

**ERIE COUNTY LEGISLATURE
MEETING NO. 4
FEBRUARY 15, 2024**

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Lorigo.

An Invocation was held, led by Ms. Vinal, who offered a short prayer.

The Pledge of Allegiance was led by Mr. Todaro.

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 3 from 2024. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – A Public Hearing was held on February 15, 2024 at 2:00PM on the Transfer Tax & Road Reserve Fund.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

ERIE COUNTY LEGISLATURE	Honoring and Recognizing Brian M. Higgins
KOOSHOIAN & GILMOUR	Congratulating Head Coach Kyle Husband on Earning His 400th Win
JOHNSON & BASKIN	Acknowledging and Honoring Fajri Ansari
VINAL & BASKIN	Celebrating and Honoring National Women Physicians Day
MAJORITY CAUCUS	Celebrating and Recognizing National Hospitality Workers Appreciation Day
MAJORITY CAUCUS	Celebrating and Recognizing National School Counseling Week 2024
LORIGO	Recognizing February 12-24, 2024 as "National FFA Week" in Erie County

- LORIGO Recognizing 716 Sports Cards & Collectibles on "National Trading Card Day"
- LORIGO Recognizing February 2024 as "American Heart Month"
- LORIGO Celebrating the Boys & Girls Club of Elma, Marilla & Wales 50th Anniversary
- TODARO Recognizing Mia Vanelli for Surpassing 2,000 Career Points with Depew Varsity Basketball
- MILLS Honoring Annalise Casciano and The Room Theatre Company
- MILLS Honoring Don Koch as the 2023 Firefighter of the Year
- MILLS Honoring Wes Schmitt for 70 Years of Service to the Langford-New Oregon Volunteer Fire Company
- GREENE Honoring Cameron Catrabone on Becoming the First Ever Six-Time Section VI Wrestling Champion
- MILLS Honoring Patrick Sullivan as the 2023 Firefighter of the Year
- TODARO Recognizing Symposium Wine Bar During the Village of Lancaster Restaurant Week
- TODARO Recognizing The Yelling Goat During the Village of Lancaster Restaurant Week
- TODARO Recognizing 16 Ellicott Bar & Grill During the Village of Lancaster Restaurant Week
- TODARO Recognizing 99 Brick Oven During the Village of Lancaster Restaurant Week
- TODARO Recognizing Bruno's Bistro During the Village of Lancaster Restaurant Week
- TODARO Recognizing Fattey Beer Company During the Village of Lancaster Restaurant Week
- TODARO Recognizing Lancaster's Broadway Deli During the Village of Lancaster Restaurant Week
- TODARO Recognizing Lilly Belle Meads During the Village of Lancaster Restaurant Week
- TODARO Recognizing Skoob's Village Grille During the Village of Lancaster Restaurant Week

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

There are none.

COMMITTEE REPORTS

Item 6 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

February 8, 2024	PUBLIC SAFETY COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

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

a. COMM. 3E-12 (2024)
SHERIFF: “Quote for Cell Repairs at the EC Holding Center”
(Chair’s Ruling)

2. COMM. 2E-4 (2024)
SHERIFF

WHEREAS, the Erie County Sheriff’s Office is seeking to further expand re-entry programs offered to the incarcerated populations of the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the Sheriff's Community Reintegration Division has been meeting with various community-based organizations and companies to discover new programs that can aid an individual pre and post-release and reduce recidivism; and

WHEREAS, the Sheriff's Office desires to enter into a contract with Mr. C.T. Fletcher to offer a 90-minute learning seminar to aid in developing a belief in oneself and desire to succeed; and

WHEREAS, the learning outcomes of the program include learning to accept one's faults and focus on the future, develop personal fortitude, and understanding that perseverance and determination are integral to one's success; and

WHEREAS, the agreement is for one seminar with a cost not to exceed \$4,980.00; and

WHEREAS, because commissary funds are used, there is no impact on the 2024 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Sheriff's Office and the County Executive to enter into an agreement with Mr. C.T. Fletcher, 2226 Cerritos Ave, Signal Hill, CA 90755, to provide one ninety-minute seminar with costs not to exceed \$4980.00; and be it further

RESOLVED, the parties can terminate at any time, by the mutual consent of the parties or by written notice; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, the County Attorney, the County Comptroller, the Division of Budget and Finance, the Division of Purchasing, and the Sheriff's Office for implementation.
(5-0)

3. COMM. 3E-10 (2024)
SHERIFF

WHEREAS, the Erie County Sheriff's Office and the Buffalo Fatherhood Initiative of the Buffalo Prenatal-Perinatal Network have been offering an evidence-based parenting education program called "Nurturing Fathers Program"; and

WHEREAS, the 6-week program offers twelve fatherhood workshops for up to fifteen participants and provides evidence-based parenting curriculum - the "Nurturing Fathers Program" (NFP) which consists of 32.5 hours of sessions addressing fathering, self-nurturing, overcoming barriers to fathering, discipline, fathering sons/daughters and co-parenting; and

WHEREAS, due to the demand and the success of the program, the parties wish to renew the current contract to continue this program offering; and

WHEREAS, the 6-week program costs \$4,995.00 per session; and

WHEREAS, the Sheriff's Office is requesting to renew the contract to offer additional sessions in 2024; and

WHEREAS, because commissary funds are used, there is no impact to the 2024 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Sheriff's Office and the County Executive to amend the existing agreement with Buffalo Pre- Natal-Perinatal Network, Inc., 625 Delaware Avenue, Suite 410, Buffalo, New York 14202, to provide for two (2) additional session within the contractual year; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive, the County Attorney, the County Comptroller, the Division of Budget and Finance, the Division of Purchasing and the Sheriff's Office for implementation.
(5-0)

4. COMM. 3E-11 (2024)
SHERIFF

WHEREAS, the Erie County Sheriff's Office and Peaceprints of Western New York ("PPWNY") have partnered to develop and implement Project Blue; and

WHEREAS, since the inception of Project Blue, the recidivism rate of participants has dropped significantly to single-digit recidivism rates; and

WHEREAS, due to the success of the program, the Erie County Sheriff's Office and PPWNY have agreed to continue Project Blue and offer the pre and post-release program to all incarcerated individuals who wish to participate; and

WHEREAS, PPWNY will supply all necessary staff and materials for Project Blue and its expansion; and

WHEREAS, the Sheriff's Office will fund the program expansion using funding allocated for this purpose in the 2024 Budget; as follows:

Account #516010 Contract Payment Nonprofit Purch Svcs \$1,108,428.
and

WHEREAS, the natural term of the contract with PPWNY will expire on December 31, 2026; and

WHEREAS, sufficient funds have been provided in the county budget for 2024. Funding is anticipated to continue for 2025 and 2026 if approved in the respective budgets.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Sheriff to enter into a contract with Peaceprints of Western New York, 660 Smith Street, Buffalo, New York, for the expansion of Project Blue to all incarcerated individuals at the Erie County Holding Center and the Erie County Correctional Facility; and be it further

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

RESOLVED, that certified copies be forwarded to the County Executive’s Office, the County Attorney, the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff.

(5-0)

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

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

CARRIED UNANIMOUSLY.

MR. JOHNSON moved to amend the report to receive and file Item No. 1. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. JOHNSON moved to approve the report as amended. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

February 8, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

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

COMM. 3D-5 (2024)
COMMISSIONER OF PUBLIC WORKS: “2023 GBNRTC Road Score Book”
(Chair’s Ruling)

2. COMM. 3E-5 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works entered into a contract with SJB Services Inc. for Special Inspections and Testing on July 8, 2019, per COMM 8E-6 (2019); and

WHEREAS, this contract was previously transferred from SJB Services, Inc. to Atlantic Testing Laboratories at the revised rate schedule per the previously approved COMM 13E-13 (2023); and

WHEREAS, the Department of Public Works (DPW) desires to increase the funding for the Special Inspections and Tests by Atlantic Testing Laboratories to comply with the requirements of building code on various County Projects; and

WHEREAS, the remaining funds dedicated to the term agreement (DPW Contract #19-492-PW) originally authorized per COMM 8E-6 (2019) will be exhausted based on current assignments to the term contract; and

WHEREAS, Atlantic Testing Laboratories has proven they have the necessary expertise, experience, and manpower to continue to provide the required services; and

WHEREAS, DPW is requesting additional funding be approved for Atlantic Testing Laboratories to accommodate the use of the term for future projects as the current funds per the existing contract have been utilized through the end of the term agreement on June 1, 2024; and

WHEREAS, each assignment will be billed according to the approved rate schedule; and

WHEREAS, the Department of Public Work will also advertise a Request for Proposal/Qualifications in early 2024 to solicit firms to provide the similar services as the previous term contract is expiring and need to provide the inspections required by Building Code; and

WHEREAS, award of the new term agreement will be presented before your Honorable Body for approval of the contract based on the selected firm to ensure that the new term agreement for inspection services will be in place as the current term agreement with Atlantic Testing Laboratories expires on the date specified herein.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Executive to amend the existing contract with Atlantic Testing Laboratories Special Inspections and Testing in the amount of \$50,000; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for services from A.23005 DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities, BA 122, Fund 410 for a total amount not to exceed \$50,000; and be it further

RESOLVED, that two (2) certified copies each of this resolution be sent to the Department of Public Works, Commissioner's Office and one (1) copy each to the County Executive's Office, the Comptroller's Office and the Division of Budget and Management.
(5-0)

2. COMM.3E-6 (2024)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has received the award of several bridge replacement projects through the Bridge NY Program; and

WHEREAS, these projects are as follows; PIN 5764.88 Hammond Hill Road over Cattaraugus Creek in the Town of Concord, PIN 5764.89 Dennis Road over Little Sister Creek in the Town of Evans, PIN 5764.91 Marshfield over North Branch of Clear Creek in the Town of North Collins and PIN 5764.92 East Eden Road over Hampton Brook in the Town of Eden; and

WHEREAS, these projects are eligible for funding under Title 23, U.S. Code, as amended, 23CFR as amended PUB.L. 117-58 also known as the “Bipartisan Infrastructure Law” (BIL); and

WHEREAS, agreements need to be executed with New York Dept. of Transportation for these projects enabling the disbursement of the funding from Bridge NY; and

WHEREAS, the County of Erie desires to advance the Projects by making a commitment to 100% of the costs of the projects for Design Engineering (Scoping & Design I-VI) and Right of Way Incidentals phases for all four of the Projects; and

WHEREAS, in advancing these projects the Department of Public Works desires to award design contracts to each of the engineering consultants selected for the projects through the Federal Aid request for proposal process; and

WHEREAS, there is funding for these projects is available in BA 123, Fund 420, SAP project B.23008, Federal Aid Bridge Preservation - Design, the cost of these projects being borne by the County are \$1,339,025 in a Federal Aid reimbursable share and \$70,475 in local share totaling \$1,409,500 for these projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves projects PIN 5764.88 Hammond Hill Road over Cattaraugus Creek, PIN 5764.89 Dennis Road over Little Sister Creek, PIN 5764.91 Marshfield over North Branch of Clear Creek and PIN 5764.92 East Eden Road over Hampton Brook awarded to the County of Erie through the Bridge NY Program; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into and execute the state and local agreements for these projects with the New York State Department of Transportation; 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 design engineering (Design I-VI) and right-of-way incidentals, phases of all four projects; and be it further

RESOLVED, that the Department of Public Works, Division of Highways, with the Division of Budget and Management are hereby authorized to adjust the budgets of B.23008, Federal Aid Bridge Preservation - Design, in Fund 420, Funds Center 123 for the four projects as follows:

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
414000	Federal Aid	\$ 1,000,000	\$ 339,025	\$ 1,339,025
475000	Gen.Oblig.Bond	\$ 500,000	\$ 0	\$ 500,000
TOTAL REVENUES		<u>\$ 1,500,000</u>	<u>\$ 339,025</u>	<u>\$ 1,839,025</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$ 1,500,000	\$ 339,025	\$ 1,839,025
TOTAL APPROPRIATIONS		<u>\$ 1,500,000</u>	<u>\$339,025</u>	<u>\$1,839,025</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute agreements with the following engineering firms selected by the Federal Aid RFP process for the projects as listed:

Project	Engineering Firm	Contract (not to exceed)
PIN 5764.88	DiDonato Associates	\$405,000
PIN 5764.89	Greenman Pedersen Inc.	\$365,000
PIN 5764.91	Bergmann	\$359,500
PIN 5764.92	Fisher Associates	\$280,000

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 costs of the projects, 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 Aid and/or State 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 identified in the State/Local Agreement; and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid- and State Aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County of Erie hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make all necessary payments Projects; 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 three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and one (1) copy each to the County Executive's Office, Comptroller's Office and the Division of Budget and Management.
(5-0)

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

LEGISLATOR RESOLUTIONS

Item 8 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

RE: Calling on U.S. Congress & City
of NY to Reimburse Maryvale
(INTRO. 4-1)

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

WHEREAS, as a result of the relocation of asylum seekers from New York City to Cheektowaga, the Maryvale School District saw an influx of 80 students who are English language learners; and

WHEREAS, this relocation by the City of New York of these students has caused a financial burden to the Maryvale School District, who had to provide additional resources to meet the specific and unexpected needs of the asylum seeking students; and

WHEREAS, this unexpected situation is the result of Federal inaction on comprehensive immigration reform, including international border crossing control mechanisms; and

WHEREAS, as a result of this action, states, counties, cities, and towns across the Country have been left to deal with increases in English language learning populations, including school-aged children; and

WHEREAS, most school districts in New York finalize their school year budgets in the preceding late spring or early summer, which negates their ability to properly plan for unexpected increases in student population, especially those with specialized needs; and

WHEREAS, the direct cause of this unexpected increase in student population in Maryvale School District is the inaction of the U.S Congress on immigration reform and the relocation of migrants by the City of New York and therefore those entities should be responsible for covering the unexpected increased costs to the Maryvale School District for the 2023-24 school year.

NOW, THEREFORE, BE IT

RESOLVED, This Honorable Body calls on its Congressional Representatives, Senator Charles Schumer, Senator Kristen Gillibrand, and Representative Nicholas Langworthy to provide the full funding for the costs associated with providing education to school-aged asylum seekers in the Maryvale School District; and be it further

RESOLVED, This Honorable Body calls on Mayor Eric Adams and the City of New York to provide the full reimbursement of the costs associated with providing education to school-aged asylum seekers in the Maryvale School District; and be it further

RESOLVED, a copy of this resolution be sent to the WNY Congressional Delegation, the Mayor of the City of New York, as well as any else deemed necessary.

Item 9 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. 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. MILLS and MR. TODARO. (AYES: 7; NOES: 3)

CARRIED.

RESOLUTION NO. 28

RE: Audit Corrective Action Plan
Requirement
(INTRO. 4-2)

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

WHEREAS, a corrective action plan is a useful tool in determining and understanding how a department will improve its operations following the findings of an audit; and

WHEREAS, currently, when the Erie County Comptroller's Division of Audit and Control completes an audit, there is no required action a department must take as a result of an audit; and

WHEREAS, a department under audit is provided the opportunity to respond to a draft audit, and their responses are incorporated in the final audit; and

WHEREAS, a corrective action plan requirement would take the compliance and improvement aspect of an audit to the next level, by having departments detail how they will fix any issues found for the future; and

WHEREAS, corrective action plans explain in sufficient detail what corrections have occurred or are planned in response to each recommendation, who is responsible for implementation, and the implementation date; and

WHEREAS, an effective corrective actions must be suitably designed to remedy the conditions described in an audit report, including whether a corrective action is not planned for certain recommendations and/or if an audit report recommendation will not be implemented. In each instance, a detailed explanation or alternative corrective action shall be provided when a audit report recommendation is not followed; and

WHEREAS, corrective action plans are vital to building and maintaining efficient operations with public dollars and they help build trust, both internally in departments and externally with the public.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Comptroller's Division of Audit and Control is directed to create a policy for corrective action plan requirements within 90 days of the passage of this resolution; and be it further

RESOLVED, the corrective action plan policy shall be subject to review by this honorable body before it becomes effective; and be it further

RESOLVED, copies of this resolution shall be sent to the County Comptroller, County Executive, County Sheriff, County Clerk, District Attorney, and anyone else deemed necessary.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 10 – MR. MEYERS moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 2E-1 (2024). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 29

RE: Resolution to Authorize Entry into
Second Extension of Contract with

WNY Law Center, Inc.

WHEREAS, a “Zombie Property” is a parcel improved by a one-to-four-family dwelling and abandoned by its occupants when a foreclosure action has been instituted against the property owner; and

WHEREAS, upon vacating the properties, the structures can experience: damage from weather, scavenging, squatters, and criminal activity, and the resulting deterioration creates nuisance conditions and can often affect the values of surrounding properties; and

WHEREAS, the prolonged foreclosure process clouds title to the property, making it difficult for municipalities to enforce code violations resulting from neglect and leads to blight; and

WHEREAS, the Erie County Clerk recognizes that grappling with the blight of Zombie Properties transcends all communities and impacts all County taxpayers, regardless of the property location, and believes this initiative will become more important as the number of foreclosures is anticipated to continue to rise; and

WHEREAS, the intended effect of combating Zombie Properties is to put them in a position for improvement and conveyance so there may be an increase in mortgage and transfer tax revenues, as well as securing value in the County’s tax base; and

WHEREAS, in November 2021, the Erie County Clerk issued RFP #2021-044VF seeking proposers for Zombie Property Outreach Services, advertised in the Orchard Park Bee and Buffalo Challenger, and provided the RFP to several potential proposers; and

WHEREAS, the RFP called for a contract with up to two (2) extensions; and

WHEREAS, a committee received, reviewed, and scored the two (2) proposals that were submitted in response to the RFP and determined that Western New York Law Center, Inc. submitted the best proposal and that their organization was the most responsible, well-regarded, and best-positioned to perform the services requested; and

WHEREAS, on December 16, 2021, the Erie County Legislature authorized the Erie County Clerk to enter into a contract with Western New York Law Center, Inc., in the amount of \$250,000, for zombie property outreach services for an initial term of twelve (12) months (COMM. 25-E-16 [2021]); and

WHEREAS, on June 8, 2023, the Erie County Legislature authorized the Erie County Clerk to enter into the first contract extension with Western New York Law Center, Inc., in the amount of \$250,000, for zombie property outreach services for a period of twelve (12) additional months (COMM. 11E-33 [2023]); and

WHEREAS, the first contract extension expired on January 4, 2024; and

WHEREAS, it is vital that these services be restored to ensure continuity and preserve the best value for County funds; and

WHEREAS, the Erie County Clerk is now requesting authorization from the Erie County Legislature for the second extension of the aforementioned contract with Western New York Law Center, Inc. to provide zombie outreach services for an additional term of twelve (12) months; and

WHEREAS, the funds necessary to cover the costs of extending the aforementioned contract are currently available in the following account: County Clerk- Registrar Division, Account No.: 516020- Professional Services Contracts and Fees; and

WHEREAS, the Erie County Clerk and Western New York Law Center have negotiated in good faith the cost of zombie outreach services at a reduced rate for this second extension.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into a second contract extension for a period of twelve (12) months with Western New York Law Center, Inc., in the amount of \$125,000, to provide zombie property outreach services; and be it further

RESOLVED, the source of these funds comprising payment under the contract to Western New York Law Center, Inc., in the amount of \$125,000, shall be from and are currently available in the following account: County Clerk- Registrar Division, Account No.: 516020- Professional Services Contracts and Fees; and be it further

RESOLVED, that the Erie County Executive, or the Deputy County Executive, is authorized to authorize the said Second Extension with the fundamental terms set forth above, subject to a form of the final Second Extension being approved by the County Attorney; 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. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 16E-19 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

RE: ECSD No. 4 - Depew Pumping Station
Forcemain Replacement at Cayuga
Creek

September 1, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Erie County Sewer District No. 4
Depew Pumping Station Forcemain Replacement at Cayuga Creek
Bid Opening – Contract No. 60

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 4 Contract No. 60 Depew Pumping Station Forcemain Replacement at Cayuga Creek.

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

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

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

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 60A at 10:00 a.m. on January 10, 2024:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
No. 60A	Concrete Applied Technologies Corp. dba CATCO 1266 Townline Road Alden, NY 14004	\$1,171,230.00

and

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

WHEREAS, the Division of Sewerage Management has determined this project is a New York State Environmental Quality Review (SEQR) Unlisted Action and after due consideration a Negative Declaration was issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Depew Pumping Station Forcemain Replacement at Cayuga Creek Project, Erie County Sewer District No. 4, Contract No. 60A be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
No. 60A	Concrete Applied Technologies Corp. dba CATCO 1266 Townline Road Alden, NY 14004	\$1,171,230.00

and be it further

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

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$1,000,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to partially fund Contract No. 60A; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$171,230.00 in Capital Bond Account No. C.17401 to partially fund Contract No. 60A; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

Item 12 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 2E-23 (2024). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

RE: ECSD No. 3 - Southtowns Incinerators
Heat Exchanger Replacement Project

January 12, 2024

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

RE: Erie County Sewer District No. 3
Southtowns Incinerators Heat Exchanger Replacement Project
Bid Opening - Contract No. 71

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 3 Contract No. 71 Southtowns Incinerators Heat Exchanger Replacement Project.

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

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

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

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

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 71 at 10:00 a.m. on January 3, 2024:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 71	Hohl Industrial Services, Inc. 770 Riverview Boulevard Tonawanda, NY 14150	\$ 1,493,000.00

and

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

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Incinerator Heat Exchanger Replacement Project, Erie County Sewer District No. 3, Contract No. 71 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 71	Hohl Industrial Services, Inc. 770 Riverview Boulevard Tonawanda, NY 14150	\$ 1,493,000.00

and be it further

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

RESOLVED, that authorization is hereby provided for the partial closing of up to \$1,500,000.00 in Erie County Sewer District No. 3, Capital Bond Account No. C.00007 for Contract No. 71; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to process a residual equity transfer of up to \$1,500,000.00 from the Erie County Sewer District No. 3 Capital Reserve Account, WBS element C.00007, funds center 183, fund 430, GL 570000 – Interfund Transfer-Subsidy to Erie County Sewer District No. 3 Capital Account, WBS element C.24350, funds center 183, fund 430 and to create and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No. 3 Capital Account No. C.24350 by up to \$1,500,000.00; and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments necessary to facilitate these actions; and be it further

RESOLVED, that any unused funds be returned to the Erie County Sewer District No. 3 Capital Reserve Account and the budgets be adjusted accordingly based on guidance from the Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 13 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 4E-30 from GILMOUR Re: Lease for Legislative Office Space

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

CARRIED. MR. GILMOUR ABSTAINING.

RESOLUTION NO. 32

RESOLVED, the Erie County Executive is hereby authorized to sign a 2-Year Lease Agreement with Strnad Inc., for Legislative office space for John Gilmour, located at 5630 Camp Rd, Lower Left, Hamburg, NY 14075 for a monthly rate of \$1,050.

Item 14 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 4E-31 from BASKIN Re: Appointment to the EC Agricultural & Farmland Protection Board

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

February 13, 2024

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

Dear Clerk Owens:

Pursuant to my authority as Chair of the Legislature, and under Article 25-AA of the New York Agriculture and Markets Law, Section 302, which establishes the provisions for a county agricultural and farmland protection board, I hereby appoint Maya Pozantides to the Erie County Agricultural and Farmland Protection Board.

Maya is an active farmer and meets the qualifications as listed in the above referenced law. Her resume is attached within for reference. She shall be appointed for a term that expires on March 1, 2028.

Thank you for your attention to this letter.

Regards,

April Baskin

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

GRANTED.

INTRO. 4-3 from MILLS & GILMOUR Re: EC Soil & Water Conservation District Board of Directors Appointment

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointment to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS, in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board, where presently there exists the need to re-appoint three actively serving representatives and newly appoint one At-Large representative and a County Legislature representative to the Board of Directors.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint John Gilmour, Erie County Legislator representing Legislative District 9 as a County Legislature representative on the Board of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint Mrs. Pamela Armstrong residing at 6879 Salt Road, Clarence, NY 14031 to the At-Large position on the Board of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint Mr. David Mosher residing at 9155 Meadow Lane, Angola, NY 14006 to the Grange position on the Board of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint Mr. Raymond L. Waterman residing at 56 East Union Street, Hamburg, NY 14075 to the At-Large position on the Board of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the Erie County Legislature does hereby appoint Dr. Stephen Vermette residing at 101 Deer Run, Glenwood, NY 14069 to the At-Large position on the Board of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the aforementioned appointment shall be effective immediately and shall expire on December 31, 2027; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District.

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

GRANTED.

INTRO. 4-4 from VINAL Re: Referring Thefts at Erie County Clerk's Office to Federal White Collar Crimes

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 4E-32 from LORIGO Re: Absence from Session 4

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

February 14, 2024

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

Re: Absence from Session 4

Dear Clerk Owens,

Please be advised I will absent for Session 4 on February 15, 2024. I will be out-of-town and am unable to attend session.

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

Sincerely,
Lindsay Lorigo
Erie County Legislator – District 10

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 18 – (COMM. 4E-1) Disproportionate Share Payment for ECMCC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 19 – (COMM. 4E-2) Fiber Project at ECCF

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR GREENE

Item 20 – (COMM. 4E-3) Letter Concerning Conner Road in Clarence

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 21 – (COMM. 4E-4) Letter Concerning COMM. 2E-1 from the County Clerk

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF & COUNTY EXECUTIVE

Item 22 – (COMM. 4E-5) HALT Act Programming Provider

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 23 – (COMM. 4E-6) Audit of the County Clerk's Office, Registrar Division - Mortgage Tax Collection & Distribution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 24 – (COMM. 4E-7) Response to February 2024 Audit by the EC Comptroller's Office

Item 25 – (COMM. 4E-8) Mortgage Tax Audit Supporting Documentation

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

FROM THE COMPTROLLER

Item 26 – (COMM. 4E-9) Department of Law Risk Retention Fund Spending - Nov. & Dec. 2023

Item 27 – (COMM. 4E-10) Development of Corrective Action Plans Following Audits

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

FROM THE COUNTY EXECUTIVE

Item 28 – (COMM. 4E-11) Personnel Adjustments - Chief Ethics Officer

Item 29 – (COMM. 4E-12) Authorizing EC Executive to Enter into Collective Bargaining Agreement Amendments with Bargaining Units

Item 30 – (COMM. 4E-13) Department of Personnel - Training & Education Services Contract

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

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 4E-14) Wehrle Drive Pedestrian Accommodations - Right of Way Acceptance Agreement

Item 32 – (COMM. 4E-15) Reconstruction of William St. - NYDOT Right of Way Acceptance Agreement

Item 33 – (COMM. 4E-16) Project Agreement with Railroads for Abbott Road

Item 34 – (COMM. 4E-17) Buffalo & Erie County Downtown Library Roof Repair

Item 35 – (COMM. 4E-18) Authorization to Re-Appropriate RENEW Plan Funding & Enter into an Energy Performance Contract

Item 36 – (COMM. 4E-19) PILOT Agreement for Amherst Ridge Senior Apartments

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

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 4E-20) ECSD No. 2 - Engineer Term Contract Agreement

Item 38 – (COMM. 4E-21) ECSD No. 3 - Southtowns Influent Pumps Replacement Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 39 – (COMM. 4E-22) Foreclosure Pursuant to the In Rem Provisions of the EC Tax Act, In Rem Action No. 172

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 4E-23) Authorization to Enter into Contract with First Amendment First Vote

Item 41 – (COMM. 4E-24) Authorization to Contract with Building Blocks Comprehensive Services, Inc.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY CLERK

Item 42 – (COMM. 4E-25) Letter Regarding Comm. 4E-4 & Comm. 2E-1

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 43 – (COMM. 4E-26) External Accounting Review of the County Clerk's Office Fiscal & Accounting Practices

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 44 – (COMM. 4E-27) Letter on Arts in Public Places Committee

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR BASKIN

Item 45 – (COMM. 4E-28) Community Benefits Oversight Committee

Received, filed and printed.

February 5, 2024

Mark Poloncarz, County Executive
Robert Duffy, Chair of the Erie County Stadium Corporation
Steven Ranalli, President of the Erie County Stadium Corporation
Terence Gilbride, Senior Vice President & Chief Legal Officer of the Buffalo Bills, LLC.

Re: Community Benefits Oversight Committee

Dear New Stadium Partners:

Pursuant to Section 4(a) of the Community Benefits Agreement between the County of Erie, Erie County Stadium Corporation, the Buffalo Bills, LLC, and the Bills Stadium and Events

Company, LLC, I submit the following names for appointment to the Community Benefits Oversight Committee:

Franchelle Hart
1327 Jefferson Avenue, Upper
Buffalo, NY 14208

Sean Mulligan
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Regards,

April Baskin

FROM THE COMPTROLLER

Item 46 – (COMM. 4E-29) 2024 Consolidated Bond Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 47 – (COMM. 4D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 48 – (COMM. 4D-2) February 2024 - Capital Projects Update

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPUTY COMPTROLLER FOR AUDIT

Item 49 – (COMM. 4D-3) EC Comptroller's Office Audit of Bureau of Weights & Measures

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF PUBLIC WORKS

Item 50 – (COMM. 4D-4) 2024 Road Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMMISSIONER OF MENTAL HEALTH DEPARTMENT

Item 51 – (COMM. 4D-5) Appointment to the EC Corrections Specialist Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPUTY COUNTY EXECUTIVE

Item 52 – (COMM. 4D-6) Letter Regarding Migrant Related Expenses in Maryvale School District

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ECWA CHIEF FINANCIAL OFFICER

Item 53 – (COMM. 4M-1) ECWA Financial Statements for 2022 & 2023 (Unaudited)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 54 – (COMM. 4M-2) NFTA - 17A Report & Capital Expenditure Reports, First Quarter

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEC

Item 55 – (COMM. 4M-3) Brownfield Cleanup Program Public Notice

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM A CONSTITUENT

Item 56 – (COMM. 4M-4) Letter from Constituent Concerning SNAP Benefits

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE EC FAIR HOUSING BOARD

Item 57 – (COMM. 4M-5) EC Fair Housing Board Annual Report for 2023

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 58 – (COMM. 4M-6) Approval of Plan to Modify EC Agricultural District Nos. 1 & 5

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 59 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, February 29, 2024, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, March 7, 2024.

MEMORIAL RESOLUTIONS

Item 60 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Sylvia G. Gargan, Robert J. McCadden, and Giovanni Balconi.

Item 61 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Theodore Berger.

Item 62 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Brian T. Cosen and Shiela J. Merrill.

Item 63 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Terri Legierski.

ADJOURNMENT

Item 64 – 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, March 7, 2024 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, March 7, 2024 at 12:00 Noon.

OLIVIA M. OWENS
CLERK OF THE LEGISLATURE