

**ERIE COUNTY LEGISLATURE
MEETING NO. 24
DECEMBER 21, 2023**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Greene.

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 Meetings Number 22 and Number 23 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

VINAL	Honoring and Recognizing Siby Nair
VINAL	Honoring and Recognizing the Grand Opening of the Q Seafood and Hotpot
VINAL	Honoring and Congratulating Victoria Reynolds
KOOSHOIAN	Recognizing Riverside High School for Dedicating and Naming their Gymnasium after Bill “Ice” Russell “Legendary” High School Basketball Coach and Teacher
MILLS	Recognizing Justin Chernogorec as Citizen of the Month for His Efforts to Promote Drug-Free Communities
MILLS	Honoring Dr. Kelly Frothingham for Her Dedication to Erie County Soil and Water District
MALCZEWSKI	Recognizing Brian Nolan for 25 Years of Service to the Jamison Road Volunteer Fire Company

- MALCZEWSKI Recognizing Leanne Diehl for 25 Years of Service to the Jamison Road Volunteer Fire Company
- MALCZEWSKI Recognizing Warren Achman for 15 Years of Service to the Jamison Road Volunteer Fire Company
- MALCZEWSKI Recognizing Benjamin Gilbert for 5 Years of Service to the Jamison Road Volunteer Fire Company
- MALCZEWSKI Recognizing Zach Di Joseph for 5 Years of Service to the Jamison Road Volunteer Fire Company
- MALCZEWSKI Honoring Henry Szymula, Jr. for 50 Years of Service to the Elma Fire Company
- MALCZEWSKI Honoring James J. Bach on His Retirement as Supervisor of the Town of Aurora
- TODARO Honoring Ronald Ruffino, Sr. for 22 Years of Public Service to the Town of Lancaster
- GREENE Honoring Bunkers in Baghdad for 15 Years of Service to Our Soldiers Abroad and Veterans
- GREENE Celebrating Clarence Center Elementary School for 85 Years Serving the Community
- TODARO Recognizing Supervisor Brett Sitzman for His Public Service to the Town of Alden
- TODARO Honoring Diane Benczkowski for a Lifetime of Public Service
- GREENE Recognizing the Rotary Club of Clarence for Its Contributions to Rotary International and Service to the Community
- BASKIN Honoring and Recognizing Ja’Meer Thomas Dick Gallagher - Buffalo News Players of the Year
- KOOSHOIAN Honoring and Recognizing Austin Zimmerman
- MEYERS Congratulating and Recognizing Head Coach Glen Graham - Cleveland Hill High School Football
- GILMOUR Congratulating and Honoring Jaiden Harrison - Scoring 2000th Career Point

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-three items as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 6 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 7 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2022 be received and filed.

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2023 be received and filed.

GRANTED.

Item 9 – MR. MEYERS moved to take Local Law No. 9 (Print #1) 2023 from the table. MR. JOHNSON seconded.

CARRIED.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 9-1-2023

LOCAL LAW NO. _____-2023

THE ERIE COUNTY LANGUAGE ACCESS ACT

A Local Law mandating the development of County Agency-specific language access plans, practices and training in the County of Erie.

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

Section 1. Legislative Intent and Findings

The County recognizes that a large percentage of its inhabitants speak languages other than English and that the well-being and safety of the County as a whole is put in jeopardy if the people of the County are unable to access County services or effectively communicate with County agencies.

This Legislature also finds and determines that language can be a substantial barrier for residents seeking to access government information, programs and services. This Legislature finds that Title VI of the Civil Rights Act of 1964 prohibits agencies receiving federal funds from discriminating against persons on the basis of race, color or national origin. This Legislature determines that Presidential Executive Order 13166 (August 11, 2000) requires federally funded agencies to act to ensure that individuals with limited English proficiency have access to programs and services.

This Legislature concludes that it is in the best interest of all County residents to ensure and improve language access to County programs and services.

Section 2. Definitions

As used in this law, the following terms shall have the meanings indicated:

County Agency: Any agency, department, division or office of Erie County government which provides programs and/or services to the public or programs and/or services made available to individuals in the custody of the Erie County Sheriff.

Designated Countywide Languages: The top six limited English proficiency languages spoken by the population of Erie County as determined by the Language Access Advisory Board.

Direct Public Services: Services administered by a County Agency directly to program beneficiaries and/or participants, including any services administered by an agency directly to individuals in the custody of the Erie County Sheriff.

Interpretation: An oral (spoken) or signed communication of a message from one language to another, in real time by a qualified human interpreter competent in both languages, keeping in mind cultural context, without adding, omitting, or changing the message's original meaning.

Limited English Proficiency: Persons for whom English is not their primary language and have difficulty communicating effectively in English.

Translation: The written rendition of a text in one language to a written text in another language, completed by a human translator competent in both languages.

Vital Documents: Those documents most commonly distributed to the public and individuals in County correctional facilities that contain or elicit important and necessary information regarding the provision of Direct Public Services.

Section 3. Language Access Requirements

Every County Agency shall provide language access services for direct public services it administers. Such language access services may include, but not be limited to:

A. Providing competent and timely interpretation services to individuals in their primary or preferred language. Competent interpretation shall mean a spoken or signed, real-time communication in which the qualified human interpreter is fluent in both the source and target language and is trained as an interpreter. The interpreter shall know relevant terminology and provide accurate interpretations by choosing equivalent expressions that convey the best matching and meaning to the source language and capture, to the greatest extent possible, all nuances intended in the source material.

B. Identifying and translating vital documents provided to the public, including but not limited to, forms and instructions provided to or completed by program participants and beneficiaries in each designated countywide language:

1. Existing vital documents must be translated within 365 days of the effective date of this law.

2. New vital documents, produced after the effective date, must be translated as soon as is practicable but no later than 120 days after the English version is released to the public, except for emergency communications which must be translated immediately, or at most up to 5 days following the release of the English version.

C. Translation of pre-recorded informational messages on agency phone lines that provide vital public information in English, including emergency alerts and public service announcements.

D. Translated copies of vital documents which are already made available to the public in English must be made available to the public in the same way as the current English version. Translated vital documents must be published alongside any English documents that may be available online through the County website.

E. Online applications or machine interpretation software shall only be used after a County Agency has attempted to secure qualified on-site interpreters or live interpreters, via telephone or video call service.

F. Family members, other clients, and any other member of the public who is not a qualified interpreter, shall not be used for interpretation with respect to the provision of services or benefits.

G. Posting of multilingual signage in conspicuous locations about the availability of free interpretation services. Where practicable, the same information should be communicated via pre-recorded announcements in each designated countywide language on the public address system in public waiting areas.

H. Accommodations for communication access shall be available upon request including American Sign Language Interpretation via an on-site interpreter, Video Remote Interpreter (VRI), or Communication Access Realtime Translation for individuals who are deaf, hard of hearing or have hearing loss.

I. All language access services must be provided at no cost to the person seeking services from the Department.

Section 4. Language Access Plans

Every County Agency, in consultation with the Language Access Advisory Board, shall develop and implement an agency-specific language access implementation plan to describe how language access services will be provided and to ensure meaningful equal access to direct public services. County agencies with existing language access plans shall review such plans, in consultation with the Advisory Board, to ensure compliance with the provisions of this act.

A final copy of each county agency language access plan shall be submitted to the County Legislature and the Advisory Board and shall be published on the agency's website no later than 180 days after the effective date of this act. Agency plans must be implemented within 90 days following submission of the final plan.

Each County Agency shall update its language access implementation plan biennially, based on changes in the agency's service population or services and in conjunction with the designated language access coordinator and the Advisory Board, and publish such updated plan on its website.

Each language access plan shall set forth, at a minimum, the following:

A. Designate a language access coordinator to oversee the creation and execution of an agency language access implementation plan, collect language data, and issue an annual report. The name, title and contact information of such language access coordinator is to be posted in a conspicuous place on such agency's website.

B. Describe how such agency will provide the language access service required by Section 3, including the titles of all available translated documents and the languages into which they have been translated and the number of fully bilingual employees in public contact positions and the languages they speak.

C. Incorporate a uniform training plan for agency employees, including annual training on the language access policies and the provision of language assistance services as well as providing a procedure that allows employees to report issues and problems implementing the language access plan.

D. Incorporate a process for tracking and reporting agency language access data including the number and type of requests for language access services, what languages service requests are for, how each request was fulfilled, the number of complaints received by the agency regarding language access, and how complaints were resolved.

E. Determine the methods such agencies will employ with regard to providing language access services, both through agency staffing and contracts with third parties. Whenever possible, County Agencies should prioritize hiring local interpreters. If Section 3(E) of this law is utilized, the County Agency should document its attempts to secure a qualified interpreter and

incorporate that data into its report to the Language Access Advisory Board, as per Section 5(E) of this law.

F. Consider the following factors in developing such implementation plan:

1. The number or proportion of LEP persons in the eligible service population;
2. The frequency with which LEP individuals come into contact with the agency, if such data exists. If no relevant data has been collected, such agency must exclude this factor from consideration;
3. The importance of the benefit, service, information, or encounter to the LEP person (including the consequences of lack of language services or inadequate interpretation or translation); and
4. The resources available to the agency and the costs of providing various types of language services.

G. When a member of the public states they are deaf, hard of hearing, or have hearing loss, the County Agency's designated language access coordinator shall submit notice and keep record of notice made to The Erie County Office for People with Disabilities on behalf of the member of the public in need of language access services. The Office for People with Disabilities will support the members of the public with communication services.

Section 5. Amending Article 17 of the Erie County Charter

Erie County Local Law No. 1-1959, constituting the Erie County Charter, as amended, is hereby amended at Article 17 to add a new Section 1708 to read as follows:

Section 1708. Language Access Advisory Board. There shall be a Language Access Advisory Board to advise on matters relating to LEP individuals and language access. The Board shall consist of seven members including:

1. County Executive, or their designee;
2. County Clerk, or their designee;
3. Sheriff, or their designee; and
4. Four community members to be appointed by the County Executive. All four community member appointments will be subject to confirmation by the County Legislature.

Membership on the board shall be reflective of the diversity of the county's population and members shall be representatives from community organizations and faith-based organizations serving LEP and deaf, hard of hearing and hearing loss communities in Erie County. Members of the Board shall be appointed for a term of three years. No member may serve more than two terms, except that those members who are initially appointed to complete the unexpired term of a member may also be eligible to serve two subsequent terms of three years each. The Board shall annually designate one member to serve as Board chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, the Board shall appoint a successor to that office from the Board's membership.

The Advisory Board shall be empaneled within ninety days following the effective date of this act. A quorum shall consist of a majority of the members of the Advisory Board entitled to vote on the matter under consideration. Approval of any matter shall require the affirmative vote of a majority of the members voting thereon. The Advisory Board shall adopt by-laws for the management and regulation of its affairs.

The Board shall:

- A. Designate the top six languages LEP individuals speak in Erie County as the Countywide Languages. This process will take place every two years and will consider a wide variety of data sources, including but not limited to data collected by the U.S Census and American Community Survey, public schools, local interpreting agencies, federal refugee resettlement programs and County Agencies to determine which language groups are most in need of language services.
- B. Advise County Agencies in developing and implementing their Language Access Plan.
- C. Review Agency Language Access Plans and evaluate the implementation of those plans.
- D. Create a mechanism to interact with public regarding proper language access plan implementation.
- E. Review annual reports from County Agency language access coordinators and create a comprehensive annual report filed with the Legislature. Annual reports and recommendations will be made publicly available online through the County website.
- F. Put forward additional policy recommendations as needed to improve language access services.

Section 6. Right to Privacy

The need for/use of language services by an individual contacting the County shall not be deemed by any County employee as a basis for inquiring into information related to an individual's immigration status or other personal attributes. No County employee shall inquire about or disclose confidential information, including, but not limited to, immigration status, unless such inquiry or disclosure is required by law.

Section 7. Effective Date

This Local Law shall take effect 180 days after it becomes law.

Section 8. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Sponsors:

April N.M. Baskin
Timothy Meyers
Howard Johnson
Jeanne Vinal
John Gilmour

MR. GREENE moved to send the Local Law to Energy & Environment committee. MR. TODARO seconded.

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS and MR. TODARO. NOES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS, and MS. VINAL. (AYES: 4; NOES: 7)

FAILED.

MR. MEYERS moved to approve the Local Law. MR. JOHNSON seconded.

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

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS, and MS. VINAL. NOES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

COMMITTEE REPORTS

Item 10 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

December 14, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 15
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ALL MEMBERS PRESENT, EXCEPT CHAIR MEYERS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 23E-1 (2023)
LEGISLATURE CLERK: “Minutes – 2023 Assessment Rolls Public Hearing”

(Acting Chair’s Ruling)

- b. COMM. 23M-2 (2023)
TOWN OF MARILLA: “Marilla Town Board – SEQR Lead Agency Designation”
(Acting Chair’s Ruling)

- 2. COMM. 16E-18 (2023) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Boards of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, as has been done in past years, the Boards have requested and are desirous of collecting said User Charges or Fees in 2024 for properties in the same manner and fashion as the regular sewer district levies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Director of Real Property Tax Services spread said 2024 Sewer District User Charges or Fees against properties serviced by Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District No. 1	\$ 5,886,918.89
Sewer District No. 2	\$ 4,109,643.50
Sewer District No. 3	\$ 11,369,166.45
Sewer District No. 4	\$ 5,685,718.53
Sewer District No. 5	\$ 1,026,209.20
Sewer District No. 6	\$ 2,592,500.48
Sewer District No. 8	\$ 1,014,899.00

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 Real Property Tax Services, Division of Budget and Management, and the Division of Sewerage Management.

(4-0)

- 3. COMM. 16E-22 (2023) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the County of Erie issued a Request for Proposals to retain engineering firms to provide professional services associated with Erie County Sewer District (ECSD) Nos. 1 and 4 Order on Consent Compliance; and

WHEREAS, a review committee evaluated the responses to the Request for Proposals using a consistent scoring matrix; and

WHEREAS, the proposal review committee recommends retaining Hazen and Sawyer (Hazen) for ECSD No. 1 services and Arcadis of New York, Inc. (Arcadis) to complete ECSD No. 4 services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement with Hazen in an amount not-to-exceed \$434,000.00 for ECSD No. 1 services and Arcadis in an amount not-to-exceed \$443,000.00 for ECSD No. 4 services, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney's Office; and be it further

RESOLVED, authorization is hereby given for a five-year agreement, with the option to renew annually based on the mutual concurrence of the parties; and be it further

RESOLVED, that \$134,000.00 be allocated in ECSD No. 1 Capital Bond Account C.00057 for cost effectiveness analysis services in Hazen's agreement; and be it further

RESOLVED, that \$143,000.00 be allocated in ECSD No. 4 Capital Bond Account C.17401 for cost effectiveness analysis services in Arcadis's agreement; and be it further

RESOLVED, that the remaining amount not to exceed \$300,000.00 each in the Arcadis and Hazen agreements be for "on-call" services; and be it further

RESOLVED, that individual "on-call" services work orders may be funded from any ECSD No. 1 or 4 Sewer Capital Project in Fund 430 or the Sewer Operating Fund 220 (including Business Area 181, Account 516020 (Professional Service Contracts)) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that no individual "on-call" services work orders issued under these agreements be greater than \$75,000.00; and be it further

RESOLVED, that the Division of Sewerage Management be required to notify the Legislature of each "on-call" services work order issued under these agreements; and be it further

RESOLVED, that when a Capital Project is selected as the funding source "on-call" services work order, the Division of Sewerage Management shall include in its notice to the Legislature that the County Comptroller has reviewed and certified the availability of sufficient capital appropriations to fund the work order assignment; and be it further

RESOLVED, that the amount not to exceed \$300,000.00 each for "on-call" services may only be increased by a subsequent Legislative resolution; and be it further

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

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

4. COMM. 21E-9 (2023) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the County Executive has made appointments to the Erie County Sewer District Boards of Managers pursuant to the power vested to him by Article 5-A of the County Law and Section 2204 of the County Charter.

NOW, THEREFORE BE IT

RESOLVED, that the following appointments to the Erie County Sewer District Boards of Managers are hereby confirmed:

Erie County Sewer District No. 1	Term Expires
Mr. Patrick Bowen, P.E. (Reappointment) Town Engineer, Town of Cheektowaga 275 Alexander Avenue Cheektowaga, New York 14211	12/31/25
Hon. Gary Dickson (Reappointment) Supervisor, Town of West Seneca 1250 Union Road West Seneca, New York 14224	12/31/25
Hon. Susan Kims (Reappointment) Councilmember, Town of West Seneca 1250 Union Road West Seneca, NY 14224	12/31/25
Hon. Brian Nowak Supervisor-Elect, Town of Cheektowaga 3301 Broadway Cheektowaga, New York 14227	12/31/25
Mr. Mutasem Salah, P.E. (Reappointment) Senior Coordinator Sewer Construction Projects Department of Environment and Planning 95 Franklin Street – Room 1034 Buffalo, New York 14202	12/31/25
Erie County Sewer District No. 2	Term Expires

Hon. Vincent George (Reappointment) Mayor, Village of North Collins 10543 Main Street P.O. Box 459 North Collins, New York 14111	12/31/25
Ms. Anna Knack (Reappointment) 2505 West Church Street Eden, New York 14057	12/31/25
Ms. Angela Horton, P.E. (Reappointment) Senior Sanitary Engineer Department of Environment and Planning 95 Franklin Street – Room 1034 Buffalo, New York 14202	12/31/25
Erie County Sewer District No. 3	Term Expires
Mr. Jason Cozza (Reappointment) Administrator, Village of Hamburg 100 Main Street Hamburg, New York 14075	12/31/25
Mr. David Kaczor (Reappointment) 23 Silent Meadow Orchard Park, New York 14127	12/31/25
Mr. Michael Kasprzyk (Reappointment) 9435 South Protection Road Holland, New York 14080	12/31/25
Hon. Jason Keding (Reappointment) Supervisor, Town of Boston 8500 Boston State Road Boston, New York 14025	12/31/25
Mr. Kenneth Kostowniak Superintendent of Public Works, Town of Hamburg 6100 South Park Avenue Hamburg, New York 14075	12/31/25
Mr. David Rood (Reappointment) 59 North Lincoln Orchard Park, New York 14127	12/31/25

Hon. Vincent Vacco Councilmember, Town of Eden 2795 East Church Street Eden, New York 14057	12/31/25
Mr. Emery Wittmeyer (Reappointment) Manager of Public Works, Village of Orchard Park 4295 South Buffalo Street Orchard Park, New York 14127	12/31/25
Mr. David Millar, P.E. (Reappointment) Assistant Deputy Commissioner Department of Environment and Planning 95 Franklin Street – Room 1034 Buffalo, New York 14202	12/31/25
Erie County Sewer District No. 4	Term Expires
Hon. Adam Dickman Councilmember, Town of Lancaster 21 Central Avenue Lancaster, New York 14086	12/31/25
Hon. Kevin Peterson (Reappointment) Mayor, Village of Depew 85 Manitou Street Depew, New York 14043	12/31/25
Mr. William Schutt, P.E. Village of Lancaster Engineering Consultant Wm. Schutt & Associates, P.C. 37 Central Avenue Lancaster, New York 14086	12/31/25
Mr. Edward Shiller, P.E. (Reappointment) Town of Lancaster Engineering Consultant Wm. Schutt & Associates, P.C. 37 Central Avenue Lancaster, New York 14086	12/31/25
Ms. Nadine Wetzel, P.E. (Reappointment) Sanitary Engineer Department of Environment and Planning 95 Franklin Street – Room 1034 Buffalo, New York 14202	12/31/25
Erie County Sewer District No. 5	Term Expires

Mr. Jonathan Bleuer (Reappointment) Director of Community Development, Town of Clarence One Town Place Clarence, New York 14031	12/31/25
Mr. Jeffrey Burroughs, P.E. (Reappointment) Town Engineer, Town of Amherst 455 Tonawanda Creek Road Amherst, New York 14228	12/31/25
Mr. Timothy Lavocat, P.E. (Reappointment) Town Engineer, Town of Clarence 6221 Goodrich Road Clarence Center, New York 14032	12/31/25
Ms. Vaishali Reberholt, P.E. Assistant Town Engineer, Town of Amherst 1100 North Forest Road Williamsville, New York 14221	12/31/25
Mr. William Lardo (Reappointment) Coordinator, Sewer Construction Projects Department of Environment and Planning 95 Franklin Street – Room 1034 Buffalo, New York 14202	12/31/25
Erie County Sewer District No. 6	Term Expires
Mr. James Balcarczyk (Reappointment) 59 Michelle Drive Lackawanna, New York 14218	12/31/25
Mr. Mark Kuwik (Reappointment) Executive Director, Lackawanna Municipal Housing Authority 135 Odell Street Lackawanna, New York 14218	12/31/25
Mr. Garry Pecak, P.E. (Reappointment) Assistant Deputy Commissioner Department of Environment and Planning 95 Franklin Street – Room 1034 Buffalo, New York 14202	12/31/25
Erie County Sewer District No. 8	Term Expires

Mr. Matthew Hoeh (Reappointment)
Superintendent of Public Works, Village of East Aurora 12/31/25
571 Main Street
East Aurora, New York 14052

Hon. Joseph McCann (Reappointment)
Councilmember, Town of Aurora 12/31/25
11 Glenridge Road
Aurora, New York 14052

Mr. Bryan Smith (Reappointment)
Former Town Engineer, Town of Aurora 12/31/25
27 Aurora Mills Drive
East Aurora, New York 14052

Ms. Mary Plesh, P.E. (Reappointment)
Senior Sanitary Engineer 12/31/25
Department of Environment and Planning
95 Franklin Street – Room 1034
Buffalo, New York 14202

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the appointees, and Joseph Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning.

(4-0)

5. COMM. 23E-3 (2023)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby approves the appointment of the following individuals to the Erie County Fisheries Advisory Board with terms expiring December 31, 2025:

Thomas R. Hearsey, Jr. 17 Fallwood Court Tonawanda, NY 14223	Tracey Mikolajek 6243 Wildwood Drive Hamburg, NY 14075	Michael Grisanti 75 Niagara Shore Drive Tonawanda, NY 14150
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(4-0)

6. COMM. 23E-15 (2023)
COUNTY EXECUTIVE

WHEREAS, the 2023 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 2:00 p.m., local time on November 1, 2023 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A of New York State County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2023 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

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

**JEANNE M. VINAL
ACTING CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

December 14, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. LL INTRO. 3-1 (2022)
BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR: "The Erie County Language Access Act"
2. COMM. 23E-5 (2023)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby approves the following individuals to be appointed as members of the Senior Services Advisory Board. Their terms shall expire December 31, 2025.

Susan M. Frawley
320 Westfield Road North
Amherst, NY 14226

Amanda Nobrega
158 Fancher Avenue
Buffalo, NY 14223

Steven Ford
44 Creekwood Drive
Lancaster, NY 14086

Diane Jordan
1250 Bailey Avenue. Apartment 204
Buffalo, NY 14206

(5-0)

3. COMM. 23E-12 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Children with Special Needs Division currently contracts with several tuition based programs; and

WHEREAS, according to the New York State Education Department (NYSED), if a Committee on Preschool Special Education places a child in a NYSED approved program, the county must contract with that program at rates fixed by NYSED; and

WHEREAS, the Springville Griffith School District Committee on Preschool Special Education has placed a preschool student from Erie County with Cattaraugus County BOCES program; and

WHEREAS, Cattaraugus County BOCES program is an approved NYS Education Department Preschool Special Education Program; and

WHEREAS, funds are available in Account 528000 Services to Special Needs Children to cover the costs incurred.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Cattaraugus County BOCES to place a student within its NYSED Preschool Education Program; and be it further

RESOLVED, sufficient funding exists within the Department of Health's Division of Children with Special Needs' General Fund Budget (Fund 110, Funds Center 12750) Account 528000 – Services to Special Needs Children; and be it further

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

(5-0)

4. COMM. 23E-19 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services is requesting authorization to extend a lease at 290 Main Street with Swan Group, LP for the purpose of housing Social Services programs at this site; and

WHEREAS, the lease extension for the period January 1, 2024 through December 31, 2028 at an annual base rental amount of \$14.44 per square foot for an annual base rental amount of \$622,896 for Years 1 through 5; and

WHEREAS, the current lease period ends on December 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 290 Main Street since 2003, and the facility currently houses its Employment Division; and

WHEREAS, the Department of Social Services waives section 26.08 of the County Code requirement for a Request for Proposals; 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. This lease will be budgeted for annually.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and the Department of Social Services to extend the lease at 290 Main Street with Swan Group, LP at the rental amount of \$14.44 per square feet for an annual base rental amount of \$622,896 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 sufficient funds to cover the cost of this contract already exist within the Department of Social Services (Fund 110, Funds 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 Law, Department of Social Services, and Division of Budget and Management.

(5-0)

JOHN J. GILMOUR
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

December 14, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 17
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MEYERS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 23E-8 (2023)
COUNTY EXECUTIVE

WHEREAS, the participation in the Locally Administered Federal Aid project PIN 5763.34, Replacement of North French Road Bridge (CR 299) over Gott Creek, BIN 3326760 and County Road Bridge (CR 282) over Beeman Creek, BIN 3326680 was approved by your honorable body on April 29, 2021 in COMM 8E-15 (2021); and

WHEREAS, the Highways Division requests the project progress to the construction phase, and

WHEREAS, this progression requires the County Executive to sign and execute the Locally Administered Federal Aid Project Supplemental Agreement between New York State and Erie County; and

WHEREAS, this agreement provides for federal funds in the amount of \$2,336,000, state funds of \$438,000, and a local share of \$726,000, totaling \$3,500,000 for the construction phase of the project, B.19011, 2019 Federal Aid Bridge Preservation Construction; and

WHEREAS, the agreement also provides additional state funds in the amount of \$57,000 for the design phase of the project, which is present in B.21152, 2021 Federal Aid Bridge Preservation Design.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature hereby authorizes the County Executive to execute the Locally Administered Federal Aid Project Supplemental Agreement between NYSDOT and the County of Erie for capital project, B.19011, 2019 Federal Aid Bridge Preservation Construction; and be it further

RESOLVED, that authorization is hereby given to provide the necessary local share required and accept the federal and non-federal revenue that are being provided for this project; and be it further

RESOLVED, that authorization is hereby given to pay, in the first instance, 100% of the Federal and Non-Federal shares of the cost of the of the Project; and be it further

RESOLVED, that authorization is hereby given to the Department of Public Works, Division

of Highways and the Division of Budget and Management to adjust the budgets of B.21152, 2021 Federal Aid Bridge Preservation Design, and B.19011, 2019 Federal Aid Bridge Preservation Construction, in Fund 420, Funds Center 123 as follows:

B.21152 - 2021 Federal Aid Bridge Preservation Design

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ (DECREASE)	REVISE D BUDGE T
405160	State Funds	\$ 0	\$ 57,000	\$ 57,000
414000	Federal Aid	\$490,000	(\$186,000)	\$304,000
486000	Interfund Rev Subsidy	<u>\$135,000</u>	<u>\$ 0</u>	<u>\$135,000</u>
TOTAL REVENUES		<u>\$625,000</u>	<u>(\$129,000)</u>	<u>\$496,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$625,000	(\$129,000)	\$496,000
UNALLOCATED	Unallocated Capital	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL APPROPRIATIONS		<u>\$625,000</u>	<u>(\$129,000)</u>	<u>\$496,000</u>

B.19011 – 2019 Federal Aid Bridge Preservation Construction

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ (DECREASE)	REVISED BUDGET
405160	State Aid	\$2,000,000	(\$1,562,000)	\$ 438,000
414000	Federal Aid	\$4,000,000	(\$1,664,000)	\$2,336,000
475000	Gen Oblig Bond Proc	<u>\$1,500,000</u>	<u>\$ 0</u>	<u>\$1,500,000</u>
TOTAL REVENUES		<u>\$7,500,000</u>	<u>(\$3,226,000)</u>	<u>\$4,274,000</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$1,500,000	\$2,774,000	\$4,274,000
UNALLOCATED	Unallocated Capital	<u>\$6,000,000</u>	<u>(\$6,000,000)</u>	<u>\$ 0</u>
TOTAL APPROPRIATIONS		<u>\$7,500,000</u>	<u>(\$3,226,000)</u>	<u>\$4,274,000</u>

and be it further

RESOLVED, that should the Agreement receive additional federal or non-federal reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of the additional funds; and be it further

RESOLVED, that in the event the amount required to pay, in the first instance, 100% of the Federal and non-Federal shares of the costs of the exceeds the amount appropriated, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately

upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that authorization is hereby given for the County Executive to execute all necessary Agreements, certifications or reimbursement requests for Federal, Non-Federal aid and any other funding source on behalf of the County of Erie; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

2. COMM. 23E-9 (2023)

COUNTY EXECUTIVE

WHEREAS, the Reconstruction of Maple Street (CR 241) from Main Street (NYS 16/78 / US 20A) to the Village Line, Village of East Aurora, PIN 5764.22 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds and a local share; and

WHEREAS, Public Works Dept. (DPW) wishes to continue the Reconstruction of Maple Street project and C&S Engineers contract which was originally approved by the Legislature in COMM 12E-17 (2022); and

WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal and non-Federal reimbursement funds, for the Project; and

WHEREAS, this agreement, is in the amount of \$200,000, which provides for the County of Erie's required local share commitment of \$10,000 and acceptance of federal revenue in the amount of \$160,000 and State Marchiselli revenue in the amount of \$30,000 for the final design phase of the Project; and

WHEREAS, DPW desires to amend the engineering design services agreement with C&S Engineers by the amount of \$150,000 and establish a project contingency of \$50,000 with the project total not to exceed \$200,000; and

WHEREAS, there are sufficient funds for the project in Fund 420, Funds Center 123, B.23005 – 2023 Federal Aid – Road Design.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature hereby authorizes the County Executive to execute the Locally Administered Federal Aid Project 5764.22 Maple Street Agreement in the

amount of \$200,000, between NYSDOT and the County of Erie for the above referenced Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the of the Project; and be it further

RESOLVED, that authorization is hereby given to the Department of Public Works, Division of Highways with the Division of Budget and Management to adjust the budgets of B.23005, 2023 Federal Aid Road Design, in Fund 420, Funds Center 123 as follows:

REVENUES	CURRENT BUDGET	INCREASE / DECREAS E	REVISED BUDGET
405160 NYS Marchiselli	\$ 150,000	\$30,000	\$ 180,000
414000 Federal Aid	\$3,850,000	(\$30,000)	\$3,820,000
475000 Gen. Oblig. Bond	<u>\$1,750,000</u>	<u>\$ 0</u>	<u>\$1,750,000</u>
TOTAL REVENUES	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>
APPROPRIATIONS			
Capital Project Exp	\$1,000,000	\$200,000	\$1,200,000
Unallocated Capital	<u>\$4,750,000</u>	<u>(\$200,000)</u>	<u>\$4,550,000</u>
TOTAL APPROPRIATIONS	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute an amendment to C&S Companies design agreement, for final design services in the amount of \$150,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to establish a Project contingency in the amount of \$50,000 with a total Project cost not to exceed \$200,000; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to adjust the Project budget for any and all increases or reductions in Federal and/or State revenue that are made available for this Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project’s Design Engineering phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute all necessary Agreements, certifications or reimbursement requests for Federal and non-federal aid on

behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and one (1) copy each to the County Executive's Office, Comptroller's Office, Department of Law and Division of Budget and Management.

(5-0)

3. **COMM. 23E-10 (2023)**
COUNTY EXECUTIVE

WHEREAS, it is desired to rehabilitate Bullis Road (CR 330) from Two Rod Road (NYS Route 954G) to Little Buffalo Creek, including a mill and overlay of the pavement and replacement of the drainage; and

WHEREAS, the Legislature previously approved participation in the Project via Communication Comm. 5E-14 dated March 23, 2023; and

WHEREAS, the Department of Public Works wishes to award the construction contract to the lowest responsible bidder, in the amount not to exceed \$2,740,000, enter into a construction period services agreement with CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for \$327,617 and establish a project contingency of \$163,194 with the project total not to exceed \$3,230,811; and

WHEREAS, the estimated total cost of the Project is \$3,230,811, and is available in Fund 420, Funds Center 123, Capital Projects B.20003 - 2020 Alden Crittenden and B.21154 - CAP-001.330-21 Alden; and

WHEREAS, the Department of Public Works wishes to implement the project in a timely manner for construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to award and execute an agreement between the County of Erie and CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. for construction administration and inspection services in the amount of \$327,617 for the rehabilitation of Bullis Road from Two Rod Road to Little Buffalo Creek; and be it further

RESOLVED, that authorization is hereby given to the County Executive to award and execute a construction contract between the County of Erie and the lowest responsible bidder for construction services in an amount not to exceed \$2,740,000; and be it further

RESOLVED, that authorization is hereby given for a project contingency be established in the amount of \$163,194 with a project total not to exceed \$3,230,811; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Fund 420, Fund Center 123, as follows:

B.20003	2020 Alden Crittenden	\$ 825,482
B.21154	CAP-001.330-21 Alden	\$ 2,405,329
Total Not to Exceed		\$ 3,230,811

and be it further

RESOLVED, that authorization is hereby given to the the County Executive to execute any necessary change orders, amendments and agreements; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copy of this Resolution to the Department of Public Works, Division of Highways, and one copy each to the County Executive’s Office, Comptroller’s Office, Department of Law and Division of Budget and Management.

(5-0)

4. COMM. 23E-11 (2023)

COUNTY EXECUTIVE

WHEREAS, a design project for replacement of the Four Rod Road (CR 356) Bridge over Little Buffalo Creek, BIN 3328050, in the Town of Marilla, (the “Project”) was authorized by your honorable body via Communication 11E-19 (2021); and

WHEREAS, to facilitate the replacement of this bridges, it is necessary for the County to acquire by fee and/or easement portions of real property in the vicinity of the bridge including:

<u>PROPERTY TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
SBL 148.00-6-4.112	Marilla
SBL 148.00-5-21	Marilla
SBL 148.00-6-10	Marilla

and

WHEREAS, such properties to be acquired by the County are herein referred to as the “Subject Properties”; and

WHEREAS, to acquire the easement parcels for the Project, it is necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portions of the Subject Properties is de minimis in nature so that the public interest will not be prejudiced by the construction of the new bridges; and

WHEREAS, 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 exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition of the ROW required for replacement project of the Four Rod Road (CR 356) Bridge over Little Buffalo Creek, BIN 3328050, in the Town of Marilla; and be it further

RESOLVED, that authorization is hereby given for a sum not to exceed \$15,000 in SAP B.17006 Capital Right of Way be made available to cover the cost of all Right-of-Way acquisitions; and be it further

RESOLVED, that authorization is hereby given for the County of Erie to acquire the necessary real property interests from the aforementioned Subject Property for the purpose of constructing the Project; and be it further

RESOLVED, that authorization is hereby given for the County of Erie to enter into all necessary contracts and agreements for the acquisition of the required ROW to construct the Project; and be it further

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., to establish the amounts representing just compensation for the real property to be acquired; and be it further

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcels of real property by fee and/or easement, which acquisitions are necessary for the Project; and be it further

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Greenman-Pedersen, Inc., 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 authorization is hereby given for the County Attorney to prepare, and the County Executive to execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, 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, the County is authorized 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 Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

5. COMM. 23E-13 (2023)

COUNTY EXECUTIVE

WHEREAS, the County of Erie is interested in the fostering of tourism and supporting arts and cultural organizations; and

WHEREAS, the non-profit arts and culture sector is a significant industry in the Western New York economy generating over \$352 million in direct and indirect economic activity according to Arts Services Initiative; and

WHEREAS, the 2021 Fiscal Year Budget Balancing Resolution, Comm.8E-1 (2022) approved by the Erie County Legislature on May 12, 2022 allocated \$25,000,000 towards a "Cultural Agency Capital Fund;"; and

WHEREAS, the intent of the aforementioned Fund is to provide capital improvement grants to defray the cost of capital improvements at art and cultural institution's facilities; and

WHEREAS, a competitive application process was facilitated by the Department of Environment and Planning; and

WHEREAS, the Erie County Capital Projects Committee reviewed applications and selected a list of awardees representing arts and cultural organizations throughout the County; and

WHEREAS; additional legislation is needed to enter into contracts with awarded arts and cultural organizations to facilitate the projects; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.1 which implements the State Environmental Quality Review Act, the consideration of environmental factors into decision making processes of local governments is required prior to the Legislature undertaking, approving or funding an action; and

WHEREAS, the Department of Environment and Planning reviewed the proposed cultural capital projects and determined that certain projects are considered Type II actions pursuant to SEQRL; and

WHEREAS, the following Organization's applications were selected to complete the following projects:

Organization Legal Name	Project Description
Aurora Historical Society, Inc.	Porch repairs and electrical upgrades
Lackawanna Historical Association	Purchase of new microfilm reader
Western New York Artists Group, Inc.	Install window shades and window sign
Buffalo Arts Studio	Install UV reducing window treatments
Orchard Park Historical Society	Porch repairs
Jewish Community Center of Greater Buffalo	Theater equipment purchase
Friends of Limerick Inc.	Septic system installation and restroom addition
Niagara Frontier Radio Reading Service	Office building renovations
Buffalo Media Resources, Inc.	Audio/visual equipment, general construction
Michigan Street Preservation Corp.	New storm windows, exhibit installation
Richardson Architecture Center	Historic window & door restoration
North Park Theatre of Buffalo, Inc.	Seating, masonry, plaster, marquee
West Falls Center for the Arts	Parking lot paving & kitchen renovation
Explore & More...A Children's Museum	Visitor traffic flow & security improvements
Hamburg Natural History Society, Inc.	Restroom building construction
Sardinia Historical Society	Roof replacement
Colored Musicians Club	Second story performance space restoration
Road Less Traveled Productions, Ltd.	Theater equipment purchase
Lancaster, NY Opera House, Inc.	HVAC installation & general construction
Hull House Foundation	Historic threshing barn reconstruction
Ukrainian American Freedom Foundation, Inc.	Basement construction, masonry, rear entry enclosure, stair platform lift

NOW, THEREFORE, BE IT

RESOLVED, the County Legislature concurs with the Department of Environment and Planning's determination of significance set forth in 6 N.Y.C.R.R. § 617.7(c) and considers the aforementioned actions to be consider Type II action denoting a de minimis environmental impact; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts with the following entities in the amounts indicated, from the noted capital accounts:

Organization Legal Name	Project	Amount	Capital Account # / WBS Element

Aurora Historical Society, Inc.	Building Improvements	\$7,975	A.22095.1.37
Lackawanna Historical Association	Microfilm Reader	\$8,177	A.22095.1.38
Western New York Artists Group, Inc.	Suite Improvements	\$14,045	A.22095.1.39
Buffalo Arts Studio	Suite Improvements	\$31,860	A.22095.1.40
Orchard Park Historical Society	Porch Repair	\$34,000	A.22095.1.41
Jewish Community Center of Greater Buffalo	Equipment Purchase	\$68,000	A.22095.1.42
Friends of Limerick Inc.	Site Improvements	\$86,100	A.22095.1.43
Niagara Frontier Radio Reading Service	Office Renovation	\$53,500	A.22095.1.44
Buffalo Media Resources, Inc.	Suite Improvements	\$125,000	A.22095.1.45
Michigan Street Preservation Corp.	Site Improvements	\$134,377	A.22095.1.46
Richardson Architecture Center	Building Restoration	\$187,950	A.22095.1.47
North Park Theatre of Buffalo, Inc.	Building Restoration	\$130,000	A.22095.1.48
West Falls Center for the Arts	Parking Lot Paving	\$241,293	A.22095.1.49
Explore & More...A Children's Museum	Building Improvements	\$362,000	A.22095.1.50
Hamburg Natural History Society, Inc.	Restroom Construction	\$827,000	A.22095.1.51
Sardinia Historical Society	Roof Replacement	\$24,089	A.22095.1.52
Colored Musicians Club	Building Restoration	\$100,000	A.22095.1.53
Road Less Traveled Productions, Ltd.	Equipment Purchase	\$89,739	A.22095.1.54
Lancaster, NY Opera House, Inc.	Building Improvements	\$299,931	A.22095.1.55
Hull House Foundation	Barn Reconstruction	\$100,001	A.22095.1.56
Ukrainian American Freedom Foundation, Inc.	Building Improvements	\$261,630	A.22095.1.57

and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any necessary budgetary adjustments as needed to administer these projects; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office, following necessary approvals of the Budget Office to make payments up to the contractual limits indicated above, with a total not to exceed \$3,186,667, the source shall be Capital Project A.22095, Capital Agency Capital Fund, Fund 410, Funds Center 162; and be it further

RESOLVED, the authorization is hereby given to the Department of Law and County Executive to execute easements, deed restrictions, intermunicipal agreements and/or place additional requirements on the aforementioned contracting entities and associated real property (project location) as necessary to implement the projects; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Office of the County Executive, Comptroller's Office, the Division of Budget and Management, the Department of Law, and the Department of Environment and Planning.

(5-0)

6. COMM. 23E-14 (2023)

COUNTY EXECUTIVE

WHEREAS, zoning is a municipal law which governs how pieces of land may or may not be developed within a municipal division of government; and

WHEREAS, every Town, Village and City in Erie County possesses a zoning code; and

WHEREAS, New York State's zoning enabling statutes require that zoning laws be adopted in accordance with a comprehensive plan; and

WHEREAS, updated zoning codes in accordance with updated Comprehensive Plans are necessary to reflect the current conditions and legal standards, and the community's desired development; and

WHEREAS, additional planning efforts such as parks and recreation plans provide information which informs comprehensive plans and zoning codes; and

WHEREAS, many Erie County municipal planning documents do not adequately address planning for agriculture and renewable energy; and

WHEREAS, Erie County desires to aid the Town of Hamburg, and Villages of Akron, Alden, Springville, Williamsville and Lancaster and Depew, and in the updating of municipal planning documents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Town of Hamburg in the amount of \$20,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Akron in the amount of \$22,500, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Alden in the amount of \$30,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Springville in the amount of \$50,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Williamsville in the amount of \$30,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Lancaster and/or Village of Depew in the amount of \$30,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that the source of these funds shall be as follows:

Municipality	Amount	Source of Funds
Town of Hamburg	\$20,000	Fund 110, funds center 16200, GL 516020
Village of Akron	\$22,500	Fund 110, funds center 16200, GL 516020
Village of Alden	\$30,000	Fund 110, funds center 16200, GL 516020
Village of Springville	\$50,000	A.20064 (\$18,500) and Fund 110, funds center 16200, GL 516020 (\$31,500)
Village of Williamsville	\$30,000	Fund 110, funds center 16200, GL 516020
Village of Lancaster	\$30,000	Fund 110, funds center 16200, GL 516020

and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to implement any budget adjustments as required to comply with funding requirements; 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, the Division of Budget, Management and Finance, the Comptroller's Office, the Department of Environment and Planning, and the Department of Law.
(5-0)

7. COMM. 23E-16 (2023)

COUNTY EXECUTIVE

WHEREAS, Erie County Senior Services contracts with service providers that deliver 450,000 home delivered meals and 380,000 dining site meals per year; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) works to reduce waste and decrease greenhouse gasses generated in the County; and

WHEREAS, the Rochester Institute of Technology - New York Pollution Prevention Institute has a grant to from the Environmental Protection Fund administered by the New York State Department of Environmental Conservation (NYSDEC) which has fully funded a study focused on reducing waste and a report which will offer a comparison between alternatives related to program expenses, environmental impacts, and program growth potential; and

WHEREAS, all decisions regarding selection and implementation of alternatives will be evaluated based on the full program of services offered by the nutrition programs of the Department of Senior Services; and

WHEREAS, the original no-cost contract for this study was approved (COMM. 20E-6 (2022)) and more time is needed to complete the assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute the necessary agreements to extend the current no-cost contract and Statement of Work from RIT-NYSP2I through June 30, 2024; 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 Law, the Comptroller's Office, and the Department of Environment.
(5-0)

8. COMM. 23E-17 (2023)

COUNTY EXECUTIVE

WHEREAS, Westchester Park Project consists of the acquisition and renovation of two existing buildings containing a total of 201 units of affordable housing for seniors located at 55 Ralston Avenue in the Town of Tonawanda; 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 Westchester Park Preservation, L.P. and Westchester Park Preservation 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 Tonawanda.

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 Westchester Park Preservation, L.P., Westchester Park Preservation Housing Development Fund Corporation, and the Town of Tonawanda 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, the Division of Real Property Tax Services, the Department of Environment and Planning, the Comptroller's Office, the Department of Law.

**SCHEDULE A
PILOT Payments**

Tax Year	Total PILOT	County	Town	School
1	199,084	35,551	91,010	72,523
2	205,057	36,617	93,740	74,699
3	211,208	37,716	96,552	76,940
4	217,545	38,847	99,449	79,248
5	224,071	40,013	102,432	81,626
6	230,793	41,213	105,505	84,075
7	237,717	42,449	108,671	86,597
8	244,848	43,723	111,931	89,195
9	252,194	45,035	115,289	91,871
10	259,760	46,386	118,747	94,627
11	267,552	47,777	122,310	97,466
12	275,579	49,211	125,979	100,389
13	283,846	50,687	129,758	103,401
14	292,362	52,207	133,651	106,503
15	301,133	53,774	137,661	109,698
Total	3,702,748	661,206	1,692,685	1,348,858

(5-0)

9. **COMM. 23E-18 (2023)
COUNTY EXECUTIVE**

WHEREAS, The County of Erie is interested in the fostering of business growth and job creation within Erie County; and

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

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, the development of water and sewer infrastructure on the on the former Bethlehem Steel site is necessary to market the site as shovel ready; and

WHEREAS, the County and the Erie County Industrial Development Agency entered into an Agreement (“Agreement”) dated August 7th, 2020, whereby the Erie County Industrial Development Agency shall contract with consultants and contractors specializing in the design of utility infrastructure for the purpose of developing water and sewer infrastructure at the future Odell Street on the former Bethlehem Steel site; and

WHEREAS, the parties desire to amend the Agreement to reflect additional costs incurred as a result of unforeseen obstructions and groundwater encountered during construction and resultant testing and treatment required by NYSDEC.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a First Amendment to Agreement with the Erie County Industrial Development Agency increasing the original contract amount of \$600,000 by \$50,000 to a new total of \$650,000, for the purpose of completing the construction of utilities at the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the source of the additional funds shall be in SAP accounts A.19025 in the amount of \$50,000; 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, the Division of Budget, Management and Finance, the Comptroller’s Office, the Department of Environment and Planning, and the Department of Law.
(5-0)

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

Item 13 – MR. JOHNSON presented the following report and moved for immediate consideration and approval of the balance of the report with a separation of item No. 2. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

December 14, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 17
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MEYERS.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 23E-2 (2023)
COUNTY EXECUTIVE: “EC Emergency Medical Services Advisory Board Appointment”
(Chair’s Ruling)
 - b. COMM. 23E-4 (2023)
COUNTY EXECUTIVE: “Appointments to the Fire Advisory Board”
(Chair’s Ruling)
2. COMM. 21E-18 (2023)
COUNTY EXECUTIVE
WHEREAS, Erie County operates the Erie County Holding Center in Buffalo and Erie County Correctional Facility in Alden; and

WHEREAS, the Erie County Holding Center was constructed in the City of Buffalo in the 1930s with major additions in the 1980s; and

WHEREAS, the Erie County Correctional Facility was constructed in the Town of Alden in the 1980s; and

WHEREAS, the Erie County Holding Center and Correctional Facility are in need of major capital improvements to address building maintenance and operational needs of the incarcerated population; and

WHEREAS, in 2019, New York State passed the “Bail Elimination Act of 2019” which eliminated bail requirements for most non-violent crimes; and

WHEREAS, said bill resulted in a substantial decline in the population of incarcerated individuals in the Erie County Holding Center; and

WHEREAS, the repeal of mandatory minimum laws for a variety of offenses and the lessening of sentencing related to drug offenses resulted in a decline of the incarcerated population in the Erie County Correctional Facility; and

WHEREAS, both facilities are currently operating with a population occupancy of approximately half of occupancy limits; and

WHEREAS, Erie County desires to develop a comprehensive facility and operational needs assessment to assess the Erie County detention system as whole; and

WHEREAS, Erie County has solicited proposals from qualified firms for proposals to perform a comprehensive facility and operational needs assessment for the Erie County Holding Center and Correctional Facility system; and

WHEREAS, Erie County has conducted a consultant selection process in conformance with Section 26.08 of the Erie County Administrative Code; and

WHEREAS, Erie County desires to work with Foit–Albert Associates to perform a Comprehensive Facility and Operational Needs Assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Contract with Foit-Albert Associates in an amount not to exceed \$676,061 to perform a needs assessment for the Erie County Holding Center and Correctional Facility; and be it further

RESOLVED, that authorization is hereby given to allocate \$676,061 from Capital Project A.23078 and an additional amount of \$73,939 be allocated for a Department of Environment and Planning contingency fund with authorization for the County Executive to approve contract amendments with Foit-Albert Associates or DLR Group or other entities as necessary with the source of said funds also being allocated from Capital Project A.23078; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with funding requirements; and be it further

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

(5-0)

3. COMM. 23E-6 (2023)

COUNTY EXECUTIVE

WHEREAS, specialized equipment and operators are necessary to adequately respond to winter storms in Erie County; and

WHEREAS, the Erie County Federation of Snowmobile Clubs, Inc. is comprised of ten member-clubs which are willing and able to provide equipment and operators for deployment by Erie County during snow events; and

WHEREAS, the ability to mobilize this additional equipment and manpower will strengthen the snow emergency response capabilities of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement with the Erie County Federation of Snowmobile Clubs, Inc. and its member clubs individually for the provision of equipment and operators upon request of Erie County during a snow event; and be it further

RESOLVED, that the Erie County Program of Risk Management Self-Insurance is hereby extended for the benefit of the Erie County Federation of Snowmobile Clubs, its member clubs individually, and any individual machine operators while acting within the scope of services contemplated by the agreement authorized above. Such self-insurance extension shall be afforded on a claim-by-claim basis as determined by the County Attorney. Any self-insurance extended under these terms shall be considered secondary insurance to any applicable insurance policy held by or for the benefit of the Erie County Federation of Snowmobile Clubs, its member clubs individually, or any individual machine operators; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, Comptroller's Office, Department of Homeland Security and Emergency Services, Department of Law, and Division of Budget and Management.
(5-0)

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

MR. GREENE moved to approve item No. 2. MR. TODARO seconded.

CARRIED. 10-1, MS. VINAL IN THE NEGATIVE.

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

RE: Appointments to the Arts in
Public Places Committee
(INTRO. 24-1)

**A RESOLUTION SUBMITTED BY THE
MAJORITY CAUCUS**

WHEREAS, the Arts In Public Places Committee was created in 2023 via Local Law 4-2023; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Arts In Public Places Committee, including an appointment from the Majority Caucus of the Legislature; and

WHEREAS, the law states that Committee members shall be experts in the fields of art, art history, architecture or architectural history and must be Erie County residents and may not serve on any other County advisory board or be a County employee or officer, as well as the members shall

be professionally associated with local visual arts groups, such as art galleries or art schools, or have at least ten (10) years' experience in creating professional art; and

WHEREAS, the Majority Caucus' appointee, Alexa Wajed, is a visual artist with over 10 years' experience, co-founded an arts organization, and currently runs an arts-based non-profit.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body appoints Alexa Wajed as a member of the Arts In Public Places Committee; and

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Commissioner of Public Works, and the Commissioner of Environment and Planning.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 15 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of INTRO. 21-2 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

RE: Modification of Agricultural Districts
(INTRO. 21-2)

WHEREAS, pursuant to New York State Agriculture and Markets Law (“AML”) Section 303-b, the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which applicants may submit requests to include predominantly viable agricultural land into any existing certified agricultural district outside of the established eight-year review period; and

WHEREAS, during the 2023 thirty-day open enrollment period seven applicants requested that eleven parcels of land be included in existing Agricultural Districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in AML Section 301; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the Agricultural District; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted to recommend that the Erie County Legislature approve the inclusion of eleven parcels listed below in an existing Agricultural District; and

SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRIC
13.17-2-1	1.1	4410 East River Rd	Grand Island	Bitikofer	North #1
12.00-2-10	8.7	4420 East River Rd	Grand Island	Bitikofer	North #1
37.02-2-12	25.4	951 Whitehaven Rd	Grand Island	Act III	North #1
37.02-2-13	20.5	0 Whitehaven Rd	Grand Island	Act III	North #1
37.02-2-5.11	22.1	0 Whitehaven Rd	Grand Island	Drexelius	North #1
37.02-2-4	8.2	0 Whitehaven Rd	Grand Island	Drexelius	North #1
45.15-1-5.2	8.4	6155 Salt Rd	Clarence	Corigliano	North #1
12.00-2-3.11	30.7	0 East River Rd	Grand Island	Harper	North #1
12.15-2-65	2.3	0 East River Rd	Grand Island	Harper	North #1
50.04-2-31	3.2	2507 Fix Rd	Grand Island	Yanicki	North #1
213.00-1-19.2	4.4	8145 Burr Rd	Colden	Khadiagala	Central #5

WHEREAS, pursuant to AML Section 303-b, the Erie County Legislature gave the required public notice and set a public hearing for November 1, 2023; and

WHEREAS, pursuant to AML Section 303-b, the Erie County Legislature published a public hearing notice in a newspaper having general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an Agricultural District; and

WHEREAS, a public hearing was held at 2:15 p.m. on November 1, 2023 a public hearing was held at the Erie County Legislative Chambers, 92 Franklin Street, Buffalo, New York to consider modification of the Districts; and

WHEREAS, the modification of the Districts is within the scope of a Cooperative Agreement between the Erie County Legislature and the New York State Department of Agriculture and Markets; and

WHEREAS, pursuant to the Cooperative Agreement, the Erie County Legislature is the State Environmental Quality Review Lead Agency and has conducted a coordinated review in accordance with 6 NYCRR Section 617.6 (b) (3); and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves the inclusion of the following eleven parcels into an adjacent existing Agricultural District; and be it further

SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRIC
13.17-2-1	1.1	4410 East River Rd	Grand Island	Bitikofer	North #1
12.00-2-10	8.7	4420 East River Rd	Grand Island	Bitikofer	North #1
37.02-2-12	25.4	951 Whitehaven Rd	Grand Island	Act III	North #1

37.02-2-13	20.5	0 Whitehaven Rd	Grand Island	Act III	North #1
37.02-2-5.11	22.1	0 Whitehaven Rd	Grand Island	Drexelius	North #1
37.02-2-4	8.2	0 Whitehaven Rd	Grand Island	Drexelius	North #1
45.15-1-5.2	8.4	6155 Salt Rd	Clarence	Corigliano	North #1
12.00-2-3.11	30.7	0 East River Rd	Grand Island	Harper	North #1
12.15-2-65	2.3	0 East River Rd	Grand Island	Harper	North #1
50.04-2-31	3.2	2507 Fix Rd	Grand Island	Yanicki	North #1
213.00-1-19.2	4.4	8145 Burr Rd	Colden	Khadiagala	Central #5

RESOLVED, that the Erie County Legislature finds that the modification of the Districts will not result in any significant adverse environmental impacts and therefore issues a Negative Declaration under the State Environmental Quality Review Act; and be it further

RESOLVED, that the Chairperson of the Erie County Legislature is authorized to complete and sign Part 3 of the Short Environmental Assessment Form; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services, the Chair of the Erie County Agricultural and Farmland Protection Board, and the Supervisors of the Towns of Colden, Clarence, and Grand Island; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution to the Commissioner of New York State Department of Agriculture and Markets for certification.

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

CARRIED UNANIMOUSLY.

Amendment to Intro. 21-2

AMEND the first resolve clause as follows:

RESOLVED, that the Erie County Legislature approves the inclusion of the following nine parcels into an adjacent existing Agricultural District; and be it further

SBL	ACRES	ADDRESS	TOWN	APPLICANT	DISTRIC
13.17-2-1	1.1	4410 East River Rd	Grand Island	Bitikofer	North #1
12.00-2-10	8.7	4420 East River Rd	Grand Island	Bitikofer	North #1
37.02-2-5.11	22.1	0 Whitehaven Rd	Grand Island	Drexelius	North #1
37.02-2-4	8.2	0 Whitehaven Rd	Grand Island	Drexelius	North #1
45.15-1-5.2	8.4	6155 Salt Rd	Clarence	Corigliano	North #1

12.00-2-3.11	30.7	0 East River Rd	Grand Island	Harper	North #1
12.15-2-65	2.3	0 East River Rd	Grand Island	Harper	North #1
50.04-2-31	3.2	2507 Fix Rd	Grand Island	Yanicki	North #1
213.00-1-19.2	4.4	8145 Burr Rd	Colden	Khadiagala	Central #5

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 16 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 24D-4 from the COUNTY ATTORNEY Re: Opinion as to Form Local Law Intro No. 9-1 (2023)

Chair Baskin directed the item to be received, filed, and printed.

December 20, 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 9-1 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. 9-1 2023 (9-1).

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, 9-1 does not present any direct conflicts with state statute and since the State Legislature has not taken specific action to assume sole regulatory authority on this topic, 5-1 does not present a preemption issue of concern.

Grammar

The stated purpose of 9-1 is to mandate the development of County Agency-specific language access plans, practices and training in the County of Erie. We find the grammar and usage of 9-1 to be sufficient in order to achieve the stated purpose.

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 9-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 9-1 2023 is sufficient as to form.

Very truly yours,
JEREMY C. TOTH
Erie County Attorney

By: Gregory P Kammer
Assistant Erie County Attorney

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 17 – (COMM. 24E-1) EC Cultural Funding Grant Monitoring Program - American Legion Band of the Tonawandas

Item 18 – (COMM. 24E-2) EC Cultural Funding Grant Monitoring Program - Brighton Place Library

Item 19 – (COMM. 24E-3) EC Cultural Funding Grant Monitoring Program - Newstead Historical Society

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

FROM THE COUNTY EXECUTIVE

Item 20 – (COMM. 24E-4) Appointment to Western Region OTB Board of Directors

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 21 – (COMM. 24E-5) EC Cultural Funding Grant Monitoring Program - Shakespeare in Delaware Park, Inc.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 22 – (COMM. 24E-6) 2024 Erie County Budget, As Amended

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 23 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

RE: Resolution to Authorize Entry Into Lease with 4545 Transit LLC for Clarence Satellite Auto Bureau Office (COMM. 24E-7)

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the Erie County Clerk shall act as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity the Erie County Clerk operates the Erie County Auto Bureau; and

WHEREAS, the Erie County Auto Bureau, at full operations, maintains six (6) branch locations and one (1) mobile unit throughout the County of Erie to provide convenient services to Erie County residents; and

WHEREAS, the Erie County Auto Bureau has occupied space at the Eastern Hills Mall located at 4545 Transit Road, Clarence, New York since 2009; and

WHEREAS, the current lease expires December 31, 2023; and

WHEREAS, the Erie County Clerk's Office has determined that the best course of action is offer continued service to Auto Bureau customers by remaining at its current location in the Eastern Hills Mall; and

WHEREAS, the owners of the Eastern Hills Mall have determined that that the Erie County Auto Bureau is one of a few tenants that should remain at the property as it is converted into a mixed-use town center, due to the inherent value of the Auto Bureau; and

WHEREAS, additional space has been offered to the Erie County Clerk's Office at the Eastern Hills Mall as part of the continued business relationship between the two sides for the creation of an additional Outreach Center separate from the Auto Bureau; and

WHEREAS, additional construction at the Eastern Hills Mall location is necessary to facilitate the new Outreach Center and continued operation of the Auto Bureau; and

WHEREAS, the Erie County Clerk's Office is requesting authorization to enter into a lease agreement with 4545 Transit LLC for the purpose of keeping the Erie County Auto Bureau at the Eastern Hills Mall.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into an Agreement with 4545 Transit LLC for the purpose of keeping the Erie County Auto Bureau in Clarence at the Eastern Hills Mall; and be it further

RESOLVED, that the Erie County Executive, or the Deputy County Executive, is authorized to authorize the said Lease Agreement with the fundamental terms set forth above, subject to a form of the final Lease Agreement being approved by the County Attorney; and be it further

RESOLVED, that provided the County is not in default of the terms of the Lease Agreement, and subject to authorization by the County Legislature, the County shall be entitled to renew the lease for one (1) consecutive five-year term, at the County's sole discretion upon written notice to the landlord; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Clerk, the Director of Budget and Management, the Erie County Attorney, and the Erie County Comptroller.

MR. MEYERS moved to replace the entirety of the resolution with the following. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the Erie County Clerk shall act as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity the Erie County Clerk operates the Erie County Auto Bureau; and

WHEREAS, the Erie County Auto Bureau, at full operations, maintains six (6) branch locations and one (1) mobile unit throughout the County of Erie to provide convenient services to Erie County residents; and

WHEREAS, the Erie County Auto Bureau has occupied space at the Eastern Hills Mall located at 4545 Transit Road, Clarence, New York since 2009; and

WHEREAS, the current lease expires December 31, 2023; and

WHEREAS, the Erie County Clerk's Office has determined that the best course of action is offer continued service to Auto Bureau customers by remaining at its current location in the Eastern Hills Mall; and

WHEREAS, the owners of the Eastern Hills Mall have determined that that the Erie County Auto Bureau is one of a few tenants that should remain at the property as it is converted into a mixed-use town center, due to the inherent value of the Auto Bureau; and

WHEREAS, additional space has been offered to the Erie County Clerk's Office at the Eastern Hills Mall as part of the continued business relationship between the two sides for the creation of an additional Outreach Center separate from the Auto Bureau; and

WHEREAS, additional construction at the Eastern Hills Mall location is necessary to facilitate the new Outreach Center and continued operation of the Auto Bureau; and

WHEREAS, the Budget Director confirmed that there are unencumbered funds available in the 2023 Budget to transfer from Professional Services (516020) to Rental Charges (545000) in 2023, in order to be carried over into 2024 to account for the unforeseen rent; and

WHEREAS, the Erie County Clerk's Office is requesting authorization to enter into a lease agreement with 4545 Transit LLC for the purpose of keeping the Erie County Auto Bureau at the Eastern Hills Mall.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into an Agreement with 4545 Transit LLC for the purpose of keeping the Erie County Auto Bureau in Clarence at the Eastern Hills Mall; and be it further

RESOLVED, that said Lease Agreement shall be for a term of five (5) years and include approximately 4,800 rentable square feet of space at \$10.00 per square foot, with a Monthly Rent to include a Base Rent of \$4000.00 (4,800 rsf x \$10 psf/12 months); and an estimated Additional Rent of \$539.00 per month, which covers the financing over five (5) years of landlord improvements of approximately \$29,900.00 and all services contemplated in the Lease Agreement including, but not limited to, rubbish removal and water & sewer; and be it further

RESOLVED, that the Erie County Executive, or the Deputy County Executive, is authorized to authorize the said Lease Agreement with the fundamental terms set forth above, subject to a form of the final Lease Agreement being approved by the County Attorney; and be it further

RESOLVED, that provided the County is not in default of the terms of the Lease Agreement, and subject to authorization by the County Legislature, the County shall be entitled to renew the lease for one (1) consecutive five-year term, at the County's sole discretion upon written notice to the landlord; and be it further

RESOLVED, that the Division of Budget & Management is authorized to transfer 2023 funds from Professional Services (516020) to Rental Charges (545000) in the amount of \$64,000.00, in order to be carried over into 2024 to account for the unforeseen rent; and be it further

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

RESOLVED, that certified copies of this Resolution be sent to the Erie County Clerk, the Director of Budget and Management, the Erie County Attorney, and the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 24 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

RE: Section 520 Exemption Charges
for 2024
(COMM. 24E-8)

WHEREAS, Section 520 Exemption Charges for 2024 have been calculated as indicated on the attached schedule.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby directs the Erie County Director of Real Property Tax Services to spread the amount of taxes, as indicated on the attached schedule, upon the tax rolls of the several municipalities in Erie County, being taxes due from the exemption removal on properties transferred during the past year, pursuant to Section 520 of the Real Property Tax Law; and be it further

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

EXEMPTION REMOVALS FOR 2024 COUNTY TAX

Town	County	Town	Total
Buffalo	\$ 116,733.12	\$ -	\$ 116,733.12
C. Lack	\$ 19,800.84	\$ -	\$ 19,800.84
C. Ton	\$ 21,806.32	\$ -	\$ 21,806.32
Alden	\$ 13,523.83	\$ 5,185.41	\$ 18,709.24

Amherst	\$	66,851.69	\$	62,624.33	\$	129,476.02
Aurora	\$	16,886.78	\$	8,170.82	\$	25,057.60
Boston	\$	5,143.98	\$	1,341.19	\$	6,485.17
Brant	\$	2,008.84	\$	845.65	\$	2,854.49
Cheektowaga	\$	127,771.45	\$	146,344.23	\$	274,115.68
Clarence	\$	22,675.36	\$	8,622.23	\$	31,297.59
Colden	\$	5,383.09	\$	2,029.76	\$	7,412.85
Collins	\$	2,706.82	\$	838.81	\$	3,545.63
Concord	\$	4,604.06	\$	1,281.47	\$	5,885.53
Eden	\$	10,701.20	\$	4,800.10	\$	15,501.30
Elma	\$	7,471.80	\$	372.04	\$	7,843.84
Evans	\$	28,395.63	\$	34,413.43	\$	62,809.06
Grand Island	\$	8,294.31	\$	4,010.05	\$	12,304.36
Hamburg	\$	60,987.69	\$	42,023.05	\$	103,010.74
Holland	\$	1,740.80	\$	1,477.68	\$	3,218.48
Lancaster	\$	25,655.99	\$	23,680.82	\$	49,336.81
Marilla	\$	4,034.89	\$	193.65	\$	4,228.54
Newstead	\$	2,989.59	\$	708.31	\$	3,697.90
North Collins	\$	10,144.65	\$	7,186.50	\$	17,331.15
Orchard Park	\$	28,255.15	\$	17,800.18	\$	46,055.33
Sardinia	\$	4,499.60	\$	-	\$	4,499.60
Tonawanda	\$	84,423.72	\$	75,897.88	\$	160,321.60
Wales	\$	2,281.27	\$	176.58	\$	2,457.85
West Seneca	\$	99,175.59	\$	130,995.54	\$	230,171.13
	\$	804,948.06	\$	581,019.71	\$	1,385,967.77

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

RE: Levy and Apportionment of EC Real
Property Tax for 2024
(COMM. 24E-9)

WHEREAS, the Erie County budget for the year 2024 has been adopted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the amounts in said County budget that are required to be raised by taxes, by the Legislature's adoption of the Erie County Budget for 2024, are hereby levied upon and shall be collected from the taxable property situated within the County of Erie and liable therefore, effective January 1, 2024; and; be it further

RESOLVED, that the Director of Real Property Tax Services is hereby directed to apportion said taxes to be raised for such budget against the taxable property liable, therefore, as provided by law; and be it further

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

Item 26 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

RE: Downtown Pedestrian/Transit Mall
Special District Adoption of Mall
District Service Charge Roll for 2024
(COMM. 24E-10)

WHEREAS, after a public hearing, held on October 24, 2023 by Buffalo Place Inc., and upon adoption of Intro 20M-4, the Erie County Legislature determined that the total amount to be raised by mall district service charges for 2024 for the downtown pedestrian/transit mall special district shall be the sum of \$1,832,457; and

WHEREAS, the 2024 Mall District Budget requires that the amount to be raised by Mall District payments in lieu for 2024 for the downtown pedestrian/transit mall special district shall be the sum of \$54,429.00; and

WHEREAS, the Director of Real Property Tax Services has established the 2024 mall district service charge and payment in lieu roll apportioning the amount to be raised and has transmitted such roll to the Erie County Legislature for adoption.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the mall district service charge and payment in lieu roll established by the Director of Real Property Tax Services for the purpose of assessing 2024 service charges for the downtown pedestrian/transit mall special district; and be it further

RESOLVED, that 2024 mall district service charges and payment in lieu amounts shall be assessed, due and a lien on benefited properties within the downtown pedestrian/transit mall special district on and as of January 1, 2024 and shall be payable to the Director of Real Property Tax Services as provided in Erie County Local Law No. 8-1984; and be it further

RESOLVED, that late fees shall be collected on payments made after the dates provided in Erie County Local Law No. 8-1984, and an interest budget line of \$10,000.00 shall be added to the Mall Budget for collection of these late fees; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish the 2024 Downtown Mall Budget in the amount \$1,896,886 which includes \$1,832,457 for service charges, \$54,429 for payment in lieu, and \$10,000 for interest earnings; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to make adjustments and modifications as deemed appropriate; and be it further

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

Item 27 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

RE: 2024 Levy of Town and Special District
Budgets
(COMM. 24E-11)

WHEREAS, Pursuant to Article VI of the Erie County Tax Act, proposed taxes to raise county, town, and special district budgets shall be received and the budgets of the several towns, fire districts, and local improvement districts shall be certified to the Erie County Legislature, and upon the adoption of the county budget for the ensuing fiscal year, such Legislature shall levy and cause to be spread the taxes to be raised for such town, fire district, and local improvement district budgets, and shall, at the same time, levy and cause to be spread the county taxes pursuant to law for the ensuing fiscal year.

NOW, THEREFORE BE IT

RESOLVED, that the following abstracts of the adopted Town and Special District Budgets for the year 2024, as certified and presented to this Legislature by the appropriate Town Officers; be printed by the Clerk in the minutes of the proceedings of this Legislature; and be it further

RESOLVED, that the amounts in said budgets that are required to be raised by taxes are hereby levied upon, and shall be collected from, the taxable property situated in the respective Towns and Districts and liable therefore; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to make adjustments and modifications as deemed appropriate; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby directed to spread said taxes to be so raised for such budgets against the taxable property liable therefore as provided by Article VI of the Erie County Tax Act, as amended; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Director of Budget and Management, County Comptroller, County Attorney and Scott A. Bylewski, Director of Real Property Tax Services.

Item 28 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

RE: Authorization to Contract with
MultiMed Ambulance Billing Specialists
(COMM. 24E-12)

WHEREAS, in September of 2023, Erie County launched its own ambulance service to be the safety net for residents and provide backup to first responding agencies such as volunteer fire departments; and

WHEREAS, the ambulance service operates in 8 rural towns and expanding to cover 2 additional towns by 2024; and

WHEREAS, requests for transport and response to call continues to increase week over week for the ambulance service; and

WHEREAS, Erie County has rights and duties to bill and collect from its patients for prehospital care and transportation; and

WHEREAS, Erie County's Emergency Medical Services issued a request for proposals for a medical billing company to provide ambulance billing services for Erie County; and

WHEREAS, a request for proposals review committee reviewed the 4 submissions and selected MultiMed Ambulance Billing Specialists; and

WHEREAS, contracting with MultiMed ensure compliance in billing services and allows EMS staff to focus on patient care; and

WHEREAS, there will be no upfront costs to contract with MultiMed as they will be compensated as a result of the claiming process.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with MultiMed Ambulance Billing Specialists for a 5 year period (3 years plus two 1 year renewals) to provide billing services for the ; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes 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, the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive’s Office, Comptroller’s Office, Department of Law, Department of Health and Division of Budget and Management.

Item 29 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

RE: Authorization to Accept NYS TB
Testing Grant
(COMM. 24E-13)

WHEREAS, the Erie County Department of Health (ECDOH) is responsible to protect public health by stopping the spread of communicable diseases such as tuberculosis; and

WHEREAS, over 500 asylum seekers have been relocated to Erie County by New York City through 2023; and

WHEREAS, ECDOH has screened, tested, and treated as mandated the asylum seekers for tuberculosis and other communicable diseases to prevent any community spread; and

WHEREAS, Erie County has been awarded \$500,000 by New York State Department of Health to reimburse the costs associated with these mandated services and cover future expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the New York State Department of Health in order to accept \$500,000 in grant awards from New York State Incentive Program as follows:

Department of Health
Fund 281, Funds Center 12700
127TBASYLUM2324
04/01/23 - /03/31/24

<u>Account</u>	<u>Revenue</u>	<u>Budget</u>
409000	State Aid Revenues	<u>\$500,000</u>
	TOTAL	<u>\$500,000</u>
<u>Account</u>	<u>Appropriation</u>	<u>Budget</u>
500000	Full Time - Salaries	\$ 24,763
502000	Fringe Benefits	12,380
505800	Medical & Health supplies	50,000
510000	Local Mileage Reimbursement	5,000

516020	Professional Services Contracts & Fees	335,357
516050	Dept Payments to ECMCC	50,000
530000	Other Expenses	2,500
561410	Lab & Technical Equipment	<u>\$ 20,000</u>
	TOTAL	<u>\$500,000</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust grant 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 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 will be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Health, and Division of Budget and Management.

Item 30 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208

RE: Health Department Creation of Positions
for 608 William
(COMM. 24E-14)

WHEREAS, the Erie County Department of Health (ECDOH) operates the Jesse Nash Health Center located at 608 William Street in Buffalo that provides vital public health services through its Family Planning, Tuberculosis, STI, and Prep clinics; and

WHEREAS, services are currently being provided by independent contractors and demand for the various services provided at 608 William continues to grow; and

WHEREAS, ECDOH is seeking the creation of 2 Physician Assistant and 1 Senior Nurse Practitioner positions to not only meet the needs of the community but become more efficient and consistent at providing high-level care to patients of the clinic.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of two (2) full-time Physician Assistant, Job Group 16, Step 1, CSEA (B100# 13982) effective January 1, 2024; and be it further

RESOLVED, that authorization is hereby given to create one (1) full-time Senior Nurse Practitioner, Job Group 16, Step 1, NYSNA (B100# 13983) effective January 1, 2024; and be it further

RESOLVED, that authorization is hereby given for the recognition of \$100,000 in previously unbudgeted revenue in Fund 110, Funds Center 14010, Account #414035 – FED LATCF Revenue and \$228,188 in previously unbudgeted revenue in Fund 110, Funds Center 14010, Account #486010 – Residual Equity Transfers In and the appropriation of a like amount of funding into the Health Department’s 2023 General Fund Budget (Fund 110, Funds Center 12700) Account #500000 Full Time - Salaries as follows:

2023 Budget
Fund 110, Funds Center 14010
Countywide Budget Accounts

REVENUES

414035 – FED LATCF Revenue	\$100,000
486010 – Residual Equity Transfers In	<u>\$228,188</u>
TOTAL	<u>\$328,188</u>

2023 Budget
Fund 110, Funds Center 12700
Health Division

APPROPRIATIONS

500000 Full Time – Salaries	<u>\$328,188</u>
TOTAL	<u>\$328,188</u>

and be it further

RESOLVED, that authorization is hereby given to transfer \$164,094 in unanticipated health care cost savings in the Department of Social Services’ 2023 General Fund Budget (Fund 110, Funds Center 120), Account #525160 – Indigent Care Adjustment – DSH to the Department of Health’s 2023 General Fund Budget (Fund 110, Funds Center 12700) Account #502000 Fringe Benefits as follows:

2023 Budget
Fund 110, Funds Center 120
Department of Social Services

APPROPRIATIONS

525160 – Indigent Care Adjustment - DSH	(\$164,094)
TOTAL	<u>(\$164,094)</u>

2023 Budget
Fund 110, Funds Center 12700
Health Division

APPROPRIATIONS

502000 Fringe Benefits	\$164,094
TOTAL	<u>\$164,094</u>

and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$492,282 in funding from the Health Division’s 2023 General Fund Budget into 2024 as follows:

2024 Budget
Fund 110, Funds Center 12700
Health Division

APPROPRIATIONS

500000 – Full Time – Salaries	\$328,188
502000 – Fringe Benefits	<u>\$164,094</u>
TOTAL	<u>\$492,282</u>

and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any technical adjustments necessary to appropriate and carry-forward sufficient funding to cover the personnel costs associated with the aforementioned creation of new positions; and be it further

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

Item 31 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

RE: Buffalo & EC Botanical Gardens 2019

Expansion Plan Construction
Management Agreement
(COMM. 24E-15)

WHEREAS, the Botanical Gardens are pursuing a large-scale addition to the existing Buffalo and Erie County Botanical Gardens in effort to increase event space allowing for more revenue-generating events, provide more efficient operation work-flow, provide additional training, classroom and education spaces, promote growth south of Buffalo by attracting tourism and business to the area, and provide considerable cost savings by allowing for the demolition of existing non-historic houses that have fallen into disrepair which require substantial investment to remain operational; and

WHEREAS, the services of the Construction Manager as Advisor *for use on a Sustainable Project* are necessary to provide preconstruction and construction phase services for the Buffalo and Erie County Botanical Gardens 2019 Expansion Plan project (“Botanical Gardens Expansion project”); and provide logistical expertise such that the Botanical Gardens can remain fully operational for the public during construction; and

WHEREAS, this Construction Management services contract will be funded entirely by the Botanical Gardens Society; and

WHEREAS, the County and Botanical Gardens Society solicited proposals from construction management firms and received proposal submissions on September 6, 2019 to the Request for Proposals/ Qualification advertised on August 6, 2019, which were reviewed by a selection committee, and previously recommended Savarino Companies LLC (“Savarino”) and their sub-consultants per COMM. 23E-2 (2019); and

WHEREAS, Savarino advised the Botanical Garden Society that their firm would no longer able to fulfill their duties as they were ceasing operations and DPW was made aware of the news on in fall 2023 by the Botanical Garden Society; and

WHEREAS, Turner Construction Company LLC (“Turner”) and their sub-consultants was previously ranked overall #2 by the selection committee as per the previous consultant selection process described above; and

WHEREAS, the County and Botanical Gardens Society have collectively recommended Turner replace Savarino to provide construction management services; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Turner to provide Construction Management as Advisor *for use on a Sustainable Project* services for the Botanical Gardens Expansion project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement as an interested party with Turner Construction Company LLC to provide Construction Management as Advisor services *for use on a Sustainable Project* for the Botanical Gardens Expansion project; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, Department of Environment and Planning, Commissioner's Office and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Botanical Gardens Society c/o Mark Mortenson.

Item 32 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

RE: Amendment of Contract - Rehabilitation & Drainage Improvements, Town of Amherst
(COMM. 24E-16)

WHEREAS, your honorable body authorized an engineering contract with Wendel WD Architecture for New Road (CR186) Rehabilitation and Drainage Improvements (the "Agreement"), via COMM. 6E-20 (2022) dated April 7, 2022 with Wendel WD Architecture, Engineering, Surveying and Landscape Architect PC; and

WHEREAS, is requesting the authority for the County Executive to execute an amendment for additional engineering services and subsurface investigation to the Agreement; and

WHEREAS, the total cost of the amendment shall not exceed \$155,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an amendment to the engineering contract with Wendel WD Architecture for the New Road Rehabilitation and Drainage Improvements project in an amount not to exceed \$155,000; and be it further

RESOLVED, the funds for the amendment are available in Fund 420, Funds Center 123, Capital Project B.21150, 2021 Capital Overlay; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Division of Highways, and one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 33 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

RE: Acquisition of Town of Hamburg

Section 5310 Passenger Van
(COMM. 24E-17)

WHEREAS, the Department of Senior Services, purchases replacement vehicles for its Going Places senior transportation fleet, which provides older adults, who have no other means of transportation, with rides to medical appointments, grocery shopping, and to senior centers for congregate meals; and

WHEREAS, the Town of Hamburg (Town) no longer needs a 2022 Passenger Van (VIN 1FDEE3FK7NDC42281), obtained through a New York State Department of Transportation (NYSDOT) Section 5310 grant program that covers 80% of the cost of vehicles used for transportation of elderly individuals; and

WHEREAS, the Town has obtained NYSDOT and board permission to transfer ownership of the van to the Department of Senior Services, which desires to utilize it as a replacement vehicle in our Going Places fleet, which already operates four Section 5310 vehicles previously awarded by NYSDOT; and

WHEREAS, the Department of Senior Services would pay the Town of Hamburg \$9,201 for its 20% share of the van, utilizing existing appropriations in the Department's 163CSE2324 grant's Motor Vehicle account (#561440).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the transfer of ownership and NYSDOT Section 5310 program requirements, from the Town of Hamburg to the County of Erie, for the 2022 Model year passenger van VIN 1FDEE3FK7NDC42281; and be it further

RESOLVED, that authorization is hereby given that the Department of Senior Services utilize appropriations in its 163CSE2324 grant's Motor Vehicle account #561440 to pay \$9,201 to the Town of Hamburg for its 20% share of the van; and be it further

RESOLVED, that authorization is hereby given that the 80% share of the van's cost (\$36,807) covered by NYSDOT Section 5310 federal grant monies also be reflected in Erie County's financial records; 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, Division of Fleet Services, and the Department Senior Services.

Item 34 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

RE: Exhale Family Caregiver Initiative

Project Grant
(COMM. 24E-18)

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, Buffalo Federation of Neighborhood Centers (BFNC), has received funding to create a program to provide programming and supports to Caregivers and their loved ones; and

WHEREAS, BFNC now seeks to partner with the Department of Senior Services to create supports and programming for Caregivers and their loved ones; and

WHEREAS, BFNC has awarded the Department of Senior Services up to \$16,550, to provide programming and supports, for the period of October 1, 2023, through August 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, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the BFNC to accept the \$16,550 of grant funding, for the period October 1, 2023, to August 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 and made available as a multi-year grant to Department of Senior Service in Fund 281, Funds Center 1632010 as follows:

Exhale Family Caregiver Initiative Project
163EFCIP2325
10/1/23 - 8/31/25

REVENUES		BUDGET
Account	Description	
417060	Other Income Senior Services	<u>\$16,550</u>
TOTAL REVENUES		<u>\$16,550</u>

APPROPRIATIONS		BUDGET
Account	Description	
505400	Food & Kitchen Supplies	\$1,040

516019	Transportation Services	\$8,710
530000	Other Expenses	\$5,150
916390	ID Senior Srvs Grant	<u>\$1,650</u>
	TOTAL APPROPRIATIONS	<u>\$16,550</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 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.

Item 35 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

RE: Parks Transfer of Funds for Golf Cart
Leasing
(COMM. 24E-19)

WHEREAS, the Department of Parks, Recreation & Forestry need updated Golf Carts for Grover Cleveland Golf Course & Elma Meadows Golf Course, to improve the quality provided to the public. The current golf carts are older, outdated and need replacement. The current bid expired at the end of this golf season; and

WHEREAS, the bid process showed MTE Equipment Solutions Inc.as the only vendor who submitted a bid for Bid #230268-004; and

WHEREAS, 115 Golf Carts at \$1,521.74 per cart, per year for the next three years; and

WHEREAS, in order to receive the requested amount (115) of 2024 Golf Carts for the 2024 golfing season, the Purchase Order needs to be executed before the end of December 2023; and

WHEREAS, there is a shortfall of funding in the 2023 Operating Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the recognition of \$175,000 in previously unbudgeted revenue in Fund 110, Funds Center 14010, Account #402520 - Gaming Facilities Aid and the appropriation of a like amount of into the Department of Parks, Recreation & Forestry's 2023 General Fund Budget, Fund 110, Funds Center 16410 Account #545000 Rental Charges as follows:

2023 Budget
Fund 110, Funds Center 14010
Countywide Budget Accounts

REVENUE

402520 Gaming Facilities Aid	\$175,000
TOTAL	<u>\$175,000</u>

2023 Budget
Fund 110, Funds Center 16410
Department of Parks, Recreation & Forestry

APPROPRIATIONS

545000 Rental Charges	\$175,000
TOTAL	<u>\$175,000</u>

and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to re-appropriate \$175,000 in 2023 funding into 2024; and be it further

RESOLVED, that authorization is hereby given to the Director of Purchasing to create all necessary documents to allow for the lease of golf carts; and be it further

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

Item 36 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 214

RE: Southtowns Advanced Wastewater
Treatment Facility Expansion Project –
Grant Acceptance
(COMM. 24E-20)

WHEREAS, the County of Erie was notified by the New York Environmental Facilities Corporation that it was awarded a Water Infrastructure Improvement Act (WIIA) grant of up to \$17 million for the “ECDEP Southtowns Advanced Wastewater Treatment Facility Expansion” project (Clean Water Project No. C9-6647-06-00); and

WHEREAS, the County of Erie must complete an “Acknowledgment and Acceptance of WIIA Grant Award” form indicating that it accepts the WIIA grant and intends to proceed with the Southtowns Advanced Wastewater Treatment Facility Expansion project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive, or his designee, to sign the “Acknowledgment and Acceptance of WIIA Grant Award” form for the “ECDEP Southtowns Advanced Wastewater Treatment Facility Expansion” project (Clean Water Project No. C9-6647-06-00); and be it further

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

Item 37 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 215

RE: Appointments to the Arts in Public
Places Committee
(COMM. 24E-21)

December 15, 2023

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

**Re: Appointments to the Arts in Public Places Committee
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members,

Please be advised that, pursuant to Erie County Local Law No. 4 of 2023, I hereby submit for your confirmation the following individuals to be appointed as members of the Arts in Public Places Committee. Their terms shall expire December 31, 2025.

Bernice Radle
351 Massachusetts Avenue
Buffalo, NY 14213
New Appointment

Donald Siuta
233 Anderson Place
Buffalo, NY 14222
New Appointment

Edreys Wajed
51 Roswell Road
Buffalo, NY 14215
New Appointment

Monica Boutin
387 Baynes Street
Buffalo, NY 14213
Ex-Officio Appointment

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: Appointees
Daniel Castle, Commissioner Environment and Planning

FROM THE COMPTROLLER

Item 38 – (COMM. 24E-22) Overtime Compensation for Sheriff Exempt Managerial Confidential Employees

Item 39 – (COMM. 24E-23) Batavia Downs Gaming Advertising and Marketing

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

FROM THE SHERIFF

Item 40 – (COMM. 24E-24) Contract with US Marshals Service Prisoner Operations Division

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 41 – (COMM. 24E-25) Audit of the EC Department of Law Grant & Claim Reimbursement for Indigent Legal Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 42 – (COMM. 24E-26) 2024 Schedule of Legislative Sessions

Received, filed and printed.

2024 SCHEDULE OF LEGISLATIVE SESSIONS

JANUARY

4
18

JULY

11
25

FEBRUARY

1
15

AUGUST

Recess

MARCH

7
21

SEPTEMBER

12
26

APRIL

11
25

OCTOBER

10
24

MAY

9
23

NOVEMBER

7
21

JUNE

6
20

DECEMBER

5 - Session & Budget Vote
19 - Session & Budget Override

All Regular Sessions will begin at 12:00 p.m. in the Legislature Chambers unless notice is provided for meeting(s) to be conducted via video conferencing. Pre-Session Joint Caucus Meetings held on the day of Session begin at 10:00 a.m. All Meetings are open to the public.

FROM THE MINORITY CAUCUS

Item 43 – (COMM. 24E-27) Letter from Republican Caucus to County Executive

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 44 – (COMM. 24D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 45 – (COMM. 24D-2) December Capital Projects Update

Item 46 – (COMM. 24D-3) Budget Monitoring Report for Period Ending October 2023

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE COLUMBIA LAW SCHOOL INTERNS

Item 47 – (COMM. 24M-1) Transportation Equity Project Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM COMMUNITY GROUPS

Item 48 – (COMM. 24M-2) Proposed Contract with Foit-Albert Associates & DLR Group for Operational Needs Assessment

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CLERK OF TASK FORCE

Item 49 – (COMM. 24M-3) New Stadium Community Inclusion Task Force - Meeting Minutes

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

FROM THE NYS DEC

Item 50 – (COMM. 24M-4) Brownfield Cleanup Program Application - Public Notice

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE HOMELESS ALLIANCE OF WNY

Item 51 – (COMM. 24M-5) Public Comment Supporting Language Access Bill

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NEW YORK IMMIGRATION COALITION

Item 52 – (COMM. 24M-6) Testimony from the New York Immigration Coalition on LL Intro. 9-1 (2023)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE TOWN OF MARILLA

Item 53 – (COMM. 24M-7) Notice of Public Hearing - Town of Marilla Zoning Code

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 54 – (COMM. 24M-8) Reply to Rate Your Ride Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 55 – Chair Baskin announced that the next scheduled Session of the Legislature will be held on Thursday, January 4th, 2024. Chair Baskin wished everyone a safe, enjoyable and happy holiday season & new year.

Item 56 – The Minority Caucus held a short presentation honoring Legislator James Malczewski on his last day as a Legislator.

MEMORIAL RESOLUTIONS

Item 57 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Lawrence J. Vito.

Item 58 – Legislators Bargnesi and Kooshoian requested that when the Legislature adjourns, it do so in memory of Monica M. Lockhaven.

Item 59 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Phillip M. Whelan.

ADJOURNMENT

Item 60 – 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, January 4, 2024 at 12:00 Noon. MR. MALCZEWSKI seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, January 4, 2024 at 12:00 Noon.

**OLIVIA M. OWENS
CLERK OF THE LEGISLATURE**