

**ERIE COUNTY LEGISLATURE
MEETING NO. 17
SEPTEMBER 21, 2023**

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Greene.

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

The Pledge of Allegiance was led by Mr. Malczewski.

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 16 from 2023. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

VINAL	Congratulating and Recognizing Franklin J. Sciortino on a Phenomenal Career
MAJORITY CAUCUS	Acknowledging and Honoring National Voter Registration Day
BASKIN	Congratulating and Recognizing Carl Thomas on a Phenomenal Career
MAJORITY CAUCUS	Acknowledging and Recognizing National Childhood Cancer Month in September
VINAL	Celebrating and Recognizing the Official Opening of The New Northwest Amherst Community Center (NWACC)
JOHNSON	Celebrating and Honoring Mary E. Williams Happy 90th Birthday
BARGNESI & KOOSHOIAN	Congratulating Kellen Pulera - Drafted to the Buffalo Bandits During the 2023 National Lacrosse League Draft

BASKIN & JOHNSON	Honoring National Hispanic Heritage Month
GILMOUR	Honoring and Recognizing Marin Collins – Verbal Commitment to Penn State
MILLS	Recognizing Jillian O’Rourke as the 2022-2023 Orchard Park Bee Female Athlete of the Year
MILLS	Honoring Marion Ahles on Her 107th Birthday
MILLS	Celebrating the 75th Concert Season of the Orchard Park Symphony Orchestra
MILLS	Recognizing the Eden Public Library During National Library Card Sign-Up Month
MILLS	Recognizing the Concord Public Library During National Library Card Sign-Up Month
GREENE	Recognizing the Newstead Public Library During National Library Card Sign-Up Month
GREENE	Recognizing Arden Zackey for His Commitment to the Community
GREENE	Recognizing the Clarence Public Library During National Library Card Sign-Up Month
GREENE	Honoring Captain Thomas Maier on His Retirement
TODARO	Proclaiming September 17-23, 2023 as “Constitution Week” in Erie County
TODARO	Honoring Audrey Hamernik as Citizen of the Month
TODARO	Recognizing Tracy Sundberg for 45 Years of Service to the Depew Fire Department
TODARO	Recognizing Peter Maziarz for 45 Years of Service to the Depew Fire Department
TODARO	Recognizing Ron Maciejewski for 45 Years of Service to the Depew Fire Department
TODARO	Recognizing David Strohmenger for 50 Years of Service to the Depew Fire Department

- TODARO Recognizing Richard Brossard for 55 Years of Service to the Depew Fire Department
- TODARO Recognizing Alden Rod & Gun Club on National Hunting and Fishing Day
- TODARO Recognizing Hawkeye Bowmen on National Hunting and Fishing Day
- TODARO Celebrating the Grand Opening of Fashion Fun Finds
- MALCZEWSKI Recognizing the East Aurora Vietnam Veterans Club on National POW/MIA Recognition Day
- MALCZEWSKI Recognizing the West Seneca Joint Veterans Committee on National POW/MIA Recognition Day
- MALCZEWSKI Recognizing the Veterans of Foreign Wars Post 205 on National POW/MIA Recognition Day
- MALCZEWSKI Recognizing the Veterans of Foreign Wars Post 5861 on National POW/MIA Recognition Day
- MALCZEWSKI Recognizing the American Legion Post 362 on National POW/MIA Recognition Day
- MALCZEWSKI Recognizing the Erie County Federation of Sportsmen’s Clubs on National Hunting and Fishing Day
- MALCZEWSKI Recognizing the West Falls Conservation Society on National Hunting and Fishing Day
- MALCZEWSKI Recognizing the East Aurora Fish & Game Club on National Hunting and Fishing Day
- MALCZEWSKI Recognizing the Elma Conservation Club on National Hunting and Fishing Day
- MALCZEWSKI Recognizing the Holland Rod and Gun Club on National Hunting and Fishing Day

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-eight items as amended. MR. GILMOUR 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 – MR. MEYERS moved to take Local Law No. 6 (Print #1) 2023 from the table. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO – NO. 6-1- 2023

LOCAL LAW – NO. _____ - 2023

A local law providing for the extended lease of real property located at 13 Centre Drive, Orchard Park, New York, 14127. This Local Law supersedes New York State County Law Section 215, subdivision (3).

Be it enacted by the Legislature of the County of Erie as follows:

Section 1 – Intent

The Erie County Legislature intends to supersede the real property lease term restrictions provided for in New York State County Law Section 215 (3) by authorizing Erie County to enter into a 10-year lease for warehouse and office space located at 13 Centre Drive in the Town of Orchard Park State of New York. The leased space will be used to house the Erie County Sheriff's Office Special Services Division, Professional Standards Division, Inventory Facility, and to provide for secure storage of emergency response equipment.

Section 2 – Authorization of Extended Lease Length

Notwithstanding the provisions of section 215 of the County Law or any special act or local law to the contrary, the County is hereby authorized to enter into a lease with 13 Centre Drive OPNY LLC for real property located at 13 Centre Drive in the Town of Orchard Park, New York for an initial term of ten years with two, five-year renewal options which may be enacted upon mutual written agreement of the parties.

Section 3 - Severability

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 4 – Effective Date

This local law shall take effect upon filing with the New York State Secretary of State.

Sponsors:

John Bargnesi
Timothy Meyers
John Gilmour
Michael Kooshoian

MR. MEYERS moved to amend Local Law No. 6 (Print #1) 2023. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Attach the [Short Environmental Assessment Form](#)

MR. MEYERS moved to approve Local Law No. 6 (Print #1) 2023 as amended. MR. GILMOUR seconded.

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

AYES: MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL.
NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

September 14, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GREENE.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11E-35 (2023)
SHERIFF: “Lease Space at 10 Centre Dr., Orchard Park”
(Chair’s Ruling)
 - b. COMM. 13E-3 (2023)
COMPTROLLER: “Questions & Concerns Regarding Sheriff Request to Lease 13 Centre Drive”
(Chair’s Ruling)
 - c. COMM. 15M-5 (2023)
GREG RAMSDELL: “Email Request to Serve on Advisor Board”
(Chair’s Ruling)
 - d. COMM. 16D-2 (2023)
DEPARTMENT OF PROBATION: “Probation Survey Results”
(Chair’s Ruling)
2. COMM. 16E-28 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through planning, preparedness, training in Erie County during actual or potential disaster events; and

WHEREAS, the Shomette Group is the chosen vendor after a request for public proposals was issued; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact with the Shomette group to execute the project; and

WHEREAS, funding is available in the Department of Homeland Security and Emergency Services within the FY 22 Domestic Terrorism Prevention Grant; and

WHEREAS, the contract will be managed by the Erie County Department of Homeland Security and Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the Shomette Group for domestic terrorism prevention training in an amount not to exceed \$110,000; and be it further

RESOLVED, that sufficient funding exists within the Department of Homeland Security & Emergency Services FY 2022 Domestic Terrorism Prevention Grant (Fund 281, Funds Center 16700, Grant HS167DTPG2224) Account 516020 – Professional Services, Contracts & Fees; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, Comptroller's Office, Department of Homeland Security Emergency Services, Department of Law, and Division of Budget and Management.

(4-0)

3. COMM. 16E-30 (2023)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security & Emergency Services, through NYS Department of Homeland Security and Emergency Services, has agreed to provide funding for training in emergency response; and

WHEREAS, ATV Safety Institute has been identified as an appropriate and competent provider of the requested training; and

WHEREAS, authorization is required from the Erie County Legislature for the Division of Purchase to contract ATV Safety Institute to conduct the training for emergency response with the use of an all-terrain vehicle; and

WHEREAS, funding is available in the FY 20 State Homeland Security Program Grant to cover the costs incurred for this training; and

WHEREAS, the vendor will be managed by the Erie County Department of Homeland Security & Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Division of Purchase to create all necessary documents in an amount not to exceed \$8,000 to conduct training for emergency response, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that sufficient funds to cover the cost of this training already exist within the Department of Homeland Security and Emergency Services HS167SHSP2023 Grant in account 510200 – Training and Education; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, Comptroller's Office, Department of Homeland Security & Emergency Services, Department of Law, Division of Purchase.
(4-0)

4. COMM. 16E-43 (2023)
SHERIFF

WHEREAS, current cabling at the Erie County Correctional Facility is outdated and will not support internet, Wi-Fi and television services; and

WHEREAS, the Erie County Sheriff's Office has contracted with Spectrum Enterprises to update fiberoptic cabling throughout the facility to provide internet, Wi-Fi and television services for incarcerated individuals; and

WHEREAS, necessary funds exist in the Sheriff's Office Commissary Account to pay for the installation of the necessary cable.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office is hereby authorized to expend up to \$128,828 with Spectrum Enterprise from Commissary Funds for the installation of fiberoptic cable at the Erie County Correctional Facility to provide for television and tablet educational services; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Sheriff and Erie County Comptroller.
(4-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

September 14, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.

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

a. COMM. 16M-7 (2023)
NFTA: “2023 NFTA Metro Annual Performance Report”
(Chair’s Ruling)

b. COMM. 16M-9 (2023)
VBN PRESIDENT & CEO: “2023 Second Quarter Reports”
(Chair’s Ruling)

2. COMM. 16E-29 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through planning, preparedness, training in Erie County during actual or potential disaster events; and

WHEREAS, The Western New York Law Enforcement Helpline is the chosen vendor after a request for public proposals was issued; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact with the Western New York Law Enforcement Helpline group to execute the project; and

WHEREAS, funding is available in the Department of Homeland Security and Emergency Services General 110 fund in Account 516080 – Life and Safety Contracts; and

WHEREAS, the contract will be managed by the Erie County Department of Homeland Security and Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorize the County Executive to enter into contract with the Western New York Law Enforcement Helpline Group in an amount not to exceed \$95,950 to provide first responder support services; and be it further

RESOLVED, that sufficient funds exist within the Department of Homeland Security & Emergency Services' 2023 General Fund Budget (Fund 110, Funds Center 16700) Account 516080 – Life and Safety Contracts; and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, Comptroller's Office, Department of Homeland Security and Emergency Services, Department of Law, and Division of Budget and Management.

(5-0)

3. COMM. 16E-31 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works – Highway Division wishes to enter a Memorandum of Understanding (MOU) with the Niagara Frontier Transportation Authority (NFTA). NFTA, serves as the Administrative Host Agency for GBNRTC and was awarded a grant from the “Safe Streets and Roads for All” Grant Program (“Grant”) through the Federal Highway Administration (“FHWA”); and

WHEREAS, Erie County is a member agency of GBNRTC and will directly benefit from this grant; and

WHEREAS, the Grant's scope of the work will provide GBNRTC the ability to develop a Roadway Safety Action Plan for all roadways in Erie and Niagara Counties. The completed Roadway Safety Action Plan will in turn make all roadway owners in Erie County eligible for implementation funds in future rounds of “Safe Streets and Roads for All” funding opportunities; and

WHEREAS, the grant administered by GBNRTC has a non-federal share requirement in the amount of \$25,000 for participating member agencies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Memorandum of Understanding between the County of Erie and Niagara Frontier Transportation Authority (NFTA) to participate in the “Safe Streets and Roads for All” Grant Program; and be it further

RESOLVED, that authorization is hereby given for \$25,000 in funding for Erie County's portion of non-federal local share, in accordance with the MOU, to be made available in Fund 420, Fund Center 123, Capital Project B.21150.1 – 2021 Capital Overlay Program; and be it further

RESOLVED, the Clerk of the Legislature is directed to send three (3) certified copies of this resolution to the Department of Public Works; Commissioner's Office and sends one certified copy of the resolution to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management and the Department of Law.

(5-0)

4. COMM. 16E-32 (2023)
COUNTY EXECUTIVE

WHEREAS, authorization is being requested for the County Executive to execute an amendment for additional engineering services and right of way services to the Professional Services Agreement for the Trevett Road (CR420) Slope and Slide Remediation (the "Agreement"), authorized by COMM. 5E-13 on March 21, 2019 with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.; and

WHEREAS, the total cost of the amendment shall not exceed \$61,798.00 and funds are available in Fund 420, Funds Center 123, Capital Projects B.1601-12016 Road Design, B.16012-2016 Road Slides Right of Way and B.17014- 2107 Road Slide Designs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an amendment to the Professional Services Agreement with Bergman Associates for the Trevett Road Slope and Slide Remediation Project in an amount not to exceed \$61,798.00; and be it further

RESOLVED, that sufficient funding for this contract amendment is available in Fund 420, Funds Center 123, as follows:

B.16011	2016 Road Design (Countywide)	\$19,500.00
B.16012	2016 Road Slides R.O.W. (Countywide)	\$23,382.00
B.17014	2017 Road Slide Designs Countywide	<u>\$18,916.00</u>
		\$61,798.00

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 (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

5. COMM. 16E-33 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Sheriff's Office Special Operations Division entered into an informal agreement with the Erie County Department of Parks, Recreation & Forestry in 2019 that permitted the Sheriff's Department to occupy and utilize a building in Emery Park, referred to as the "Sheriff's Storage Building" as a headquarters for their ATV/Snowmobile Unit; and

WHEREAS, it is the desire of the Sheriff's Department to enter into a long-term formal agreement with the Department of Parks, Recreation & Forestry to occupy, utilize, and maintain the building for at least the next ten years; and

WHEREAS, the existing roof systems at the Emery Maintenance Facility and the Sheriff's Outbuilding at Emery Park have significantly deteriorated, and full roof system replacement, along with building enhancements are warranted to avoid any further damage to the integrity of the building; and

WHEREAS, your Honorable Body previously approved the funding for the design of this project per Comm. 22E-15 (2022); and

WHEREAS, the Erie County Department of Public Works received bids for the Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project on August 8, 2023; and

WHEREAS, the lowest responsible bidder for the Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project, in accordance with General Municipal Law, is Titan Roofing, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with the Architect of record for the project, is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidder for Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project for an amount not to exceed as follows:

General Construction Work

Titan Roofing, Inc.	Base Bid:	\$ 705,920.00
	Alternate 1	\$ 190,000.00
Total Award of Construction Contract:		\$ 895,920.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$203,080 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that authorization is hereby give to the Comptroller's Office to make payment for the project from Fund 410, Funds Center 164, Project A.23075 – 2023 Emery Maint & Out Bldg Ext Improve - \$1,099,000.00; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward two (2) certified copies of this resolution to the Department of Public Works, Office of the Commissioner,

Department of Parks, Recreation & Forestry, and the Erie County Sheriff'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)

6. COMM. 16E-37 (2023)
COUNTY EXECUTIVE

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

WHEREAS, the County is the owner of a short line railroad, namely, Rail Line 1246, running from South Buffalo to Gowanda and passing over several waterbodies and public roadways throughout its route (the "Hamburg Line"); and

WHEREAS, the County leases the Hamburg Line to the Erie County Industrial Development Agency (the "Organization"), and the Organization manages the lease with the Hamburg Line operator; and

WHEREAS, portions of the Hamburg Line consisting of five bridge structures need repairs and the County desires to rehabilitate such crossings; and

WHEREAS, multiple rail crossings of roads are also in need of repair; and

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

WHEREAS, the County has allocated \$400,000 for rehabilitation of the Buffalo Southern Railroad (the "Buffalo Southern Railroad Capital Improvement Project") in its 2023 Capital Budget; and

WHEREAS, the source of the aforementioned funds is A.23062 (pay as you go).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts as necessary with the Erie County Industrial Development Agency and Buffalo Southern in amounts not to exceed \$400,000 from Capital Account A.23062 (pay as you go) to implement the Project; and be it further

RESOLVED, that authorization is hereby given to effectuate payments for the Buffalo Southern Railroad Capital Improvement Project with the Organization and its contractors in an amount not to exceed \$400,000 from A.23062 (pay as you go); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Erie County Executive's Office, Division of Budget and Management, Office of the Comptroller, Department of Environment and Planning, and the Department of Law.

(5-0)

7. COMM. 16E-44 (2023)
DISTRICT ATTORNEY

WHEREAS, the District Attorney's Office desires to secure the services of Prosecutors' Center for Excellence to aid our office in assessing our cyber security; and

WHEREAS, the District Attorney's Office seeks authorization to waive Section 19.08 of the Erie County Administrative Code due to impracticality; and

WHEREAS, there are sufficient funds in the 2023 appropriations of the District Attorney's Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of performing an assessment of cyber security measures within the District Attorney's Office; and be it further

RESOLVED, that the County Executive is hereby authorized to engage Prosecutors' Center for Excellence for a cyber security assessment of the District Attorney's Office in an amount not to exceed \$2,000; and be it further

RESOLVED, the Erie County Legislature hereby authorizes the Division of Purchase to create all necessary documents to engage the services of Prosecutors' Center for Excellence; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Division of Purchase, and the Erie County Comptroller.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

September 14, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR VINAL.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16E-23 (2023)
COUNTY EXECUTIVE: “ECSD No. 6 - Lackawanna WRRF Digestion & Solids Management Upgrades”
(Chair’s Ruling)
 - b. COMM. 16E-24 (2023)
COUNTY EXECUTIVE: “ECSD No. 8 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - c. COMM. 16M-1 (2023)
NYS DEC: “Public Notice Fact Sheet - Brownfield Cleanup Program”
(Chair’s Ruling)
 - d. COMM. 16M-3 (2023)
NYS DEPARTMENT OF AUDIT & CONTROL: “Certificate of the State Comptroller - Consent to Increase & Improve ECSD No. 3 Facilities”
(Chair’s Ruling)
 - e. COMM. 16M-6 (2023)
NYS DEC: “Adoption Notice for Rule-Makings - Petroleum Bulk Storage & Chemical Bulk Storage”
(Chair's Ruling)
 - f. COMM. 16M-8 (2023)
EC AGRICULTURE & FARMLAND PROTECTION BOARD: “Letter Regarding Concerns Over Sky Lanterns”
(Chair’s Ruling)
 - g. COMM. 16M-10 (2023)
EC AGRICULTURE & FARMLAND PROTECTION BOARD: “EC Southwest Agricultural District #8 Eight-Year Review”
(Chair’s Ruling)
 - h. COMM. 16M-11 (2023)
NYS DEC: “DEC Invites Public Comment About Proposal to Address Contamination at Brownfield Site on Military Rd., Tonawanda”
(Chair's Ruling)
 - i. COMM. 16M-12 (2023)
NYS DEC: “DEC Announces Cleanup of Contamination - Will Begin at Brownfield Site on Lake Ave., Lancaster”
(Chair’s Ruling)
 - j. COMM. 16M-13 (2023)

NYS DEC: “DEC Announces that Cleanup of Contamination is Complete at Brownfield Site on Hertel Ave. & Foundry St., Buffalo”
(Chair's Ruling)

2. COMM. 16E-34 (2023)
COUNTY EXECUTIVE

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2023 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 2:00 p.m., local time, on November 1, 2023 for the purpose of meeting to hear and consider any objections which may be made to the 2023 Sewer District Assessment Rolls (2024 Levy) for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 16, 2023; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive's Office, the Comptroller's Office, Division of Budget and Management, Department of Law, and Department of Environment & Planning.
(4-0)

3. COMM. 16E-35 (2023)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 14E-22 (2021), Contract No. 44 was awarded to 4th Generation Construction, Inc. to construct the Slate Bottom Creek Sanitary Sewer Replacement Project, in Erie County Sewer District No. 1; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 44, in the final contract amount of \$299,795.29 which includes Change Order No. 1, an increase of \$36,395.29, and Change Order No. 2 (final), and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes Contract No. 44 between the County of Erie and 4th Generation Construction, Inc. (5650 Simmons Avenue, Niagara Falls, NY 14304) to be accepted in the final contract amount of \$299,795.29 which includes Change Order No. 1, an increase of \$36,395.29 to be allocated in Capital Account C.21150 (American Rescue Plan funds) and Change Order No. 2 (final), a no-cost time extension; and be it further

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

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make the final payment for Contract No. 44, to 4th Generation Construction, Inc. for a total contract amount of \$299,795.29; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management.
(4-0)

4. COMM. 16E-36 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) annually receives a grant from the New York State Department of Conservation to provide waste reduction and recycling education and outreach programs for county residents and administrative, logistical and technical services support services to assist regulated municipalities in Erie County through two local solid waste management boards; and

WHEREAS, the DEP secured \$84,861 in grant funding from New York State Department of Environmental Conservation (DEC) for the 2023 Waste Reduction and Recycling Coordination Grant; and

WHEREAS, Erie County authorized execution of a DEC contract and the adoption of a grant budget in 2023 Erie County Budget Adopted Book B (pages 69-70); and

WHEREAS, the DEP selected the MBE contractor, Monarch of Infinite Possibilities LLC, to provide professional services for the Waste Reduction and Recycling Coordination Grant, as per the scope of work they mutually agreed upon; and

WHEREAS, the contracted amount is less than \$10,000 and as per Erie County Administrative Code 26.08, except where sections specify that action may be taken by the county executive, the Purchasing Director will be substituted as sufficient.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Monarch of Infinite Possibilities LLC for \$6,000; 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 local funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office, Division of Budget and Management, Department of Purchasing, Department of Law, Office of the Comptroller, and Department of Environment.
(4-0)

TIMOTHY J. MEYERS
CHAIR

Item 14 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

September 14, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR VINAL.

1. COMM. 16E-26 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services has been awarded an amount of \$3,874,658 in 100% state share funds to provide Outreach and Application Assistance for the New York State Rental Supplement Program; and

WHEREAS, the Erie County Department of Social Services issued a Request for Proposal (RFP) on February 14, 2022 to qualified agencies interested in providing Outreach and Application Assistance Services to customers in Erie County applying for New York State Rental Supplement Program funding; and

WHEREAS, based on the results of the RFP the Erie County Department of Social Services has identified Buffalo Federation of Neighborhood Centers as the recipient of this funding to provide administrative services in the amount of \$569,575 and rental supplements in the amount of \$3,227,590 to the residents of Erie County; and

WHEREAS, the Department of Social Services requires legislative approval to accept the State funds and to amend the Adopted 2023 Budget; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept State funds for the Outreach and Application Assistance for the New York State Rental Supplement Program in the amount of \$3,874,658 and authorizes the Division of Budget and Management to amend the 2023 Adopted Budget as follows:

Erie County Department of Social Services
Fund 110, Fund Center 120

Revenue	Increase
Account 409010 - State Aid Revenue	\$3,874,658
Appropriation	Increase
Account 516010 – Contract Payments Nonprofit Purch Serv	\$3,874,658

and be it further

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with Buffalo Federation of Neighborhood Centers in the amount of \$3,797,165 to provide administrative services in the amount of \$569,575 and rental supplements in the amount of \$3,227,590 to residents of Erie County; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Social Services, the Office of the Comptroller, and the Division of Budget and Management.

(4-0)

2. COMM. 16E-27 (2023)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is mandated by Federal and State governments to provide residential shelter and services to domestic violence victims; and

WHEREAS, the Department of Social Services currently contracts with Child and Family Services in Erie County and various State certified out of county shelters, upon need, to provide residential shelter and services to victims of domestic violence; and

WHEREAS, in order to stay in compliance with Federal and State guidelines additional funding in the amount of \$305,000 is necessary to pay the contractors for services provided.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept \$149,450 in additional State Aid and amend the 2023 General Fund Budget (Fund 110, Fund Center 1209010) as follows:

Department of Social Services
Fund 110, Fund Center 1209010

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
407680	Services for Recipients	<u>\$149,450</u>
	TOTAL	<u>\$149,450</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516400	Title XX Preventative & Protective Svcs	(\$155,550)
516410	Title XX Domestic Violence Contracts	\$305,000
	TOTAL	<u>\$149,450</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive and the Commissioner of Social Services to amend the contract with Child and Family Services to increase funding by \$305,000; and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into contracts with various State-certified out-of-county shelters to provide services to domestic violence victims at State-prescribed per diem rates, waiving the procedures in Section 26.08 of the Erie County Administrative Code; 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 shall be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Social Services, and Division of Budget and Management.

(4-0)

3. COMM. 16E-38 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County has received funding through the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) to respond to negative impacts resulting from the COVID-19 pandemic and meet local needs within eligible use categories; and

WHEREAS, more than \$89 million SLFRF was appropriated as part of a newly created American Rescue Plan Fund (Fund 253) in the 2022 Adopted Erie County Budget; and

WHEREAS, \$24 million of which was appropriated to the Department of Health to support urgent COVID-19 response efforts necessary to decrease the spread of the virus and bring the pandemic under control; and

WHEREAS, with the end of the local COVID-19 State of Emergency, previously appropriated funding remained that was eligible for reallocation; and

WHEREAS, the County seeks to address vacant property in communities disproportionately impacted by the pandemic, while simultaneously addressing the ongoing lack of affordable housing that has been exacerbated by the pandemic; and

WHEREAS, \$6.5 million in remaining SLFRF will be re-appropriated to increase the supply, quality, and diversity of housing while also addressing socioeconomic inequities amongst some of the lowest income residents of our community; and

WHEREAS, development of affordable housing is an enumerated eligible use within SLFRF to respond to the negative economic impacts of the pandemic; and

WHEREAS, Erie County's localized response to the pandemic seeks to address a shortage in housing supply while also providing opportunities for low- and moderate-income people and families with affordable housing options; and

WHEREAS, the County of Erie has issued an RFP with responses due by December 31, 2023 which seeks to establish a relationship with development partners to assist with the above stated goals of increasing affordable housing in Erie County with the construction of new units for rent or sale to low- and moderate-income income renters and/or buyers whose incomes do not exceed 80% of the Area Median Income (AMI); and

WHEREAS, ARPA SLFRF guidelines mandate that funds must be committed by December 31, 2024, and expended by December 31, 2026.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the re-appropriation and transfer of \$6,500,000 of remaining ARPA SLFRF from direct COVID-19 mitigation to multi-family affordable housing development within the American Rescue Plan Fund (Fund 253) as follows:

Health Division
Fund 253, Funds Center 12700

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
414027	Federal Aid – American Rescue Plan	<u>\$(6,500,000)</u>
	TOTAL	<u>\$(6,500,000)</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
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516044	COVID 19 Mitigation – American Rescue	\$(6,500,000)
	TOTAL	<u>\$(6,500,000)</u>

Environment and Planning
Fund 253, Funds Center 16200

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
414027	Federal Aid – American Rescue Plan	\$ 6,500,000
	TOTAL	<u>\$ 6,500,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516048	Affordable Housing Multi-Fam – American Rescue Plan	\$ 6,500,000
	TOTAL	<u>\$ 6,500,000</u>

and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to implement any budget adjustments and re-appropriation of funds within the American Rescue Plan Fund (Fund 253) to effectuate the full utilization of ARPA SLFRF in advance of programmatic obligation and expenditure deadlines set by the U.S. Department of Treasury; and be it further

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

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

(4-0)

**JOHN J. GILMOUR
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

September 14, 2023	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & GREENE.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 15E-2 (2023)
COMPTROLLER: “Department of Law Risk Retention Fund Spending - March, April & May 2023”
(Chair’s Ruling)
 - b. COMM. 15D-1 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “July Capital Projects Update”
(Chair’s Ruling)
 - c. COMM. 15D-2 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending May 2023”
(Chair’s Ruling)
 - d. COMM. 16E-1 (2023)
COMPTROLLER: “Certificate of Determination - Sewer Bond Sale”
(Chair’s Ruling)
 - e. COMM. 16E-4 (2023)
COMPTROLLER: “Department of Law Risk Retention Fund Spending - June 2023”
(Chair’s Ruling)
 - f. COMM. 16E-5 (2023)
COMPTROLLER: “Second Quarter 2023 - Interim Financial Report”
(Chair’s Ruling)
 - g. COMM. 16E-15 (2023)
COMPTROLLER: “Department of Law Risk Retention Fund Spending - July 2023”
(Chair’s Ruling)
 - h. COMM. 16D-4 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending June 2023”
(Chair’s Ruling)
 - i. COMM. 16M-5 (2023)
NYS DEPARTMENT OF TAXATION & FINANCE: “List of Certified 2023 Class Equalization Rates”
(Chair’s Ruling)
2. COMM. 2D-3 (2023) AS AMENDED
DIRECTOR OF REAL PROPERTY TAX SERVICES

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 250071 through 250094, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities:

FISCAL YEAR	2023	Petition No.	250,071.00
ASSESSOR	Refund	\$368.91	
S-B-L	119.00-5-9.11/A Gas Well	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$368.91	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$368.91	

RPTL 550(2): Applied refuse charge in error
Refund to be issued to Alden Aurora Gas Co Inc

FISCAL YEAR	2023	Petition No.	250,072.00
ASSESSOR	Refund	\$184.45	
S-B-L	119.00-5-33./A Gas Well	142089 ALDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$184.45	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$184.45	

RPTL 550(2): Applied refuse charge in error
Refund to be issued to Alden Aurora Gas Co Inc

FISCAL YEAR	2023	Petition No.	250,073.00
ASSESSOR	Refund	\$211.19	
S-B-L	259.04-1-4.21 9440 State Rd	143400 COLDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$211.19	Town/SpecialDist/School
<u>Charge To :</u>	143400 COLDEN	\$211.19	

RPTL 550(2): Incorrect refuse units

Refund to be issued to Bruce & Kim Zehnder

FISCAL YEAR 2023 Petition No. 250,074.00

 ASSESSOR Refund \$463.95
S-B-L 336.17-1-36 4 S Edgewood Dr 143801 SPRINGVILLE

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$463.95 Town/SpecialDist/School

Charge To : 143801 SPRINGVILLE \$463.95

 Relevy Village \$463.95 Village of SPRINGVILLE
RPTL 550(3): Incorrect square footage
Refund to be issued to Richard P. & Susan M. Mertowski

FISCAL YEAR 2023 Petition No. 250,075.00

 ASSESSOR Refund \$379.49
S-B-L 336.17-1-36 4 S Edgewood Dr 143801 SPRINGVILLE

 Acct. No. 112 \$287.93 County
 Acct. No. 132 \$91.56 Town/SpecialDist/School

Charge To : 143801 SPRINGVILLE \$91.56

RPTL 550(3): Error in calculating square footage
Refund to be issued to Richard P. & Susan M. Mertowski

FISCAL YEAR 2021 Petition No. 250,076.00

 ASSESSOR Cancel \$44.96
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$44.96 Town/SpecialDist/School

Charge To : 143801 SPRINGVILLE \$44.96

 Relevy Village \$44.96 Village of SPRINGVILLE
RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll.

FISCAL YEAR 2022 Petition No. 250,077.00

 ASSESSOR Cancel \$46.00
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$46.00 Town/SpecialDist/School

Charge To : 143801 SPRINGVILLE \$46.00
Relevy Village \$46.00 Village of SPRINGVILLE
RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll

FISCAL YEAR 2023 Petition No. 250,078.00

ASSESSOR Cancel \$47.16
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$47.16 Town/SpecialDist/School

Charge To : 143801 SPRINGVILLE \$47.16

Relevy Village \$47.16 Village of SPRINGVILLE
RPTL 550(2): Duplicate parcel
Delete entire parcel from tax roll.

FISCAL YEAR 2021 Petition No. 250,079.00

ASSESSOR Cancel \$39.75
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 \$31.10 County
Acct. No. 132 \$8.65 Town/SpecialDist/School

Charge To : 143801 SPRINGVILLE \$8.65

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

FISCAL YEAR 2022 Petition No. 250,080.00

ASSESSOR Cancel \$39.74
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 \$30.47 County
Acct. No. 132 \$9.27 Town/SpecialDist/School

Charge To : 143801 SPRINGVILLE \$9.27

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

FISCAL YEAR 2023 Petition No. 250,081.00

ASSESSOR Cancel \$38.58
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 \$29.27 County
Acct. No. 132 \$9.31 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE \$9.31

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

FISCAL YEAR 2020 Petition No. 250,082.00

ASSESSOR Cancel \$105.20
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$105.20 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE \$105.20
Relevy School \$105.20 143801 SPRING-GRIFFITH

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

FISCAL YEAR 2021 Petition No. 250,083.00

ASSESSOR Cancel \$104.61
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$104.61 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE \$104.61
Relevy School \$104.61 143801 SPRING-GRIFFITH

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

FISCAL YEAR 2022 Petition No. 250,084.00

ASSESSOR Cancel \$104.18
S-B-L 347.07-1-15.2 V/L Mill St 143801 SPRINGVILLE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$104.18 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE \$104.18
Relevy School \$104.18 143801 SPRING-GRIFFITH

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

FISCAL YEAR	2022	Petition No.	250,085.00
ASSESSOR	Cancel	\$244.00	
S-B-L	209.04-2-2	3741 Eckhardt Rd	144000 EDEN
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$244.00	Town/SpecialDist/School
	40503 ECSD3 Flat Usage Fee	\$244.00	
<u>Charge To :</u>	144000 EDEN		\$0.00

RPTL 550(2): Applied ECSD in error
Refund to be issued to Carol Knight

FISCAL YEAR	2023	Petition No.	250,086.00
ASSESSOR	Refund	\$210.00	
S-B-L	239.00-5-17	8989 Jennings Rd	144000 EDEN
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$210.00	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$210.00

RPTL 550(2): Incorrect garbage units
Refund to be issued to Michael E. & Kerri J Williams

FISCAL YEAR	2023	Petition No.	250,087.00
ASSESSOR	Refund	\$230.64	
S-B-L	23.00-1-17.111	126 Industrial Dr	144600 GRAND ISLAND
	Acct. No. 112	\$73.66	County
	Acct. No. 132	\$156.98	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND		\$156.98

RPTL 550(2): Incorrect exemption amount
Refund to be issue to GSPP Grand Island B Land LLC

FISCAL YEAR	2023	Petition No.	250,088.00
ASSESSOR	Cancel	\$6.06	
S-B-L	195.00-1-62.11/A	Hickox Rd	144889 HAMBURG

Acct. No. 112 \$2.68 County
Acct. No. 132 \$3.38 Town/SpecialDist/School
48020 HAMBURG TOWN FIRE PROTECT \$0.35
Charge To : 144889 HAMBURG \$3.03

RPTL 550(2): Incorrect assessment
New tax bill to be issued

FISCAL YEAR 2023 Petition No. 250,089.00

ASSESSOR Refund \$324.98
S-B-L 104.15-4-4 64 Sawyer Ave 145203 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$324.98 Town/SpecialDist/School
Charge To : 145203 LANCASTER \$324.98

Relevy Village \$324.98 Village of LANCASTER
RPTL 550(2): Failed to apply disabled exemption
Refund to be issued to Nancy Cox

FISCAL YEAR 2023 Petition No. 250,090.00

ASSESSOR Cancel \$1,763.39
S-B-L 47.07-1-6.11/B 1 Ice Cream Plaza 145601 AKRON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,763.39 Town/SpecialDist/School
Charge To : 145601 AKRON \$1,763.39

Relevy Village \$1,763.39 Village of AKRON
RPTL 550(2): Incorrect exemption amount
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,091.00

ASSESSOR Cancel \$749.44
S-B-L 33.00-2-19.1/P 12715 Lewis Rd 145689 NEWSTEAD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$749.44 Town/SpecialDist/School
Charge To : 145689 NEWSTEAD \$749.44
Relevy School \$749.44 145601 AKRON CENTRAL

RPTL 550(2): Incorrect exemption amount

New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	250,092.00
ASSESSOR	Cancel	\$2,204.24	
S-B-L	47.07-2-13.211/P 3 Oak St	145601 AKRON	
Acct. No. 112		\$0.00	County
Acct. No. 132		\$2,204.24	Town/SpecialDist/School
<u>Charge To :</u>	145601 AKRON	\$2,204.24	
	Relevy School	\$2,204.24	145601 AKRON CENTRAL

RPTL 550(2): Incorrect exemption amount
New tax bill to be issued.

FISCAL YEAR	2022	Petition No.	250,093.00
ASSESSOR	Refund	\$1,267.00	
S-B-L	78.33-1-11 345 Warren Ave	146401 KENMORE	
Acct. No. 112		\$0.00	County
Acct. No. 132		\$1,267.00	Town/SpecialDist/School
<u>Charge To :</u>	146401 KENMORE	\$1,267.00	
	Relevy School	\$1,267.00	146401 KEN-TON UNION

FREE

RPTL 550(2): Failed to apply Enhanced STAR exemption
Refund to be issued.

FISCAL YEAR	2023	Petition No.	250,094.00
ASSESSOR	Cancel	\$17,940.07	
S-B-L	135.01-4-61.111 North America Dr	146800 WEST SENECA	
Acct. No. 112		\$5,230.83	County
Acct. No. 132		\$12,709.24	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$12,709.24	

RPTL 550(7): Failed to apply wholly exempt, RS8
New tax bill to be issued

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of
Real Property Tax Services.

(3-0)

3. COMM. 16E-25 (2023)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation and Forestry intends to continue various projects for the County of Erie; and

WHEREAS, in order to effectuate the completion of the projects, as well as any new ones, it is necessary to transfer funds due to the increase in the cost of repair parts, service of vehicles and equipment, as well as materials and supplies for in-house projects, to the appropriate budget line; and

WHEREAS, funding for the needed transfer is available in Funds Center 16410, Fund 110, Account 561430, Building, Grounds & Heavy Equipment, 2023 operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the following transfer of funds within the Department of Parks, Recreation and Forestry's 2023 Operating Budget (Fund 110, Funds Center 164):

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
561430	Building, Grounds & Heavy Eq	(\$70,000)
506200	Maintenance & Repair	<u>\$70,000</u>
	TOTAL	<u>\$0</u>

and be it further

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

(3-0)

TIMOTHY J. MEYERS
CHAIR

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

RE: Designation of Tourism
Promotion Agency for 2023-
2024
(INTRO. 17-1)

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

WHEREAS, the development, expansion and promotion of tourist travel to Erie County are of great benefit to the citizens of Erie County; and

WHEREAS, tourism spending in Erie County is reflected in bed and sales tax collections, as well as spurring a positive economic impact on amateur and professional sporting events, shopping, arts and culture and the hospitality industry; and

WHEREAS, this positive impact helps hold down property taxes and spurs economic growth and job creation; and

WHEREAS, in 1977, the New York State Legislature enacted the New York State Tourism Promotion Act to enable counties in the state to draw down funds to support their marketing and advertising campaigns; and

WHEREAS, the Tourism Promotion Act authorizes the state's Department of Economic Development to operate a program of matching state funds for non-profit tourism promotion agencies designated by county legislative bodies as agencies that are authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (VBN) – formerly known as the Buffalo Niagara Convention and Visitors Bureau – has done a commendable job bringing together a diverse array of non-profit organizations, attractions, retail businesses and members of the hospitality industry to work collaboratively for the benefit of our entire region.

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2023-2024; and be it further

RESOLVED, that this Honorable Body requests that Visit Buffalo Niagara submit the appropriate application to the New York State Department of Economic Development for state matching funds to assist VBN to finance its tourism marketing, media relations and advertising campaigns as set outlined in the New York State Tourism Promotion Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Empire State Development, Patrick Kaler of Visit Buffalo Niagara, the tourism committees of both the New York State Assembly and Senate, County Executive Mark Poloncarz, the Erie County Department of Environment and Planning, and all other deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: Supporting Passage of a Law
Prohibiting the Acquisition or
Transfer of Agricultural Land by
Foreign Adversaries
(INTRO. 17-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MINORITY CAUCUS**

WHEREAS, the ability to control resources coming from and arising out of the land can be used by nations to exert power over the people of another nation, especially during periods of conflict; and

WHEREAS, one example of this global influence was seen recently when Russia restricted the flow of natural gas to European nations opposed to its military actions, thus hurting people living in those countries; and

WHEREAS, food is one of the resources which could be used to exert influence and coercion; and

WHEREAS, according to the National Agricultural Law Center, twenty-four states have laws which restrict foreign ownership or investments in private agricultural land, and other states are considering such legislation; and

WHEREAS, New York is one of the states considering such legislation with Assembly Bill A6444 and Senate Bill S6583; and

WHEREAS, the bills, if enacted into law, would prohibit the acquisition or transfer of agricultural land by foreign adversaries, with agricultural land being “real estate used for an agricultural operation in the state”; and

WHEREAS, preventing foreign adversaries from controlling agricultural land would provide stability to the domestic food supply.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the passage of New York State Senate Bill S6583 and Assembly Bill A6444 and its enactment into law; and be it further

RESOLVED, that a copy of this resolution be transmitted to the local delegations of the New York State Senate and Assembly and the Governor of New York State.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: Support for United Auto
Workers
(INTRO. 17-3)

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

WHEREAS, on September 14, 2023, the United Auto Workers (“UAW”) contract with Ford, General Motors, and Stellantis expired and the following day, the UAW went on strike; and

WHEREAS, the UAW has more than 400,000 active members across its 600 local unions, which has created 1,750 contracts with 1,050 employers; and

WHEREAS, currently, about 12,000 workers are on strike across 3 different assembly plants; and

WHEREAS, the UAW is calling for increased wages over four years to offset inflation, an end to the tiered employment system, improved overtime and retirement benefits, improved worker protections against plant closures, and a 32-hour work week; and

WHEREAS, automobile manufacturers are gaining record profits in 2023, Stellantis has set a new record for its profits and GM has earned \$1 billion over its profit projection; and

WHEREAS, in a time of record profits and rising executive pay, the UAW believes their workers should also see increasing pay and its share of the record profits to ensure the backbone of the American auto industry, its workers, are able to have desirable jobs and a high quality of life.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body stands in support with the UAW in its negotiations for a fair contract and calls on Ford, GM, and Stellantis to prioritize its workforce by offering a quality contract that values its workers as much as the auto manufactures value its profits, and prevent the strike from continuing into the coming months; and be it further

RESOLVED, a copy of this resolution be sent to Ford, GM, Stellantis and the UAW Region
9.

Item 19 – MR. MEYERS presented the following resolution and moved for immediate

consideration. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

RE: Adjustments to the Legislature's
2023 Departmental Budget
(INTRO. 17-4)

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

WHEREAS, in order to properly administer the functions of the Legislature, as well as to implement the 2023 Erie County budget as adopted, several technical budget adjustments are necessary within the Legislature's departmental budget for the remainder of 2023; and

WHEREAS, the funding transfers will account for an increase in charges concerning internet/email services and the publishing of legal notices paid through the Utilities Account, as well as the purchase of new computers for the Minority Caucus, while keeping within the Legislature's adopted 2023 departmental appropriation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the transfer to \$25,000 as follows:

Fund Center 100, Account 530000, OTHER EXPENSES	- \$25,000
Fund Center 100, Account 515000, UTILITIES	+ \$10,000
Fund Center 100, Account 561410, LAB & TECHNICAL EQUIPMENT	+ \$15,000

and be it further

RESOLVED, that the Clerk of Legislature shall forward certified copies of this resolution to the County Executive, Comptroller, and the Director of the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

Delete the Resolution in Its Entirety and Replace with the Following:

WHEREAS, in order to properly administer the functions of the Legislature, as well as to implement the 2023 Erie County budget as adopted, several technical budget adjustments are necessary within the Legislature's departmental budget for the remainder of 2023; and

WHEREAS, the funding transfers will account for an increase in charges concerning internet/email services and the publishing of legal notices paid through the Utilities Account, as well as the purchase of new computers for the Minority Caucus central staff, and Majority/Minority Legislature district office staff, while keeping within the Legislature's adopted 2023 departmental appropriation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the transfer to \$35,000 as follows:

Fund Center 100, Account 530000, OTHER EXPENSES	- \$35,000
Fund Center 100, Account 515000, UTILITIES	+ \$10,000
Fund Center 100, Account 561410, LAB & TECHNICAL EQUIPMENT	+ \$25,000

and be it further

RESOLVED, that the Clerk of Legislature shall forward certified copies of this resolution to the County Executive, Comptroller, and the Director of the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 20 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 17-5 from MEYERS Re: Calling U.S. Congress to Prioritize Comprehensive Immigration Reform

RESOLUTION NO. 152

WHEREAS, immigration in the United States is a Federal government issue, and states do not have any authority over immigration, as was clarified in *Takahashi v. Fish and Game Comm'n*, 334 U.S. 410 (1948) which stated "...under the Constitution, the states are granted no such powers; they can neither add to nor take from the conditions lawfully imposed by Congress upon admission, naturalization and residence of aliens in the United States or the several states"; and

WHEREAS, there has not been meaningful, comprehensive immigration reform in over 30 years; and

WHEREAS, as a result, states, counties, cities, and towns across the Country have been left to deal with the consequences of inaction on immigration reform; and

WHEREAS, substantive immigration reform will bring much needed protections to residents who are already in immigration review system, as well as a much clearer, predictable path towards citizenship; and

WHEREAS, as foundational and instrumental as migration has been to the establishment and sustainability of the United States of America, so should be the immigration system that sets the rules for migration to the United States; and

WHEREAS, the body of Federal Government that is in the best place to create a sustainable immigration system is the United States Congress.

NOW, THEREFORE, BE IT

RESOLVED, This Honorable Body calls on its Congressional Representatives, Senator Charles Schumer, Senator Kristen Gillibrand, Representative Nicholas Langworthy, and Representative Brian Higgins, to prioritize action on comprehensive immigration reform and provide the necessary funding for the costs associated with services provided to asylum seekers; and be it further

RESOLVED, a copy of this resolution be sent to the WNY Congressional Delegation, as well as any else deemed necessary.

MR. MEYERS moved to amend the resolution by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

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

AYES: MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOLIAN, MR. MEYERS and MS. VINAL.
NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

Item 21 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17D-2 from COUNTY ATTORNEY Re: Opinion as to Form, Local Law Intro. 6-1 (2023)

CHAIR BASKIN directed that the item be received, filed and printed.

GRANTED.

September 21, 2023

Via Email Only
Hon. April N.M. Baskin, Chairwoman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Opinion as to Form Local Law Intro No 6-1 2023

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 6-1 2023 (6-1).

Preemption

Under New York state law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

Here, New York State County Law (County Law) provides specific authority at Section 2 (b) which authorizes the governing board of a charter county to adopt local laws which conflict with the provisions of County Law. Since the State Legislature has granted county governing boards this specific authority, 6-1 does not present a preemption issue of concern where it purports to supersede the provisions of section 215 of County Law.

Grammar

The stated purpose of 6-1 is to supersede the real property lease term restrictions provided for in County Law Section 215(3). We find the grammar and usage of 6-1 to be sufficient in order to achieve the stated purpose.

Ambiguities

Although every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 6-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 6-1 2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

By: Gregory P. Kammer
Assistant Erie County Attorney

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 22 – (COMM. 17E-1) EC Federal Financial Assistance Audit Report - December 31, 2022

Item 23 – (COMM. 17E-2) EC NYSDOT Single Audit Report - December 31, 2022

Item 24 – (COMM. 17E-3) Cost Allocation Plan Contract Authorization & Award

Item 25 – (COMM. 17E-4) External Auditor Management Letter - December 31, 2022

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

FROM THE COUNTY EXECUTIVE

Item 26 – (COMM. 17E-5) ECSDs - Engineering Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 27 – (COMM. 17E-6) Contract for Capital Improvements to Depew, Lancaster & Western Railroad

Item 28 – (COMM. 17E-7) Evans Shoreline Trail - Authorization to Enter Into Intermunicipal Agreements with the Town of Evans to Maintain the Shoreline Trail in the Town of Evans

Item 29 – (COMM. 17E-8) PILOT Agreement for Solar Energy Systems

Item 30 – (COMM. 17E-9) Intermunicipal Agreement - Cattaraugus County, Mill St. Bridge Superstructure Replacement

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

FROM THE SHERIFF

Item 31 – (COMM. 17E-10) Port Security Grant FY2023

Item 32 – (COMM. 17E-11) School Resource Officer Agreement for Alden Central School District

Item 33 – (COMM. 17E-12) School Resource Office Agreement for Holland Central School District

Item 34 – (COMM. 17E-13) Transfer of Seized Asset Funds for Purchase of Bearcat

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

COMMUNICATIONS FROM THE DEPARTMENTS

**FROM THE DIRECTOR OF
BUDGET & MANAGEMENT**

Item 35– (COMM. 17D-1) September Capital Projects Update

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ASSEMBLYMAN GOODELL

Item 36 – (COMM. 17M-1) Acknowledgment of Receipt of Certified Resolution

Received and filed.

**FROM THE WNY
NO NEW JAILS ROUNDTABLE**

Item 37 – (COMM. 17M-2) Opinion Letter on the RFP for the EC Holding Center & Correctional Facility System

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS DEC

Item 38 – (COMM. 17M-3) DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Lakeview Ave., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS OFFICE OF
REAL PROPERTY TAX SERVICES**

Item 39 – (COMM. 17M-4) Certificate of County Equalization Rates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS DEC

Item 40 – (COMM. 17M-5) DEC Invites Public Comment About Brownfield Application for Site on Oak St. & Ellicott St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM FULTON COUNTY

Item 41 – (COMM. 17M-6) Resolution Supporting Senate Bill S7645 - Fee for Background Checks on Certain Firearm & Ammunition Purchases

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CITY OF BUFFALO
DEPARTMENT OF ASSESSMENT AND TAXATION

Item 42 – (COMM. 17M-7) Transit Mall, Final Roll - 2024

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 43 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, September 28, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, October 5, 2023.

Finally, Chair Baskin announced that an Informational Meeting of the Erie County Legislature Minority & Women Business Enterprise Committee will be held in the Chambers of the Erie County Legislature, Thursday, October 5, 2023 at 9:00 A.M. The purpose of the Informational Meeting is to discuss an update on MWBE & Veteran-Owned Business Utilization on the New Stadium Construction Project.

MEMORIAL RESOLUTIONS

Item 44 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Carl John Boncore, and John Orlando.

Item 45 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Dr. Michael M. Madden.

Item 46 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Brian T. Markarian.

ADJOURNMENT

Item 47 – 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, October 5, 2023 at 12:00 Noon. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, October 5, 2023 at 12:00 Noon.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE