

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 7**  
**APRIL 11, 2024**

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Todaro.

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

The Pledge of Allegiance was led by Mr. Mills.

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 6 from 2024. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – Miscellaneous Resolutions were offered, as follows:

GILMOUR	In Remembrance of Daniel M. Yoviene
VINAL	Happy 100th Birthday Kean Stimm
VINAL	Congratulating and Honoring Rathi Ravichandran
TODARO	Recognizing Gavin O’Brien for His Contributions to the Village of Lancaster
GREENE	Honoring and Congratulating Detective James McNamara on His Retirement
GREENE	Recognizing and Celebrating Bishop Robert Stearns and His 10 Years of Leadership at the Tabernacle
LORIGO & MILLS	Recognizing Michael Schneider for 60 Years of Service to the Mortons Corners Volunteer Fire Department
TODARO	Congratulating Bruno’s on Broadway on Their Grand Opening in Lancaster

LORIGO & MILLS	Recognizing Brian Schneider for 40 Years of Service to the Mortons Corners Volunteer Fire Department
MILLS	Honoring Ed Leak for His Service as Director of the Orchard Park Recreation Department
MILLS	Honoring Jack Degroat for 70 Years of Active Service with the Highland Hose Volunteer Fire Company and North Evans Fire District
LORIGO	Recognizing Vietnam Veterans Day 2024
LORIGO	Recognizing the St. Matthias Episcopal Pet Food Pantry for 10 Years of Service to the Western New York Community
MEYERS, KOOSHOIAN & JOHNSON	Acknowledging and Recognizing National Financial Literacy Month
BASKIN & JOHNSON	National Minority Health Month
JOHNSON	Celebrating and Honoring National Borinqueneers Day
KOOSHOIAN	Congratulating and Recognizing Paul Poleon Jr. on Completing His Eagle Scout Project

MR. MEYERS moved for consideration of the above seventeen items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above seventeen items as amended. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

There are none.

**COMMITTEE REPORTS**

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

MR. MILLS moved to separate Item No. 3 from the report and approve the balance.

CARRIED UNANIMOUSLY.

CHAIR BASKIN directed that a roll call vote be taken on the approval of Item No. 3.

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MS. LORIGO, and MR. MILLS. (AYES: 7; NOES: 3)

CARRIED.

RESOLUTION NO. 61

March 28, 2024	PUBLIC SAFETY COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

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

a. COMM. 6D-7 (2024)  
 COMMISSIONER OF PROBATION DEPARTMENT: “EC Conditional Release  
 Commission – 2023 Annual Report”  
 (Chair’s Ruling)

2. COMM. 6E-8 (2024) AS AMENDED  
 COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security and Emergency Services has been awarded \$202,408 in 100% state aid funding to enhance call-taking and emergency dispatch services through the NYS Department of Homeland Security and Emergency Services in the FY23 Public Safety Answering Point Operations (PSAP) Grant; and

WHEREAS, the Department of Homeland Security and Emergency Services requires legislative approval to accept the State funds and to amend the Adopted 2024 budget; and

WHEREAS, no County funds will be necessary for Erie County to accept this State aid to enhance public safety.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept \$202,408 from NYS Department of Homeland Security and Emergency Services and be made available as a multi-year grant to Department of Homeland Security and Emergency Services in Fund 281, Funds Center 1670030 as follows:

Erie County Department of Homeland Security & Emergency Services  
FY 2023 PUBLIC SAFETY ANSWERING POINT OPERATIONS GRANT (PSAP)  
(HS167PSAP2324)  
1/1/2023-12/31/2024

<u>ACCOUNT</u>	<u>REVENUES</u>	<u>BUDGET</u>
409000	State Aid Revenues	<u>\$202,408</u>
	TOTAL	<u>\$202,408</u>

<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>BUDGET</u>
916500	ID Central Police Services	<u>\$202,408</u>
	TOTAL	<u>\$202,408</u>

and be it further

RESOLVED, that authorization is hereby given to amend the Department of Central Police Services' 2024 Adopted E-911 Fund (Fund 230, Funds Center 16500) Budget to recognize \$202,408 in additional funding transferred from grant HS167PSAP2324 via Interdepartmental Billing as follows:

Central Police Services  
2024 E-911 Adopted Budget  
Fund 230, Funds Center 16500

<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>BUDGET</u>
516030	Maintenance Contracts	<u>\$202,408</u>
916500	ID Central Polices Services	<u>(\$202,408)</u>
	TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage public safety and emergency preparedness; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with any outside agency, including the state and federal governments, in order to accept and administer any grants and awards identified as part of the Grant Fund in the 2024 Adopted Erie County Budget; and be it further

RESOLVED, that authorization is hereby given to the Division of Budget and Management to establish and adjust budgets as required to comply with State and Federal approved funding levels, as well as approve no-cost grant extensions without additional legislative approval; and be it further

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

3. COMM. 6E-11 (2024)  
COUNTY EXECUTIVE  
WHEREAS, the County of Erie established its own ambulance service; and

WHEREAS, ambulance service is intended to fill gaps in ambulance coverage in the southern townships; and

WHEREAS, it is prudent to construct an ambulance facility headquarters to station vehicles and EMS personnel for effective dispatch; and

WHEREAS, a county owned property at 586 Olean Road in the Town of East Aurora has been identified as a potential construction site; and

WHEREAS, the site must be evaluated for suitability of construction; and

WHEREAS, professional design services are needed to provide a project design report inclusive of environmental assessment, pre-design/ programming, and construction estimate; and

WHEREAS, the County reserved the right to negotiate additional design, detailing and, construction administration services if development is determined to be feasible; and

WHEREAS, Labella Associates has the necessary expertise and manpower to provide professional design services for the project; and

WHEREAS, authorization is required for the County Executive to issue an Agreement with Labella Associates for providing professional design and construction administration services for the Erie County – New EMS Support Facility (Ambulance HQ) project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into agreement with Labella Associates to providing professional design and construction administration services for the Erie County - New EMS Support Facility (Ambulance HQ) for an amount not to exceed \$110,000, including design contingency; and be it further

RESOLVED, that that sufficient funding for this contract exists within capital project A.23073 – 2023 EMS Ambulance Building (Fund, 410, Funds Center 122); and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the Office of the County Executive’s Office, Comptroller’s Office, Division of Budget and Management and Department of Health Division of Emergency Medical Services.

(3-2) Legislators Greene and Todaro vote in the negative.

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

March 28, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 6D-5 (2024)  
COMMISSIONER OF PUBLIC WORKS: “Timelines – Borden Road and New Road”  
(Chair’s Ruling)
2. COMM. 4E-19 (2024)  
COUNTY EXECUTIVE  
WHEREAS, Amherst Ridge Senior Apartments consists of the development of one hundred fifty (150) low income rental units for seniors at 467 John James Audubon Parkway, Amherst, 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 Amherst Senior Apartments LP to operate the housing project it is necessary to extend tax relief from the County of Erie and the town of Amherst.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Amherst Senior Apartments LP, and the Town of Amherst, 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 County Comptroller, and the Department of Law.

Schedule A  
PILOT Payment Schedule

TAX YEAR	Town of Amherst	Erie County	Williamsville CSD	Total Annual PILOT Payment
2024-25	36,721	15,300	9,180	61,201
2025-26	37,822	15,759	9,456	63,037
2026-27	38,957	16,232	9,739	64,928
2027-28	40,126	16,719	10,031	66,876
2028-29	41,329	17,221	10,332	68,882
2029-30	42,569	17,737	10,642	70,949
2030-31	43,846	18,269	10,962	73,077
2031-32	45,162	18,817	11,290	75,270
2032-33	46,517	19,382	11,629	77,528
2033-34	47,912	19,963	11,978	79,853
2034-35	49,349	20,562	12,337	82,249
2035-36	50,830	21,179	12,707	84,716
2036-37	52,355	21,814	13,089	87,258

2037-38	53,925	22,469	13,481	9,876
2038-39	55,543	23,143	13,886	92,572
TOTALS	682,963	284,568	170,741	1,138,272

(5-0)

3. COMM.6E-10 (2024)  
COUNTY EXECUTIVE

WHEREAS, it is necessary to address outstanding land issues within the operations of a highway division and in conjunction with the County Attorney’s office; and

WHEREAS, Greenman Pedersen Inc. was selected via the County’s RFP process and approved via COMM. 2E-21 (February 2, 2023) for the provision of On-Call General Civil and Land Surveying Services; and

WHEREAS, it is desired to amend the agreement with Greenman Pedersen Inc. for the land surveying, legal descriptions and mapping services required for these transactions; and

WHEREAS, it is desired to also establish a budget of \$45,865 for this task within the term agreement; and

WHEREAS, the funding required is available from Project B. 18051, 2018 Capital Right of Way.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to amend the existing term contract with Greenman Pedersen, Inc. in the amount of \$45,865 to perform additional land surveying services; and be it further

RESOLVED, that sufficient funding for this contract is available in capital project B.18051 – 2018 Capital Right of Way (Fund 420, Funds Center 123); and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Division of Highways, and one copy each to the County Executive’s Office, Comptroller’s Office and Division of Budget and Management.

(5-0)

4. COMM. 6E-13 (2024)  
COUNTY EXECUTIVE

WHEREAS, the Rehabilitation of Abbott Road (CR 4) from Fisher Road (TH) to City of Buffalo Line, in the City of Lackawanna, PIN 5764.15 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of federal funds and a local share; and



WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain federal and non-federal reimbursement funds, for the Project; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable federal and non-federal shares of the costs of the Engineering Design and Right of Way Incidentals phases of the Project; and

WHEREAS, this agreement, is in the amount of \$902,000, which provides for the County of Erie’s required local share commitment of \$45,100 and acceptance of federal revenue in the amount of \$721,600 and State Marchiselli revenue in the amount of \$135,300 for the design engineering and Right of Way incidentals phases of the Project; and

WHEREAS, after the Federal Aid RFQ process, the firm of Bergmann Associates, was selected as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the rehabilitation of the above noted segment of Abbott Road; and

WHEREAS, the Department desires to enter into an Engineering Design Services agreement with Bergmann Associates for \$830,600 and establish a project contingency of \$71,400 with the project total not to exceed \$902,000; and

WHEREAS, there are sufficient funds for the project in Fund 420, Funds Center 123, B.23005 – 2023 Federal Aid – Road Design.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive enter into agreement between the County of Erie and NYSDOT for the Rehabilitation of Abbott Road, PIN 5764.15; and be it further

RESOLVED, that the NYSDOT Agreement, in the amount of \$902,000, provides for \$721,600 in Federal Aid, \$135,300 in Marchiselli State Aid, and \$45,100 in local share funds; and be it further

RESOLVED, that authorization is hereby given to the Department of Public Works, Division of Highways with the Division of Budget and Management to adjust the budget of Capital Project B.23005 – 2023 Federal Aid – Road Design (Fund 420, Funds Center 123) and that the funds be made available to cover the cost of participation in the above phases of the Project, as follows:

Project B.23005  
2023 Federal Aid – Road Design  
Fund 420, Funds Center 123

	BUDGET	CHANGE	REVISED BUDGET
REVENUES			
405160 Marchiselli Aid	<u>\$ 150,000</u>	<u>\$135,000</u>	<u>\$ 285,300</u>

414000 Federal Aid	<u>\$3,850,000</u>	<u>(\$135,300)</u>	<u>\$3,714,700</u>
475000 General Obligation Bond	<u>\$1,750,000</u>	<u>\$ 0</u>	<u>\$1,750,000</u>
	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>
<b>APPROPRIATIONS</b>			
Capital Project Expense	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>
<b>TOTAL</b>	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive execute an agreement between the County of Erie and the selected Project Design Engineers, Bergmann Associates, for engineering design services in the amount of \$830,600; and be it further

RESOLVED, that authorization is hereby given to the County Executive to establish a project contingency in the amount of \$71,400 with a project total not to exceed \$902,000; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to adjust the Project budget for any and all additions or reductions in federal and/or non-federal revenue that are made available for this Project; and be it further

RESOLVED, that authorization is hereby given to accept all federal and state reimbursements from the NYSDOT Agreement, as well as any other federal or non-federal funding which may be made available; and be it further

RESOLVED, that authorization is hereby given to the County of Erie to pay for the first instance 100% of the federal and non-federal shares of the cost of the Project or portions thereof, with an understanding that qualified costs may be eligible for federal aid and or state aid reimbursement; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the federal and non-federal shares of the cost of the Project's Design Engineering and Right of Way Incidentals phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive of the County of Erie to execute all necessary Agreements, certifications or reimbursement requests for federal and non-federal aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project; and providing for the administration of the Project and the County's first instance funding of Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that authorization is hereby given to the County executive to execute any necessary change orders, amendments, and agreements; and be it further

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

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management. (5-0)

5. COMM. 6E-16 (2024)  
COUNTY EXECUTIVE

WHEREAS, Erie County is home to a vibrant and growing film and television production industry; and

WHEREAS, Buffalo Filmworks in south Buffalo is home to the largest film production soundstage, by square-footage, in North America; and

WHEREAS, Great Points Studios on Niagara Street in Buffalo has just been completed, bringing more studio activity online in Erie County; and

WHEREAS, film and television production in Erie County is a tremendous workforce development tool and sales tax generating activity; and

WHEREAS, the Buffalo Niagara Film Commission has been instrumental in growing film and television industry in Erie County; and

WHEREAS, the Buffalo Niagara Film Commission has formally incorporated as a 501c3 non-profit corporation known as Buffalo Niagara Film Commission, Inc., creating a new legal entity.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County to enter into contract with Buffalo Niagara Film Commission, Inc. for the purposes of continued development of the film and television industry in Erie County; and be it further

RESOLVED, that the amount of \$321,287.00 has been appropriated in the 2024 Erie County Budget from Fund 110, Funds Center 1331010, Account 518055 – Buffalo Niagara Film Comm., for the purposes of funding the Buffalo Niagara Film Commission; 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, Department of Personnel, and Department of Environment and Planning.

(5-0)

6. COMM. 6E-17 (2024)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) works with the Erie County Environmental Management Council on matters related to the environment; and

WHEREAS, the Erie County Environmental Management Council runs an annual awards program to recognize local environmental projects; and

WHEREAS, the Environmental Management Council has a budget line of \$7,500 in the Department of Environment and Planning's 2024 Erie County Budget Book A; and

WHEREAS, the Environmental Management Council and DEP have selected the MBE contractor, Sandra White dba Mustard Seed World Group, to provide professional video services about the aforementioned award program winners; and

WHEREAS, the contracted amount is less than \$10,000 and as per Erie County Administrative Code 26.08, except where sections specify that action may be taken by the county executive, the Purchasing Director will be substituted as sufficient.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to the Erie County Legislature to the Director of Purchasing to execute an agreement with Sandra White dba Mustard Seed World Group for \$3,000 to be paid for by the Environmental Management Council budget line; and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management 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 Office of the County Executive, the Division of Budget and Management, the Division of Purchase, the Department of Law, the Office of the Comptroller, and the Department of Environment and Planning.

(5-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

March 28, 2024	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 5-2 (2024)  
MINORITY CAUCUS: “Calling on the Department of Health to Appear at the Erie County Legislature’s Health and Human Services Committee to Discuss Health Permitting for Fitness Facilities”  
(Chair’s Ruling)
  - b. COMM. 6E-5 (2024)  
COUNTY EXECUTIVE: “Appointment to the Assigned Counsel Program”  
(Chair’s Ruling)
  - c. COMM. 6E-6 (2024)  
COUNTY EXECUTIVE: “Appointments to the Youth Services Board”  
(Chair’s Ruling)
  - d. COMM. 6E-19 (2024)  
BASKIN: “Independent Commission Creation – Revisions to LL Intro. 9-1 (2023)”  
(Chair’s Ruling)
2. COMM. 6E-7 (2024)  
COUNTY EXECUTIVE  
WHEREAS, the Department of Senior Services continually looks to enhance services to help older adults in Erie County remain in their homes longer; and

WHEREAS, the Department of Senior Services wishes to reduce long-term care costs by providing services to reduce or delay placement in long-term care facilities; and

WHEREAS, providing home care is a cost-effective manner to provide service and expand it’s offering to more at-risk older adults in the community; and

WHEREAS, the Department of Senior Services, through an RFP process selected thirteen Home Care agencies: Allcare Family Services, Inc.; All Metro Home Care Services of New York, d/b/a All Metro Health Care; America Homecare Inc; Caring Enterprises, Inc., d/b/a Health Force; Ciambella Home Care Inc., d/b/a First Light Home Care; Community Care Companions, Inc., d/b/a Community Care HHS; Crane Home Care, Inc.; GoodCare Home Health Services, Inc.; Good

Samaritan Home Health Agency, Inc.; Harmonia Collaborative Care, Inc.; Homemakers of Western New York, Inc., d/b/a Caregivers; Independent Nursing Care, LLC; and Willcare, Inc., d/b/a WILLCARE, to provide services to eligible clients of the Department; and

WHEREAS, the contracts with the thirteen Home Care agencies for a 3-year period will begin April 1, 2024 through March 31, 2027, which at the sole discretion of the County may be extended beyond the initial term for up to two, one-year periods, at prices and conditions agreed upon by the County and Agency; and

WHEREAS, existing aggregate budgetary appropriations totaling \$2,860,149 are available in various Department grants' (163III-E2024, 163III-EARP2124, 163EISEP2425, 163UNMETNEED2425, 163CSE2425) via Home Care services account (516026) to pay for these services; and

WHEREAS, amounts for subsequent contract years are to be determined by appropriations available in each of those year's County budgets.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to contract with: Allcare Family Services, Inc.; All Metro Home Care Services of New York, d/b/a All Metro Health Care; America Homecare Inc; Caring Enterprises, Inc., d/b/a Health Force; Ciambella Home Care Inc., d/b/a First Light Home Care; Community Care Companions, Inc., d/b/a Community Care HHS; Crane Home Care, Inc.; GoodCare Home Health Services, Inc.; Good Samaritan Home Health Agency, Inc.; Harmonia Collaborative Care, Inc.; Homemakers of Western New York, Inc., d/b/a Caregivers; Independent Nursing Care, LLC; and Willcare, Inc., d/b/a WILLCARE to provide Home Care services for the Department during the April 1, 2024 through March 31, 2027 period, which at the sole discretion of the County may be extended beyond the initial term for up to two, one-year periods, at prices and conditions agreed upon by the County and Agency; and be it further

RESOLVED, that authorization is hereby given that existing aggregate Home Care Services account (516026) appropriations in the Department's various grants, including 163EISEP2425, 163III-E2024, 163III-EARP2124, 163UNMETNEED2425, and 163CSE2425 be utilized to pay for these 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 the Director of Budget and Management is hereby authorized to adjust the grant budgets as required to comply with the grantor approved funding levels; 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, Purchasing and the Department of Senior Services.

(5-0)

3. COMM. 6E-9 (2024)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health (ECDOH) is responsible to protect and promote public health throughout Erie County; and

WHEREAS, ECDOH's Public Health Lab offer many tests as a service to residents, businesses, and municipalities, from STIs to environmental analysis; and

WHEREAS, after several Legionnaires' disease outbreaks, New York State requires all owners of cooling towers in New York State are required to register, maintain, sample, disinfect and notify local health departments and the public of elevated levels of Legionella; and

WHEREAS, these requirements have created high demand for Legionella testing to prevent a future outbreak; and

WHEREAS, the Lab is able to offer Legionella testing to help with demand with current equipment for a \$175 fee to cover staff and supplies; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Health's Public Health Lab to create a Legionella Testing fee for \$175; and be it further

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

(5-0)

**JOHN J. GILMOUR  
CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 9 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

RE: Supporting the Town of  
Amherst's Application for State  
Transportation Funds  
(INTRO. 7-1)

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

WHEREAS, on September 29, 2023, Governor Kathy Hochul announced that \$165 million in new funding is available for the 2023 Transportation Alternatives Program, Congestion Mitigation and the Air Quality Improvement, and Carbon Reduction Program (TAP/CMAQ/CRP); and

WHEREAS, TAP/CMAQ/CRP funding supports bicycle, pedestrian, multi-use path and transportation-related projects and programs that support the goals of New York's nation-leading Climate Leadership and Community Protection Act (CLCPA); and

WHEREAS, the Town of Amherst is eligible as a Local Government to apply for these funds; and

WHEREAS, a recently conducted Traffic Impact Study for the Boulevard Central District identified that the intersection of N. Bailey Avenue and Maple Road has approaches operating at poor levels of service and will degrade further with planned redevelopment in the area; and

WHEREAS, a reconfiguration project at N. Bailey Avenue and Maple Road has the ability to reduce vehicle emissions and traffic congestion at this intersection; and

WHEREAS, N. Bailey Avenue is a Town of Amherst-owned right-of-way; and

WHEREAS, a project of this scope, magnitude and expected benefits line up with a CMAQ-specific application; and

WHEREAS, TAP/CMAQ/CRP funding is made available to New York State through the Federal Highway Administration (FHWA) and administered by NYSDOT, with NYSDOT providing up to 80 percent of the total eligible project costs with a minimum 20 percent match provided by the project sponsor; and

WHEREAS, the Town of Amherst is committed towards providing a minimum 20 percent match either using future capital improvement funding or use of transportation mitigation fees collected within the Boulevard Central District, or a combination thereof.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie supports the application of the Town of Amherst for a CMAQ application to improve traffic flow with pedestrian accommodations at the intersection of N. Bailey Avenue and Maple Road.

Item 10 – CHAIR BASKIN directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 7-2 from LORIGO. A resolution Opposing New York State Senate Proposal to Add a Surcharge on Ride Sharing Services.

Item 11 – CHAIR BASKIN directed that the following resolution be referred to the



ECONOMIC DEVELOPMENT COMMITTEE.  
GRANTED.

INTRO. 7-3 from LORIGO. A resolution Opposing New York State Bills to Establish Applicability of Tip Credits.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: Appointments to the Arts in  
Public Places Committee  
(INTRO. 7-4)

**A RESOLUTION TO BE SUBMITTED BY  
THE MINORITY CAUCUS**

WHEREAS, the Arts in Public Places Committee was created in 2023 via Local Law 4-2023; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Arts in Public Places Committee, including an appointment from the Minority Caucus of the Legislature; and

WHEREAS, the law states that Committee members shall be experts in the fields of art, art history, architecture or architectural history and must be Erie County residents and may not serve on any other County advisory board or be a County employee or officer, as well as the members shall be professionally associated with local visual arts groups, such as art galleries or art schools, or have at least ten (10) years' experience in creating professional art; and

WHEREAS, the Minority Caucus' appointee, Susan O'Connor Baird, is an expert in the field of art history, resides in Buffalo, New York in the County of Erie, and currently serves on the Board of Directors of the AKG.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body appoints Susan O'Connor Baird as a member of the Arts in Public Places Committee; and

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Commissioner of Public Works, and the Commissioner of Environment and Planning.

Item 13 – CHAIR BASKIN directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO. 7-5 from MILLS, GREENE, TODARO & LORIGO. A resolution Opposing New York State Bills to Establish Minimum Wage Requirements for Miscellaneous Industry Workers.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

There are none.

**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. 7E-32 from MEYERS Re: Appointment to the Assigned Counsel Board

Received, filed and printed.

April 10, 2024

Timothy Graber, Esq., President  
Bar Association of Erie County  
438 Main Street  
6<sup>th</sup> Floor  
Buffalo, NY 14202

Re: Erie County Legislature Majority Leader Appointment to the Assigned Counsel Program Board of Directors

Dear Mr. Graber:

This letter is in regards to the Erie County Legislature Majority Leader appointment to the Assigned Counsel Program Board of Directors. I hereby nominate Samantha White to serve as the Majority Leader's appointee on the Board of Directors.

Thank you in advance for your courtesies and assistance.

Sincerely,

Timothy J. Meyers  
Majority Leader

cc: Michelle Parker, Esq., Director, Erie County Bar Association Aid To Indigent Prisoners Society  
403 Main Street Brisbane Building, Suite 215 Buffalo, New York 14203

Samantha White, Esq.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 15 – (COMM. 7E-1) Department of Law Risk Retention Fund Spending - January 2024

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM CHAIR BASKIN**

Item 16 – (COMM. 7E-2) Public Notice Concerning Position of Commissioner of the ECWA

Item 17 – (COMM. 7E-3) Letter to Democratic Party Caucus Regarding Position of Commissioner of the ECWA

Item 18 – (COMM. 7E-4) Letter to Republican Party Caucus Regarding Position of Commissioner of the ECWA

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

**FROM THE CLERK OF LEGISLATURE**

Item 19 – (COMM. 7E-5) Letters of Interest & Resumes for Position of Commissioner of the ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE CLERK**

Item 20 – (COMM. 7E-6) Clerk's Office Supplemental Response to Mortgage Tax Audit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 21 – (COMM. 7E-7) Apportionment & Distribution of 4.75% Sales & Compensating Use Tax for Dec. 2023, Jan., and Feb. 2024

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DISTRICT ATTORNEY**

Item 22 – (COMM. 7E-8) Resignation Packet for DA Flynn

Item 23 – (COMM. 7E-9) Notification of Change in DA Office  
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK

Item 24 – (COMM. 7E-10) Mortgage Tax Expense 2024

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF & COUNTY EXECUTIVE

Item 25 – (COMM. 7E-11) Transfer of Funds for Jail-Related Purchases

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 26 – (COMM. 7E-12) Department of Personnel - Administration of the HELP Program

Item 27 – (COMM. 7E-13) Department of Personnel - EC Department of Probation

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

FROM THE COUNTY EXECUTIVE

Item 28 – (COMM. 7E-14) ECSD No. 3 - Engineering Term Contract Agreement

Item 29 – (COMM. 7E-15) ECSD No. 3 - Engineering Term Contract Agreement

Item 30 – (COMM. 7E-16) Community Forestry Partnership Project Authorization

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

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 7E-17) Authorization to Amend Contract for GIS Support and Technical Services

Item 32 – (COMM. 7E-18) Public Works - Authorization to Contract for the Provision of Equipment Rental Services

Item 33 – (COMM. 7E-19) 2023-2024 On-Call/Emergency Bridge & Culvert Engineering Services Amendment

Item 34 – (COMM. 7E-20) Bridge NY Project Agreement with NYSDOT - Mill Road Bridge Replacement Project

Item 35 – (COMM. 7E-21) Contracts for Construction & Construction Inspection Services - Towns of Hamburg, and Orchard Park and City of Lackawanna

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

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 7E-22) Department of Social Services Lease Extension - AppleTree Business Park

Item 37 – (COMM. 7E-23) Acceptance of Baseball Game Ticket Donation by Buffalo Bisons for Foster Care Awareness Month

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

FROM THE COUNTY EXECUTIVE

Item 38 – (COMM. 7E-24) Authorization to Accept FY23 State Interoperable Communications Grant Program Funds

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 39 – (COMM. 7E-25) Authorization to Enter into Contract with The Research Foundation for SUNY on Behalf of the University at Buffalo

Item 40 – (COMM. 7E-26) Acceptance of CDC Public Health Infrastructure Grant

Item 41 – (COMM. 7E-27) Acceptance of NYSDOH Rental Registry Grant

Item 42 – (COMM. 7E-28) Acceptance of Leading in Lead Grant

Item 43 – (COMM. 7E-29) Authorization to Contract with NextGen Healthcare

Item 44 – (COMM. 7E-30) Acceptance of State Aid for Youth Team Sports Services

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

FROM THE COUNTY EXECUTIVE

Item 45 – (COMM. 7E-31) Authorization to Enter into Contracts with Community Providers for After Hour Detention Programs

Received and referred to the PUBLIC SAFETY COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPUTY COMMISSIONER OF ENVIRONMENT & PLANNING**

Item 46– (COMM. 7D-1) 2023 Climate Action Update

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COMMISSIONER OF SOCIAL SERVICES**

Item 47 – (COMM. 7D-2) Comm. 12E-34 Compliance Report - January

Item 48 – (COMM. 7D-3) Comm. 12E-34 Compliance Report - February

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

**FROM THE COUNTY ATTORNEY**

Item 49 – (COMM. 7D-4) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE TOWN OF CONCORD**

Item 50 – (COMM. 7M-1) Opposition to Windmills in Lake Erie

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE CONSTITUENT**

Item 51 – (COMM. 7M-2) Letter from Constituent Concerning Public Sanitation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE MICHELE IANNELLO**

Item 52 – (COMM. 7M-3) ECWA Commissioner Letter of Interest

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITIZENS SALARY REVIEW COMMISSION

Item 53 – (COMM. 7M-4) 2024 Citizens Salary Review Commission - Final Report & Recommendations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NFTA

Item 54 – (COMM. 7M-5) NFTA - Revised Annual Budget for FYE 2025

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECMCC

Item 55 – (COMM. 7M-6) ECMCC 2023 Annual Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 56 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, April 18, 2024, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, April 25, 2024.

**MEMORIAL RESOLUTIONS**

Item 57 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Yuri Hreshchyshyn, and Lee Constance Eve.

Item 58 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Peter S. Militello.

Item 59 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Robert F. Richter.

Item 60 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Laura A. Priore.

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

Item 62 – Legislator Bargnesi requested that when the Legislature adjourns, it do so in memory of Dr. Francesco Giacobbe.

Item 63 – Legislator Greene on behalf of Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Dorothy E. Bauerle, and Dr. Francesco Giacobbe.

**ADJOURNMENT**

Item 64 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. JOHNSON moved that the Legislature adjourn until Thursday, April 25, 2024 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, April 25, 2024 at 12:00 Noon.

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