the safety and security of persons and property in the County with respect to the Projects; and

WHEREAS, the Legislature, in accordance with the recommendations of the Committee and the Department, has determined: (A) that the Projects are in the public interest of the County and should be undertaken, (B) that there should be expended toward certain of the Projects \$11,147,330 of State and Federal aid, as noted on the Schedule; and (C) that there should be issued up to \$44,479,470 of bonds, notes, or other obligations of the County (collectively, the “Obligations”), to finance the balance of the estimated maximum cost of the Projects;

NOW, THEREFORE, BE IT

RESOLVED, by the Legislature (by the favorable vote of not less than two-thirds of all the members of the Legislature) as follows:

SECTION 1. The County is hereby authorized to undertake the Projects that are listed in column A of the Schedule, each as more fully described in column I of the schedule. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the duly adopted 2023 Capital Budget of the County (the “Budget”), the Budget shall be deemed to be, and hereby is, amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column B of the Schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the Schedule, and the respective amounts are hereby appropriated therefor in accordance with the Budget.

SECTION 2. The plan of financing for the Projects includes the expenditure of \$11,147,330 in State and Federal aid that has been or is expected to be received for certain of the Projects (as detailed on the Schedule), and, along with the issuance of up to \$44,479,470 of Obligations to finance the balance of the aggregate estimated maximum cost of the Projects, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of such Obligations 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 from the State of New York or other sources for the Projects are hereby authorized to be expended towards the cost of the Projects

or the redemption of any Obligations issued therefor, or to be budgeted as an offset to the taxes for payment of the principal of and interest on such Obligations.

SECTION 3. The respective periods of probable usefulness for the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which the \$44,479,470 of Obligations herein authorized are to be issued, within the limitations of §11.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), are set forth in column G of the Schedule. Obligations (including, without limitation, serial bonds of the County) in the respective principal amounts set forth in column D of the Schedule are hereby authorized to be issued pursuant to the provisions of the Law to finance the various objects or purposes that are listed on the Schedule.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized and (to the extent that such use has already occurred) is hereby ratified, pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution. The County intends to finance, and the County Comptroller, as the chief fiscal officer of the County (the “Comptroller”) 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 Obligations, out of any available funds of the County on an interim basis. The County reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) any earlier expression by the County of its intent to reimburse expenditures for the applicable Project(s) or any earlier iteration thereof) with the proceeds of the Obligations, to the extent consistent with the financing plan for such Project(s) as stated herein. This resolution shall constitute the declaration (or reaffirmation) of the County’s “official intent” to reimburse the expenditures authorized in this resolution with the proceeds of the Obligations, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the Obligations shall contain the recital of validity prescribed by §52.00 of the Law and the Obligations shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of New York). The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Obligations as the same respectively become due and payable. An annual appropriation shall be made in each year in the County budget sufficient to pay the principal of and interest on the Obligations becoming due and payable in such year and, to the extent not paid from other sources or charges, there shall annually be levied on all the taxable real property of the County a tax sufficient to pay the principal of and interest on such Obligations.

SECTION 6. 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, 62.00, 62.10, 63.00, 164.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing the issuance of Obligations in the form of notes, 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 procedures for

the sale and issuance of the Obligations, and relative to executing any agreements for credit enhancement, are hereby delegated to the Comptroller. Without in any way limiting the scope of the foregoing delegation of powers, the Legislature, to the extent permitted by Section 58.00(f) of the Local Finance Law, is hereby specifically authorized to accept bids for the Obligations that are submitted in electronic format. In the absence or unavailability of the Comptroller, the Deputy County Comptroller is hereby specifically authorized to exercise the powers delegated to the Comptroller in this resolution.

SECTION 7. When this resolution takes effect, the Clerk of the Legislature shall cause the same (or a summary thereof) to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Law, in the Buffalo Challenger and the Lancaster Bee, which are newspapers having general circulation in the County and published in the County. The validity of the Obligations may thereafter be contested only if the Obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or if the Obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 8. Prior to the issuance of any Obligations, the County (acting through the Committee and the Department and, to the extent necessary or appropriate, the Legislature) has or will have complied (to the extent not accomplished already) with any applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with the environmental quality review process relating to the Projects (collectively, the “Environmental Compliance Proceedings”). In the event that any of such Environmental Compliance Proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this resolution, the Legislature will re-adopt, amend or modify this resolution prior to the issuance of the relevant Obligations, to the extent required and acting upon the advice of counsel. It is hereby determined by the Legislature, on the basis of the Environmental Compliance Proceedings and the findings of the Committee and/or the Department, that to the extent that the Environmental Compliance Proceedings may apply to the Projects, the Projects (when assessed either individually or in the aggregate) will not result in a significant adverse impact on the environment.

SECTION 9. The County intends to issue the Obligations to finance a portion of the aggregate cost of the Projects. The Comptroller is hereby authorized to covenant, in the name and on behalf of the County and for the benefit of the holders and beneficial owners of the Obligations, that the County will not make any use of the proceeds of the Obligations, or any funds reasonably expected to be used to pay the principal of or interest on the Obligations or any other funds of the County, and will not make any use of the facilities to be financed with the proceeds of the Obligations that would cause the interest on the Obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) or subject the County to any penalties under Section 148 of the Code, and that the County will not take any action or omit to take any action with respect to the Obligations, the proceeds thereof or any facilities to be financed thereby if such action or omission would cause the interest on the Obligations to become subject to

federal income taxation under the Code or subject the County to any penalties under Section 148 of the Code.

SECTION 10. For the benefit of the holders and beneficial owners from time to time of the Obligations, the County agrees, in accordance with and as an obligated person with respect to the Obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination thereof, the Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Clerk to the Legislature, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the Obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the Comptroller on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall constitute the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the County with its various continuing disclosure agreements, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Comptroller shall consult with, as appropriate, the County Attorney and the County's bond counsel, the County's municipal advisor, or another qualified independent special counsel to the County. The Comptroller, acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

SECTION 11. The Comptroller is hereby specifically authorized to act, on the advice of bond counsel at the time of the issuance of the Obligations, to designate such Obligations, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 12. The Comptroller is further authorized to call in and redeem any outstanding Obligations that were issued pursuant to this bond resolution (at such times and in such amounts and maturities as may be deemed appropriate after consultation with the County officials and the County's municipal advisor), to approval any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such call(s) for redemption pursuant to Section 53.00 of the Law, with the understanding that no such call(s) for redemption will be made unless such notice of redemption shall have first been filed with the Clerk of the Legislature.

SECTION 13 This bond resolution shall take effect immediately upon approval by the County Executive.

[\\*\\*\\*See Chart of Components](#)

MR. MEYERS moved to amend the amendment to COMM. 4E-23 as Amended. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Amend the Amendment to COMM. 4E-23 as Amended as Follows:

RESOLUTION NO. 47, 2023

BOND RESOLUTION DATED APRIL 13, 2023

BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE "COUNTY"), AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS PROJECTS THAT WERE INCLUDED IN THE COUNTY'S 2023 CAPITAL BUDGET (COLLECTIVELY, THE "PROJECTS"), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECTS TO BE \$46,459,500, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF \$8,647,330 OF STATE AND FEDERAL AID) AND AUTHORIZING THE ISSUANCE OF UP TO \$37,812,170 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (COLLECTIVELY, THE "OBLIGATIONS") TO FINANCE THE BALANCE OF SUCH APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECTS TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF THE PROJECTS AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS.

(Introduced) April 13, 2023

(Adopted) April 13, 2023

WHEREAS, the County Legislature (the "Legislature") of the County of Erie (the "County"), a municipal corporation of the State of New York (the "State") has been in the process of planning various capital improvements projects (collectively, the "Projects") that are listed on the schedule/listing of such Projects that is attached hereto and by this reference made a part hereof (the "Schedule"); and

WHEREAS, such planning has been undertaken, together with appropriate environmental compliance determination proceedings under the State Environmental Quality Review Act, by the County's Energy and Environment Committee (the "Committee") and/or the County's Department of Environment & Planning (the "Department"), and has included such administrative actions as are necessary or required by the State or any federal agency with respect to assessing the potential

environmental impacts of the Projects and ensuring the safety and security of persons and property in the County with respect to the Projects; and

WHEREAS, the Legislature, in accordance with the recommendations of the Committee and the Department, has determined: (A) that the Projects are in the public interest of the County and should be undertaken, (B) that there should be expended toward certain of the Projects \$8,647,330 of State and Federal aid, as noted on the Schedule; and (C) that there should be issued up to \$37,812,170 of bonds, notes, or other obligations of the County (collectively, the “Obligations”), to finance the balance of the estimated maximum cost of the Projects;

NOW, THEREFORE, BE IT

RESOLVED, by the Legislature (by the favorable vote of not less than two-thirds of all the members of the Legislature) as follows:

SECTION 1. The County is hereby authorized to undertake the Projects that are listed in column A of the Schedule, each as more fully described in column I of the schedule. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the duly adopted 2023 Capital Budget of the County (the “Budget”), the Budget shall be deemed to be, and hereby is, amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column B of the Schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the Schedule, and the respective amounts are hereby appropriated therefor in accordance with the Budget.

SECTION 2. The plan of financing for the Projects includes the expenditure of \$8,647,330 in State and Federal aid that has been or is expected to be received for certain of the Projects (as detailed on the Schedule), and, along with the issuance of up to \$37,812,170 of Obligations to finance the balance of the aggregate estimated maximum cost of the Projects, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of such Obligations 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 from the State of New York or other sources for the Projects are hereby authorized to be expended towards the cost of the Projects or the redemption of any Obligations issued therefor, or to be budgeted as an offset to the taxes for payment of the principal of and interest on such Obligations.

SECTION 3. The respective periods of probable usefulness for the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which the \$37,812,170 of Obligations herein authorized are to be issued, within the limitations of §11.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), are set forth in column G of the Schedule. Obligations (including, without limitation, serial bonds of the County) in the respective principal amounts set forth in column D of the Schedule are hereby authorized to be issued pursuant to the provisions of the Law to finance the various objects or purposes that are listed on the Schedule.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is

hereby authorized and (to the extent that such use has already occurred) is hereby ratified, pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution. The County intends to finance, and the County Comptroller, as the chief fiscal officer of the County (the "Comptroller") 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 Obligations, out of any available funds of the County on an interim basis. The County reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) any earlier expression by the County of its intent to reimburse expenditures for the applicable Project(s) or any earlier iteration thereof) with the proceeds of the Obligations, to the extent consistent with the financing plan for such Project(s) as stated herein. This resolution shall constitute the declaration (or reaffirmation) of the County's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the Obligations, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the Obligations shall contain the recital of validity prescribed by §52.00 of the Law and the Obligations shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of New York). The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Obligations as the same respectively become due and payable. An annual appropriation shall be made in each year in the County budget sufficient to pay the principal of and interest on the Obligations becoming due and payable in such year and, to the extent not paid from other sources or charges, there shall annually be levied on all the taxable real property of the County a tax sufficient to pay the principal of and interest on such Obligations.

SECTION 6. 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, 62.00, 62.10, 63.00, 164.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing the issuance of Obligations in the form of notes, 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 procedures for the sale and issuance of the Obligations, and relative to executing any agreements for credit enhancement, are hereby delegated to the Comptroller. Without in any way limiting the scope of the foregoing delegation of powers, the Legislature, to the extent permitted by Section 58.00(f) of the Local Finance Law, is hereby specifically authorized to accept bids for the Obligations that are submitted in electronic format. In the absence or unavailability of the Comptroller, the Deputy County Comptroller is hereby specifically authorized to exercise the powers delegated to the Comptroller in this resolution.

SECTION 7. When this resolution takes effect, the Clerk of the Legislature shall cause the same (or a summary thereof) to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Law, in the Buffalo Challenger and the Lancaster Bee, which are newspapers having general circulation in the County and published in the County. The validity of the Obligations may thereafter be contested only if the Obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which



should have been complied with at the date of the publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or if the Obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 8. Prior to the issuance of any Obligations, the County (acting through the Committee and the Department and, to the extent necessary or appropriate, the Legislature) has or will have complied (to the extent not accomplished already) with any applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with the environmental quality review process relating to the Projects (collectively, the “Environmental Compliance Proceedings”). In the event that any of such Environmental Compliance Proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this resolution, the Legislature will re-adopt, amend or modify this resolution prior to the issuance of the relevant Obligations, to the extent required and acting upon the advice of counsel. It is hereby determined by the Legislature, on the basis of the Environmental Compliance Proceedings and the findings of the Committee and/or the Department, that to the extent that the Environmental Compliance Proceedings may apply to the Projects, the Projects (when assessed either individually or in the aggregate) will not result in a significant adverse impact on the environment.

SECTION 9. The County intends to issue the Obligations to finance a portion of the aggregate cost of the Projects. The Comptroller is hereby authorized to covenant, in the name and on behalf of the County and for the benefit of the holders and beneficial owners of the Obligations, that the County will not make any use of the proceeds of the Obligations, or any funds reasonably expected to be used to pay the principal of or interest on the Obligations or any other funds of the County, and will not make any use of the facilities to be financed with the proceeds of the Obligations that would cause the interest on the Obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) or subject the County to any penalties under Section 148 of the Code, and that the County will not take any action or omit to take any action with respect to the Obligations, the proceeds thereof or any facilities to be financed thereby if such action or omission would cause the interest on the Obligations to become subject to federal income taxation under the Code or subject the County to any penalties under Section 148 of the Code.

SECTION 10. For the benefit of the holders and beneficial owners from time to time of the Obligations, the County agrees, in accordance with and as an obligated person with respect to the Obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination thereof, the Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Clerk to the Legislature, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the Obligations in accordance with the Rule, with any

changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the Comptroller on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall constitute the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the County with its various continuing disclosure agreements, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Comptroller shall consult with, as appropriate, the County Attorney and the County's bond counsel, the County's municipal advisor, or another qualified independent special counsel to the County. The Comptroller, acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

SECTION 11. The Comptroller is hereby specifically authorized to act, on the advice of bond counsel at the time of the issuance of the Obligations, to designate such Obligations, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 12. The Comptroller is further authorized to call in and redeem any outstanding Obligations that were issued pursuant to this bond resolution (at such times and in such amounts and maturities as may be deemed appropriate after consultation with the County officials and the County's municipal advisor), to approval any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such call(s) for redemption pursuant to Section 53.00 of the Law, with the understanding that no such call(s) for redemption will be made unless such notice of redemption shall have first been filed with the Clerk of the Legislature.

SECTION 13 This bond resolution shall take effect immediately upon approval by the County Executive.

[\\*\\*\\*\\*See Chart of Components](#)

MR. MEYERS moved to approve COMM. 4E-23 as Amended. MR. GILMOUR 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.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 6 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – Miscellaneous Resolutions were offered, as follows:

BASKIN	Happy 60th Birthday Pastor George Nicholas
GILMOUR	In Remembrance of Johnnie Franklin Jr.
BASKIN & JOHNSON	Acknowledging and Recognizing National Minority Health Month
BASKIN & JOHNSON	Acknowledging and Recognizing National Financial Literacy Month
JOHNSON	Celebrating and Honoring National Borinqueneers Day
BARGNESI & KOOSHOIAN	Congratulating and Recognizing Mia Madore
BARGNESI & KOOSHOIAN	Happy 120th Birthday - City of Tonawanda
BARGNESI & KOOSHOIAN	Congratulating RJ Gicewicz on Being Named Director of Nichols Boys Youth Hockey Program and Head Coach – Boys 18U Prep Program
BARGNESI, BASKIN, GILMOUR, JOHNSON, KOOSHOIAN, MEYERS & VINAL	In Remembrance of Emily Calvin Swans Ruff
VINAL	Congratulating and Recognizing Roseanne Butler-Smith on a Phenomenal Career
VINAL	Recognizing Ted Luckett as the New Principal of St. Gregory the Great
GILMOUR	Celebrating the 12th Anniversary of Waterstone Grill
GILMOUR	Congratulating and Recognizing Patrick Denecke
MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Matthew Spina on His Retirement from the Buffalo News

MILLS, TODARO, GREENE  
& MALCZEWSKI

Honoring Robert J. McCarthy on His Retirement from  
the Buffalo News

MILLS, TODARO, GREENE  
& MALCZEWSKI

Honoring Susan Martin on Her Retirement from the  
Buffalo News

MILLS, TODARO, GREENE  
& MALCZEWSKI

Honoring Paul Ehret on His Retirement from the Buffalo News

MILLS, TODARO, GREENE  
& MALCZEWSKI

Celebrating National Public Safety Telecommunicators  
Week April 9-15, 2023

GREENE

Honoring the Smallwood Garden Club on National  
Gardening Day

GREENE

Recognizing Neil Frank and Proclaiming April 17-23,  
2023 Volunteer Week in Erie County

GREENE

Honoring the Town and Country Garden Club on  
National Gardening Day

GREENE

Recognizing Donna Lasker and Proclaiming April 17-23,  
2023 Volunteer Week in Erie County

GREENE

Recognizing Harold Schnitzer and Proclaiming April 17-23,  
2023 Volunteer Week in Erie County

GREENE

Honoring the Amherst Garden Club on National  
Gardening Day

TODARO

Honoring the Cheektowaga Garden Club on National  
Gardening Day

TODARO

Recognizing and Honoring Douglas Lahnen for 50 Years  
of Service to the Lancaster Fire Department

TODARO

Honoring and Recognizing Lancaster Dispatch Service During  
National Public Safety Telecommunicators Week  
April 9-15, 2023

TODARO

Honoring and Recognizing Depew Dispatch Service  
During National Public Safety Telecommunicators Week  
April 9-15, 2023

TODARO	Honoring the 125th Anniversary of Cayuga Hose Company #3
MALCZEWSKI	Recognizing Gardenvue Restaurant for Outstanding Customer Service
MALCZEWSKI	Congratulating Dennis Powers on Becoming President of the Association of Towns of the State of New York
MALCZEWSKI	Congratulating Calvin McCabe on His Retirement from the Elma Volunteer Fire Company
MALCZEWSKI	Congratulating Joseph Gauthier on 45 Years of Service with the Elma Volunteer Fire Company
MILLS	Celebrating the 100th Anniversary of the Farnham Volunteer Fire Department
MILLS	Honoring Fran Hogenkamp for His 21 Years of Service as Orchard Park Trustee
MILLS	Honoring George Cordia Jr. for 52 Years of Service to the Farnham Volunteer Fire Department
MILLS	Honoring the Eden Garden Study Club on National Gardening Day
MILLS	Honoring the Orchard Park Garden Club on National Gardening Day
MILLS	Honoring the Evans Garden Club on National Gardening Day

MR. MEYERS moved for consideration of the above thirty-nine items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-nine 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. 1 (Print #2) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 2 (Print #2) 2023 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 11 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2023 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 12 – MR. MEYERS presented the following report, moved to separate items Number 2 and Number 3, and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

March 30, 2023	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS & CHAIR MEYERS.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6E-2 (2023)  
COMPTROLLER: “Department of Law Risk Retention Fund Spending - December 2022”  
(Acting Chair’s Ruling)
  - b. COMM. 6E-5 (2023)  
COUNTY EXECUTIVE: “2020-2022 Consolidated Bond Projects”  
(Acting Chair’s Ruling)
  - c. COMM. 6D-1 (2023)  
DIRECTOR OF REAL PROPERTY TAX SERVICES: “Cost to Prepare City of Tonawanda Tax Rolls & Bills”  
(Acting Chair’s Ruling)
  - d. COMM. 6D-2 (2023)  
DIRECTOR OF REAL PROPERTY TAX SERVICES: “Cost to Prepare Village Tax Rolls & Bills”  
(Acting Chair’s Ruling)
  - e. COMM. 6D-4 (2023)  
DIRECTOR OF REAL PROPERTY TAX SERVICES: “Cost to Prepare School District Tax Rolls & Bills”  
(Acting Chair’s Ruling)
2. COMM. 6E-6 (2023)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Parks, Recreation & Forestry has contracted with an outside vendor for a number of years to operate the concession area at Grover Cleveland Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments for park patrons to enjoy throughout the golf season; and

WHEREAS, The 19<sup>th</sup> @ Grover Grill, LLC of West Seneca, NY provided the only proposal for service, as well as a revenue fee for the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the Erie County Executive to enter into an agreement with The 19<sup>th</sup> @ Grover Grill, LLC for operation of the concession stand at Grover Cleveland Golf Course; and be it further

RESOLVED, the Erie County Department of Parks, Recreation & Forestry will receive 5% of monthly gross revenues from The 19<sup>th</sup> @ Grover Grill, LLC for the length of the contract; and be it further

RESOLVED, the Clerk of the Legislature send certified copies of this Resolution to the County Executive’s Office, the Division of Budget and Management, the Department of Law, and the Department of Parks, Recreation & Forestry.  
(3-0)

3. COMM. 6E-15 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry has never charged for special events held at our facilities; and

WHEREAS, these special events often require additional planning, closures, and labor before, during, and after by Parks Department employees above and beyond their regular duties; and

WHEREAS, many municipal parks departments across the country, including the City of Buffalo, have various fees to account for additional costs associated with such events; and

WHEREAS, this will generate a new revenue source for the County to help cover the costs borne by the Parks Department to host such events; and

WHEREAS, as per recommendations made in the 2019 Erie County Parks Master Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of the below schedule of Special Event fees:

FEE	AMOUNT	NOTES
Single Event Fee	\$200/day	Includes walks, races, festivals, and any like event.
Seasonal Event Fee	\$500/season	Per event series (an event series is considered 3 days or more).

and be it further

RESOLVED, that such fees will be collected within the Department of Parks, Recreation & Forestry’s General Fund Budget, Fund 110, Funds Center 16410, Account # 418590 – Special Events Receipts; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive’s Office, the Division of Budget & Management, the Department of Law and the Department of Parks, Recreation & Forestry.  
(3-0)

**MICHAEL H. KOOSHOIAN**



ACTING CHAIR

MR. MEYERS moved to amend item Number 2. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

Delete the Second Resolved Clause and Replace with the Following:

RESOLVED, the Erie County Department of Parks, Recreation & Forestry will receive 5% of monthly gross revenues from The 19<sup>th</sup> @ Grover Grill, LLC for three years; and be it further

MR. MEYERS moved to approve item Number 2 as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN directed that item Number 3 be returned to the FINANCE & MANAGEMENT COMMITTEE for further consideration.

Item 13 – MR. GILMOUR presented the following report, moved to separate item Number 4, and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

March 30, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. COMM. 6E-3 (2023)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the re-appointment of Commissioner Marie Cannon, MSW, to the position of the Commissioner of the Department of Social Services.

(5-0)

2. COMM. 6E-7 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Health Foundation of Western and Central New York had previously awarded the Department of Senior Services a \$10,946 Age-Friendly Center for Excellence grant (163AFCE1921) to help facilitate the County’s becoming an Age-Friendly Center of Excellence by covering travel and training costs of employees working on the initiative; and

WHEREAS, the grantor has now offered a no-cost grant extension through December 31, 2023 to complete grant activities; and

WHEREAS, the grant remains 100% funded by the grantor.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to extend the grant award and amend the contract with Health Foundation for Western & Central New York for an additional twelve-month period ending December 31, 2023; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust items of appropriations and revenues which may be impacted by this grant; and be it further

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

(5-0)

3. COMM. 6E-12 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Children with Special Needs Division currently contracts with several tuition based programs; and

WHEREAS, according to the New York State Education Department (NYSED), if a Committee on Preschool Special Education places a child in a NYSED approved program, the county must contract with that program at rates fixed by NYSED; and

WHEREAS, the Clarence School District Committee on Preschool Special Education has placed a preschool student from Erie County with the Empower Children's Academy located in Niagara County; and

WHEREAS, the Empower Children's Academy is an approved NYS Education Department Preschool Special Education Program; and

WHEREAS, funds are available in Account 528000 Services to Handicapped Children to cover the costs incurred.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to enter into contract with the Empower Children's Academy; and be it further

RESOLVED, that sufficient funds are available to cover the cost of this contract within the Department of Health's Division of Children with Special Needs General Fund Budget in Account 528000 – Services to Handicapped Children; and be it further

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

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management, and to the Commissioner of the Department of Health.

(5-0)

4. COMM. 6E-13 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Health's Public Health Laboratory needs to upgrade its software; and

WHEREAS, the current software is twenty years old and does not have many of the necessary functions for the operations of the laboratory; and

WHEREAS, upgrading the software will allow better tracking of billing, revenue, insurance collections, and many more functions necessary for the laboratory's operations; and

WHEREAS, a request for proposals committee reviewed proposals from four separate companies and selected I3 Verticals Healthcare d/b/a H-Pac Computer Systems based on the laboratory's needs and the cost of services; and

WHEREAS, the upgraded software will increase the productivity and efficiency of the administrative staff and provide more accurate accounting and reports.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with I3 Verticals Healthcare d/b/a H-Pac Computer Systems for an amount not to exceed \$33,000; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract exist within the Health Department's (fund 110, Funds Center 1273010) 2023 General Fund Budget in Account 516020 – Professional Services, Contracts and fees; and it be further

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

(5-0)

5. COMM. 6E-14 (2023)  
COUNTY EXECUTIVE

WHEREAS, the Department of Health's Public Health Laboratory uses software to maintain accurate reporting, test results, inventory, and many more functions as part of its operations; and

WHEREAS, the laboratory currently contracts with ApolloLIMS for this software and the technical support for it as needed; and

WHEREAS, ApolloLIMS will soon begin doing business as CliniSys, Inc.; and

WHEREAS, the laboratory seeks authorization to enter into contract with ApolloLIMS d/b/a CliniSys, Inc. to avoid any lapse in coverage for technical support; and

WHEREAS, the software helps maintain the productivity and efficiency of the laboratory to provide information in an accurate and timely manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with ApolloLIMS d/b/a CliniSys, Inc.; and be further

RESOLVED, the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, and the Department of Health.

(5-0)

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

MR. GILMOUR moved to amend item Number 4. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

Delete the First Resolved Clause and Replace with the Following:

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with I3 Verticals Healthcare d/b/a H-Pac Computer Systems for up to five years and an amount not to exceed \$78,450; and be it further

MR. GILMOUR moved to approve item Number 4 as amended. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

Item 14 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded. MS. VINAL voted in the negative.

CARRIED. (10-1)

RESOLUTION NO. 50

RE: Support for a Moratorium and  
Plan on Co-Mingling Events on  
Chippewa Street  
(INTRO. 7-1)

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

WHEREAS, the bars and nightclubs in the Chippewa and Central Business districts are regional nightlife attractions in Western New York; and

WHEREAS, this honorable body desires that Downtown remains attractive to a diverse audience so that it remains economically viable and contributes to a positive area image; and

WHEREAS, concerns have been raised in the past about young people under 21 years of age congregating in the Chippewa and Central Business districts and gaining access to alcoholic beverages; and

WHEREAS, downtown Buffalo has dealt with recently disturbances involving young people at retail businesses, coffee shops, and most notably at the Central Library; and

WHEREAS, underage patrons are in part drawn to the districts by co-mingling events offered by bars, night clubs, and promoters where eighteen to twenty-year old (18-20) are allowed entrance for a promotional event; and

WHEREAS, the Buffalo Common Council is now considering applications for additional co-mingling events that would make them an almost constant presence on Chippewa Street; and

WHEREAS, in an effort to promote safety of our young people, a plan with best practices for underage events should be developed to ensure our underage population has enjoyable events in a safe environment as a component of Buffalo's Entertainment District.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body urges The City of Buffalo Common Council not to approve any new co-mingling events until a coordinate plan is developed between City of Buffalo, Buffalo Place, Chippewa Alliance, and other stakeholders, including members of the 18-20-year-old demographic; and

RESOLVED, this honorable body recommends that any plan develop consider factors such as the quantity of events in certain timeframe, the time events are held, and partnership with youth support organizations on co-mingling events; and

RESOLVED, that certified copies of this resolution be sent to the Mayor of Buffalo, the Buffalo Common Council President, Buffalo Place, Chippewa Alliance, and any other person or entity deemed necessary.

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

MS. VINAL moved to send the resolution to committee for further consideration. No second.

FAILED.

CHAIR BASKIN moved the previous question (the motion to amend the resolution).

CARRIED UNANIMOUSLY.

Amend the Title of the Resolution as Follows:

Re: Support for a Plan for Young Adult Events in Downtown Buffalo

Amend the First Resolve Clause as Follows:

RESOLVED, this honorable body supports the development of a coordinated plan between City of Buffalo, Buffalo Place, Chippewa Alliance, and other stakeholders, including members of the 18-20-year-old demographic; and

MR. MEYERS moved to approve the resolution as amended. 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 and MR. MEYERS. NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

Item 15 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

RE: Extending the Public Benefit Contract with The Research Foundation for SUNY into 2023 (INTRO. 7-2)

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

WHEREAS, in the amended and adopted 2022 Erie County Budget, the Legislature appropriated \$50,000 to Amherst 2021 Summer Math Camp in funding in the Community/Neighborhood Development Fund Center (Account #518629) for the purpose of providing a summer camp to enhance math skills for our youth in a fun, engaging way; and

WHEREAS, the Amherst 2021 Summer Math Camp was administered by The Research Foundation for SUNY (Buffalo State Campus) and the agency has not utilized all of the funds and wishes to continue the work into 2023 with the unspent 2022 funds; and

WHEREAS, the Department of Law has determined that in order for use of the funds to continue into 2023 and to extend the contract with The Research Foundation for the State University of New York, legislative assent via legislative resolution is necessary.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby expresses its support for, and approval for the extension of a contract with The Research Foundation for the State University of New York for its Amherst 2022 Summer Math Camp in the Community/Neighborhood Development Fund Center, Fund Center #1332010, Account #518629; and be it further

RESOLVED, that at year-end 2022, the 2022 contract and appropriation for The Research Foundation for the State University of New York for its Amherst 2022 Summer Math Camp had approximately \$785.96 available of unutilized funds, which are available for carry-forward and use on the initiative in 2023 under an extended/amended contract; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney, the Director of Budget and Management, the Commissioner of Environment and Planning, and The Research Foundation for the State of University of New York (Buffalo State Campus).

Item 16 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

RE: Requesting Certain Reports and  
Database Information  
(INTRO. 7-3)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS BASKIN, MEYERS & MILLS**

WHEREAS, the Erie County Legislature is responsible for making revenue and investment decisions for an approximately \$2 billion budget; and

WHEREAS, in order to best analyze the budget and monitor implementation of investment decisions and the realization of anticipated revenue, it would be helpful to be provided with certain additional information at regular intervals; and

WHEREAS, regular updates regarding the status of certain projects is important to be responsive to constituent inquiries regarding the use of their tax dollars; and

WHEREAS, broader access to run reports from the county's SAP database system is also needed.

NOW, THEREFORE, BE IT

RESOLVED, that each Erie County Legislator, and staff as designated by the Chair of the Legislature and Leader of the Minority, be given global access to run reports from the SAP system; and be it further

RESOLVED, that the Erie County Executive's Office is directed to compile and submit a monthly report briefly providing the status of each outstanding capital project, the total cost of the project, the amount borrowed, the amount spent, the amount committed, the amount available, the total interest paid (if bonded) and the expected completion date of the project; and be it further

RESOLVED, that copies of this resolution be forwarded to the Erie County Executive and the Director of Budget and Management.

MR. MEYERS moved to amend the resolution to include Et Al Sponsorship. MR. GREENE seconded.

CARRIEED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

RE: Appointment to Buffalo Olmsted  
Parks Conservancy Board of  
Trustees  
(INTRO. 7-4)

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

WHEREAS, under its by-laws, the Buffalo Olmsted Parks Conservancy, Section 3.21 "Appointed Trustees," states that among its membership one trustee shall be appointed by the Erie County Legislature, and "shall have all the attributes and responsibilities of Board membership"; and

WHEREAS, this honorable body desires to appoint a trustee with a strong connection to the community and with tangible skills to bring to a board's needs; and



WHEREAS, Sia Rodgers has a strong commitment to serving her community and has an ideal background in finance & marketing to assist the organization with its management and fundraising efforts.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body designates Sia Rodgers as its appointee to the Buffalo Olmsted Parks Conservancy Board of Trustees; and

RESOLVED, that certified copies of this resolution be sent to the Buffalo Olmsted Parks Conservancy, the Buffalo Olmsted Parks Conservancy Board of Trustees Chair, and Sia Rodgers.

Item 18 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

RE: Re-Appropriation of 2023 Public  
Benefit Funding  
(INTRO. 7-5)

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

WHEREAS, Green Options Buffalo was awarded \$25,000 in public benefit funding by the Erie County Legislature in the adopted 2023 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518743; and

WHEREAS, an additional organization has been identified that will be working on a similar initiative and the organization, Village ENGAGED, requires funding; and

WHEREAS, as in similar 2020, 2021 and 2022 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 \$5,000 of 2023 public benefit funding to Village ENGAGED; 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.

Item 19 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

RE: Re-Appropriation of 2023 Public  
Benefit Funding  
(INTRO. 7-6)

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

WHEREAS, Erie Regional Housing Development Corporation (Belle Center) was awarded \$65,000 in public benefit funding by the Erie County Legislature in the adopted 2023 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518089; and

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

WHEREAS, as in similar 2020, 2021 and 2022 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 \$65,000 of 2023 public benefit funding to the Resource Council of WNY Inc.; 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**

None.

**SUSPENSION OF THE RULES**

None.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR MILLS**

Item 20 – (COMM. 7E-1) Board Appointment Recommendation

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM CHAIR BASKIN**

Item 21 – (COMM. 7E-2) Public Notice Concerning Position of Commissioner of the ECWA

Item 22 – (COMM. 7E-3) Letter to Democratic Party Caucus Regarding Position of Commissioner of the ECWA

Item 23 – (COMM. 7E-4) Letter to Republican Party Caucus Regarding Position of Commissioner of the ECWA

Item 24 – (COMM. 7E-5) Letter to Conservative Party Member Regarding Position of Commissioner of the ECWA

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

**FROM LEGISLATOR MEYERS**

Item 25 – (COMM. 7E-6) Letter of Absence from February 15, 2023

Received, filed and printed.

March 27, 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 February 15, 2023 Legislature Session #4. Due to recovery from recent surgery, I was unable to attend the meeting.

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

Sincerely,

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

FROM THE COMPTROLLER

Item 26 – (COMM. 7E-7) Dec. 2022 - Feb. 2023 Sales & Compensating Use Tax Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 7E-8) New Stadium Complex in Orchard Park Involving NYS & Buffalo Bills

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 28 – (COMM. 7E-9) Department of Law Risk Retention Fund Spending - Jan. & Feb. 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 29 – (COMM. 7E-10) Mindful Awareness Skill-Building Workshops for Project Blue Participants

Item 30 – (COMM. 7E-11) Award Professional Services Contract for Pharmacy Services for the Holding Center & Correctional Facility

Item 31 – (COMM. 7E-12) Erie County Sheriff's Office - FY 2022 Operation Stonegarden Grant

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

RE: Reconstruction of Kenmore Ave., from  
Sheridan Dr. to Grand Island Blvd  
(COMM. 7E-13)

WHEREAS, it is desired to reconstruct Kenmore Avenue (CR 189) from Sheridan Drive (NYS 325) to Grand Island Boulevard (NYS 324), including complete pavement replacement and drainage modification; and

WHEREAS, the Legislature previously approved participation in the Project via COMM. 3E-25 dated February 17, 2022; and

WHEREAS, the department wishes to award the construction contract to the lowest responsible bidder, Union Concrete and Construction Corp. (UCC), in the amount of \$3,076,417, enter into a construction period services agreement with CHA for \$286,000 and establish a project contingency of \$502,583 with the project total not to exceed \$3,865,000; and

WHEREAS, the estimated total cost of the Project is \$3,865,000, and is available in Fund 420, Funds Center 123, Capital Projects B.22001 - 2022 Kenmore Avenue and B.23XXX – 2023 Kenmore Avenue pending the approval of COMM. 4E-23 (2023) – the 2023 Consolidated Bond Resolution; and

WHEREAS, the Department of Public Works wishes to implement the project in a timely manner for construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to award and execute an agreement between the County of Erie and CHA Consulting, Inc., for construction administration and inspection services in the amount of \$286,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to award and execute a construction contract between the County of Erie and Union Concrete and Construction, Corp. for construction services in the amount of \$3,076,417; and be it further

RESOLVED, that authorization is hereby given to the County Executive to establish a project contingency in the amount of \$502,583 with a project total not to exceed \$3,865,000; and be it further

RESOLVED, the authorization is hereby given to the County Executive to execute any necessary change orders, amendments and agreements; and be it further

RESOLVED, that with the anticipated approval of COMM. 4E-23 (2023) – the 2023 Consolidated Bond Resolution by the Legislature on April 13, 2023, \$865,000 in funding will be authorized and available as B.23XXX – 2023 Kenmore Avenue; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Fund 420, Fund Center 123, as follows:

B.22001	2022 Kenmore Avenue	\$ 3,000,000
<u>B.23XXX</u>	<u>2023 Kenmore Avenue</u>	<u>\$ 865,000</u>
Total Not to Exceed		\$ 3,865,000

and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copy of this Resolution to the Department of Public Works, Division of Highways, and also one (1) copy each to the County Executive's Office, the Comptroller's Office, and the Division of Budget and Management.

Item 33 – (COMM. 7E-14) Replacements of 2022 Culvert Group 1 - Towns of Boston & Eden

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 34 – (COMM. 7E-15) Approving Amended Agreement for Intercampus Student Transportation - SUNY Erie

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 35 – (COMM. 7E-16) PILOT Agreement for Solar Energy Systems - 871 Whitehaven Rd., Town of Grand Island

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 36 – (COMM. 7E-17) WNY Regional Clean Energy Hub Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 37 – (COMM. 7E-18) Contract with the ECIDA for the Relocation of Railroad on the Former Bethlehem Steel Site

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – (COMM. 7E-19) ECSD No. 3 - Engineer Contract Agreement

Item 39 – (COMM. 7E-20) ECSD No. 8 - East Aurora Water Resource Recovery Facility Control Building Improvements

Item 40 – (COMM. 7E-21) ECSD No. 6 - Engineer Term Contract Agreement

Item 41 – (COMM. 7E-22) ECSD No. 2 - Engineering Term Contract Agreement

Item 42 – (COMM. 7E-23) ECSD No. 3 - Southtowns Advanced Wastewater Treatment Facility Electrical Substation & Plant-Wide Generator Equipment Procurement

Item 43 – (COMM. 7E-24) Placeholder - Energy & Environment Committee

Item 44 – (COMM. 7E-25) Erie County Parks Signage Phase 1 Construction

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

Item 45 – (COMM. 7E-26) 2023 Public Works Projects - Authorization to Appropriate Funds & Enter Into Contracts

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPUTY COMPTROLLER OF AUDIT**

Item 46 – (COMM. 7D-1) Audit of the Department of Law - Notification of Expanded Scope of the Indigent Defense Program to Include Claim Reimbursements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE CLERK OF LEGISLATURE**

Item 47 – (COMM. 7D-2) Letters of Interest & Resumes for Position of Commissioner of the ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 48 – (COMM. 7D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DEPUTY COMPTROLLER OF AUDIT**

Item 49 – (COMM. 7D-4) EC Comptroller's Office Audit of the Department of Law

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM PEGGY A. LAGREE

Item 50 – (COMM. 7M-1) Letter of Interest - Commissioner ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY MEDICAL CENTER CORPORATION

Item 51 – (COMM. 7M-2) 2022 Annual Report of ECMCC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 52 – (COMM. 7M-3) NFTA Revised Budget for FYE 24

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DEC

Item 53 – (COMM. 7M-4) DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Crowley Ave., Buffalo

Item 54 – (COMM. 7M-5) DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Main St., Buffalo

Item 55 – (COMM. 7M-6) DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Fillmore Ave., Buffalo

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

FROM NYSERDA

Item 56 – (COMM. 7M-7) Notice of Intent to Undertake an Action Within an Agricultural District - Town of Grand Island

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF TAXATION & FINANCE

Item 57 – (COMM. 7M-8) List of Certified 2023 State Equalization Rates

Item 58 – (COMM. 7M-9) List of Certified 2023 State Equalization Rates

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



**ANNOUNCEMENTS**

Item 59 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, April 20, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, April 27, 2023.

Chair Baskin also announced that a public hearing will be held concerning Local Law Intro. 3-1 (2023), The Videoconferencing Participation Act, at 6:00 p.m. on Thursday, April 20, 2023, and Local Law Intro. 1-2 (2023), Providing for 10% Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers in Erie County, at 6:15 p.m., in the Legislature Chambers.

Finally, Chair Baskin announced that County Executive Poloncarz will hold his State of the County address at the Buffalo and Erie County Public Library, Main Branch, this afternoon at 4:00 p.m.

**MEMORIAL RESOLUTIONS**

Item 60 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Laura Barish-Vincent.

Item 61 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Steve W. Bugary.

Item 62 – Legislator Malczewski requested that when the Legislature adjourns, it do so in memory of Barbara Rudnicki, and Thomas Seibor.

Item 63 – Legislator Bargnesi requested that when the Legislature adjourns, it do so in memory of Karen J. Mang.

Item 64 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of Brian P. Connors.

Item 65 – Legislator Kooshoian requested that when the Legislature adjourns, it do so in memory of J. Michael Lennon.

Item 66 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Baldassare Mistretta and Kwame Brathwaite.

**ADJOURNMENT**

Item 67 – 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, April 27, 2023 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, April 27, 2023 at 12:00 Noon.

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