

ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 21, 2024

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Ms. Lorigo.

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 5 from 2024. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

VINAL	Remembering Joan K. Bozer - Former Erie County Legislator
LORIGO	Celebrating the 150th Anniversary of the Village of East Aurora
LORIGO	Recognizing March 2024 as “National Music in Our Schools Month”
LORIGO	Recognizing March 2024 as “National Reading Month”
MILLS	Celebrating 70 Years of Chiavetta’s Chicken Barbeque
MILLS	Congratulating the North Collins Volunteer Fire Company Inc. on Its 135th Anniversary
MILLS	Celebrating Wayland Brewing Company on National Beer Day
MEYERS	Acknowledging and Recognizing Cleveland Hill School Fire Memorial Day

TODARO	Congratulating the Depew Lady Wildcats Bowling Team on Winning the New York State Bowling Championship
TODARO	Congratulating Jerome Miller on His Retirement from the Depew Police Department
TODARO	Congratulating the St. Mary’s Lancers on Winning the NYS Catholic High School Division A Basketball Championship
GREENE	Recognizing the Amherst Public Library During National Library Week
GREENE	Recognizing Shaloby Loofer Brewing on National Beer Day
GREENE	Recognizing the Clarence Public Library During National Library Week
GREENE	Recognizing the Akron Public Library During National Library Week
KOOSHOIAN	Honoring the Kenmore Village Improvement Society, Citizen of the Month – March 2024
MAJORITY CAUCUS	Honoring and Recognizing John J. Flynn - Erie County District Attorney
MAJORITY CAUCUS	Honoring and Recognizing Love Your Library Month
MAJORITY CAUCUS	Celebrating and Honoring National Certified Nurses Day

MR. MEYERS moved for consideration of the above nineteen items. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above nineteen items by including Et Al Sponsorship. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above nineteen 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. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

March 14, 2024	PUBLIC SAFETY COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 5M-3 (2024)
ECCSAB MEMBER: “EC Corrections Specialist Advisory Board Resignation”
(Chair’s Ruling)
2. COMM. 5E-33 (2024)
COUNTY EXECUTIVE
WHEREAS, as a requirement of the HALT Act, the Sheriff’s Office needs to provide out-of-cell trauma; and

WHEREAS, the Erie County Department of Probation has identified a need to delete its existing Cashier position (JG-6) and add a Senior Cashier position (JG-7); and

WHEREAS, the Probation Section of the Erie Unit of CSEA Local 815 has advocated for the existing employee to be moved to the Senior Cashier job title due to the incumbent's regular engagement in out-of-title work and filed a grievance for her to be paid at the Senior Cashier rate; and

WHEREAS, the Personnel Department, in response to a grievance, reviewed the responsibilities of the Cashier and concluded that the current incumbent of the Cashier position performs duties and responsibilities aligning more closely with those of a Senior Cashier; and

WHEREAS, the deletion of the Cashier position and the addition of the Senior Cashier would result in an increase in the hourly rate from \$27.287 (JG-6, Step B) to \$29.549 (JG-7, Step B), with sufficient budgetary provisions within the Probation Department to accommodate this increase; and

WHEREAS, the complexities and responsibilities associated with the Cashier position within the Erie County Department of Probation have increased, justifying the need for a change to the Senior Cashier job title to better reflect the scope of work and responsibilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the deletion of one (1) full-time Cashier position (JG-6, Step B, CSEA) and the creation of one (1) Senior Cashier position (JG-7, Step B, CSEA) within the Erie County Department of Probation (B100 # 14129) effective March 23, 2024; and be it further

RESOLVED, that sufficient funding exists within the Department of Probation's 2024 Budget (Fund 110, Funds Center 126) to cover the cost increase of this personnel adjustment; and be it further

RESOLVED, the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Personnel and Department of Probation.
(4-0) Legislator Gilmour not present for vote.

3. COMM. 5E-34 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security & Emergency Services, through NYS Department of Homeland Security and Emergency Services, has agreed to provide funding for planning in emergency response; and

WHEREAS, the Department of Homeland Security and Emergency Services issued a Request for Proposal (RFP) on 10/05/2023 RFP #2023-053-VP; and

WHEREAS, the Olsen Group has been identified as an appropriate and competent provider of the requested planning; and

WHEREAS, funding is available in the HS167RCP/PPCOVID2023 Regional Catastrophic Preparedness Grant allocation to cover the costs incurred for this planning; and

WHEREAS, the vendor will be managed by the Erie County Department of Homeland Security & Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorizes the County Executive or Deputy County Executive to enter into contract with the Olsen Group in an amount not to exceed \$184,883 to conduct emergency response planning; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract already exist within HS167RCP/PP2023 Regional Catastrophic Preparedness grant, budget line 516020 Professional

Services Contracts and Fees; and be it further

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

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

4. COMM. 5E-40 (2024)
SHERIFF

WHEREAS, it is the mission of the Erie County Sheriffs Office to provide quality public safety services to our community by promoting a safe environment through police and citizen interaction, with an emphasis on integrity, fairness and professionalism; and

WHEREAS, The Erie County Sheriff's Office has entered into a 10-year lease for office space at 13 Centre Drive in the Town of Orchard Park; and

WHEREAS, the leased space will house the Erie County Sheriffs Office Administrative staff, Special Operations Unit and Investigative Unit; and

WHEREAS, The Erie County Sheriffs Office is in need of furniture and A/V equipment for said office space; and

WHEREAS, The ECSO's current balance in the Shared Revenue (ICE) Seized Asset account is \$596,091 as of March 4th, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and Division of Budget and Management to transfer \$300,000 in funding from the Shared Revenue (ICE) Seized Asset account as follows:

DECREASE	
421560 Shared Revenue (ICE) Seized Asset	<u>(\$300,000)</u>
TOTAL	(\$300,000)
INCREASE	
561410 Lab and Tech	\$25,000
561420 Furniture and Fixture	<u>\$275,000</u>
TOTAL	\$300,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with Prentice Office Environments, a vendor on the New York State OGS Bid List, for furniture; and be it further

RESOLVED, that the Division of Budget and Management and Erie County Sheriff's Office are authorized to transfer any unused funding returned to the Shared Revenue (ICE) Seized Asset account; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any technical adjustments necessary; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive's Office, the Erie County Division of Budget and Management, the Erie County Purchasing Department, the Office of the Comptroller and the Erie County Sheriff's Office.
(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

March 14, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5D-1 (2024)
COMMISSIONER OF PUBLIC WORKS: “Response to COMM. 4E-3 (2024) – Conner Road in Clarence”
(Chair’s Ruling)
 - b. COMM. 5M-1 (2024)
NFTA: “NFTA Capital Expenditure Reports, 2nd Quarter”
(Chair’s Ruling)
 - c. COMM. 5M-2 (2024)
NFTA: “NFTA Capital Expenditure Reports, 3rd Quarter”
(Chair’s Ruling)

2. COMM. 5E-10 (2024)
COUNTY EXECUTIVE

WHEREAS, 1603 Seneca Street consists of the extension of an existing PILOT Agreement in the City of Buffalo for 75 affordable rental units at 1603 Seneca Street, City of Buffalo, NY; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for SSSN Housing Development Fund Corporation, Seneca Street Special Needs, LP to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with SSSN Housing Development Fund Corporation, Seneca Street Special Needs, LP, and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

SCHEDULE A
PILOT Payments

Year	PILOT Year	Total	City	County
2023-2024	15	\$ 13,595	\$ 10,196	\$ 3,399
2024-2025	1	\$ 14,003	\$ 10,502	\$ 3,501
2024-2026	2	\$ 14,423	\$ 10,817	\$ 3,606
2024-2027	3	\$ 14,856	\$ 11,142	\$ 3,714
2024-2028	4	\$ 15,301	\$ 11,476	\$ 3,825
2024-2029	5	\$ 15,760	\$ 11,820	\$ 3,940
2024-2030	6	\$ 16,233	\$ 12,175	\$ 4,058

2024-2031	7	\$ 16,720	\$ 12,540	\$ 4,180
2024-2032	8	\$ 17,222	\$ 12,916	\$ 4,305
2024-2033	9	\$ 17,738	\$ 13,304	\$ 4,435
2024-2034	10	\$ 18,271	\$ 13,703	\$ 4,568
2024-2035	11	\$ 18,819	\$ 14,114	\$ 4,705
2024-2036	12	\$ 19,383	\$ 14,537	\$ 4,846
2024-2037	13	\$ 19,965	\$ 14,974	\$ 4,991
2024-2038	14	\$ 20,564	\$ 15,423	\$ 5,141
2024-2039	15	\$ 21,181	\$ 15,885	\$ 5,295

(5-0)

3. COMM.5E-11 (2024)
COUNTY EXECUTIVE

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

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

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a First Amendment to Agreement with the Erie County Industrial Development Agency to increase the original contract amount of \$700,000 by \$50,000 to a new total of \$750,000, for the purpose of completing the construction of utilities at the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the source of the additional funds shall be in SAP accounts A.19025 in the amount of \$50,000; and be it further

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

4. COMM. 5E-12 (2024)
COUNTY EXECUTIVE

WHEREAS, BestSelf Behavioral Health provides critical services to Erie County families and children suffering from trauma and abuse; and

WHEREAS, Erie County has the second-highest incidence of child abuse and neglect in New York State, with over 3,000 estimated cases of child abuse and neglect annually; and

WHEREAS, BestSelf seeks to relocate its Child Advocacy Center in order to better address the significant need; and

WHEREAS, BestSelf plans to relocate the Child Advocacy Center to 899 Main Street, Buffalo to better suit its operational needs; and

WHEREAS, the proposed facility will co-locate many of the trauma and abuse service agencies and organizations into one location; and

WHEREAS, Erie County wishes to fund a portion of the construction of the Child Advocacy Center; and

WHEREAS, BestSelf has agreed to provide space to Erie County Child Protective Services at no charge; and

WHEREAS, the County of Erie allocated \$1,000,000 for the construction of the Child Advocacy Center in the 2023 Capital Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contracts, easements, and agreements with BestSelf Behavioral Health in amounts not to exceed a total of \$1,000,000 for the purpose of constructing the Child Advocacy Center; and be it further

RESOLVED, that the source of these funds shall be \$1,000,000 available in the 2023 Erie County Capital Budget, A.23069; and be it further

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

5. COMM. 5E-19 (2024)
COUNTY EXECUTIVE

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d; and

WHEREAS, the 2024 Adopted County Budget contains available funds from the collection of Real Estate Transfer Tax for repair of roads, bridges, and equipment; and

WHEREAS, use of Road Repair Reserve funds is restricted to repair of roads and bridges in the County; and

WHEREAS, the Division of Budget and Management recommends the appropriation of \$4,000,000 in 2023 surplus Transfer Tax revenue in the Road Fund's Road Repair Reserve Fund to conduct important road work in 2024; and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing; and

WHEREAS, a public hearing was held on February 15, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the appropriation of \$4,000,000 in 2023 surplus Transfer Tax revenue into the 2024 Road Repair Reserve Fund (Fund 210, Funds Center 12330) and amend the Division of Highways' 2024 Road Fund Budget (Fund 210, Funds Center 1231010) as follows:

2024 Road Fund Budget – Road Repair Reserve
Fund 210, Funds Center 12330

REVENUES	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
402190 Appropriated Fund Balance		\$4,000,000	\$ 4,000,000
402600 Transfer Tax	<u>\$14,500,000</u>	<u>\$ 0</u>	<u>\$14,500,000</u>
Total Revenues	<u>\$14,500,000</u>	<u>\$4,000,000</u>	<u>\$18,500,000</u>

APPROPRIATIONS

912300 ID Highway Services	<u>\$14,500,000</u>	<u>\$4,000,000</u>	<u>\$18,500,000</u>
Total Appropriations	<u>\$14,500,000</u>	<u>\$4,000,000</u>	<u>\$18,500,000</u>
Net Change – Road Repair Reserve		\$ 0	

2024 Road Fund Budget – Division of Highways
Fund 210, Funds Center 1231010

APPROPRIATIONS	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
570000 Interfund Transfer Subsidy	\$11,650,000	\$4,000,000	\$15,650,000
912300 ID Highway Services	<u>(\$14,533,100)</u>	<u>(\$4,000,000)</u>	<u>(\$18,533,100)</u>
Total Appropriations	<u>(\$ 2,883,100)</u>	<u>\$ 0</u>	<u>(\$ 2,883,100)</u>
Net Change – Highways		\$ 0	

and be it further

RESOLVED, that authorization is hereby given for \$4,000,000 in funding within the Division of Highways’ 2024 Road Fund Budget (Fund 210, Funds Center 1231010) Account # 570000 – Interfund Transfer Subsidy be appropriated into Capital Project B.24050 – Capital Overlay Program Countywide as follows:

Capital Project B.24050
Capital Overlay Program Countywide
Fund 420, Funds Center 123

REVENUES	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
486000 Interfund Revenue Subsidy	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>
Total Revenues	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>
APPROPRIATIONS			
Capital Projects	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>
Total Appropriations	<u>\$10,000,000</u>	<u>\$4,000,000</u>	<u>\$14,000,000</u>

and be it further

RESOLVED, that the Clerk of the Legislature did publish a Notice of Public Hearing once in each of the official newspapers of the County, at least five days prior to the date of the Public Hearing and said hearing took place on February 15, 2024; and be it further

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

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

(5-0)

6. COMM. 5E-20 (2024)
COUNTY EXECUTIVE

WHEREAS, the County of Erie must comply with NYS Department of Environmental Conservation (DEC) and the US Environmental Protection Agency (EPA) regulations; and

WHEREAS, the East Concord Highway Facility and Erie County Correctional Facility – Fuel Tank Replacement & Upgrades, titled “2022 Fuel Tank Replacement” project (herein called the “Project”) seeks to replace petroleum bulk storage tanks at both facilities; and

WHEREAS, the below ground storage tanks at both facilities are well beyond their useful life and will be replaced with above ground storage tanks that are easier to maintain; and

WHEREAS, completion of the Project will relocate the existing tank location at the Erie County Correctional Facility outside the secure perimeter as it is currently located inside the perimeter and will ensure that the emergency generators at this facility are supplied with the necessary diesel fuel to operate in the event of electric service interruptions; and

WHEREAS, completion of the Project will satisfy the documented petroleum spill with the DEC at the Concord Highway Facility by replacing the existing below ground diesel and gasoline storage tanks with above ground storage tanks as well as relocating them on the northern side of the site considering Highway operations; and

WHEREAS, the tank replacement at the Concord Highway Facility will also include a fueling station for vehicles with a fire suppression system tied to the existing building monitoring system; and

WHEREAS, the County of Erie Department of Public Works publicly advertised and received Construction bids in conformance with General Municipal Law 103 for the Project on January 12, 2024; and

WHEREAS, the Department of Public Works and Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. are recommending award of the contracts to the lowest responsible bidder for the Electrical Contract and to the lowest responsible bidder for the General Construction Contract.

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 for the Project for an amount not to exceed as follows:

General Construction Work		
The Pump Doctor Inc.	Base Bid:	\$ 1,402,886.00
	Alternate G-1	\$ 49,507.00
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Total Award of General Construction Contract:		\$ 1,452,393.00

Electrical Construction Work		
The Pump Doctor Inc.	Base Bid:	\$ 266,512.00
	Alternate E-1	\$ 7,328.00
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Total Award of Electrical Construction Contract:		\$ 273,840.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$100,000 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 the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted capital projects in Fund 410, Funds Center 122 as follows:

A.23002 – DPW (Buildings and Grounds) – Mechanical, Electrical, Plumbing, and Miscellaneous Improvements	\$ 400,000.00
A.21157 – DPW (Buildings and Grounds) – Preservation of County Highway Facilities - Countywide	\$ 141,438.42
A.23051 – 2023 EPA Environmental Regulatory Compliance	\$ 85,000.00
A.21150 – 2021 EPA Environmental Regulatory Compliance	\$ 578,602.75
A.19003 – 2019 Countywide Code and Environmental Compliance	\$ 11,191.83
A.23004 – DPW (Buildings and Grounds) – Erie County Sheriff's Department – Miscellaneous Renovations	\$ 610,000.00
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Total not to exceed	\$1,826,233.00

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, Comptroller's Office and Division of Budget and Management.

(5-0)

7. COMM. 5E-21 (2024)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works, in collaboration with the Buffalo & Erie County Public Library, have various capital improvement projects at the Central Library requiring continued professional design services; and

WHEREAS, under COMM. 15E-34 (2019), your Honorable Body previously authorized for the County Executive to enter into a two (2) year Term Agreement with the firm of Trautman Associates on both a lump sum and on-call basis with a (3) one-year extensions for the Buffalo & Erie County Public Library – Various Capital Projects (herein called the “Project”); and

WHEREAS, the (2) year Term Agreement with the (3) one-year extensions will expire on July 25, 2024; and

WHEREAS, the current on-call design scope at the Buffalo & Erie County Public Library includes the loading dock renovations, emergency egress and fire alarm upgrades, electrical switch gear replacement and other miscellaneous work; and

WHEREAS, to complete these projects through construction administration, a (1) year extension from July 25, 2024 to July 25, 2025 is requested; and

WHEREAS, no additional funding is required.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to amend the existing agreement for professional engineering services on both a lump sum and on-call basis with the firm of Trautman Associates to extend the term of the agreement for one (1) additional year from July 25, 2024 to July 25, 2025; and be it further

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

(5-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

March 14, 2024	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-4 (2024)
COMMISSIONER OF AGRICULTURE & MARKETS: “Erie County Southwestern Agricultural District No. 8 Districting Plan Approval”
(Chair’s Ruling)
 - b. COMM. 4E-20 (2024)
COUNTY EXECUTIVE: “ECSD No. 2 - Engineer Term Contract Agreement”
(Chair’s Ruling)
 - c. COMM. 4E-21 (2024)
COUNTY EXECUTIVE: “ECSD No. 3 - Southtowns Influent Pumps Replacement Project”
(Chair’s Ruling)
 - d. COMM. 4M-3 (2024)
NYS DEC: “Brownfield Cleanup Program Public Notice”
(Chair’s Ruling)
 - e. COMM. 4M-6 (2024)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: “Approval of Plan to Modify EC Agricultural District Nos. 1 & 5”
(Chair’s Ruling)
 - f. COMM. 5E-15 (2024)
COUNTY EXECUTIVE: “ECSD No. 3 - Southtowns Incinerator Tray Scrubbers Replacement & Crane Installation Project”
(Chair’s Ruling)
 - g. COMM. 5E-16 (2024)
COUNTY EXECUTIVE: “ECSD No. 6 - Engineer Term Contract Agreement”
(Chair’s Ruling)

2. COMM. 5E-13 (2024)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 8E-5 (2023), Contract No. 89 was awarded to Kandey Company, Inc. to construct the Various Sanitary Sewer Replacements Project in Erie County Sewer District Nos. 1 & 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now complete; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 89 in the final contract amount of \$930,930.36 which includes Change Order No. 1 (final), a decrease of \$117,489.14, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, the Erie County Legislature hereby authorizes Contract No. 89 between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, NY 14224) to be accepted in the final contract amount of \$930,930.36 which includes Change Order No. 1 (final), a decrease of \$117,489.14 and is allocated in Sewer Management Capital Account C.20001; and be it further

RESOLVED, authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 89 to Kandey Company, Inc. for a total contract amount of \$930,930.36; 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 County Comptroller, the Division of Budget and Management, the Department of Law and the Division of Sewerage Management.

(5-0)

3. COMM. 5E-14 (2024)
COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management identified that additional funds are needed to pay for lab and technical equipment in Erie County Sewer District (ECSD) No. 6 for the 2024 fiscal year; and

WHEREAS, the Division of Sewerage Management analyzed the budget and expenses and determined that a surplus will exist in ECSD No. 6 account 561430 – Buildings, Grounds, and Heavy Equipment; and

WHEREAS, a transfer of funds from accounts with surplus funds will allow ECSD No. 6 to maintain daily operations with no net impact on the 2024 budget.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Division of Sewerage Management – Sewer District No. 6’s 2024 General Fund Budget (Fund 220, Funds Center 18610) to be amended as follows:

Division of Sewerage Management
Erie County Sewer District No. 6
Fund 220, Funds Center 18610

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
561410	Lab & Technical Equipment	\$164,500
561430	Building, Grounds, & Heavy Equipment	(164,500)
	TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any required budgetary adjustments to implement the actions and appropriations in this resolution; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to the Office of the County Executive, the Office of the County Comptroller, the Division of Budget and Management, and the Division of Sewerage Management.

(5-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

March 14, 2024	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5E-2 (2024)
BASKIN: “Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023”
(Chair’s Ruling)
 - b. COMM. 5E-30 (2024)
COUNTY EXECUTIVE: “Authorization to Extend the ADRCVAC2122 Grant”
(Chair’s Ruling)
 - c. COMM. 5M-4 (2024)
PRESIDENT & CEO OF VBN & BCC: “VBN & BCC Operating Budgets & Business Plans”
(Chair’s Ruling)
 - d. COMM. 5M-5 (2024)
ACCESS WNY: “Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023”
(Chair’s Ruling)
 - e. COMM. 5M-6 (2024)

COMMUNITY ORGANIZATIONS: “Response to COMM. 2E-26 (2024) - Veto of Local Law Intro. 9-1-2023”
(Chair’s Ruling)

f. COMM. 5M-7 (2024)
BOARD OF HEALTH CHAIRMAN: “Proposed EC Sanitary Code”
(Chair’s Ruling)

2. COMM. 5E-22 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has two Homemaker positions, two Senior Clerk Typist positions, and a Senior Account Clerk position that have been vacant for a period of time that are currently in the 2024 Adopted Budget; and

WHEREAS, the Department of Social Services has a need to fill positions of Case Worker, Social Welfare Examiner, Energy Crisis Worker 2, and Senior Cashier to aid in the administering of the department’s duties; and

WHEREAS, the added positions will increase efficiency throughout various departments contained in the Department of Social Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the creation of the following full-time positions within the Department of Social Services, effective March 23, 2024:

Type	Department	Title	Status	Bargaining Unit	JG	Number of Positions	B100 #
New	DSS	Case Assistant	FT	CSEA	6	1	13745
New	DSS	Social Welfare Examiner	FT	CSEA	6	1	14093
New	DSS	Energy Crisis Worker 2	FT	CSEA	5	1	14184
New	DSS	Senior Cashier	FT	CSEA	7	1	14102

and be it further

RESOLVED, that sufficient savings will be achieved through the deletion of the five (5) noted positions to cover the costs these new positions within the Department of Social Services 2024 Adopted Budget (Fund 110, Funds Center 120); and be it further

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

(5-0)

3. COMM. 5E-23 (2024)
COUNTY EXECUTIVE

WHEREAS, the Youth Employment Program (YEP) is an important platform intended to help reduce community gun violence and youth criminal justice involvement by providing year-round employment opportunities; and

WHEREAS, these funds will support the establishment of a program which includes employment, education and/or career exploration opportunities for TANF-eligible youth from low-income households; and

WHEREAS, \$150,000 of these funds will be retained by the Department of Social Services to defray administrative costs; and

WHEREAS, Career Connection Network has the expertise to be the lead agency for this program by preparing payroll checks, tax reporting, and providing educational trainings with support from the Employment Division of the Department of Social Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept \$2,461,752 in State Aid and amend the Department of Social Services’ 2024 General Fund Budget (Fund 110, Funds Center 1206045) as follows:

Department of Social Services
Fund 110, Funds Center 1206045

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409000	State Aid Revenue	<u>\$2,461,752</u>
	TOTAL	<u>\$2,461,752</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Professional Svcs, Contracts & Fees	\$2,311,752
	TOTAL	<u>\$2,311,752</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into contract with Career Connection Network in the amount of \$2,311,752 for the provision of services for the Youth Employment Programs (YEP), waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with State funding allocation adjustments; and be it further

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

(5-0)

4. COMM. 5E-24 (2024)
COUNTY EXECUTIVE

WHEREAS, a grantmaking fund was created under Office of Children and Family Services (OCFS) for the purpose of providing annual awards to support sports programs for underserved children and youth under the age of 18; and

WHEREAS, these awards are designed to promote positive youth development and family engagement; and

WHEREAS, The Department of Social Services-Youth Bureau has been awarded funding in the amount of \$216,312; and

WHEREAS, The Department of Social Services-Youth Bureau distributed a request for proposal (RFP #2023-019VF) to interested parties and the Youth Board panel recommendations were utilized to determine contract award amounts; and

WHEREAS, there is no additional local share necessary for these awards, and there is no fiscal impact based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services-Youth Bureau to accept \$216,312 in State Aid and amend the 2024 General Fund Budget (Fund 110, Funds Center 12530) as follows:

Department of Social Services-Youth Bureau
Fund 110, Funds Center 12530

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
408055	Youth Sports and Education	<u>\$216,312</u>
	TOTAL	<u>\$216,312</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
517874	Youth Sports and Education	\$216,312
	TOTAL	<u>\$216,312</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with the community providers in the amount of \$216,312 for the provision of Youth Sports Services as indicated in the scoring summary; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with State funding allocation adjustments; and be it further

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

(5-0)

5. COMM. 5E-25 (2024)
COUNTY EXECUTIVE

WHEREAS, a key provision of the Preventing Sex Trafficking and Strengthening Families Act is to move sexually exploited youth from the criminal and juvenile justice systems to the family court where children and their families can receive support and services from the child welfare system; and

WHEREAS, services are to be provided to victims of sex trafficking and core elements of the service include case management, emergency temporary housing, health care, mental health counseling, language interpretation and translation services, job training and placement and services to assist in establishing permanent residence; and

WHEREAS, International Institute of Buffalo has been the lead agency for this program since its inception and is the only local agency with the expertise and existing resources to carry out the program; and

WHEREAS, International Institute of Buffalo was re-awarded this contract in 2021 after a request-for-proposal, and the next scheduled request for proposal for this program is scheduled for 2024; and

WHEREAS, a gradual decrease in State funding over the past few years has required additional county funding to operate this valuable program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept \$40,000 in State Aid and amend the 2024 Adopted Budget (Fund 110, Funds Center 1209010) as follows:

Department of Social Services
Fund 110, Funds Center 1209010

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409000	State Aid Revenue	<u>\$40,000</u>

	TOTAL	<u>\$40,000</u>
<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516400	Preventative Agencies–International	\$40,000
	TOTAL	<u>\$40,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into contract with the International Institute of Buffalo in the amount of \$40,000 for the provision of services for the Safe Harbor for Exploited Children program, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with State funding allocation adjustments; and be it further

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

(5-0)

6. COMM. 5E-26 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services stores the majority of its records on OnBase and through the use of internal and external resources has been able to develop work flow and application tracking systems for several programs; and

WHEREAS, funds are available from the 2020 Pay-As-You-Go Component of the Capital Budget Project A.20069; and

WHEREAS, the Department of Social Services issued a Request for Proposal (RFP) in April of 2022 RFP #2022-021 VF; and

WHEREAS, Konica Minolta Business Solutions U.S.A., Inc. responded to the RFP with a strong proposal; and

WHEREAS, the Department of Social Services wishes to have Konica Minolta Business Solutions U.S.A., Inc. develop new solutions, and modify existing ones, related to the OnBase Package; and

WHEREAS, the Department of Social Services is seeking to expand paperless office efficiency.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with Konica Minolta Business Solutions U.S.A., Inc. in

the amount of \$200,000 to develop new solutions, and modify existing ones, related to the OnBase Package; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract already exist within the Department of Social Services Capital Budget (Fund 410, Funds Center 120) Project A.20069 – ECDSS Paperless Office Efficiencies; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any additional budget adjustment which may be required in order to match expense with State funding allocation adjustments; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Social Services, and Division of Budget and Management.
(5-0)

7. COMM. 5E-27 (2024)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Social Services has been awarded an amount of \$3,874,658 in 100% State Aid funds to provide Outreach and Application Assistance for the New York State Rental Supplement Program; and

WHEREAS, the Erie County Department of Social Services issued a Request for Proposal (RFP) on February 14, 2022 to qualified agencies interested in providing Outreach and Application Assistance Services to customers in Erie County applying for New York State Rental Supplement Program funding; and

WHEREAS, based on the results of the RFP the Erie County Department of Social Services has identified Buffalo Federation of Neighborhood Centers as the recipient of this funding to provide administrative services in the amount of \$569,575 and rental supplements in the amount of \$3,227,590 to the residents of Erie County; and

WHEREAS, the remaining \$77,493 in revenue will be utilized to defray existing administrative costs within the Department of Social Services; and

WHEREAS, the Department of Social Services requires legislative approval to accept the State funds and to amend the Adopted 2024 Adopted Budget; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept State funds for the Outreach and Application Assistance for the New York State Rental Supplement Program in the amount of \$3,874,658 and authorizes the Division of Budget and Management to amend the 2024 Adopted Budget (Fund 110, Fund Center 120) as follows:

Department of Social Services
Fund 110, Funds Center 120

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409010	State Aid Revenue	<u>\$3,874,658</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516010	Contract Payments Nonprofit Purch	<u>\$3,797,165</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with Buffalo Federation of Neighborhood Centers in the amount of \$3,797,165 to provide administrative services in the amount of \$569,575 and rental supplements in the amount of \$3,227,590 to residents of Erie County; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to Erie County Executive's Office, Comptroller's Office, Department of Social Services, and Division of Budget and Management.

(5-0)

8. COMM. 5E-28 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services creates and implements innovative programming to meet the needs of Erie County's growing older adult population; and

WHEREAS, Erie County's older adult population continues to be more active and socially engaged than previous generations, leading to programming evolution to include additional opportunities for social recreation, including an ever expanding lifelong learning curriculum and adaptive fitness classes; and

WHEREAS, in order to meet the needs of Erie County's older adult population, the Department of Senior Services needs a management position to manage and drive the vision of the Department's growing Recreation Unit; and

WHEREAS, the Department of Senior Services desires to amend the budget of its Community Services for the Elderly Grant Program 163CSE2425, which runs April 1, 2024 to March 31, 2025, due to the following the New York State fiscal year (April 1st to March 31st); and

WHEREAS, the Department of Senior Services desires to create, effective April 1, 2024, a new civil service position, Project Administrator (Senior Services), Job Group 12, (B-100 #14157), in the 163CSE2425 grant to oversee the operation of the Department of Senior Services' Recreation

Unit, which includes, among other program initiatives, the AmeriCorps Senior RSVP Program, University Express, and Health and Fitness programming; and

WHEREAS, to help cover the cost of creating the new position, effective April 1, 2024 to delete two vacant positions in the 163CSE2425 grant, a vacant Outreach Aide (Senior Services) position #6777 and a vacant Community Service Aide (PT) position #1810.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes effective April 1, 2024 the creation of a Project Administrator (Senior Services), Job Group 12, (B-100 #14157), in the 163CSE2425 grant; and be it further

RESOLVED, that the budget for the 163CSE2425 grant be amended as follows:

		INITIAL BUDGET	CHANGE	AMENDED BUDGET
APPROPRIATIONS				
500000	Full Time - Salaries	\$602,703	+36,210	\$638,913
500010	Part Time – Wages	\$60,498	(17,091)	\$43,407
502000	Fringe Benefits	\$324,952	+21,700	\$346,652
516020	Professional Srvc's Contracts/fees	\$253,766	(40,819)	\$212,947
	TOTAL	<u>-0-</u>		

and be it further

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

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

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

(5-0)

9. COMM. 5E-29 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services Going Places Transportation Program provides older adults who have no other means of transportation, with rides to medical appointments, grocery shopping, and senior centers for congregate meals, along with performing the

central dispatch function for vehicles operated by partner Erie County municipalities and subcontracted transportation service providers; and

WHEREAS, the Department of Senior Services applied in the Spring of 2022, to the New York State Department of Transportation (NYSDOT) for Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities federal grant funding for the operation and expansion of the Going Places Transportation Program; and

WHEREAS, NYSDOT recently awarded the Department of Senior Services a Section 5310 Enhanced Mobility Grant for a period beginning January 1, 2024 through December 31, 2027, with funding under three categories; and

WHEREAS, NYSDOT requires upon grant contract execution, a check payable to the NYSDOT for \$66,823, which represents the required 20% local share of the vehicles plus a 10% contingency amount to cover possible price increases; and

WHEREAS, existing appropriations in the 163CSE2324 grant's Motor Vehicle account (#561440) will fund the \$66,823 local share of the vehicles; and

WHEREAS, the Department of Senior Services does not anticipate using any of these new grant monies until 2024, when existing appropriations are available in its 2024 County budget's General Fund Administration & Support Cost Center's (#1631010) County Share Grant account (#559000) to cover the required local match for drawing down the grant's mobility management and operating assistance funds; and

WHEREAS, County appropriations for subsequent grant years local share amounts will be included in the Department's annual County budget for those years.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to contract with the NYSDOT to accept the Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant funding beginning January 1, 2024 through December 31, 2027; and be it further

RESOLVED, that authorization is hereby given to acquire the four mini-bus vehicles and upon passage of this resolution and to pay the NYSDOT the 20% local share plus the 10% contingency for possible cost changes by issuing a check for the required \$66,823, utilizing existing appropriations from the 163CSE2324 grant's Motor Vehicle account; and be it further

RESOLVED, that effective April 1, 2024 a new civil service position, Project Administrator (Senior Services), Job Group 12, (B-100 #14156) be created in this grant, to oversee the operation of the Going Places Program; and be it further

RESOLVED, that the budget for the Section 5310 Enhanced Mobility Grant for the period January 1, 2024 through December 31, 2027 be established as follows:

Grant fund 281 fund center 1632010
5310 Enhanced Mobility Grant
163EMOBLTY2227
January 1, 2024 – December 31, 2027

REVENUES		BUDGET
Account	Description	
414000	Federal Aid	\$ 738,342
417000	Contributions Participants	\$ 17,700
417060	Other Income Senior Services	\$ 6,747
479000	County Share Contribution	\$ 791,040
	TOTAL REVENUE	<u>\$1,553,829</u>

APPROPRIATIONS		BUDGET
Account	Description	
500000	Full Time – Salaries	\$ 360,423
502000	Fringe Benefits	\$ 183,817
516019	Transportation Services	\$1,009,589
	TOTAL APPROPRIATIONS	<u>\$1,553,829</u>

and be it further

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

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

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

(5-0)

10. COMM. 5E-31 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services continually looks to enhance services to help older adults remain in their homes longer; and

WHEREAS, caregiver burnout is a significant contributor to premature placement of older adult care receivers in long-term care settings; and

WHEREAS, the Department of Senior Services desires to offer overnight respite services to eligible caregivers of memory impaired and physically disabled older adults at various locations; and

WHEREAS, the Department of Senior Services, through an RFP process, selected Niagara Lutheran Health System Inc. (Niagara Lutheran), Schofield Residence (Schofield), and Absolut Care/The McGuire Group (TMG) which operate multiple locations to provide overnight respite services; and

WHEREAS, overnight respite services will be provided at various rates ranging from \$199 to \$465 per day, dependent upon the level of care required by the older adults. Clients and their caregivers will be able to select a preferred location; and

WHEREAS, the Department of Senior Services now desires to contract with the Niagara Lutheran, Schofield, and TMG to provide overnight respite services during the initial period of January 1, 2024 to December 31, 2026, with an option to extend for up to two additional one-year periods at prices and conditions agreed upon by County and Providers; and

WHEREAS, \$20,000 of budgetary appropriations are available in the 163III-E2024 grant's Professional Services Contracts and Fees account (#516020) to pay for overnight respite services for eligible older adults, with amounts for subsequent contract years to be determined by appropriations available in each of those year's County budgets.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to contract with the Niagara Lutheran, Schofield, and TMG (and their multiple locations) to provide overnight respite services for the Department of Senior Services during the initial period of January 1, 2024 to December 31, 2026, with the option to extend the contract beyond the initial term for up to two additional one-year periods at prices and conditions agreed upon by County and Providers; and be it further

RESOLVED, that authorization is hereby given to utilize existing appropriations in the 163III-E2024 grant's Professional Services Contracts and Fees account (#516020) to pay for overnight respite services, with amounts for subsequent contract years to be determined by appropriations available in each of those year's County budgets; and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to execute amendments to the contract to effectuate adjusted funding levels if necessary; and be it further

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

(5-0)

11. COMM. 5E-32 (2024)
COUNTY EXECUTIVE

WHEREAS, the Erie County Healthcare Careers (“EHC”) program has successfully enrolled 544 Erie County residents into training and education programs related to highly in-demand healthcare careers as of December 31, 2023; and

WHEREAS, the Erie County Legislature at the request of the Erie County Executive, approved and adopted appropriations in the amount of \$3,387,236 for EHC in the 2024 Adopted Erie County Budget; and

WHEREAS, significant demand remains for additional healthcare staffing here in Erie County and across the United States, and SUNY Erie Community College and other local training providers have available capacity to train those seeking healthcare careers; and

WHEREAS, Erie County hospitals, skilled nursing facilities, and other healthcare employers report a significant shortage of trained employees, contributing to hospital crowding and a lack of available beds; and

WHEREAS, further support of the EHC program can bolster and expand the number of high-quality employees in high-demand, frontline healthcare positions across Erie County; and

WHEREAS, healthcare careers provide ladders of opportunity to family-sustaining wages, in line with the Federal, State, and County workforce development objectives, which boost the economic livelihoods of Erie County residents and the community overall.

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 Buffalo and Erie County Workforce Investment Board, Inc. (“BECWIB”) and Buffalo and Erie County Workforce Development Consortium, Inc. (“WDC”), the BECWIB fiscal agent, for the purposes of expanding the EHC program; and be it further

RESOLVED, that the amount of \$3,387,236 has been appropriated from Fund 110, Funds Center 1331010, Account 518700 – WDC Healthcare Careers Program for the purposes of funding the 2024 EHC Program; and be it further

RESOLVED, the BECWIB and WDC may further expend any remaining 2023 EHC funds for the sole purpose of continuing the Program’s operation and enrollment of students; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any technical adjustments necessary to facilitate this resolution; and be it further

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

(5-0)

**JOHN J. GILMOUR
CHAIR**

Item 10 – MS. VINAL presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

March 14, 2024	SMALL BUSINESS COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

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

**JEANNE M. VINAL
CHAIR**

LEGISLATOR RESOLUTIONS

Item 11 – CHAIR BASKIN directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO. 6-1 from the MINORITY CAUCUS. Opposing Wind Turbines in Lake Erie's Waters.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 12 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 5E-41 (2024). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

RE: Purchase of Blast and Ballistic Resistant
Bomb Squad/SWAT Response Vehicle
(COMM. 5E-41, 2024)

WHEREAS, it is the mission of the Erie County Sheriff’s Office to provide quality public safety services to our community by promoting a safe environment through police and citizen interaction, with an emphasis on integrity, fairness and professionalism, and

WHEREAS, the Erie County Sheriff's Office wishes to purchase a new Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle, and

WHEREAS, the BearCat currently in use by the Erie County Sheriff's Office is old and in disrepair and continues to increase in cost for expensive maintenance and repair, and

WHEREAS, your Honorable Body previously transferred \$320,000 from Erie County Sheriff's Revenue account 421560 Shared Revenue (ICE) Seized Asset into Erie County Sheriff's Office account 561440, Motor Vehicles for the purchase of a BearCat from Lenco, and

WHEREAS, Lenco was unable to fulfill that order for the agreed upon price,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and Erie County Purchasing Department are here by authorized to complete the purchase of a new Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle from Roshel, Inc., 255 Biscayne Crescent, Bampton, Ont., in an amount not to exceed \$320,000, and be it further

RESOLVED, that funds from account 561440, Motor Vehicles be used to complete the purchase, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any technical adjustments necessary, and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 26.08 of the Erie County Administrative Code for purposes of securing the purchase order with Roshel, Inc. in order to obtain a Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle, and be it further

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

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

CARRIED UNANIMOUSLY.

AMEND the first resolve clause in COMM. 5E-41 (2024) as follows:

RESOLVED, that the Erie County Sheriff's Office and Erie County Purchasing Department are here by authorized to complete the purchase of a new Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle from Roshel, Inc., 255 Biscayne Crescent, Bampton, Ont., in an amount not to exceed \$320,000 USD, and be it further

ADD the following resolve clauses:

RESOLVED, that the Erie County Legislature has hereby determined it to be impracticable to conduct a competitive bidding process for the purchase of a new Blast and Ballistic Resistant Bom Squad/SWAT Response Vehicle and hereby waives this requirement for the Erie County Sheriff's Office and Division of Purchasing as allowed for in Section 3.07(2) of the Erie County Code; and be it further

RESOLVED, that authorization is hereby given to the Director of Purchasing to create the necessary documents to complete the purchase of a new Blast and Ballistic Resistant Bomb Squad/SWAT Response Vehicle from Rochel, Inc. in an amount not to exceed \$320,000; and be it further

MS. VINAL moved to table the item.

FAILED.

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

CARRIED. 10-1, MS. VINAL in the negative.

Item 13 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 5E-9 (2024). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

RE: State Authorization for the Private Sale
of Bonds or Notes by Negotiated
Agreement
(COMM. 5E-9, 2024)

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2024; and

WHEREAS, Assembly Bill A.9066 and Senate Bill S.8145, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2025;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.9066, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2024; and

WHEREAS, Senate Bill S.8145 and Assembly Bill A.9066, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2025;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.8145, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 6D-8 from THE DIRECTOR OF BUDGET & MANAGEMENT Re: Capital Projects Update - March 2024

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 6D-9 from THE DEPARTMENT OF ENVIRONMENT AND PLANNING Re: Authorization to Contract with MusicalFare Theater

MR. MEYERS moved for immediate consideration and approval of item 6D-9. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

WHEREAS, MusicalFare Theatre is a not-for-profit professional musical theatre company dedicated to becoming a significant regional theatre with national prominence by developing and presenting world premiere musicals, re-imagined classic musicals and regional premieres; and

WHEREAS, MusicalFare Theatre is in residence at Daemen University, but independently operated, and performs year-round at its intimate 136 seat theatre and is currently undergoing the process of construction and moving to a new state-of-the-art theater at the new Amherst Central Park; and

WHEREAS, Erie County has undertaken a multi-year Capital Cultural Program to fund capital improvement projects at significant cultural institutions throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with MusicalFare theater in the amount not to exceed \$750,000 for the purposes of constructing a new theater; and be it further

RESOLVED, that funding is available in Fund 410, Funds Center 162, Capital Project A.22095, Cultural Agency Capital Fund; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Purchasing Director; the County Attorney; the County Comptroller; and the Department of Environment and Planning.

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

GRANTED.

COMM. 6D-10 from THE DIRECTOR OF BUDGET & MANAGEMENT Re: 2024 New Capital Projects Funding Conversion to Pay-As-You-Go

MR. MEYERS moved for immediate consideration and approval of item 6D-10. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

WHEREAS, the County proposed a Consolidated Bond Resolution requesting to bond \$56,182,615 for total of 30 capital projects; and

WHEREAS, the County anticipates an approximate \$33,900,000 budget surplus at the end of 2023; and

WHEREAS, as part of discussions with your Honorable Body, it has been determined that eight (8) projects totaling \$15,200,000 originally proposed for bonding be converted to pay-as-you-go funded projects utilizing unanticipated sales tax revenues in 2023 which was a major contributing factor to the anticipated 2023 Budget surplus; and

WHEREAS, the removal of these eight (8) projects from the Consolidated Bond Resolution would reduce the maximum bonded amount to \$40,982,615; and

WHEREAS, in order to ensure projects can be started as soon as possible to take advantage of the short construction season that available funding in 2023 would be made available in advance of the 2023 Year End Budget Balancing Amendments and Designations resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the recognition of \$15,200,000 in unanticipated sales tax receipts in Countywide Budget (Fund 110, Funds Center 14010) Accounts #402000 – 3% Sales Tax - Erie County Purposes and #402100 – 1% Sales Tax - Erie County Purposes Revenue and the appropriation of a like amount of funding into the

Countywide Interfund (Fund 110, Funds Center 14020) Account #570050 – Interfund Transfer Capital as follows:

2023 Adopted Budget
 Fund 110, Funds Center 14010
 Countywide Budget Accounts

REVENUES

402000 3% Sales Tax – Erie County Purposes	\$11,544,842
402100 1% Sales Tax – Erie County Purposes	\$ 3,655,158
TOTAL	<u>\$15,200,000</u>

2023 Adopted Budget
 Fund 110, Funds Center 14020
 Countywide Interfund Accounts

APPROPRIATIONS

570050 Interfund Transfer Capital	<u>\$15,200,000</u>
TOTAL	<u>\$15,200,000</u>

and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$15,200,000 in 2023 funding located in Countywide Interfund (Fund 110, Funds Center 14020) Account #570050 – Interfund Transfer Capital into 2024; and be it further

RESOLVED, that authorization is hereby given to the Comptroller’s Office and Division of Budget and Management to establish \$15,200,000 in pay-as-you-go capital projects in 2024 as follows:

SAP PROJ NO.	PROJECT DESCRIPTION	ESTIMATED MAXIMUM COST	PAY-AS-YOU-GO	STATE OR FEDERAL AID EXPECTED
A.24XXX	Countywide Mechanical, Electrical, Plumbing, and other Miscellaneous Improvements	950,000	950,000	
A.24XXX	Vehicles & Equipment Replacement	750,000	750,000	
A.24XXX	Feedmore WNY Consolidated Campus	3,000,000	3,000,000	
B.24XXX	Vehicles & Equipment Replacement	2,000,000	2,000,000	
E.24XXX	SUNY Erie College-wide	4,000,000	2,000,000	2,000,000

	Network Infrastructure Replacement			
E.24XXX	SUNY Erie Master Plan - Phase 3	6,000,000	3,000,000	3,000,000
E.24XXX	SUNY Erie Security Camera Replacement	2,000,000	1,000,000	1,000,000
E.24XXX	SUNY Erie Sports Field Relocation and Improvements - Phase 2	5,000,000	2,500,000	2,500,000
		<u>23,700,000</u>	<u>15,200,000</u>	<u>8,500,000</u>

and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make any technical adjustments necessary to effectuate the transfer of funds and creation of above noted capital projects; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this Resolution to the County Executive’s Office, Comptroller’s Office and Division of Budget and Management.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 17 – (COMM. 6E-1) Development of Corrective Action Plans Following Audits

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 18 – (COMM. 6E-2) Recovery of the Intercepted SONYMA Check

Item 19 – (COMM. 6E-3) Mortgage Tax Audit Meeting and FOIL for Working Papers

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

Item 20 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

RE: 2024 Consolidated Bond Resolution
(COMM. 6E-4)

RESOLUTION NO. _____, 2024

BOND RESOLUTION DATED _____, 2024

BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE "COUNTY"), AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS PROJECTS THAT WERE INCLUDED IN THE COUNTY'S 2024 CAPITAL BUDGET (COLLECTIVELY, THE "PROJECTS"), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECTS TO BE \$79,525,000, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF \$15,842,385 OF STATE AND FEDERAL AID), AND AUTHORIZING THE USE OF \$7,500,000 OF AVAILABLE FUNDS OF THE COUNTY THE ISSUANCE OF UP TO \$56,182,615 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (THE "OBLIGATIONS") TO FINANCE THE BALANCE OF THE MAXIMUM ESTIMATED COST OF SUCH PROJECTS, ADDRESSING CERTAIN RELATED MATTERS, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECTS TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF THE PROJECTS AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH OBLIGATIONS.

(Introduced) February 15, 2024

(Adopted) _____, 2024

WHEREAS, the County Legislature (the "Legislature") of the County of Erie (the "County"), a municipal corporation of the State of New York (the "State") has been in the process of planning various capital improvements projects (collectively, the "Projects") that are listed on the schedule/listing of such Projects that is attached hereto and by this reference made a part hereof (the "Schedule"); and

WHEREAS, such planning has been undertaken, together with appropriate environmental compliance determination proceedings under the State Environmental Quality Review Act, by the County's Energy and Environment Committee (the "Committee") and/or the County's Department of Environment & Planning (the "Department"), and has included such administrative actions as are necessary or required by the State or any federal agency with respect to assessing the potential environmental impacts of the Projects and ensuring the safety and security of persons and property in the County with respect to the Projects; and

WHEREAS, the New Road project environmental review documents have been attached to this resolution, have been approved and adopted herein, and are incorporated herein by reference; and

WHEREAS, the Legislature, in accordance with the recommendations of the Committee and the Department, has determined: (A) that the Projects are in the public interest of the County and should be undertaken, (B) that there should be expended toward certain of the Projects

\$15,842,385 of State and Federal aid, as noted on the Schedule; (C) that the County intends to spend \$7,500,000 of available funds of the County toward the cost of certain projects as noted on the schedule; and (D) that there should be issued up to \$56,182,615 of bonds, notes, or other obligations of the County (collectively, the "Obligations"), to finance the balance of the estimated maximum cost of the Projects, as noted on the schedule;

NOW, THEREFORE, BE IT

RESOLVED, by the Legislature (by the favorable vote of not less than two-thirds of all the members of the Legislature) as follows:

SECTION 1. The County is hereby authorized to undertake the Projects that are listed in column A of the Schedule, each as more fully described in column I of the schedule. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the duly adopted 2024 Capital Budget of the County (the "Budget"), the Budget shall be deemed to be, and hereby is, amended. For each of the specific objects or purposes or classes of objects or purposes as specified in column B of the Schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the Schedule, and the respective amounts are hereby appropriated therefor in accordance with the Budget.

SECTION 2. The plan of financing for the Projects includes the expenditure of \$15,842,385 in State and Federal aid that has been or is expected to be received for certain of the Projects (as detailed on the Schedule), along with the issuance of up to \$56,182,615 of Obligations to finance the balance of the aggregate estimated maximum cost of the Projects, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of such Obligations and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or from the State of New York or other sources for the Projects are hereby authorized to be expended towards the cost of the Projects or the redemption of any Obligations issued therefor, or to be budgeted as an offset to the taxes for payment of the principal of and interest on such Obligations.

SECTION 3. The respective periods of probable usefulness for the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which the \$56,182,615 of Obligations herein authorized are to be issued, within the limitations of § 11.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), are set forth in column G of the Schedule. Obligations (including, without limitation, serial bonds of the County) in amounts up to the respective maximum principal amounts set forth in column D of the Schedule are hereby authorized to be issued pursuant to the provisions of the Law to finance the various objects or purposes that are listed on the Schedule.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized and (to the extent that such use has already occurred) is hereby ratified, pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution. The County intends to finance, and the County Comptroller, as the chief fiscal officer of the County (the "Comptroller") is hereby authorized to advance, such

amounts as are necessary to pay the costs of the respective specific objects or purposes or classes of objects or purposes described in Section 1 hereof, prior to the issuance of the Obligations, out of any available funds of the County on an interim basis. The County reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) any earlier expression by the County of its intent to reimburse expenditures for the applicable Project(s) or any earlier iteration thereof) with the proceeds of the Obligations, to the extent consistent with the financing plan for such Project(s) as stated herein. This resolution shall constitute the declaration (or reaffirmation) of the County's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the Obligations, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the Obligations shall contain the recital of validity prescribed by §52.00 of the Law and the Obligations shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of New York). The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Obligations as the same respectively become due and payable. An annual appropriation shall be made in each year in the County budget sufficient to pay the principal of and interest on the Obligations becoming due and payable in such year and, to the extent not paid from other sources or charges, there shall annually be levied on all the taxable real property of the County a tax sufficient to pay the principal of and interest on such Obligations.

SECTION 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00, 62.00, 62.10, 63.00, 164.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing the issuance of Obligations in the form of notes, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the final amounts, terms, form and contents and as to the procedures for the sale and issuance of the Obligations, and relative to executing any agreements for credit enhancement, are hereby delegated to the Comptroller. Without in any way limiting the scope of the foregoing delegation of powers, the Comptroller, to the extent permitted by Section 58.00(f) of the Local Finance Law, is hereby specifically authorized to accept bids for the Obligations that are submitted in electronic format. In the absence or unavailability of the Comptroller, the Deputy County Comptroller is hereby specifically authorized to exercise the powers delegated to the Comptroller in this resolution.

SECTION 7. When this resolution takes effect, the Clerk of the Legislature shall cause the same (or a summary thereof) to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Law, in the *Buffalo Challenger* and the *Lancaster Bee*, which are newspapers having general circulation in the County and published in the County. The validity of the Obligations may thereafter be contested only if the Obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or if the

Obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 8. Prior to the issuance of any Obligations, the County (acting through the Committee and the Department and, to the extent necessary or appropriate, the Legislature) has or will have complied (to the extent not accomplished already) with any applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with the environmental quality review process relating to the Projects (collectively, the "Environmental Compliance Proceedings"). The New Road project's compliance with the applicable provisions of the State Environmental Quality Review Act is hereby confirmed on the basis of the attached New Road project environmental documents. In the event that any of such Environmental Compliance Proceedings are not completed or require amendment or modification subsequent to the date of adoption of this resolution, the Legislature will re-adopt, amend or modify this resolution prior to the issuance of the relevant Obligations, to the extent required and acting upon the advice of counsel. It is hereby determined by the Legislature, on the basis of the Environmental Compliance Proceedings and the findings of the Committee and/or the Department, that to the extent that the Environmental Compliance Proceedings may apply to the Projects, the Projects (when assessed either individually or in the aggregate) will not result in a significant adverse impact on the environment. As to the New Road project, the Legislature declares itself Lead Agency and accepts all responsibilities associated with that designation. The Legislature finds that the New Road project is an Unlisted Action pursuant to the State Environmental Quality Review Act. Further, with respect to the New Road project, based upon a thorough review and examination of the known facts relating to such project and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings, including the Environmental Information, relating to such project, the Legislature finds that such project will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared. And further, with respect to the New Road project, the attached Negative Declaration, which is hereby incorporated by reference, is issued and adopted for the reasons stated in the determination of non-significance.

SECTION 9. The County intends to issue the Obligations to finance a portion of the maximum cost of the Projects. The Comptroller is hereby authorized to covenant, in the name and on behalf of the County and for the benefit of the holders and beneficial owners of the Obligations, that the County will not make any use of the proceeds of the Obligations, or any funds reasonably expected to be used to pay the principal of or interest on the Obligations or any other funds of the County, and will not make any use of the facilities to be financed with the proceeds of the Obligations that would cause the interest on the Obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") or subject the County to any penalties under Section 148 of the Code, and that the County will not take any action or omit to take any action with respect to the Obligations, the proceeds thereof or any facilities to be financed thereby if such action or omission would cause the interest on the Obligations to become subject to federal income taxation under the Code or subject the County to any penalties under Section 148 of the Code.

SECTION 10. For the benefit of the holders and beneficial owners from time to time of the Obligations, the County agrees, in accordance with and as an obligated person with respect to the

Obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination thereof, the Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Clerk to the Legislature, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the Obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the Comptroller on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall constitute the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the County with its various continuing disclosure agreements, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Comptroller shall consult with, as appropriate, the County Attorney and the County's bond counsel, the County's municipal advisor, or another qualified independent special counsel to the County. The Comptroller, acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

SECTION 11. The Comptroller is hereby specifically authorized to act, on the advice of bond counsel at the time of the issuance of the Obligations, to designate such Obligations, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 12. The Comptroller is further authorized to call in and redeem any outstanding Obligations that were issued pursuant to this bond resolution(at such times and in such amounts and maturities as may be deemed appropriate after consultation with the County officials and the County's municipal advisor), to approval any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such call(s) for redemption pursuant to Section 53.00 of the Law, with the understanding that no such call(s) for redemption will be made unless such notice of redemption shall have first been filed with the Clerk of the Legislature.

SECTION 13. This bond resolution shall take effect immediately upon approval by the County Executive

MR. MEYERS moved to amend COMM. 6E-4. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

Amend COMM. 6E-4 as Follows:

RESOLUTION NO. 57, 2024

BOND RESOLUTION DATED MARCH 21, 2024

BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE “COUNTY”), AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS PROJECTS THAT WERE INCLUDED IN THE COUNTY’S 2024 CAPITAL BUDGET (COLLECTIVELY, THE “PROJECTS”), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECTS TO BE \$50,825,000, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF \$9,842,385 OF STATE AND FEDERAL AID) THE ISSUANCE OF UP TO \$40,982,615 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (THE “OBLIGATIONS”) TO FINANCE THE BALANCE OF THE MAXIMUM ESTIMATED COST OF SUCH PROJECTS, ADDRESSING CERTAIN RELATED MATTERS, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECTS TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF THE PROJECTS AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH OBLIGATIONS.

(Introduced) March 21, 2024

(Adopted) March 21, 2024

WHEREAS, the County Legislature (the “Legislature”) of the County of Erie (the “County”), a municipal corporation of the State of New York (the “State”) has been in the process of planning various capital improvements projects (collectively, the “Projects”) that are listed on the schedule/listing of such Projects that is attached hereto and by this reference made a part hereof (the “Schedule”); and

WHEREAS, such planning has been undertaken, together with appropriate environmental compliance determination proceedings under the State Environmental Quality Review Act, by the County’s Energy and Environment Committee (the “Committee”) and/or the County’s Department of Environment & Planning (the “Department”), and has included such administrative actions as are necessary or required by the State or any federal agency with respect to assessing the potential environmental impacts of the Projects and ensuring the safety and security of persons and property in the County with respect to the Projects; and

WHEREAS, the New Road project environmental review documents have been attached to this resolution, have been approved and adopted herein, and are incorporated herein by reference; and

WHEREAS, the Legislature, in accordance with the recommendations of the Committee and the Department, has determined: (A) that the Projects are in the public interest of the County and

should be undertaken, (B) that there should be expended toward certain of the Projects \$9,842,385 of State and Federal aid, as noted on the Schedule; and (C) that there should be issued up to \$40,982,615 of bonds, notes, or other obligations of the County (collectively, the “Obligations”), to finance the balance of the estimated maximum cost of the Projects, as noted on the schedule;

NOW, THEREFORE, BE IT

RESOLVED, by the Legislature (by the favorable vote of not less than two-thirds of all the members of the Legislature) as follows:

SECTION 1. The County is hereby authorized to undertake the Projects that are listed in column A of the Schedule, each as more fully described in column I of the schedule. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the duly adopted 2024 Capital Budget of the County (the “Budget”), the Budget shall be deemed to be, and hereby is, amended. For each of the specific objects or purposes or classes of objects or purposes as specified in column B of the Schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the Schedule, and the respective amounts are hereby appropriated therefor in accordance with the Budget.

SECTION 2. The plan of financing for the Projects includes the expenditure of \$9,842,385 in State and Federal aid that has been or is expected to be received for certain of the Projects (as detailed on the Schedule), along with the issuance of up to \$40,982,615 of Obligations to finance the balance of the aggregate estimated maximum cost of the Projects, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of such Obligations and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or from the State of New York or other sources for the Projects are hereby authorized to be expended towards the cost of the Projects or the redemption of any Obligations issued therefor, or to be budgeted as an offset to the taxes for payment of the principal of and interest on such Obligations.

SECTION 3. The respective periods of probable usefulness for the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which the \$40,982,615 of Obligations herein authorized are to be issued, within the limitations of §11.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), are set forth in column G of the Schedule. Obligations (including, without limitation, serial bonds of the County) in amounts up to the respective maximum principal amounts set forth in column D of the Schedule are hereby authorized to be issued pursuant to the provisions of the Law to finance the various objects or purposes that are listed on the Schedule.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized and (to the extent that such use has already occurred) is hereby ratified, pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution. The County intends to finance, and the County Comptroller, as the chief fiscal officer of the County (the “Comptroller”) is hereby authorized to advance, such amounts as are necessary to pay the costs of the respective specific objects or purposes or classes of objects or purposes described in Section 1

hereof, prior to the issuance of the Obligations, out of any available funds of the County on an interim basis. The County reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) any earlier expression by the County of its intent to reimburse expenditures for the applicable Project(s) or any earlier iteration thereof) with the proceeds of the Obligations, to the extent consistent with the financing plan for such Project(s) as stated herein. This resolution shall constitute the declaration (or reaffirmation) of the County's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the Obligations, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the Obligations shall contain the recital of validity prescribed by §52.00 of the Law and the Obligations shall be general obligations of the County, payable as to both principal and interest by a general tax upon all the taxable real property within the County without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of New York). The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Obligations as the same respectively become due and payable. An annual appropriation shall be made in each year in the County budget sufficient to pay the principal of and interest on the Obligations becoming due and payable in such year and, to the extent not paid from other sources or charges, there shall annually be levied on all the taxable real property of the County a tax sufficient to pay the principal of and interest on such Obligations.

SECTION 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00, 62.00, 62.10, 63.00, 164.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing the issuance of Obligations in the form of notes, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the final amounts, terms, form and contents and as to the procedures for the sale and issuance of the Obligations, and relative to executing any agreements for credit enhancement, are hereby delegated to the Comptroller. Without in any way limiting the scope of the foregoing delegation of powers, the Comptroller, to the extent permitted by Section 58.00(f) of the Local Finance Law, is hereby specifically authorized to accept bids for the Obligations that are submitted in electronic format. In the absence or unavailability of the Comptroller, the Deputy County Comptroller is hereby specifically authorized to exercise the powers delegated to the Comptroller in this resolution.

SECTION 7. When this resolution takes effect, the Clerk of the Legislature shall cause the same (or a summary thereof) to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Law, in the Buffalo Challenger and the Lancaster Bee, which are newspapers having general circulation in the County and published in the County. The validity of the Obligations may thereafter be contested only if the Obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or if the Obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 8. Prior to the issuance of any Obligations, the County (acting through the Committee and the Department and, to the extent necessary or appropriate, the Legislature) has or will have complied (to the extent not accomplished already) with any applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with the environmental quality review process relating to the Projects (collectively, the “Environmental Compliance Proceedings”). The New Road project’s compliance with the applicable provisions of the State Environmental Quality Review Act is hereby confirmed on the basis of the attached New Road project environmental documents. In the event that any of such Environmental Compliance Proceedings are not completed or require amendment or modification subsequent to the date of adoption of this resolution, the Legislature will re-adopt, amend or modify this resolution prior to the issuance of the relevant Obligations, to the extent required and acting upon the advice of counsel. It is hereby determined by the Legislature, on the basis of the Environmental Compliance Proceedings and the findings of the Committee and/or the Department, that to the extent that the Environmental Compliance Proceedings may apply to the Projects, the Projects (when assessed either individually or in the aggregate) will not result in a significant adverse impact on the environment. As to the New Road project, the Legislature declares itself Lead Agency and accepts all responsibilities associated with that designation. The Legislature finds that the New Road project is an Unlisted Action pursuant to the State Environmental Quality Review Act. Further, with respect to the New Road project, based upon a thorough review and examination of the known facts relating to such project and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings, including the Environmental Information, relating to such project, the Legislature finds that such project will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared. And further, with respect to the New Road project, the attached Negative Declaration, which is hereby incorporated by reference, is issued and adopted for the reasons stated in the determination of non-significance.

SECTION 9. The County intends to issue the Obligations to finance a portion of the maximum cost of the Projects. The Comptroller is hereby authorized to covenant, in the name and on behalf of the County and for the benefit of the holders and beneficial owners of the Obligations, that the County will not make any use of the proceeds of the Obligations, or any funds reasonably expected to be used to pay the principal of or interest on the Obligations or any other funds of the County, and will not make any use of the facilities to be financed with the proceeds of the Obligations that would cause the interest on the Obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) or subject the County to any penalties under Section 148 of the Code, and that the County will not take any action or omit to take any action with respect to the Obligations, the proceeds thereof or any facilities to be financed thereby if such action or omission would cause the interest on the Obligations to become subject to federal income taxation under the Code or subject the County to any penalties under Section 148 of the Code.

SECTION 10. For the benefit of the holders and beneficial owners from time to time of the Obligations, the County agrees, in accordance with and as an obligated person with respect to the Obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required

for purposes of the Rule. In order to describe and specify certain terms of the County's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination thereof, the Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Clerk to the Legislature, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the Obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the Comptroller on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall constitute the County's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the County with its various continuing disclosure agreements, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Comptroller shall consult with, as appropriate, the County Attorney and the County's bond counsel, the County's municipal advisor, or another qualified independent special counsel to the County. The Comptroller, acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

SECTION 11. The Comptroller is hereby specifically authorized to act, on the advice of bond counsel at the time of the issuance of the Obligations, to designate such Obligations, if applicable, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 12. The Comptroller is further authorized to call in and redeem any outstanding Obligations that were issued pursuant to this bond resolution (at such times and in such amounts and maturities as may be deemed appropriate after consultation with the County officials and the County's municipal advisor), to approval any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such call(s) for redemption pursuant to Section 53.00 of the Law, with the understanding that no such call(s) for redemption will be made unless such notice of redemption shall have first been filed with the Clerk of the Legislature.

SECTION 13. This bond resolution shall take effect immediately upon approval by the County Executive

MR. MEYERS moved to approve COMM. 6E-4 as amended. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 21 – (COMM. 6E-5) Appointment to the Assigned Counsel Program

Item 22 – (COMM. 6E-6) Appointments to the Youth Services Board

Item 23 – (COMM. 6E-7) Authorization to Contract for Home Care Services

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

FROM THE COUNTY EXECUTIVE

Item 24 – (COMM. 6E-8) Authorization to Accept FY23 PSAP Funds

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 25 – (COMM. 6E-9) Authorization to Establish Legionella Testing Fee

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 26 – (COMM. 6E-10) On Call General Civil Engineering & Land Surveying Contract

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 6E-11) Authorization to Enter into Contract for New EMS Support Facility Design Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

RE: Authorization to Amend Term Contract
for Hazardous Materials Design
(COMM. 6E-12)

WHEREAS, Watts Architecture and Engineering was previously approved to provide Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring services; and

WHEREAS, the Department of Public Works (DPW) desires to increase the funding for the Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring of

Environmental Service Consultants Watts Architecture and Engineering in order to comply with the New York State Department of Labor Code Rule 56 and to implement Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring; and

WHEREAS, DPW advertised for Countywide Hazardous Materials Design and/or Sample Testing and Air Monitoring on May 31, 2022 through the County’s standard Request for Qualification process; and

WHEREAS, a contract with Watts Architecture and Engineering, P.C. (Watts) was entered into on August 22, 2022 per COMM.13E-10 (2022); and

WHEREAS, the previous funds allocated for the Hazardous Material services have either been previously utilized on construction projects or planned for on upcoming construction project assignments; and

WHEREAS, DPW is requesting additional funding be approved for Watts to accommodate the use of the term for future projects as the current funds per the existing contract have been utilized; and

WHEREAS, the need for additional funds reflects the amount of construction projects currently being managed by DPW; and

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

WHEREAS, each assignment will be billed on an hourly basis according to an approved rate schedule unless an agreed upon work scope and fee is negotiated with the assigned consultant prior to beginning any services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Executive or Deputy County Executive amend the existing term agreement with Watts Architecture and Engineering, P.C. in the amount of \$46,763 to for additional hazardous materials design and/or sample testing and air monitoring services; and be it further

RESOLVED, that sufficient funding exists for this contract amendment within the existing capital projects (Fund 410, Funds Center 122) as follows:

A.23005 - DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities	\$24,000
A.22052 - DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities	\$22,763
<hr/> Total Not to Exceed	<hr/> \$46,763

and be it further

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

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 6E-13) Rehab of Abbott Road from Fisher Road to City of Buffalo Line

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 30 – (COMM. 6E-14) ECSD No. 3 - Engineering Term Contract Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

RE: PILOT Agreement for Perry Homes I,
City of Buffalo
(COMM. 6E-15)

WHEREAS, Perry Homes I consists of the construction of four hundred and five (405) affordable housing units at 339 Perry Street & 448 South Park Avenue, City of Buffalo, NY; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Perry Homes I Housing Development Fund Company, Inc., Perry Homes I LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Perry Homes I Housing Development Fund Company, Inc., Perry Homes I LLC, and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the Office of the County Executive, the Division of Budget and Management, the Department of Real Property Tax

Services, the Department of Environment and Planning, the Office of the Comptroller, and the Department of Law.

SCHEDULE A
PILOT Payments

YEAR	PILOT	CITY	COUNTY
1	\$161,134	\$120,851	\$40,284
2	\$165,968	\$124,476	\$41,492
3	\$170,947	\$128,210	\$42,737
4	\$176,076	\$132,057	\$44,019
5	\$181,358	\$136,018	\$45,339
6	\$186,799	\$140,099	\$46,700
7	\$192,403	\$144,302	\$48,101
8	\$198,175	\$148,631	\$49,544
9	\$204,120	\$153,090	\$51,030
10	\$210,244	\$157,683	\$52,561
11	\$216,551	\$162,413	\$54,138
12	\$223,047	\$167,286	\$55,762
13	\$229,739	\$172,304	\$57,435
14	\$236,631	\$177,473	\$59,158
15	\$243,730	\$182,797	\$60,932

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 6E-16) 2024 Buffalo Niagara Film Commission Contract Authorization

Item 33 – (COMM. 6E-17) Authorization to Contract with Sandra White dba Mustard Seed World Group

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

RE: Personnel Modification for the Division
of Budget & Management
(COMM. 6E-18)

WHEREAS, the current Budget Director will be retiring after 39 years of service to Erie County, including 12 years as the Budget Director, as of April 5, 2024; and

WHEREAS, in order to aid in the transition process upon his retirement, the current Budget Director had agreed to continue to serve Erie County in a reduced role; and

WHEREAS, given the incredible wealth of knowledge of the County and its fiscal practices, it is advantageous to retain his services for training and special projects as long as he is willing to provide them; and

WHEREAS sufficient funding was appropriated as part of the Division of Budget and Management's 2024 Adopted Budget to retain the retiring Budget Director's services as a fee-for-service contractor; and

WHEREAS, it has been determined that the best option to take advantage of his services is to assume a part-time role within the Division of Budget and Management.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) part-time managerial confidential position of Senior Executive Assistant - CE, Job Group 18 (B- 100# 14188) effective April 20, 2024; and be it further

RESOLVED, that authorization is hereby given to modify the Division of Budget and Management's 2024 Adopted Budget (Fund 110, Funds Center 10210) as follows

Division of Budget and Management
Fund 110, Funds Center 10210

<u>APPROPRIATIONS</u>	<u>CHANGE</u>
500010 Part Time -Wages	\$54,798
510000 Fringe Benefits	\$ 4,192
516020 Professional Svcs Contracts & Fees	<u>(\$58,990)</u>
TOTAL	<u>\$ 0</u>

and be it further

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

FROM CHAIR BASKIN

Item 35 – (COMM. 6E-19) Independent Commission Creation - Revisions to LL Intro. 9-1 (2023)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 36– (COMM. 6D-1) Cost to Prepare School District Tax Rolls & Bills

Received, filed and printed.

As directed by Section 4-3.1 of the amended Erie County Tax Act, it is herewith certified to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading School District Tax Rolls, together with the apportionment to each School District benefitted for the year 2023-2024.

TO THE ERIE COUNTY LEGISLATURE 2023-2024			
STATEMENT, MATERIALS AND LABOR IN PRODUCING SCHOOL			
DISTRICT TAX			
BILLS AND THE SPREADING OF ASSOCIATED			
COSTS:			
Tax Bills Paper		\$11,200.00	
Tax Roll Paper		\$1,000.00	
Data Processing Charges		\$60,741.80	
Wages		\$76,697.98	
<hr/>			
Total		\$149,639.78	
	273,937.00 parcels	0.546256169	Cost per parcel
Alden Out of County		\$100.00	
AKC1 Out of County		\$200.00	
Gowanda Extra Roll		\$0.00	
Attica Flat Charge @ \$150.00		\$150.00	
Silver Creek Charge @ \$150.00		\$150.00	
Pioneer Extra Set Bills		\$0.00	
Total to Spread: Cost per parcel and Flat Charge		\$150,239.78	
School	Parcels	Rate	Amount Due
Alden	4965	0.546256169	\$2,812.16

Akron	3835	0.546256169	\$2,294.89
Amherst	9103	0.546256169	\$4,972.57
Sweet Home	11219	0.546256169	\$6,128.45
Attica	0	0	\$150.00
East Aurora	6343	0.546256169	\$3,464.90
Cheektowaga	8405	0.546256169	\$4,591.28
Maryvale	7489	0.546256169	\$4,090.91
Cleveland Hill	4603	0.546256169	\$2,514.42
Sloan	5114	0.546256169	\$2,793.55
Clarence	12976	0.546256169	\$7,088.22
Springville	6946	0.546256169	\$3,794.30
Depew	6815	0.546256169	\$3,722.74
Eden	4946	0.546256169	\$2,701.78
Frontier	17087	0.546256169	\$9,333.88
Grand Is	9126	0.546256169	\$4,985.13
Gowanda	1529	0.546256169	\$835.23
Hamburg	10470	0.546256169	\$5,719.30
Holland	3632	0.546256169	\$1,984.00
Iroquois	8517	0.546256169	\$4,652.46
Lancaster	18806	0.546256169	\$10,272.89
Lake Shore	10102	0.546256169	\$5,518.28
North Collins	2762	0.546256169	\$1,508.76
Orchard Park	14442	0.546256169	\$7,889.03
Pioneer	1026	0.546256169	\$560.46
Silver Creek	0	0	\$150.00
Ken-Ton	26568	0.546256169	\$14,512.93
Williamsville	28559	0.546256169	\$15,600.53
West Seneca	22112	0.546256169	\$12,078.82
City of Tonawanda	6440	0.546256169	\$3,517.89
Total	273,937		\$150,239.78

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 37 – (COMM. 6D-2) Cost to Prepare Village Tax Rolls & Bills

Received, filed and printed.

As directed by Section 3-2.2 of the amended Erie County Tax Act it is herewith certified to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading Village Tax Rolls and Bills.

<p>TO THE ERIE COUNTY LEGISLATURE 2023-2024</p> <p>STATEMENT, MATERIALS AND LABOR IN PRODUCING</p> <p>VILLAGE BILLS AND THE SPREADING OF ASSOCIATED COSTS:</p>
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Tax Bills/Paper Costs				\$3,700.00	
Tax Rolls, Assessment Roll & Worksheets				\$950.00	
Wages				\$5,159.92	
Data Processing Time				\$7,041.08	
<hr/>					
		Total Cost		\$16,851.00	
		Extra Bills		\$110.00	
					\$16,961.00
		Cost per parcel		\$0.469322	
Village	parcels	1 Extra set of bills	Rate		Cost
Akron	1265	\$20.00	\$0.469322		\$613.69
Alden	886		\$0.469322		\$415.82
Angola	944		\$0.469322		\$443.04
Blasdell	1143	\$20.00	\$0.469322		\$556.43
Depew	6725		\$0.469322		\$3,156.19
East Aurora	2605		\$0.469322		\$1,222.58
Farnham	207	\$10.00	\$0.469322		\$107.15
Gowanda	1204		\$0.469322		\$565.06
Hamburg	3825		\$0.469322		\$1,795.16
Kenmore	5667		\$0.469322		\$2,659.65
Lancaster	4327		\$0.469322		\$2,030.76
North Collins	540		\$0.469322		\$253.43
Orchard Park	1168	\$20.00	\$0.469322		\$568.17
Sloan	1567		\$0.469322		\$735.43
Springville	1665		\$0.469322		\$781.42
Williamsville	2167	\$40.00	\$0.469322		\$1,057.02
	35905	\$110.00			\$16,961.00

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 38 – (COMM. 6D-3) Cost to Prepare City of Tonawanda Tax Rolls & Bills

Received, filed and printed.

As directed by Section 3-2.2 of the amended Erie County Tax Act, it is herewith certified to the Erie County Legislature that the attached statement is the total cost of material and labor in making and spreading City of Tonawanda City Tax Rolls and Bills.

TO THE ERIE COUNTY LEGISLATURE		2023
STATEMENT, MATERIALS AND LABOR IN PRODUCING CITY OF		
TONAWANDA BILLS AND THE SPREADING OF ASSOCIATED COSTS:		
Tax Bills		\$225.00
Tax Rolls, Assessment Roll & Worksheets		\$200.00
Wages		\$1,129.31
Data Processing Time		\$1,781.18
Total Cost		\$3,335.49

FROM THE PERSONNEL COMMISSIONER

Item 39 – (COMM. 6D-4) Budget Resolution 13 Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF PUBLIC WORKS

Item 40 – (COMM. 6D-5) Timelines - Borden Road and New Road

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 41 – (COMM. 6D-6) EC Comptroller's Office Audit of Electronic Vendor Payments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF PROBATION DEPARTMENT

Item 42 – (COMM. 6D-7) EC Conditional Release Commission - 2023 Annual Report

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE HAMBURG TOWN BOARD

Item 43 – (COMM. 6M-1) Opposition to Windmills in Lake Erie

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 44 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, March 28, 2024, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, April 11, 2024.

MEMORIAL RESOLUTIONS

Item 45 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Gaspare Serra.

Item 46 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Marion L. Ahles.

ADJOURNMENT

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

MR. JOHNSON moved that the Legislature adjourn until Thursday, April 11, 2024 at 12:00 Noon. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, April 11, 2024 at 12:00 Noon.

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