

**ERIE COUNTY LEGISLATURE
MEETING NO. 19
OCTOBER 19, 2023**

The Legislature was called to order by Chair Baskin.

Chair Baskin began the meeting by offering condolences upon the passing of the beloved Robert H. Lipp, partner of Clerk Robert M. Graber. Chair Baskin stated that today's session is held in honor of him. A moment of silence was requested to honor the life and love of Mr. Lipp.

All members present.

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

The Pledge of Allegiance was led by Mr. Johnson.

Item 1 – CHAIR BASKIN called for nominations and the election of Clerk of the Erie County Legislature for October 19th, 2023-December 31st, 2023.

MR. MEYERS placed in nomination for Clerk of the Legislature for time period stated OLIVIA M. OWENS. MR. JOHNSON seconded.

We, the undersigned, representing a majority of the members of the Erie County Legislature, do hereby nominate Olivia M. Owens as Clerk of the Erie County Legislature for October 19th, 2023-December 31st, 2023.

Howard J. Johnson, Jr. – 1st District

April N.M. Baskin – 2nd District

Michael H. Kooshoian – 3rd District

John A. Bargnesi, Jr. – 4th District

Jeanne M. Vinal – 5th District

Christopher D. Greene – 6th District

Timothy J. Meyers – 7th District

Frank J. Todaro – 8th District

John J. Gilmour – 9th District

James Malczewski – 10th District

John J. Mills – 11th District

CHAIR BASKIN asked if there were any other nominations for the Office of Clerk of the Legislature for 2023.

MR. JOHNSON moved to close nominations. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN moved the question of the election of OLIVIA M. OWENS as Clerk of the Erie County Legislature for October 19th, 2023-December 31st, 2023.

CARRIED UNANIMOUSLY.

MS. OWENS, having received the required number of votes cast was declared duly elected CLERK OF THE ERIE COUNTY LEGISLATURE for October 19th, 2023-December 31st, 2023.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meeting.

Item 4 – MR. MEYERS moved for the approval of the minutes for Meeting Number 18 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 5 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – Miscellaneous Resolutions were offered, as follows:

MAJORITY & MINORITY CAUCUSES	Celebrating the 100th Anniversary of the Better Business Bureau of Upstate New York
JOHNSON	In Remembrance of Krystian A. Margretta
KOOSHOIAN	Honoring St. Joseph's Collegiate Institute Boys Soccer on Setting Program Record with 10th Consecutive Shutout
KOOSHOIAN	Recognizing Halim Habib - Canisius High School Golf
BARGNESI	Celebrating and Honoring Randall Rider - Erie County Wall of Honor, a Devoted Member and Leader of Sheridan Park Volunteer Fire Company
VINAL	Congratulating and Honoring the Late Rudolph M. Lutz on His Induction to the Erie County Fire Services Wall of Honor
VINAL	Congratulating and Honoring the Late John P. Bresnahan on His Induction to the Erie County Fire Services Wall of Honor
VINAL	Recognizing Windermere Blvd Elementary School - Acknowledging National Literacy Awareness
VINAL	Recognizing Smallwood Drive Elementary School - Acknowledging National Literacy Awareness

GILMOUR	Recognizing Jack Tebeau - St. Francis Golf
GILMOUR	Acknowledging and Recognizing Health Literacy Month
GILMOUR	Honoring Marin Collins - Frontier High School (Volleyball)
MILLS	Honoring Mary Travers Murphy for Her Service to Western New York
MILLS	Honoring Lori Ploetz for Her Service and Recognition as a 2023 Erie County Fair Firefighter Honoree
MILLS	Recognizing Eden Elementary During National School Lunch Week
MILLS	Recognizing Nativity of Our Lord School During National School Lunch Week
GREENE	Recognizing Dr. William Bohlen and Kristy Giardina During National Principals Month
GREENE	Recognizing Stephen Dimitroff, Joseph Caprio III, Todd Esposito, Mary Fial and Caroline Kos During National Principals Month
GREENE	Recognizing Elizabeth Chelus, Matthew Lauer, and Ashley Dreibelbis During National Principals Month
GREENE	Recognizing Ted Luckett During National Principals Month
TODARO	Recognizing Mya Bush for Reaching 2,000 Career Assists
TODARO	Recognizing George DelConte Jr. for His Service to the Village of Depew
TODARO	Proclaiming October 2023 as “Italian-American Heritage and Culture Month”
TODARO	Celebrating the Grand Opening of Take 5 Oil Change
TODARO	Honoring Firefighter John P. Lyon for Being Inducted into the Erie County Fire Services Wall of Honor
MALCZEWSKI	Recognizing the Greater East Aurora Chamber of Commerce on National Support Your Local Chamber of Commerce Day
MALCZEWSKI	Recognizing the West Seneca Chamber of Commerce on National Support Your Local Chamber of Commerce Day

VINAL Acknowledging Amherst Symphony Orchestra - Celebrating 77th
Concert Season in Western New York

MAJORITY & In Remembrance of Robert H. Lipp
MINORITY CAUCUSES

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-nine items as amended. MR.
GILMOUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 7 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table
and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2022 remain on the table
and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 9 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2023 remain on the table
and in the FINANCE & MANAGEMENT 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.

Item 11 – CHAIR BASKIN directed that Local Law No. 7 (Print #1) 2023 be directed to the
ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2023 be directed to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

October 12, 2023	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-5 (2023)
COUNTY CLERK: “Resolution to Authorize Entry Into Lease with Bella Vista Group for Cheektowaga Satellite Auto Bureau Office”
(Chair’s Ruling)
 - b. COMM. 16E-3 (2023)
COMPTROLLER: “2023 Bond Sale”
(Chair’s Ruling)
 - c. COMM. 16E-14 (2023)
SHERIFF: “Letter from Sheriff to Comptroller”
(Chair’s Ruling)
 - d. COMM. 17E-1 (2023)
COMPTROLLER: “EC Federal Financial Assistance Audit Report - December 31, 2022”
(Chair’s Ruling)
 - e. COMM. 17E-2 (2023)
COMPTROLLER: “EC NYSDOT Single Audit Report - December 31, 2022”
(Chair’s Ruling)
 - f. COMM. 17E-4 (2023)
COMPTROLLER: “External Auditor Management Letter - December 31, 2022”
(Chair’s Ruling)

- g. COMM. 17D-1 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “September Capital Projects Update”
(Chair’s Ruling)
- h. COMM. 17M-4 (2023)
NYS OFFICE OF REAL PROPERTY TAX SERVICES: “Certificate of County Equalization Rates”
(Chair’s Ruling)
- i. COMM. 17M-7 (2023)
CITY OF BUFFALO – DEPARTMENT OF ASSESSMENT AND TAXATION: “Transit Mall, Final Roll - 2024”
(Chair’s Ruling)
- j. COMM. 18E-2 (2023)
COMPTROLLER: “Apportionment and Distribution of Net Collections from the Sales & Compensating Use Tax - June, July & August 2023”
(Chair’s Ruling)
- k. COMM. 18D-1 (2023)
DEPUTY COMPTROLLER OF AUDIT: “Erie County Comptroller's Office Audit Plan”
(Chair’s Ruling)
- l. COMM. 18D-2 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending July 2023”
(Chair’s Ruling)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

October 12, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

- a. COMM. 18D-4 (2023)
COUNTY ATTORNEY: “Local Law No. 5 - A Local Law Providing for the Extended Lease of Real Property Located at 13 Centre Drive - Local Law Filing”

(Chair's Ruling)

2. COMM. 18E-17 (2023)
SHERIFF

WHEREAS, the Erie County Sheriff's Office (ECSO) has been awarded a grant from the New York State Governor's Traffic Safety Committee; and

WHEREAS, the grant funding is to reimburse the County \$16,195.00 for seal belt and traffic safety enforcement details throughout the county; and

WHEREAS, the goal of the grant is to reduce serious injuries and deaths from traffic crashes; and

WHEREAS, the marine unit is instrumental in maintaining safe waterways by enforcing navigation laws and educating the boating public; and

WHEREAS, the grant will have a neutral to positive fiscal impact on the 2023 and 2024 county budgets because the grant will reimburse the County \$16,195.00 for traffic safety enforcement details.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff's Office to enter into an agreement with the New York State Governor's Traffic Safety Committee to accept \$16,195.00 in grant funding for ECSO traffic safety enforcement activities; and be it further

RESOLVED, the Fund Center is 11510, and the grant will be allocated to the following accounts:

ERIE COUNTY SHERIFF'S OFFICE
FY 23-24 NYS Governor's Traffic Safety Grant

<u>REVENUE</u>		<u>DECREASE</u>
409020	NYS - Miscellaneous	\$16,195.00
<u>APPROPRIATION</u>		<u>INCREASE</u>
501000	Overtime	\$16,159.00
	Total Revenue	\$16,159.00

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary transfers and to make any technical adjustments necessary to effectuate these transfers should there be any unforeseen issues; and be it further

RESOLVED, that certified copies be forwarded to the County Executive's Office, the County Attorney, the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff
(6-0)

3. COMM. 18E-18 (2023)
SHERIFF

WHEREAS, the Erie County Sheriff's Office has had difficulty recruiting nurses to work in the Holding Center and Correctional Facility as a result of a nationwide nursing shortage; and

WHEREAS, the Erie County Sheriff's Office has had to rely on Supplemental Health nursing to provide necessary care to incarcerated individuals; and

WHEREAS, the increased reliance on Supplemental Health nurses has resulted in increased costs associated with the service; and

WHEREAS, the overwhelming success of the MAT program has substantially depleted funds available for the purchase of necessary medications for individuals enrolled in the program; and

WHEREAS, the ECSO has funds budgeted in other areas that can be transferred to cover these priority costs.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature does hereby authorize the following budget adjustments within the Correctional Health Budget:

Decrease - 500000 Full Time Salaries	\$655,000
Decrease - 502000 Fringe Benefits	\$254,000
Decrease - 505800 Medical Supplies	\$65,000
Decrease - 561410 Lab and Tech	\$13,000
Decrease - 561420 Furniture and Fixtures	\$19,000
Total	\$1,006,000
Increase - 510000 Local Mileage Reimbursement	\$ 1,200
Increase - 516020 Prof Services and Fees	\$1,004,800
Total	\$1,006,000

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Division of Budget and Management, Erie County Sheriff and Erie County Comptroller.
(6-0)

**HOWARD J. JOHNSON, JR.
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

October 12, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received, filed & printed:

September 25, 2023

(Via Hand-Delivery)
Hon. Robert Graber Erie County Legislature
92 Franklin Street, 4th Floor Buffalo, New York 14202

Re: Local Law No. 3 A Local Law in relation to ensuring that service-disabled veterans have greater participation in Erie County contracts.
Our File No.: 22-20230012

Dear Hon. Robert Graber:

Enclosed please find a copy of the New York Department of State filing receipt of the above-referenced Local Law for filing in your office.

Thank you.

Very truly yours,
JEREMY C. TOTH
Erie County Attorney

By Gregory P. Kammer, Esq.
Assistant County Attorney

August 23, 2023

Jeremy C Toth
Erie County Attorney
95 Franklin Avenue
Room 1634
Buffalo NY 14202

RE: County of Erie, Local Law 3 2023, filed on August 10 2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

(Chair's Ruling)

2. COMM. 18E-7 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works desires to rehabilitate the Clarksburg Road Bridge over South Branch of Eighteen Mile Creek (BIN 3327890/BR 715) in the Town of Eden, Project No. CAP-BR715-23, (the "Project"); and

WHEREAS, the design of the bridge rehabilitation was authorized under COMM. 18E-15 (2021) is completed and the project publicly bid; and

WHEREAS, there is funding available for the Clarksburg Bridge rehabilitation, including an insurance settlement, that was accepted via COMM. 18E-15 (2021); and

WHEREAS, the Department of Public Works desires to implement the Project in a timely manner, it is necessary to execute a construction contract with the lowest responsible bidder, McLaughlin Construction Corp. dba Edbauer Construction in the amount of \$1,850,822, enter into an agreement with CHA Consultants for construction phase engineering and inspection services in an amount not to exceed \$267,027, and establish a construction contingency of \$157,151, for a total project cost of \$2,275,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a contract for ECDPW Project CAP-BR715-23, rehabilitation of the Clarksburg Road Bridge, with the lowest responsible bidder, McLaughlin Construction Corp. dba Edbauer Construction for \$1,850,822; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into an agreement with CHA Consultants for construction phase engineering and inspection services in an amount no to exceed \$267,027; and be it further

RESOLVED, that authorization is hereby given to establish a project contingency be in the amount of \$157,151 with authorization for the County Executive to execute project related change orders, amendments and agreements, as necessary; and be it further

RESOLVED, that the estimated total sum of \$2,275,000 for the construction and contingency for the Project is available in Fund 420, Funds Center 123, as follows:

- B.16014 – 2016 Preservation of Bridges & Culverts § 52,988

• B.16015 – 2016 Bridge & Culvert Design	\$ 53,027
• B.18019 – 2018 Preservation of Bridges & Culverts	\$ 120,000
• B.20013 – 2020 Capital Bridge Design	\$ 214,000
• B.20050 – 2020 Capital Overlay	\$ 234,159
• B.21167 – 2021 Clarksburg Bridge	\$1,249,164
• B.22005 – 2022 Preservation of Bridges & Culverts	\$ 184,738
• B.23052 – 2023 Preservation of Bridges & Culverts	\$ 166,924
TOTAL PROJECT	\$2,275,000

and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive’s Office, the Comptroller’s Office, the Division of Budget and Management, and the Department of Law.
(6-0)

3. COMM. 18E-8 (2023)
COUNTY EXECUTIVE

WHEREAS, the County of Erie desires to encourage the remediation and development of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the County of Erie is interested in expanding public access to waterfront sites and growing the network of multi-use trails within Erie County; and

WHEREAS, the development of transportation infrastructure is necessary for the continued remediation and redevelopment of the site; and

WHEREAS, Acquest Development is the owner of the 37-acre parcel at 4002 River Road, where the site of the former Roblin Steel facility is currently undergoing brownfield remediation; and

WHEREAS, the County of Erie is the owner of an 8.2-acre linear parcel where the Shoreline Trail is located, which is situated between River Road (NYS Route 266) and 4002 River Road; and

WHEREAS, Acquest Development requested a utility and transportation easement over the County parcel to provide vehicular and utility access from 4002 River Road, Tonawanda to River Road (NYS Route 266); and

WHEREAS, the Department of Environment and Planning will coordinate the easement with the Law and Parks, Recreation and Forestry Departments to minimize the disruption of the Shoreline Trail and conform to the County requirements relative to disturbance and restoration of the Trail; and

WHEREAS, the Erie County Lands Advisory Review Committee reviewed the proposed utility and access easement for consistency with the Erie County Parks Protection Law and SEQRA and approved it contingent on certain conditions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a utility and transportation access easement with WW River Road LLC, Acquest Development or related Acquest Development land owning subsidiaries as needed to facilitate the development of 4002 River Road; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Office of the County Executive, Department of Environment and Planning, Department of Real Property Tax Services, the Department of Parks, Recreation and Forestry, and Department of Law.

(6-0)

4. COMM. 18E-9 (2023)
COUNTY EXECUTIVE

WHEREAS, Magnolia Housing Project consists of the acquisition and rehabilitation of a deteriorated housing complex in the Town of Cheektowaga into twenty-four (24) affordable rental units for multi-family housing located at 30 Alpine Place, Cheektowaga, NY 14225; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie, Town of Cheektowaga and Cheektowaga Central School District.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Magnolia Housing LLC, Magnolia Housing Development Fund Company, Inc., Inc., the Town of Cheektowaga, the Cheektowaga Central School District and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive, Division of Budget and Management, Department of Real Property Tax Services, Department of Environment and Planning, Office of the Comptroller, and Department of Law.

SCHEDULE A
PILOT Payments

<u>Magnolia Housing PILOT</u>				
SHARE		60.94%	25%	14.06%
	Proposed	Town	County	School

	PILOT Payments			
YEAR				
1	\$7,406	\$4,294	\$1,762	\$991
2	\$7,187	\$4,380	\$1,797	\$1,010
3	\$7,331	\$4,468	\$1,833	\$1,031
4	\$7,478	\$4,557	\$1,870	\$1,051
5	\$7,628	\$4,649	\$1,907	\$1,072
6	\$7,781	\$4,742	\$1,945	\$1,094
7	\$7,937	\$4,837	\$1,984	\$1,116
8	\$8,096	\$4,934	\$2,024	\$1,138
9	\$8,258	\$5,032	\$2,065	\$1,161
10	\$8,423	\$5,133	\$2,106	\$1,184
11	\$8,591	\$5,235	\$2,148	\$1,208
12	\$8,763	\$5,340	\$2,191	\$1,232
13	\$8,938	\$5,447	\$2,235	\$1,257
14	\$9,117	\$5,556	\$2,279	\$1,282
15	\$9,299	\$5,667	\$2,325	\$1,307

(6-0)

5. COMM. 18E-14 (2023)
COUNTY EXECUTIVE

WHEREAS, the 19th at Grover Grill, LLC is the current Concession Operator at Grover Cleveland Golf Course and Elma Meadows Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments at those locations for park patrons with success; and

WHEREAS, the 19th at Grover Grill, LLC has submitted a proposal in response to RFP# 2023-042VF to operate the concessions at the Chestnut Ridge Casino; and

WHEREAS, the proposal submitted received the highest score.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a 3-year contract with 19th at Grover Grill, LLC for the operation of the concession stand at Chestnut Ridge Park; and be it further

RESOLVED, that authorization is hereby given for the Erie County Parks Department accept 5% of the gross revenues monthly from 19th at Grover Grill, LLC for the length of the contract, in addition to regular monthly rent; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive's Office, Department of Parks, Recreation & Forestry, Department of Law, and Division of Budget and Management.

(6-0)

**HOWARD J. JOHNSON, JR.
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

October 12, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR VINAL.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 18E-10 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health’s Children with Special Needs Division currently contracts with many special education programs providing related services; and

WHEREAS, according to the New York State Education Department (NYSED), if a Committee on Preschool Special Education mandates related services, the county must contract with agencies who can provide those services; and

WHEREAS, Erie County is experiencing capacity issues and children are waiting to receive mandated services; and

WHEREAS, Cornerstone Occupational & Speech Therapy Services is able to provide related services to some children on waiting lists.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Cornerstone Occupational & Speech Therapy Services, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that sufficient funding for this contract exists within the Department of Health’s Division of Services for Children with Special Needs 2023 Operating Budget (Fund 110, Funds Center 12750) Account 528000 – Services to Special Needs Children; and be it further

RESOLVED, that authorization is hereby given to the Department of Budget and Management to make any other technical adjustments necessary to properly execute the terms of the agreement; and be it further

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

(5-0)

2. COMM. 18E-11 (2023)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services wishes to have Dr. Samantha Koury and Amy Fleischauer begin training staff in Trauma Informed Supervision and consultation with Frontline Supervisory Staff and Senior Management; and

WHEREAS, these trainings cannot be funded through our contract with the Research Foundation due to the fact that both women are employees of the State University of New York at Buffalo (UB) and the State University system cannot compensate individuals as both employees and contractors; and

WHEREAS, funds are available in the Professional Service Contracts and Fees (516020) line of the 2023 Adopted Budget of the Department of Social Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of Social Services and the County Executive to enter into contracts with Dr. Samantha Koury and Amy Fleischauer in the amount of \$2,400 each for the training and consultation in Trauma Informed Supervision practices; and be it further

RESOLVED, that sufficient funding exists within the Department of Social Services 2023 Adopted Budget (Fund 110, Funds Center 120) Account 516020 - Professional Services, Contracts and Fees; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with funding allocation adjustments; and be it further

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

(5-0)

3. COMM. 18E-13 (2023)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services continually looks to enhance services for older adults in Erie County and for ways to fund such services; and

WHEREAS, Erie County Medical Center Foundation, Inc. (ECMCF), has received Ralph C. Wilson Jr. Foundation funding to create a program to lessen Caregiver burden and avoid unnecessary and costly emergency room visits for care receivers; and

WHEREAS, ECMCF seeks to partner with the Department of Senior Services and obtain case manager services to assist older adults and their caregivers after emergency room or hospital visits; and

WHEREAS, ECMCF has awarded the Department of Senior Services up to \$62,540, to cover case manager payroll and fringe costs, for the period of October 1, 2023 through December 31, 2025, with an option to extend for up to a one-year period at no additional cost if mutually agreed upon by both parties; and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Erie County Medical Center Foundation, Inc. (ECMCF) to accept up to \$62,540 of funding for the period October 1, 2023, to December 31, 2025, with an option to extend for up to a one-year period at no additional cost if mutually agreed upon by both parties; and be it further

RESOLVED, that authorization is hereby given that the \$62,450 budget for the ECMC Caregiver Support and Connections Program (163ECMCCGP2325) grant be established as follows in grant fund 281 fund center 1632010:

Department of Senior Services
ECMC Caregiver Support and Connections Program
163ECMCCGP2325
10/1/23 – 12/31/25

		BUDGET
Account	Revenues	
417060	Other Income Senior Services	<u>\$62,450</u>
	TOTAL	<u>\$62,450</u>

		BUDGET
Account	Appropriations	
916390	ID Senior Srvs Grant	<u>\$62,450</u>
	TOTAL	<u>\$62,450</u>

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust grant budget appropriations and revenues in accordance with the final grantor funding levels or grantor authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that authorization is hereby given to the County Executive to amend contracts as necessary to implement any no-cost extension that may be permitted by the grantor; and be it further

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

(4-0) Chair Baskin not present for vote.

JOHN J. GILMOUR
CHAIR

LEGISLATOR RESOLUTIONS

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

RESOLUTION NO. 167

RE: Supporting Adoption of the
“Migrant Home Rule Transfer
and Transparency Act”
(INTRO. 19-1)

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

WHEREAS, in May and June of this year, in order to relieve housing scarcity in New York City, hundreds of self-purported asylum seekers were relocated from New York City to other municipalities, such as Cheektowaga and Amherst, under a plan in which New York City paid a company for relocation services; and

WHEREAS, while some counties declared a state of emergency and did not have individuals relocated there, others, such as Erie County, did not take such action, claiming the lack of authority to do so; and

WHEREAS, bills in the New York State Assembly and Senate with bipartisan support seek to create another avenue of authority for municipalities to determine whether their communities and governmental services are equipped to provide services to self-purported asylum seekers; and

WHEREAS, New York State Senate Bill S.7615 and New York State Assembly Bill A.8008 would require that the governing bodies of both the municipality and the county in which the municipality is located would have to approve a resolution authorizing the relocation of migrants; and

WHEREAS, further, prior to the relocation of such individuals, the relocating municipality must provide thirty days written notice to the receiving municipality regarding the relocation; and

WHEREAS, a violation of the provisions of the law would be punishable by a fine in the amount of \$1,000 per migrant, per day, payable to the comptroller of the state of New York; and

WHEREAS, although it would be preferable to remit the fine to the affected municipalities and school districts, such a fine may provide an effective deterrent against violation of the law; and

WHEREAS, such a law would improve transparency and provide a voice to impacted municipalities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support of New York State Senate Bill S.7615 and New York State Assembly Bill A.8008 and urges their immediate passage and adoption; and be it further

RESOLVED, that a copy of this resolution be transmitted to the Governor and the local delegation of the New York State Legislature.

MS. VINAL moved to send the resolution to the Public Safety Committee.

FAILED.

MR. MEYERS moved for approval. MR. GILMOUR seconded.
CARRIED. MS. VINAL in the negative.

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

RESOLUTION NO. 168

RE: Supporting Israel in Their Battle
Against the Terrorist
Organization Hamas and Calling
for Heightened Security at Home
(INTRO. 19-2)

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

WHEREAS, on October 7, 2023, the terrorist organization Hamas attacked Israel, murdering over a thousand people and kidnapping hundreds of others; and

WHEREAS, Hamas is a terrorist organization whose charter calls for the eradication of all Jews; and

WHEREAS, Israel is a friend and ally of the United States in the Middle East; and

WHEREAS, on October 8, 2023, a rally, promoted by New York City's chapter of the Democratic Socialists of America, was held in New York City to show support for the people of Palestine; and

WHEREAS, at the rally, in addition to showing support for the people of Palestine, protestors cheered the cowardly actions of the terrorist organization Hamas, stomped on Israeli flags and flashed swastikas on their phones; and

WHEREAS, while respecting the protestors right to free speech, regardless of how ignorant, repugnant and hateful that it is, the vitriol demonstrated at the rally gives rise to safety and security concerns about promoters of such hate; and

WHEREAS, preventing violence through vigilance should be pursued to avoid spreading such hate to Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature stands with all innocent victims of the terrorist organization Hamas, and especially those individuals affected by the terrorist incursion into Israel; and be it further

RESOLVED, that the Erie County Legislature asks that the Erie County Sheriff's Office provide heightened security at events in Erie County promoted by comparable groups to those that promoted the hateful rally in New York City to prevent violence against Erie County residents; and be it further

RESOLVED, that a copy of this resolution be transmitted to the Erie County Sheriff, the Erie County Executive, and the Israeli Ambassador to the United States.

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

CARRIED UNANIMOUSLY.

Replace second RESOLVED with:

RESOLVED, that the Erie County Legislature asks that the Erie County Sheriff's Office, if and when requested, to provide heightened security at events in Erie County promoted by comparable groups to those that promoted the hateful rally in New York City to prevent violence against Erie County residents; and be it further

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

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS, and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 19 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 18E-15 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

RE: Replacement of ECSO Air-One Radio System
(COMM. 18E-15, 2023)

WHEREAS, the Erie County Sheriff’s Office currently operates an antiquated analog radio system that results in poor radio coverage across the county as well as interoperability limitations with other emergency services providers within our community and in adjoining jurisdictions; and

WHEREAS, the majority of the ECSO’s communication equipment is at the end of life for service through the manufacturer; and

WHEREAS, state of the art communication is one of the most important safety tools law enforcement personnel can possess; and

WHEREAS, efficient and effective emergency communication is essential to providing lifesaving services to the community that we serve; and

WHEREAS, the ECSO has undertaken to replace the current two-way radio system for all operations; and

WHEREAS, upon the replacement of all two-way radio communications, Air-One will require the replacement of its avionics radios for compatibility with the ECSO system; and

WHEREAS, the approximate cost of the purchase and installation will be \$110,000.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff’s Office is hereby authorized to award RFP #2023-029VF to Great Lakes Aviation Services and enter into an agreement for the implementation thereof; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Purchasing Department, Erie County Division of Budget and Management, Erie County Sheriff and Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Insert a new resolve clause following the 1st first resolve clause as follows:

RESOLVED, that funds necessary for the award of RFP #2023-029VF to Great Lakes Aviation Services have been budgeted for and are available in Erie County Sheriff's Office budget (Fund 110; Cost Center 11510; Account #561410 - Lab and Tech); and be it further

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

CARRIED UNANIMOUSLY.

Item 20 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 18E-16 (2023). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

RE: Replacement of ECSO Two-Way Radio
Equipment
(COMM. 18E-16, 2023)

WHEREAS, the Erie County Sheriff's Office currently operates an antiquated analog radio system that results in poor radio coverage across the county as well as interoperability limitations with other emergency services providers within our community and in adjoining jurisdictions; and

WHEREAS, the majority of the ECSO's communication equipment is at the end of life for service through the manufacturer; and

WHEREAS, state of the art communication is one of the most important safety tools law enforcement personnel can possess; and

WHEREAS, efficient and effective emergency communication is essential to providing lifesaving services to the community that we serve.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office is hereby authorized to award RFP #2023-030VF to FM Communications and enter into an agreement for the implementation thereof; and be it further

RESOLVED, that no amount in excess of \$3.1 million is authorized without prior approval by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Purchasing Department, Erie County Division of Budget and Management, Erie County Sheriff and Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Insert a new resolve clause following the 1st first resolve clause as follows:

RESOLVED, that funds necessary for the award of RFP #2023-030VF to FM Communications have been budgeted for and are available in Erie County Sheriff's Office budget (Fund 110; Cost Center 11510; Account #561410 - Lab and Tech); and be it further

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

INTRO. 19-3 from CHAIR BASKIN Re: Re-Appropriation of 2021 RENEW Plan Funding

RESOLUTION NO. 171

WHEREAS, the GBUAHN was awarded \$200,000 in RENEW Plan funding by the Erie County Legislature in Comm. 18E-18 (2021) in Erie County Department of Health Fund Center 12700, Account 516020; and

WHEREAS, the current funding in the account is at \$50,000 following re-appropriations via Intro, (2022), and Comm. 11E-34 (2023); and

WHEREAS, the Erie County – Parks Erie County Small Business Park Project was budgeted \$1,279,434 in RENEW Plan funding by the Erie County Legislature in Comm. 15E-13 and the current funding remaining in the project is \$76,934 following re-appropriations via Comm. 11E-34 (2023); and

WHEREAS, the remaining funds in each account will be transferred to Erie Community College to upgrade the kitchen equipment at the South Campus cafeteria.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the \$126,934 of RENEW Plan funding from both the Erie County Department of Health Fund Center 12700, Account 516020 and "Erie County – Parks Erie County Small Business Park Project" Fund 110, Fund Center 16200, Account 570050 and into Erie Community College, Fund 110, Fund Center 14030 for the "South Campus Cafeteria Kitchen Equipment Project"; 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, including the creation of any general fund or capital project accounts; 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.

MR. MEYERS moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 22 – (COMM. 19E-1) EC Emergency Medical Services Advisory Board Appointments

Item 23 – (COMM. 19E-2) Appointment to the Mental Hygiene Community Services Board

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

FROM THE COMPTROLLER

Item 24 – (COMM. 19E-3) Department of Law Risk Retention Fund Spending - August 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 25 – (COMM. 19E-4) Countywide Hazardous Materials Design and/or Sample Testing & Air Monitoring - Additional Funding

Item 26 – (COMM. 19E-5) Right-of-Way Acquisition for Replacement of Bridges in the Town of Holland

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

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 19E-6) Department of Social Services Lease Extension - 460 Main Street

Item 28 – (COMM. 19E-7) Authorization to Accept TANF Funding for Non-Residential Services to Victims of Domestic Violence

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

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 19E-8) ECSD No. 3 - Electrical Substation & Plant-Wide Generator Equipment Procurement for Southtowns Advanced Wastewater Treatment Facility

Item 30 – (COMM. 19E-9) ECSD No. 8, East Aurora WRRF - Control Building Improvements

Item 31 – (COMM. 19E-10) ECSD No. 6, Lackawanna WRRF Digestion & Solids - Management Upgrades Project

Item 32 – (COMM. 19E-11) ECSD No. 8, East Aurora WRRF - Control Building Improvements

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

FROM THE COUNTY EXECUTIVE

Item 33 – (COMM. 19E-12) PILOT Agreement for Juniper Apartments, Town of Hamburg - Affordable Housing Development

Item 34 – (COMM. 19E-13) PILOT Agreement for Riley Brook Apartments, Town of Hamburg - Affordable Housing Development

Item 35 – (COMM. 19E-14) Appointment to the Community Benefits Agreement Oversight Committee

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 36– (COMM. 19D-1) October Capital Projects Update

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC LEGISLATURE CLERK

Item 37 – (COMM. 19D-2) The New Stadium Community Inclusion Task Force - Meeting Schedule

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEC

Item 38 – (COMM. 19M-1) DEC Invites Public Comment About Brownfield Major Amendment Application and Draft Work Plan for Site on Niagara St., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA-METRO EXECUTIVE DIRECTOR

Item 39 – (COMM. 19M-2) NFTA Cash Flow Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 40 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, October 26, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, November 2, 2023.

MEMORIAL RESOLUTIONS

Item 41 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Robert H. Lipp.

Item 42 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Dale E. Wolfley.

Item 43 – Legislator Malczewski requested that when the Legislature adjourns, it do so in memory of Daniel R. Tomaszewski, and Cathryn Thomas.

Item 44 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Theodore S. Sosnowski.

Item 45 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Robert J. Vezina, and Hon. Michael L. Broderick.

Item 46 – Legislator Bargnesi requested that when the Legislature adjourns, it do so in memory of John P. Courtney.

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, November 2, 2023, at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, November 2, 2023, at 12:00 Noon.

OLIVIA M. OWENS
CLERK OF THE LEGISLATURE