

## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of Erie

Local Law No. 5 of the year 20 23

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

Be it enacted by the Erie County Legislature of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

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.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

### **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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2023 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on September 21 2023, and was (approved)(~~not approved~~) (~~repassed after disapproval~~) by the Erie County Executive and was deemed duly adopted on September 27 2023, in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (~~repassed after disapproval~~) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (~~repassed after disapproval~~) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 2 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

A Public Hearing was held on the foregoing **Local Law Intro. No. 6-1-2023** on **September 27, 2023** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 27 day of **September, 2023**.

  
\_\_\_\_\_  
Mark C. Poloncarz

A Public Hearing was held on the foregoing **Local Law Intro. No. 6-1-2023** on **September 27, 2023** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this \_\_\_\_\_ day of **September, 2023**.

\_\_\_\_\_  
Mark C. Poloncarz