

ERIE COUNTY LEGISLATURE
MEETING NO. 5
MARCH 7, 2024

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Mills.

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

The Pledge of Allegiance was led by Mr. Gilmour.

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 4 from 2024. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

JOHNSON In Remembrance of Joseph "Joe" W. Marciniak
& KOOSHOIAN

MAJORITY Recognizing National Colorectal Cancer Awareness Month
CAUCUS

GREENE Honoring Dragonfly Art & Soul as Clarence Chamber of Commerce's 2024
Small Business of the Year

LORIGO Recognizing Lily Lewis as the 2024 New York State Youth Art Month
Elementary Winner

LORIGO Recognizing April Hartloff as the Greater East Aurora Chamber of Commerce
2024 Small Business Person of the Year

LORIGO Recognizing Hoffman School of Dance for the Greater East Aurora Chamber
of Commerce 2024 Legends Award

- LORIGO Recognizing Alexandra Robinson as the Greater East Aurora Chamber of Commerce 2024 Young Professional of the Year
- LORIGO Recognizing Little Finch Party Styling as the Greater East Aurora Chamber of Commerce 2024 Rookie Business of the Year
- LORIGO Recognizing Friends of Knox Farm State Park as the Greater East Aurora Chamber of Commerce 2024 Non-Profit of the Year
- LORIGO Recognizing Musical Memories Cafe as a National Innovative and Exemplary Respite Program
- GREENE Honoring Lavocat’s Family Greenhouse and Nursery as Clarence Chamber of Commerce’s 2024 Large Business of the Year
- GREENE Honoring Mike Bowers as Clarence Chamber of Commerce’s 2024 Lifetime Achiever of the Year
- GREENE Honoring Chris and Brendan Cimerman and Buffa-Blo as Clarence Chamber of Commerce’s 2024 New Small Business of the Year
- GREENE Honoring Northern Erie Sno-Seekers as Clarence Chamber of Commerce’s 2024 Organization of the Year
- GREENE Honoring Douglas and Heidi Kohler as Clarence Chamber of Commerce’s 2024 Educators of the Year
- GREENE Honoring Cheryl Anthony as Clarence Chamber of Commerce’s 2024 Volunteer of the Year
- GREENE Honoring Brandon Sutton as Clarence Chamber of Commerce’s 2024 Young Entrepreneur of the Year
- JOHNSON
& BASKIN Acknowledging Muhammads School of Music Celebrating 25 Years in Western New York
- BASKIN Recognizing the Youth Symposium of Sigma Gamma Rho Society
- MILLS Honoring Main Street Station on Its Grand Opening
- MILLS Honoring John “Murph” Murphy as the Amherst Gaelic League’s 2024 Irish Person of the Year
- GREENE Honoring the Amherst Gaelic League on the Occasion of Its 50th Annual Irish American Appreciation Party and Recognizing Irish American Heritage Month in Erie County

MILLS	Honoring the Orchard Park Riflery Team on Their Perfect Season
TODARO	Congratulating Larry Jones on His Retirement from Coaching with Depew High School
TODARO	Recognizing Girl Scout Troops in Erie County on National Girl Scout Day, 2024
BASKIN	Honoring and Recognizing Tara Lynch
VINAL	Congratulating and Honoring Williamsville South Boys Basketball – Section VI Class A1 Champions
JOHNSON	Congratulating and Honoring Health Sciences Charter Boys Basketball – Section VI Class AA2 Champions
GILMOUR & MEYERS	Congratulating Timon Varsity Boys Basketball Back-to-Back Manhattan Cup Champions
BASKIN, VINAL & OWENS	Honoring and Celebrating Women's History Month 2024
GILMOUR	Honoring and Recognizing Jaiden Harrison on Becoming Western New York All-Time Scoring Leader
MAJORITY CAUCUS	Acknowledging and Honoring Irish American Heritage Month

MR. MEYERS moved for consideration of the above thirty-two items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above thirty-two items by including Et Al Sponsorship. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above thirty-two items as amended. MR. GILMOUR 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. 35

February 29, 2024	PUBLIC SAFETY COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

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

a. COMM. 4E-2 (2024)
SHERIFF: “Fiber Project at ECCF”
(Chair’s Ruling)

2. COMM. 4E-5 (2024)
SHERIFF & COUNTY EXECUTIVE

WHEREAS, as a requirement of the HALT Act, the Sheriff’s Office needs to provide out-of-cell trauma-informed therapeutic programming to promote personal development and address the underlying causes of problematic behavior among incarcerated populations, and

WHEREAS, Peaceprints of Western New York (PPWNY) has adopted the “Houses of Healing” curriculum, which is a powerful 13-session social emotional learning (SEL) curriculum created specifically to address incarcerated individual rehabilitation. The centerpiece of the program is the book, *Houses of Healing: A Prisoners Guide to Inner Power and Freedom*, designed to offer skillful guidance and equip prisoners with the tools to effectively manage difficult emotions, take stock of and heal the unresolved trauma that often plays a role in propelling criminal behavior, take responsibility for offending behavior and change life-long patterns of violence and addiction; and

WHEREAS, PPWNY will employ and assign a qualified programming coordinator to work at both facilities; and

WHEREAS, the Sheriff’s Office will fund year one of the program with Telephone Revenue Funds; and

WHEREAS, the cost of the program coordinator is \$25,001.00; and

WHEREAS, the Sheriff’s Office and PPWNY will enter into an agreement that will end March 31, 2025, and will not exceed \$25,001.00 for a program coordinator, and

WHEREAS, the Sheriff and the County Executive agree the position mentioned above and agreement is necessary for the operation of the Erie County Holding Center and the Erie County

Correctional Facility; and

WHEREAS, the expenditure for a HALT Act program coordinator complies with COMM. 6E-24, 2013, which states that Telephone Revenue “shall be dedicated to the general operation of the Holding Center and Correctional Facility”; and

WHEREAS, as of January 26, 2024, the Telephone Revenue account has a balance of \$1,126,465.00; and

WHEREAS, this resolution transfers \$25,001.00 from the Telephone Revenue account and will not impact the 2024 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the County Executive and the Erie County Sheriff’s Office to enter into an agreement with Peaceprints of Western New York, 660 Smith St, Buffalo, NY 14210, that will not exceed \$25,001.00 and will expire March 31, 2025; and be it further

RESOLVED, that the Erie County Legislature authorizes the Erie County Sheriff’s Office and the Division of Budget and Management to transfer \$25,001.00 in available Telephone Revenue funds to the appropriate Erie County Sheriff’s Office accounts:

ERIE COUNTY SHERIFF'S OFFICE

<u>REVENUE</u>		<u>DECREASE</u>
415622	Jail Telephone Revenue Funds	<u>\$25,001.00</u>
<u>APPROPRIATION</u>		<u>INCREASE</u>
516020	Professional Services	<u>\$25,001.00</u>
	Total Revenue	<u>\$25,001.00</u>

and be it further

RESOLVED, the Erie County Comptroller’s Office is hereby authorized to release the designated funds and make any payments for the approved agreements; 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. 4D-5 (2024)
COMMISSIONER OF MENTAL HEALTH DEPARTMENT

RESOLVED, the Erie County Legislature hereby confirms the following named individual to the Erie County Corrections Specialist Advisory Board, for a term ending December 31, 2026:

Charles Syms, LCSW, ACSW
University at Buffalo, School of Social Work
685 Baldy Hall
Buffalo, NY 14260

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

February 29, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

- a. COMM. 4E-3 (2024)
GREENE: “Letter Concerning Conner Road in Clarence”
(Chair’s Ruling)
- b. COMM. 4D-4 (2024)
COMMISSIONER OF PUBLIC WORKS: “2024 Road Program”
(Chair’s Ruling)

2. COMM. 4E-14 (2024)
COUNTY EXECUTIVE

WHEREAS, the Wehrle Drive (CR 275) Pedestrian Accommodations from Sunset Park to West Shore Trail, Town of Clarence, PIN 5763.59 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds and a local share; and

WHEREAS, the Town of Clarence has completed construction of the Project; and

WHEREAS, the Town of Clarence requires the County of Erie to accept ownership of the property acquired by the Town for County facilities along the trail or rights therein to all involved property in connection with the Project; and

WHEREAS, it is necessary for the County of Erie to commit to accepting the property upon completion of the above-mentioned construction project; and

WHEREAS, the County of Erie must execute and file all documents necessary with the County Clerk and others to facilitate the transfer of the parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby agrees to accept all acquired property from the Town or its agencies for County facilities and to keep the property for the length of time required; and be it further

RESOLVED, that authorization is hereby given to the County Executive of the County of Erie, following the County Attorney's review, to execute any agreements or documents necessary to effectuate the purposes of this Resolution; 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 Town of Clarence and the County Clerk and one certified copy of this Resolution be forwarded to the Division of Budget and Management.

(6-0)

3. COMM.4E-15 (2024)
COUNTY EXECUTIVE

WHEREAS, the Reconstruction of William St. (CR388) from Transit Road (NYS 20/78) to Bowen Road (CR242), Twon of Lancaster, PIN 5763.36 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds and a local share; and

WHEREAS, the County of Erie in conjunction with the New York State Department of Transportation, is currently progressing the Reconstruction of William Street (CR 338) from Transit Road (NYS 20/78) to Bowen Road (CR 242), Town of Lancaster, PIN 5763.36 (the "Project"); and

WHEREAS, the New York State Department of Transportation requires the County of Erie to agree to accept ownership of any property acquired by the State or rights therein to all involved property in connection with the Project; and

WHEREAS, it is necessary for the County of Erie to commit to accepting the properties upon completion of the above-mentioned construction project; and

WHEREAS, the New York State Department of Transportation further requests that the County of Erie executes and files all documents necessary with the County Clerk and others in order to facilitate the transfer of the parcels.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby agrees to accept all acquired property from the State or its agencies and to keep the property for the length of time required; and be it further

RESOLVED, that if County of Erie property is required to construct the Project that the

County of Erie will provide Temporary Construction Easements (TE) at no cost to the State; and be it further

RESOLVED, that authorization is hereby given to the County Executive of the County of Erie, following the County Attorney's review, to execute any agreements or documents necessary to effectuate the purposes of this Resolution; and be it further

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation, and one certified copy of this Resolution to the Division of Budget and Management.

(6-0)

4. COMM. 4E-16 (2024) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the design of Abbott Road (CR 4) from Milestrip Road to Fisher Road (the "Project") was authorized by the legislature in COMM 2E-16 (2023); and

WHEREAS, construction of the project requires the County Executive to enter into a design and construction phase agreement with Norfolk Southern Railroad; and

WHEREAS, the total cost of the agreement is estimated at \$27,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into agreement with Norfolk Southern Railroad for design and construction phase engineering services in reference to the construction of Abbott Road (CR 4) from Milestrip Road to Fisher Road; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute the agreement for preliminary services in the amount of \$27,000 for Norfolk Southern Railroad from Fund Center 123, Fund 420, B.20009 – 2020 Turn Back of Roads; and be it further

RESOLVED, that authorization is hereby given to Erie County Comptroller to make payments related to this contract; and be it further

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

(6-0)

5. COMM. 4E-17 (2024)

COUNTY EXECUTIVE

WHEREAS, the Buffalo & Erie County Downtown Library last had its' roof constructed in 1999; and

WHEREAS, the typical lifespan for a roof of this type is approximately 20 years and is therefore beyond its useful life; and

WHEREAS, in conjunction with, as well as funded by, the Buffalo Sewer Authority, the County commissioned a Feasibility Study to examine the Downtown Library to determine if the roof could support the additional load of a vegetative roofing system where the study confirmed that the eastern portion of the roof at the facility is a good application for a vegetative roof system; and

WHEREAS, the County has applied for a state grant through the Green Infrastructure Grant Program (GIGP) that, if awarded, would cover up to 90% of the cost to add a vegetative roofing system to the eastern 70% of the roof; and

WHEREAS, the Library's roof is showing signs of deterioration and will be replaced regardless of an award from the Green Infrastructure Grant applied for; and

WHEREAS, the County solicited RFPs for an Architectural and Engineering firm the Department of Public Works standard consultant selection process to design a traditional roof replacement with the option to design a vegetative roofing system pending award of the GIGP funding; and

WHEREAS, the County selected Watts Architectural through a qualifications based selection process to design the traditional roof at a cost of \$182,550 and the vegetative roof at a cost of \$102,170; and

WHEREAS, unforeseen circumstances can require changes to the design and the County requests a design contingency fund to be approved in the amount of \$25,000; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with Watts Architectural to provide professional A/E Design services for both components of the project including roof replacement as well as design for the vegetative roof, of the Buffalo & Erie County Downtown Library Roof Repair project in an amount not to exceed \$309,720.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with Watts Architectural to provide professional Design services for the Buffalo & Erie County Downtown Library Roof project in an amount not to exceed \$309,720; and be it further

RESOLVED, that authorization is hereby given for a design contingency of \$25,000 to be included as part of the Project; and be it further

RESOLVED, that authorization is hereby given for any unused design contingency will be returned to the Design Contingency Fund; and be it further

RESOLVED, that sufficient funding exists to cover the costs of design within Fund 490, Funds Center 122, Capital Project F.23001 – 2023 DPW BEC Library Roof Replacement; and be it further

RESOLVED, that authorization is hereby given for any federal, state, local or utility grants, incentives, rebates or other funds associated with the installation of green infrastructure or energy savings to be accepted into and expended out of Project F.23001; and be it further

RESOLVED, that two certified copies of the Resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the County Executive’s Office, Comptroller’s Office, Division of Budget and Management and Buffalo & Erie County Downtown Library.

(6-0)

6. COMM. 4E-18 (2024)

COUNTY EXECUTIVE

WHEREAS, \$8,000,000 in American Rescue Plan Revenue Loss Funding was appropriated towards the 25 Delaware Exterior Façade Project as part of the American Rescue Plan Omnibus Spending Package – the “RENEW Plan” (COMM. 13E-15 (2021)); and

WHEREAS, \$4,000,000 in funding was appropriated towards the 25 Delaware Exterior Façade Project as part of the 2021 Year-End Budget Balancing Amendments and Designations (COMM. 8E-1 (2022)); and

WHEREAS, unanticipated expenses beyond what was budgeted were realized upon phasing the 25 Delaware Exterior Façade Project rendering the project underfunded and unable to immediately proceed due to budgetary constraints; and

WHEREAS, the American Rescue Plan Revenue Loss Funding requires money to be obligated by the end of the year which can be best accomplished by transferring the funding to the Rath Microgrid System Project; and

WHEREAS, the County of Erie wishes to identify the most effective means to reduce energy consumption while also providing reliable power to critical facilities; and

WHEREAS, pursuant to that goal, a Request for Proposal was issued to provide architectural and engineering services for a microgrid system at the Rath Building and such proposals were received; and

WHEREAS, your Honorable Body previously authorized the Department of Public Works to execute a zero-dollar contract between the County of Erie and Palm Energy, LLC to begin evaluating and propose a microgrid system on county-owned buildings per COMM. 13E-15 (2022); and

WHEREAS, the first step towards beginning the Energy Performance Contract (“EPC”) process was to conduct a site investigation to determine the feasibility and savings from a microgrid system; and

WHEREAS, the Rath building was found to be a suitable candidate for installing a microgrid system; and

WHEREAS, the Rath Building’s generator as well as main electrical switchgear are original to the building and therefore have exceeded their useful lifespan with replacement parts becoming increasingly difficult to source; and

WHEREAS, this project includes replacement of the main electrical infrastructure for the building as well as the providing whole building backup generation power by installation of the proposed microgrid system renovation; and

WHEREAS, this project also includes improvements of the 4th floor roof as the microgrid system equipment will be located on the roof above the 4th floor; and

WHEREAS, improvements to the roof will be under warranty for 20 years from the date of completion; and

WHEREAS, all federal, state and utility incentives received by the County in direct result of projects included within the EPC will be returned into A.20007 – Energy Conservation Implementation Measures; and

WHEREAS, the savings from the EPC will cover the cost of the project, not to exceed an amount of \$11,659,896; and

WHEREAS, funding in the amount of \$9,500,000 authorized for the façade exterior at 25 Delaware Avenue will be reallocated to a new capital project account to pay for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes that \$9,500,000 in funding within the Division of Buildings and Grounds (Fund 410, Funds Center 122) Capital Project A.21167 – 25 Delaware Exterior Façade Project be re-appropriated into a new Capital Project for the Rath Microgrid System Project as follows:

Project A.21167
25 Delaware Exterior Façade Project
Fund 410, Funds Center 122

REVENUES	ORIGINAL	DECREASE	NEW
486000 Interfund Revenue Subsidy	<u>\$12,000,000</u>	<u>(\$9,500,000)</u>	<u>\$2,500,000</u>
TOTAL	\$12,000,000	(\$9,500,000)	\$2,500,000
APPROPRIATIONS	ORIGINAL	DECREASE	NEW
Capital Project Expense	<u>\$12,000,000</u>	<u>(\$9,500,000)</u>	<u>\$2,500,000</u>
TOTAL	\$12,000,000	(\$9,500,000)	\$2,500,000

Project A.21XXX
Rath Microgrid System Project
Fund 410, Funds Center 122

REVENUES	ORIGINAL
486000 Interfund Revenue Subsidy	<u>\$9,500,000</u>
TOTAL	\$9,500,000
APPROPRIATIONS	ORIGINAL
Capital Project Expense	<u>\$9,500,000</u>
TOTAL	\$9,500,000

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into an Agreement with Palm Energy, LLC. in the form of an Energy Performance Contract in an amount not to exceed \$11,659,896; and be it further

RESOLVED, that Palm Energy LLC performed site investigations and developed a cost-effective proposal to install a microgrid system on the Rath building and, it is the desire of the Department of Public Works that construction move forward under the stipulations of the EPC; and be it further

RESOLVED, that authorization is hereby given for the sum of \$750,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions or unused construction contingency will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that sufficient funding exists to cover the cost of this EPC within the following Division of Buildings and Grounds Capital Projects (Fund 410, Funds Center 122):

A.23001 - DPW (Buildings and Grounds) – Roof Replacement and Exterior Waterproofing (Countywide)	\$ 217,122.46
A.21110 – DPW (Buildings and Grounds) – Rath Building Improvements	\$ 1,942,773.54
A.21XXX – Rath Microgrid System Project	\$ 9,500,000.00
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Total Not to Exceed	\$11,659,896.00

and be it further

RESOLVED, that authorization is hereby given for all federal, state and utility incentives resulting from the Rath Microgrid System Project be recorded and expended in Capital Project

(Fund 410, Funds Center 122) A.20007 – Energy Conservation Implementation Measures; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make all necessary budgetary entries and technical adjustments to effectuate the re-appropriation of funds and recognition of future federal, state and utility incentives; 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 one (1) copy each to the County Executive’s Office, Comptroller’s Office, Department of Environment and Planning and Division of Budget and Management.

(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

February 29, 2024	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-3 (2024)
TODARO: “School District Reimbursement”
(Chair’s Ruling)
 - b. COMM. 3E-4 (2024)
TODARO: “School District Reimbursement”
(Chair’s Ruling)
 - c. COMM. 3E-8 (2024)
COUNTY EXECUTIVE: “Appointments to the Mental Hygiene Community Services Board”
(Chair’s Ruling)
 - d. COMM. 3E-9 (2024)
COUNTY EXECUTIVE: “Appointments to the Senior Services Advisory Board”
(Chair’s Ruling)

- e. COMM. 3D-4 (2024)
COMMISSIONER OF SOCIAL SERVICES: “Compliance Report - Comm. 12E-34”
(Chair’s Ruling)
- f. COMM. 3D-7 (2024)
DEP COMMISSIONER: “Affordable Multi-Family Rental Housing Projects Requesting EC ARPA Funding”
(Chair’s Ruling)
- g. COMM. 3D-9 (2024)
COUNTY ATTORNEY: “County Funding of Low-Income Housing Projects”
(Chair’s Ruling)
- h. COMM. 4E-27 (2024)
BASKIN: “Letter on Arts in Public Places Committee”
(Chair’s Ruling)
- i. COMM. 4D-6 (2024)
DEPUTY COUNTY EXECUTIVE: “Letter Regarding Migrant Related Expenses in Maryvale School District”
(Chair’s Ruling)
- j. COMM. 4M-4 (2024)
CONSTITUENT: “Letter from Constituent Concerning SNAP Benefits”
(Chair’s Ruling)
- k. COMM. 4M-5 (2024)
EC FAIR HOUSING BOARD: “EC Fair Housing Board Annual Report for 2023”
(Chair’s Ruling)

2. COMM. 4E-23 (2024)
COUNTY EXECUTIVE
WHEREAS, the Department of Public Advocacy, as part of the mission of the Erie County Commission on the Status of Women, offers high school girls’ civic engagement experiential learning opportunities; and

WHEREAS, the Department of Public Advocacy sought authorization to enter into contract with 1st A, 1st V as Proposed 2024 Budget Resolution #18, which was subsequently amended to require the issuance of a Request for Proposal for such services and included in the Adopted 2024 Erie County Budget; and

WHEREAS, 1st A, 1st V promotes opportunities for female students to learn and experience the political process through participation in 1st A, 1st V programs and events; and

WHEREAS, 1st A, 1st V offers the participants learning opportunities focusing on the significance of the of the early Women’s Suffrage movement’s contributions to women’s equality; and

WHEREAS, 1st A, 1st V offers participants the opportunity understands the connection between the first and nineteenth amendments and to recognize the ongoing work necessary to create greater gender parity in elected office; and

WHEREAS, due to the intended use of these funds to cover costs associated with the annual Leadership Summit held by 1st A, 1st V in Seneca Falls, NY in March it is not possible to conduct a Request for Proposals for this programming.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby repeals its requirement to issue a Request for Proposal to provide civic engagement experiential learning opportunities in collaboration with the Commission on the Status of Women to high school girls about the political process, including running for elected office and governance from January 2024 through December 2024, enacted as part of the Adopted 2024 Budget Resolution #18 (Page R-5, Budget Book B); and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into a contract with 1st Amendment, 1st Vote for an amount not to exceed \$3,500 to provide civic engagement experiential learning opportunities in collaboration with the Commission on the Status of Women to high school girls about the political process, including running for elected office and governance from January 2024 through December 2024; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract exist within the Erie County Department of Public Advocacy’s (fund 109, Center 1091000) 2024 General Fund Budget in Account 516020 - Professional Services, Contracts and fees; and be it further

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

(6-0)

3. COMM. 4E-24 (2024)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health’s Division of Services for Children with Special Needs currently contracts with many Special Education programs providing Related Services; and

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

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

WHEREAS, Building Blocks Comprehensive Services, Inc., is able to provide Related Services to some children on waiting lists.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Building Blocks Comprehensive Services, Inc., waiving the procedures in Section 26.08 of the Erie County Administrative Code, to provide Related Services; and be it further

RESOLVED, that sufficient funds exist within the Division of Services for Children with Special Needs 2024 Adopted Budget (Fund 110, Funds Center 12750) Account 528000 - Services to Special Needs Children to cover costs incurred for these services; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Budget and Management to make any other technical adjustments necessary to properly execute the terms of the agreement; and be it further

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

(6-0)

JOHN J. GILMOUR
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

February 29, 2024	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-7 (2024)
COMPTROLLER: "Jail Management 25 Year Pension Retroactive Payment to NYS Pension System"
(Chair's Ruling)

- b. COMM. 3D-1 (2024)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending November 2023”
(Chair’s Ruling)
- c. COMM. 3D-2 (2024)
DIRECTOR OF BUDGET & MANAGEMENT: “Capital Projects Update”
(Chair’s Ruling)
- d. COMM. 3M-1 (2024)
ASSIGNED COUNSEL PROGRAM: : “Quarterly Report - 4th Quarter of 2023”
(Chair’s Ruling)
- e. COMM. 3M-2 (2024)
ASSIGNED COUNSEL PROGRAM: “Financial Report & Meeting Minutes”
(Chair’s Ruling)
- f. COMM. 4E-1 (2024)
COMPTROLLER: “Disproportionate Share Payment for ECMCC”
(Chair’s Ruling)
- g. COMM. 4E-4 (2024)
COMPTROLLER: “Letter Concerning COMM. 2E-1 from the County Clerk”
(Chair’s Ruling)
- h. COMM. 4E-9 (2024)
COMPTROLLER: “Department of Law Risk Retention Fund Spending - Nov. & Dec. 2023”
(Chair’s Ruling)
- i. COMM. 4E-25 (2024)
COUNTY CLERK: “Letter Regarding Comm. 4E-4 & Comm. 2E-1”
(Chair’s Ruling)
- j. COMM. 4E-26 (2024)
COMPTROLLER: “External Accounting Review of the County Clerk's Office Fiscal & Accounting Practices”
(Chair’s Ruling)
- k. COMM. 4D-2 (2024)
DIRECTOR OF BUDGET & MANAGEMENT: “February 2024 - Capital Projects Update”
(Chair’s Ruling)
- l. COMM. 4D-3 (2024)
DEPUTY COMPTROLLER FOR AUDIT: “EC Comptroller's Office Audit of Bureau of Weights & Measures”
(Chair’s Ruling)

S-B-L 276.03-4-37 88 Hardwood Ct 143889 CONCORD

	Acct. No. 112	\$58.10	County
	Acct. No. 132	\$28.99	Town/SpecialDist/School
<u>Charge To :</u>	143889 CONCORD		\$28.99

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

FISCAL YEAR 2024 Petition No. 260,026.00

ASSESSOR Cancel \$2,523.85
S-B-L 307.00-3-6.2 12133 Springville 143889 CONCORD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,523.85	Town/SpecialDist/School
<u>Charge To :</u>	143889 CONCORD		\$2,523.85
	Relevy School	\$2,523.85	143801 SPRING-GRIFFITH

RPTL 550(2): Applied unpaid school relevy in error
New tax bill to be issued.

FISCAL YEAR 2024 Petition No. 260,027.00

ASSESSOR Cancel \$2,177.14
S-B-L 322.00-2-32 8982 Middle Rd 143889 CONCORD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,177.14	Town/SpecialDist/School
<u>Charge To :</u>	143889 CONCORD		\$2,177.14
	Relevy School	\$2,177.14	143801 SPRING-GRIFFITH

RPTL 550(2): Applied unpaid school relevy in error
New tax bill to be issued.

FISCAL YEAR 2024 Petition No. 260,028.00

ASSESSOR Cancel \$4,954.27
S-B-L 243.00-4-6.12 8897 Hayes Hollow 143400 COLDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$4,954.27	Town/SpecialDist/School
<u>Charge To :</u>	143400 COLDEN		\$4,954.27
	Relevy School	\$4,954.27	143801 SPRING-GRIFFITH

RPTL 550(2): Applied unpaid school relevy in error
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 260,029.00

 ASSESSOR Cancel \$191.44

S-B-L 207.00-1-7.11 R 2199 Shadagee R 144000 EDEN

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$191.44 Town/SpecialDist/School

40047 WATER DISTRICT 5 B \$158.00

Charge To : 144000 EDEN \$33.44

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

FISCAL YEAR 2023 Petition No. 260,030.00

 ASSESSOR Cancel \$198.33

S-B-L 207.00-1-7.11 R 2199 Shadagee R 144000 EDEN

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$198.33 Town/SpecialDist/School

40047 WATER DISTRICT 5 B \$165.00

Charge To : 144000 EDEN \$33.33

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

FISCAL YEAR 2023 Petition No. 260,031.00

 ASSESSOR Cancel \$33.33

S-B-L 238.11-2-22.11 R 2782 Florence Av 144000 EDEN

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$33.33 Town/SpecialDist/School

40047 WATER DISTRICT 5 B \$33.33

Charge To : 144000 EDEN \$0.00

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

FISCAL YEAR 2024 Petition No. 260,032.00

 ASSESSOR Refund \$230.00

S-B-L 235.06-3-6 8645 Erie Rd 144489 EVANS

 Acct. No. 112 \$0.00 County

Acct. No. 132 \$230.00 Town/SpecialDist/School
Charge To : 144489 EVANS \$230.00

RPTL 550(2): Applied garbage charge in error
Refund to be issued to Tim Donut US Limited Inc

FISCAL YEAR 2024 Petition No. 260,033.00
 ASSESSOR Cancel \$275.00
S-B-L 170.10-2-15./703450 #70 Howard R 144889 HAMBURG
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$275.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$275.00

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

FISCAL YEAR 2024 Petition No. 260,034.00
 ASSESSOR Cancel \$275.00
S-B-L 170.10-2-15./129 3450 #129 Howard 144889 HAMBURG
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$275.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$275.00

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

FISCAL YEAR 2024 Petition No. 260,035.00
 ASSESSOR Cancel \$275.00
S-B-L 170.10-2-15./150 3450 #150 Howard 144889 HAMBURG
 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$275.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$275.00

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

FISCAL YEAR 2024 Petition No. 260,036.00
 ASSESSOR Cancel \$275.00
S-B-L 170.10-2-15./174 3450 #174 Howard 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$275.00	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG		\$275.00

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

FISCAL YEAR 2023 Petition No. 260,037.00

	ASSESSOR	Refund	\$128.46
S-B-L 183.18-3-9	187 George St	144803 HAMBURG	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$128.46	Town/SpecialDist/School
520 Code SC520	\$35.20		
<u>Charge To :</u>	144803 HAMBURG		\$93.26
	Relevy School	\$93.26	144801 HAMBURG

CENTRAL

RPTL 550(2): Exemptions removed and RPTL 520 applied in error
Refund to be issued to Ila Jean B. Spute

FISCAL YEAR 2024 Petition No. 260,038.00

	ASSESSOR	Cancel	\$257.21
S-B-L 183.18-3-9	187 George St	144803 HAMBURG	

	Acct. No. 112	\$118.71	County
	Acct. No. 132	\$138.50	Town/SpecialDist/School
48804 Exemption Removal	\$102.49		
<u>Charge To :</u>	144803 HAMBURG		\$36.01

RPTL 550(2): Exemptions removed and RPTL 520 applied in error
New tax bill to be issued.

FISCAL YEAR 2024 Petition No. 260,039.00

	ASSESSOR	Cancel	\$391.00
S-B-L 150.16-5-3.11	3319 Lakeshore Rd	144889 HAMBURG	

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$391.00	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG		\$391.00

RPTL 550(2): Incorrect units on EC sewer
New tax bill to be issued

FISCAL YEAR	2024	Petition No.	260,040.00
	ASSESSOR	Cancel	\$207.71
S-B-L	182.00-4-41.13	3114 Pleasant Ave	144889 HAMBURG
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$207.71	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG		\$207.71

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

FISCAL YEAR	2024	Petition No.	260,041.00
	ASSESSOR	Cancel	\$4,109.46
S-B-L	216.00-7-17	7576 Olean Rd	145000 HOLLAND
	Acct. No. 112	\$1,677.63	County
	Acct. No. 132	\$2,431.83	Town/SpecialDist/School
	50020 HOLLAND FIRE DIST #1	\$591.46	
<u>Charge To :</u>	145000 HOLLAND		\$1,840.37

RPTL 550(3): Improvement added to wrong parcel
New tax bill to be issued.

FISCAL YEAR	2024	Petition No.	260,042.00
	ASSESSOR	Cancel	\$230.51
S-B-L	148.00-3-15	11403 Tomarsue Dr	145400 MARILLA
	Acct. No. 112	\$189.52	County
	Acct. No. 132	\$40.99	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$40.99

RPTL 550(2): Incorrect assessment
New tax bill to be issued.

FISCAL YEAR	2023	Petition No.	260,043.00
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ASSESSOR Refund \$507.41
S-B-L 61.00-5-43.111 5271 Crittenden Rd 145689 NEWSTEAD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$507.41 Town/SpecialDist/School
Charge To : 145689 NEWSTEAD \$507.41
Relevy School \$507.41 145601 AKRON CENTRAL

RPTL 550(2): Failed to apply Enhanced STAR exemption
Refund to be issued to Domon Irrevoc Trust Feb 2018

FISCAL YEAR 2024 Petition No. 260,044.00

ASSESSOR Cancel \$724.28
S-B-L 66.30-1-24 39 School St 146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$724.28 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$724.28

RPTL 550(2): Applied delinquent water charge in error
New tax bill to be issued.

FISCAL YEAR 2024 Petition No. 260,045.00

ASSESSOR Cancel \$35.86
S-B-L 135.11-2-5.121 North American Dr 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$35.86 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$35.86

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

FISCAL YEAR 2024 Petition No. 260,046.00

ASSESSOR Cancel \$551.86
S-B-L 125.14-5-6 113 Organ Cres 146800 WEST SENECA

Acct. No. 112 \$119.99 County
Acct. No. 132 \$431.87 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$431.87

RPTL 550(2): Failed to apply Aged exemption and applied RPTL 520 in error

New tax bill to be issued.

FISCAL YEAR 2024 Petition No. 260,047.00

 ASSESSOR Cancel \$488.47
S-B-L 135.01-4-61.111 5200 North Americ 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$488.47 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$488.47

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

FISCAL YEAR 2024 Petition No. 260,048.00

 ASSESSOR Cancel \$57.89
S-B-L 144.20-2-20 159 Fawn Trl 146800 WEST SENECA

 Acct. No. 112 \$22.40 County
 Acct. No. 132 \$35.49 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$35.49

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

FISCAL YEAR 2024 Petition No. 260,049.00

 ASSESSOR Cancel \$236.70
S-B-L 54.22-2-13 246 Woodmere Dr 146489 TONAWANDA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$236.70 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$236.70
 Relevy School \$236.70 142207 SWEET HOME

CENTRAL

RPTL 550(2): Failed to apply school tax payment, cancel penalty
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.

(5-0) Legislator Gilmour not present for vote.

3. COMM. 4E-13 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Personnel has identified a critical need for supervisory training in drug abuse identification, with a focus on marijuana use, and protocols for reasonable suspicion in the workplace; and

WHEREAS, traditional methods of identifying drug abuse do not effectively discern recency of marijuana use, and the lack of a universally accepted, reliable test for marijuana impairs effective workplace policy enforcement; and

WHEREAS, the recent legalization of marijuana in New York State necessitates the adaptation of the County's policies and training concerning drug use in the workplace; and

WHEREAS, the Erie County Government is committed to maintaining a safe, healthy, and legally compliant work environment, which includes addressing the complexities of drug use, particularly marijuana, among its employees; and

WHEREAS, the Personnel Department has invested in the Percipio online training platform, which is compatible with the course material provided by Visify, LLC, offering a flexible and consistent training environment for county employees; and

WHEREAS, the proposed training aligns with Erie County's need to balance legal compliance with a supportive and fair work environment and has received positive feedback from collective bargaining units; and

WHEREAS, a request-for-proposal for this professional service is not required because the cost is below \$10,000; and

WHEREAS, the contract with Visify, LLC entails a cost of \$8,820 with funds available in the Department of Personnel 2024 Professional Services account (516020).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive into a contract with Visify, LLC at an amount not to exceed \$8,820 for customizing and providing a training file on Supervisory Training on Drug Abuse Identification and Protocols; and be it further

RESOLVED, the Clerk of the Legislature shall forward certified copies of this Resolution to the: County Executive, Director of the Division of Budget and Management, Office of the Comptroller, and the Personnel Commissioner.
(5-0) Legislator Gilmour not present for vote.

4. COMM. 4E-22 (2024)
COUNTY EXECUTIVE

WHEREAS, the Real Property Tax Services Director has transmitted to this Legislature

transcripts of tax delinquencies and tax delinquent real properties for foreclosure pursuant to the In Rem provisions of the Erie County Tax Act, which will be known as In Rem Action No. 172, and has furnished this Legislature with the necessary abstracts from the Real Property Tax Services records of such delinquencies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the In Rem provisions of the Erie County Tax Act be applied to such real property and the delinquent taxes set forth in said transcripts, as determined by the Real Property Tax Services Director from the transcripts of properties upon which the County of Erie owns a tax sale certificate which has been due and unpaid for a period of at least two years; and be it further

RESOLVED, that authorization is hereby given for the County Attorney or his designee conduct and consummate such foreclosure proceeding known as In Rem Action No. 172 as directed by this Legislature and determined by the Real Property Tax Services Director; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

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

(6-0)

TIMOTHY J. MEYERS
CHAIR

LEGISLATOR RESOLUTIONS

Item 10 – CHAIR BASKIN directed that the following resolution be referred to the SMALL BUSINESS COMMITTEE.

GRANTED.

INTRO. 5-1 from VINAL. A Resolution for Procedures to Notice to Small Businesses.

Item 11 – CHAIR BASKIN directed that the following resolution be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 5-2 from the MINORITY CAUCUS. A Resolution Calling on the Department of Health to Appear at the Erie County Legislature's Health and Human Services Committee to Discuss Health Permitting for Fitness Facilities.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

RE: Adoption of Personnel Policies
for Managerial and Confidential
Employees Exempted from the
Fair Labor Standards Act
(INTRO. 5-3)

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

WHEREAS, Erie County has not adopted policies for its non-unionized managerial or confidential employees that are commensurate with those established in collective bargaining agreements for its unionized employees; and

WHEREAS, the establishment of clear, written policies for non-unionized managerial or confidential employees would foster a more transparent and consistent workplace for these employees; and

WHEREAS, Erie County has given its managerial and confidential employees most of the benefits awarded to employees in the CSEA Erie County Unit 6700 bargaining unit ("CSEA"); and

WHEREAS, CSEA primarily represents white-collar hourly workers in County service; and

WHEREAS, the process the County has used to change policies for managerial and confidential employees is through one-off legislative resolutions, sometimes as clauses in resolutions on topics unrelated to managerial and confidential employees; and

WHEREAS, in the 2023 adopted budget, the Erie County Legislature declared certain managerial and confidential employees as exempt from the Fair Labor Standards Act requirements for overtime under the Executive Exemption; and

WHEREAS, in the 2024 adopted budget, the Erie County Legislature reaffirmed certain other managerial and confidential employees as exempt under the Professional Exemption; and

WHEREAS, Erie County must pay an exempt employee their full predetermined salary amount "free and clear" for any week in which the employee performs any work without regard to the number of days or hours worked; and

WHEREAS, the CSEA collective bargaining agreement, which is negotiated for hourly employees, is not an appropriate document to base policies for salaried employees; and

WHEREAS, the Personnel Commissioner is the official responsible for administering the compensation and benefit package for all employees, including managerial and confidential salaried employees; and

WHEREAS, the Personnel Commissioner drafted policies for FLSA-exempt employees and invited the Office of each independently elected official to comment and provide feedback on the draft policy; and

WHEREAS, the Personnel Commissioner has incorporated the feedback he received from elected officials and believes this Policy has the support of all the independently elected officials.

NOW, THEREFORE, BE IT

RESOLVED, the attached document, "Personnel Policies for Managerial and Confidential Employees Exempted from the Fair Labor Standards Act," is hereby adopted effective June 29, 2024; and be it further

RESOLVED, any legislative resolution regarding policies for managerial and confidential employees contrary to the adopted Policy is null and void effective June 29, 2024 for FLSA-exempt managerial and confidential employees; and be it further

RESOLVED, FLSA-exempt employees shall receive one hundred percent (100%) of their annual Paid Time Off Leave allocation granted in Article 6 of the adopted Policy on June 29, 2024; and be it further

RESOLVED, FLSA-exempt employees may choose to either (a) cash out the vacation leave credits at their June 29, 2024, rate of pay, or (b) to retain these credits in separate vacation and personal leave banks that they are unable to access while in a FLSA-exempt position without the permission of the Commissioner of Personnel; and be it further

RESOLVED, the Personnel Department is directed to transfer time accrued in the catastrophic sick bank of FLSA-exempt employees into their sick banks; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, District Attorney, Clerk, Sheriff, Personnel Commissioner, and Division of Budget and Management.

Item 13 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

WHEREAS, the Erie County Comptroller's Office recently conducted two audits of the County Clerk's Office - Registrar Division between January 1, 2022 and December 31, 2022; and

WHEREAS, the audits found some troubling issues in the Clerk's office, including the use of outdated software in managing public funds; and

WHEREAS, the use of outdated software and outdated office managing practices have led to errors in reporting, collecting, and distributing mortgage tax revenues; and

WHEREAS, those revenues are important to the towns and cities within the County, the Niagara Frontier Transportation Authority, and the State of New York Mortgage Agency; and

WHEREAS, throughout the course of the audit, the Comptroller's office has found many instances of inconsistencies and discrepancies within the Office of the County Clerk, and for that reason have recommended an external audit be conducted; and

WHEREAS, an external audit will allow for an independent, full-service, professional audit agency to build upon the internal audits that have been conducted and provide expert recommendations to ensure our residents' County tax dollars are protected to the highest degree.

NOW, THEREFORE, BE IT

RESOLVED, request the County Clerk issue a request for proposals ("RFP") to solicit responses for a external forensic audit of the County Clerk's office, including both the Registrar Division and the Auto Bureau Division; and

RESOLVED, the RFP shall include a goal of identifying best practices for a universal accounting system, including software, to address the issues raised by the multiple software program approach that has plagued Erie County tax dollars over the past 10+ years; and

RESOLVED, that the Erie County Comptroller be consulted on the process, including but not limited to a seat on the RFP scoring committee, participation as a subject in any interviews conducted by the external audit team, and the ability to review the external audit prior to its finalization; and

RESOLVED, the Erie County Clerk shall work with the Division of Budget and Management to identify funding in its budget to fund an external forensic audit, and if there are insufficient funds within its own budget, work with this honorable body to provide the additional funds needed to ensure a full forensic, external audit is fully funded; and

RESOLVED, the Clerk of the Legislature is directed to send copies of this resolution to the Erie County Clerk, the Erie County Comptroller, the Erie County Executive, the Budget Director, the New York State Comptroller, and any other parties deemed necessary.

MS. LORIGO moved to amend the resolution. MR. GREENE seconded.

****CHAIR BASKIN directed that the Legislature enter into recess at 12:43PM.

****CHAIR BASKIN reconvened the Legislature at 12:48PM.

All members present, except Legislator Mills.

CHAIR BASKIN moved the previous question and directed that a roll-call vote be taken.

AYES: MR. GREENE, MS. LORIGO, MR. TODARO, and MR. GILMOUR. NOES: MR. BARGNESI, CHAIR BASKIN, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. (AYES: 4; NOES: 6)

FAILED.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 14 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 4E-12 (2024). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

RE: Authorizing EC Executive to Enter into
Collective Bargaining Agreement
Amendments with Bargaining Units

WHEREAS, Erie County Government is committed to maintaining effective and harmonious working relationships with its bargaining units; and

WHEREAS, it is recognized that, from time to time, the modification of collective bargaining agreement (“CBA”) terms and conditions is required to ensure the efficient operation of Erie County Government; and

WHEREAS, to take necessary action, the Personnel Commissioner, working alongside the Labor Relations Commissioner, have historically entered into Memorandums of Agreement and Memorandums of Understanding with collective bargaining units that modify the terms of CBA’s; and

WHEREAS, such actions are in alignment with the spirit and intentions of the existing collective bargaining agreements; and

WHEREAS, the ongoing evolution of workplace practices and regulations increasingly necessitates timely and flexible responses to ensure compliance and operational efficiency; and

WHEREAS, the collaborative engagement with bargaining units, through occasional modification of CBA terms and conditions, fosters constructive dialogue and mutual understanding which are essential for the well-being and productivity of Erie County's workforce.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract amendments with collective bargaining units that modify the terms and conditions of collective bargaining agreement’s in order to ensure the efficient operation of County Government; and be it further

RESOLVED, that any financial implications arising from such agreements must be accommodated within the existing budgetary allocations for the respective departments; and be it

further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, Department of Personnel, Department of Labor Relations, Department of Law and Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

Item 15 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 4E-29 (2024). MR. JOHNSON seconded.

CARRIED.

MR. MEYERS moved to approve the resolution. 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, MS. LORIGO, and MR. TODARO. (AYES: 7; NOES: 3)

FAILED.

SUSPENSION OF THE RULES

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

GRANTED.

INTRO 5-5 from KOOSHOIAN & BASKIN Re: Increased Medicaid Spending

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

RE: Increased Medicaid Spending
(INTRO. 5-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR KOOSHOIAN AND LEGISLATOR BASKIN**

WHEREAS, Erie County hard working health care workers are continuing to work in demanding conditions in our hospitals and nursing homes, despite recent wins in new labor contracts and the Safe Staffing law, which provides more reasonable staffing ratios and patient load for our nurses and health care aides; and

WHEREAS, in addition to the recent labor and legislative wins, an additional solution to address the demanding work environment for the health care workers in our hospitals and nursing homes is to increase Medicaid funding in New York State; and

WHEREAS, increasing funding for Medicaid will not only help our low-income aging residents and families, it will help our health care workers by reducing their workload and improving job satisfaction; and

WHEREAS, increasing funding for Medicaid must be carefully implemented in combination with additional health care staff supportive measures taken by the ownership and decision-making bodies that administer our hospitals and nursing homes in Erie County; and

WHEREAS, increased costs of Medicaid also must be met with the stark reality of reducing fraud in the home health care system, where New York State pays \$12 billion just for home health care, which is more than all other 49 states combined; and

WHEREAS, the need to increase funding to support our hard-working hospital and nursing home health care workers must be met with improved diligence to rein in excessive home health care spending, and other exorbitant Medicare spending issues to ensure New York State does not skid closer to financial crisis.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body calls for increased funding for Medicaid spending, particularly in areas that support our health care workers in hospitals and nursing homes; and be it further

RESOLVED, the Clerk of the Legislature is directed to send a copy of this resolution to the Governor of the State of New York, the State Senate Majority Leader, the Speaker of the State Assembly, and the State Legislature Delegation of Erie County.

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

GRANTED.

INTRO 5-6 from LEGISLATURE Re: Re-Appropriation of Community/Neighborhood & Art and Cultural Funds

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

RE: Re-Appropriation of
Community/Neighborhood & Art
and Cultural Funds
(INTRO. 5-6)

**A RESOLUTION TO BE SUBMITTED BY
THE ERIE COUNTY LEGISLATURE**

WHEREAS, Town of Grand Island was awarded \$1,000 in public benefit funding by the Erie County Legislature in the adopted 2019 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518525; and

WHEREAS, the Town of Grand Island was awarded \$4,000 in public benefit funding by the Erie County Legislature in the adopted 2020 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518525; and

WHEREAS, the Grand Island Historical Society was awarded \$2,500 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1333020 – Budgeted Art & Cultural Agencies, Account 518585; and

WHEREAS, Boy Scout Troop 600 was awarded \$1,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518632; and

WHEREAS, the Grand Island Chamber of Commerce was awarded \$3,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518103; and

WHEREAS, Grand Island Farms was awarded \$2,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518649; and

WHEREAS, Grand Island Little League was awarded \$2,500 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518650; and

WHEREAS, Grand Island Seniors was awarded \$4,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518651; and

WHEREAS, Miracle League of Grand Island and WNY was awarded \$5,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518663; and

WHEREAS, Town of Tonawanda Seniors was awarded \$1,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518682; and

WHEREAS, VFW Post 9249-Grand Island was awarded \$5,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518557; and

WHEREAS, Lackawanna Senior Center was awarded \$2,000 in public benefit funding by the Erie County Legislature in the adopted 2019 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518534; and

WHEREAS, South Buffalo Football was awarded \$2,500 in public benefit funding by the Erie County Legislature in the adopted 2019 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518547; and

WHEREAS, the Village of Blasdell-Youth was awarded \$3,000 in public benefit funding by the Erie County Legislature in the adopted 2019 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518558; and

WHEREAS, the Village of Blasdell-Youth was awarded \$3,000 in public benefit funding by the Erie County Legislature in the adopted 2020 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518558; and

WHEREAS, the Hamburg Drug Free Coalition was awarded \$2,000 in public benefit funding by the Erie County Legislature in the adopted 2020 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518526; and

WHEREAS, Friends of Reinstein Woods was awarded \$5,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518523; and

WHEREAS, Life Impact, Inc. was awarded \$10,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518657; and

WHEREAS, South Buffalo Senior Center was awarded \$3,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518604; and

WHEREAS, Buffalo ReUse was awarded \$5,000 in Community/Neighborhood Development Funds by the Erie County Legislature in Intro 4-2 (2021); and

WHEREAS, the WNY Urban Arts Collective was awarded \$7,500 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1333020 – Budgeted Art & Cultural Agencies, Account 518694; and

WHEREAS, the Boys and Girls Club of Buffalo Butler Mitchell was awarded \$10,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518507; and

WHEREAS, the Colored Musician Club was awarded \$5,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1333020 – Budgeted Art & Cultural Agencies, Account 518074; and

WHEREAS, the Net Positive d/b/a The Foundry was awarded \$5,000 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1333020 – Budgeted Art & Cultural Agencies, Account 518596; and

WHEREAS, West Side Community Services was awarded \$2,500 in public benefit funding by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518853; and

WHEREAS, the City of Lackawanna was awarded \$400,000 in 2022 public benefit funding by the Erie County Legislature in the adopted 2022 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518616; and

WHEREAS, the City of Buffalo was awarded \$1,600,000 in 2023 public benefit funds by the Erie County Legislature in the adopted 2023 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518616; and

WHEREAS, the Riverside Football/Cheer was awarded \$2,500 in 2020 public benefit funds by the Erie County Legislature in the adopted 2020 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518601; and

WHEREAS, the Riverside Football/Cheer was awarded \$3,000 in 2021 public benefit funds by the Erie County Legislature in the adopted 2021 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518601; and

WHEREAS, the Grand Island Chamber of Commerce was awarded \$2,000 in RENEW Plan public benefit funds by the Erie County Legislature in COMM. 11E-34 (2023); and

WHEREAS, the Grand Island American Legion was awarded \$5,000 in RENEW Plan public benefit funds by the Erie County Legislature in COMM. 11E-34 (2023); and

WHEREAS, the Community Organization Relief Fund has \$97,500 in public benefit funding remaining from the adopted 2021 Budget in Fund Center 1332010 – Community/Neighborhood Development, Account 516320; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$31,000 of Community/Neighborhood Development Funds to the Town of Tonawanda; and be it further

RESOLVED, that authorization is provided to transfer \$10,500 of 2021 Budget Balancing Designation Funds to the Steel Plant Museum of Western New York; and be it further

RESOLVED, that authorization is provided to transfer \$2,000 Community/Neighborhood Development Funds to the Southtowns Walleye Association of WNY, Inc.; and be it further

RESOLVED, that authorization is provided to transfer \$18,000 of Community/Neighborhood Development Funds to Parker Academy in Fund Center 1332010 - Community/Neighborhood Development, Account 518599; and be it further

RESOLVED, that authorization is provided to transfer \$10,000 of Community/Neighborhood Development Funds to Confident Girl Mentoring, Inc. in Fund Center 1332010 - Community/Neighborhood Development, Account 518079; and be it further

RESOLVED, that authorization is provided to transfer \$5,000 of 2021 Budget Balancing Designation Funds to El Batey Inc. in Fund Center 1333020 – Budgeted Art & Cultural Agencies, Account 518832; and be it further

RESOLVED, that authorization is provided to transfer \$5,000 of Community/Neighborhood Development Funds to Ramp Global Missions; and be it further

RESOLVED, that authorization is provided to transfer \$2,500 of 2022 public benefit funding to BFM Arts Inc.; and be it further

RESOLVED, that authorization is provided to transfer \$5,000 of Community/Neighborhood Development Funds to Junior League of Buffalo; and be it further

RESOLVED, that authorization is provided to transfer \$5,000 of Community/Neighborhood Development Funds to Fillmore Forward, Inc. in Fund Center 1332010 - Community/Neighborhood Development, Account 518098; and be it further

RESOLVED, that authorization is provided to transfer \$2,500 of 2022 public benefit funding to Torn Space Theater in Fund Center 1333020 – Budgeted Art & Cultural Agencies, Account 518173; and be it further

RESOLVED, that authorization is provided to transfer \$400,000 of 2022 public benefit funding to the Lackawanna Municipal Housing Authority; and be it further

RESOLVED, that authorization is provided to transfer \$25,000 of 2023 public benefit funding to Allentown Association, Inc.; and be it further

RESOLVED, that authorization is provided to transfer \$12,500 of public benefit funding to Say Yes Buffalo – Summer Camp Initiative; and be it further

RESOLVED, that authorization is provided to transfer \$77,500 of public benefit funding to Legislature – Office Furniture & Fixtures; Fund 110; Cost Center 100; Account 561420; and

RESOLVED, that authorization is provided to transfer \$20,000 of public benefit funding to Legislature – Office Supplies; Fund 110; Cost Center 100; Account 505000; and

RESOLVED, that authorization is hereby given to re-appropriate all remaining 2023 public benefit monies in Fund Center 1332010 - Community/Neighborhood Development into 2024, provided that they are allocated to the same account/organization as listed in 2023 Budget; and

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

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

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

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

GRANTED.

INTRO 5-7 from BASKIN Re: Support for the NYS Bill on Emergency Housing

MR. MEYERS moved for immediate consideration and approval of the resolution. 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, MS. LORIGO, and MR. TODARO. (AYES: 7; NOES: 3)

CARRIED.

RESOLUTION NO. 44

RE: Support for the NYS Bill on
Emergency Housing
(INTRO. 5-7)

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

WHEREAS, New York State has emergency assistance funds that are earmarked for people and families facing evictions following emergency situations. Unfortunately, restrictions to these funds prevents many people from accessing them and as a result, they go unused; and

WHEREAS, currently legislation has been introduced in the New York State Senate, Bill 2023-S8622, that increases the income ceiling to qualify for assistance; removes the requirement that applicants repay the funds and demonstrate an ability to pay their rent in the future; and shortens the waiting period for residents who need to apply for additional assistance in the future; and

WHEREAS, in Erie County, we've seen firsthand the impact these barriers have had on our residents in need of emergency housing, as it has overwhelmed our shelter system and required our Department of Social Services to contract with housing providers that are farther away from the social support system and schools of our families in the emergency housing program; and

WHEREAS, this bill will provide stability for families facing unexpected hardships; relieve pressure from an overwhelmed shelter system; provide funding to landlords whose tenants are experiencing an emergency situation; save New York State an estimated \$13,000 per household by keeping more families out of the shelter system; and bring the administration of these programs in line with the more modern criteria for New York State's other housing assistance programs like HEAP; and

WHEREAS, in addition to improving access to emergency housing assistance programs, this bill will also improve utilization of already budgeted funds, which currently often go unused due to aforementioned barriers, and therefore a majority of costs would be covered by existing funds to implement this bill.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body supports improving the lives of our residents who need emergency housing by advocating for the passage of Bill 2023-S8622 in the New York State Senate; and be it further

RESOLVED, directs the Clerk of the Legislature to send copies of this resolution to the New York State Governor, the New York State Senate Leadership, the New York State Assembly Leadership; and the State Legislature Delegation from Erie County.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY CLERK

Item 19 – (COMM. 5E-1) Software Integration & External Accounting Review

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR BASKIN

Item 20 – (COMM. 5E-2) Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 21 – (COMM. 5E-3) EC Cultural Funding Grant Program - Steel Plant Museum of WNY

Item 22 – (COMM. 5E-4) EC Cultural Funding Grant Program - Music Is Art

Item 23 – (COMM. 5E-5) EC Cultural Funding Grant Program - El Museo Francisco Oller Y Diego Rivera

Item 24 – (COMM. 5E-6) EC Cultural Funding Grant Program - Arts Service Initiative of WNY, Inc.

Item 25 – (COMM. 5E-7) EC Cultural Funding Grant Program - Historical Society of the Town of Clarence

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

FROM CHAIR BASKIN

Item 26 – (COMM. 5E-8) Request of a Communication Tool Creation with Gilbane-Turner Joint Venture Team

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

FROM THE COMPTROLLER

Item 26 – (COMM. 5E-9) State Authorization for the Private Sale of Bonds or Notes by Negotiated Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 5E-10) PILOT Agreement for 1603 Seneca St. - Affordable Housing Development

Item 28 – (COMM. 5E-11) Renaissance Commerce Park - Amendment to Contract

Item 29 – (COMM. 5E-12) Authorization to Contract with BestSelf - Construction Funding for Child Advocacy Center

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

FROM THE COUNTY EXECUTIVE

Item 30 – (COMM. 5E-13) ECSD Nos. 1 & 3 - Contract Close Out

Item 31 – (COMM. 5E-14) ECSD No. 6 - 2024 Budget Transfer

Item 32 – (COMM. 5E-15) ECSD No. 3 - Southtowns Incinerator Tray Scrubbers Replacement & Crane Installation Project

Item 33 – (COMM. 5E-16) ECSD No. 6 - Engineer Term Contract Agreement

Item 34 – (COMM. 5E-17) ECSD No. 1 - Electric Ave. & Casimir St. Sanitary Sewer Replacement

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

RE: January 2024 Winter Lake Effect
Snowstorms
(COMM. 5E-18)

WHEREAS, the Department of Public Works is requesting authorization from the County Executive to reappropriate funding to cover outstanding obligations with regards to snow removal services rendered to the County of Erie by the Union Concrete Company during the back-to-back January 2024 Winter Lake Effect Storms; and

WHEREAS, the funds to cover the department's outstanding obligations with the contractor are currently available in the previous fiscal year; and

WHEREAS, require fiscal reappropriation via an interfund transfer into the Road Fund (Fund 210), thereby amending the 2023 Division of Highways (Fund 210, Funds Center 123) Budget, and reappropriating the funding to 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the recognition of \$3,463,215 in previously total construction earnings revenue in Countywide Budget Accounts – Comptroller (Fund 110, Funds Center 17000) Account #445030 – Interest & Earnings General Investments Revenue and the appropriation of a like amount of funding into the Countywide Interfund (Fund 110, Funds Center 14020) Account #570020 – Interfund - Road:

2023 Budget
Fund 110, Funds Center 17000
Countywide Budget Accounts - Comptroller

REVENUES	CHANGE
445030 Interest & Earnings General Investments	<u>\$3,463,215</u>
TOTAL	<u>\$3,463,215</u>

2023 Budget
Fund 110, Funds Center 14020
Countywide Interfund Accounts

APPROPRIATIONS	CHANGE
570020 Interfund – Road	<u>\$3,463,215</u>
TOTAL	<u>\$3,463,215</u>

and be it further

RESOLVED, that authorization is hereby given accept \$3,463,215 in funding into the Road Fund (Fund 210) as an interfund transfer and amend the Division of Highways (Fund 210, Funds Center 123) 2023 Budget as follows:

2023 Budget
Fund 210, Funds Center 123
Division of Highways

REVENUES	CHANGE
4486000 Interfund Revenue Subsidy	<u>\$3,463,215</u>
TOTAL	<u>\$3,463,215</u>

APPROPRIATIONS	CHANGE
545000 Rental Charges	<u>\$3,463,215</u>
TOTAL	<u>\$3,463,215</u>

and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$3,463,215 in 2023 funding into 2024; and be it further

RESOLVED, the two certified copies of the 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.

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 5E-19) 2023 Real Estate Transfer Tax Surplus Appropriation to Road Fund

Item 38 – (COMM. 5E-20) East Concord Highway Facility & EC Correctional Facility - Fuel Tank Replacement & Upgrades

Item 39 – (COMM. 5E-21) B&ECPL - Various Capital Projects Term Agreement, One Year Extension for On-Call Services

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

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 5E-22) Department of Social Services - Position Changes

Item 41 – (COMM. 5E-23) Acceptance of State Aid for Youth Employment Programs (YEP)

Item 42 – (COMM. 5E-24) Acceptance of State Aid for Youth Sports Services

Item 43 – (COMM. 5E-25) Acceptance of State Aid for Safe Harbor

Item 44 – (COMM. 5E-26) Department of Social Services - Authorization to Enter into Contract with Konica Minolta

Item 45 – (COMM. 5E-27) Authorization to Accept Funding & Enter into Contract - NYS Rental Supplement Program

Item 46 – (COMM. 5E-28) Restructuring Positions in Community Service for the Elderly, 2024-25 Grant

Item 47 – (COMM. 5E-29) Acceptance of NYSDOT Section 5310 Enhanced Mobility 2024-27 Grant

Item 48 – (COMM. 5E-30) Authorization to Extend the ADRCVAC2122 Grant

Item 49 – (COMM. 5E-31) Overnight Respite Services Contract

Item 50 – (COMM. 5E-32) 2024 EC Healthcare Careers Program Contract Authorization

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

FROM THE COUNTY EXECUTIVE

Item 51 – (COMM. 5E-33) Department of Probation - Personnel Adjustment

Item 52 – (COMM. 5E-34) Authorization to Enter into Contract with the Olsen Group

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

FROM THE COUNTY CLERK

Item 53 – (COMM. 5E-35) Clerk's Office Software RFP

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 54 – (COMM. 5E-36) Fraud Prevention Services Available from M&T Bank

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM MILLS

Item 55 – (COMM. 5E-37) Letter Regarding Upcoming Absence

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

March 5, 2024

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

Re: Upcoming Absence

Dear Clerk Owens,

This is notice I have a pre-scheduled trip out-of-town from March 4th through March 13th, which I unfortunately cannot alter. I will miss the scheduled session for March 7th and any other legislative meetings during this time.

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

Item 56 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46

RE: Court Modernization Agreement with
NYS Unified Court System
(COMM. 5E-38)

WHEREAS the Erie County District Attorney's Office (ECDA) is a local law enforcement agency with the mission of investigating and prosecuting criminal activity in Erie County; and

WHEREAS the mission of New York State Unified Court System (UCS) is to promote the rule of law and serve the public by achieving just and timely resolution of all matters before the courts; and

WHEREAS the County is the owner of the Erie County Court building located at 25 Delaware Avenue, Buffalo, NY, which includes court rooms provided to the UCS pursuant to Judiciary Law § 39; and

WHEREAS the above parties have agreed to share the cost to modernize the criminal courtrooms with the technology and infrastructure necessary to allow better access to justice for all; and

WHEREAS there are sufficient funds in the 2023-2024 appropriations of the District Attorney's Office Aid to Prosecution grant and these funds need to be expended prior to end of the grant year of March 31, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County is authorized to enter into an agreement with UCS to delineate the responsibilities and costs associated with the Court Modernization project occurring at the Erie County Courthouse annex located at 25 Delaware Avenue; and be it further

RESOLVED, that the Erie County District Attorney's Office is authorized to pay \$250,000 to UCS to be used for the purchase of equipment necessary to outfit five criminal courtrooms; and be it further

RESOLVED, the Director of Purchasing is authorized to issue a purchase order to the New York State Unified Court System upon execution of the Memorandum of Understanding between the County and UCS for the Court Modernization project; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Division of Purchase, Erie County Department of Public Works, and the Erie County Comptroller.

Item 57 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47

RE: OPDV Flexible Funding Project
(COMM. 5E-39)

WHEREAS, the District Attorney’s Office’s has been awarded \$38,268 under the NYS Office for the Prevention of Domestic Violence Flexible Funding Project for the period of January 1, 2024 to December 31, 2024; and

WHEREAS, authorization is required by the Erie County Legislature for the County Executive to enter into a grant contract and accept \$38,268 in state aid to provide financial assistance to domestic violence victims and families.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the NYS Office for the Prevention of Domestic Violence; and be it further

RESOLVED, that authorization is hereby provided to establish the District Attorney’s OPDV Flexible Funding Project:

OPDV Flexible Funding Project
January 1, 2024 to December 31, 2024
Fund: 281, Cost Center: 1140050, Grant: 114FLEXFUNDING24

Revenue

409000 State Revenue	<u>\$ 38,268</u>
Total Revenue	<u>\$ 38,268</u>

Appropriation

530000 Other Expenses	<u>\$ 38,268</u>
Total Appropriations	<u>\$ 38,268</u>

and be it further

RESOLVED, that the Division of Purchase and the Comptroller's Office will work together with the District Attorney's Office to process payments to victims and/or third parties as quickly and efficiently as possible in order to most expeditiously provide immediate assistance to families; and be it further

RESOLVED, that the Director of Budget & Management is hereby authorized to establish and adjust budgets as required to comply with grantor-approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller, the Director of Purchasing and the Director of Budget and Management.

FROM THE SHERIFF

Item 58 – (COMM. 5E-40) Funding for Furniture

Item 59 – (COMM. 5E-41) Purchase of Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle

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

FROM THE COUNTY CLERK

Item 60 – (COMM. 5E-42) Legislature Meeting and Committee Invitations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER OF PUBLIC WORKS

Item 61– (COMM. 5D-1) Response to COMM. 4E-3 (2024) - Conner Road in Clarence

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 62 – (COMM. 5D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 63 – (COMM. 5M-1) NFTA Capital Expenditure Reports, 2nd Quarter

Item 64 – (COMM. 5M-2) NFTA Capital Expenditure Reports, 3rd Quarter

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

FROM ECCSAB MEMBER

Item 65 – (COMM. 5M-3) EC Corrections Specialist Advisory Board Resignation

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE PRESIDENT & CEO OF VBN & BCC

Item 66 – (COMM. 5M-4) VBN & BCC Operating Budgets & Business Plans

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM ACCESS WNY

Item 67 – (COMM. 5M-5) Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM COMMUNITY ORGANIZATIONS

Item 68 – (COMM. 5M-6) Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BOARD OF HEALTH CHAIRMAN

Item 69 – (COMM. 5M-7) Proposed EC Sanitary Code

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 70 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, March 14, 2024, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, March 21, 2024.

MEMORIAL RESOLUTIONS

Item 71 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Carolyn S. Sisti-Wojnar, and Catherine Boling.

Item 72 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Karen A. Ricotta, and Daniel Gernatt III.

Item 73 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Jeremy J. Musial.

ADJOURNMENT

Item 74 – 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 21, 2024 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, March 21, 2024 at 12:00 Noon.

OLIVIA M. OWENS
CLERK OF THE LEGISLATURE