

ERIE COUNTY LEGISLATURE
MEETING NO. 4
FEBRUARY 16, 2023

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Meyers.

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

The Pledge of Allegiance was led by Mr. Todaro.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

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

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. KOOSHOIAN presented a proclamation Honoring the St. Joseph's Collegiate Institute Wrestling Team for Matching the Record for Most Consecutive Team Championships in the Monsignor Martin Athletic Association.

Item 6 – MR. MEYERS presented a proclamation Celebrating and Honoring Chief Ronald W. Endle on His Induction to the Erie County Wall of Honor.

Item 7 – CHAIR BASKIN presented a proclamation Honoring and Recognizing Connie Rose Porter.

Item 8 – MR. JOHNSON presented a proclamation In Remembrance of Edmund Walter Duncan, Sr.

Item 9 – MR. KOOSHOIAN & MR. BARGNESI presented a proclamation Honoring & Recognizing St. Joe's Juniors Austin Zimmerman & Nik Massaro - NYS Champions - High School Wrestling.

Item 10 – MR. JOHNSON presented a proclamation Honoring & Recognizing Random Acts of Kindness Day.

Item 11 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Honoring & Recognizing National Investors' Day.

Item 12 – MR. JOHNSON & CHAIR BASKIN presented a proclamation Honoring & Recognizing African Heritage & Health Week.

Item 13 – MR. MILLS presented a proclamation Honoring Hannah Lauber as the 2022 Firefighter of the Year.

Item 14 – MR. MILLS presented a proclamation Honoring Dennis Fuller for Forty Years of Service to the Morton's Corners Fire Department.

Item 15 – MR. MILLS presented a proclamation Celebrating Paul Woods on His 100th Birthday.

Item 16 – MR. MILLS presented a proclamation Honoring Peter Kehr for Fifty Years of Service to the Langford-New Oregon Volunteer Fire Company.

Item 17 – MR. GREENE presented a proclamation Honoring Jacob Daniel Wind on Attaining Rank of Eagle Scout.

Item 18 – MR. GREENE presented a proclamation Honoring and Congratulating Senior Investigator Robert McMahon on His Retirement.

Item 19 – MR. GREENE presented a proclamation Honoring Thomas John Russell on Attaining Rank of Eagle Scout.

Item 20 – MR. MALCZEWSKI presented a proclamation Recognizing Mary Jo Fisher for being the First Female Firefighter in Elma's History.

Item 21 – MR. MALCZEWSKI presented a proclamation Recognizing Saint Vincent de Paul Council on its First Anniversary.

Item 22 – MR. TODARO presented a proclamation Honoring Anthony Gates for Being Recognized as "Firefighter of the Year".

Item 23 – MR. TODARO presented a proclamation Honoring Joshua Gates for Being Recognized as "Firefighter of the Year".

Item 24 – MR. TODARO presented a proclamation Honoring Kathleen Kozlowski for Being Recognized as "Firefighter of the Year".

Item 25 – MR. TODARO presented a proclamation Honoring Jake Girdlestone as Being Recognized as "Firefighter of the Year".

Item 26 – MR. TODARO presented a proclamation Honoring Robert Simme for Being Recognized as "Firefighter of the Year".

Item 27 – MR. TODARO presented a proclamation Honoring William Cutherstone for Being Recognized as “Firefighter of the Year”.

Item 28 – MR. TODARO presented a proclamation Honoring Henry Klier for Being Recognized as “Firefighter of the Year”.

Item 29 – MR. TODARO presented a proclamation Honoring Allen Gates for Being Recognized as “Firefighter of the Year”.

Item 30 – MR. TODARO presented a proclamation Honoring Patrick Manning for Being Recognized as “Firefighter of the Year”.

Item 31 – MR. TODARO presented a proclamation Honoring Brandon Kozlowski-Eleczko for Being Recognized as “Firefighter of the Year”.

Item 32 – MR. TODARO presented a proclamation Honoring Frank Krawczyk for Being Recognized as “Firefighter of the Year”.

Item 33 – MR. TODARO presented a proclamation Honoring Steven Krawczyk for Being Recognized as “Firefighter of the Year”.

Item 34 – MR. TODARO presented a proclamation Honoring Richard Spaich for Receiving Life Member Status at Millgrove Volunteer Fire Department.

Item 35 – MR. TODARO presented a proclamation Honoring Frank Krawczyk for Receiving Life Member Status at Millgrove Volunteer Fire Department.

Item 36 – MR. TODARO presented a proclamation Honoring Tom Miller for Receiving Life Member Status at Millgrove Volunteer Fire Department.

Item 37 – MR. GILMOUR presented a proclamation Honoring & Recognizing Marcus Rivers - Lackawanna Boys and Girls Varsity Basketball Head Coach.

Item 38 – MR. GILMOUR presented a proclamation Recognizing St. Francis Football - Logan Reaska, Balaam Miller, Aiden Dubeck, Dylan Walker & Steve Otremba Jr. on Signing their National Letter of Intent.

Item 39 – CHAIR BASKIN presented a proclamation Honoring Emily Anne Robinson as Citizen of the Month - February 2023.

Item 40 – MR. KOOSHOIAN presented a proclamation Honoring & Recognizing Waxlight Bar a Vin Semifinalist - James Beard Award.

Item 41 – CHAIR BASKIN presented a proclamation Happy 100th Birthday Paul Woods.

Item 42 – MS. VINAL presented a proclamation Congratulating Brenton Baker Setting State Sophomore High Jump Mark.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-eight items as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 43 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 44 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2022 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 45 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 46 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2023 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 47 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

February 9, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 23M-4 (2022)
VILLAGE OF AKRON: “Certified Resolution Opposing NYS Laws Concerning Firearm Restriction”
(Chair’s Ruling)
 - b. COMM. 3M-5 (2023)
PRISONERS ARE PEOPLE TOO, INC.: “Reappointment to ECCSAB”
(Chair’s Ruling)
2. INTRO. 2-2 (2023)
BASKIN
WHEREAS, the Erie County Corrections Specialist Advisory Board was created in 2019 via Local Law 3-2019; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Advisory Board; and

WHEREAS, the Chair of the Legislature has a recommendation for one of the seats on the advisory board, and the previous term expired at the end of 2022.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendation of the Chair of the Legislature, Mr. Jerome Wright is appointed to fill the position of Member of the Corrections Specialist Advisory Board as a member with demonstrated experience in jail reform, for a three-year term; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the members of the Erie County Corrections Specialist Advisory Board and Mr. Jerome Wright.
(6-0)

3. COMM. 3E-13 (2023)
COUNTY EXECUTIVE
WHEREAS, the Erie County Probation Department provides Pretrial Services for the courts as an alternative to incarceration; and

WHEREAS, the Bail Reform legislation enacted by New York State in 2020 has impacted the work of Pretrial Services staff; and

WHEREAS, the Erie County Probation Department recognizes that failure to return to court is more likely among economically disadvantaged defendants due to lack of transportation and reliable communication methods; 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 purchase bus passes and prepay cell phones for defendants with marginal resources; and

WHEREAS, these purchases will not facilitate an increase in County funding of the existing Probation 2023 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Probation Department to increase the 2023 General Fund Budget as follows:

Probation Department
Fund 110 Funds Center 12610

Revenue	Increase
Account 409060 State Aid-Probation Pretrial Services	\$21,000
APPROPRIATION	Increase
Account 530000 Other Expenses	\$ 7,500
Account 561410 Lab & Technical Equipment	<u>\$13,500</u>
	\$21,000

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 be sent to the following departments: Erie County Executive's Office, Division of Budget and Management, Comptroller's Office, Purchasing Department, and the Probation Department.
(6-0)

4. COMM. 3E-16 (2023)
COUNTY EXECUTIVE

WHEREAS, Performance Advantage Company want to coordinate with the Erie County Department of Homeland Security & Emergency Services' Division of Fire Safety and the County of Erie's Department of Purchasing to accept a donated trailer; and

WHEREAS, the Division of Fire Safety will maintain operational oversight and maintenance; and

WHEREAS, the trailer will be used in the training of various local and state level community partners.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize the acceptance of one training trailer (VIN 2U9CF1021AT017092); and be it further

RESOLVED, that this trailer will be used by the Erie County Department of Homeland Security and Emergency Services Fire Safety Division; and be it further

RESOLVED, that the County Executive and/or Deputy County Executive is hereby authorized to execute any and all appropriate documents as may be necessary for the provision of space at the county surplus warehouse; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; Vallie Ferraraccio, the Director of the Department of Purchasing.
(6-0)

5. COMM. 3E-21 (2023)
SHERIFF

WHEREAS, the Erie County Sheriff's Office and Buffalo Fatherhood Initiative of Buffalo Prenatal have been offering an evidence-based parenting education program called "Nurturing Fathers Program;" and

WHEREAS, the 6-week program offers twelve fatherhood workshops for up to fifteen participants and provides evidence-based parenting curriculum - the "Nurturing Fathers Program" (NFP) which consists of 32.5-hours of sessions addressing, fathering, self-nurturing, overcoming barriers to fathering, discipline, fathering sons/daughters, and co-parenting; and

WHEREAS, due to the demand and the success of the program, the parties wish to offer two additional session within the existing contract; and

WHEREAS, the 6-week program cost \$4,995.00 per session; and

WHEREAS, the Sheriff's Office is requesting to amend the contract to offer the additional sessions; and

WHEREAS, because commissary funds are used, there is no impact to the 2023 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Sheriff's Office and the county Executive to amend the existing agreement with Buffalo Pre-Natal-Perinatal Network, Inc., 625 Delaware Avenue, Suite 410, Buffalo, New York 14202, to provide for two (2) additional session within the contractual year; 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.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

February 9, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-11 (2023)
COUNTY EXECUTIVE: "ECSD No. 8 – East Aurora WRRF Control Building Improvements Project"
(Chair's Ruling)
 - b. COMM. 3E-20 (2023)
COUNTY EXECUTIVE: "ECSD No. 3 – Engineering Term Contract Agreement"
(Chair's Ruling)
2. COMM. 3E-12 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County has a Household Hazardous Waste (HHW) Collection Program to provide residents with a safe, effective, and cost-free opportunity to dispose of household generated hazardous waste; and

WHEREAS, New York State Department of State (DOS) provides competitive funding for Local Government Efficiency Grants for local government to better consolidate and share services; and

WHEREAS, Erie County received a DOS award for \$1,000,000 in funding to support an implementation project to improve the HHW Collection Program and establish a permanent HHW site(s) for the County; and

WHEREAS, through this Household Hazardous Waste Implementation Project the County has established a hybrid system of events and a voucher program that better serve our residents and municipalities; and

WHEREAS, additional opportunities have been identified to create efficiencies regarding waste in Erie County; and

WHEREAS, in order to complete the project an extension of the grant is necessary, as well as a change in positions associated with the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or Deputy County Executive is authorized to execute a contract to extend the grant project period to March 31, 2025; and be it further

RESOLVED, that the following position be eliminated, which is funded under the Household Hazardous Waste Implementation Project grant #162HHWIP1823, business area 162, fund 281:

Junior Environmental Compliance Specialist (JG-07)
B-100 (11643)
Budgeted Annual Salary: \$39,555

and be it further

RESOLVED, that the following position be created, which is funded by the Household Hazardous Waste Implementation Project grant #162HHWIP1823, business area 162, fund 281:

Senior Environmental Compliance Specialist (JG-12)
B-100 (13569)
Budgeted Annual Salary: \$64,138.55

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 the grantor funding requirements; and be it further

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

(5-0)

3. COMM. 3E-14 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has a New York State Energy Research and Development Authority (NYSERDA) funded project named the Erie County Low Income Program for Sustainable Energy (ECLIPSE) that is developing a program to reduce energy burden and increase access to renewable energy in the community; and

WHEREAS, currently the ECLIPSE grant funds an Administrative Assistant (JG 9) position in the Department of Social Services (DSS); and

WHEREAS, DEP and DSS have determined that operational efficiencies and cost savings will be achieved by eliminating the Administrative Assistant position in DSS, and creating a new position, Junior Administrative Assistant (JG 7), in DEP; and

WHEREAS, grant budget must be revised to cover these staff position changes; and

WHEREAS, the NYSERDA ECLIPSE grant contract allows for the changes; and

WHEREAS, whereas Erie County Legislature authorization is required to eliminate and add the positions and revise the grant budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following position, which is funded by grant SAP #162ECLIPSE1922 in Fund 281, will be eliminated in the Department of Social Services:

Administrative Assistant (JG-9)
B-100 No. 9711
Budgeted Annual Salary: \$66,217

and be it further

RESOLVED, that the following position will be created in the Department of Environment and Planning and funded by grant SAP# 162ECLIPSE1922 in Fund 281:

Junior Administrative Assistant (JG-7)
B-100 No. 13585
Budgeted Annual Salary: \$58,531

and be it further

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

Erie County Low Income Program for Sustainable Energy project
(Grant Period: 11/12/19 – 3/31/2025), SAP Grant Account #162ECLIPSE1922

REVENUE:

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

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Full time Salaries	\$257,284	\$158,458	\$415,742
502000	Fringe Benefits	\$131,362	\$72,726	\$204,088
516020	Professional Service	\$617,076	\$0	\$617,076
561410	Lab & Technical Equipment	\$9,750	\$0	\$9,750
561420	Office Furniture and Fixtures	\$500	\$0	\$500
510100	Out of Area Travel	\$15,000	\$0	\$15,000
510000	Local Mileage Reimbursement	\$5,000	\$0	\$5,000
505000	Office Supplies	\$7,500	\$0	\$7,500
505400	Food and Kitchen Supplies	\$7,500	\$0	\$7,500
530000	Other Expenses	\$10,000	\$0	\$10,000
916400	ID Social Services	\$439,028	(\$231,184)	<u>\$207,844</u>
TOTAL APPROPRIATIONS				\$1,500,000

and be it further

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

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

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

4. COMM. 3E-19 (2023)
COUNTY EXECUTIVE

WHEREAS, the County of Erie must maintain countywide facilities that fall under New York State Department of Environmental Conservation (NYSDEC) and Environmental Protection Agency (EPA) regulations; and

WHEREAS, to maintain compliance and avoid fines and penalties, the Department of Public Works must hire a qualified consultant to assist in design and construction remedies; and

WHEREAS, the County previously entered into an agreement through the Department of Public Works standard consultant selection process with Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. for professional services for the 2020 Environmental Compliance Term Amendment per COMM. 10E-15 (2020); and

WHEREAS, the existing funds associated with the contract to maintain NYSDEC compliance have been expended and the original base term agreement is active September 18, 2020 through September 17, 2023 with the option of two (2) one (1)-year renewals, potentially through September 17, 2025 per the terms of the contract at the discretion of the Department of Public Works; and

WHEREAS, Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. has continually shown the necessary expertise and manpower to provide professional design and construction services for the Project to maintain NYSDEC compliance avoiding potential violations and fines from the NYSDEC; and

WHEREAS, the County Executive requests authorization to enter into an Agreement Amendment to increase their existing contract by \$250,000 including a \$50,000 design contingency for a total of \$475,000 with the firm of Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. for providing Professional Architectural/Engineering Services for the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement with the firm of Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. under DPW Contract No. 20-693-PW to increase their Professional Architectural/Engineering Services fee for the Project by an amount not to exceed \$250,000, including a \$50,000 design contingency for a total of \$475,000 specific to the contract for NYSDEC Environmental Compliance; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all the above from Fund 410, Funds Center 122 as follows:

A.23051 - DPW (Buildings and Grounds) – Environmental

\$ 250,000

Protection Agency (EPA) Regulatory Compliance

Total Payment not to Exceed: \$ 250,000

and be it further

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

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

February 9, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICO MEMBER.

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

WHEREAS, the federal American Rescue Plan (ARP), signed into law on March 11, 2021 as Public Law 117-2, requires institutions to use a portion of the Institutional funds to help fight the spread and transmission of COVID-19 on their campuses and among their student, faculty, staff and community members. The College allocated 5% percent of the total ARP funds to campus safety and the remainder was used to support revenue losses; and

WHEREAS, SUNY Erie Community College has more than 40 Heating, Ventilation, and Air Conditioning (HVAC) units across all three campus locations, with many having limited service and reaching the end of their useful lives; and

WHEREAS, SUNY Erie Community College seeks to maximize the required use of federal stimulus funds from the third tranche of support to postsecondary education by repairing and - in some cases - replacing HVAC units or their component parts across all three campus locations; and

WHEREAS, an amount of \$500,000 in Institutional Funds were planned for this use, and the plan was approved by SUNY System Administration and the State of New York to allocate this portion to campus safety; and

WHEREAS, there are no county funds being requested for this project but SUNY Erie Community College will seek support from New York State of up to 50 percent of existing state appropriations that were previously requested and approved through the State Budget Process, pursuant to NY Education Law Section 6304; and

WHEREAS, by doing so, SUNY Erie Community College can make major improvements in the physical operations of the campus and support the safety of its students, faculty, and staff.

NOW, THEREFORE, BE IT

RESOLVED, the Legislature of the County of Erie does hereby authorize SUNY Erie Community College the use of American Rescue Plan (ARP) funds in the amount of \$500,000 as planned, and to seek additional support from the State of New York for this purpose; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, Officer in Charge of SUNY Erie Community College and the Chairman of the SUNY Erie Community College.
(5-0)

2. COMM. 3E-17 (2023)
COUNTY EXECUTIVE

WHEREAS, bids were received and opened on January 17, 2023 for the Road Reconstruction / Slope Stabilization of Back Creek Rd (CR438) in the Town of Boston, Erie County (the "Project"); Erie County Department of Public Works (ECDPW) Project Number CAP-438-23 in the Town of Boston; and

WHEREAS, ECDPW wants to award the construction contract to the lowest responsible bidder, Union Concrete and Construction Corp. (UCC), in the amount of \$1,099,740.01, enter into a construction period engineering services agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann Associates) in an amount not to exceed \$345,259.99 and establish a project contingency of \$55,000, for a total project cost not to exceed \$1,500,000; and

WHEREAS, the estimated total cost of the Project is \$1,500,000, and is available in Fund 420, Funds Center 123, Project B.21103 – 2021 Road Slides Construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to award and execute a construction contract for ECDPW Project Number CAP-438-23, to the lowest responsible bidder, UCC., in the amount of \$1,099,740.01; and be it further

RESOLVED, that the County Executive is authorized to enter into a construction period engineering services agreement with Bergmann Associates in an amount not to exceed \$345,259.99; and be it further

RESOLVED, that a Project contingency be established in an amount of \$55,000 with authorization for the County Executive to execute Project related change orders, amendments and agreements, as necessary; and be it further

RESOLVED, the Project budget, in the amount of \$1,500,000, is available in Fund 420, Funds Center 123 as follows:

B.21103.1 – 2021 Road Slides Construction	\$1,500,000
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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, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

3. COMM. 3E-18 (2023)
COUNTY EXECUTIVE

WHEREAS, New York State Highway Law – HAY Section 102 charges the highway superintendent with the supervision of the work for constructing, maintaining, repairing, and improving the County highway system and its appurtenances; and

WHEREAS, the County of Erie's highway maintenance division must enter the New York State Department of Transportation's (NYSDOT) right of way to accomplish these tasks and is under the charge of the Commissioner of Highways; and

WHEREAS, the NYSDOT requires an annual permit for the County's maintenance forces to work within their right-of-way; and

WHEREAS, this annual permit requires an undertaking issued by the County of Erie which indemnifies the NYSDOT, requires the County to accept financial responsibilities for work within the State right-of-way, and the County's compliance with laws, rules, and regulation, governing the maintenance, construction, and traffic control activities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Highway Commission to be the authorized agent signing the undertaking required by NYSDOT for the annual highway permit; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive and the County Attorney.
(5-0)

HOWARD J. JOHNSON, JR.

CHAIR

LEGISLATOR RESOLUTIONS

Item 50 – CHAIR BASKIN directed that the following resolution be referred to the SMALL BUSINESS COMMITTEE.

GRANTED.

INTRO. 4-1 from VINAL. Support for Shop 716.

Item 51 – CHAIR BASKIN directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO. 4-2 from VINAL. Support for Local Government Officials to Visit County Jails.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

RE: Appointment to the Erie County
Corrections Specialist Advisory
Board
(INTRO. 4-3)

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

WHEREAS, the Erie County Corrections Specialist Advisory Board was created in 2019 via Local Law 3-2019; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Advisory Board; and

WHEREAS, the Majority Leader of the Legislature has a recommendation for one of the seats on the advisory board, and the previous term expired at the end of 2022.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendation of the Majority Leader of the Legislature, Mr. Orlando Dickson is appointed to fill the position of Member of the Corrections Specialist Advisory Board as a member with demonstrated experience in criminal justice, for a three-year term; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the members of the Erie County Corrections Specialist Advisory Board and Mr. Orlando Dickson.

Item 53 – MR. GILMOUR presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

RE: Calling for an Increase in
Transparency for the NYS
Thruway Authority & Opposing
Any Toll Rate Hike
(INTRO. 4-4)

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

WHEREAS, the NYS Thruway Authority (Authority) has proposed a multi-year schedule of systemwide toll increases to beginning in 2024; and

WHEREAS, the proposal calls for a 5% increase for New York issued E-ZPass drivers and a 75% increase for non-New York EZPass drivers; and

WHEREAS, NYS Comptroller DiNapoli issued a recent report declaring that toll increases should be the last option; and, during a review of the Authority's last ten years of finances, the Comptroller found gaps in essential information necessary to evaluate the proposal. These gaps represent a potentially significant lack of transparency and raises questions as to whether the Authority is spending resident's tax dollars effectively and efficiently; and

WHEREAS, these toll increases come at a time of challenges for residents of Erie County who are faced with rising costs on everything, from food and shelter, to gas; and

WHEREAS, Erie County is home to one of the poorest metropolitan areas in the nation. Any increase in expenses is a burden on our residents, and in an area that relies on personal transportation to commute to and from work, toll increases represent an even greater burden on the people of Erie County; and

WHEREAS, the Thruway Authority also has a tremendous number of employees and expends a significant amount of funding on outside procurement for services. The Authority should review these expenses and publish their findings to determine if they are the best use of residents and motorists toll dollars and then take appropriate actions to maximize the current revenue amounts before implementing a new toll regime.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby calls on the New York State Thruway Authority to increase transparency, improve its operations, and maximize its non-toll revenues, such as leasing fiber and cell tower spaces to third parties; and be it further

RESOLVED, that this honorable body opposes any rate hike in tolls before all other options are examined; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the NYS Thruway Authority Executive Director Matthew Driscoll, Governor Hochul's Office, the Western New York Delegation to the New York State Legislature, NYS Comptroller DiNapoli, and any other party deemed necessary and proper.

MR. GILMOUR moved to amend the resolution by including Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to approve the resolution as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR JOHNSON

Item 54 – (COMM. 4E-1) Letter of Absence

Received, filed and printed.

February 8, 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 2, 2023 Legislature Session #3. Due to a death in my family, I was unable to attend the meeting.

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

Sincerely,

Howard J. Johnson, Jr.

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 4E-2) Appointment to the SUNY ECC Board of Trustee

Item 56 – (COMM. 4E-3) Appointments to the Buffalo & EC Public Library

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 57 – (COMM. 4E-4) Re-Appointment to EC Fisheries Advisory Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 58 – (COMM. 4E-5) Appointments to the Commission on the Status of Women

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 59 – (COMM. 4E-6) Unanswered Questions Regarding WROTB Operations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CHAIR BASKIN

Item 60 – (COMM. 4E-7) Vacancy on Cornell Cooperative Extension Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 61 – (COMM. 4E-8) Letter to Governor Hochul in Regards to NFTA Board Appointment

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 62 – (COMM. 4E-9) ECSD No. 5 RFP - Transit Road Corridor Sanitary Sewer Service Evaluation Report

Item 63 – (COMM. 4E-10) ECSD No. 3 - Engineer Term Contract Agreement

Item 64 – (COMM. 4E-11) Contract for Household Hazardous Waste & Conditionally Exempt Small Generator Services

Item 65 – (COMM. 4E-12) Regional Niagara River/Lake Erie Watershed Management Plan Phase 3

Item 66 – (COMM. 4E-13) Erie Heat Emergency Planning Project

Item 67 – (COMM. 4E-14) Authorization to Accept Electric Utility Bill Credits from Community Solar Provider

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

Item 68 – (COMM. 4E-15) Buffalo Convention Center Interior Renovations - Term Agreement

Item 69 – (COMM. 4E-16) Authorization to Enter Into Contract with Aurigo Software Technologies, Inc.

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

Item 70 – (COMM. 4E-17) Parks, Recreation & Forestry Shelter Rehabilitation

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 71 – (COMM. 4E-18) Acceptance of Grant Award from Rockefeller Philanthropy Associates

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 72 – MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: Assembly & Senate Bill Request for
Legislation Authorizing Extension of
Additional 1.0% & Additional 0.75%

Sales & Compensating Use Tax
(COMM. 4E-19)

WHEREAS, Erie County is requesting authorization to continue to impose an additional one percent and additional three quarters percent sales and compensating use tax pursuant to New York State Tax Law 1210 (i)(4); and

WHEREAS, the revenue anticipated from this additional tax will allow the County of Erie to continue to provide services deemed vital to the community, while maintaining a balanced budget; and

WHEREAS, Erie County derives all of its tax imposing authority directly from State law; and

WHEREAS, the Erie County Department of Law has prepared the necessary State authorizing legislation to effectuate the continued imposition of sales and compensation use tax; and

WHEREAS, Erie County's authority to impose its additional 1.0% and additional 0.75% sales tax rate will expire at midnight on November 30, 2023 absent enactment of new State authorizing legislation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby memorializes to the NYS Assembly and Senate, particularly those lawmakers who serve as Western New York's delegation in Albany, that immediate introduction of new State authorizing legislation is needed so that Erie County can continue to impose its additional 1.0% and its additional 0.75% sales tax rate for the period beginning December 1, 2023 and ending November 30, 2026; and be it further

RESOLVED, that, as the proposed Bill indicates, if the county of Erie imposes the additional one percent rate of sales and compensating use taxes authorized by item (i) of clause (4) of subparagraph (i) of the opening paragraph of section twelve hundred ten of New York State Tax Law (NYSTL) during the period beginning January first, two thousand seven, or thereafter, the county shall allocate each calendar year the first twelve million five hundred thousand dollars of the net collections from such one percent rate to the cities of such county and the area in such county outside its cities to be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section twelve hundred sixty-two of NYSTL in effect on January first, two thousand six, and subject to all provisions of such agreement governing the net collections for such cities and area and shall retain the remainder of such net collections for any county purpose; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Assembly Majority Leader Crystal Peoples-Stokes and Senator Tim Kennedy, together with the Erie County Division of Budget and Management, the County Attorney, and the County Executive.

FROM THE SHERIFF & THE COUNTY EXECUTIVE

Item 73 – (COMM. 4E-20) HALT Act Programming Provider

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 74 – (COMM. 4E-21) Authorization to Enter Into an Intergovernmental Agreement for Software License & Service

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 75 – (COMM. 4E-22) Extension of a Cents Per Gallon Rate of Sales & Compensating Use Taxes on Motor Fuel for 6/1/2023-12/31/2023 with a \$2.00 Per Gallon Limit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 76 – (COMM. 4E-23) 2023 Consolidated Bond Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 77 – (COMM. 4E-24) Support & Possible Addition to LL 1-1 (2023)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 78 – (COMM. 4E-25) Temporary Reduction in Qualification for Burial Assistance of Claimed Decedants During December 2022 Blizzard State of Emergency

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 79 – (COMM. 4E-26) Foreclosure Pursuant to the In Rem Provisions of the EC Tax Act, In Rem Action No. 171

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER OF HEALTH

Item 80– (COMM. 4D-1) ECDOH Nursing Home COVID-19 Infection Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER OF AUDIT

Item 81 – (COMM. 4D-2) Erie County Comptroller's Office - Audit of the Department of Law

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER OFFICE,
DIVISION OF AUDIT & CONTROL

Item 82 – (COMM. 4D-3) Analysis of Inventory Controls for Medical & Health Supply Expenditures Using CARES Act and ARP Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 83 – (COMM. 4D-4) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 84 – (COMM. 4D-5) Designation in the Event of Vacancy, Absence or Inability

Received, filed and printed.

TO: Hon. Mark C. Poloncarz, Erie County Executive
Hon. Michael P. Kearns, Erie County Clerk
Hon. Robert M. Graber, Clerk of the Erie County Legislature

FROM: Jeremy C. Toth, Erie County Attorney

DATE: January 13, 2023

RE: Designation in the Event of Vacancy, Absence or Inability

Jeremy C. Toth, Erie County Attorney, hereby designates the following Assistant County Attorneys to exercise the powers and duties of this office in the event of a vacancy in this office, or my absence or inability to perform the duties of my office, in the following order:

1. Kristen M. Walder, Deputy County Attorney;
2. Anthony B. Targia, Senior Litigator;
3. Amy M. McCabe, Lead Family Court Attorney.

Jeremy C. Toth
Erie County Attorney

FROM THE DIRECTOR OF
REAL PROPERTY TAX SERVICES

Item 85 – (COMM. 4D-6) Explanation of In Rem Process

Item 86 – (COMM. 4D-7) 2022 In Rem Foreclosure Auction Results

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

FROM THE DEPUTY COMPTROLLER OF AUDIT

Item 87 – (COMM. 4D-8) EC Comptroller's Office - Audit of the EC Clerk's Office

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM CORNELL COOPERATIVE EXTENSION

Item 88 – (COMM. 4M-1) 2023 Budget Accountability Act Submission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF
NYS AGRICULTURE & MARKETS

Item 89 – (COMM. 4M-2) Agricultural District Nos. 5, 8 & 15 - Report to Modify Plan

Item 90 – (COMM. 4M-3) Agricultural District No. 1 - District Renewal Plan

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

FROM THE NFTA

Item 91 – (COMM. 4M-4) 3rd Quarter Capital Expenditure Reports

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC SOIL & WATER CONSERVATION DISTRICT

Item 92 – (COMM. 4M-5) 2023 Budget Accountability Act Submission

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC WATER AUTHORITY

Item 93 – (COMM. 4M-6) 2021 & 2022 Financial Statements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE THE BLACK CHAMBER OF COMMERCE OF WNY, INC.

Item 94 – (COMM. 4M-7) New Bills Stadium MWBE Utilization

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

FROM THE EC WATER AUTHORITY

Item 95 – (COMM. 4M-8) 2022 Water Quality Report & Legislative Update

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 96 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, February 23, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, March 9, 2023.

Also, at 2 p.m., today, Thursday, February 16, 2023, in the Chambers, the Legislature will conduct a Public Hearing concerning 2023 Transfer Tax Revenue from the Erie County Road Repair Reserve Fund.

Finally, Chair Baskin announced that the Legislature will conduct a public hearing on Local Law Intro. 2-1 (2023), 'The Public Art Act of Erie County,' at 6 p.m., at the Burchfield Penney Art Center. The hearing is scheduled for Thursday, March 30, 2023.

MEMORIAL RESOLUTIONS

Item 97 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Derek Zakrzewski and Johanna Coleman.

Item 98 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Louis Diakos.

Item 99 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Dorothy Chimes.

Item 100 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Donald Holmes.

ADJOURNMENT

Item 101 – 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, March 9, 2023 at 12:00 Noon Eastern Standard Time. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, March 9, 2023 at 12:00 Noon Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE