

**ERIE COUNTY LEGISLATURE
MEETING NO. 20
NOVEMBER 2, 2023**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Mr. Malczewski, who offered a short prayer.

The Pledge of Allegiance was led by Mr. Kooshoian.

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 19 from 2023. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

MAJORITY CAUCUS	Recognizing National Stress Awareness Month
MAJORITY CAUCUS	Honoring National Veterans Small Business Week
JOHNSON	Acknowledging United States Antibiotic Awareness Week
BASKIN & JOHNSON	Honoring National Homeless Youth Awareness Month
BASKIN	Congratulating and Recognizing Wilbur Tyler on a Phenomenal Career
VINAL	Congratulating and Honoring Williamsville South (Girls Soccer)
VINAL	Congratulating and Honoring Sacred Heart (Girls Swimming)
VINAL	Congratulating and Honoring Williamsville South (Boys Soccer)

GILMOUR	Congratulating and Honoring Maddie Fusco
GREENE	Clarence Veterans Memorial Wall Honorees
TODARO	Honoring David Gierke for His Contributions to the Remote Controlled Aviation Community
TODARO	Recognizing Tommy Che on Earning the All-Time Touchdown Pass Record for Depew Wildcats' Football
MALCZEWSKI	Recognizing the Erie County Sheriff's Department on National Seat Belt Day
MILLS	Honoring Veterans for Their Service to Our Country
MILLS	Honoring American Legion Posts on Veterans Day
MILLS	Celebrating Megan Parzymieso as Champion Ambassador for Women's Box Lacrosse
GREENE	Honoring the UB School of Management on 100 Years of Excellence

MR. MEYERS moved for consideration of the above seventeen items. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above seventeen 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 – CHAIR BASKIN directed that Local Law No. 3 (Print #2) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 7 (Print #1) 2023 be directed to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 11 – CHAIR BASKIN directed that Local Law No. 8 (Print #1) 2023 be directed to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

October 26, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18E-6 (2023)
COUNTY EXECUTIVE: “ECSD No. 4 – Engineering Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 19M-1 (2023)
NYS DEC: “DEC Invites Public Comment About Brownfield Major Amendment Application and Draft Work Plan for Site on Niagara St., Buffalo”

(Chair's Ruling)

2. COMM. 19E-8 (2023) **AS AMENDED**
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 7E-23 (2023), Contract No. 74P-R was awarded to O'Connell Electric Company, Inc. to provide equipment and services for the Electrical Substation and Plant-Wide Generator Equipment Procurement for Southtowns Advanced Wastewater Treatment Facility in Erie County Sewer District No. 3; and

WHEREAS, the Division of Sewerage Management has advised that additional time is needed for receipt of essential equipment and completion of the Contract; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of no-cost Change Order No. 1 for Contract No. 74P-R to increase the number of days for various interim milestones and obtain a final completion date of September 12, 2025.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes an increase to the total Contract Time for Contract No. 74P-R between the County of Erie and O'Connell Electric Company, Inc. (20 Lancaster Parkway, Lancaster, NY 14086) by 154 days to a completion date of September 12, 2025; and be it further

RESOLVED, that authorization is hereby given to the Deputy Commissioner in the Division of Sewerage Management to execute Change Order No. 1 for Contract No. 74P-R; 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, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(4-0)

3. COMM. 19E-9 (2023)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 25E-3 (2021), Contract No. 21-D was awarded to Frey Electric Construction Co., Inc. for Electrical Construction of the East Aurora WRRF Control Building Improvements Project in Erie County Sewer District No. 8; 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. 21-D, in the final contract amount of \$236,699.71 which includes Change Order No. 2 (Final), a decrease of \$2,105.38, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes acceptance of Contract No. 21-D between the County of Erie and Frey Electric Construction Co., Inc., (100 Pearce Avenue, Buffalo, NY 14150) as final, in the amount of \$236,699.71, which includes Change Order No. 2 (final), a decrease of \$2,105.38; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 21-D, to Frey Electric Construction Co., Inc. for a total contract amount of \$236,699.71; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a 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. 19E-10 (2023)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 10E-21 (2022), Contract No. 64-A was awarded to H&K Services Inc. and Contract No. 64-D was awarded to Frey Electric Construction Co., Inc. to construct the Lackawanna Water Resource Recovery Facility Digestion and Solids Management Upgrades project in Erie County Sewer District No. 6; and

WHEREAS, the Division of Sewerage Management has determined that additional time is needed for receipt of essential equipment and completion of the work; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of no-cost Change Order No. 2 for Contract No. 64-A and Change Order No. 1 for Contract No. 64-D, an increase of time of 130 days to a total Contract time of 580 days.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes increasing the total Contract Time for Contract No. 64-A between the County of Erie and H&K Services, Inc. (12025 Leon-New Albion Road, Leon, NY 14751) and for Contract No. 64-D between the County of Erie and Frey Electric Construction Co., Inc. (100 Pearce Avenue, Tonawanda, NY 14150) by 130 days to a total of 580 days; and be it further

RESOLVED, that authorization is hereby given to the Deputy Commissioner of the Division of Sewerage Management be authorized to execute Change Order No. 2 for Contract No. 64-A and Change Order No. 1 for Contract No. 64-D; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a 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)

5. COMM. 19E-11 (2023)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 25E-3 (2021), Contract No. 21-B was awarded to Greater Niagara Mechanical, Inc. for HVAC Construction of the East Aurora WRRF Control Building Improvements Project in Erie County Sewer District No. 8; 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. 21-B, in the final contract amount of \$278,120.00 which includes Change Order No. 2 (Final), a decrease of \$8,480.00, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes acceptance of Contract 21-B between the County of Erie and Greater Niagara Mechanical, Inc., (7311 Ward Road, North Tonawanda, NY 14120) as final, in the amount of \$278,120.00, which includes Change Order No. 2 (final), a decrease of \$8,480.00; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 21-B, to Greater Niagara Mechanical, Inc. for a total contract amount of \$278,120.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a 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)

**TIMOTHY J. MEYERS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

October 26, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

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

October 4, 2023

Buffalo Bills
Attn: Kathryn D'Angelo
1 Bills Drive
Orchard Park, NY 14127

Re: Appointment to the Community Benefits Agreement Oversight Committee

Dear Ms. D'Angelo:

Pursuant to the Community Benefits Agreement executed by the County of Erie, Erie County Stadium Corporation, Buffalo Bills, LLC, and Bills Stadium and Events Company, LLC, I hereby submit the following individual for appointment to serve on the Community Benefits Agreement Oversight Committee

Ms. Maria Whyte
725 Exchange Street, Suite 525
Buffalo, NY 14210

Reverend Mark Blue
163 Broadway Avenue
Buffalo, NY 14204

Should you have any questions regarding this appointment, please feel free to contact my office at (716) 858-8500.

Sincerely,
Mark C. Poloncarz, Esq.
Erie County Executive

(Chair's Ruling)

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

a. COMM. 19M-2 (2023)
NFTA-METRO EXECUTIVE DIRECTOR: "NFTA Cash Flow Statements"
(Chair's Ruling)

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

WHEREAS, Watts Architecture and Engineering was previously approved to provide Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring services; and

WHEREAS, the Department of Public Works (DPW) desires to increase the funding for the Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring of Environmental Service Consultants Watts Architecture and Engineering in order to comply with the New York State Department of Labor Code Rule 56 and to implement Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring; and

WHEREAS, DPW advertised for Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring on May 31, 2022 through the County's standard Request for Qualification process; and

WHEREAS, a contract with Watts Architecture and Engineering was entered into on August 22, 2022 per COMM.13E-10 (2022); and

WHEREAS, the previous funds allocated for the Hazardous Material services have been previously utilized on construction projects; and

WHEREAS, DPW is requesting additional funding be approved for Watts Architects and Engineers to accommodate the use of the term for future projects as the current funds per the existing contract have been utilized; and

WHEREAS, Watts Architecture and Engineering has proven they have the necessary expertise, experience, and manpower to continue to provide the required services; and

WHEREAS, each assignment will be billed on an hourly basis according to an approved rate schedule unless an agreed upon work scope and fee is negotiated with the assigned consultant prior to beginning any services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to amend the existing contract with Watts Architects and Engineers for Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring in the amount of \$75,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for services from Capital Project A.23005 DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities, Funds Center 122, Fund 410 for a total amount not to exceed \$75,000; and be it further

RESOLVED, that two (2) certified copies each of this resolution be sent to the Department of Public Works, Commissioner's Office and one (1) copy to the County Executive's Office, Comptroller's Office, and the Division of Budget and Management.
(4-0)

4. **COMM. 19E-5 (2023)**
COUNTY EXECUTIVE

WHEREAS, a design project for replacement of both the Hunters Creek Road Bridge over Hunters Creek (BIN 3328140/BR 382-01) and the Sanders Hills Road Bridge over Hunters Creek (BIN 3328180/BR 393-01) in the Town of Holland, (the "Project") was previously authorized by your honorable body via COMM. 12E-19 (2022); and

WHEREAS, to facilitate the replacement of these bridges, it is necessary for the County to acquire by fee and/or easement portions of real property noted below referred to as "Subject Property" in the vicinity of the bridges:

<u>PROPERTY TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 217.00-3-31	Holland
SBL 217.00-4-9.1	Holland

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, including DiDonato Engineering & Architectural Professionals, are authorized to act on behalf of the County of Erie in connection with the acquisition of the required ROW from the owners of the Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, that should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, authorization is hereby given to the County to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive's Office, Comptroller's Office, Department of Law and the Division of Budget and Management.
(4-0)

5. COMM. 19E-12 (2023)
COUNTY EXECUTIVE

WHEREAS, Juniper Apartments Project consists of the creation of two buildings containing a total of 65 units of affordable housing located at 5355 Rogers Road in the Town of Hamburg; 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 Juniper Apartments LLC and Rogers Neighborhood Housing Development Fund Corporation to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Hamburg.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Juniper Apartments LLC, Rogers Neighborhood Housing Development Fund Corporation, and the Town of Hamburg 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, the Division of Budget and Management, the Department of Real Property Tax Services, the Department of Environment and Planning, the Office of the Comptroller, and the Department of Law.

SCHEDULE A
PILOT Payments

<i>Share</i>		75%	25%
Year	Proposed PILOT Payments	Town	County
1	\$ 16,825	\$ 12,619	\$ 4,206
2	\$ 17,330	\$ 12,997	\$ 4,332
3	\$ 17,850	\$ 13,387	\$ 4,462
4	\$ 18,385	\$ 13,789	\$ 4,596
5	\$ 18,937	\$ 14,202	\$ 4,734
6	\$ 19,505	\$ 14,629	\$ 4,876
7	\$ 20,090	\$ 15,067	\$ 5,022
8	\$ 20,693	\$ 15,519	\$ 5,173
9	\$ 21,313	\$ 15,985	\$ 5,328
10	\$ 21,953	\$ 16,465	\$ 5,488
11	\$ 22,611	\$ 16,958	\$ 5,653
12	\$ 23,290	\$ 17,467	\$ 5,822
13	\$ 23,988	\$ 17,991	\$ 5,997
14	\$ 24,708	\$ 18,531	\$ 6,177
15	\$ 25,449	\$ 19,087	\$ 6,362

(4-0)

6. COMM. 19E-13 (2023)
COUNTY EXECUTIVE

WHEREAS, Riley Brook Apartments Project consists of the acquisition and development of vacant land into a seven-building apartment complex containing seventy (70) affordable apartment units located on Riley Boulevard; 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 Riley Brook Apartments LLC and Riley Brook Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the Town of Hamburg.

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 Riley Brook Apartments LLC, Riley

Brook Housing Development Fund Company, Inc., and the Town of Hamburg 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, the Division of Budget and Management, the Department of Real Property Tax Services, the Department of Environment and Planning, the Office of the Comptroller; and the Department of Law.

**SCHEDULE A
PILOT Payments**

<i>Share</i>		<i>75%</i>	<i>25%</i>
Year	Proposed PILOT Payments	Town	County
1	\$ 39,428	\$ 29,571	\$ 9,857
2	\$ 40,610	\$ 30,458	\$ 10,153
3	\$ 41,829	\$ 31,372	\$ 10,457
4	\$ 43,084	\$ 32,313	\$ 10,771
5	\$ 44,376	\$ 33,282	\$ 11,094
6	\$ 45,707	\$ 34,281	\$ 11,427
7	\$ 47,079	\$ 35,309	\$ 11,770
8	\$ 48,491	\$ 36,368	\$ 12,123
9	\$ 49,946	\$ 37,459	\$ 12,486
10	\$ 51,444	\$ 38,583	\$ 12,861
11	\$ 52,987	\$ 39,741	\$ 13,247
12	\$ 54,577	\$ 40,933	\$ 13,644
13	\$ 56,214	\$ 42,161	\$ 14,054
14	\$ 57,901	\$ 43,426	\$ 14,475
15	\$ 59,638	\$ 44,728	\$ 14,909

(4-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

October 12, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

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

a. COMM. 19E-1

COUNTY EXECUTIVE: “EC Emergency Medical Services Advisory Board
Appointments”
(Chair’s Ruling)

October 4, 2023

Erie County Legislature
92 Franklin Street
4th Floor
Buffalo, NY 14202

Re: Erie County Emergency Medical Services Advisory Board

Dear Honorable Members:

Pursuant to the power vested in me by Article 14, Section 1403 of the Erie County Charter, I hereby appoint the following individuals to the Erie County Emergency Medical Services Advisory Board. Their term will expire December 31, 2025.

Appointees:

Daniel P. McCartan, RN
70 Queens Drive
West Seneca, NY 14224

Rev. John R. Gaglione
1305 Learmont Drive
Derby, NY 14047

Edward L. Mager
235 Washington Street
Albion, NY 14411

Should you have any questions about this or any other matter, please feel free to contact my office at 858-8500.

Sincerely yours,
Mark C. Poloncarz, Esq.
Erie County Executive

b. COMM. 19E-2

COUNTY EXECUTIVE: “Appointment to the Mental Hygiene Community Services
Board”
(Chair’s Ruling)

October 4, 2023

Erie County Legislature
92 Franklin St, 4th Floor
Buffalo, NY 14202

RE: Appointment to the Mental Hygiene Community Services Board

Dear Honorable Members,

Pursuant to the powers vested in me by Section 1303 of the Erie County Charter, I hereby appoint the following person to the Erie County Mental Hygiene Community Services Board for a term ending December 31, 2024.

Pastor George Nicholas
34 Roman Lane
Amherst, NY 14226

Should you have any questions regarding this appointment please feel free to contact my office at (716) 858-8500.

Sincerely,
Mark C. Poloncarz
County Executive

(Chair's Ruling)

2. COMM. 19E-6 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services is requesting authorization to extend a lease at 460 Main Street with 4858 Group, LP for the purpose of housing Social Services programs at this site; and

WHEREAS, the lease extension for the period November 1, 2023, through October 31, 2028, is for space totaling 20,520 square feet at an annual base rental amount of \$15.70 per square feet for an annual base rental amount of \$322,164 for Years 1 through 5; and

WHEREAS, the current lease period ends on October 31, 2023, and this lease is needed to maintain Department of Social Services administered programs at this location; and

WHEREAS, the Department of Social Services has leased space at 460 Main Street since 2018, and the facility currently houses its HEAP Division; and

WHEREAS, the County included funds for this lease in the 2024 Proposed Budget; therefore, there will be no fiscal impact to the County in 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to extend the existing lease at 460 Main Street with 4858 Group, LP at the rental amount of \$26,847

per month, \$322,164 annually, for Years 1 through 5 under the rental terms herein presented for the purpose of housing Social Services programs at this site; and be it further

RESOLVED, that authorization is hereby given to waive Section 26.08 as being impractical as the cost of moving is prohibitive due to the extensive cabling and systems installations in place at the current location; and be it further

RESOLVED, that sufficient funds to cover the cost of this lease extension already exist within the Department of Social Services (Fund 110, Fund Center 1202020) 2024 General Fund Budget in account 545000 – Rental Charges; 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 Social Services, and Division of Budget and Management.

(5-0)

3. COMM. 19E-7 (2023)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has been awarded an amount of \$283,622 in 100% federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence; and

WHEREAS, the additional Federal TANF funding is awarded to provide enhanced or expanded core non-residential DV services provided by OCFS approved non-residential DV programs; and

WHEREAS, the provisions of the award specifically prohibit the sup-plantation of existing funding agreements and also prohibit the use of funds for County government operations; and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department’s Consolidated Services Plan (CSP) approved by the State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept \$283,622 in additional Federal Aid Funding for TANF into the Department of Social Services 2023 Operating Budget and amend an interdepartmental agreement between the District Attorney’s Office and Department of Social Services for non-residential services to victims of domestic violence as follows:

Department of Social Services
Fund 110, Funds Center 1209010

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
414000	Federal Aid Revenue	<u>\$283,622</u>
	TOTAL	<u>\$283,622</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516410	TANF Title XX	\$238,622
911400	ID District Attorney Services	<u>\$45,000</u>
	TOTAL	<u>\$283,622</u>

District Attorney's Office
Fund 110, Funds Center 114

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
911400	ID District Attorney Services	<u>(\$45,000)</u>
	TOTAL	<u>(\$45,000)</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into or amend contracts with the following State-approved OCFS providers, waiving Section 26.08, in an amount not to exceed \$238,622:

516410	Suicide Prevention and Crisis Services	\$121,162.31
516410	Child and Family Services	68,959.69
516410	Family Justice Center	40,000.00
516410	Hispanics United of Buffalo	<u>8,500.00</u>
	Total	\$238,622.00

and be it further

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

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

(5-0)

JOHN J. GILMOUR
CHAIR

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: Re-Appropriation of
Community/Neighborhood
Development Funds
(INTRO. 20-1)

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

WHEREAS, Black Achievers, Inc. was awarded \$50,000 in 2021 Budget Balancing Designation Funds by the Erie County Legislature in Comm. 8E-1 (2022); and

WHEREAS, Beau Fleuve Music & Arts was awarded \$5,000 in 2022 public benefit funding by the Erie County Legislature in Intro.18-2 (2023); and

WHEREAS, the organizations are not able to accept the funds, and the funding should be transferred to an alternative organization; and

WHEREAS, as in similar 2020, 2021 and 2022 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$10,000 of 2021 Budget Balancing Designation Funds to Resource Council of WNY Inc; and be it further

RESOLVED, that authorization is provided to transfer \$10,000 of 2021 Budget Balancing Designation Funds to Buffalo Prenatal-Perinatal Network; and be it further

RESOLVED, that authorization is provided to transfer \$10,000 of 2021 Budget Balancing Designation Funds to Calvary Baptist Church; and be it further

RESOLVED, that authorization is provided to transfer \$10,000 of 2021 Budget Balancing Designation Funds to AIDS Network of WNY Inc; and be it further

RESOLVED, that authorization is provided to transfer \$10,000 of 2021 Budget Balancing Designation Funds to Helping Ensure Africa Looms International Inc; and be it further

RESOLVED, that authorization is provided to transfer \$5,000 of 2022 public benefit funding to Arts Services Initiative of Western New York, Inc.; and be it further

RESOLVED, that while the agency names are changing the overall budget line amount is to remain the same; and be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

Item 16 – CHAIR BASKIN directed that INTRO. 20-2 from the MINORITY CAUCUS be received and filed at the request of the sponsors.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 17 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 16E-20 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: ECSD No. 3 - Southtowns Advanced
Wastewater Treatment Facility Phase 1
Expansion
(COMM. 16E-20, 2023)

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 3 Contract No. 74C Southtowns Advanced Wastewater Treatment Facility Phase 1 Expansion Project.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

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

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 74C, Southtowns Advanced Wastewater Treatment Facility Phase 1 Expansion Project, at 2:00 p.m. on October 12, 2023:

Contract	Lowest Responsible Bidder	Amount
Contract 74C	Kandey Company, Inc. 19 Ransier Drive West Seneca, NY 14224	\$54,961,454.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, additional funding is required for engineering services associated with this project; and

WHEREAS, the Division of Sewerage Management has determined the Southtowns Advanced Wastewater Treatment Facility Expansion Project is a Type 1 action in accordance with 6NYCRR Section 617.5(c) and this Honorable Body has issued a negative declaration for State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT,

RESOLVED, that the Southtowns Advanced Wastewater Treatment Facility Phase 1 Expansion Project, Erie County Sewer District No. 3, Contract No. 74C be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract 74C	Kandey Company, Inc. 19 Ransier Drive West Seneca, NY 14224	\$ 54,961,454.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute Contracts with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Erie County Division of Sewerage Management is authorized to execute Amendment No. 2 with Arcadis of New York, Inc. (50 Fountain Plaza – Suite 600, Buffalo, New York, 14202) in an amount not to exceed \$483,000.00 for professional services related to additional engineering associated with this project; and be it further

RESOLVED, that \$6,027,231.00 previously encumbered in Erie County Sewer District No. 3 Capital Bond Account C.23350 to fund Contract No. 74P-R pursuant to Legislative Comm. 7E-23 (2023) will now be paid through Contract No. 74C; and be it further

RESOLVED, that authorization previously provided for ECSD No. 3, Contract No. 74P-R pursuant to Legislative Comm. 7E-23 (2023), including \$5,718,996.00 from Capital Account No. C.21150 (American Rescue Plan funds) and a residual equity transfer of up to \$308,235.00 from ECSD No. 3 Capital Reserve Account C.00007, to Erie County Sewer District No. 3 Capital Bond Account C.23350, Fund 430, Funds Center 183, is hereby cancelled; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$12,000,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) Fund 430, Funds Center 180 to partially fund Contract No. 74C; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of up to \$791,235.00 in ECSD No. 3 Capital Reserve Account C.00007, Fund 430, Funds Center 183; and be it further

RESOLVED, that authorization is hereby provided to transfer \$308,235.00 from Capital Reserve Account C.00007, Fund 430, Funds Center 183 to Erie County Sewer District No. 3 Capital Bond Account C.23301, Fund 430, Funds Center 183 to partially fund Contract No. 74C; and be it further

RESOLVED, that authorization is hereby provided to transfer \$483,000.00 from Capital Reserve Account C.00007, Fund 430, Funds Center 183 to Erie County Sewer District No. 3 Capital Bond Account C.17301, Fund 430, Funds Center 183 to fund additional engineering services for Arcadis of New York, Inc.; and be it further

RESOLVED, that \$42,961,454.00 be allocated in Erie County Sewer District No. 3 Capital Bond Account C.23301 to fund Contract No. 74C; and be it further

RESOLVED, that \$483,000.00 be allocated in Erie County Sewer District No. 3 Capital Bond Account C.17301 to fund additional engineering services for Arcadis of New York, Inc.; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; 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, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

There are none.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 18 – (COMM. 20E-1) EC Cultural Funding Grant Monitoring Program - Buffalo Inner City Ballet

Item 19 – (COMM. 20E-2) EC Cultural Funding Grant Monitoring Program - Hull House Foundation

Item 20 – (COMM. 20E-3) EC Cultural Funding Grant Monitoring Program - WNY Artist Group

Item 21 – (COMM. 20E-4) EC Cultural Funding Grant Monitoring Program - Centro Culturale Italiano di Buffalo

Item 22 – (COMM. 20E-5) EC Cultural Funding Grant Monitoring Program - General Pulaski Association

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

FROM THE EC CLERK

Item 23 – (COMM. 20E-6) Proposed Resolution to Expedite Filling of Accountant Positions
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 24 – (COMM. 20E-7) 2024 Tentative Budget Revenue and Major Expenditure Estimates

Received and referred to the FINANCE & MANAGEMENT BUDGET COMMITTEE.

Item 25 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: Community Reintegration Coordinator –
Variable Minimum
(COMM. 20E-8)

WHEREAS, Sheriff Garcia created the Community Reintegration Division in January of 2023 to enhance and expand program opportunities for incarcerated individuals within the Jail Management Division; and

WHEREAS, since that time, the number of program participants, offerings and partnerships with Community Based Organizations has grown exponentially; and

WHEREAS, in partnership with this honorable body through Chair Baskin's "Former Detainee to Employee Initiative," Sheriff Garcia seeks to offer additional programming for incarcerated individuals aimed at preparing them for employment upon release; and

WHEREAS, the Community Reintegration Division seeks to bolster the linkage between pre and post release services, the Sheriff's Office in conjunction with the County created the position of "Community Reintegration Coordinator" to assist the division Chief with coordinating programming schedules within the Jail Management Division as well as assist in developing individualized case plans for program participants and establishing services as they prepare for release; and

WHEREAS, in an effort to attract the best possible candidate with the requisite skills and experience to drive the success of this new and innovative collaborative program, the Erie County Sheriff's Office has determined that a variable minimum is required.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the establishment of a variable minimum, Job Group 10, Step 3 annual salary \$66,246 hiring level for the position of Community Reintegration Coordinator in the Erie County Sheriff's Office; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the Adopted 2023 Budget of the Erie County Sheriff's Office as necessary; and be it further

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

FROM THE SHERIFF

Item 26 – (COMM. 20E-9) Air-One Post Maintenance Test Pilot Services

Item 27 – (COMM. 20E-10) Incarcerated Individual Eye Care

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

FROM THE COUNTY EXECUTIVE

Item 28 – (COMM. 20E-11) Purchase of 2023 & Any Unsold Tax Lien Certificates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 20E-12) Transfer of Funds - Operating Budget for Medical Examiner's Office

Item 30 – (COMM. 20E-13) Authorization to Accept Performance Incentive Initiative State Aid - Art. VI

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

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 20E-14) Creation of a Consumer Protection Restitution Account

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 20E-15) ECSD Sewage Sludge Disposal - Alternative Location

Item 33 – (COMM. 20E-16) ECSD No. 6 - Lackawanna WRRF & ORF Disinfection Systems Improvements Project

Item 34 – (COMM. 20E-17) COMM. 19E-8 (2023) Time Extension Change Order - ECSD No. 3

Item 35 – (COMM. 20E-18) ECSD Nos. 3 & 8 - Partial Closure of Capital Reserve Funds

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

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 20E-19) Appointment to the ECCSAB

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 20E-20) Teamsters Local Union No. 264 Captain & Lieutenants Unit & Sworn Unit, CSEA Local 1000 Correctional Unit Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 38 – (COMM. 20D-1) Opinion as to Form Local Law Intro. No. 7-1 2023

Received, filed and printed.

October 24, 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 7-1 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. 7-1 2023 (7-1).

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, 7-1 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 7-1 is to supersede the real property lease term restrictions as well as the competitive bidding and public advertisement requirements provided for in County Law Section 215 subsections (4) and (6). We find the grammar and usage of 7-1 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, 7-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 7-1 2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

By: Gregory P Kammer
Assistant Erie County Attorney

FROM THE COUNTY ATTORNEY

Item 39 – (COMM. 20D-2) Opinion as to Form Local Law Intro. No. 8-1 2023

Received, filed and printed.

October 24, 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 8-1 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. 8-1 2023 (8-1).

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, 8-1 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 8-1 is to supersede the real property lease term restrictions as well as the competitive bidding and public advertisement requirements provided for in County Law Section 215 subsections (4) and (6). We find the grammar and usage of 8-1 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, 8-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 8-1 2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

By: Gregory P Kammer
Assistant Erie County Attorney

FROM THE COMMISSIONER OF EC DEPARTMENT OF ENVIRONMENT & PLANNING

Item 40 – (COMM. 20D-3) County Cultural Funding Grant Monitoring Program

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 41 – (COMM. 20D-4) Budget Monitoring Report for Period Ending August 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ASSEMBLYMAN GIGLIO

Item 42 – (COMM. 20M-1) Acknowledgment of Receipt of Certified Resolution

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EC AGRICULTURAL & FARMLAND PROTECTION BOARD

Item 43 – (COMM. 20M-2) EC Agricultural Districts Inclusion of Viable Agricultural Land
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SECRETARY OF THE ECWA

Item 44 – (COMM. 20M-3) ECWA 2024 Operating & Maintenance and Capital Budgets
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO PLACE EXECUTIVE DIRECTOR

Item 45 – (COMM. 20M-4) Buffalo Place - 2024 Budget
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 46 – Chair Baskin announced that the Legislature will conduct committee meetings next Thursday, November 9th, and the schedule will be distributed. The next scheduled session of the Legislature is Thursday, November 16th. The Public Hearing for LL Intro. 7-1 and LL Intro. 8-1 will be held on November 9th at 6 and 6:15 respectively. The Finance and Management/Budget Committee will be holding the annual Departmental Budget Hearings on Tuesday, November 14th starting at 9AM, the schedule will be distributed by the Legislature Clerk's office. Finally, the Public Hearing on the Proposed 2024 Erie County Budget will be held on Thursday, November 16th at 6PM in the Chambers. If anyone would like to sign-up to speak at the budget hearing, please email the Legislature Clerk at Olivia.Owens@erie.gov.

MEMORIAL RESOLUTIONS

Item 47 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Raymond P. Lonie, Jr. and Sister Beatrice (Bea) Manzella.

Item 48 – Legislator Gilmour requested that when the Legislature adjourns, it do so in memory of William Pitt and Connie Gallivan.

Item 49 – Chairwoman Baskin requested that when the Legislature adjourns, it do so in memory of Camille Brandon.

ADJOURNMENT

Item 50 – 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 16, 2023 at 12:00 Noon. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, November 16, 2023 at 12:00 Noon.

OLIVIA M. OWENS
CLERK OF THE LEGISLATURE