

**ERIE COUNTY LEGISLATURE
MEETING NO. 14
JULY 25, 2024**

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Ms. Vinal, who offered a short prayer.

The Pledge of Allegiance was led by Mr. Todaro.

Item 1 – CHAIR BASKIN directed that the agenda be taken out of order and the next item for consideration shall be a suspension.

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

GRANTED.

COMM. 14E-20 from CHAIR BASKIN Re: Appointment to Fill Vacancy in the First Legislative District.

MR. MEYERS presented the following communication and moved for immediate consideration. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RE: Appointment to Fill Vacancy in
the First Legislative District
(COMM. 14E-20)

July 23, 2024

Olivia M. Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment to Fill Vacancy in the First Legislative District

Dear Ms. Owens:

Please be advised that the Democratic Caucus of the Erie County Legislature will take the necessary measures at the July 25, 2024 legislative session to make an appointment to fill the vacancy in the First Legislative District.

Thank you for your assistance and courtesies.

Sincerely,

April N.M. Baskin
Chair, Erie County Legislature
July 23, 2024

Olivia M. Owens, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**Re: Appointment of Lawrence J. Dupre to Fill Vacancy
in the First Legislative District**

Dear Ms. Owens:

Pursuant to Section 2605 of the Erie County Charter, we the undersigned, representing a majority of the members of the Erie County Legislature representing the Democratic Party, do hereby nominate Lawrence J. Dupre, of Buffalo, New York, a duly-qualified elector of the First Legislative District having the same political affiliation as the person last elected to such office, for the appointment to fill the vacancy in the position of First District Legislator. Said appointment shall take effect immediately upon a vote, pursuant to the Charter.

Sincerely,

April N.M. Baskin
Legislator, District 2

Michael H. Kooshoian
Legislator, District 3

John A. Bargnesi, Jr.
Legislator, District 4

Jeanne M. Vinal
Legislator, District 5

Timothy J. Meyers
Legislator, District 7

John J. Gilmour
Legislator, District 9

MR. MEYERS moved to receive, file and print the communication. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to approve the appointment. MR. GILMOUR seconded.

CHAIR BASKIN directed that a roll-call vote be taken, among members of the Erie County Legislature of the Democratic Caucus, on the appointment.

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 6; NOES: 0)

CARRIED UNANIMOUSLY.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meeting.

Item 4 – MR. MEYERS moved for the approval of the minutes for Meeting Number 13 from 2024. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 5 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – Miscellaneous Resolutions were offered, as follows:

GILMOUR, KOOSHOIAN & BARGNESI	In Remembrance of Joseph M. DeCecco
KOOSHOIAN & BARGNESI	Congratulating and Honoring Phil Aguglia - Inducted to the Buffalo Music Hall of Fame (Class of 2024)
GREENE	Recognizing and Honoring Clarence Hollow Farmers Market During National Farmers Market Week
TODARO	Celebrating Alden Pools and Play for 60 Years of “Funner Summers”
GREENE	Recognizing and Honoring Badding Farm Market During National Farmers Market Week
GREENE	Recognizing and Honoring West Shore Market During National Farmers Market Week
MILLS	Recognizing South Towns Tennis Club on National Pickleball Day
MILLS	Honoring Christopher Brett Reid on Earning the Rank of Eagle Scout
MILLS	Recognizing Operation Good Neighbor on National Food Bank Day
LORIGO	Recognizing International Overdose Awareness Day
LORIGO	Proclaiming August 4 – August 10, 2024 National Farmers Market Week

- LORIGO Honoring West Seneca Police Chief Edward Baker On His Retirement
- LORIGO Celebrating the 55th Annual East Aurora Sidewalk Sale & Street Festival
- LORIGO Recognizing Wimbledon Lanes on “National Bowling Day”
- LORIGO Recognizing The Bookworm of East Aurora on National Book Lovers Day

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above fifteen items as amended. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 7 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2024 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2024 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 9 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2024 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 5 (Print #2) 2024 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

July 18, 2024	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7M-4 (2024)
CITIZENS SALARY REVIEW COMMISSION: “2024 Citizens Salary Review Commission – Final Report & Recommendations”
(Chair’s Ruling)
 - b. COMM. 8D-1 (2024)
DEPUTY COUNTY CLERK - LEGAL: “Clerk’s Office Software RFP”
(Chair’s Ruling)
 - c. COMM. 10E-2 (2024)
MINORITY CAUCUS: “Committee Discussion Request”
(Chair’s Ruling)
 - d. COMM. 13E-3 (2024)
COMPTROLLER: “Apportionment & Distribution of 4.75% Sales & Compensating Use Tax for March, April, and May 2024”
(Chair’s Ruling)
 - e. COMM. 13E-21 (2024)
COMPTROLLER: “Notification of Forthcoming 2024 Bond Sale”
(Chair’s Ruling)
 - f. COMM. 13E-23 (2024)
COMPTROLLER: “2023 Annual Comprehensive Financial Report”
(Chair’s Ruling)
 - g. COMM. 13D-3 (2024)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report – May 2024”
(Chair’s Ruling)

2. COMM. 1D-1 (2024) AS AMENDED
DIRECTOR OF REAL PROPERTY TAX SERVICES

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 260087 through 260098, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2024 Petition No. 260,087.00

ASSESSOR Refund\$3,377.87
S-B-L 101.52-1-1.3 Doat St 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$3,377.87 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$3,377.87

RPTL 550(2): Failed to reduce assessment
Refund to be issued to Felician Sisters of North America Real Estate Trust

FISCAL YEAR 2023 Petition No. 260,088.00

ASSESSOR Refund\$3,773.03
S-B-L 101.52-1-1.3 Doat St 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$3,773.03 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$3,773.03

RPTL 550(2): Failed to reduce assessment
Refund to be issued to Felician Sisters of North America Real Estate Trust

FISCAL YEAR 2024 Petition No. 260,089.00

ASSESSOR Refund\$65.96
S-B-L 335.10-2-46 55 Spas Dr 143801 SPRINGVILLE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$65.96 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE \$65.96

Relevy Village \$65.96 Village of SPRINGVILLE
RPTL 550(2): Failed to apply vet exemption
Refund to be issued to Gary & Juanita Nowak

FISCAL YEAR 2024 Petition No. 260,090.00

ASSESSOR Refund\$112.27
S-B-L 64.06-3-43 690 East River Rd 144600 GRAND ISLAND

Acct. No. 112 \$86.39 County
Acct. No. 132 \$25.88 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$25.88

RPTL550(2): Applied incorrect vet exemption
Refund to be issued to Robert W. & Dawn L. Fraser

FISCAL YEAR 2023 Petition No. 260,091.00

ASSESSOR Refund\$83.95
S-B-L 64.06-3-43 690 East River Rd 144600 GRAND ISLAND

Acct. No. 112 \$55.03 County
Acct. No. 132 \$28.92 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$28.92

RPTL 550(2): Applied incorrect vet exemption
Refund to be issued to Robert W. & Dawn L. Fraser

FISCAL YEAR 2022 Petition No. 260,092.00

ASSESSOR Refund\$83.26
S-B-L 64.06-3-43 690 East River Rd 144600 GRAND ISLAND

Acct. No. 112 \$54.43 County
Acct. No. 132 \$28.83 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$28.83

RPTL 550(2): Applied incorrect vet exemption
Refund to be issued to Robert W. & Dawn L. Fraser

FISCAL YEAR 2023 Petition No. 260,093.00

ASSESSOR Refund\$125.58
S-B-L 64.06-3-43 690 East River Rd 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County
Acct. No. 132 \$125.58 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$125.58
Relevy School\$125.58 144601 GRND ISLN CENTRAL

RPTL 550(2): Applied incorrect vet exemption
Refund to be issued to Robert W. & Dawn L. Fraser

FISCAL YEAR 2022 Petition No. 260,094.00

ASSESSOR Refund\$135.65
S-B-L 64.06-3-43 690 East River Rd 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County
Acct. No. 132 \$135.65 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$135.65
Relevy School\$135.65 144601 GRND ISLN CENTRAL

RPTL 550(2): Applied incorrect vet exemption
Refund to be issued to Robert W. & Dawn L. Fraser

FISCAL YEAR 2021 Petition No. 260,095.00

ASSESSOR Refund\$129.58
S-B-L 64.06-3-43 690 East River Rd 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County
Acct. No. 132 \$129.58 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$129.58
Relevy School\$129.58 144601 GRND ISLN CENTRAL

RPTL 550(2): Applied incorrect vet exemption
Refund to be issued to Robert W. & Dawn L. Fraser

FISCAL YEAR 2024 Petition No. 260,096.00

ASSESSOR Cancel \$360.00
S-B-L 59.00-1-26 5797 Davison Rd 145601 AKRON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$360.00 Town/SpecialDist/School

Charge To : 145601 AKRON \$360.00

Relevy Village \$360.00 Village of AKRON
RPTL 550(7): Town parcel incorrectly entered in RPS with village swis
New tax bill to be issued.

FISCAL YEAR 2024 Petition No. 260,097.00

ASSESSOR Refund\$331.29
S-B-L 161.19-2-5.2 4182 S Taylor Rd 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$331.29 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$331.29

RPTL 550(2): Failed to remove garbage district
Refund to be issued to 4182 South Taylor LLC

FISCAL YEAR 2023 Petition No. 260,098.00

ASSESSOR Refund\$300.14
S-B-L 161.19-2-5.2 4182 S Taylor Rd 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$300.14 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$300.14

RPTL 550(2): Failed to remove garbage district
Refund to be issued to 4182 South Taylor LLC

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real
Property Tax Services.

(5-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

July 18, 2024	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-4 (2024)
COUNTY EXECUTIVE: “ECSD No. 3 – Increase & improvements of Facilities”
(Chair’s Ruling)
 - b. COMM. 12E-18 (2024)
COUNTY EXECUTIVE: “ECSD 1-6 & 8 – Board of Managers Resolutions”
(Chair’s Ruling)

2. COMM. 11E-10 (2024) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 67 at 10:00 a.m. on June 14, 2024:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 67	Kandey Company, Inc. 19 Ransier Drive West Seneca, NY 14224	\$1,099,614.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects for the Division of Sewerage Management in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a New York State Environmental Quality Review (SEQR) Unlisted Action and after due consideration a Negative Declaration was issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Dorrance Ave. Pumping Station Force Main Improvements Project, Erie County Sewer District No. 6, Contract No. 67 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 67	Kandey Company, Inc. 19 Ransier Drive West Seneca, NY 14224	\$1,099,614.00

and be it further

RESOLVED, that authorization is hereby provided for the County Executive or Deputy County Executive to execute the Contract with the aforementioned lowest responsible bidder, 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 Director of Budget and Management and the County Comptroller to allocate up to \$1,000,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to partially fund Contract No. 67; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of a sum not to exceed \$100,000.00 from Erie County Sewer District No. 6 Capital Reserve Account C.00006 to partially fund Contract No. 67; 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 \$100,000.00 from Erie County Sewer District No. 6 Capital Reserve Account C.00006 to Erie County Sewer District No. 6 Capital Bond Account C.24650, Fund 430, Fund Center 183; and be it further

RESOLVED, that \$100,000.00 be allocated in ECSD No. 6 Capital Account C.24650 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. 6 Capital Account No. 24650 by up to \$100,000.00; and be it further

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

RESOLVED, that any unused capital reserve funds be returned to Erie County Sewer District No. 6 Capital Reserve Account C.00006 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 County Comptroller, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management. (4-0) Legislator Bargnesi not present for vote.

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

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 (the "Sewer District") of the County of Erie, New York (the "County"), has heretofore been established; and

WHEREAS, this County Legislature (the "Legislature") has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of

Environment and Planning) relating to a proposed increase and improvement of the facilities of the Sewer District (the “Report”), which Report has been approved by the Board of Managers of the Sewer District on April 17, 2024, and filed with the Legislature pursuant to Section 268 of the County Law; and

WHEREAS, the Report describes a proposed increase and improvement of the facilities of the Sewer District, consisting of improvements to the Southtowns Advanced Wastewater Treatment Facility, existing pumping stations, and the sanitary sewer collection system, all as more fully described in the Report; and

WHEREAS, the total maximum estimated cost of the aforesaid increase and improvement of the facilities of the Sewer District is \$215,000,000, which will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the Sewer District's Benefit and User Charge formulas, as such formulas currently exist and as the same may be amended from time to time; and

WHEREAS, pursuant to applicable provisions of Section 268 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is required prior to the expenditure of funds for such increase and improvement because the estimated \$221.00 cost thereof to the Typical Property (as defined in the County Law) exceeds the applicable threshold for Average Estimated Cost for County Districts on similar types of expenditures, which was computed by the State Comptroller to be \$63.00 for calendar year 2024; and

WHEREAS, it is now desired to call a public hearing to consider such increase and improvement in accordance with the provisions of Section 254 of the County Law.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the Legislature shall be held at the County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in the County, on the 9th day of September, 2024, at 2:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of the Sewer District in the County, and for such other action on the part of the Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature (the “Legislature”) of the County of Erie, New York (the “County”), shall be held at the County Hall, 92 Franklin Street, 4th Floor, Buffalo, New York, in the County, on the 9th day of September, 2024, at 2:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 3 in the County (the “Sewer District”).

The proposed increase and improvement of such facilities consist of improvements to the Southtowns Advanced Wastewater Treatment Facility, existing pumping stations, and the sanitary sewer collection system; all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of the Sewer District on April 17, 2024 (the "Report").

The maximum estimated cost of such increase and improvement of facilities is \$215,000,000, which will be apportioned in accordance with applicable flat charges and charges based on units, assessed value and footage specified in the Sewer District's Benefit and User Charge formulas, as such formulas currently exist and as such may be amended from time to time.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is estimated to be \$221 for the District. The Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Legislature a detailed explanation of how such costs were computed, as incorporated in the Report.

Dated: Buffalo, New York,
July 25, 2024

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

By _____
Clerk, County Legislature

Section 3. The Clerk of the Legislature (the "Clerk") is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "*Lancaster Bee*" and in the "*Challenger*", the official newspapers of the County, and in the "*Hamburg Sun*", not less than ten nor more than twenty days before the date set herein for the public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.
(4-0) Legislator Bargnesi not present for vote.

4. COMM. 13E-7 (2024)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 6E-10 (2023), Contract No. 66 was awarded to United Survey, Inc. to construct the Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project in Erie County Sewer District No. 6; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes that Contract No. 66 between the County of Erie and United Survey, Inc. (25145 Broadway Avenue, Oakwood Village, OH 44146) be accepted in the final contract amount of \$396,640.00 which includes Change Order No. 1 (final), a decrease of \$101,150.00; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 66 to United Survey, Inc. for a total contract amount of \$396,640.00; 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) Legislator Bargnesi not present for vote.

5. COMM. 13E-8 (2024)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 25E-4 (2021), Contract No. 68 was awarded to Quackenbush Company, Inc. for General Construction of the Southtowns Incinerator Tray Scrubber Replacement and Crane Installation Project in Erie County Sewer District No. 3; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes Contract No. 68 between the County of Erie and Quackenbush Company, Inc. (495 Kennedy Road, Buffalo, NY 14227) to be accepted in the final contract amount of \$1,044,649.76, which includes Change Order No. 4 (final), a contract increase of \$10,290.76; and be it further

RESOLVED, that authorization is hereby given for the partial closing of \$10,290.76 in Capital Account No. C.21150 for Contract No. 68; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 68, to Quackenbush Company, Inc. for a total contract amount of \$1,044,649.76; 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. (5-0)

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

WHEREAS, pursuant to Legislative Comm. 8E-28 (2022), Contract No. 58 was awarded to STC Construction, Inc. for the Warner Road and Bowmansville Pump Stations Valve Installations Project in Erie County Sewer District No. 4; and

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

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes Contract No. 58 between the County of Erie and STC Construction, Inc. (63 Zoar Valley Road, P.O. Box 459, Springville, NY 14141-0459) to be accepted in the final contract amount of \$211,056.00, which includes Change Order No. 3 (final), a decrease of \$5,226.00; and be it further

RESOLVED, authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 72-A to STC Construction, Inc. for a total contract amount of \$211,056.00; 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. (5-0)

7. COMM. 13E-10 (2024)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 6E-11 (2023), Contract No. 100 was awarded to Frey Electric Construction Co., Inc. to construct the Big Sister Creek WRRF IT Infrastructure Improvements Project in Erie County Sewer District No. 2; 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. 100 in the final contract amount of \$713,943.08 which includes Change Order No. 1 (final), an increase of \$20,943.08 to the total contract value, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Director of Budget and Management and the County Comptroller to allocate \$20,943.08 in Capital Account C.21150 (American Rescue Plan funds) to fund Contract No. 100 Change Order No 1 (final); and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to implement any budget adjustments necessary to facilitate this funding; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 100 to Frey Electric Construction Co., Inc. for a total contract amount of \$713,943.08; 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.
(5-0)

8. COMM. 13E-13 (2024)
COUNTY EXECUTIVE

WHEREAS, the State of New York, through its Energy Research and Development Authority (NYSERDA), granted Erie County \$1,500,000 to for the Erie County Low Income Program for Sustainable Energy Project; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) was authorized to contract with the New York State Energy Research and Development Authority (NYSERDA) to conduct the Erie County Low Income Program for Sustainable Energy Program (ECLIPSE) in 2018 (Comm. 3E-9) (SAP Grant Account 162ECLIPSE1922); and

WHEREAS, in February 2024 the Erie County Legislature adopted the Erie County Community Climate Action Plan that recommends actions to improve access to clean energy and reduce energy costs for residents (COMM 2E-19); and

WHEREAS, following the recommendations of the ECLIPSE Feasibility Study DEP and the Department of Social Services wish to create an ECLIPSE Community Solar Program to provide access to renewable energy and to provide electric bill savings of up to 20% of total bill cost to low- and moderate-income County residents starting with Home Energy Assistance Program (HEAP) recipients; and

WHEREAS, DEP issued a Request for Proposals (RFP) seeking proposals from qualified solar development firms interested in providing Erie County with community solar services for a term of two years; and

WHEREAS, the following two firms submitted proposals by the RFP deadline: Ampion, a Public Benefit Corporation (PBC), and PowerMarket, Inc.; and

WHEREAS, considering the scope of the specified services and the results of the tallied matrices, it was the unanimous recommendation of the Proposal Selection Committee members to award the Community Solar Services Contract to Ampion, PBC; and

WHEREAS, to implement the program requires the replacement of an existing JG-7 Junior Administrative Assistant position with a new JG-9 Administrative Assistant position within the ECLIPSE grant; and

WHEREAS, Erie County Legislature authorization is required execute the community solar services contract and to create the new grant position in DEP.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute the necessary agreements with Ampion, PBC, to enroll Erie County low- and moderate-income households into community solar projects for the purpose of reducing electricity utility expenses; and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to accept all related grants, awards, fees and funds related to the enrollment of electric utility accounts into Community Solar and authorizes the Department of Budget and Management to add funds to SAP Grant Account 162ECLIPSE1922; and be it further

RESOLVED, that authorization is hereby given to create an Administrative Assistant, Job Group 9, Step 5, CSEA (B-100 # 14401); and be it further

RESOLVED, that authorization is hereby given to create the following position in the Department of Environment and Planning by grant SAP# 162ECLIPSE1922 in Fund 281; and be it further

RESOLVED, that authorization is hereby given to amend the grant budget for 162ECLIPSE1922 in the Department of Environment and Planning (Fund 281, Funds Center 1620020) to be amended as follows:

Department of Environment and Planning
Erie County Low Income Program for Sustainable Energy
162ECLIPSE1922
11/12/2019 through 03/31/2025
Fund 281, Cost Center 1620020

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
500000	Full Time - Salaries	\$13,500
502000	Fringe Benefits	6,821
912000	ID DSS Services	(20,321)
	TOTAL	<u>\$ 0</u>

and be it further

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

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

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

(4-0) Legislator Bargnesi not present for vote.

TIMOTHY J. MEYERS
CHAIR

Item 13 – MR. MEYERS presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

July 18, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.

1. COMM. 13E-14 (2024)
COUNTY EXECUTIVE

WHEREAS, authorization is being requested for the County Executive to execute a change order for additional construction to the Construction Agreement for the Reconstruction/Slope Stabilization of Back Creek Road (CR438) (the "Agreement"), authorized by COMM. 3E-17 on February 16, 2023 with Union Concrete and Construction Corp.; and

WHEREAS, additional remediation work is required to stabilize the slope along creek on Back Creek Road; and

WHEREAS, the total cost of the change order shall not exceed \$75,492.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a change order to the existing Agreement with UCC in the amount not to exceed \$75,492; and be it further

RESOLVED, the change order budget, in the not to exceed amount of \$75,492.95, is available in Fund 420, Funds Center 123, Capital Project B.19050 – 2019 Capital Overlay Program; 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, Division of Highways, and one copy each to the County Executive’s Office, Comptroller’s Office, and Division of Budget and Management.

(4-0)

2. COMM.13E-15 (2024)
COUNTY EXECUTIVE

WHEREAS, the Ellicott Creek Streambank Stabilization Project adjacent to North Forest Road (CR 294) near Stahl Road, in the Town of Amherst, HMPG Project 4480-0049 (the “Project”) was awarded a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMPG) grant; and

WHEREAS, the streambank of Ellicott Creek in this location needs to be stabilized to prevent further loss of embankment material supporting North Forest Road (CR 294); and

WHEREAS, the County of Erie desires to advance the Project by entering into an agreement with New York State Division of Homeland Security and Emergency Services (NYS DHSES); and

WHEREAS, only expenses after the full execution of the agreement with the NYS DHSES can be reimbursed; and

WHEREAS, the total grant awarded for the Engineering Design, Right of Way incidental and acquisition, Construction, and Construction Inspection and Administration phases is \$1,600,000, which is comprised of a Federal share of \$1,080,000, and a Local share of \$520,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves participation in the Ellicott Creek Streambank Stabilization Project adjacent to North Forest Road (CR 294) near Stahl Road, in the Town of Amherst, HMPG Project 4480-0049 (the “Project”); and be it further

RESOLVED that authorization is hereby given for the County Executive or Deputy County Executive to execute the Agreement with the NYS DHSES; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project or portions thereof in the amount of \$1,600,000; and be it further

RESOLVED, that authorization is hereby given for the County of Erie to accept the federal reimbursement revenue that is available as administered by the New York State Division of Homeland Security and Emergency Services (NYS DHSES); 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 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 Division of Homeland Security and Emergency Services thereof; and be it further

RESOLVED, that should the Agreement receive additional federal or non-federal

reimbursement in the future, the project revenue will be accepted by Erie County and the budget adjusted to reflect the receipt of the additional funds; and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive of the County of Erie to execute all necessary Agreements, certifications or reimbursement requests for Federal, State aid and any other funding source on behalf of the County of Erie with the New York State Division of Homeland Security and Emergency Services in connection with the advancement or approval of the Project identified in the Contract for Grants; and providing for the administration of the Project and the County's first instance funding of Project costs and all local share costs of Project costs within appropriations therefore that are not so eligible; 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 Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(4-0)

3. COMM. 13E-16 (2024)
COUNTY EXECUTIVE

WHEREAS, this project is part of a larger upcoming roof replacement project at the Bell Sports Center and the mechanical scope is bid ahead of the roof replacement scope to allow for the anticipated long equipment delivery lead time; and

WHEREAS, this project is part of a larger multi-phased Power Distribution/Wiring and Mechanical upgrade project as capital funds are secured and become available, and is consistent with JMZ Architect's Masterplan and the Sports field conceptual Masterplan; and

WHEREAS, the two existing air-handling units serving the gymnasium at the Bell Sports Center are original to the 1958 building and have far exceeded their useful lives and to reduce maintenance costs associated with temporary "stop-gap" measures to keep the building functioning, a full equipment replacement is warranted; and

WHEREAS, the County of Erie received bids for the SUNY Erie Erie Community College North Campus Bell Sports Center Gymnasium Mechanical Equipment Replacement project on Tuesday, June 18, 2024; and

WHEREAS, the lowest responsible bidder for the Mechanical Construction Work is John W. Danforth Company; and

WHEREAS, the County will receive 50% reimbursement from New York State for this project; and

WHEREAS, the Department of Public Works (DPW) and Bell & Spina Architects Planners P.C. are recommending award of the contract to the lowest responsible bidder; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a contract with the lowest responsible bidder, John W. Danforth, for the SUNY Erie ECC North Campus Bell Sports Center Gymnasium Mechanical Equipment Replacement project for an amount not to exceed as follows:

<u>Mechanical Construction Work</u>		
John W. Danforth	Base Bid:	\$ 746,000.00
	Add Alternate M-01	\$ 123,000.00
Total Award of Mechanical Construction Contract:		\$ 869,000.00

and be it further

RESOLVED, that authorization is hereby given for \$31,000.00 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 authorization is hereby given for the Comptroller’s Office to make payment for all the above from the approved Capital Budgets, Fund 480, Funds Center 122, as follows:

E.17005	2017 ECC Code Compliance (College wide)	\$ 273.68
E.18005	2018 ECC Code Compliance (College wide)	\$ 5,181.84
E.23050	2023 SUNY Erie Facility Master Plan – Phase 2	\$ 894,544.48
For a Total Amount Not to Exceed		\$ 900,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the County Executive’s Office, Comptroller’s Office, Division of Budget and Management, and to Erie Community College’s Chief Administrative and Financial Officer.

(4-0)

4. COMM. 13E-17 (2024)
COUNTY EXECUTIVE

WHEREAS, the Town of Amherst (“Town”) is undertaking a federal aid funded Pedestrian and Bicycle Improvements project on Casey Road (CR 295), a county road in the Town of Amherst from Paradise Road to Transit Road, hereinafter referred to as the (“Project”); and

WHEREAS, Erie County (“County”) desires to improve the structure and riding surface of Casey Road, through milling and resurfacing the two 11’ wide travel lanes as a Betterment within the Town’s Project; and

WHEREAS, the County needs to enter into an inter-municipal agreement with the Town of Amherst, to incorporate the betterment into the project; and

WHEREAS, the County agrees to be responsible for the construction costs of the Betterment, including related cost overruns and will maintain ownership and maintenance responsibility of the roadway after completion of construction; and

WHEREAS, the cost of the Betterment is estimated not to exceed \$350,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the inclusion of Pedestrian and Bicycle Improvements on Casey Road in the Town of Amherst; and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to execute an inter-municipal agreement with the Town of Amherst to undertake the above mentioned betterment project; and be it further

RESOLVED, that authorization is hereby given to allocate Betterment costs not exceed \$350,000, available in Fund Center 123, Fund 420, B.21150 – 2021 Capital Overlay; and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to execute any necessary change orders, amendments and agreements necessitated by the betterment; 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 Division of Budget and Management.
(4-0)

**TIMOTHY J. MEYERS
ACTING CHAIR**

Item 14 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

July 18, 2024	PUBLIC SAFETY COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GREENE.

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

- a. COMM. 2M-1 (2024)
CEO – PEACEPRINTS OF WNY: “Access East Ferry Detention Center”
(Acting Chair’s Ruling)
 - b. COMM. 9E-3 (2024)
CHAIR BASKIN: “Letter to the ECCSAB”
(Acting Chair’s Ruling)
 - c. COMM. 13D-1 (2024)
ECSO JAIL MANAGEMENT DIVISION SUPERINTENDENT: “ECCSAB”
(Acting Chair’s Ruling)
2. COMM. 3M-3 (2024)
APPOINTEE
RESOLVED, the Erie County Legislator hereby confirms the appointment of the following named individual to the Erie County Corrections Specialist Advisory Board:

Karima Amin
4305 Union Road
Buffalo, NY 14225

(3-0)

3. COMM. 13E-1 (2024)
SHERIFF
WHEREAS, the Erie County Sheriffs Office Marine Unit is responsible for patrolling parts of Lake Erie, the Niagara River, the Erie Barge Canal and other waterways along more than 90 miles of Erie County shoreline; and

WHEREAS, the Marine Unit is instrumental in maintaining safe waterways by enforcing navigation laws and educating the boating public; and

WHEREAS, the New York State Canal Coproration has awarded the Erie County Sheriffs Office Marine Unit \$40,000 in funding; and

WHEREAS, this grant requires review and approval by the Canal Corporation, Office of the Attorney General and the Office of the State Comptroller for all submitted requisitions; and

WHEREAS, this grant will provide the Erie County Sheriffs Office with additional resources to increase patrols along the Erie Barge Canal; and

WHEREAS, this resolution will have no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and Sheriff to enter into a contract with the New York State Canal Corporation to accept \$40,000.00 for increased marine patrols on and near the Erie Barge Canal; and be it further

RESOLVED, that authorization is provided to the Division of Budget and Management to establish funding in Fund Center 11510 as follows:

Erie County Sheriffs Office
FY 24-25 NYS Canal Corp. Grant
April 1, 2024 to March 31, 2025

<u>REVENUE</u>	INCREASE
Account 409020 - Miscellaneous State Aid	\$40,000
<u>APPROPRIATIONS</u>	INCREASE
Account 501000 – Overtime	\$40,000

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Attorney, the Division of Budget and Management, the Comptroller and the Sheriffs Office.
(3-0)

JOHN J. GILMOUR
ACTING CHAIR

Item 15 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

July 18, 2024	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 3E-16 (2024)
BASKIN: “Letter on Affordable Housing”
(Chair’s Ruling)

2. COMM. 13E-11 (2024)
COUNTY EXECUTIVE

WHEREAS, the Department of Health – Office of Health Equity continues to see how health care disparities have impacted many residents within Erie County; and

WHEREAS, the Department of Health - Office of Health Equity seeks to implement a pilot program to help address health care access issues among three key minority, marginalized, and disadvantaged populations as defined by the Erie County Health Equity Act of 2021: Black residents, the LGBTQ+ community, and rural populations; and

WHEREAS, the program trains members of the community on a variety of health topics including home medical testing supplies to be shared with up to 10 people in their social networks who do not currently engage with or underutilize the health care system; and

WHEREAS, the program will be deployed within Erie County through civic, educational, and faith-based settings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Health - Office of Health Equity’s 2024 General Fund Budget (Fund 110, Funds Center 12713) to be amended as follows:

Department of Health Office of Health Equity
Fund 110, Funds Center 12713

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
505800	Medical & Health Supplies	\$140,000
530000	Other Expenses	\$10,000
516020	Prof Svcs, Contracts & Fees	(\$150,000)
	TOTAL	<u>\$</u>

0

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to implement 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 Law, Department of Health and Division of Budget and Management.

(4-0)

3. COMM. 13E-12 (2024)
COUNTY EXECUTIVE

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

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

WHEREAS, the ECDOH is experiencing capacity issues and children are waiting to receive mandated services; and

WHEREAS, Double Talk Bilingual Speech Therapy Services is able to provide Related Services to some children on waiting lists.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive and Deputy County Executive to enter into contract with Double Talk Bilingual Speech Therapy Services to be reimbursed per each completed therapy training session, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract already exist within the 2024 Operating Budget. Fund 110, Funds Center 12750 Budget in Account 528000 – Services to Special Needs Children; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to implement 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 Health, Department of Law and Division of Budget and Management.

(4-0)

4. COMM. 13E-20 (2024)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the following named individual to serve as a voting member on the Erie County Medical Center Corporation Board of Directors for a term expiring, December 31, 2025:

Benjamin Swanekamp
County of Erie
95 Franklin Street
Buffalo, NY 14202

(4-0)

**JOHN J. GILMOUR
CHAIR**

LEGISLATOR RESOLUTIONS

Item 16 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

RE: Support for State Legislation to
Combat Opioid Overdose
Epidemic (INTRO. 14-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KOOSHOIAN & GILMOUR**

WHEREAS, over the past three years, the number of overdose deaths in Erie County have increased by over 30%; and

WHEREAS, in an effort to combat overdose deaths, three bills have been introduced into the New York State Legislature; and

WHEREAS, Assembly Bill A08384 and Senate Bill S07790, aka “Chelsey’s Law, states a person commits the crime of manslaughter or aggravated manslaughter when he or she knows, or has reasonable grounds to know, that a controlled substance is likely to cause the death of another person and sells, administers, delivers, or causes the delivery of a controlled substance to another person and such substance causes, contributes to, or aids in the death of such other person; and

WHEREAS, Assembly Bill A08395 and Senate Bill S07763 would list the synthetic drug Xylazine to a depressant designated as a controlled substance, as the drug, which is commonly used as a large animal tranquilizer, is used by drug dealers as a highly addictive cutting agent, which is added to other illicit substances such as fentanyl and heroin, and due to its high depressant effect on the central nervous system, Xylazine can cause increased withdrawal symptoms, skin sores, necrosis, and death; and

WHEREAS, Assembly Bill A08397 and Senate Bill S07805, would amend the current law to allow the families of loved ones who have died from an overdose to apply for financial compensation through the New York State Office of Victims Services (OVS) crime victim assistance funding, by expanding eligibility for funding to any fatal overdose that resulted from a drug sale categorized as reckless or criminally negligent, so families could make claim for crime-related expenses such as medical bills, counseling, funeral expenses, relocation costs, or loss of earnings; and

WHEREAS, the passage of these three bills, coupled with the continued front-line work of the Erie County Department of Health and our partnering community agencies, could help in turning around the impact of opioid overdose deaths on our friends and families.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the passage of the following three State bills, Chelsey’s Law (Assembly Bill A08384 and Senate Bill S077900, listing Xylazine as a controlled substance (Assembly Bill A08395 and Senate Bill S077630, and expanding crime victim assistance funding (Assembly Bill A08397 and Senate Bill S07805); and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor, New York State Senate Majority Leader, New York State Assembly Speaker, and the Western New York State Legislature Delegation.

Item 17 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 14-2 from the MINORITY CAUCUS. A Resolution Supporting the Delay of Implementation of Rules Regarding Dogs Crossing at United States Borders.

Item 18 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 14-3 from LORIGO. A Resolution Supporting the Recording of Attendance at Committee Meetings.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 19 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 13E-2 (2024). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

RE: Transfer of Funds for Janitorial Services
(COMM. 13E-2, 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 has leased warehouse and office space on Centre Dr. in the Town of Orchard Park; and

WHEREAS, janitorial services are required at the aforementioned warehouse and office space; and

WHEREAS, the low bidder for janitorial services is Elliott Services, Inc. for an annual cost of \$49,200.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Sheriff's Office Police Services' 2024 Operating Budget (Fund 110, Funds Center 115) to be amended as follows:

Sheriff's Office
Police Services Division
Fund 110, Funds Center 115

APPROPRIATIONS	CHANGE
516030 Maintenance Contracts	23,300
545000 Rental Charges	<u>(\$23,300)</u>
TOTAL	<u>\$ 0</u>

and be it further

RESOLVED, that upon transfer sufficient funding exists to cover the \$49,200 annual cost of janitorial services at the Sheriff's Office warehouse and office space located at 13 Center Drive in Orchard Park; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any technical changes required to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded 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 approve the item. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 20 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 13E-18 (2024). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

RE: Transfer of Funds for Janitorial Services
(COMM. 13E-18, 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 Jail Management Division is responsible for providing high-quality meals for incarcerated individuals at the Erie County Holding Center and Erie County Correctional Facility; and

WHEREAS, the Erie County Sheriff's Office issued RFP #2024-022VF seeking Correctional and Holding Center Facilities Food Management Services; and

WHEREAS, Trinity Services Group, Inc., 477 Commerce Blvd., Oldsmar, FL 34677-3018 submitted the only proposal; and

WHEREAS, the Erie County Sheriff's Office recommends awarding the contract for RFP #2024-022VF to Trinity Services group, Inc.; and

WHEREAS, the agreement is a one (1) year contract, allowing for additional one (1) year renewal terms.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby award RFP #2024-022VF to Trinity Services Group, Inc., 477 Commerce Blvd., Oldsmar, FL 34677-3018 to provide Correctional and Holding Center Facilities Food Management Services; and be it further

RESOLVED, the County Executive and Sheriff are authorized to enter into an agreement with Trinity Services Group, Inc., 477 Commerce Blvd., Oldsmar, FL 34677-3018; and be it further

RESOLVED, the term shall be one (1) year, with additional one (1) year renewal terms; and be it further

RESOLVED, the contract shall be funded in Fund 110, Fund Center 116, Account 505400 – Food & Kitchen Supplies; and be it further

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

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive's Office, the County Attorney, the Division of Budget and Management, the Division of Purchasing, the Office of the Comptroller and the Erie County Sheriff's Office.

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

CARRIED. (AYES: 10, NOES: 1 – MS. VINAL)

SUSPENSION OF THE RULES

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LORIGO

Item 21 – (COMM. 14E-1) Letter Regarding Mid-Year Budget Hearings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 22 – (COMM. 14E-2) Invite to Meet with the County Clerk's Office & Tyler Technologies

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 23 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

RE: Authorization to Enter into Contracts
with Five Firms for Affordable Housing
Development - EC ARPA
(COMM. 14E-3)

WHEREAS, there has existed an unmet need for additional quality affordable housing in our region, only made worse in recent post-pandemic years; and

WHEREAS, with the end of the local Covid-19 State of Emergency, previously appropriated funding remained that was eligible for reallocation; and

WHEREAS, the County seeks to address the ongoing lack of affordable housing that has been exacerbated by the pandemic; and

WHEREAS, development of affordable housing is an enumerated eligible use within ARPA funding to respond to the negative economic impacts of the pandemic; and

WHEREAS, ARPA funding seeks to increase the capacity of new and emerging affordable housing developers and build skills that are replicable for future affordable development projects; and

WHEREAS, the County of Erie issued an RFP with responses due by June 14, 2024, seeking development partners to assist with the above stated goals of increasing affordable housing in Erie County with the construction of new units for sale or rent to low- and moderate-income households whose incomes do not exceed 80% of the Area Median Income (AMI); and

WHEREAS, in compliance with Section 26.08 of the Erie County Administrative Code a consultant selection process was undertaken to evaluate responses to Request for Proposal #2024-031VF; and

WHEREAS, Erie County is desirous of engaging five (5) development firms for the provision of affordable housing units throughout Erie County; and

WHEREAS, Erie County desires to work with: Rugo Holdings Inc. (Sacred Heart Project), Barrett & Benitez Development LLC (Loads of Love Project), Cedarland Development Group (Park 75 Project), Amerie Rose, LLC (The Gibson: Creative Art Space & Apartments Project), and Triton Ventures LLC (Hopkins Manor Project).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and/or Deputy County Executive to execute all necessary contract agreements for affordable housing development with the five firms for the identified projects in amounts not to exceed as follows:

<u>Organization Name</u>	<u>Project Name</u>	<u>Funding</u>
Rugo Holdings Inc.	Sacred Heart	\$250,000
Barrett & Benitez Development LLC	Loads of Love	\$250,000
Cedarland Development Group	Park 75	\$275,000
Amerie Rose, LLC	The Gibson: Creative Art Space & Apartments	\$150,000
Triton Ventures LLC	Hopkins Manor	\$ 75,000

and be it further

RESOLVED, that sufficient funding is available for this purpose in the Erie County's American Rescue Plan Fund (Fund 253, Funds Center 16200), Account 516048 – ARPA Multi-Family Affordable Housing; 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 State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and the Department of Environment and Planning.

Item 24 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

RE: Authorization to Amend the November

2022 Lake Effect Storm Damage Fund
Program
(COMM. 14E-4)

WHEREAS, Erie County's agricultural industry is valued at \$130 million dollars annually;
and

WHEREAS, Erie County's agricultural industry is primarily comprised of family farms; and

WHEREAS, the preservation of agricultural land, protection of tax base, and soil and water resources is recommended by multiple County planning documents accepted by the Legislature including the *Erie County Agriculture and Farmland Protection Plan*, *Erie-Niagara Framework for Regional Growth*, and *Buffalo and Erie County Local Food Action Plan*; and

WHEREAS, the financial viability of agricultural operations is necessary to preserve agricultural land, protect the tax base, and preserve soil and water resources; and

WHEREAS, the November 2022 Lake Effect Snowstorm significantly impacted Erie County, resulting in total snowfall measurements in some areas of 81.2 inches; and

WHEREAS, Federal Emergency Management Agency (FEMA) issued an emergency declaration for Erie County on November 19, 2022; and

WHEREAS, multiple businesses suffered damage by the heavy snow and high wind, including at least fifteen structures, ten of which are greenhouses owned by family farms; and

WHEREAS, in furtherance of its governmental functions to protect air and water resources, protect the tax base, and preserve soil and water resources, the County desires to support the viability of the agricultural industry by offering grant funding to agribusinesses for damages incurred during the November Lake Effect Storm; and

WHEREAS, the mission of the Erie County Soil and Water Conservation District is to protect and promote the health, safety, and general welfare of the present and future generations of Erie County residents through the conservation of soil, water, air, plant, and animal resources; and

WHEREAS, Erie County Soil and Water Conservation District is the County's designated public benefit corporation for agricultural, soil, and water resource management and assistance; and

WHEREAS, funding was allocated for the November 2022 Lake Effect Storm Damage Fund Program in the 2022 Year-End Budget Balancing Amendments and Designations resolution, Comm. 8E.-1 (2023) approved on April 23, 2023; and

WHEREAS, the Legislature subsequently authorized via resolution Comm. 14E-25 (2023), approved on July 20, 2023 an agreement with Erie County Soil and Water Conservation District to administer the November 2022 Lake Effect Storm Damage Fund Program; and

WHEREAS, on July 10, 2024, Erie County experienced another significant storm event which led to significant damage to Erie County's farming businesses; and

WHEREAS, Erie County desires to assist the agribusinesses impacted by the July 10, 2024 storm event; and

WHEREAS, Erie County desires to amend the budgetary usage of the funds and guidelines to add storm damage incurred on July 10, 2024 to provide funding assistance for agribusinesses impacted by the event.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and/or Deputy County Executive to amend agreements with Erie County Soil and Water Conservation District as necessary to add the July 10, 2024 storm event to the Erie County November 2022 Lake Effect Storm Damage Fund Program; and be it further

RESOLVED, that authorization is hereby given to the County Executive and/or Deputy County Executive to execute all agreements necessary to modify the November 2022 Storm Damage Fund Program to add the July 10, 2024 storm event; and be it further

RESOLVED, that Erie County funding shall be distributed to qualifying agribusinesses that incurred capital damages directly as a result of the November 2022 lake effect snow storm or the July 10, 2024 storm event in accordance with the guidelines developed by Erie County; and be it further

RESOLVED, that sufficient funding exists for this contract in the 2023 Budget, Fund 110, Funds Center 1332010, Account 518087 – Nov 22 Storm Damage Fund; and be it further

RESOLVED, that the November 2022 Lake Effect Storm Fund Program guidelines shall be amended to also cover capital damages incurred to businesses as a result of the storm damage incurred on July 10, 2024; 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 funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and the Department of Environment and Planning.

Item 25 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: Lincoln Building Exterior Restoration

Project
(COMM. 14E-5)

WHEREAS, the Erie County Department of Law received an Order to Remedy letter from The City of Buffalo in regards to the infrastructure at The Lincoln Building located at 110 Franklin Street; and

WHEREAS, the execution of this proposed project will address all cited issues in accordance to the Order to Remedy letter; and

WHEREAS, if this project is not approved there is risk of fines and prosecution by the City of Buffalo; and

WHEREAS, the placeholder budget amount has been established based on a construction budget estimate completed by the design consultant team on the project; and

WHEREAS, there are no additional resolution upload dates to get approval prior to legislative recess and therefore will not allow for the prompt award of the Lincoln Building Exterior Restoration Project to allow the project to be completed this year prior to the winter season; and

WHEREAS, the Erie County Department of Public Works and its respective design consultants will review the scope of work for the Lincoln Building Exterior Restoration Project in detail to ensure all requirements of the project are met; and

WHEREAS, the Project will be advertised by the Department of Public Works to receive General Construction bids in accordance with General Municipal Law 103; and

WHEREAS, bid tabulations can be provided to your Honorable Body after bids are received.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with the lowest responsible bidder for the Lincoln Building Exterior Restoration Project for an amount not to exceed \$700,000.00; and be it further

RESOLVED, that authorization is hereby given for the Comptroller's Office to make payment for the contract from Capital Project (Fund 410, Funds Center 122) A.23001 – DPW (Buildings and Grounds) – Roof Replacement and Exterior Waterproofing; and be it further

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

Item 26 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

RE: Erie County - On-Call Electrical
Engineering Consultant
(COMM. 14E-6)

WHEREAS, the Commissioner of Public Works desires to engage the services of an Electrical Engineer in order to comply with the requirements of electrical code and provide advisement on various County projects; and

WHEREAS, it has been determined that the best way to achieve the electrical code compliance is through the use of term contracts for On-Call Electrical Engineering services as the Department of Public Works does not have an electrical engineer within the department; and

WHEREAS, the existing agreement is at the end of its term, therefore the Department of Public Works solicited interested firms for a new contract via the Department's standard RFP/RFQ selection process; and

WHEREAS, the Department of Public Works advertised for Electrical Engineering firms and received proposals on May 13, 2024; and

WHEREAS, A review of proposals evaluated each firm's expertise, experience, and manpower to provide the required services; and

WHEREAS, to address the anticipated scope of services required it has been determined that it was appropriate to award two term contracts; and

WHEREAS, to reduce the amount of this request, all unused funds from the previous On-Call Electrical Engineer Contract per COMM. 10E-8 (2023) located in capital project A.22050 will be reallocated and encumbered for use on the current On-Call Electrical Engineer contract upon approval of this resolution; and

WHEREAS, the Department of Public Works is recommending award of the three (3) year term contract with the possibility of two (2) one-year extensions to Buffalo Engineering, P.C. and LaBella Associates via the County's consultant selection process to provide the required services; and

WHEREAS, the contract is intended to be utilized by the Department of Public Works as well as any other County Department; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into Term Agreement with the Buffalo Engineering, P.C. and LaBella Associates for On-Call Electrical Engineering Consultant services for an amount not to

exceed a total of \$280,000 for a three-year term with the possibility of two (2) one-year extensions; and be it further

RESOLVED, that authorization is hereby given for the Comptroller's Office to make payment for services from capital projects (Fund 410, Funds Center 12210) A.24004 – Preservation of County Building & Facilities in an amount not to exceed \$154,500 and A/22050 – Code and Environmental Compliance in an amount not to exceed \$95,500; and be it further

RESOLVED, that authorization is hereby given for the Comptroller's Office to allocate \$30,000.00 for the agreement from the Department of Environment and Planning's 2024 Operating Budget (Fund 110, Funds Center 16200) Account 516315 – Community Climate Resilience Fund in an amount not to exceed \$30,000; 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 two certified copies each of this resolution be sent to the Department of Public Works, Commissioner's Office and the Department of Environment and Planning, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 27 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

RE: Grover Cleveland Golf Course Schenck House & Restroom Renovation Project Contingency Fund Increase (COMM. 14E-7)

WHEREAS, on May 11, 2023, your Honorable Body authorized the Construction Contracts for the Grover Cleveland Golf Course Schenck House and Restroom Renovation project via Comm. 8E-12 (2023); and

WHEREAS, unforeseen structural deficiencies were discovered during construction which required the existing first floor joists and subfloor to be replaced, a beam needed to be added in the attic to reduce the nearly three inch deflection in the beam, and the replacement of the interior stairs; and

WHEREAS, these unforeseen structural and deteriorated conditions incurred during the execution of the Project, made it necessary for the Construction Contingency to be increased.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes that \$182,293.81 in unexpended pay-as-you-go funding remaining within the Department of Parks, Recreation &

Forestry’s Capital Projects A.23075 – Emery Maintenance & Out Building Exterior Improvements (Fund 410, Funds Center 164) be re-appropriated into the Division of Building & Grounds’ Capital Project A.21162 – 2021 Parks Expanded Capital Project Managed by DPW (Fund 410, Funds Center 122) for the Grover Cleveland Golf Course Schenck House and Restroom Renovation project as follows:

Project A.23075
 Emery Maintenance & Outbuilding Exterior Improvements Project
 Fund 410, Funds Center 164

REVENUES	BUDGET	CHANGE	REVISED BUDGET
486000 Interfund Revenue Subsidy	<u>\$1,100,000.00</u>	<u>(\$182,293.81)</u>	<u>\$917,706.19</u>
	<u>\$1,100,000.00</u>	<u>(\$182,293.81)</u>	<u>\$917,706.19</u>
APPROPRIATIONS			
Capital Project Expense	<u>\$1,100,000.00</u>	<u>(\$182,293.81)</u>	<u>\$917,706.19</u>
TOTAL	<u>\$1,100,000.00</u>	<u>(\$182,293.81)</u>	<u>\$917,706.19</u>

Project A.21162
 2021 Parks Expanded Capital Project Managed by DPW
 Fund 410, Funds Center 122

REVENUES	BUDGET	CHANGE	REVISED BUDGET
486000 Interfund Revenue Subsidy	<u>\$8,354,096.00</u>	<u>\$182,293.81</u>	<u>\$8,536,389.81</u>
	<u>\$8,354,096.00</u>	<u>\$182,293.81</u>	<u>\$8,536,389.81</u>
APPROPRIATIONS			
Capital Project Expense	<u>\$8,354,096.00</u>	<u>\$182,293.81</u>	<u>\$8,536,389.81</u>
TOTAL	<u>\$8,354,096.00</u>	<u>\$182,293.81</u>	<u>\$8,536,389.81</u>

and be it further

RESOLVED, that authorization is hereby given for \$182,293.81 to be allocated to a Construction Contingency Fund with authorization 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 Contract Amendments will be negotiated and issued to the previously approved contractors (CIR Electrical Construction Corporation, John W. Danforth Company, MKS Plumbing Corp., and Walter S. Johnson Building Co.) on site to complete the additional work; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the following Capital Projects in Fund 410, Funds Center 122 as follows:

<u>A.21162 –2021 Parks Expanded Capital Project Managed by DPW</u>	\$ 182,293.81
Total not to exceed	\$ 182,293.81

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, the Division of Budget and Management, the Office of the Comptroller and the Department of Parks, Recreation & Forestry.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

RE: Bennett Beach Parking Lot Restoration
(COMM. 14E-8)

WHEREAS, the Erie County Department of Parks, Recreation and Forestry has identified a capital improvement project at Bennett Beach to reconstruct the parking lot; and

WHEREAS, Bennett Beach was used as a snow storage area during the 2022 November Snowstorm which created extensive damage to the main road and parking lot; and

WHEREAS, the restoration project includes a new road surface into the park, a new asphalt parking lot with curbing, new sidewalks, new drainage, a new staff parking lot, and other site amenities to improve public access; and

WHEREAS, the Erie County Department of Public Works (DPW) received bids for the Bennett Beach Parking Lot Restoration Project on May 22, 2024; and

WHEREAS, the lowest responsible bidder is Occhino Corp.; and

WHEREAS, the DPW is recommending award of the contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a contract with the lowest responsible bidder, Occhino Corp., for the Erie County Department of Parks, Recreation, and Forestry Bennett Beach Parking Lot Restoration Project for an amount not to exceed as follows:

<u>Occhino Corp</u>	
Base Bid	\$982,759.50
Alternate 1	\$94,000

Alternate 2	\$35,000
Alternate 3	\$64,000
<hr/> Total Construction Contract Award	<hr/> \$1,175,759.50

and be it further

RESOLVED, that authorization is hereby given for \$159,240.50 be allocated to a Construction Contingency Fund with authorization 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 authorization is hereby given to the Comptroller’s Office to make payment for all the above from the following Capital Budget, as follows:

<u>Fund</u>	<u>Fund Center</u>	<u>Capital Project</u>	<u>Description</u>	<u>Amount</u>
410	164	A.22022.2	2022 Bennett Beach	\$895,000.00
410	164	A.17014.5	2017 Roads, Pathways	\$20,000.00
410	164	A.19022.8	2019 Roads, Pathways	\$11,148.48
410	164	A.20022.3	2020 Roads, Pathways	\$20,000.00
410	164	A.23074.2	2023 Countywide Road	\$388,851.52
Total Not to Exceed				\$1,335,000.00

and be it further

RESOLVED, that two certified copies each of this resolution be sent to the Department of Public Works, Commissioner’s Office, and one copy each to the County Executive’s Office, Comptroller’s Office, Division of Budget and Management, and Department of Parks, Recreation, & Forestry.

Item 29 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: EC Park Signage & Wayfinding –
Authorization of Contract Amendment
(COMM. 14E-9)

WHEREAS, the Erie County Parks system contains nearly 10,000 acres of land on 38 sites throughout Erie County; and

WHEREAS, the Erie County Parks system includes a variety of types of parks including heritage parks, beaches, recreational trails, urban, and forestry sites; and

WHEREAS, within the Parks system there are numerous different signs which lack a cohesive Erie County Park identity, are difficult to re-create, not context sensitive and outdated; and

WHEREAS, the 2019 *Erie County Parks Master Plan* recommended the County develop a signage and wayfinding manual to guide the future development of signage in a consistent and comprehensive manner; and

WHEREAS, funding was allocated in 2019 and 2023 Erie County Capital Budget funding for the implementation of Exterior Park Signage program; and

WHEREAS, Erie County recently completed Parks Signage and Wayfinding Standards Manual and installed 27 signs in 5 parks; and

WHEREAS, Erie County is desirous to continue the signage and wayfinding implementation plan through the design and fabrication of additional signage; and

WHEREAS, Erie County desires to amend the existing contract with Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, PC to add additional tasks to continue the implementation of the Exterior Signage Capital Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute all agreements necessary to implement this project related to the installation of signs in public right of ways owned or operated by Federal, State, or municipal governments and utilities; and be it further

RESOLVED, that authorization is hereby given to increase the Wendel WD Architecture, Engineering, Surveying and Landscape Architecture, PC contract for park signage design, bidding services, construction inspection and construction engineering services by \$75,000 to \$155,421; and be it further

RESOLVED, that sufficient funds to cover the contract increase exist in Capital Project A.19023; 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 the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, Comptroller's Office, Department of Law, Department of Environment and Planning, Department of Public Works, Department of Parks, Recreation and Forestry, and Division of Budget and Management.

Item 30 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

FAILED. (AYES: 6, NOES: 5)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

RE: Acceptance of NYS Farm to Families Grant
(COMM. 14E-11)

WHEREAS, the New York State Department of Agriculture & Markets has awarded Erie County Department of Health \$1,045,557.89 to bring Erie County grown produce to families located within low food access communities in Erie County; and

WHEREAS, access to healthy foods as an aspect of neighborhood and built environment and food security and hunger as aspects of economic stability are key social determinants of health; and

WHEREAS, the funds will allow ECDOH to work with a local produce packaging and delivery service to provide fresh foods to Erie County childcare facilities that are in no income, low income, and ALICE (Asset Limited, Income Constrained, Employed) communities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to accept \$1,045,557.89 from the New York State Department of Agriculture & Markets and be made available as a multi-year grant in Fund 281, Funds Center 1271300, Grant 127NYFNYF2425 as follows:

Department of Health
NYS Farm to Families Grant
127NYSFF2425
5/1/2024 – 8/31/2025

<u>ACCOUNT</u>	<u>REVENUES</u>	<u>BUDGET</u>
414000	Federal Aid Revenue	<u>\$1,045,557.89</u>
	TOTAL	<u>\$1,045,557.89</u>

<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>BUDGET</u>
510000	Local Mileage	1,102.00
516020	Professional Services	<u>\$1,044,455.89</u>
	TOTAL	<u>\$1,045,557.89</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive and Deputy County Executive to enter into contract with FreshFix LLC to provide local produce to families located in low access communities within Erie County in the amount of \$1,044,455.89, 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 County Executive and 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 the Director of Budget and Management is hereby authorized to adjust grant appropriations and revenues in accordance with the final grantor funding levels or grantor authorized changes to award amounts, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that authorization is hereby given to the Department of Budget and Management to make any other technical adjustments necessary to properly execute the terms of the agreement; and be it further

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

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 14E-12) Authorization to Enter into Contract with Milestone Speech Therapy PLLC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: County to Prepare Tax Rolls for
Lackawanna & Lackawanna City School
District
(COMM. 14E-13)

WHEREAS, the several non-city school districts lying within the County of Erie adopt their school budgets for the current school year, determine the amount thereof to be raised by real property tax and will fix 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; 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; and

WHEREAS, the City of Lackawanna by resolution expected to be passed on July 15, 2024, expresses its desire to enter into an agreement with the County of Erie to print the 2024-2025 tax bills for the City of Lackawanna and, as its collector, the Lackawanna City School District.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby directs the Director of the Real Property Tax Services Department to assist the City of Lackawanna and the Lackawanna City School District in preparation and printing of their tax rolls and bills; and be it further

RESOLVED, that authorization is hereby given to the Director of the Real Property Tax Services Department to deliver the City of Lackawanna's and the Lackawanna City School District's tax rolls and bills to such tax collecting officials to be acted upon in accordance with applicable law; and be it further

RESOLVED, that authorization is hereby given to the Director of the Real Property Tax Services Department to bill the City of Lackawanna and the Lackawanna City School District for the paper, wages, and data processing time for the tax rolls and bills at an amount as apportioned across other municipalities and school district to which the County of Erie provides such tax roll and bill preparation and printing; 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, 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.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Computer for Children Inc. Digital Skills Trainer Contract (COMM. 14E-14)

WHEREAS, the Department of Senior Services Senior Technology Project provides technology to contracted Erie County locations to increase programming accessibility and collaboration; and

WHEREAS, to help ensure each location receives the necessary technical training and support to make the Senior Technology Project successful, the Department of Senior Services

desires to contract with Computers for Children Inc. to secure the services of a Mission: Ignite AmeriCorps Digital Skills Trainer for 300 hours, during the period July 1, 2024 through October 31, 2024; and

WHEREAS, Mission: Ignite recruits, onboards and trains AmeriCorp trainers and provides them with a living stipend and educational award; and

WHEREAS, the Department of Senior Services would remit payment to Computers for Children Inc. in the amount of a \$4,795 cash match to secure the services of a Mission: Ignite AmeriCorps Digital Skills Trainer for 300 hours during the period of July 1, 2024 to October 31, 2024 period; and

WHEREAS, budgetary appropriations are available in the Community Services for the Elderly (163CSE2425) Grant's Professional Services Contracts and Fees Account (#516020) to fund the \$4,795 cash match.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a contract with Computers for Children Inc. to secure the services of a Mission: Ignite AmeriCorps Digital Skills Trainer for 300 hours, at a cost not to exceed \$4,795, for the period July 1, 2024 to October 31, 2024; and be it further

RESOLVED, that authorization is hereby given that budgetary appropriations in the 163CSE2425 Grant's Professional Services Contracts and Fees Account be utilized to fund the contract; and be it further

RESOLVED, that if this initial contract is successful, it is mutually agreeable to both parties, and Department of Senior Services grant funding is available, the County Executive or Deputy County Executive be and is hereby authorized to enter into an additional contract with Computers for Children Inc. to secure the services of up to two Mission: Ignite AmeriCorps Digital Skills Trainers, during their next fiscal year period of November 1, 2024 to October 31, 2025; 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.

Item 35 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

RE: Authorization to Accept FY21 and FY22
Hazardous Materials Targeted Grant
Program Funds
(COMM. 14E-15)

WHEREAS, the Erie County Department of Homeland Security and Emergency Services has been awarded FY 21 \$189,800 and FY 22 \$189,800 in 100% state aid funding to advance HazMat response through the NYS Department of Homeland Security and Emergency Services in the Hazardous Materials Targeted Grant Program; 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 hereby authorizes the County Executive or Deputy County Executive to accept FY 2021 \$189,800 and FY 2022 \$189,800 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:

Department of Homeland Security & Emergency Services
FY 2021 HAZARDOUS MATERIALS TARGETED GRANT PROGRAM
(HS167HAZMAT2124)
4/1/2024-8/31/2025

<u>ACCOUNT</u>	<u>REVENUES</u>	<u>BUDGET</u>
409000	State Aid Revenues	<u>\$189,800</u>
	TOTAL	<u>\$189,800</u>

<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>BUDGET</u>
516020	Professional Services, Contracts & Fees	\$4,500
516030	Maintenance Contracts	\$30,000
561410	Lab & Tech Equipment	<u>\$144,300</u>
	TOTAL	<u>\$189,800</u>

Department of Homeland Security & Emergency Services
FY 2022 HAZARDOUS MATERIALS TARGETED GRANT PROGRAM
(HS167HAZMAT2225)
4/1/2024-8/31/2025

<u>ACCOUNT</u>	<u>REVENUES</u>	<u>BUDGET</u>
409000	State Aid Revenues	<u>\$189,800</u>
	TOTAL	<u>\$189,800</u>
<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>BUDGET</u>

516020	Professional Services, Contracts & Fees	\$4,500
516030	Maintenance Contracts	\$30,000
561410	Lab & Tech Equipment	<u>\$146,300</u>
	TOTAL	<u>\$189,800</u>

and be it further

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

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust grant appropriations and revenues including those required to comply with the grantor funding changes provided there are no changes to authorized personnel levels or 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 extensions that may be permitted by the grantor; 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 County Executive's Office, Comptroller's Office, Department of Homeland Security and Emergency Services, Department of law, and Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: Acceptance of Funds for Unveiling
Ceremony of the Trailblazing Women of
WNY Monument Project
(COMM. 14E-16)

WHEREAS Seneca Gaming Corporation wishes to donate funds to cover expenses for the food and beverage for the unveiling ceremony of the Trailblazing Women of WNY Monument Project; and

WHEREAS the food and beverage will be distributed to all attending the unveiling ceremony; and

WHEREAS the pursuant to County Law, all donations must be approved and accepted by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorized the Department of Public Advocacy to accept donation up to \$2,000 to cover food and beverage expenses for the unveiling ceremony donated by Seneca Gaming Corporation; and be it further

RESOLVED, that authorization is hereby given for the County Executive, Deputy County Executive, and/or Commissioner of Public Advocacy and Executive Director of the Commission on the Status of Women to provide food and beverage to those attending the unveiling ceremony of the Trailblazing Women of WNY Monument Project; and be it further

RESOLVED, that authorization to amend up to \$2,000 the 2024 General Fund Budget (Fund 110, Funds Center 10910) as follows:

Public Advocacy
Fund 110, Funds Center 10910

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
418430	Donated Funds	\$2,000
	TOTAL	<u>\$2,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
505400	Food & Kitchen Supplies	\$2,000
	TOTAL	<u>\$2,000</u>

and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the: Office of the County Executive; Director of the Division of Budget and Management; Office of the County Attorney; Office of the County Comptroller and Commissioner of Public Advocacy.

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 14E-17) Capital Projects Committee Members

Item 38 – (COMM. 14E-18) 2024 Mid-Year Budget Hearings

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

FROM THE COUNTY EXECUTIVE

Item 39 – (COMM. 14E-19) FY 2023 Operation Stonegarden Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 40– (COMM. 14D-1) Capital Projects Update - June 2024

Item 41 – (COMM. 14D-2) Real Property Tax Services - 2024 Annual Report

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

FROM THE COUNTY ATTORNEY

Item 42 – (COMM. 14D-3) Local State of Emergency Declaration, July 10, 2024

Received and filed.

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 43 – (COMM. 14D-4) COMM. 12E-34 Compliance Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DEPUTY COMPTROLLER FOR AUDIT & CONTROL

Item 44 – (COMM. 14D-5) EC Comptroller's Office Audit of EC Sheriff's Office Commissary Fund

Item 45 – (COMM. 14D-6) EC Comptroller's Office Audit of the Financial Transactions in the Bank Accounts Under the Admin. Control of the ECSO

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

FROM THE COMMISSIONER OF DHSES

Item 46 – (COMM. 14D-7) Snowmobile Federation

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE DIRECTOR OF PURCHASING

Item 47 – (COMM. 14D-8) County Purchasing Authority & Legislature Approval Requirements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ASSIGNED COUNSEL PROGRAM

Item 48 – (COMM. 14M-1) Quarterly Report - Q2 2024

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 49 – (COMM. 14M-2) Financial Report for Period 1/1/24-6/30/24

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BACK HILLS FARM CORP.

Item 50 – (COMM. 14M-3) Revote to Put Property into Grand Island AG District

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SECRETARY OF THE ECDC

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

Item 51 – (COMM. 14M-4) Recommendation of First Legislative District Committee Members to Fill Vacancy

July 17, 2024

Olivia M. Owens, Clerk
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Recommendation of First Legislative District Committee Members to Fill Vacancy

Dear Ms. Owens:

Please be advised that pursuant to the Rules of the Erie County Democratic Committee, a meeting of the Committee Members of the First Erie County Legislative District was held at 5:30 pm on Tuesday, July 16, 2024 at the Larkin Center of Commerce, 701 Seneca St., 6th Floor Conference Room, Buffalo NY 14210 for the purpose of endorsing a candidate to fill the vacancy in the First Erie County Legislative District.

At the meeting, First District Committee Members endorsed Lawrence J. Dupre, 60 Dupont St., Buffalo NY 14208 to fill the vacancy in the First Erie County Legislative District created by the resignation of Legislator Howard GILMOUR.

Thank you for your assistance and courtesies.

Sincerely,

Jennifer L. Hibit
Secretary

ANNOUNCEMENTS

Item 52 – Chair Baskin announced that our next scheduled session will take place on September 12th. We will be holding Mid-Year Budget Hearings September 11th & 12th. The schedule is included in Comm. 14E-18 and will be posted on the EC Legislature website.

MEMORIAL RESOLUTIONS

Item 53 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of James J. Koral, Brian D. Kostelny, Oliver M. Musilli, and Beryl J. Small.

Item 54 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Mario C. Territo.

Item 55 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Edward C. Cosgrove, and Richard “Rick” Steele.

ADJOURNMENT

Item 56 – 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, September 12, 2024 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

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

OLIVIA M. OWENS
CLERK OF THE LEGISLATURE