

ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 23, 2023

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Malczewski.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 5 from 2023. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

GILMOUR	Congratulating and Recognizing Nick D. Penberthy - NHL's "Most Valuable Teacher" Award
BASKIN	Happy 80th Birthday Eloise Willis
BASKIN	Honoring and Recognizing Lee and Lavenia Thomas - Celebrating the Grand Opening of Radah Baked Goods
VINAL	In Remembrance of Police Chief Bruce A. Mann
JOHNSON	In Remembrance of Lawrence Golden
MILLS	Recognizing CAWTILE for Their Dedication to the Environmental Health of Lake Erie
MILLS	Honoring and Recognizing John Mouw on His Retirement from the State Farm Insurance Agency

- TODARO Celebrating the Grand Opening of Emily’s Closet
- TODARO Recognizing and Honoring the Women of Alden Hook & Ladder Fire Company
- TODARO Recognizing National Agriculture Week in Erie County and Honoring Foss Livestock for Their Contributions to the Local Agricultural Community
- MALCZEWSKI Recognizing Camellia Meats for Ten Years of Carrying on the Malczewski’s Butter Lamb Tradition
- GREENE Honoring and Congratulating Lieutenant Gregory Sauers on His Retirement
- MALCZEWSKI Congratulating Frank Miskey Jr. on Being Named Sportsman of the Year
- BARGNESI, BASKIN,
GILMOUR, JOHNSON,
KOOSHOIAN,
MEYERS
& VINAL Recognizing National Kidney Month
- GILMOUR,
JOHNSON
& VINAL Celebrating and Honoring National Certified Nurses Day
- BARGNESI, BASKIN,
GILMOUR, JOHNSON,
KOOSHOIAN,
MEYERS
& VINAL National Cerebral Palsy Awareness Month
- JOHNSON Congratulating Head Coach Starling Bryant - NYS Basketball Hall of Fame Inductee (2023)
- BASKIN Celebrating the RL Experience, LLC Inaugural Awards
- KOOSHOIAN Recognizing Mikey Doctor - Canisius High School Football
- KOOSHOIAN Recognizing the Kiwanis Club of Ken-Ton: Citizen of the Month – March 2023
- MEYERS Irish-American Heritage Month
- TODARO Recognizing and Honoring Tanya Lords-Quinn from Millgrove Volunteer Fire Department During Women’s History Month

- GREENE, MILLS,
TODARO, MALCZEWSKI,
BASKIN, MEYERS,
JOHNSON, KOOSHOIAN,
BARGNESI, VINAL
& GILMOUR Honoring Howard Simon on His Retirement from WGR Sports Radio
- TODARO Recognizing and Honoring Jodi Hamernik from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Brianna Quinn from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Kat Bazulka from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Jessica Russell from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Corissa Decker from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Jessica White from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Kathleen Kozlowski from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Emily Poeller from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Mikaela Quinn from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Rachel Klier from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing and Honoring Laurel Foss from Millgrove Volunteer Fire Department During Women’s History Month
- TODARO Recognizing Chandelier Bar on National Cocktail Day
- MALCZEWSKI Congratulating the West Seneca East Boys Bowling Team on Winning the New York State Division II Championship
- MILLS Honoring Ellsworth “Elmo” Nolan for His Over Twenty Years of

Tireless Leadership as Fire Chief for the Farnham Volunteer Fire Department

MALCZEWSKI Recognizing the Farms of Erie County for National Agriculture Week

GREENE Honoring Carl Edward Patterson on the Occasion of His Retirement as Mayor of the Village of Akron

GREENE Recognizing Yolo Restaurant and Lounge on National Cocktail Day

GREENE Recognizing Mom-and-Pop Business Owners Day in Erie County and Honoring Miller's Town and Country Gifts

MR. MEYERS moved for consideration of the above forty-one items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to amend the above forty-one items by including Et Al sponsorship. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above forty-one items as amended. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 6 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2022 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 7 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2022 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 8 – CHAIR BASKIN directed that Local Law No. 1 (Print #1) 2023 be received and filed.

GRANTED.

Item 9 – CHAIR BASKIN directed that Local Law No. 2 (Print #1) 2023 be received and filed.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 3 (Print #1) 2023 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 11 – CHAIR BASKIN directed that Local Law No. 1 (Print #2) 2023 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR BASKIN directed that Local Law No. 2 (Print #2) 2023 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

March 16, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 5E-2 (2023)
COUNTY EXECUTIVE: “Appointment to the ErieNET LDC Board of Directors”
(Chair’s Ruling)

February 23, 2023

Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, NY 14202

Re: Appointment to the ErieNET LDC Board of Directors

Dear Honorable Members:

Pursuant to the By-laws of the ErieNet Local Development Corporation, I hereby submit the following individual for appointment to serve on the ErieNET LDC Board of Directors:

Jason Keding
8500 Boston State Road
Boston, NY 14025

Should you have any questions, please do not hesitate to contact my office at (716) 858-8500.

Sincerely,

Mark C. Poloncarz, Esq.
Erie County Executive

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

- a. COMM. 4E-8 (2023)
BASKIN: “Letter to Governor Hochul in Regards to NFTA Board Appointment”
(Chair’s Ruling)
- b. COMM. 4M-4 (2023)
NFTA: “3rd Quarter Capital Expenditure Reports”
(Chair’s Ruling)

3. COMM. 4E-15 (2023)
COUNTY EXECUTIVE

WHEREAS, the Buffalo Convention Center, a 44 year old facility, maintains worn and outdated interior finishes that hinder competitiveness in the industry while also creating a lack of appeal to clients; and

WHEREAS, the Erie County Department of Public Works (DPW) received professional Architectural/Engineering design qualifications and proposals for the Buffalo Convention Center Interior Renovations –Term Agreement project on May 20, 2022; and

WHEREAS, a review of qualifications evaluated each firm, it was deemed, via the County’s consultant selection process, that Architectural Resources PC had the necessary expertise, experience, and manpower to provide the required architectural and engineering services; and

WHEREAS, the qualifications and proposals were solicited by DPW as a term agreement with an initial scope of the breakout rooms, ballroom and corridors as initial lump sum; and

WHEREAS, to address the future projects determined collectively by the Consultant, the Convention Center, and DPW, the fee for design services will be an agreed upon negotiated based on

the scope of services required for future work, it has been determined that it was appropriate to award one term contract; and

WHEREAS, the County Executive is requesting authorization to enter into a three (3) year Term Agreement with Architectural Resources PC for a lump sum basis for providing professional architectural/engineering services for Buffalo Convention Center Interior Renovations –Term Agreement project, with the possibility of two (2) one (1) year extensions at the discretion of DPW; and

WHEREAS, the design fee for the professional services described herein is being requested for the initial scope as well as future scopes of work based on the needs of the facility while considering their event schedule during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into one three (3) year Term Agreement with the firm of Architectural Resources PC, with the possibility of two (2) one (1) year extensions, for providing professional engineering services on a lump sum basis for the Buffalo Convention Center Interior Renovations –Term Agreement project for an amount not to exceed \$550,000, including architectural and design services, hazardous materials allowance, and reimbursables; and be it further

RESOLVED, the initial design services as part of the term agreement includes the breakout rooms, ballroom, and corridors as initial lump sum inclusive of base design fee, and reimbursables, with future work to be determined in coordination with the Consultant, Convention Center, and DPW as a negotiated lump sum fee for the scope of work at hand as agreed upon by all parties; and be it further

RESOLVED, all future work will be drawn off the remaining balance associated with the term agreement and included herein; and be it further

RESOLVED, that such contract extensions are at the discretion of DPW as agreed upon by Architectural Resources PC; and be it further

RESOLVED, that sufficient funding for the project exists in Fund 410, Funds Center 122, Capital Project A.22003 – 2022 DPW Buff Niag Convention; 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, the Division of Budget and Management, and the Comptroller’s Office, and one copy to Buffalo Niagara Convention Center c/o Jeff Calkins.

(5-0)

4. COMM. 5E-12 (2023)
COUNTY EXECUTIVE

WHEREAS, the Times Beach Nature Preserve is widely recognized as a prime Western New York bird watching venue and is strategically located because of its proximity to the City of Buffalo, Lake Erie and the Niagara River; and

WHEREAS, the Times Beach Nature Preserve is a key component in the revitalization of Buffalo and Erie County’s waterfront; and

WHEREAS, Erie County has facilitated the construction of public access amenities at the site that include a trail system, boardwalk, bird watching blinds and interpretative signage, and maintains the site; and

WHEREAS, the public access amenities, and 60% of its tree cover, have sustained extensive damage from several Lake Erie storm events leaving the majority of the trail system and property inaccessible; and

WHEREAS, Erie County received a \$500,000 grant from the Dormitory Authority of the State of New York (DASNY) for a Resiliency Study and additional public use improvements; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry issued an RFP for the Resiliency Study component of the project on December 7, 2022; and

WHEREAS, six engineering firms submitted proposals and WSP USA, Inc. was unanimously selected by the review committee to complete the Resiliency Study.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with DASNY to accept \$500,000 in grant funding within the Department of Parks, Recreation and Forestry in Grant Fund 281, Funds Center 16410 as follows:

Department of Parks, Recreation and Forestry
Times Beach Gateway Enhancement and Facility Improvement Project
164TBDASNY2325
4/1/2023 - 3/31/2025

ACCOUNT	REVENUES	BUDGET
409000	State Aid - Revenue	<u>\$(500,000)</u>
	TOTAL	<u>\$(500,000)</u>
ACCOUNT	APPROPRIATIONS	BUDGET
516020	Professional Services, Contracts & Fees	<u>\$ 500,000</u>
	TOTAL	<u>\$ 500,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with WSP USA, Inc. for a Times Beach Nature Preserve Resiliency Study for an amount not to exceed \$140,000; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to implement budget adjustments based on grantor approved changes; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any technical adjustments necessary; and be it further

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

(5-0)

5. COMM. 5E-13 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has ownership of Tow Path Park in Buffalo, NY; and

WHEREAS, Parks is committed to coordinate, oversee, and support work towards the protection of the County’s natural resources and public spaces; and

WHEREAS, the Dormitory Authority of the State of New York (DASNY) State Municipal Facilities Program provides grant assistance to municipalities to implement projects to make improvements of memorials/monuments of a cultural/educational nature in Park areas; and

WHEREAS, once approved, the Tow Path Fenian Invasion Monument Improvement Project will be completed by Rodriguez Construction Group, currently under contract with Parks in accordance with New York State Municipal Law 103.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with DASNY to accept a grant of \$95,000 for a capital improvement project at the Tow Path Park Fenian Invasion Monument; and be it further

RESOLVED, that authorization is hereby given to create a new capital project in Fund 410, Funds Center 164 for the project as follows:

Project A.23XXX – Tow Path Fenian Invasion Monument Project
Fund 410, Funds Center 164

REVENUES

409000 State Aid - Revenue	<u>\$(95,000)</u>
TOTAL	<u>\$(95,000)</u>

APPROPRIATIONS

Capital Project Expense \$95,000

and be it further

RESOLVED, that authorization is hereby given to the Director of the Division of Budget and Management to adjust the Project budget for any and all additions or reductions in State or local share revenues that are made available for the Project; and be it further

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

6. COMM. 5E-14 (2023)
COUNTY EXECUTIVE

WHEREAS, it is desired to rehabilitate Bullis Road (CR 330) from Two Rod Road to the Little Buffalo Creek bridge, including pavement resurfacing and drainage replacement; and

WHEREAS, CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. (dba CPL) was selected for the Alden-Crittenden Road (CR 1) and Bullis Road (CR 330) from Shearing Drive to Two Rod Road Intersection project in 2019 via the County's RFP process and awarded via Comm 4E-23 on March 5, 2019 to provide engineering services for the design and construction phases of the Project; and

WHEREAS, it is desired to execute a contract amendment with CPL for additional Design Engineering services for an adjacent, Bullis Road section from Two Rod Road to Little Buffalo Creek Bridge, in the amount of \$191,745; and

WHEREAS, it is desired to also establish a project contingency in the amount of \$19,200; and

WHEREAS, the total cost of the Design Engineering phase of this contract amendment and contingency is \$210,945, and is available in Capital Project B.21150-2021 Capital Overlay, Fund 420, Funds Center 123.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the revised limits of the Rehabilitation of Alden-Crittenden Road and Bullis Road, CAP-CR1&CR330-2019 (the "Project"); and be it further

RESOLVED, that the County Executive be authorized to execute a contract amendment between the County of Erie and the selected Project Design Engineers, CPL, for engineering design services in an amount not to exceed \$191,745, and to establish a design contingency in the amount of \$19,200, for a total cost not to exceed \$210,945, and execute any necessary Change Orders; and be it further

RESOLVED, that funding for this Project is hereby appropriated and made available for the project from Fund 420, Fund Center 123, as follows:

B.21150 2021 Capital Overlay Countywide \$210,945

and be it further

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

(5-0)

7. COMM. 5E-16 (2023)
 COUNTY EXECUTIVE

WHEREAS, Tonawanda Towers consists of the improvement and rehabilitation of one hundred (100) low income rental units at 5 Main Street, City of Tonawanda, NY; and

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

WHEREAS, in order to make the Project economically feasible for Orbach Affordable Housing Solutions (OAHS) Tonawanda Housing Development Fund Corporation, OAHS Tonawanda TC LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Tonawanda.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or Deputy County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with OAHS Tonawanda Housing Development Fund Corporation, OAHS Tonawanda TC LLC, and the City of Tonawanda, and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

Schedule A
PILOT Payment Schedule

Year	Total Payments	To City (75%)	To County (25%)
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1	\$76,267	\$57,200	\$19,067
2	\$78,555	\$58,916	\$19,639
3	\$80,912	\$60,684	\$20,228
4	\$83,339	\$62,504	\$20,835
5	\$85,839	\$64,379	\$21,460
6	\$88,414	\$66,311	\$22,103
7	\$91,067	\$68,300	\$22,767
8	\$93,799	\$70,349	\$23,450
9	\$96,613	\$72,460	\$24,153
10	\$99,511	\$74,633	\$24,878
11	\$102,496	\$76,872	\$25,624
12	\$105,571	\$79,178	\$26,393
13	\$108,739	\$81,554	\$27,185
14	\$112,001	\$84,001	\$28,000
15	\$115,361	\$86,521	\$28,840

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

March 16, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER

1. COMM. 5E-18 (2023)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security & Emergency Services, through NYS Department of Homeland Security and Emergency Services, has agreed to provide funding for training in emergency response to elevated structures; and

WHEREAS, Meridian Fire Training Solutions LLC has been identified as an appropriate and competent provider of the requested training; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to hire Meridian Fire Training Solutions LLC to conduct the training for emergency

response and rescue from elevated structures; and

WHEREAS, funding is available in the FY 19 Technical Rescue Grant to cover the costs incurred for this training; and

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

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to enter into contract with Meridian Fire Training Solutions LLC to conduct the Emergency access and rescue from elevated structure training; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract already exist within Emergency Services 2023 Budget in HS167TECHRESCUE1922 Grant, purchase order will not exceed \$1,295; and be it further

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

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

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

Item 15 – MR. MEYERS presented the following report, moved to separate item Number 5, and approve the balance of the report. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

March 16, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-7 (2023)
BASKIN: "Vacancy on Cornell Cooperative Extension Board"
(Chair's Ruling)
 - b. COMM. 4E-10 (2023)

- COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Contract Agreement”
(Chair’s Ruling)
- c. COMM. 4M-2 (2023)
COMMISSIONER OF NYS AGRICULTURE & MARKETS: “Agricultural District Nos. 5, 8 & 15 - Report to Modify Plan”
(Chair’s Ruling)
- d. COMM. 4M-3 (2023)
COMMISSIONER OF NYS AGRICULTURE & MARKETS: “Agricultural District No. 1 - District Renewal Plan”
(Chair’s Ruling)
- e. COMM. 4M-8 (2023)
EC WATER AUTHORITY: “2022 Water Quality Report & Legislative Update”
(Chair’s Ruling)
- f. COMM. 5E-8 (2023)
COUNTY EXECUTIVE: “ECSD Nos. 2, 3, 6 & 8 – Construction Inspection Term Contract Agreement”
(Chair’s Ruling)
- g. COMM. 5E-9 (2023)
COUNTY EXECUTIVE: “ECSD Nos. 1, 4 & 5 – Construction Inspection Term Agreement”
(Chair’s Ruling)
- h. COMM. 5E-10 (2023)
COUNTY EXECUTIVE: “ECSD Nos. 1, 4 & 5 – Construction Inspection Term Contract Agreement”
(Chair’s Ruling)
- i. COMM. 5E-11 (2023)
COUNTY EXECUTIVE: “ECSD Nos. 1, 4 & 5 – Construction Inspection Term Contract Agreement”
(Chair’s Ruling)
- j. COMM. 5D-2 (2023)
DEPUTY COMMISSIONER OF ENVIRONMENT & PLANNING: “2022 Climate Action Update”
(Chair’s Ruling)
- k. COMM. 5M-4 (2023)
NYS DEC: “DEC Public Comment on Brownfield Application for Site on East Ferry St., Buffalo”
(Chair’s Ruling)
- l. COMM. 5M-5 (2023)

NYS DEC: “DEC Public Comment on Brownfield Application for Site on Laborers Wy., Buffalo”
(Chair’s Ruling)

m. COMM. 5M-6 (2023)
ASSOCIATION OF ERIE COUNTY GOVERNMENTS: “Opposition to Natural Gas Ban”
(Chair’s Ruling)

2. COMM. 4E-4 (2023)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the following individual for re-appointment to the Erie County Fisheries Advisory Board, term expiration of December 31, 2025.

Larry Jones
268 Harrison Ave
Buffalo, NY 14223

(6-0)

3. COMM. 4E-11 (2023)
COUNTY EXECUTIVE

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

WHEREAS, every year, Erie County hosts periodic household hazardous waste events, servicing approximately 2,000 households per year to properly dispose of chemicals that pose a health and safety hazard and might otherwise contaminate our water, land, or air; and

WHEREAS, Erie County introduced an HHW drop-off voucher service in 2020 that now has more than 1000 residents participating annually, that enables residents who could not attend a scheduled HHW collection event to make an appointment with a licensed HHW facility to drop off up to 50 pounds of acceptable HHW at no charge; and

WHEREAS, \$135,000 has been budgeted in SAP account 517629 of the County operating fund for HHW services for 2023 and \$60,00 for CESQG services in SAP account 517577; and

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

WHEREAS, the Department of Environment and Planning (DEP) issued a Request for Proposals (RFP) on October 27, 2022 seeking proposals from qualified firms interested in providing Erie County with HHW and CESQG Collection and Management Services; and

WHEREAS, the following two (2) firms submitted proposals by the RFP deadline: MXI Environmental Services, LLC (MXI); and The Environmental Service Group (ESG); and

WHEREAS, Erie County assembled a Proposal Selection Committee, which conducted a review and selection process of the proposals; and

WHEREAS, considering the scope of specified services, and the results from the tallied matrices, it was the unanimous recommendation of the Committee members to award the HHW Collection Event contract to MXI, and the HHW drop-off voucher and CESQG services to ESG.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given for the County Executive to enter into contract with Environmental Services Group for HHW voucher drop-off services and CESQG services; and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into contract with MXI Environmental Services, LLC for HHW collection event services; and be it further

RESOLVED, a budget of \$135,000 is in Fund 110, Funds Center 16200, Account 517629 for the cost of the HHW program; and be it further

RESOLVED, a budget of \$60,000 is in Fund 110, Funds Center 16200, Account 517577 for the CESQG program; and be it further

RESOLVED, that any approved costs for these services that exceed the County operating fund budget will be paid for through the existing NYS Department of State HHW Implementation Grant 162HHWIP1823 Fund 281, Cost Center 1620040, Account 516020; 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 shall be forwarded to the Erie County Executive's Office, Division of Budget and Management, Department of Law, Comptroller's Office and the Department of Environment and Planning.

(6-0)

4. COMM. 4E-12 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) is committed to coordinate, oversee, and conduct work to create a Nine-Element Watershed Management Plan as part of 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) contracted with Erie County for a \$501,000.00 grant to complete the "Regional Niagara River/Lake Erie Watershed Management Plan Phase 3" project (grant #162RNRLEWMP2025) as authorized by COMM. 19E-13 (2020); and

WHEREAS, the Erie County Soil & Water Conservation District on behalf of LEWPA contracted with Erie County for \$161,000.00 to coordinate LEWPA projects as authorized by COMM 9E-13 (2022); and

WHEREAS, NYSDOS requires a contract amendment to make changes to the contract scope and budget; and

WHEREAS, this necessitates the execution of a contract amendment with the NYSDOS and the revision of the grant budget.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive or Deputy County Executive is authorized to execute the necessary agreements with NYSDOS to revise the budget and scope of the Regional Niagara River/Lake Erie Watershed Management Plan Phase 3; and be it further

RESOLVED, that authorization is hereby given to amend the budget for DEP grant 162RNRLEWMP2025 as follows:

Department of Environment and Planning
NYSDOS: Regional Niagara River Lake Erie Watershed Management Phase 3
162RNRLEWMP2025
October 1, 2020 – September 31, 2025

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue	\$501,000
409010	State Aid – Other	\$161,000

TOTAL REVENUE: \$662,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Full Time – Salaries	\$275,000	\$500	\$275,500
500030	Seasonal - Wages	\$64,500		\$64,500
502000	Fringe Benefits	\$177,500		\$177,500
505000	Office Supplies	\$6,500		\$6,500
510000	Local Mileage Reimbursement	\$1,500		\$1,500
516020	Professional Services Contracts & Fees	\$137,000	(\$500)	\$136,500

TOTAL APPROPRIATIONS: \$662,000

and be it further

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

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

(6-0)

5. COMM. 4E-13 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County has identified events resulting from climate change, including the increasing risk of extreme heat, as posing an increasing risk to life and property within the County; and

WHEREAS, the Erie County Legislature resolved to become a Climate Smart Community and plan for adaption to unavoidable climate change (Comm. 12E-5 (2014)); and

WHEREAS, Erie County has individual projects and initiatives to address severe weather events, but has not conducted a comprehensive heat emergency plan; and

WHEREAS, the Erie County Legislature authorized the Department of Environment and Planning (DEP) to apply for New York State Department of Environmental Conservation (NYSDEC) grant funding to conduct a climate change adaptation planning project (COMM. 14E-25 (2021)); and

WHEREAS, NYSDEC has awarded DEP a \$100,000 grant to conduct the heat emergency planning project; and

WHEREAS, NYSDEC has designated State University of New York at Buffalo (SUNY Buffalo) as the project sub-awardee; and

WHEREAS, to proceed with the project it is necessary for Erie County to execute an agreement with the NYSDEC, adopt a project budget; and execute an agreement with SUNY Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept \$100,000 from NYSDEC and be made available as a multi-year grant to the Department of Environment & Planning in Fund 281, Cost Center 1620020 as follows:

Department of Environment & Planning
Erie County Heat Emergency Planning Project
162HEPP2327
April 1, 2023 to March 14, 2027

<u>ACCOUNT</u>	<u>REVENUES</u>	<u>BUDGET</u>
409000	State Aid Revenue	<u>\$100,000</u>
	TOTAL	<u>\$100,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>BUDGET</u>
516020	Professional Contract Services	<u>\$100,000</u>
	TOTAL	<u>\$100,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to contract with SUNY Buffalo in an amount not to exceed \$100,000, 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 make any technical adjustments necessary to effectuate this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Commissioner of Environment and Planning; and Deputy Commissioner of Environment and Planning.

(6-0)

6. COMM. 4E-14 (2023)
COUNTY EXECUTIVE

WHEREAS, community solar providers generate profits through the distribution of billing credits to commercial and residential electric customers; and

WHEREAS, from time to time providers generate surplus credits that can't be absorbed by the existing customer base; and

WHEREAS, Project Economics, d/b/a PowerMarket, a New York company that provides services to the community solar industry, has generously offered to apply surplus credits from community distributed generation (CDG) projects it manages to the National Grid accounts of the Erie County Department of Public Works, Division of Buildings and Grounds ("the Department"), in order to reduce the Department's utility expenses by approximately \$15,000 over the next approximately five months; and

WHEREAS, these credits are being offered at no cost or obligation to Erie County and will provide savings to the County's budget line for utilities; and

WHEREAS, this is a one-time transfer of credits based on a surplus generated by the vendor.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Department of Public Works to accept the credits for the purpose of reducing its utility expenses; and be it further

RESOLVED, that the Clerk of the Legislature forward two (2) certified copies of this Resolution to the Department of Public Works, and one (1) copy to each of the County Executive's Office and the Division of Budget and Management.

(6-0)

TIMOTHY J. MEYERS
CHAIR

MR. MEYERS moved to approve item Number 5. MR. GILMOUR seconded. MR. GREENE voted in the negative.

CARRIED. (10-1)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

March 16, 2023	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 5E-1 (2023)
COMPTROLLER

HOME RULE REQUEST – ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2023; and

WHEREAS, Assembly Bill A.1250 and Senate Bill S.4596, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2024;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.1250, entitled “AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie”.

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

HOME RULE REQUEST – SENATE

WHEREAS, the County’s authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2023; and

WHEREAS, Senate Bill S.4596 and Assembly Bill A.1250, now pending before the New York State Legislature, would authorize extension of the County’s authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2024;

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.4596, entitled “AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie”.

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County

Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

(6-0)

2. COMM. 5E-15 (2023)
 COUNTY EXECUTIVE

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d; and

WHEREAS, the 2023 Adopted County Budget contains available funds from the collection of Real Estate Transfer Tax for repair of roads, bridges, and equipment; and

WHEREAS, use of Road Repair Reserve funds is restricted to repair of roads and bridges in the County; and

WHEREAS, the Division of Budget and Management recommends the utilization of \$7,485,000 from the available balance in the Road Repair Reserve Fund to conduct important road work in 2023; and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing; and

WHEREAS, a public hearing was held on February 16, 2023.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the carrying-forward of \$7,485,000 in excess Transfer Tax into 2023 for the purposes of supplementing the 2023 Capital Overlay Program through the following budget modifications:

Road Repair Reserve Fund 210, Funds Center 12330			
Revenue	Current Budget	Adjustment	Adjusted Budget
402190 Appropriated Fund Balance	\$ 0	\$7,485,000	\$ 7,485,000
402600 Transfer Tax	<u>\$12,500,000</u>	<u>\$ 0</u>	<u>\$12,500,000</u>
Total Revenue	<u>\$12,500,000</u>	<u>\$7,485,000</u>	<u>\$19,985,000</u>
Appropriation	Current Budget	Adjustment	Adjusted Budget
912300 ID Highway Services	<u>\$12,500,000</u>	<u>\$7,485,000</u>	<u>\$19,985,000</u>
Total Appropriation	<u>\$12,500,000</u>	<u>\$7,485,000</u>	<u>\$19,985,000</u>
Net Change Road Repair Reserve		\$ 0	

Division of Highways Fund, 210, Funds Center 1231010			
Appropriation	Current Budget	Adjustment	Adjusted

			Budget
570000 Interfund Transfer Subsidy	\$ 10,415,000	\$ 7,485,000	\$ 17,900,000
912300 ID Highway Services	<u>\$(12,533,100)</u>	<u>\$(7,485,000)</u>	<u>\$(20,018,100)</u>
Total Appropriation	\$ (2,118,100)	\$ 0	\$ (2,118,100)
Net Change Fund 210		\$ 0	

Project B.23050 – Capital Overlay Program Countywide
Fund 420, Funds Center 123

	Current Budget	Adjustment	Adjusted Budget
Revenue			
486000 Interfund Revenue	<u>\$9,000,000</u>	<u>\$7,485,000</u>	<u>\$16,485,000</u>
Total Revenue	<u>\$9,000,000</u>	<u>\$7,485,000</u>	<u>\$16,485,000</u>
Appropriation			
Capital Projects	<u>\$9,000,000</u>	<u>\$7,485,000</u>	<u>\$16,485,000</u>
Total Appropriation	<u>\$9,000,000</u>	<u>\$7,485,000</u>	<u>\$16,485,000</u>
Net Change Fund 420		\$ 0	

and be it further

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

RESOLVED, that the Clerk of the Legislature did publish a Notice of Public Hearing once in each of the official newspapers of the County, at least five days prior to the date of the Public Hearing and said hearing took place on February 16, 2023; and be it further

RESOLVED, that authorization is hereby given to appropriate \$7,485,000 of available prior-year Transfer Tax and Road Repair Reserve to conduct 2023 road projects; 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, Office of the Commissioner, and one copy each to the County Executive’s Office, the Comptroller’s Office, the Division of Budget and Management, the Department of Law.

(6-0)

3. COMM. 5E-21 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has declared opioid addiction a public health crisis; and

WHEREAS, for every fatal opioid overdose there are dozens of overdoses where the victim is revived with naloxone; and

WHEREAS, engagement in care during normal primary care and OB/GYN visits is one beginning a path to recovery; and

WHEREAS, Erie County has begun a pilot program to embed persons with lived recovery knowledge and skills (Peer Navigators) into primary care, OB/GYN, and other medical facilities to assist those diagnosed with Substance Use Disorder (SUD); and

WHEREAS, this program will allow the Erie County Department of Health and the State University at Buffalo Primary Care Research Institute to develop the evidence needed through practice documentation for a billing structure for Peer services in the private insurance and non – OASAS Medicaid billing setting; and

WHEREAS, the University of Buffalo Primary Care Research Institute (PCRI) has agreed to provide coordination staffing and continue evaluation efforts on the project; and

WHEREAS, this grant in the amount of \$1,000,000 and requires no local funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Department of Health to enter into contract with the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) to accept a grant in the amount of \$1,000,000 to be budgeted as follows:

Department of Health
Congressional Directive Spending Project
127CDSP2223
9/30/2022 – 9/29/23

SAP	REVENUE	BUDGET
414000	Federal Aid	<u>\$1,000,000</u>
	TOTAL	<u>\$1,000,000</u>
SAP	EXPENSES	
516020	Pro Services, Contracts and Fees	<u>\$1,000,000</u>
	TOTAL	<u>\$1,000,000</u>

and be it further

RESOLVED, that authorization is hereby given for the Erie County Executive to enter into contract with State University at Buffalo, Primary Care Research Institute for project coordination evaluation, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

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

(6-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40

March 16, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO. 3-5 (2022)
GREENE, LORIGO, TODARO & MILLS: “Authorization for the Purchase of 1 Million COVID-19 Rapid Tests”
(Chair’s Ruling)
 - b. INTRO. 10-1 (2022)
LORIGO & GREENE: “Erie County Action Plan to Combat Baby Formula Shortage”
(Chair’s Ruling)
 - c. COMM. 12E-5 (2022)
GREENE: “Letter to Commissioner of Social Services Regarding Protocol for Burial of Unclaimed Persons”
(Chair’s Ruling)
 - d. COMM. 12E-7 (2022)
LORIGO, GREENE, TODARO & MILLS: “Letter to ECMC President Regarding a Constituent Concern”
(Chair’s Ruling)
 - e. COMM. 14E-21 (2022)
LORIGO, GREENE, TODARO & MILLS: “Letter Requesting Additional Discussions on Proposed Opioid Settlement Plan”
(Chair’s Ruling)
 - f. COMM. 14D-6 (2022)
COMMISSIONER OF SOCIAL SERVICES: “Process for the Burial of Unclaimed Persons”
(Chair’s Ruling)

- g. COMM. 15M-1 (2022)
COMMUNITY STAKEHOLDERS: “Letter Establishing a Community Responder Pilot for Behavioral Health and Basic Needs”
(Chair’s Ruling)
- h. COMM. 5D-1 (2023)
COMMISSIONER OF HEALTH: “Office of Health Equity's "Health Equity in Erie County: An Initial Health Disparities Assessment" Report”
(Chair’s Ruling)
- i. COMM. 5D-3 (2023)
DIVISION OF AUDIT & CONTROL: “Audit of Erie County Department of Senior Services - Congregate Dining Nutrition”
(Chair’s Ruling)
2. COMM. 5E-5 (2023)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby confirm the appointment of the following named individual to the Erie County Medical Center Corporation Board of Directors, for a term ending December 31, 2028.

Dr. Philip M. Stegemann, M.D.
7885 East Quaker Road
Orchard Park, NY 14127
New Appointment

(6-0)

3. COMM. 5E-17 (2023)
COUNTY EXECUTIVE
WHEREAS, the New York State Office for the Aging (NYSOFA) has awarded the Department of Senior Services a new 100% federally funded grant to help address the nutrition needs for our low-income older adults; and

WHEREAS, the Seniors’ Health Improvement and Education (SHINE) grant for \$108,184 is to improve nutrition education and healthy behaviors for our low-income older population; and

WHEREAS, the grant period will run from October 1, 2022 through September 30, 2023;
and

WHEREAS, no additional County funds are required as the grant is 100% funded by the grantor.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to contract with the NYSOFA to accept \$108,184 to be made available as a grant to the Department of Senior Services in Fund 281, Funds Center 163 and to be budgeted as follows:

Department of Senior Services
Seniors' Health Improvement and Education Grant
163SHINE2223
10/1/2022 – 9/30/2023

ACCOUNT	REVENUES	BUDGET
414000	Federal Aid	<u>\$108,184</u>
	TOTAL	<u>\$108,184</u>

ACCOUNT	APPROPRIATIONS	BUDGET
505000	Office Supplies	\$ 483
505400	Food & Kitchen Supplies	6,250
516020	Professional Services, Contracts & Fees	1,250
916390	ID Senior Srvs Grant	96,201
980000	ID DISS Services	<u>\$ 4,000</u>
	TOTAL	<u>\$108,184</u>

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust items of appropriations and revenue which may be impacted by changes to grantor awards; and be it further

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

(6-0)

4. COMM. 5E-22 (2023)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health AIDS Institute/Health Research, Inc. (NYSDOH AI/HRI) has increased funding for the Expanded Partner Services Program; and

WHEREAS, the money from this grant will enable the disease intervention expanded partner services program to establish proper outreach and to identify unmet needs within our community; and

WHEREAS, Erie County in providing the above-mentioned services will be able to identify gaps in services and unmet needs that exist for STI/HIV patients and partner's health care needs; and

WHEREAS, increased funding for this grant was awarded by NYSDOH AI/HRI to include the costs for the additional position; and

WHEREAS, the 2023 Erie County Adopted Budget includes an approved budget the Expanded Partner Services Grant for the period of April 1, 2023 - March 31, 2024 that did not include the increase to the award or the additional position of Secretarial Typist.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract to accept an additional \$316,449 award from NYSDOH for the current 2023-24 Expanded Partner Services Grant, Fund 281, Funds Center 12700 as follows:

Department of Health
Expanded Partner Services
127EXPS2324
4/1/23 – 3/31/24

ACCOUNT	REVENUES	CURRENT	CHANGE	AMENDED
409000	State Aid Revenues	<u>\$105,000</u>	<u>\$316,449</u>	<u>\$421,449</u>
	TOTAL	<u>\$105,000</u>	<u>\$316,449</u>	<u>\$421,449</u>

ACCOUNT	APPROPRIATIONS	CURRENT	CHANGE	AMENDED
500000	Full Time - Salaries	\$ 66,714	\$133,297	\$200,011
500300	Shift Differential	0	50	50
501000	Overtime	500	3,500	4,000
502000	Fringe Benefits	30,247	81,759	112,006
505000	Office Supplies	539	6,461	7,000
505200	Clothing Supplies	500	1,500	2,000
505800	Medical & Health Supplies	500	9,500	10,000
510000	Local Mileage Reimbursement	1,500	1,850	3,350
510100	Out of Area Travel	1,500	1,500	3,000
510200	Training & Education	0	5,000	5,000
516020	Professional Svcs Contracts & Fees	0	2,000	2,000
530000	Other Expenses	1,000	28,000	29,000
561420	Office Eqmt, Furniture & Fixtures	1,000	9,000	10,000
912700	ID Health Services	0	(33,140)	(33,140)
912790	ID Health Grant Services	0	64,172	64,172
980000	ID DISS Services	<u>\$ 1,000</u>	<u>\$ 2,000</u>	<u>\$ 3,000</u>
	TOTAL	<u>\$105,000</u>	<u>\$316,449</u>	<u>\$421,449</u>

and be it further

RESOLVED, authorization is hereby given to create one (1) full-time Secretarial Typist position, Job Group 6, CSEA (B-100# 13381) effective April 1, 2023; and be it further

RESOLVED, authorization is hereby given to transfer the PH Nurse position (B-100 #13633) from the expiring Public Health Campaign STD Grant (127PHCSTD2122) into the Expanded Partners Services Grant (127EXPS2223), retroactive to January 1, 2023; 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 granted 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 shall forward certified copies of this Resolution to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, the County Attorney's Office, and the Department of Health.
(6-0)

5. COMM. 5E-23 (2023)
COUNTY EXECUTIVE

WHEREAS, it has been determined that it is in the best interest of both the Erie County Medical Center Corporation (ECMCC) and Erie County that Erie County take over all maintenance operations for Erie County Department of Health (ECDOH) properties located at 501 and 503 Kensington; and

WHEREAS, it is necessary to add County personnel within the Division of Buildings & Grounds to oversee and implement these operations on site and will include an Assistant Supervising Maintenance Mechanic – HVAC, a Building Maintenance Mechanic and a Building Maintenance Worker; and

WHEREAS, the addition of these positions will ensure that the County is able to provide the routine and preventative maintenance tasks including but not limited operations and maintenance of HVAC equipment, plumbing and electrical systems, snow removal, landscaping and the completion of building occupant service requests; and

WHEREAS, the costs associated with this new ECMC campus maintenance unit will be covered by savings realized by ECDOH thru the suspension of maintenance payments to ECMCC as well as anticipated positive variance in the Division of Buildings & Grounds fringe benefits account due to vacancy savings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of the following positions effective April 1, 2023 within the Division of Buildings & Grounds Operating Budget:

One full-time Assistant Supervising Maintenance Mechanic – HVAC position, Job Group 10, AFSCME, (B100 # 13641)

One full-time Building Maintenance Mechanic position, Job Group 9, AFSCME, (B100 # 13642)

One full-time Building Maintenance Worker position, Job Group 5, AFSCME, (B100 # 13643)

and be it further

RESOLVED, that authorization is hereby given to amend the ECDOH Public Health Laboratory Division’s 2023 General Fund Budget (Fund 110, Fund Center 12730) as follows:

APPROPRIATION	CHANGE
516050 Dept Payments to ECMCC	\$ (69,671)
912220 ID Buildings and Grounds Services	<u>\$ 69,671</u>
	<u>\$ 0</u>

and be it further

RESOLVED, that authorization is hereby given to amend the ECDOH Public Medical Examiner’s Division’s 2023 General Fund Budget (Fund 110, Fund Center 12740) as follows:

APPROPRIATION	CHANGE
516050 Dept Payments to ECMCC	\$ (30,000)
912220 ID Buildings and Grounds Services	<u>\$ 30,000</u>
	<u>\$ 0</u>

and be it further

RESOLVED, that authorization is hereby given to amend the Division of Building & Grounds 2023 General Fund Budget (Fund 110, Fund Center 12220) as follows:

APPROPRIATION	CHANGE
500000 Full Time - Salaries	\$ 84,671
506200 Maintenance & Repair	15,000
912220 ID Buildings and Grounds Services	<u>\$ (99,671)</u>
	<u>\$ 0</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive to amend any existing agreements with ECMCC related to the maintenance and operation of buildings occupied by the ECDOH; and be it further

RESOLVED, that authorization is hereby given to the Director 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, the Comptroller's Office, the Department of Law, the Department of Personnel, the Department of Health, the Division of Budget and Management, and the Division of Buildings & Grounds.
(6-0)

JOHN J. GILMOUR
CHAIR

Item 18 – MR. GILMOUR presented the following report and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

March 16, 2023	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 5E-20 (2023)
COUNTY EXECUTIVE

WHEREAS, SUNY Erie needs to extend its marketing communications capabilities substantially into the digital advertising arena; and

WHEREAS, SUNY Erie seeks to increase its communications reach and frequency, especially to high school and traditional college-aged students, and all learners under age 35; and

WHEREAS, SUNY Erie wishes to extend its marketing messaging, especially for select online courses – some of which are the only ones of their kind in the state – that can be made available to students well beyond Erie County's physical borders; and

WHEREAS, SUNY Erie would benefit substantially from engaging with a media partner to assist in the buying, management, scheduling, tracking and reporting of all advertising to increase its buying power and breadth of advertising channels; and

WHEREAS, SUNY Erie seeks to develop a true advertising plan to guide its decision making and result in better planning, budgeting, tracking and cost management of those ads, in addition to increased effectiveness; and

WHEREAS, SUNY Erie has completed a thorough and objective RFP process which produced eight submissions that were objectively reviewed by an independent committee, resulting in the recommendation to engage with The Martin Group; and

WHEREAS, SUNY Erie's Board of Trustees approved this request at its recent January 26 meeting; and

WHEREAS, the Erie County Legislature must approve college contracts in excess of \$50,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie hereby authorizes SUNY Erie to enter into a three-year contract with The Martin Group for an amount not to exceed \$300,000 in year one (ending 8/31/23) and \$500,000 annually in years two and three; and be it further

RESOLVED, that the source of funds to pay for this expense in year one is available and allocated in SUNY Erie's Department of Marketing and Communications current budget, and the department is hereby authorized for expenditures in years two and three by SUNY Erie's Board of Trustees, if County and or State funding is not secured in those subsequent budgets; and be it further

RESOLVED, the Officer-in-Charge of SUNY Erie or her designee is authorized to enter a contract with The Martin Group; and be it further

RESOLVED, that the County Executive is hereby authorized to execute any and all appropriate documents as may be necessary for the provision of this agreement; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; and SUNY Erie's Officer-in-Charge and Interim Director of Marketing and Communications.
(6-0)

**JOHN J. GILMOUR
CHAIR**

LEGISLATOR RESOLUTIONS

Item 19 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

RE: Calling on New York State to
Not Impose a Tax on Streaming
Services
(INTRO. 6-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR TODARO, GREENE, MILLS & MALCZEWSKI**

WHEREAS, the New York State Assembly Bill A3009B, which is a budget proposal before that body, adds streaming services, such as Netflix, Hulu, Spotify and Audible, to items subject to sales and compensating use tax; and

WHEREAS, millions of New Yorkers enjoy watching quality programming, relaxing to music, or picturing the stories told while listening to narrated classic literature; and

WHEREAS, although services purporting to offer news in the form of digital newspapers or periodicals are exempt from the tax, individuals who use streaming services for otherwise educational, informational and self-improvement purposes will be subject to the additional tax; and

WHEREAS, the bulk of this tax will be allocated to New York City's Metropolitan Transportation Authority corporate transportation account special assistance fund in the amount of \$29 million on 2023-2024, \$48 million on 2024-2025, \$55 million on 2025-2026, and \$63 million per year thereafter; and

WHEREAS, this tax will also be allocated to New York City's Metropolitan Transportation Authority's metropolitan mass transportation operating assistance account in the amount of \$16 million on 2023-2024, \$27 million on 2024-2025, \$31 million on 2025-2026, and \$36 million per year thereafter; and

WHEREAS, the additional tax will also be allocated to New York State's public transportation systems operating assistance account in the amount of \$21 million on 2023-2024, \$35 million on 2024-2025, \$40 million on 2025-2026, and \$46 million per year thereafter; and

WHEREAS, streaming services such as those now proposed to be taxed were comforting and important to many during times of social distancing during COVID, and remain important to those facing isolation on a daily basis; and

WHEREAS, further, these streaming services allow groups to gather virtually and socialize while enjoying a shared viewing experience, without the financial, infrastructure and other costs associated with venturing away from home to gather in person; and

WHEREAS, while improving New York State's transportation infrastructure is important, it should not be accomplished by imposing additional taxes on services important to, and paid for by, New York State's residents; and

WHEREAS, rather driving New York residents to flee to other states with less burdensome tax structures, New York State should allow New York residents the opportunity to learn, connect, explore and relax in their own homes without an additional imposition of tax.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on the New York State Governor, Senate and Assembly to eliminate taxing streaming services from consideration as part of New York State's budget; and be it further

RESOLVED, that copies of this resolution be forwarded to the Governor of the State of New York and the local Senate and Assembly delegations.

MR. MEYERS moved to amend the resolution by adding Legislators Bargnesi, Meyers and Gilmour as co-sponsors. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

MR. MEYERS moved to approve the resolution as amended. MR. GILMOUR seconded.

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, MR. GILMOUR, MR. KOOSHOIAN and MR. MEYERS. NOES: CHAIR BASKIN, MR. JOHNSON and MS. VINAL. (AYES: 8; NOES: 3)

CARRIED.

Item 20 – CHAIR BASKIN directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 6-2 from MALCZEWSKI, TODARO, GREENE & MILLS. Calling on New York State to Not Impose a Good Cause Eviction Mandate.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 21 – MR. MEYERS moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 4E-21 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

RE: Authorization to Enter Into an
Intergovernmental Agreement
for Software License & Service
(COMM. 4E-21, 2023)

WHEREAS, the Department of Public Works, Division of Highways has a permitting process for various types of work within the County highway right of way such as, residential, and commercial improvements, driveway/street access, etc.; and

WHEREAS, the Division of Highways wants to modernize and streamline the current permit process that is in place for accepting and reviewing applications and collecting permit fees; and

WHEREAS, the Division of Highways would like to enter into an Intergovernmental Agreement with South Central Planning and Development Commission, a political subdivision of the State of Louisiana, to purchase the software licensing and service agreement for a suite of government management modules called MYGOVERNMENTONLINE for this modernization process.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Intergovernmental Agreement with South Central Planning and Development Commission for the purchase of the software licensing agreement for a suite of government management modules called MYGOVERNMENTONLINE in the amount of \$18,000 for the first year; and be it further

RESOLVED, that sufficient funding is available in the Division of Highway's 2023 Operating Budget, Fund 210, Funds Center 1231010, Account 516020 – Professional Services, Contracts & Fees; and be it further

RESOLVED, that the Division of Information and Support Services will aid and provide support in the implementation this software; 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, Office of the Commissioner, and one copy each to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Division of Information and Support Services.

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

CARRIED UNANIMOUSLY.

Amend the First Resolve Clause as Follows:

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Intergovernmental Agreement with South Central Planning and Development Commission for the purchase of the software licensing agreement for a suite of government management modules called MYGOVERNMENTONLINE in the amount of \$18,000 for one year; and be it further

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

CARRIED UNANIMOUSLY.

Item 22 – MR. MEYERS moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 5E-6 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

RE: Incarcerated Individual Eye Care
(COMM. 5E-6, 2023)

WHEREAS, the Erie County Sheriff's Office is committed to providing access to medical treatment for the incarcerated population, and

WHEREAS, Atwal Eye Care will provide in-patient care for vision services; and

WHEREAS, the Sheriff's Office and Atwal have agreed to terms for each visit; and

WHEREAS, the county will pay Atwal Eye Care up to \$75.00 per patient per visit; and

WHEREAS, the county is authorized to pay Atwal for additional eye care procedures such as, but not limited to, cataract, cornea, and retina care treatment; and

WHEREAS, Atwal was the only eye care provider willing to treat incarcerated individuals and has a secure ingress and egress for visits; and

WHEREAS, the payments will come from the 2023 Budget and will not have any impact on the 2023 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the county to pay Atwal Eye Care, 3095 Harlem Road Cheektowaga, New York 14225, up to \$75.00 per patient per visit for eye care services for the county's incarcerated population; and be it further

RESOLVED, the legislature authorizes the county to pay Atwal for additional eye care procedures such as, but not limited to, cataract, cornea, and retina care treatment; and

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments for the approved agreements; and be it further

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

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

CARRIED UNANIMOUSLY.

Add a Second Resolve Clause as Follows:

RESOLVED, the payments to Atwal Eye Care will be paid from Fund 110, Fund Center 11650, G/L Account #516020 – Professional Services Contracts & Fees, and payments shall not exceed \$5,000.00; and be it further

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

CARRIED UNANIMOUSLY.

Item 23 – MR. MEYERS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 4E-23 (2023). MR. JOHNSON seconded.

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

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS and MR. TODARO. (AYES: 7; NOES: 4)

CARRIED.

RE: 2023 Consolidated Bond Resolution
(COMM. 4E-23, 2023)

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

CARRIED UNANIMOUSLY.

Insert the Following:

RESOLUTION NO. _____, 2023
BOND RESOLUTION DATED _____, 2023

BOND RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (THE “COUNTY”), AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS PROJECTS THAT WERE INCLUDED IN THE COUNTY’S 2023 CAPITAL BUDGET (COLLECTIVELY, THE “PROJECTS”), STATING THE TOTAL ESTIMATED MAXIMUM COST OF THE PROJECTS TO BE \$55,626,800, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF \$11,147,330 OF STATE AND FEDERAL AID) AND AUTHORIZING THE ISSUANCE OF UP TO \$44,479,470 OF BONDS OR OTHER OBLIGATIONS OF THE COUNTY (COLLECTIVELY, THE “OBLIGATIONS”) TO FINANCE THE BALANCE OF 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 PROJECTS TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF THE PROJECTS 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.

(Introduced) _____, 2023

(Adopted) _____, 2023

WHEREAS, the County Legislature (the “Legislature”) of the County of Erie (the “County”), a municipal corporation of the State of New York (the “State”) has been in the process of planning various capital improvements projects (collectively, the “Projects”) that are listed on the schedule/listing of such Projects that is attached hereto and by this reference made a part hereof (the “Schedule”); and

WHEREAS, such planning has been undertaken, together with appropriate environmental compliance determination proceedings under the State Environmental Quality Review Act, by the County’s Energy and Environment Committee (the “Committee”) and/or the County’s Department of Environment & Planning (the “Department”), and has included such administrative actions as are necessary or required by the State or any federal agency with respect to assessing the potential environmental impacts of the Projects and ensuring the safety and security of persons and property in the County with respect to the Projects; and

WHEREAS, the Legislature, in accordance with the recommendations of the Committee and the Department, has determined: (A) that the Projects are in the public interest of the County and should be undertaken, (B) that there should be expended toward certain of the Projects \$11,147,330 of State and Federal aid, as noted on the Schedule; and (C) that there should be issued up to \$44,479,470 of bonds, notes, or other obligations of the County (collectively, the “Obligations”), to finance the balance of the estimated maximum cost of the Projects;

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. The County is hereby authorized to undertake the Projects that are listed in column A of the Schedule, each as more fully described in column I of the schedule. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the duly adopted 2023 Capital Budget of the County (the “Budget”), the Budget shall be deemed to be, and hereby is, amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column B of the Schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column C of the Schedule, and the respective amounts are hereby appropriated therefor in accordance with the Budget.

SECTION 2. The plan of financing for the Projects includes the expenditure of \$11,147,330 in State and Federal aid that has been or is expected to be received for certain of the Projects (as detailed on the Schedule), and, along with the issuance of up to \$44,479,470 of Obligations to finance the balance of the aggregate estimated maximum cost of the Projects, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of such Obligations and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or from the State of New York or other sources for the Projects are hereby authorized to be expended towards the cost of the Projects or the redemption of any Obligations issued therefor, or to be budgeted as an offset to the taxes for payment of the principal of and interest on such Obligations.

SECTION 3. The respective periods of probable usefulness for the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which the \$44,479,470 of Obligations herein authorized are to be issued, within the limitations of §11.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), are set forth in column G of the Schedule. Obligations (including, without limitation, serial bonds of the County) in the respective principal amounts set forth in column D of the Schedule are hereby authorized to be issued pursuant to the provisions of the Law to finance the various objects or purposes that are listed on the Schedule.

SECTION 4. 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 and (to the extent that such use has already occurred) is hereby ratified, pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution. The County intends to finance, and the County Comptroller, as the chief fiscal officer of the County (the “Comptroller”) is hereby authorized to advance, such amounts as are necessary to pay the costs of the respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the Obligations, out of any available funds of the County on an interim basis. The County reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) any earlier expression by the County of its intent to reimburse expenditures for the applicable Project(s) or any earlier iteration thereof) with the proceeds of the Obligations, to the extent consistent with the financing plan for such Project(s) as stated herein. 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 Obligations, as required by United States Treasury Regulations Section 1.150-2.

SECTION 5. Each of the Obligations shall contain the recital of validity prescribed by §52.00 of the Law and the Obligations shall be general obligations of the County, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount (subject to certain statutory limitations imposed by Chapter 97 of the 2011 Laws of New York). The faith and credit of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Obligations as the same respectively become due and payable. An annual appropriation shall be made in each year in the County budget sufficient to pay the principal of and interest on the Obligations becoming due and payable in such year and, to the extent not paid from other sources or charges, 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 Obligations.

SECTION 6. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00, 62.00, 62.10, 63.00, 164.00 and 168.00 of the Law, the powers and duties of the Legislature relative to authorizing the issuance of Obligations in the form of notes, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the procedures for the sale and issuance of the Obligations, and relative to executing any agreements for credit enhancement, are hereby delegated to the Comptroller. Without in any way limiting the scope of the foregoing delegation of powers, the Legislature, to the extent permitted by Section 58.00(f) of the

Local Finance Law, is hereby specifically authorized to accept bids for the Obligations that are submitted in electronic format. In the absence or unavailability of the Comptroller, the Deputy County Comptroller is hereby specifically authorized to exercise the powers delegated to the Comptroller in this resolution.

SECTION 7. When this resolution takes effect, 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 Law, in the Buffalo Challenger and the Lancaster Bee, which are newspapers having general circulation in the County and published in the County. The validity of the Obligations may thereafter be contested only if the 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 (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or if the Obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 8. Prior to the issuance of any Obligations, the County (acting through the Committee and the Department and, to the extent necessary or appropriate, the Legislature) has or will have complied (to the extent not accomplished already) with any applicable 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 the environmental quality review process relating to the Projects (collectively, the “Environmental Compliance Proceedings”). In the event that any of such Environmental Compliance Proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this resolution, the Legislature will re-adopt, amend or modify this resolution prior to the issuance of the relevant Obligations, to the extent required and acting upon the advice of counsel. It is hereby determined by the Legislature, on the basis of the Environmental Compliance Proceedings and the findings of the Committee and/or the Department, that to the extent that the Environmental Compliance Proceedings may apply to the Projects, the Projects (when assessed either individually or in the aggregate) will not result in a significant adverse impact on the environment.

SECTION 9. The County intends to issue the Obligations to finance a portion of the aggregate cost of the Projects. The Comptroller is hereby authorized to covenant, in the name and on behalf of the County and for the benefit of the holders and beneficial owners of the Obligations, that the County will not make any use of the proceeds of the Obligations, or any funds reasonably expected to be used to pay the principal of or interest on the Obligations or any other funds of the County, and will not make any use of the facilities to be financed with the proceeds of the Obligations that would cause the interest on the Obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) or subject the County to any penalties under Section 148 of the Code, and that the County will not take any action or omit to take any action with respect to the Obligations, the proceeds thereof or any facilities to be financed thereby if such action or omission would cause the interest on the Obligations to become subject to federal income taxation under the Code or subject the County to any penalties under Section 148 of the Code.

SECTION 10. For the benefit of the holders and beneficial owners from time to time of the Obligations, the County agrees, in accordance with and as an obligated person with respect to the Obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the County’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination thereof, the Comptroller is authorized and directed to sign and deliver, in the name and on behalf of the County, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Clerk to the Legislature, which shall constitute the continuing disclosure agreement made by the County for the benefit of holders and beneficial owners of the Obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the Comptroller on behalf of the County, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall constitute the County’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the County would be required to incur to perform thereunder. The County Comptroller is further authorized and directed to establish procedures in order to ensure compliance by the County with its various continuing disclosure agreements, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Comptroller shall consult with, as appropriate, the County Attorney and the County’s bond counsel, the County’s municipal advisor, or another qualified independent special counsel to the County. The Comptroller, acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

SECTION 11. The Comptroller is hereby specifically authorized to act, on the advice of bond counsel at the time of the issuance of the Obligations, to designate such Obligations, if applicable, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3) of the Code.

SECTION 12. The Comptroller is further authorized to call in and redeem any outstanding Obligations that were issued pursuant to this bond resolution(at such times and in such amounts and maturities as may be deemed appropriate after consultation with the County officials and the County’s municipal advisor), to approval any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such call(s) for redemption pursuant to Section 53.00 of the Law, with the understanding that no such call(s) for redemption will be made unless such notice of redemption shall have first been filed with the Clerk of the Legislature.

SECTION 13 This bond resolution shall take effect immediately upon approval by the County Executive.

[****See Chart of Components](#)

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

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

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS and MR. TODARO. (AYES: 7; NOES: 4)

FAILED.

SUSPENSION OF THE RULES

Item 24 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 6-3 from GREENE Re: Transferring Funds to the Town of Clarence

RESOLUTION NO. 45

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

WHEREAS, as a result of the 2023 budget process, the Erie County Legislature appropriated \$12,000 to the Clarence Rotary Club to be used to fund a fireworks display during Independence Day celebrations; and

WHEREAS, due to insurance concerns, the fireworks display will no longer be presented by the Clarence Rotary Club, but will instead be presented by the Town of Clarence; and

WHEREAS, as such, the funds originally dedicated for this purpose need to be reallocated to the Town of Clarence.

NOW, THEREFORE, BE IT

RESOLVED, that the \$12,000 budgeted for Clarence Rotary in Fund Center 1333010 of the 2023 Erie County Department of Environment and Planning Community/Neighborhood Development budget be transferred to the Town of Clarence in Fund Center 1333010 of the 2023 Erie County Department of Environment and Planning Community/Neighborhood Development budget; and be it further

RESOLVED, that the Budget Director is hereby authorized and directed to make any changes to the 2023 budget necessary to effectuate these changes; and be it further

RESOLVED, that certified copies of this resolution shall be presented to Erie County Legislator Christopher Greene, the Commissioner of the Department of Environment and Planning and the Budget Director

MR. MEYERS moved to approve the resolution. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR JOHNSON

Item 25 – (COMM. 6E-1) Documents Supporting 3 Bell System for BPS

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 26 – (COMM. 6E-2) Department of Law Risk Retention Fund Spending - December 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 6E-3) Re-Appointment of the Commissioner of Social Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 28 – (COMM. 6E-4) Upcoming IGT Payments for ECMCC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 6E-5) 2020-2022 Consolidated Bond Projects

Item 30 – (COMM. 6E-6) Grover Cleveland Golf Course Concession Agreement

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

Item 31 – (COMM. 6E-7) Authorization to Extend the Age-Friendly Center for Excellence Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 32 – (COMM. 6E-8) Buffalo Niagara Convention & Visitors Bureau Board Appointment

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 33 – (COMM. 6E-9) ECSD No. 6 - Lackawanna WRRF & ORF Disinfection Systems Improvements Project

Item 34 – (COMM. 6E-10) ECSD No. 6 - Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project

Item 35 – (COMM. 6E-11) ECSD No. 2 - Big Sister Creek WRRF IT Infrastructure Improvements

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

Item 36 – (COMM. 6E-12) Contract with Empower Children's Academy

Item 37 – (COMM. 6E-13) Contract with I3 Verticals Healthcare

Item 38 – (COMM. 6E-14) Contract with ApolloLIMS

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

Item 39 – (COMM. 6E-15) Creation of Parks Special Event Fees

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 40 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46

RE: GIVE Grant
(COMM. 6E-16)

WHEREAS, the District Attorney's Office's has been awarded \$68,482 under the NYS Division of Criminal Justice Services (DCJS) Non-Fatal Shooting Initiative grant which falls under DCJS's overall Gun Involved Violence Elimination (GIVE) initiative; and

WHEREAS, authorization is required by the Erie County Legislature for the County Executive to enter into a grant contract and accept funding for an additional prosecutor; and

WHEREAS, the District Attorney through the NYS Division of Criminal Justice Service's (DCJS) Gun Involved Violence Elimination (GIVE) Grant currently receives funding to help combat gun violence in Erie County; and

WHEREAS, Section 2507b of the Erie County Charter states that independent elected officials, including the District Attorney, have the power to manage their departments within the parameters of their adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services to fund a prosecutor for the District Attorney's Office; and be it further

RESOLVED, that effective March 1, 2023 and continuing into future grant years, authorization is hereby provided to add one position of Assistant District Attorney VI (JG 17) in fund 281, cost center 1140050, grant 114GIVE2223; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the GIVE grant to comply with State approved funding levels, to be adjusted as follows:

Gun Involved Violence Elimination Grant
114GIVE2223
July 1, 2022– June 30, 2023

	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Revenue</u>			
409000 State Aid Revenue	\$ 772,758	\$ 68,482	\$ 841,240
479000 County Share Cont.	165,025	- 0 -	165,025
Total Revenue	\$ 937,783	\$ 68,482	\$1,006,265
<u>Appropriation</u>			
500000 Full Time Salaries	\$ 624,150	\$ 44,182	\$ 668,332
502000 Fringe Benefits	313,133	24,300	337,433
510100 Out of Area Travel	500	- 0 -	500
Total Appropriations	\$ 937,783	\$ 68,482	\$1,006,265

and be it further

RESOLVED, that during the grant fiscal year, the Director of Budget and Finance is hereby authorized to adjust budgets to comply with grantor approved funding levels, including interdepartmental billing adjustments, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, Erie County Personnel, Erie County Comptroller and the Director of Budget and Management.

COMMUNICATIONS FROM THE DEPARTMENTS

**FROM THE DIRECTOR OF
REAL PROPERTY TAX SERVICES**

Item 41 – (COMM. 6D-1) Cost to Prepare City of Tonawanda Tax Rolls & Bills

Item 42 – (COMM. 6D-2) Cost to Prepare Village Tax Rolls & Bills

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

FROM THE EC PROBATION COMMISSIONER

Item 43 – (COMM. 6D-3) Erie County Conditional Release Commission - 2022 Annual Report

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE DIRECTOR OF
REAL PROPERTY TAX SERVICES**

Item 44 – (COMM. 6D-4) Cost to Prepare School District Tax Rolls & Bills

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

None.

ANNOUNCEMENTS

Item 45 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, March 30, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, April 13, 2023. Finally, Chair Baskin announced that the Legislature will conduct a public hearing on Local Law Intro. 2-2 (2023), ‘The Public Art Act of Erie County,’ at 6 p.m., at the Burchfield Penney Art Center. The hearing is scheduled for Thursday, March 30, 2023.

MEMORIAL RESOLUTIONS

Item 46 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Carlton E. Patterson Jr., and Kenneth B. Kasperek.

Item 47 – Legislator Malczewski requested that when the Legislature adjourns, it do so in memory of Charles Hardy.

Item 48 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Elisa Ciccarelli, Burt T. Lyon Sr., and Barbara A. Pionessa.

Item 49 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Rita H. Wells.

Item 50 – Legislator Bargnesi requested that when the Legislature adjourns, it do so in memory of Robert E. “Rob” Voss.

ADJOURNMENT

Item 51– At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. JOHNSON moved that the Legislature adjourn until Thursday, April 13, 2023 at 12:00 Noon. MR. KOOSHOIAN seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, April 13, 2023 at 12:00 Noon.

**ROBERT M. GRABER
CLERK OF THE LEGISLATURE**