

ERIE COUNTY LEGISLATURE
MEETING NO. 14
JULY 24, 2025

The Legislature was called to order by Chair Meyers.

All members present.

An Invocation was held, led by Ms. St. Jean Tard, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Lorigo.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. GILMOUR moved for the approval of the minutes for Meeting Number 13 from 2025. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

MAJORITY CAUCUS	Honoring National Immunization Awareness Month (NIAM) August 2025
MINORITY CAUCUS	Honoring the Life and Legacy of Mark Andol, Founder of the Made in America Store
DUPRE	Celebrating and Honoring World Refugee Day at Nardin Academy
DUPRE & ST. JEAN TARD	Celebrating and Recognizing Puerto Rican and Hispanic Day Parade Association
DUPRE & ST. JEAN TARD	Celebrating and Recognizing Gospel Fest
DUPRE & ST. JEAN TARD	Celebrating and Recognizing the Pappy Martin Legacy Masten Jazz Festival
DUPRE &	Celebrating and Recognizing the Buffalo Funk Festival

ST. JEAN TARD

DUPRE &
ST. JEAN TARD Celebrating and Recognizing Family Fishing Day

DUPRE &
ST. JEAN TARD Celebrating and Recognizing Pretrial, Probation and Parole
Supervision Week 2025

DUPRE &
ST. JEAN TARD Acknowledging and Honoring National Buffalo Soldiers Day

DUPRE &
ST. JEAN TARD Happy 40th Wanda Chardey Miles

KOOSHOIAN Honoring Nyla Wilson-Epps and Janee Long Winning State
Championships Representing Tapestry Charter School

KOOSHOIAN &
BARGNESI Honoring Joe Thomas Inducted into the College Baseball Hall of
Fame (Class of 2025)

VINAL Honoring and Celebrating the Ribbon-Cutting and Grand Opening of
Community Bank (Amherst Location)

VINAL Honoring and Celebrating the Ribbon-Cutting and Grand Opening of
Storybook Academy (Amherst Location)

VINAL Honoring and Recognizing Paige Szymanski – Section IV Flag
Football Defensive Player of the Year

GREENE Honoring Jammin Joe’s Farm Market in Recognition of National
Farmers Market Week

GREENE Honoring the Clarence Concert Association Celebrating 67 Seasons of
the Clarence Summer Orchestra

GREENE Honoring Educator Sherry Gibson C-SPAN Classroom Teacher
Fellowship Program Participant

GREENE Honoring Doug Kohler on His Retirement

GREENE Honoring the Town of Clarence Parks Department

GREENE Honoring Coach Gary Sundown Upon His Retirement from the Akron
Tigers Lacrosse Program

MEYERS Honoring and Celebrating the 100th Birthday of Agnes Culverhouse

TODARO	Recognizing Pizza 151's Grand Opening in Lancaster
TODARO	Celebrating Harold "Budd" Schroeder on His 90th Birthday
TODARO	Celebrating School Resource Officer James Patterson on His Retirement from the Cheektowaga Police Department
TODARO	Recognizing Bryn Ailinger for Spreading Smiles at Oishei Children's Hospital
LORIGO	Recognizing the Grand Opening of Flourishing Hope Applied Behavior Analysis Services
LORIGO	Recognizing the Wales Primary School Butterfly Athletic Park for Being Named one of The 2025 Best Inclusive School Playgrounds in America
LORIGO	Recognizing Earsing's Driving Range of West Seneca During "Family Golf Month"
LORIGO	Honoring the East Aurora Police Department During "National Traffic Awareness Month"
MILLS	Recognizing Patricia "Patty" Friend as 2025 Brant Resident of the Year
MILLS	Honoring Steepleview Housing on Its 40th Anniversary
MILLS	Honoring Lindsey Alico for Advancing Genetic Counseling in WNY
MILLS	Recognizing the Grand Opening of 1812 Tavern in Hamburg, New York
GILMOUR	Congratulating and Recognizing Lillie Bogdan
DUPRE & ST. JEAN TARD	Celebrating and Recognizing the Grease Pole Festival

MR. GILMOUR moved for consideration of the above thirty-seven items. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to amend the above thirty-seven items by including Et Al Sponsorship. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved for approval of the above thirty-seven items as amended. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

AGENDA TAKEN OUT OF ORDER

Item 6 – CHAIR MEYERS directed that the agenda be taken out of order and the next item for consideration shall be COMM. 14E-1 (2025).

MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123	RE: Alden Home & Infirmary Property – Environmental Determination & Surplus Property Determination (COMM. 14E-1)
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WHEREAS, Erie County is interested in the fostering of business growth and job creation within Erie County; and

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

WHEREAS, Erie County is the owner of the 146-acre former Erie County Home and Infirmary located at 11580 Walden Avenue in the Town of Alden; and

WHEREAS, Erie County ceased operation of the Erie County Home and Infirmary in 2013 and relocated services to a facility on the Erie County Medical Center campus in the City of Buffalo; and

WHEREAS, the Erie County Home and Infirmary facility site has been vacant and underutilized since 2013; and

WHEREAS, Erie County no longer needs the site for governmental purposes; and

WHEREAS, the Erie County Lands Advisory Committee (ARC) determined approximately 141 of 146 acres to be surplus property; and

WHEREAS, Erie County desires to retain the maintenance facilities which are estimated to be approximately five acres; and

WHEREAS, Erie County desires to sell the 141-acre site to return the parcel to productive use and back on the tax rolls; and

WHEREAS, North Eastern Alliance, a commercial cannabis producer and distributor desires to purchase the site from the County to build a 57,933 square foot facility; and

WHEREAS, Erie County desires to return the site to productive use, including the generation of property tax income, economic investment and the creation of jobs; and

WHEREAS, in furtherance, Erie County desires to enter into a purchase sale agreement with 11580 Walden Avenue LLC, an affiliate of North Eastern Alliance; and

WHEREAS, the County, through its legislative body, the Erie County Legislature (“Legislature”) is currently evaluating the action which includes the transfer of real property from the County of Erie to 11580 Walden Avenue LLC, as further elaborated in the Part 1 of the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) (collectively, the “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 June 13, 2025, the Legislature, acting through the Department of Environment and Planning 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 EAF), as that term is defined pursuant to SEQRA; and

WHEREAS, materials were also posted on the County’s website at:
<https://www3.erie.gov/environment/proposed-sale-former-erie-county-home-and-infirmary>; 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 July 14, 2025; 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 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, additional authorizations to enable the sale of the land are contemplated in the future in the form of a Local Law to advance the project; and

WHEREAS, the Lands Advisory Review Committee (“ARC”) reviewed the action and classified the action as a Type I action under SEQRA as per NYCRR, 617.2(al) and upon review, it was determined that the proposed Action will not have a significant environmental impact, and a recommendation was made that a negative declaration be issued;

NOW, THEREFORE, BE IT

RESOLVED, that the 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)(4), as it is the acquisition of land over 100 acres by a local agency; 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 the Erie County Legislature determines that 141 acres located at 11580 Walden Avenue to longer be needed for governmental purposes and therefore determined to be surplus governmental property and as such may be sold to another entity; and be it further

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

LOCAL LAWS

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

GRANTED.

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

GRANTED.

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

GRANTED.

Item 10 – MR. GILMOUR moved to take Local Law Intro. No. 1 (Print #1) 2025 from the table. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to approve Local Law Intro. No. 1 (Print #1) 2025. MS. LORIGO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. NO. 1-1-2025
LOCAL LAW – NO. _____ - 2025

A LOCAL LAW prohibiting the sale and use of Sky Lanterns in Erie County.

SECTION 1. Title

This law shall be entitled and known as “The Sky Lantern Prohibition Act.”

SECTION 2. Legislative Intent

The Erie County Legislature (“Legislature”) recognizes, determines, and finds as follows:
Sky lanterns have become popular in recent years. These devices are sometimes released in mass launches to commemorate events such as holidays, funerals, birthdays, and weddings.
Among the powers granted to counties by the New York State legislature, pursuant to Section 10(a)(12) of the New York State Municipal Home Rule Law, a county may adopt a local law that protects the safety, health, and well-being of persons and property within the boundaries of the county.

The Legislature understands that these devices are intended to float in the air whereby the device is akin to a miniature hot air balloon comprised of oiled rice paper, fire retardant paper, fabric, or similar

materials pulled over a frame with a small candle fuel cell or similar heat source within the frame. The small candle or fuel cell heats the air inside the lantern causing the lantern to rise into the air.

The Legislature recognizes that the release of these devices creates a serious fire and safety hazard due to the potential for unintended fires, and the ability of such devices to travel significant distances from the point of release. Pursuant to the NYS Office of Fire Prevention and Control, these devices, once dispatched, constitute a Recreational Fire. Such devices must be “constantly attended until the fire is extinguished.” Upon the release or dispatch of the device, it is considered an Unattended Fire and may remain lit when the device lands in a neighborhood, agricultural field, or other undesirable location.

The Legislature recognizes that these devices also pose serious risks to small children, wildlife and livestock animals. Such devices are commonly constructed with bamboo, wire, or similar materials which create risks of entrapment and harm due to ingestion.

The Legislature hereby determines that such devices present a serious threat to the safety of Erie County residents and their property and further finds there is a need to prohibit the release of such devices to protect the safety, health, and well-being of persons and property within the boundaries of the County.

SECTION 3. Definitions

SKY LANTERN

Any unmanned airborne device including, but not limited to, those constructed from oiled rice paper, fire retardant paper or fabric on a bamboo or wire frame or other such similar materials, and which contain a small candle or fuel cell composed of a waxy flammable material or other similar materials which heat, directly or indirectly, the air inside the device, thus lowering its density causing the device to rise into the air. These devices may also be known as candle kites, Chinese candle kites, Kongming lanterns, wish lanterns, lantern kites, fire balloons, sky candles, candle balloons, mini hot air balloons, flying lanterns, Chinese lanterns, or candle balloons.

SECTION 4. Prohibition of sale

No natural person, company, corporation, limited liability company, firm, partnership, business organization, or other legal entity in Erie County shall sell, offer for sale, or permit the sale of a sky lantern.

SECTION 5. Prohibition of use

Sky lanterns shall not be used, released, or dispatched into the air in Erie County.

SECTION 6. Penalties

The first violation of Section 4 or Section 5 of this Article shall constitute an offense punishable by a fine not to exceed \$250.

Any subsequent violation of Section 4 or Section 5 of this Article shall constitute an unclassified misdemeanor, punishable by a fine not to exceed \$1,000, or both.

SECTION 7. Enforcement

This article shall be enforced by the Erie County Sheriff's Department and shall be enforced by any other law enforcement agency having jurisdiction to act in the County of Erie, which shall enforce the provisions of this Article by the issuance of a summons to a party violating the provisions of this Article.

SECTION 8. Severability

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Erie hereby declares that it would have passed this chapter, or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 9. Effective date and applicability

This law shall apply to all actions occurring on or after its effective date, which is upon filing with the New York State Secretary of State.

SPONSOR: Legislator Mills

Item 11 – MR. GILMOUR moved to take Local Law Intro. No. 2 (Print #1) 2025 from the table. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to amend Local Law Intro. No. 2 (Print #1) 2025. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to approve Local Law Intro. No. 2 (Print #1) 2025 as amended. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

Section 1. Title.

A local law amending Local Law 1-2020, constituting the Erie County Administrative Code, and Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to recommendations made by the Erie County Charter Revision Commission, duly organized pursuant to Local Law No. 1-2017.

Section 2. Legislative Intent.

The Erie County Legislature approved Local Law No. 1-2017 creating the Charter Revision Commission for the express purpose of reviewing the Erie County Charter and the Administrative code and to make recommendations on whether or not these documents should be amended to facilitate the more effective delivery of services to the public and to better coordinate the functions between departments and agencies of the County and the various local governments. The Legislature has

reviewed all of the recommendations and comments of the Charter Revision Commission, other interested policy organizations, members of the public, the Erie County Legislature, and other elected officials. The Legislature held and participated in numerous public hearings to receive public input about changes to the Charter. The Legislature has considered all relevant information and input and does hereby determine that certain sections of the Erie County Charter, Local Law 1-1959 (as amended) and the Erie County Administrative Code, Local Law 1-2020, shall be amended to modernize the Charter and to enhance the fiscal oversight and financial stability of the County.

Section 3.

Article II of the Erie County Charter is hereby amended as follows:

Article 2 - Legislative Branch - Charter

Section 201. County Legislature constituted.

- 202. Powers and duties.
- 202.1 Qualifications and eligibility of County legislators.
- 202.2 Elections and terms of office.
- 202.3 Increasing the salaries of County elected officials.
- 202.4 Allocation of funds for the Erie County Legislature
- 203. Local laws; definition; power to adopt, amend and repeal; effect on legislative acts.
- 204. Form and procedure.
- 205. Procedure for adoption of local laws.
- 206. Filing and publication of local laws; judicial notice.
- 207. Referendum.
- 208. Effective date.
- 209. Ordinances.
- 210. Advisory Committee on Reapportionment.
- 211. Approval of independent auditors.
- 212. Public comment.

Section 4.

Article II of the Erie County Charter is hereby amended as follows:

Section 202.1. Qualifications and eligibility of County legislators. At the time of nomination or appointment and throughout the term of office, each County legislator shall be a duly qualified elector of the legislative district from which the County legislator is elected. A County legislator shall not hold any other salaried elective public office during the County legislator's tenure.

Where a vacancy in an appointive County office takes place and the right to fill said vacancy is vested in the County Executive, subject to confirmation by the County Legislature, or the power of appointment is vested in the County Legislature, a person, otherwise qualified, who is a member of the County Legislature at the time the vacancy occurs may be appointed to fill the vacancy provided the County legislator shall have resigned prior to such appointment.

Section 5.

Article II of the Erie County Charter is hereby amended as follows:

Section 205. Procedure for adoption of local laws. Every local law adopted by the County Legislature shall be certified by the Clerk thereof after its adoption by such body and shall be presented to the County Executive for approval by the County Executive. No local law shall be approved by the County Executive until a public hearing thereon has been held before the County Executive. This hearing shall

be held on public notice of at least five days, such notice to be given by the County Executive within ten days after the local law shall have been presented to the County Executive, and the hearing shall be held within twenty days after such presentation. If the County Executive approves the local law, the County Executive shall sign it and return it to the Clerk of the County Legislature. If the County Executive disapproves it, the County Executive shall return it to the Clerk with the County Executive's objections stated in writing, and the Clerk shall present the law with such objections to the County Legislature at its next regular meeting. Such objections shall be entered in the Legislature's record of proceedings. The County Legislature within thirty days thereafter may reconsider the local law. If after the reconsideration such local law is repassed by a vote of at least two thirds of the total voting power of the County Legislature, it shall be deemed adopted, notwithstanding the objections of the County Executive. Only one vote shall be had upon such reconsideration. The vote shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the record of proceedings. If within thirty days after a local law shall have been presented to the County Executive and the County Executive shall neither approve it nor return it to the Clerk with the County Executive's objections, the local law shall be deemed to be adopted in like manner as if the County Executive had signed it. At any time prior to the approval of a local law or to its return by the County Executive, the County Legislature may recall the same and reconsider its action thereon.

Section 6.

Article II of the Erie County Charter is hereby amended by adding a new Section 212 as follows:

Section 212. Public Comment. At the beginning of every meeting of the Legislature, there shall be an opportunity given to members of the public in attendance to address the Legislature. The Chair of the Legislature shall be empowered to create rules regarding public comment and such rules must be published on the county website and adopted by the Legislature in their Rules of Order.

Section 7.

Article 3 of the Erie County Charter is hereby amended as follows:

Section 301. The County Executive; election; term; qualifications. The executive branch of County government shall be administered by the County Executive who shall be elected from the County at large. The County Executive's term of office shall begin with the first day of January next following the County Executive's election and shall be for four years, except that the term of the County Executive elected in nineteen hundred sixty shall be for three years. At the time of the County Executive's election and throughout the County Executive's term of office the County Executive shall be a qualified elector of the County. The County Executive shall devote the County Executive's whole time to the duties of the County Executive's office and shall hold no other public office, except as provided in section three hundred seven hereof.

Section 8.

Article 3, Section 302(3) of the Erie County Charter is hereby amended as follows:

3. Supervise and direct the internal organization and reorganization of each department or other administrative unit the head of which the County Executive has power to appoint.

Section 9.

Article 3 of the Erie County Charter is hereby amended as follows:

Section 306. Division of Purchase; Purchasing Act repealed. There shall be in the office of the County Executive a Division of Purchase, headed by a Purchasing Director who shall be appointed by and serve

at the pleasure of the County Executive. Such director shall possess at least five years of practical experience in the area of purchasing, and/or shall possess at least five years professional training in the area of purchasing, or shall possess a combination of said requirements totaling at least five years. The Purchasing Director shall, in accordance with requirements as to advertising and competitive bidding, make all purchases and sales of materials, supplies and equipment and contract for the rental or servicing of equipment for the County, except as otherwise provided in this Charter or the Administrative Code. The Purchasing Director shall not contract for or furnish any services, equipment or other articles except upon receipt of authorized requisitions and certifications as to the availability of funds. The Erie County Purchasing Act, being chapter one hundred sixty seven of the laws of nineteen hundred seventeen as amended, is hereby repealed as of January first, nineteen hundred sixty one. Amended by Local Law No. 5 1980.

Section 10.

Article 3 of the Erie County Charter is hereby amended as follows:

Section 310. Division of Information and Support Services.

1. There shall be in the office of the County Executive a Division of Information and Support Services, headed by a Chief Information Officer who shall be appointed by and serve at the pleasure of the County Executive. The Chief Information Officer shall provide such information and support services as provided for in the Administrative Code and shall operate such other central facilities as may be established by the County Executive within the appropriations provided there for.
2. Within the Division of Information and Support Service there shall be an Office of Information Technology, headed by the Director of Information Technology who shall be appointed by and serve at the pleasure of the County Executive. The Director shall be a person meeting such qualifications as may be set out in this Charter or in the Administrative Code at the time of the Director's appointment. The Director shall perform such information technology services as provided for in the Administration Code.
3. Subject to the approval of the County Legislature, the County Executive may enter into a contract with the federal government, state government or any municipal corporation to provide information technology services to such governments or units of government.

Section 11.

Article 5 of the Erie County Charter is hereby amended as follows:

Section 501. County Health District and Department; Commissioner; qualifications; appointment and term.

502. Powers and duties of the Commissioner.

503. Board of Health.

504. Sanitary Code.

505. County Laboratory District; County Laboratory; Director.

506. Division of Services to Persons with Special Needs; Director.

507. Powers and duties and Emergency Medical Services.

508. Division of Emergency Medical Services.

Section 12.

Article 5 of the Erie County Charter is hereby amended as follows:

Section 502. Powers and duties of the Commissioner. Except as otherwise provided in this Charter, the Commissioner of Health shall have all the powers and perform all the duties conferred or imposed upon county health commissioners and/or county boards of health by law. The Commissioner of Health shall perform such additional and related duties as the County Executive may prescribe.

Section 13.

Article 5 of the Erie County Charter is hereby amended as follows:

Section 505. County Laboratory District; County Laboratory; Director. The County, including the cities, towns, villages and special districts situated therein shall continue to be a county laboratory district. There shall be in the Department an Erie County Laboratory headed by a Director. The Commissioner of Health shall appoint as Laboratory Director a person who shall possess such qualifications as may be prescribed by the Public Health and Health Planning Council of the State of New York for a clinical laboratory director. Such appointments shall be for the term or balance thereof of the Commissioner making such appointment.

The Director shall exercise all the powers and duties heretofore or hereafter conferred or imposed upon the Director by the County Charter, by the Administrative Code, by order or direction of the Commissioner of Health and by any applicable act of the Legislature not inconsistent with the County Charter or the Administrative Code. Such powers and duties shall include but shall not be limited to any power or duty conferred or imposed upon a county laboratory board and the director of a county laboratory district by the Public Health Law or other applicable law.

The Director shall be responsible for the serological, bacteriological and other public health laboratory work for the County Laboratory District, as required by the Health Commissioner. Except as otherwise provided in this Charter, the Director shall exercise all powers and perform all duties of a county laboratory board.

Section 14.

Article 5 of the Erie County Charter is hereby amended as follows:

Section 506. Division of Services to Persons with Special Needs; Director. There shall be in the Department a Division of Services to Persons with Special Needs, headed by a Director. The Director shall be appointed by the Commissioner and serve at the Commissioner's pleasure. The Director shall insure the continuance of beneficial programs and implement additional services in the County for youths with special developmental needs.

Section 15.

Article 5 of the Erie County Charter is hereby amended by adding Sections 507 and 508 as follows:

Section 507. The Deputy Commissioner of Emergency Medical Services shall have and exercise all the powers and duties granted or imposed by the laws of the state of New York upon a county director of emergency medical services, and all the duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the County Executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 508. Division of Emergency Medical Services

There shall be within the Department a Division of Emergency Medical Services which shall be headed by a Deputy Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature, to serve at the pleasure of the County Executive. The Deputy Commissioner of Emergency Medical Services shall maintain advanced life support response readiness as outlined by article 30 of the public health law; maintain pre-hospital educational initiatives; initiate coordination of mass casualty incidents and large scale planned events; coordinate public health preparedness planning and response of emergencies.

Section 16.

Article 6 of the Erie County Charter is hereby amended as follows:

Section 601. Department of Law; County Attorney. There shall be a Department of Law headed by the County Attorney, who shall be appointed by the County Executive subject to confirmation by the County Legislature. The County Attorney shall be a member in good standing of the bar of the State of New York.

Section 602. Powers and duties. The County Attorney shall be the legal advisor for the County and, on its behalf in County matters, of its officers and administrative units. The County Attorney shall, in all County legal matters of a civil nature, advise all County officers and employees and, where in the interest of the County, prepare all necessary papers and written instruments in connection therewith, prosecute or defend all actions or proceedings of a civil nature brought by or against the County; prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the County Legislature, together with notices and other items in connection therewith; and perform such additional and related duties as may be prescribed by law, by the County Executive or by resolution of the County Legislature.

Section 17.

Article 9 of the Erie County Charter is hereby amended as follows:

Section 901. Department of Personnel; Commissioner; Divisions.

902. Powers and duties.

903. Division of Personnel Services.

904. Division of Civil Service Administration.

Section 901. Department of Personnel; Commissioner; divisions. There shall be a Department of Personnel headed by a Commissioner, who shall be appointed by the County Executive subject to confirmation by the County Legislature for a term of six years. Within such departments there shall be a Division of Personnel Services and a Division of Civil Service Administration and Enforcement.

Section 902. Powers and duties.

Except as otherwise provided in this Charter, the Personnel Commissioner shall:

- (a) The Commissioner of Personnel shall have, with reference to the civil service of the County, the powers and duties of a county municipal civil service commissioner as provided by the Civil Service Law, and the Commissioner of Personnel shall be subject to supervision and control by the State Civil Service Commission as are county civil service commissions, as are county personnel officers.
- (b) Enforce all countywide Policies and Procedures for County Employees.
- (c) Foster and develop programs for the improvement of employee effectiveness, including programs for training and development, safety, health and counseling, with a focus on opportunities for the promotion of minorities, women, veterans and individuals with disabilities.
- (d) Perform such other and related duties as shall be required or delegated to the Commissioner by the County Executive or the County Legislature.

Section 903. Division of Personnel Services.

The Division of Personnel Services shall be responsible for the presentation, implementation, and management of employee benefits for all County employees in accordance with County policy and the appropriate collective bargaining agreement, if applicable.

Section 904. Division of Civil Service Administration.

The Division of Civil Service Administration shall be responsible for administering and enforcing the provisions of Civil Service Law within Erie County.

Section 18.

Article 10 of the Erie County Charter is hereby amended as follows:

Section 1001. Department of Environment and Planning; Commissioner; qualifications. There shall be a Department of Environment and Planning headed by a Commissioner. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Commissioner shall possess not less than a baccalaureate degree in an appropriate subject field and suitable experience in private or public administration and environmental resource programs or regional, county or municipal planning.

Section 19.

Section 1002. Powers and duties of Commissioner. The Commissioner of Environment and Planning shall have the following powers and duties:

1. The Commissioner shall administer the planning, environmental compliance, drainage, flood control, solid waste management, sewerage planning, construction and management functions vested in the executive branch of the County government, provided, however, that this provision shall not be deemed to restrict the powers or duties of any administrative body appointed, designated, or established in accordance with article five a of the County law and the Erie County Charter and Administrative Code.
2. The Commissioner shall head the Department of Environment and Planning, supervise and direct its officers and employees, and make such assignments of powers and duties among them as the Commissioner may consider advisable.
3. The Commissioner may promulgate, administer, enforce and amend a county environmental quality code, pursuant to this Article.
4. The Commissioner may, if authorized to do so by appropriate federal or state authorities, administer or enforce federal or state laws, rules, regulations, orders or programs in relation to the control, enhancement and preservation of environmental resources.
5. The Commissioner shall advertise and call for bids on the construction of each sewer project of the County and such other projects as may be assigned to this department by the County Legislature, open such bids publicly, tabulate them and submit recommendations with respect thereto to the County Legislature and County Executive.
6. The Commissioner shall have such additional powers and duties as may be prescribed by law, regulation, and the County Executive.
7. The Commissioner shall have all powers necessary or proper to the exercise of any of the duties or functions of the Commissioner of the Department of Environment and Planning.

Section 20.

Article 10 of the Erie County Charter is hereby amended as follows:

Section 1003. County environmental quality code. To the extent applicable to the control and enhancement of the quality, use or enjoyment of air and water resources, the authority conferred upon a board of health by the Public Health Law to formulate, promulgate, adopt, publish and enforce rules, regulations, orders and directions for the security of life and health to be known as a sanitary code may be exercised by the Commissioner of Environment and Planning in formulating, promulgating, adopting, publishing and enforcing an environmental quality code.

The Commissioner may also promulgate such other and additional rules and regulations as the Commissioner shall consider appropriate to enhance the quality, use and enjoyment of air, water and other resources within the County, in furtherance of public health, safety, and welfare. This shall not be deemed to limit the authority of the Commissioner of Health or the Board of Health to promulgate such additional regulations for the security of life and health as may be necessary. Before adopting any provision or amendment of the County environmental quality code, the Commissioner shall conduct a public hearing, pursuant to the procedures set forth in section 10.06(a) of the Erie County Administrative Code. Following such public hearing, if the Commissioner's decision is to adopt said proposed code or amendment, the Commissioner file a copy of the said preliminary decision with the Clerk of the Legislature. If the County Legislature shall so direct, pursuant to section 10.06(a) of the Erie County administrative code, the Commissioner shall conduct a second public hearing.

Nothing in this section shall be construed to mean that the Commissioner must promulgate or enforce such rules, regulations, orders and directions except as the Commissioner has the necessary staff and funds to do so.

Section 21.

Article 10, Section 1004(3) of the Erie County Charter is hereby amended as follows:

Section 1004.3. Powers, duties and functions of the Council. The Council shall review and investigate ecologically sound methods of planning the use of the County's resources. In conjunction with the Deputy Commissioner of Environmental Compliance it shall prepare an annual recommendations report based on that investigation, and transmit same to the County Executive and the Legislature. The report shall include a section on the needs of those living in areas of urban or rural poverty where the impact of environmental degradation may be more severe.

The Council shall keep an index of all open areas within the County, with the plan of obtaining information pertinent to sound ecological utilization of such areas including land owned by any municipality within the County. It shall keep an index of all wetlands, open marsh lands, swamps, and all other wet lands in a like manner, and may recommend a program for their ecologically suitable utilization. The Council shall develop and maintain an inventory of natural resources within the County and such other environmental information as may be appropriate.

Said inventory shall include wetlands and open spaces and may include, but not be limited to, factors relating to geology, soils, slope, water resources, vegetation, wildlife habitat unique natural areas, and scenic, historic, and archaeological sites.

The Council shall advise and make recommendations to the County Executive and the Legislature as they may director as may be deemed appropriate on matters affecting the preservation development, and use of the natural and human made features and conditions of the County insofar as they have a bearing on environmental quality and on the effects of human activities and development on environmental quality.

The Council shall develop, recommend and assist in the conduct of a program of public information in the County which shall be designed to increase understanding of the environmental problems and issues and to foster support for their solutions.

The Council shall develop, recommend and assist in the conduct of a program to improve the coordination and effectiveness of public and private projects and activities in the County in accord with the purposes of this law, working in cooperation with the environmental or conservation commissions in the cities, towns, and villages within the County and with other public and private agencies, focusing particularly on those matters relating to environmental quality which require intergovernmental action. The Council shall maintain liaison with the county planning board, local and regional planning agencies, regional water resources planning and development boards, environmental management councils or their equivalents in counties adjacent to the County of Erie, and other such public and private regional bodies in the United States and Canada affecting the conservation of environmental quality, with the purpose of improving coordination of planning activities.

Section 22.

Article 11 of the Erie County Charter is hereby amended as follows:

Section 1101. Department of Public Works; Commissioner; Qualifications. There shall be a Department of Public Works headed by a Commissioner. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature and shall be a professional engineer licensed and registered by the State of New York.

Section 23.

Article 12 of the Erie County Charter is hereby amended as follows:

Section 1201. Department of Social Services; Commissioner; County Welfare Act repealed. There shall be a Department of Social Services headed by a Commissioner who shall be appointed by the County Executive subject to confirmation by the County Legislature for a five- year term. The Erie County Social Welfare Act, being chapter twenty-eight of the laws of nineteen hundred thirty-eight as amended, is hereby repealed as of January first, nineteen hundred sixty-one.

Section 24.

Article 12 of the Erie County Charter is hereby amended as follows:

Section 1202. Powers and duties of the Commissioner. Except as otherwise provided in this Charter, the Commissioner of Social Services shall have all the powers and perform all the duties conferred on or required of a county commissioner of public welfare under the Social Services Law or other applicable law and perform such additional and related duties as the County Executive may prescribe.

Section 25.

Article 13 of the Erie County Charter is hereby amended as follows:

Section 1301. Department of Mental Health; Commissioner. There shall be a Department of Mental Health, the head of which shall be the Commissioner of Mental Health. The Commissioner shall be appointed by the County Executive subject to confirmation by the County Legislature. The Commissioner shall meet the qualifications required of directors of community service by the State Office of Mental Health and in existence at the time of the Commissioner's appointment. The credentials of a candidate for appointment to the position of Commissioner shall be submitted to the New York State Inter-Office Coordinating Council ("IOCC") for review pursuant to the procedures promulgated by the IOCC at the time of such submission.

Section 26.

Article 13 of the Erie County Charter is hereby amended as follows:

Section 1302. Powers and duties. Except as otherwise provided in this Charter, the Commissioner of Mental Health shall have all the powers and perform all the duties conferred or imposed upon directors of mental health and/or community health boards by law. The Commissioner shall perform all duties with respect to child mental health services. The Commissioner or the Commissioner's designee shall serve as the Director of Community Services prescribed by Mental Hygiene Law §41.09. The Commissioner shall perform such additional and related duties as the County Executive may prescribe.

Section 27.

Article 14 of the Erie County Charter is hereby amended as follows:

Section 1401. Department established; Commissioner of Homeland Security and Emergency Services. There shall be a Department of Homeland Security and Emergency Services, the head of which shall be the Commissioner of Homeland Security and Emergency Services. The Commissioner shall be appointed by the County Executive subject to confirmation by the County Legislature to serve at the pleasure of the County Executive.

Section 28.

Article 14 of the Erie County Administrative Code is hereby amended as follows:

Section 14.01 Organization.

14.02 Division of fire safety.

14.03 Division of homeland security/disaster preparedness.

14.04 Absence, disability or vacancy.

14.05 Advisory boards.

Section 14.01 Organization.

The department of homeland security and emergency services shall be headed by a commissioner who shall organize the department, under the supervision of the county executive, into:

1. a division of fire safety;
2. a division of civil defense/disaster preparedness.

Section 14.02 Division of fire safety.

The division of fire safety shall be headed by a deputy commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature, to serve at the pleasure of the county executive. The deputy commissioner of fire safety shall, when so directed by the commissioner, have and exercise any or all of the powers and duties vested in and imposed upon a county fire coordinator by the laws of the state of New York and any related powers and duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 14.03 Division of homeland security/disaster preparedness.

The division of homeland security/disaster preparedness shall be headed by a deputy commissioner who shall be appointed by the county executive, subject to confirmation by the county legislature, to serve at the pleasure of the county executive. The deputy commissioner of homeland security/disaster preparedness shall, when so directed by the commissioner: have and exercise any or all of the powers and duties vested in and imposed upon a local director of civil defense under the New York state defense emergency act; develop, make public and regularly amend a county disaster preparedness plan, in accordance with article two B of the executive law, for the coordination of emergency services in the event of natural or other disaster or emergency; coordinate the provision of disaster and emergency

assistance by local disaster preparedness and civil defense forces in the event such assistance is requested by the chief executive of any city, town or village within the county; have and exercise any related powers and duties heretofore or hereafter lawfully granted or imposed by the county charter, by this code, by local law, ordinance or resolution of the county legislature, by order or direction of the county executive, or by applicable provision of any act of the state legislature not inconsistent with the county charter or this code.

Section 14.04 Absence, disability or vacancy.

The commissioner shall designate in a writing filed in the office of the Erie county clerk the relative rank of the deputy commissioners, including: the order in which each is to temporarily succeed to the duties of the commissioner during the commissioner's absence or disability or in the event of a vacancy in such office, and; the order in which each deputy commissioner is to temporarily succeed to the duties of any other deputy commissioner during the absence or disability, or in the event of a vacancy in the office, of such other deputy commissioner.

Section 14.05 Advisory boards.

The county executive shall appoint the following advisory boards:

1. Emergency medical services advisory board: This board shall be composed of no fewer than fifteen and no more than twenty five members appointed by the county executive for two year terms. One third of the members shall be active members of volunteer fire companies operating rescue squads or ambulance services and the remaining membership shall be elected officials or their representatives, representatives of ambulance services, hospitals, fire department emergency and rescue squads, public health officers and other agencies, organizations or citizens involved in the planning or provision of emergency medical services. The county executive shall designate one of the members to serve as chairman. It will be the duty of such board to cooperate with the state health departments bureau of emergency medical services in effectuating the purposes for which the bureau was established in relation to programs for emergency medical services; to act as an advisory board to the county executive, the county legislature, the commissioner of emergency services and the deputy commissioner of emergency medical services in connection with county establishment and maintenance of a county emergency medical services and mutual aid program for medical and other emergencies in which the services of emergency medical personnel would be used. Members of such board shall be county officers and shall serve without compensation.
2. Fire Advisory Board: This board shall be composed of twenty-five (25) members appointed by the County Executive for two years. At least eight of the members shall be active or exempt members of volunteer fire companies. It shall be the duty of such board to cooperate with the state office of fire prevention and control in effectuating the purposes for which the office was established in relation to programs for fire training and mutual aid; to act as an advisory body to the county executive, the county legislature, the commissioner of emergency services and the deputy commissioner of fire safety in connection with county participation in programs for fire training and mutual aid, county establishment and maintenance of a county fire training school and mutual aid programs for fire and other emergencies in which the services of firemen would be used; and to perform such other duties as the county executive, the county legislature, the commissioner of emergency services or the deputy commissioner of fire safety may prescribe in relation to fire training and mutual aid for fire and other emergencies in which the services of firemen would be used; and to perform such other duties as the county executive, the county legislature, the

commissioner of emergency services or the deputy commissioner of fire safety may prescribe in relation to fire training and mutual aid for fire and other emergencies in which the services of firemen would be used. The members of such board shall be county officers and shall serve without compensation. The terms of the office of the incumbent members of the fire advisory board shall continue for the periods for which such members shall have been appointed.

3. Civil defense/disaster preparedness advisory board: This board shall be composed of no fewer than fifteen and no more than twenty five members who shall be appointed by the county executive for two year terms. One third of the members shall be active members of voluntary fire companies and the remainder shall be elected officials or their representatives, representatives of organizations involved in civil defense and disaster preparedness and other citizens of the county. The commissioner of environment and planning, the sheriff, the commissioner of public works and the commissioner of health shall be ex officio members. The county executive shall designate one of the members to serve as chairman. It shall be the duty of such board to cooperate with the state civil defense commission and the state natural disasters commission in effectuating the purposes for which the commissions were established in relation to programs for civil defense and disaster preparedness; to act as an advisory board to the county executive, the county legislature, the commissioner of emergency services and the deputy commissioner of civil defense/disaster preparedness in connection with county participation in programs for civil defense and disaster preparedness, county establishment and maintenance of county civil defense and disaster preparedness plans and programs for natural or other disasters or emergencies in which the services of civil defense forces or emergency personnel would be used; to perform such other duties as the county executive, the county legislature, the commissioner of emergency services or the deputy commissioner of civil defense/disaster preparedness may prescribe in relation to civil defense and disaster preparedness programs for natural or other disasters or emergencies in which the services of emergency personnel would be used. The members of such board shall be county officers and shall serve without compensation. The chairman of the emergency medical services advisory board, the fire advisory board and the civil defense/disaster preparedness advisory board shall each designate a member of their respective advisory boards, or themselves, to form a four member steering committee to act as a liaison between the county executive, the county legislature and the commissioner of emergency services relative to the coordination and development of plans and programs for emergency medical services, fire safety, civil defense and disaster preparedness purposes. The fourth member of the steering committee shall be appointed by the county executive and shall serve as the chairman thereof.

- d. In lieu of the advisory boards set forth in subdivisions a, b and c above, the county executive may appoint a homeland security/emergency advisory board as follows:

- (1) The board shall be composed of no fewer than seven (7) and no more than fifteen (15) members appointed by the county executive for three (3) year terms in accordance with the county charter. One third of the members shall be active members of volunteer fire service. There will be members from the following disciplines: the fire service, emergency medical service, emergency management, law enforcement and dispatch communications. It will be the duty of such board to cooperate with the state health department's bureau of emergency medical services in effectuating the purposes for which the bureau was established in relation to programs for emergency medical services, to cooperate with the state office of fire prevention and control in effectuating the purposes for which the office was

established in relation to programs for fire training and mutual aid, participation in programs for fire training and mutual aid, county establishment and maintenance of a county fire training school and mutual aid programs for fire and other emergencies in which the services of firefighter would be used, to cooperate with the state civil defense commission/State Department of Homeland Security and Emergency Services and the state natural disasters commission in effectuating the purposes for which the commissions were established in relation to programs for civil defense and disaster preparedness, to act as an advisory board to the county executive, the county legislature, the commissioner of homeland security and emergency services and the deputy commissioners of homeland security/disaster preparedness, in connection with county participation in programs for homeland security and disaster preparedness, county establishment and maintenance of county homeland security and disaster preparedness plans and programs for acts of terrorism and natural disasters or emergencies in which the services of civil defense forces or emergency personnel would be used; to perform such other duties as the county executive, the county legislature, the commissioner of homeland security and emergency services or the deputy commissioners of emergency medical services, fire-safety, or homeland security/disaster preparedness. The commissioner of environment and planning, the sheriff, the commissioner of public works and the commissioner of health shall be ex officio members. The members of such board shall serve without compensation.

- (2) The commissioner of homeland security and emergency services shall designate one member each from the following disciplines, the fire service, emergency medical services, law enforcement and dispatch communications to form a steering committee to act as a liaison between the county executive, the legislature and the commissioner of homeland security and emergency services.

Section 29.

Article 15 of the Erie County Charter is hereby amended as follows:

Section 1501. Department of Central Police Services; Commissioner. There shall be a Department of Central Police Services, the head of which shall be the Commissioner of Central Police Services. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, from a list of candidates provided by the Central Police Services Board of Trustees. The list shall name six qualified candidates including at least one female candidate and at least one candidate from an under-represented minority group. Should the Central Police Services Board of Trustees be unable to identify qualified candidates who meet the description herein, they shall submit a list of qualified candidates in such quantity and demographic as may be identified and available at the time of the vacancy or impending vacancy in the Office of the Commissioner. The Commissioner shall serve at the pleasure of the County Executive.

Section 30.

Article 16 of the Erie County Charter is hereby amended by being retitled "Article 16 – Department for the Aging" and as follows:

Section 1601. Department for the Aging; Commissioner.

1602. Powers and duties.

1603. Advisory board.

Section 1601. Department for the Aging; Commissioner. There shall be a Department for the Aging, the head of which shall be the Commissioner. The Commissioner of said department shall be appointed by and shall serve at the pleasure of the County Executive.

Section 1602. Powers and duties. The Commissioner of the department shall:

1. Act as a local administrative officer for planning and coordination of services for older adults in cooperation with the County Executive and the County Legislature;
2. Serve as an advocate in order to make existing service systems more effective and accessible to older adults;
3. Assess the future needs of older adults to insure the continuance of beneficial programs and to implement additional services according to need and demographics including handicapped and disabled older adults;
4. Apply for such federal and state funds and grants as may be beneficial to older adult programs;
5. Function as a coordinator with the cities, towns and villages within the County for community based systems for older adults;
6. Gather and disseminate information relating to the needs of the aging and inform the public through an awareness program of the services and facilities available older adults;
7. Initiate and monitor programs to preserve the safety of older adults with respect to transportation services and crime prevention;
8. Perform such further duties as may be prescribed or directed by the County Executive or the County Legislature.

Section 1603. Advisory board. There shall be established an advisory board to the Department for the Aging.

Section 31.

Article 17 of the Erie County Charter is hereby amended as follows:

Section 1701. Department of Public Advocacy. There shall be an Department of Public Advocacy, the head of which shall be the Commissioner. The Commissioner of said Department shall be appointed by and shall serve at the pleasure of the County Executive, subject to approval of the County Legislature. The Commissioner of the Department shall:

1. Serve in the capacity of countywide public advocate for all residents of Erie County, overseeing the day-to-day operations of the Division of Equal Employment Opportunity, Division on the Status of Women, Division for the Disabled and Consumer Protection Committee;
2. Report to the County Executive and the Legislature on an annual basis on all activities related to fulfilling the obligations of the Department of Public Advocacy.

Section 32.

Article 17 of the Erie County Charter is hereby amended as follows:

Section 1705. Advisory Board to Division on the Status of Women. There shall be an Advisory Board. The Board shall consist of nine to fifteen members to be appointed by the County Executive subject to confirmation by the County Legislature. The County Executive shall appoint to the Board at least two persons recommended by each of the majority and minority leaders of the Legislature. Nominations for the remaining positions shall be actively solicited from groups which represent and are active in the area of women's concerns. The Departments of Health, Mental Health, Senior Services, Social Services, Youth Services, and the Equal Employment Opportunity Office shall each designate one person to serve as an ex-officio non-voting member of the Board. The membership of the Board shall reflect the diversity of women and their concerns in Erie County. No member may serve more than two terms, except that those members who are initially appointed to complete the unexpired term of a member may also be eligible to serve two subsequent terms of three years each.

The Board shall annually designate one member to serve as Commission chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, the Board shall appoint a successor to that office from the Board's membership.

The County Executive shall require any county department, division, board, council, committee, authority or agency, or other unit to provide such facilities, assistance and data as will enable the commission to properly effectuate its powers and duties under this article.

Section 33.

Article 18 of the Erie County Charter is hereby amended as follows:

Section 1801. Election; Comptroller's Act Repealed.

1802. Powers and duties.

1803. Miscellaneous.

Section 34.

Article 18 of the Erie County Charter is hereby amended as follows:

Section 1801. Election; Comptroller's Act repealed. There shall be a County Comptroller who shall be elected from the County at large. The County Comptroller's term of office shall begin with the first day of January next following the County Comptroller's election and shall be for four years. At the time of the County Comptroller's election and throughout term of office the Comptroller shall be a qualified elector of the County. The Comptroller shall devote the Comptroller's whole time to the duties of the County Comptroller's office and shall hold no other public office. The Erie County Comptroller's Act, being chapter four hundred twenty three of the laws of nineteen hundred thirty-nine as amended, is hereby repealed, as of January first, nineteen hundred sixty-one.

Section 35.

Article 18, Section 1802(3) of the Erie County Charter is hereby amended as follows:

3. Examine all requisitions for the encumbering of funds for the expenditure of which the county is responsible. After such examination, certify as to the availability of funds for all capital projects .

Section 36.

Article 18, Section 1802(19) of the Erie County Charter is hereby amended as follows:

19. Have custody of all accounts and be solely responsible for the investment of all funds maintained by the County and its officers and agents.

Section 37.

Article 18, Section 1802 of the Erie County Charter is hereby amended by creating a new subsection 21: 21. Be designated as an authorized signatory on all bank accounts bearing the county's tax identification number.

Section 38.

Article 18 of the Erie County Charter is hereby amended by creating a new Section 1803 as follows:

Section 1803. Miscellaneous. Other than those powers assigned to the Department of Real Property Tax services specifically pursuant to section 402, any reference to "County Treasurer" in state or county law shall be assumed to mean "County Comptroller."

Section 39.

Article 19 of the Erie County Charter is hereby amended as follows:

Section 1901. Election. There shall be a County Clerk who shall be elected from the County at large. The County Clerk's term of office shall begin with the first day of January next following the County Clerk's election, and shall be for four years except as otherwise provided in this Charter. At the time of the County Clerk's election and throughout the County Clerk's term of office the Clerk shall be a qualified elector of the County. The Clerk shall devote the County Clerk's whole time to the duties of the County Clerk's office and shall hold no other public office.

Section 1902. Powers and duties. Except wherein consistent with this Charter, the County Clerk shall have and exercise all powers and duties now or hereafter conferred or imposed upon the County Clerk by any applicable law. The Clerk shall perform such additional and related duties as may be prescribed by local law.

Section 40.

Article 20 of the Erie County Charter is hereby amended as follows:

Section 2001. Election. There shall be a District Attorney who shall be elected from the County at large. The District Attorney's term of office shall begin with the first day of January next following the District Attorney's election, and shall be for four years except as otherwise provided in this Charter. At the time of the District Attorney's election and throughout the District Attorney's term of office the District Attorney shall be a qualified elector of the County. The District Attorney shall devote the District Attorney's whole time to the duties of the District Attorney's office and shall hold no other public office.

Section 2002. Powers and duties. The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon the District Attorney by any applicable law. The District Attorney shall perform such additional and related duties as may be prescribed by local law.

Section 41.

Article 21 of the Erie County Charter is hereby amended as follows:

Section 2101. Election. There shall be a Sheriff who shall be elected from the County at large. The Sheriff's term of office shall begin with the first day of January next following the Sheriff's election and shall be for four years except as otherwise provided in this Charter. At the time of the Sheriff's election and throughout the Sheriff's term of office the Sheriff shall be a qualified elector of the County. The Sheriff shall devote the Sheriff's whole time to the duties of the Sheriff's office and shall hold no other public office.

Section 2102. Powers and duties. The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon the Sheriff by any applicable law. The Sheriff shall perform such additional and related duties as may be prescribed by local law.

Section 42.

Article 22 of the Erie County Charter is hereby amended as follows:

Section 2203. Department of Probation. There shall be a Department of Probation headed by a Commissioner who shall be appointed by the County Executive, subject to confirmation by the County Legislature. Probation Administrators, Officers and Supervisors staffing the Probation Department shall be New York State Certified Peace Officers and have met the mandated training requirement of a Probation Officer as required by law and as specified by the New York Department of Criminal Justice Services and shall be appointed under the provisions of New York Civil Service Law.

Section 43.

Article 22, Section 2205 of the Erie County Charter is hereby amended as follows:

Section 2205. Advisory boards. To better fulfill the purpose, responsibilities and goals of each department of the County, or comply with the requirements of NYS law, citizens' advisory boards may be established. Unless otherwise stipulated elsewhere in this charter, the Erie County Administrative Code, or through NYS law, advisory boards for Erie County shall be constituted as follows:

1. New advisory boards may be established by the County Executive or the County Legislature. For each new board, the relevant department will provide a statement of purpose and objectives for approval by the County Executive or the County Legislature.
2. Advisory boards shall consist of an odd number of members, at least seven and at most fifteen. Members shall be residents of Erie County. Each board should have criteria for membership to ensure broad representation, including seats for subject matter experts, relevant community representatives, and individuals from underrepresented populations.
3. Members shall be appointed by the creating authority. For each advisory board, the process shall include a public call for applications with public notice of the application requirements.
4. Members shall serve three-year terms.
5. The creating authority shall fill any vacancies through a public application process opened within sixty days. If a member leaves a board before the end of his or her term, the replacement shall serve for the duration of the term.
6. Each advisory board shall elect one of its members to serve a two-year term as chair; no chair may serve more than two consecutive terms.
7. Advisory boards shall meet at least six times per year, and meetings shall be held in compliance with the Open Meetings Law. If a board fails to hold the minimum number of meetings, the creating authority shall investigate why, and is authorized to remove an ineffective chair or any inactive members, or to recommend that the legislature abolish the board when deemed appropriate. Members with more than three unexcused absences within a year may be removed by the legislature.
8. Minutes of each advisory board meeting should be published within ten business days.
9. Each advisory board chair shall submit an annual report to the County Executive and the Legislature stating the board's accomplishments during the past year and plans for the upcoming year. Each advisory board should present their annual report publicly to the County Legislature to ensure oversight of their activities and efficacy.
10. Members of advisory boards shall serve without compensation. Members are required to complete an ethics acknowledgement form upon appointment and annually thereafter.
11. To further define their structure and procedures, each advisory board may adopt bylaws that are not in conflict with this section, subject to the approval of the creating authority.
12. Every effort shall be made to achieve diversity on advisory boards.

Section 44.

Article 25, Section 2504(2) of the Erie County Charter is hereby amended as follows:

2. Capital Projects Committee. To assist in the consideration of capital projects and the capital program, there shall be a Capital Projects Committee consisting of the County Executive, the Deputy County Executive, the Comptroller, the Budget Director, the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Parks and Recreation, the Commissioner of the Department of Public Works, and such other administrative heads as the County Executive may

designate, and the following members of the County Legislature; the chair, the chair of the Finance and Management Committee, and the majority and minority leaders. The County Executive shall be solely responsible for the capital program and budget as submitted to the County Legislature and no members of the latter body shall be obliged to support any project by reason of membership on the Capital Projects Committee. The County Executive shall be the chair and the Budget Director shall be the vice chair of this committee.

Section 45.

Article 25, Section 2507(1) of the Erie County Charter is hereby amended as follows:

1. No County officer, employee, department or other administrative unit or subdivision thereof, or other spending agency shall, during a fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money for any of the purposes for which provision is made in the budget in excess of the amounts appropriated for such fiscal year or for any other purpose, except as otherwise provided in this code or the local finance law. If one or more of the independently elected officials (Clerk, Comptroller, District Attorney, Sheriff) becomes aware of a deficit or impending deficit in the elected official's department, the elected official shall notify the Legislature immediately so that, subject to section 2510 of this Charter, remedial action can be taken. The unexpended balance of each appropriation, less the commitments outstanding at the close of the fiscal year for which it was made, shall lapse at the close of such fiscal year; provided that nothing herein contained shall be construed to require the lapsing of appropriations which may be or are required to be made for an indefinite period or which include state refunds, allocations or grants applicable to said appropriations pursuant to any other provisions of law; and provided further that nothing herein shall be construed to prevent the making of appropriations or contracts for the construction of permanent public improvements or works not to be completed during the fiscal year, or the acquisition of property therefor, or the establishment of bond or capital accounts, sinking funds or reserve funds, and each such appropriation, account or fund shall continue in force until the purpose for which it was made shall have been accomplished or shall have been abandoned by a two thirds vote of the County Legislature. Any contract, verbal or written, made in violation of this section shall be null and void.

Section 46.

Article 25 of the Erie County Charter is hereby amended as follows:

Section 2508. Adoption of budget.

1. The County Legislature after one or more public hearings thereon, may strike items of appropriation from the tentative budget or reduce items therein, excepting appropriations required by law or for debt service. The County Legislature after one or more hearings, may add items to or increase items in such budget, provided that such additions or increases are stated separately and distinctly. Decreases shall not require executive approval.

The report of the Budget Committee to the County Legislature concerning amendments to the County Executive's tentative budget shall be presented to the Legislature and laid on the table at least forty eight hours prior to the annual meeting for budget adoption as prescribed in this section. Budget amendments proposed subsequent to the tabling of the Budget Committee report, or less than forty eight hours prior to the annual meeting, shall be considered separately with each line item voted on individually on the floor of the legislature.

2. If the budget is passed by the County Legislature with no additions or increases, such budget shall be deemed to have been adopted without any further action by the County Executive; if, however, the budget as passed by the County Legislature contains any such additions or increases, the same shall be presented by the Clerk of the Legislature to the County Executive not later than the second business day after the sixth of December, for the County Executive's consideration of such additions or increases. If the County Executive approves all additions and increases, the County Executive shall affix the County Executive's signature to a statement thereof and return the budget and such statement to the Clerk of the Legislature. The budget, including the additions and increases as part thereof, shall then be deemed adopted.
3. The County Executive may object to any one or more of such added or increased items, and in such case shall append to the budget a statement of the added or increased items to which the County Executive objects with the reasons for the County Executive's objections, and shall return the budget with the County Executive's objections to the Clerk of the County Legislature who shall present the same to the County Legislature on or before the seventh business day after the sixth of December. The County Legislature shall thereupon enter the objections upon its journal and proceed to reconsider the additions and increases so objected to. If upon such reconsideration two thirds of all members of the County Legislature vote to approve such additions and increases, or any of them, the budget with any additions and increases so approved, together with any additions and increases not so objected to by the County Executive, shall be deemed adopted. If upon such reconsideration, two thirds of all members of the County Legislature fail to approve such additions and increases so objected to, the budget excluding such addition and increases shall be deemed adopted and any budgetary reductions made in contemplation of such excluded additions and increases shall revert back to their originally proposed funding levels.
4. If a budget with additions or increases is not returned by the County Executive to the Clerk of the Legislature with the County Executive's objections on or before the seventh business day after the sixth of December, it shall be deemed adopted.
5. If a budget has not been adopted, as herein provided, on or before the tenth business day after the sixth December in each year, then the tentative budget as submitted by the County Executive, plus all additions and increases to which the County Executive has failed to object, shall be the budget for the ensuing fiscal year.
6. Four copies of the budget as adopted shall be certified by the County Executive and by the Clerk of the County Legislature. One such copy shall be filed in the office of the County Executive, and one each in the offices of the County Comptroller, the Commissioner of Finance and the Clerk of the County Legislature. The budget as so certified shall be printed or otherwise reproduced and copies shall be made available.

Section 47.

Article 25 of the Erie County Charter is hereby amended as follows:

Section 2511. Appropriations; reductions and transfer after budget adoption.

Intent: it is determined that the maintenance of a balanced budget throughout the County's fiscal year is critical to the fiscal integrity of the county and is thus an important public objective. To this end, the County Executive shall recommend to the Legislature budgetary adjustments as are necessary to maintain a balanced budget on an ongoing basis. If at any time during the fiscal year it appears, from cash flow projections or other generally accepted accounting principles, that the revenues available, as projected through the end of the fiscal year, will be insufficient to meet either (a) the amounts

appropriated, or (b) expenses anticipated to be incurred through the end of the fiscal year, such that the cumulative effect thereof is a projected year-end deficit in excess of fifty percent of the County's undesignated, unreserved fund balance as of the end of the immediately preceding fiscal year, the County Executive or the Comptroller shall submit a report to the Legislature setting forth the estimated amount of the deficit with appropriate details and explanations. Within seven days of the submission of such a report to the Legislature, the County Executive shall present a written proposal of actual remedies to overcome the deficit. The Comptroller shall provide the Legislature with written comments on the County Executive's proposed actions within seven days of the submission of the remedial proposal to the Legislature. The Legislature shall take under consideration the proposed remedial actions and comments presented by the Comptroller and take such action as it deems necessary to prevent or minimize the deficit. Should the Legislature fail to act within twenty-one days of presentation of the written proposal of remedial actions by the County Executive, the County Executive's proposal shall be deemed adopted. In the event the deficit is declared and remedial actions are taken by the County Executive and/ or the Legislature, no appropriation for debt service may be reduced and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required to be appropriated. The County Executive may at any time during the fiscal year transfer part or all of the unencumbered appropriation balance between classifications of expenditures within the same administrative unit, provided that prior approval by resolution of the County Legislature shall be required if the proposed transfer (1) would result in an increase exceeding fifty thousand dollars (\$50,000), or such larger amount as may be prescribed by local law, during the fiscal year in any one line item in the budget as adopted, or (2) would affect any salary rate or salary total. If the county executive requests in writing, the County Legislature by resolution effective immediately may transfer part or all of any unencumbered appropriation balance from one county administrative unit to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated. On or before the 15th day of the following month the County Executive shall provide the Legislature a monthly report of all transfers made pursuant to this section.

Section 48.

Article 26 of the Erie County Charter is hereby amended as follows:

Section 2601. Administrative unit defined; administrative and advisory boards. "Administrative unit" shall mean any department, executive division, institution, office or other agency of County government except a bureau, division, section or other subordinate part of any of the foregoing.

The Board of Trustees of the Buffalo and Erie County Public Library and the Board of Trustees of the SUNY Erie Community College shall continue to be administrative boards heading the respective administrative units. Every other board, all appointive members of which are appointed by the County Executive, shall be an advisory board. An advisory board shall have no administrative or appointive powers but, when requested by the County Executive, shall assist the County Executive in the recruitment of candidates to fill a vacant position as head of the respective administrative unit. It shall be the duty of each advisory board to study conditions in its respective field, with particular reference to the policies and programs in Erie County, and to report its findings and recommendations to the County Executive, who shall forward the same together with any comments the County Executive may choose to make, to the County Legislature.

Section 49.

Article 26 of the Erie County Charter is hereby amended as follows:

Section 2602A. Amendments to contracts. No contract to which the County of Erie is a party, regardless of prior authorization granted to the County Executive or any other individual acting on behalf of the County, shall be amended to extend the stated term of the contract, including any explicit options to extend, in excess of six months beyond the terms stated in the original contract, without the approval of the Legislature.

Section 50.

Article 26 of the Erie County Charter is hereby amended as follows:

Section 2606. Filling vacancy in elective office of County Clerk, District Attorney or Sheriff. Pursuant to law, a vacancy, in the elective office of County Clerk, District Attorney or Sheriff shall be filled by the Governor by appointment, and the appointment shall continue until and including the thirty-first day of December succeeding the first annual election at which the vacancy can be filled by election.

Section 51.

Article 26 of the Erie County Charter is hereby amended as follows:

Section 2608. Charter revision commission. The Erie County Charter shall undergo a mandatory decennial review and the review shall commence by seating a Charter Review Commission not before January 1, 2035 and not later than January 15, 2035, which shall report its recommendations to the Erie County Legislature no later than June 15, 2035.

Section 52.

Article 27 of the Erie County Charter is hereby amended as follows:

Section 2703. Terms of certain elective county officers. The terms of office for the county executive, comptroller, county clerk, district attorney and sheriff shall be four years, and the election of any such officer shall be in an odd numbered year, except that the office(s) of county clerk and district attorney shall be held in an even numbered year. Provided that any such officer elected in nineteen hundred sixty or nineteen hundred sixty two shall be elected for three years; and provided, further, that an interim election to fill the remainder of an unexpired term may be held in any year.

Section 53.

Effective Date: This Local Law shall become effective sixty (60) days from the filing with the Secretary of State.

Section 54.

STEPS FOLLOWING EFFECTIVE DATE.

1. The County Attorney shall renumber the articles, sections, and subsections of both the Erie County Charter and Erie County Administrative Code, as needed, to ensure that such articles, sections, and subsections are uniformly formatted and numbered and that all sections changed by this document or any other valid document are effectuated across the Charter.
2. The County Attorney shall prepare a supplement to the Erie County Charter and the Erie County Administrative Code which contains all additions to, repeals and amendments of, the Charter and the Administrative Code that are set forth in the Local Law. Such supplement, which shall include the renumbering of articles provided by Subsection 1 above, shall be placed upon the desks of the members of the Legislature no later than sixty (60) days after the effective date of

this Local Law. Such supplement shall be posted on the Erie County website and transmitted to the Clerk of the Legislature.

Section 55. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Sponsor: Timothy Meyers

Item 12 – MR. GILMOUR moved to take Local Law Intro. No. 3 (Print #1) 2025 from the table. MS. ST. JEAN TARD seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to approve Local Law Intro. No. 3 (Print #1) 2025. MS. ST. JEAN TARD seconded.

CARRIED UNANIMOUSLY.

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. NO. 3-1-2025
LOCAL LAW – NO. _____ - 2025

Section 1. Title.

A local law relating to the prohibition of public dumping on County property.

Section 2. Legislative Purpose and Intent.

This Legislature recognizes that our public grounds and park system are vital resources for the promotion of the health and well-being of County residents. This Legislature additionally recognizes that the unauthorized placement of refuse on any County-owned parcel of land contributes to the pollution of County property and has a subsequent negative economic impact for remedying the placement of such refuse. It is the purpose of this Legislature to ensure that County property may be free from the unauthorized dumping or placement of refuse for the protection of County property for generations to come.

Section 3. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

“Corporate Entity” shall mean any business organization or business unit, whether incorporated or unincorporated, including partnerships, limited liability corporations, professional corporations, corporations and other organizations which possess legal rights and responsibilities which are separate from its owners.

“property owned by the County of Erie” shall mean all real property acquired by or under the jurisdiction or control of the County of Erie or which may hereafter be acquired by or under the jurisdiction or control of the County of Erie or come under the jurisdiction or control of the County of Erie by way of a legal instrument, including a leasehold, easement agreement, inter-municipal agreement, license or deed.

“Dump or Dumping” shall mean the illegal dumping, deposit, or other disposal of any material described in Section 4 onto land or water which is not licensed as a transfer station under either the Laws of Erie County or the State of New York and where such dumping, deposit, or other disposal is not otherwise authorized by law.

“Fill” shall mean the material resulting from any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced or spread, and shall include the conditions resulting therefrom.

Section 4. Prohibitions.

A. It shall be unlawful for any person or for any business or corporate entity, or their agent or employee, to dump, direct the dumping of, deposit, or dispose of any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings, or commercial or household waste, refuse, ashes, manure, garbage, rubbish, yard and landscaping waste, or debris of any sort, or any other organic or inorganic material, or thing in or upon any sidewalk, street, lot, park, public place, wharf, pier, dock, slip, or other property owned by the County of Erie, except where such disposal conforms to the requirements of state and federal law and is authorized at the specific site in question pursuant to the Laws of Erie County.

B. It shall be unlawful for any person or for any business or corporate entity, or their agent or employee, to dump, direct the dumping of, deposit, or otherwise dispose of any other solid waste as defined in 6 NYCRR 360 or hazardous waste as defined by Section 37-0103 of the New York Environmental Conservation Law in or upon any sidewalk, street, lot, park, public place, wharf, pier, dock, slip, or other property owned by the County of Erie, except where such disposal conforms to the requirements of state and federal law and is authorized at the specific site in question pursuant to the Laws of Erie County.

C. No fill of any type or amount shall be placed on County-owned property without the written approval of the Erie County Department of Public Works Commissioner. No fill of any type or amount shall be placed on County Parkland or County Forestland without the written approval of the Erie County Department of Parks, Recreation, and Forestry Commissioner. Fill shall only be placed in accordance with accepted engineering practices and upon the presentation of documentation of the source of the fill to the Erie County Department of Public Works and the prior acceptance of such documentation by such Department.

Section 5. Enforcement and Penalties for Offenses.

- A. Any person, business, or corporate entity who violates any provision of this Law shall be guilty of a violation, punishable by a fine not exceeding \$500 for a first offense, and a fine not exceeding \$1,000 or by imprisonment for a period not exceeding 15 days, or both, for each subsequent offense.
- B. Any person, business, or corporate entity who causes physical damage to real property while violating any provision of this article shall be liable for the payment of restitution in the remediation of such damage, as determined by a court of competent jurisdiction.
- C. In addition to the foregoing penalties, the offender shall be required to remediate the area of property owned by Erie County upon which the offender dumped unlawfully within ten days after conviction thereof, or after an administrative determination of liability. In the event that the offender fails to remediate the area within such time, such remediation may be done by the County of Erie, or under their direction by a private contractor, and the cost of same shall be an additional penalty assessed to the offender. In the event that the County of Erie deems it necessary to remediate the area or to cause the area to be remediated by a private contractor prior to the offender's conviction or prior to an administrative finding, the offender shall be responsible for the cost of such remediation. Payment by such offender, when required by this section, shall be made within ten days of demand by the County of Erie.

Section 6. Severability.

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 7. SEQRA Compliance.

This County Legislature determines that this local law constitutes a "Type II action" pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

Section 8. Effective Date

This local law shall take effect immediately following its filing with the Office of the Secretary of State.

Sponsor

Taisha St. Jean Tard

Item 13 – CHAIR MEYERS directed that Local Law No. 4 (Print #1) 2025 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 14 – MR. GILMOUR moved to take Local Law Intro. No. 5 (Print #1) 2025 from the table. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to approve Local Law Intro. No. 5 (Print #1) 2025. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. NO. 5-1-2025
LOCAL LAW – NO. _____ - 2025

A LOCAL LAW regarding the sale of 11580 Walden Avenue, Alden, New York.

SECTION 1: LEGISLATIVE INTENT. It is declared to be the intent and purpose of this Local Law to enable the County of Erie (the “County”) to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law. Notwithstanding the terms and provisions of Section 215 of the New York State County Law or any special act or local law to the contrary, this Legislature of the County of Erie (the “Legislature”) hereby determines that the certain piece or parcel of improved real property, consisting of approximately +/- 152.20 acres located at 11580 Walden Avenue, Town of Alden, New York 14004 (SBL# 96.00-2-20.1) (the “Property”) is no longer necessary for use by the County and that all the right, title, and interest of the County in such real property shall be conveyed to 11580 WALDEN AVE LLC, a Delaware limited liability company authorized to do business in the State of New York (the “Buyer”) without public advertisement or competitive bidding.

SECTION 2: CONVEYANCE AND SUPERSESSION. Pursuant to Section 24 of New York State Municipal Home Rule Law, the Legislature hereby adopts this Local Law to supersede the requirements of Section 215 of the New York State County Law and any other requirements to sell the Property to Buyer, without competitive bidding or public advertisement, on such terms and conditions as may be approved by the Legislature.

SECTION 3: EFFECTIVE DATE. This Local Law shall not be filed, or become effective until after forty-five (45) days of its final adoption, and is subject to permissive referendum in accordance with Section 24 of the New York State Municipal Home Rule Law. This local law shall take effect immediately upon its filing with the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law

SECTION 4: SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY:
Legislator Frank J. Todaro & Legislator Timothy Meyers

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

July 17, 2025	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT EXCEPT LEGISLATORS GREENE & VINAL.
CHAIR MEYERS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 19-4 (2025)
BASKIN & GREENE “A Request For The New Highmark Stadium Erie County Hospitality Center Policy Plans”
(Chair’s Ruling)
 - b. COMM. 10E-11 (2025)
COUNTY CLERK “Calling for Transparency, Tangible Progress, and Efficiency in External Audit of Erie County Clerk's Office”
(Chair’s Ruling)
 - c. COMM 10D-2 (2025)
COUNTY ATTORNEY “Forensic Audit of the Clerk's Concentration Account”
(Chair’s Ruling)
 - d. COMM 12E-1 (2025)
COMPTROLLER “Request for Information on Fleet Audit”
(Chair’s Ruling)
 - e. COMM 12E-6 (2025)
SHERIFF “Response to June 11, 2025 Letter”
(Chair’s Ruling)
 - f. COMM 12E-8 (2025)

COMPTROLLER “EC Hotel Monitoring Program - Pink Fountain Motor Inn”
(Chair’s Ruling)

- g. COMM 12E-9 (2025)
COMPTROLLER “EC Hotel Monitoring Program - Asa Ransom House”
(Chair’s Ruling)
- h. COMM 12E-10 (2025)
COMPTROLLER “EC Cultural Funding Grant Monitoring Program - Buffalo Toronto Public Media”
(Chair’s Ruling)
- i. COMM 12E-11 (2025)
COMPTROLLER “EC Cultural Funding Grant Monitoring Program - Buffalo & EC Historical Society”
(Chair’s Ruling)
- j. COMM 12E-14 (2025)
COMPTROLLER “EC Cultural Funding Grant Monitoring Program - Road Less Traveled Production, LTD”
(Chair’s Ruling)
- k. COMM 12E-15 (2025)
COMPTROLLER “EC Cultural Funding Grant Monitoring Program - Young Audiences of WNY”
(Chair’s Ruling)
- l. COMM 12E-24 (2025)
COMPTROLLER “County Fleet Audit - Clarification of Scope and Procedures”
(Chair’s Ruling)
- m. COMM 12D-3 (2025)
DIRECTOR OF BUDGET & MANAGEMENT “April 2025 Budget Monitoring Report”
(Chair’s Ruling)
- n. COMM 12M-6 (2025)
EC FISCAL STABILITY AUTHORITY “2024 Annual Financial Audit”
(Chair’s Ruling)
- o. COMM 13E-1 (2025)
MEYERS “2025 Mid-Year Informational Erie County Budget Hearing Schedule”
(Chair’s Ruling)
- p. COMM 13E-30 (2025)
COMPTROLLER “Sales & Compensating Use Tax Report - March, April, and May 2025”
(Chair’s Ruling)

- q. COMM 13E-31 (2025)
COMPTROLLER “Department of Law Risk Retention Fund Spending - May 2025”
(Chair’s Ruling)
2. COMM. 4D-1 (2025)
DIRECTOR OF REAL PROPERTY TAX SERVICES – AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 270087 through 270114, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2025 Petition No. 270,087.00

ASSESSOR Refund\$263.58
S-B-L 200.00-1-45.11 Center St 142489 AURORA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$263.58 Town/SpecialDist/School
Charge To : 142489 AURORA \$263.58

RPTL 550(2): Applied garbage charge in error
Refund to be issue to Michael & Laurel Montileone

FISCAL YEAR 2024 Petition No. 270,088.00

ASSESSOR Refund\$255.71
S-B-L 200.00-1-45.11 Center St 142489 AURORA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$255.71 Town/SpecialDist/School
Charge To : 142489 AURORA \$255.71

RPTL 550(2): Applied garbage charge in error
Refund to be issued to Michael & Laurel Montileone

FISCAL YEAR 2024 Petition No. 270,089.00

ASSESSOR Cancel \$6,100.00

S-B-L 82.03-1-78 6675 Transit Rd 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$6,100.00 Town/SpecialDist/School
Charge To : 145289 LANCASTER \$6,100.00

RPTL 550(2): Applied EC Sewer charge in error
New tax bill to be issued.

FISCAL YEAR 2025 Petition No. 270,090.00

ASSESSOR Cancel \$1,009.47
S-B-L 335.10-2-25 276 N Cascade Dr 143801 SPRINGVILLE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,009.47 Town/SpecialDist/School
Charge To : 143801 SPRINGVILLE \$1,009.47

Relevy Village \$1,009.47 Village of SPRINGVILLE
RPTL 550(2): Incorrect assessed value
New tax bill to be issued.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(4-0)

3. COMM. 13E-27 (2025)
COUNTY EXECUTIVE

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and will have fixed their school tax rates, said budgets, amounts and rates to be certified to and filed with the Real Property Tax Services Department of Erie County, no later than August 10, 2025; and

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

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Director of the Real Property Tax Services Department, which

amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and be it further

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

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

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

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

RESOLVED that certified copies of this resolution be forwarded to the County Executive's Office, Comptroller's Office, Department of Real Property Tax Services, Department of Law, Division of Budget and Management.
(4-0)

4. COMM. 13E-28 (2025)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Information and Support Services (DISS) is responsible for the delivery of a comprehensive range of Information Technology and Record Management services for Erie County; and

WHEREAS, DISS recommends that the County upgrade the SAP enterprise resource planning software as the current version the County is running is no longer supported; and

WHEREAS, in advance of the upgrade of to the new SAP S.4 HANA version, it is necessary to upgrade the SAP General Ledger; and

WHEREAS, the Department of Information and Support Services issued a Request for Proposals (RFP #2025-027VF) and a review committee consisting of representatives from DISS, the Division of Budget and Management and the Comptroller's Office recommended that the County hire Corporate Business Solutions to conduct the General Ledger upgrade.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with Corporate Business Solutions for the SAP General Ledger upgrade project in an amount not to exceed \$650,000; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract already exist in Fund 410, Funds Center 105, Capital Project A.25006 – SAP Upgrade Project; and be it further

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

(4-0)

MICHAEL H. KOOSHOIAN
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

July 17, 2025	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

CHAIR MEYERS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM 12D-2 (2025)
CHIEF PLANNER OF DEP “SEQR for Former Erie County Home & Infirmary Sale - Northeastern Alliance Redevelopment Project”
(Chair’s Ruling)
 - b. COMM 12M-1 (2025)
T. BIGHAM “Letter Regarding LL Intro. 1-1 (2025)”
(Chair’s Ruling)
 - c. COMM 12M-3 (2025)
A. BAIN “Letter Regarding LL Intro. 1-1 (2025)”
(Chair’s Ruling)
 - d. COMM 12M-4 (2025)

NYS COMPTROLLER “OSC Approval of Increase and Improvement of Facilities for Sewer District No. 3”
(Chair’s Ruling)

- e. COMM 13E-10 (2025)
NYS COMPTROLLER “ECSD No. 3 Engineering Term Contract Agreement (Work Order: ARC-7)”
(Chair’s Ruling)
- f. COMM 13E-11 (2025)
NYS COMPTROLLER “ECSD No. 3 Engineering Term Contract Agreement (Work Order: DD-5)”
(Chair’s Ruling)
- g. COMM 13D-1 (2025)
PRINCIPAL PLANNER GATTI “SEQR for EC Agricultural & Farmland Protection Plan Update”
(Chair’s Ruling)

- 2. COMM. 9E-23 (2025)
COUNTY EXECUTIVE - AS AMENDED
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 82 at 10:00 a.m. on June 20, 2025:

Contract	Lowest Responsible Bidder	Amount
Contract No. 82	Union Concrete and Construction Corp 435 Meyer Road West Seneca, NY 14224	\$ 2,019,716.50

and

WHEREAS, the aforementioned lowest responsible bidder has 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.

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Advanced Wastewater Treatment Facility Ash Landfill Reclamation, Contract No. 82, be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract No. 82	Union Concrete and Construction Corp	\$ 2,019,716.50

435 Meyer Road
West Seneca, NY 14224

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 bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that authorization is hereby provided for the Director of Budget and Management and the County Comptroller to allocate Contract No. 82 costs in Erie County Sewer District No. 3 Capital Bond Account C.17301; 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 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) Legislator Gilmour not present for vote.

3. COMM. 10E-24 (2025)
COUNTY EXECUTIVE - AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 84 at 10:00 a.m. on June 11, 2025:

Contract	Lowest Responsible Bidder	Amount
Contract No. 84	STC Construction, Inc. 63 Zoar Valley Road Springville, NY 14141	\$92,700.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects of this size in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Elma Force Main Air Release Valve Replacement, Contract No. 84, be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract No. 84	STC Construction, Inc. 63 Zoar Valley Road Springville, NY 14141	\$92,700.00

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 bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of a sum not to exceed \$92,700.00 from Erie County Sewer District No. 3 Capital Reserve Account C.00007 for Contract No. 84; 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 \$92,700.00 from ECSD No. 3 Capital Reserve Account C.00007 to ECSD No. 3 Capital Account C.25350, Fund 430, Fund Center 183; and be it further

RESOLVED, that \$92,700.00 be allocated in ECSD No. 3 Capital Account C.25350 to fund the project; and be it further

RESOLVED, that the Division of Budget and Management and the County Comptroller are authorized to create and increase estimated revenues and appropriations in ECSD No. 3 Capital Account C.25350 by up to \$92,700.00; and be it further

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

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

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the Office of the County Executive, the Office of the County Comptroller, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management. (5-0) Legislator Gilmour not present for vote.

4. COMM. 10E-25 (2025)
COUNTY EXECUTIVE - AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 103 at 2:00 p.m. on June 10, 2025:

Contract	Lowest Responsible Bidder	Amount
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Contract No. 103	Quackenbush Co., Inc. 495 Kennedy Road Buffalo, NY 14227	\$339,500.00
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and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects of this size in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Big Sister Creek WRRF Secondary Aeration Blower Intake Hoods Replacement, Contract No. 103, be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract No. 103	Quackenbush Co., Inc. 495 Kennedy Road Buffalo, NY 14227	\$339,500.00

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 bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of a sum not to exceed \$339,500.00 from Erie County Sewer District No. 2 Capital Reserve Account C.00008 for Contract No. 103; 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 \$339,500.00 from ECSD No. 2 Capital Reserve Account C.00008 to ECSD No. 3 Capital Account C.25250, Fund 430, Fund Center 182; and be it further

RESOLVED, that \$339,500.00 be allocated in ECSD No. 2 Capital Account C.25250 to fund the project; and be it further

RESOLVED, that the Division of Budget and Management and the County Comptroller are authorized to create and increase estimated revenues and appropriations in ECSD No. 2 Capital Account C.25250 by up to \$339,500.00; and be it further

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

RESOLVED, that any unused funds be returned to ECSD No. 2 Capital Reserve Account C.00008 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.
(6-0)

5. COMM. 10E-26 (2025)
COUNTY EXECUTIVE - AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract No. 25 at 3:00 p.m. on June 25, 2025:

Contract	Lowest Responsible Bidder	Amount
Contract No. 25-A	STC Construction, Inc 63 Zoar Valley Road Springville, NY 14141-0459	\$ 1,495,625.00
Contract No. 25-B	Quackenbush Co., Inc 495 Kennedy Road Buffalo, NY 14227	\$ 147,000.00
Contract No. 25-D	Frey Electric Construction Co., Inc 100 Pearce Avenue Tonawanda, NY 14150	\$ 2,625,000.00

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.

NOW, THEREFORE, BE IT

RESOLVED, that the East Aurora Water Resource Recovery Facility Electrical Upgrades Project, Contract No. 25, be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
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Contract No. 25-A	STC Construction, Inc 63 Zoar Valley Road Springville, NY 14141-0459	\$ 1,495,625.00
Contract No. 25-B	Quackenbush Co., Inc 495 Kennedy Road Buffalo, NY 14227	\$ 147,000.00
Contract No. 25-D	Frey Electric Construction Co., Inc 100 Pearce Avenue Tonawanda, NY 14150	\$ 2,625,000.00

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 Contract No. 25 costs in Erie County Sewer District No. 8 Capital Bond Account C.25801; 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 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.
(6-0)

6. COMM. 10E-27 (2025)
COUNTY EXECUTIVE - AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 104 at 2:00 p.m. on June 18, 2025:

Contract	Lowest Responsible Bidder	Amount
Contract No. 104	MORS Service Group, LLC 1001 East Delevan Ave., Suite 20 Buffalo, NY 14215	\$134,020.44

and

WHEREAS, the aforementioned lowest responsible bidder has successfully completed projects of this size in the past; and

WHEREAS, the Division of Sewerage Management has determined this project is a Type II action in accordance with 6NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the North Creek Pumping Station Backup Battery Energy Storage System, Contract No. 104, be awarded as follows:

Contract	Lowest Responsible Bidder	Amount
Contract No. 104	MORS Service Group, LLC 1001 East Delevan Ave., Suite 20 Buffalo, NY 14215	\$134,020.44

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 bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that funding of \$50,000 is available from the Climate Action Fund (Fund 110, Fund Center 162, GL Account 516310) to partially fund Contract No. 104, as determined by the Commissioner of the Department 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 Contract No. 104 costs in Erie County Sewer District No. 2 Capital Bond Account C.17201 in Fund 430, Funds Center 182; 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 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.
(6-0)

7. COMM. 13E-6 (2025)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 6E-9 (2023), Contract No. 62-B was awarded to John W Danforth Company for HVAC Construction and No. 62-D was awarded to Frey Electric Construction Co., Inc. for Electrical Construction associated with the Lackawanna Water Resource Recovery Facility (WRRF) and Overflow Retention Facility (ORF) Disinfection Systems Improvements Project in Erie County Sewer District No. 6; and

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

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes Contract No. 62-B between the County of Erie and John W Danforth Company (300 Colvin Woods Parkway, Tonawanda, NY 14150) being accepted in the final contract amount of \$264,700.00, which includes Change Order No. 3 (final), with no cost change; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 62-B, to John W Danforth Company for a total contract amount of \$264,700.00; and be it further

RESOLVED, that authorization is hereby given for Contract No. 62-D between the County of Erie and Frey Electric Construction Co., Inc. (100 Pearce Avenue, Tonawanda, NY 14150) to be accepted in the final contract amount of \$309,077.00, which includes Change Order No. 2 (final), with no cost change; and be it further

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make final payment for Contract No. 62-B, to John W Danforth Company for a total contract amount of \$309,077.00; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive's Office, the Comptroller's Office, Division of Budget and Management, Department of Law, and Division of Sewerage Management.
(6-0)

8. COMM. 13E-7 (2025)
COUNTY EXECUTIVE

WHEREAS, the County of Erie issued a Request for Proposals to retain an engineering firm to perform professional services for the Transit Road Sanitary Sewer Upgrades Project in Erie County Sewer District (ECSD) No. 5; and

WHEREAS, a review committee evaluated the responses to the Request for Proposals using a consistent scoring matrix; and

WHEREAS, after ranking proposals the review committee recommends JM Davidson, D.P.C. to complete the requested professional services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute an agreement with JM Davidson, D.P.C. (935 Sheridan Drive – Suite 120, Tonawanda, New York 14150) for professional services associated with this project in an

amount not to exceed \$1,800,000, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney's Office; and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management and the County Comptroller to allocate costs for these engineering services in Erie County Sewer District No. 5 Capital Account No. C.25501 (Fund 430, Funds Center 18110); and be it further

RESOLVED, that authorization is hereby provided to 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 the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law, and Division of Sewerage Management.
(6-0)

9. COMM. 13E-8 (2025)
COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District (ECSD) No. 3 recommends purchasing assets intended to replace existing equipment or to be utilized when performing repairs to minimize downtime and associated costs; and

WHEREAS, a partial closing of ECSD No. 3 capital reserve account C.00007 would allow for implementation of these improvements without incurring long-term financing costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the partial closing of up to \$387,000.00 in ECSD No. 3 capital reserve account C.00007 to fund these asset purchases; 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 \$387,000 from ECSD No. 3 capital reserve account, WBS element C.00007 (Fund 430, Funds Center 18310) Account 570000 – Interfund Transfer-Subsidy and increase the revenues and appropriations in the Erie County Sewer District No. 3 2025 Operating Budget (Fund 220, Funds Center 1831030) as follows:

2025 Operating Budget
Erie County Sewer District No. 3
Fund 220, Funds Center 1831030

REVENUES	INCREASE
486010 – Residual Equity Transfer-In	<u>\$387,000</u>
TOTAL	<u>\$387,000</u>
APPROPRIATIONS	INCREASE

561410 – Lab and Technical Equipment	<u>\$387,000</u>
TOTAL	<u>\$387,000</u>

and be it further

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

RESOLVED, that any unused funds be returned to the capital reserve account and the operating 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 County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law, and Division of Sewerage Management.
(6-0)

10. COMM. 13E-9 (2025)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 16E-11 (2022), DiDonato Associates Engineering and Architecture, P.C. (689 Main Street, Buffalo, NY 14203) was retained to provide engineering services for various initiatives in the Erie County Sewer Districts; and

WHEREAS, the Division of Sewerage Management has identified additional engineering services required in the Erie County Sewer Districts and recommends issuance of work orders with DiDonato Associates Engineering and Architecture to complete; and

WHEREAS, the Division of Sewerage Management has determined that proceeding with these work orders 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 DiDonato Associates Engineering and Architecture to allow for completion of the aforementioned work.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes an increase the total amount for the engineering term agreement between the County of Erie and DiDonato Associates Engineering and Architecture, P.C. (689 Main Street, Buffalo, NY 14203) for the various initiatives in Erie County Sewer Districts by \$150,000.00 to a total of \$400,000.00; 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 the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law, and Division of Sewerage Management.
(6-0)

11. COMM. 13E-15 (2025)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides Household Hazardous Waste (HHW) disposal options for Erie County residents through one-day HHW collection events and a drop-off HHW Voucher Program; and

WHEREAS, the Northeast Southtowns Solid Waste Management Board (NEST Board) has approved paying Erie County up to \$40,000 annually for costs associated with sponsoring an Erie County HHW collection event each year; and

WHEREAS, a one-year agreement between the NEST Board and Erie County authorized by COMM 11E-24 (2023) was executed in 2025; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides Erie County with an annual 50% reimbursement grant of eligible expenses to collect and properly dispose of HHW, including the NEST Board sponsored collection event; and

WHEREAS, the NEST Board is eligible for reimbursement of up to 50% of their costs associated with the HHW collection event they sponsor.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to accept up to \$40,000 from the NEST Board and amend the Department of Environment and Planning's (Fund 110, Funds Center 16210) 2025 Operating Budget as follows:

Department of Environment and Planning
Fund 110, Funds Center 16210

REVENUES	CHANGE
479100 Other Contributions	<u>\$40,000</u>
TOTAL	<u>\$40,000</u>
APPROPRIATIONS	CHANGE
517629 Hazardous Waste Days	<u>\$40,000</u>
TOTAL	<u>\$40,000</u>

and be it further

RESOLVED, that authorization is hereby given to reimburse the NEST Board for up to 50% of their expenses for the collection event when reimbursed to Erie County by NYSDEC; and be it further

RESOLVED, that authorization is hereby given to the Division of Budget and Management to make any budget adjustments necessary to comply with State funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law, and Department of Environment and Planning.
(6-0)

12. COMM. 13E-16 (2025)
COUNTY EXECUTIVE

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, DEP completed the Regional Niagara River Lake Erie Watershed Management Plan Phase 2 project in 2019, which began the process of developing a Nine-Element Watershed Management Plan for the region to protect and improve our water resources and to allow the County and stakeholders to better compete for certain funding sources; and

WHEREAS, DEP is committed to coordinate, oversee, and conduct work to complete the creation of a Nine-Element Watershed Management Plan in the Regional Niagara River Lake Erie Watershed Management Plan Phase 3 project on behalf of the Lake Erie Watershed Protection Alliance (LEWPA); and

WHEREAS, the New York State Department of State (NYSDOS) provides grant assistance to municipalities to prepare watershed plans; and

WHEREAS, the NYSDOS awarded Erie County a \$501,000.00 grant to complete the "Regional Niagara River/Lake Erie Watershed Management Plan Phase 3" project including stream assessments; and

WHEREAS, a no-cost contract amendment is required to complete the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a no-cost extension contract amendment from the NYSDOS for the purpose of completing the "Regional Niagara River/Lake Erie Watershed Management Plan Phase 3" project; and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to amend the contract as necessary to implement any final budget category or personnel changes that may be permitted by the grantor, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

RESOLVED, that authorization is hereby given for the Division of Budget and Management to implement any budget adjustments as required to comply with the grantor funding requirements provided there are no changes to authorized personnel levels or county share amounts; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office, the Division of Budget and Management, the Department of Law, the Comptroller's Office, and the Department of Environment and Planning.
(6-0)

JOHN A. BARGNESI, JR.
CHAIR

Item 17 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

July 17, 2025	PUBLIC SAFETY COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.
CHAIR MEYERS PRESENT AS EX-OFFICIO MEMBER

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-11 (2025)
MEYERS “Decision on Scheduling the Committee of the Whole”
(Chair’s Ruling)
 - b. COMM. 6E-21 (2025)
MINORITY CAUCUS “FOIL Request”
(Chair’s Ruling)
 - c. COMM. 12E-23 (2025)
SHERIFF “Challenges Imposed by State-Ready Issue”
(Chair’s Ruling)
2. COMM. 11E-10 (2025)
CHAIR MEYERS
June 2, 2025

Hon. Olivia M. Owens
Clerk of the Legislature
92 Franklin St, 4th Floor
Buffalo, NY 14202

RE: Chair's Recommended Appointment to the Corrections Specialist Advisory Board

Dear Madam Clerk:

As required by Local Law #3 from 2019, establishing the Corrections Specialist Advisory Board, the Chair of the Erie County Legislature is to recommend one member.

Pursuant to the law and after the same open application process and public interviews held by the Public Safety Committee on Thursday, May 15, I recommend:

Kenneth Leverite
304 Norfolk Ave
Buffalo, NY 14215

Sincerely,
Timothy J. Meyers
Chair of the Erie County Legislature
District 7
(6-0)

3. COMM. 11E-11 (2025)
GILMOUR
June 2, 2025

Hon. Olivia M. Owens
Clerk of the Legislature
92 Franklin St, 4th Floor
Buffalo, NY 14202

RE: Majority Leader's Recommended Appointment to the Corrections Specialist Advisory Board

Dear Madam Clerk:

As required by Local Law #3 from 2019, establishing the Corrections Specialist Advisory Board, the Majority Leader of the Erie County Legislature is to recommend one member.

Pursuant to the law and after the same open application process and public interviews held by the Public Safety Committee on Thursday, May 15, I recommend:

Lindsey J. Allen, MSW
70 Hartwell Rd.
Buffalo, NY 14216

Sincerely,
John J. Gilmour
Majority Leader of the Erie County Legislature
District 9
(6-0)

4. COMM. 12E-5 (2025)
MILLS
June 6, 2025

Hon. Olivia M. Owens
Clerk of the Legislature
92 Franklin St, 4th Floor
Buffalo, NY 14202

RE: Erie County Corrections Specialist Advisory Board Recommendation

Dear Clerk Owens:

Pursuant to Erie County Local Law 3 (2019), Section 2, "Creation and Membership of the Erie County Corrections Specialist Advisory Board," I am writing to provide the recommendation of the Legislature's Minority Leader of a voting member for the board.

Please accept the recommendation of:

Shawn Linder
17 Humber Avenue
Buffalo, NY 14215

Sincerely,
John J. Mills
Erie County Legislator, District 11
(6-0)

5. COMM. 12M-2 (2025)
PEACEPRINTS OF WNY
June 4, 2025

Legislator St. Jean-Tard
Erie County Legislature
Old County Hall
92 Franklin Street

Buffalo, NY 14202

Re: Erie County Corrections Specialist Advisory Board

Dear Madam Legislator:

Please consider this appointment request for Michael June for appointment with the Erie County Corrections Specialist Advisory Board.

A recommendation to the board must come from an 'organization that is dedicated to ex-offender transition from jail/prison to life in the general public' and as a nationally recognized reentry organization, Peaceprints of WNY would fit that requirement. Since 1987, Peaceprints has provided pre-and-post-release programming and services to youth and adults within Western New York.

As a formally incarcerated individual, he is versed with the Erie County Jail system as well as the unique needs of the various stakeholders affiliated with the Jail system. Presently, Michael provides programming and services to justice impacted youth through Peaceprint of WNY's Empower Youth Program.

Thank you for your consideration. Should you have any questions or concerns do not hesitate to email me at cmceachon@peaceprintswny.org.

Thank you,

Cindi McEachon
Chief Executive Officer
Peaceprints of WNY
(6-0)

6. COMM. 13E-29 (2025)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services will provide a three-year grant totaling \$300,000 to the County to improve the quality of representation to indigent defendants and reduce caseloads in indigent legal service provider programs; and

WHEREAS, Erie County will contract with the Legal Aid Bureau of Buffalo, Inc. to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with the NYS Office of Indigent Legal Services in the amount of \$300,000 to be made available as a multi-year grant to the Department of Law (Fund 281, Funds Center 16010) as follows:

Erie County Department of Law

Fourth Upstate Quality Improvement and Caseload Reduction Grant
160CR4ILSF2326
July 1, 2023 to June 30, 2026

REVENUES	BUDGET
409000 State Aid Revenues	\$300,000
TOTAL	\$300,000
APPROPRIATIONS	BUDGET
516601 Legal Aid Bureau of Buffalo	\$300,000
TOTAL	\$300,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a three-year subcontract with the Legal Aid Bureau of Buffalo, Inc. to deliver said services from July, 1 2023 to June 30, 2026; and be it further

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

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

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, Comptroller's Office, Department of Law, and Division of Budget and Management.
(6-0)

JOHN J. GILMOUR
CHAIR

Item 18 – MS. ST. JEAN TARD presented the following report and moved for immediate consideration and approval. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

July 17, 2025	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT EXCEPT LEGISLATOR VINAL.
CHAIR MEYERS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 13E-12 (2025)
COUNTY EXECUTIVE

WHEREAS, consistent with Erie County's Commitment to Paris goals, the County encourages the development of solar facilities which reduce dependence upon fossil fuels and further climate goals to mitigate global warming; and

WHEREAS, Project Owner (AC Power 44, LLC), has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law ("RPTL") Section 487(1)(b) (the "Project") with an expected nameplate capacity ("Capacity") of approximately 3.25 Megawatts AC on one parcel totaling approximately 41.82 acres of land located within the Town of Cheektowaga, identified as 777 Indian Road, SBL 103.19-2-2; and

WHEREAS, the County has not opted out of RPTL § 487; and

WHEREAS, pursuant to RPTL § 487(9)(a) the County has indicated their intent to require a Payment in Lieu of Taxes Agreement ("PILOT") with the Project Owner, under which the Project Owner will be required to make annual payments to the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Project Owner has submitted or will submit to the Assessor of the Town of Cheektowaga an Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems ("Form RP-487"); and

WHEREAS, the Real Property not part of the Project will be assessed for any statutory real property taxes levied by the Taxing Jurisdictions; and

WHEREAS, Project parcel identification numbers and/or addresses may be amended.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with AC Power 44, LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located at 777 Indian Road, SBL 103.19-2-2; and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment to Erie County in the amount \$2,838.59, subject to annual escalation of 2%; and be it further

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

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to amend said Agreement based on revisions to parcel identification numbers and/or addresses in a manner consistent with the description of land, set forth in the PILOT agreement; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Real Property Tax Services, Department of Environment and Planning, and the Department of Law.
(5-0)

2. COMM. 13E-13 (2025)
COUNTY EXECUTIVE

WHEREAS, consistent with Erie County's Commitment to Paris goals, the County encourages the development of solar facilities which reduce dependence upon fossil fuels and further climate goals to mitigate global warming; and

WHEREAS, Project Owner (AC Power 38, LLC), has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law ("RPTL") Section 487(1)(b) (the "Project") with an expected nameplate capacity ("Capacity") of approximately 2.875 Megawatts AC on one parcel totaling approximately 14.04 acres of land located within the Town of Tonawanda, identified as 4635 River Road, SBL 52.09-1-14; and

WHEREAS, the County has not opted out of RPTL § 487; and

WHEREAS, pursuant to RPTL § 487(9)(a) the County has indicated their intent to require a Payment in Lieu of Taxes Agreement ("PILOT") with the Project Owner, under which the Project Owner will be required to make annual payments to the Taxing Jurisdictions for each year during the term of this Agreement; and

WHEREAS, the Project Owner has submitted or will submit to the Assessor of the Town of Tonawanda an Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems ("Form RP-487"); and

WHEREAS, the Real Property not part of the Project will be assessed for any statutory real property taxes levied by the Taxing Jurisdictions; and

WHEREAS, Project parcel identification numbers and/or addresses may be amended.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with AC Power 38, LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located at 4635 River Road, SBL 52.09-1-14; and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment to Erie County in the amount \$1,984.22, subject to annual escalation of 2%; and be it further

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

RESOLVED, that the Director of Real Property Tax Services is hereby authorized to amend said Agreement based on revisions to parcel identification numbers and/or addresses in a manner consistent with the description of land, set forth in the PILOT agreement; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive's Office, the Division of Budget and Management, the Department of Real Property Tax Services, the Department of Environment and Planning, the Comptroller's Office, and the Department of Law.
(5-0)

3. COMM. 13E-17 (2025)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body authorized an engineering contract with Wendel WD Architecture, Engineering, Surveying, and Landscape Architect, PC for New Road (CR186) Rehabilitation and Drainage Improvements, via COMM. 6E-20 (2022) dated April 7, 2022; and

WHEREAS, the Dept. of Public Works is requesting the authority for the County Executive to execute an amendment for additional engineering services to the Agreement; and

WHEREAS, the total cost of the amendment shall not exceed \$150,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to amend the engineering contract with Wendel WD Architecture, Engineering, Surveying, and Landscape Architect, PC for New Road (CR186) Rehabilitation and Drainage Improvements in an amount not to exceed \$150,000; and be it further

RESOLVED, that authorization is hereby given for the sum of \$150,000 be appropriated from Fund 420, Funds Center 123, Capital Project B.21150, 2021 Capital Overlay; and be it further

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

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Division of Highways, and one (1) certified copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management.
(5-0)

4. COMM. 13E-18 (2025)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has title to various parcels of land at 100 Franklin St., Buffalo, NY and at 372 Michigan St, Buffalo NY; and

WHEREAS, New York State Dept. of Transportation (NYSDOT) has approached Erie County about purchasing a small parcel at each location listed above, these parcels are di-minus in nature and necessary for the progression of two road projects; and

WHEREAS the Erie County Lands Advisory Review Committee (ARC) has met and deemed the parcels no longer necessary for County purposes; and

WHEREAS, NYSDOT has offered \$500.00 for a 12 square foot parcel at the northwest corner of 372 Michigan Ave, Buffalo NY depicted as parcel P339 on map 333; and

WHEREAS, NYSDOT has offered \$10,500 for a 168 square foot parcel at 100 Franklin St. Buffalo, NY depicted as parcel P41 on map 40.

NOW, THEREFORE, BE IT

RESOLVED, that for Erie County purposes of transferring land to the New York State Dept. of Transportation, the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed and all closing documents of the lands, as depicted on attached maps number 333 and number 40 and description of parcels no. 339 on map 333 and parcel 41 on map 40; and be it further

RESOLVED, that the Dept. of Budget, Management and Finance is authorized to accept funds, payable to the County of Erie in the sum of \$500.00 for parcel number 339 and \$10,500 for parcel number 41xx for abandonment of these lands; and be further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.
(5-0)

5. COMM. 13E-19 (2025)
COUNTY EXECUTIVE

WHEREAS, the County has successfully contracted with local municipalities in Erie County for many years to provide snow removal and ice control on County owned roads and facilities during the snow season; and

WHEREAS, the said agreements expire August 31, 2025; and

WHEREAS, the County of Erie negotiated and recommends entering into three (3) year agreements with local municipalities for snow removal and ice control on County roads for snow seasons 2025-2028; and

WHEREAS, it would be in the best interests of Erie County to execute an agreement at a lane mile reimbursement rate increasing four percent (4%) the first year, four percent (4%) the second year and four percent (4%) the third year, ending August 31, 2028, and representatives of the affected municipalities have agreed to terms with the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to sign and execute the 2025-2028 Snow Removal and Ice Control Agreements, as modified and updated, at a lane mile reimbursement rate increasing four percent (4%) the first year, four percent (4%) the second year, and four percent (4%) the third year, to expire August 31, 2028, payable from the adopted Division of Highways, Operating Budget, Fund 210, Cost Center 1231010, G/L 520060 Town and Village Snow Contracts, as set forth in the schedule below:

September 1, 2025 through August 31, 2026	\$5,279.96 per lane mile
September 1, 2026 through August 31, 2027	\$5,491.16 per lane mile
September 1, 2027 through August 31, 2028	\$5,710.80 per lane mile

and be it further

RESOLVED, that the County Executive is hereby authorized and directed on behalf of Erie County to execute agreements with participating municipalities; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to transmit four (4) certified copies of the foregoing resolution to the Commissioner of Public Works, one (1) certified copy each to the County Executive's Office, Comptroller's Office, Department of Law and Division of Budget and Management.

(5-0)

6. COMM. 13E-20 (2025)
COUNTY EXECUTIVE

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 Right-of-Way agreement with New Yorks State Dept. of Transportation (NYSDOT) was approved by the Legislature in COMM 4E-4 (2025) on March 13, 2025; and

WHEREAS, (NYSDOT) will administer the Right of Way incidentals phase of the Project; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the Right of Way incidentals work for the Project or portions thereof, with the federal share of such costs to be applied directly by the NYSDOT pursuant to the Agreement; and

WHEREAS, the necessary funds for the local deposit of the Right of Way phases of \$39,250, has been paid from Fund 420, Funds Center 123, Capital Project B.23005 – 2023 Federal Aid Road Design to NYSDOT; and

WHEREAS, NYSDOT will apply \$32,400 of the \$39,250 previously paid local deposit to the Right of Way incidentals phase of the project, and \$6,850 will be applied to the Right of Way acquisitions phase.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a revised Right of Way Agreement 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 given to the County of Erie to pay in the first instance the full non-federal share of the cost of the Right of Way incidentals work for the Project or portions thereof; and be it further

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

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

(5-0)

7. COMM. 13E-21 (2025)
COUNTY EXECUTIVE

WHEREAS, Erie County endeavors to promote clean energy and lower its' carbon footprint wherever possible; and

WHEREAS, Erie County achieved the highest ranking in NYSERDA's Clean Energy Communities competition; and

WHEREAS, because of this achievement, Erie County has been awarded a Clean Energy Communities grant in the amount of \$937,500; and

WHEREAS, the Department of Public Works requires legislative approval to accept the State funds and to establish a new Clean Energy Communities Program Capital Project; and

WHEREAS, these funds will be used to further promote clean energy by installing solar panels on the Buffalo & Erie County Central Library and installing a heat pump at the Buffalo & Erie County Botanical Gardens; and

WHEREAS, the Botanical Gardens will act as a subrecipient of this NYSERDA funding where sufficient funds will be advanced to the Botanical Gardens to complete the purchase and installation of an Air-Source Heat Pump; and

WHEREAS, upon completion of the Project the County will seek reimbursement from NYSERDA of the eligible expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorize the County Executive or Deputy County Executive to enter into contract with NYSERDA to accept \$937,500 in funding into the Division of Buildings & Grounds (Fund 410, Funds Center 12220) Capital Project A.25XXX – Clean Energy Communities Program as follows:

Project A.25XXX
Clean Energy Communities Program
Fund 490, Funds Center 12220

REVENUES	BUDGET
409000 State Aid Revenues	<u>\$937,500</u>
	<u>\$937,500</u>
APPROPRIATIONS	
Capital Project Expense	<u>\$937,500</u>
TOTAL	<u>\$937,500</u>

and be it further

RESOLVED, that authorization is hereby given to enter into contract with the Buffalo & Erie County Botanical Gardens as a subrecipient of this NYSERDA funding and transfer \$532,500 for the completion of the purchase and installation of an air-sourced heat pump; and be it further

RESOLVED, that authorization is hereby given to accept any other federal, state or utility incentive, grant or refund into the Division of Buildings & Grounds (Fund 410, Funds Center 12220) Capital Project A.25XXX – Clean Energy Communities Program for future use; and be it further

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

RESOLVED, that certified copies of this resolution be furnished to the County Executive's Office, Comptroller's Office, Department of Public Works and Division of Budget and Management.
(5-0)

8. COMM. 13E-22 (2025)
COUNTY EXECUTIVE

WHEREAS, the County of Erie must maintain countywide facilities that fall under New York State Department of Environmental Conservation (NYSDEC) and Environmental Protection Agency (EPA) regulations; and

WHEREAS, to maintain compliance and avoid fines and penalties, the Department of Public Works must hire a qualified consultant to assist in design and construction remedies; and

WHEREAS, the Erie County Department of Public Works received professional Architectural/Engineering design services proposals for the Countywide NYSDEC Environmental Compliance Term Agreement project (herein called the "Project") on June 4, 2025; and

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

WHEREAS, Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C. has

the necessary expertise and manpower to provide professional design and construction services for the Project; and

WHEREAS, the County Executive is requesting authorization to enter into a three (3)-year Term Agreement with the firm of Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C., with the possibility of two, one (1)-year extensions, as mutually agreed upon between the Department of Public Works and the Consultant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a three (3)-year term agreement with the firm of Wendel Architecture, Engineering, Surveying & Landscaping Architecture, P.C., with the possibility of two, one (1)-year extensions, for providing professional services related to the Countywide NYSDEC Environmental Compliance Term Agreement for an amount not to exceed \$200,000, including design contingency; and be it further

RESOLVED, all unused funds from the previous Environmental On-Call Term agreement approved per COMM. 10E-15 (2020) and per DPW Contract No. 20-693-PW, can be carried over to the new term agreement summarized herein; and it be further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from the following Capital Projects in the approved and adopted capital budgets, Fund 480, Funds Center 122:

A.25001	Countywide Code & Environmental Compliance	\$ 200,000
	For a Total Amount Not to Exceed	\$ 200,000

and it be 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.

(5-0)

TAISHA ST. JEAN TARD
CHAIR

Item 19 – MR. DUPRE presented the following report and moved for immediate consideration and approval. MS. ST. JEAN TARD seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

July 17, 2025	HEALTH & HUMAN SERVICES COMMITTEE
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REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR VINAL.
CHAIR MEYERS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 12D-1 (2025)
ECDSS COMMISSIONER “COMM. 12E-24 Compliance Report”
(Chair’s Ruling)

2. COMM. 13E-23 (2025)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health received an increase in annual State Aid from the New York State Office of Mental Health in the amount of \$303,361 for the provision of the Court Based Mental Health Navigator service; and

WHEREAS, the Erie County Department of Mental Health solicited a Request for Proposal for the provision of Court Based Mental Health Navigator service; and

WHEREAS, after conducting a review process, Horizon Health Services Inc. as the highest-ranking applicant, was recommended by the Selection Committee to be the recipient of the RFP award and subsequently approved by the Deputy County Executive; and

WHEREAS, a budget appropriation needs to be created for Horizon Health Services Inc. not to exceed \$303,361 in fiscal year 2025; and

WHEREAS, no additional County funds are necessary for this request.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contract with NYS OMH to accept \$303,361 in State Aid and amend the Department of Mental Health (Fund 110, Funds Center 12410) 2025 General Fund Budget as follows:

Mental Health, Business Area 124
Fund 110, Funds Center 12410

REVENUES	CHANGE
406830 – State Aid – Mental Hlth II	\$303,361
TOTAL	\$303,361

APPROPRIATIONS	CHANGE
517661 – Horizon Health Services Inc.	\$303,361
TOTAL	\$303,361

and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to enter into contract with Horizon Health Services Inc., for an amount not to exceed \$303,361 for the period January 1 through December 31, 2025; and be it further

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

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Division of Budget and Management, Comptroller's Office, Department of Law and Department of Mental Health.
(5-0)

3. COMM. 13E-24 (2025)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health receives funding from NYS Office of Mental Health (OMH) to distribute to mental health providers and agencies; and

WHEREAS, OMH has designated additional funds for providers and agencies to increase their capacity and/or assist in capital expenses for expanding services; and

WHEREAS, the Erie County Department of Mental Health is seeking authorization to accept and contract out these additional funds to providers and agencies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to accept funding from NYS OMH on behalf of mental health providers and agencies and to amend the Department of Mental Health's Division of Program Administration's (Fund 110, Funds Center 12410) 2025 Operating Budget as follows:

Erie County Department of Mental Health
Fund 110, Fund Center 12410

REVENUES	CHANGE
406830 State Aid – Mental Health II	\$200,000
TOTAL	\$200,000

APPROPRIATIONS	CHANGE
517689 Living Opportunities of DePaul OMH	\$200,000

TOTAL \$200,000

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into and amend the existing contract with Living Opportunities of DePaul and waive the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

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

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

(5-0)

4. COMM. 13E-25 (2025)
COUNTY EXECUTIVE

WHEREAS, nearly eighty percent (80%) of chronic mental health conditions emerge in childhood. While mental health concerns are frequently seen in public schools, the pandemic's combination of isolation plus other mental health issues has exacerbated the need for added supports; and

WHEREAS, in 2022, Erie County led the formation of the Supporting Mental Health by Advocating for Resources Together (SMART) Collaborative to address mental health issues; and

WHEREAS, SMART has grown to five hundred (500) partners that includes school administrators, educators, community agencies, and many more stakeholders; and

WHEREAS, Erie 1 BOCES will be the organizing agency to host workshops, fund activities and outreach, and share resources with partners to address the mental health crisis; and

WHEREAS, the Erie County Department of Mental Health has an allocation of Federal funding in the amount of \$30,000 to help support SMART's mission.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the recognition of \$30,000 in deferred federal aid revenues to be budgeted within the Department of Mental Health's Division of Program Administration's (Fund 110, Funds Center 1241020) 2025 Operating Budget as follows:

Department of Mental Health
Fund 110, Funds Center 1241020

REVENUES

CHANGE

411000 MH Fed Medi Sal Sh	\$30,000
TOTAL	\$30,000

APPROPRIATIONS	CHANGE
516010 Cont Pymts NonProfit Purch Svcs	\$30,000
TOTAL	\$30,000

and be it further

RESOLVED, that authorization is hereby given for the County Executive or Deputy County Executive to enter into contract with Erie 1 BOCES for an amount not to exceed \$30,000 to provide organizing services for the Supporting Mental Health by Advocating for Resources Together (SMART) Collaborative; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Comptroller's Office, Department of Law, Department of Mental Health, and Division of Budget and Management.
(5-0)

5. COMM. 13E-26 (2025)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health receives funding from NYS Office of Addiction Services and Supports (OASAS) to distribute to mental health providers and agencies; and

WHEREAS, OASAS has designated additional funds for providers and agencies to increase their capacity and/or assist in capital expenses for expanding services; and

WHEREAS, the Erie County Department of Mental Health is seeking authorization to accept and contract out these additional funds to providers and agencies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to accept funding from NYS OASAS on behalf of mental health providers and agencies and to amend the Department of Mental Health's Division of Program Administration's (Fund 110, Funds Center 12410) 2025 Operating Budget as follows:

Erie County Department of Mental Health
Fund 110, Fund Center 12410

REVENUES	CHANGE
406860 State Aid - OASAS	\$739,314
TOTAL	\$739,314

APPROPRIATIONS	CHANGE
517535 BestSelf Beh. Health Inc. ASA	\$144,443

517614 Caz. Recovery Systems ASA	\$200,887
517663 Horizon Village Inc. ASA	\$393,984
TOTAL	\$739,314

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into and amend existing contracts with BestSelf Behavioral Health Inc., Cazenovia Recovery Systems and Horizon Village Inc. waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

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

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

LAWRENCE J. DUPRE
CHAIR

LEGISLATOR RESOLUTIONS

Item 20 – MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

RE: Designation of Tourism Promotion
Agency for 2025-2026
(INTRO. 14-1)

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MEYERS

WHEREAS, the development, expansion and promotion of tourist travel to Erie County are of great benefit to the citizens of Erie County; and

WHEREAS, tourism spending in Erie County is reflected in bed and sales tax collections, as well as spurring a positive economic impact on amateur and professional sporting events, shopping, arts and culture and the hospitality industry; and

WHEREAS, this positive impact helps hold down property taxes and spurs economic growth and job creation; and

WHEREAS, in 1977, the New York State Legislature enacted the New York State Tourism Promotion Act to enable counties in the state to draw down funds to support their marketing and advertising campaigns; and

WHEREAS, the Tourism Promotion Act authorizes the state's Department of Economic Development to operate a program of matching state funds for non-profit tourism promotion agencies designated by county legislative bodies as agencies that are authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (VBN) - formerly known as the Buffalo Niagara Convention and Visitors Bureau - has done a commendable job bringing together a diverse array of non-profit organizations, attractions, retail businesses and members of the hospitality industry to work collaboratively for the benefit of our entire region.

NOW, THEREFORE, BE IT

RESOLVED, that Visit Buffalo Niagara (VBN), having served as Erie County's tourism promotion agency since 1974, is hereby re-designated as such for 2025-2026; and be it further

RESOLVED, that this Honorable Body requests that Visit Buffalo Niagara submit the appropriate application to the New York State Department of Economic Development for state matching funds to assist VBN to finance its tourism marketing, media relations and advertising campaigns as set outlined in the New York State Tourism Promotion Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the promotion of tourist visitation in Erie County and the Buffalo Niagara Region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Economic Development, Patrick Kaler of Visit Buffalo Niagara, the tourism committees of both the New York State Assembly and Senate, County Executive Mark Poloncarz, the Erie County Department of Environment and Planning, and all other deemed necessary and proper.

Item 21 – MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

RE: Re-Appropriation of Public Benefit
Funding
(INTRO. 14-2)

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

WHEREAS, the Town of Boston was awarded \$3,000 in public benefit funding by the Erie County Legislature in the 2025 Erie County adopted budget; and

WHEREAS, this organization is not able to accept the funds, and the funding should be transferred to an alternative organization; and

WHEREAS, as in similar situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby unauthorizes \$3,000 in funding for the Town of Boston designated on page 283 of Book A of the 2025 Adopted Budget, Fund 110, Community/Neighborhood Development, Fund Center 1332010, Account 51830; and be it further

RESOLVED, that this honorable body hereby designates \$3,000 in available Community/Neighborhood Development funding to the Southtowns Walleye Association of WNY, Inc. and authorizes the Budget Director to take any actions necessary to transfer the \$3,000 in funding originally designated to Town of Boston in the 2025 adopted budget to the Southtowns Walleye Association of WNY, Inc.; and be it further

RESOLVED, that the County Executive, or his designee, is hereby authorized to enter into contract with Southtowns Walleye Association of WNY, Inc. to effectuate this funding transfer; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, Budget Director, and County Comptroller.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 22 – MR. GILMOUR moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 12E-7 (2025). MS. VINAL seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to approve the resolution. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: ECSD No. 3 – Proposed Increase &
Improvement of Facilities (2024), Final

Order/Bond Resolution
(COMM. 12E-7, 2025)

RESOLUTION NO. 122, 2025

AN AMENDING AND RESTATING FINAL ORDER / BOND RESOLUTION, DATED July 24, 2025, OF THE LEGISLATURE OF THE COUNTY OF ERIE, new york (the “County”), AMENDING THE BOND RESOLUTION THAT WAS ADOPTED ON JULY 20, 2023, AND AUTHORIZING THE INCREASE AND IMPROVEMENT OF FACILITIES OF Erie County Sewer District No. 3 (the “PROJECT”) STATING THE TOTAL estimated maximum cost of THE PROJECT TO BE \$215,000,000, APPROPRIATING SUCH AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO \$215,000,000 OF BONDS OR OTHER OBLIGATIONS OF the COUNTY (COLLECTIVELY, THE “OBLIGATIONS”) TO FINANCE SUCH APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNT RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECT TO BE EXPENDED TOWARDS THE COST OF THE PROJECT AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS AND MAKING OTHER DETERMINATIONS IN CONNECTION WITH SUCH PROJECT.

(Introduced) June 18, 2025
(Adopted) July 24, 2025

WHEREAS, on July 20, 2023, the County Legislature of the County of Erie (the “Legislature”), New York (the “County”) adopted a certain bond resolution (the “Original Bond Resolution”) entitled:

BOND RESOLUTION DATED JULY 20, 2023

BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE “COUNTY”), AUTHORIZING THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 3 (THE “PROJECT”), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECT TO BE \$100,000,000, APPROPRIATING SUCH AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF UP TO \$100,000,000 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (COLLECTIVELY, THE “OBLIGATIONS”) TO FINANCE SUCH APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK OR ANY OTHER SOURCE FOR THE PROJECT TO BE EXPENDED TOWARDS THE COST OF THE PROJECT AS INDICATED HEREIN, OR TOWARDS THE REDEMPTION OF ANY OF THE OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE OBLIGATIONS.

WHEREAS, the Legislature has, pursuant to County Law, created Erie County Sewer District No. 3 (the “District”), and

WHEREAS, the County determined that it was the public interest to undertake the increase and improvement of facilities of Erie County Sewer District No. 3 (the “District” and “Project”), generally consisting of improvements to the Southtowns Advanced Wastewater Treatment Facility, existing pumping stations, and the sanitary sewer collection system; and

WHEREAS, the cost of the Project has increased from original estimates due to major inflationary pressures, material and labor shortages as well as an overall increase in the cost of the project due to these factors; and

WHEREAS, the scope of the improvements has not materially changed from the Project identified in the Original Bond Resolution; and

WHEREAS, the Legislature adopted Resolution No. 176-2022 being a resolution setting forth and adopting certain findings reached in accordance with procedures called for under the New York State Environmental Quality Review Act and its implementing regulations at 6 NYCRR Part 617 (collectively, “SEQRA”) relating to the proposed improvements to the Erie County Sewer District No. 3; and

WHEREAS, the provisions of Resolution No. 176-2022 are incorporated herein and by this reference and made a part hereof; and

WHEREAS, pursuant to New York State County Law, application was made to the Office of the New York State Comptroller for permission to undertake the increase and improvement of facilities of the District at the increased estimated maximum amount; and

WHEREAS, the County received permission on June 3, 2025 from the Office of the New York State Comptroller that it may proceed with the increase and improvement of facilities of the District at the increased amount of \$215,000,000, pursuant to County Law, a copy of which has been duly filed in the Office of the Clerk of this County Legislature; and

WHEREAS, pursuant to County Law §259, the Legislature desires to adopt this resolution, being a resolution authorizing an order for the increase and improvement of facilities in accordance with the aforesaid order granting approval by the New York State Comptroller and an Amending Bond Resolution; and

WHEREAS, the Clerk to the Erie County Legislature is hereby authorized and directed to cause a certified copy of this Final Order / Bond Resolution to be recorded in the Office of the Clerk of the County of Erie and filed in the Office of the New York State Comptroller - Department of Audit and Control at Albany, New York, in accordance with the provisions of County Law §259; and

WHEREAS, the Legislature has determined to authorize such project and the financing of the estimated maximum cost of such project through the issuance of serial bonds (or notes issued in anticipation of such bonds) of the County in an aggregate principal amount not to exceed \$215,000,000 and has determined that such project is in the public interest of the County.

NOW, THEREFORE, BE IT

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

SECTION 1. This resolution shall constitute the authorization by the Legislature, pursuant to County Law §259, for such project identified in greater detail within this resolution.

SECTION 2. The Legislature is hereby authorized to undertake a capital improvements project generally consisting of substantial improvements to the Southtowns Advanced Wastewater Treatment Facility, such work being currently anticipated to include, but not necessarily be limited to, disinfection and effluent pumping improvements, ORF and outfall modifications, bioclarifier and aeration/UNOX system improvements including the rehabilitation of existing tanks, solids handling improvements, electrical improvements, equipment replacements and upgrades to backup power generator(s), IT infrastructure and HVAC system improvements, as well as other upgrades that are identified in the additional facility needs evaluation, along with improvements to existing pumping stations and the sanitary sewer collection system, and as more fully identified in (or contemplated by) the map, plan and report prepared in connection with such project, with the foregoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Purpose"). The amended estimated maximum cost of the Purpose is \$215,000,000.

SECTION 3. The increased maximum estimated cost of the Project is \$215,000,000, and unless paid for from other sources or charges, such cost will be apportioned among the benefitted real properties in the District in accordance with charges based on usage and/or special assessments based on units, assessed value and/or footage, as these or other applicable cost apportionment standards may be specified in the District's Benefit and User Charge formulas (as those currently exist or as they may be amended from time to time in accordance with the County's sewer rents local law and the rules and procedures adopted by the Board of Managers of the District).

SECTION 4. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 6. The Legislature recognizes, and hereby explicitly approves, that such plan of financing for the Purpose may be, and likely will be, for a period in excess of 20 years (given the long-term nature of the Purpose, and in order to utilize monies available under New York State or other funding programs, so as to maximize the potential economic benefit to the County).

SECTION 7. The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be the assessment, levy and collection of special assessments from the several lots and parcels of land within the District which the Legislature shall

determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments or charges upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of the County a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 8. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Legislature pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the County Comptroller, the chief fiscal officer of the County. Without in any way limiting the scope of the foregoing delegation of powers, the County Comptroller, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the County.

SECTION 9. The County Comptroller is hereby authorized to execute by manual or facsimile signature on behalf of the County all serial bonds issued pursuant to this resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Clerk of the County is hereby authorized to affix the seal of the County (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such serial bonds and such bond anticipation notes.

SECTION 10. To the extent not previously authorized, the temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 11. This resolution shall constitute the declaration (or reaffirmation) of the County's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 12. The County Comptroller is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 13. To the extent applicable, the County Comptroller is hereby authorized to execute and deliver in the name and on behalf of the County a project financing agreement prepared by the New York State Environmental Facilities Corporation (the "Project Financing Agreement"). To the extent applicable, the County Comptroller, Clerk of the County, and the Clerk of the Legislature and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the Project Financing Agreement.

SECTION 14. In the absence or unavailability of the County Comptroller, the Deputy Comptroller is hereby specifically authorized to exercise the powers delegated to the County Comptroller in this resolution.

SECTION 15. The County Comptroller is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 16. The County Comptroller is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with County officials and the County's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Clerk of the Legislature.

SECTION 17. Prior to the issuance of obligations authorized to be issued by this resolution, the Legislature of the County shall comply (to the extent not previously accomplished) with all, if any, relevant provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal Laws and Regulations in connection with environmental quality review relating to the Project (collectively, the "Environmental Compliance Proceedings"). In the event that any of the applicable Environmental Compliance Proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Legislature of the County will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Legislature of the County that to the extent the Environmental Compliance Proceedings may apply to the Project, the Project will not have a significant effect on the environment.

SECTION 18. Following adoption of this resolution, the Clerk of the Legislature shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in the *Buffalo Challenger*, *Lancaster Bee* and the *Hamburg Sun*, newspapers having general circulation in the County and published in the County, respectively. The validity of such serial bonds (and of bond anticipation notes issued in anticipation of the issuance of such serial bonds) may be contested only if such obligations are authorized for an object or purpose for

which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 19. Nothing in this Resolution shall affect the validity of the Original July 20, 2023 Bond Resolution, or any actions taken thereunder, and any such actions are hereby ratified.

SECTION 20. This Resolution is effective immediately upon approval by the County Executive.

SUSPENSION OF THE RULES

Item 23 - MR. GILMOUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 14E-21 from MILLS Re: Request for Updates on ECWA and ECMC

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

RE: Authorizing Subscription & Bulk Data Fees for
EC Clerk's Office New Recordkeeping System
(COMM. 14E-2)

WHEREAS, the Erie County Clerk's Office is responsible for recording, filing, and maintaining a central repository of legal documents, court filings, and records affecting property titles, including land and real estate transactions, in its Registrar Division; and

WHEREAS, the Clerk's Office requires legal authority for all charges and fees that are imposed on customers; and

WHEREAS, such authority can take the form of coded authority found in New York State statute and regulation, the Erie County Charter, Administrative Code, or Local Law, or authorization granted by the Erie County Legislature by virtue of authority delegated to the Legislature by the State; and

WHEREAS, on October 10, 2024, the Erie County Legislature authorized the Clerk's Office to enter into a contract for new recordkeeping software with Tyler Technologies (COMM. 15E-11); and

WHEREAS, Tyler Technologies requires the Erie County Clerk's Office to set a fee structure for subscriptions and bulk data in order for the software conversion process to continue; and

WHEREAS, subscription access provides individual users with real-time, ongoing access to the Clerk's Office records system for research, title review, and other professional use; and

WHEREAS, bulk data refers to the delivery of large-scale record sets, such as full monthly indexes or public images, and are used primarily by commercial entities that repackage, resell, or build tools on top of the acquired data; and

WHEREAS, on November 7, 2024, the Erie County Legislature authorized the Clerk's Office to use the following, previously-existing fee schedule (COMM. 18E-18) for the current system:

Cost	Service	Note
\$5.00	Pay Per Image View	Public user login to view images
\$500.00	Unlimited Image Views	Public user login to view images
\$300.00	1 Month of Public Images	Export performed by staff
\$35.00	1-12 Months of Index Data	Export performed by staff

and

WHEREAS, in reviewing the current fee schedule, it is apparent that a new structure is needed to ensure that commercial users who derive significant value from Erie County data contribute fairly to the cost of maintaining and delivering these services; and

WHEREAS, the legacy model of fees has created an imbalance, allowing high-volume users to consume disproportionate resources under a flat fee, while other customers pay equally for far less usage; and

WHEREAS, security and accountability issues have arisen due to the ease and likelihood of account and credential sharing; and

WHEREAS, the Erie County Clerk's Office followed several guiding principles in generating a new fee structure for subscriptions and bulk data, including: historical usage trends, operational cost recovery, system sustainability, the commercial value of County records, and the principles of fair, proportional access; and

WHEREAS, the new fee structure represents a balanced, transparent, and forward-looking approach to access and pricing, and reduces the administrative burden of managing shared accounts; and

WHEREAS, the Erie County Clerk's Office will continue to utilize, and continue to provide, currently enrolled subscription access and bulk data to customers under the current fee schedule until the new recordkeeping system becomes operational.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Clerk's Office to charge subscription and bulk data fees to interested customers pursuant to the contract with Tyler Technologies; and be it further

RESOLVED, that the Erie County Clerk's Office is authorized to use the following fee structure for subscriptions:

Cost	Plan Type	Duration
\$1.00	Hourly Pass	1 hour
\$10.00	1-Day Pass	24 hours
\$65.00	1-Week Pass	7 days
\$250.00	Monthly Plan	30 days
\$2,500.00	Annual Plan	12 months

and be it further

RESOLVED, that the Erie County Clerk's Office is authorized to use the following fee structure for monthly bulk data:

Cost	Data Type
\$250.00	Single Document (i.e. deeds)
\$1,000.00	All Public Index Data (Full County)
\$5,000.00	All Public Images (Per Month)

and be it further

RESOLVED, that the Erie County Clerk's Office is authorized to make *de minimis* adjustments to the above-referenced subscription and bulk data structure as necessary to facilitate the software conversion; and be it further

RESOLVED, that the new fee structure for subscriptions and bulk data shall take effect once the Erie County Clerk's Office has completed its conversion to the new recordkeeping system; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive; the Erie County Attorney; the Erie County Comptroller; and the Erie County Clerk.

FROM LEGISLATOR LORIGO

Item 25 – (COMM. 14E-3) Letter of Absence for Mid-Year Budget Hearings

CHAIR MEYERS directed that the item be received, filed and printed.

July 17, 2025

Olivia Owens
Clerk of the Erie County Legislature
92 Franklin St – 4th Floor
Buffalo, NY 14202

RE: Absence

Dear Clerk Owens,

This is a notice to explain my absence from the 2nd day of mid-year budget hearings on July 16th, as I was unexpectedly required to be out of town for work.

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

Sincerely,

Lindsay Lorigo
Erie County Legislator – District 10

FROM THE COMPTROLLER

Item 26 – (COMM. 14E-4) 2024 Annual Comprehensive Financial Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

RE: Buffalo & EC Naval and Military Park –
Restoration of USS The Sullivans
(COMM. 14E-5)

WHEREAS, the County of Erie is interested in the fostering of tourism and the honoring of men and women who have served in the military; and

WHEREAS, the USS The Sullivans is a key element of the Naval Park; and

WHEREAS, the USS The Sullivans is in need of significant improvements to address flooding in the hull of the ship ensure the future of the historical World War II ship; and

WHEREAS, Erie County desires to fund the Restoration of the USS The Sullivans at the Naval and Military park; and

WHEREAS, the County of Erie has allocated \$1,000,000 for restoration of the USS The Sullivans within Fund 410, Funds Center 16210, Project No. A.25XXX;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the increase of \$1,000,000 in budgeted revenue in the Department of Social Services (Fund 110, Funds Center 1209020) Account 423000 – Refund of Prior Year Expenses and increase appropriations by \$1,000,000 in the Department of Environment & Planning (Fund 110, Funds Center 16210) as follows:

Department of Social Services
Fund 110, Funds Center 1209020

REVENUES	CHANGE
423000 Refund of Prior Year Expenses	<u>\$1,000,000</u>
SUBTOTAL	<u>\$1,000,000</u>

Department of Environment & Planning
Fund 110, Funds Center 16210

APPROPRIATIONS	CHANGE
570050 Interfund Transfer Capital	<u>\$1,000,000</u>
TOTAL	<u>\$1,000,000</u>

and be it further

RESOLVED, that authorization is hereby given to create the new Department of Environment & Planning Capital Project (Fund 410, Funds Center 16210) as follows:

Project A.25XXX
USS The Sullivans Remediation Project
Fund 410, Funds Center 16210

REVENUES	BUDGET
486000 Interfund Revenue Subsidy	<u>\$1,000,000</u>
	<u>\$1,000,000</u>

APPROPRIATIONS	
Capital Project Expense	<u>\$1,000,000</u>

TOTAL

\$1,000,000

and be it further

RESOLVED, that authorization is hereby given to the County Executive or Deputy County Executive to enter into contract with the Buffalo Naval Park Committee, Inc., in amounts not-to-exceed a total of \$1,000,000, for the dry docking and repair of the USS The Sullivans; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Erie County Executive's Office, Division of Budget and Management, Comptroller's Office, Department of Law and Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: Authorization to Apply for NYS DEC Funding
for a Refrigerant Collection Project
(COMM. 14E-6)

WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community (COMM. 12E-5 (2014)); and

WHEREAS, the Erie County Legislature adopted the Erie County Community Climate Action Plan (COMM. 2E-19 (2024)), which includes the need to address refrigerants because they are powerful greenhouse gases; and

WHEREAS, the New York State Department of Environmental Conservation has issued a Request for Applications for New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54 Title 15 that can support several of the action items in the Community Climate Action Plan through an Erie County Refrigerant Collection project; and

WHEREAS, Erie County has identified the required 20% match, up to \$500,000, from in-kind staff support over the course of the 5-year project that can be allocated to this project pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes Sarah Sanford, Senior Energy Development Specialist, an employee, to act on behalf of Erie County in submittal of an application through the Consolidated Funding Application for up to \$2,000,000, to be used for the Erie County Refrigerant Collection Program; and be it further

RESOLVED, that in the event of a grant award, Erie County will make resources available to the project to meet the up to \$500,000 matching funds requirement over 5 years through in-kind services; and be it further

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

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

CHAIR MEYERS directed that a roll-call vote be taken.

AYES: MR. GREENE, MR. MILLS, MR. TODARO, MR. BARGNESI, MR. DUPRE, MR. GILMOUR, MR. KOOSHOIAN, CHAIR MEYERS, MS. ST. JEAN TARD and MS. VINAL. NOES: MS. LORIGO. (AYES: 10; NOES: 1)

CARRIED.

RESOLUTION NO. 127

RE: Willowdale Park - Environmental
Determination & Authorization to Enter into an
Intermunicipal Agreement
(COMM. 14E-7)

WHEREAS, Erie County ("County") desires to provide recreational opportunities to the residents of the Town of Amherst and Erie County; and

WHEREAS, the Town of Amherst ("Town") previously acquired and is currently the owner of the former Westwood Country Club comprising approximately 170.5 acres at the 772 North Forest Road, 385 Maple Road, and 391 Maple Road in the Town of Amherst (SBL 68.01-1-1.2, 55.18-4-9, and 55.18-4-9) (the "Site"); situated in the Town of Amherst, for the purposes of development of a public park; and

WHEREAS, the Town acquired the site for the purposes of development of a public park formerly known as Amherst Central Park; and

WHEREAS, the County desires to assist the Town in the development of the park with the goal of restoring the land to productive reuse, and expanding recreational offerings to all residents and visitors in an area of Erie County without easy access to an Erie County Park; and

WHEREAS, the County as authorized by the Legislature in COMM. 5E-10 (2022) entered into an intermunicipal agreement on January 18, 2023, to provide funding for recreational amenities on the site; and

WHEREAS, the County desires to advance the development of Willowdale Park at the Site through the allocation of resources for the Project, and ultimate acquisition of the parkland; and

WHEREAS, the County desires to enter into an intermunicipal agreement and purchase sale agreement with the Town to transfer the Site in two phases; and

WHEREAS, in phase 1 of the project, approximately 162 acres of land will be transferred to the County, which will reestablish a nine-hole golf course and create a passive park; and

WHEREAS, in phase 2, the Town will transfer approximately eight acres to the County after the Town completes the inclusive playground, public space, and restrooms currently under construction; and

WHEREAS, the County, through its legislative body, the Erie County Legislature (“Legislature”) is currently evaluating the action which includes the transfer of real property from the Town to the County for the purpose of developing a public park, as further elaborated in the Part 1 in the State Environmental Quality Review (SEQR) Environmental Assessment Form (EAF) (collectively, the “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 May 13, 2025, the Legislature, acting through the Department of Environment and Planning, 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 EAF), as that term is defined pursuant to SEQRA; and

WHEREAS, materials were also posted on the County’s website at <https://www3.erie.gov/environment/willowdale-park>; 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 June 13, 2025; 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 Full EAF, 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 Town of Amherst Local Waterfront Revitalization Area boundary, and the Legislature has therefore carefully reviewed the State's coastal policies at 19 NYCRR Part 600 and the Town of Amherst Local Waterfront Revitalization Program priorities and finds that the Project 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; and

WHEREAS, the Lands Advisory Review Committee ("ARC") reviewed the action and classified it as a Type I action under SEQR as per NYCRR, 617.2(al) and upon review, it was determined that the proposed Action will not have a significant environmental impact, and a recommendation was made that a negative declaration be issued; and

WHEREAS, ARC recommended proceeding with the acquisition of the property from the Town of Amherst;

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)(4), as it is the acquisition of land over 100 acres by a local agency; 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 golf course improvements and the creation of a passive park site at the site as more fully described in the attached Environmental Assessment Form dated May 13, 2025, which may be amended prior to SEQR completion and further consultation with regulatory agencies, subject to compliance with all federal, state and local applicable laws and regulations, and after execution of purchase sale 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, including intermunicipal agreements and purchase sale agreements with the Town of Amherst as necessary to implement the project; and be it further

RESOLVED, the County Executive or Deputy County Executive is authorized to enter into agreements, including but not limited to P orders with the New York State Department of Environmental Conservation (NYSDEC) to accept NYSDEC conditions and consultations regarding the remediation of the site; and be it further

RESOLVED, the County Executive or Deputy County Executive is authorized to execute an environmental/recreational easement ensuring the site remains parkland; and be it further

RESOLVED, following acquisition the 170.5 acres located at the 772 North Forest Road, 385 Maple Road, and 391 Maple Road in the Town of Amherst (SBL 68.01-1-1.2, 55.18-4-9, and 55.18-4-9) shall be named Willowdale Park and be part of the Erie County Park system; and be it further

RESOLVED, that authorization is hereby given for \$3,890,000 in excess funds within the 2025 Adopted General Fund Budget (Fund 110, Funds Centers 14020 & 16400) Account 570050 Interfund Transfer – Capital be transferred into Department of Parks, Recreation & Forestry's Capital Project (Fund 410, Funds Center 16410) A.25063 – Willowdale Park Improvements Project as follows:

Project A.25063
Willowdale Park Improvements Project
Fund 410, Funds Center 16410

	ORIGINAL BUDGET	CHANGE	REVISED BUDGET
REVENUES			
486000 Interfund Revenue Subsidy	<u>\$3,000,000</u>	<u>\$3,890,000</u>	<u>\$6,890,000</u>
	<u>\$3,000,000</u>	<u>\$3,890,000</u>	<u>\$6,890,000</u>
APPROPRIATIONS			
Capital Project Expense	<u>\$3,000,000</u>	<u>\$3,890,000</u>	<u>\$6,890,000</u>
TOTAL	<u>\$3,000,000</u>	<u>\$3,890,000</u>	<u>\$6,890,000</u>

and be it further

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

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

Item 30 – MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MS. ST. JEAN TARD seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Concrete Applied Technologies Corp.
Construction Contract Change Order (ECDPW
Project No. CAP-322-24)
(COMM. 14E-8)

WHEREAS, Construction contract for Rehabilitation of Borden Rd (CR322) – Phase 2 French Rd. (CR321) to Strasmer Rd. (the "Agreement"), was authorized by COMM. 9E-16 on May 09, 2024 with Concrete Applied Technologies Corp. (CATCO); and

WHEREAS, public works is requesting authorization for the County Executive to execute a change order for additional construction activities due to a conflicting sanitary sewer, to said construction contract; and

WHEREAS, the necessary funds for the change order shall not exceed \$703,372.96 and the funds are available in Fund 420, Funds Center 123, through Capital Project - B.23050 - 2023 Capital Overlay.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to execute a change order to the existing Agreement with Concrete Applied Technologies Corp. in an amount not to exceed \$703,372.96; and be it further

RESOLVED, that sufficient funding is available in Fund 420, Funds Center 123, Capital Project B.23050 – 2023 Capital Overlay; 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 the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Division of Highways, and one copy each to the County Executive's Office, Comptroller's Office and Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: SUNY ECC Campus-Wide Mechanical,
Electrical, Plumbing Improvements Term
Agreement

(COMM. 14E-9)

WHEREAS, the Department of Public Works (“DPW”) has identified some Mechanical, Electrical, Plumbing (MEP) Improvement capital improvement projects at North and City campuses requiring professional design services; and

WHEREAS, DPW received A/E professional design qualifications and proposals for the SUNY Erie Community College North and City Campus-wide Mechanical, Electrical, Plumbing (MEP) Improvements Term Agreement on May 14, 2025; and

WHEREAS, a review of qualifications evaluated each firm’s expertise, experience, and manpower to provide the required services; and

WHEREAS, it has been determined via the County’s consultant selection process that IBC Engineering DPC, M/E Engineering PC, and LaBella Associates have the appropriate expertise and resources to provide such services as required; and

WHEREAS, each assignment will be approved on a lump-sum basis negotiated based on the agreed-upon work scope prior to beginning any services, or on an on-call basis based on the hourly rate according to the rate schedule per their proposal; and

WHEREAS, the assignments may be eligible for rebates and incentives from various agencies such as National Grid, NYSERDA and/or utility companies; and

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

WHEREAS, the County Executive is requesting authorization to enter into a three (3)-year Term Agreement with the firms of IBC Engineering DPC, M/E Engineering PC, and LaBella Associates for both a design fee and on-call basis for providing professional architectural and engineering services for the SUNY Erie Community College North and City Campus-wide Mechanical, Electrical, Plumbing (MEP) Improvements Term Agreement, with the possibility of two, one (1)-year extensions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into a three (3)-year term agreement with the firms of IBC Engineering DPC, M/E Engineering PC, and LaBella Associates, with two one-year extensions, for providing professional architectural and engineering services for the SUNY Erie Community College North and City Campus-Wide Mechanical, Electrical, Plumbing (MEP) Improvements Term Agreement for an amount not to exceed \$200,000.00, including a hazardous materials allowance and reimbursables; and be it further

RESOLVED, that sufficient funding is available in Capital Project E.24051 - SUNY Erie Facility Master Plan Phase 3, Fund 480, Funds Center 122 in the amount not to exceed \$200,000 for these services; and be it further

RESOLVED, that authorization is hereby given to include a design contingency in the amount of \$12,525; and be it further

RESOLVED, any unused design contingency will be returned to the Design Contingency Fund; and be it further

RESOLVED, that sufficient funding is available in Fund 410, Funds Center 122, A.25012 – Critical Communications Building Renovation; and be it further

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131 RE: Authorization to Enter into County-Wide
Contract with Healthworks-WNY
(COMM. 14E-11)

WHEREAS, the New York state Department of Labor, Public Employees Safety and Health Division requires employees engaged in certain activities, including but not limited to, confined space, hazardous materials, and firefighting to undergo annual physical examinations; and

WHEREAS, the United States Department of Transportation requires Commercial Drivers License holders to undergo annual physical examinations; and

WHEREAS, Healthworks-WNY is the chosen vendor after a request for public proposals was issued; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into a 3-year contract with the possibility of multiple annual renewals (dependent on performance and funding) with Healthworks-WNY to execute the project; and

WHEREAS, funding is to be allocated on a per-case basis by the originating county department at the time of service from allocated annual funding appropriations; 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 or Deputy County Executive to enter into contract with Healthworks—WNY for a three-year period with the possibility of two one-year extensions for physical examinations and testing within the scope of duties of each required employee; 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, Division of Purchasing, Sheriff's Office, Division of Sewerage Management, Department of Health, Department of Public Works, and Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

RE: Authorization to Enter into Contract with
Motorola Solutions to Facilitate the Transfer of
the Buffalo Fire Department to the Public Safety
Campus
(COMM. 14E-12)

WHEREAS, on the Department of Homeland Security & Emergency Services has met with Central Police Services and the Buffalo Fire Department to discuss efficiencies and interoperability of communication systems; and

WHEREAS, DHSES procured initial funds in budget line 516020 – Professional Services in Fund 110, Cost Center 16700 during the 2024 re-appropriation process for technical assistance; and

WHEREAS, addition funding is necessary to complete the full transition from the physical location from Buffalo Fire Alarm Building 332 Ellicott St, City of Buffalo to EC Public Safety Campus at 45 Elm Street, City of Buffalo; and

WHEREAS, the City of Buffalo upon completion of this transfer will be responsible for any reoccurring costs associated with maintaining Buffalo Fire dispatch.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the increase of \$175,000 in budgeted revenue in the Department of Social Services (Fund 110, Funds Center 1209020) Account 423000 – Refund of Prior Year Expenses and increase appropriations by \$175,000 in the Department of Homeland Security & Emergency Services (Fund 110, Funds Center 16710) as follows:

Department of Social Services
Fund 110, Funds Center 1209020

REVENUES

423000 Refund of Prior Year Expenses
SUBTOTAL

CHANGE

\$175,000
\$175,000

APPROPRIATIONS

CHANGE

\$175,000

WHEREAS, this funding is for year one of a three-year grant award and is for an initial period of June 2, 2025, through March 31, 202; and

WHEREAS, existing appropriations are available in the Department's General Fund Administrative & Support Cost Center (#1631010) and County share Grant account (#559000) to cover the grant's required 30% local match of \$69,643.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to contract with the Corporation for National and Community Service to accept \$162,500 to be made available as a grant within the Department of Senior Services (Fund 281, Funds Center 1632010) for the period June 2, 2025, to March 31, 2026, as follows:

Department of Senior Services
Retired Senior Volunteer Program 2
163RSVP22526
6/2/25 – 3/31/26

REVENUES	BUDGET
414000 Federal Aid	\$162,500
479000 County Share Contribution	<u>69,643</u>
TOTAL	<u>\$232,143</u>

APPROPRIATIONS	BUDGET
505000 Office Supplies	\$ 2,500
505200 Clothing Supplies	5,500
505400 Food & Kitchen Supplies	3,500
510000 Local Mileage Reimbursement	10,064
510100 Out of Area Travel	1,500
510200 Training & education	1,000
516020 Professional Services	56,000
516030 Maintenance Contracts	1,000
530000 Other Expenses	12,943
555050 Insurance Premiums	6,500
561410 Lab & Technical Equipment	5,000
561420 Office Furniture and Fixtures	2,500
916390 ID Senior Services Grants	120,136
980000 ID DISS Services	<u>\$ 4,000</u>
TOTAL	<u>\$232,143</u>

and be it further

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

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

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

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134 RE: Authorization to Enter into Contract with Infinx
Solutions
(COMM. 14E-14)

WHEREAS, the Erie County Department of Health's Public Health Lab (PHL) currently contracts with H-Pac Computer Systems for various software needs; and

WHEREAS, H-Pac Computer Systems is merging with two other companies to form Infinx Solutions; and

WHEREAS, the corporate name change will have no effect on current pricing and deliverables of the current contract; and

WHEREAS, PHL is seeking authorization to contract with Infinx Solutions to avoid any disruption of service or operations issues.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive or Deputy County Executive to enter into contracts with Infinx Solutions; 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, Department of Law, Department of Health and Division of Budget and Management.

Item 37 – MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MS. VINAL seconded.

RESOLUTION NO. 135

RESOLUTION NO. 136

RESOLVED, that the Erie County Legislature does hereby approve COMM. 14E-16 as submitted by the Erie County Executive, with no changes.

Item 39 – MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

RE: Renewal of Alden Central School District SRO
Contract
(COMM. 14E-17)

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

WHEREAS, School Resources Officers are vital to providing a safe and secure environment in which students can learn, serving as first responders on a school's campus, deterring and responding to crime and responding to medical emergencies; and

WHEREAS, the Erie County Sheriff's Office has provided a School Resource Officer for the Alden Central School District since 2014; and

WHEREAS, at the conclusion of the 2024-25 school year, the Erie County Sheriff's Office's contract to provide a School Resource Officer for the Alden Central School District expired; and

WHEREAS, both the Erie County Sheriff's Office and Alden Central School District wish to renew the agreement; and

WHEREAS, the agreement calls for the Alden Central School District to reimburse Erie County for the School Resource Officer's base compensation, overtime, line-up pay, uniform allowance and fringe benefits, totaling an estimated \$122,822.00 during the 2025-26 school year and an estimated \$125,979.00 during the 2026-27 school year.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and Sheriff are authorized to enter into an agreement with the Alden Central School District for one (1) Police Services Division deputy to serve as a full-time School Resource Officer in exchange for reimbursement of that deputy's base compensation, overtime, line-up pay, uniform allowance and fringe benefits; and be it further

RESOLVED, the term of the agreement shall cover the 2025-26 and 2026-27 school years; and be it further

RESOLVED, Certified copies of the approved resolution shall be forwarded to the County Executive, the County Attorney, the Director of Budget and Management, the Comptroller and the Sheriff.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RESOLUTION

of the

Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to continue the imposition of the additional 1% rate of tax and the additional $\frac{3}{4}\%$ rate of tax, pursuant to Article 29 of the New York Tax Law.

Be it enacted by the Legislature of the County of Erie, as follows:

Section 1. The first sentence of section two of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax. On and after March first, nineteen hundred eighty-nine, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March first, nineteen hundred eighty-nine and ending November thirtieth, two thousand [twenty-five,] twenty-seven, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivisions (h) and (i) of section three of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are amended to read as follows:

(h) With respect to the additional tax of 1 percent imposed for the period commencing March 1, 1989, and ending November 30, two thousand [twenty-five] twenty-seven, the provisions of subdivisions (a), (b), (c), (d), (e), (f) and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d) and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the additional tax imposed effective on that date.

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December first, two thousand [twenty-three] twenty-five. With respect to the tax rate of 3 percent effective December first, two thousand [twenty-three] twenty-five, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to December first, two thousand [twenty-three] twenty-five, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November thirtieth, two thousand [twenty-five] twenty-seven. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December first, two thousand [twenty-three] twenty-five, any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 3. Section four of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section 2, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty-three] twenty-five, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty-three] twenty-five, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty-three] twenty-five, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty-three] twenty-five, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [twenty-three] twenty-five, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or creator shall not be deemed a taxable use by such person.

Section 4. Section four-A of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes. In addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2009 and ending November 30, two thousand [twenty-five] twenty-seven. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section; provided that net collections from such additional rate shall be set aside for county purposes as provided in subdivision (f) of section 14 of this resolution.

Section 5. Subdivisions (D) and (E) of clause (1) of section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8

of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are amended to read as follows:

(D) With respect to the additional tax of one percent imposed by section 4 of this resolution for the period beginning March first, nineteen hundred eighty-nine, and ending November thirtieth, two thousand [twenty-five] twenty-seven, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

(E) With respect to the additional tax of three-quarters of one percent imposed by section 4-A of this resolution, for the period beginning December 1, 2009 and ending November 30, two thousand [twenty-five] twenty-seven, in respect to the use of property used by the purchaser in this county prior to January 15, 2006.

Section 6. Subdivision (f) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(f) Net collections from the additional three-quarters of one percent rate of taxes imposed during the period commencing December 1, 2009 and ending November 30, two thousand [twenty-five] twenty-seven, by section 4-A of this resolution received by the county shall be used by the county solely for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law.

Section 7. Subdivision (g) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(g) The County shall allocate each calendar year the first twelve million five hundred thousand dollars (\$12,500,000) of the net collections from the additional one percent rate of sales and compensating use taxes imposed during the period commencing December 1, [2023] 2025, and ending November 30, [2025] 2027, by sections 2 and 4 of this resolution to the cities of the County and the area in the County outside the cities and such net collections shall be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law in effect on January 1, 2006, and shall be subject to all provisions of such agreement governing the net collections for such cities and area, and the County shall retain the remainder of net collections from such additional one percent rate which shall be used by the County for any County purpose and such remainder shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law.

Section 9. This enactment shall take effect December first, two thousand twenty-five.

NOTE: ADDITIONS IN TEXT ARE INDICATED BY UNDERLINE; DELETIONS BY [BRACKETS]

FROM LEGISLATOR ST. JEAN TARD

Item 42 – (COMM. 14E-20) Letter Regarding the One Big Beautiful Bill Act & Committee Discussion Request

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

Item 43 – MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MS. ST. JEAN TARD seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

RE: ECBOE Budget Transfer
(COMM. 14D-1)

WHEREAS, it is the mission of the Erie County Board of Elections to provide quality public service to voters by promoting training and professional development to the bi-partisan staff; and

WHEREAS, professional development of staff allows the Board of Elections to carry out their regular duties and foster a resilient organization capable of adapting to ever-changing technologies, laws, and voter needs; and

WHEREAS, providing training and professional development allows the bi-partisan staff to have a clear understanding of their roles, expectations and work better as a team to manage election procedures accurately and efficiently; and

WHEREAS, the NYSECA Conference will provide staff with the opportunity to grow their skills within the office, adapt to new roles with greater responsibility, and contribute to leadership in the field,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Board of Elections 2025 budget to be amended as follows:

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
510100	Out of Area Travel	\$20,000
516020	Prof Services, Contracts & Fees	(\$20,000)
	TOTAL	<u>\$ 0</u>

; and be it further

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

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

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 44 – (COMM. 14D-2) May 2025 Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ECDSS COMMISSIONER

Item 45 – (COMM. 14D-3) COMM. 12E-34 Compliance Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 46 – (COMM. 14D-4) Opinion as to Form Local Law Intro. No. 2-1 2025

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ASSIGNED COUNSEL PROGRAM

Item 47 – (COMM. 14M-1) Quarterly Report - 2nd Quarter, 2025

Item 48 – (COMM. 14M-2) Semi Annual Report & Meeting Minutes

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

FROM THE TOWN OF ALDEN SUPERVISOR

Item 49 – (COMM. 14M-3) Letter Regarding LL Intro. 5-1 (2025)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECCSAB SECRETARY

Item 50 – (COMM. 14M-4) ECCSAB Meeting Minutes & Meeting Agenda

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 51 –Chair Meyers announced that the next session of the Legislature will be held on Thursday, September 11, 2025 and wished everyone a joyful recess.

MEMORIAL RESOLUTIONS

Item 52 – Legislator Bargnesi requested that when the Legislature adjourns, it do so in memory of John Spears, and Christine Kohler.

Item 53 – Legislator St. Jean Tard requested that when the Legislature adjourns, it do so in memory of Mattie Cobb-Goins.

Item 54 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Mark J. Poydock, and Miles E. Schwarzenholzer.

Item 55 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Mark S. Andol, and John D. Cieszki.

ADJOURNMENT

Item 56 – At this time, there being no further business to transact, CHAIR MEYERS announced that the Chair would entertain a Motion to Adjourn.

MS. ST. JEAN TARD moved that the Legislature adjourn until Thursday, September 11, 2025 at 11:30 AM. MR. DUPRE seconded.

CARRIED UNANIMOUSLY.

CHAIR MEYERS declared the Legislature adjourned until Thursday, September 11, 2025 at 11:30 AM.

OLIVIA M. OWENS
CLERK OF THE LEGISLATURE