

ERIE COUNTY LEGISLATURE
MEETING NO. 16
SEPTEMBER 7, 2023

The Legislature was called to order by Chair Baskin.

Chair Baskin began the meeting offering condolences upon the passing of Timothy E. "Timmy" Sasiadek, son of Legislature staff member Jeremy Sasiadek. Chair Baskin stated that today's session is held in honor of Mr. Sasiadek.

All members present.

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

The Pledge of Allegiance was led by Mr. Gilmour.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 15 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

KOOSHOIAN	Congratulating and Honoring Elizabeth Kooshoian Named Buffalo Public School Softball Co-Player of the Year - 2023 (City Honors)
KOOSHOIAN	Congratulating and Honoring Genevieve Mucitelli Names Buffalo Public School Softball Co-Player of the Year - 2023 (City Honors)
MAJORITY CAUCUS	Acknowledging Veterans for Peace
KOOSHOIAN & BARGNESI	Congratulating and Honoring Tyler Smart Named The Monsignor Martin Player of the Year Softball - 2023 (St. Joes)
KOOSHOIAN & BARGNESI	Congratulating and Honoring Levi Roest Named First Team All-Western New York, Lacrosse - 2023 (St. Joes)

KOOSHOIAN & BARGNESI	Congratulating and Honoring Sebastian Latorre Named First Team All-Western New York, Lacrosse - 2023 (St. Joes)
BASKIN & JOHNSON	Acknowledging and Honoring National Senior Citizens Day
BASKIN & JOHNSON	Honoring National Black Business Month (August 2023)
VINAL	In Remembrance of John "Jay" A. Loughran Sr.
VINAL	Congratulating and Recognizing Msgr. Pat Keleher on a Phenomenal Career
KOOSHOIAN & BARGNESI	Acknowledging Royal Academy of Ballet and Dance – Celebrating 77 Years in Western New York
GILMOUR	Acknowledging Performance Arts Dance Academy – Celebrating 34 Years of Business in Western New York
MEYERS	Acknowledging Center Stage Dance Celebrating Its 42nd Season in Western New York
JOHNSON	In Remembrance of Russell W. Hayes
JOHNSON	Acknowledging the Randy Coates Sr. Charity Basketball Game - Celebrating the Life of Randy Coates Sr.
JOHNSON	In Remembrance of Tiffany Lynn Caver-Pugh
KOOSHOIAN & BARGNESI	Congratulating and Honoring Evan Gallo Named The First Team All-Western New York, Lacrosse - 2023 (St. Joes)
JOHNSON	In Remembrance of LaVonnia Marie Norman-Green
GREENE	Honoring and Congratulating Detective Mark Pitirri on His Retirement
MILLS	Congratulations to Yiannis Corner Nook Café on Its Grand Opening
MILLS	Celebrating Springville Pediatrics 50th Anniversary
MILLS	Recognizing Operation Good Neighbor on National Food Bank Day
GREENE	Honoring and Congratulating Detective James Doane on His Retirement

MILLS	Recognizing Dylan Evans as 2022-2023 Orchard Park Bee Male Athlete of the Year
TODARO	Recognizing Aaron Gasiewicz as the 2023 Lancaster Depew Bee Male Athlete of the Year
GREENE	Honoring and Congratulating K9 Officer Richard Caito on His Retirement
GREENE	Honoring and Congratulating K9 Officer Nicholas Scioli on His Retirement
TODARO	Recognizing and Honoring Diane Trzaska as Recipient of the President's Volunteer Service Award
TODARO	Remembering the Life of Judge Timothy Dwan
TODARO	Recognizing Kaylee Kryzstof as the 2023 Lancaster Depew Bee Female Athlete of the Year
MAJORITY & MINORITY CAUCUSES	Proclaiming September 17-23, 2023 as Sheriffs' Week in Erie County
MAJORITY & MINORITY CAUCUSES	Proclaiming September 2, 2023, as Mark Aichinger Day in Erie County
MAJORITY & MINORITY CAUCUSES	Recognizing Mike Randall on His Retirement from WKBW
MALCZEWSKI	Recognizing National Bread of Life Outreach Center on National Food Bank Day in Erie County
MALCZEWSKI	Celebrating the Grand Opening of South Wales Brewing Company

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-five 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. 6 (Print #1) 2023 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 3 (Print #2) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

RE: Re-Appropriation of
Public Benefit Funding
(INTRO. 16-1)

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

WHEREAS, Young Life was awarded \$40,000 in public benefit funding by the Erie County Legislature in COMM. 8E-1 (2022) – 2021 Year-End Budget Balancing Amendments & Designations and \$10,000 in the adopted 2023 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518695; and

WHEREAS, The Town of Tonawanda Paramedics were awarded \$20,000 in public benefit funding by the Erie County Legislature in COMM. 8E-1 (2023) 2022 Year-End Budget Balancing Amendments & Designations; and

WHEREAS, the organizations are 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 \$40,000 of 2021 Year-End Budget Balancing Amendments & Designations to the Town of Tonawanda; and be it further

RESOLVED, that authorization is provided to transfer \$10,000 of 2023 public benefit funding to Brighton Place; and be it further

RESOLVED, that authorization is provided to transfer \$20,000 of 2022 Year-End Budget Balancing Amendments & Designations to James V and Fay P Ryan Paramedic Foundation; 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

Item 12 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 16E-45 from MAJORITY CAUCUS Re: Appointments to Erie County Citizen Salary Review Commission

CHAIR BASKIN directed that the letter be Received, filed and printed.

GRANTED.

September 6, 2023

Hon. Robert M. Graber
Clerk of the Legislature
92 Franklin Street
Buffalo, NY 14202

RE: Appointments to Erie County Citizen Salary Review Commission

Dear Clerk Graber,

Pursuant to Section 22-A-01 of the Erie County Charter, we the undersigned, appoint Mark L. Glasgow and Alexandre Burgos to the Erie County Citizen Salary Review Commission. The appointments are for a three-year term that will expire on September 6, 2026. Thank you for your attention to this letter.

Regards,

Hon. April N.M. Baskin
Chair of the Legislature
Erie County Legislator, 2nd District

Hon. Timothy J. Meyers
Majority Leader
Erie County Legislator, 7th District

Hon. Howard J. Johnson Jr.
Erie County Legislator, 1st District

Hon. Michael H. Kooshoian
Erie County Legislator, 3rd District

Hon. John A. Bargnesi Jr.
Erie County Legislator, 4th District

Hon. Jeanne M. Vinal
Erie County Legislator, 5th District

Hon. John J. Gilmour
Erie County Legislator, 9th District

Cc: Erie County Executive
Erie County Comptroller
Mark L. Glasgow
Alexandre Burgos

Item 13 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 16-2 from MINORITY CAUCUS Re: Calling for Information Regarding Expenses of Relocating Self-Purported Asylum Seekers to Erie County

RESOLUTION NO. 140

WHEREAS, Erie County has seen a number of self-purported asylum seekers relocated from New York City that to date exceeds 500; and

WHEREAS, New York has negotiated a contract with an outfit called DocGo, Inc. to provide shelter services, including shipping self-purported asylum seekers across the state, in the amount of \$432 million; and

WHEREAS, DocGo, Inc. was formerly known as Rapid Reliable Testing NY LLC, a company which was created to provide COVID testing and vaccinations in New York City and was awarded a \$200 million contract in 2021 under emergency powers; and

WHEREAS, the New York City Comptroller announced on September 6, 2023 that he has declined to approve the \$432 million contract between New York City and DocGo, which is the first time that the current Comptroller has denied an emergency contract; and

WHEREAS, among the concerns enumerated by the Comptroller, he lists that the contract failed to show how the \$432 million price tag was reached, lack of evidence that the company had the experience to provide the services under contract, contradictory information regarding DocGo's fiscal capacity, and serious questions about the integrity and responsibility of this vendor; and

WHEREAS, the current timeline for the asylum process is currently at least five years; and

WHEREAS, Erie County has been assured that all expenses incurred related to self-purported asylum seekers will be reimbursed for the first year of the at least five-year process; and

WHEREAS, given the absence of a contract between New York City and DocGo, serious questions are added to the already murky picture of reimbursement of expenses for self-purported asylum seekers relocated to Erie County; and

WHEREAS, given the upcoming 2024 budget discussions, it is imperative that the issue of reimbursement of expenses for the self-purported asylum seekers be discussed, including contractual assurances of reimbursement for any costs incurred by the county, as well as the actual expenses incurred by other entities, including governmental entities, prior to the submission of the proposed 2024 budget by the County Executive.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the Budget Director, the Commissioner of Social Services, the County Attorney, the Commissioner of Health, the Commissioner of Mental Health, the Erie County Sheriff, the Erie County District Attorney, as well as anyone else with relevant information to appear together at a meeting of the Erie County Legislature prior to October 1, 2023 to provide relevant documentation and answer questions regarding the costs associated with and the reimbursement for expenses incurred as a result of the relocation of self-purported asylum seekers in Erie County; and be it further

RESOLVED, that a copy of this resolution be transmitted to the Erie County Executive, the Budget Director, the Commissioner of Social Services, the County Attorney, the Commissioner of Health, the Commissioner of Mental Health, the Erie County Sheriff, and the Erie County District Attorney.

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

CARRIED UNANIMOUSLY.

Amend Resolution Title to:

Re: Calling for Information Regarding Expenses of Relocating Asylum Seekers to Erie County

Amend Whereas Clause #1 as Follows:

WHEREAS, Erie County has seen a number of asylum seekers relocated from New York City that to date exceeds 500 people; and

Amend Whereas Clause #2 as Follows:

WHEREAS, The City of New York has negotiated a contract with DocGo, Inc. to provide shelter services, including the transporting and sheltering of asylum seekers across New York State, in the amount of \$432 million; and

Amend Whereas Clause #7 as Follows:

WHEREAS, Erie County has been assured that all cost-of-living expenses for asylum seekers that have qualified for such expenses under New York City's "right to shelter" mandate will be the responsibility of The City of New York for one year; and

Amend Whereas Clause #8 as Follows:

WHEREAS, in light of the denial of payment by the New York City Comptroller for the contract between The City of New York and DocGo, Inc., it raises questions regarding responsibility for the expenses incurred by asylum seekers; and

Amend Whereas Clause #9 as Follows:

WHEREAS, given the upcoming 2023 budget discussions, it is imperative that the issue of asylum seekers' expenses be clarified to confirm that the County of Erie will not incur any expenses for services that listed in the contract between DocGo, Inc. and the City of New York, prior to the submission of the proposed 2024 Budget by the County Executive; and

Amend Resolve Clause #1 as Follows:

RESOLVED, that the Erie County Legislature requests the Budget Director, the Commissioner of Social Services, the County Attorney, the Commissioner of Health, the Commissioner of Mental Health, the Erie County Sheriff, the Erie County District Attorney, DocGo, Inc., Jericho Road Community Health Center, Jewish Family Services of WNY, Justice for Migrant Families, Journey's End Refugee Services, New York Immigration Coalition, Erie Niagara School Superintendents Association President Michael Cornell; and any other organizations that have been working with asylum seekers re-located to Erie County from New York City, to appear at a meeting of the Finance & Management Committee on September 28, 2023 to provide relevant documentation and answer questions regarding costs associated with providing services to asylum seekers relocated here from New York City, including but not limited to any expenses that would be eligible for reimbursement from the City of New York; and be it further

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 14 – (COMM. 16E-1) Certificate of Determination - Sewer Bond Sale

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 15 – (COMM. 16E-2) WROTB 2022 Financial Statements Inquiry

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 16 – (COMM. 16E-3) 2023 Bond Sale

Item 17 – (COMM. 16E-4) Department of Law Risk Retention Fund Spending - June 2023

Item 18 – (COMM. 16E-5) Second Quarter 2023 - Interim Financial Report

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

FROM LEGISLATOR TODARO

Item 19 – (COMM. 16E-6) Request for Further Information Regarding any Incidents Involving Asylum Seekers in Cheektowaga

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 20 – (COMM. 16E-7) Letter to Mayor Eric Adams Regarding NYC's Migrant Transport Program

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 21 – (COMM. 16E-8) Development of Corrective Action Plans Following Audits

Item 22 – (COMM. 16E-9) WROTB Hotel at Batavia Downs

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR GREENE

Item 23 – (COMM. 16E-10) FOIL Request for the EC Post-Blizzard Analysis

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR TODARO

Item 24 – (COMM. 16E-11) Request for Further Information Regarding Any Incidents Involving Asylum Seekers in Cheektowaga

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK

Item 25 – (COMM. 16E-12) Recording Fees

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 26 – (COMM. 16E-13) Analysis of the Concentration Account & Deposit Activity in the EC Clerk's Office

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 27 – (COMM. 16E-14) Letter from Sheriff to Comptroller

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 28 – (COMM. 16E-15) Department of Law Risk Retention Fund Spending - July 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 16E-16) New Buffalo Bills Stadium Project MWBE Local Outreach & Recruitment Analysis

Item 30 – (COMM. 16E-17) Overview of County Efforts on Stadium Utilization

The above two items were received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

Item 31 – (COMM. 16E-18) ECSD Nos. 1-6 & 8, User Charges - 2024

Item 32 – (COMM. 16E-19) ECSD No. 4 - Depew Pumping Station Forcemain Replacement at Cayuga Creek

Item 33 – (COMM. 16E-20) ECSD No. 3 - Southtowns Advanced Wastewater Treatment Facility Phase 1 Expansion

Item 34 – (COMM. 16E-21) ECSD No. 3 - Southtowns Influent Screening Replacement Project

Item 35 – (COMM. 16E-22) ECSD Nos. 1 & 4 - Order on Consent Compliance Schedule Assistance

Item 36 – (COMM. 16E-23) ECSD No. 6 - Lackawanna WRRF Digestion & Solids Management Upgrades

Item 37 – (COMM. 16E-24) ECSD No. 8 - Engineering Term Contract Agreement

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

Item 38 – (COMM. 16E-25) Transfer of Funds - Operating Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 39 – (COMM. 16E-26) Authorization to Accept Funding & Enter Into Contract

Item 40 – (COMM. 16E-27) Department of Social Services - Non TA Residential Domestic Violence Adjustments

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

Item 41 – (COMM. 16E-28) Authorization to Enter Into Contract with The Shomette Group

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 42 – (COMM. 16E-29) Authorization to Enter Into Contract with WNY Law Enforcement Helpline

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 43 – (COMM. 16E-30) Authorization to Enter Into Contract with the ATV Safety Institute

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 44 – (COMM. 16E-31) NFTA - MOU Greater Buffalo Niagara Regional Transportation Council Planning Grant - "Safe Streets & Roads for All"

Item 45 – (COMM. 16E-32) Authorization to Amend Bergmann Associates Professional Services Agreement

Item 46 – (COMM. 16E-33) Emery Maintenance & Sheriff Outbuilding Roof Replacements & Building Enhancement Project

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

Item 47 – (COMM. 16E-34) Notice of Public Hearing for EC Sewer Districts 2023 Assessment Rolls

Item 48 – (COMM. 16E-35) ECSD No. 1 - Contract Close Out

Item 49 – (COMM. 16E-36) Amendment to Waste Reduction & Recycling Coordination Grant

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

Item 50 – (COMM. 16E-37) Contract for Capital Improvements to Buffalo Southern Railroad

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 – (COMM. 16E-38) Authorization to Re-Appropriate ARPA Funding for Multi-Family Affordable Housing Development

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: Authorization to Amend Contract with
Erie County Bar Association
(COMM. 16E-39)

WHEREAS, the U.S. Constitution and New York State Constitution provide for the provision of legal representation to all persons requiring it; and

WHEREAS, under County Law Article 18-B, counties are required to pay for assigned counsel hourly fees; and

WHEREAS, the State Fiscal Year 2023-24 Budget increased the assigned counsel hourly rate to \$158 per hour for all types of legal representation under County Law Article 18-B, retroactive to April 1, 2023. This is an increase of \$98/hour for misdemeanors and other lesser offenses (formerly the rate was \$60/hour), and \$83/hour for felonies, appeals, and Family Court matters (formerly the rate was \$75/hour); and

WHEREAS, Erie County contracts with the Erie County Bar Association for the specific provision of the Assigned Counsel program and budgeted \$9,444,952 for the program in 2023; and

WHEREAS, it is estimated that this will result in an increase cost of \$8,136,286 to Erie County for the provision of Assigned Counsel for the remainder of 2023 with 50% of that cost (4,068,143) reimbursed by the State; and

WHEREAS, the local share cost of this increase will be covered by unanticipated Medicaid savings realized through the continuation of eFMAP credits through the end of 2023; and

WHEREAS, it is anticipated that this rate increase will increase the cost of the Assigned Counsel program more than \$9.4 million in 2024 after the ILS Aid to Localities reimbursement expires as of March 1, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the transfer of \$4,068,143 in unanticipated Medicaid cost savings from Fund 110, Funds Center 120, Account 525000 – MMIS Medicaid Local Share to Fund 110, Funds Center 16010, Account 516602 – EC Bar Association Indigent Defense to cover the local share costs of the County Law Article 18-B rate increase as follows:

Department of Social Services
Fund 110, Funds Center 120

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
525000	MMIS – Medicaid Local Share	<u>\$(4,068,143.00)</u>
	TOTAL	<u>\$(4,068,143.00)</u>

Department of Law
Fund 110, Funds Center 16010

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516602	EC Bar Association Indigent Defense	<u>\$ 4,068,143.00</u>
	TOTAL	<u>\$ 4,068,143.00</u>

and be it further

RESOLVED, that authorization is hereby given to modify the Department of Law’s 2023 General Fund Budget (Fund 110, Funds Center 16010) to accept \$4,068,143 in New York State ILS Aid to Localities revenue as a 50% reimbursement for the Article 18-B rate increase as follows:

Department of Law
Fund 110, Funds Center 16010

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409000	State Aid Revenues	<u>\$ 4,068,143.00</u>
	TOTAL	<u>\$ 4,068,143.00</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
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516602	EC Bar Association Indigent Defense	\$ 4,068,143.00
	TOTAL	<u>\$ 4,068,143.00</u>

and be it further

RESOLVED, that the Department of Law’s 2023 General Fund expense (Fund 110, Funds Center 16010) in Account 516602 – EC Bar Association Indigent Defense has increased to recognize the above actions as follows:

Department of Law
Fund 110, Funds Center 16010

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>NEW</u>
	EC Bar Association			
516602	Indigent Defense	<u>\$9,444,952.00</u>	<u>\$8,136,286.00</u>	<u>\$17,581,238.00</u>
	TOTAL	<u>\$9,444,952.00</u>	<u>\$8,136,286.00</u>	<u>\$17,581,238.00</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to amend the contract with the Erie County Bar Association in the amount of \$8,136,286 for the provision of the Assigned Counsel Program for calendar year 2023; and be it further

RESOLVED, that the Erie County Comptroller is hereby directed to immediately make the regular 4th quarter payment of \$2,361,238 in advance of the standard due date of October 1, 2023 as well as issuing supplemental payments of \$8,136,286 in cumulative to the Erie County Bar Association in order to implement the Article 18-B hourly rate increase retroactive to April 1, 2023; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office, the Comptroller’s Office, the Division of Budget and Management, the Department of Law, and Michelle Parker of the Erie County Bar Association.

Item 53 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: Teamsters Local 264, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America – 2024-2026 Collective Bargaining Agreement (COMM. 16E-40)

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly-elected employee organizations; and

WHEREAS, the Teamsters Local 264 (“Teamsters” or “Unit”) represents the sworn employees who work at the Erie County Holding Center; and

WHEREAS, the existing collective bargaining agreement between Employer and the Unit is set to expire on December 31, 2023; and

WHEREAS, Employer and the Unit negotiated a collective bargaining agreement, covering the period between January 1, 2024 and December 31, 2026; and

WHEREAS, Unit membership recently ratified the agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the agreement between Erie County and Teamsters Local 264 -Sworn for the period January 1, 2024-December 31, 2026; and be it further

RESOLVED, that authorization is hereby given that all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, that authorization is hereby given to appropriate the remainder of \$900,000 from Fund 110, Funds Center 14010, Account 504998 – Net Impact Teamsters to cover the 2023 costs of the successor agreement; and be it further

RESOLVED, that the remaining additional costs associated with this contract for 2023 will be covered by vacancy savings within the Sheriff’s Office’s Division of Jail Management’s Operating Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments to properly fund the increased costs associated with the Unit agreement and the Commissioner of Personnel is authorized to make any necessary personnel adjustments to implement the terms of the agreement for County employees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Division of Budget and Management, Department of Labor Relations, Department of Personnel, Erie County Sheriff’s Office, and the Erie County Fiscal Stability Authority.

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

CARRIED UNANIMOUSLY.

Insert the Ratification Contract:

***[The County of Erie and the Erie County Sheriff's Department and International Brotherhood of Teamsters Local #264 Sworn Ratification document, July 12, 2023.](#)

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR TODARO

Item 54 – (COMM. 16E-41) Letter to the District Attorney Regarding Domestic Violence Incident

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF

Item 55 – (COMM. 16E-42) Law Enforcement Policy & Procedure Consulting Services

Item 56 – (COMM. 16E-43) Correctional Facility Cable Installation

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

FROM THE DISTRICT ATTORNEY

Item 57 – (COMM. 16E-44) District Attorney's Office - Authorization for Professional Services

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 58 – (COMM. 16D-1) Local Law No. 4 - A Local Law Providing for Public Financial Support for Public Art in the County of Erie Filing

Received and filed.

FROM THE DEPARTMENT OF PROBATION

Item 59 – (COMM. 16D-2) Probation Survey Results

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 60 – (COMM. 16D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 61 – (COMM. 16D-4) Budget Monitoring Report for Period Ending June 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEC

Item 62 – (COMM. 16M-1) Public Notice Fact Sheet - Brownfield Cleanup Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BRADY & SWENSON, P.C.

Item 63 – (COMM. 16M-2) Town of East Otto's Proposed Local Law 1 - 2023

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEPARTMENT OF AUDIT & CONTROL

Item 64 – (COMM. 16M-3) Certificate of the State Comptroller - Consent to Increase & Improve ECSD No. 3 Facilities

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF AMHERST

Item 65 – (COMM. 16M-4) Legal Ruling on Extension of Town of Amherst Consolidated Lighting District to Evergreen Landing Subdivision

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEPARTMENT
OF TAXATION & FINANCE

Item 66 – (COMM. 16M-5) List of Certified 2023 Class Equalization Rates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS DEC

Item 67 – (COMM. 16M-6) Adoption Notice for Rule-Makings - Petroleum Bulk Storage & Chemical Bulk Storage

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 68 – (COMM. 16M-7) 2023 NFTA Metro Annual Performance Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC AGRICULTURE & FARMLAND
PROTECTION BOARD

Item 69 – (COMM. 16M-8) Letter Regarding Concerns Over Sky Lanterns

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE VBN PRESIDENT & CEO

Item 70 – (COMM. 16M-9) 2023 Second Quarter Reports

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EC AGRICULTURE & FARMLAND
PROTECTION BOARD

Item 71 – (COMM. 16M-10) EC Southwest Agricultural District #8 Eight-Year Review

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEC

Item 72 – (COMM. 16M-11) DEC Invites Public Comment About Proposal to Address Contamination at Brownfield Site on Military Rd., Tonawanda

Item 73 – (COMM. 16M-12) DEC Announces Cleanup of Contamination - Will Begin at Brownfield Site on Lake Ave., Lancaster

Item 74 – (COMM. 16M-13) DEC Announces that Cleanup of Contamination is Complete at Brownfield Site on Hertel Ave. & Foundry St., Buffalo

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

FROM THE ASSIGNED COUNSEL PROGRAM

Item 75 – (COMM. 16M-14) 2022 Financial Statements & Explanation from Auditor

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 76 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, September 14, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, September 21, 2023. Finally, Chair Baskin announced that the Legislature will conduct a public hearing this evening, Thursday, September 14th, at 6:00 P.M., to hear public comment on Local Law Intro. 6-1, A Local Law Providing for the Extended Lease of Real Property Located at 13 Centre Drive, Orchard Park, NY, 14127.

Chair Baskin further announced that the EEO Survey has been completed, and the results will be discussed at the Thursday, October 5, 2023 meeting of the Legislature's Minority and Women Business Enterprise Committee.

MEMORIAL RESOLUTIONS

Item 77 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Timothy E. "Timmy" Sasiadek.

Item 78 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Joyce Wilson Nixon.

Item 79 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Jacqueline A. Stahrr, and Agostino Aurilio.

Item 80 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Jon R. Rothenmeyer, Robert L. Conschafter, and Nelson E. Schulel.

ADJOURNMENT

Item 81 – 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, September 21, 2023 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, September 21, 2023 at 12:00 Noon.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE