

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 1, 2024**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Meyers.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 2 from 2024. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

JOHNSON & BASKIN	In Remembrance of Stephanie Barber Geter
BASKIN	In Remembrance of Mary J. Snell-Davis
MEYERS & GILMOUR	Honoring and Recognizing National Boy Scout Day
JOHNSON & BASKIN	Honoring and Celebrating African American History Month
BASKIN & JOHNSON	Honoring National Freedom Day
MILLS	Recognizing Saints Peter and Paul School During Catholic Schools Week in Erie County
MILLS	Recognizing St. Francis High School During Catholic Schools Week in Erie County
MILLS	Celebrating Elizabeth (Betty) Birch on Her 100th Birthday

- TODARO Recognizing St. Mary’s High School During Catholic Schools Week in Erie County
- TODARO Recognizing St. John the Baptist School During Catholic Schools Week in Erie County
- TODARO Recognizing Our Lady of the Blessed Sacrament School During Catholic Schools Week in Erie County
- TODARO Recognizing Boy Scout Troops in Erie County During Boy Scouts Anniversary Week
- GREENE Recognizing Chrusciki Bakery on Paczki Day
- GREENE Honoring and Congratulating Detective Terrance Walsh on His Retirement
- GREENE Recognizing Kim Cappozzolo and Catwalk Consignment Boutique During National Secondhand Wardrobe Week
- GREENE Recognizing Dana Zuber and Plato’s Closet During National Secondhand Wardrobe Week
- LORIGO Recognizing St. Vincent de Paul Council No. 17883 for 2 Years of Service to the Western New York Community
- LORIGO Recognizing January 2024 as “National Learn A Snow Sport Month”
- LORIGO Recognizing Spectrum Health and Human Services as the West Seneca Chamber of Commerce 2024 Community Service Organization of the Year
- LORIGO Recognizing Jennifer McAndrew as the West Seneca Chamber of Commerce 2024 Citizen of the Year
- LORIGO Recognizing the Western New York Federal Credit Union as the West Seneca Chamber of Commerce 2024 Chamber Member of the Year
- LORIGO Recognizing Andrew Frelock as the West Seneca Chamber of Commerce 2024 Gerald Hathaway Young Entrepreneur of the Year
- LORIGO Recognizing Steppin’ Out Dance Academy as the West Seneca Chamber of Commerce 2024 Business of the Year
- LORIGO Recognizing Rosalia Carraba as West Seneca Chamber of Commerce 2024 Educator of the Year

LORIGO Recognizing Alan J. Kaplewicz for 40 Years of Service to the Blossom Volunteer Fire Company

LORIGO Recognizing Paul Derkovitz for 40 Years of Service to the Blossom Volunteer Fire Company

MR. MEYERS moved for consideration of the above twenty-six items. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 6 – MR. MEYERS moved to take Local Law No. 1 (Print #1) 2024 from the table. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 1-1-2024

LOCAL LAW NO. ____-2024

A Local Law Authorizing the Funding of Affordable Housing Opportunities in Erie County as a County Purpose

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

SECTION 1. FINDINGS

The Erie County Legislature recognizes, determines, and finds as follows:
All residents of Erie County deserve safe housing at an affordable cost. Published guidelines by the United States Department of Housing and Urban Development provides that households where more

than 30% of total household income is spent on housing is a generally accepted threshold for affordable housing¹.

United States Census Data available for the 2018-2022 five-year period identified more than 49.5% of renters in Erie County are now spending more than 30% of their household income on housing cost.

According to the annual *Out of Reach* report prepared by the National Low Income Housing Coalition, a renter in Erie County would need to make \$20.56 an hour to afford a two-bedroom unit at fair market rents or, they would need work 56 hours per week at current minimum wage.

There is now a housing crisis in Erie County, stemming from an alarming scarcity of affordable housing available to many Erie County residents.

Pursuant to Article IX, Section 2(c)(ii) of the New York State Constitution and Municipal Home Rule Law Section 10(1)(ii)(a)(12), Erie County may exercise its broad police powers to provide comprehensive county housing programs². Based upon the critical shortage of affordable housing confronting Erie County residents the Erie County Legislature finds that county affordable housing is a critical need of the residents of Erie County, and the funding of affordable housing programs and projects and funding of said programs and projects is necessary to protect the public health, safety and welfare.

SECTION 2. DEFINITIONS

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

- A. Housing: shall be defined as and include all Housing Accommodations within Erie County
- B. Housing Accommodation: shall be defined as shall be defined as any building, structure, or portion thereof that is occupied, as or intended for occupancy as, a residence by one or more families and any vacant land that is offered for sale or lease for the construction thereon of any building, structure, or portion thereof intended to be so occupied.
- C. Affordable Housing: shall be generally defined as Housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities for persons or families deemed to be or eligible to be deemed to be of extremely low, very low, low or moderate income by any state or federal housing program. Nothing in the definition shall prevent the County from funding housing services either above or below this affordability level when such funding is in keeping with federal or state programs providing housing assistance or where any income restricted housing whether intended for rental or homeownership is subject to a regulatory agreement with a local, state, or federal governmental entity.

¹ See <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-081417.html>

² NYS A.G. Informal Opinion 92-4, dated February 6, 1992, Pg. 2 and Pg. 7

SECTION 3. AUTHORIZATION TO CREATE AND MAINTAIN AFFORDABLE HOUSING AS AN ERIE COUNTY PURPOSE

- A. Pursuant to the authority granted to Erie County by the New York State Constitution Sections IX and Municipal Home Rule Law Section 10, and The Charter of Erie County, and otherwise, Erie County may enter into agreements to fund the development, maintenance, management, and provision of Affordable Housing within Erie County to the extent the Erie County Legislature appropriates funding for the same; and
- B. This Local Law and the designation set forth herein shall apply to all Affordable Housing initiatives within Erie County.

SECTION 4. SEVERABILITY

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

SECTION 5. EFFECTIVE DATE AND APPLICABILITY

This Local Law shall be effective upon filing with the Office of the Secretary of State.

Sponsors:

April N.M. Baskin

Howard J. Johnson, Jr.

MR. MEYERS moved to amend the Local Law with the following. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

AMEND Section 3(A) as follows:

- A. Pursuant to the authority granted to Erie County by the New York State Constitution Section IX and Municipal Home Rule Law Section 10, and The Charter of Erie County, and otherwise, Erie County may, subject to Erie County Legislature approval, enter into agreements to fund the development, maintenance, management, and provision of Affordable Housing within Erie County to the extent the Erie County Legislature appropriates funding for the same; and

MR. MEYERS moved to approve Local Law Intro. No 1 (Print #1) 2024 as amended. MR. GILMOUR 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, MS. LORIGO, MR. MILLS and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

COMMITTEE REPORTS

Item 7 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

January 30, 2024	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & MILLS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 24E-23 (2023)
COMPTROLLER: “Batavia Downs Gaming Advertising and Marketing”
(Chair’s Ruling)
 - b. COMM. 2D-2 (2024)
DEPUTY COMPTROLLER OF AUDIT: “EC Comptroller's Office Audit of the Real Property Tax Services”
(Chair’s Ruling)
3. COMM. 1D-1 (2024) AS AMENDED
DIRECTOR OF REAL PROPERTY TAX SERVICES
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 260001 through 260018, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2023	Petition No.	260,001.00
	ASSESSOR	Refund	\$192.48
S-B-L	274.00-2-23.2	Springville Boston 143889	CONCORD
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$192.48 Town/SpecialDist/School
<u>Charge To :</u>	143889	CONCORD	\$192.48
	Relevy School		\$192.48 143801 SPRING-GRIFFITH

RPTL 550(3): Applied improvement to wrong parcel
Refund to be issued to Scott & Sharon Schelble

FISCAL YEAR	2023	Petition No.	260,002.00
	ASSESSOR	Refund	\$278.28
S-B-L	81.05-2-78	95 Oakgrove Dr 142201	WILLIAMSVILLE
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$278.28 Town/SpecialDist/School
<u>Charge To :</u>	142201	WILLIAMSVILLE	\$278.28
	Relevy School		\$278.28 142203 WILLIAMSVILLE

CENT

RPTL 55(2): Failed to apply vet exemption
Refund to be issued to Gregory & Katherine Vanderhorst

FISCAL YEAR	2023	Petition No.	260,003.00
	ASSESSOR	Refund	\$417.41
S-B-L	41.06-2-51	55 Founders Lake C	142289 AMHERST
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$417.41 Town/SpecialDist/School
<u>Charge To :</u>	142289	AMHERST	\$417.41
	Relevy School		\$417.41 142203 WILLIAMSVILLE

CENT

RPTL 550(2): Failed to apply vet exemption
Refund to be issued to Christopher & Kori Cahill

FISCAL YEAR	2023	Petition No.	260,004.00
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ASSESSOR Refund \$74.00
S-B-L 250.13-3-5.1 9680 Quebec St 144489 EVANS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$74.00 Town/SpecialDist/School
44069 ERIE CO SEW DIST 2 \$74.00
Charge To : 144489 EVANS \$0.00

RPTL 550(2): Incorrect footage used to calculate EC Sewer
Refund to be issued to Arthur Felski

FISCAL YEAR 2022 Petition No. 260,005.00

ASSESSOR Refund \$74.00
S-B-L 250.13-3-5.1 9680 Quebec St 144489 EVANS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$74.00 Town/SpecialDist/School
44069 ERIE CO SEW DIST 2 \$74.00
Charge To : 144489 EVANS \$0.00

RPTL 550(2): Incorrect footage used to calculate EC Sewer
Refund to be issued to Arthur Felski

FISCAL YEAR 2021 Petition No. 260,006.00

ASSESSOR Refund \$74.00
S-B-L 250.13-3-5.1 9680 Quebec St 144489 EVANS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$74.00 Town/SpecialDist/School
44069 ERIE CO SEW DIST 2 \$74.00
Charge To : 144489 EVANS \$0.00

RPTL 550(2): Incorrect footage used to calculate EC Sewers
Refund to be issued to Arthur Felski

FISCAL YEAR 2023 Petition No. 260,007.00

ASSESSOR Refund \$895.80
S-B-L 24.13-2-23 1818 Bedell Rd 144600 GRAND ISLAND
Acct. No. 112 \$0.00 County
Acct. No. 132 \$895.80 Town/SpecialDist/School

0 Sidewalk \$0.00
Charge To : 144600 GRAND ISLAND \$895.80
Relevy School \$895.80 144601 GRND ISLN

CENTRAL

RPTL 550(2): Failed to apply exemptions
Refund to be issued to Eilene Gebrian

FISCAL YEAR 2023 Petition No. 260,008.00

ASSESSOR Cancel \$150.00
S-B-L 171.11-1-25 Hidden Hollow Rd 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$150.00 Town/SpecialDist/School
48116 ECSD 3 CH2 \$150.00
Charge To : 144889 HAMBURG \$0.00

RPTL 550(2): Applied EC Sewer in error
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 260,009.00

ASSESSOR Cancel \$142.50
S-B-L 171.11-1-25 Hidden Hollow Dr 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$142.50 Town/SpecialDist/School
48116 ECSD 3 CH2 \$142.50
Charge To : 144889 HAMBURG \$0.00

RPTL 550(2): Applied EC Sewer in error
New tax bill to be issued

FISCAL YEAR 2021 Petition No. 260,010.00

ASSESSOR Cancel \$135.00
S-B-L 171.11-1-25 Hidden Hollow Rd 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$135.00 Town/SpecialDist/School
48116 ECSD 3 CH2 \$135.00
Charge To : 144889 HAMBURG \$0.00

RPTL 550(2): Applied EC Sewer in error
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	260,011.00
	ASSESSOR	Cancel	\$150.00
S-B-L	171.11-1-26	Hidden Hollow Rd 144889 HAMBURG	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$150.00 Town/SpecialDist/School
	48116 ECSD 3 CH2	\$150.00	
<u>Charge To :</u>	144889 HAMBURG		\$0.00

RPTL 550(2): Applied EC Sewer in error.
New tax bill to be issued.

FISCAL YEAR	2022	Petition No.	260,012.00
	ASSESSOR	Cancel	\$142.50
S-B-L	171.11-1-26	Hidden Hollow Rd 144889 HAMBURG	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$142.50 Town/SpecialDist/School
	48116 ECSD 3 CH2	\$142.50	
<u>Charge To :</u>	144889 HAMBURG		\$0.00

RPTL 550(2): Applied EC Sewer in error
New tax bill to be issued.

FISCAL YEAR	2021	Petition No.	260,013.00
	ASSESSOR	Cancel	\$135.00
S-B-L	171.11-1-26	Hidden Hollow Rd 144889 HAMBURG	
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$135.00 Town/SpecialDist/School
	48116 ECSD 3 CH2	\$135.00	
<u>Charge To :</u>	144889 HAMBURG		\$0.00

RPTL 550(2): Applied EC Sewer in error
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	260,014.00
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ASSESSOR Refund \$176.44
S-B-L 126.12-5-21 22 Worthington Ln 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$176.44 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$176.44

RPTL 550(2): Failed to remove 1 refuse unit
Refund to be issued to Robert Alessi

FISCAL YEAR 2024 Petition No. 260,015.00

ASSESSOR Cancel \$206.58
S-B-L 124.61-3-51.1 255 Aurora Ave 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$206.58 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$206.58

RPTL 550(2): Leak allowance granted
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 260,016.00

ASSESSOR Cancel \$806.01
S-B-L 144.20-2-20 159 Fawn Trl 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$806.01 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$806.01
Relevy School \$806.01 146801 WEST SENECA

CENT

RPTL 550(2): Failed to apply senior exemption
New tax bill to be issued.

FISCAL YEAR 2024 Petition No. 260,017.00

ASSESSOR Cancel \$516.88
S-B-L 143.19-2-4 24 Allendale Rd 146800 WEST SENECA

Acct. No. 112 \$446.18 County
Acct. No. 132 \$70.70 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$70.70

RPTL 550(2): Failed to apply Aged exemption
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 260,018.00

 ASSESSOR Cancel \$153.74
S-B-L 143.19-2-4 24 Allendale Rd 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$153.74 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$153.74
 Relevy School \$153.74

RPTL 550(2): Failed to apply Aged exemption
New tax bill to be issued.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of
Real Property Tax Services.
(3-0)

**TIMOTHY J. MEYERS
CHAIR**

Item 8 – MR. JOHNSON presented the following report and moved for immediate
consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

January 30, 2024	PUBLIC SAFETY COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-2 (2024)
COUNTY EXECUTIVE: “Appointment of Interim Commissioner – Central Police Services”
(Chair’s Ruling)
 - b. COMM. 2E-8 (2024)
COUNTY EXECUTIVE: “Appointment to the EC Department of Central Police Services
Board of Trustees”
(Chair’s Ruling)

c. COMM. 2E-14 (2024)
COUNTY EXECUTIVE: “EC Emergency Medical Services Advisory Board”
(Chair’s Ruling)

2. COMM. 2E-3 (2024) AS AMENDED
SHERIFF

WHEREAS, as part of the ongoing evaluation and reorganization of various divisions within the Erie County Sheriff’s Office, it has been determined that certain changes need to be made to the Correctional Health Division; and

WHEREAS, in order to provide better medical care and better clinical outcomes for all incarcerated individuals at both facilities within the ECSO, it has been determined that the position of Clinical Site Administrator-Correctional Health should be created for each facility; and

WHEREAS, the creation on one Clinical Site Administrator for each facility would provide necessary and important supervisory medical care at each facility; and

WHEREAS, the current structure of the Correctional Health Division lacks the optimal level of supervisory medical care at each facility; and

WHEREAS, it has been determined that the simple restructuring of two positions within the division and at no additional cost to the 2024 budget would address this need for supervisory medical care.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff’s Office to delete the titles of Director of Nursing (Position # 51011379) and Assistant Director of Nursing (Position # 51013378) and create two new titles of Clinical Site Administrator – Correctional Health; and be it further

RESOLVED, that the new pay scale for the new title of Clinical Site Administrator – Correctional Health shall be the average of the difference between the Director of Nursing (JG21) and the Assistant Director of Nursing (JG 20), Inc, and be it further

RESOLVED, that the following two job groups will be deleted:

Job Group 20 Step 5 for \$107,143
Job Group 21 Step 5 for \$128,257

and be it further

RESOLVED, that authorization is granted to the ECSO to work in conjunction with the Erie County Personnel Department to create the following new pay scale within the Teamsters Supervisors Bargaining Unit for non-sworn personnel for the two new titles of Clinical Site Administrator-Correctional Health:

Job Group 30 Step 5 for \$117,700

and be it further

RESOLVED, that these changes are effective on the first day of the first pay period following passage of this resolution; and be it further

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

(4-0)

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

Item 9 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

January 30, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-16 (2024)
COUNTY EXECUTIVE

WHEREAS, community solar programs offer subscribers solar credits which provide a discount to an electric utility bill; and

WHEREAS, the County has 168 electric utility accounts that could be enrolled into a Community Solar program; and

WHEREAS, enrolling these accounts is projected to save the County approximately \$75,000 in electric utility expenses; and

WHEREAS, Project Economics, d/b/a PowerMarket, a New York company that provides services to the community solar industry, was selected from a competitive solicitation to provide Community Solar services; and

WHEREAS, the County operates a utility aggregate involving other municipalities who can also work with PowerMarket to enroll into Community Solar for which this competitive solicitation can satisfy procurement requirements; and

WHEREAS, the County will receive a small fee for each aggregate account that gets enrolled.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Department of Public Works to enroll electric accounts for the purpose of reducing utility expenses; and be it further

RESOLVED, that the County will accept all related grants, awards, fees and funds related to the enrollment of utility accounts into Community Solar and authorizes the Department of Budget and Management to add funds to the budget in A.20007 – Energy Conservation Implementation Measures, Fund 410, Funds Center 122; 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, and also one copy each to the, Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(3-0) Chair Baskin not present for vote.

2. COMM.2E-17 (2024)
COUNTY EXECUTIVE

WHEREAS, the existing 29 year old roof system and two air-handling units (AHU) at SUNY Erie Community College North Campus Bell Sports Center have far exceeded their useful lives and to reduce maintenance costs associated with temporary “stop-gap” measures to keep the building weather-tight and functioning, a full roof and AHU replacement are warranted; and

WHEREAS, Bell & Spina Architects Planners P.C. previously completed professional design and construction administration services for Erie Community College North Campus 2017 Spring Student Center Roof Replacement project (COMM. 20E-10 on December 7, 2017), and an Agreement Amendment was approved for design services for roof repairs, recoating and replacement work at Bell Sports Center (COMM. 20E-6 on November 15, 2018); and

WHEREAS, bids for roof replacement scope were received by DPW on December 18, 2020 but due to funding restrictions from SUNY resulting from the COVID pandemic, the project could not proceed; and

WHEREAS, the additional A/E design fee is for increased design costs from the previous agreements as referenced above as well as additional design services to replace the two existing AHU’s and associated mechanical penthouses, re-bidding and construction administration services to complete the entire project; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the County Executive is requesting authorization to issue a Second Agreement Amendment to Bell & Spina Architects Planners P.C. to increase their A/E base fee by a total

amount not to exceed \$121,660 for the SUNY Erie Community College North Campus Bell Sports Center Roof Repairs, Recoating and Roof and AHU Replacement project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to issue a Second Agreement Amendment to Bell & Spina Architects Planners P.C. to to increase their A/E base fee and design contingency for the SUNY Erie Community College North Campus Bell Sports Center Roof Repairs, Recoating and Roof and AHU Replacement project; and be it further

RESOLVED, that authorization is hereby give to Comptroller’s Office to make payment for all the above from the approved Capital Budgets, Fund 480, Funds Center 122, as follows:

E.17002	2017 ECC Roof Replacement, Exterior Waterproofing and Masonry Collegewide	\$ 41,498.25
E.19001	2019 Collegewide Improvements and Renovations	\$ 80,161.75
For a Total Amount Not to Exceed		\$ 121,660.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Erie Community College of the Chief Administrative and Financial Officer.

(3-0) Chair Baskin not present for vote.

3. COMM. 2E-18 (2024)
COUNTY EXECUTIVE

WHEREAS, consistent with Erie County’s Commitment to Paris goals, the County encourages the development of solar facilities which reduce dependence upon fossil fuels and further climate goals to mitigate global warming; and

WHEREAS, Project Owner (NYSOLAR06 LLC), has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law (“RPTL”) Section 487(1)(b) (the “Project”) with an expected nameplate capacity (“Capacity”) of approximately 3.45 Megawatts AC on one parcel totaling approximately 35.6 acres of land located within the Town of Grand Island, identified as 2595 Whitehaven Road, SBL: 36.00-1-28; and

WHEREAS, the County has not opted out of RPTL § 487; and

WHEREAS, pursuant to RPTL § 487(9)(a) the County has indicated their intent to require a Payment in Lieu of Taxes Agreement (“PILOT”) with the Project Owner, under which the Project Owner will be required to make annual payments to the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Project Owner has submitted or will submit to the Assessor of the Town of Grand Island an Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems (“Form RP-487”); and

WHEREAS, the Real Property not part of the Project will be assessed for any statutory real property taxes levied by the Taxing Jurisdictions;

WHEREAS, Project parcel identification numbers and/or addresses may be amended.

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 NYSOLAR06 LLC, and any other associated legal entities necessary to complete this PILOT Agreement, pertaining to the 35.6 acre parcel located at 2595 Whitehaven Road, SBL: 36.00-1-28; and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment to Erie County in the amount \$7,475.00, subject to annual escalation of 2%; and be it further

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

RESOLVED, authorization is hereby given to the Director of Real Property Tax Services to amend said Agreement based on revisions to parcel identification numbers and/or addresses in a manner consistent with the description of land, set forth in the P.I.L.O.T. Agreement; 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 Office of the Comptroller, the Department of Real Property Tax Services, the Department of Law, and the Department of Environment and Planning.

Schedule A

PILOT Schedule

Note: The following schedule is for illustrative purposes only. The PILOT will commence in accordance with Section 2(b) of this Agreement and the payment schedule is subject to adjustment if the capacity of the Project changes.

Agreement Year	Year	Payment Amount Erie County	Payment Amount Town	Payment Amount School District	Payment Amount Total
1	2024	\$7,475.00	\$7,475.00	\$7,475.00	\$22,425.00
2	2025	\$7,624.50	\$7,624.50	\$7,624.50	\$22,873.50
3	2026	\$7,776.99	\$7,776.99	\$7,776.99	\$23,330.97

4	2027	\$7,932.53	\$7,932.53	\$7,932.53	\$23,797.59
5	2028	\$8,091.18	\$8,091.18	\$8,091.18	\$24,273.54
6	2029	\$8,253.00	\$8,253.00	\$8,253.00	\$24,759.00
7	2030	\$8,418.06	\$8,418.06	\$8,418.06	\$25,254.19
8	2031	\$8,586.43	\$8,586.43	\$8,586.43	\$25,759.28
9	2032	\$8,758.15	\$8,758.15	\$8,758.15	\$26,274.46
10	2033	\$8,933.32	\$8,933.32	\$8,933.32	\$26,799.95
11	2034	\$9,111.98	\$9,111.98	\$9,111.98	\$27,335.95
12	2035	\$9,294.22	\$9,294.22	\$9,294.22	\$27,882.67
13	2036	\$9,480.11	\$9,480.11	\$9,480.11	\$28,440.32
14	2037	\$9,669.71	\$9,669.71	\$9,669.71	\$29,009.13
15	2038	\$9,863.10	\$9,863.10	\$9,863.10	\$29,589.31

(3-0) Chair Baskin not present for vote.

4. COMM. 2E-20 (2024)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2024 Annual Action Plan at their session held on January 25, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2024 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated:

- 1. Erie County Consortium Community Development Program: \$3,085,828
- 2. Emergency Solutions Program: \$ 244,521
- 3. HOME Investment Partnership Program: \$1,117,772
- 4. Town of Hamburg Community Development Program: \$ 435,000

and be it further

RESOLVED, that authorization is hereby given to the County Executive to, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME

Consortium to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that authorization is hereby given to the Commissioner of the Department of Environment and Planning to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that authorization is hereby given to the Commissioner of the Department of Environment and Planning to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

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

(3-0) Chair Baskin not present for vote.

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

January 30, 2024	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-21 (2024)
COUNTY EXECUTIVE: “ECSD Nos. 2, 3, 6 & 8 - Construction Inspection Term Contract Agreement”
(Chair’s Ruling)

- b. COMM. 2E-25 (2024)
LORIGO: “Objection to New Rules Governing Golf Leagues at County Golf Courses”
(Chair’s Ruling)
2. COMM. 2E-13 (2024)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following individual to the Erie County Sewer District Boards of Managers, Sewer District No. 2:

Ray Ashton, Supervisor
Town of Evans
8787 Erie Road
Angola, NY 14006

(5-0)

3. COMM. 2E-19 (2024)
COUNTY EXECUTIVE
WHEREAS, climate change is a real and increasingly urgent threat that demands action at every level of government; and

WHEREAS, actions taken to address climate change provide multiple benefits through energy and cost savings, improved air quality and public health, local jobs creation, resource conservation, climate resilience, and enhanced equity; and

WHEREAS, in 2014 the Erie County Legislature resolved to become a Climate Smart Community, and to set goals and implement sustainability actions (COMM. 12E-5, 2014); and

WHEREAS, in 2019 the Erie County Legislature adopted the Climate Action and Sustainability Plan for internal operations (COMM. 3E-4, 2019); and

WHEREAS, in 2020 the Erie County Legislature resolved to accept a grant from the NYSDEC Climate Smart Communities program (COMM. 11E-17, 2020), which funded coordination of the Community Climate Action Plan; and

WHEREAS, with the authority from Executive Order 20, the Erie County Environment Management Council convened a Community Climate Change Task Force made up of a broad group of experts and stakeholders which advised the County on the development of an equity-centered Community Climate Action Plan (CCAP); and

WHEREAS, New York State government and the federal government have created unprecedented grant funding opportunities for climate action, and this plan and its adoption will make the County more competitive and better able to secure funding for local projects; and

WHEREAS, by adopting the CCAP, the Legislature will reinforce the County’s commitment to assertive leadership to address the climate crisis and protect the community.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Legislature hereby adopts the Community Climate Action Plan, including the goals, strategies and actions contained therein; and be it further

RESOLVED, that Erie County will continue to work to reduce climate pollution and to increase the health and resilience of social, natural, and built resources to withstand the impacts of climate change; and be it further

RESOLVED, that the Department of Environment and Planning shall provide a public update on progress on the CCAP actions annually with a report sent to the Legislature; and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Office of the County Executive, the Division of Budget and Management, the Department of Law, the Office of the Comptroller, and the Department of Environment and Planning.
(5-0)

**TIMOTHY J. MEYERS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

January 30, 2024	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT CHAIR GILMOUR
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 24M-5 (2023)
HOMELESS ALLIANCE OF WNY: “Public Comment Supporting Language Access Bill”
(Acting Chair’s Ruling)
 - b. COMM. 24M-6 (2023)
NEW YORK IMMIGRATION COALITION: “Testimony from the New York Immigration Coalition on LL Intro. 9-1 (2023)”
(Acting Chair’s Ruling)
 - c. COMM. 2E-12 (2024)

COUNTY EXECUTIVE: “Appointment to the Board of Health”
(Acting Chair’s Ruling)

2. COMM. 2E-15 (2023)
COUNTY EXECUTIVE

WHEREAS, the National Council on Aging’s (NCOA) Benefit Enrollment Center (BEC) initiative is a national program that supports efforts by community-based organizations and agencies to assist Medicare recipients in applying for, enrolling and maintaining benefits in financial assistance programs; and

WHEREAS, the Department of Senior Services submitted a competitive grant application to NCOA for BEC Grant funding to increase current outreach and enrollment assistance to hard-to-reach Erie County Medicare Beneficiaries, including rural, Hispanic, and refugee communities in the County of Erie; and

WHEREAS, NCOA awarded the Department of Senior Services \$125,000 of BEC grant funds for the period January 1, 2024 to December 31, 2025; and

WHEREAS, no additional County funds are required, as the grant is 100% funded by the grantor.

NOW, THEREFORE, BE IT

RESOLVED, the County Legislature hereby authorizes the County Executive to enter into a contract with NCOA to accept the \$125,000 of BEC funding for the period January 1, 2024 to December 31, 2025; and be it further

RESOLVED, the authorization is hereby given to enter into contracts and amendments with the NCOA to effectuate changes to funding levels or grant period; and be it further

RESOLVED, that the Benefit Enrollment Center (163BEC2425) grant be established in grant fund 281 fund center 1632010 as follows:

REVENUES		BUDGET
Account	Description	
414000	Federal Revenue	\$125,000
APPROPRIATIONS		BUDGET
Account	Description	
505000	Office Supplies	\$ 1,750
510000	Local Mileage	2,500
510100	Out of Area Travel	2,500
516020	Pro Ser Cent and Fees	42,500
530000	Other Expenses	750
561410	Lab & Technical Equipment	2,000
916390	ID Senior Services Grant	70,000
980000	ID DISS Services	<u>\$ 2,000</u>

TOTAL APPROPRIATIONS \$125,000

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust the budget as required to comply with the NCOA approved funding levels; and be it further

RESOLVED, that authorization is hereby given to apply any unused balance from one grant program to the same grant program of a subsequent year with the approval of the grantor; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management 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 certified copies of this resolution be forwarded to the County Executive Office, Division of Budget and Management, Comptroller's Office, and the Department of Senior Services.
(5-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

January 30, 2024	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12M-2 (2023)
VBN PRESIDENT & CEO: "2023 First Quarter Reports & Financial Statements for VBN & BNCC"
(Acting Chair's Ruling)

- b. COMM. 12M-3 (2023)
CHAIR, SUNY ERIE BOARD OF TRUSTEES: “2023-2024 SUNY Erie Operating Budget”
(Acting Chair’s Ruling)
 - c. COMM. 2E-10 (2024)
COUNTY EXECUTIVE: “Appointments to the EC Arts & Cultural Advisory Board”
(Acting Chair’s Ruling)
 - d. COMM. 2E-11 (2024)
COUNTY EXECUTIVE: “Appointments to the VBN & BNCC Board of Directors”
(Acting Chair’s Ruling)
2. COMM. 2E-9 (2024)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby confirm the following individuals for re-appointment to the Buffalo and Erie County Public Library Board of Directors with a term expiration of December 31, 2028:

Christine Pedigo Bartholomew
709 O’Brian Hall
Buffalo, NY 14260

John Craik
384 Voorhees Avenue
Buffalo, NY 14216

(4-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

January 30, 2024	SMALL BUSINESS COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, all items are hereby tabled.
(Chair’s Ruling)

**JEANNE M. VINAL
CHAIR**

LEGISLATOR RESOLUTIONS

Item 14 – MS. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. GREENE seconded.

WHEREAS, the Erie County Department of Parks, Recreation and Forestry has made changes to policies and rules for golf leagues utilizing county owned and operated golf courses for the 2024 season; and

WHEREAS, the changes included requiring league participants to use golf carts and limiting golf leagues to 9-hole, as opposed to 18-hole, games; and

WHEREAS, these policies and rules were changed without consultation with golf leagues, which include senior, veteran and women’s leagues, who are all strongly opposed to the changes; and

WHEREAS, on January 10, 2024, upon the request of representatives from the golf leagues, the Deputy Commissioner of Parks, Recreation and Forestry met to hear the concerns of league representatives; and

WHEREAS, at the meeting, it was announced that leagues would not be forced to use carts, but other changes would remain, including the 9 hole limit; and

WHEREAS, the Deputy Commissioner of Recreation for the Department of Parks, Recreation and Forestry was unable, or not suitably prepared, to adequately address the concerns of the league representatives or the Legislature at the meeting and therefore failed to provide any justification for the policy changes; and

WHEREAS, the new league rules being promulgated by the Department of Parks, Recreation and Forestry have a disproportionate effect on veterans and seniors, reducing opportunities for social interactions for these groups; and

WHEREAS, it is the purview of the Legislature to exercise its powers as designated in Article II and Article VIII of the Erie County Charter to intervene in this matter on behalf of our constituents; and

WHEREAS, Article VIII – Department of Parks, Recreation, and Forestry – Section 8.05 specifically outlines that *“the County Legislature shall have power by ordinance or local law to regulate the use of forests, parks, playgrounds, athletic fields, and recreation centers owned or operated by the county and to provide for the enforcement thereof.”*

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the Department of Parks, Recreation and Forestry to reverse golf league policy changes made for the 2024 season at Erie County owned and operated golf courses and continue this year’s course operation with all rules, policies and regulations that were in place before changes were made; and be it further

RESOLVED, that the Erie County Legislature directs the Department of Parks, Recreation and Forestry to refrain from making any changes to the management, administration and regulation of golf leagues utilizing county owned and operated courses without the prior authorization and approval of the Erie County Legislature, whose authority over the matter is outlined in the Article VIII, Section 8.05 of the Erie County Charter; and be it further

RESOLVED, that a copy of this resolution be transmitted to the Erie County Executive and the Commissioner of Parks, Recreation and Forestry.

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

AYES: MR. GREENE, MS. LORIGO, MR. MILLS, MR. TODARO, and MS. VINAL.
NOES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOLIAN, and MR. MEYERS. (AYES: 5; NOES: 6)

FAILED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

There are none.

SUSPENSION OF THE RULES

Item 15 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3D-7 from DEP COMMISSIONER Re: Affordable Multi-Family Rental Housing Projects Requesting EC ARPA Funding

CHAIR BASKIN directed that the item be received & referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

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

GRANTED.

COMM. 3D-8 from the COUNTY ATTORNEY Re: Regulation of County Golf Courses

CHAIR BASKIN directed that the item be received & filed.

GRANTED.

Item 17 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-14 from BASKIN Re: Lease for Legislative Office Space

MR. MEYERS moved for immediate consideration and approval of the item. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

RESOLVED, the Erie County Executive is hereby authorized to sign a 2-Year Lease Agreement with Tri-Main Development L.P., for Legislative office space for April Baskin, located at 2165 Sheridan Dr., Tonawanda, NY 14223 for a monthly rate of \$1,440.

Item 18 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3D-9 from the COUNTY ATTORNEY Re: County Funding of Low-Income Housing Projects

CHAIR BASKIN directed that the item be received & referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-15 from GILMOUR Re: Letter of Absence for Session No. 2

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

GRANTED.

January 31, 2024

Olivia M. Owens, Clerk

Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Clerk Owens,

This letter is to explain my absence from the January 25, 2024 Legislature Session #1. I was previously scheduled to be out of town and as a result I was unable to attend the rescheduled meeting.

Please enter the aforementioned into the Legislature's official record.

Sincerely,

John J. Gilmour, Esq.

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

GRANTED.

COMM. 3E-16 from BASKIN Re: Letter on Affordable Housing

CHAIR BASKIN directed that the item be received & referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

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

GRANTED.

COMM. 3E-17 from the SHERIFF Re: Funding for Helicopter Deposit

MR. GILMOUR moved for immediate consideration and approval of the item. MR. JOHNSON seconded.

CARRIED. 10-1 (MS. VINAL in the negative.)

RESOLUTION NO. 23

RE: Funding for Helicopter Deposit
(COMM. 3E-17)

WHEREAS, the Erie County Sheriff's Office wishes to purchase a new helicopter to aid in its mission to provide quality public safety services; and

WHEREAS, a deposit payment to Airbus of \$1,464,904 is required; and

WHEREAS, as part of the 2024 Budget, \$1,000,000 was previously appropriated for the deposit of a new helicopter; and

WHEREAS, the original resolution authorizing the Sheriff's Office to enter into agreement for the lease of warehouse space at 13 Center Drive in Orchard Park (COMM. 11E-35 (2023)), appropriated \$950,000 in funding for anticipated build-out costs, and

WHEREAS, as part of the final Warehouse Lease agreement the lessor agreed to cover \$750,000 of the necessary buildout costs and as a result funds are available for an alternate use.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the re-appropriation of \$738,462 in the 2023 Budget's County-wide Budget Accounts (Fund 110, Funds Center 14010) Account 516047 – Warehouse Build-Out into 2024; and be it further

RESOLVED, that authorization is hereby given to transfer \$464,904 in funding from County-wide Budget Accounts (Fund 110, Funds Center 14010) Account 516047 – Warehouse Build-Out into the Sheriff's Police Services General Fund Budget (Fund 110, Funds Center 115) as follows:

Fund 110, Funds Center 14010
County-wide Account Budget

APPROPRIATIONS

516047 Warehouse Build-Out	(\$464,904)
TOTAL	(\$464,904)

Fund 110, Funds Center 115
Sheriff's Office Division of Police Services

APPROPRIATIONS

570050 Interfund Transfer Capital	\$464,904
TOTAL	\$464,904

and be it further

RESOLVED, that authorization is hereby given to increase capital project A.24XXX – Sheriff Helicopter Deposit in Fund 410, Funds Center 115 as follows:

Project A.24XXX
Sheriff Helicopter Deposit Project
Fund 410, Funds Center 115

REVENUES	ORIGINAL	INCREASE	NEW
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486000 Interfund Revenue Subsidy	\$1,000,000	\$464,904	\$1,464,904
TOTAL	\$1,000,000	\$464,904	\$1,464,904
APPROPRIATIONS	ORIGINAL	INCREASE	NEW
Capital Project Expense	\$1,000,000	\$464,904	\$1,464,904
TOTAL	\$1,000,000	\$464,904	\$1,464,904

and be it further

RESOLVED, that the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to County Executive's Office, Sheriff's Office, Comptroller's Office and Division of Budget and Management.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR BASKIN

Item 22 – (COMM. 3E-1) Request of Postponement for Session No. 2

Received, filed and printed.

January 17, 2024

Olivia Owens
Clerk of the Legislature
92 Franklin Street, 4th Floor Buffalo, NY 14202

Clerk Owens,

Pursuant to Section 2.01 of the Rules of the Erie County Legislature, I am postponing Session #2 of the Legislature until January 25, 2024 at 12pm. This is due to the current State of Emergency that Erie County is under per Governor Kathleen Hochul's Executive Order No. 36 regarding the winter storm that is currently impacting Erie County.

Please notify the members of the Legislature and the public of the change of the meeting date for Session #2 of 2024 for the Erie County Legislature.

Thank you for your attention to this matter.

Sincerely,

Chair April N.M Baskin

FROM THE LEGISLATURE CLERK

Item 23 – (COMM. 3E-2) Notice of Postponement - Session No. 2

MEMORANDUM

January 17, 2024

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE

FROM: OLIVIA M. OWENS, CLERK

SUBJECT: January 18, 2024 Work Session and Legislative Session to be Postponed due to State of Emergency in Erie County

PLEASE TAKE NOTICE that pursuant to Erie County Legislature Chair April N.M. Baskin's letter concerning winter weather, the Erie County Legislature's scheduled January 18, 2024 work session and legislative session will be postponed to January 25th, 2024 at 12PM.

The Chairwoman's letter directing the changes is attached.

Please contact me with any questions.

Thank you & stay safe.

-Olivia M. Owens
Clerk, Erie County Legislature

FROM LEGISLATOR TODARO

Item 24 – (COMM. 3E-3) School District Reimbursement

Item 25 – (COMM. 3E-4) School District Reimbursement

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

FROM THE COUNTY EXECUTIVE

Item 26 – (COMM. 3E-5) EC - On-Call Special Inspections & Tests - Additional Funding

Item 27 – (COMM. 3E-6) Bridge NY Project Agreements - 4 Bridge Replacement Projects

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

FROM THE COMPTROLLER

Item 28 – (COMM. 3E-7) Jail Management 25 Year Pension Retroactive Payment to NYS Pension System

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 3E-8) Appointments to the Mental Hygiene Community Services Board

Item 30 – (COMM. 3E-9) Appointments to the Senior Services Advisory Board

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

FROM THE SHERIFF

Item 31 – (COMM. 3E-10) Buffalo Fatherhood Initiative Contract Amendment

Item 32 – (COMM. 3E-11) Renewal of Project Blue Contract

Item 33 – (COMM. 3E-12) Quote for Cell Repairs at the EC Holding Center

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

FROM LEGISLATOR MILLS

Item 34 – (COMM. 3E-13) Letter of Absence for Session No. 2

Received, filed and printed.

January 24, 2024

Olivia Owens
Clerk of the Erie County Legislature
92 Franklin St - 4th Floor
Buffalo, NY 14202

Re: Absence from Session 2

Dear Clerk Owens,

This is notice regarding my absence from Session 2 on January 25, which was originally scheduled for January 18, 2024. I had a pre-scheduled trip out-of-town, for which I unfortunately could not alter to be present for session.

Please enter the aforementioned in the Legislature's official record. I appreciate your attention to this matter.

Sincerely,

John J. Mills
Minority Leader
Erie County Legislature

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 35 – (COMM. 3D-1) Budget Monitoring Report for Period Ending November 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 36 – (COMM. 3D-2) Capital Projects Update

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 37 – (COMM. 3D-3) Local State of Emergency Declaration, January 12, 2024

Received and filed.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 38 – (COMM. 3D-4) Compliance Report - Comm. 12E-34

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMISSIONER OF PUBLIC WORKS

Item 39 – (COMM. 3D-5) 2023 GBNRTC Road Score Book

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 40 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

RE: Acceptance of Grant Award - Absentee
Ballot Pre-Paid Postage
(COMM. 3D-6)

WHEREAS, New York State is entering into a presidential election where there potentially will be two primary elections, one general election and a special election for a soon to be vacated congressional seat; and

WHEREAS, New York State has provided funding to Erie County in the amount of \$359,107 through the Absentee Ballot Pre-Paid Postage grant program and requires no local funding; and

WHEREAS, when mailing an absentee ballot to a voter the Board of Elections is required to provide a domestic postage paid return envelope; and

WHEREAS, when providing an absentee ballot in-person, the Board of Elections is required to offer the voter a domestic postage paid return envelope; and

WHEREAS, Article 16 section 16.01(d) of the Erie County Charter provides the Board of Elections the power, without public advertisement for bids, to make all purchase of and contract for all primary and election supplies and services necessary for the operation of its office and the performance of its duties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept \$359,107 from NYS Board of Elections and be made available as a grant to the Erie County Board of Elections in Fund 281, Funds Center 1500020 as follows:

Erie County Board of Elections
Absentee Ballot Pre-Paid Postage
150ABSENTEEPOST2022
7/1/2022 to 3/31/2024

ACCOUNT	REVENUES	CHANGE
409000	State Aid Revenues	\$359,107
	TOTAL	\$359,107

ACCOUNT	APPROPRIATIONS	CHANGE
505000	Office Supplies	\$100,000
530000	Other Expenses	\$203,807
516020	Pro Services, Contracts and Fees	\$55,000
516030	Maintenance Contracts	\$100
545000	Rental Charges	\$100
561410	Lab and Technical	\$100
TOTAL		\$359,107

and be it further

RESOLVED, that authorization is hereby given to apply any unused balance from one grant program to the same grant program of a subsequent year, and to transfer existing positions between

one grant program to the same grant program of a subsequent year with the approval of the grantor, the Director of Budget and Management, and subject to the provision of notice to the Erie County Legislature; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management 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 for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution; 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 to the Director of Purchasing to create all necessary documents to allow for eligible purchases authorized by the Absentee Ballot Pre-Paid Postage Grant; and that it be further

RESOLVED, that the Clerk of the Legislature is hereby instructed to forward certified copies of this resolution to the County Executive's Office, Comptroller's Office, Department of Law, Division of Budget and Management, Division of Purchasing, and Board of Elections.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ASSIGNED COUNSEL PROGRAM

Item 41 – (COMM. 3M-1) Quarterly Report - 4th Quarter of 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 42 – (COMM. 3M-2) Financial Report & Meeting Minutes

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE APPOINTEE

Item 43 – (COMM. 3M-3) Appointment to the ECCSAB

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMMISSIONER OF AGRICULTURE & MARKETS

Item 44 – (COMM. 3M-4) Erie County Southwestern Agricultural District No. 8 Districting Plan Approval

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 45 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, February 8, 2024 and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, February 15, 2024.

MEMORIAL RESOLUTIONS

Item 46 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Stephen G. Demmitt.

ADJOURNMENT

Item 47 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. JOHNSON moved that the Legislature adjourn until Thursday, February 15, 2024 at 12:00 Noon. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, February 15, 2024 at 12:00 Noon.

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