

**ERIE COUNTY LEGISLATURE
MEETING NO. 13
JULY 11, 2024**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Meyers.

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 12 from 2024. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

BASKIN	In Remembrance of Julius 'Sonny' Caesar Rush
VINAL	Honoring and Recognizing the Ribbon Cutting of Buffalo Optical
BASKIN	Celebrating and Honoring the Grand Opening of Pure Podiatry
JOHNSON	In Remembrance of James P. Moran Sr.
JOHNSON	Congratulating Cecelie Owens - Greater Buffalo Sports Hall of Fame c/o 2024
MILLS	Honoring Valarie Davis for Her Courage
MILLS	Honoring Connor's Hot Dog Stand on National Hot Dog Day
MILLS	Honoring Taffy's Hot Dog Stand on National Hot Dog Day
LORIGO	Recognizing 42 North Brewing Company on "National IPA Day"

LORIGO	Recognizing Revolver Records on “National Vinyl Record Day”
LORIGO	Recognizing Kathy Lovett-McKeever as “Mrs. New York America”
VINAL	Congratulating and Honoring Sean Munzert, All Western New York Athlete (Large Schools) - 2024
KOOSHOIAN	Congratulating and Honoring Aaron Jones, All Western New York Athlete (Large Schools) - 2024
MEYERS	Congratulating and Honoring James Rindfleisch, All Western New York Athlete (Large Schools) - 2024
GREENE	Recognizing and Honoring Bunnise Neenos as a President’s Volunteer Service Award Recipient
GREENE	Recognizing and Honoring Elizabeth Marie Brooks as a President’s Volunteer Service Award Recipient
GREENE	Recognizing and Honoring Johanna Calvert as a President’s Volunteer Service Award Recipient
GREENE	Recognizing and Honoring Sharon Buckwald as a President’s Volunteer Service Award Recipient
GREENE	Recognizing and Honoring Alice Joseffer as a President’s Volunteer Service Award Recipient
GREENE	Recognizing and Honoring Alison Switzer as a President’s Volunteer Service Award Recipient
GREENE	Recognizing and Honoring Anne Ryan as a President’s Volunteer Service Award Recipient
GREENE	Recognizing and Honoring Iris Skoog as a President’s Volunteer Service Award Recipient
TODARO	Honoring Capozzi Paving as Depew Founder’s Day Business of the Year 2024
TODARO	Recognizing Green Acres Ice Cream on National Ice Cream Day
MINORITY CAUCUS	Honoring 26 Shirts for Reaching the Two Million Dollar Donation Mark
LEGISLATURE	Honoring Howard J. Johnson Jr. for His Service as an Erie County Legislator

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-six items as amended. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

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

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2024 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

June 27, 2024	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOOSHOIAN.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12E-17 (2024)
COUNTY EXECUTIVE: “ECSD No. 3 – Engineering Term Contract Agreement”
(Chair’s Ruling)
 - b. COMM. 12E-18 (2024)
COUNTY EXECUTIVE: “ECSD No. 3 – Engineer Term Contract Agreement”
(Chair’s Ruling)
 - c. COMM. 12E-19 (2024)
COUNTY EXECUTIVE: “ECSD No. 3 – Engineering Term Contract Agreement”
(Chair’s Ruling)

2. COMM. 12E-20 (2024) AS AMENDED
COUNTY EXECUTIVE
WHEREAS, the County of Erie had previously entered into an agreement with the Erie County Soil and Water Conservation District (ECS&WCD), as authorized by Legislative Comm. 2E-17 (2023); and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management (ECDSM), has identified the need to secure an exposed creek crossing and stabilize a portion of Eighteenmile Creek in the Town of Boston to prevent additional degradation of the creek and damage to the sewer (hereinafter referred to as the “Sewer Line Stabilization Mitigation Project”); and

WHEREAS, the ECS&WCD has the essential experience necessary to execute a stream bank stabilization project in the vicinity of the proposed project area; and

WHEREAS, the ECDSM and the ECS&WCD desire to enter into a cooperative agreement to allow the ECS&WCD to coordinate and facilitate the “Sewer Line Stabilization Mitigation Project” on behalf of Erie County Sewer District (ECSD) No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or the Deputy County Executive to execute an amendment to the existing Agreement with the ECS&WCD to facilitate the “Sewer Line Stabilization Mitigation Project” for ECSD No. 3, subject to approval as to form by the County Attorney’s office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of a sum not to exceed \$400,000.00 from Erie County Sewer District No. 3 Capital Account C.00007 for reimbursement to the ECS&WCD for the “Sewer Line Stabilization Mitigation Project”; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$400,000.00 from ECSD No. 3 Capital Reserve Account C.00007 to ECSD No. 3 Capital Bond Account C.24351, Fund 430, Fund Center 183; and be it further

RESOLVED, that \$400,000 be allocated in ECSD No. 3 Capital Account C.24351 to fund the project; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to create and increase estimated revenue and appropriations in Erie County District No. 3 Capital Account No. 24351 by up to \$400,000; and be it further

RESOLVED, authorization is hereby provided for the Division of Budget and Management to implement any budget adjustments necessary to facilitate these transfers; and be it further

RESOLVED, that any unused funds be returned to ECSD No. 3 Capital Reserve Account C.00007 and the budget be adjusted accordingly based on guidance from the Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management.
(4-0)

3. COMM. 12E-21 (2024)
COUNTY EXECUTIVE

WHEREAS, Erie County has a Household Hazardous Waste (HHW) Collection Program to provide residents with a safe, effective, and cost-free opportunity to dispose of household generated hazardous waste; and

WHEREAS, every year, Erie County hosts periodic HHW events to properly dispose of chemicals that pose a health and safety hazard and might otherwise contaminate our water, land, or air; and

WHEREAS, beginning in June of 2020, the HHW Voucher program has provided service to over 1,000 Erie County residents on an annual basis; and

WHEREAS, these two services combined service approximately 2,000 households per year; and

WHEREAS, Erie County would realize a fiscal benefit from partial, up to fifty percent, State reimbursement for expenses associated with the collection and disposal of HHW; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into contracts with MXI Environmental Services, LLC (MXI) and The Environmental Service Group (ESG) with the passage of Resolution COMM. 4E-11(2023); and

WHEREAS, the proposed contract amendment provides for two, one-year extensions of the contracts; and

WHEREAS, the Department of Environment and Planning and the contractors, MXI and ESG, wish to extend the contracts for an additional year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or the Deputy County Executive to amend the existing contracts with MXI Environmental Services, LLC (MXI) and The Environmental Service Group (ESG) to allow for two, one-year extension for the provision of HHW and CESQG Collection and Management Services under all other existing conditions; and be it further

RESOLVED, that sufficient funding exists within the Department of Environment and Planning's 2024 Operating Budget (Fund 110, Funds Center 16200) Accounts 517577 – Hazardous Waste – Comm Generators (CESQG) and 517629 – Hazardous Waste Days; and be it further

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

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

June 27, 2024	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11M-3 (2024)
WEST SENECA TOWN CLERK: "Resolution Opposing Amending the Erie County Charter, Regarding Sales Tax"
(Chair's Ruling)

- b. COMM. 12E-1 (2024)
COMPTROLLER: “Department of Law Risk Retention Fund Spending – April 2024”
(Chair’s Ruling)
- c. COMM. 12E-2 (2024)
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program – Orchard Park Symphony Orchestra”
(Chair’s Ruling)
- d. COMM. 12E-3 (2024)
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program – Theatre of Youth”
(Chair’s Ruling)
- e. COMM. 12E-4 (2024)
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program – Hispanic Heritage Council of WNY, Inc.”
(Chair’s Ruling)
- f. COMM. 12E-5 (2024)
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program – Clarence Concert Association”
(Chair’s Ruling)
- g. COMM. 12E-6 (2024)
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program – Polish Art Club of Buffalo”
(Chair’s Ruling)
- h. COMM. 12E-7 (2024)
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program – Danceability, Inc.”
(Chair’s Ruling)
- i. COMM. 12E-8 (2024)
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program – Can You Dig It, Inc (DBA South Buffalo Irish Festival)”
(Chair’s Ruling)
- j. COMM. 12E-9 (2024)
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program – Amherst Male Glee Club, Inc.”
(Chair’s Ruling)
- k. COMM. 12E-10 (2024)
COMPTROLLER: “EC Cultural Funding Grant Monitoring Program – Buffalo & EC Botanical Gardens Society, Inc.”
(Chair’s Ruling)
- l. COMM. 12D-2 (2024)

DIRECTOR OF BUDGET & MANAGEMENT: "April 2024 Budget Monitoring Report"
(Chair's Ruling)

2. INTRO. 12-1 (2024)
GILMOUR

WHEREAS, Erie County recognizes the need to establish specific personnel policies for its non-unionized managerial and confidential employees who are not exempt from the Fair Labor Standards Act; and

WHEREAS, this honorable body approved personnel policies for its managerial and confidential employees who are exempt from the Fair Labor Standards Act on March 7, 2024; and

WHEREAS, the lack of specific policies for these non-exempt managerial and confidential employees has led to inconsistencies in the application of county personnel practices; and

WHEREAS, establishing clear, written policies for these employees will help ensure fair labor practices and enhance transparency within the workplace; and

WHEREAS, Erie County is committed to providing equitable treatment and benefits similar to those received by its unionized workforce, respecting the rights of non-exempt employees under the Fair Labor Standards Act regarding overtime and wage regulations; and

WHEREAS, the Personnel Commissioner has been tasked with reviewing and drafting policies that address the unique needs of non-exempt managerial and confidential employees, including provisions for overtime compensation and work hour regulations; and

WHEREAS, feedback on the drafted policies has been solicited and incorporated from various stakeholders, ensuring that the proposed policies are comprehensive and meet the needs of all affected parties.

NOW, THEREFORE, BE IT

RESOLVED, that the document titled "Personnel Policies for Hourly Managerial and Confidential Employees " is hereby adopted, effective June 29, 2024; and be it further

RESOLVED, that these policies will provide clarity on the accrual and use of overtime, the designation of working hours, and the rights to rest and meal breaks as per federal guidelines; and be it further

RESOLVED, any conflicting resolutions or policies previously adopted regarding the employment terms of non-exempt managerial and confidential employees are hereby superseded by this resolution; and be it further

RESOLVED, that the Personnel Department is directed to implement these policies and ensure that all managerial and confidential employees are informed of their rights and responsibilities under this new policy framework; and be it further

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

(5-0) Chair Baskin not present for vote.

3. COMM. 12E-14 (2024)
COUNTY EXECUTIVE

WHEREAS, the County regularly contracts with NYSDOT for the design and construction of projects utilizing federal aid; and

WHEREAS, NYSDOT has instituted a new web based civil rights reporting system called Equitable Business Opportunities (EBO); and

WHEREAS, NYSDOT has made use of the EBO system mandatory on all federal aid projects; and

WHEREAS, NYSDOT requires that in order to access the EBO system Erie County must designate an EBO administrator.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature approves the County Executive's designation of the Director of the Division of Equal Employment Opportunity (EEO), Andrew McLaren, as the County's EBO Administrator; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorize the Director of the Erie County Division EEO, Andrew McLaren to complete the EBO application and submit it to NYSDOT; and be it further

RESOLVED, that once approved as Erie County's EBO administrator the Director, Division of EEO will be responsible for providing access to other County staff as required for the management of NYSDOT sponsored federal aid projects; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner and one each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, the Office of the Comptroller and the Division of the Equal Employment Opportunity.

(5-0) Chair Baskin not present for vote.

4. COMM. 12E-16 (2024)
COUNTY EXECUTIVE

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and will have fixed their school tax rates, said budgets, amounts and rates to be certified to and filed with the Real Property Tax Services Department of Erie County, no later than August 10, 2024; and

WHEREAS, the Director for said Real Property Tax Services Department will spread and extend said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Services Department, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

RESOLVED, that the Chair and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Director of the Real Property Tax Services Department, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and be it further

RESOLVED, that the Director of the Real Property Tax Services Department is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that each and every act of the Director for the Real Property Tax Services Department in connection with the foregoing is hereby ratified and confirmed; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature; and be it further

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

(5-0) Chair Baskin not present for vote.

5. COMM. 12E-28 (2024)
COMPTROLLER

WHEREAS, the Erie County Charter requires that the Comptroller conduct audits of county operations in accordance with Generally Accepted Government Auditing Standards published by the Comptroller General of the United States; and

WHEREAS, the Comptroller General of the United States requires that all municipalities conducting audits under US Government Accountability Office standards conduct an external quality review at least once every three years; and

WHEREAS, the Comptroller prepared and published a request for proposals to local public accounting firms; and

WHEREAS, the Comptroller received one response from Tronconi Segarra and Associates;
and

WHEREAS, a review committee met with representatives of Tronconi Segarra and Associates and the Comptroller's Office desires to enter into contract with the firm to conduct the external quality review.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the accounting firm Tronconi Segarra and Associates to conduct a quality assurance/external quality review of the Comptroller's Division of Audit and Control at an expected cost of \$18,000.00; and be it further

RESOLVED, that the Comptroller is authorized to appropriate funds for this contract from the Comptroller's Office's S account 516020, Professional Services, Contracts and Fees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Comptroller and County Attorney.
(5-0) Chair Baskin not present for vote.

6. COMM. 12E-30 (2024)
DISTRICT ATTORNEY

WHEREAS, the Chief of Promis Bureau recently retired after 23 years of service to Erie County, including 12 years in the District Attorney's Office; and

WHEREAS, to aid in the transition process upon his retirement, the former Chief of Promis Bureau has agreed to continue to serve Erie County in a reduced role; and

WHEREAS, given his incredible wealth of knowledge of the District Attorney's Office technology needs and case management/discovery software, 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 is available within District Attorney's 2024 Adopted Budget;
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 District Attorney's Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) part-time managerial confidential position of Chief of Promis Bureau Job Group effective July 1, 2024; and be it further

RESOLVED, that authorization is hereby given to modify the District Attorney’s 2024 Adopted Budget as follows:

District Attorney’s Office
Fund 110, Funds Center 11400

APPROPRIATIONS	CHANGE
500000 Full time wages	(\$15,956)
500010 Part Time -Wages	<u>15,956</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 District Attorney’s Office, the Division of Budget and Management and the Department of Personnel.
(6-0)

TIMOTHY J. MEYERS
CHAIR

Item 11 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

June 27, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 12M-1 (2024)
NFTA COUNSEL: “NFTA – Notice of Proposed Rulemaking”
(Chair’s Ruling)
2. COMM. 12E-15 (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 training in emergency response; and

WHEREAS, the Department of Homeland Security & Emergency Services issued a

Request for Proposal (RFP) in March of 2024 RFP #2024-025VF; and

WHEREAS, Safeware, Inc. responded to the RFP with a strong proposal; and

WHEREAS, Fiscal Year 2022 Hazardous Materials Emergency Preparedness Grant funding was accepted through legislative approval in July 2023 resolution COMM. 13E-15 (2023); and

WHEREAS, funding is available in Fiscal Year 2024 Operating Fund Budget, Fund 110, Funds Center 16700, Account – 516020 Professional Services Contracts and Fees to cover the costs incurred for this training; 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 hereby authorizes the County Executive and/or Deputy County Executive to enter into contract with Safeware, Inc. in an amount not to exceed \$16,000 to conduct emergency response training to Hazardous Materials incidents; and be it further

RESOLVED, that sufficient funding exists to cover this expense in the 2024 Operating Fund Budget, Fund 110, Funds Center 16700, Account 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 will be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Homeland Security and Emergency Services and Division of Budget and Management.

(6-0)

3. COMM.12E-22 (2024)
COUNTY EXECUTIVE

WHEREAS, as Erie County (County) has determined that there is an ongoing need for the ability to access dam engineering services in an efficient and timely manner to be able to respond to problems, emergency situations and issues that are of such magnitude that the issuance of a request for proposals in that instance would neither be reasonable nor efficient, the County Department of Public Works (ECDPW) issued a Request for Proposals (RFP) for an On-Call Dam Engineering Services Term Agreement, received a proposal in accordance with County policy and upon evaluation of the proposal in accordance with the County selection process determined that Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. (Colliers) is qualified for an On-Call Dam Engineering Services Term Agreement; and

WHEREAS, it is desired to establish an initial On-Call Dam Engineering Services budget of

\$203,300.00; and

WHEREAS, the Department of public Works, Division of Highways requires five (5) certified copies of this resolution and the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller require one (1) certified copy of the same.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an On-Call Dam Engineering Services Agreement with Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT, P.C. for an initial term of three years with the option of two one-year extensions in an amount not to exceed \$203,300; and be it further

RESOLVED, that sufficient funding is available for this on-call contract in Fund 420, Fund Center 123, as follows:

B.17023	2017 Prsrv of Dams Design - Countywide	\$103,300.00
B.19057	2019 Preservation of Dams - Design	\$100,000.00

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, Office of the Commissioner, and one copy each to the County Executive's Office, Comptroller's Office and the Division of Budget and Management. (6-0)

4. COMM. 12E-23 (2024)
COUNTY EXECUTIVE

WHEREAS, authorization is being requested for the County Executive to execute an amendment for additional engineering design services to the Professional Design Engineering Services Agreement for the Lakeshore Road (CR111) Drainage Improvements and Road Rehabilitation (the "Agreement"), authorized by COMM. 9E-7 on May 26, 2022 with Wendel WD Architecture, Engineering, Surveying and Landscape Architect, PC; and

WHEREAS, the total cost of the amendment shall not exceed \$108,737.00 and funds are available in Fund 420, Funds Center 123, through Capital Project - B.19008 - 2019 Lakeshore Drain Rehab/Repl.; and

WHEREAS, the Department of Public Works, Division of Highways requires five (5) certified copies of this resolution and the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller require one (1) certified copy of the same.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an amendment to the existing Agreement with Wendel WD

Architecture, Engineering, Surveying and Landscape Architect, PC for design and engineering services related to the Lakeshore Road (CR111) Drainage Improvements and Road Rehabilitation Project in an amount not to exceed \$108,737.00; and be it further

RESOLVED, that sufficient funds are available for this amendment in Fund 420, Funds Center 123, Capital Project B.19008 - 2019 Lakeshore Drain Rehab/Replacement; 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.

(6-0)

5. COMM. 12E-24 (2024)
COUNTY EXECUTIVE

WHEREAS, authorization is being requested for the County Executive to execute an amendment for additional construction period engineering design services to the Professional Design Engineering Services Agreement for the Back Creek Road (CR438) Slope and Slide Remediation (the "Agreement"), authorized by COMM. 12E-9 on June 22, 2023 with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.; and

WHEREAS, the total cost of the amendment shall not exceed \$48,011.04 and funds are available in Fund 420, Funds Center 123, through Capital Project - B.21103 - 2021 Road Slides Const Back Creek; and

WHEREAS, the Department of Public Works, Division of Highways requires five (5) certified copies of this resolution and the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller require one (1) certified copy of the same.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an amendment to the existing Agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C for additional engineering design services in the amount not to exceed \$48,011.04; and be it further

RESOLVED, that sufficient funding for this amendment is available in Fund 420, Funds Center 123, Capital Project B.21103 - 2021 Road Slides Const Back Creek; 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.

(6-0)

6. COMM. 12E-25 (2024)
COUNTY EXECUTIVE

WHEREAS, the design of the referenced Project (the "Project"), was authorized by your honorable body via Communication 12E-18 (2022), and to facilitate construction it is necessary for

the County of Erie (the “County”) to acquire by easement and/or fee, portions of parcels of real property in the vicinity of the project as follows:

<u>TAX MAP SBL NUMBER</u>	<u>Acquisition Type</u>	<u>TOWNSHIP</u>
SBL 311.00-2-27.12	FEE	Sardinia
SBL 311.00-2-27.2	FEE	Sardinia
SBL 311.00-2-27.2	TE (Temporary Easement)	Sardinia
SBL 311.00-3-40	FEE	Sardinia
SBL 311.00-3-5	FEE	Sardinia

and

WHEREAS, such portions of parcels necessary to be acquired by the County are herein referred to as the “Subject Properties”; and

WHEREAS, the acquisitions of the Subject Properties is expected to be de minimis in nature; and

WHEREAS, the estimated total cost of acquisitions of the Subject Properties is \$28,000; and

WHEREAS, it is necessary, for each Subject Property, for the County to establish the amount of just compensation, prepare offers of acquisition and to negotiate those offers with the owners of the Subject Properties for respective just compensation amounts; and

WHEREAS, it will be necessary to prepare and execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portion of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings; and

WHEREAS, the Department of public Works, Division of Highways requires five (5) certified copies of this resolution and the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller require one (1) certified copy of the same.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes Erie County to enter into all necessary contracts and agreements required for the acquisition of real property from the owners of the Subject Properties to facilitate the construction of the Project; and be it further

RESOLVED, the public interest will not be prejudiced by the construction of the Project due to the de minimis nature of the acquisitions of the Subject Properties; and be it further

RESOLVED, that a sum not to exceed \$28,000 from Fund 420, Fund Center 123, project B.17006 - 2017 Capital Right of Way (Countywide) be made available to cover all costs of ROW acquisitions; and be it further

RESOLVED, that authorization is hereby given for the Commissioner of Public Works, or his authorized representatives, including Popli Architecture + Engineering & LS, DPC dba Popli Design Group, to act on behalf of the County in connection with the acquisition of the Subject Properties from their respective owners including the establishment and negotiation of offers which he believes to represent just compensation for the real property interests to be acquired; and be it further

RESOLVED, that the County Attorney shall prepare, and the County Executive shall execute all appropriate documents relating to acquiring easement and/or fee interests in the necessary ROW; and be it further

RESOLVED, that authorization is hereby given for Erie County to commence eminent domain procedures should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives; and be it further

RESOLVED, that the Clerk of the Legislature 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.
(6-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

June 27, 2024	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 10-2 (2023)
MALCZEWSKI: “Supporting the Separation of Policy and Financial Issues in the New York State Budget”
(Chair’s Ruling)

- b. INTRO. 11-1 (2023)
MALCZEWSKI: “Supporting the Essential Caregivers Act”
(Chair’s Ruling)
- c. INTRO. 11-2 (2023)
MALCZEWSKI: “Calling for a State of Emergency to Avoid Effects of an Immigration Crisis in Erie County”
(Chair’s Ruling)
- d. COMM. 15E-3 (2023)
CLERK: “ZOMBIE Initiative - 6 Month Report”
(Chair’s Ruling)
- e. COMM. 15M-1 (2023)
ASSIGNED COUNSEL PROGRAM: “Quarterly Report of the Assigned Counsel Program - 2nd Quarter of 2023”
(Chair’s Ruling)
- f. COMM. 15M-2 (2023)
ASSIGNED COUNSEL PROGRAM: “Reports Designated by Resolution 233 of May 6, 1975”
(Chair’s Ruling)
- g. COMM. 16E-2 (2023)
COMPTROLLER: “WROTB 2022 Financial Statements Inquiry”
(Chair’s Ruling)
- h. COMM. 16E-6 (2023)
TODARO: “Request for Further Information Regarding any Incidents Involving Asylum Seekers in Cheektowaga”
(Chair’s Ruling)
- i. COMM. 16E-7 (2023)
COUNTY EXECUTIVE: “Letter to Mayor Eric Adams Regarding NYC's Migrant Transport Program”
(Chair’s Ruling)
- j. COMM. 16E-8 (2023)
COMPTROLLER: “Development of Corrective Action Plans Following Audits”
(Chair’s Ruling)
- k. COMM. 16E-9 (2023)
COMPTROLLER: “WROTB Hotel at Batavia Downs”
(Chair’s Ruling)
- l. COMM. 16E-10 (2023)
GREENE: “FOIL Request for the EC Post-Blizzard Analysis”

(Chair's Ruling)

- m. COMM. 16E-11 (2023)
TODARO: "Request for Further Information Regarding Any Incidents Involving Asylum Seekers in Cheektowaga"
(Chair's Ruling)
- n. COMM. 16E-41 (2023)
TODARO: "Letter to the District Attorney Regarding Domestic Violence Incident"
(Chair's Ruling)
- o. COMM. 16D-3 (2023)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(Chair's Ruling)
- p. COMM. 16M-2 (2023)
BRADY & SWENSON, P.C.: "Town of East Otto's Proposed Local Law 1 - 2023"
(Chair's Ruling)
- q. COMM. 16M-4 (2023)
TOWN OF AMHERST: "Legal Ruling on Extension of Town of Amherst Consolidated Lighting District to Evergreen Landing Subdivision"
(Chair's Ruling)
- r. COMM. 16M-14 (2023)
ASSIGNED COUNSEL PROGRAM: "2022 Financial Statements & Explanation from Auditor"
(Chair's Ruling)
- s. INTRO. 18-1 (2023)
MINORITY CAUCUS: "Opposing Limiting Elections to Even Years"
(Chair's Ruling)
- t. COMM. 18D-5 (2023)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(Chair's Ruling)
- u. COMM. 18M-1 (2023)
EC BOARD OF ETHICS: "Annual Report of Activities for 2022"
(Chair's Ruling)
- v. COMM. 20M-1 (2023)
ASSEMBLYMAN GIGLIO: "Acknowledgment of Receipt of Certified Resolution"
(Chair's Ruling)
- w. COMM. 21M-1 (2023)
ASSEMBLYMAN GIGLIO: "Acknowledgment of Receipt of Certified Resolution"

- (Chair's Ruling)
- x. COMM. 21M-2 (2023)
GERALD E. PARADISE III: "Resignation Letter - EC Salary Review Commission"
(Chair's Ruling)
 - y. COMM. 24E-27 (2023)
MINORITY CAUCUS: "Letter from Republican Caucus to County Executive"
(Chair's Ruling)
 - z. COMM. 24D-1 (2023)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(Chair's Ruling)
 - aa. COMM. 24M-7 (2023)
TOWN OF MARILLA: "Notice of Public Hearing - Town of Marilla Zoning Code"
(Chair's Ruling)
 - bb. COMM. 2D-1 (2024)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(Chair's Ruling)
 - cc. COMM. 4D-1 (2024)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(Chair's Ruling)
 - dd. COMM. 4M-1 (2024)
ECWA CHIEF FINANCIAL OFFICER: "ECWA Financial Statements for 2022 & 2023
(Unaudited)"
(Chair's Ruling)
 - ee. COMM. 4M-2 (2024)
NFTA: "NFTA - 17A Report & Capital Expenditure Reports, First Quarter"
(Chair's Ruling)
 - ff. COMM. 5E-42 (2024)
COUNTY CLERK: "Legislature Meeting and Committee Invitations"
(Chair's Ruling)
 - gg. COMM. 5D-2 (2024)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(Chair's Ruling)
 - hh. COMM. 6D-4 (2024)
PERSONNEL COMMISSIONER: "Budget Resolution 13 Report"
(Chair's Ruling)

- ii. COMM. 7E-8 (2024)
DISTRICT ATTORNEY: “Resignation Packet for DA Flynn”
(Chair’s Ruling)
- jj. COMM. 7E-9 (2024)
DISTRICT ATTORNEY: “Notification of Change in DA Office”
(Chair’s Ruling)
- kk. COMM. 7D-4 (2024)
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(Chair’s Ruling)
- ll. COMM. 9E-5 (2024)
COMPTROLLER: “Submission Pursuant to EC Code of Ethics (Local Law #2 2018)”
(Chair’s Ruling)
- mm. COMM. 10E-1 (2024)
SHERIFF: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- nn. COMM. 10E-3 (2024)
MILLS: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- oo. COMM. 10E-4 (2024)
LORIGO: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- pp. COMM. 10E-5 (2024)
GILMOUR: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- qq. COMM. 10E-6 (2024)
TODARO: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- rr. COMM. 10E-7 (2024)
MEYERS: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- ss. COMM. 10E-8 (2024)
GREENE: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- tt. COMM. 10E-9 (2024)
VINAL: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)

- uu. COMM. 10E-10 (2024)
BARGNESI: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- vv. COMM. 10E-11 (2024)
KOOSHOIAN: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- ww. COMM. 10E-12 (2024)
BASKIN: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- xx. COMM. 10E-13 (2024)
JOHNSON: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- yy. COMM. 10E-28 (2024)
GREENE: “Request for a Legal Opinion”
(Chair’s Ruling)
- zz. COMM. 10E-30 (2024)
COUNTY EXECUTIVE: “Erie County Code of Ethics - Section 5(c) Reporting Requirement”
(Chair’s Ruling)
- aaa. COMM. 10D-2 (2024)
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(Chair’s Ruling)
- bbb. COMM. 11M-1 (2024)
GRAND ISLAND TOWN CLERK: “Notice of Public Hearing”
(Chair’s Ruling)
- ccc. COMM. 12D-1 (2024)
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(Chair’s Ruling)
- 2. COMM. 12E-13 (2024)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby confirm Brian Ross to the permanent position of Commissioner of the Department of Central Police Services effective immediately.
(6-0)

JOHN A. BARGNESI, JR.
CHAIR

LEGISLATOR RESOLUTIONS

Item 33 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

RE: Establishing a Standard Work Day for Elected Officials (INTRO. 13-1)

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

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for elected officials and will report the following Standard Work Day to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer's Time Keeping System</u>	<u>Days/ Month (Based on Record of Activities)</u>
Legislator	Lindsay Lorigo	6	01/01/2024 - 12/31/2025	N	18.75

and be it further

RESOLVED, that a certified copy of this resolution shall be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the New York State Comptroller, Erie County Commissioner of Personnel and to Laurie Haug, Senior Payroll and Roster Clerk- Erie County Department of Personnel.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

There are none.

SUSPENSION OF THE RULES

There are none.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE SHERIFF

Item 14 – (COMM. 13E-1) Acceptance of NYS Canal Corporation Marine Patrol Grant

Item 15 – (COMM. 13E-2) Transfer of Funds for Janitorial Services

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

FROM THE COMPTROLLER

Item 16 – (COMM. 13E-3) Apportionment & Distribution of 4.75% Sales & Compensating Use Tax for March, April, and May 2024

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 17 – (COMM. 13E-4) ECSD No. 3 - Increase & Improvements of Facilities

Item 18 – (COMM. 13E-5) ECSD No. 3 - Resolution Calling for Public Hearing

Item 19 – (COMM. 13E-6) ECSD 1-6 & 8 - Board of Managers Resolutions

Item 20 – (COMM. 13E-7) ECSD No. 6 - Ridgewood Village Sanitary Sewer Service, Contract Close Out

Item 21 – (COMM. 13E-8) ECSD No. 3 - Southtowns Incinerator Contract Close Out

Item 22 – (COMM. 13E-9) ECSD No. 4 - Pump Stations Project, Contract Close Out

Item 23 – (COMM. 13E-10) ECSD No. 2 - Big Sister Creek Improvements Project, Contract Close Out

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

FROM THE COUNTY EXECUTIVE

Item 24 – (COMM. 13E-11) Transfer of Funds - Operating Budget of Office of Health Equity

Item 25 – (COMM. 13E-12) Authorization to Contract with Double Talk Bilingual Speech Therapy Services

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

FROM THE COUNTY EXECUTIVE

Item 26 – (COMM. 13E-13) ECLIPSE Community Solar Contractor

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 13E-14) Amendment of Union Concrete & Construction Corp, Construction Agreement

Item 28 – (COMM. 13E-15) NYS DHSES Agreement - Ellicott Creek Streambank Stabilization

Item 29 – (COMM. 13E-16) SUNY ECC North Campus - Bell Sports Center Gym Mechanical Equipment Replacement

Item 30 – (COMM. 13E-17) Town of Amherst - County Betterment to Casey Road Improvement Project

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

FROM THE SHERIFF

Item 31 – (COMM. 13E-18) Award Food Management Services Contract

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 13E-19) Appointments to the EC Historical Commission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 33 – (COMM. 13E-20) Appointment to the ECMCC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 34 – (COMM. 13E-21) Notification of Forthcoming 2024 Bond Sale

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 35 – CHAIR BASKIN directed that the following item be received, filed and printed.

(COMM. 13E-22) Letter of Resignation as Member of the Erie County Legislature

July 5, 2024

Olivia Owens, Clerk
Erie County Legislature
92 Franklin St.
Buffalo, NY 14202

Re: Letter of Resignation as Member of the Erie County Legislature

Dear Clerk Owens,

Please accept this letter as my formal resignation from my role as an Erie County Legislator representing the 1st District, effective today, Friday, July 5 at 11:59 p.m.

It has been a pleasure working with you and my colleagues.

Sincerely,
Howard Johnson
Erie County Legislator – 1st District

FROM THE COMPTROLLER

Item 36 – (COMM. 13E-23) 2023 Annual Comprehensive Financial Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE ECSO JAIL MANAGEMENT DIVISION SUPERINTENDENT

Item 37– (COMM. 13D-1) ECCSAB

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 38 – (COMM. 13D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 39 – (COMM. 13D-3) Budget Monitoring Report - May 2024

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NEWS ORGANIZATIONS

Item 40 – (COMM. 13M-1) News Media Parking

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 41 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, July 18, 2024, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, July 25, 2024.

MEMORIAL RESOLUTIONS

Item 42 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Arlington “Bud” Smith.

Item 43 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Attorney Edward C. Cosgrove.

Item 44 – Legislator Kooshoian requested that when the Legislature adjourns, it do so in memory of Joseph DeCecco and James Norman Schmit.

Item 45 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Edward C. Cosgrove and William A. Speyer Jr.

ADJOURNMENT

Item 46 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

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

CARRIED UNANIMOUSLY.

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

OLIVIA M. OWENS
CLERK OF THE LEGISLATURE