

ERIE COUNTY LEGISLATURE
MEETING NO. 20
NOVEMBER 21, 2024

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Bargnesi.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 19 from 2024. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

MAJORITY CAUCUS	Honoring National Homeless Awareness Month
MAJORITY CAUCUS	Acknowledging and Honoring National Day of Giving
DUPRE & BASKIN	Acknowledging International Black Veterans Day
BASKIN	Celebrating the 25th Anniversary - Elim Christian Fellowship, Buffalo NY
BASKIN	Celebrating and Recognizing the Delavan-Grider Community Center
GILMOUR	In Remembrance of Mark P. Scanlon
BASKIN	In Remembrance of Kevon Walker
VINAL	Acknowledging and Honoring the Life of George Measer for Receiving the Lifetime Achievement Award from The Amherst Women's Interclub Council

- VINAL In Remembrance of Charles M. "Charlie" Mitschow
- VINAL Acknowledging and Honoring Glenn R.P. Atwell - Sue Miller Young Award Recipient
- VINAL Acknowledging and Honoring Janet Reilly - Dolores Attea Sapienza Memorial Award Recipient
- VINAL Celebrating and Honoring The Buffalo Niagara Heritage Village (BNHV)
- MILLS Honoring Liz Love, STEM Educator at Ellicott Elementary School
- MILLS Honoring Saville's Country Florist on Small Business Saturday
- MILLS Celebrating NORCO's Eighty Years of Service and the Spirit of Small Business Saturday
- MILLS Honoring Margaret (Peggy) Errington's Service and Retirement
- TODARO Celebrating the Grand Opening of Donovan Chiropractic & Wellness
- TODARO Recognizing the Marilla Country Store on Small Business Saturday
- TODARO Recognizing Hector's Hardware on Small Business Saturday
- TODARO Recognizing Premier Dog Sports & Event Center on Small Business Saturday
- TODARO Recognizing Elwood-Jordans Insurance Agency on Small Business Saturday
- LORIGO Honoring the Trinity Lutheran Church on Their 175th Anniversary
- LORIGO Honoring Neil Parrish as the Citizen of the Month for the Erie County Legislature's 10th District
- LORIGO Honoring Aurora Adult Day Services During National Family Caregivers Month
- LORIGO Honoring the Hulbert Library of the Town of Concord on National Family Literacy Month
- GREENE Recognizing Reimaginings on Small Business Saturday
- GREENE Honoring Sean Murray on Being Named a New York State Master Teacher

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

GRANTED.

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

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 5 (Print #2) 2024 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 9 – CHAIR BASKIN directed that Local Law No. 7 (Print #1) 2024 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

November 14, 2024	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 14-2 (2024)
MINORITY CAUCUS: “Supporting the Delay of Implementation of Rules Regarding Dogs Crossing at United States Borders”
(Chair’s Ruling)
 - b. COMM. 16E-12 (2024)
COMPTROLLER: “Appointment to Charter Revision Commission”
(Chair’s Ruling)
 - c. COMM. 16M-2 (2024)
CITY OF BUFFALO: “Transit Mall Service Charge Roll”
(Chair’s Ruling)
 - d. COMM. 17E-3 (2024)
COUNTY EXECUTIVE: “Appointments to the Erie County Charter Review Commission”
(Chair’s Ruling)
 - e. COMM. 17M-4 (2024)
BOARD OF ETHICS CHIAR: “EC Board of Ethics - 2023 Annual Report of Activities”
(Chair’s Ruling)
 - f. COMM. 18E-4 (2024)
VINAL: “Charter Revision Commission Appointment”
(Chair’s Ruling)
 - g. COMM. 18E-5 (2024)
GILMOUR: “Charter Revision Commission Appointment”
(Chair’s Ruling)
 - h. COMM. 18E-6 (2024)
BARGNESI: “Charter Revision Commission Appointment”
(Chair’s Ruling)
 - i. COMM. 18E-7 (2024)
KOOSHIOIAN: “Charter Revision Commission Appointment”
(Chair’s Ruling)
 - j. COMM. 18E-8 (2024)
COUNTY CLERK: “Charter Revision Commission Appointment”
(Chair’s Ruling)
 - k. COMM. 18E-9 (2024)
SHERIFF: “Charter Revision Commission Appointment”

(Chair's Ruling)

- l. COMM. 18E-10 (2024)
LORIGO: "Charter Revision Commission Appointment"
(Chair's Ruling)
- m. COMM. 18E-11 (2024)
TODARO: "Charter Revision Commission Appointment"
(Chair's Ruling)
- n. COMM. 18E-12 (2024)
GREENE: "Charter Revision Commission Appointment"
(Chair's Ruling)
- o. COMM. 18E-13 (2024)
MILLS: "Charter Revision Commission Appointment"
(Chair's Ruling)
- p. COMM. 18E-14 (2024)
DUPRE: "Charter Revision Commission Appointment"
(Chair's Ruling)
- q. COMM. 18E-15 (2024)
BASKIN: "Charter Revision Commission Appointment"
(Chair's Ruling)
- r. COMM. 18E-16 (2024)
MEYERS: "Charter Revision Commission Appointment"
(Chair's Ruling)
- s. COMM. 18E-17 (2024)
DISTRICT ATTORNEY: "Charter Revision Commission Appointment"
(Chair's Ruling)
- t. COMM. 18D-1 (2024)
DEPARTMENT OF PERSONNEL COMMISSIONER: "Budget Resolution 13 Compliance"
(Chair's Ruling)
- u. COMM. 18D-2 (2024)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(Chair's Ruling)
- v. COMM. 18D-3 (2024)
COUNTY ATTORNEY: "Designation of Attorney on Behalf of ECC"
(Chair's Ruling)
- w. COMM. 18M-1 (2024)

CHIEF ETHICS OFFICER: “Disclosure Letter”
(Chair’s Ruling)

- x. COMM. 18M-4 (2024)
EC AGRICULTURAL & FARMLAND PROTECTION BOARD: “2024 Report - Section 303-B of the Agriculture & Markets Law”
(Chair’s Ruling)
- y. COMM. 19E-2 (2024)
MILLS: “Neighborhood Concerns in Hamburg, NY”
(Chair’s Ruling)
- z. COMM. 19D-2 (2024)
DEPARTMENT OF SOCIAL SERVICES: “Commerce Parkway Hotels in Town of Hamburg”
(Chair’s Ruling)
- aa. COMM. 19M-2 (2024)
ASSIGNED COUNSEL PROGRAM: “3rd Quarter Report of the Assigned Counsel Program”
(Chair’s Ruling)
- 2. COMM. 19E-7 (2024)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby confirm the following named individual to the Erie County Board of Ethics to a term that expires December 31, 2028.

Ellen T. Kennedy
61 Anderson Place
Buffalo, New York 14222

(4-0)

JOHN A. BARGNESI, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11E-11 (2024)
COUNTY EXECUTIVE: “Transfer Funds from Climate Action Fund to Grant Budget”
(Chair’s Ruling)
 - b. COMM. 18E-28 (2024)
COUNTY EXECUTIVE: “ECSD No. 4 – Order on Consent Compliance Services”
(Chair’s Ruling)
 - c. COMM. 18E-29 (2024)
COUNTY EXECUTIVE: “ECSD Nos. 1 & 2 – Engineer Term Contract Agreement (JMD-6)”
(Chair’s Ruling)
 - d. COMM. 18M-2 (2024)
EMC MEMBER: “Resignation Letter”
(Chair’s Ruling)
 - e. COMM. 19E-16 (2024)
COUNTY EXECUTIVE: “ECSD No. 3 - Southtowns AWTF Phase 1 and Phase 2 Expansion Project”
(Chair’s Ruling)
 - f. COMM. 19E-17 (2024)
COUNTY EXECUTIVE: “ECSD No. 8 - Increase & Improvements of Facilities (2024)”
(Chair’s Ruling)
 - g. COMM. 19E-18 (2024)
COUNTY EXECUTIVE: “ECSD No. 1 - Increase & Improvements of Facilities (2024)”
(Chair’s Ruling)
 - h. COMM. 19E-19 (2024)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Contract Agreement (Work Order: RAM-3)”
(Chair’s Ruling)
 - i. COMM. 19D-4 (2024)
PRINCIPAL PLANNER: “Minutes from the Public Hearing on Proposed Modification to Agricultural Districts”
(Chair’s Ruling)
 - j. COMM. 19D-5 (2024)
PRINCIPAL PLANNER: “Application for Modification of Agricultural Districts”
(Chair’s Ruling)

k. COMM. 19M-1 (2024)
NYS DEC: “NYS DEC Notice of Complete Application”
(Chair’s Ruling)

2. COMM. 16E-17 (2024) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract No. 80 at 11:00 a.m. on October 24, 2024:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 80-A General	Resetarits Construction 1500 Union Rd, Suite 100 West Seneca, NY 14224	\$5,899,000
Contract 80-B HVAC/Mechanical	Quackenbush Co. 495 Kennedy Rd Buffalo, NY 14227	\$ 784,000
Contract 80-C Plumbing	MKS Plumbing 19 Ransier Dr West Seneca, NY 14224	\$ 635,000
Contract 80-D Electrical	CIR Electrical Construction Co. 2517 Long Road Grand Island, NY14072	\$1,544,000

and

WHEREAS, the aforementioned lowest responsible bidders have successfully completed projects of this size 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; and

WHEREAS, pursuant to Legislative Comm. 19E-18 (2022), Contract No. 101-G was awarded to Quackenbush Co. Inc. for General Construction and Contract No. 101-D was awarded to Frey Electric Construction Co., Inc. for Electrical Construction associated with the Big Sister Creek Water Resource Recovery Facility (WRRF) Secondary Aeration Blowers 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 completed, recommends approval for final payment, and recommends that the financing plan for Contract No. 101-G and Contract No. 101-D be adjusted to account for final contract amounts and anticipated National Grid incentives.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 101-G between the County of Erie and Quackenbush Co., Inc. (495 Kennedy Road, Buffalo, NY 14227) is accepted in the final contract amount of \$1,029,821.68, which includes Change Order No. 3 (final), a decrease of \$44,178.32; and be it further

RESOLVED, that authorization is hereby provided for the Erie County Comptroller to make final payment for Contract No. 101-G, to Quackenbush Co., Inc. for a total contract amount of \$1,029,821.68; and be it further

RESOLVED, that Contract No. 101-D between the County of Erie and Frey Electric Construction Co., Inc. (100 Pearce Avenue, Tonawanda, NY 14150) is accepted in the final contract amount of \$590,465.00, which includes Change Order No. 3 (final), a decrease of \$19,435.00; and be it further

RESOLVED, that authorization is hereby provided for the Erie County Comptroller to make final payment for Contract No. 101-D, to Frey Electric Construction Co., Inc. for a total contract amount of \$590,465.00; and be it further

RESOLVED, that authorization is hereby provided for the Director of Budget and Management and the County Comptroller to allocate \$206,045.00 in Erie County Sewer District No. 2 Capital Account No. C.17201 to partially fund Contract Nos. 101-G and 101-D; and be it further

RESOLVED, that any National Grid incentives received as a result of improvements implemented under Contract Nos. 101-G and 101-D shall be allocated to Erie County Sewer District No. 2 Capital Account No. C.17201; and be it further

RESOLVED, that authorization is hereby provided for the Director of Budget and Management and the County Comptroller to decrease the amount allocated in Capital Account No. C.21150 (American Rescue Plan funds) to partially fund Contract Nos. 101-G and 101-D from the original of \$1,683,900.00 to a final of \$1,414,241.68; and be it further

RESOLVED, that the Erie County Sewer District Central Region Collections Facility project, Contract No. 80, be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 80-A General	Resetarits Construction 1500 Union Rd, Suite 100 West Seneca, NY 14224	\$5,899,000
Contract 80-B HVAC/Mechanical	Quackenbush Co. 495 Kennedy Rd Buffalo, NY 14227	\$ 784,000
Contract 80-C Plumbing	MKS Plumbing 19 Ransier Dr	\$ 635,000

West Seneca, NY 14224

Contract 80-D Electrical	CIR Electrical Construction Co. 2517 Long Road Grand Island, NY14072	\$1,544,000
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and be it further

RESOLVED, that authorization is hereby provided for the County Executive and/or Deputy County Executive to execute the Contract with the aforementioned lowest responsible bidders, 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 \$3,259,922.20 in Capital Account No. C.21150 (American Rescue Plan funds) to partially fund Contract No. 80; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of the following Erie County Sewer District (ECSD) Capital Reserve Accounts, where sufficient funding exists to partially fund Contract No. 80

<u>Erie County Sewer District</u>	<u>Capital Reserve Account</u>	<u>Amount</u>
ECSD No. 3	C.00007	\$4,560,192.67
ECSD No. 6	C.00006	\$ 522,840.35
ECSD No. 8	C.11801	\$ 519,044.78

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 \$5,602,077.80 from the ECSD Capital Reserve Accounts listed above to Capital Bond Account C.20001, Fund 430, Fund Center 180; and be it further

RESOLVED, that \$5,602,077.80 be allocated in ECSD Capital Account C.20001 to partially 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 ECSD Capital Account No. C.20001 by \$5,602,077.80; 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 the ECSD Capital Reserve Accounts 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.
(5-0)

3. COMM. 19E-6 (2024)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the following named individual to the Erie County Fisheries Advisory Board to a term that expires December 31, 2025.

Steven Hawkins
38 Eveningwood Lane
East Amherst, NY 14051

(5-0)

4. COMM. 19E-20 (2024)
COUNTY EXECUTIVE

EXTRACT OF MINUTES
Meeting of the County Legislature
of the
County of Erie, New York
November 21, 2024

A regular meeting of the County Legislature (the "Legislature") of the County of Erie, New York (the "County"), was held at the Legislature chamber, in the County Hall in Buffalo, New York, on November 21, 2024, at 12 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Olivia Owens, Clerk of the Legislature
* * *

1) Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DATED NOVEMBER 21, 2024.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 8 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2024.

(Adopted) _____, 2024.

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. 8 (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 October 8, 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 East Aurora Water Resource Recovery Facility and the sanitary sewer collection system (including pumping stations), 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 \$8,600,000.00, which includes the expenditure of \$2,700,000 from the Sewer District’s reserve fund and the issuance of serial bonds in the aggregate principal amount not to exceed \$5,900,000.00, such amount to be offset by any State, Federal, and/or local funds received , 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 not required prior to the expenditure of funds for such increase and improvement because the estimated \$62.77 cost thereof to the Typical Property (as defined in the County Law) does not exceed 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 16th day of December, 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 16th day of December, 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. 8 in the County (the "Sewer District").

The proposed increase and improvement of such facilities consist of improvements to the existing East Aurora Water Resource Recovery Facility and the sanitary sewer collection system (including pumping stations) of the Sewer District; 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 October 8, 2024 (the "Report").

The maximum estimated cost of such increase and improvement of facilities is \$8,600,000.00, which includes the expenditure of \$2,700,000 from the Sewer District's reserve fund and the issuance of serial bonds in the aggregate principal amount not to exceed \$5,900,000.00, such amount to be offset by any State, Federal, and/or local funds received, 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 \$62.77 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,
November 21, 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 "*East Aurora Advertiser*," 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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Legislature this _____ day of _____, 2024.

Clerk, Erie County Legislature

(SEAL)

(5-0)

- 5. COMM. 19E-21 (2024)
COUNTY EXECUTIVE

EXTRACT OF MINUTES
Meeting of the County Legislature
of the
County of Erie, New York
November 21, 2024

A regular meeting of the County Legislature (the “Legislature”) of the County of Erie, New York (the “County”), was held at the Legislature chamber, in the County Hall in Buffalo, New York, on November 21, 2024, at 12 o'clock P.M. (Prevailing Time).

The following Legislators were present:

There were absent:

Also present: Olivia Owens, Clerk of the Legislature
* * *

Legislator _____ offered the following resolution and moved its adoption:

RESOLUTION NO. _____
RESOLUTION DATED NOVEMBER 21, 2024.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 1 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2024.

(Adopted) _____, 2024.

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. 1 (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 October 11, 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 existing pumping stations and the sanitary sewer collection system of the Sewer District, 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 \$22,100,000.00, which includes the expenditure of \$6,200,000 from the Sewer District’s reserve fund and the issuance of serial bonds in the aggregate principal amount not to exceed \$15,900,000.00, such amount to be offset by any State, Federal, and/or local funds received, 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 not required prior to the expenditure of funds for such increase and improvement because the estimated \$48.08 cost thereof to the Typical Property (as defined in the County Law) does not exceed 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 16th day of December, 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 16th day of December, 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. 1 in the County (the "Sewer District"). The proposed increase and improvement of such facilities consist of improvements to the existing pumping stations, and the sanitary sewer collection system of the Sewer District; 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 October 11, 2024 (the "Report").

The maximum estimated cost of such increase and improvement of facilities is \$22,100,000.00, which includes the expenditure of \$6,200,000 from the Sewer District's reserve fund and the issuance of serial bonds in the aggregate principal amount not to exceed \$15,900,000.00, such amount to be offset by any State, Federal, and/or local funds received, 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 \$48.08 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,
November 21, 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 "*Cheektowaga Bee*" and "*West Seneca Bee*," 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.

The adoption of the foregoing resolution was seconded by Legislator _____
_____ and duly put to a vote, which resulted as follows:

**TIMOTHY J. MEYERS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

November 14, 2024	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 19D-3 (2024)
DEPUTY COMPTROLLER FOR AUDIT & CONTROL: “EC Comptroller’s Office
Analysis of Payroll Division Time Entries”
(Chair’s Ruling)
2. COMM. 19E-10 (2024)
COUNTY EXECUTIVE
WHEREAS, the New York State Office of Indigent Legal Services provided a three-year grant totaling \$750,000 to the County for the provision of indigent defense services at first appearance; and

WHEREAS, the Erie County Legislature previously authorized the County Executive to enter into agreements related to his grant under COMM. 3E-8(2021); and

WHEREAS, the New York State Office of Indigent Legal Services has agreed to extend the term of this grant award through December 31, 2024; and

WHEREAS, Erie County will also extend the respective contract with the Erie County Bar Association’s Aid to Indigent Prisoners Society to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and/or Deputy County Executive to enter into a contract extension with the State of New York Office of Indigent Legal Services, referred to as Counsel at First Appearance #3 (and previously approved under COMM. 3E-8(2021)) for an amended term from January 1, 2020 to December 31, 2024; and be it further

RESOLVED, that authorization is hereby given to the County Executive and/or Deputy

County Executive to enter into a contract extension with the Erie County Bar Association Aid to Indigent Prisoners Society to deliver said services required under the grant; and be it further

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

(5-0)

3. COMM. 19E-23 (2024)
SHERIFF

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

WHEREAS, the Erie County Sheriffs Office wishes to transfer \$116,000 from 561410- Lab & Tech to 561420- Office Furniture & Fixtures within the Jail Management Division operating budget (Fund 110, Fund Center 116); and

WHEREAS, this transfer would provide sufficient funding for the purchase of 24/7-use chairs for staff at the Erie County Holding Center; and

WHEREAS, unallocated funding currently exists within 561410- Lab & Tech in the Erie County Sheriffs Office, Jail Management Division operating budget (Fund 110, Fund Center 116).

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the transfer of \$116,000 from 561410- Lab & Tech in the Jail Management Division operating budget (Fund 110, Fund Center 116) to 561420- Office Furniture & Fixtures in the Jail Management Division operating budget (Fund 110, Fund Center 116) as follows:

Fund 110, Fund Center 116
Erie County Sheriffs Office, Jail Management Division

APPROPRIATIONS	DECREASE
561410-Lab & Tech	\$116,000.00

Fund 110, Fund Center 116
Erie County Sheriffs Office, Jail Management Division

APPROPRIATIONS	INCREASE
561420 - Office Furniture & Fixtures	\$116,000.00

and be it further

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

(5-0)

MICHAEL H. KOOSHOIAN
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

November 14, 2024	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR VINAL.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17E-8 (2024)
COUNTY EXECUTIVE: “Appointments to the Youth Services Board”
(Chair’s Ruling)
 - b. COMM. 17D-1 (2024)
DEPARTMENT OF SOCIAL SERVICES: “COMM. 12E-34 Compliance Report –
September 2024”
(Chair’s Ruling)
 - c. COMM. 17M-3 (2024)
BOARD OF HEALTH CHAIR: “Notification of Board of Health Meeting”
(Chair’s Ruling)
 - d. COMM. 19E-3 (2024)
CHAIR BASKIN: “Letter Regarding Post-Foster Care Grant”
(Chair’s Ruling)
 - e. COMM. 19D-1 (2024)
DEPARTMENT OF SOCIAL SERVICES: “DSS Positions Appointed with HELP Program”
(Chair’s Ruling)
2. COMM. 19E-8 (2024)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through planning, preparedness, training in Erie County during actual or potential disaster events; and

WHEREAS, The Western New York Law Enforcement Helpline is the chosen vendor after a request for public proposals, RFP-2024-039VF was issued; and

WHEREAS, authorization is required by the Erie County Legislature for the County Executive to enter into annual contact with the possibility of multiple annual renewals (dependent on performance and funding) with the Western New York Law Enforcement Helpline group to execute the project; and

WHEREAS, funding is available in the Department of Homeland Security and Emergency Services General 110 Fund, Funds Center 16700, Account 516020 – Professional Service Contracts & Fees; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and Deputy County Executive to enter into a multi-year contract beginning November 25, 2024, with the Western New York Law Enforcement Helpline Group as a result of Request for Proposal 2024-039VF in an amount not to exceed \$99,238 to conduct direct access, support and training activities on mental health and wellness for first responders and their families; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract for year one already exists within the Homeland Security and Emergency Services (Fund 110, Funds Center 16700) 2024 General Fund Budget in Account 516020 – Professional Services, Contracts and Fees; and be it further

RESOLVED, that sufficient funds will be budgeted for subsequent years within (Fund 110, Funds Center 16700) Account 516020 – Professional Services, Contracts and Fees; and be it further

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

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

3. COMM. 19E-9 (2024)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's 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, Erie County is experiencing capacity issues and children are waiting to receive mandated services; and

WHEREAS, Southtowns Speech Practice, PLLC is able to provide Related Services to some children approved for and waiting for services; and

WHEREAS, funds are available in the Health Department (Fund 110, Funds Center 12750) 2024 General Fund Budget in Account 528000 - Services to Handicapped Children to cover the costs incurred.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive and Deputy County Executive to enter into contract with Southtowns Speech Practice, PLLC, 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 Health Department (Fund 110, Funds Center 12750) 2024 General Fund Budget in Account 528000 – Services to Handicapped Children; and be it further

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

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

(5-0)

4. COMM. 19E-13 (2024)
COUNTY EXECUTIVE

WHEREAS The New York State Office of Temporary and Disability Assistance (OTDA) appropriated \$17.2 million in Temporary Assistance for Needy Families (TANF) funds for social services districts to hire appropriately credentialed/experienced staff; and

WHEREAS the funds awarded are to hire qualified staff to provide case management services to TANF eligible families who are having difficulty stabilizing their households and transitioning toward greater financial security; and

WHEREAS, the Erie County Department of Social Services has been awarded funding in the amount of \$747,686; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and Deputy County Executive to accept \$747,686 in State Aid to provide Family-Centered Case Management Services to TANF eligible families and the Department of Social Services (Fund 110, Funds Center 1205060) Adopted 2025 Budget as follows:

2025 Adopted Budget
Department of Social Services
Fund 110, Funds Center 1205060

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
411700	TANF Safety Net	\$747,686
	TOTAL	<u>\$747,686</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
500000	Salaries	\$456,257
502000	Fringe Benefits	\$228,129
510000	Local Mileage	\$ 21,775
530000	Other Expenses	\$ 41,525
	TOTAL	<u>\$747,686</u>

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full-time Assistant Homeless Coordinator JG 11, CSEA (B-100 #14572) and five (5) full-time Homeless Specialists JG 10, CSEA (B-100 #14571) within the Department of Social Services effective January 2, 2025; and be it further

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

RESOLVED, that authorization is hereby given to 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 shall be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Social Services, and Division of Budget and Management.

(5-0)

5. COMM. 19E-14 (2024)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Temporary and Disability Assistance (OTDA) appropriated \$10 million to provide for services and expenses related to the payment of shelter arrears necessary to retain housing for certain households that are in receipt of or who would be eligible for ongoing or emergency Public Assistance (PA); and

WHEREAS, the funds awarded are to provide vital shelter arrears assistance to help eligible households retain permanent housing; and

WHEREAS, the Erie County Department of Social Services has been awarded funding in the amount of \$1,540,922; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and Deputy County Executive to accept \$1,540,922 in State Aid to provide vital shelter arrears assistance to help eligible households retain permanent housing and the 2024 Adopted Budget be amended as follows:

Department of Social Services
Fund 110, Funds Center 120

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409000	State Aid Revenues	<u>\$1,540,922</u>
	TOTAL	<u>\$1,540,922</u>
<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
525097	Emergency Rental Assistance	<u>\$1,540,922</u>
	TOTAL	<u>\$1,540,922</u>

and be it further

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

RESOLVED, that authorization is hereby given to 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 shall be forwarded to the Erie County Executive’s Office, Comptroller’s Office, Department of Social Services, and Division of Budget and Management.

(5-0)

6. COMM. 19E-15 (2024)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Temporary and Disability Assistance (OTDA) appropriated \$20 million for district costs related to implementing emergency measures for the homeless during inclement winter weather (Code Blue); and

WHEREAS, the funds awarded are to provide Code Blue Services when temperatures are expected to fall below 32 degrees Fahrenheit; and

WHEREAS, the Erie County Department of Social Services has been awarded funding in the amount of \$645,000; and

WHEREAS, the Department of Social Services distributed a Request for Proposal (RFP #2024-034VF) to interested parties and the panel recommendations were utilized to determine contract award amounts; and

WHEREAS, based on the results of the RFP the Erie County Department of Social Services has identified Sylvia's House as the recipient of this funding to provide Code Blue Services in the amount of \$645,000; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to accept \$645,000 in State Aid to provide Code Blue Services amending the Department of Social Services (Fund 110, Funds Center 120) 2024 Adopted Budget as follows:

Department of Social Services
Fund 110, Funds Center 120

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
407795	State Aid Revenues	<u>\$645,000</u>
	TOTAL	<u>\$645,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516465	Code Blue – Sylvia's House	<u>\$645,000</u>
	TOTAL	<u>\$645,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into contract with Sylvia's House (RFP #2024-034VF) in the amount of \$645,000 for the provision of Code Blue Services; and be it further

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

RESOLVED, that authorization is hereby given to 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 shall be forwarded to the Erie County Executive's Office, Comptroller's Office, Department of Social Services, and Division of Budget and Management.

(5-0)

**LAWRENCE J. DUPRE
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

November 14, 2024	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 17
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR VINAL.

1. COMM.19E-1 (2024)
COUNTY EXECUTIVE

WHEREAS, Packard Building consists of forty (40) low income rental units at 1325 Main Street, City of Buffalo, NY; and

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

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

NOW, THEREFORE, BE IT

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

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

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

the Department of Law.

Schedule A
PILOT Payment Schedule

YEAR	PILOT "A"	CITY	COUNTY
16	\$21,712.96	\$17,153.24	\$4,559.72
17	\$22,364.35	\$17,667.84	\$4,696.51
18	\$23,035.28	\$18,197.87	\$4,837.41
19	\$23,726.34	\$18,743.81	\$4,982.53
20	\$24,438.13	\$19,306.12	\$5,132.01
21	\$25,171.28	\$19,885.31	\$5,285.97
22	\$25,926.41	\$20,481.87	\$5,444.55
23	\$26,704.21	\$21,096.32	\$5,607.88
24	\$27,505.33	\$21,729.21	\$5,776.12
25	\$28,330.49	\$22,381.09	\$5,949.40
26	\$29,180.41	\$23,052.52	\$6,127.89
27	\$30,055.82	\$23,744.10	\$6,311.72
28	\$30,957.49	\$24,456.42	\$6,501.07
29	\$31,886.22	\$25,190.11	\$6,696.11
30	\$32,842.81	\$25,945.82	\$6,896.99

(5-0)

2. COMM. 19E-11 (2024)
COUNTY EXECUTIVE

WHEREAS, on March 27, 2024, your Honorable Body approved Comm 4E-17 authorizing Watts Architectural to design a new roof on the Downtown Branch of the Buffalo & Erie County Public Library; and

WHEREAS, on September 11, 2024, NYSERDA awarded Erie County a Clean Energy Communities (CEC) grant to install solar panels and other clean technologies; and

WHEREAS, the CEC grant provides additional funding for projects constructed in a Disadvantaged community, of which the Downtown Branch is located; and

WHEREAS, incorporating solar panels into the current roofing design will ensure a thoroughly integrated, cost-effective final product; and

WHEREAS, the proposal previously provided by Watts did not include solar design in their original scope of work due to the uncertainty of the NYSERDA Award Grant; and

WHEREAS, Watts Architectural has provided a quote to incorporate the layout of a solar array, evaluate the structural load on the roof, provide electrical infrastructure integration and include any architectural and code requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the modification of the Department of Environment and Planning's 2024 Adopted Budget (Fund 110, Funds Center 162) as follows:

Department of Environment and Planning
Fund 110, Funds Center 162

APPROPRIATIONS	CHANGE
516310 Climate Action Fund	(\$45,390.00)
570050 Interfund Transfer Capital	<u>\$45,390.00</u>
TOTAL	<u>\$ 0.00</u>

and be it further

RESOLVED, that authorization is hereby given for \$45,390 to be transferred from the Department of Environment and Planning (Fund 110, Funds Center 162) to the Division of Buildings and Grounds Capital Project (Fund 490, Funds Center 122) F.23001 – Buffalo & Erie County Public Library Roof Replacement as follows:

Project F.23001
Buffalo & Erie County Public Library Roof Replacement
Fund 490, Funds Center 122

REVENUES	BUDGET	CHANGE	REVISED BUDGET
409040 State Aid – Capital			
Grants	\$3,000,000.00	\$ 0.00	\$3,000,000.00
475000 Gen. Oblig. Bond	\$2,000,000.00	\$ 0.00	\$2,000,000.00
486000 Interfund Revenue			
Subsidy	<u>\$ 0.00</u>	<u>\$45,390.00</u>	<u>\$ 45,390.00</u>
TOTAL	<u>\$5,000,000.00</u>	<u>\$45,390.00</u>	<u>\$5,045,390.00</u>
APPROPRIATIONS			
Capital Project Exp	<u>\$5,000,000.00</u>	<u>\$45,390.00</u>	<u>\$5,045,390.00</u>
TOTAL	<u>\$5,000,000.00</u>	<u>\$45,390.00</u>	<u>\$5,045,390.00</u>

and be it further

RESOLVED, that authorization is hereby given for the sum of \$45,390 to be allocated to a Design Contingency Fund with authorization for the County Executive or Deputy County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that sufficient funding for the design contingency fund exists within the Division of Buildings and Grounds Capital Project F.23001 – Buffalo & Erie County Public Library Roof Replacement; 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.

(5-0)

3. COMM. 19E-12 (2024)
COUNTY EXECUTIVE

WHEREAS, the Commissioner of Public Works desires to engage the services of a Fleet Electrification Consultant in order to evaluate the potential transition of fleet vehicles to electric; and

WHEREAS, electric vehicles (EVs) have been shown to cost less to operate and maintain; and

WHEREAS, EVs have complicated charging and operating requirements; and

WHEREAS, a Fleet Electrification Consultant can provide a cost-effective way to create a comprehensive plan to transition the fleet that takes into account the operation of each vehicle and the electrical infrastructure located at each location; and

WHEREAS, the Department of Public Works (DPW) received RFPs for the Erie County – On-Call Fleet Electrification Consultant on June 24th, 2024; and

WHEREAS, A review of proposals evaluated each firm’s expertise, experience, and manpower to provide the required services; 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 WSP USA, Inc; 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 authorize the transfer of \$241,591.51 in funding from the Department of Environment & Planning 2024 Budget (Fund 110, Funds Center 16200) Account 516310 – Climate Action Fund to the Division of Buildings & Grounds 2024 Budget (Fund 110, Funds Center 12220) Account 516020 – Professional Services, Contracts & Fees as follows:

Department of Environment & Planning
Fund 110, Funds Center 16200

APPROPRIATIONS	CHANGE
516310 Climate Action Fund	<u>(\$241,591.51)</u>
TOTAL	<u>(\$241,591.51)</u>

Division of Buildings & Grounds
Fund 110, Funds Center 12220

APPROPRIATIONS	CHANGE
516020 Professional Services, Contracts & Fees	<u>\$241,591.51</u>
TOTAL	<u>\$241,591.51</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into a Term Agreement with the WSP USA, Inc. for the Erie County – On-Call Fleet Electrification Consultant for an amount not to exceed a total of \$241,591.51; and be it further

RESOLVED, that sufficient funding will be available to cover the cost of this Term Agreement within the Division of Buildings & Grounds 2024 Budget (Fund 110, Funds Center 12220) Account 516020 – Professional Services, Contracts & Fees; and be it further

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

RESOLVED, that 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.

(5-0)

4. COMM. 19E-22 (2024)
COUNTY EXECUTIVE

WHEREAS, AD Price II consists of ninety-four (94) affordable rental units at 450 Jefferson Avenue, City of Buffalo, NY; and

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

WHEREAS, in order to make the Project economically feasible for AD Price II Housing Development Fund Corp., AD Price II LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and/or Deputy County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement extension with AD Price II Housing Development Fund Corp., AD Price II LLC, and the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

**SCHEDULE A-2
PILOT “A” Payments**

Year	City Tax Year	PILOT	City	County
1	2025-2026	\$ 20,728	\$ 16,375	\$ 4,353
2	2026-2027	\$ 21,350	\$ 16,866	\$ 4,483
3	2027-2028	\$ 21,990	\$ 17,372	\$ 4,618
4	2028-2029	\$ 22,650	\$ 17,893	\$ 4,756
5	2029-2030	\$ 23,329	\$ 18,430	\$ 4,899
6	2030-2031	\$ 24,029	\$ 18,983	\$ 5,046
7	2031-2032	\$ 24,750	\$ 19,552	\$ 5,197
8	2032-2033	\$ 25,492	\$ 20,139	\$ 5,353
9	2033-2034	\$ 26,257	\$ 20,743	\$ 5,514
10	2034-2035	\$ 27,045	\$ 21,366	\$ 5,679
11	2035-2036	\$ 27,856	\$ 22,006	\$ 5,850
12	2036-2037	\$ 28,692	\$ 22,667	\$ 6,025
13	2037-2038	\$ 29,553	\$ 23,347	\$ 6,206
14	2038-2039	\$ 30,439	\$ 24,047	\$ 6,392
15	2039-2040	\$ 31,353	\$ 24,768	\$ 6,584

(5-0)

**JOHN J. GILMOUR
CHAIR**

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

RE: Compromise of School Taxes Pursuant
to the Erie County Tax Act
(INTRO. 20-1)

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

WHEREAS, the United States Postal Service (USPS) and law enforcement agencies have confirmed that a USPS mailbox was compromised outside of Hamburg Town Hall and mail, including several school tax payments, destined to be postmarked for an on-time arrival at their intended Town Clerk’s Office were stolen; and

WHEREAS, because of this larceny, school tax payments that were made on-time by the taxpayer did not arrive and were therefore not recorded as paid by the appropriate Town Clerk or the Erie County Department of Real Property Tax Services; and

WHEREAS, Article 5, Section 5-2.0 of the Erie County Tax Act establishes the fees and penalties for late school tax payments which forces the assessment of late fees and interest charges on these impacted taxpayers; and

WHEREAS, some taxpayers chose to pay the assessed fees and interest in order to stop additional interest from accruing; and

WHEREAS, some taxpayers are working with authorities to track down their stolen checks and have not sent a second payment to cover the cost of their taxes owed while this matter remains under investigation; and

WHEREAS, the Erie County Tax Act does not allow Town Clerks, Receivers of Taxes or the County to cancel the late charges and reserves the authority to compromise or cancel taxes as a power of the Board of Supervisors (Erie County Legislature); and

WHEREAS, it is unacceptable that taxpayers who paid their taxes on time and find themselves caught up in this criminal matter are being charged late fees on their school tax bill(s) as a result and the Erie County Legislature seeks to utilize its authority to rectify the matter for the impacted taxpayers; and

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the authority granted in Article 12, Section 12-1.00 of the Erie County Tax Act, which states *“the board of supervisors may compromise and cancel unpaid county taxes and tax sales heretofore or hereafter levied or made and may also compromise and cancel any tax certificates held and owned by the county,”* cancels all fees, fines and interest penalties charged to the following school tax payers whose 2024 school tax payments were compromised as part of this USPS theft:

Owner	Owners Address	Business Address	Town	Tax Bill #
Tim Donut US Limited/Randy Schmitz	7993 Jennings Road	8645 Erie Road	Evans	5201
40 Union St, LLC Randy & Kimberly Schmitz	7993 Jennings Road	7988 Jennings Road	Eden	755
Randy and Kimberly Schmitz	7993 Jennings Road	7993 Jennings Road	Eden	1256
Tim Donut US LimitedC/Oeden Valley Brewing	7993 Jennings Road	8259 N Main Street	Eden	738
Carol Klein	4676 Eckhardt Road		Eden	8626

Mark and Linette Blaszak	2355 Burbank Drive		Lake View	15928
Patrick and Sarah Bapst	24 Pleasant Avenue		Hamburg	47321
Gerald Matthews	46 Lombardy Lane		Hamburg	47080
Estate of Paul S. Raymond	40 Buffalo Street		Hamburg	48070
Sharon Raymond	2500 North Creek Road		Lake View	50638
Michael Fitzpatrick/Maureen O'Brien	112 Torry Drive		Hamburg	
Lynne Lasker	293 Prospect Ave.		Hamburg	47192
Pamela Dibiga	5670 Shero Road		Hamburg	8937

and be it further

RESOLVED, that with the cancellation of all late fees associated with the school tax bill, any person who paid a penalty shall be reimbursed with 10 business days after passage of this resolution; and be it further

RESOLVED, that the Director of Real Property Tax Services is hereby directed to assist Town Clerks and Tax Receivers to effectuate this decision and deliver a report to the Legislature of all penalties that were cancelled by December 31, 2024; and be it further

RESOLVED, that certified copies of this resolution be forwarded to all Town Clerks and Tax Receivers in Erie County, The Erie County Association of Governments, the County Executive, County Comptroller, Director of Real Property Tax Services and the aforementioned impacted taxpayers.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

There were none.

SUSPENSION OF THE RULES

There were none.

COMMUNICATIONS FROM ELECTED OFFICIALS

Item 16 – CHAIR BASKIN directed that the following resolution be received, filed and printed.

GRANTED.

November 7, 2024

Ms. Olivia Owens
Clerk of the Legislature
92 Franklin Street, 4th Floor
Buffalo, New York

RE: 2025 Finance, Management and Budget Committee

Dear Madam Clerk,

Legislator Frank Todaro will continue to serve on the Finance, Management and Budget Committee when it is empaneled next week to discuss the 2025 Budget.

Thank you for your attention to this matter.

Sincerely,

JOHN J. MILLS
Minority Leader
Erie County Legislator

FROM THE COMPTROLLER

Item 17 – (COMM. 20E-2) Comptroller's Review of the Proposed 2025 Erie County Budget
Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

FROM THE COMPTROLLER

Item 18 – (COMM. 20E-3) Erie County Interim Financial Report - 2024 Third Quarter
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 19 – CHAIR BASKIN directed that the following resolution be received, filed and printed.

GRANTED.

November 12, 2024

Olivia Owens, Clerk

Transfer and Management Agreement, dated June 18, 2008, which incorporated into the Management Agreement certain portions of South Park that are immediately adjacent to the Site and which are subject to a Cultural and Recreational Easement, dated May 2, 2008, as granted by the City of Buffalo (“City”) to the County; and

WHEREAS, the County, through its legislative body, the Erie County Legislature (“Legislature”) is currently evaluating: (1) a proposed expansion of the facilities and horticultural resources currently managed by the Society including the renovation of approximately 14,500 sq. ft. of existing interior space in a grow range building and the new construction of an approximately 16,500 sq. ft. building addition that will house event spaces, classrooms, an expanded retail gift shop and reception area, and accessible amenities for the County’s residents and visitors; (2) a further amendment to the Management Agreement to authorize construction of the expansion as proposed and to allocate maintenance obligations between the parties upon completion of construction; and (3) the commitment of certain American Rescue Plan Act Revenue Loss funds to facilitate the expansion (collectively, the “Expansion” or “Project” or “Action”); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the New York State Department of Environmental Conservation (“NYSDEC”), being 6 NYCRR Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the County must satisfy the requirements contained in SEQRA prior to making a final determination whether to fund or otherwise undertake the Project; and

WHEREAS, on September 27, 2024, the Legislature transmitted to all potentially Interested and Involved Agencies (as those terms are defined pursuant to SEQRA) a notice of the Legislature’s intent to act as Lead Agency for the review of the Project (together with a completed Part 1 of the Full Environmental Assessment Form), as that term is defined pursuant to SEQRA; and

WHEREAS, on October 23, 2024, a public information session was held to garner public input on the Project and the scope of the SEQRA review of the Project, with public comments accepted following the public information session both in person and via the County’s website comment page; and

WHEREAS, no other potentially Involved Agencies objected to the Legislature’s declaration of its notice of intent to serve as Lead Agency, such that the Legislature became the Lead Agency as of October 27, 2024; and

WHEREAS, to aid the Legislature in determining whether the Project may have a significant adverse impact upon the environment, the Legislature has completed, received, or reviewed:

- 1) A Full Environmental Assessment Form, Part 1 (“FEAF”);
- 2) Coastal Assessment Form;
- 3) Project Narrative, Dated September 27, 2024, as prepared by the Society;
- 4) Project Plans;
- 5) Preliminary Stormwater Pollution Prevention Plan (“SWPPP”);

- 6) Traffic Impact Study;
- 7) Project Renderings and Elevations;
- 8) Phase 1 Cultural Resource Investigation, January 2012
- 9) Project Materials as Filed with the State Historic Preservation Office for Consultation;
- 10) Letter of No Adverse Effect;
- 11) Lead Agency Notice;
- 12) Buffalo Olmstead Parks Conservancy Letter of Support;
- 13) Public Comments and Society Responses thereto; and
- 14) other relevant environmental information (collectively, 1-13, together with all analysis and supporting documentation referenced therein or relied upon thereby, are incorporated by reference herein in their entirety and shall be referred to as the “Environmental Information”);

and

WHEREAS, prior to making a determination about the potential environmental significance of the Project, the Legislature has completed Parts 2 and 3 of the FEAF, has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, the Legislature has duly considered the Action, the full Environmental Assessment Form Parts I-III, the criteria for determining significance set forth in 6 NYCRR Part 617.7(c), and such other information deemed appropriate; and

WHEREAS, the Site is within the New York State Coastal Area Boundary and the City of Buffalo Local Waterfront Revitalization Area boundary, and the Legislature has therefore carefully reviewed the State’s coastal policies at 19 NYCRR Part 600 and the City of Buffalo Local Waterfront Revitalization Program priorities and finds that the Expansion is consistent with those policies and will promote beneficial impacts to the social, cultural and environmental resources of the waterfront area; and

WHEREAS, the Legislature has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasonable elaboration of the basis for its determination; and

WHEREAS, authorizations from the County Legislature are needed to advance the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature formally declares itself Lead Agency and accepts all responsibilities associated with same; and be it further

RESOLVED, that the Project is a Type I Action pursuant to SEQRA and its implementing regulations at 6 NYCRR 617.4(b)(9) and (10), as it involves the disturbance of approximately 3.7

acres at the site, which is on or substantially contiguous to a listed resource on the National or State Register of Historic Places, and is substantially contiguous to publicly owned and operated parkland; and be it further

RESOLVED, that based upon a thorough review and examination of the known facts relating to the Action and its careful review of all potentially adverse environmental impacts, and the entire record and proceedings, including the Environmental Information, relating to the Action, the Legislature finds that the Action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement need not be prepared; and be it further

RESOLVED, that the attached Negative Declaration, incorporated herein by reference, is issued and adopted for the reasons stated in the determination of non-significance; and be it further

RESOLVED that Erie County authorizes the construction of the improvements at the County-owned Botanical Gardens parcels Botanical Gardens site at 2655 South Park Avenue (SBL 142.05-1-1.2) as more fully described in the attached Environmental Assessment Form dated 9/27/2024, which may be amended prior to SEQR completion and further consultation with New York State Department of Parks, Recreation and Historic Places, subject to compliance with all federal, state and local applicable laws and regulations, and after amendment of the County and Erie County Botanical Gardens Society Inc. Asset Management Agreement; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into all necessary agreements with Buffalo and Erie County Botanical Gardens Society Inc. to implement the expansion project including but not limited to the transfer of \$4,902,810.16 in funding and the updating of the Asset Management agreement; and be it further

RESOLVED, that the source of the funding shall be in A.21164 (\$4,870,628.16) and A.18002 (\$32,182.00); and be it further

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

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

FROM THE COMPTROLLER

Item 21 – (COMM. 20E-6) Department of Law Risk Retention Fund Spending - September 2024

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 22 – CHAIR BASKIN directed that the following resolution be received, filed and printed.

GRANTED.

November 13, 2024

Olivia M. Owens
Clerk of the Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Absence from 2025 Budget Hearings

Dear Clerk Owens,

Please excuse my absence from the 2025 Erie County Budget Hearings on Tuesday, November 12 and Wednesday, November 13, 2024. I underwent a minor medical procedure that could not be rescheduled.

Please enter the aforementioned in the Legislature’s official record. I appreciate your attention to this matter.

Sincerely,

Hon. Frank J. Todaro
Erie County Legislator, District 8

FROM THE COUNTY EXECUTIVE

Item 23 – (COMM. 20E-8) Appointment of the Commissioner of Labor Relations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 24 – (COMM. 20E-9) Appointments to the Senior Services Advisory Board

Item 25 – (COMM. 20E-10) Re-Appointment to the Youth Services Board

Item 26 – (COMM. 20E-11) Appointments to the Youth Services Board

Item 27 – (COMM. 20E-12) Appointments to the Youth Services Board - Correction

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170 RE: Reconstruction of William St. from Transit Rd. to Bowen Rd. - NYSDOT Supplemental Agreement & Contract Amendment (COMM. 20E-13)

WHEREAS, a Project for the Reconstruction of William Street (CR 338) from Transit Road (NYS 20/78) to Bowen Road (CR 242), P.I.N. 5763.36 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable federal and New York State Marchiselli shares of the costs of the engineering design and Right of Way incidentals (Phases I-VI) phases of the Project; and

WHEREAS, C&S Engineers Inc (C&S) contract which was originally approved by the Legislature in COMM. 6E-17 (2021); and

WHEREAS, the Project is eligible for funding under the Federal Surface Transportation Program (STP) administered by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the County of Erie desires to advance the Project by making a commitment to advance the reimbursable federal and New York State Marchiselli shares of the costs of the engineering design and Right of Way incidentals (Phases I-VI) phases of the Project; and

WHEREAS, the total increase of funding from the NYSDOT Supplemental Agreement #1 for the design engineering and Right of Way incidentals phases of this Project is \$494,000; and

WHEREAS, it is desired to execute a contract amendment with C&S for design engineering and Right of Way incidentals services in the amount of \$494,000; and

WHEREAS, the necessary funds for the design engineering and Right of Way incidentals contract of \$494,000, and are available in Fund 420, Funds Center 123, Capital Project B.23005 – 2023 Federal Aid Road Design.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute Supplemental Agreement #1 with the New York State Department of Transportation for the Reconstruction of William Street project (PIN 5763.36); and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to execute a contract amendment with C&S, for engineering design and Right of Way incidentals services in the amount of \$494,000; and be it further

RESOLVED, that authorization is hereby given to modify the Division of Highways (Fund 420, Funds Center 123) Capital Project B.23005 – 2023 Federal Aid Road Design to recognize additional New York State Marchiselli funding available for the project as follows:

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

REVENUES	BUDGET	CHANGE	REVISED BUDGET
405160 NYS Marchiselli	\$ 285,300	\$ 74,100	\$ 359,400
414000 Federal Aid	\$3,714,700	\$(74,100)	\$3,640,600
475000 Gen. Oblig. Bond	<u>\$1,750,000</u>	<u>\$ 0</u>	<u>\$1,750,000</u>
	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>
APPROPRIATIONS			
Capital Project Expense	<u>\$5,750,000</u>	\$ 0	<u>\$5,750,000</u>
Unallocated Capital	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL	<u>\$5,750,000</u>	<u>\$ 0</u>	<u>\$5,750,000</u>

and be it further

RESOLVED, that sufficient funding exists for the project within Division of Highways (Fund 420, Funds Center 123) Capital Project B.23005 – 2025 Federal Aid Road Design to cover the cost of participation in the above phase of the project; and be it further

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

RESOLVED, that authorization is hereby given 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 funds; and be it further

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

RESOLVED, in the event the amount required to pay in the first instance 100% of the federal and non-federal shares of the exceeds the amount appropriated above, the County of Erie shall

convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation; and be it further

RESOLVED, that three 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 and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

RE: SUNY ECC North Campus Bell Sports Center
Partial Roof Repairs, Recoating & Replacement
(COMM. 20E-14)

WHEREAS, the existing 34 year old flat roof system at SUNY Erie Community College North Campus Bell Sports Center has far exceeded its useful life and to reduce maintenance costs associated with temporary “stop-gap” measures to keep the building weather-tight and functioning, a full flat roof replacement is warranted; and

WHEREAS, a contract was approved for the replacement of two original air-handling units in the rooftop penthouses on the flat roof to facilitate a long equipment lead-time at the same building (COMM. 13E-16 on July 25, 2024); and

WHEREAS, bids for roof replacement scope were received by DPW on December 18, 2020 but due to funding restrictions from SUNY resulting from the COVID pandemic, the project could not proceed; and

WHEREAS, the scope was revised, and the County of Erie received bids for the SUNY Erie Community College North Campus Bell Sports Center Partial Roof Repairs, Recoating and Replacement project on Tuesday, October 22, 2024; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Elmer W. Davis, Inc.; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Public Works to enter into a contract with the lowest responsible bidder, Elmer W. Davis, Inc., for the SUNY Erie ECC North Campus Bell Sports Center Partial Roof Repairs, Recoating and Replacement project for an amount not to exceed as follows:

<u>General Construction Work</u>		
Elmer W. Davis, Inc.	Base Bid:	\$1,526,555.00
	Add Alternate No G-01	\$ 318,000.00
Total Award of General Construction Contract:		\$1,844,555.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$155,445 to be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from the approved Capital Budgets, Fund 480, Funds Center 122, as follows:

E.16002	2016 ECC Roof Replacement and Exterior Waterproofing	\$ 29,468.53
E.24051	2024 SUNY Erie Facility Master Plan Phase 3	\$1,970,531.47
For a Total Amount Not to Exceed		\$2,000,000.00

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 Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller, and one copy to Erie Community College of the Chief Administrative and Financial Officer.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172	RE: Authorization to Sign the 2nd Amendment to the Intermunicipal Agreement Regarding the Lake Erie Watershed Protection Alliance (COMM. 20E-15)
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WHEREAS, Lake Erie and its watershed provide a fresh water resource to New York State residents and visitors for drinking water, energy production, agriculture, industry, recreation and other uses that greatly affect the New York State economy and health of users; and

WHEREAS, this resource is threatened by point and non-point source pollutants within the Lake Erie watershed and along the shoreline within New York State; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in water quality issues throughout the region for decades and continues to administer many initiatives that protect and preserve our natural water resources; and

WHEREAS, the Lake Erie Watershed Protection Alliance (LEWPA) formed as an alliance of municipal officials and concerned stakeholders in Erie, Cattaraugus, and Chautauqua Counties wishing to alleviate the impacts of these point and non-point source pollutants in recognition of the fact that the watershed crosses multiple municipal boundaries; and

WHEREAS, these participants recognize the regional benefits of working collaboratively to save time, money, and energy in order to achieve the common goal of improved water quality and flood control; and

WHEREAS, Erie County entered into an agreement with Chautauqua and Cattaraugus Counties titled the “Intermunicipal Agreement for the Establishment of the Lake Erie Watershed Protection Alliance” (the Agreement), as authorized in 2014 by COMM. 26E-1 and reauthorized in 2019 by COMM 20E-15; and

WHEREAS, the current agreement ends December 31, 2024, necessitating the extension of the agreement between the member counties to continue an enduring organization that will collaborate on common watershed goals.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and/or Deputy County Executive to amend the Agreement titled the “Intermunicipal Agreement for the Establishment of the Lake Erie Watershed Protection Alliance” with Cattaraugus and Chautauqua Counties to extend for a 5-year period through December 31, 2029; and be it further

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

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

CARRIED. 10-0-1.
Chair Baskin abstaining.

RESOLUTION NO. 173

RE: ECSD Engineer Term Contract Agreement –
Change Order No. 1 & Work Order No. GHD-5

(COMM. 20E-16)

WHEREAS, pursuant to Legislative Comm. 16E-11 (2022), GHD Consulting Services, Inc. (285 Delaware Ave, Suite 500, Buffalo, NY 14202) was retained to provide engineering services for various initiatives in the Erie County Sewer Districts; and

WHEREAS, the Division of Sewerage Management has identified engineering services required in Erie County Sewer District No. 6 and recommends issuance of work order GHD-5 with GHD Consulting Services, Inc. to complete; and

WHEREAS, the Division of Sewerage Management has determined that proceeding with this work order would increase the total cost of services under the three-year term agreement above the authorization provided in Legislative Comm. 16E-11 (2022); and

WHEREAS, the Erie County Department of Environment and Planning recommends issuance of a change order to the three-year term agreement with GHD Consulting Services, Inc. to allow for completion of the aforementioned work order for Erie County Sewer District No. 6.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the increase to the total amount for the engineering term agreement between the County of Erie and GHD Consulting Services, Inc. (285 Delaware Ave, Suite 500, Buffalo, NY 14202) for the various initiatives in Erie County Sewer Districts by \$21,000.00 to a total of \$271,000.00; and be it further

RESOLVED, that authorization is hereby given to the Deputy Commissioner in the Division of Sewerage Management to execute Change Order No. 1 for this term agreement; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management and the County Comptroller to allocate \$61,924.16 in Erie County Sewer District No. 6 to fund work order GHD-5; 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.

Item 32 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

RE: Rain Barrel Subsidy 2 Project: No-Cost Time
Extension
(COMM. 20E-17)

WHEREAS, the Erie County Department of Environment and Planning (DEP) in partnership with the Western New York Stormwater Coalition, sponsors an annual rain barrel

and compost bin sale; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) solicited grant proposals for rain barrel distribution projects to reduce the volume of stormwater generated from rooftops in the following communities: Town of Cheektowaga; Town of Grand Island; Village of Kenmore; Village of Sloan; City of Tonawanda; City of Niagara Falls; and, Village of Lewiston; and

WHEREAS, the NYSDEC awarded Erie County \$152,400 in grant funding to provide a 75% subsidy to residents in the targeted municipalities to offset the cost of purchasing a rain barrel; and

WHEREAS, Erie County and the NYSDEC entered into a contract for the project (SAP Account #162WNYSCRDP2324) authorized by COMM. 18E-22 (2022); and

WHEREAS, the current project end date of 12/31/2024 will be extended to 12/31/2025.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive and/or Deputy County Executive to execute a no-cost extension contract amendment with the New York State Department of Environmental Conservation through December 31, 2025; and be it further

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

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

FROM CHAIR BASKIN

Item 33 – (COMM. 20E-18) Legislature Committee Discussions on 12/12

Received and filed.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: 2024 Assessment Rolls - Public Hearing
Minutes
(COMM. 20E-19)

MINUTES
2024 ASSESSMENT ROLLS (2025 Budget)
ERIE COUNTY SEWER DISTRICT NOS. 1-6 & 8
NOVEMBER 06, 2024

PRESENT: Charles Katra, Assistant Deputy Commissioner for the Erie County Department of Environment and Planning, Division of Sewerage Management; and the undersigned, Olivia Owens, Clerk of the Legislature of Erie County.

Ms. Owens opened the hearing at 2:25 p.m. She stated the hearing is being held to discuss the Sewer District Nos. 1-6 & 8 Assessment Rolls for 2024 prior to adoption by Erie County Legislature. Ms. Owens read the Legal Notice as published in the official County newspapers and the Buffalo News, a copy of which is attached, and then asked if anyone was present to speak for or against the adoption of the 2024 Assessment Rolls.

Mr. Katra, Assistant Deputy Commissioner – SMA of the Division of Sewerage Management, Department of Environment and Planning stated he was present at the hearing to represent the Board of Managers for each of the Erie County Sewer Districts, as well as the Erie County Department of Environment and Planning. He also said the hearing is required to be held as stipulated under Article 5A, Sections 266, 270 and 271 of the County Law and is part of the budget process.

Mr. Katra explained the purpose of the Public Hearing is to allow the public an opportunity to voice their opinions and/or objections, if any, in the manner in which various lots and parcels have been assessed. Then, once the Public Hearing has been held, the Legislature may adopt and affirm the Assessment Rolls, or they can request the Assessment Rolls be revised.

Mr. Katra said the Assessment Rolls are available, as noted in the Legal Notice, if anyone desires to review them and note their concerns regarding the method of sewer assessments for the following (2025) budget year.

Ms. Owens asked if anyone else was present to speak for or against adoption of said Assessment Rolls. There being none, Ms. Owens closed the hearing at 2:30 p.m.

Respectfully submitted,

Olivia Owens
Clerk of the Legislature
of Erie County

FROM THE SHERIFF

Item 35 – (COMM. 20E-20) Acceptance of Child Passenger Safety (CPS) Grant

Item 36 – (COMM. 20E-21) Acceptance of Police Traffic Services (PTS) Grant

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF SOCIAL SERVICES COMMISSIONER

Item 37 – (COMM. 20D-1) COMM. 12E-34 Compliance Report - October

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 38 – (COMM. 20D-2) September 2024 Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPUTY COMPTROLLER FOR AUDIT & CONTROL

Item 39 – (COMM. 20D-3) EC Comptroller's Office Audit of the EC Sheriff's Office Commissary Fund - Notification of Expanded Scope

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPUTY COMPTROLLER FOR AUDIT & CONTROL

Item 40 – (COMM. 20D-4) Notification of Expanded Scope of Audit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

Item 41 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: Buffalo Place 2025 Budget & Special
Charge Levy Approval
(COMM. 20M-1)

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc., designating Buffalo Place Inc. as the not-for-profit

corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and

WHEREAS, the said Local Law requires that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2025 annual budget on October 29, 2024; and

WHEREAS, on October 30, 2013 the Board of Directors of Buffalo Place Inc. approved a resolution approving a payment in lieu of service charges for the HSBC Atrium Building and have included the same as part of its proposed 2025 budget.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2025 shall be the sum of \$1,869,106 as contained in the attached budget which shall be a part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Buffalo Place Inc. revenues, in addition to the special charges assessed as above set forth, include for the year 2025, \$18,000 in payment in lieu of service charges for KeyBank Center (1 Seymour H. Knox III Plaza, Buffalo, NY) and \$36,429 for HSBC Atrium Building (95 Washington Street, Buffalo, NY) totaling \$54,429 as set forth in said budget, and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 21, 2024, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges and payment in lieu of special charges for 2025 in conformance with the formula set forth in Section 7 of Erie County Local Law N. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Erie County Commissioner of Budget and Management.

ANNOUNCEMENTS

Item 42 – Chair Baskin announced that Legislature will hold a special session for the Budget process on Tuesday, December 3, 2024. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, December 5, 2024.

MEMORIAL RESOLUTIONS

Item 43 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of Charles M. Mitschow.

Item 44 – The Minority Caucus requested that when the Legislature adjourns, it do so in memory of Olivia M. Stang.

ADJOURNMENT

Item 45 – 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, December 5, 2024 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, December 5, 2024 at 12:00 Noon.

OLIVIA M. OWENS
CLERK OF THE LEGISLATURE