

ERIE COUNTY LEGISLATURE
MEETING NO. 10
MAY 23, 2024

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Bargnesi.

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 9 from 2024. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

VINAL Acknowledging and Honoring Sisters of St. Francis - Erie County Citizen of the Month (May 2024)

BASKIN In Remembrance of Julian Patterson-Glasgow

BASKIN Recognizing Apraxia Awareness Day
& GILMOUR

GILMOUR In Remembrance of Tommy Cowan

VINAL Recognizing The Chinese Club of Western New York "Mothers Day Event"

BASKIN Acknowledging Henri Star Muhammad and Congratulating Muhammads School of Music - 25 Years of Music Excellence

BASKIN Recognizing and Honoring Adrian Kubicki

GREENE Recognizing and Honoring Officer Breanna LiCastro on Receiving the Erie County Stop DWI

- GREENE Honoring Michael L. Turpin and Thanking Him for His Service
- GREENE Honoring Thomas A. Sweeney and Thanking Him for His Service
- GREENE Honoring Angelo J. Sorci and Thanking Him for His Service
- GREENE Honoring H. William Pollack II and Thanking Him for His Service
- GREENE Honoring James P. Misner and Thanking Him for His Service
- GREENE Honoring Russel J. Gibson, Jr. and Thanking Him for His Service
- GREENE Honoring Russel J. Gibson, Sr. and Thanking Him for His Service
- GREENE Honoring James B. Ebersole and Thanking Him for His Service
- GREENE Honoring Raymond R. Ebersole and Thanking Him for His Service
- GREENE Honoring Dean C. Decker and Thanking Him for His Service
- GREENE Honoring Samuel J. Dale and Thanking Him for His Service
- GREENE Honoring Laverne R. Corbett and Thanking Him for His Service
- GREENE Honoring Robert C. Miller and Thanking Him for His Service
- LORIGO Recognizing the West Seneca Police Department for Law Enforcement Appreciation Month
- LORIGO Recognizing the Springville Police Department for Law Enforcement Appreciation Month
- LORIGO Recognizing the East Aurora Police Department for Law Enforcement Appreciation Month
- LORIGO Recognizing FISH of East Aurora Food Pantry for 50 Years of Service to the Western New York Community
- LORIGO Honoring Pfc. Bartholomew C. Loschiavo in Memory of His Sacrifice in World War II
- MILLS Celebrating the Grand Opening of New York Beer Project's Beer Lodge
- MILLS Honoring the Legacy of Deputy Highway Superintendent Ernest S. Matthews
- MILLS Honoring Gary E. Wentland for His Service to the Community

TODARO Honoring the 150th Anniversary of Marilla's Memorial Day Parade

TODARO Celebrating the 75th Anniversary of the Marilla Veterans Club

TODARO Recognizing the 80th Anniversary of the Polish Congress of WNY

JOHNSON Recognizing Fostering Greatness and Partnership for the Public Good National Foster
& BASKIN Care Alumni Awareness Month

MR. MEYERS moved for consideration of the above thirty-three items. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 6 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2024 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 7 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2024 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 4 (Print #1) 2024 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

May 16, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.

1. COMM. 9E-8 (2024)
COUNTY EXECUTIVE

WHEREAS, the safety and security of patrons who visit the Library and the staff who work there is an absolute priority. Keeping the Library's levels of security up-to-date is critical to patron/staff welfare and the operation of the entire facility; and

WHEREAS, Replacement of the doors is required not only because of their age and physical condition, but also for the ability of the doors to work properly with the lockdown system in which the doors will automatically lock when the designated buttons are pressed; and

WHEREAS, completion of the Project will ensure the library keep any exterior threats at bay while securing patrons and staff inside the building; and

WHEREAS, the County of Erie received General Construction and Electrical Construction bids for the Buffalo and Erie County Central Library Emergency Egress and Systems Renovations project on February 29, 2024; and

WHEREAS, the Department of Public Works along with its consultant, Trautman Associates, are recommending award of the contracts to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contracts with the lowest responsible bidders Resetaris Construction Corporation for General Construction Work and Goodwin Electric Corporation for Electrical Construction Work in an amount not to exceed \$1,542,000 as follows:

<u>General Construction Work</u>		
Resetarits Construction Corp.	Base Bid:	\$ 628,000
	Alt Bid G-01	37,700
	Alt Bid G-02	26,400
	Alt Bid G-03	\$ 37,900
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Total Award of General Construction Contract:		\$730,000

<u>Electrical Construction Work</u>		
Goodwin Electric Corp.	Base Bid:	\$632,000
	Alt Bid E-01	110,000
	Alt Bid E-02	70,000
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Total Award of Electrical Construction Contract:		\$812,000

and be it further

RESOLVED, that authorization is hereby given for the sum of \$150,000 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 will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that sufficient funding exists for the total construction award and construction contingency fund in various capital projects and library state grant:

F.19001 - Buffalo Erie County Public Library exterior building envelope and site improvements	\$ 224,512.59
F.21101 - Buffalo and Erie County Public Library various improvements and upgrades	\$ 272,299.00
F.23050 - Buffalo and Erie County Public Library various improvements and upgrades	\$ 325,980.41
A.22007 - Buffalo and Erie County Public Library various improvements and upgrades	\$ 223,715.00
Grant 420 NYS Construction CTR 2325	\$ 645,493.00
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Total	\$1,692,000.00

and be it further

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

(4-0)

2. COMM.9E-9 (2024)
COUNTY EXECUTIVE

WHEREAS, the condition of the Central Library’s Loading Dock has begun to deteriorate to the point that there are multiple areas of cracking and crumbling concrete. The trench drain that runs the length of the dock has partially collapsed, with several grates that cover the drain no longer in place; and

WHEREAS, replacing the loading dock surface, diamond plated steel covers, and the trench drain will avoid more costly repairs in the future; and

WHEREAS, completion of the Project will ensure the library will be able to use their vehicles to properly service all locations and minimize hazards from driving on broken surfaces; and

WHEREAS, the County of Erie received General Construction bids for the Buffalo and Erie County Central Library Loading Dock Improvements Project on February 27, 2024; and

WHEREAS, the Department of Public Works along with its consultant, Trautman Associates, are recommending award of the contracts to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with the lowest responsible bidder, Millennium Construction Inc., for general construction work in an amount not to exceed \$139,000; and be it further

RESOLVED, that authorization is hereby given for a sum of \$13,900 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 will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that sufficient funds of \$152,900 are available for the project and contingency within Fund 490, Funds Center 122 Capital Project F.23050 – Buffalo & Erie County Public Library – Various Improvements and Upgrades; and be it further

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

(4-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

May 16, 2024	PUBLIC SAFETY COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.

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

a. COMM. 9M-1 (2024)
BOARD MEMBER: "Resignation Letter from ECCSAB"
(Chair's Ruling)

2. COMM. 9E-7 (2024)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$2,910,255 to the County for the provision of indigent defense services, and

WHEREAS, the Erie County Legislature previously authorized the County Executive to enter into agreements related to his grant under COMM. 3E-13(2022); and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend this grant award for an additional one-year term; and

WHEREAS, Erie County will also extend the respective contracts with the Erie County Bar Association's Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a one-year extension to the contract with the State of New York Office of Indigent Legal Services, referred to as Distribution Number 11 (and previously approved under COMM. 3E-13(2022)) for a term from January 1, 2024 to December 31, 2025; and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to enter into a one-year extensions to the subcontracts with the Erie County Bar Association Aid to Indigent Prisoners Society and the Legal Aid Bureau of Buffalo to deliver said services required under the grant; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, Comptroller's Office, Department of Law and Division of Budget and Management.
(4-0)

3. COMM. 9E-17 (2024)
SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$125,000.00 to the Erie County Sheriff's Office in funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, authorization is required from the Erie County Legislature for the County

Executive to enter into contract and accept \$125,000.00 in federal resources to provide funds for specialized training and equipment to protect the residents of Erie County and the State of New York from terrorist attacks involving explosive devices; and

WHEREAS, at the time of the grant application the Erie County Sheriff’s Office must submit a specific list of training modules and the NYSDHSES approved consultants; and

WHEREAS, the NYSDHSES must approve the training vendors prior to the award of the grant; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Division of Homeland Security and Emergency Services to accept grant funding in the amount of \$125,000.00 for FY22 for the Erie County Sheriff’s Office; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY22 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff’s Office
FY 2022 Bomb Squad Grant
April 1, 2024 to August 31, 2025

<u>REVENUE</u>	<u>Increase</u>
Account 414000 – Federal Revenue	\$ 125,000.00
TOTAL REVENUE	<u>\$ 125,000.00</u>

<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 561410 - Lab & Technical Equipment	<u>\$ 125,000.00</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State and Federal approved funding levels: and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this resolution; 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.

(4-0)

4. COMM. 9E-18 (2024)
SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$150,000.00 to the Erie County Sheriff's Office in funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$150,000.00 in federal resources to provide funds for specialized training and equipment to protect the residents of Erie County and the State of New York from terrorist attacks involving explosive devices; and

WHEREAS, at the time of the grant application the Erie County Sheriff's Office must submit a specific list of training modules and the NYSDHSES approved consultants; and

WHEREAS, the NYSDHSES must approve the training vendors prior to the award of the grant; and

WHEREAS, the NYSDHSES approved training and vendors for this grant are as follows:

Disablement Technologies Consulting (DTC)-Advanced Disrupter Concepts
Event Horizon Pyrotechnics Ltd- Home-made Explosives Training;

and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Division of Homeland Security and Emergency Services to accept grant funding in the amount of \$150,000.00 for FY21 for the Erie County Sheriff's Office; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY21 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff's Office
FY 2021 Bomb Squad Grant
April 1, 2024 to August 31, 2025

<u>REVENUE</u>	<u>Increase</u>
Account 414000 – Federal Revenue	<u>\$ 150,000.00</u>
TOTAL REVENUE	<u>\$ 150,000.00</u>

<u>APPROPRIATIONS</u>	<u>Increase</u>
Account 561410 Lab & Technical Equipment	<u>\$ 70,000.00</u>

Account 510200	Training and Education	<u>\$ 70,000.00</u>
Account 510100	Out of Area Travel	<u>\$ 10,000.00</u>

and be it further

RESOLVED, that the Erie County Sheriff's Office and Erie County Purchasing Department are hereby authorized to execute purchasing with New York State Division of Homeland Security and Emergency Services approved training and vendor, Disablement Technologies Consulting (DTC) and Event Horizon Pyrotechnics Ltd.; and be it further

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

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this resolution; 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.

(4-0)

5. COMM. 9E-19 (2024)
SHERIFF

WHEREAS, the US Department of Homeland Security through the NYS Division of Homeland Security and Emergency Services has awarded \$60,000.00 to the Erie County Sheriff's Office in funding specifically allocated to agencies with Explosive Detection Canine Units; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contract and accept \$60,000.00 in federal resources to provide funds for specialized training and equipment to protect the residents of Erie County and the State of New York from terrorist attacks involving explosive devices; and

WHEREAS, at the time of the grant application the Erie County Sheriff's Office must submit a specific list of training modules and the NYSDHSES approved consultants; and

WHEREAS, the NYSDHSES must approve the training vendors prior to the award of the grant; and

WHEREAS, the NYSDHSES approved training and vendors for this grant are as follows:

D-Co, Leaders and Training;

and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff’s Office and Erie County Purchasing Department are hereby authorized to execute purchasing with New York State Division of Homeland Security and Emergency Services approved vendor, D-CO, Leaders and Training LLC, 26 Pinecrest Plaza, Southern Pines, NC for training not to exceed \$30,000; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding for FY21 in the Grant Fund 281 and budget those funds as follows:

Erie County Sheriff’s Office
FY 2021 Explosive Detection Canine Grant
April 1, 2024 to August 31, 2025

<u>REVENUE</u>	<u>Increase</u>
Account 414000 – Federal Revenue	<u>\$ 60,000.00</u>
TOTAL REVENUE	<u>\$ 60,000.00</u>
 <u>APPROPRIATIONS</u>	 <u>Increase</u>
Account 561410 Lab & Technical Equipment	<u>\$ 6,500.00</u>
Account 510200 Training and Education	<u>\$ 30,000.00</u>
Account 505200 Clothing Supplies	<u>\$ 2,000.00</u>
Account 530000 Other Expenses	<u>\$21,500.00</u>
TOTAL APPROPRIATIONS	<u>\$ 60,000.00</u>

and be it further

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

RESOLVED, the Director of Budget and Management is authorized to make any technical changes to effectuate the implementation of this resolution; 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.

(4-0)

6. COMM. 9E-20 (2024)
SHERIFF

WHEREAS, the New York State Division of Homeland Security and Emergency Services (DHSES) has awarded to the Erie County Sheriff’s Office \$75,000 in funding, which is specifically allocated to agencies with SWAT Teams; and

WHEREAS, these funds will allow the Erie County Sheriff’s Office to maintain a professionally trained and equipped SWAT Team to support the Sheriff’s efforts in counter-terrorism and domestic violent extremism missions; and

WHEREAS, the proposed training and equipment will aid in maintaining New York State Division of Criminal Justice Services SWAT Team Standards; and

WHEREAS, the Erie County Sheriff's Office SWAT Team has achieved the highest possible FEMA rating and is routinely called by area law enforcement agencies to assist in high-risk and volatile situations such as barricaded gunmen, hostage rescue, active shooter, high-risk apprehension and technical rescue incidents; and

WHEREAS, at the time of the grant application, the Erie County Sheriff's Office must submit a specific list of training modules to DHSES-approved consultants; and

WHEREAS, DHSES must approve the training vendors before awarding the grant; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a contract and accept \$75,000 in federal resources to provide funds for equipment and training to protect the residents of Erie County and New York State from terrorism, domestic violent extremism and other events requiring a highly training and operationally proficient SWAT team; and

WHEREAS, there will be no impact on the county budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Executive and Erie County Sheriff's Office to enter into a contract with the New York State Division of Homeland Security and Emergency Services to receive \$75,000 in grant funding for the Erie County Sheriff's Office; and be it further

RESOLVED, that authorization is provided to the Division of Budget and Management to establish funding in the Grant Fund 281 as follows:

Erie County Sheriff's Office
FY2021 Tactical Team Targeted Grant

REVENUE	INCREASE
414000 – Federal Revenue	<u>75,000</u>
TOTAL REVENUE	75,000
APPROPRIATIONS	INCREASE
561410 – Lab & Technical Equipment	55,250
510200 – Training & Education	<u>19,750</u>
TOTAL APPROPRIATIONS	75,000

and be it further

RESOLVED, that the Erie County Sheriff's Office and Erie County Purchasing Department are hereby authorized to execute purchasing with New York State Division of Homeland Security and Emergency Services approved vendor, D-CO, Leaders and Training LLC, 26 Pinecrest Plaza, Southern Pines, NC for training not to exceed \$19,750; and be it further

RESOLVED, that the Director of Budget and Management is authorized to adjust grant appropriations and revenues in accordance with the final grantor funding levels or grantor-authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this resolution; 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 Management, the Purchasing Department and the Erie County Sheriff's Office for implementation.
(4-0)

HOWARD J. JOHNSON, JR.
CHAIR

Item 11 – MR. MEYERS presented the following report and moved to separate item Nos. 2 & 3, and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to approve Item No. 2. 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, MR. MILLS and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

MR. MEYERS moved to approve Item No. 3. MR. GILMOUR seconded. CHAIR BASKIN directed that a roll call vote be taken.

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

CARRIED.

RESOLUTION NO. 89

May 16, 2024	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9E-10 (2024)
COUNTY EXECUTIVE: “ECSD No. 6 – Engineer Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 9E-11 (2024)
COUNTY EXECUTIVE: “ECSD Nos. 1, 4, & 5 – Construction Inspection Term Contract Agreement”
(Chair’s Ruling)
 - c. COMM. 9M-2 (2024)
NYS DEC: “Brownfield Cleanup Program Application Notification”
(Chair’s Ruling)
 - d. COMM. 9M-4 (2024)
ECIDA: “ECIDA 2023 Annual Audited Financial Statements”
(Chair’s Ruling)

2. COMM. 7E-16 (2024) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, trees in neighborhoods, business districts, and recreational areas provide numerous benefits, including reducing climate pollution, improving air quality, providing shade and mitigating heat island impacts, absorbing stormwater, increasing property values, and providing other social, health, and environmental benefits; and

WHEREAS, in 2022, Erie County completed a Climate Vulnerability Assessment that identified extreme heat and flooding as climate threats disproportionately impacting disadvantaged communities; and

WHEREAS, earlier this year the Erie County Legislature adopted the Erie County Community Climate Action Plan that recommends prioritizing community forestry programs to increase tree canopy and the benefits of trees in disadvantaged communities in January 2024 (COMM 2E-19); and

WHEREAS, Erie County has been awarded a \$5,218,834 grant from the United States Department of Agriculture (USDA) to develop a county-wide Community Forest Management Plan; develop a tree nursery led by the Department of Parks, Recreation and Forestry (Parks) in partnership with the Sheriff’s Office on County property, providing workforce development

opportunity to incarcerated individuals at the Erie County Correctional Facility as well as free and low-cost trees to municipalities and community organizations; develop several nurseries, orchards, and tree planting projects in disadvantaged communities; and conduct community outreach, education, and workforce development activities including certificate courses at SUNY Erie Community College; and

WHEREAS, the USDA award specifies five sub-awardees who are necessary to perform the project tasks: Buffalo Freedom Gardens, Inc., Cornell Cooperative Extension of Erie County, Monarch of Infinite Possibilities, LLC, the Town of Tonawanda, and the BRRAlliance, Inc. (also known as the Black Rock Riverside Alliance); and

WHEREAS, to proceed with the project it is necessary to execute a contract with the USDA, adopt new grant budgets for the project within DEP, Parks and the Sheriff's Office, create four positions within the new grant budgets, transfer one position to the new DEP grant budget, and amend an existing grant budget in Parks; and

WHEREAS, sufficient funding exists within DEP's 2024 General Fund Budget (Fund 110, Funds Center 16200) Account 559000 – County Share – Grants to cover 2024 local share needs with future allocations to be included in subsequent budgets.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with the USDA in order to accept \$5,218,834 for the "Community Forestry Partnership Project" to be made available as a multi-year grant between the Department of Environment and Planning (Fund 281, Funds Center 1620020) and Department of Parks, Recreation, and Forestry (Fund 281, Funds Center 1641010) as follows:

Department of Environment and Planning
Community Forestry Partnership Project
162CTCEPP2429
April 1, 2024 - March 31, 2029

<u>ACCOUNT</u>	<u>REVENUES</u>	<u>BUDGET</u>
414000	Federal Aid Revenues	\$4,031,581
479000	County Share Contribution	<u>\$ 896,855</u>
	TOTAL	<u>\$4,928,436</u>

<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>BUDGET</u>
500000	Full Time - Salaries	\$ 587,259
500020	Regular PT – Wages	300,492
502000	Fringe Benefits	443,878
510100	Out of Area Travel	7,078
510200	Training and Education	6,000
516020	Professional Service Contracts and Fees	2,907,716

911600	ID Jail Management Services	779,069
916290	ID Environment and Planning Grant Services	<u>\$(103,056)</u>
	TOTAL	<u>\$4,928,436</u>

Department of Parks, Recreation, and Forestry
 Community Forestry Partnership Project
 164CTCEPP2429
 April 1, 2024 - March 31, 2029

<u>ACCOUNT</u>	<u>REVENUES</u>	<u>BUDGET</u>
414000	Federal Aid Revenues	<u>\$1,187,253</u>
	TOTAL	<u>\$1,187,253</u>

<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>BUDGET</u>
500000	Full Time - Salaries	\$ 896,693
502000	Fringe Benefits	448,352
505800	Medical & Health Supplies	2,770
506200	Maintenance & Repair	54,200
505400	Food & Kitchen Supplies	4,500
516020	Professional Service Contracts & Fees	25,000
545000	Rental Charges	20,000
916490	ID Parks Grant Services	<u>\$(264,262)</u>
	TOTAL	<u>\$1,187,253</u>

and be it further

RESOLVED, that authorization is given to amend the Sheriff's Office's Division of Jail Management 2024 General Fund Budget (Fund 110, Funds Center 116) as follows:

Division of Jail Management
 Fund 110, Funds Center 116

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
500000	Full Time Salaries	\$ 60,934
502000	Fringe Benefits	30,467
911600	ID Jail Management Services	<u>\$(91,401)</u>
	TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, that authorization is hereby given to create one (1) full-time Principal Environmental Compliance Specialist, Job Group 14, CSEA (B-100 #14171); and be it further

RESOLVED, that authorization is hereby given to create one (1) regular part-time Junior Environmental Compliance Specialist, Job Group 7, CSEA (B-100 #14172) retroactive to April 1, 2024; and be it further

RESOLVED, that authorization is hereby given to create one (1) full-time Senior Environmental Compliance Specialist, Job Group 12, CSEA (B-100 #14321) retroactive to April 1, 2024; and be it further

RESOLVED, that authorization is hereby given to create one (1) full-time Parks Maintenance Worker II, Job Group 5, AFSCME (B-100 #14154); and be it further

RESOLVED, that authorization is hereby given to create one (1) full-time Parks Maintenance Worker I, Job Group 3, AFSCME (B-100 #14155); and be it further

RESOLVED, that authorization is hereby given to create one (1) full-time Corrections Officer, Job Group 11, CSEA-Corrections (B-100 #14128); and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to enter into contract, waiving the procedures in Section 26.08 of the Erie County Administrative Code with the following grant sub-awardees specified by USDA for the duration of the grant period:

- Buffalo Freedom Gardens, Inc. in an amount not to exceed \$422,984;
- Cornell Cooperative Extension of Erie County in an amount not to exceed \$1,005,252;
- Monarch of Infinite Possibilities, LLC in an amount not to exceed \$250,000;
- Town of Tonawanda in an amount not to exceed \$151,784; and
- BRRAlliance, Inc. in an amount not to exceed \$621,775;

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust grant revenues, appropriations and interdepartmental billing amounts allowed by the grantor provided there are no changes to authorized personnel levels; and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to amend contracts as necessary to implement any no-cost extensions that may be permitted by the grantor; and be it further

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

(5-0)

3. COMM. 9E-4 (2024)
COUNTY EXECUTIVE

WHEREAS, President Franklin Roosevelt enacted the New Deal which included many programs to list the United States out of the Great Depression; and

WHEREAS, one of the most popular programs of the New Deal was the Civilian Conservation Corps (CCC), a work relief program that employed citizens to work on environmental and conservation projects on federal lands; and

WHEREAS, Erie County has a Parks Master Plan for the long-term planning and sustainability of over 10,000 acres of park land; and

WHEREAS, Erie County has a Community Climate Action Plan for the long-term purpose of reducing pollution and make the community more resilient to climate change; and

WHEREAS, the County Executive and Deputy County Executive, in partnership with Parks, Social Services (DSS), and the Workforce Investment Board (WIB) is creating Erie Corps, a new program that focuses on vocational training for 18- to 22-year-old residents for environmental and conservation efforts for Erie County, inspired by the CCC; and

WHEREAS, funding is provided by DSS’s Summer Youth Employment and by the WIB to cover the costs of training that will ready the employees to take on entry level Parks, Recreation and Forestry jobs such as Park Attendant; and

WHEREAS, Erie Corps is a win-win that invests in Erie County residents and continues to the sustainability for our parks and long term climate resiliency goals.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to create fifteen (15) seasonal Park Attendant, positions, Job Group 33 AFSCME (B-100 #14213); and be it further

RESOLVED, sufficient funding exists in Fund 110, Funds Center 1206050, Account 516335 – Workforce Development Action; and be it further

RESOLVED, that authorization is hereby given for the Department of Social Service’s 2024 General Fund Budget (Fund 110, Funds Center 120) to be amended as follows:

Department of Social Services
Fund 110, Funds Center 120

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516335	Workforce Dev Action	(\$239,400)
916400	ID Parks Services	<u>239,400</u>
	TOTAL	<u>\$ 0</u>

RESOLVED, that authorization is hereby given for the Parks Department’s 2024 General Fund Budget (Fund 110, Funds Center 116410) to be amended as follows:

Department of Parks, Recreation, and Forestry
Fund 110, Funds Center 16410

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
500030	Seasonal – Wages	\$191,520
502000	Fringe Benefits	47,880
916400	ID Parks Services	<u>(239,400)</u>
	TOTAL	<u>\$ 0</u>

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

RESOLVED, that authorization is hereby given to the County Executive and Deputy County Executive to amend contracts as necessary to effectuate this resolution; and be it further

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

(5-0)

4. COMM. 9E-12 (2024)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 10E-22 (2022), Contract No. 72-A was awarded to Hohl Industrial Services, Inc. for General Construction and Contract No. 72-D was awarded to CIR Electrical Construction Corporation for Electrical Construction associated with the Southtowns Influent Pumps Replacement Project in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the acceptance of Contract No. 72-A between the County of Erie and Hohl Industrial Services, Inc. (770 Riverview Blvd, Tonawanda, NY 14150) in the final contract amount of \$2,959,187.95, which includes Change Order No. 2 (final), a decrease of \$140,812.05; and be it further

RESOLVED, that authorization is given to the Erie County Comptroller to make final payment for Contract No. 72-A, to Hohl Industrial Services, Inc. for a total contract amount of \$2,959,187.95; and be it further

RESOLVED, that authorization is hereby given to accept Contract No. 72-D between the County of Erie and CIR Electrical Construction Corp. (2517 Long Road, Grand Island, NY 14072) in the final contract amount of \$277,637.07; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 72-D, to CIR Electrical Construction Corp. for a total contract amount of \$277,637.07; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management.
(5-0)

5. COMM. 9E-13 (2024)
COUNTY EXECUTIVE

WHEREAS, the Town of Cheektowaga desires to lease portions of the property that surrounds the Erie County Sewer District No. 1 Overflow Retention Facility (ORF) on Cayuga Creek Road for passive recreation and open space preservation; and

WHEREAS, the Erie County Sewer District No. 1 property of approximately 55 acres has been leased by the Town of Cheektowaga since 1995; and

WHEREAS, Erie County Sewer District No. 1 is agreeable to renewal of the lease.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes a five-year lease with a five year renewal clause is approved for properties known as SBL Nos. 113.19-2-7, 113.10-2-8, 113.19-2-9, 113.19-2-12, 113.19-2-13.2 and 124.00-5-29, reserving land needed for the ORF, appurtenant sewer lines, utility lines, and sewer outfall lines, and possible future ORF expansion; and be it further

RESOLVED, such land shall be leased to the Town of Cheektowaga for an annual rent of \$500.00 plus the cost of any special assessments on the demised parcels; and be it further

RESOLVED, that authorization is hereby given to the County Executive and Deputy County Executive to sign such Lease Agreement, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to the Office of the County Executive, the Cheektowaga Town Board, the Office of the Comptroller, the Department of Law, and the Division of Sewerage Management.
(5-0)

6. COMM. 9E-14 (2024) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has concluded that reorganization of staffing is necessary and beneficial for the important public services provided; and

WHEREAS, the Division of Sewerage Management has determined that the aforementioned reorganization will improve the efficiency of its operations in a cost-effective manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) Senior Sanitary Engineer, Job Group 15, CSEA (B-100 #14237); and be it further

RESOLVED, that authorization is hereby given for the creation of one (1) Administrative Coordinator-DSM, Job Group 11, CSEA (B-100 #14239); and be it further

RESOLVED, that authorization is hereby given for the creation of three (3) Junior Sanitary Engineers, Job Group 10, CSEA (B-100 #14240); and be it further

RESOLVED, that sufficient savings will be achieved through the deletion of the seven (7) noted positions to cover the costs these new positions within the Division of Sewerage Management's 2024 Adopted Budget (Fund 220, Funds Center 18010); and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management, Department of Personnel, and Department of Environment and Planning to make the necessary budgetary and personnel adjustments to effectuate this resolution; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the Office of the County Executive, the Division of Budget and Management, the Department of Personnel, the Office of the Comptroller, and the Division of Sewerage Management.

(5-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

May 16, 2024	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GILMOUR.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9E-1 (2023)
COMPTROLLER: "Department of Law Risk Retention Fund Spending – March 2024"

(Chair's Ruling)

- b. COMM. 9E-2 (2023)
COMPTROLLER: "Department of Law Risk Retention Fund Spending – February 2024"
(Chair's Ruling)
- c. COMM. 9E-6 (2023)
COMPTROLLER: "EC Interim Financial Report – First Quarter 2024"
(Chair's Ruling)

TIMOTHY J. MEYERS
CHAIR

LEGISLATOR RESOLUTIONS

There were none.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 13 – MR. MEYERS moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of INTRO. 9-6 (2024). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

MS. LORIGO made a motion to amend the item. MR. TODARO seconded.

CHAIR BASKIN directed that a roll call vote be taken on the motion to amend.

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

FAILED.

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

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

AYES: MR. MILLS, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MS. LORIGO, and MR. TODARO. (AYES: 8; NOES: 3)

CARRIED.

RESOLUTION NO. 91

RE: Compelling the Department of Law to Engage
in Contract for an External Audit of the Erie
County Clerk's Office
(INTRO. 9-6, 2024)

WHEREAS, the Erie County Comptroller issued two audits of the Erie County Clerk's Office on June 30, 2024 and February 5, 2024 along with one analysis on August 24, 2023 which identified both large sums of missing cash and a stolen check; and

WHEREAS, this Honorable Body passed INTRO 5-4 (2024) on March 7, 2024 entitled "Call For an External Forensic Audit of the County Clerk's Office" directing the Clerk to issue a request for proposals ("RFP") for such an audit with multiple goals including identifying best practices while consulting the Erie County Comptroller's Office for guidance; and

WHEREAS, the Erie County Comptroller's work product and subsequent referral to the Erie County District Attorney and Office of the State Comptroller lead to the arrest of Alexander McDougall, the former First Deputy Clerk for Finance, with a Class C felony charge of Grand Larceny in the Second Degree; and

WHEREAS, to date, there has been no subsequent action on the RFP process from the Erie County Clerk's Office nor consultation with the Division of Purchase nor the Erie County Comptroller's Office nor the Division of Budget and Management.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby directs the Erie County Department of Law to enter into contract with an outside auditing firm for the purpose of conducting an external forensic audit of the Erie County Clerk's Office, including both the Registrar and Auto Bureau Divisions, to the extent deemed practical by the auditor; and be it further

RESOLVED, that authorization is hereby given to the Division of Budget and Management to the to transfer necessary funding to the Department of Law's 2024 General Fund Budget (Fund 110, Funds Center 16010) Account 516020 – Professional Services, Contracts & Fees for such an engagement; and be it further

RESOLVED, that the Department of Law is advised to consult and work with the Erie County Comptroller's Office in verifying requirements of and assisting the outside auditor to ensure expediency and non-duplication of work; and be it further

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

SUSPENSION OF THE RULES

There were none.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE SHERIFF

Item 14 – (COMM. 10E-1) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE MINORITY CAUCUS

Item 15 – (COMM. 10E-2) Committee Discussion Request

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MILLS

Item 16 – (COMM. 10E-3) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR LORIGO

Item 17 – (COMM. 10E-4) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR GILMOUR

Item 18 – (COMM. 10E-5) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR TODARO

Item 19 – (COMM. 10E-6) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MEYERS

Item 20 – (COMM. 10E-7) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR GREENE

Item 21 – (COMM. 10E-8) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR VINAL

Item 22 – (COMM. 10E-9) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR BARGNESI

Item 23 – (COMM. 10E-10) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR KOOSHOIAN

Item 24 – (COMM. 10E-11) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR BASKIN

Item 25 – (COMM. 10E-12) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR JOHNSON

Item 26 – (COMM. 10E-13) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF

Item 27 – (COMM. 10E-14) Appointment to the ECCSAB

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 28 – (COMM. 10E-15) Bridge Replacement of Goodrich Rd. & Contract for Engineering Design Services - Town of Clarence

Item 29 – (COMM. 10E-16) Bridge NY Culvert Project Agreements with NYSDOT

Item 30 – (COMM. 10E-17) Re-Appropriation of Unexpended ARPA Funds for Wendt Beach Park Sewer Line Replacement Project

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

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 10E-18) EC Correctional Facilities - UPS Replacement Project - Construction Award

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 10E-19) EC - On-Call Special Inspections and Tests

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 33 – (COMM. 10E-20) ECSD No. 6 - Pumping Station Grit Collection System Replacement Bid Opening

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 34 – (COMM. 10E-21) ECSD No. 3 - Construction Inspection Term Contract Agreement

Item 35 – (COMM. 10E-22) ECSD No. 3 - Engineering Term Contract Agreement for Labella Associates

Item 36 – (COMM. 10E-23) NYS Office of Parks, Recreation & Historic Preservation Recreational Trails Program Award

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

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 10E-24) Contract with The Harrison Studio for Preparation of the 2025-2029 Five-Year Consolidated Plan for the ECCDBG

Item 38 – (COMM. 10E-25) Analysis of Impediments to Fair Housing Choice Agreements

Item 39 – (COMM. 10E-26) Acceptance of SHINE Grant Funding

Item 40 – (COMM. 10E-27) Women and Work Study in Erie County

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

FROM LEGISLATOR GREENE

Item 41 – (COMM. 10E-28) Request for a Legal Opinion

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 10E-29) Appointments to EC Environmental Management Council

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 43 – (COMM. 10E-30) Erie County Code of Ethics - Section 5(c) Reporting Requirement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 44– (COMM. 10D-1) Capital Projects Update - May 2024

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 45 – (COMM. 10D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 46 – (COMM. 10D-3) Opinion as to Form Local Law Intro No. 4-1 (2024)

Received and filed.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 47 – (COMM. 10D-4) March 2024 Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

Item 48 – From the County Attorney, (COMM. 10D-5) Opinion as to Form Local Law Intro. No. 4-1 2024

May 21, 2024

Via Email Only

Hon. April N.M. Baskin, Chairwoman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Opinion as to Form Local Law Intro No 4-1 2024

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 4-1 2024 (4-1).

Preemption

Under New York state law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

Here, 4-1 does not present any direct conflicts with state statute and since the State Legislature has not taken specific action to assume sole regulatory authority on this topic, 4-1 does not present a preemption issue of concern.

Grammar

The stated purpose of 4-1 is to authorize the Erie County Legislature to extend the County's current imposition of the state authorized 1% and 0.75% sales and compensating use tax by majority vote. We find the grammar and usage of 4-1 to be sufficient in order to achieve the stated purpose.

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 4-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 4-1 2024 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE EC BOARD OF HEALTH CHAIRMAN

Item 49 – (COMM. 10M-1) EC Board of Health - Notice of Public Hearing

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE ECWA

Item 50 – (COMM. 10M-2) 2023 Annual Water Quality Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE VBN & BCC PRESIDENT AND CEO

Item 51 – (COMM. 10M-3) VBN & Buffalo Convention Center - 2024 First Quarter Reports

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 52 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, May 30, 2024, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, June 6, 2024.

MEMORIAL RESOLUTIONS

Item 53 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Rosemary A. Krieger.

ADJOURNMENT

Item 54 – 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, June 6, 2024 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, June 6, 2024 at 12:00 Noon.

OLIVIA M. OWENS
CLERK OF THE LEGISLATURE