THE ERIE COUNTY LEGISLATURE

Session No. 7
APRIL 13, 2023

April N.M. Baskin
Chair

Timothy J. Meyers
Majority Leader

John J. Mills
Minority Leader

Robert M. Graber
Clerk of the Legislature

ROLL CALL

INVOCATION - Mr. Todaro

PLEDGE OF ALLEGIANCE - Mr. Mills

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

****2023 Consolidated Bond Resolution - Amendment to the Amendment Following Reconsideration - COMM. 4E-23

****2023 Consolidated Bond - Chart of Components - Amendment to the Amendment Following Reconsideration - COMM. 4E-23

MINUTES OF PREVIOUS MEETING - Meeting No. 6

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

BASKIN	Happy 60th Birthday Pastor George Nicholas
GILMOUR	In Remembrance of Johnnie Franklin Jr.
BASKIN & JOHNSON	Acknowledging and Recognizing National Minority Health Month
BASKIN & JOHNSON	Acknowledging and Recognizing National Financial Literacy Month
JOHNSON	Celebrating and Honoring National Borinqueneers Day
BARGNESI & KOOSHOIAN	Congratulating and Recognizing Mia Madore
BARGNESI & KOOSHOIAN	Happy 120th Birthday - City of Tonawanda
BARGNESI & KOOSHOIAN	Congratulating RJ Gicewicz on Being Named Director of Nichols Boys Youth Hockey Program and Head Coach - Boys 18U Prep Program
BARGNESI, BASKIN, GILMOUR, JOHNSON, KOOSHOIAN, MEYERS & VINAL	In Remembrance of Emily Calvin Swans Ruff

VINAL	Congratulating and Recognizing Roseanne Butler-Smith on a Phenomenal Career
VINAL	Recognizing Ted Luckett as the New Principal of St Gregory the Great
GILMOUR	Celebrating the 12th Anniversary of Waterstone Grill
GILMOUR	Congratulating and Recognizing Patrick Denecke
MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Matthew Spina on His Retirement from the Buffalo News
MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Robert J. McCarthy on His Retirement from the Buffalo News
MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Susan Martin on Her Retirement from the Buffalo News
MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Paul Ehret on His Retirement from the Buffalo News
MILLS, TODARO, GREENE & MALCZEWSKI	Celebrating National Public Safety Telecommunicators Week April 9-15, 2023
GREENE	Honoring the Smallwood Garden Club on National Gardening Day
GREENE	Recognizing Neil Frank and Proclaiming April 17-23, 2023 Volunteer Week in Erie County
GREENE	Honoring the Town and Country Garden Club on National Gardening Day
GREENE	Recognizing Donna Lasker and Proclaiming April 17-23, 2023 Volunteer Week in Erie County
GREENE	Recognizing Harold Schnitzer and Proclaiming April 17-23, 2023 Volunteer Week in Erie County
GREENE	Honoring the Amherst Garden Club on National Gardening Day
TODARO	Honoring the Cheektowaga Garden Club on National Gardening Day
TODARO	Recognizing and Honoring Douglas Lahnen for 50 Years of Service to the Lancaster Fire Department

TODARO	Honoring and Recognizing Lancaster Dispatch Service During National Public Safety Telecommunicators Week April 9-15, 2023
TODARO	Honoring and Recognizing Depew Dispatch Service During National Public Safety Telecommunicators Week April 9-15, 2023
TODARO	Honoring the 125th Anniversary of Cayuga Hose Company #3
MALCZEWKSI	Recognizing Gardenview Restaurant for Outstanding Customer Service
MALCZEWSKI	Congratulating Dennis Powers on Becoming President of the Association of Towns of the State of New York
MALCZEWSKI	Congratulating Calvin McCabe on His Retirement from the Elma Volunteer Fire Company
MALCZEWSKI	Congratulating Joseph Gauthier on 45 Years of Service with the Elma Volunteer Fire Company
MILLS	Celebrating the 100th Anniversary of the Farnham Volunteer Fire Department
MILLS	Honoring Fran Hogenkamp for His 21 Years of Service as Orchard Park Trustee
MILLS	Honoring George Cordia Jr. for 52 Years of Service to the Farnham Volunteer Fire Department
MILLS	Honoring the Eden Garden Study Club on National Gardening Day
MILLS	Honoring the Orchard Park Garden Club on National Gardening Day
MILLS	Honoring the Evans Garden Club on National Gardening Day

LOCAL LAWS:

LL INTRO. 1-1 (2022)	TODARO, GREENE, LORIGO & MILLS	A Local Law Authorizing Twelve and Thirteen-Year-Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult	Energy & Environment
LL INTRO. 3-1 (2022)	BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR	The Erie County Language Access Act	Health & Human Services
LL INTRO. 3-1 (2023)	JOHNSON	The Occupancy Tax Modernization Act	Finance & Management
LL INTRO. 1-2 (2023)	MILLS, GREENE, TODARO, MALCZEWSKI, BASKIN, MEYERS, JOHNSON, KOOSHOIAN, BARGNESI, VINAL & GILMOUR	Providing for 10% Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers in Erie County	Finance & Management
LL INTRO. 2-2 (2023)	BASKIN, MEYERS, JOHNSON, VINAL, KOOSHOIAN, BARGNESI & GILMOUR	The Public Art Act of Erie County	Community Enrichment
LL INTRO. 4-1 (2023)	BASKIN	The Videoconferencing Participation Act	

COMMITTEE REPORTS:

REPORT NO. 3	FINANCE & MANAGEMENT COMMITTEE ****Proposed Amendment to Item No. 2 - Comm. 6E-6
REPORT No. 4	HEALTH & HUMAN SERVICES COMMITTEE ****Proposed Amendment to Item No. 4 - Comm. 6E-13

LEGISLATOR RESOLUTIONS:

INTRO. 7-1	JOHNSON	Support for a Moratorium and Plan on Co-Mingling Events on Chippewa Street
INTRO. 7-2	VINAL	Extending the Public Benefit Contract with The Research Foundation for SUNY into 2023
INTRO. 7-3	BASKIN, MEYERS, MILLS	Requesting Certain Reports and Database Information
INTRO. 7-4	BASKIN	Appointment to Buffalo Olmsted Parks Conservancy Board of Trustees
INTRO. 7-5	GILMOUR	Re-Appropriation of 2023 Public Benefit Funding
INTRO. 7-6	JOHNSON	Re-Appropriation of 2023 Public Benefit Funding

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 7E-1	MILLS	Board Appointment Recommendation	Public Safety
COMM. 7E-2	BASKIN	Public Notice Concerning Position of Commissioner of the ECWA	Energy & Environment
COMM. 7E-3	BASKIN	Letter to Democratic Party Caucus Regarding Position of Commissioner of the ECWA	Energy & Environment
COMM. 7E-4	BASKIN	Letter to Republican Party Caucus Regarding Position of Commissioner of the ECWA	Energy & Environment
COMM. 7E-5	BASKIN	Letter to Conservative Party Member Regarding Position of Commissioner of the ECWA	Energy & Environment

COMM. 7E-6	MEYERS	Letter of Absence from February 15, 2023	RFP
COMM. 7E-7	COMPTROLLER	Dec. 2022 - Feb. 2023 Sales & Compensating Use Tax Report	Finance & Management
COMM. 7E-8	COUNTY EXECUTIVE	New Stadium Complex in Orchard Park Involving NYS & Buffalo Bills	Economic Development
COMM. 7E-9	COMPTROLLER	Department of Law Risk Retention Fund Spending - Jan. & Feb. 2023	Finance & Management
COMM. 7E-10	SHERIFF	Mindful Awareness Skill-Building Workshops for Project Blue Participants	Public Safety
COMM. 7E-11	SHERIFF	Award Professional Services Contract for Pharmacy Services for the Holding Center & Correctional Facility	Public Safety
COMM. 7E-12	SHERIFF	Erie County Sheriff's Office - FY 2022 Operation Stonegarden Grant	Public Safety
COMM. 7E-13	COUNTY EXECUTIVE	Reconstruction of Kenmore Ave., from Sheridan Dr. to Grand Island Blvd.	Immediate Consideration Requested
COMM. 7E-14	COUNTY EXECUTIVE	Replacements of 2022 Culvert Group 1 - Towns of Boston & Eden	Economic Development
COMM. 7E-15	COUNTY EXECUTIVE	Approving Amended Agreement for Intercampus Student Transportation - SUNY Erie	Community Enrichment
COMM. 7E-16	COUNTY EXECUTIVE	PILOT Agreement for Solar Energy Systems - 871 Whitehaven Rd., Town of Grand Island	Economic Development
COMM. 7E-17	COUNTY EXECUTIVE	WNY Regional Clean Energy Hub Project	Energy & Environment
COMM. 7E-18	COUNTY EXECUTIVE	Contract with the ECIDA for the Relocation of Railroad on the Former Bethlehem Steel Site	Economic Development
COMM. 7E-19	COUNTY EXECUTIVE	ECSD No. 3 - Engineer Contract Agreement	Energy & Environment

COMM. 7E-20	COUNTY EXECUTIVE	ECSD No. 8 - East Aurora Water Resource Recovery Facility Control Building Improvements	Energy & Environment
COMM. 7E-21	COUNTY EXECUTIVE	ECSD No. 6 - Engineer Term Contract Agreement	Energy & Environment
COMM. 7E-22	COUNTY EXECUTIVE	ECSD No. 2 - Engineering Term Contract Agreement	Energy & Environment
COMM. 7E-23	COUNTY EXECUTIVE	ECSD No. 3 - Southtowns Advanced Wastewater Treatment Facility Electrical Substation & Plant-Wide Generator Equipment Procurement	Energy & Environment
COMM. 7E-24	COUNTY EXECUTIVE	Placeholder - Energy & Environment Committee	Energy & Environment
COMM. 7E-25	COUNTY EXECUTIVE	Erie County Parks Signage Phase 1 Construction	Energy & Environment
COMM. 7E-26	COUNTY EXECUTIVE	2023 Public Works Projects - Authorization to Appropriate Funds & Enter Into Contracts	Economic Development

COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 7D-1	DEPUTY COMPTROLLER OF AUDIT	Audit of the Department of Law - Notification of Expanded Scope of the Indigent Defense Program to Include Claim Reimbursements	Finance & Management
COMM. 7D-2	CLERK OF LEGISLATURE	Letters of Interest & Resumes for Position of Commissioner of the ECWA	Energy & Environment
COMM. 7D-3	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 7D-4	DEPUTY COMPTROLLER OF AUDIT	EC Comptroller's Office Audit of the Department of Law	Finance & Management

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 7M-1	PEGGY A. LAGREE	Letter of Interest - Commissioner ECWA	Energy & Environment
COMM. 7M-2	ERIE COUNTY MEDICAL CENTER CORPORATION	2022 Annual Report of ECMCC	Health & Human Services

COMM. 7M-3	NFTA	NFTA Revised Budget for FYE 24	Economic Development
COMM. 7M-4	DEC	DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Crowley Ave., Buffalo	Energy & Environment
COMM. 7M-5	DEC	DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Main St., Buffalo	Energy & Environment
COMM. 7M-6	DEC	DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Fillmore Ave., Buffalo	Energy & Environment
COMM. 7M-7	NYSERDA	Notice of Intent to Undertake an Action Within an Agricultural District - Town of Grand Island	Energy & Environment
COMM. 7M-8	NYS DEPARTMENT OF TAXATION & FINANCE	List of Certified 2023 State Equalization Rates	Finance & Management
COMM. 7M-9	NYS DEPARTMENT OF TAXATION & FINANCE	List of Certified 2023 State Equalization Rates	Finance & Management

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

****2023 Consolidated Bond Resolution - Amendment to the Amendment Following Reconsideration - COMM. 4E-23

Attachments

2023 Consolidated Bond Resolution - Amendment to the Amendment Following Reconsideration

RESOLUTION NO. _____, 2023

BOND RESOLUTION DATED APRIL 13, 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 $46,459,500, APPROPRIATING SUCH AMOUNT THEREFOR (INCLUDING THE EXPENDITURE OF $8,647,330 OF STATE AND FEDERAL AID) AND AUTHORIZING THE ISSUANCE OF UP TO $37,812,170 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) February 16, 2023

(Adopted) April 13, 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 $8,647,330 of State and Federal aid, as noted on the Schedule; and (C) that there should be issued

up to $37,812,170 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 $8,647,330 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 $37,812,170 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 $37,812,170 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.

The adoption of the foregoing resolution was moved by Legislator _____ and seconded by Legislator _____, before being duly put to a vote on roll call, which resulted as follows:

AYES:

NOES:

ABSENT:

Dated: Buffalo, New York,
April ___, 2023

The foregoing bond resolution is hereby approved.

_____
Mark C. Poloncarz
County Executive

April ___, 2023.

I, Robert M. Graber, HEREBY CERTIFY that the County Executive of Erie County approved a bond resolution of which the foregoing is a certified copy and returned the same for filing in the office of the Erie County Legislature.

April ___, 2023.

_____
Robert M. Graber
Clerk of the Erie County Legislature

APPROVED AS TO CONTENT:

By_____
Erie County Comptroller

APPROVED AS TO FORM:

By_____
Erie County Attorney

CERTIFICATE

I, Robert M. Graber, Clerk of the Erie County Legislature, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Erie County Legislature duly called and held on April 13, 2023, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the County Legislature and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the County on April ____, 2023.

_____

Robert M. Graber
Clerk of the Erie County Legislature

(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED

WITH COPY OF RESOLUTION AFTER ADOPTION)

NOTICE

The bond resolution, a copy of which is published herewith, has been adopted by the Erie County Legislature on April 13, 2023, and the validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Erie, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution of New York.

_____

Robert M. Graber
Clerk of the County Legislature

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

****2023 Consolidated Bond - Chart of Components - Amendment to the Amendment Following Reconsideration - COMM. 4E-23

Attachments

2023 Consolidated Bond - Chart of Components - Amendment to the Amendment Following Reconsideration

2023 CAPITAL BUDGET BOND RESOLUTION - PROJECT COMPONENTS

COLUMN #		A	B	C	D	E	F	G	H	I
LINE NO.	SAP PROJ NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS OR COMBINATION	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE OR FEDERAL AID EXPECTED	OTHER	PPU Sec. 11.00a reference	CAPITAL BUDGET PAGE REFERENCE	PROJECT DETAILS
2		DPW (Buildings and Grounds) – Roof Replacement and Exterior Waterproofing (Countywide)	C	2,000,000	2,000,000			25 yrs Par. 12(a)1		The work will consist of exterior building envelope repairs including roof repairs, replacement, doors, windows, skylights, roofing, caulking, waterproofing, masonry repair and repointing, and miscellaneous related work to the building exteriors.
3		DPW (Buildings and Grounds) – Mechanical, Electrical, Pumbling, and Miscelleanous Improvements	C	1,000,000	1,000,000			10 yrs. Par. 13		County buildings are reaching the end of their respective useful life on its operating equipment considering the age of some buildings. Building systems and equipment need to be continually maintained, repaired, and replaced when beyond its useful life.
4		DPW (Buildings and Grounds) – Buffalo Niagara Convention Center (BNCC) Improvements	S	500,000	500,000			25 yrs. Par. 12(a)1		General BNCC improvements, renovations, and updates to maintain the building and keep the facility viable in the convention market. Replacement of main lobby entrance doors, ballroom improvements, meeting room HVAC upgrade, and corridor floor finish.
5		DPW (Buildings and Grounds) – Buffalo & Erie County Public Library Roof Replacement	S	2,000,000	2,000,000			25 yrs. Par. 12(a)1		This project is to replace the current 20-year-old roof to prevent any water damage or deterioration. This would allow for options of a vegetative(green) roof system, solar panel array and/or energy storage systems occupied roof space for public use.
6		DPW (Buildings and Grounds) – Erie County Sheriff's Department – Miscellaneous Renovations	C	700,000	700,000			25 yrs. Par. 12(a)1		The scope of the work includes various renovation projects throughout all the Sheriff's facilities including but not limited to: security upgrades, upgrades as required by the U.S. Department of Justice and NYS Department of Corrections, mechanical, electrical and plumbing upgrades, and sitework improvements.
7		DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities	C	500,000	500,000			10 yrs. Par. 13		This fund will include maintenance and/or improvements to various building components including but not limited to: site improvements, interior renovations, and associated building systems rehabilitation.
8		Preservation Roads Construction Kenmore Avenue	S	865,000	865,000			15 yrs. Par. 20(c)		Reconstruction of Kenmore Avenue (road score of 5, 0.45 miles) from Sheridan Drive (Route 325) to Grand Island Boulevard (Route 324) located in the Town of Tonawanda. This project will consist of a new road section along with new drainage.
9		Preservation Roads Construction Abbott & Willet Road	S	3,162,500	3,162,500			10 yrs. Par. 20(b)		This project would include the rehab of Abbott Road (Milestrip to Fisher, AADT 16,667) and Willet Road (McKinley to Abbott, AADT 5,850) in Hamburg and Lackawanna. Both roads are minor arterials. It includes pavement mill and overlay.
10		2023 Federal Aid - Road Design Summary	C	5,750,000	1,750,000	4,000,000		10 yrs. Par. 20(b)		This project is for 13 Federal Aid road projects: William, Maple and Pine, Bailey, Greiner, East River, Hamlet of Clarence Center, Abbott, North French, Wehrle, Buffalo, etc. The current pavement is showing signs of distress and failures along these roads. Rehabilitation includes, but is not limited to, mill and overlay, full depth reconstruction and partial reconstruction of these roadways.
11		Vehicle and Equipment Replacement - Highways	C	6,750,000	6,750,000			15 yrs. Par. 28		This project is for front line equipment in critical need of replacement. Including but not limited to, plow trucks, high lifts, tractors, sweepers, and mowers. Additional equipment is required for EPA/DEC compliance including road sweepers and vactor flush trucks for storm sewers.
12		Federal Aid Bridge Replacement - Sharp Street	S	2,315,000	925,000	1,390,000		20 yrs. Par. 10		This project is for the Sharp Street bridge over Springbrook (BIN 3228440) designated as a BridgeNY funding recipient. Funding is to be used for the construction costs for this or any other Federally aided bridge or Bridge NY project.
13		Rehabilitation of Vermont Street (CR226) Construction	S	1,700,000	1,700,000			10 yrs. Par. 20(b)		This project is for full depth pavement reconstruction, replacement of closed drainage system including new gutters, replacement of waterline (town share), driveway aprons and limited replacements of curb and sidewalk as necessary for construction or another road project.
14		Federal Aid Bridge Preservation - Design	C	1,500,000	500,000	1,000,000		5 yrs. Par. 62		This is for the design of Federal Aid bridge replacement projects, future BridgeNY projects or other funding. Seven bridges have been submitted for replacement on the 2023-2027 TIP-BINS 3327500, 3326400, 1041630, 3328610, 2260400, and 3328350.
15		Preservation of Bridges Construction - Holland	S	1,500,000	1,500,000			20 yrs. Par. 10		Bridge replacement for two bridges in Holland, Hunters Creek Road over Hunters Creek (BIN 3328140) and Sanders Hill Road over Hunters Creek (BIN 3328180), or any other capital bridge replacement project.
16		Trevett Road (CR420) Reconstruction and Slope Stabilization	S	750,000	750,000			10 yrs. Par. 20(b)		This project is to construct slope stabilization, full depth highway reconstruction including new closed drainage with energy dissipating structures. Any funds remaining to be used for addition capital road slide construction. Construction is anticipated for 2023.
17		Rehabilitation of Borden Road (CR332)	S	3,000,000	3,000,000			15 yrs. Par. 20(c)		Phases 2 & 3 of Borden Road (CR 322), from Seneca Creek Road (CR 325) in West Seneca to Broadway (NY130) in the Village of Depew. The project is to rehabilitate the pavement and install new closed drainage, curb, and gutters.
18		Preservation of Bridges & Culverts Construction - Miscellaneous Culvert Repairs/Replacements	C	500,000	500,000			10 yrs. Par. 20(b)		This project is to perform the necessary repairs and/or replacements on Erie County's small bridges, large culvert, and other culverts. These designs are for smaller span structures which can be designed and bid in the same year. Some of the small culverts are replaced in-kind and do not require design, and are performed as as-directed services.
19		Federal Aid Bridge Replacement - Goodrich Road Bridge	S	1,750,000	530,000	1,220,000		20 yrs. Par. 10		This project is for the Goodrich Road bridge over Ransom Creek (BIN 3326400) which was submitted to be on the TIP for full bridge replacement. The bridge has a condition rating of 3.489 and is beyond economical rehabilitation.
20		Countywide Parks Improvements and ADA Accessibility	C	500,000	500,000			15 yrs. Par. 19(c)		This project will provide improvements to, but not necessarily limited to: preservation, enhancement, and improvement of existing system assets and landscape settings.
22		Vehicles and Equipment - Parks and Recreation	C	500,000	500,000			15 yrs. Par. 28		This project would include the annual purchasing of vehicles and equipment necessary to facilitate operational requirements. This may include purchasing of two (2) garbage trucks and two (2) loaders in 2022.
23		Inclusive Playgrounds (2)	C	500,000	500,000			15 yrs. Par. 19(c)		Continue to identify locations to replace outdated playgrounds, park wide, with inclusive playgrounds, including providing site work, drainage, increase parking and ADA access to.
25		Replacement of the Police, Fire, and Medical Computer Aided Dispatch and Record Management System	C	5,000,000	5,000,000			10 yrs. Par. 98		This project is to replace the countywide computer aided dispatch and record management systems for all police, fire, and EMS agencies. This life saving system manages 911 emergency response, medical protocols and connectivity to state and federal public safety networks.
26		Microsoft E5 Enterprise Agreement/Security Enhancements	C	1,000,000	1,000,000			5 yrs. Par. 32		Install and operate Microsoft E5 Enterprise agreement. The installation of the E5 Enterprise software provides threat detection, identity management, access management, advance analytics, information management, compliance management, and security management.
27		PC/Thin Client Replacements	C	600,000	600,000			5 yrs. Par. 32		Replace and update all out of support thin clients and PC's in the County. New units will support Windows 11.
28		Youth Facility HVAC Replacement	S	1,300,000	663,000	637,000		10 yrs. Par. 13		This project will include design and construction costs to replace the HVAC units, as well as all associated work to the unit replacement including but not limited to: mechanical, electrical, and other miscellaneous systems. The Youth Detention Facility is reaching the end of useful life for the HVAC system, and a full replacement is needed. An analysis of roof structure is also needed to ensure it is stable enough for construction. In 2022, DPW will contract with design consultant to determine the most energy efficient and sustainable HVAC replacement and to develop specifications and RFP. Recommended system replacement will fully occur in 2023.
29		Youth Facility Security Upgrades	S	817,000	416,670	400,330		5 yrs. Par. 32		Replace all analog and outdated cameras with HD/digital, add audio in all living pods and cafeteria, increase cameras throughout, and update other safety measures as needed. The current security cameras are outdated and have poor visibility. The program/building is a secure facility and the monitoring of all movement is critical to ensuring the safety of youth and staff. Consultation with the facility's security provider is underway and items will either be sent to bid or purchased through state contract. Full upgrade of security system to occur throughout 2023.
		TOTAL		46,459,500	37,812,170	8,647,330	-			

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT
MINUTES OF PREVIOUS MEETING - Meeting No. 6

Attachments

Meeting No. 6 Minutes

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

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	$(500,000)
	TOTAL	$(500,000)

ACCOUNT	APPROPRIATIONS	BUDGET
516020	Professional Services, Contracts & Fees	$ 500,000
	TOTAL	$ 500,000

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	$(95,000)
TOTAL	$(95,000)

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%)

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

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

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:

Account	Description	Budget
409000	State Aid Revenue	$501,000
409010	State Aid – Other	$161,000

TOTAL REVENUE: $662,000

APPROPRIATIONS:

Account	Description	Budget	Revisions	Revised Budget
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

ACCOUNT	REVENUES	BUDGET
409000	State Aid Revenue	$100,000
	TOTAL	$100,000

ACCOUNT	APPROPRIATIONS	BUDGET
516020	Professional Contract Services	$100,000
	TOTAL	$100,000

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

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	$12,500,000	$ 0	$12,500,000
Total Revenue	$12,500,000	$7,485,000	$19,985,000
Appropriation			
912300 ID Highway Services	$12,500,000	$7,485,000	$19,985,000
Total Appropriation	$12,500,000	$7,485,000	$19,985,000
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	$ (12,533,100)	$(7,485,000)	$(20,018,100)
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

Revenue	Current Budget	Adjustment	Adjusted Budget
486000 Interfund Revenue	$9,000,000	$7,485,000	$16,485,000
Total Revenue	$9,000,000	$7,485,000	$16,485,000
Appropriation			
Capital Projects	$9,000,000	$7,485,000	$16,485,000
Total Appropriation	$9,000,000	$7,485,000	$16,485,000
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	$1,000,000
	TOTAL	$1,000,000

SAP	EXPENSES	
516020	Pro Services, Contracts and Fees	$1,000,000
	TOTAL	$1,000,000

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

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	$108,184
	TOTAL	$108,184

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	$ 4,000
	TOTAL	$108,184

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	$105,000	$316,449	$421,449
	TOTAL	$105,000	$316,449	$421,449

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	$ 1,000	$ 2,000	$ 3,000
	TOTAL	$105,000	$316,449	$421,449

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	$ 69,671
		$ 0

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	$ 30,000
		$ 0

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	$ (99,671)
		$ 0

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

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 UNANIMOULSY.

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

	ORIGINAL	CHANGE	FINAL
Revenue			
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
Appropriation			
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

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

BASKIN	Happy 60th Birthday Pastor George Nicholas

Attachments

Pastor George Nicholas

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MARCH 28, 2023

EC LEG MAR 28 '23 PM1:45

Happy 60th Birthday Pastor George Nicholas

WHEREAS, ***George Nicholas***, native of Buffalo, NY, is the Senior Pastor of the Lincoln Memorial United Methodist Church and is known for his work to address health inequities based on race, geography, and economics across Buffalo and Western New York; and

WHEREAS, Pastor Nicholas holds an undergraduate degree from The Ohio State University and graduate degrees from SUNY at Buffalo and Colgate Rochester Divinity School; and

WHEREAS, during his years as a student at Ohio State, Mr. Nicholas was also recognized as an exceptional athlete as a member of the Ohio State Track Team; and

WHEREAS, Mr. Nicholas holds the Ohio State record in the 55-Meter Dash with a time of 6.15; and

WHEREAS, throughout our community, Pastor Nicholas has been an advocate for social justice and community revitalization; and

WHEREAS, he is a founding member of the African-American Health Equity Task Force, which birthed the Buffalo Center for Health Equity where he is the Board Chair and Chief Executive; and

WHEREAS, Pastor Nicholas serves the community on the Executive Committee of the Board of Population Health Collaborative, the HEALTHeLINK Board of Directors, the Board of Directors of the Bills Foundation, and the Advisory Committee for New York's Master Plan for Aging; and

WHEREAS, he has been recognized by the General Board of Global Ministries of the United Methodist Church for his work on urban ministries; and

WHEREAS, as a result of his selfless work and dedication in public health, Pastor Nicholas was awarded with the Bernard J. Tyson Health Equity Award in 2022; and

WHEREAS, Pastor Nicholas has been united in marriage for 27 years to his beautiful and supportive wife, Daun Nicholas and during their unity in marriage they became parents of five children, Kristin, Desmond, George Jr., Joel and Caleb and Morgan; and

WHEREAS, outside of his work in the community and in the church, Pastor enjoys listening to his all-time favorites, George Clinton and The Spinners, cooking, attending football games, concerts and sharing his birthday with his parents, whose anniversary also falls on his birthday; and

WHEREAS, Pastor Nicholas credits his impact and dedication to our community from his two mentors, Roger Blackwell and Former Deputy Speaker Arthur O. Eve Sr.; and

WHEREAS, his tireless efforts to improve the lives of those affected by poverty, racism, sexism will forever be admired and valued, in particular, in helping advance the lives of our Black and Brown population throughout Western New York; and

WHEREAS, today, March 28, 2023, this Honorable Body celebrates and desires to acknowledge and recognize individuals such as ***Pastor George Nicholas*** who enhance, represent, and change by way of action in devoting his time to bless our community with his talents that along with his well-deserved many accolades and achievements.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby applauds and recognizes ***George Nicholas*** for his expertise in ministry, public health, and his love of community; and be it further

RESOLVED, that the Erie County Legislature wishes Pastor Nicholas a very happy 60th birthday as well as health and happiness in all his years to come.

Hon. April N.M. Baskin
Chair of the Erie County Legislature

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

GILMOUR	In Remembrance of Johnnie Franklin Jr.

Attachments

Johnnie Franklin Jr.

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MARCH 30, 2023

EC LEG MAR 30 '23 AM10:21

In Remembrance of Johnnie Franklin Jr.

WHEREAS, Almighty God, in His infinite wisdom, on March 16, 2023, removed from our midst ***Johnnie Franklin Jr.,*** in whose death we have lost a loving husband, father, grandfather, great-grandfather, valued and respected citizen, and whose family has lost a leader, kind and devoted member; and

WHEREAS, ***Johnnie Franklin Jr.*** was well educated in the Buffalo Public School System as a student of Buffalo Public School 53 and graduated from Riverside High School; and

WHEREAS, after graduation, Johnnie attended the Job Corps in Edinburg, Indiana where he studied carpentry; and

WHEREAS, during his time at Job Corps, Martin was quite fond of all arts and became an excellent craftsman who took meticulous care and pride in the quality of his work; and

WHEREAS, during his time as an employee in the Erie County Department of Public Works (Building and Grounds), Johnnie worked hard and developed a great rapport with his colleagues as a Laborer, Head Laborer, Building Maintenance Mechanic, Building Maintenance Mechanic -Carpenter; and

WHEREAS, during his tenure as a county employee, Johnnie was well respected and viewed by many as a rare employee who took gratitude in hard work, mentoring new employees and teaching life lessons to everyone; and

WHEREAS, Mr. Franklin worked for over 30 years until his retirement; and

WHEREAS, Johnnie loved music and was a local DJ and Master of Ceremonies, working at many weddings, parties and other events around Buffalo; and

WHEREAS, he enjoyed playing card games, loved his ongoing poker nights and always looked forward to hanging out with his buddies; and

WHEREAS, Johnnie never wavered from his beliefs and found ways to respectfully put things in perspective; and

WHEREAS, as a loving husband and dedicated father, Johnnie presented a genuine warmth like a big teddy bear, and remained committed and dedicated in spending time and providing for his family; and

WHEREAS, his life and legacy will continue to prosper on Earth through his loving wife Angelia; his children, Kari Franklin (Charles) Fowler, Eli Franklin, and Hosea Franklin; his grandchildren, Laverne, Luke, Eli Johnnie Jr., Isaiah, TiNya, Josiah, Sir, Tanica, Zaela, Xavier, Zaniyah, Zayanna, Cameron, Justice, Tobias, and Amor; three great-grandchildren, Elani, Syx and Egypt; siblings, JoAnn Sweat, Dennis (Ramona) Franklin, Edward Franklin, Corey Franklin, Janae (Terrald) Harris, and a host of brothers-in-law, sisters-in-law, aunts, nieces, nephews, cousins and friends; and

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of ***Johnnie Franklin Jr.***, whose lifelong dedication to God, family, and community are an inspiration to be admired, emulated and honored.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby remember the life of ***Johnnie Franklin Jr.,*** and pause in its deliberations to recognize his praiseworthy life, his love of his family, his love for creating happiness for others, and his commitment and devotion to the betterment of our community through education; and be it further

RESOLVED, that the Erie County Legislature express its sympathy and condolences to the ***Johnnie Franklin Jr.*** family and to ***Johnnie's*** many friends, knowing full well that he has received his eternal and glorified reward in Heaven, having heard the consoling words of the Master, "Well done, thou good and faithful servant."

Hon. John J. Gilmour
Erie County Legislator, 9th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
BASKIN & JOHNSON	Acknowledging and Recognizing National Minority Health Month

Attachments

National Minority Health Month

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, APRIL 5, 2023

National Minority Health Month

WHEREAS, ***National Minority Health Month*** brings to the forefront the devastating impact of personal illness in the lives of undiagnosed individuals in minority communities; and

WHEREAS, this annual observance in April – which addresses the health needs of African Americans, Hispanics, Asians, Native Americans and other minorities – provides an opportunity to elevate and discuss issues that negatively impact patient and community health; and

WHEREAS, during National Minority Health Month, the goal is to strengthen the capacity of local communities to eliminate the disproportionate burden of premature death and preventable illness in minority populations through prevention, early detection, and control of disease complications; and

WHEREAS, such disparities lead to unnecessary health care, social and economic costs, as well as reductions to lifespan and quality of life; and

WHEREAS, physical activity promotes health and reduces the risk of chronic diseases and other conditions that are often more common and more severe among racial and ethnic minority groups; and

WHEREAS, during the month of April, we recognize ***National Minority Health Month*** and recommit ourselves to evolving racial equity for minorities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize ***National Minority Health Month*** in bringing awareness to the various struggles, stigmas and environmental barriers that ethnic and marginalized minority communities face in relation to personal health.

Hon. April N.M. Baskin
Erie County Legislator2nd District

Hon. Howard J. Johnson Jr.
Erie County Legislator, 1st District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
BASKIN & JOHNSON	Acknowledging and Recognizing National Financial Literacy Month

Attachments

National Financial Literacy Month

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, APRIL 6, 2023

Acknowledging and Recognizing National Financial Literacy Month

WHEREAS, April is recognized as ***National Financial Literacy Month***, an effort to highlight both personal financial literacy and organizational financial literacy; and

WHEREAS, improvements in financial literacy strengthen the ability of individuals to understand information and raise public awareness of the importance of financial literacy in maintaining smart money management habits; and

WHEREAS, the ability to use financial information to make well-informed decisions is a key factor in improving our personal knowledge about our finances; and

WHEREAS, communities adopt extensive activities to reach citizens from elementary school all the way through senior centers; and

WHEREAS, this campaign highlights the need for financial literacy education, the opportunity for organizations to make their communications clear and understandable, and the ways in which people can become involved in financial literacy initiatives; and

WHEREAS, this Honorable Body will continue to support financial literacy efforts within Erie County, particularly the recent and important work of the Buffalo and Erie County Library, credit unions, and banks throughout Erie County in assisting residents with financial literacy skills to incorporate financial literacy best practices.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby recognizes ***National Financial Literacy Month*** and all individuals involved in financial literacy for their work with youth and adults to improve their ability to understand and use financial information.

Hon. Timothy J. Meyers
Erie County Legislator, 7th District

Hon. Michael H. Kooshoian
Erie County Legislator, 3rd District

Hon. Howard J. Johnson
Erie County Legislator, 1st District

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

JOHNSON	Celebrating and Honoring National Borinqueneers Day

Attachments

National Borinqueneers Day

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, APRIL 13, 2023

Celebrating and Honoring National Borinqueneers Day

WHEREAS, the designation of April 13 as National Borinqueneers Day "recognizes the bravery, service, and sacrifice" of the 65th Infantry Regiment, which consisted mostly of Puerto Rican soldiers; and

WHEREAS, the regiment carried the name Borinqueneers, in reference to Puerto Rico's pre-colonial name Borinquen; and

WHEREAS, members of the 65th Infantry Regiment fought in World War I, World War II, and the Korean War, where their members endured years of unfair treatment and discrimination while fighting for the United States, while garnering 90 Purple Heart medals and many other combat awards; and

WHEREAS, on June 10th, 2014, President Barack Obama signed bills H.R. 1726 and S. 1174 awarding the Congressional Gold Medal to the 65th U.S. Army Infantry Regiment; and

WHEREAS, on April 13, 2016, the Borinqueneers were awarded a Congressional Gold Medal and the medal was unveiled in Congress' Emancipation Hall; and

WHEREAS, the Borinqueneers went from forgotten soldiers who had to face both the enemy and discrimination, to heroes earning praise from Congressional and military leaders; and

WHEREAS, the Borinqueneers fought in some of the Korean War's most intense battles; and

WHEREAS, during this conflict alone, the regiment's members earned a Medal of Honor, nine Distinguished Service Crosses, about 250 Silver Stars, more than 600 Bronze Stars, and more than 2,700 Purple Hearts, according to a statement from the U.S. House of Representatives; and

WHEREAS, the Western New York Hispanic American Veterans Memorial Monument has a written inscription in tribute to the Gabriel A. Rodríguez American Legion Post No. 1928 and the 65th Infantry Regiment; and

WHEREAS, this day provides overdue recognition of honor to the Borinqueneers soldiers and pay tribute to the sacrifices they made and hardships overcome by Puerto Rican members of the Armed Forces.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby wholeheartedly recognize and celebrate April 13 as ***National Borinqueneers Day*** in Western New York, and appreciates the contributions and opportunity for educational and cultural harmony that this wonderful day brings to our community.

Hon. Howard J. Johnson Jr.
Erie County Legislator, 1st District

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

BARGNESI & KOOSHOIAN	Congratulating and Recognizing Mia Madore

Attachments

Mia Madore

Legislative Proclamation Submitted

By Legislators: Bargnesi and Kooshoian

EC LEG APR 11 '23 AM 9:47

Re: Congratulating and Recognizing Mia Madore

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

BARGNESI & KOOSHOIAN	Happy 120th Birthday - City of Tonawanda

Attachments

CTON

Legislative Proclamation Submitted

By Legislators: Bargnesi and Kooshoian

EC LEG APR 11 '23 AM 9:47

Re: Happy 120th Birthday – City of Tonawanda

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
BARGNESI & KOOSHOIAN	Congratulating RJ Gicewicz on Being Named Director of Nichols Boys Youth Hockey Program and Head Coach - Boys 18U Prep Program

Attachments

RJ Gicewicz

Legislative Proclamation Submitted

By Legislators: Bargnesi and Kooshoian

EC LEG APR 11 '23 AM 9:47

Re: Congratulating RJ Gicewicz
Named as the New Director of Nichols Boys Youth Hockey Program

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

BARGNESI, BASKIN, GILMOUR, JOHNSON, KOOSHOIAN, MEYERS & VINAL	In Remembrance of Emily Calvin Swans Ruff

Attachments

Emily Calvin Swans Ruff

Legislative Proclamation Submitted

By Legislators: Baskin, Bargnesi Jr., Gilmour, Johnson Jr., Kooshoian, Meyers and Vinal

EC LEG APR 11 '23 AM 9:46

Re: In Remembrance of Emily Calvin Swans Ruff

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
VINAL	Congratulating and Recognizing Roseanne Butler-Smith on a Phenomenal Career

Attachments

Roseanne Butler-Smith

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, APRIL 10, 2023

Congratulating and Recognizing Roseanne Butler-Smith on a Phenomenal Career

WHEREAS, after serving as library director of the Amherst Public Libraries since 2007 and also providing years of service to other branches in the Buffalo and Erie County Library system, ***Roseanne Butler-Smith*** has officially retired; and

WHEREAS, Butler-Smith first began working at the Lancaster Public Library in 1988 as a children's librarian before she received a promotion to become the branch manager; and

WHEREAS, Roseanne's journey would continue as she became the library director for the City of Tonawanda in 2001, library director of the Clarence Library and library director for the Amherst Public Libraries, which include the Audubon, Clearfield, Eggertsville-Snyder and Williamsville branches; and

WHEREAS, during her career, Butler-Smith contributed to keeping the doors open at the Williamsville Library Branch, especially during the early 2000s when many other branches were closed due to budget cuts; and

WHEREAS, Butler-Smith has been effective in being able to advance programming, such as an annual summer reading picnic and the trunk or treat program for Halloween; and

WHEREAS, Roseanne has used her extensive education and creativity as a leader and worked tirelessly to raising resources and help provide additional services and materials at the branches she managed; and

WHEREAS, this Honorable Body desires to acknowledge and recognize individuals such as ***Roseanne Butler-Smith***, who enhance, represent, and serve their community.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body thanks ***Roseanne Butler-Smith*** for her exceptional work ethic, her enthusiasm and service to the Buffalo and Erie County Library system and wishes her the very best wishes on her retirement and commends her on a career of public service.

_____

Hon. Jeanne M. Vinal
Erie County Legislator, 5th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
VINAL	Recognizing Ted Luckett as the New Principal of St Gregory the Great

Attachments

Ted Luckett

Legislative Proclamation Submitted

By Legislator Vinal

EC LEG APR 11 '23 AM 9:55

Re: Recognizing Ted Luckett as the New Principal of St. Gregory the Great

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

GILMOUR	Celebrating the 12th Anniversary of Waterstone Grill

Attachments

Waterstone Grill

Legislative Proclamation Submitted

EC LEG APR 11 '23 AM 9:46

By Legislator Gilmour

Re: Celebrating the 12th Anniversary of Waterstone Grill

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

GILMOUR	Congratulating and Recognizing Patrick Denecke

Attachments

Patrick Denecke

Legislative Proclamation Submitted

By Legislator Gilmour

EC LEG APR 11 '23 AM9:46

Re: Congratulating and Recognizing Patrick Denecke

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Matthew Spina on His Retirement from the Buffalo News

Attachments

Matthew Spina

STATE OF NEW YORK

EC LEG APR 11 '23 AM 9:53

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th Day of April 2023, A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Matthew Spina on his Retirement from the Buffalo News

WHEREAS, Journalism is the collection, preparation, and distribution of news to make an impact in people's lives with the intent to keep them informed of changing events and to empower them to act on the information they receive for the betterment of themselves, the community, and the world; and

WHEREAS, the Buffalo News was founded in 1873 by Edward Hubert Butler Sr. with its market area eventually reaching the largest adult population in the state, and throughout the paper's 150-year history its journalists have won many awards; and

WHEREAS, **Matthew Spina** has been working for newspapers across New York State since 1983 and worked as a reporter and editor in upstate New York and Florida before beginning his career with The Buffalo News; and

WHEREAS, **Matthew Spina** began his career with The Buffalo News in 2004 reporting on Erie County government, and became an integral member of the investigative and watchdog teams since 2011, having uncovered jail abuses, lapses in police discipline, and wrongdoing on government payrolls; and

WHEREAS, **Matthew Spina's** articles about the Erie County Holding Center were recognized by the New York State Associated Press Association in 2010, and he was awarded the Association's top prize for depth reporting on the statistics and history of the number of mentally ill or emotionally disturbed individuals killed by upstate New York police; and

WHEREAS, **Matthew Spina** was among a team of reporters from the Buffalo News that became Pulitzer finalists for their coverage of a historic winter snowstorm in Southern Erie County in 2014.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Matthew Spina** on his retirement from the Buffalo News and celebrate his forty-year career in journalism.

IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY HAND AND SIGNATURE.

JOHN J. MILLS
Minority Leader of the
Erie County Legislature

FRANK J. TODARO
Erie County Legislator

CHRISTOPHER D. GREENE
Erie County Legislator

JAMES MALCZEWSKI, JR.
Erie County Legislator

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Robert J. McCarthy on His Retirement from the Buffalo News

Attachments

Robert McCarthy

EC LEG APR 11 '23 AM 9:53

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th Day of April 2023, A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Robert J. McCarthy on his Retirement from the Buffalo News

WHEREAS, Journalism is the collection, preparation, and distribution of news to make an impact in people's lives with the intent to keep them informed of changing events and to empower them to act on the information they receive for the betterment of themselves, the community, and the world; and

WHEREAS, the Buffalo News was founded in 1873 by Edward Hubert Butler Sr., with its market area eventually reaching the largest adult population in the state, and throughout the paper's 150-year history, its journalists have won many awards; and

WHEREAS, **Robert J. McCarthy** graduated from St. Bonaventure University in 1976 and began his career with the Buffalo News in 1982 as a general assignment reporter after having worked for the Olean Times Herald for six years; and

WHEREAS, **Robert J. McCarthy** worked several different beats at The Buffalo News including police, state government, and transportation before becoming a political reporter in 1992 following George Borrelli's retirement; and

WHEREAS, **Robert J. McCarthy** reported on all major New York State and Western New York elections, including fourteen national conventions, during his forty-year career; and

WHEREAS, **Robert J. McCarthy** received many awards as a journalist including a nomination for a series of articles he co-authored on how State Supreme Court candidates are chosen; he was named one of New York's 10 Most Influential Political Journalists by Brill's Content magazine, and in 2006 he won the New York State Publishers Association first place award for his co-authored story on the State Liquor Authority that led to major reforms within the agency.

WHEREAS, **Robert J. McCarthy** reported on various issues impacting Erie County and its residents with coverage that included the platforms and candidacies of various members and challengers who have served in the Erie County Legislature for more than thirty years; and

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Robert J. McCarthy** for his illustrious career with The Buffalo News the past forty-one years and to thank him for his passion for integrity in journalism.

IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY HAND AND SIGNATURE.

JOHN J. MILLS
Minority Leader of the
Erie County Legislature

FRANK J. TODARO
Erie County Legislator

CHRISTOPHER D. GREENE
Erie County Legislator

JAMES MALCZEWSKI, JR.
Erie County Legislator

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Susan Martin on Her Retirement from the Buffalo News

Attachments

Susan Martin

STATE OF NEW YORK

EC LEG APR 11 '23 AM9:53

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th Day of April 2023, A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Susan Martin on her Retirement from the Buffalo News

WHEREAS, Journalism is the collection, preparation, and distribution of news to make an impact in people's lives with the intent to keep them informed of changing events and to empower them to act on the information they receive for the betterment of themselves, the community, and the world; and

WHEREAS, the Buffalo News was founded in 1873 by Edward Hubert Butler Sr., with its market area eventually reaching the largest adult population in the state, and throughout the paper's 150-year history, its journalists have won many awards; and

WHEREAS, **Susan Martin** began her career with The Buffalo News in 1986 as Home and Style editor, bringing her knowledge and passion for style to her weekly column; and

WHEREAS, **Susan Martin** lives in Western New York with her husband, former Buffalo News reporter Henry Davis, and together they have a daughter, Jennie who lives and works near New York City; and

WHEREAS, **Susan Martin's** early career at the newspaper provided her the opportunity to cover the Buffalo Bills' first Super Bowl appearance in Tampa, Florida in 1991 for Super Bowl XXV; and

WHEREAS, **Susan Martin** allowed Western New Yorkers to experience home design, gardening, and fashion scenes from around the region through the Home of the Month, Home of the Week, Outdoor Spaces, and 716 Style features.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Susan Martin** on her retirement and celebrate her thirty-seven-year career with The Buffalo News.

IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY HAND AND SIGNATURE.

JOHN J. MILLS
Minority Leader of the
Erie County Legislature

FRANK J. TODARO
Erie County Legislator

CHRISTOPHER D. GREENE
Erie County Legislator

JAMES MALCZEWSKI, JR.
Erie County Legislator

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

MILLS, TODARO, GREENE & MALCZEWSKI	Honoring Paul Ehret on His Retirement from the Buffalo News

Attachments

Paul Ehret

STATE OF NEW YORK

EC LEG APR 11 '23 AM 9:53

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th Day of April 2023, A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Paul Ehret on his Retirement from the Buffalo News

WHEREAS, Journalism is the collection, preparation, and distribution of news to make an impact in people's lives with the intent to keep them informed of changing events and to empower them to act on the information they receive for the betterment of themselves, the community, and the world; and

WHEREAS, the Buffalo News was founded in 1873 by Edward Hubert Butler Sr., with its market area eventually reaching the largest adult population in the state, and throughout the paper's 150-year history, its journalists have won many awards; and

WHEREAS, **Paul Ehret** is a Gowanda native, graduated from Gowanda Central School, and graduated from St. Bonaventure University in 1970; and

WHEREAS, **Paul Ehret** lived and worked in Binghamton for three years following his college graduation before returning to Western New York to work for the Buffalo Courier-Express; and

WHEREAS, **Paul Ehret** worked as a copy editor and layout editor and filled in on the wire desk, selecting national and international stories in addition to working as the news editor where he worked closely with senior editors to select and develop news for the front page; and

WHEREAS, **Paul Ehret** began working at The Buffalo News in 1982; working as a copy editor and assistant news editor, eventually being promoted to news editor in 1989 where he has remained for the last thirty-four years; and

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Paul Ehret** on his retirement and to celebrate his forty-one-year career with the Buffalo News.

IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY HAND AND SIGNATURE.

JOHN J. MILLS
Minority Leader of the
Erie County Legislature

FRANK J. TODARO
Erie County Legislator

CHRISTOPHER D. GREENE
Erie County Legislator

JAMES MALCZEWSKI, JR.
Erie County Legislator

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

MILLS, TODARO, GREENE & MALCZEWSKI	Celebrating National Public Safety Telecommunicators Week April 9-15, 2023

Attachments

National Public Safety Telecommunicators

EC LEG APR 11 '23 AM 9:54

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th Day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Celebrating National Public Safety Telecommunicators Week April 9–15, 2023

WHEREAS, police, fire, and emergency medical services must be available to respond to emergencies at any time; and

WHEREAS, when an emergency occurs, the prompt response of first responders is critical to the protection of life and the preservation of property; and

WHEREAS, the safety of our first responders and their ability to aid residents is often dependent upon the quality and accuracy of information obtained from citizens who telephone the Erie County Sheriff's Office emergency communications center; and

WHEREAS, Public Safety Telecommunicators are the first and often most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the most vital link for our public safety officers by monitoring the responders' activities by radio, providing them information, and ensuring their safety; and

WHEREAS, Public Safety Telecommunicators of the Erie County Sheriff's Office have contributed substantially to the response to routine and emergency calls, apprehension of criminals, and provision of comfort to callers during times of need; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of his or her job in the past year.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature celebrates National Public Safety Telecommunicators Week from April 9-15, 2023, in honor of the Erie County Sheriff's Office Communication Center members whose diligence and professionalism keep our County and its residents safe.

IN WITNESS WHEREOF,
I HAVE HEREUNTO SET MY HAND AND SIGNATURE.

JOHN J. MILLS
Minority Leader of the
Erie County Legislature

FRANK J. TODARO
Erie County Legislator

CHRISTOPHER D. GREENE
Erie County Legislator

JAMES MALCZEWSKI, JR.
Erie County Legislator

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
GREENE	Honoring the Smallwood Garden Club on National Gardening Day

Attachments

Smallwood Garden Club

EC LEG APR 11 '23 AM7:41

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring the Smallwood Garden Club on National Gardening Day

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions in Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, April 14, 2023, is ***National Gardening Day***, a day designed for gardeners to get out their shovels and begin planting, preparing, and sowing seeds for an abundance of flowers, fruits, and vegetables to enjoy throughout the summer; and

WHEREAS, gardening enhances participants' emotional well-being while promoting a healthy lifestyle that adds beauty, splendor, fragrance, and nutrition to our daily lives; and

WHEREAS, the ***Smallwood Garden Club*** was founded in 1956 with a mission to promote education among its members and the community in the study of practical gardening and floral design while also educating youth on the importance of gardening, conservation, and environmental concerns; and

WHEREAS, the ***Smallwood Garden Club*** is not just a club but a community resource, where members have cultivated an environment for sharing and exchanging knowledge and creating beauty in our gardens and throughout the community in which we live; and

WHEREAS, as part of their efforts to enhance the community, the ***Smallwood Garden Club*** conducts children's "Make & Take" programs at the Audubon Library, leads garden therapy at Beechwood Nursing Home, and plants and maintains the entry of the children's garden at Cornerstone Manor; and

WHEREAS, as a community, we benefit tremendously from the ***Smallwood Garden Club's*** numerous contributions and ongoing efforts to beautify our neighborhoods with gardens that bring us a feeling of peace, well-being, and joy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the ***Smallwood Garden Club on National Gardening Day*** and thank them for beautifying the Amherst Community.

Hon. Christopher D. Greene
Erie County Legislator – 6th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
GREENE	Recognizing Neil Frank and Proclaiming April 17-23, 2023 Volunteer Week in Erie County

Attachments

NEIL FRANK

EC LEG APR 11 '23 AM 9:58

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 13th day of April, 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Neil Frank and Proclaiming April 17 – 23, 2023 Volunteer Week in Erie County

WHEREAS, the third week of April has been designated ***National Volunteer Week*** to recognize the hard work, dedication, and passion of millions of individuals who volunteer their time throughout the year and change the world, one act of kindness at a time; and

WHEREAS, through their dedicated civic engagement, volunteers build more vibrant communities by offering the gifts of their time, energy, expertise, and conviction; and

WHEREAS, volunteers are role models that have a positive impact on the organizations and communities they serve, while inspiring others to look within themselves to shine their own light; and

WHEREAS, volunteers tackle society's greatest challenges by coming together to help build stronger, more vibrant communities while creating lasting change where they live and work; and

WHEREAS, established in 1974, ***National Volunteer Week*** provides an opportunity to celebrate the impact people have when they generously donate their time and talents to support worthy causes while challenging others to look for active ways to participate.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to proclaim April 17-23, 2023 ***Volunteer Week*** in Erie County; and

BE IT FURTHER RESOLVED, the Erie County Legislature recognizes and thanks ***Neil Frank*** for over 39 years of exceptional commitment and dedicated service delivering food for Amherst Meals on Wheels.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
GREENE	Honoring the Town and Country Garden Club on National Gardening Day

Attachments

TOWN & COUNTRY GARDEN CLUB

STATE OF NEW YORK

EC LEG APR 11 '23 AM 9:58

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13TH, 2023 A.D.

I Hereby Certify That at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Town and Country Garden Club on National Gardening Day

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions of Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, ***April 14th is National Gardening Day,*** a day designed for gardeners to get out their shovels and begin planting and preparing, sowing seeds for an abundance of flowers, fruits, and vegetables to enjoy throughout the summer; and

WHEREAS, gardening promotes a healthy lifestyle that lasts a lifetime, adding beauty, splendor, fragrance, and nutrition to our lives; and

WHEREAS, the ***Town and Country Garden Club*** was founded in 1960 with a mission to promote education among their members and the community in the study of practical gardening and floral design in addition to educating our youth on the importance of gardening, conservation, and environmental concerns; and

WHEREAS, the ***Town and Country Garden Club*** is not just a club but a community resource, a place for sharing and exchanging knowledge, creating beauty in our gardens and the community in which we live; and

WHEREAS, as part of their efforts to enhance the community, the ***Town and Country Garden Club*** adopted the Clearfield Library, removing original overgrown plantings and replacing them with shrubs, perennials, and annual flowers and to the delight of the library's patrons maintain it from year to year; and

WHEREAS, as a community, we benefit tremendously from the ***Town and Country Garden Club's*** numerous contributions that beautify our neighborhoods with gardens that bring us a feeling of peace, well-being, and joy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor the ***Amherst Garden Club on National Gardening Day*** and thank them for beautifying the Amherst Community.

Hon. Christopher D. Greene
Erie County Legislator – 6th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
GREENE	Recognizing Donna Lasker and Proclaiming April 17-23, 2023 Volunteer Week in Erie County

Attachments

DONNA LASKER

EC LEG APR 11 '23 AM 9:58

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 13th day of April, 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Donna Lasker and Proclaiming April 17 – 23, 2023 Volunteer Week in Erie County

WHEREAS, the third week of April has been designated ***National Volunteer Week*** to recognize the hard work, dedication, and passion of millions of individuals who volunteer their time throughout the year and change the world, one act of kindness at a time; and

WHEREAS, through their dedicated civic engagement, volunteers build more vibrant communities by offering the gifts of their time, energy, expertise, and conviction; and

WHEREAS, volunteers are role models that have a positive impact on the organizations and communities they serve, while inspiring others to look within themselves to shine their own light; and

WHEREAS, volunteers tackle society's greatest challenges by coming together to help build stronger, more vibrant communities while creating lasting change where they live and work; and

WHEREAS, established in 1974, ***National Volunteer Week*** provides an opportunity to celebrate the impact people have when they generously donate their time and talents to support worthy causes while challenging others to look for active ways to participate.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to proclaim April 17-23, 2023 ***Volunteer Week*** in Erie County; and

BE IT FURTHER RESOLVED, the Erie County Legislature recognizes and thanks ***Donna Lasker*** for over 19 years of exceptional commitment and dedicated service preparing and packing food for Amherst Meals on Wheels.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
GREENE	Recognizing Harold Schnitzer and Proclaiming April 17-23, 2023 Volunteer Week in Erie County

Attachments

HAROLD SCHNITZER

EC LEG APR 11 '23 AM 9:33

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 13th day of April, 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Harold Schnitzer and Proclaiming April 17 – 23, 2023 Volunteer Week in Erie County

WHEREAS, the third week of April has been designated ***National Volunteer Week*** to recognize the hard work, dedication, and passion of millions of individuals who volunteer their time throughout the year and change the world, one act of kindness at a time; and

WHEREAS, through their dedicated civic engagement, volunteers build more vibrant communities by offering the gifts of their time, energy, expertise, and conviction; and

WHEREAS, volunteers are role models that have a positive impact on the organizations and communities they serve, while inspiring others to look within themselves to shine their own light; and

WHEREAS, volunteers tackle society's greatest challenges by coming together to help build stronger, more vibrant communities while creating lasting change where they live and work; and

WHEREAS, established in 1974, ***National Volunteer Week*** provides an opportunity to celebrate the impact people have when they generously donate their time and talents to support worthy causes while challenging others to look for active ways to participate.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to proclaim April 17-23, 2023 ***Volunteer Week*** in Erie County; and

BE IT FURTHER RESOLVED, the Erie County Legislature recognizes and thanks ***Harold Schnitzer*** for over 19 years of exceptional commitment and dedicated service preparing and packing food for Amherst Meals on Wheels.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
GREENE	Honoring the Amherst Garden Club on National Gardening Day

Attachments

AMHERST GARDEN CLUB

EC LEG APR 11 '23 AM7:41

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring the Amherst Garden Club on National Gardening Day

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions in Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, April 14, 2023, is ***National Gardening Day,*** a day designed for gardeners to get out their shovels and begin planting, preparing, and sowing seeds for an abundance of flowers, fruits, and vegetables to enjoy throughout the summer; and

WHEREAS, gardening enhances participants' emotional well-being while promoting a healthy lifestyle that adds beauty, splendor, fragrance, and nutrition to our daily lives; and

WHEREAS, the ***Amherst Garden Club*** was founded in 1929 with a mission to promote education among its members and the community in the study of practical gardening and floral design while also educating youth on the importance of gardening, conservation, and environmental concerns; and

WHEREAS, the ***Amherst Garden Club*** is not just a club but a community resource, where members have cultivated an environment for sharing and exchanging knowledge and creating beauty in our gardens and throughout the community in which we live; and

WHEREAS, as part of their efforts to educate our youth, the ***Amherst Garden Club*** proudly awards annual scholarships to Erie and Niagara County students who plan to further their academic studies in conservation, forestry, horticulture, environmental science, or related fields; and

WHEREAS, as a community, we benefit tremendously from the ***Amherst Garden Club's*** numerous contributions and ongoing efforts to beautify our neighborhoods with gardens that bring us a feeling of peace, well-being, and joy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the ***Amherst Garden Club on National Gardening Day*** and thank them for beautifying the Amherst Community.

Hon. Christopher D. Greene
Erie County Legislator – 6th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
TODARO	Honoring the Cheektowaga Garden Club on National Gardening Day

Attachments

CHEEKTOWAGA GARDEN CLUB

EC LEG APR 11 '23 AM 9:33

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring the Cheektowaga Garden Club on National Gardening Day

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions in Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, April 14, 2023, is ***National Gardening Day***, a day designed for gardeners to get out their shovels and begin planting, preparing, and sowing seeds for an abundance of flowers, fruits, and vegetables to enjoy throughout the summer; and

WHEREAS, gardening enhances participants' emotional well-being while promoting a healthy lifestyle that adds beauty, splendor, fragrance, and nutrition to our daily lives; and

WHEREAS, the ***Cheektowaga Garden Club*** was founded in 1947 with a mission to promote education among its members and the community in the study of practical gardening and floral design while also educating youth on the importance of gardening, conservation, and environmental concerns; and

WHEREAS, the ***Cheektowaga Garden Club*** is not just a club but a community resource, where members have cultivated an environment for sharing and exchanging knowledge and creating beauty in our gardens and throughout the community in which we live; and

WHEREAS, as part of their efforts to enhance the community, the ***Cheektowaga Garden Club*** creates wreaths for the residents of Garden Gate Nursing Home; and

WHEREAS, as a community, we benefit tremendously from the ***Cheektowaga Garden Club's*** numerous contributions and ongoing efforts to beautify our neighborhoods with gardens that bring us a feeling of peace, well-being, and joy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the ***Cheektowaga Garden Club on National Gardening Day*** and thank them for beautifying the Cheektowaga Community.

Hon. Frank J. Todaro
Erie County Legislator – 8th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
TODARO	Recognizing and Honoring Douglas Lahnen for 50 Years of Service to the Lancaster Fire Department

Attachments

DOUGLAS LAHNEN

EC LEG APR 11 '23 AM 9:52

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing and Honoring Douglas Lahnen for 50 Years of Service to the Lancaster Fire Department

WHEREAS, courageous and dedicated men and women work to protect and aid the public during emergencies as both professional and volunteer first responders; and

WHEREAS, a strong vibrant civic-minded population is essential to the health of every community; and

WHEREAS, there may be no more noble exhibition of sacrifice and selflessness than the life-saving contributions of the volunteer fire and emergency services; and

WHEREAS, these volunteers not only give of their time to respond to emergencies, but they also commit themselves to hours of training to better serve the public in their time of need; and

WHEREAS, every day, volunteer firefighters risk their safety in the performance of their duties to protect our citizens; and

WHEREAS, volunteer firefighters are ready to aid the people 24 hours a day, seven days a week, regardless of inclement weather or other hazards; and

WHEREAS, in his 50 years of service to the Lancaster Fire Department, **Douglas Lahnen** has held the positions of Line Officer, Captain, and Chief, and currently hold the position of Records Officer of the Lancaster Fire Department.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize and honor **Douglas Lahnen** for his 50 years of service and dedication to the Lancaster Fire Department.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

TODARO	Honoring and Recognizing Lancaster Dispatch Service During National Public Safety Telecommunicators Week April 9-15, 2023

Attachments

LANCASTER DISPATCH SERVICE

EC LEG APR 11 '23 AM 9:53

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring and Recognizing Lancaster Dispatch Service During National Public Safety Telecommunicators Week: April 9–15, 2023

WHEREAS, police, fire, and emergency medical services must be available to respond to emergencies at any time; and

WHEREAS, when an emergency occurs, the prompt response of first responders is critical to the protection of life and the preservation of property; and

WHEREAS, the safety of our first responders and their ability to aid residents is often dependent upon the quality and accuracy of information obtained from citizens who telephone the Lancaster Police Departments emergency communications center; and

WHEREAS, Public Safety Telecommunicators are the first and oftentimes most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the most vital link for our public safety officers by monitoring the responders' activities by radio, providing them information, and ensuring their safety; and

WHEREAS, Public Safety Telecommunicators of the **Lancaster Dispatch Service** have contributed substantially to the response to routine and emergency calls, apprehension of criminals, and provision of comfort to callers during times of need; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of his or her job in the past year.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature celebrates National Public Safety Telecommunicators Week from April 9-15, 2023, in honor of the members of the **Lancaster Dispatch Service** whose diligence and professionalism keep our County and its residents safe.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
TODARO	Honoring and Recognizing Depew Dispatch Service During National Public Safety Telecommunicators Week April 9-15, 2023

Attachments

DEPEW DISPATCH SERVICE

EC LEG APR 11 '23 AM 9:53

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring and Recognizing Depew Dispatch Service During National Public Safety Telecommunicators Week: April 9–15, 2023

WHEREAS, police, fire, and emergency medical services must be available to respond to emergencies at any time; and

WHEREAS, when an emergency occurs, the prompt response of first responders is critical to the protection of life and the preservation of property; and

WHEREAS, the safety of our first responders and their ability to aid residents is often dependent upon the quality and accuracy of information obtained from citizens who telephone the Depew Police Departments emergency communications center; and

WHEREAS, Public Safety Telecommunicators are the first and oftentimes most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the most vital link for our public safety officers by monitoring the responders' activities by radio, providing them information, and ensuring their safety; and

WHEREAS, Public Safety Telecommunicators of the **Depew Dispatch Service** have contributed substantially to the response to routine and emergency calls, apprehension of criminals, and provision of comfort to callers during times of need; and

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of his or her job in the past year.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature celebrates National Public Safety Telecommunicators Week from April 9-15, 2023, in honor of the members of the **Depew Dispatch Service** whose diligence and professionalism keep our County and its residents safe.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
TODARO	Honoring the 125th Anniversary of Cayuga Hose Company #3

Attachments

CAYUGA HOSE CO.

STATE OF NEW YORK

EC LEG APR 11 '23 AM 9:53

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring the 125th Anniversary of Cayuga Hose Company #3

WHEREAS, The Erie County Legislature seeks to honor and recognize those who have made sacrifices in order to safeguard our citizens and institutions who enhance the quality of life in the community through their selfless efforts; and

WHEREAS, Cayuga Hose Company #3 was incorporated on January 19, 1898, at a Village board meeting, when it was decided that a fire department would be located in the southwest section of the village; and

WHEREAS, Cayuga Hose Company #3's foundation is deeply rooted in the core values of preservation of life and property, in addition to responding to fires, medical emergencies, rescue calls, and motor vehicle accidents; and

WHEREAS, Cayuga Hose Company #3 requires members to complete hundreds of hours of training, and all firefighters and EMTs selflessly commit to serving the community at all hours; and

WHEREAS, Cayuga Fire Company #3 for the past one hundred and twenty-five years has consistently demonstrated civic pride and has responded to all types of emergencies, always committed to the protection and well-being of the community; and

WHEREAS, the firefighters of **Cayuga Hose Company #3** dedicate their lives to the protection of life and property, and through devotion and sacrifice, they volunteer and take extraordinary risks, not to benefit themselves, but selflessly working to ensure that their communities are as safe as possible.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Cayuga Hose Company #3** on its 125th anniversary.

FRANK J. TODARO
Erie County Legislator – 8th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

MALCZEWKSI	Recognizing Gardenview Restaurant for Outstanding Customer Service

Attachments

GARDENVIEW RESTAURANT

EC LEG APR 11 '23 AM 9:33

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April, 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Gardenview Restaurant for Outstanding Customer Service

WHEREAS, the Erie County Legislature is pleased to honor organizations in our community that enhance the quality of life for our families, friends, and neighbors through their conscientious and selfless service; and

WHEREAS, Gardenview Restaurant is located at 1744 Union Road in the Town of West Seneca, just off the Union Road exit of the 400; and

WHEREAS, Gardenview Restaurant serves Greek cuisine, in addition to a variety of diverse menu items, and continuously serves breakfast throughout the day; and

WHEREAS, Gardenview Restaurant is noted for its outstanding customer service and friendly staff, and is rated one of the top restaurants in West Seneca according to online reviews; and

WHEREAS, during the Easter holiday, **Gardenview Restaurant** remained open, without taking reservations, to accommodate customers who needed a place to celebrate the holiday and enjoy a delicious meal without the burden of preparing it; and

WHEREAS, at the heart of every great restaurant is an owner who is committed to providing a great dining experience, and George Peppes is a prime example of someone who puts his heart into his business and strives to exceed his customers' already high expectations on a daily basis.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize Gardenview Restaurant for putting the needs of customers first and always providing top-quality service.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
MALCZEWSKI	Congratulating Dennis Powers on Becoming President of the Association of Towns of the State of New York

Attachments

DENNIS POWERS

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

EC LEG APR 11 '23 AM 9:53

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April, 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Congratulating Dennis Powers on Becoming President of the Association of Towns of the State of New York

WHEREAS, the Erie County Legislature is pleased to honor individuals in our community who enhance the quality of life for their family, friends, and neighbors through their conscientious and selfless service; and

WHEREAS, the Association of Towns of the State of New York was formed in 1933 and provides member towns with valuable information and assistance to navigate regulations, initiatives, and improve the overall well-being of municipalities for residents; and

WHEREAS, Dennis Powers has been serving in local government since he was elected to the Elma Town Council in 1999, and was elected to two additional terms before being appointed Town Supervisor in 2011, where he served for four terms until retiring in 2019; and

WHEREAS, Dennis Powers continues to serve the Western New York community in the Town of Amherst as the Legislative Liaison to the Office of the Supervisor; and

WHEREAS, Dennis Powers joined the executive committee of the Association of Towns in 2014, utilizing his expertise in finance and accounting on the Finance and Audit committee to analyze the state budget and advocate for town-related issues to state and federal leaders; and

WHEREAS, Dennis Powers has been involved in a number of other local organizations, including the Association of Erie County Governments, where he currently serves as Treasurer, and It Takes A Community Coalition, which works to reduce and prevent substance abuse in the Elma, Marilla, Wales community; and

WHEREAS, Dennis's legacy is not just the positions he has held or his accomplishments as an elected official, but the lifelong friendships and relationships he has built with people across the state and the impact he has had as a person and role model for future generations of leaders in government.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Dennis Powers** for becoming President of the Association of Towns of the State of New York and for over two decades of service to the residents of Erie County and New York State.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
MALCZEWSKI	Congratulating Calvin McCabe on His Retirement from the Elma Volunteer Fire Company

Attachments

CALVIN MCCABE

STATE OF NEW YORK

EC LEG APR 11 '23 AM 9:53

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April, 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Congratulating Calvin McCabe on his Retirement from the Elma Volunteer Fire Company

WHEREAS, the Erie County Legislature is pleased to honor individuals in our community who enhance the quality of life for their family, friends, and neighbors through their conscientious and selfless service; and

WHEREAS, Calvin McCabe joined the Elma Volunteer Fire Company in 1974 and has maintained continuous service with the company since; and

WHEREAS, Calvin McCabe has served in numerous leadership positions with the fire company including Third Assistant Chief in 1976, and Lieutenant from 1976-1979; and

WHEREAS, Calvin McCabe also served as a Board Trustee three separate times from 1980 to 1985, 1997 to 2004, and from 2013 until 2021, and Fire Police Captain twice from 2009 to 2011 and from 2014 until 2022; and

WHEREAS, Calvin McCabe continues to be a top five responder to alarms and has volunteered countless hours helping around the fire hall, from offering his knowledge as an electrician to simply handling day-to-day tasks; and

WHEREAS, as **Calvin McCabe** leaves the area later this year to be closer to his family, his volunteerism and commitment will be sorely missed, but his service to the residents of Elma and the Elma Volunteer Fire Company over the past forty-nine years will always be remembered fondly as an example of true dedication to the community.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and congratulate **Calvin McCabe** on retiring from the Elma Volunteer Fire Company and for forty-nine years of service to the Elma community.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
MALCZEWSKI	Congratulating Joseph Gauthier on 45 Years of Service with the Elma Volunteer Fire Company

Attachments

JOSEPH GAUTHIER

STATE OF NEW YORK

EC LEG APR 11 '23 AM 9:53

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April, 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Congratulating Joseph Gauthier on 45 Years of Service with the Elma Volunteer Fire Company

WHEREAS, the Erie County Legislature is pleased to honor individuals in our community who enhance the quality of life for their family, friends, and neighbors through their conscientious and selfless service; and

WHEREAS, Joseph Gauthier first joined the Elma Volunteer Fire Company in 1972 and quickly rose through the ranks, becoming a Lieutenant in 1974, Second Assistant Chief in 1978, First Assistant Chief in 1980, and Chief in 1983, and would serve in that role until 1987; and

WHEREAS, Joseph Gauthier left the fire company in 1994 to attend to his personal paving business but felt a sense of duty to his community and, in 2000, returned as an active member of the fire company; and

WHEREAS, Joseph Gauthier continued to work in administrative roles over the next two decades, serving as a Trustee from 2009-2014 and again from 2015-2020, and serving as Vice President in 2014; and

WHEREAS, to this day, **Joseph Gauthier** remains an active member of the Elma Volunteer Fire Company where his ability to handle difficult situations with poise and resolve is admired throughout the fire hall; and

WHEREAS, during his forty-five years of active service, **Joseph Gauthier** has earned the reputation of being no-nonsense but willing to give the shirt off his back to a fellow fireman who needs it.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Joseph Gauthier** for forty-five years of service with the Elma Volunteer Fire Company and to the Elma community.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
MILLS	Celebrating the 100th Anniversary of the Farnham Volunteer Fire Department

Attachments

FARNHAM FIRE

EC LEG APR 11 '23 AM 9:52

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Celebrating the 100th Anniversary of the Farnham Volunteer Fire Department

WHEREAS, The Erie County Legislature seeks to honor and recognize those who have made sacrifices in order to safeguard our citizens and institutions, enhancing the quality of life in the community through their selfless efforts; and

WHEREAS, the **Farnham Volunteer Fire Department** was founded on August 7, 1923, at a Village board meeting, when it was decided that a fire department be organized in the Village of Farnham; immediately twenty-three men enlisted to stand guard over their community; and

WHEREAS, the **Farnham Volunteer Fire Department's** foundation is deeply rooted in the core values of preservation of life and property in addition to responding to fires, medical emergencies, rescue calls, and motor vehicle accidents; and

WHEREAS, the **Farnham Volunteer Fire Department** requires members to complete hundreds of hours of training, and all firefighters and EMTs selflessly commit to serving the community at all hours; and

WHEREAS, the **Farnham Volunteer Fire Department** for the past one hundred years has consistently demonstrated civic pride and has responded to all types of emergencies, always committed to the protection and well-being of the community; and

WHEREAS, the **Farnham Volunteer Fire Department** firefighters dedicate their lives to the protection of life and property, and through devotion and sacrifice, they volunteer and take extraordinary risks, not to benefit themselves, but selflessly working to ensure that their communities are as safe as possible.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the **Farnham Volunteer Fire Department** and the men and women who have faithfully devoted their lives to its mission for one hundred years of dedicated service to the community.

JOHN J. MILLS, MINORITY LEADER
Erie County Legislator – 11th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
MILLS	Honoring Fran Hogenkamp for His 21 Years of Service as Orchard Park Trustee

Attachments

FRAN HOGENKAMP

EC LEG APR 11 '23 AM 9:52

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Fran Hogenkamp for his 21 Years of Service as Orchard Park Trustee

WHEREAS, The Erie County Legislature seeks to honor individuals of Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, **Francis (Fran) T. Hogenkamp** has dedicated twenty-one years of his life to serving as a trustee for the Village of Orchard Park and has tirelessly worked to make our community a better place to live, work, and play; and

WHEREAS, **Fran Hogenkamp** and his wife Sandi have been happily married for sixty-one years, and together they have raised five children and have twelve grandchildren; and

WHEREAS, **Fran Hogenkamp** is the owner of Hogenkamp Optics in the Village of Orchard Park, which is now run by his two sons and grandson, providing exceptional service to the community for many years; and

WHEREAS, **Fran Hogenkamp**, former Director of Erie Cattaraugus Rail Trail, is a proponent of activities that promote health, recreation, and economic development for the region; and

WHEREAS, **Fran Hogenkamp** has been involved with the rehabilitation of the Railroad Depot in the village, preserving the historical character of the community; and

WHEREAS, in addition to his public service, **Fran Hogenkamp** also has a strong commitment to his faith and attends mass every morning at Nativity of Our Lord Church and is a church minister.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Fran Hogenkamp** for his exceptional service and contributions to the Village of Orchard Park, and we wish him continued success and fulfillment in all his future endeavors.

JOHN J. MILLS, MINORITY LEADER
Erie County Legislator – 11th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
MILLS	Honoring George Cordia Jr. for 52 Years of Service to the Farnham Volunteer Fire Department

Attachments

GEORGE CORDIA, JR.

EC LEG APR 11 '23 AM 9:52

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y. APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring George Cordia Jr. for 52 Years of Service to the Farnham Volunteer Fire Department

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions in Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, firefighters dedicate their lives to the protection of life and property, and through commitment and sacrifice they volunteer countless hours over many years and take extraordinary risks, not to benefit themselves, but to ensure that their communities are as safe as possible; and

WHEREAS, George Cordia Jr. first began his career with the Farnham Volunteer Fire Department in 1971 and through the years has participated in virtually every aspect of the department; his overall activity level has been second to none, and he is always the first one to arrive and the last one to leave; and

WHEREAS, George Cordia Jr. has served on many committees and held different positions throughout the years, including the position of 2nd Assistant Chief and Secretary for thirty-seven years; in addition to the aforementioned positions, he currently serves as a trustee for the Village of Farnham, yet another way of helping his community; and

WHEREAS, George Cordia Jr. has served honorably and selflessly for over half a century and has earned a reputation as the most respected and dedicated firefighter; and

WHEREAS, George Cordia Jr. selflessly volunteers his time and energy to the Farnham Volunteer Fire Department and his community wherever needed; he is known for being a hard worker, ever-present, and proactive, always striving to make the department the best it can be.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **George Cordia Jr.** and thank him for fifty-two years of dedicated service and continued commitment to the Farnham Volunteer Fire Department and the community.

MINORITY LEADER JOHN J. MILLS
Erie County Legislator – 11th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
MILLS	Honoring the Eden Garden Study Club on National Gardening Day

Attachments

EDEN GARDEN CLUB

EC LEG APR 11 '23 AM 9:53

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring the Eden Garden Study Club on National Gardening Day

WHEREAS, the Erie County Legislature seeks to honor individuals and institutions of Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, April 14 is **National Gardening Day**, a day designed for gardeners to get out their shovels and begin planting and preparing, sowing seeds for an abundance of flowers, fruits, and vegetables to enjoy throughout the year; and

WHEREAS, gardening promotes a healthy lifestyle that lasts a lifetime, adding beauty, splendor, fragrance, and nutrition to our lives; and

WHEREAS, the **Eden Garden Study Club** was organized in 1934 and federated with New York State in 1972 with a foundation deeply committed to providing education to their members and the community in the study of gardening and floral design, in addition to educating our youth on the importance of gardening, conservation, and environmental concerns; and

WHEREAS, the **Eden Garden Study Club** is not just a club but a community resource, a place for sharing and exchanging knowledge, creating beauty in our gardens and the community in which we live; and

WHEREAS, the **Eden Garden Study Club** members help beautify and preserve the Eden community with their many events throughout the year including, but not limited to, the Garden Therapy Program, Raiders Respond, Blue Star Memorial Marker, and Gardens of Eden Showcase; and

WHEREAS, the community benefits tremendously from the **Eden Garden Study Club's** numerous contributions that beautify our neighborhoods with gardens that bring us a feeling of peace, well-being, and joy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the **Eden Garden Study Club** on **National Gardening Day** and thank them for beautifying the Eden Community.

_____

JOHN J. MILLS, MINORITY LEADER
Erie County Legislator – 11th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT	
MILLS	Honoring the Orchard Park Garden Club on National Gardening Day

Attachments

ORCHARD PARK GARDEN CLUB

EC LEG APR 11 '23 AM9:53

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring the Orchard Park Garden Club on National Gardening Day

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions of Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, April 14 is **National Gardening Day**, a day designed for gardeners to get out their shovels and begin planting and preparing, sowing seeds for an abundance of flowers, fruits, and vegetables to enjoy throughout the summer; and

WHEREAS, gardening promotes a healthy lifestyle that lasts a lifetime, adding beauty, splendor, fragrance, and nutrition to our lives; and

WHEREAS, the **Orchard Park Garden Club** was founded in 1976 with a mission to promote education among their members and the community in the study of practical gardening and floral design in addition to educating youth on the importance of gardening, conservation, and environmental concerns; and

WHEREAS, the **Orchard Park Garden Club,** with eighty-five members, is not just a club, but a community resource, a place for sharing and exchanging knowledge, creating beauty in our gardens and the community in which we live; and

WHEREAS, the **Orchard Park Garden Club** recognizes the importance of educating our youth and proudly awards annual scholarships to Orchard Park High School students who plan to major in conservation, forestry, horticulture, environmental science, or related fields; and

WHEREAS, as a community, we benefit tremendously from the **Orchard Park Garden Club's** numerous contributions that beautify our neighborhoods with gardens that bring us a feeling of peace, well-being, and joy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the **Orchard Park Garden Club on National Gardening Day** and thank them for beautifying the Orchard Park Community.

JOHN J. MILLS, MINORITY LEADER
Erie County Legislator – 11th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

MILLS	Honoring the Evans Garden Club on National Gardening Day

Attachments

EVANS GARDEN CLUB

EC LEG APR 11 '23 AM9:53

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., APRIL 13, 2023 A.D.

I HEREBY CERTIFY *THAT at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 13th day of April 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring the Evans Garden Club on National Gardening Day

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions of Erie County who enhance the quality of life in the community through their efforts; and

WHEREAS, April 14 is **National Gardening Day,** a day designed for gardeners to get out their shovels and begin planting and preparing, sowing seeds for an abundance of flowers, fruits, and vegetables to enjoy throughout the summer; and

WHEREAS, gardening promotes a healthy lifestyle that lasts a lifetime, adding beauty, splendor, fragrance, and nutrition to our lives; and

WHEREAS, the **Evans Garden Club** was organized and federated in 1958 with a mission to stimulate the knowledge and practice of gardening and flower arranging through study and educational programs; to promote and sponsor civic beautification and a love of nature; and to develop an interest in and broaden knowledge of conservation and ecology; and

WHEREAS, the **Evans Garden Club** has thirty-seven members and acts as a community resource; a place for sharing and exchanging knowledge, creating beauty in our gardens and the community in which we live; and

WHEREAS, the **Evans Garden Club** is a nonprofit grassroots organization that enhances and beautifies the community with plantings at the Evans Central Fire Hall, Historical Society, Sturgeon Point Marina, and many other areas; and

WHEREAS, the community benefits tremendously from the **Evans Garden Club's** numerous contributions that beautify neighborhoods with gardens that bring us a feeling of peace, well-being, and joy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize the **Evans Garden Club on National Gardening Day** and thank them for beautifying the Evans Community.

JOHN J. MILLS, MINORITY LEADER
Erie County Legislator – 11th District

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

LL INTRO. 1-1 (2022)	TODARO, GREENE, LORIGO & MILLS	A Local Law Authorizing Twelve and Thirteen-Year-Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult

Attachments

LL INTRO. 1-1 (2022)

EC LEG APR 4 '22 PM3:52

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 1-1 - 2022
LOCAL LAW – NO. _____ - 2022

A Local Law authorizing twelve (12) and thirteen (13) year old licensed hunters to hunt deer with a firearm or crossbow during hunting season with the supervision of a licensed adult

SECTION 1. Legislative Intent

Historically, twelve (12) and thirteen (13) year old residents if New York State have only been able to hunt deer, with a bow or small game with appropriate firearms. This rule has left New York as the only state to prohibit twelve (12) and thirteen (13) year old hunters from using firearms to hunt deer.

The 2021 New York State Budget included legislation allowing residents aged twelve (12) and thirteen (13) to hunt deer with a firearm or crossbow under the supervision of an experienced adult hunter, provided the county in which they are hunting has opted into the program pursuant to Environmental Conservation Law 11-0935.

Environmental Conservation Law (ENV) 11-0935 provides a pilot program for counties to allow young residents, aged twelve (12) and thirteen (13) years old, the opportunity to safely learn to hunt deer with firearms under adult supervision. It is the intent of this law to permit twelve (12) and thirteen (13) year old residents to hunt deer with firearms and crossbows, by opting into New York's existing pilot program pursuant to Environmental Conservation Law 11-0935. It does not expand youth access to firearms it simply increases the opportunity to hunt bigger game.

Erie County is passing this local law as hunting is a valued tradition for many families. This new opportunity allows experienced, adult hunters to introduce the value of hunting to the next generation. Furthermore, teaching young people safe, responsible, and ethical hunting practices will ensure a rewarding experience for the youth, while providing quality food to families and contributing to important deer management population control practices.

A 2021 version of this law was passed by this honorable body and vetoed by County Executive Poloncarz. Executive Poloncarz cited the "many unfortunate firearm hunting accidents across the state and county, especially those involving youth hunters[1]" as the reason for the law's veto. The first year of the pilot program has ended and the Department of Environmental Conservation has

[1] Spectrum New 1, Poloncarz Vetoes Law Lowering Legal Hunting Age, https://spectrumlocalnews.com/nys/buffalo/politics/2021/10/07/vote-to-override-poloncarz-veto-on-hunting-age-law-falls-short, last accessed 3/29/2022.

issued a report on hunting incidents across New York State, which is attached. According to the report, only two eligible counties failed to enter into the pilot program in 2021, Erie County and Rockland County. In the remaining 54 counties 9,859 youths aged 12-13 participated in the youth hunting program. Those 9,859 12 and 13-year-old children harvested 1,564 deer across New York State. There were zero recorded shooting incidents, hunting violations, or license revocations.

SECTION 2. Pilot Program Authorization

Pursuant to Environmental Conservation Law, ECL 11-0935, Erie County elects to participate in the temporary program allowing young hunters, ages twelve (12) and thirteen (13), to hunt deer with a firearm, to include rifles, shotguns, and muzzle loaded firearms or crossbow through 2023.

SECTION 3. State Requirements to Adhere Once Authorized

Per New York State requirements twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer with the following requirements:

- Twelve (12) and thirteen (13) year old licensed hunters shall be under the supervision of a licensed adult hunter, aged 21 years or older, with a rifle, shotgun, or muzzle loading firearm in areas where, and during the hunting season in which, such firearms may be used; and
- Twelve (12) and thirteen (13) year old licensed hunters shall be allowed to hunt deer under the supervision of a licensed adult hunter, aged 21 years or older, with a crossbow during the times when other hunters may use crossbows; and
- Supervision of a licensed adult hunter, aged twenty-one (21) years or older, with at least three (3) years of experience who exercises dominion and control over the youth hunter at all times is required; and
- All licensed twelve (12) and thirteen (13) year old hunters as well as their adult supervisors shall be required to wear fluorescent orange or pink clothing while engaged in hunting to an extent and covering so designated pursuant to the law, rules, and regulations promulgated by the State of New York; and
- All licensed twelve (12) and thirteen (13) year old hunters shall remain at ground level while hunting deer with a crossbow, rifle, shotgun, or muzzleloader; and
- Notwithstanding any State or Federal Law to the contrary, this local law shall not authorize the hunting of bear by twelve (12) and thirteen (13) year old hunters with a firearm or crossbow.

SECTION 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

SECTION 5. Severability

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

Sponsors Legislator Todaro, Legislator Greene, Legislator Lorigo, Legislator Mills

NEW YORK
STATE OF
OPPORTUNITY

Department of
Environmental
Conservation

Deer Hunting by 12- and 13-Year-Old Hunters

A Report to the New York State Senate and Assembly

February 22, 2022

Ava Woolston, age 12, with the deer she took in Orleans County during the 2021 Youth Big Game Hunt, mentored by her father, Ryan Woolston.

www.dec.ny.gov

Deer Hunting by 12- and 13-Year-Old Hunters

- Prepared by -

Jeremy Hurst, NYSDEC Big Game Unit Leader

The 2021 New York State Budget included legislation that adopted a new section of the Environmental Conservation Law (11-0935) authorizing a license holder who is twelve or thirteen years of age to hunt deer with a crossbow, rifle, shotgun, or muzzleloading firearm under the supervision of an experienced adult hunter in eligible areas. The legislation established this new opportunity as a pilot program through 2023 and required counties to adopt a local law authorizing participation and notify the department of such participation.

DEC is pleased to provide the following report to the legislature which highlights the success of the inaugural program and fulfills the requirement of Environmental Conservation Law 11-0935(3) which states, *"The department shall prepare a report by February first of each year including the following information at a minimum: number of violations; hunting related incidents and revocations pursuant to section 11-0719; the number of counties participating; the number of minors participating; and the number of deer taken."*

Preliminary Results from the 2021-22 Deer Hunting Seasons

Participation of 12- and 13-year-old deer hunters

# Licensed 12- and 13-year-old hunters[1]		9,859
Estimated Participation:	Regular Firearms Deer Season	85%
	Youth Big Game Hunt over Columbus Day Weekend	62%
	General Muzzleloader Deer Season	21%
	Holiday Hunt portion of the Late Muzzleloader Season	26%
	Bowhunting Season	31%
	With a Crossbow During any Season	18%
Deer Harvest Reports submitted by 12- and 13-year-old hunters[2]		1,564

[1] License holders who were 12- or 13-years-old at any time during the 2021 hunting seasons when 12- and 13-year-old hunters could use a firearm or crossbow (September 12, 2021 through January 1, 2022).

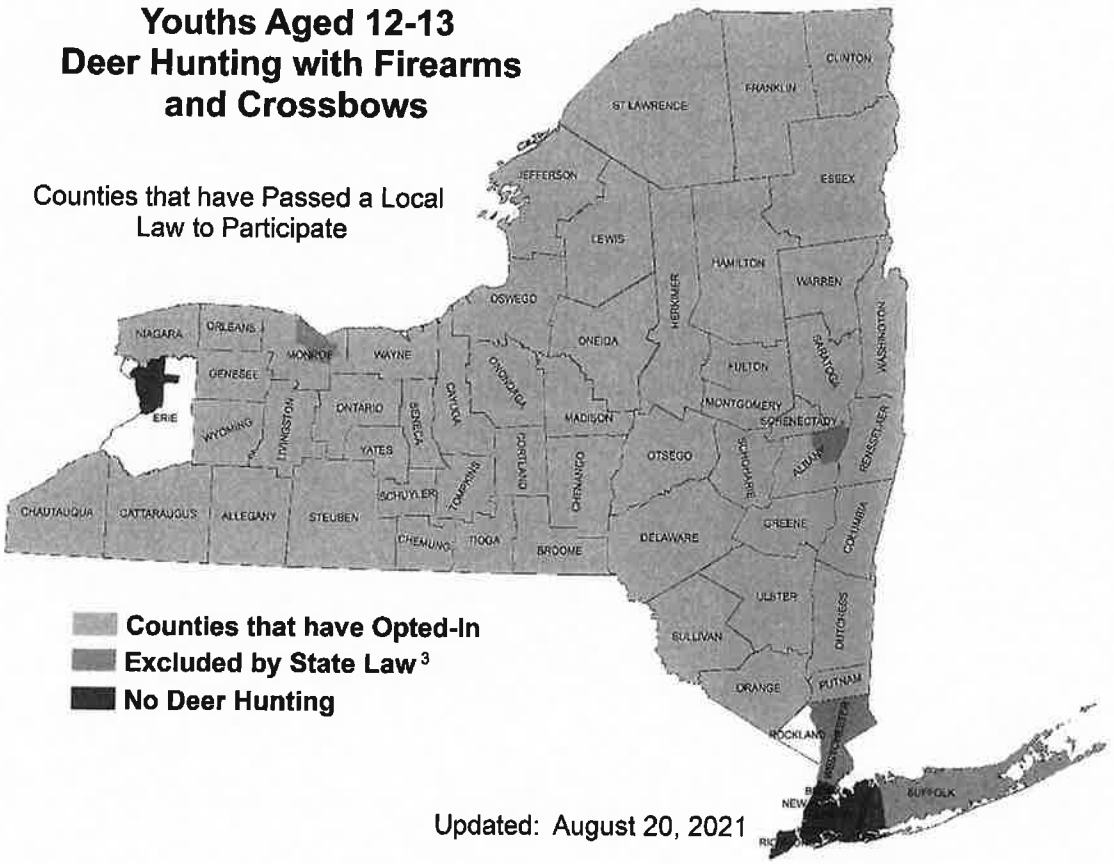
[2] Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York until January 31.

Safety and Compliance of 12- and 13-year-old deer hunters

Hunting related shooting incidents	0
Hunting violations	0
Hunting license revocations	0

County Participation

ECL 11-0935(2) defines eligible areas as: "a county that has passed a local law authorizing participation in the pilot program and has notified the department of such participation, however, that the following counties: Westchester; Richmond; Bronx; New York; Kings; Queens; Nassau; and Suffolk shall not be deemed to be eligible." Thus, 54 of the 62 New York State counties were eligible to participate in the pilot program. Of the 54 eligible counties, only Erie and Rockland county did not pass a local law to allow 12- and 13-year-olds to hunt deer with a firearm or crossbow.



[3] Portions of Albany and Monroe counties were excluded by state laws (ECL 11-0907(5)(a) and 11-0907(7)(b)) that restrict deer hunting in those areas to use of longbows only.

"Best thing NYS has done for youths in NYS. Great to have the kids enjoying the outdoors."

"Had a great time teaching and enjoying the extra time with son. Thanks again."

"I got to spend time with my grandfather and although we did not score a deer just being in our woods was fun."

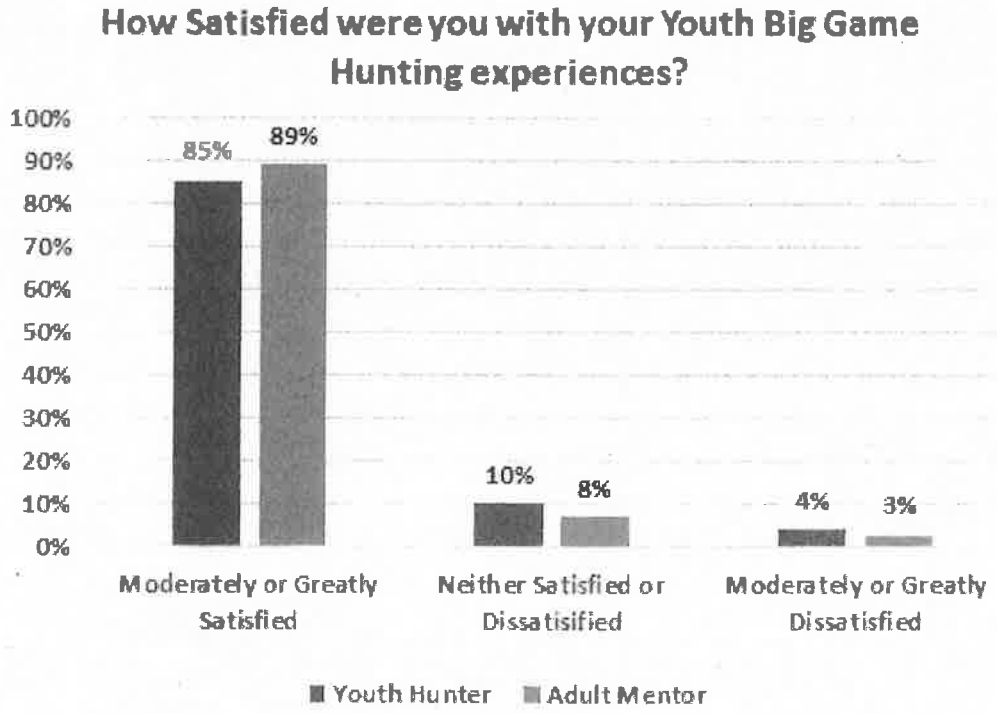
"It's a great way to get the young generation to hunt."

"Love the early opportunity with my father. Great bonding experience."

"The youth hunt is great…I think it builds a great trust and cooperation between DEC officers, young hunters and their parents, that extends well beyond the weekend. Great experience."

"This was a great opportunity. Thank you for allowing this and promoting younger hunters."

Holland B. from Ontario County got her first doe and buck in 2021. "What an amazing year!"



Recommendations

As evidenced in this report, it is clear that 12-and 13-year-old hunters can safely and successfully hunt deer with a firearm or crossbow and should be authorized to retain this important opportunity. In order to continue to cultivate the next generation of safe and responsible hunters and capitalize on the success of this program, DEC provides the following recommendations to expand youth hunting opportunities in New York:

1- **Make permanent the authorization for 12- and 13-year-old hunters to hunt deer with a firearm and crossbow.** We assessed participation and harvest by junior big game hunters through a post-season survey and asked about their level of satisfaction with their big game hunting opportunities in 2021. More than 9,800 young hunters (aged 12 and 13), representing approximately 9,500 families were eligible to hunt deer with a firearm or crossbow in 2021. These hunters were safe and successful, and satisfaction levels were extremely high. 85% of these young hunters and 89% of their adult mentors reported being moderately or greatly satisfied with their youth big game hunting experience this past year. Existing state law permanently allows hunters aged 12 and 13 to hunt small game with a firearm or long bow and big game with a long bow, when properly supervised. Establishing the same permanent provisions for 12- and 13-year-old hunters to hunt big game with a firearm will ensure that 12-year-olds can continue to hunt big game when they are 13 and that younger siblings have the same opportunity when they turn 12.

2- **Allow 12- and 13-year-old hunters to also hunt black bear with a firearm and crossbow.** Youths aged 12 and 13 have been legally able to hunt black bears with a longbow in New York since 2011 and have done so without incident. Hunting black bear with a longbow is unquestionably more challenging than hunting black bear with a firearm. Nonetheless, 12- and 13-year-old hunters have routinely demonstrated that they can safely and successfully harvest a black bear with a longbow. These same hunters, and all 12- and 13-year-old hunters, should be given the opportunity to also hunt black bear with firearms and crossbows.

3- **Extend the authorization for 12- and 13-year-old hunters to hunt deer with a firearm or crossbow to all of New York State (subject to other provisions of ECL) and remove the requirement for counties to pass a local law opting-in.** Of all the eligible counties in New York, only Erie and Rockland Counties did not pass a local law authorizing participation in the pilot program as required by 11-0935. However, in both of these counties, hunters aged 14-years or older can hunt deer and bear with firearms and crossbows. Similarly, Westchester and Suffolk Counties were specifically excluded from the provisions of 11-0935 despite an existing firearms season for deer in January in Suffolk County and provisions in 11-0903(7) authorizing the same potential opportunity in Westchester County. Young hunters in Erie, Rockland, Suffolk, and Westchester counties should not be forced to hunt elsewhere and should be given opportunity to hunt in the same locations and in the same manner as their peers, older siblings, and other family members.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

LL INTRO. 3-1 (2022)	BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR	The Erie County Language Access Act

Attachments

LL INTRO. 3-1 (2022)

EC LEG NOV 17 '22 PM1:58

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 3-1 -2022

LOCAL LAW NO. _____-2022

THE ERIE COUNTY LANGUAGE ACCESS ACT

A Local Law mandating the development of County Agency-specific language access plans, practices and training in the County of Erie.

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

Section 1. Legislative Intent and Findings

The County recognizes that a large percentage of its inhabitants speak languages other than English and that the well-being and safety of the County as a whole is put in jeopardy if the people of the County are unable to access County services or effectively communicate with County agencies.

This Legislature also finds and determines that language can be a substantial barrier for residents seeking to access government information, programs and services. This Legislature finds that Title VI of the Civil Rights Act of 1964 prohibits agencies receiving federal funds from discriminating against persons on the basis of race, color or national origin. This Legislature determines that Presidential Executive Order 13166 (August 11, 2000) requires federally funded agencies to act to ensure that individuals with limited English proficiency have access to programs and services.

This Legislature concludes that it is in the best interest of all County residents to ensure and improve language access to County programs and services.

Section 2. Definitions

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

County Agency: Any agency, department, division or office of Erie County government which provides programs and/or services to the public or programs and/or services made available to individuals in the custody of the Erie County Sheriff.

Designated Countywide Languages: The top six limited English proficiency languages spoken by the population of Erie County as determined by the Language Access Advisory Board.

Direct Public Services: Services administered by a County Agency directly to program beneficiaries and/or participants, including any services administered by an agency directly to individuals in the custody of the Erie County Sheriff.

Interpretation: An oral (spoken) or signed communication of a message from one language to another, in real time by a qualified human interpreter competent in both languages, keeping in mind cultural context, without adding, omitting, or changing the message's original meaning.

Limited English Proficiency: Persons for whom English is not their primary language and have difficulty communicating effectively in English.

Translation: The written rendition of a text in one language to a written text in another language, completed by a human translator competent in both languages.

Vital Documents: Those documents most commonly distributed to the public and individuals in County correctional facilities that contain or elicit important and necessary information regarding the provision of Direct Public Services.

Section 3. Language Access Requirements

Every County Agency shall provide language access services for direct public services it administers. Such language access services may include, but not be limited to:

1. Providing competent and timely interpretation services to individuals in their primary or preferred language. Competent interpretation shall mean a spoken or signed, real-time communication in which the qualified human interpreter is fluent in both the source and target language and is trained as an interpreter. The interpreter shall know relevant terminology and provide accurate interpretations by choosing equivalent expressions that convey the best matching and meaning to the source language and capture, to the greatest extent possible, all nuances intended in the source material;

2. Identifying and translating vital documents provided to the public, including but not limited to, forms and instructions provided to or completed by program participants and beneficiaries in each designated countywide language;

a. Existing vital documents must be translated within 365 days of the effective date of this law.

b. New vital documents, produced after the effective date, must be translated as soon as is practicable but no later than 120 days after the English version is released to the public, except for emergency communications which must be translated immediately, or at most up to 5 days following the release of the English version.

3. Translation of pre-recorded informational messages on agency phone lines that provide vital public information in English, including emergency alerts and public service announcements;

4. Translated copies of vital documents which are already made available to the public in English must be made available to the public in the same way as the current English version. Translated vital documents must be published alongside any English documents that may be available online through the County website;

5. Online applications or machine interpretation or translation software shall not be used;

6. Family members, other clients, and any other member of the public who is not a qualified interpreter, shall not be used for interpretation with respect to the provision of services or benefits;

7. Posting of multilingual signage in conspicuous locations about the availability of free interpretation services. Where practicable, the same information should be communicated via pre-recorded announcements in each designated countywide language on the public address system in public waiting areas;

8. Accommodations for communication access shall be available upon request including American Sign Language Interpretation via an on-site interpreter, Video Remote Interpreter (VRI), or Communication Access Realtime Translation for individuals who are deaf, hard of hearing or have hearing loss.

9. All language access services must be provided at no cost to the person seeking services from the Department.

Section 4. Language Access Plans

Every County Agency, in consultation with the Language Access Advisory Board, shall develop and implement an agency-specific language access implementation plan to describe how language access services will be provided and to ensure meaningful equal access to direct public services. County agencies with existing language access plans shall review such plans, in consultation with the Advisory Board, to ensure compliance with the provisions of this act.

A final copy of each county agency language access plan shall be submitted to the County Legislature and the Advisory Board and shall be published on the agency's website no later than 180 days after the effective date of this act. Agency plans must be implemented within 90 days following submission of the final plan.

Each County Agency shall update its language access implementation plan biennially, based on changes in the agency's service population or services and in conjunction with the designated language access coordinator and the Advisory Board, and publish such updated plan on its website.

Each language access plan shall set forth, at a minimum, the following:

1. Designate a language access coordinator to oversee the creation and execution of an agency language access implementation plan, collect language data, and issue an annual report. The name, title and contact information of such language access coordinator is to be posted in a conspicuous place on such agency's website;

2. Describe how such agency will provide the language access service required by Section 3, including the titles of all available translated documents and the languages into which they have been translated and the number of fully bilingual employees in public contact positions and the languages they speak;

3. Incorporate a uniform training plan for agency employees, including annual training on the language access policies and the provision of language assistance services as well as providing a procedure that allows employees to report issues and problems implementing the language access plan;

4. Incorporate a process for tracking and reporting agency language access data including the number and type of requests for language access services, what languages service requests are for, how each request was fulfilled, the number of complaints received by the agency regarding language access, and how complaints were resolved.

5. Determine the methods such agencies will employ with regard to providing language access services, both through agency staffing and contracts with third parties. Whenever possible, County Agencies should prioritize hiring local interpreters.

6. Consider the following factors in developing such implementation plan:

a. the number or proportion of LEP persons in the eligible service population;

b. the frequency with which LEP individuals come into contact with the agency, if such data exists. If no relevant data has been collected, such agency must exclude this factor from consideration;

c. the importance of the benefit, service, information, or encounter to the LEP person (including the consequences of lack of language services or inadequate interpretation or translation); and

d. the resources available to the agency and the costs of providing various types of language services

7. When a member of the public states they are deaf, hard of hearing, or have hearing loss, the County Agency's designated language access coordinator shall submit notice and keep record of notice made to The Erie County Office for People with Disabilities on behalf of the member of the public in need of language access services. The Office for People with Disabilities will support the members of the public with communication services.

Section 5. Amending Article 17 of the Erie County Charter

Erie County Local Law No. 1-1959, constituting the Erie County Charter, as amended, is hereby amended at Article 17 to add a new Section 1708 to read as follows:

Section 1708. Language Access Advisory Board. There shall be a Language Access Advisory Board to advise on matters relating to LEP individuals and language access. The Board shall consist of seven members including:

1. County Executive, or their designee;
2. County Clerk, or their designee;
3. Sheriff, or their designee; and
4. Four community members to be appointed by the County Executive. All four community member appointments will be subject to confirmation by the County Legislature.

Membership on the board shall be reflective of the diversity of the county's population and members shall be representatives from community organizations and faith-based organizations serving LEP and deaf, hard of hearing and hearing loss communities in Erie County. Members of the Board shall be appointed for a term of three years. No member may serve more than two terms, except that those members who are initially appointed to complete the unexpired term of a member may also be eligible to serve two subsequent terms of three years each. The Board shall annually designate one member to serve as Board chairperson. In the event of a vacancy occasioned other than by expiration of the term of office of the chairperson, the Board shall appoint a successor to that office from the Board's membership.

The Advisory Board shall be empaneled within ninety days following the effective date of this act. A quorum shall consist of a majority of the members of the Advisory Board entitled to vote on the matter under consideration. Approval of any matter shall require the affirmative vote of a majority of the members voting thereon. The Advisory Board shall adopt by-laws for the management and regulation of its affairs.

The Board shall:

1. Designate the top six languages LEP individuals speak in Erie County as the Countywide Languages. This process will take place every two years and will consider a wide variety of data sources, including but not limited to data collected by the U.S Census and American Community Survey, public schools, local interpreting agencies, federal refugee resettlement programs and County Agencies to determine which language groups are most in need of language services.
2. Advise County Agencies in developing and implementing their Language Access Plan.
3. Review Agency Language Access Plans and evaluate the implementation of those plans.
4. Create a mechanism to interact with public regarding proper language access plan implementation.

5. Review annual reports from County Agency language access coordinators and create a comprehensive annual report filed with the Legislature. Annual reports and recommendations will be made publicly available online through the County website.
6. Put forward additional policy recommendations as needed to improve language access services.

Section 6. Right to Privacy

The need for/use of language services by an individual contacting the County shall not be deemed by any County employee as a basis for inquiring into information related to an individual's immigration status or other personal attributes. No County employee shall inquire about or disclose confidential information, including, but not limited to, immigration status, unless such inquiry or disclosure is required by law.

Section 7. Effective Date

This Local Law shall take effect 180 days after it becomes law.

Section 8. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Sponsors:
April N.M. Baskin
Timothy Meyers
Howard Johnson
Jeanne Vinal
John Gilmour

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

LL INTRO. 3-1 (2023)	JOHNSON	The Occupancy Tax Modernization Act

Attachments

LL INTRO. 3-1 (2023)

COUNTY OF ERIE

LOCAL LAW INTRO NO. 3-1-2023

EC LEG MAR 21 '23 AM8:39

LOCAL LAW NO. _____-2023

A LOCAL LAW Titled: The Occupancy Tax Modernization Act

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

Section 1. Legislative Intent.

a. The Erie County occupancy tax was established via local law by the Erie County Legislature in September 1974 and was amended via local law in 1975, 1983, 1987, and 2007. There has not been a comprehensive review of the various local laws governing the occupancy tax nor an effort to modernize and update the law in decades.

b. The Erie County Legislature ("Legislature") hereby finds and declares that short-term and vacation rental properties are in widespread use in Erie County, whether via hosting platforms such as Airbnb, VRBO, Homestay, or by other means.

c. Unlike other counties in New York State that maintain occupancy tax collection agreements with hosting or "home-sharing" platforms such as Airbnb, Erie County does not have any such agreements with such platforms and/or operators that provide short term and vacation rental properties.

d. The Legislature finds that there are unjustified variances and inconsistencies with this state of affairs, as hotels are required to collect taxes from guests pursuant to the County of Erie's hotel occupancy tax law, but operators and platforms for short term and vacation rentals have not been collecting such tax, are not readily subject to any health and safety regulations, and are not registered with the County, despite offering identical or substantially similar services.

e. The Legislature finds that the law should apply equally to all individuals and entities engaged in the rental of temporary accommodations, and that the current state of affairs has resulted in an unequal "playing field" for traditional hotels and motels compared to other types of short term and vacation rental properties. The Legislature further finds that this discrepancy also results in a loss of occupancy tax revenue to Erie County and its taxpayers.

f. The Legislature finds that, pursuant to Chapter 614 of the Laws of 1974 of the State of New York, operators of these transient lodging facilities should be subject to the same occupancy taxes as their counterparts in the traditional lodging industry to help ensure fairness across the lodging sector in Erie County.

g. The Erie County Legislature hereby finds that there is a need to bring the definition and administration of occupancy tax into the 21st Century by updating the various functions of the tax to meet the demands of the modern short-term rental industry within the parameters of the taxing authority delegated by the State of New York.

h. The Legislature hereby intends this that this Local Law will perform the following functions and beneficial purposes:

1. Clarify the reach of the tax to include non-traditional short-term and vacation rentals within Erie County;

2. Require all operators of properties used for short-term and vacation rentals to register with the County for the collection of the tax;

3. Bring all manner of short-term rental properties above ground to better ensure the safety of occupants and quality of life for the broader community;

4. Modernize and enhance enforcement capabilities of the County to pursue scofflaws who fail to collect and remit the tax or misappropriate the same;

5. Allow hosting platforms that have executed voluntary collection agreements with the County to collect and remit the tax on the operator's behalf;

6. Establish the methodology used to determine taxable rent for all properties used for transient lodging. Accordingly, collection and remittance of the tax for short-term and vacation rentals will be principally placed on the corporate hosting platform through a voluntary collection agreement and secondarily placed on individual operators opting not to enter into any such agreement; and

7. Reinvest in the continued development of the tourism to maintain and enhance infrastructure, create economic opportunity for residents, and increase the recreational appeal of Erie County.

i. Therefore, except for the limited purposes provided by Section 25 of this Local Law, Erie County Local Law No. 12-1974, Erie County Local Law No. 8-1975, Erie County Local Law No. 5-1983, Erie County Local Law No. 1-1987, and Erie County Local Law No. 4-2007 are hereby repealed in their entirety and replaced with this Local Law.

Section 2. Definitions.

a. Charter. The Charter of Erie County as established by Local Law 1-1959 and amended thereafter.

b. Clerk. The elected Clerk of Erie County.

c. Comptroller. The elected Comptroller of Erie County.

d. Exempt Entity. A government, corporation, or association exempt from taxation under Section 4 of this local law.

e. Hosting Platform. An application, technology, and/or similarly based service through which a third party desiring to offer an accommodation (a "host") and a third party desiring to book an accommodation (a "guest") have the opportunity to communicate, negotiate, and consummate a booking transaction for transient lodging accommodations pursuant to a direct agreement between a host and guest to which the hosting platform is not a party but still facilitates payments for rent on behalf of or for the host, and/or otherwise acts as intermediary between the host and the guest. Merely publishing an advertisement for transient accommodations does not make the publisher a hosting platform.

f. Operator. Any person or entity operating premises where short-term rental occupancy transactions are conducted in Erie County, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such premises.

g. Occupancy. The use or possession, or the right to the use or possession of any room in a premises that is the subject of short-term rental occupancy transactions.

h. Permanent Resident. A person occupying any room or rooms in a premises that is the subject of a short-term rental occupancy transaction for at least thirty consecutive days.

i. Person. An individual, partnership, society, association, joint stock company, corporation, limited liability company, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

j. Rent. The consideration received for occupancy valued in money, whether received in monetary form or otherwise.

k. Room. Any room or rooms of any kind in any part or portion of a premises that is the subject of a short-term rental occupancy transaction, which is available for or let out for any purpose other than a place of assembly.

l. Return. Any return filed or required to be filed as herein provided.

m. Sheriff. The elected Sheriff of Erie County.

n. Short-Term Rental. A building or portion of it which is regularly used and kept open as such for lodging on an overnight basis. The term 'short-term rental' includes a hotel, motel, hostel, apartment hotel, motor court or inn, boardinghouse or club, campground with cabins, home-sharing property or vacation rental, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served, and

shall include those facilities commonly known as 'bed-and-breakfast' and 'tourist' facilities. "Short-term" and "vacation rentals" shall mean and include those units rented or leased to occupants – other than permanent residents – that are furnished apartments or living units in or consisting of a dwelling place ordinarily occupied for residential purposes or location that is otherwise made available for sleeping accommodations, directly by the owner or through an owner's agent or hosting platform.

Section 3. Imposition of Tax.

a. Except as otherwise provided by this Section, on and after the first day of June, 2023, there is hereby imposed and there shall be paid a tax of three percent upon the rent for every occupancy of a room or rooms in the County.

b. For all short-term rental transactions where rental capacity of the premises exceeds thirty (30) rooms, the rate of tax on occupancy shall be five percent.

c. If the charge for occupancy of a room includes only the cost of the room, board, and cleaning fees, any other charges that are separately stated and are only incurred at the option of the occupant and/or charged by a hosting platform shall not be included in the calculation of the occupancy tax imposed by this Local Law.

d. If the operator does not separate the charge for room and board from other charges, excluding cleaning fees but including those added by a hosting platform, the entire charge to the occupant is taxable until the occupant becomes a permanent resident as defined by this Local Law.

e. No tax shall be imposed upon a permanent resident as defined by this Local Law.

Section 4. Exempt Organizations

a. Except as otherwise provided in this Local Law, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law.

(1) The State of New York, or any of its agencies, instrumentalities, public corporations (including public corporations created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the State;

(2) The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;

(3) The United Nations or other world-wide international organizations of which the United States is a member; and

(4) Any corporation, association, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable or education purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which

inures to the benefit of any private shareholder or individual and no part of the activities of which is carrying out propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

b. Where any organization described in paragraph three (3) of subdivision (a) of this Section conducts its activities in furtherance of the purposes for which it was organized, and, as part of said activities, it engages in short-term rental transactions on the premises in which such not-for-profit activities are conducted, occupancy of rooms in the premises and rent therefrom received by such corporation or association shall not be subject to tax hereunder.

Section 5. Territorial Limitations

The tax imposed by this local law shall apply only within the territorial limits of the County of Erie.

Section 6. Registration

a. Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every owner and/or operator shall file with the Comptroller a Certification of Registration in a form prescribed by the Comptroller.

b. The Comptroller shall, within five business days after such registration issue without charge to each operator a Certificate of Authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional short-term rental of such operator. Each certificate or duplicate shall be certified, bear the seal of Erie County, and state the short-term rental to which it is applicable. Such Certificate of Authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy.

c. Where a host or operator uses a hosting platform that has executed a voluntary collection agreement with the County, such host or operator shall submit an application for a Certificate of Authority clearly stating all information required under applicable law but may otherwise designate such hosting platform as primarily and solely liable for collection and remittance of the tax.

d. If a Certificate of Authority is lost, stolen, or otherwise misplaced by an operator, such operator may apply, in a form prescribed by the Comptroller, for a replacement Certificate of Authority. Replacements shall be certified and issued to the operator at a cost of $50.00.

e. Failure to register a short-term rental with the Comptroller as required by this Section shall result in the imposition of a penalty amounting to one hundred dollars per day of non-registration. The Comptroller may, upon a showing of good cause by an owner or operator, waive up to 75% of the total amount of penalties incurred under this Subsection.

f. Such certificates shall be non-assignable and non-transferrable and shall be surrendered immediately to the Comptroller upon:

(1) the cessation of business at the short-term rental;

(2) the sale, lease, assignment, or other transfer to another host or operator; or

(3) the designated hosting platform service named as designee on the certificate provided by this Section is sold, renamed, or otherwise transferred.

For the purposes of this Subsection, a change in ownership of the owner, hosting platform, operator, or the parent company of the same greater than or equal to 50% shall be considered a transfer.

g. Violation of Subsection (e) of this Section shall immediately void any Certificate of Authority previously issued, in addition to any additional penalties otherwise imposed by this Local Law.

Section 7. Administration and Collection

a. The tax imposed by this local law shall be administered and collected by the Comptroller of the County of Erie or the Comptroller's designee by such means and in such manner as are other taxes which are now collected and administered by such officers in accordance with the Charter or as otherwise are provided by this Local Law.

b. The tax to be collected pursuant to this Local Law shall be stated, charged, and shown separately from the rent. At the time when the occupancy is arranged, contracted for or charged for, and upon any and all evidence of occupancy, any charge made shall be paid by the occupant to the operator as trustee for and on behalf of the County.

c. The operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant. In respect to non-payment of the tax by the occupant payable at the time such tax shall become due and owing, the operator retains all applicable rights including, but not limited to, rights of eviction, repossession, and enforcement of any innkeeper's lien that the operator may have in the event of non-payment of rent by the occupant. An operator shall join the Comptroller as a party in any action or proceeding brought by the operator against an occupant under this Local Law.

d. The tax imposed by this Local Law shall be paid upon any occupancy on and after the effective date of this Local Law except for any such occupancy reserved pursuant to a contract, lease or other arrangement made prior to such date. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Comptroller may by regulation provide for credit and/or refund of the amount of such tax upon application therefore as provided by this Local Law.

e. For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, the following presumptions and burdens shall apply:

   1. It shall be presumed that all rents are subject to tax until the contrary is established.

   2. The burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant.

   3. Where an occupant claims exemptions from the tax under the provisions of Section 4 of this Local Law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the Comptroller certifying that the named entity is exempt from taxation under Section 4 of this Local Law, together with a writing duly executed by the exempt entity named in the certificate issued by the Comptroller certifying that the occupant is its agent, representative or employee and that the occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said exempt entity.

f. A hosting platform may enter into a voluntary collection agreement with the County containing and specifying the following:

   1. The hosting platform shall be solely responsible and liable for collecting and remitting the applicable tax to the County for booking transactions completed through the respective hosting platform for short-term rentals as defined by Subsection 2(l) of this local law.

   2. The host or operator of the short-term rental who is not the hosting platform shall not be responsible for collecting and remitting the tax to the County on any transaction for which it has received confirmation that the hosting platform has collected the aforementioned tax and remitted it back to the County pursuant to a voluntary collection agreement.

   3. Neither the County, its officers, agents, and employees, or a hosting platform, its officers, agents, and employees, shall be required or made to furnish a copy or any portion of a voluntary collection agreement entered into between the County and a hosting platform. The hosting platform shall furnish to any operator using the hosting platform, a certificate, in a form to be determined by the Comptroller, confirming the existence and enforceability of such agreement.

g. Where an operator of a short-term rental uses a hosting platform that has voluntarily entered into and executed a voluntary collection agreement with the County pursuant to Subsection 7(f) of this Local Law, such hosting platform, for the purposes of tax registration, collection, and remittance under this Local Law, shall only be liable for transactions completed through the respective hosting platform pursuant to the terms of such agreement.

h. If the operator of a short-term rental uses a hosting platform that has not entered into and executed an agreement with the County pursuant to Subsection 7(f) of this Local Law, such operator shall be liable for the collection and remittance of the tax.

Section 8. Records.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Comptroller may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Comptroller or the Comptroller's duly authorized agent or employee and shall be preserved for a period of five years.

Section 9. Returns.

a. Every operator or, in the case where a hosting platform has entered into voluntary collection agreement pursuant to Section 7(f) of this Local Law, such hosting platform, shall file with the Comptroller a return of occupancy and of rents, and of the taxes payable thereon for quarterly periods ending the last day of February, May, August, and November of each year, on and after the effective date of this Local Law subject to the limitations prescribed by Section 7(d) of this Local Law.

b. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The Comptroller may permit or require returns to be made by other periods and upon such dates as the Comptroller or his duly authorized designee may specify. If the Comptroller deems it necessary in order to ensure the payment of the tax imposed by this Local Law, the Comptroller may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this Section and upon such dates as the Comptroller may specify.

c. Where a hosting platform has entered into a voluntary collection agreement with the County pursuant to Section 7(f) of this Local Law, the mechanism for increasing the number of return dates per calendar year must be included in such voluntary collection agreement.

d. The form of returns shall be prescribed by the Comptroller and shall contain such information as the Comptroller may deem necessary for the proper administration of this Local Law. The Comptroller may require amended returns to be filed. Such returns shall be delivered not later than twenty days following notice of the operator or hosting platform by the Comptroller and shall contain the information specified in the notice.

e. If the return required by this Section is not filed, or if a return as filed is incorrect or facially insufficient, the Comptroller shall take all necessary steps to enforce the filing of such return or a corrected return. The Comptroller shall not waive tax liability or suspend collection of tax imposed by this Local Law.

Section 10. Payment of Tax.

a. At the time of the filing a return of occupancy and of rents, each operator, or, in the case where a hosting platform has entered into voluntary collection agreement pursuant to Section 7(f) of this Local Law, such hosting platform shall pay to the Comptroller the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator or hosting platform acting or purporting to act under the provisions of this Local Law.

b. Where the Comptroller, as a matter of discretion, deems it necessary to protect revenues to be obtained under this Local Law, the Comptroller may require any operator or hosting platform required to collect the tax imposed by this Local Law to file a bond with the Office of Comptroller, issued by a surety company authorized to transact business in the State of New York and approved by the Superintendent of the New York State Department of Financial Services as to the solvency and responsibility, in such amount as the Comptroller may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator or hosting platform.

c. In the event that the Comptroller determines that an operator or hosting platform is to file such bond, the Comptroller shall give notice to such operator or hosting platform to that effect. The Comptroller shall specify the amount of the bond required in writing and send it to such operator or hosting platform by certified mail at the address provided by such operator or hosting platform. Evidence of such mailing shall create a presumption that such operator or hosting platform has been notified.

d. Where an operator or hosting platform has been notified by the Comptroller that a bond shall be required pursuant to this Section, such operator or hosting platform shall file such bond within ten business days.

e. An operator or hosting platform may, within ten business days, request in writing a hearing before the Comptroller or the Comptroller's designee at which the necessity, propriety, and amount of the bond shall be determined by the Comptroller, notice of which shall be sent by certified mail to the address provided by such operator or hosting platform. Such determination shall be final and shall be complied with within ten business days after the Comptroller notifies such operator or hosting platform.

f. In lieu of the bond described in Subsection 10(b) of this Local Law, securities approved by the Comptroller or cash in such amount as the Comptroller may prescribe may be deposited. Such deposit shall be kept in the custody of the Comptroller who may at any time and without notice to the depositor, apply such deposit to any tax, interest, and/or

penalties due. For that purpose, any securities may be sold by the Comptroller at public or private sale without notice to the depositor.

Section 11. Determination of Tax.

a. If a return required by this Local Law is not filed, or if a return when filed is incorrect or facially insufficient, the amount of the tax due shall be determined by the Comptroller from such information as may be obtainable.

b. If necessary, the tax may be estimated on the basis of external indices, including but not limited to, the number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and publicly reported earnings.

c. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days following receipt of notice from the Comptroller of such determination shall apply to the Comptroller for a hearing. The Comptroller may redetermine the same *sua sponte*.

d. After such hearing, the Comptroller shall give notice of such determination to the person against whom the tax is assessed. The determination of the Comptroller shall be reviewable by the Supreme Court of Erie County for error, illegality, unconstitutionality, or abuse of discretion pursuant to Article Seventy-Eight of the Civil Practice Law and Rules.

e. No party aggrieved by the determination of the Comptroller shall have standing to bring an action under Article 78 of the Civil Practice Law and Rules challenging the Comptroller's determination unless the amount of any tax sought to be reviewed, with any and all penalties and interest thereon, shall be first deposited with the Comptroller.

f. In addition to the requirements of Section 11(e) of this Local Law, any party challenging the determination of the Comptroller pursuant to Article 78 of the Civil Practice Law and Rules shall first file with the Comptroller an undertaking, issued by a surety company authorized to transact business in the State of New York and approved by the Superintendent of the New York State Department of Financial Services as to solvency and responsibility, in such amount as a Justice of the Supreme Court of Erie County shall approve to the effect that if such proceeding is dismissed or the tax confirmed, the petitioner shall pay all costs and charges which may accrue in the prosecution of the proceeding.

g. At the option of the petitioner, such undertaking filed with the Comptroller may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties, and interest as a condition precedent to the application.

Section 12. Disposition of Revenues.

a. All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County.

b. Within sixty days of the effective date of this Local Law, the Comptroller shall create a special fund, the sole purpose of which shall be the distribution of revenues to not-for-profit corporations and public benefit corporations dedicated to the promotion and facilitation of tourism in Erie County.

c. Notwithstanding any provision of law to the contrary, with respect to tax imposed by this Local Law on and after January 1, 2024, all revenue resulting from such tax, including any interest and/or penalties thereon, shall be credited to and deposited in the fund created by the Comptroller pursuant to Subsection 12(b) of this Local Law.

d. On and after January 1, 2024, all amounts deposited in the fund created pursuant to Subsection 12(b) of this Local Law shall be made available and distributed to Buffalo Niagara Convention & Visitors Bureau, Inc. pursuant to a lawfully executed agreement between Buffalo Niagara Convention & Visitors Bureau, Inc. and the County of Erie. Such agreement shall include a requirement that Buffalo Niagara Convention & Visitors Bureau, Inc. shall submit an annual report to the County Executive, County Legislature, and County Comptroller concerning the expenditure of distributions received from the County, the annual budget and business plan, and any additional information as may be required pursuant to such agreement.

e. An agreement entered into pursuant to Subsection 12(d) of this Local Law shall be approved as to form by the County Attorney, approved by the County Legislature, for a period of three years. The County Executive shall, no later than January 1 of each year of the agreement term, execute a renewal of such agreement and shall file such renewal with the Clerk of the Legislature on or before the date of the first meeting of the Legislature for that year.

f. In the event that Buffalo Niagara Convention & Visitors Bureau, Inc. to cease operations, lose or alter it's 501(c)((6) status, or alter its purpose so that it's mission and/or significant activities no longer fulfills the legislative intent of this Local Law, distributions pursuant to Subsection 12(c) of this Local Law shall immediately cease. Thereafter, all revenues received by the County pursuant to this Local Law shall be credited to and deposited in the general fund of the County until such time as an agreement is lawfully executed between the County and a qualifying entity to fulfill the legislative intent of this Local Law.

g. All entities receiving distributions under this Section are subject to oversight by the Comptroller.

Section 13. Refunds.

a. In the matter provided by this Section, the Comptroller shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Comptroller for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Comptroller, the reasons therefore shall be stated in writing. Such application may be made by the occupant, operator, or hosting platform who has actually paid the tax.

b. Such application may be made by an operator who has collected and paid over such tax to the Comptroller provided that the application is made within one year of the payment by the occupant to the operator, but not actual refund of moneys shall be made to such operator until it shall first be established to the satisfaction of the Comptroller, under such regulations as the Comptroller may prescribe, that the occupant has been repaid in the amount for which the application was made. The Comptroller may, in lieu of any refund, allow credit therefore on payments due from the applicant.

c. An application for a refund or credit made as provided herein shall be deemed an application for a revision of any tax, penalty, or interest complained of and the Comptroller may receive evidence with respect thereto. After making a determination, the Comptroller shall notify the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within thirty days following final notice of such determination and a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Comptroller in such amount and with such sureties as a Justice of the Supreme County of Erie County shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner shall pay all costs and charges which may accrue in the prosecution of such proceeding.

d. A person or entity shall not be entitled to a revision, refund or credit under this Section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 13 of this Local Law where such person or entity has had a hearing or an opportunity for a hearing, as provided by this Section, or has failed to avail himself or herself of the remedies therein provided.

e. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Comptroller made pursuant to Section 11 of this Local Law unless it is found that such determination was erroneous, illegal or unconstitutional, either by the Comptroller after a hearing pursuant to this Section, or by a Court under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of this Local Law.

Section 14. Reserves.

In cases where the occupant, operator, or hosting platform has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review an adverse determination on an application for refund pursuant to Section 13 of this Local Law, the comptroller shall set up appropriate reserves to meet any decision adverse to the County.

Section 15. Remedies Exclusive.

a. The remedies provided by Section 11 and Section 13 of this Local Law shall be the exclusive remedies available to any entity for the review of tax liability imposed by this Local Law.

b. No determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, or any other action not brought under Article 78 of the Civil Practice Law and Rules.

Section 16. Proceedings for Recover Tax.

a. Whenever any operator, hosting platform or other person or entity required to collect and remit occupancy tax pursuant to this Local Law fails to collect and remit and tax, penalty or interest imposed by this Local Law, the Erie County Attorney shall, upon the request of the Comptroller bring or cause to be brought an action to enforce the payment of the same on behalf of Erie County in the Supreme Court of Erie County within sixty days of such request. Should the County Attorney fail to bring such action within sixty days of the Comptroller's request, the Comptroller may bring or cause to be brought such action on behalf of Erie County.

b. If the Comptroller believes that any such operator, hosting platform, or any other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Comptroller may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

c. As an additional or alternate remedy, the Comptroller may issue a warrant, directed to the Sheriff commanding the Sheriff or the Sheriff's duly authorized designee, to levy upon and sell the real and personal property of the operator, hosting platform, or any person liable for the tax as described by this Local Law which may be found within Erie County for payment of the amount thereof with any penalties, interest, and the cost of executing the warrant.

d. The Sheriff shall, within five business days following the receipt of the warrant, file a copy of such warrant with the Clerk. In the discretion of the Comptroller, a warrant of like terms, force and effect may be issued and directed to any officer or employee who shall have all the powers conferred by law upon the Sheriff under this Local Law, provided that such designee shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty.

e. The Clerk shall, within five business days after a warrant has been filed by the Sheriff or the Comptroller's designee, enter in the judgment docket the name of the person or entity named in the warrant and the amount of the tax penalties, penalties, and interest for which the warrant is issued and the date when such copy is filed. If the Clerk fails to

enter such information onto the judgment docket within five days, the Comptroller may enter such information on his or her own accord. At such time as warrant information specified by this Subsection is entered onto the judgment docket, the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the operator, hosting platform, or persons liable for the tax pursuant to this Local Law against which the warrant is issued.

f. The Sheriff or the Comptroller's designee shall proceed upon the warrant, in the same manner and with like effect, as provided by law in respect to executions issued against property upon judgments of a court of record.

g. If a warrant is returned not satisfied in full, the Comptroller may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefore and execution thereon had been returned unsatisfied.

Section 17. Notice Upon Sale.

a. Whenever an operator shall make a sale, transfer or assignment in bulk or in part or the whole of a short-term rental operation or a lease, license or other agreement or right to possess or operate such short-term rental operation, the seller, transferor or assignor shall notify the Comptroller by registered mail of the proposed sale and of the price, terms and conditions thereof. Failure to do so shall result in a fine not to exceed ten thousand dollars imposed against the seller, transferor, assignor, and, in the case of a corporate entity, the officers, partners, members, or owners of such entity.

b. Whenever an operator shall make a sale, transfer or assignment in bulk or in part or the whole of such operator's operation, lease, license or other agreement or right to possess or operate such short-term rental operation, otherwise than in the ordinary and regular course of business, the purchaser, transferee or assignee, shall at least ten days before taking possession of the subject of said sale, transfer or assignment or paying therefore, notify the Comptroller by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferor or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser , transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

c. Whenever the purchaser, transferee or assignee shall fail to give notice to the Comptroller as required by the Subsection 17(a), or whenever the Comptroller shall inform the purchaser, transferee or assignee that a possible claim for such tax exists, any sums of money, property, causes of action, or other consideration which the purchaser, transferee or assignee is required to remit to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County.

d. The purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property, causes of action, or other consideration to the extent of the amount of the County's claim.

e. Where a purchaser, transferee or assignee fails to comply with the provisions of this Section, the purchaser, transferee or assignee shall be liable for the payment to the County of all taxes, penalties, and interest theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor.

f. All such liability imposed by this Section may be assessed and enforced in the same manner as the liability for the tax under this Local Law.

Section 18. General Powers of the Comptroller.

In addition to the powers granted to the Comptroller elsewhere in this Local Law, the Comptroller is hereby authorized and empowered:

a. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;

b. To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit penalties but not interest computed at the rate of six percent per annum; and to compromise disputed claims in connection with the taxes hereby imposed;

c. To request information from the New York State Department of Taxation and Finance or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, notwithstanding any other provision of this Local Law to the contrary;

d. To delegate any functions hereunder to the Deputy Comptroller or any officer or employee of the Office of Comptroller;

e. To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;

f. To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the Comptroller;

g. To require any operator within the County to maintain any and all records required by this Local Law for a concrete length of time in excess of the five-year period required under Section 8 of this Local Law not to exceed five additional years;

h. To permit an operator or hosting platform, upon a showing of good cause, to enter into an agreement with the County allowing the operator or hosting platform to make periodic payments in a manner and at such intervals to be prescribed by the Comptroller, provided that no such payment plan exceeds two years following the date that the return was due pursuant to Section 9 of this Local Law;

i. To assess and determine the taxes imposed under this Local Law.

Section 19. Administration of Oaths.

a. The Comptroller or the Comptroller's duly authorized employees or agents shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The Comptroller shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of this duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of state or unable to attend in person or excused from attendance.

b. A Justice of the Supreme Court of Erie County either in court or at chambers shall have power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Comptroller under this Local Law.

c. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Comptroller under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than five thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

d. The officers who serve the summons or subpoena of the Comptroller and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the Sheriff of Erie County, the Sheriff's duly appointed deputies or any officers or employees of the Comptroller who have been designated by the Comptroller to serve such process.

Section 20. Reference to Tax.

a. Whenever reference is made in placards, promotion, publication or other form of public-facing signage or advertisement to the tax imposed by this Local Law, such reference shall be substantially in the following form: "Tax on occupancy of rooms for short-term accommodation."

b. Whenever reference is made in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator or hosting platform to the tax imposed by this Local Law, the phrase "occupancy tax" will suffice.

Section 21. Penalties and Interest.

a. Any person failing to file a return or to pay over any tax to the Comptroller within the time required by this Local Law shall be subject to a penalty of five percent of the amount of tax due, plus interest at the rate of one percent of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due.

b. The Comptroller may, if satisfied that the delay was excusable, waive all or any part of a penalty imposed by this Section. The Comptroller may not waive interest accrued at the rate of six percent annually. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.

c. Any operator, occupant, or hosting platform failing to file a return required by this Local Law, or filing or causing to be filed any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false shall be subject to a fine not to exceed ten thousand dollars. The individual who engages in such conduct while acting as the agent of such operator, occupant or hosting platform shall be guilty of a misdemeanor. The Comptroller may, in his discretion, refer such violations to the Erie County District Attorney.

d. Any occupant, operator, or hosting platform who violates the provisions of this local law, in addition to any other penalties so specified by this Local Law, shall be subject to a fine not to exceed ten thousand dollars. Such violations include, but are not limited to:

   1. Failing to file a bond required to be filed pursuant to Section 11 of this Local Law;

   2. Failing to file a registration certificate and such data in connection therewith as the Comptroller may by regulation or otherwise require;

   3. Failure to display or surrender the Certificate of Authority as required by this Local Law or assigning or transferring such Certificate of Authority;

   4. Failing to charge the tax imposed by this Local Law altogether or separately from the rent;

   5. Failing to keep the records required by Section 8 of this Local Law or otherwise required by the Comptroller by regulation.

e. In addition to the penalties imposed by this Section and otherwise imposed elsewhere by this Local Law, entities in violation thereof shall be subject to daily fines not to exceed

five hundred dollars per day for each day such entity remains in violation of this Local Law. Such penalties shall be collected in the same manner as otherwise prescribed elsewhere in this Local Law.

f. The certificate of the Comptroller, to the effect that a tax has not been paid, that a return bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

Section 22. Returns to be Secret.

a. Within 120 days of the effective date of this Local Law, the County shall establish a confidential mechanism permitting owners and operators to submit returns, pay amounts owed, and transmit all other information required by this Local Law in electronic form.

b. Except as provided by a proper judicial order, or as otherwise provided by law, it shall be unlawful for the Comptroller or any officer or employee of the Office of Comptroller to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under the Local Law. The officers charged with the custody of such returns shall not be required to produce any return required by this Local Law or evidence of any information contained in them in any action or proceeding in any court or administrative proceeding except on behalf of the Comptroller in an action or proceeding brought under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit into evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

c. Nothing herein shall be construed to prohibit the following:

(1) delivery to a taxpayer or a taxpayer's duly authorized representative of a certified copy of any return filed in connection with such taxpayer's obligation under this Local Law; or

(2) the publication of statistics so classified as to prevent the identification of particular returns and the items thereof;

(3) the inspection of the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty; or

(4) confirming for any person or entity that a named operator does not have any undue outstanding tax liabilities, interest and/or penalties pursuant to this Local Law.

d. Returns shall be preserved for five years and thereafter until the Comptroller permits them to be destroyed.

e. Any violation of subdivision (a) of this Section shall be punishable by a fine not exceeding $1,000. Any willful violation of subdivision (a) of this Section by an officer or employee of the County shall result in that officer or employee's immediate dismissal from office and prohibition from holding any public office for a period of five years thereafter.

f. In the event that any person or operator fails to timely and accurately file a return and/or collect and remit the tax due and owing to the County, and/or fails to adhere to the terms and conditions of any agreement said party enters into with the County for the payment of taxes due hereunder, the restriction contained in subdivision (a) of this Section shall be lifted. Only authorized officers and employees of the Office of Comptroller, Division of Budget and Management, and Department of Law are permitted to release limited identifying information regarding the delinquency, including, but not limited to, an operator, person or taxpayer's name, names of the principals of said owner and/or operator, and the amount of the delinquency.

Section 23. Notices and Limitations of Time.

a. Any notice authorized or required under the provisions of this local law may be given by sending the same by certified mail:

   1. In the case of an operator or hosting platform, to the address provided on the last return filed pursuant to the provisions of this Local Law; or

   2. In the case of an occupant, to the address provided by such occupant on the most recent application made to the Comptroller pursuant to Section 11 or Section 13 of this Local Law.

b. The mailing of such notice shall be presumptive evidence of receipt by the entity to which the notice is addressed. Any time period which is determined according to the notice provisions of this Local Law shall commence to run from the date of mailing of such notice.

c. The provisions of the Civil Practice Law and Rules or any other law conflicting with Chapter 614 of the Laws of 1974 relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess , determine or enforce the collection of any tax, interest, or penalty provided by this Local Law.

d. Where an operator or hosting platform files a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return.

e. Where no return has been filed by an operator or hosting platform as provided by Section 9 of this Local Law, the tax may be assessed at any time.

f. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period. No extension authorized by this subsection shall, by itself or cumulatively, exceed two years past the original date of the return required by Section 9 of this Local Law.

Section 24. Effective Date.

This Local Law shall take effect upon filing with the New York Secretary of State and shall not be applied retroactively to the collection and remittance of taxes prior to the amendment to this local law taking effect.

Section 25. Completion of Unfinished Business.

Any matter undertaken or initiated and liabilities incurred under the provisions of the local laws repealed by Section 1 of this Local Law which are pending on the effective date of this Local Law shall be completed in the same manner and under the same terms and conditions and with the same effect as if conducted and completed in accordance with the provisions of the Local Laws herein repealed. Such matters include but are not limited to tax liability, interest and penalties previously incurred, warrants previously issued, and applications for refund previously made. Nothing in this Section shall be interpreted to exempt or excuse any operator or hosting platform from filing a certificate of registration with the Comptroller pursuant to Section 6(a) of this Local Law.

Section 26. Severability.

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

Sponsor:

HOWARD J. JOHNSON, JR.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

LL INTRO. 1-2 (2023)	MILLS, GREENE, TODARO, MALCZEWSKI, BASKIN, MEYERS, JOHNSON, KOOSHOIAN, BARGNESI, VINAL & GILMOUR	Providing for 10% Property Tax Exemptions for Volunteer Firefighters and Ambulance Workers in Erie County

Attachments

LL INTRO. 1-2 (2023)

EC LEG MAR 21 '23 AM9:45

LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE
LOCAL LAW INTRO. – NO. 1-2 - 2023
LOCAL LAW – NO. _____ - 2023

Providing for 10% property tax exemptions for Volunteer Firefighters and Ambulance workers in Erie County

SECTION 1: Legislative Intent

Volunteer firefighters and ambulance workers are vital to public safety in communities across Erie County. To encourage and reward the selfless acts of volunteerism displayed by our firefighters and ambulance workers, New York State now allows local municipalities to opt into a real property tax exemption for certain volunteer firefighters and volunteer ambulance workers.

This local law, pursuant to §466-a of the NYS Real Property Tax Law (RPTL), is intended to provide any enrolled member of an incorporated volunteer firefighter or volunteer ambulance company across Erie County a real property tax exemption of up to 10% of the assessed value of qualifying residential real property owned by a volunteer firefighter or ambulance worker in the district in which they volunteer.

It is further the intent of this body to extend this benefit to un-remarried spouses of volunteer firefighters and ambulance workers in instances where the volunteer dies after accruing twenty years of service or for those who die in the line-of-duty.

SECTION 2: Provision of a Real Property Tax Exemption to Enrolled Members of Incorporated Volunteer Firefighter and Ambulance Companies

The Erie County Legislature hereby provides a real property tax exemption of 10% of the assessed value of real property for taxes levied by Erie County for individuals that meet the following qualifications:

- The individual is an enrolled and certified member of an incorporated volunteer fire company, fire department, or volunteer ambulance service that provides services within the County of Erie and has a minimum of two years of service; and
- That the property receiving the benefit is located within the jurisdiction served by the incorporated fire department or volunteer ambulance service to which the volunteer belongs; and
- The individual resides in the County of Erie and the property receiving the benefit is the primary residence of the individual and is used exclusively for residential purpose, and any portion of the property not used for residential purposes shall be subject to taxation.

SECTION 3: Grant of Lifetime Real Property Tax Exemption for Certain Volunteer Firefighters and Volunteer Ambulance Workers who have Accrued Twenty Years of Volunteer Service

The Erie County Legislature hereby provides a lifetime real property tax exemption of 10% of the assessed value of real property for any individuals that have been certified by the authority having jurisdiction over an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service as having accrued twenty or more years of active service, so long as their primary residence remains within the Erie County jurisdiction in which they served.

SECTION 4. Grant of Lifetime Real Property Tax Exemption for Un-remarried Spouses of Volunteer Firefighters and Volunteer Ambulance Workers Whose Spouses Qualify under Section 3 of this Law or Whose Spouses Die in the Line-of-Duty

The Erie County Legislature hereby provides a real property tax exemption for life to the spouse of any volunteer firefighter or volunteer ambulance worker who dies after accruing twenty years of service or who dies in the line-of-duty pursuant to the policies contained in New York State RPTL §466-a (4). Provided, however, that the volunteer was already eligible for, and receiving, this benefit under either Section 2 or Section 3 as applicable.

SECTION 5. Certification of Eligibility

For the purposes of the requirements set forth by §466-a of NYS RPTL and this Local Law, no benefits can be provided without a certification of eligibility filed with the local assessor's office, in who's jurisdiction the applicant's property is located.

A universal county certificate of eligibility shall be published by the Erie County Executive on the County website for submission to applicant's assessor's office within 30 days of the effective date of this local law.

As part of any certificate of eligibility in application for benefits described by this law, the applicant must provide a Letter of Certification, which includes the exact date enrolled and current active status on their volunteer fire department or ambulance service's letterhead along with a proof of residency.

SECTION 6. Effective Date

This local law shall take effect in the next full tax year following filing with the Secretary of State.

Any volunteer having accrued the minimum years of service described in this local law as of the effective date of this law shall be eligible to apply for the benefits described herein provided they meet all other eligibility requirements contained in this law.

SECTION 7. Severability

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

Sponsors: Legislators Mills, Greene, Todaro, Malczewski, Baskin, Meyers, Johnson, Kooshoian, Bargnesi, Vinal and Gilmour

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

LL INTRO. 2-2 (2023)	BASKIN, MEYERS, JOHNSON, VINAL, KOOSHOIAN, BARGNESI & GILMOUR	The Public Art Act of Erie County

Attachments

LL INTRO. 2-2 (2023)

EC LEG MAR 23 '23 AM11:25

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 2-2 -2023

LOCAL LAW NO. _____-2023

THE PUBLIC ART ACT OF ERIE COUNTY

A Local Law providing for public financial support for public art in the County of Erie.

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

Section 1. Legislative Findings and Intent

The Erie County Legislature desires to support and promote worthwhile initiatives that help to promote the public good and improve the quality of life of our community. Like many other municipalities and local governments around the country, the Legislature wishes to further develop the County's financial support of public art through the County's construction of new infrastructure. This initiative seeks to make art accessible to all Erie County residents and visitors and to foster a sense of community connection and civic pride.

The County already has a robust financial contribution and commitment to arts and cultural institutions, through annual budgetary funding and occasional, one-time capital or operational funding for cultural assets. In addition, the County has been funding a position of Public Art Curator located at the Albright-Knox Art Gallery for several years.

The County also values artists and believes that artists should be compensated in a manner consistent with their experience. This will ensure that artists' expenses and labor on public art projects are adequately compensated and will strengthen our public art artists community by properly valuing their need in Erie County.

As contrasted with annual operational funding for the County's cultural assets (which are already financially subsidized and supported by the County of Erie), this initiative proposes to create a funding mechanism for public art related to certain Erie County capital construction projects. Under the proposal, depending on the size and type of the project, the County would allocate 1% of the cost of a building construction project (up to a maximum of $10,000 allocated). The Committee will decide where in Erie County the public art will be installed in an annual Public Art Master Plan. Art won't need to be implemented where every capital improvement exists. All the 1% monies collected from the previous year's capital improvements will be allocated to fund the design, supplies and commission of the next year's Public Master Art Plan.

Section 2. Funding

Capital projects on buildings that are $250,000 or greater, whether funded by capital (bonded) funds or operating funds, shall include the appropriation of funds equal to 1% of the cost of the

project, with said funds to be appropriated for the acquisition, maintenance and management of public art, except where the appropriating resolution, bond resolution or budget may provide otherwise; provided, however, that, where applicable, such amount shall be reduced to the extent that state funds, federal government funds, and funding derived from water rates, water quality treatment charges, sewer rents and sewage, wastewater and refuse collection charges in the County, are not authorized to be used for such purpose. The maximum allocated for public art shall be $10,000 from each eligible capital project.

A "Public Art Fund" shall be created by the Division of Budget and Management to hold funds for implementation of the projects finalized in the Master Public Art Plan and/or projects chosen by the Arts in Public Places Committee.

The use of any funds appropriated for any project for public art purposes shall be in accordance with the Master Public Art Plan, except that any such funds provided from the proceeds of County serial bonds or notes shall be used only for public art purposes related to the project for which such bonds or notes were authorized. To the extent the total appropriation of a project is not used for the acquisition of works of art for said project, upon the approval of the County Legislature, the remainder may be used for:

1. Arts program administrative costs, insurance costs or for the repair and maintenance of any works of art acquired under this law; or
2. Supplementing other appropriations for the acquisition of works of art under this law or to place works of art in or near government facilities which have already been constructed.

Section 3. Definitions

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

"Public Art" includes any application of skill and taste to production of tangible objects according to aesthetic principles, including but not limited to paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, fountains, streetscapes, drawings and ceramics, as well as decorative seating, topiary, and other decorative public use features.

"Capital Projects" includes: (a) new construction of a building or of additional space added to a building; and/or (b) any reconstruction or renovation of a building or part of a building, whether financed through the issuance of bonds or pay-as-you-go funding or other (non-County) sources of funds.

"Projects" shall not include those which are solely for rehabilitation of equipment.

"Cost of a Project" includes design, architectural and engineering fees, site work, construction, and contingency allowances for a project.

"Public Art Fund" means the new fund to which 1% of the value of a new capital project will be allocated to pursue Public Art initiatives (to a maximum of $10,000 for each capital project).

"Committee" refers to the Arts in Public Places Committee.

"Master Public Art Plan" ("Plan") means the annual plan created by the Committee by March 1 to ensure a coherent acquisition program and implementation guidelines for Public Art.

Section 4. The Arts in Public Places Committee

A. There shall be an Arts in Public Places Committee, hereinafter referred to as the "Committee," consisting of five (5) members. The County Executive shall appoint three (3) members, and the Majority Caucus and Minority Caucus of the Legislature shall each appoint one member. All five members shall be subject to Legislature confirmation. The Chairperson of such Committee shall be selected from the members of the Committee for a term of one year.

B. The five (5) members shall be experts in the fields of art, art history, architecture or architectural history and must be Erie County residents and may not serve on any other County advisory board or be a County employee or officer. The members shall be professionally associated with local visual arts groups, such as art galleries or art schools, or have at least ten (10) years' experience in creating professional art.

C. In addition to the five (5) voting members of the Committee, The County Executive, the Chairperson of the Legislature, the Chairperson of the Legislature's Community Enrichment Committee, the Legislature Minority Leader, and the Commissioner of Public Works or their designees, shall serve as ex officio non-voting members of the Committee.

D. The Committee shall choose the methods of acquisition of public art for each project. Such methods of acquisition may include but are not limited to projects of preexisting art, direct commission, art competition, request for proposals, or acceptance of donations.

E. The Committee may, for each project, convene a project panel comprised of at least three members of the Committee, one of whom shall be designated Chairperson. The Committee may also appoint additional art experts as members of the project panel. The Committee may appoint additional members to the panel to serve as advisors, who may be community representatives, County employees, project managers or others who will have frequent contact with the public art when it is completed. An architect or engineer shall be an ex officio member of each panel. The panel shall review the scope of each project and shall make recommendations to the Committee on the nature of the public art to be considered for the project, on the method of acquisition for each project, on the specific artist and the specific art for each project and what portion of the budget for each project shall be used for refurbishing or restoring existing works of art or to be set aside for the maintenance of a work of art.

F. The acquisition and siting of all art work shall be approved by the County Executive and the County Legislature.

G. Ownership and title of all works of public art acquired by the County under this section shall be vested in the County of Erie.

H. The Committee shall create by-laws which will govern the conduct and operations of the Committee.

I. The Erie County Department of Environment and Planning shall serve as coordinator for the program and provide staff support to the Committee.

J. The Committee shall deliver an annual report to the County Executive and the County Legislature detailing its operations, Plan and art created under its auspices.

Section 5. Master Public Art Plan

The Committee shall prepare a Master Public Art Plan ("Plan") annually to ensure a coherent acquisition program and implementation guidelines, which shall be approved by the Erie County Legislature. The Committee shall hold a public hearing on the Plan prior to its approval. The Plan shall be approved by the Committee and submitted to the Legislature annually by March 1.

1. All acquisitions and sales of public art shall be in accordance with the Master Public Art Plan. The Committee shall recommend acquisitions, the hiring of artists, and shall oversee the public education and curatorial aspects of the acquisition program.

2. The Plan shall make affirmative efforts to be equitable and diverse and to include artists selected for public art projects who are racially and ethnically diverse. The siting of such art projects shall be throughout the County, but with efforts undertaken to place art in areas of diversity.

3. The Plan shall strive to use artists that are County residents.

4. The Plan shall emphasize the importance of adequate compensation of artists.

5. The Plan shall be voted on by the Legislature and presented to the Department of Environment and Planning by May 1st annually.

6. The Committee shall, through the Plan and its acquisition efforts, make efforts to call for artist submissions and publicize the intention to find appropriate art within thirty (30) days of the Plan's approval annually.

7. Final contracts for authorizing public art contracts and hiring of artists are subject to approval by the Erie County Legislature.

Section 6. Effective Date

This Local Law shall take effect upon filing with the New York State Secretary of State.

Section 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Sponsors:

April N.M. Baskin
Timothy Meyers
Howard Johnson
Jeanne Vinal
Michael Kooshoian
John Bargnesi
John Gilmour

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

LL INTRO. 4-1 (2023)	BASKIN	The Videoconferencing Participation Act

Attachments

Local Law Intro. 4-1 (2023)

COUNTY OF ERIE

EC LEG APR 12 '23 PM3:59

LOCAL LAW INTRO. NO. 4-1 -2023

LOCAL LAW NO. _____-2023

THE VIDEOCONFERENCING PARTICIPATION ACT

A Local Law providing for remote public meetings and remote participation of the Legislature in the County of Erie.

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

Section 1. Legislative Findings and Intent

It is the intent of this local law to give the Erie County Legislature ("Legislature") the authority to participate in meetings via videoconference in a manner consistent with the Legislature's videoconferencing policy and the authority granted in Public Officers Law §103-a.

Section 2. Authority

This local law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the Legislature to adopt a local law giving the Legislature the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the Legislature participates from locations where the public may be physically present and other conditions are met.

Section 3. Videoconferencing for Public Meetings

The Legislature hereby authorizes members of the Legislature to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and the Legislature's videoconferencing policy approved by the Legislature.

Section 6. Effective Date

This Local Law shall take effect upon filing with the New York State Secretary of State.

Section 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its specific application.

Sponsor:

April N.M. Baskin

ERIE COUNTY LEGISLATURE VIDEOCONFERENCING PARTICIPATION POLICY

Section 1. Legislative Findings and Intent

The Erie County Legislature (herein "Legislature") desires to provide the proper procedures and policy for compliance with videoconferencing for public meetings held virtually and for any remote participation by an Erie County Legislator in any Erie County Legislature public meeting.

The Legislature's videoconferencing participation policy is required to follow Section 103-a of the New York Public Officers Law ("POL"), as enacted by Part WW of Chapter 56 of the Laws of 2022. POL § 103-a permits public bodies such as the Legislature to authorize their members to attend meetings by videoconference from locations that are not open to the public ("private locations"), when necessitated by "extraordinary circumstances," provided that:

(i) the number of members of the public body who attend the meeting at location(s) where the public can attend is at least equal to the number required to satisfy the public body's quorum requirement.
(ii) the public body has established written procedures governing member and public attendance consistent with Section 103-a of the POL.
(iii) such written procedures are conspicuously posted on the public website of the public body.
(iv) the other criteria specified in Section 103-a of the POL are satisfied.

Section 2. Legislator Attendance

A. All Legislators shall be physically present at the location(s) of the public meeting unless a Legislator cannot be physically present at the public meeting for one (1) or more of the circumstances enumerated in subsection B herein.

B. Members may be excused from physically attending any public meeting of the Agency, and may instead attend via videoconferencing from a private location, if any of the following circumstances (thereinafter "Extraordinary Circumstances"):

(i) Disability of a Legislator.

(ii) Illness of a Legislator.

(iii) The Legislator has caregiving responsibilities for:

(a) one (1) or more dependents, or

(b) family member(s) with an illness or disability.

(iv) A Legislator has a significant or unexpected factor or event.

C. In the event a Legislator is unable to be physically present at the designated public meeting location(s) and wishes to participate by videoconferencing from a private

location due to an Extraordinary Circumstance, the Legislator must notify the Clerk of the Legislature in writing and state which Extraordinary Circumstance(s) is preventing them from appearing in person.

Section 3. Public Attendance

Members of the public shall be allowed to attend any public meeting conducted via video at the physical location of the public meeting, or if the public meeting is authorized for public comment, members of the public may participate via videoconferencing.

Section 4. Rules and Procedures for Public Meetings Conducted Via Video Conference.

A. A quorum of the Legislature must be physically present at the meeting location(s) open to the public for the meeting to be properly convened. A Legislator participating in the meeting via videoconferencing shall not count towards the Legislature's quorum requirements for the meeting but may participate and vote if a physical quorum of the Legislature exists.

B. Except in the case of executive sessions conducted pursuant to POL § 105, a Legislator participating by videoconferencing from a private location must be seen, heard, and identified at all times during the public meeting. Such Legislator shall ensure their names appear on their videoconferencing screen or video feed.

C. If public comment or participation in the meeting is authorized or required, the video feed, and public participation therein, must be in real time, and the Legislature shall conduct the public participation portion of the meeting in a manner ensuring virtual public participation or testimony equal to in-person participation or testimony.

D. The meeting minutes for a public meeting where a Legislator attends via videoconferencing shall include which Legislator participated remotely, and the meeting minutes shall be made available to the public pursuant to POL § 106.

E. The public notice for any meeting held via video conference shall include the following information:

    a. Notification that videoconferencing will be used to conduct the meeting.

    b. Identification of where the public can view and/or participate in the meeting, including:

        i. the physical location(s) of the meeting.
        ii. any web addresses for video links.
        iii. Identification of the location(s) where any required documents and/or records will be posted or available for public viewing.

F. Each open portion of meetings held via videoconference must be recorded. The recording:

   a. Must be posted or linked on the website of the Agency within five (5) business days of the meeting.
   b. Must remain available for a minimum of five (5) years after it is posted.
   c. Shall be transcribed upon written request subject to any reasonable fees for the production thereof.

G. Meetings held via video conference must utilize technology to permit access by individuals with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and the corresponding guidelines thereto. For purposes of this section, the term "disability" shall have the meaning defined in New York Executive Law§ 292.

Section 5. Exceptions

The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state emergency proclaimed by the chief executive of a county pursuant to Executive Law § 24 if the Legislature determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Legislature to hold an in-person meeting.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

REPORT NO. 3 FINANCE & MANAGEMENT COMMITTEE

Attachments

FM Report #3

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS & CHAIR MEYERS.

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

a. COMM. 6E-2 (2023)
COMPTROLLER: "Department of Law Risk Retention Fund Spending - December 2022"
(Acting Chair's Ruling)

b. COMM. 6E-5 (2023)
COUNTY EXECUTIVE: "2020-2022 Consolidated Bond Projects"
(Acting Chair's Ruling)

c. COMM. 6D-1 (2023)
DIRECTOR OF REAL PROPERTY TAX SERVICES: "Cost to Prepare City of Tonawanda Tax Rolls & Bills"
(Acting Chair's Ruling)

d. COMM. 6D-2 (2023)
DIRECTOR OF REAL PROPERTY TAX SERVICES: "Cost to Prepare Village Tax Rolls & Bills"
(Acting Chair's Ruling)

e. COMM. 6D-4 (2023)
DIRECTOR OF REAL PROPERTY TAX SERVICES: "Cost to Prepare School District Tax Rolls & Bills"
(Acting Chair's Ruling)

2. COMM. 6E-6 (2023)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Parks, Recreation & Forestry has contracted with an outside vendor for a number of years to operate the concession area at Grover Cleveland Golf Course; and

WHEREAS, the concessionaire has provided food and refreshments for park patrons to enjoy throughout the golf season; and

WHEREAS, The 19th @ Grover Grill, LLC of West Seneca, NY provided the only proposal for service, as well as a revenue fee for the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the Erie County Executive to enter into an agreement with The 19th @ Grover Grill, LLC for operation of the concession stand at Grover Cleveland Golf Course; and be it further

RESOLVED, the Erie County Department of Parks, Recreation & Forestry will receive 5% of monthly gross revenues from The 19th @ Grover Grill, LLC for the length of the contract; and be it further

RESOLVED, the Clerk of the Legislature send certified copies of this Resolution to the County Executive's Office, the Division of Budget and Management, the Department of Law, and the Department of Parks, Recreation & Forestry.
(3-0)

3. COMM. 6E-15 (2023)
COUNTY EXECUTIVE
WHEREAS, the Department of Parks, Recreation & Forestry has never charged for special events held at our facilities; and

WHEREAS, these special events often require additional planning, closures, and labor before, during, and after by Parks Department employees above and beyond their regular duties; and

WHEREAS, many municipal parks departments across the country, including the City of Buffalo, have various fees to account for additional costs associated with such events; and

WHEREAS, this will generate a new revenue source for the County to help cover the costs borne by the Parks Department to host such events; and

WHEREAS, as per recommendations made in the 2019 Erie County Parks Master Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of the below schedule of Special Event fees:

FEE	AMOUNT	NOTES
Single Event Fee	$200/day	Includes walks, races, festivals, and any like event.
Seasonal Event Fee	$500/season	Per event series (an event series is considered 3 days or more).

and be it further

RESOLVED, that such fees will be collected within the Department of Parks, Recreation & Forestry's General Fund Budget, Fund 110, Funds Center 16410, Account # 418590 – Special Events Receipts; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive's Office, the Division of Budget & Management, the Department of Law and the Department of Parks, Recreation & Forestry.
(3-0)

MICHAEL H. KOOSHOIAN
ACTING CHAIR

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

****Proposed Amendment to Item No. 2 - Comm. 6E-6

Attachments

Proposed Amendment to Item No. 2 - Comm. 6E-6

Erie County Legislature – Meeting No. 7
April 13, 2023
Finance & Management Committee
Amendment to Item No. 2 - Comm. 6E-6

Delete the 2nd Resolved Clause and Replace with the Following:

RESOLVED, the Erie County Department of Parks, Recreation & Forestry will receive 5% of monthly gross revenues from The 19th @ Grover Grill, LLC for three years; and be it further

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

REPORT No. 4 HEALTH & HUMAN SERVICES COMMITTEE

Attachments

HHS - Report No. 4

March 30, 2023

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT.

1. COMM. 6E-3 (2023)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby confirm the re-appointment of Commissioner Marie Cannon, MSW, to the position of the Commissioner of the Department of Social Services.
(5-0)

2. COMM. 6E-7 (2023)
COUNTY EXECUTIVE
WHEREAS, the Health Foundation of Western and Central New York had previously awarded the Department of Senior Services a $10,946 Age-Friendly Center for Excellence grant (163AFCE1921) to help facilitate the County's becoming an Age-Friendly Center of Excellence by covering travel and training costs of employees working on the initiative; and

WHEREAS, the grantor has now offered a no-cost grant extension through December 31, 2023 to complete grant activities; and

WHEREAS, the grant remains 100% funded by the grantor.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to extend the grant award and amend the contract with Health Foundation for Western & Central New York for an additional twelve-month period ending December 31, 2023; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust items of appropriations and revenues which may be impacted by this grant; and be it further

RESOLVED**,** that certified copies of this Resolution be forwarded to the: County Executive's Office; Comptroller's Office; Division of Budget and Management; and the Department of Senior Services.
(5-0)

3. COMM. 6E-12 (2023)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Health's Children with Special Needs Division currently contracts with several tuition based programs; and

WHEREAS, according to the New York State Education Department (NYSED), if a Committee on Preschool Special Education places a child in a NYSED approved program, the county must contract with that program at rates fixed by NYSED; and

WHEREAS, the Clarence School District Committee on Preschool Special Education has placed a preschool student from Erie County with the Empower Children's Academy located in Niagara County; and

WHEREAS, the Empower Children's Academy is an approved NYS Education Department Preschool Special Education Program; and

WHEREAS, funds are available in Account 528000 Services to Handicapped Children to cover the costs incurred.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to enter into contract with the Empower Children's Academy; and be it further

RESOLVED, that sufficient funds are available to cover the cost of this contract within the Department of Health's Division of Children with Special Needs General Fund Budget in Account 528000 – Services to Handicapped Children; and be it further

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

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

4. COMM. 6E-13 (2023)
COUNTY EXECUTIVE
WHEREAS, the Department of Health's Public Health Laboratory needs to upgrade its software; and

WHEREAS, the current software is twenty years old and does not have many of the necessary functions for the operations of the laboratory; and

WHEREAS, upgrading the software will allow better tracking of billing, revenue, insurance collections, and many more functions necessary for the laboratory's operations; and

WHEREAS, a request for proposals committee reviewed proposals from four separate companies and selected I3 Verticals Healthcare d/b/a H-Pac Computer Systems based on the laboratory's needs and the cost of services; and

WHEREAS, the upgraded software will increase the productivity and efficiency of the administrative staff and provide more accurate accounting and reports.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with I3 Verticals Healthcare d/b/a H-Pac Computer Systems for an amount not to exceed $33,000; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract exist within the Health Department's (fund 110, Funds Center 1273010) 2023 General Fund Budget in Account 516020 – Professional Services, Contracts and fees; and it be further

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

5. COMM. 6E-14 (2023)
COUNTY EXECUTIVE
WHEREAS, the Department of Health's Public Health Laboratory uses software to maintain accurate reporting, test results, inventory, and many more functions as part of its operations; and

WHEREAS, the laboratory currently contracts with ApolloLIMS for this software and the technical support for it as needed; and

WHEREAS, ApolloLIMS will soon begin doing business as CliniSys, Inc.; and

WHEREAS, the laboratory seeks authorization to enter into contract with ApolloLIMS d/b/a CliniSys, Inc. to avoid any lapse in coverage for technical support; and

WHEREAS, the software helps maintain the productivity and efficiency of the laboratory to provide information in an accurate and timely manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with ApolloLIMS d/b/a CliniSys, Inc.; and be further

RESOLVED, 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, and the Department of Health.
(5-0)

JOHN J. GILMOUR
CHAIR

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

****Proposed Amendment to Item No. 4 - Comm. 6E-13

Attachments

Proposed Amendment to Item No. 4 - Comm. 6E-13

Erie County Legislature – Meeting No. 7
April 13, 2023
Health & Human Services Committee
Amendment to Item No. 4 - Comm. 6E-13

Delete the 1st Resolved Clause and Replace with the Following:

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with I3 Verticals Healthcare d/b/a H-Pac Computer Systems for up to five years and an amount not to exceed $78,450; and be it further

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT		
INTRO. 7-1	JOHNSON	Support for a Moratorium and Plan on Co-Mingling Events on Chippewa Street

Attachments

23INTRO. 7-1

EC LEG APR 10 '23 PM5:30

A RESOULTION TO BE SUBMITTED BY
LEGISLATOR JOHNSON

Re: Support for a Moratorium and Plan on Co-Mingling Events on Chippewa Street

WHEREAS the bars and nightclubs in the Chippewa and Central Business districts are regional nightlife attractions in Western New York; and

WHEREAS this honorable body desires that Downtown remains attractive to a diverse audience so that it remains economically viable and contributes to a positive area image; and

WHEREAS concerns have been raised in the past about young people under 21 years of age congregating in the Chippewa and Central Business districts and gaining access to alcoholic beverages; and

WHEREAS, downtown Buffalo has dealt with recently disturbances involving young people at retail businesses, coffee shops, and most notably at the Central Library; and

WHEREAS underage patrons are in part drawn to the districts by co-mingling events offered by bars, night clubs, and promoters where eighteen to twenty-year old (18-20) are allowed entrance for a promotional event; and

WHEREAS the Buffalo Common Council is now considering applications for additional co-mingling events that would make them an almost constant presence on Chippewa Street; and

WHEREAS, in an effort to promote safety of our young people, a plan with best practices for underage events should be developed to ensure our underage population has enjoyable events in a safe environment as a component of Buffalo's Entertainment District.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body urges The City of Buffalo Common Council not to approve any new co-mingling events until a coordinate plan is developed between City of Buffalo, Buffalo Place, Chippewa Alliance, and other stakeholders, including members of the 18-20-year-old demographic; and

RESOLVED, this honorable body recommends that any plan develop consider factors such as the quantity of events in certain timeframe, the time events are held, and partnership with youth support organizations on co-mingling events; and

RESOLVED, that certified copies of this resolution be sent to the Mayor of Buffalo, the Buffalo Common Council President, Buffalo Place, Chippewa Alliance, and any other person or entity deemed necessary.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT		
INTRO. 7-2	VINAL	Extending the Public Benefit Contract with The Research Foundation for SUNY into 2023

Attachments

23INTRO. 7-2

EC LEG APR 10 '23 PM5:30

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR VINAL

Re: Extending the Public Benefit Contract with The Research Foundation for SUNY into 2023

WHEREAS, in the amended and adopted 2022 Erie County Budget, the Legislature appropriated $50,000 to Amherst 2021 Summer Math Camp in funding in the Community/Neighborhood Development Fund Center (Account #518629) for the purpose of providing a summer camp to enhance math skills for our youth in a fun, engaging way; and

WHEREAS, the Amherst 2021 Summer Math Camp was administered by The Research Foundation for SUNY (Buffalo State Campus) and the agency has not utilized all of the funds and wishes to continue the work into 2023 with the unspent 2022 funds; and

WHEREAS, the Department of Law has determined that in order for use of the funds to continue into 2023 and to extend the contract with The Research Foundation for the State University of New York, legislative assent via legislative resolution is necessary.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby expresses its support for, and approval for the extension of a contract with The Research Foundation for the State University of New York for its Amherst 2022 Summer Math Camp in the Community/Neighborhood Development Fund Center, Fund Center #1332010, Account #518629; and be it further

RESOLVED, that at year-end 2022, the 2022 contract and appropriation for The Research Foundation for the State University of New York for its Amherst 2022 Summer Math Camp had approximately $785.96 available of unutilized funds, which are available for carry-forward and use on the initiative in 2023 under an extended/amended contract; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney, the Director of Budget and Management, the Commissioner of Environment and Planning, and The Research Foundation for the State of University of New York (Buffalo State Campus).

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT		
INTRO. 7-3	BASKIN, MEYERS, MILLS	Requesting Certain Reports and Database Information

Attachments

23INTRO. 7-3

EC LEG APR 11 '23 AM 9:38

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BASKIN, MEYERS AND MILLS

Re: Requesting Certain Reports and Database Information

WHEREAS, the Erie County Legislature is responsible for making revenue and investment decisions for an approximately $2 billion budget; and

WHEREAS, in order to best analyze the budget and monitor implementation of investment decisions and the realization of anticipated revenue, it would be helpful to be provided with certain additional information at regular intervals; and

WHEREAS, regular updates regarding the status of certain projects is important to be responsive to constituent inquiries regarding the use of their tax dollars; and

WHEREAS, broader access to run reports from the county's SAP database system is also needed.

NOW, THEREFORE, BE IT

RESOLVED, that each Erie County Legislator, and staff as designated by the Chair of the Legislature and Leader of the Minority, be given global access to run reports from the SAP system; and be it further

RESOLVED, that the Erie County Executive's Office is directed to compile and submit a monthly report briefly providing the status of each outstanding capital project, the total cost of the project, the amount borrowed, the amount spent, the amount committed, the amount available, the total interest paid (if bonded) and the expected completion date of the project; and be it further

RESOLVED, that copies of this resolution be forwarded to the Erie County Executive and the Director of Budget and Management.

Fiscal Implications: None.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT		
INTRO. 7-4	BASKIN	Appointment to Buffalo Olmsted Parks Conservancy Board of Trustees

Attachments

23INTRO. 7-4

EC LEG APR 11 '23 AM 9:53

A RESOULTION TO BE SUBMITTED BY
LEGISLATORS BASKIN

Re: Appointment to Buffalo Olmsted Parks Conservancy Board of Trustees

WHEREAS, under its by-laws, the Buffalo Olmsted Parks Conservancy, Section 3.21 "Appointed Trustees," states that among its membership one trustee shall be appointed by the Erie County Legislature, and "shall have all the attributes and responsibilities of Board membership."; and

WHEREAS, this honorable body desires to appoint a trustee with a strong connection to the community and with tangible skills to bring to a board's needs; and

WHEREAS, Sia Rodgers has a strong commitment to serving her community and has an ideal background in finance & marketing to assist the organization with its management and fundraising efforts.

NOW, THEREFORE, BE IT

RESOLVED, this honorable body designates Sia Rodgers as its appointee to the Buffalo Olmsted Parks Conservancy Board of Trustees; and

RESOLVED, that certified copies of this resolution be sent to the Buffalo Olmsted Parks Conservancy, the Buffalo Olmsted Parks Conservancy Board of Trustees Chair, and Sia Rodgers.

Sia Rogers

[redacted]

SUMMARY

Client-focused **Sales and Marketing Professional** meets and exceeds goals, increases revenue and develops strong effective relationships with customers and C-level clients. Coordinated with six- member team to successfully launch products. Deliver high-impact sales presentations, sales reports and business plans to achieve company goals. Directed large territory with over 200 clients and 5 products to upsell. Increased $100,000 plus within 1st 6 months improving, profit by increasing market share and volume.

EDUCATION

University of Phoenix, February 2024
MBA

Bank of America Institute for Women's Entrepreneurship at Cornell University, January-June 2022
Business Certificate

St. Bonaventure University, 2012
Master's Degree: Integrated Marketing Communications, Magna Cum Laude

Francis E. Kelley Program Oxford University, 2012
Master's Degree IMC Internship, London England

University of Pittsburgh, 2003
Bachelor's Degree: Communications, Cum Laude

Semester at Sea, 2003
Study Abroad Program- Traveled to South America, Caribbean, Africa, Asia, Canada & Alaska. Advanced an understanding of international business, public relations and media.

CERTIFICATIONS

- Licensed New York State Notary Public Agent, 2022
- Securities Industry Essentials (SIE) Financial Industry Regulatory Authority (FINRA), 2020

BUSINESS EXPERIENCE

Bank of America/ Merrill Lynch – Buffalo, New York
Officer Document Administrator II, Global Commercial Banking
(3/22- Present)
Administer timely and accurate transactional data

- Process highly complex 50 Certified Transcripts and Guaranty Loans per day
- Credit/Lending
- Research 100-200 transactions per week

Business Control Specialist PPP Forgiveness (1/2020- 3/2022)

Nov 2019 - Present

Gather and organize data to monitor client accounts

- Delivered analytical support in executing internal control and operational excellence, reducing internal control discrepancies
- Monitored and evaluated 20 representative calls daily, increasing representative compliance
- Charted 60-120 client emails per week, ensuring agent's compliance adherence
- Identified user online banking account GUIDs, improving customer satisfaction
- Selected to join two teams to work on special projects
- Awarded Acting Responsibly and Proactively recognition 2 times

Financial Associate, Paycheck Protection Program Taskforce

- Held roles as CSA, Loan Memo Reviewer, Client Outreach, Post- Funding Recalculation in Origination, Remediation, Loan Review and Forgiveness
- Executed Inbound and Outbound calls to Small Business clients
- Processed and evaluated loan applications for Small Business clients
- Completed 10-20 loans per day under loan memo validation and review
- Proficient with EDR, Integrated Credit Decision Platform (ICDP), PEGA, Salesforce, Sharepoint

SALES & CLIENT EXPERIENCE

Amazing Homecare – Buffalo, New York
Account Manager

Oct 2018- Nov 2019

Promoted enrollments for Medicaid program to physicians, hospitals in healthcare sales

- Facilitated process to enroll patients in Consumer Directed Program, enrolling on average 7-9 patients per month, increasing revenue by 40%
- Garnered 3-7 referrals per week, increasing company's visibility by 25%
- Partnered with medical networks, growing partnerships by 50%
- Developed comprehensive forward-thinking business plans

Oct 2016- Sept 2018

Clinical Support Services - Buffalo, New York
Senior Account Manager

- Executed reporting, analytics and sales opportunities to a national healthcare plan client base, serving as subject matter expert in Medication Therapy Management (MTM)
- Guaranteed healthcare plans achieved productivity goals by 100% with strategic planning
- Excelled as client liaison to 6 top national healthcare plans with full understanding of client business needs and challenges, increasing client satisfaction to 95%
- Presented clients with up-selling opportunities, generating $100,000 within 1st 6 months
- Supervised top $1.2 million client
- Acquired 3 upselling opportunities in 2018, accounting for $800,000 in revenue

Jan 2013- Mar 2014

Greenwood and Hall - Buffalo, New York
Admissions Corporate and Student Recruiter

- Established new connections with corporate partners, increasing corporate accounts by 60% utilizing negotiation skills
- Finalized partnership agreements with top level organizations by 60%
- Generated interest, qualified leads and follow-up with pipeline for

college's School of Adult and Graduate Education
- Created, coordinated and implemented student recruitment/yield events, increasing Inquiries and yield rates by 25%
- Interviewed prospective students, increasing enrollment by 30%

Aug 2006-July 2012 **Novartis Pharmaceuticals Corp - Buffalo, New York**
Pharmaceutical Sales Consultant/ Hospital Specialty Rep
- Applied consultative selling, consistently exceeded quarterly & district sales goals, maintaining highest market share in district & region with lead product
- Ranked 1st and 2nd regionally, ranked 10th nationally
- Mastered targeted key accounts with hospitals, medical centers and pharmacies to increase market share by 30%
- Analyzed managed care, data reports and market research to find incremental opportunities and innovative methods to grow market share in the areas of schizophrenia, hypertension, ADHD & Alzheimer's disease
- Demonstrated ability to direct in close for new accounts/prescriptions
- Maintained, tracked and reported budget of approximately $20,000 per quarter for marketing events, client conferences and seminars

LEADERSHIP

Jan 2016-May 2017 **Bryant & Stratton College – Buffalo, New York**
Adjunct Instructor
- Instructed 20 students in Marketing Management course
- Recorded all student and administrative data into Banner
- Designed Marketing interactive curriculum for 2 semesters
- Lectured a 25 student Career Prep and Communications course
- Educated five 14-week course with 50 students, increasing pass rates by 90%

AWARDS

- Act Responsibly: Proactive response and initiative (Bank of America 2020, 2021)
- Driven growth for product franchise portfolios (Novartis 2006-2012)
- "Tiger Awards": Direct In Closing, Leadership, Customer Quality Focus, Results & Impact (Novartis 2009)
- "Driver Award": Pursuit of excellence in sales for the trimester (Novartis 2008)

PROFESSIONAL AFFILIATIONS

- **Member**, Black Entertainment and Sports Lawyers Association (2017-2019)
- **Member,** Leadership Management Council Medaille School of Adult and Graduate Education (2013-2014)
- **Member,** National Black MBA Association (2017-2019)
- **Member,** Northeast Regional Council with VP and RD: Foster ideas and analysis organizational dynamics (Novartis, 2010)
- **Volunteer**, Marcell Dareus Christmas for Kids Event (2018)
- **Volunteer,** The College Simulation Experience (2017-2018)

- **Volunteer,** United Way Day of Caring (2018)

SKILLS

- Client Management
- Collaborative Planning
- Competitive Analysis
- CRM Tools
- Event Planning
- Negotiation Skills
- Relationship Cultivation
- Salesforce

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT		
INTRO. 7-5	GILMOUR	Re-Appropriation of 2023 Public Benefit Funding

Attachments

23INTRO. 7-5

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR GILMOUR

EC LEG APR 11 '23 AM 9:54

Re: Re-Appropriation of 2023 Public Benefit Funding

WHEREAS, Green Options Buffalo was awarded $25,000 in public benefit funding by the Erie County Legislature in the adopted 2023 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518743; and

WHEREAS, an additional organization has been identified that will be working on a similar initiative and the organization, Village ENGAGED, requires funding; and

WHEREAS, as in similar 2020, 2021 and 2022 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the $5,000 of 2023 public benefit funding to Village ENGAGED ; and be it further

RESOLVED, that while the agency names are changing the overall budget line amount is to remain the same; and, be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT		
INTRO. 7-6	JOHNSON	Re-Appropriation of 2023 Public Benefit Funding

Attachments

23INTRO. 7-6

EC LEG APR 11 '23 AM 9:54

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR JOHNSON

Re: Re-Appropriation of 2023 Public Benefit Funding

WHEREAS, Erie Regional Housing Development Corporation (Belle Center) was awarded $65,000 in public benefit funding by the Erie County Legislature in the adopted 2023 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518089; and

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

WHEREAS, as in similar 2020, 2021 and 2022 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer the $65,000 of 2023 public benefit funding to the Resource Council of WNY Inc.; and be it further

RESOLVED, that while the agency names are changing the overall budget line amount is to remain the same; and, be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-1	MILLS	Board Appointment Recommendation

Attachments

23COMM. 7E-1

EC LEG MAR 24 '23 PM2:59

ERIE COUNTY LEGISLATURE

HON. JOHN J. MILLS
LEGISLATOR

March 23, 2023

Bar Association of Erie County
Jill K. Bond, Esq.
President of the Bar Association of Erie County
438 Main Street, 6th Floor
Buffalo, NY 14202

RE: Board Appointment Recommendation

Dear Ms. Bond:

I am writing in my capacity as the Minority Leader of the Erie County Legislature to fulfill my responsibility to recommend a board member to serve on the Board of Directors of the Erie County Bar Association Aid to Indigent Prisoners Society, Inc.

I would like to recommend Mr. Peter Vasilion, 4620 Boncrest Drive E, Williamsville, NY 14221, for reappointment for another one year term.

Thank you for your attention to this matter. If you have any questions regarding this recommendation, please feel free to contact my Chief of Staff, Bryan Fiume, at 716-858-4745.

Sincerely,

JOHN J. MILLS
Minority Leader
Legislator, District 11

cc: Peter Vasilion
Appointment

Michelle M. Parker
Assigned Counsel Program, Director

The Erie County Legislature

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-2	BASKIN	Public Notice Concerning Position of Commissioner of the ECWA

Attachments

23COMM. 7E-2

ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN
CHAIR OF THE LEGISLATURE
2ND DISTRICT LEGISLATOR

2495 Main St., Suite 450
Buffalo, NY 14214
716/895-1849
FAX: 716/895-1910

92 Franklin St., 4th Fl.
Buffalo, NY 14202
716/858-8869
FAX: 716/858-8895

March 27, 2023

EC LEG MAR 27 '23 PM12:50

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

Re: Public Notice Concerning Position of Commissioner of the Erie County Water Authority

Dear Clerk Graber:

Pursuant to Section 5.01 of the Erie County Legislature's Rules of Order: "Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position."

Accordingly, please take the necessary steps to provide proper public notice to interested parties who wish to apply for the position of Commissioner of the Erie County Water Authority. This requires that notice be given to members of the Legislature, the news media and that the notice should be posted on the Erie County Legislature's website informing all interested parties to submit letters of interest, including a resume, not later than 5:00 pm on Tuesday, April 10, 2023.

Thank you in advance for your assistance.

Sincerely yours,

April Baskin

April N.M. Baskin, Chair
Erie County Legislature

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-3	BASKIN	Letter to Democratic Party Caucus Regarding Position of Commissioner of the ECWA

Attachments

23COMM. 7E-3

ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN
CHAIR OF THE LEGISLATURE
2ND DISTRICT LEGISLATOR

2495 Main St., Suite 450
Buffalo, NY 14214
716/895-1849
FAX: 716/895-1910

92 Franklin St., 4th Fl.
Buffalo, NY 14202
716/858-8869
FAX: 716/858-8895

March 27, 2023

EC LEG MAR 27 '23 PM1:03

Timothy J. Meyers, Majority Leader
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Letter to Democratic Party Caucus Regarding Position of Commissioner of the Erie County Water Authority

Dear Legislator Meyers:

I am writing you to inform your caucus of their opportunity to submit a petition and potential candidates to be considered for Commissioner of the Erie County Water Authority pursuant to Section 1053 of the New York Public Authorities Law and Section 5.01 of the Erie County Legislature's Rules of Order.

Please provide any submissions for the position to Robert M. Graber, Clerk of the Legislature by 5:00 pm on Monday, April 10, 2023.

Thank you in advance for your assistance.

Sincerely yours,

April Baskin

April N.M. Baskin
Chair
Erie County Legislature

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-4	BASKIN	Letter to Republican Party Caucus Regarding Position of Commissioner of the ECWA

Attachments

23COMM. 7E-4

ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN
CHAIR OF THE LEGISLATURE
2ND DISTRICT LEGISLATOR

2495 Main St., Suite 450
Buffalo, NY 14214
716/895-1849
FAX: 716/895-1910

92 Franklin St., 4th Fl.
Buffalo, NY 14202
716/858-8869
FAX: 716/858-8895

March 27, 2023

EC LEG MAR 27 '23 PM1:03

John J. Mills, Minority Leader
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Letter to Republican Party Caucus Regarding Position of Commissioner of the Erie County Water Authority

Dear Legislator Mills:

I am writing you to inform your caucus of their opportunity to submit a petition and potential candidates to be considered for Commissioner of the Erie County Water Authority pursuant to Section 1053 of the New York Public Authorities Law and Section 5.01 of the Erie County Legislature's Rules of Order.

Please provide any submissions for the position to Robert M. Graber, Clerk of the Legislature by 5:00 pm on Monday, April 10, 2023.

Thank you in advance for your assistance.

Sincerely yours,

April Baskin

April N.M. Baskin
Chair
Erie County Legislature

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-5	BASKIN	Letter to Conservative Party Member Regarding Position of Commissioner of the ECWA

Attachments

23COMM. 7E-5

ERIE COUNTY LEGISLATURE

HON. APRIL N.M. BASKIN
CHAIR OF THE LEGISLATURE
2ND DISTRICT LEGISLATOR

2495 Main St., Suite 450
Buffalo, NY 14214
716/895-1849
FAX: 716/895-1910

92 Franklin St., 4th Fl.
Buffalo, NY 14202
716/858-8869
FAX: 716/858-8895

March 27, 2023

EC LEG MAR 27 '23 PM1:03

James Malczewski
Legislator, Conservative Party
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Letter to Conservative Party Member Regarding Position of Commissioner of the Erie County Water Authority

Dear Legislator Malczewski:

I am writing you to inform you of your party's opportunity to submit a petition and potential candidates to be considered for Commissioner of the Erie County Water Authority pursuant to Section 1053 of the New York Public Authorities Law and Section 5.01 of the Erie County Legislature's Rules of Order.

Please provide any submissions for the position to Robert M. Graber, Clerk of the Legislature by 5:00 pm on Monday, April 10, 2023.

Thank you in advance for your assistance.

Sincerely yours,

April N.M. Baskin
Chair
Erie County Legislature

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-6	MEYERS	Letter of Absence from February 15, 2023

Attachments

23COMM. 7E-6

ERIE COUNTY LEGISLATURE

HON. TIMOTHY MEYERS
MAJORITY LEADER
7TH DISTRICT LEGISLATOR

92 Franklin St., 4th Fl.
Buffalo, NY 14202
716/858-7500
FAX: 716/858-8895

EC LEG MAR 27 '23 PM 4:56

March 27, 2023

Robert Graber, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Clerk Graber,

This letter is to explain my absence from the February 15, 2023 Legislature Session #4. Due to recovery from recent surgery, I was unable to attend the meeting.

Please enter the aforementioned into the Legislature's official record.

Sincerely,

Timothy J. Meyers

Website: http://www2.erie.gov/baskin/ - E-Mail: April.McCants-Baskin@erie.gov

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-7	COMPTROLLER	Dec. 2022 - Feb. 2023 Sales & Compensating Use Tax Report

Attachments

23COMM. 7E-7

EC LEG MAR 30 '23 PM 4:03

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

March 30, 2023

Erie County Legislature
92 Franklin St.
Buffalo, NY 14202

Dear Honorable Legislature:

The enclosed report details the apportionment and distribution of net collections from the local four and three quarter percent (4.75%) Sales and Compensating Use Tax (Sales Tax) for Erie County for the months of December 2022, January, and February 2023 as received from the State of New York by the Buffalo Fiscal Stability Authority (BFSA) and from the State by the Erie County Fiscal Stability Authority.

Total tax received and available for distribution:

	ALLOCATION	REVENUE
Total Tax Received		$263,126,061.43
Less BFSA Intercept for Buffalo		-48,246,552.63
County of Erie	$143,114,646.28	
School Districts	32,905,699.34	
Cities	2,253,770.87	
Cities, Towns & Villages	36,605,392.31	
Net	$214,879,508.80	$214,879,508.80

In addition to sales tax collected by New York State for January 2023 and prior months, this distribution contains the Electronic Funds Transfer (EFT) for the first 22 days of February 2023.

Very truly yours,

Kevin R. Hardwick
Erie County Comptroller

KRH/sd
Enc.

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

CASH BASIS

1st Quarter Sales Tax 2023		January-March	January-March Advanced by NYS to Buffalo	January-March
Sales Tax Received - EFT		113,737,624.79	20,854,826.28	92,882,798.51
Sales Tax Received - Non EFT		57,393,446.83	10,523,609.63	46,869,837.20
Sales Tax Received - Non EFT		91,994,989.83	16,868,116.73	75,126,873.10
Total Sales Tax Received for Month		$263,126,061.45	$48,246,552.63	$214,879,508.82
Allocations				
County of Erie .25% Assessment		13,848,234.39		13,848,234.39
County of Erie .5% Assessment		27,696,468.73		27,696,468.73
County of Erie 1% Assessment		55,398,119.92		55,398,119.92
County of Erie	0.353055	46,171,823.24		46,171,823.24
School Districts	0.290000	48,193,139.14	15,287,439.80	32,905,699.34
Cities	0.100087	20,137,768.55	17,883,997.59	2,253,770.96
Cities, Towns & Villages	0.256858	51,680,508.02	15,075,115.24	36,605,392.78
Total Allocations		$263,126,061.99	$48,246,552.63	$214,879,509.36

County Distribution - 2023	January-March	January-March Advanced by NYS to Buffalo	January-March
County of Erie .25% Assessment	13,848,234.39		13,848,234.39
County of Erie .5% Assessment	27,696,468.73		27,696,468.73
County of Erie 1% Assessment	55,398,119.92		55,398,119.92
County of Erie	46,171,823.24		46,171,823.24
Total County	$143,114,646.28		$143,114,646.28

	School Distribution - 2023	January-March	January-March Advanced by NYS to Buffalo	January-March
35,527.78	City of Buffalo Public Schools	15,287,439.80	15,287,439.80	0.00
2,384.98	City of Lackawanna S.D.	1,026,245.89		1,026,245.89
1,522.74	City of Tonawanda School	655,228.01		655,228.01
942.72	Akron Central School Dist.	405,648.07		405,648.07
1,410.69	Alden Central School Dist.	607,013.40		607,013.40
2,814.99	Amherst Central School Dist.	1,211,277.20		1,211,277.20
2,030.84	Cheektowaga Central S.D.	873,861.09		873,861.09
2,014.10	Cheektowaga-Maryvale U.F.S.D.	866,657.92		866,657.92
1,229.14	Cheektowaga-Sloan U.F.S.D.	528,893.28		528,893.28
4,020.32	Clarence Central School Dist.	1,729,925.17		1,729,925.17
1,272.82	Cleveland Hill U.F.S.D.	547,688.56		547,688.56
1,734.12	Depew U.F.S.D.	746,183.84		746,183.84

1,617.61	East Aurora U.F.S.D.	696,050.12		696,050.12
1,234.01	Eden Central School Dist.	530,988.80		530,988.80
4,365.03	Frontier Central School Dist.	1,878,252.26		1,878,252.26
602.08	Gowanda Central School Dist.	259,072.25		259,072.25
2,740.06	Grand Island School Dist.	1,179,035.18		1,179,035.18
3,074.75	Hamburg Central School Dist.	1,323,050.75		1,323,050.75
704.04	Holland Central School Dist.	302,945.16		302,945.16
2,018.81	Iroquois Central School Dist.	868,684.62		868,684.62
6,854.12	Kenmore/Tonawanda U.F.S.D.	2,949,296.20		2,949,296.20
1,893.19	Evans-Brant Central School Dist.	814,630.92		814,630.92
5,287.14	Lancaster Central School Dist.	2,275,031.94		2,275,031.94
572.19	North Collins Central S.D.	246,210.72		246,210.72
4,559.50	Orchard Park Central S.D.	1,961,931.80		1,961,931.80
1,380.87	Springville-Griffith Institution	594,181.99		594,181.99
3,118.98	Sweethome C.S.D. of Amherst/Ton.	1,342,082.70		1,342,082.70
5,719.67	West Seneca Central School Dist.	2,461,147.61		2,461,147.61
9,180.48	Williamsville Central School	3,950,318.19		3,950,318.19
172.36	Yorkshire-Pioneer Central	74,165.72		74,165.72
112,000.13	Total School	$48,193,139.16	$15,287,439.80	$32,905,699.36

	City Distribution - 2023	January-March	January-March Advanced by NYS to Buffalo	January-March
278,349	Buffalo (City)	$ 17,883,997.58	$ 17,883,997.58	$ -
	Buffalo (City\Town\Village)	$ 15,075,115.25	$ 15,075,115.25	$ -
	Total Buffalo	$32,959,112.83	$32,959,112.83	$0.00
19,949	Lackawanna (City)	$ 1,281,728.57		$ 1,281,728.57
	Lackawanna (City\Town\Village)	1,080,418.74		$ 1,080,418.74
	Total Lackawanna	$2,362,147.31		$2,362,147.31
15,129	Tonawanda (City)	$ 972,042.30		$ 972,042.30
	Tonawanda (City\Town\Village)	$ 819,372.16		$ 819,372.16
	Total Tonawanda	$1,791,414.46		$1,791,414.46
	Total City	$20,137,768.45	$17,883,997.58	$2,253,770.87
	Total City/Town/Village	16,974,906.15	15,075,115.25	1,899,790.90
	Total Distribution for Cities	$37,112,674.60	$32,959,112.83	$4,153,561.77

Full Value	Towns and Villages Distribution - 2023	January-March	January-March Advanced by NYS to Buffalo	January-March

	Town of:		
819,652,382	Alden	321,232.95	321,232.95
14,533,512,030	Amherst	7,207,991.03	7,207,991.03
2,131,466,626	Aurora	689,653.34	689,653.34
882,552,242	Boston	458,185.79	458,185.79
191,702,538	Brant	89,755.83	89,755.83
7,170,283,140	Cheektowaga	3,221,317.10	3,221,317.10
5,045,378,860	Clarence	2,619,358.89	2,619,358.89
427,865,107	Colden	222,130.43	222,130.43
322,873,202	Collins	143,190.89	143,190.89
795,630,218	Concord	252,058.17	252,058.17
758,499,854	Eden	393,782.75	393,782.75
1,823,866,491	Elma	946,878.51	946,878.51
1,376,045,826	Evans	651,636.85	651,636.85
2,488,652,256	Grand Island	1,292,008.69	1,292,008.69
6,100,403,881	Hamburg	2,604,661.64	2,604,661.64
350,228,766	Holland	181,824.75	181,824.75
4,678,718,243	Lancaster	1,805,251.55	1,805,251.55
619,429,727	Marilla	321,583.13	321,583.13
886,354,551	Newstead	350,466.78	350,466.78
300,244,707	North Collins	121,844.10	121,844.10
4,224,188,403	Orchard Park	1,995,897.69	1,995,897.69
290,428,816	Sardinia	150,779.00	150,779.00
6,096,154,534	Tonawanda	2,656,536.25	2,656,536.25
382,811,128	Wales	198,740.22	198,740.22
4,152,585,547	West Seneca	2,155,856.33	2,155,856.33
66,849,529,074	Total Towns	$31,052,622.66	$31,052,622.66
Allocation	Village of:		
0.245100455	Alden	104,297.77	104,297.77
0.044694152	Williamsville (Amherst)	337,227.13	337,227.13
0.376766069	East Aurora	416,918.86	416,918.86
0.098151295	Farnham	9,768.45	9,768.45
0.106879247	Depew (Cheektowaga)	397,860.59	397,860.59
0.027389003	Sloan	101,956.23	101,956.23
0.000373479	Williamsville (Cheektowaga)	1,390.29	1,390.29
0.145755442	Gowanda	24,431.94	24,431.94
0.389777417	Springville	161,001.20	161,001.20
0.087838984	Angola	62,751.11	62,751.11
0.029533252	Blasdell	93,534.34	93,534.34
0.148050843	Hamburg	468,889.71	468,889.71
0.098319785	Depew (Lancaster)	238,819.09	238,819.09
0.158473532	Lancaster	384,932.73	384,932.73
0.238380286	Akron	109,693.04	109,693.04
0.218321906	North Collins	34,030.93	34,030.93

0.089890241	Orchard Park	197,131.97		197,131.97
0.160620122	Kenmore	508,343.37		508,343.37
	Total Village	$3,652,978.75		$3,652,978.75
	Grand Total Towns and Villages	$34,705,601.41		$34,705,601.41

Recapitulation	January-March	January-March Advanced by NYS to Buffalo	January-March
County of Erie	$143,114,646.28		143,114,646.28
School Districts	48,193,139.14	15,287,439.80	32,905,699.34
Cities	20,137,768.45	17,883,997.58	2,253,770.87
Cities (Towns and Villages)	16,974,906.15	15,075,115.25	1,899,790.90
Towns	31,052,622.66		31,052,622.66
Villages	3,652,978.75		3,652,978.75
Total Sales Tax Distribution	$263,126,061.43	$48,246,552.63	$214,879,508.80

I, hereby, certify that the above amounts due the county of Erie, School Districts, Cities, Towns and Villages, represent the apportionment of Erie County Sales Tax. Checks should be drawn to the order of the above designated officer on the Sales Tax Account.

Kevin R. Hardwick

KEVIN R. HARDWICK
Erie County Comptroller

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-8	COUNTY EXECUTIVE	New Stadium Complex in Orchard Park Involving NYS & Buffalo Bills

Attachments

23COMM. 7E-8

EC LEG APR 4 '23 PM 3:56

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 4, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: New Stadium Complex in Orchard Park Involving NYS and Buffalo Bills

Dear Honorable Members:

The attached resolution ratifies and approves the County's entrance into the accompanying documents related to the construction of a new stadium for the Buffalo Bills. That are attached as exhibits. As you know, the County has been working in close coordination with the Buffalo Bills and New York State for some time to facilitate the development of a new stadium complex in Orchard Park, and these are the documents that will govern the development and operation of that project.

The resolution also serves to enact the (attached) bond resolution that provides for the future financing of a portion of the County's fixed share of the cost of the development of the project. Further, the resolution establishes a 6% surcharge on tickets, concessions, parking, and merchandise sales at the stadium. The turnover of the funds generated by this surcharge constitute the County's only future obligation toward funding maintenance and capital improvements at the new stadium complex. Upon completion of the new stadium complex, ownership of the land will be transferred from the County to New York State which, in turn, will lease the complex to the Buffalo Bills.

As we have previously discussed, this Honorable Body is expected to act upon this resolution within 30 days. Because of the complicated nature of this deal and the intricacies of the legal documents attached, I have instructed my administration, as well as outside counsel, to make themselves available for as much discussion as may be necessary. Thank you for your anticipated cooperation on this critically important matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: Jeremy C. Toth, County Attorney

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Jeremy C. Toth, County Attorney
Re: 30 Year Lease with the Buffalo Bills and Construction of a New Stadium
Date: April 4, 2023

SUMMARY

Ratification (or, in the case of the bond resolution, enactment) of all necessary agreements and measures relating to the new lease with the Buffalo Bills and New York State and the construction of a new stadium complex in Orchard Park, including, but not limited to, Amendment to Memorandum of 2013 Master Lease, Amendment to Memorandum of 2013 Stadium Lease, Second Amendment to the 2013 Master Lease, Amendment to the 2013 Stadium Security Agreement, Amendment to 2013 Non Relocation Agreement, Stadium Lease, Community Benefits Agreement, Stadium Development and Construction Coordination Agreement, Bills Non-Relocation Agreement, Stadium Security Agreement, Buffalo Bills Guaranty, PSL Sales and Marketing Agreement, Team Use Agreement, and related documents and exhibits. Also attached is the bond resolution relating to the future financing of the County's share of the cost of the project, and this resolution will be enacted as part of the overall approval resolution delivered herewith.

FISCAL IMPLICATIONS

The County will be responsible for $250 million contribution to design and construct a new stadium (with a maximum of $150 million of that amount to be borrowed). The Buffalo Bills will be responsible for any and all cost overruns. The County will have no further obligations for the maintenance or upkeep of the new stadium. The County is assessing a 6% surcharge on ticket sales and merchandise to partially fund a capital improvement program for the new stadium.

REASONS FOR RECOMMENDATION

In addition to being a source of pride for our community, the Buffalo Bills are a key component to the regional and New York State economy. Erie County derives a significant amount of sales tax revenue from ticket and merchandise sales. Many members of the Buffalo Bills organization reside in our community and the County derives revenue from property and sales tax from these residents. Moreover, this new arrangement removes Erie County from ownership of the new stadium facility. Under the new arrangements, a subsidiary of New York State will own the stadium facility and lease it to the Buffalo Bills. This will save county taxpayers millions of dollars over the course of the 30 year lease, when compared to past arrangements regarding the existing stadium.

BACKGROUND INFORMATION

The Buffalo Bills football team has played in Erie County since their inception in 1960. Beginning in 1973, the team has played in what is now known as Highmark Stadium, a facility owned by Erie County. After exhaustive analysis, further rehabilitation of the existing stadium has been determined to be cost prohibitive. In conjunction with entering into a new 30-year agreement with the Buffalo Bills, Erie County, New York State and the Buffalo Bills have agreed to design and construct a new stadium. Erie County is responsible for $250 million of the overall cost.

CONSEQUENCES OF NEGATIVE ACTION

None of the documents referenced above would be approved/ratified and the bond resolution would not be enacted. The Buffalo Bills and the NFL would be forced to search for a new host city.

STEPS FOLLOWING APPROVAL

Upon ratification of these documents, construction is scheduled to begin on the new stadium this spring, with an estimated final completion date of spring of 2026.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF LAW

RE: New Stadium Complex in Orchard Park Involving NYS and Buffalo Bills

WHEREAS, Ralph C. Wilson, Jr. formed a professional football team in 1960 that became known as the Buffalo Bills; and

WHEREAS, the Buffalo Bills are an original American Football League franchise and have been located in Buffalo and the County (as defined herein) for the last sixty-three years; and

WHEREAS, the Buffalo Bills played their first thirteen seasons in the City of Buffalo at War Memorial Stadium (also known as the "Rockpile"); and

WHEREAS, in 1971, the Buffalo Bills began looking for a new place to play and ultimately, in conjunction with the County, built a stadium that would initially be known as Rich Stadium located in Orchard Park, New York; and

WHEREAS, the Buffalo Bills would go on to play their first season in 1973 at Rich Stadium and continue to do so for the next forty-nine seasons; and

WHEREAS, the naming rights to Rich Stadium has changed hands over the years, with the stadium also having been known as Ralph Wilson Stadium, New Era Field, Bills Stadium, and currently Highmark Stadium; and

WHEREAS, the Buffalo Bills have been an important part of New York for more than sixty-two years and the team is an integral part of the fabric of this community and brings pride and distinction to the County, the Western New York region and the State; and

WHEREAS, the Buffalo Bills are a part of the efforts to promote the County and Western New York as a major community where companies may settle and grow; and

WHEREAS, the Buffalo Bills, as part of the regional and State economy, bring significant amounts of sales tax, hotel occupancy tax and personal income tax to public sector coffers; and

WHEREAS, in 2014, the Buffalo Bills, the County and the State formed a committee known as the "New Stadium Working Group" to conduct a study and determine whether the current stadium could be renovated to be comparable with current National Football League facilities or whether a new stadium should be built; and

WHEREAS, after exploring all potential options, the New Stadium Working Group recommended that a new stadium (referred to herein as the "New Stadium Project") be built in light of the age and cost of structural repairs needed for Highmark Stadium to remain a safe and viable home for the team; and

WHEREAS, it is the desire of the Buffalo Bills, the County, the State and the thousands of fans of the Buffalo Bills who are located throughout the world, that the Buffalo Bills remain in Erie County; and

WHEREAS, on March 29, 2022, the Buffalo Bills, the County and the State, through the ECSC (as defined herein), signed a Memorandum of Understanding (the "MOU") outlining a common understanding among the parties and setting forth in principle certain actions to be undertaken by each of the parties to enable (a) the financing, design and construction of the New Stadium Project and (b) the Buffalo Bills to continue to play their home games at Highmark Stadium through completion of construction of the New Stadium Project; and

WHEREAS, on May 26, 2022, this Honorable Body approved the MOU; and

WHEREAS, pursuant to the MOU, the financial contribution to be made by the County to the design and construction of the New Stadium Project is $250 million, regardless of the total cost; and

WHEREAS, upon completion of the New Stadium Project, the County will have no further obligation to the Buffalo Bills or the operation of the new facility, except for the limited obligations set forth in the Stadium Lease (as defined herein); and

WHEREAS, the County of Erie, a New York municipal corporation (the "County"), Erie County Stadium Corporation, a New York business corporation and wholly-owned subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development, which subsidiary is a public benefit corporation ("ECSC") and Buffalo Bills, LLC, a Delaware limited liability company (the "Bills") have decided to develop and construct a new football stadium and related amenities in the Town of Orchard Park, New York (the "Stadium Complex"); and

WHEREAS, Bills Stadium And Events Company, LLC, a Delaware limited liability company ("StadCo"), an affiliate of the Bills by virtue of the common ownership of StadCo and the Bills by Buffalo Bills Holdings, LLC, a Delaware limited liability company ("HoldCo") and ECSC have entered into a new stadium lease (the "Stadium Lease") with respect to the Bills' use of the Stadium Complex; and

WHEREAS, the Stadium Lease requires that the County, ECSC and StadCo jointly fund a Capital Improvement Fund (the "Fund"); and

WHEREAS, the County shall use revenue produced by a county surcharge imposed on ticket and other items at the Stadium Complex to satisfy its required contribution to the Fund; and

WHEREAS, the Stadium Lease provides that the County's obligation to contribute to the Fund shall not exceed the amount of revenue generated by the county surcharge and collected on its behalf (the "Surcharges Revenue").

WHEREAS, on July 1, 2022, the Erie County Legislature transmitted to all potentially Interested and Involved Agencies (as those terms are defined pursuant to SEQRA) a notice of the Legislature's intent to act as Lead Agency for the review of the Stadium Complex (together with a completed Part 1 of the Full Environmental Assessment Form), as that term is defined pursuant to SEQRA; and

WHEREAS, on January 19, 2023, under COMM. 22E-6 (2022) As Amended, Erie County issued a Negative Declaration and issued a Notice of Determination of Non-Significance; and

WHEREAS, the County wishes to finance its $250,000,000 share of the total cost of the New Stadium Project through (i) the issuance of up to $150,000,000 of serial bonds, notes or other obligations of the County and (ii) the expenditure of available funds of the County (in an amount of at least $100,000,000) to cover the balance of such $250,000,000 share, with the issuance of such obligations and the implementation of such plan of financing to be formally authorized through the adoption of the bond resolution that is being presented herewith, that is incorporated herein by the reference, and that is to be deemed formally adopted by the approval hereof (the "Bond Resolution"); and

WHEREAS, final Stadium Complex documents consisting of the Second Amendment to 2013 Master Lease Agreement, the Second Amendment to 2013 Stadium Lease Agreement, Amendment to 2013 Memorandum, the Amendment to 2013 Non-Relocation Agreement, the Amendment to 2013 Stadium Security Agreement, the Stadium Lease Agreement, the Stadium Development and Construction Coordinating Agreement, the Non-Relocation Agreement, the Community Benefits Agreement, the Stadium Security Agreement, the Club Guaranty Agreement and the Bond Resolution were filed with the Legislature, the County's approval of which shall become effective upon the passage of this resolution;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute all necessary agreements related to the construction of a new stadium in Erie County, as generally described herein and in the various documents presented to the Erie County Legislature herewith, and the Erie County Legislature does hereby approve (and, in the case of the Bond Resolution, formally adopt) the following project documents dated March 29, 2023 by and among the Bills, the County, and ECSC including, but not limited to the Second Amendment to 2013 Master Lease Agreement, the Second Amendment to 2013 Stadium Lease Agreement, Amendment to 2013 Memorandum, the Amendment to 2013 Non-Relocation Agreement, the Amendment to 2013 Stadium Security Agreement, the Stadium Lease Agreement, the Stadium Development and Construction Coordinating Agreement, the Non-Relocation Agreement, the Community Benefits Agreement, the Stadium Security Agreement, the Club Guaranty Agreement and the Bond Resolution (which is being contemporaneously enacted hereby, not merely approved or ratified, and is thus dated the date hereof), all in substantially the same form and with substantially the same content as contained in the documents submitted to the Legislature, with such minor

changes therein as may be approved by the County Executive, his execution thereof to be conclusive evidence of his approval and the approval of this body; and be it further

RESOLVED, that the County Executive is further authorized to take any and all additional actions necessary to execute all required documents; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes a county surcharge to be added to the purchase price of each ticket sold for admittance to any ticketed event held at the Stadium Complex; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes a county surcharge to be added to the purchase price of all concessions, merchandise, parking, and other sales at the Stadium Complex; and be it further

RESOLVED, that the amount of such surcharge shall be six percent of the purchase price of items identified herein; and be it further

RESOLVED, that all Surcharges Revenue shall be collected by StadCo on the County's behalf and shall be funded into and disbursed from the Fund in a manner consistent with the terms contained in the Stadium Lease; and be it further

RESOLVED, that the Bond Resolution as presented to this body is hereby formally adopted and approved through the vote on this master approval resolution that has incorporated the terms of the Bond Resolution fully by reference, and the Bond Resolution shall be deemed effective and legally sufficient to the same extent as if it had been presented to, and acted upon, separately by the Erie County Legislature, rather than (for convenience) as part of this overall master approval resolution for the project to which the Bond Resolution relates.

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Deputy County Executive, the County Attorney, the Bills and ECSC.

Amendments to 2013 Stadium Lease Documents

1. Amendment to Memorandum of 2013 Master Lease
2. Amendment to Memorandum of 2013 Stadium Lease
3. Second Amendment to 2013 Master Lease
4. Second Amendment to 2013 Stadium Lease
5. Amendment to 2013 Stadium Security Agreement
6. Amendment to 2013 Non-Relocation Agreement

2023 Stadium Lease Documents

7. Stadium Lease
8. Stadium Development and Construction Coordinating Agreement - Part One, Part Two
9. Community Benefits Agreement
10. Non-Relocation Agreement
11. Stadium Security Agreement
12. Club Guaranty Agreement
13. Legal Opinion of County
14. Legal Opinion of Loeb
15. Legal Opinion of Sidley
16. Legal Opinion of Hodgson Russ
17. ECSC Secretary's Certificate
18. PSL Marketing Agreement
19. Team Use Agreement
20. Bond Resolution

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-9	COMPTROLLER	Department of Law Risk Retention Fund Spending - Jan. & Feb. 2023

Attachments

23COMM. 7E-9

EC LEG APR 6 '23 PM3:07

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

April 6, 2023

Honorable Members
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Department of Law Risk Retention Fund Spending – January and February 2023

Dear Honorable Members:

Pursuant to Resolution Intro. 3-2 (2016), as amended, please find attached an accounting of expenses from the County's Risk Retention Fund for January and February 2023.

Sincerely,

Kevin R. Hardwick, Ph.D.
Erie County Comptroller

Attachment

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

County of Erie
Law Department Spending
Risk Retention
January, 2023

Run Date: 04/06/2023

Vendor Number	Vendor Name	Expenditures
108120	Walsh Roberts & Grace	4,269.75
110030	NFTA/NFTM	65,232.98
135888	PERSONIUS MELBER LLP	1,746.75
		71,249.48

County of Erie
Law Department Spending
Risk Retention
February, 2023

Run Date: 04/06/2023

Vendor Number	Vendor Name	Expenditures
101941	COUNSEL PRESS LLC	4,670.19
104457	LAWLEY SERVICE INSURANCE GROUP	18,250.00
106065	PHILLIPS LYTLE HITCHCOCK	13,975.00
1100055	M & T BANK PURCHASING CARD	402.00
139834	LEGAL MED	10,575.00
170920	GERSTEIN HARROW LLP	4,364.11
		52,236.30

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-10	SHERIFF	Mindful Awareness Skill-Building Workshops for Project Blue Participants

Attachments

23COMM. 7E-10

EC LEG APR 11 '23 AM8:59

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF

ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7882
WEBSITE: http://www.erie.gov/sheriff

SHERIFF OF ERIE COUNTY

April 11, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Mindful Awareness Skill-Building Workshops for Project Blue Participants

Dear Honorable Members:

The attached resolution requests authorization for the County Executive and the Erie County Sheriff to enter into an agreement with The Prevention Council of Erie County for Mindful Awareness Skill-building training.

This training will be offered to Project Blue participants at the Erie County Holding Center and the Erie County Correctional Facility.

Representatives from the Sheriff's Office will be available to answer any questions.

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Mindful Awareness Skill-Building Workshops for Project Blue Participants
Date: April 11, 2023

Summary of Recommended Action
The attached resolution requests authorization for the County Executive and the Erie County Sheriff to enter into an agreement with The Prevention Council of Erie County for Mindful Awareness Skill-building training.

Fiscal Implications of the Proposal
There are no fiscal implications on the operating budget. This program will be funded using Commissary funds.

Reasons for Recommendation
The Sheriff's Office and Project Blue are adding mindful awareness workshops to expand community reintegration programming and provide training to reduce recidivism.

These workshops will focus on the tools, techniques, and strategies Project Blue participants can develop for their post-release progression. Participants will learn how to enjoy the simple moments and navigate challenges.

Consequences of Negative Action
Failure to approve this resolution will prevent the Erie County Sheriff's Office from providing additional community reintegration programming for incarcerated individuals at the holding center and the correctional facility.

Steps Following Approval of Measure
Certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, and the Chief of Administration of the Sheriff's Office for implementation.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: Mindful Awareness Skill-Building Workshops for Project Blue Participants

WHEREAS, the Erie County Sheriff's Office continues to offer community reintegration programming through Project Blue and other programs; and

WHEREAS, in conjunction with Project Blue, the Sheriff's Office seeks to expand its programming for participants; and

WHEREAS, the Erie County Sheriff's Office seeks to enter into an agreement with The Prevention Council for Mindful Awareness Skill-Building Workshops; and

WHEREAS, the workshops will provide tools, techniques, and strategies on how to enjoy moments and navigate challenges; and

WHEREAS, the 6-week programming would be offered to Project Blue participants at the holding center and the correctional facility; and

WHEREAS, the agreement is not to exceed $4,992.00 and will expire December 31, 2023; and

WHEREAS, this program will be funded through the commissary account without impacting the 2023 operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office and the Erie County Executive to enter into a contract with The Prevention Council of Erie County, 1625 Hertel Ave, Buffalo, New York 14216, for Mindful Awareness Skill-Building workshops; and be it further

RESOLVED, that the agreement is for six weeks of programming at the Erie County Holding Center and the Erie County Correctional Facility; and be it further

RESOLVED, the agreement is not to exceed $4,992.00; and be it further

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, and the Chief of Administration of the Sheriff's Office for implementation.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-11	SHERIFF	Award Professional Services Contract for Pharmacy Services for the Holding Center & Correctional Facility

Attachments

23COMM. 7E-11

EC LEG APR 11 '23 AM8:59

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF

ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7882
WEBSITE: http://www.erie.gov/sheriff

SHERIFF OF ERIE COUNTY

April 11, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Award Professional Services Contract for Pharmacy Services for the Holding Center and Correctional Facility

Dear Honorable Members:

The attached resolution requests authorization to award RFP #2023-003VF to MAO Pharmacy Inc. (D/B/A Westwood Pharmacy) to implement and maintain comprehensive pharmacy services to the incarcerated populations of the Erie County Holding Center and the Erie County Correctional Facility.

Representatives from the Sheriff's Office will be available to answer any questions.

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Award Professional Services Contract for Pharmacy Services for the Holding Center and Correctional Facility
Date: April 11, 2023

Summary of Recommended Action
The attached resolution requests authorization to award RFP #2023-003VF to MAO Pharmacy Inc. (D/B/A Westwood Pharmacy) to implement and maintain comprehensive pharmacy services to the incarcerated populations of the Erie County Holding Center and the Erie County Correctional Facility.

Fiscal Implications of the Proposal
There are no fiscal implications on the operating budget.

The professional services contract for pharmacy services at the Erie County Holding Center and the Erie County Correctional Facility are funded in accounts:

516020	Professional Services	$2,000,000.00
505800	Medical and Health Supplies	$25,000.00

Reasons for Recommendation
The Erie County Sheriff's Office is responsible for the medical care of individuals in its custody. This medical care requires access to prescription medicine for preexisting and diagnosed conditions.

The Sheriff's Division of Correctional Health and its chief medical officer monitor the incarcerated population's medical conditions, continue therapies, or order new medicinal treatments.

Correctional Health issued a Request for Proposal (RFP) for an expiring pharmaceutical supplier and received five proposals. Westwood's proposal was deemed the overall best proposal by the review committee.

Consequences of Negative Action
Failure to approve this resolution will leave the Erie County Sheriff's Office without a pharmaceutical provider for the incarcerated population.

Steps Following Approval of Measure
Certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: Award Professional Services Contract for Pharmacy Services for the Holding Center and Correctional Facility

WHEREAS, the Erie County Sheriff's Division of Correctional Health is responsible for the medical care of individuals in its custody; and

WHEREAS, this medical care requires access to prescription medicine for preexisting and diagnosed conditions while incarcerated; and

WHEREAS, the Sheriff's Division of Correctional Health and its chief medical officer monitor the incarcerated population's medical conditions, continue therapies, or order new medicinal treatments; and

WHEREAS, Correctional Health issued a Request for Proposal (RFP) for an expiring pharmaceutical supplier and received five proposals, and

WHEREAS, Westwood's proposal was deemed the overall best proposal by the review committee; and

WHEREAS, the Sheriff's Office recommends that MAO Pharmacy Inc. (D/B/A Westwood Pharmacy) be awarded the contract for RFP #2023-003VF; and

WHEREAS, this is a two-year agreement with the option of up to three one-year extensions; and

WHEREAS, either party may terminate the agreement, with or without cause, with thirty days written notice; and

WHEREAS, there are no fiscal implications on the operating budget. The professional services contract for pharmacy services at the Erie County Holding Center and the Erie County Correctional Facility are funded in accounts:

516020	Professional Services	$2,000,000.00
505800	Medical and Health Supplies	$25,000.00

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to award RFP #2023-003VF to MAO Pharmacy, Inc., d/b/a Westwood Pharmacy, 5823 Patterson Avenue, Richmond, VA 23226, for comprehensive pharmacy management services to the Erie County Sheriff's Division of Correctional Health; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff to enter into a contract with MAO Pharmacy, Inc., d/b/a Westwood Pharmacy, 5823 Patterson Avenue, Richmond, VA 23226; and be it further

RESOLVED, the terms of the agreement are for two years with up to three additional one-year extensions; and be it further

RESOLVED, the contract is funded in Fund Center 11650, in the following accounts:

516020	Professional Services	$2,000,000.00
505800	Medical and Health Supplies	$25,000.00

and be it further

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

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-12	SHERIFF	Erie County Sheriff's Office - FY 2022 Operation Stonegarden Grant

Attachments

23COMM. 7E-12

EC LEG APR 11 '23 AM 9:00

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF

ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7882
WEBSITE: http://www.erie.gov/sheriff

SHERIFF OF ERIE COUNTY

April 11, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Erie County Sheriff's Office – FY 2022 Operation Stonegarden Grant

Dear Honorable Members:

The attached resolution requests authorization to allow the County of Erie and the Erie County Sheriff's Office to accept the FY2022 Operation Stonegarden Grant and to enter into an agreement with participating agencies.

Representatives from the Sheriff's Office will be available to answer any questions.

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Erie County Sheriff's Office – FY 2022 Operation Stonegarden Grant
Date: April 11, 2023

Summary of Recommended Action
The attached resolution requests authorization for the County of Erie to enter into an agreement and receive funding in the amount of $139,500.00 from the State of New York State Office of Homeland Security for Operation Stonegarden.

The resolution also seeks authorization to enter into agreements with law enforcement agencies. The grant will reimburse the agency for costs associated with supporting the U.S. Border Patrol's primary mission of apprehending human traffickers, drug smugglers, and terrorists as they attempt to enter the United States illegally.

The participating agencies are the cities of Buffalo, Lackawanna, and Tonawanda and the towns of Brant, Evans, Hamburg, Tonawanda, and Lancaster.

Fiscal Implications of the Proposal
There are no fiscal implications on the operating budget. All aspects of the operations will be fully funded through the grant.

Revenue		
414000	Federal Revenue	$139,500.00
Appropriation		
501000	Overtime	$22,000.00
502000	Fringe Benefits	$5,760.00
516010	Contractual Payments	$106,740.00
561410	Lab and Tech Equipment	$5,000.00

Reasons for Recommendation
The Erie County Sheriff's Office (ECSO) Marine Unit works closely with federal agencies to provide homeland security to prevent and respond to illegal entry by drug dealers, human trafficking organizations, and individuals intent on carrying out acts of terrorism in this region.

Operation Stonegarden funding will support international border and waterway security by coordinating U.S. Border Patrol agents to enhance law enforcement preparedness and operational readiness along the United States borders.

Consequences of Negative Action
Failure to approve this resolution the County will forfeit $139,500.00 in funding to support international border and waterway security. Additionally, the Sheriff's Office would lose an opportunity to coordinate with U.S. Border Patrol to enhance law enforcement preparedness and operational readiness along the United States borders.

Steps Following Approval of Measure
Certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: Erie County Sheriff's Office – FY 2022 Operation Stonegarden Grant

WHEREAS, the US Department of Homeland Security, through the NYS Division of Homeland Security and Emergency Services, has awarded $139,500.00 for FY22 to Erie County in funding to increase security; and

WHEREAS, the Erie County Sheriff's Office will coordinate with police agencies from the cities of Buffalo, Lackawanna, and Tonawanda and the towns of Brant, Evans, Hamburg, Lancaster, and Tonawanda; and

WHEREAS, these operations support the U.S. Border Patrol's mission of protecting the international borders from human trafficking and illegal drug operations as well as apprehending terrorists and others intent on conducting illegal activities on U.S. soil; and

WHEREAS, the funds will be used for overtime, fringe benefits, and equipment of the participating law enforcement agencies while participating in Operation Stonegarden; and

WHEREAS, this resolution accepts $139,500.00 in grant funding and will provide for all expenses needed to support this program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Erie County Sheriff to enter into a contract with the New York State Department of Homeland Security to accept $139,500.00 for FY22; and be it further

RESOLVED, the Fund Center is 11510, and the grant will be allocated to the following accounts:

ERIE COUNTY SHERIFF'S OFFICE
FY 2022 Operation Stonegarden Grant
September 1, 2022, to August 31, 2025

REVENUE		DECREASE
414000	Federal Revenue	$139,500.00
APPROPRIATION		INCREASE
501000	Overtime	$22,000.00
502000	Fringe Benefits	$5,760.00
516010	Contractual Payments	$106,740.00
516410	Lab and Tech Equipment	$5,000.00
	Total Revenue	$139,500.00

and be it further

RESOLVED, that the County Executive and the Erie County Sheriff's Office are authorized to enter into sub-contracts with the cities of Buffalo, Lackawanna, and Tonawanda, and the towns of Brant, Evans, Hamburg, Lancaster, and Tonawanda to reimburse the expenses the agency incur while participating in Operation Stonegarden and border security operations; and be it further

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

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, certified copies of the approved resolution shall be sent to the County Executive, the County Attorney, the Division of Purchasing, the Erie County Comptroller's Office, and the Chief of Administration of the Sheriff's Office for implementation.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-13	COUNTY EXECUTIVE	Reconstruction of Kenmore Ave., from Sheridan Dr. to Grand Island Blvd.

Attachments

23COMM. 7E-13

EC LEG APR 11 '23 AM9:32

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Reconstruction of Kenmore Avenue (CR 189) from Sheridan Drive (NYS 325) to Grand Island Boulevard (NYS 324)
Contracts for Construction and Construction Inspection Services
Town of Tonawanda CAP-189-21
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute a construction contract with Union Concrete and Construction, Corp. and a construction inspection and administration contract with CHA Consulting, Inc. for the Kenmore Avenue reconstruction project.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr. at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

MCP/gmw
Enclosure

cc: William E. Geary, Jr., Commissioner of the Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Reconstruction of Kenmore Avenue (CR 189) from Sheridan Drive (NYS 325) to Grand Island Boulevard (NYS 324)
Contracts for Construction and Construction Inspection Services
Town of Tonawanda
CAP-189-21
Date: April 10, 2023

SUMMARY

The Department of Public Works, via Comm. 3E-25 on February 17, 2022, received authorization for participation in the subject project. The department is seeking authorization to execute a construction contract with Union Concrete and Construction, Corp., the lowest responsible bidder, in the amount of $3,076,417, a construction inspection services contract with CHA Consulting in the amount of $286,000, and establish a project contingency of $502,583 for a total project cost not to exceed $3,865,000.

FISCAL IMPLICATIONS

The total cost for the Construction and Construction Inspection phases and project contingency for this project are currently estimated at $3,865,000. Upon the anticipated approval of COMM 4E-23 (2023) – the 2023 Consolidated Bond Resolution on April 13, 2023, funding for this project is available in Fund 420, Fund Center 123, in the following Capital Projects:

B.22001	2022 Kenmore Avenue	$ 3,000,000
B.23XXX	2023 Kenmore Avenue	$ 865,000
		$ 3,865,000

REASONS FOR RECOMMENDATION

Award to the lowest responsible bidder Union Concrete and Construction, Corp. for construction is recommended to allow a timely start to construction and project completion within the 2023 construction season. CHA Consulting, Inc, the project design engineer, is recommended for Project Construction Administration and Inspection services.

BACKGROUND INFORMATION

The existing Kenmore Avenue road section from Sheridan Drive (NYS 325) to Grand Island Boulevard (NYS 324) is in poor condition, with the pavement showing signs of distress including longitudinal cracking. The existing drainage system is not functioning properly, resulting in standing water in the roadway after storm events. The road has received numerous patches due to pavement failures. The project objectives are to replace the existing roadway pavement, improve stormwater drainage to reduce ponding, and address the needs of the commercial development in the area. The Project will utilize a specialized pavement design to accommodate the significant heavy truck traffic along this corridor and to extend the useful life of the pavement.

The Project was initiated in 2022 to proactively address road conditions. Project construction and inspection will commence upon approval of this resolution.

CONSEQUENCES OF NEGATIVE ACTION

If the proposed resolution is not approved, this negative action would halt construction and result in continued deterioration of the road surface, decreased rideability, increased maintenance responsibilities, and cost.

STEPS FOLLOWING APPROVAL

Upon the Erie County Legislature's approval, the County Executive will execute Agreements with CHA Consulting, Inc, and Union Concrete and Construction, Corp., for a successful and timely implementation of this project.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller. As of the signing of this document, only $3,000,000 of the $3,865,000 required for the action proposed is available. The Comptroller's Office acknowledges that COMM. 4E-23 (2023) – the 2023 Consolidated Bond Resolution, as amended, authorizes $865,000 to be bonded for Kenmore Avenue, and once approved by the Legislature would constitute sufficient appropriations for the actions proposed.

Jessica A. Schuster
Associate Deputy Comptroller
Comptroller's Office

B.22001 – 2022 Kenmore Avenue
B.23XXX – 2023 Kenmore Avenue

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Reconstruction of Kenmore Avenue (CR 189) from Sheridan Drive (NYS 325) to Grand Island Boulevard (NYS 324)
Contracts for Construction and Construction Inspection Services
Town of Tonawanda
CAP-189-21

WHEREAS, it is desired to reconstruct Kenmore Avenue (CR 189) from Sheridan Drive (NYS 325) to Grand Island Boulevard (NYS 324), including complete pavement replacement and drainage modification; and

WHEREAS, the Legislature previously approved participation in the Project via COMM. 3E-25 dated February 17, 2022; and

WHEREAS, the department wishes to award the construction contract to the lowest responsible bidder, Union Concrete and Construction Corp. (UCC), in the amount of $3,076,417, enter into a construction period services agreement with CHA for $286,000 and establish a project contingency of $502,583 with the project total not to exceed $3,865,000; and

WHEREAS, the estimated total cost of the Project is $3,865,000, and is available in Fund 420, Funds Center 123, Capital Projects B.22001 - 2022 Kenmore Avenue and B.23XXX – 2023 Kenmore Avenue pending the approval of COMM. 4E-23 (2023) – the 2023 Consolidated Bond Resolution; and

WHEREAS, the Department of Public Works wishes to implement the project in a timely manner for construction.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to award and execute an agreement between the County of Erie and CHA Consulting, Inc., for construction administration and inspection services in the amount of $286,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to award and execute a construction contract between the County of Erie and Union Concrete and Construction, Corp. for construction services in the amount of $3,076,417; and be it further

RESOLVED, that authorization is hereby given to the County Executive to establish a project contingency in the amount of $502,583 with a project total not to exceed $3,865,000; and be it further

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

RESOLVED, that with the anticipated approval of COMM. 4E-23 (2023) – the 2023 Consolidated Bond Resolution by the Legislature on April 13, 2023, $865,000 in funding will be

authorized and available as B.23XXX – 2023 Kenmore Avenue; 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.22001	2022 Kenmore Avenue	$ 3,000,000
B.23XXX	2023 Kenmore Avenue	$ 865,000
Total Not to Exceed		$ 3,865,000

; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copy of this Resolution to the Department of Public Works, Division of Highways, and also one (1) copy each to the County Executive's Office, the Comptroller's Office, and the Division of Budget and Management.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

RE: PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT	COMPLETE ITEMS 1 THROUGH 5
1. CONTRACTOR'S NAME	Union Concrete and Construction, Corp. CHA Consulting, Inc
2. AMOUNT OF CONTRACT	$ 3,076,417 Union Concrete and Construction $ 286,000 CHA Consulting, Inc $ 502,583 Contingency $ 3,865,000 Total (construction phase)
3. PROJECT NUMBER	B.22001 - $ 3,000,000 B.2XXX - $ 865,000 (Available Upon Approval of COMM. 4E-23 (2023) – The 2023 Consolidated Bond Resolution, anticipated on 4/13/23
4. PROJECT TITLE	Reconstruction of Kenmore Ave
5. DEPARTMENT CONTACT	Funding questions: William Geary at 7555 Letter pickup: Christy Weber at 8301

COMPTROLLER'S OFFICE	COMPLETE ITEMS 6 AND 7
6. AVAILABILITY OF FUNDS	#3,000,000.00
7. PERFORMED BY	[signature]
Date Sent to the Comptroller's Office	4/10/23

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-14	COUNTY EXECUTIVE	Replacements of 2022 Culvert Group 1 - Towns of Boston & Eden

Attachments

23COMM. 7E-14

EC LEG APR 11 '23 AM 9:32

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Replacements of 2022 Culvert Group 1
Towns of Boston and Eden
CAP-CUL-2022

Dear Honorable Members:

We are forwarding for your approval a proposed Amendment to COMM 13E-20 (July 21, 2022) for clarity purposes. This amendment substitutes one of the culverts included in the project for a different culvert and changes the name of the project.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr., at the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

MCP/jtd
Enclosure

cc: William E. Geary, Jr., Commissioner of the Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Replacements of 2022 Culvert Group 1
Towns of Boston and Eden
CAP-CUL-2022
Date: April 10, 2023

SUMMARY

The Department of Public Works, Division of Highways is requesting this amendment to COMM 13E-20 (2022) to substitute one culvert previously approved with a different culvert and to rename the project for clarity. The culvert carrying Emery Road (CR 67) near Cornwall Road in the Town of Aurora is being removed from the contract and being replaced with a culvert on East Eden Road (CR 220) in the Town of Eden.

FISCAL IMPLICATIONS

There are no changes to the project budget from what was approved in COMM 13E-20 (2022).

BACKGROUND INFORMATION

The original project included the replacement of a culvert below Emery Road (CR 67) culvert near Cornwall Road in the Town of Aurora. Due to constructability issues and additional slope failure near the project site, it was determined that additional design work was needed at this location to ensure the future long-term stability of the road. This location would also need longer construction times based on the conditions found. Therefore, this culvert was removed from the project.

In its place, a culvert below East Eden Road (CR 220) between Schintzius Road (CR 483) and Hardt Road (CR 473) in the Town of Eden was added to the project. This culvert has partially failed, leading to a sink hole developing in the shoulder, and thus requiring replacement. This culvert is in relatively close proximity to the Town of Boston Culvert left in the contract. A Contractor can work in both locations in an economical fashion.

The project's name and number were changed from the 2022 Miscellaneous Culvert Group Construction, Project No. CUL-MISC-2-22 to Replacements of 2022 Culvert Group 1 (Project No. CAP-CUL-2022) for clarity.

CONSEQUENCES OF NEGATIVE ACTION

This action is required to ensure project advancement of the culvert replacements. Negative action would not allow for the award of the construction contract, nor the replacement of either the Boston State Road or East Eden Road culverts, which would lead to failure of the embankment, and closure of the roads.

STEPS FOLLOWING APPROVAL

The County Executive will execute all necessary agreements with the lowest responsible bidder, and establish a project contingency for a successful and timely implementation of this project.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Replacements of 2022 Culvert Group 1
Towns of Boston and Eden
CAP-CUL-2022

WHEREAS, the 2022 Miscellaneous Culvert Group Construction (Project CUL-MISC-2-22) (the "Project"), for the replacement of two (2) culverts was approved by your Honorable Body via COMM 13E-20 (July 21, 2022); and

WHEREAS, constructability and additional slope failure at the Emery Road (CR 67) culvert in the Town of Aurora, it was determined that this culvert needed to be removed from this contract for further design and investigation; and

WHEREAS, a culvert carrying East Eden Road (CR 220) between Schintzius Road (CR 483) and Hardt Road (CR 473) in the Town of Eden was substituted for the Emery Road culvert for replacement; and

WHEREAS, changing the Project name and number to the Replacement of 2022 Culvert Group 1 (Project CAP-CUL-2022) will clarify the pre and post amended resolution; and

WHEREAS, there are no financial changes in the project previously approved.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the amendment to remove the Emery Road (CR 67) culvert from the Project and the addition of the East Eden Road (CR 220) culvert to the Project; and be it further

RESOLVED, that the project be known as the Replacement of 2022 Culvert Group 1 (Project CAP-CUL-2022); and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-15	COUNTY EXECUTIVE	Approving Amended Agreement for Intercampus Student Transportation - SUNY Erie

Attachments

23COMM. 7E-15

EC LEG APR 11 '23 AM 9:33

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

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

RE: Approving Amended Agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC)

Dear Honorable Members:

Please find enclosed a resolution from SUNY Erie Community College seeking legislative authorization to amend the agreement between SUNY Erie and PLS III LLC (aka Cedar Bus LLC) which currently provides intercampus student transportation.

Should your Honorable Body require further information, I encourage you to contact Officer in Charge, Dr. Adiam Tsegai. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/tcc
Enclosure

cc: Dr. Adiam Tsegai, Officer in Charge, Provost and Executive Vice President at SUNY Erie Community College

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	SUNY Erie Community College
Re:	Amended Agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC)
Date:	April 10, 2023

SUMMARY

In July 2022, SUNY Erie released a Request for Proposal (RFP) to secure Campus Shuttle Service for its students. After the RFP process, SUNY Erie signed an agreement with PLS III LLC in September 2022. This agreement has been amended to allow PLS III LLC to provide shuttle services to enrolled and eligible College students for an extended number of days as per Schedule "A." The contractor is required to report the progress of work to the College and maintain a detailed daily log. The College has the authority to modify shuttle hours, days of operation, and routes. The contractor is responsible for all labor, services, materials, and appliances required to complete the work without any extra charges. The agreement starts on September 23, 2022, and ends on May 31, 2025, with an option to extend the contract for up to two additional one-year periods.

The college's initial contract was for 105 days of services for year one at $271,912 and 115 days for year two and three at $289,316 per year, making the total contract for three years $850,544. SUNY Erie now intends to amend the contract to increase year one's services to 136 days at $350,213 and years two and three's services to 149 days at $376,184 per year, making the total contract amount for three years $1,102,581. This represents a $252,037 increase from the initial contract solely due to the additional days of service.

FISCAL IMPLICATION

The total approved original cost of the three-year contract was $850,544, the total additional costs for the increased days total $205,929. This increase in cost does impact the financial performance but we are ensuring that the project remains financially viable as students do pay a transportation fee of $80 dollars per semester which fully covers the cost increase.

REASONS FOR RECOMMENDATION

The shuttle service provides convenience and flexibility to students who need to commute between SUNY Erie's campuses, which can ultimately enhance their educational experience. It can also help reduce transportation costs and improve campus sustainability efforts. The next lowest bidder was from SP Parking at $1,308,510 or $205,929 more than Cedar.

CONSEQUENCES OF NEGATIVE ACTION

The consequences of discontinuing the campus-to-campus shuttle services would have significant consequences for students and the wider community, including increased

transportation costs, reduced access to education, increased traffic congestion and negative impact on the environment.

STEPS FOLLOWING APPROVAL

Upon approval of this resolution by the Legislature, the County Executive will authorize the SUNY Erie Officer in Charge to amend the Agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC) for students attending the college.

A RESOLUTION SUBMITTED BY:
SUNY ERIE COMMUNITY COLLEGE

Re: Authorization to amend the Agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC)

WHEREAS, the Erie County Legislature must approve contracts in excess of $50,000 for SUNY Erie; and

WHEREAS, the Erie County Legislature authorized at its September 22, 2022, meeting, SUNY Erie to enter into a three-year initial term and for up to two additional one-year periods contract with PLS III LLC (aka Cedar Bus LLC) to provide intercampus student transportation; and

WHEREAS, the college's initial contract was for 105 days of services for year one at $271,912 and 115 days for year two and three at $289,316 per year, making the total contract for three years $850,544; and

WHEREAS; SUNY Erie now intends to amend the contract to increase year one's services to 136 days at $350,213 and years two and three's services to 149 days at $376,184 per year, making the total contract amount for three years $1,102,581; and,

WHEREAS; the contractor is responsible for all labor, services, materials, and appliances required to complete the work without any extra charges; and,

WHEREAS; the contractor is required to report the progress of work to the College and maintain a detailed daily log; and,

WHEREAS; the SUNY Erie Board of Trustees at their February 16th 2023 Board meeting approved to amend the agreement for Intercampus Student Transportation between SUNY Erie and PLS III LLC (aka Cedar Bus LLC).

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize SUNY Erie to amend the Agreement for Intercampus Student Transportation with PLS III LCC (aka Cedar Bus LLC); and

RESOLVED, that SUNY Erie Officer in Charge is given the authority to modify the Agreement for Intercampus Student Transportation with PLS III LLC (also known as Cedar Bus LLC) by extending the service period to 136 days in the first year at a cost of $350,213 and to 149 days in the second and third years at a cost of $376,184 per year. As a result, the total value of the contract for the three-year period would be $1,102,581.

RESOLVED, that the Clerk of the Legislature of the County of Erie shall forward certified copies of this resolution to the County Executive of the County of Erie, to the Chairman of the Board of Trustees of SUNY Erie, and to the Officer in Charge of SUNY Erie.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-16	COUNTY EXECUTIVE	PILOT Agreement for Solar Energy Systems - 871 Whitehaven Rd., Town of Grand Island

Attachments

23COMM. 7E-16

EC LEG APR 11 '23 AM9:33

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Payment in Lieu of Taxes (PILOT) Agreement for Solar Energy Systems- 871 Whitehaven Road, Town of Grand Island

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for a Solar Project in the Town of Grand Island. The resolution authorizes the County Executive to execute an agreement with Grand Island Sunrise LLC.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle, A.I.C.P. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

cc: Daniel R. Castle A.I.C.P., Commissioner

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Environment and Planning
Re:	Payment in Lieu of Taxes (PILOT) Agreement for Solar Energy Systems – 871 Whitehaven Road, Town of Grand Island
Date:	April 10, 2023

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with Grand Island Sunrise LLC.

The owner is seeking a PILOT from Erie County in connection with the development and operation of an approximately 5.0-megawatt solar photovoltaic facility ("Project") located at 871 Whitehaven Road (SBL: 38.09-3-1) in the Town of Grand Island ("Site"). The owner negotiated a separate PILOT with the Town of Grand Island. The Grand Island Central School District did not request a PILOT. Given the nature of the Project, it is otherwise exempt from taxation pursuant to Real Property Tax Law § 487, unless the taxing jurisdictions enter into a PILOT Agreement with the owner.

FISCAL IMPLICATIONS

Under Real Property Tax Law § 487(2), solar energy facilities are tax exempt. Notwithstanding such exemption, Real Property Tax Law § 487(9)(a) states that certain taxing jurisdictions, including counties and cities, may require the owner of a property that includes a solar energy system to enter into a PILOT agreement that provides for annual payments to the taxing jurisdictions

The PILOT agreement proposed by Grand Island Sunrise LLC provides for total annual payments of $17,500, based on a price of $3,250 per megawatt, with an annual escalation factor of 2%. These payments will be made each year over a 15-year term.

The intent of entering into the PILOT agreement with the owner is for the County to receive tax payments that it would not otherwise receive due to the tax exemption applicable to the Project.

REASONS FOR RECOMMENDATION

The Town of Grand Island supports the PILOT agreement. On November 21, 2022, the Town Board of the Town of Grand Island approved the proposed PILOT agreement. The proposed agreement conforms to the provisions of Real Property Tax Law § 487 and was negotiated between the project owner and taxing jurisdictions. The Project otherwise conforms to the Town of Grand Island Comprehensive Plan and zoning ordinance and makes productive use of an otherwise underutilized property.

BACKGROUND INFORMATION

Our Generation LLC and its affiliate Grand Island Sunrise LLC are proposing the development

of a approximately 5.0 megawatt solar photovoltaic facility on an approximately 167 acre parcel of land, located at 871 Whitehaven Road (SBL: 38.09-3-1) in the Town of Grand Island, Erie County.

Due to the size and nature of the Project, it is considered a Type 1 action for the purposes of SEQRA and the Town of Grand Island conducted a Coordinated Review. On June 6, 2022, the Town Board of the Town of Grand Island issued a SEQRA Negative Declaration, noting the lack of significant environmental concerns associated with the Project. The Site is zoned for this type of project. It is located in an area zoned B-1 General Business District where solar energy systems are permitted and are subject to a Special Use Permit. On June 6, 2022, the Town Board of the Town of Grand Island issued a Special Use Permit and approved the site plan for the Project.

Under Real Property Tax Law ("RPTL") § 487, a partial tax exemption is available for properties which are developed for solar and wind renewable energy systems. RPTL § 487(2) exempts from real property taxation "any increase in the value [of real property] by reason of the inclusion of a [solar and wind energy system] for a period of fifteen years." Erie County has not opted out of the RPTL section 487 exemptions and therefore may require renewable energy systems to enter into a PILOT agreement to replace a portion of the tax revenue. N.Y. State Real Property Tax Law § 487(9)(a). Grand Island Sunrise LLC notified Erie County of their intent to construct a solar project in May 2021 has been working to negotiate the proposed PILOT Agreement since September 2022. The proposed table is the result of negotiations.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, pursuant to Real Property Law, the County would receive no property taxes from the Solar facility project.

STEPS FOLLOWING APPROVAL

The County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for Solar Energy Systems- 871 Whitehaven Road, Town of Grand Island

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

WHEREAS, Project Owner, (Grand Island Sunrise LLC) has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law ("RPTL") Section 487(1)(b) (the "Project") with an expected nameplate capacity ("Capacity") of approximately 5.00 Megawatts AC on an approximately 167-acre parcel of land located within the Town of Grand Island, identified as 871 Whitehaven Road, SBL: 38.09-3-1; and

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Grand Island Sunrise LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located at 871 Whitehaven Road, Grand Island New York (SBL: 38.09-3-1); and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment in the amount $17,500.00, subject to annual escalation of 2%; and be it further

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

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

Schedule A

PILOT Schedule*

PILOT Term Year	Calendar Year	County Payment Amount
Year 1	2024	$ 17,500.00
Year 2	2025	$ 17,850.00
Year 3	2026	$ 18,207.00
Year 4	2027	$ 18,571.14
Year 5	2028	$ 18,942.56
Year 6	2029	$ 19,321.41
Year 7	2030	$ 19,707.84
Year 8	2031	$ 20,102.00
Year 9	2032	$ 20,504.04
Year 10	2033	$ 20,914.12
Year 11	2034	$ 21,332.40
Year 12	2035	$ 21,759.05
Year 13	2036	$ 22,194.23
Year 14	2037	$ 22,638.12
Year 15	2038	$ 23,090.88

*Please note that, as per the PILOT Agreement, this payment schedule is subject to adjustment if the capacity of the Project changes

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-17	COUNTY EXECUTIVE	WNY Regional Clean Energy Hub Project

Attachments

23COMM. 7E-17

EC LEG APR 11 '23 AM 9:34

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: WNY Regional Clean Energy Hub Project

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Environment and Planning to authorize the execution of an agreement to accept $329,628 in New York State Energy Research and Development Authority funding through the prime contractor, People United for Sustainable Housing, Inc., establish a budget, and create a grant-funded position to conduct community engagement activities to support the WNY Regional Clean Energy Hub Project.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Bonnie Lawrence. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/ci
Enclosure

cc: Daniel R. Castle, Commissioner
Bonnie Lawrence, Deputy Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Environment and Planning
Re: RE: WNY Regional Clean Energy Hub Project
Date: April 10, 2023

SUMMARY

It is recommended that the Legislature approve the attached resolution prepared by the Department of Environment and Planning (DEP) to authorize the County Executive or the Deputy County Executive to execute the necessary agreements to accept $329,628 in grant funding from the New York State Energy Research and Development Authority (NYSERDA) through the prime contractor, People United for Sustainable Housing, Inc., establish a program budget, and create a grant funded position. The project will conduct community engagement activities to support the WNY Regional Clean Energy Hub Project (hereafter, "WNY Hub").

FISCAL IMPLICATIONS

There will be no fiscal impact on County resources. One fully reimbursed grant position will be created (Junior Environmental Compliance Specialist - JG7).

Annualized Salary	$51,081
Salary for Balance of Year	$29,797

Funding Source

If Grant funded:

Grant Source:	162NYSRCEHP2327
Grant Duration:	5/1/2023 to 12/31/2027
Grant Funding:	$329,628
Alternate Source of Funding if Grant is not renewed	None

REASONS FOR RECOMMENDATION

The proposed project will further the County's goals to reduce the community's carbon footprint, lower energy costs for low- and moderate-income households, and improve access to renewable energy.

BACKGROUND INFORMATION

NYSERDA issued a grant solicitation in every region of the State to create regional energy hubs that will connect residents with energy conservation and renewable energy programs. Community-based organizations were the only eligible applicants for this opportunity. People United for Sustainable Housing, Inc. brought together a team of partners including Erie County

and Cornell Cooperative Extension to develop a grant application. The grant was awarded and Erie County is specified as a sub-awardee.

The WNY Hub initiative represents a critical strategy in New York State's overall efforts to transition to clean energy, reduce greenhouse gas emissions and support disadvantaged communities (DACs). Individual Hubs across the state will target outreach, education, program enrollment and navigation, workforce development, and contractor capacity building activities within DACs.

Erie County's role will be to expand DEP's existing Climate Ambassador program to include Niagara County, and also to have an expanded focus on energy conservation and renewable energy program opportunities in DACs. The Ambassador Program recruits community volunteers to engage with their social, professional and religious networks to raise awareness and participation in the County's climate action and clean energy initiatives and programs. Supporting the WNY Hub aligns with the County's goals to reduce the community's carbon footprint, lower energy costs for low- and moderate-income households, and improve access to renewable energy.

Duties required by the position required by Law or Contract: The new position will support the expansion of DEP's existing Climate Ambassador Program by conducting community engagement activities.

Position classification: Job Grade 7

CONSEQUENCES OF NEGATIVE ACTION

The DEP will forfeit $329,628 in NYSERDA funding.

STEPS FOLLOWING APPROVAL

The necessary contracts with People United for Sustainable Housing, Inc. will be executed, a grant budget will be established, and the new grant-funded position will be created in DEP.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: WNY Regional Clean Energy Hub Project

WHEREAS, New York State Energy Research and Development Authority (NYSERDA) has awarded regional energy hub grants to community-based organizations across the state, with the Western New York Clean Energy Hub being awarded to People United for Sustainable Housing, Inc; and

WHEREAS, Erie County is specified by NYSERDA as a grant sub-awardee for $329,628, to provide community engagement support to the WNY Hub; and

WHEREAS, the WNY Hub is an important strategy for achieving the County's goals to reduce the community's carbon footprint, lower energy costs for low- and moderate-income households, and improve access to renewable energy; and

WHEREAS, to proceed with the project it is necessary for Erie County to execute an agreement with People United for Sustainable Housing, Inc., adopt a project budget; and create a new Junior Environmental Compliance Specialist (JG7) position in the Department of Environment & Planning (DEP).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept $329,628 from People United for Sustainable Housing, Inc. as a sub-awardee from NYSERDA and be made available as a multi-year grant to DEP in Fund 281, Fund Center 1620020 as follows:

Department of Environment & Planning
WNY Regional Clean Energy Hub Project
162WNYRCEHP2327
May 1, 2023 to December 31, 2027

REVENUE:

Account	Description	Amount
409010	State Aid - Other	$329,628
TOTAL REVENUE		**$329,628**

APPROPRIATIONS:

Account	Description	Amount
500000	Full Time Salaries	$202,603
502000	Fringe Benefits	$127,025
TOTAL APPROPRIATIONS:		**$329,628**

and be it further

RESOLVED, that the following position will be created in the Department of Environment and Planning and funded by grant 162WNYRCEHP2327 in Fund 281:

Junior Environmental Compliance Specialist (JG-7)
B-100 No. 13721

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 – Compliance.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-18	COUNTY EXECUTIVE	Contract with the ECIDA for the Relocation of Railroad on the Former Bethlehem Steel Site

Attachments

23COMM. 7E-18

EC LEG APR 11 '23 AM 9:35

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Contract with the Erie County Industrial Development Agency for the Relocation of Railroad on the former Bethlehem Steel site

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution from the Department of Environment and Planning authorizing the execution of contracts with the Erie County Industrial Development Agency or Buffalo and Erie County Industrial Land Development Corporation for the design of railroad improvements on the former Bethlehem Steel site.

The Department of Environment and Planning anticipates contracting with the ECIDA which will then bid the project for design and eventual construction.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure
cc: Daniel Castle AICP, Commissioner
Mark Rountree, Chief Planner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Contract with the Erie County Industrial Development Agency for the Relocation of Railroad on the former Bethlehem Steel site
Date: April 10, 2023

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive to enter into a contract with the Erie County Industrial Development Agency for the purpose of facilitating the relocation of railroad for development purposes. Presently the railroad running adjacent to Route 5 presents a barrier of access to enter the site south of Smokes Creek. The Railroad is also located in key areas necessary for the development of the proposed Shoreline Trail expansion to Woodlawn Beach. Erie County is presently seeking grant funding from State and Federal sources to off set the anticipated costs of design and construction. The proposed allocation provides a key match to the grant sources demonstrating commitment to the project, further enhancing the competitiveness of grant applications. The funding allocated will allow Erie County and the Erie County IDA to commence design of the rail relocation and proceed to construction following securing the necessary funding.

FISCAL IMPLICATIONS

The proposed funding of $600,000, which will come from Erie County Capital budget funds in the approved budgets.

REASONS FOR RECOMMENDATION

CBRE, a real estate broker and market reach firm, recently measured the industrial vacancy within Western NY at a record low of 1.3%. If new sites are not developed in the next 2-3 years, Erie County will be unable to attract and retain businesses looking for larger sites due to the dwindling inventory of shovel ready industrial land. Continued investment in the development of shovel ready industrial land over is needed to position the County with sites which are ready and available to attract and retain companies.

Following the public acquisition of a portion of the site, there has been a sustained level of interest from businesses interested in the rebranded Renaissance Commerce Park. TMP, 8 Dona Street, 2 Steelworkers Way are examples of the interest in Renaissance Commerce Park. This project is the first step towards opening up the southern portion of the Park, south of Smokes Creek by removing and relocating impediments to access. This project will enable the relocation of underutilized rail located along Route 5 to an interior site location. The present location of the rail restricts development potential of the site and also impedes vehicular access to the southern section of the site, leading to potential truck backups on Route 5. The relocated track will be located in a interior location, zoned for medium and heavy industry which is better suited for ancillary multi-modal development utilizing the track. The railroad right of way including the bridge across Smokes Creek will be utilized for the proposed Shoreline Trail

connection to Woodlawn Beach and proposed Smokes Creek public access area.

BACKGROUND INFORMATION

The ILDC, a subsidiary of the Erie County Industrial Development Agency (ECIDA) is the property owner of the site. They have staff that are experienced in subcontracting with contractors specializing in design of rail. The ECIDA has already completed this type of work on the previous rail relocation projects on the Bethlehem Steel site. The County contribution is being utilized as a match for a proposed Empire State grant which was submitted. The intent of the County is to utilize the proposed County funding to design the project, to demonstrate project readiness for construction grant funding.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution to enter into a contract is not approved, Erie County and the ECIDA will not be able to complete this work. The Railroad will not be relocated to open up the Bethlehem Steel site for new development. If awarded the ESD grant for construction, the utilization of the grant will be delayed while the County and IDA pursue additional grants to provide a match.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, contracts will be executed with the ECIDA, and the railroad design RFP will be released.

COMPTROLLER'S OFFICE

The proposed item has been reviewed by the Comptroller's Office and is related to the following authorized capital project for which there are sufficient appropriations for the action requested.

A.19025 - $237,367.56
A.13012 - $362,632.44

Timothy C. Call
Deputy Comptroller 3/28/23

Comptroller's Office

cc: File: A.19025
A.13012

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Contract with the Erie County Industrial Development Agency for the Relocation of Railroad on the former Bethlehem Steel site

WHEREAS, The County of Erie is interested in the fostering of business growth and job creation within Erie County; and

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

WHEREAS, County of Erie, City of Lackawanna, Erie County Industrial Development Agency, continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, the relocation of existing railroad lines is necessary to develop the site into a shovel ready site ready for development; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing in design of railroad infrastructure; and

WHEREAS, the County of Erie has approved funding in the County Budget to be utilized specifically for infrastructure and redevelopment on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts with the Erie County Industrial Development Agency or Buffalo and Erie County Industrial Land Development Corporation, or other state and federal agencies, and consultants in amounts not to exceed a total of $600,000, for the purpose of the design and construction of railroad on the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with the Genesee and Wyoming Railroad Inc., New York State Department of Transportation, Erie County Water Authority as necessary to execute this project and complete the work; and be it further

RESOLVED, that the source of these funds shall be in SAP accounts A.19025 in the amount of $237,367.56 and A.13012 in the amount of $362,632.44 available respectively as part of the approved County budgets; and be it further

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

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

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-19	COUNTY EXECUTIVE	ECSD No. 3 - Engineer Contract Agreement

Attachments

23COMM. 7E-19

EC LEG APR 11 '23 AM9:35

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

RE: Erie County Sewer District No. 3
Engineer Term Contract Agreement
GHD Consulting Services, Inc.
Work Order: GHD-1

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2022, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Engineer Term Contract Agreement
GHD Consulting Services, Inc.
Work Order: GHD-1
Date: April 10, 2023

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with GHD Consulting Services, Inc. for Erie County Sewer District (ECSD) No. 3 in the amount not to exceed $47,900.00.

FISCAL IMPLICATIONS

There will be no impact on to the County's General Fund. The cost of the engineering work related to this communication will be paid from Capital Account C.21150 (American Rescue Plan funds).

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order GHD-1 to GHD Consulting Services, Inc. to provide bidding assistance and construction administration services for the influent screens replacement project at the Southtowns Advanced Wastewater Treatment Facility (AWTF) in ECSD No. 3.

BACKGROUND INFORMATION

On November 21, 2022, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with GHD Consulting Services, Inc. for engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the Erie County Sewer Districts. This work order will provide bidding assistance and construction administration services associated with the influent screens replacement project at the Southtowns AWTF in ECSD No. 3. This work order is the last part of the phased approach to bring the project to completion.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed Timothy C. Callan Date 3/16/23

Title Timothy C. Callan, Ph.D.
Deputy Comptroller

Work Order: GHD-1
Capital Account No. C.21150

ERIE COUNTY SEWER DISTRICT NO. 3
WORK ORDER NO. GHD-1

ENGINEER: **GHD Consulting Services, Inc.**

CONTRACT DATE: **November 21, 2022**

1. **Title of Proposal:**
   ECSD #3 – Southtowns Advanced Wastewater Treatment Facility (AWTF) bidding assistance and construction administration for the Influent Screen replacement Project.

2. **Name and Business Address of Proposer:**
   Paul McGarvey
   GHD Consulting Services, Inc.
   285 Delaware Avenue
   Suite 500
   Buffalo, NY 14202

3. **Effective Dates of Proposal:**
   March 14, 2023

4. **Brief Description of Work for Which Proposal is Submitted:**
   The engineer will provide bidding assistance and construction administration for the influent screens replacement project at the Southtowns AWTF in ECSD No. 3.

5. **Engineering Cost:** $47,900.00

Source of Funds: Capital Bond Account C.21150 (American Rescue Plan funds)

5. **Project No:** GHD-1

6. **Attachments:** GHD letter, dated 3/9/23 (6 pages)

7. **File:** 0.3.2. GHD (20-22) Eng.

DATE: March 14, 2023

Accepted By: _____

Prepared By: _____
Matt A. Salah, P.E.

Authorized By: _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT		COMPLETE ITEMS 1 THROUGH 5
1.	CONTRACTOR'S NAME	GHD Consulting
2.	AMOUNT OF CONTRACT	$47,900.00
3.	PROJECT NUMBER	ARP C.21150
4.	PROJECT TITLE	Work order GHD-1 Engineering Term Agreement
5.	DEPARTMENT CONTACT	Beth Pfalzer x6144

COMPTROLLER'S OFFICE		COMPLETE ITEMS 6 AND 7
6.	AVAILABILITY OF FUNDS	$27,851,977.48
7.	PERFORMED BY	Johnny Tran
Date Sent to Comptroller's Office:		3-16-23

[55 compt_10]

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-20	COUNTY EXECUTIVE	ECSD No. 8 - East Aurora Water Resource Recovery Facility Control Building Improvements

Attachments

23COMM. 7E-20

EC LEG APR 11 '23 AM9:35

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Erie County Sewer District No. 8
East Aurora Water Resource Recovery Facility Control Building Improvements
Contract No. 21-B, Change Order No. 1

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to Change Order No. 1 for the East Aurora Water Resource Recovery Facility Control Building Improvements, Erie County Sewer District No. 8, Contract No. 21-B dated March 1, 2023.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: mp
Enclosure
cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To:	Honorable Members of the Erie County Legislature
From:	Department of Environment and Planning
Re:	Erie County Sewer District No. 8 East Aurora Water Resource Recovery Facility Control Building Improvements Contract No. 21-B (HVAC), Change Order No.1
Date:	April 10, 2023

SUMMARY

Your Honorable Body is requested to receive and file this communication pertaining to Change Order No. 1 to Greater Niagara Mechanical, Inc. for the East Aurora Water Resource Recovery Facility Control Building Improvements Project, Erie County Sewer District No. 8, Contract No. 21-B, dated March 1, 2023. The Change Order, for time only, was necessary due to ventilation equipment delays beyond the control of the contractor.

FISCAL IMPLICATIONS

There will be no fiscal impact on the County's General Fund or to the project. This is a no-cost extension of time.

REASONS FOR RECOMMENDATION

Shop drawings for the ventilation equipment were submitted by the contractor and subsequently approved by the engineer in a timely manner after execution of the Contract, but delivery of the equipment continues to be delayed past the expected Fall 2022 timeframe. Equipment delays are presently quite common in this industry and it is difficult to predict which equipment or components will be affected. These delays are out of the control of the contractor.

BACKGROUND INFORMATION

This East Aurora Water Resource Recovery Facility Control Building Improvements Project was awarded to Greater Niagara Mechanical, Inc. under Legislative Comm. 25E-3 (2021) and involves general, plumbing, HVAC and electrical work to improve the building for facility operational use.

CONSEQUENCES OF NEGATIVE ACTION

The delayed ventilation equipment is necessary to properly ventilate the building so this work must be completed. The Contractor has acted in good faith to provide and install this equipment under the terms of the Contract. Not granting a time request could be considered a breach of the Contract.

STEPS FOLLOWING APPROVAL

This is a receive and file item.

DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF SEWERAGE MANAGEMENT
CONSTRUCTION CONTRACT CHANGE FORM

Date: 3/1/2023

Change Order No. 1 Amount $0 (time only) Bond Account C.21150

District No. 8 Contract No. 21-B HVAC File No. 8.3.3.21-B

Project East Aurora Water Resource Recovery Facility Control Building Upgrades

Contractor's Name Greater Niagara Mechanical., Inc.

Contractor's Address 7311 Ward Road., North Tonawanda, NY 14120

Description of Change to Contract:
Additional time is needed to obtain equipment necessary for ventilation in the Control Building. Equipment was ordered in a timely manner and delays are beyond the control of the Contractor.

Reason for Modification:
Ventilation equipment was submitted by the Contractor on 4/19/22 and approved by the Engineer on 5/4/22. The ERV, an essential component for ventilation, was not been available for delivery as expected in the Fall of 2022 and continues to be delayed. The most recent delivery date to the Contractor is the end of March. The Contractor will need time after delivery to install, test and balance the system.

The Engineer, LaBella Associates recommends extending this Contract to May 12, 2023 (90 days) to ensure there is enough time to receive the equipment on-site and perform the appropriate work

Time Extension:
90 days

Indirect Costs:
There are no indirect costs associated with the change order.

Additional Engineering Costs:
There are no additional engineering costs associated with this change order.

Contract Cost Summary:

Original Contract	$	286,600.00
Change Order No. 1	$	0.00
Revised Contract Amount	$	286,600.00

Authorization:

Contractor _____ Date _____
Greater Niagara Mechanical, Inc.

Engineer _____ Date _____
LaBella Associates

Erie County Legislature Comm # Receive & File Date _____

Erie County Sewer District No. 8 Board of Managers Receive & File Date _____

County of Erie _____ Date _____
MLP Joseph Fiegl, P.E, BCEE. – Deputy Commissioner DSM

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-21	COUNTY EXECUTIVE	ECSD No. 6 - Engineer Term Contract Agreement

Attachments

23COMM. 7E-21

EC LEG APR 11 '23 AM 9:35

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

RE: Erie County Sewer District No. 6
Engineer Term Contract Agreement
GHD Consulting Services, Inc.
Work Order: GHD-2

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2022, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 6
Engineer Term Contract Agreement
GHD Consulting Services, Inc.
Work Order: GHD-2
Date: April 10, 2023

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with GHD Consulting Services, Inc. for Erie County Sewer District (ECSD) No. 6 in the amount not to exceed $52,649.98.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from Erie County Sewer District No. 6 Professional Services Account 516020.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order GHD-2 to GHD Consulting Services, Inc. to provide engineering services associated with updating the 2016 Lackawanna Water Resource Recovery Facility (WRRF) No Feasible Alternative (NFA) Report to include recommendations from recently completed ammonia and enhanced infiltration/inflow (I/I) removal pilot studies.

BACKGROUND INFORMATION

On November 21, 2022, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with GHD Consulting Services, Inc. for engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the Erie County Sewer Districts. This work order will provide an update to the 2016 Lackawanna WRRF NFA Report to include recommendations from studies completed in the last few years for the Lackawanna WRRF and the ECSD No. 6 collection system.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

ERIE COUNTY SEWER DISTRICT NO. 6
WORK ORDER NO. GHD-2

ENGINEER: GHD Consulting Services, Inc.

CONTRACT DATE: November 21, 2022

1. **Title of Proposal:**
   ECSD #6 – update the 2016 Lackawanna WRRF NFA Report to include recommendations from the ammonia and enhanced I/I removal pilot studies.

2. **Name and Business Address of Proposer:**
   Christopher Martin, P.E.
   GHD Consulting Services, Inc.
   285 Delaware Avenue
   Suite 500
   Buffalo, NY 14202

3. **Effective Dates of Proposal:**
   March 27, 2023

4. **Brief Description of Work for Which Proposal is Submitted:**
   The engineer will provide an updated 2016 Lackawanna WRRF NFA Report to include recommendations from the ammonia and enhanced I/I removal pilot studies at the Lackawanna WRRF and collection system in ECSD No. 6 as detailed in the attached GHD letter, dated 3/24/2023.

5. **Engineering Cost:** $52,649.98

6. Source of Funds: Erie County Sewer District No. 6 Professional Services Account 516020.

7. Project No: GHD-2

8. Attachments: GHD letter, dated 3/24/23 (6 pages)

9. File: 0.3.2. GHD (20-22) Eng.

DATE: March 27, 2023

Accepted By: _____

Prepared By: _____
Matt A. Salah, P.E.

Authorized By: _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-22	COUNTY EXECUTIVE	ECSD No. 2 - Engineering Term Contract Agreement

Attachments

23COMM. 7E-22

EC LEG APR 11 '23 AM 9:36

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

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

RE: Erie County Sewer District No. 2
Engineering Term Contract Agreement
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
Work Order: WNDL-1

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2022, related to Engineering Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas
Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 2
Engineer Term Contract Agreement
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
Work Order: WNDL-1
Date: April 10, 2023

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel) for Erie County Sewer District (ECSD) No. 2 in an amount not to exceed $74,999.17.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be from Capital Account C.21150 (American Rescue Plan funds).

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order WNDL-1 to Wendel to provide services during construction for upgrades to the blower system project at the Big Sister Creek Water Resource Recovery Facility (BSC-WRRF) in ECSD No. 2.

BACKGROUND INFORMATION

On November 21, 2022, the Erie County Legislature passed a resolution authorizing a Term Agreement with Wendel to provide engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. Wendel will provide services during construction for the blower system project at BSC-WRRF in ECSD No. 2. This work order is the last part of the phased approach to bring the project to completion.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed _____ Date 3/30/23

Title ~~Timothy C. Callan, Ph.D.~~
~~Deputy Comptroller~~
John Solecki
Director of Treasury Services & Cash Management

Work Order: WNDL-1
Capital Account No. C.21150

ERIE COUNTY SEWER DISTRICT No. 2
WORK ORDER NO. WNDL-1

ENGINEER: **Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC**

CONTRACT DATE: **November 21, 2022**

1. **Title of Proposal:**
Provide services during construction for the blower system project at the Big Sister Creek Water Resource Recovery Facility (BSC-WRRF) in ECSD No. 2.

2. **Company/Address/Principal In-Charge:**
Timothy Walck, P.E.
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC
375 Essjay Road, Suite 200, Buffalo, NY 14221

3. **Effective Dates of Proposal:**
March 13, 2023

4. **Brief Description of Work for Which Proposal is Submitted:**
The engineer will provide services during construction for the blower system project at the BSC-WRRF in ECSD No. 2. and as detailed in Wendel's letter, dated March 9, 2023.

5. **Engineering Total Cost:**
$74,999.17

6. **Source of Funds:**
Capital Account C.21150 (American Rescue Plan funds)

7. **Project No:** WNDL-1

8. **Attachments:** Wendel letter dated 3/9/2023 (3 pages)

9. **File:** 0.3.2. Wendel (23-25) Eng.

DATE: March 22, 2023 Accepted By: _____

Prepared By: _____ Authorized By: _____
Matt A. Salah, P.E. Joseph Fiegl, P.E., BCEE
Deputy Commissioner

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT	COMPLETE ITEMS 1 THROUGH 5
1. CONTRACTOR'S NAME	Wendel
2. AMOUNT OF CONTRACT	$74,999.17
3. PROJECT NUMBER	C.21150
4. PROJECT TITLE	Engineering Term Contract Wendel WD Architecture Work Order WNDL-1
5. DEPARTMENT CONTACT	Beth Pfalzer x6144

COMPTROLLER'S OFFICE	COMPLETE ITEMS 6 AND 7
6. AVAILABILITY OF FUNDS	$27,804,077.48
7. PERFORMED BY	[signature]
Date Sent to Comptroller's Office:	3-29-23

[55 compt_10]

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-23	COUNTY EXECUTIVE	ECSD No. 3 - Southtowns Advanced Wastewater Treatment Facility Electrical Substation & Plant-Wide Generator Equipment Procurement

Attachments

23COMM. 7E-23

EC LEG APR 11 '23 AM 9:36

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Erie County Sewer District No. 3
Southtowns Advanced Wastewater Treatment Facility Electrical Substation and Plant-Wide Generator Equipment Procurement
Bid Opening – Contract No. 74P

Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a procurement contract titled Erie County Sewer District No. 3 Contract No. 74P Southtowns Advanced Wastewater Treatment Facility Electrical Substation and Plant-Wide Generator Equipment Procurement.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: ms

cc: J. Fiegl – Division of Sewerage Management

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-24	COUNTY EXECUTIVE	Placeholder - Energy & Environment Committee

Attachments

23COMM. 7E-24

EC LEG APR 11 '23 AM 9:36

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Placeholder – Energy & Environment Committee

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management, respectfully requests that open item/placeholder be established on the agenda of the Legislature's Energy and Environment Committee for the following item:

- Erie County Sewer District No. 3, Proposed Increase and Improvement of Facilities (2022)

Should your honorable body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas
Cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-25	COUNTY EXECUTIVE	Erie County Parks Signage Phase 1 Construction

Attachments

23COMM. 7E-25

EC LEG APR 11 '23 AM 9:36

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Erie County Parks Signage Phase 1 Construction

Dear Honorable Members:

The Department of Environment and Planning will be opening bids for a construction project titled Erie County Parks Signage Phase 1 Construction.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Troy Schinzel in the Department of Parks, Recreation and Forestry. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mpr

cc: Troy Schinzel, Commissioner Parks, Recreation and Forestry
Mark Rountree, Department of Environment and Planning

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7E-26	COUNTY EXECUTIVE	2023 Public Works Projects - Authorization to Appropriate Funds & Enter Into Contracts

Attachments

23COMM. 7E-26

COUNTY OF ERIE

EC LEG APR 11 '23 AM 9:36

MARK C. POLONCARZ
COUNTY EXECUTIVE

April 10, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

RE: 2023 Public Works Projects – Authorization to Appropriate Funds and Enter into Contracts

Dear Honorable Members:

The Department of Public Works – Division of Highways respectfully requests than an open item/placeholder be established on the agenda of the Legislature's Economic Development Committee for the above referenced resolution.

The resolution from the Department of Public Works will seek legislative authorization of 2023 Public Works construction, construction engineering services, design, and testing projects and their appropriations, and pre-approval of bids for contracting. The resolution will include an Exhibit showing the 2023 road and bridge projects to be conducted.

Should your Honorable Body require further information, I encourage you to contact Karen Hoak in the Department of Parks, Recreation and Forestry. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ds
cc: William E Geary Jr., Commissioner of Public Works

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7D-1	DEPUTY COMPTROLLER OF AUDIT	Audit of the Department of Law - Notification of Expanded Scope of the Indigent Defense Program to Include Claim Reimbursements

Attachments

23COMM. 7D-1

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

EC LEG MAR 27 '23 PM1:48

March 27, 2023

Jeremy C. Toth
Erie County Attorney
Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

Re: Erie County Comptroller's Office Audit of the Department of Law – notification of expanded scope of the Indigent Defense Program to include claim reimbursements.

This letter is notification that the audit scope for the Department of Law as documented in the February 6, 2023, announcement letter for testing and evaluating expenditure transactions in the operating budget is being expanded.

The expanded scope will include evaluating and testing the claims reimbursement and reporting requirements to determine if they comply with contracts and grant agreements.

In addition, the internal controls will be evaluated and tested to determine if they are adequate as it relates to the preparation and submission of reimbursement claims, including proper recording of revenue and receipt of payments.

The expanded scope will perform a one (1) year review on expenditures for the calendar year of 2022, while the evaluating and testing of claims reimbursements and reporting will cover from January 1, 2015 through December 31, 2022.

The lead auditor has been changed to Tom Feneziani, his contact information is Thomas.Feneziani@erie.gov , ext. 6356. We would like to schedule a meeting the week of March 27th, when Linda returns. Please email or call Tom to discuss your earliest availability.

Thank you and we look forward to working with you.

Sincerely,

Mary K. Nytz-Hosler
Deputy Comptroller of Audit

Cc: Hon. Mark C. Poloncarz, Erie County Executive
Hon. Erie County Legislature
Hon. Kevin Hardwick, Erie County Comptroller
Robert W. Keating, Director, Division of Budget and Management
Erie County Fiscal Stability Board

95 FRANKLIN STREET • ROOM 1100 • BUFFALO, N.Y. • 14202
PHONE: (716) 858-8400 • FAX: (716) 858-6195 • www.erie.gov/comptroller

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7D-2	CLERK OF LEGISLATURE	Letters of Interest & Resumes for Position of Commissioner of the ECWA

Attachments

23COMM. 7D-2

ERIE COUNTY LEGISLATURE

92 Franklin St., 4th Floor - Buffalo, NY 14202

Public Notice/Media Advisory

EC LEG MAR 27 '23 PM12:50

March 27, 2023

To: All Interested Parties

From: Robert M. Graber
Clerk of the Legislature

Subject: Letters of Interest and Resumes for Position of Commissioner of the Erie County Water Authority

PLEASE TAKE NOTICE, that letters of interest and resumes from individuals interested in appointment or reappointment to the position of Commissioner of the Erie County Water Authority are being accepted by the Erie County Legislature.

Pursuant to Section 5.01 of the Erie County Legislature's 2023 Rules of Order:

> Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position.

Individuals interested in consideration for Commissioner should submit a letter of interest and resume to Legislature Chairman April N.M. Baskin, c/o Robert M. Graber, Clerk of the Legislature, 92 Franklin St., Fourth Floor, Buffalo, New York 14202 or via electronic mail to Robert.Graber@erie.gov.

The deadline for receipt of all documents is no later than 5:00 pm on Monday, April 10, 2023.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7D-3	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County

Attachments

23COMM. 7D-3

EC LEG APR 5 '23 PM2:21

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

TO: Robert M. Graber, Clerk, Erie County Legislature

FROM: Jeremy C. Toth, First Assistant County Attorney

DATE: April 3, 2023

RE: Transmittal of New Claims Against Erie County

Mr. Graber:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find 12 new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Estate of Sean Christopher Riordan v. County of Erie, et al.;
2. Heather G. Johnson v. County of Erie, et al.;
3. Gloria Mawazo o/b/o Abdul Sharifu v. County of Erie, et al.;
4. Rachel Wright v. County of Erie, et al.;
5. Megan McKay v. County of Erie;
6. Alicia Falkenbach v. County of Erie;
7. Taylor Meckley v. County of Erie, et al.;
8. Wendy Barrett v. County of Erie, et al.;
9. Edtia Thompson v. ECC, et al.;
10. Beth Olson-Gonzalez v. County of Erie, et al.;
11. Claudia Scheda, et al. Sheriff Garcia; and
12. Melanie Sentin, et al. v. Kimberly Szczepankiewicz, et al.

JCT:dld
Attachments

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 3, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Riordan, Sean Christopher, Estate of, by Christine Riordan v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Christine Riordan, Administrator of the Estate of Sean Christopher Riordan 9 Inwood Place Lancaster, New York 14086
Claimant's attorney:	Thomas M. Mercure, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of
CHRISTINE RIORDAN, as Administrator of
of the Estate of SEAN CHRISTOPHER RIORDAN,
Deceased,

Claimant,

NOTICE OF CLAIM

- against -

ERIE COUNTY,
ERIE COUNTY SHERIFF'S DEPARTMENT,
SHERIFF JOHN C. GARCIA, in his official and individual capacity as Sheriff of Erie County, and
JOHN DOE,

Respondents.

TO: ERIE COUNTY,
ERIE COUNTY SHERIFF'S DEPARTMENT,
SHERIFF JOHN C. GARCIA
JOHN DOE

PLEASE TAKE NOTICE, that CHRISTINE RIORDAN, as Administrator of the Estate of SEAN CHRISTOPHER RIORDAN, deceased, has and hereby makes claim against ERIE COUNTY, ERIE COUNTY SHERIFF'S DEPARTMENT, SHERIFF JOHN C. GARCIA and JOHN DOE, and in support of said claim states the following:

1. The Post Office address of claimant is 9 Inwood Place, Lancaster, New York 14086.

2. The attorneys for claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202.

3. On or about the 22nd day of February 2023, the claimant, CHRISTINE RIORDAN, was appointed Administrator of the Estate of SEAN CHRISTOPHER RIORDAN, pursuant to an Order of the Surrogate's Court of the County of Erie and the State of New York, and Limited Letters of Administration of the Estate of SEAN CHRISTOPHER RIORDAN were issued to the claimant, CHRISTINE RIORDAN, and the said claimant thereupon duly qualified and thereafter acted and is still acting as such Administrator.

4. The claim on behalf of the decedent, SEAN CHRISTOPHER RIORDAN, is for wrongful death and civil rights violations, including without limitation, loss of life and for violation of his state and federal constitutional and statutory rights; and the claim of CHRISTINE RIORDAN, as Administrator of the Estate of SEAN CHRISTOPHER RIORDAN, deceased, is for funeral expenses, pecuniary loss, and civil rights violations and wrongful death, along with punitive damages, attorneys' fees and costs on behalf of decedent's distributes.

5. The claim arose at the Erie County Holding Center, located at 40 Delaware Avenue, in the City of Buffalo, County of Erie and State of New York.

13. The claim arose in substance as follows: On or about the 2nd day of June, 2022 through the 5th day of June, 2022, the claimant's decedent, SEAN CHRISTOPHER RIORDAN, while under the care, custody and control of the ERIE COUNTY SHERIFF'S DEPARTMENT, at the aforesaid premises, was caused to suffer serious injuries, due to the failure of ERIE COUNTY, ERIE COUNTY SHERIFF'S DEPARTMENT, SHERIFF JOHN C. GARCIA and JOHN DOE to ensure for and/or provide timely and proper medical treatment to SEAN CHRISTOPHER RIORDAN, in their failure to provide medications and

proper medical treatment that decedent required, the denial of treatment by Defendants amounts to deliberate indifference to a serious medical need, in violation of the Eighth and/or Fourteenth Amendments' prohibition against cruel and unusual punishment and 42 U.S.C. § 1983, in their refusal to make a reasonable accommodation by providing him with access to proper treatment and medications, thereby discriminating against him on the basis of disability, even though accommodation would in no way alter the nature of the healthcare program, in the negligent handling of decedent; and in the neglect care and treatment of decedent while in the holding center; and was unconstitutionally deprived of his liberty and otherwise tortuously and maliciously harmed by the actions of the defendants, all in violation of Title 42 of the United States Code, Section 1983 et. seq. and the AMERICANS WITH DISABILITIES ACT. Said negligent and improper delay in medical treatment led to the untimely and wrongful death of SEAN CHRISTOPHER RIORDAN on or around June 14, 2022.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of ERIE COUNTY and/or ERIE COUNTY SHERIFF'S DEPARTMENT, including but not limited to SHERIFF JOHN C. GARCIA and JOHN DOE, and more particularly, among other things, in their failing and omitting to properly and in a timely manner administer, provide and/or ensure for adequate medical treatment, including but not limited to examinations and medications, for the claimant's decedent, SEAN CHRISTOPHER RIORDAN; in failing to properly and in a timely manner respond to said decedent's medical complaints, symptoms and requests for treatment and/or medication; in deliberately, purposefully, and knowingly

denying inmates like decedent access to necessary medical treatment for opioid and/or alcohol use disorders caused the constitutional injury, in negligently furthering the deterioration of his medical condition by ignoring his symptoms and complaints; failing or omitting to conduct welfare checks of decedent on a timely basis; furthermore, the incident and resultant injuries and damages were caused by those acts and omissions of the agents, servants and/or employees of the respondents, in their failure to properly and adequately train, supervise, instruct its employees, staff and/or police officers with regard to the proper and timely medical treatment of inmates; in the ERIE COUNTY, ERIE COUNTY SHERIFF'S DEPARTMENT, SHERIFF JOHN C. GARCIA and DOE's, failure to respond to claimant's decedent's medical crisis in an expeditious manner; and in violating claimant's state and federal constitutional and statutory rights by failing to provide adequate medical care and failure to take reasonable measures to guarantee the safety of claimant's decedent.

7. Upon information and belief, as a result of the aforesaid incident, claimant's decedent, SEAN CHRISTOPHER RIORDAN, sustained severe bodily injuries and was painfully and seriously injured; was rendered sick, sore, lame and disabled; sustained pain and suffering and shock to his nerves and nervous system; and more particularly SEAN CHRISTOPHER RIORDAN sustained injuries that led to his death.

8. As a result of the aforesaid incident, injuries and death of decedent, SEAN CHRISTOPHER RIORDAN, the claimant, CHRISTINE RIORDAN, as Administrator of the Estate of SEAN CHRISTOPHER RIORDAN, claims damages for pecuniary loss on behalf of decedent's distributees.

WHEREFORE, claimant requests that ERIE COUNTY, ERIE COUNTY SHERIFF'S DEPARTMENT, SHERIFF JOHN C. GARCIA and JOHN DOE, honor and

pay the claims on behalf of CHRISTINE RIORDAN, Individually and as Administrator of the Estate of SEAN CHRISTOPHER RIORDAN.

DATED: Buffalo, New York
February 27, 2023.

Christine Riordan
CHRISTINE RIORDAN, Individually and as
Administrator of the Estate of
SEAN CHRISTOPHER RIORDAN, Deceased

LIPSITZ GREEN SCIME CAMBRIA LLP

By: _____
THOMAS MERCURE, ESQ.
Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[TMM: # 59732.0004]

STATE OF NEW YORK)
) SS.:
COUNTY OF NIAGARA)

CHRISTINE RIORDAN, being duly sworn deposes and says that she is the claimant above named; and makes this claim on behalf of self; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.

Christine Riordan

CHRISTINE RIORDAN, Individually and as Administrator of the Estate of SEAN CHRISTOPHER RIORDAN, Deceased

Sworn to before me on this
24 day of February, 2023.

Notary Public

MELISSA D. WISCHERATH
Notary Public, State of New York
Reg. #02WI6387243
Qualified In Erie County
Commission Expires February 11, 2024

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 7, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Johnson, Heather G. v. County of Erie and Michelle Schaffer*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Heather G. Johnson 5 Saybrook Road Orchard Park, New York 14127
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of

HEATHER G. JOHNSON,

Complainant,

v.

COUNTY OF ERIE, MICHELLE SCHAFFER,

Respondents.

COMPLAINT
Pursuant to Executive Law, Article 15

Case No.
10223319

Federal Charge No. 16GC302125

I, Heather G. Johnson, residing at 5 Saybrook Rd, Orchard Park, NY, 14127, charge the above named respondents, whose address is Attn: Jeremy C. Toth, Esq.
First Assistant County Attorney
95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of disability, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 8/17/2022.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of disability, opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondents with violating the Americans with Disabilities Act (ADA) (covers disability relating to employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

New York State Division of Human Rights Complaint Form

Individual filing the complaint

Please provide the information requested below.

First Name

Heather

Middle Intial

G

Last Name

Johnson

Street Address

5 Saybrook Rd

City

Orchard Park

State

NY

Zip

14127

Are you completing this form for someone else?

No

RECEIVED
NOV 21 2022
Buffalo EEO

Your complaint

Jurisdiction

Employment

Employment

Please specify where the discrimination occurred

Employment (including paid internship and domestic workers)

Are you currently working for the employer you are filing against?

Yes

Date of hire

02/23/1993

Position held or applied for

Chief Social Welfare Examiner

For employment and internships, how many employees does this person/company have?

20 or more

Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

Other - Write In (Required): hostile work environment

Basis

Basis of alleged discrimination in employment:

Disability (a physical or mental condition; includes denial of reasonable accommodation)

Please specify disability:

Mental health & physical limitations

You are filing a complaint against

Entity that discriminated against you:

Name of entity

Erie County

Street Address

95 Franklin St

City

Buffalo

State

NY

Zip

14202

In what county or borough did the violation take place?

Erie

Phone Number

Email address

Fax Number

Company Website

Please provide the name, last name, and title of individual people who discriminated against you.

Michelle Schaffer; Director of Public Health Insurance Programs

Date of the most recent act of alleged discrimination

08/17/2022

Description of discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and other details. You must explain why you think these acts were discriminatory and how these acts are connected to the protected class (race, color, sex, disability, etc.) you selected previously.

I'm reporting this after filing the same complaint with my employer. I reached out to the Commissioner of my Department (Marie Cannon) on 11/4 and then had a conversation about the issue with her 11/7/22. She advised that I follow the departmental procedures to report the incidences, regardless of whether I also file separately with NYS. Although I was assured that I cannot be retaliated against for making a report, I am still concerned about retaliation because of who I am reporting about, but in my position of Chief Social Welfare Examiner, it is my duty and responsibility to make this report. I only delayed because I no longer trust the individuals in my chain of command, and I'm scared for my own job security. I've been extremely reluctant out of fear and finally decided to report it to Jacquie Hall, but then she was moving to a position outside DSS. I finally reached out to Marie because I didn't feel comfortable using the normal chain of command.

This complaint is against Michelle Schaffer for discrimination and harassment of employees with disabilities and inappropriate/bullying behavior that has created an environment of intimidation and fear which may or may not rise to the level of hostile work environment as defined by EEOC.

This complaint is not only due to the reports I've received about the treatment of Nancy Rizzo by Michelle Schaffer, but also about the hostile work environment I have been experiencing. I'm including other information that separately may not seem important, but that I believe demonstrates a pattern of repeated harassment/discrimination/bullying of employees with disabilities. Sometime in July or August Michelle commented to me about wanting Nancy to retire and saying something to the effect of, maybe she needs a little push. Then Michelle said to me that she wanted to contact the retirement board for Nancy, and I indicated to her that I didn't think that would be appropriate given her position of control over Nancy as well as the fact that Nancy was not actively pursuing retirement on her own. She agreed, so I still had no concern. Then a Nursing Home supervisor came to me sometime in September regarding comments Michelle made at a meeting that they felt was discriminatory against Nancy. Michelle announced at that meeting that she was making Nancy Rizzo move with her to 290 Main St and that maybe that would encourage her to retire. It was also shared that Michelle regularly commented in the past and present about wanting Nancy to retire. Michelle has also made comments to me over the last few years about wanting Nancy to retire, but I dismissed it at the time as her just being frustrated by Nancy. Then another employee contacted me about a conversation in October where Michelle said that she was trying to help Nancy apply for retirement and was upset that she couldn't walk over to the retirement board to make the appointment for Nancy because their offices were closed, and they could only be reached by phone. The employee that relayed this information was concerned and didn't think it sounded appropriate for Michelle to be involved in that. This was the final conversation that indicated to me that Michelle was possibly trying to force Nancy into retirement, which would be discriminatory due to Nancy being in a protected class.

I've been involved in situations with Michelle over the last few years where I felt she was acting in a way toward various employees that was borderline harassing, and I've voiced my opposition in each instance both vocally and in writing. I was unaware of any employee complaints following those situations, so I assumed she chose to not continue with her original course of action. But recently it was shared with me that Andrea George, an employee no longer in Medicaid, recently filed a complaint with NYS alleging harassment by Michelle Schaffer. Andrea is also in a protected class and has documented disabilities and had FMLA. I also think it important to mention an instance pertaining to Lisa Conte, an employee under my span of control. I had attempted to advocate for Ms. Conte in the past when I felt Michelle was acting in a potentially discriminatory manner, at which point Michelle stopped sharing any information about Ms. Conte with me. I was later informed that the employee was taking a medical leave. In late 2021/early 2022 both I and one of the unit supervisors, was contacted by someone in administration and we were scheduled to speak with an investigator regarding a situation that involved Ms. Conte. I can't recall who reached out, but it was someone in County administration. The investigation never occurred. I was unsure what the investigation was about, but I had suspicions based on information that came to me through unofficial channels regarding the employee having filed allegations of harassment by Michelle Schaffer. Lisa Conte is another employee that has documented disabilities and has had FMLA approval in the past.

Regarding my own interactions with Michelle. Throughout the course of our working relationship, she has made disparaging comments during private conversations with me, about employees with disabilities and employees with FMLA, particularly those with health issues related to mental health. She would always become argumentative if I disagreed with her comments and always made it clear that she doesn't believe staff are being honest and that anxiety is not real and that anyone that has a mental health issue is just abusing FMLA. She is and has been aware that I personally suffer from anxiety and that I've had FMLA in the past. She has commented directly to me in the past, something to the effect of "if your anxiety is interfering in you doing your job...". When this occurred, I spoke with Jacquie Hall and she just told me not to share personal information with Michelle. Her continual disparaging comments about individuals with disabilities has created a hostile work environment for me due to her ridicule and belittling of mental health issues in general. The stress from being demeaned and disparaged because I have a documented medical issue is now overflowing into my non-work hours. It is negatively affecting my health, has increased my anxiety, and is resulting in the need for medical help to manage the issue. I don't have specific dates for each interaction because they happened over a period and individually, didn't initially feel malicious. Once I began documenting information about the occurrences, it became clear that I needed to speak up. Separately from this, I'm currently experiencing passive-aggressive bullying, in the form of exclusion from managerial information necessary to complete my job effectively. Often staff in other areas of the division are shared information before supervision is shared the information. A recent example is the move of the department. She did not share information or request input until the last minute, leaving supervision to scramble to pull together plans. She also refused to accept valuable input by unit supervision and instead dismissed the concerns of staff and supervisors about the negative impact on the productivity of the department. I've continued to provide comprehensive information both independent of and in response to her requests. Her lack of understanding of the needs of the department, and decision-making that negatively affects the department's functionality is interfering in the successful completion of our jobs and impacting morale of the department as well as service to the community. Her continued lack of communication that pertains to the work of the department that I am responsible for is contributing to a great deal of undue fear, stress, and anxiety in my job. It feels as though she is not invested in our success.

Finally, I think it is important to share the following information that staff have expressed. Even though it does not directly pertain to discriminatory practices against a protected class, it does contribute to the general environment of intimidation and fear in Medicaid because employees are made to feel less than due to their participation in contractually negotiated flexible schedules. Since the CBA was ratified, multiple Community MA staff have mentioned to me that they are fearful that their schedules are going to be modified or taken away without good cause. When asked why they feel that way, their answer is that they as well as their peers hear Michelle Schaffer constantly making comments to the effect of how

ridiculous it is that anyone is still working at home and more people should be in the office. They also express that they have heard Michelle making disparaging comments to employees about other employees that have flexible schedules in place. Last week an employee told me that she said to them, "some employees think they can just work from home the rest of their careers". I have also recently become aware that some staff, both present and past, met with union representation a month or two ago regarding the hostile work environment in Medicaid and she was named specifically in instances of bullying and harassment. This is all that was shared with me, and I do not have specifics to provide. As I previously stated, this may not seem to be pertinent to the rest of this complaint, however in my position as Chief SWE, I feel it is my duty and obligation to share the concerns of staff and be their voice regarding this matter as well.

I am asking that you please investigate what is going on in the Public Health Insurance Division. Staff that have reported to me prefaced their comments with concern that they will be retaliated against for coming forward and I can honestly say I agree with that sentiment.

Declaration

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

Please initial:

HGJ

I affirm under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Heather G Johnson

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 8, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Mawazo, Gloria, on behalf of Abdul Sharifu v. City of Buffalo and County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Gloria Mawazo 89 Quincy Street Buffalo, New York 14212
Claimant's attorney:	Brittany L. Penberthy, Esq. Penberthy Law Group LLP 227 Niagara Street Buffalo, New York 14201

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

NOTICE OF CLAIM

GLORIA MAWAZO, on behalf of Abdul Sharifu,

Claimant,

vs.

CITY OF BUFFALO
1100 City Hall
Buffalo, New York 14202

ERIE COUNTY
Edward A. Rath County Office Building
95 Franklin Street, Room 1634
Buffalo, New York 14202

Respondents.

TO: CITY OF BUFFALO

PLEASE TAKE NOTICE, that GLORIA MAWAZO, on behalf of Abdul Sharifu, has and hereby makes claim against the CITY OF BUFFALO and ERIE COUNTY, in support of said claim state the following:

1. The post office address for the Claimant is 89 Quincy Street, Buffalo, New York 14212.

2. The attorneys for Claimant are PENBERTHY LAW GROUP LLP, and their post office address is 227 Niagara Street, Buffalo, New York 14201.

3. The claim of GLORIA MAWAZO, on behalf of Abdul Sharifu, is for wrongful death.

4. The claim arose at or near 100 High Street within the City of Buffalo, County of Erie and State of New York.

5. The claim arose in substance as follows: Upon information and belief, at approximately 12 PM on December 24, 2022, Abdul Sharifu left his home to purchase groceries for a neighbor.

6. Upon information and belief, Abdul Sharifu was discovered at approximately 10 PM, unconscious in the snow during the December 2022 Blizzard. At approximately 11:30 PM on December 24, 2022, Abdul Sharifu died at John R. Oishei Children's Hospital of hypothermia and exposure, after being denied access to Buffalo General Hospital.

7. CITY OF BUFFALO and ERIE COUNTY knew and/or had notice of the potential harm posed to citizens of the City of Buffalo due to the impending winter storm.

8. CITY OF BUFFALO and ERIE COUNTY failed to adequately warn citizens of the impending storm and its severity.

9. CITY OF BUFFALO and ERIE COUNTY owed a duty to Claimant and failed in that duty causing Claimant injury.

10. Upon information and belief, the incident herein described and the resultant damages sustained were caused as a result of the negligence, carelessness, and or unlawful conduct on the part of the agents, servants, and or employees of the CITY OF BUFFALO and ERIE COUNTY. Such acts or omissions include, but are not limited to negligence, failure to warn, and wrongful death.

WHEREFORE, Claimant request that the CITY OF BUFFALO and ERIE COUNTY honor and pay the claims of GLORIA MAWAZO.

DATED: Buffalo, New York
March 2, 2023

PENBERTHY LAW GROUP LLP

By: _____
BRITTANY E. PENBERTHY, ESQ.
Attorneys for Claimant

Kimberly A. Ralph
Notary Public - State of New York
No.: 01RA6348219
Qualified in Erie County
My Commission Expires on September 19, 2024

Office and P.O. Address
227 Niagara Street
Buffalo, New York 14201
(716) 803-8402

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 3, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Wright, Rachel v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Rachel Wright 44 Arnold Street Buffalo, New York 14213
Claimant's attorney:	John P. Feroleto, Esq. John P. Feroleto, Attorneys at Law 438 Main Street Suite 910 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

RECEIVED
FEB 08 2023
Erie County Clerk's Office

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

RACHEL WRIGHT

Claimant,

v.

COUNTY OF ERIE,
ERIE COMMUNITY COLLEGE,
STATE OF NEW YORK and
STATE UNIVERSITY OF NEW YORK SYSTEM

Respondents.

VERIFIED NOTICE OF CLAIM

TO: The COUNTY OF ERIE, ERIE COMMUNITY COLLEGE and the STATE OF NEW YORK

PLEASE TAKE NOTICE, that RACHEL WRIGHT, the Claimant, by her attorney, John Feroleto of Feroleto Law, as and for her Notice of Claim against the County of Erie and Erie Community College states as follows:

1. The name and post office address of the Claimant is RACHEL WRIGHT, 44 Arnold Street, Buffalo, New York 14213.

2. The name and post office address of the Claimant's attorney is John Feroleto, Esq., Feroleto Law, 438 Main Street, Suite 910, Buffalo, New York, 14202, phone number (716) 854-0700.

3. Upon information and belief, the County of Erie and Erie Community College, State of New York State of New York System (SUNY) were the owners and/or responsible parties of a certain premises commonly known as "Lot 4 of Highmark Stadium" located at Abbott Road, Orchard Park, New York, situated across from Highmark Stadium, 1 Bills Drive, Orchard Park, New York.

4. The date and time upon which the incident complained of on the above-named premises occurred was December 17, 2022 in approximately 12 AM.

5. The nature of the claim is for medical bills, pain and suffering and permanency of injury, in an amount yet to be determined.

6. That the hazardous and dangerous condition consisted of a dangerous and defective condition which existed included the defective and dangerous surface, ice not readily observable.

7. The manner in which the claim arose is that the Claimant, Rachel Wright, while lawfully on the premises, was caused to fall due to a hazardous and dangerous condition, namely the dangerous and defective condition while on premises known as Lot 4 Highmark Stadium, Abbott Rd., Orchard Park New York near Community College Way.

8. That the occurrence aforesaid and the injuries of the Claimant were sustained by reason of the negligence and misconduct of the Respondents in allowing a dangerous condition to exist, to continue to exist, and allowing said school premises to continue to remain in an unreasonably dangerous, unsafe, and defective condition.

9. The Claimant sustained serious personal injuries to her left lower extremity, including fracture of the fibula and damage to the associated anatomy of the left leg which caused conscious pain and suffering, the need for painful medical treatment and surgery. Therefore, Claimant makes claim for her conscious pain and suffering, personal injuries, and her economic loss, medical expenses, prescription expenses, miscellaneous expenses, and any and all further economic

loss yet to be determined. The Claimant will seek recovery for all damages reasonably necessarily flowing from this incident.

WHEREFORE, the Claimant requests compromise of this claim and if such claim is not paid within a reasonable period of time, it is the intention of the Claimants to commence an action against the above-named Respondents.

DATED: Buffalo, New York
February 1, 2023

DATED: Buffalo, New York
February 2023

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
CITY OF BUFFALO)

RACHEL WRIGHT, being duly sworn deposes and says she is the Claimant in the above-entitled action; he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to matters therein stated to be alleged upon information and belief, and that as to those matters, he believes them to be true.

RACHEL WRIGHT.

Sworn to before me this 2nd
day of February, 2023.

JOHN P. FEROLETO
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 1-9-2023

Notary Public

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 8, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*McKay, Megan v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Megan McKay 603 Flagstone Court Oshawa, ON L1K 2Z8 CANADA
Claimant's attorney:	Eli Wagschal, Esq. Morgan & Morgan NY, PLLC 350 Fifth Avenue, Suite 6705 New York, New York 10118

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from Rich Harrington on
the 2nd day of March, 2023
at 11:25 a.m./p.m.
Assistant County Attorney

IN THE MATTER OF THE CLAIM OF
Megan McKay
-Against-
COUNTY OF ERIE

TO: Erie County Attorney
95 Franklin Street
Room 1634
Buffalo, NY 14202
erieclaims@erie.gov

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against COUNTY OF ERIE as follows:

1. **The name and post-office address of each claimant and claimant's attorney is**:

Megan McKay
603 Flagstone Ct.
Oshawa, ON L1K 2Z8, Canada

Morgan & Morgan, NY, PLLC
350 Fifth Avenue, Suite 6705
New York, NY 10118
(212) 801-4505

2. **The nature of the Claim**: Personal injuries with pain and suffering, medical and hospital expenses, loss of enjoyment of life, and related damages and expenses on behalf of the claimant due to the negligence of the respondents.

3. **The time when, the place where, and the manner in which the claim arose**: This occurrence took place on January 22, 2023, at the Highmark Stadium located at 1 Bills Dr., Orchard Park, NY 14127. Claimant was heading towards the restroom when she slipped and fell due to an accumulation of water and snow.

Claimant its agents, servants, and/or employees were negligent, careless, and reckless in in the ownership, maintenance, operation, supervision, inspection, and control of the subject premises; in failing to avoid the aforesaid incident which was foreseeable; Failure to remove or warn of the presence of water on the ground, despite knowing or should have known of the hazardous condition; Failure to provide slip-resistant mats or material on surfaces that are prone to becoming wet or slippery, such as the area where the incident occurred; Failure to maintain or replace existing mats or slip-resistant material that had worn down or become ineffective over time; Failure to install drainage systems or take other measures to prevent water from accumulating in the area; Failure to properly maintain gutters, downspouts, and other drainage systems, which can result in water overflow, and in being otherwise negligent, careless, reckless and grossly negligent.

4. **The items of damage or injuries claimed are**: Monetary damages for personal injuries; pain and suffering; past, present, and future medical expenses; hospital expenses, and loss of earnings, and related expenses on behalf of the claimant due to the negligence of the respondent. Claimant became sick, sore, lame and disabled; suffered severe and permanent personal physical injuries, disabilities, cosmetic deformity, medical and hospital expenses, and extensive pain and suffering.

Claimant required hospitalization and medical care and treatment and will require further hospital and medical care in the future; has been and will continue to be incapacitated from his usual activities of daily living including lost wages; has incurred medical, hospital, and related expenses; has sustained an injury of a permanent nature and will be permanently impaired as a result of said accident.

Claimant is currently under medical care and treatment and will require further medical care, the extent of which is unknown at this time. Claimant also sustained loss of enjoyment of life as a result of said injuries. This claim is also for pain and suffering, economic damages and medical and medically related expenses.

Specifically, Claimant sustained injuries to including but not limited to a fractured fibula requiring emergency medical treatment, extensive follow-up treatment, restricted range of motion, stiffness, and necessity of future medical procedures. The Claimant required hospitalization and medical care and will require further hospital and medical care in the future and caused Claimant to incur and continue to incur expenses for medical attention and treatment. Claimant reserves the right to amend this section after review of his medical records.

TOTAL AMOUNT CLAIMED: $1,000,000.00

The undersigned claimants therefore present this claim for adjustment and payment. You are hereby notified that unless said claim is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: New York, New York
March 1, 2023

MORGAN & MORGAN NY, PLLC

By: Eli Wagschal, Esq.
Attorneys for Plaintiffs
350 Fifth Avenue, Suite 6705
New York, NY 10118
(212) 801-4505
ewagschal@forthepeople.com

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) **ss.:**

I, the undersigned, an attorney duly admitted to practice in the Courts of New York State, state that I am the attorney of record in the within action; I have read the foregoing notice of claim which are true to my own knowledge, except as to those facts stated to be alleged upon information and belief, and as to those matters, I believed it to be true.

This verification is made by the undersigned and not by the plaintiff because plaintiff resides in a county other than the county in which the undersigned attorney maintains offices. The grounds to my belief as to all matters not stated upon my own knowledge are as follows: Investigations and records maintained in file.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York
March 1, 2023

ELI WAGSCHAL, ESQ.

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 8, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Falkenbach, Alicia v. County of Erie*
Document Received:	Notice of Claim
Name of Claimant:	Alice Falkenbach 22 Royalcrest Road Orchard Park, New York 14127
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

RECEIVED
JAN 05 2023
ERIE COUNTY
DEPARTMENT OF LAW

STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Claim of

ALICIA FALKENBACH
22 Royalcrest Road
Orchard Park, NY 14127,

Claimant,

- against-

NOTICE OF CLAIM

COUNTY OF ERIE
Department of Law
ATTN: Property Damage Department
95 Franklin Street, Room 1634
Buffalo, NY 14202,

Respondens.

TO: COUNTY OF ERIE

PLEASE TAKE NOTICE, that ALICIA FALKENBACH, has and hereby makes claim against the COUNTY OF ERIE and in support of said claim states the following:

1. The Post Office address of the Claimant is 22 Royalcrest Road, Orchard Park, New York 14127.

2. The claim of ALICIA FALKENBACH is for personal injuries including, without limitation, medical expenses and for consequential and equitable damages generally; and for property damage which resulted in total loss of my vehicle.

3. The claim arose as a result of an motor vehicle accident near the intersection of Abbott Road and Lake Avenue in Town of Hamburg, County of Erie and State of New York.

4. The claim arose in substance as follows: On the 12th day of October, 2022, at approximately 3:32 p.m., Claimant, ALICIA FALKENBACH, was traveling westbound on Lake

Avenue in the curb lane near the intersection of Abbott Road when Claimant's vehicle contacted a metal plate which,

5. Upon information and belief, was placed by Respondent's crews as part of road and/or storm drain repairs. As a result of such contact, Claimant's vehicle (with Claimant inside) was caused to flip over before coming to rest upside down in the right hand lane.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained by Claimant were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, contractors, servants, and/or employees of the COUNTY OF ERIE acting individually and/or in concert, and more particularly, among other things, in creating and/or permitting the existence of a dangerous and defective condition; and/or in failing to ensure the metal plate, which on information and belief, was covering a defective storm drain and/or drainage grate, was appropriately positioned and/or secured and/or affixed so as not to constitute a dangerous and defective condition.

7. Upon information and belief, as a result of the aforesaid incident, Claimant, ALICIA FALKENBACH, sustained personal injuries including pain and suffering, post-concussion symptoms, and shock to her nerves and nervous system; as well as property damage to her vehicle. Upon information and belief, Claimant's injuries are permanent in nature.

WHEREFORE, Claimant requests that the COUNTY OF ERIE, honor and pay the consequential and equitable claims on behalf of Claimant including interest, costs, disbursements, and attorneys' fees together with such other and further relief deemed just and proper.

DATED: Buffalo, New York
January 2, 2023

Alicia Falkenbach
Alicia Falkenbach

STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

ALICIA FALKENBACH, being duly sworn deposes and says that she is the Claimant above named; and makes this claim on behalf of herself; she has read the foregoing Notice of Claim and knows the contents thereof; the same is true to the knowledge of the Claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.

Sworn to before me on this
2nd day of January, 2023.

Dianne H. Ambellan
Notary Public

DIANNE H. AMBELLAN
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01AM6322915
My Commission Expires 4/13/23

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 8, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Meckley, Taylor L. v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Taylor L. Meckley 5683 South Park Avenue, Apt. 2 Hamburg, New York 14075
Claimant's attorney:	Aaron Gorski, Esq. Dolce Panepinto, P.C. 1260 Delaware Avenue Buffalo, New York 14209

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

This paper received at the
Erie County Attorney's Office
from David Keller on
the 3 day of March, 2022
at 2:57 a.m./p.m.
Assistant County Attorney

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

TAYLOR L. MECKLEY,

Claimant,

VERIFIED NOTICE OF CLAIM

v.

THE COUNTY OF ERIE
ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING
ERIE COUNTY STADIUM CORPORATION
ERIE COMMUNITY COLLEGE,

Respondents.

TO: THE COUNTY OF ERIE
92 Franklin Street
Buffalo, New York 14202

ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING
950 Franklin Street
Buffalo, New York 14202

ERIE COUNTY STADIUM CORPORATION
95 Perry Street, Suite #500
Buffalo, New York 1420

ERIE COMMUNITY COLLEGE
4041 Southwestern Boulevard
Orchard Park, New York 14127

PLEASE TAKE NOTICE that Claimant, TAYLOR L. MECKLEY, hereby makes claim and demands against Respondents, THE COUNTY OF ERIE, ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING, ERIE COUNTY STADIUM CORPORATION and ERIE COMMUNITY COLLEGE, as follows:

NAME AND POST OFFICE ADDRESS OF CLAIMANT

1. Claimant's name is TAYLOR L. MECKLEY and Ms. Meckley resides at 5683

STATE OF NEW YORK
COURT OF CLAIMS

TAYLOR L. MECKLEY,

Claimant,

VERIFIED NOTICE OF INTENTION TO FILE A CLAIM

v.

STATE OF NEW YORK and
NEW YORK STATE URBAN DEVELOPMENT CORPORATION
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION,

Respondents.

TO: STATE OF NEW YORK
c/o Attorney General of State of New York
Main Place Tower
350 Main Street, Suite 300A
Buffalo, New York 14202

NEW YORK STATE URBAN DEVELOPMENT CORPORATION
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION
c/o Attorney General of the State of New York
Main Place Tower
350 Main Street, Suite 300A
Buffalo, New York 14202

NEW YORK STATE URBAN DEVELOPMENT CORPORATION
d/b/a EMPIRE STATE DEVELOPMENT CORPORATION
633 Third Avenue, 36th Floor
New York, New York 10017

PLEASE TAKE NOTICE that Claimant, TAYLOR L. MECKLEY, hereby makes a Notice of Intention to File a Claim against Respondents, STATE OF NEW YORK and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, and demands as follows:

NAME AND POST OFFICE ADDRESS OF CLAIMANT

1. Claimant's name is TAYLOR L. MECKLEY and Ms. Meckley resides at 5683 South Park Avenue, Apartment #2, Hamburg, New York 14075. The attorney for Claimant, TAYLOR L. MECKLEY, is Aaron C. Gorski, Esq., from *Dolce Panepinto, P.C.*, with offices located at 1260 Delaware Avenue, Buffalo, New York 14209.

NATURE OF CLAIM

2. This claim is for all applicable damages recoverable under law, including, but not limited to, personal injuries, pain and suffering, permanency, disabilities, lost wages, past, present and future, and medical expenses, past, present and future, resulting from injuries sustained by Claimant, TAYLOR L. MECKLEY, by reason of the negligence, carelessness, recklessness and New York State Property Maintenance Code violations of Respondents, STATE OF NEW YORK and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, their officers, agents, employees and/or servants in permitting a dangerous, defective, hazardous and unsafe condition - i.e. snow and/or ice, to exist on its premises.

THE TIME, PLACE, AND MANNER IN WHICH CLAIM AROSE

3. On or about December 17, 2022 at approximately 8:00 p.m., Claimant, TAYLOR L. MECKLEY, slipped and fell on a dangerous, defective, hazardous and unsafe condition - i.e. snow and/or ice, located at Buffalo Bills Hallmark Stadium, 1 Bills Drive, Orchard Park, New York 14127 at and/or near Gate Number Six (6). As a result of Respondents', STATE OF NEW YORK and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, negligence, carelessness, recklessness and New

York State Property Maintenance Code violations in permitting the dangerous, defective, hazardous and unsafe condition - i.e. snow and/or ice - to exist on its property Claimant, TAYLOR L. MECKLEY, was caused to sustain serious and permanent bodily injuries to her left arm, wrist and hand, among other body parts.

4. Respondents, STATE OF NEW YORK and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, are liable for its negligence, carelessness, recklessness and New York State Property Maintenance Code violations for permitting the dangerous, defective, hazardous and unsafe condition, i.e. snow and/or ice, to exist. In addition, Respondents, STATE OF NEW YORK and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, violated various sections of the New York State Property Maintenance Code including, but not limited to, Section(s) 301.2, 302.1, 302.2, 302.3, 304.1 and 507.1.

THE ITEMS OF DAMAGE OR INJURIES CLAIMED TO HAVE BEEN SUSTAINED

5. As a direct and proximate cause of the subject incident, and Respondents', STATE OF NEW YORK and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, negligence, carelessness, recklessness and New York State Property Maintenance Code violations, Claimant, TAYLOR L. MECKLEY, was caused to sustain serious and permanent bodily injuries to including, but not limited to, her left arm, wrist and hand, among other body parts. In addition, Claimant, TAYLOR L. MECKLEY, was caused to become sick, sore and lame; was caused to, and will continue to, experience pain and suffering; was caused to sustain disability and/or

permanent and progressive injuries; was caused to, and will continue to, incur medical expenses; and was caused to, and will continue to, incur lost wages, past, present and future, all of which are causally related to the subject incident.

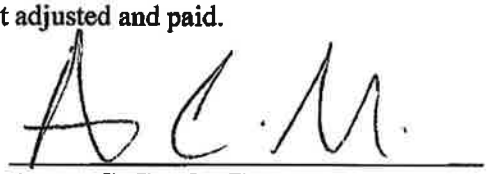
6. As a result of the foregoing, Claimant, TAYLOR L. MECKLEY, demands money damages against Respondents, STATE OF NEW YORK and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, for injuries that she sustained in the December 17, 2022 incident, which amount shall be supplemented at a later date consistent with the nature, extent, treatment, duration and/or permanency of the injuries sustained.

7. This claim and demand is hereby presented for adjustment and payment.

8. This notice is made and served on behalf of Claimant, TAYLOR L. MECKLEY, in compliance with the provisions of the Court of Claims Act §§ 10 and 11, and such other laws and statutes as are in such cases made and provided. Claimant, TAYLOR L. MECKLEY, reserves the right to amend this Notice of Intention to File a Claim, if necessary.

WHEREFORE, Claimant, TAYLOR L. MECKLEY, demands that this claim be adjusted and paid by Respondents, STATE OF NEW YORK and NEW YORK STATE URBAN DEVELOPMENT CORPORATION d/b/a EMPIRE STATE DEVELOPMENT CORPORATION, and further sets forth her intent to commence an action thereon if said claim is not adjusted and paid.

DATED: Buffalo, New York
March 1, 2023



Aaron C. Gorski, Esq.
DOLCE PANEPINTO, P.C.
Attorneys for Claimant
1260 Delaware Avenue
Buffalo, New York 14209
(716) 852-1888

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

Taylor L. Meckley, being duly sworn, deposes and says that she is the claimant; that she has read the foregoing Notice of Intention to File a Claim and knows the contents thereof; that the same is true of her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, she believes them to be true.

Taylor L. Meckley

Sworn to before me this 15th
day of March 2023

LINDA M. WORONIECKI
Notary Public, State of New York
Qualified in Erie County
My Commission Expires August 28, 2025

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 8, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Barrett, Wendy v. County of Erie, et al.*
Document Received:	Notice of Claim
Name of Claimant:	Wendy Barrett 13070 Broadway, Apt. 1 Alden, New York 14004
Claimant's attorney:	Blake Zaccagnino, Esq. Shaw & Shaw, P.C. 4819 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK

WENDY BARRETT
13070 Broadway, Apt. 1
Alden, NY 14004

Plaintiff,

-vs-

NOTICE OF CLAIM

COUNTY OF ERIE
Erie County Hall
95 Franklin Street
Buffalo, NY 14202

VILLAGE OF ALDEN
13336 Broadway
Alden, New York 14004

TOWN OF ALDEN
3311 Wende Road
Alden, NY 14004

RESALE AND MANAGEMENT SOLUTIONS LLC
11463 Stolle Road
East Aurora, NY 14052

Respondents.

TO: COUNTY OF ERIE
Erie County Hall
95 Franklin Street
Buffalo, NY 14202

VILLAGE OF ALDEN
13336 Broadway
Alden, New York 14004

TOWN OF ALDEN
3311 Wende Road
Alden, NY 14004

RESALE AND MANAGEMENT SOLUTIONS LLC
11463 Stolle Road
East Aurora, NY 14052

PLEASE TAKE NOTICE that the **Claimant** claims damages against the Respondents in accordance with the requirements of General Municipal Law § 50-e and states as follows:

1. The name and address of **Claimant** is:

   WENDY BARRETT
   13070 Broadway, Apt. 1
   Alden, NY 14004

2. The **Claimant** is represented herein by:

   Shaw & Shaw, P.C.
   Blake Zaccagnino, Esq., of counsel
   4819 South Park Avenue
   Hamburg, NY 14075

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

3. This is a claim founded in negligence, and is for personal injuries.

4. This is a claim for money damages for personal injuries sustained by the Claimant, when she was caused to fall on property and premises and, more specifically, on a dangerous icy and snowy condition on in the pathway outside of the front doors of 13070 Broadway Street, Alden, NY 14004, leading to the sidewalk. She fell on the last concrete square/cement square/other material square/prior to the sidewalk.

Upon information and belief, that property was under the possession, control and ownership of the Respondents.

TIME AND LOCATION AND MANNER IN WHICH THE CLAIM AROSE:

5. The time when the claim arose and the time when injuries and damages herein alleged were sustained was on or about January 30, 2023 at approximately 7:30AM-8:00AM.

NATURE AND BASIS FOR THIS CLAIM:

6. Attached as **Exhibit A**, please find a real property parcel search of the property. The same indicates that the property is located in the Village and Town of Alden, is in the County of Erie, and is owned by RESALE AND MANAGEMENT SOLUTIONS LLC.

7. As she walked, she was caused to slip and fall over dangerous icy and snow condition in the pathway outside of the front doors of 13070 Broadway Street, Alden, NY 14004, leading to the sidewalk. She fell on the last concrete square/cement square/other material square/prior to the sidewalk.

Attached as **Exhibit B**, please find photographs of the general area where the Claimant fell.

Attached as **Exhibit C**, please find the exact location of the Claimant's fall and the dangerous condition that caused her fall.

Upon information and belief, this photo was taken on the day after the incident. Upon information and belief, on the day of the accident, the icy and snow condition shown in **Exhibit C** spread across the entire length of the walking surface shown.

Attached as **Exhibit D**, please find property details for the property, indicating that the owner of the property pays for snow removal. Upon information and belief, the maintenance representative of the property is named Randy. Claimant has his number and is willing to share with Respondents.

LEGAL THEORY/CAUSE OF ACTION CLAIMED:

8. That the negligence of the Respondents, their agents, servants and/or employees, consisted of, without limitation:

- negligently, carelessly and recklessly failing and omitting to keep and maintain 13070 Broadway Street, Alden, NY 14004, in a safe condition, under the circumstances;
- negligently, carelessly and recklessly failing and omitting to clean and keep safe the premises identified above;
- allowing an unsafe accumulation of ice and snow to exist on the property long enough before the Claimant's fall to have it corrected or to take other suitable precautions but they did not do so;
- causing, allowing and permitting a dangerous, unsafe and hazardous condition to exist at the accident site;
- negligently, carelessly and recklessly failing and omitting to provide persons such as the Claimant with any notice or warning of the existence of the dangerous, unsafe and hazardous condition at the accident site;
- negligently, carelessly and recklessly failing and omitting to periodically inspect and maintain its premises so that proper repairs, maintenance, and clearing of icy and snowy conditions were performed thereat;
- negligently, carelessly and recklessly failing and omitting to take necessary steps at the accident site so that the site was free and clear of a dangerous condition;
- causing, allowing and permitting an unsafe condition to exist at its premises;
- negligently, carelessly and recklessly failing and omitting to supervise others it had allowed to perform maintenance and clearing of ice and snow;
- not acting reasonable under the circumstances and failing to use reasonable care to keep the premises in a reasonably safe condition for the protection of the Claimant;

- allowing an icy and snowy condition to exist on the surface of the property that posed a reasonably foreseeable hazard that proximately caused the Claimant's fall and serious injuries;

- the premises was not reasonably safe;

- the Respondents were negligent in not keeping the premises in a reasonably safe condition;

- the Respondents' negligence in allowing the unsafe conditions to exist as described here was a substantial factor in causing the Claimant's fall and serious injuries;

- the Respondents caused and created the icy and snowy condition;

- the Respondents actually knew about the icy and snowy condition long enough before the fall to have permitted them in the use of reasonable care to correct it or to take other suitable precautions but they failed to do so;

- the Respondents had actual notice of the icy and snowy condition that caused the Claimant's fall because they received verbal and or written notice of the condition, and or personally observed it before the accident;

- the Respondents actually knew about the icy and snowy condition because of prior accidents when the conditions were substantially the same as they were on the day and time of the Claimant'sfall;

- the Respondents should have known about the icy and snowy condition long enough before the fall to have permitted them in the use of reasonable care to correct it or take other suitable precautions but they failed to do so;

- the defendants should have known about the icy and snowy condition because of its long continued existence prior to the Claimant's fall;

- the Respondents should have known about the icy and snowy condition because of their actual knowledge that the condition recurred and the Respondents routinely failed to address the dangerous icy and snowy condition;

- the Respondents failed to implement a cleanup schedule that was sufficiently frequent to avoid the creation of the recurrent dangerous icy and snowy conditions of which it had constructive notice of;

- the Respondents created the icy and snowy condition which caused the Claimant's fall and they had actual and constructive notice of it;

- the icy and snowy condition was visible, apparent, and existed for a sufficient period of time prior to the fall to permit the Respondents to discover it and take corrective action and or provide a warning to the Claimant, but they failed to do so;

- in failing to warn of the dangerous icy and snowy conditions;

- in having prior written notice of the dangerous condition, and in failing to timely fix/repair it;

- in affirmatively creating the dangerous conditions described herein through an act of negligence;

- that the Respondents were otherwise negligent, careless and reckless.

DAMAGES CLAIMED:

9. By reason of the aforesaid occurrence, the Claimant sustained severe, painful and permanent injuries in and about her body, including, but not limited to, left hip injury, broken left scapula, fractured left collar bone, including but not limited to a left elbow injury, all of which were and are severe, painful and permanent in nature including, shock to the nerves and nervous system, circulatory system, traumatic injuries to nerves, tendons and muscular system with resultant impairment and/or loss of use of normal functions; was otherwise rendered sick, sore, lame and disabled and prevented her from performing her usual activities for a period of time subsequent to this incident, and has incurred, and may suffer and sustain loss of earnings and/or loss of future earning potential and/or capacity; has caused, or may incur, hospital expenses, medical expenses, physical therapy and/or rehabilitation and counseling expenses and/or other similar types of expenses as to past, present or future, as would relate to the care, treatment and attempted cure of

the injuries sustained and/or the residual effects thereof; has been deprived of the ability to enjoy the life and lifestyle that she was able to participate in and enjoy prior to the happening of this incident, and has been caused to suffer emotional upset, anxiety and depression as a result of the pain and suffering associated with the injuries as to the past, present and, upon information and belief, into the future; and together with any other special and general damages as may manifest themselves subsequent to the date of this Notice of Claim.

10. The Claimant also makes a claim for any and all medical expenses incurred as to her care, treatment and attempted cure of the injuries sustain and/or the residual effects of the same herein as to the past, present, and or future.

WHEREFORE, **Claimant** respectfully prays and requests that these claims as set forth herein be paid and allowed by the **Respondents.**

Dated: February 10, 2023
Hamburg, New York

Shaw & Shaw, P.C.
Blake Zaccagnino, Esq., of counsel
Attorneys for Claimant
Office and Post Office Address
4819 South Park Avenue
Hamburg, New York 14075
(716) 648-3020 Telephone
(716) 648-3730 Fax
www.shawlawpc.com

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF ERIE)

WENDY BARRETT being duly sworn, deposes and says that she is the Claimant in the within action; that she has read the foregoing and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes it to be true.

Wendy Barrett
WENDY BARRETT

Sworn to before me this
27 day of February 2023

Notary Public

BLAKE J ZACCAGNINO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02ZA6336306
Qualified in Erie County
Commission Expires February 1, 2027

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 14, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Thompson, Edtia N. v. Erie Community College, et al.*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Edtia N. Thompson 51 Berehaven Drive, Left Buffalo, New York 14228
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of EDTIA N. THOMPSON, Complainant, v. NEW YORK STATE, STATE UNIVERSITY OF NEW YORK, ERIE COMMUNITY COLLEGE, SHERRI KOBIS, Respondents.	COMPLAINT Pursuant to Executive Law, Article 15 Case No. **10223744**

I, Edtia N. Thompson, residing at 51 Berehaven Drive, Left, Buffalo, NY, 14228, charge the above named respondents, whose address is Attn: Exec. VP for Legal Affairs 6205 Main St., Williamsville, NY, 14221 with an unlawful discriminatory practice relating to education in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of domestic violence victim status, opposed discrimination/retaliation, race/color.

Date most recent or continuing discrimination took place is 12/30/2022.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to education because of domestic violence victim status, opposed discrimination/retaliation, race/color, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

New York State Division of Human Rights Complaint Form

Individual filing the complaint

Please provide the information requested below.

First Name

Edtia

Middle Intial

N

Last Name

Thompson

Street Address

51 Berehaven Dr

City

Amherst

State

NY

Zip

14228

Are you completing this form for someone else?

No

Your complaint

Jurisdiction

Educational Institution

Education

I am a:

Student or applicant

***Acts of alleged discrimination*: What did the educational institution you are complaining against do? Check all that apply.**

Bullying or harassment on any basis indicated above
Denied equal terms, conditions or privileges as an applicant or student

Basis

Basis of alleged discrimination in an educational institution:

Victim of Domestic Violence (you or your child was a victim of domestic violence)
Retaliation (if you filed a discrimination case before, were a witness or helped someone else with a discrimination case, or opposed or reported discrimination due to category listed on this page)
Race/Color (because you are Asian, Black, White, etc.; includes ethnicity; includes traits historically associated with race such as hair texture or hairstyle)

Please specify race/color:

African American

Please specify what you did to oppose discrimination or how you engaged in protected activity.

I filed a discrimination case against SUNY ERIE in October 2022.

You are filing a complaint against

Entity that discriminated against you:

Name of entity

SUNY ERIE COMMUNITY COLLEGE

Street Address

6205 Main St.

City

Williamsville

State

NY

Zip

14221

In what county or borough did the violation take place?

Erie

Phone Number

7168511322

Email address

Fax Number

Company Website

https://www.ecc.edu/

Please provide the name, last name, and title of individual people who discriminated against you.

Sherri Kobis

Date of the most recent act of alleged discrimination

12/30/2022

Description of discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and other details. You must explain why you think these acts were discriminatory and how these acts are connected to the protected class (race, color, sex, disability, etc.) you selected previously.

In October of 2022 I filed a complaint with the NYS division of human rights regarding an incident of discrimination between a number of staff members and a professor at SUNY ERIE COMMUNITY COLLEGE, NORTH CAMPUS. Sherri Kobis is the close friend of a staff member who I filed a complaint against.

I missed a month of class (October 14th - November 14th) due to personal health issues and I informed all of my professors including Sherri Kobis of my situation.

November 7th I received a notification from Starfish (a program that monitors student's progress/grades) informing me that I need to get back on track in Ms. Kobis's class. In that notification from Starfish, Kobis wrote that I would be able to pass the class if my work was successfully caught up. I immediately took action, finishing all missing assignments and I was present the next class where professor Kobis and I made a plan to complete my missing test on November 22nd and to finish the other tests after Thanksgiving recess, Nov. 29th. Class was cancelled on Nov. 22nd due to weather. Classes were set to resume November 29th.

I emailed professor Kobis On November 28th and asked to complete test #3 on November 29th. Professor Kobis never

responded to my email and instead cancelled class for a week straight after that email.

Professor Kobis never came back to work, insisting that she was sick.

Professor Kobis never emailed me back regarding when or how I would be able to make up my tests, although she was able to email other students and staff members at SUNY ERIE.

Professor Kobis had a substitute and didn't allow her substitute to provide me with missing tests, when I asked the substitute about the tests, the substitute insisted that I had to speak with Professor Kobis regarding the missing tests.

I emailed Professor Kobis on December 20th and in that email, I informed Professor Kobis that I had been going through domestic violence the whole semester while being sick and that I wasn't sure what other options were available other than an incomplete. I informed Kobis that I was recently attacked I had no one to put my children on the bus at 8am and wouldn't make it in on time for the test.

That same day professor Kobis gave me the options to; withdraw from her class, receive an incomplete and to meet up in the Spring to go over materials or to come in for the last class on 12/22 and complete the last test and I would be able to complete the other tests that I missed from home. Kobis stated that it would be alright if I wasn't on time because the same test would be given at 10am. I informed Professor Kobis that I thought the best thing to do was to complete the course.

I took the test #4 12/22, and was given less than an hour and 40 minutes to finish, which is the amount of time that other students were given, even though I emailed Sherri Kobis in advance about my situation and the length of time that was needed, Sherri Kobis did not communicate this to her substitute.

On Tuesday 12/27 I completed the tests from home and Sherri Kobis gave me different tests than she gave my other classmates, and instead of being given 1 hour and 40 minutes as my other classmates were given, Kobis told me that I had to get the tests back to her within 1 hour and 30 minutes. This left me less time to complete my test because I had to print the test out, complete the tests and scan it back to Ms. Kobis all within the same timeframe. Not to mention the print out was over 5 pages long for each test.

After completing my tests I went on "My Math Lab" and I saw that I was missing 7 assignments. I emailed Sherri Kobis 12/27 and asked how long she would grant me to complete my homework. Professor Kobis lied to me and said that the access to complete my homework ended after the semester ended on 12/22/22.

That same day 12/27/22 I completed 2 homework assignments and emailed professor Kobis to enlighten her that I still had access to my homework, and I was sure of this because I was able to complete 2 homework assignments and I asked Kobis if she would allow me until Thursday, 12/29/22 to finish my other assignments. Kobis emailed me back saying I could complete the homework "if I would like to" but she "didn't know" if the grades would transfer because of the timeframe in which they were being completed. At this point it was clear to me that Kobis was discouraging me from completing my homework and sabotaging my grade.

I did not complete the homework because Kobis informed me that my homework grades were already transferred and that she was not sure if any other work I completed afterwards would transfer.

Tuesday, 12/27/22 I emailed Sherri Kobis and told her that I would be happy to be treated fairly without her bringing her personal feelings about me into play, I also told Kobis to make sure to treat others how she would like to be treated.

On 12/30/22 Sherri Kobis returned my tests to me scoring a 67% and 63%. I also received a notification from Bright Space saying that my homework grade did not transfer until 12/30/22 which was the complete opposite of what Kobis told me. That same day, 12/30/22 I received zeros for the assignments that I didn't complete.

I am aware that Sherri Kobis is the close friend of Richard Mancuso, a staff member who I have an active complaint against for discrimination. This was told to me by Richard Mancuso himself through email before the complaint was filed, which I have proof of.

I feel that I am being treated this way by Kobis as an attempt to bully me and discourage me from returning to SUNY ERIE to finish my degree next semester in the spring of 2022.

I feel that Kobis is abusing her power as a professor to retaliate against me and ruin my GPA because of a complaint that I filed with The NYS Division of Human Rights against SUNY ERIE COMMUNITY COLLEGE in, October 2022. Kobis would know personal details of that case considering she is friends with one or more respondents of that case.

I am also the only African American student in Sherri Kobis's 8am, Tuesday and Thursday math class so this treatment/behavior that she is exuding could very well be due to racism.

Declaration

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

Please initial:

ET

I affirm under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Edtla Thompson

JEREMY C. TOTH
COUNTY ATTORNEY

COUNTY OF ERIE

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 14, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Olson-Gonzalez, Beth v. County of Erie, et al.*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Beth Olson-Gonzalez 161 Wellington Avenue Buffalo, New York 14223
Claimant's attorney:	Lindy Korn, Esq. Law Office of Lindy Korn, PLLC Electric Tower 535 Washington Street, 9th Floor Buffalo, New York 14203

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of

BETH OLSON-GONZALEZ,

Complainant,

v.

COUNTY OF ERIE, JAMES G. BALYS, ALAN D. WHALEN, ANTHONY DIAMOND, PERSON AMOYA, TRUE FIRST NAME UNKNOWN,

Respondents.

COMPLAINT
Pursuant to Executive Law, Article 15

Case No.
10223593

Federal Charge No. 16GC302342

I, Beth Olson-Gonzalez, residing at 161 Wellington Ave., Buffalo, NY, 14223, charge the above named respondents, whose address is Attn: Jeremy C. Toth, Esq.
First Assistant County Attorney
95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of disability, sex, opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 11/28/2022.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of disability, sex, opposed discrimination/retaliation, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondents with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I also charge the above-named respondents with violating the Americans with Disabilities Act (ADA) (covers disability relating to employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

RECEIVED
DEC 06 2022

New York State Division of Human Rights
Employment Complaint Form

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:

First Name BETH	Middle Initial/Name	
Last Name OLSON-GONZALEZ		
Street Address/ PO Box 161 WELLINGTON AVENUE	Apt or Floor #:	
City TONAWANDA	State NY	Zip Code 14223
If you are filing on behalf of another, provide the name of that person:	Date of birth:	Relationship:

2. Regulated Areas: Check the area where the discrimination occurred:
(If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)

- ☑ Employment *(including paid internship)*
- ☐ Internship *(unpaid)*
- ☐ Contract Work *(independent contractor, or work for a contractor)*
- ☐ Volunteer Position
- ☐ by a Labor Organization
- ☐ Apprentice Training
- ☐ by a Temp or Employment Agency
- ☐ Licensing

3. You are filing a complaint against:

Employer, Worksite, Agency or Union Name

ERIE COUNTY (SHERIFF'S OFFICE)

Street Address/ PO Box

10 DELAWARE AVENUE

City BUFFALO	State NEW YORK	Zip Code 14202

Telephone Number:
716-858-7618

In what *county or borough* did the violation take place?

ERIE

Individual people who discriminated against you:

Name: _____ Title: _____

Name: _____ Title: _____

If you need more space, please list them on a separate piece of paper.

4. Date of alleged discrimination *(must be within one year of filing):*

The most recent act of discrimination happened on: 11 (month) 28 (day) 2022 (year)

5. For employment and internships, how many employees does this company have?

☐ 1-14 ☐ 15-19 ☑ 20 or more ☐ Don't know

6. Are you currently working for this company?

☑ Yes. Date of hire: 05 (month) 05 (day) 2014 (year)	What is your position? RECORDS CLERK
☐ No. Last day of work: ____ (month) ____ (day) ____ (year)	What was your position?
☐ I was never hired. Date of application: ____ (month) ____ (day) ____ (year)	What position did you apply for?

7. Basis of alleged discrimination:

Check ***ONLY*** the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.

☐ **Age:** Date of Birth: _____	☐ **Familial Status:**
☐ **Arrest Record**	☐ **Military Status:** ☐ Active Duty ☐ Reserves ☐ Veteran
☐ **Conviction Record**	☐ **Marital Status** ☐ Single ☐ Married ☐ Separated ☐ Divorced ☐ Widowed
☐ **Creed/ Religion:** Please specify: _____	☐ **National Origin:** Please specify: _____
☑ **Disability:** Please specify: SEE ATTACHED	☐ **Predisposing Genetic Characteristic:**
☐ **Domestic Violence Victim Status**	☐ **Pregnancy-Related Condition:** Please specify: _____
☐ **Gender Identity or Expression, Including the Status of Being Transgender**	☐ **Sexual Orientation:** Please specify: _____
☐ **Race/Color or Ethnicity:** Please specify: _____ ☐ Trait historically associated with race such as hair texture or hairstyle	☑ **Sex:** Please specify: HWE Specify if the discrimination involved: ☐ Pregnancy ☑ Sexual Harassment

☐ **Use of Guide Dog, Hearing Dog, or Service Dog**

If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:

☑ **Retaliation**: How did you oppose discrimination: SEE ATTACHED

If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.

☐ **Relationship or association**

8. Acts of alleged discrimination: *What did the person/company you are complaining against do? Check all that apply*			
☑ Refused to hire me	☑ Gave me a disciplinary notice or negative performance review	☐ Denied my request for an accommodation for my disability, or pregnancy-related condition	☑ Sexual harassment
☐ Fired me/laid me off	☐ Suspended me	☐ Denied me an accommodation for domestic violence	☑ Harassed or intimidated me on any basis indicated above
☐ Demoted me	☐ Did not call back after lay-off	☐ Denied me an accommodation for my religious practices	☐ Denied services or treated differently by a temp or employment agency
☐ Denied me promotion/ pay raise	☑ Paid me a lower salary than other co-workers doing the same job	☑ Denied me leave time or other benefits	☐ Denied a license by a licensing agency
☐ Denied me training	☑ Gave me different or worse job duties than other workers doing the same job	☐ Discriminatory advertisement or inquiry or job application	☐ Other:

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. ***DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.***

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 21, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Scheda, Claudia, Miranda Hammer and John Sullivan v. Sheriff Garcia, in his official capacity*
Document Received:	Verified Petition
Name of Claimant:	Claudia Scheda, Miranda Hammer, and John Sullivan
Claimant's attorney:	John N. Lipsitz, Esq. Lipsitz, Ponterio & Comerford, LLC 424 Main Street, Suite 1500 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

SUPREME COURT : STATE OF NEW YORK
COUNTY OF ERIE

CLAUDIA SCHEDA,
MIRANDA HAMMER, and
JOHN SULLIVAN,

Petitioners,

vs.

JOHN GARCIA, in his official capacity as Sheriff of Erie County,

Respondent.

ARTICLE 78
NOTICE OF PETITION

Index Number:

PLEASE TAKE NOTICE that upon the Verified Petition of Claudia Scheda, sworn to on the 9th day of March, 2023, an application will be made to the Hon. Donna M. Siwek, J.S.C., 25 Delaware Avenue, Part 26, Buffalo, New York, 14202 on Thursday, May 18, 2023, at 9:30 o'clock in the fore noon of that day, or as soon thereafter as counsel can be heard for a judgment pursuant to the Civil Practice Law and Rules Article 78, requiring the Respondent to permit the Petitioners to visit at their pleasure the Erie County Holding Center and the Erie County Correctional Facility, and to enter all rooms where prisoners are confined in the Erie County Holding Center and the Erie County Correctional Facility, as required by N.Y. Correction Law § 500-j, and for such other and further relief as to the Court may seem just and proper.

PLEASE TAKE NOTICE, that a Verified Answer and Supporting Affidavit, if any, must be served at least five (5) days before the date on which the Petition is noticed to be heard.

PLEASE TAKE FURTHER NOTICE, that oral argument is requested.

Dated: March 14, 2023
Buffalo, New York

Yours, etc.,

John Ned Lipsitz, Esq.
LIPSITZ, PONTERIO & COMERFORD, LLC
424 Main Street, Suite 1500
Buffalo, New York 14202
(716) 849-0701
jnl@lipsitzponterio.com

SUPREME COURT : STATE OF NEW YORK
COUNTY OF ERIE

CLAUDIA SCHEDA,
MIRANDA HAMMER, and
JOHN SULLIVAN,

Petitioners,

vs.

JOHN GARCIA, in his official capacity as Sheriff of Erie County,

Respondent.

VERIFIED PETITION

Index Number:

TO THE SUPREME COURT OF THE STATE OF NEW YORK,
COUNTY OF ERIE:

The Petitioners, Claudia Scheda, Miranda Hammer, and John Sullivan (hereinafter "Petitioners"), by their Attorney, John Ned Lipsitz, Esq. of Lipsitz Ponterio & Comerford, LLC, against the Respondent Sheriff John Garcia (hereinafter "Respondent") respectfully alleges and states:

INTRODUCTION

1. Petitioners commence this special proceeding seeking an order in the nature of mandamus directing the Respondent Sheriff to perform a ministerial non-discretionary duty enjoined upon him by New York Correction Law § 500-j, permitting clergy, having charge of a congregation in a county in which a local jail is located, to enter at their pleasure any room where prisoners are confined.

PARTIES

2. Petitioner Claudia Scheda is a Priest in Charge at St. John's Grace Episcopal Church, 51 Colonial Circle, Buffalo, NY 14222.

3. Petitioner Miranda Hammer is a Pastor at Good Shepherd Lutheran Church, 2669 Sheridan Drive, Tonawanda, NY 14150.

4. Petitioner John Sullivan is Pastor at New Cedar Grove Life Changing Church, 100 Old Maryvale Drive, Cheektowaga, NY 14225.

5. Each Petitioner is a duly authorized priest or pastor with authority to preside over and direct the spiritual affairs of their church.

6. All three Petitioners reside in Erie County.

7. Respondent John Garcia is the Sheriff of Erie County, New York, and as Sheriff, is charged with the responsibility of operating the Erie County Holding Center and the Erie County Correctional Facility pursuant to the laws and regulations of the State of New York.

BACKGROUND

8. Petitioners wrote to the Respondent through Michael Phillips, Superintendent of the Respondent's Jail Management Division, on two occasions proposing dates for a visit pursuant to N.Y. Correction Law § 500-j. Attached hereto as **Exhibit A** and **Exhibit B** are the Petitioners' letters dated November 2 and November 14, 2022, respectively.

9. New York Correction Law § 500-j provides:

> "The following persons may visit at pleasure all local correctional facilities: The governor and lieutenant-governor, secretary of state, comptroller and attorney-general, members of the legislature, judges of the court of appeals, justices of the supreme court and county judges, district attorneys and **every clergyman or minister, as such terms are defined in section two of the religious corporations law, having charge of a congregation in the county in which such facility is located.** No other person not otherwise authorized by law shall be permitted to enter the rooms of a local correctional facility in which convicts are confined, unless under such regulations as the sheriff of the county, or in counties within the city of New York, the commissioner of correction of such city, or in the county of Westchester, the commissioner of correction of such county shall prescribe." (Emphasis added).

10. In a letter dated November 30, 2022, Superintendent Phillips responded to the Petitioners by denying the plain language of the statute, stating instead that the Sheriff would provide "visitation space" for "approved religious advisors." See **Exhibit C,** Superintendent Phillips' letter. [1]

11. The assertion that the Sheriff has authority to decide which clergy can visit Erie County's jails, and to refuse clergy entry to the rooms where prisoners are confined, flagrantly violates the letter of the law.

12. Correction Law § 500-j applies to clergy as defined by New York Religious Corporations Law § 2, which states in part:

> "The term 'clergyman' and the term 'minister' include duly authorized pastors and priests, having authority from, or in accordance with, the rules and regulations of the governing ecclesiastical body of the denomination or order, if any, to which the church belongs, or otherwise from the church or synagogue to preside over and direct the spiritual affairs of the church or synagogue."

13. As each Petitioner is clergy, as defined by New York law, and each is in charge of a congregation in Erie County, then each is permitted to visit at their pleasure and to enter the rooms where prisoners are confined at both the Erie County Holding Center and the Erie County Correctional Facility, pursuant to N.Y. Correctional Law § 500-j.

RESPONDENT'S FAILURE TO PERFORM HIS MINISTERIAL, NON-DISCRETIONARY DUTY ENJOINED UPON HIM BY N.Y. CORRECTIONAL LAW § 500-j

14. Superintendent Phillips stated in his letter dated November 30, 2022 that the Erie County Sheriff's Office would "not further contemplate requests/demands" that the Petitioners exercise their rights under New York Correction Law § 500-j. See, Exhibit C.

[1] Superintendent Phillips addressed his letter to Stephen Hart, who is a parishioner at Petitioner Claudia Scheda's church. Mr. Hart serves as the contact person for the Petitioners.

15. Superintendent Phillips further stated that his letter was a "final denial" of the Petitioners' demand. See, Exhibit C.

16. By refusing to admit the Petitioners to the Erie County Holding Center, the Respondent has failed to perform a ministerial, non-discretionary duty enjoined upon him by New York Correction Law § 500-j.

17. No prior application has been made for the relief requested herein.

WHEREFORE, the Petitioners respectfully request this Court:

a) Issue a declaration that clergy having charge of a congregation in Erie County are permitted to enter at their pleasure any room where prisoners are confined at both the Erie County Holding Center and the Erie County Correctional Facility;

b) Require Respondent to allow Petitioners admission to both the Erie County Holding Center and the Erie County Correctional Facility at their pleasure and to permit them to visit any room where prisoners are confined; and

c) Grant such other, further, and different relief as the Court seems just and proper.

Dated: March 14, 2023
Buffalo, New York

Yours, etc.,

John Ned Lipsitz, Esq.
LIPSITZ, PONTERIO & COMERFORD, LLC
424 Main Street, Suite 1500
Buffalo, New York 14202
(716) 849-0701
jnl@lipsitzponterio.com

VERIFICATION

State of New York)
County of Erie)

Claudia Scheda, being duly sworn, deposes and states that she is one of the Petitioners in the within proceeding; that she has read the foregoing petition and knows the contents thereof; that the same is true to her own knowledge, except as to matters stated to be alleged on information and belief, and as to those matters, she believes them to be true.

Claudia Scheda

Sworn to before me this 9
day of March

KELLY A DEBSKI
Notary Public - State of New York
NO. 01DE6037852
Qualified in Erie County
My Commission Expires Feb 28, 2026

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

March 29, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Sentin, Melanie, et al. v. Kimberly Szczepankiewicz, Corey Cobb, et al.*
Document Received:	Summons and Complaint
Name of Claimant:	Melanie Sentin 69 Brookhaven Lane Lancaster, New York 14086
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

Melanie Sentin, et al

Plaintiff(s)

v.

Kimberly Szczepankiewicz, et al

Defendant(s)

Civil Action No. 23-cv-108

RECEIVED
2023 MAR -9 PM 5:00
U.S. MARSHALS SERVICE
WESTERN DISTRICT OF NEW YORK

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Kimberly Szczepankiewicz
2875 Union Rd.
Suite 356
Cheektowaga, NY 14227

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Melanie Sentin
69 Brookhaven Ln
Lancaster, NY 14086

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 03/06/2023

Mary C Loewenguth
Signature of Clerk or Deputy Clerk

Civil Action No. 23-cv-108

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____

was received by me on *(date)* _____.

❒ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

❒ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

❒ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

❒ I returned the summons unexecuted because _____ ; or

❒ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____

Server's signature

_____

Printed name and title

_____

Server's address

Additional information regarding attempted service, etc:

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7D-4	DEPUTY COMPTROLLER OF AUDIT	EC Comptroller's Office Audit of the Department of Law

Attachments

23COMM. 7D-4

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

April 5, 2023

EC LEG APR 6 '23 AM11:18

Jeremy C. Toth
Erie County Attorney
Department of Law
95 Franklin Street, Room 1634
Buffalo, NY 14202

Re: Erie County Comptroller's Office Audit of the Department of Law

This letter is notification that the audit scope for the Department of Law as documented in the February 6, 2023, announcement letter and expanded scope letter dated March 27, 2023, are being superseded by this announcement letter.

The announcement letter and expanded scope letter objectives will be the same but treated as separate audits.

The audit pertaining to the February 6, 2023, announcement letter will include testing and evaluating expenditure transactions in the operating budget. The audit will also include an evaluation of internal controls over expenditure transactions. The audit will cover the period January 1, 2022 through December 31, 2022.

The audit pertaining to the March 27, 2023, expanded scope letter will include evaluating and testing the claims reimbursement and reporting requirements to determine if they comply with contracts and grant agreements for the period January 1, 2015 through December 31, 2022. In addition, the internal controls will be evaluated and tested to determine if they are adequate as they relate to the preparation and submission of reimbursement claims, including proper recording of revenue and disbursement of payments to grant recipients.

The lead auditor is Tom Feneziani, his contact information is Thomas.Feneziani@erie.gov , ext. 6356.

Thank you and we look forward to working with you.

Sincerely,

Mary K. Nytz-Hosler
Deputy Comptroller of Audit

Cc: Hon. Mark C. Poloncarz, Erie County Executive
Hon. Erie County Legislature
Hon. Kevin Hardwick, Erie County Comptroller
Robert W. Keating, Director, Division of Budget and Management
Erie County Fiscal Stability Board

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7M-1	PEGGY A. LAGREE	Letter of Interest - Commissioner ECWA

Attachments

23COMM. 7M-1

EC LEG MAR 29 '23 AM11:22

Peggy A. LaGree
55 Heritage Road East
Williamsville, New York 14221
lagreep@gmail.com / 716-597-7405

Via Electronic Submission to Robert.Graber@erie.gov

March 29, 2023

Honorable April Baskin, Chair
C/O Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

RE: Letter of Interest – Commissioner Erie County Water Authority

Dear Legislator Baskin:

Pursuant to Section 5.01 of the Erie County Legislature Rules of Order I submit this letter of interest, along with my resume, for consideration for reappointment to the position of Commissioner of the Erie County Water Authority.

I look forward to meeting to discuss my qualifications in more detail.

Sincerely,

Peggy A. LaGree/s

PEGGY A. LAGREE

Enclosure - Resume

PEGGY A. LAGREE

55 Heritage Road East, Williamsville, NY 14221 · 716-597-7405
lagreep@gmail.com

Experienced government business manager with a consistent record of successfully employing best business practices that improve efficiency and reduce operating costs while increasing productivity. Strong qualifications in developing and implementing financial controls and processes. Possesses solid leadership, communication and interpersonal skills to establish rapport with all levels of staff and management.

EXPERIENCE

COMMISSIONER, ERIE COUNTY WATER AUTHORITY

APRIL 2020 – PRESENT

As one of three Commissioners, I share responsibility for overseeing the operations and fiscal management of the Erie County Water Authority. Our focus is to **provide all customers a plentiful supply of safe, high quality and affordable drinking water through reliable infrastructure. To that end we oversee a $68.5 million O&M Budget and a $75 million capital budget for 2023.**

ERIE COUNTY CLERK, (ACTING) ERIE COUNTY, NY

JANUARY 2017– DECEMBER 2017

FIRST DEPUTY COUNTY CLERK, ERIE COUNTY, NY

JANUARY 2012- DECEMBER 2016

Responsible for the day to day management of the Erie County Clerk's Office, overseeing a $10 million dollar annual budget and $18 million in revenue disbursements, with a staff of 170 full and part time employees. Responsible for the recording, filing and maintaining of a central repository of legal documents and records affecting property titles (including land and real estate transactions), and, as clerk of the supreme and county courts, all court pleadings and papers.

- Oversaw reengineering of Land Records Division, implementing process improvements that eliminated backlogs and improved speed of document recording.
- Oversaw implementation of eFiling and eRecording allowing the electronic recording of court related documents and land records.
- As an agent for the NYS Department of Motor Vehicles oversaw operations, including budgeting and human resources, of two auto bureau branches, four satellite offices and one mobile unit serving four locations. Implemented on-line reservation system to improve customer service.

DEPUTY BUDGET DIRECTOR, ERIE COUNTY, NY
JANUARY 2008 – DECEMBER 2011

Coordinated annual budget preparation for Erie County's billion-dollar budget implementing an electronic submission process. Prepared budgetary reports for the Erie County Legislature upon request. Liaison between county departments monitoring departmental budget allocations. Prepared grant applications and worked on Six Sigma process improvement projects.

LEGISLATIVE DIRECTOR, NYS ASSEMBLY, 148TH DISTRICT, NY
FEBRUARY 2007-DECEMBER 2007

Coordinated legislative submissions and tracking for the assembly member, who served as Minority Chair of the Assembly Ways and Means Committee. Responsible for day to day operations of Albany Office and Williamsville District Office, including handling of all constituent matters and overseeing support staff.

ASSISTANT COMMISSIONER, NYS DEPARTMENT OF MOTOR VEHICLES, NY FEBRUARY 2006 – JANUARY 2007

Primary liaison between Commissioner's Office and management team. Monitored project timelines, constituent concerns and diverse program areas that included driver and vehicle safety programs, emission controls, and driver improvement.

ASSOCIATE DEPUTY COMPTROLLER, ERIE COUNTY, NY
1994-2005

Responsible for overseeing day to day operations; coordinating financial reporting deadlines, audit calendar, constituent concerns and public relations. Monitored all incoming and outgoing correspondence. Maintained personnel records and worked with County union representatives on matters relating to the office.

ACTIVITIES

Currently serve on the Executive Board of the Hilary Grace Foundation, raising funds to increase awareness of the opioid crisis; with a goal of establishing transitional housing opportunities for recovering addicts.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7M-2	ERIE COUNTY MEDICAL CENTER CORPORATION	2022 Annual Report of ECMCC

Attachments

23COMM. 7M-2

EC LEG MAR 30 '23 PM2:35

The difference between
healthcare and true care™

ERIE COUNTY MEDICAL CENTER CORPORATION

TRANSMITTAL

TO: Robert M. Graber
Erie County Legislature Clerk

FROM: Erie County Medical Center Corporation

DATE: March 30, 2023

As required by New York State Public Authorities Law §3642(1); Public Authorities Law §2800, enclosed please find Erie County Medical Center Corporation's 2022 Annual Report.

2022 ANNUAL REPORT OF

ERIE COUNTY MEDICAL CENTER CORPORATION

(AS REQUIRED BY N.Y. PUBLIC AUTHORITIES LAW)

Respectfully Submitted by the Corporation
March 31, 2023

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APPENDIX A

Financial Reports
Four-Year Financial Plan
Outstanding Bonds and Notes

APPENDIX B

Compensation Schedule

APPENDIX C

Corporation Expenditures in Excess of $100,000

APPENDIX D

Enabling Legislation
Charter or By-Laws

MESSAGE FROM THE LEADERSHIP OF ECMC CORPORATION

Along with our region, state and nation, we are still recovering from the effects of the COVID-19 pandemic on our organizations, from staffing to funding. Amidst these challenging times, ECMC once again in 2022 provided national class healthcare to our community, which was affirmed by a variety of accreditations and national third-party recognition.

In November, ECMC went through its full accreditation process by the Joint Commission. The survey team was extremely complimentary about the "passion" and "engagement" of everyone they encountered from clinical to non-clinical staff in the care of our patients. Most importantly, the survey results reflected the quality of care provided by our caregivers in a large, complex healthcare system. The overwhelming majority of their preliminary findings were in low to moderate and limited and no findings in high/widespread. Compared to our 2019 survey, we had 1/3 less findings overall and 2/3 less findings in "patterned" or "widespread". The surveyors commented on many occasions that this was impressive for an organization as large and complex as ECMC. A 45-day follow-up occurred in December. As with the initial survey, our team did an exceptional job preparing and presenting our implemented improvements from recommendations previously identified. There were zero findings or requirements for further improvement. In January 2023, ECMC was informed that it had earned its full hospital accreditation – The Joint Commission's Gold Seal of Approval® Accreditation – by demonstrating continuous compliance with its performance standards. The Gold Seal is a symbol of quality that reflects a healthcare organization's commitment to providing safe and quality patient care. This accreditation surveys many clinical areas from behavioral health and ambulatory services to surgical services, inpatient care, and many others. It is a complete assessment of ECMC services and quality of care. The Joint Commission Interim Executive Vice President, Division of Accreditation and Certification Operations, Deborah Ryan, MS, RN, said, "As a health care accreditor, The Joint Commission works with health care organizations across settings to help improve patient safety and quality of care through our expert resources and tools, innovative solutions, and rigorous standards. We commend ECMC for its commitment to advance safety and quality for all patients."

Earlier in 2022, ECMC was reverified with zero deficiencies as a Level 1Trauma Center by the Verification Review Committee (VRC), an ad hoc committee of the Committee on Trauma (COT) of the American College of Surgeons (ACS). This reverification by the ACS was another important affirmation of ECMC's status as a high-quality healthcare institution from a distinguished national organization and continued our place among elite verified Level 1 trauma hospitals across the country. Again, the surveyor commented on ECMC's culture and how he had not seen an organization with zero deficiencies in his decades of surveying.

ECMC this past year was also recognized as one of the nation's 100 Best Hospitals for Orthopedic Surgery, according to research released by Healthgrades, the leading marketplace connecting doctors and patients. This achievement reflected ECMC's outstanding clinical outcomes for Orthopedic Surgery and puts ECMC in the top 5% of hospitals nationwide for overall Orthopedic services. ECMC was also honored with the 2023 Orthopedic Surgery Excellence Award™, a Five-Star rating in Total Knee Replacement for 2 years in a row (2022-2023), a Five-Star rating for Hip

Fracture Treatment for 13 years in a row (2011-2023) and a 2023 Five-Star Distinction in Total Hip Replacement. Further, ECMC's hip replacement surgery service was ranked in the nation's top 7% by *US News & World Report*. ECMC earned the highly respected publication's High Performing ranking, placing it among 437 hospitals out of 6,000 evaluated for the service.

There were several other notable achievements during 2022, including: ECMC named among the top 50 hospitals in the United States for racial inclusivity by the Lown Hospital Index, which developed the first ranking to examine the racial inclusivity of over 3,200 hospitals in the country to assess their success at serving the people of color living in their communities; Synergy Bariatrics/Center for Bariatric and Metabolic Surgery was accredited for a third consecutive three-year period as a Comprehensive Center under the Metabolic and Bariatric Surgery Accreditation and Quality Improvement Program (MBSAQIP®) – a joint program of the American College of Surgeons (ACS) and the American Society for Metabolic and Bariatric Surgery (ASMBS); the Commission on Cancer (CoC), a quality program of the American College of Surgeons (ACS) granted Three-Year Accreditation to the cancer program at ECMC; our Regional Center of Excellence for Transplantation and Kidney Care, led by Dr. Liise Kayler, set another annual record for our institution, performing 148 kidney transplants during the year; the Commission on Dental Accreditation adopted a resolution granting the ECMC maxillofacial prosthetics fellowship program the accreditation classification of "initial accreditation." There are currently only five domestic and two military CODA-accredited 12-month Maxillofacial Prosthetics certificate training programs in the United States: Memorial Sloan-Kettering Cancer Center (MSKCC), Mayo Clinic, MD Anderson Cancer Center, University of Alabama, University of California at Los Angeles (UCLA), United States Air Force & United States Navy. The new program will be opening in July 2023 at ECMC; ECMC was awarded its first NIH grant as the prime institution. The grant, totaling $900,368 over two years, was awarded to ECMC under National Institute of Dental & Craniofacial Research of the National Institutes of Health. The principal investigator for the grant is Dr. Jennifer L. Frustino, DDS. The goal of the research, "HPV and HIV Coinfection: Clinical, Socio-Behavioral, and Microbiome Implications", is to identify markers that will help predict, prevent, and ultimately treat HPV infection and its resulting conditions in people living with HIV; ECMC was one of 496 national healthcare institutions to earn an "LGBTQ+ Healthcare Equality Leader" designation from the Human Rights Campaign; more than 2,000 healthcare facilities nationwide were evaluated for their dedication and commitment to LGBTQ inclusion; the National Committee for Quality Assurance (NCQA) informed ECMC that its ECMC Family Health and Internal Medicine Centers have again achieved recognition status for "Patient-Centered Medical Home™ (PCMH™), Recognized–Level 3; and ECMC was recognized by the Buffalo Purchasing Initiative for superseding its goal in 2021for spending with businesses owned by people of color by 44%.

These accreditations, achievements and recognitions from national third-party entities are sources of immense pride and accomplishment for our dedicated frontline caregivers.

As important as the clinical and operational accolades are of our organization, it would not be possible without the culture of caregivers who drive these results. This culture is well known in Western New York, and as a result, we have been successful in attracting talent to ECMC. In fact, our hiring in 2022 again saw the highest number of new employees come from our home 14215 zip code. Our total 1,038 new ECMC Family members included: 291 RNs, 73 LPNs and 90 CNAs.

We aggressively marketed the benefits of working at ECMC and have partnered with local colleges and universities to enhance the opportunities for individuals interested in pursuing careers in healthcare. In addition, 82 new physicians joined the ECMC Family in 2022.

We take considerable pride in our strong connection to the community where ECMC has existed for so many decades and we have worked collaboratively with our neighbors, including area community-based and faith-based organizations to improve the quality of life, access to healthcare services and employment opportunities for our neighbors. But the unthinkable tragedy of a racist-motivated hate crime in May reminded us that murderous evil intent sadly persists in our nation and world. As our community went through the healing process in the aftermath of the Tops Market tragedy, our ECMC Family rallied to reinforce their support and compassion for our neighbors. In the weeks after the tragedy of May 14th, we launched an internal food drive to provide non-perishable food items and personal hygiene products to members of our community who couldn't access them with the Tops Market closed. Working with FeedMore WNY, members of our ECMC Family transported hundreds of these products to the FeedMore WNY warehouse for distribution to the community. In addition, on June 8th, ECMC caregivers participated in the Peace Market on Jefferson Avenue, which was organized following the Tops Market tragedy, distributing hundreds of educational pamphlets information on hypertension, heart health, healthy eating, financial resources, local food banks, sexual health, PreP, mammograms, and colonoscopies. The event organizers expressed their "…deepest gratitude for [our staff being] out there and blessing the community with our resources, education, and compassion." We also coordinated with the offices of the Erie County Executive and the Mayor to promote the availability of counseling services available, if needed, at ECMC's Help Center. On May 18th in front of ECMC on Grider Street, hundreds of our ECMC Family stood in solidarity against racism, bigotry, and hate. We came together to show support for our friends, families, loved ones and neighbors who were harmed by that unspeakable tragedy.

In late December, we experienced what many predicted would be a "generational" blizzard that paralyzed our region for days and sadly accounted for 47 deaths. With the forecasted storm approaching, we activated our emergency response protocols, including preparing the activation of ECMC's Incident Command Center and Staff Labor Pool both of which opened at 6:00am on Friday, December 23rd. Over the next seven days, until both of those units were closed on Thursday, December 29th, ECMC personnel in those units coordinated hospital operations, staffing and maintained constant communication with our governmental counterparts, especially Erie County's Emergency Operations Center. County Executive Poloncarz and senior members of his administration communicated with ECMC Executive Leadership continuously throughout the blizzard, helping to coordinate critical EMS and other support services to ECMC. Similarly, senior staff to Mayor Brown communicated with ECMC Executive Leadership to provide services such as snowplowing on and around ECMC's Grider Street health campus. Our dedicated and resilient staff stepped up under very trying circumstances to ensure that our healthcare services were maintained, particularly at the height of the blizzard which spanned an almost 72-hour period from Friday, December 23rd into Sunday, December 25th, Christmas Day. There were many acts of selflessness and bravery throughout the blizzard, but one notable incident occurred at ECMC on Christmas Eve. At approximately 9:00pm with the Blizzard of '22 raging outside, an adult woman with an infant (approximately 10 months old) entered ECMC's main hospital entrance. An internal medical emergency was called to provide them care. The woman then told ECMC's caregivers

who responded to the emergency notification that there were more people outside on Grider Street trying to get to the hospital. These frontline caregivers, in just their scrubs, rushed outside to the aid of the civilians on Grider Street. The ECMC clinicians – a physician, a Nurse Practitioner (NP), an RN and a Certified Registered Nurse Anesthetist (CRNA) – went outside the hospital during the blizzard and rescued three additional adults, one of whom identified herself as the mother of the infant. The four civilian adults and infant had lost power in their home on Friday and decided to seek shelter at ECMC, which is close to where they live.

During the blizzard, ECMC provided shelter to about 150 civilians, including many children. On the morning of Christmas Day, to bring added comfort to the civilians, ECMC caregivers provided breakfast to them and gave the children Christmas presents our caregivers gathered from throughout the hospital.

As an institution designed to provide hope and healing to the residents of Western New York and fulfilling our mission daily thanks to our remarkable and dedicated caregivers, we are proud of our 100+ history of serving the residents of region. We remain committed to our collective resolve and determination to maintain our essential services to the residents of our region who depend on us and helped carry us through those difficult days, leading to our shared success in caring for our community.

Sincerely,

Thomas J. Quatroche Jr., PhD
President & Chief Executive Officer

Jennifer C. Persico, Esq.
Chair, Board of Directors

Jennifer Pugh, MD, MBA, FACEP
President, Medical Executive Committee

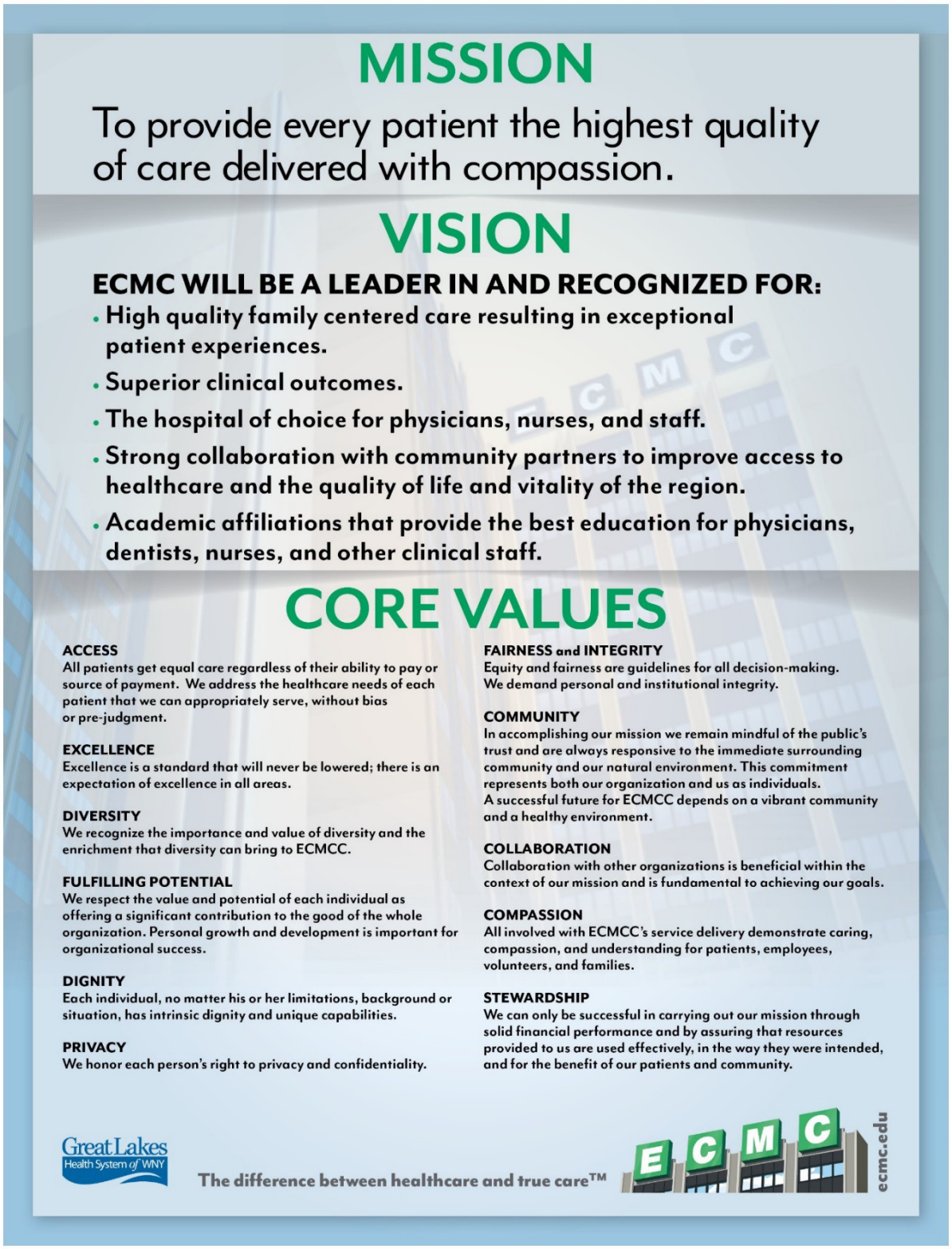
CERTIFICATION

The financial reports submitted in this Annual Report have been approved by the Board of Directors of the Erie County Medical Center Corporation and are hereby certified, as indicated by signatures below, by the Chief Executive Officer and Chief Financial Officer.
Specifically, the undersigned certify, based on knowledge and information provided to us that the financial reports and the information provided therein (1) are accurate, correct and do not contain any untrue statement of material fact; (2) do not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which such statements are made; and (3) fairly present, in all material respects, the financial condition and results of operations of the Erie County Medical Center Corporation as of, and for, the year ended December 31, 2022.

Respectfully submitted,

Thomas J. Quatroche, Ph.D.
President and Chief Executive Officer

Andrew L. Davis, MBA
Chief Operating Officer and Acting Chief Financial Officer


MISSION
To provide every patient the highest quality of care delivered with compassion.
VISION
ECMC WILL BE A LEADER IN AND RECOGNIZED FOR:
• High quality family centered care resulting in exceptional patient experiences.
• Superior clinical outcomes.
• The hospital of choice for physicians, nurses, and staff.
• Strong collaboration with community partners to improve access to healthcare and the quality of life and vitality of the region.
• Academic affiliations that provide the best education for physicians, dentists, nurses, and other clinical staff.
CORE VALUES
ACCESS
All patients get equal care regardless of their ability to pay or source of payment. We address the healthcare needs of each patient that we can appropriately serve, without bias or pre-judgment.
EXCELLENCE
Excellence is a standard that will never be lowered; there is an expectation of excellence in all areas.
DIVERSITY
We recognize the importance and value of diversity and the enrichment that diversity can bring to ECMCC.
FULFILLING POTENTIAL
We respect the value and potential of each individual as offering a significant contribution to the good of the whole organization. Personal growth and development is important for organizational success.
DIGNITY
Each individual, no matter his or her limitations, background or situation, has intrinsic dignity and unique capabilities.
PRIVACY
We honor each person's right to privacy and confidentiality.
FAIRNESS and INTEGRITY
Equity and fairness are guidelines for all decision-making. We demand personal and institutional integrity.
COMMUNITY
In accomplishing our mission we remain mindful of the public's trust and are always responsive to the immediate surrounding community and our natural environment. This commitment represents both our organization and us as individuals. A successful future for ECMCC depends on a vibrant community and a healthy environment.
COLLABORATION
Collaboration with other organizations is beneficial within the context of our mission and is fundamental to achieving our goals.
COMPASSION
All involved with ECMCC's service delivery demonstrate caring, compassion, and understanding for patients, employees, volunteers, and families.
STEWARDSHIP
We can only be successful in carrying out our mission through solid financial performance and by assuring that resources provided to us are used effectively, in the way they were intended, and for the benefit of our patients and community.
Great Lakes Health System of WNY
The difference between healthcare and true care™
ECMC
ecmc.edu

2022 ACCOMPLISHMENTS

January

- National Committee for Quality Assurance (NCQA) informed ECMC that its ECMC Family Health and Internal Medicine Centers have again achieved recognition status for **"Patient-Centered Medical Home™ (PCMH™), Recognized–Level 3**."

March

- Erie County Medical Center named among the top 50 hospitals in the United States for racial inclusivity. The **Lown Hospital Index** has developed the first ranking to examine the racial inclusivity of over 3,200 hospitals in the country to assess their success at serving the people of color living in their communities.
- ECMC one of 496 national healthcare institutions to earn an **"LGBTQ+ Healthcare Equality Leader"** designation from the Human Rights Campaign; more than 2,000 healthcare facilities nationwide evaluated for their dedication and commitment to LGBTQ inclusion.

April

- ECMC has been **reverified with zero deficiencies as a Level 1Trauma Center** by the Verification Review Committee (VRC), an ad hoc committee of the Committee on Trauma (COT) of the American College of Surgeons (ACS).
- ECMC recognized by the **Buffalo Purchasing Initiative** for superseding its goal in 2021for spending with businesses owned by people of color by 44%. In addition, Nicholas Long was recognized with a Best of BPI Award for the great work he is doing to reach out to new vendors and providing them with resources and support for strengthening and certifying their businesses.

May

- Synergy Bariatrics/Center for Bariatric and Metabolic Surgery was accredited for a third consecutive three-year period as a Comprehensive Center under the **Metabolic and Bariatric Surgery Accreditation and Quality Improvement Program** (MBSAQIP®) – a joint program of the American College of Surgeons (ACS) and the American Society for Metabolic and Bariatric Surgery (ASMBS). This accreditation extends from 3/27/2022 through 3/27/2025.

August

- ECMC announced that its hip replacement surgery service has been ranked in the nation's top 7% by **US News & World Report**. ECMC earned the highly respected publication's High Performing ranking, placing it among 437 hospitals out of 6,000 evaluated for the service.
- The **Commission on Dental Accreditation** adopted a resolution granting the ECMC maxillofacial prosthetics fellowship program the **accreditation classification** of "initial accreditation." There are currently only five domestic and two military CODA-accredited 12-month Maxillofacial Prosthetics certificate training programs in the United States: Memorial Sloan-Kettering Cancer Center (MSKCC), Mayo Clinic, MD Anderson Cancer Center, University of Alabama, University of California at Los Angeles (UCLA), United States Air Force & United States Navy. In the past 20 years, multiple maxillofacial prosthetics fellowship programs have closed, making the training less accessible to residents and the care less accessible to patients. The new program will be opening in July 2023 at ECMC.
- ECMC was awarded its first NIH grant as the prime institution. The grant, totaling $900,368 over two years, was awarded to ECMC under **National Institute of Dental & Craniofacial Research of the National Institutes of Health**. The principal investigator for the grant is Dr. Jennifer L. Frustino, DDS. The goal of the research, "HPV and HIV Coinfection: Clinical, Socio-Behavioral, and Microbiome Implications", is to identify markers that will help predict, prevent, and ultimately treat HPV infection and its resulting conditions in people living with HIV.

September

- Terrace View Long-Term Care Facility has been recognized on **Newsweek's Best Nursing Homes** 2023 list. This prestigious award is presented by Newsweek and Statista

Inc., the world-leading statistics portal and industry ranking provider. Only four percent of nursing homes nationwide received this distinction. Of the 600 skilled nursing facilities state-wide that operate, 42 received this recognition. It is a distinct honor to be ranked amongst the best nursing homes within both the state and the nation. This is the third consecutive year Terrace View has received this recognition.

November

- **The Commission on Cancer** (CoC), a quality program of the American College of Surgeons (ACS) has granted Three-Year Accreditation to the cancer program at Erie County Medical Center. To earn voluntary CoC accreditation, a cancer program must meet 34 CoC quality care standards, be evaluated every three years through a survey process, and maintain levels of excellence in the delivery of comprehensive patient-centered care.
- ECMC announced that it is **one of America's 100 Best Hospitals for Orthopedic Surgery**, according to new research released by **Healthgrades**, the leading marketplace connecting doctors and patients. This achievement reflects ECMC's outstanding clinical outcomes for Orthopedic Surgery and puts ECMC in the top 5% of hospitals nationwide for overall Orthopedic services. ECMC was also honored with the 2023 Orthopedic Surgery Excellence Award™, a Five-Star rating in Total Knee Replacement for 2 years in a row (2022-2023), a Five-Star rating for Hip Fracture Treatment for 13 years in a row (2011-2023) and a 2023 Five-Star Distinction in Total Hip Replacement.

2022 PERFORMANCE GOALS/OUTCOMES

ECMC Strategic Plan Priorities and Goals

1. **Exceptional Quality and Experience** – Raise the standard of clinical care to improve quality, patient safety, and patient experience in the acute care and ambulatory environments.
2. **Cultural Identity** – Preserve ECMC's strong cultural identity while further instilling a sense of urgency and genuine stewardship to achieve our organizational objectives.
3. **Campus Transformation** – Address our deferred maintenance issues, expand capacity, and integrate the development of Kensington Heights and the surrounding community.
4. **Performance Improvement** – Generate the margin necessary to meet our budgetary goals by lowering ECMC's overall cost position, enhancing revenue cycle performance, and targeted growth.
5. **Population Health Capabilities** – Take greater responsibility for managing the overall health of our patient populations through a shift from fee-for-service to risk-based arrangements.
6. **Community Needs** – Through partnerships and targeted investments, be a leading corporate citizen by addressing socioeconomic challenges that impact our communities.
7. **Great Lakes Health Collaboration** – Further increase interconnectivity between ECMC, Kaleida and our partners through clinical and operational collaborations.
8. **Strengthen Relationship with Academic Partners** – Partner with the University at Buffalo and other local professional training programs to enhance our impact across the tripartite academic mission.

Progress Against Strategic Plan Priorities and Goals

1. **Exceptional Quality and Experience – Raise the standard of clinical care to improve quality, patient safety, and patient experience in the acute care and ambulatory environments.**

- American College of Surgeons (ACS) confirmed ECMC's status as a Level 1 Trauma Surveys with zero deficiencies during survey
- Earned ACS Commission on Cancer accreditation for the first time, with zero deficiencies identified during survey
- Earned re-accreditation under the Joint Commission following tri-annual survey
- Granted Metabolic & Bariatric Surgery Accreditation & Quality Improvement designation (MBSQIP) under ACS
- Maxillofacial Prosthetics Program awarded accreditation for Advanced Dental Education Fellowship Program. One of only seven programs nationally with this designation.
- Monthly meetings of the Quality Leadership Council & Board Quality Improvement Committee. Ongoing monitoring of CMS Patient Safety Indicators
- Patient Safety Culture Survey completed
- American Society of Health System Pharmacists (ASHP) Residency Review successfully completed and accreditation for residency program awarded
- NYS Infection Control Survey completed
- Conversion of Quantros System to new Riskconnect reporting system
- Uniform Data System for Medical Rehabilitation ranked ECMC Medical Rehab Unit as the most complex patient panel with exceptional outcomes nationally
- 4 Star Rating Designation by CMS
- ECMC Hip Replacement Program ranked top 7% in the nation by US News & World Report
- Healthgrades:
    - 100 Best Orthopedic Surgery Programs
    - 2023 Hip Fracture 5 Star Recipient
    - Total Knee Replacement 5 Star Recipient
    - Total Hip Replacement 5 Star Recipient
- Terrace View ranked Newsweek's 2023 List of Best Nursing Homes, 3rd consecutive year
- Dialysis remained a 5-star facility under CMS and successfully completed NYSDOH/CMS survey
- Palliative Care received additional funding support for services through the Health Foundation of WNY & CNY and the Ralph C. Wilson Foundation

2. **Cultural Identity – Preserve ECMC's strong cultural identity while further instilling a sense of urgency and genuine stewardship to achieve our organizational objectives.**

- In 2021 – 2022 our MWBE percentage was 45.05% and our utilization dollars were $12,042,105. The NYS Goal is 30%
- ECMC presented at the 2022 National Premier Breakthrough Conference to share ECMC's Supplier Diversity Program's best practices and continued success throughout the pandemic. This was an excellent learning opportunity for others in the healthcare industry.
- ECMC's Second Annual Diversity Networking Fair was a resounding success, featuring over 65 local Minority and Women-Owned Businesses who offered their diverse products and shared information on the development of their respective businesses.
- ECMC earned LGBTQ+ Healthcare Equality Leader Designation under the Human Rights Campaign Foundation
- Bias Awareness & Interruption Strategies Training performed across the organization
- 2022 Health Equity Award from Univera to support patient care efforts
- Erected Veterans Wall of Honor in Employee Hallway to pay tribute to all of the ECMC Family members who have served our country
- Approximately 2000 employees received NYS Healthcare Worker Bonus

3. **<u>Campus Transformation</u> – Address our deferred maintenance issues, expand capacity, and integrate the development of Kensington Heights and the surrounding community**

- Specialty Pharmacy – March 22
- MEP Improvements – began 2018 – ongoing
- Building envelope / roof final stages – (March 23 completion)
- Inpatient and Outpatient dialysis wall station improvements – 2021-2022
- OR 10 surgical light replacements
- Sterilizers replacement main Hospital
- Employee entrance refresh 2022/2023
- Connect life doner room
- Dental offsite Hertel
- Name dedication of the ECMC Family Health Center, becoming the Independent Health Medical Office Building
- Filed CON for Bariatrics Renovation Project at 30 North Union

4. **<u>Performance Improvement</u> – Generate the margin necessary to meet our budgetary goals by lowering ECMC's overall cost position, enhancing revenue cycle performance, and targeted growth.**

- Continued expansion of Accelerating Excellence programs and projects
- Daily bed huddles continue 7 days per week to handle the post-pandemic patient surge
- Implementation of Physician Advisor program to provide additional support to clinicians and facilitate more timely discharge process
- Transplant: 2nd year in a row with record-breaking number of Transplants completed, first three-center living donor kidney swap performed

- Palliative Care received additional funding support for services through the Health Foundation of WNY & CNY and the Ralph C. Wilson Foundation
- Digital Health Efforts continue. Implementation of Twistle, new appointment reminder and patient communication platform. Optimization of chatbot and Kyruus, physician search resource. New website design well underway and close to completion.
- 22 RFP's were awarded in 2022
- 1,036 people were hired in 2022
- Successfully negotiated and executed labor agreements with CSEA and AFSCME, completed impact bargaining with NYSNA, collective bargaining agreement negotiations ongoing
- 131 Providers, 80 Physicians and 51 Allied Health Professionals were brought on in 2022
- Completed major third-party payor contract negotiations

5. **Population Health Capabilities** – Take greater responsibility for managing the overall health of our patient populations through a shift from fee-for-service to risk-based arrangements.

- The Population Health and Primary Care team received $154,000 in funding from the Buffalo Center for Health Equity and Highmark to purchase home blood pressure cuffs for remote patient monitoring to give to low income patients
- The Population Health team received $1,000,000 in funding from Independent Health to partner with local primary care providers in the community to reduce readmissions for high-risk patients through a Transition of Care Complex Care Management Program aimed at removing SDOH barriers
- The Population Health Team created a community resource database to address and link patients based on trends in ECMC's SDOH patient survey results
- Oral and Head & Neck cancer screening events (6) with community organizations such as Buffalo Municipal housing Authorities, Project Hope, Population Health Collaborative, Johnnie B. Wiley Health Fair, Tops Pharmacy, and many more - 6 lesions found
- Prostate cancer screening events (4) with community organizations such as Buffalo Municipal housing Authorities, Senator Rath Health Fair, Johnnie B. Wiley Health Fair, and Sumitomo Rubber Health and Wellness

6. **Community Needs** – Through partnerships and targeted investments, be a leading corporate citizen by addressing socioeconomic challenges that impact our communities.

- Over 2.7 million dollars in funding have been granted through various programs and resources to support the efforts of the BRAVE program, which provides services to victims of all forms of violence and for those who have been impacted trauma
- $900,368 NIH Dental & Craniofacial Research awarded for HPV/HIV Co-Infection. This is the first NIH award provided to ECMC directly.
- Healthcare Explorers: Program established to give exposure to high school students around the different aspects of healthcare. We had **2-**extremely successful runs of the program in 2022 sharing over **10** unique exploration stops throughout the hospital from IT to Surgical Services. **20** students from Health Science Charter School were able to get hands-on experiences networking and learning about careers in healthcare.

- ECMC remained engaged and mourned alongside our Buffalo community following the massacre at Tops Market on May 14, 2022. Trauma-informed counseling was offered to our employees, a food drive was conducted in partnership with FeedMore WNY to help support the community with approximately 2000 pounds of food and perishable items being donated. A peace rally was also held in front of the hospital, with members of the ECMC family, and the community. Additionally members of the ECMC Population Health team participated in the Buffalo Peace Market event series on Jefferson Avenue

7. **Great Lakes Health Collaboration** – Further increase interconnectivity between ECMC, Kaleida and our partners through clinical and operational collaborations.
- Ongoing participation and partnership in Great Lakes Integrated Network
- Continued growth and development of Great Lakes Cancer Care

8. **Strengthen Relationship with Academic Partners –** Partner with the University at Buffalo and other local professional training programs to enhance our impact across the tripartite academic mission.
- New fellowship positions awarded in Neurosurgery and Bariatrics
- Partnership with UB Surgery to establish Plastics & Reconstructive Residency Placement
- Ongoing meetings with Dean Brashear and hospital leadership to improve and enhance hospital and academic programming and partnerships

2023 HIGH PRIORITY INITIATIVES

- Exceptional Quality and Experience: Maintain Major Accreditations & Regulatory Licensure and Certifications
- Exceptional Quality and Experience: Improve Quality Performance in Priority Areas
- Cultural Identity: Stabilize Staffing through Recruitment and Retention
- Cultural Identity: Leadership in Diversity, Equity, and Inclusion
- Community Needs: Engage the community to ensure we are providing high-quality, accessible services to those in need in an equitable way
- Performance Improvement: Stabilize ECMC Financial Performance in 2022
- Campus Transformation: Continue Clinical Expansion
- Population Health: Invest in GLIN to Build Capabilities to Take Meaningful Risk in 2023
- Population Health: Establish an Innovative Partnership with a Third Party to Fund System Transformation
- Strengthen Relationship with Academic Partners: Develop Collaboration Roadmap with UB

CAPITAL PROJECTS IN PROCESS IN 2022

Mechanical, Electrical, Plumbing and Elevator Improvements	Began November 2018
Building Envelope Replacement and Renovation	Began December 2018
Data Center Renovations	Began August 2019
Virtual Desktop Infrastructure	Began January 2020
Information Technology Disaster Recovery	Began November 2021
Boiler Chiller Plant Generator	Began March 2022

REAL PROPERTY ACQUISTIONS

Address of Location Purchased	**Name of Seller**	**Purchase Price**
395 Grider Street Buffalo NY 14215	Naser Saleh	$79,200.00
403 Grider Street Buffalo NY 14215	Naser Saleh	$85,800.00

CODE OF CONDUCT

See Appendix E.

INTERNAL CONTROL STRUCTURE AND PROCEDURES

Assessment of Effectiveness of Internal Controls

New York State Public Authority Reporting System (PARIS)

Erie County Medical Center Corporation

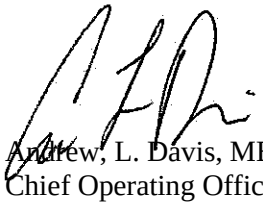
At and For the Year Ended December 31, 2022

The evaluation of the system of internal control is an ongoing process conducted throughout the year by myself in the capacity as the Acting Chief Financial Officer of Erie County Medical Center Corporation. In this ongoing process there is engagement and oversight by the Audit Committee of the Board of Directors with support, advice and assistance provided by the Chief Executive Officer, the General Counsel and a robust internal audit function.

The conclusions of the ongoing assessment were that no control deficiencies, significant deficiencies or material weaknesses, collectively as defined in generally accepted auditing standards, in internal controls were identified, however, performance improvement opportunities to enhance internal control were identified and implemented.

Based on my ongoing assessment, the work of the internal audit function and the work of the independent audit firm for ECMC there is an effective system of internal control to safeguard assets and to assure that transactions are properly authorized.

Respectfully submitted,



Andrew, L. Davis, MBA
Chief Operating Officer and Acting Chief Financial Officer

PENDING LITIGATION

The corporation is involved in several matters related to medical malpractice, workers' compensation, and business disputes as discussed in Note 15 in the enclosed audited financial statements beginning on page 51. There are no other material matters pending litigation at this time.

CORPORATION AND BOARD STRUCTURE

ECMC Corporation's Board of Directors is comprised of 15 voting Directors, drawn from institutions and occupations across Western New York. Of these directors, eight are appointed by the Governor of New York – via the recommendations of the County Executive (3), County Legislature (3), the Temporary President of the NYS Senate (1) and the Speaker of the NYS Assembly (1) – and seven are appointed by the County Executive with the advice and consent of the Erie County legislature. In addition, the Board has four non-voting members: (1) appointed by Erie County Executive; (1) appointed by Erie County Legislature Majority; (1) appointed by Erie County Legislature Minority; (1) ECMCC President and CEO via Public Authorities Law.

ECMC CORPORATION BOARD OF DIRECTORS

OFFICERS

Jennifer C. Persico, Esq.
Chair

Eugenio Russi
Vice Chair

Sharon L. Hanson
Secretary

Darby Fishkin, CPA
Treasurer

Thomas J. Quatroche Jr., PhD
President & CEO

BOARD MEMBERS

Ronald P. Bennett, Esq.

Reverend Mark E. Blue

Ronald A. Chapin

Jonathan A. Dandes

Michael H. Hoffert

Christian Johnson

James L. Lawicki, II

Christopher J. O'Brien, Esq.

The Honorable John O'Donnell, J.S.C.

Reverend Kinzer M. Pointer

Michael A. Seaman

Benjamin Swanekamp

BOARD OF DIRECTORS REGULAR AND ANNUAL MEETINGS

Tuesday, January 25, 2022 (Annual and Regular Meeting)

Present: Bishop Michael Badger, Ronald Bennett*, Reverend Mark Blue, Ronald A Chapin*, Anthony J. Colucci, III*, Jonathan Dandes, Darby Fishkin*, Kathleen Grimm, MD, Sharon Hanson, Michael Hoffert*, Christopher O'Brien*, Hon. John O'Donnell, Jennifer Persico, Thomas J. Quatroche, Eugenio Russi, Michael Seaman, Benjamin Swanekamp

Excused: Christian Johnson, James Lawicki

Also Present: Donna Brown*, Michael Cummings, MD*, Peter Cutler*, Andrew Davis, Joseph Giglia, Susan Gonzalez, Donna Jones*, Pamela Lee*, Charlene Ludlow*, Keith Lukasik*, Brian Murray, MD*, Ronald Raccuia*, Jonathan Swiatkowski, James Turner*, Karen Ziemianski*

Tuesday, February 22, 2022

Present: Bishop Michael Badger, Reverend Mark Blue, Ronald A Chapin*, Jonathan Dandes, Darby Fishkin, Kathleen Grimm, MD, Sharon Hanson, Michael Hoffert*, James Lawicki, Jennifer Persico, Thomas J. Quatroche, Eugenio Russi, Michael Seaman, Benjamin Swanekamp

Excused: Ronald Bennett, Christian Johnson, Hon. John O'Donnell, Michael Seaman

Also Present: Donna Brown, Anthony J. Colucci, III, Peter Cutler, Andrew Davis, Joseph Giglia, Susan Gonzalez, Donna Jones, Charlene Ludlow, Keith Lukasik, Brian Murray, MD *, Jonathan Swiatkowski, James Turner, Karen Ziemianski

Tuesday, March 22, 2022

Present: Present:Bishop Michael Badger, Reverend Mark Blue, Ronald A Chapin *, Jonathan Dandes, Darby Fishkin, Kathleen Grimm, MD, Sharon Hanson, Michael Hoffert *, James Lawicki, Christopher O'Brien, Jennifer Persico, Thomas J. Quatroche, Eugenio Russi, Michael Seaman, Benjamin Swanekamp

Excused: Ronald Bennett, Christian Johnson, Hon. John O'Donnell, Michael Seaman

Also Present: Donna Brown, Anthony J. Colucci, III, Peter Cutler, Andrew Davis, Joseph Giglia, Susan Gonzalez, Donna Jones, Charlene Ludlow, Keith Lukasik, Brian Murray, MD *, Jonathan Swiatkowski, James Turner, Karen Ziemianski

Tuesday, April 26, 2022

Present: Bishop Michael Badger, Ronald Bennett*, Reverend Mark Blue*, Ronald A Chapin*, Jonathan Dandes, Darby Fishkin*, Kathleen Grimm, MD, Sharon Hanson, Michael

Tuesday, April 26, 2022 (cont.)

Hoffert*, Christian Johnson*, James Lawicki*, Christopher O'Brien, John O'Donnell, Jennifer Persico, Thomas J. Quatroche, Eugenio Russi, Michael Seaman, Benjamin Swanekamp

Also Present: Donna Brown*, Anthony J. Colucci, III*, Michael Cummings, MD*, Peter Cutler*, Andrew Davis, Cassandra Davis*, Joseph Giglia, Susan Gonzalez*, Donna Jones, Pamela Lee*, Charlene Ludlow*, Brian Murray, MD*, Jonathan Swiatkowski, James Turner*, Karen Ziemianski

Tuesday, May 24, 2022

Present: Ronald Bennett, Reverend Mark Blue, Ronald A Chapin, Jonathan Dandes, Darby Fishkin, Kathleen Grimm, MD, Sharon Hanson, Michael Hoffert, Christian Johnson, James Lawicki, Jennifer Persico, Rev. Kinzer Pointer, Thomas J. Quatroche, Eugenio Russi, Michael Seaman, Benjamin Swanekamp

Excused: James Lawicki, Christopher O'Brien, John O'Donnell.

Also Present: Donna Brown, Anthony J. Colucci, III, Michael Cummings, MD, Peter Cutler, Andrew Davis, Cassandra Davis, Joseph Giglia, Susan Gonzalez, Donna Jones, Pamela Lee, Christian Johnson, Charlene Ludlow, Brian Murray, MD, Jonathan Swiatkowski, James Turner, Karen Ziemianski

Tuesday, June 28, 2022

Present: Ronald Bennett*, Reverend Mark Blue*, Ronald A Chapin*, Jonathan Dandes, Darby Fishkin, Sharon Hanson, Michael Hoffert*, James Lawicki*, John O'Donnell, Jennifer Persico, Rev. Kinzer Pointer, Thomas J. Quatroche, Eugenio Russi, Michael Seaman, Benjamin Swanekamp*

Excused: Kathleen Grimm, MD, Christian Johnson, Christopher O'Brien

Also Present: Donna Brown*, Anthony J. Colucci, III, Peter Cutler*, Andrew Davis, Cassandra Davis*, Joseph Giglia, Susan Gonzalez*, Donna Jones*, Pamela Lee*, Charlene Ludlow, Brian Murray, MD, James Turner*

Tuesday, July 26, 2022

Present: Ronald Bennett*, Reverend Mark Blue, Ronald A Chapin*, Jonathan Dandes*, Darby Fishkin*, Michael Hoffert*, Christian Johnson, James Lawicki*, Christopher O'Brien, Honorable John O'Donnell, Jennifer Persico, Thomas J. Quatroche, Eugenio Russi, Michael Seaman, Benjamin Swanekamp*

Tuesday, July 26, 2022 (cont.)

Excused: Kathleen Grimm, MD, Sharon Hanson

Also Present: Donna Brown*, Anthony J. Colucci, III, Peter Cutler*, Andrew Davis, Cassandra Davis*, Joseph Giglia, Susan Gonzalez*, Donna Jones*, Pamela Lee*, Charlene Ludlow, Brian Murray, MD, James Turner*

Tuesday, September 27, 2022

Present: Ronald Bennett*, Reverend Mark Blue, Ronald A Chapin*, Darby Fishkin, Sharon Hanson*, Michael Hoffert*, James Lawicki*, Christopher O'Brien, Honorable John O'Donnell, Jennifer Persico, Reverend Kinzer Pointer, Thomas J. Quatroche, Eugenio Russi, Michael Seaman, Benjamin Swanekamp

Excused: Jonathan Dandes*, Kathleen Grimm, MD, Christian Johnson

Also Present: Donna Brown*, Anthony J. Colucci, III*, Peter Cutler*, Andrew Davis, Cassandra Davis*, Joseph Giglia, Susan Gonzalez*, Donna Jones*, Pamela Lee*, Charlene Ludlow, Brian Murray, MD, James Turner*

Tuesday, October 25, 2022

Present: Ronald Bennett*, Reverend Mark Blue*, Ronald A Chapin*, Jonathan Dandes, Sharon Hanson, Michael Hoffert*, Christian Johnson*, James Lawicki*, Christopher O'Brien*, Honorable John O'Donnell, Jennifer Persico, Reverend Kinzer Pointer, Thomas J. Quatroche, Eugenio Russi*, Michael Seaman

Excused: Darby Fishkin, Benjamin Swanekamp

Also Present: Donna Brown*, Anthony J. Colucci, III*, Dr. Michael Cummings*, Peter Cutler*, Andrew Davis, Cassandra Davis*, Joseph Giglia, Susan Gonzalez*, Donna Jones*, Pamela Lee*, Charlene Ludlow*, Brian Murray, MD*, Jonathan Swiatkowski, James Turner*

Tuesday, November 29, 2022

Present: Ronald Bennett*, Reverend Mark Blue, Jonathan Dandes, Darby Fishkin, Sharon Hanson, Michael Hoffert*, Honorable John O'Donnell, Jennifer Persico, Reverend Kinzer Pointer, Thomas J. Quatroche, Eugenio Russi*, Michael Seaman, Benjamin Swanekamp

Excused: Ronald Chapin, Christian Johnson, James Lawicki, Christopher O'Brien

Also Present: Donna Brown*, Anthony J. Colucci, III*, Peter Cutler*, Andrew Davis, Cassandra Davis*, Joseph Giglia, Susan Gonzalez*, Donna Jones*, Pamela Lee*, Charlene Ludlow, Jonathan Swiatkowski, James Turner*

COMMITTEES OF THE BOARD

STANDING COMMITTEE	*# OF MEMBERS*	*BOARD MEMBERSHIP*	*STAFF*
EXECUTIVE ***Call of Chair***	**5**	**Jennifer Persico – Chair** Jonathan Dandes Darby Fishkin Sharon L. Hanson Eugenio Russi	A.J. Colucci Andrew L. Davis Jonathan Swiatkowski Brian M. Murray, MD Thomas Quatroche Joseph Giglia Jeffra Wilson (Asst.)
QUALITY IMPROVEMENT/ PATIENT SAFETY ***Meets Monthly***	**5**	**MICHAEL HOFFERT – Chair** Kinzer Pointer Judge John O'Donnell Benjamin Swanekamp Christian Johnson	Andrew Davis Thomas Quatroche Donna Jones Brian Murray, MD Charlene Ludlow Pam Lee James Turner Jackie Wilson (Asst.)
FINANCE ***Meets Monthly***	**4**	**MICHAEL A. SEAMAN – Chair** Ronald A. Chapin Darby Fishkin Benjamin Swanekamp	A.J. Colucci, III Andrew Davis Jonathan Swiatkowski Thomas Quatroche Lynn Sacha (Asst.)
AUDIT & COMPLIANCE ***Call of Chair***	**4**	**DARBY FISHKIN – Chair** James Lawicki Christopher O'Brien Reverend Kinzer Pointer Joseph Giglia, ex-officio	A.J. Colucci, III Andrew Davis Jonathan Swiatkowski Thomas Quatroche Lynn Sacha (Asst.)
EXECUTIVE COMPENSATION ***Call of Chair***	**3**	**JONATHAN DANDES – Chair** Sharon Hanson Christopher O'Brien	A.J. Colucci, III Thomas Quatroche Joseph Giglia

STANDING COMMITTEE	*# OF MEMBERS*	*BOARD MEMBERSHIP*	*STAFF*
GOVERNANCE ***Call of Chair***	**3**	**SHARON HANSON – Chair** Ronald Chapin Jennifer Persico Thomas Quatroche, Jr., ex officio Joseph Giglia, ex officio	A.J. Colucci, III Lori Hoffman (Asst.)
HUMAN RESOURCES ***Call of Chair***	**3**	**MICHAEL SEAMAN – Chair** Michael Hoffert Kinzer Pointer	Cory Wright (Asst.)
INVESTMENT ***Call of Chair***	**3**	**EUGENIO RUSSI - Chair** Sharon L. Hanson Judge John O'Donnell	Jonathan Swiatkowski Thomas Quatroche Lynn Sacha (Asst.)
BUILDINGS & GROUNDS ***Ad-Hoc Committee*** ***Call of Chair***	**3**	**RONALD BENNETT – Chair** Michael Hoffert Mark Blue James Lawicki	Andrew Davis Thomas Quatroche James Turner Michelle Kroupa (Asst.)
WBE/MBE SUBCOMMITTEE ***Call of Chair***	**3**	**REVEREND MARK BLUE – Chair** Ronald A. Chapin Christian Johnson	Diane Artieri Sarina Rohloff Joseph Giglia Thomas Quatroche Patty Chase (Asst.)
POST-ACUTE QI ***Call of Chair***	**3**	**RONALD CHAPIN – Chair** Michael Seaman Christopher O'Brien	Andrew Davis Stephen Woodruff MaryAnn Fix (Asst.)
CONTRACTS	**3**	**CHRISTOPHER O'BRIEN - Chair** Ronald Bennett Jennifer Persico	Lori Hoffman (Asst.)

Erie County Medical Center Corporation Confidential Evaluation of Board Performance

Criteria	Agree	Somewhat Agree	Somewhat Disagree	Disagree
Board members have a shared understanding of the mission and purpose of ECMCC.				
The policies, practices and decisions of the Board are always consistent with this mission.				
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles.				
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of ECMCC and reviews these annually.				
The Board sets clear and measurable performance goals for ECMCC that contribute to accomplishing its mission.				
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence or self-interest.				
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.				
Board members are knowledgeable about ECMCC's programs, financial statements, reporting requirements, and other transactions.				
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.				
The Board knows the statutory obligations of ECMCC and if ECMCC is in compliance with state law.				
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.				
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.				
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.				
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.				
The Board has identified the areas of most risk to ECMCC and works with management to implement risk mitigation strategies before problems occur.				
Board members demonstrate leadership and vision and work respectfully with each other.				

ECMC CORPORATION EXECUTIVE ADMINISTRATION

Thomas J. Quatroche Jr., PhD
President and Chief Executive Officer

Andrew L. Davis, MBA
Chief Operating Officer

Brian M. Murray, MD
Chief Medical Officer

Jonathan T. Swiatkowski, CPA
Chief Financial Officer

Charlene Ludlow, MHA, RN, CIC
Senior Vice President of Nursing

James Turner, RN, BSN
Senior Vice President, Surgical and Outpatient Services

Cassandra Davis
Senior Vice President, Ambulatory Services and Population Health

Pamela Lee, MBA, MS, RN
Senior Vice President of Operations

Joseph T. Giglia, II, Esq.
General Counsel

Anthony J. Colucci, III, Esq.
Executive Vice President

Donna M. Brown
Associate Hospital Administrator

Peter K. Cutler
Vice President of Communications and External Affairs

Donna Jones, MHA, MSN, RN, FACHE, CPHQ
Chief Quality Officer

Susan M. Gonzalez
Executive Director, ECMC Foundation

ECMC CORPORATION MEDICAL-DENTAL STAFF OFFICERS

Michael Cummings, MD
President

William J. Flynn, Jr., MD, FACS
Immediate Past President

Jennifer Pugh, MD, MBA, FACEP
President-Elect

Michael A. Manka Jr., MD
Treasurer

James Lukan, MD, FACS
Secretary

PRIMARY CORPORATION

Erie County Medical Center Corporation

ECMC Corporation was established as a New York State Public Benefit Corporation and since 2004 has included an advanced academic medical center with 573 inpatient beds, on- and off-campus health centers, more than 30 outpatient specialty care services and Terrace View, a 390-bed long-term care facility. ECMC is Western New York's only Level 1 Adult Trauma Center, as well as a regional center for burn care, behavioral health services, transplantation, medical oncology and head & neck cancer care, rehabilitation and a major teaching facility for the University at Buffalo. Most ECMC physicians, dentists and pharmacists are dedicated faculty members of the university and/or members of a private practice plan. More Western New York residents are choosing ECMC for exceptional patient care and patient experiences – the difference between healthcare and true care™.

ECMC Corporation Employees: 3,894

ACTIVE SUBSIDIARY INFORMATION

PPC Strategic Services, LLC

ECMC Corporation is the sole owner of this enterprise, which was established to enable the Corporation to enter into various other business relationships, and to provide management services to them, as needed. The accounts of PPC Strategic Services LLC are consolidated into the accounts of the Corporation as of, and for the years ended, December 31, 2022 and 2021, respectively.

The sole member of this entity is Erie County Medical Center Corporation.
Employees: None

PPC Strategic Services LLC (formerly named ECMCC Strategic Services, LLC) owns Greater Buffalo Niagara SC Venture, LLC, a presently inactive entity. The ownership interest is accounted for utilizing the equity method of accounting.

The sole member of this entity is Erie County Medical Center Corporation.
Employees: None

Grider Community Gardens, LLC

This entity is wholly owned and controlled by the Corporation. The Corporation's net investment as of December 31, 2022 and 2021 is approximately $748 thousand and $485 thousand, respectively, and is reflected in other non-current assets of the parent company's financial statements.

The sole member of this entity is Erie County Medical Center Corporation.
Employees: None

Grider Support Services, LLC

This entity was formed to act as a Management Services Organization ("MSO") for oncology and physician services for ECMC Hospital. The entity acts as a pass-through entity, and has no substantial assets or liabilities, or significant operating results. Its activity is consolidated into ECMC Corporation operations.

The sole member of this entity is Erie County Medical Center Corporation.
Employees: 31

1827 Fillmore LLC

This entity was formed in order to purchase real estate adjacent to the current health campus for the purpose of future development. Its activities to date consist of remediating and improving land adjacent to the ECMC campus and is consolidated into ECMC Corporation.

Net position as of December 31, 2022 and 2021 is $491 and $666 thousand, respectively.

The sole member of this entity is Erie County Medical Center Corporation.
Employees: None

APPENDIX A
Financial Reports

Erie County Medical Center Corporation

(A Component Unit of the County of Erie)

Financial Report
December 31, 2022

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RSM US LLP

Independent Auditor's Report

Board of Directors
Erie County Medical Center Corporation

Report on the Audit of the Financial Statements

Opinions

We have audited the financial statements of the business-type activities and the aggregate discretely presented component units of Erie County Medical Center Corporation (the Corporation), a component unit of the County of Erie, as of and for the years ended December 31, 2022 and 2021, and the related notes to the financial statements, which collectively comprise the Corporation's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities and the aggregate discretely presented component units of Erie County Medical Center Corporation, as of December 31, 2022 and 2021, and the respective changes in financial position, and, where applicable, cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Corporation and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions. The financial statements of ECMC Foundation, Inc., the Grider Initiative, Inc., and Research for Health in Erie County, Inc. were not audited in accordance with *Government Auditing Standards.*

Emphasis of Matter

As discussed in Note 8 to the financial statements, the Corporation restated net position at January 1, 2021 by approximately $373,000. The restatement was required to be made for the implementation of the Governmental Accounting Standards Board (GASB) Statement No. 87, *Leases*. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

RSM US LLP is the U.S. member firm of RSM International, a global network of independent audit, tax, and consulting firms. Visit rsmus.com/aboutus for more information regarding RSM US LLP and RSM International.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Corporation's ability to continue as a going concern for 12 months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we

- exercise professional judgment and maintain professional skepticism throughout the audit.
- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Corporation's internal control. Accordingly, no such opinion is expressed.
- evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Corporation's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that management's discussion and analysis on pages 4 to 13 as well as the required supplementary information for certain pension and other postemployment benefits (OPEB) related data on pages 54 to 56 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the GASB who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated March 21, 2023 on our consideration of the Corporation's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Corporation's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Corporation's internal control over financial reporting and compliance.

RSM US LLP

March 21, 2023

Management's Discussion and Analysis

Erie County Medical Center Corporation (the Corporation or ECMCC) is a state public benefit corporation dedicated to provide every patient the highest quality of care delivered with compassion. The Corporation fully embraces its position as a safety net provider for the eight-county region of Western New York State (encompassing over 1.5 million residents), supporting persons in need who lack the ability to pay.

To assist the reader in understanding the operations of the Corporation, this annual report has been organized into three parts that should be read together:

- Management's discussion and analysis
- Financial statements and notes to the financial statements and
- Supplemental schedules

The purpose of the discussion and analysis is to provide the reader with objective data to evaluate the Corporation for the year ended December 31, 2022 and 2021. This narrative and the financial statements and footnotes are the responsibility of the Corporation's management.

The financial statements (the statements of net position, the statements of revenues, expenses and changes in net position and the statements of cash flows) present financial information in a form similar to that used by other government hospitals and have been prepared in accordance with accounting principles generally accepted in the United States of America.

The accompanying financial statements of the Corporation include financial data of the Corporation's discretely presented component units: (i) ECMC Foundation, Inc. (ii) The Grider Initiative, Inc. and (iii) Research For Health in Erie County, Inc.; however, Management's Discussion and Analysis focuses on the Corporation.

Introduction

During 2022 and 2021, the Corporation continued providing high quality, compassionate care to the tens of thousands of Western New Yorkers who depend on ECMCC, serving as the region's community hospital, helping patients from the most influential to the most vulnerable. Despite having to continually respond to and being significantly financially impacted by the prolonged COVID-19 pandemic and its lasting effects, ECMCC's dedicated caregivers, support staff, executive leadership, as well as an involved and supportive Board of Directors, continue to advance the mission of the Corporation and its service to the greater Western New York area. The Corporation continues to be a provider of choice in our community as a result of its continual focus on high quality healthcare services, the patient experience and physician engagement.

Operations Analysis

The Corporation completed calendar year 2022 and 2021 providing inpatient and outpatient services to Western New York residents and, given its unique services, to many others beyond this region despite the challenging impact of the ongoing COVID-19 pandemic. Patient volume encounters (not expressed in thousands) are as follows:

	2017	2018	2019	2020	2021	2022	% Change 2017 - 2022
Inpatients	19,260	20,555	19,996	19,110	18,903	17,412	-9.6%
Surgeries	14,818	15,315	15,606	12,481	13,803	12,478	-15.8%
Emergency	68,862	70,110	69,391	65,261	68,384	59,064	-14.2%
Outpatients	301,773	307,819	306,891	299,297	280,611	274,402	-9.1%
Dialysis	24,772	25,063	27,549	27,973	26,116	24,961	0.8%

The global outbreak of COVID-19, a strain of coronavirus that can result in severe respiratory disease, was declared a pandemic by the World Health Organization on March 11, 2020, and was declared a national emergency on March 13, 2020. The outbreak of the disease in 2020 affected travel, commerce, economies and financial markets globally, nationally, in New York State, and in Erie County. These impacts have continued to be felt through 2022. In response to the public health crisis, the New York State Governor and the New York State Commissioner of Health took certain actions to limit the spread of the virus and its impact on the State's communities and health care services, including the continuation of a declared state of emergency and the intermittent suspension of non-essential or elective surgeries.

On December 4, 2020, the State of New York again issued orders to temporarily suspend non-essential or elective surgeries and procedures in Erie County. The temporary suspension was intended to create capacity within healthcare facilities in Erie County to care for a potential increase in COVID-19 patients. This temporary suspension was lifted for the Corporation on January 25, 2021. Despite this suspension being lifted on January 25, 2021, the impact to surgical procedures continued to be seen through February 2021.

Due to capacity constraints and community staffing shortages at all providers including our institution, ECMCC voluntarily suspended inpatient non-essential or elective surgeries on September 27, 2021, while New York State, on December 3, 2021, issued orders to temporarily suspend certain hospitals from performing all non-essential or elective surgeries and procedures (e.g. inpatient and outpatient elective surgeries). The temporary suspension of these procedures and patient visits was enacted in order to create capacity within healthcare facilities to care for a potential increase in COVID-19 patients. The temporary suspension of non-essential and elective procedures was not lifted for the Corporation until February 2022. As a result of these restrictions and other impacts of COVID-19 to hospital operations ECMCC experienced a decrease in surgical volumes from 2021. Total surgical volume decreased by 15.8% from 2021 to 2022.

Operations Analysis (Continued)

In response to the impact on the healthcare environment from COVID-19, the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the American Rescue Plan (ARP) Act (Acts) were enacted by Congress during 2020 and 2021, respectively. These Acts included, among other things, support for healthcare providers and patients in the form of grants, payments for uninsured patients, and changes to Medicare and Medicaid payments. The Corporation to date has received $72 million of Provider Relief Fund distributions provided under the CARES and ARP Acts. Amounts provided under these relief efforts are recognized as non-operating revenues in the statements of revenue, expenses and changes in net position as eligibility requirements are met. During 2020, the Corporation also received $39.1 million and $10 million in loans under the Medicare Accelerated and Advance Payment Program and the Paycheck Protection Program (PPP), respectively. During 2021, the PPP loan forgiveness application was approved by the U.S. Small Business Administration and, as such, the $10 million loan was forgiven in full. This benefit has been recorded as non-operating revenue within the statements of revenue, expenses and changes in net position. As of December 31, 2022, the Medicare Accelerated and Advance Payments have been fully repaid.

The CARES Act also includes financial relief through the Federal Emergency Management Agency's (FEMA) Disaster Relief Fund. As of December 31, 2022, the Corporation has been awarded and received $2,757 from FEMA to reimburse eligible incremental expenses as a result of COVID-19. The Corporation will continue to submit for grant reimbursement for remaining eligible COVID-19 expenses under this program.

Suspended operations due to the COVID-19 pandemic resulted in significant decreases in revenues and patient care volumes significantly below budget projections. Additionally, in order to adequately respond to the pandemic and the increased number of regulations governing the provision of care and safety guidelines, the Corporation has continued to incur significant additional expenses above budgeted projections for personnel costs, the purchase of personal protective equipment, lab equipment and supplies, other clinical equipment, and other purchased services. During 2022 and 2021, capacity constraints caused by staffing challenges were experienced throughout the provider community. These occurred broadly within the post-acute care settings, limiting ECMCC's ability to discharge patients timely and limited our ability to accept new patients through the emergency room. This increase in the average length of stay during both years also impacted ECMCC's operating performance. Further, staffing challenges required ECMCC to hire a significant number of temporary agency employees and offered premium incentives to employees to maintain adequate staffing. The federal government-provided relief funding to date has not offset the unfavorable financial impact COVID-19 and its downstream challenges has had on ECMCC through 2022.

Adding to the operational challenges the Corporation continues to experience from COVID-19 were several weather-related events during 2022. The city of Buffalo and surrounding areas experienced a significant snow event in November 2022. It also experienced a significant blizzard during December 2022. Both weather events crippled movement in and around the city for several days. This blizzard caused death and destruction around the City but also resulted in lost revenue within the hospital and clinics during those days and additional costs to keep our staff on-site. Despite these challenges, the Corporation remained committed to continuing its mission to "provide every patient the highest quality of care delivered with compassion."

Operations Analysis (Continued)

As a result of the ongoing challenges to the healthcare industry as a result of COVID-19, New York State Department of Health has begun to provide supplemental funding to hospitals and nursing homes and, as a result, the Corporation received $51,998 for the year ended December 31, 2022. This benefit has been recorded as non-operating revenue within the statements of revenue, expenses and changes in net position. An additional $27,000 was received in December 2022 for the year ended December 31, 2023, and is recorded as unearned revenue in the statements of net position as of December 31, 2022.

The continued volume and visit trends reflect the trust that the Western New York community has placed in ECMCC. Notable achievements in 2022 include:

- ECMCC earned its full hospital accreditation—The Joint Commission's Gold Seal of Approval Accreditation- by demonstrating continuous compliance with performance standards.
- Terrace View Long-Term Care Facility was named to *Newsweek's* 2021 and 2022 Best Nursing Homes List for performance on key measures on health inspections, quality measures and staffing.
- ECMCC Family Health and Internal Medicine Centers again achieved recognition status for "Patient-Centered Medical Home™ (PCMH™), Recognized–Level 3", by the National Committee for Quality Assurance (NCQA).
- ECMCC named among the top 50 hospitals in the United States for racial inclusivity as ranked by The Lown Hospital Index, which examined over 3,200 hospitals in the country to assess their success at serving the people of color living in their communities.
- ECMCC was one of 496 national healthcare institutions to earn an "LGBTQ+ Healthcare Equality Leader" designation from the Human Rights Campaign; more than 2,000 healthcare facilities nationwide evaluated for their dedication and commitment to LGBTQ inclusion.
- ECMCC reverified with zero deficiencies as a Level 1 Adult Trauma Center by the Verification Review Committee (VRC), an ad hoc committee of the Committee on Trauma (COT) of the American College of Surgeons (ACS).
- ECMCC recognized by the Buffalo Purchasing Initiative for superseding its goal in 2021 for spending with businesses owned by people of color by 44%.
- ECMCC's hip replacement surgery service ranked in the nation's top 7% by US News & World Report. ECMCC earned the highly respected publication's High Performing ranking, placing it among 437 hospitals out of 6,000 evaluated for the service.
- The Commission on Cancer (CoC), a quality program of the American College of Surgeons (ACS) granted Three-Year Accreditation to the cancer program at ECMCC. To earn voluntary CoC accreditation, a cancer program must meet 34 CoC quality care standards, be evaluated every three years through a survey process, and maintain levels of excellence in the delivery of comprehensive patient-centered care.
- ECMCC named among one of America's 100 Best Hospitals for Orthopedic Surgery. This achievement reflects ECMCC's outstanding clinical outcomes for Orthopedic Surgery and puts ECMCC in the top 5% of hospitals nationwide for overall Orthopedic services.
- ECMCC awarded the 2023 Orthopedic Surgery Excellence Award™, a Five-Star rating in Total Knee Replacement for two years in a row (2022-2023), a Five-Star rating for Hip Fracture Treatment for 13 years in a row (2011-2023) and a 2023 Five-Star Distinction in Total Hip Replacement.

Operations Analysis (Continued)

Financial Metric Analysis

The Corporation's total net position decreased in 2022 due to unfavorable results from operations as a result of the COVID-19 pandemic and its related downstream challenges, as further discussed below.

Comparative financial ratios for the Corporation to the 2021 (most recent publicly available audited data, pre-pandemic) average of New York State (NYS) Public Benefit Corporation (PBC) hospitals are presented in the following table. The financial statements used for the calculation of the following ratios, where appropriate, have been reclassified to conform to the presentation used in the development of the benchmarks, consistent with generally accepted accounting principles (U.S. GAAP) for entities not subject to the Governmental Accounting Standards Board (GASB) standards.

	ECMCC			PBC Average
	2022	2021	2020	2021
Operating margin	-20.2%	-5.5%	-23.3%	-9.4%
Operating cash flow margin	-12.3%	2.2%	-16.6%	-3.2%
Debt service coverage	1.5	1.1	(1.3)	1.4
Unrestricted days cash on hand	56.5	91.1	105.6	N/A
Days cash on hand	101.3	137.5	160.1	71.1
Days in accounts receivable	53.9	49.5	56.8	38.0
Average age of plant	13.0	12.5	14.0	18.1

The operational performance ratios for 2022 reflect generally unfavorable performance compared to the Corporation's 2021 performance ratios and NYS Healthcare Public Benefit Corporations ratios. The staffing challenges exponentially increased at the end of 2021 into 2022 significantly impacting 2022 financial performance. Federal provider relief funds received and available to cover additional operating expenses, lost operating revenues, grants received from New York State Department of Health (NYSDOH) and FEMA, have been recognized as non-operating revenue and are excluded from the operating ratio calculations. Unrestricted days cash on hand decreased 34.6 days (38.0%) due to the repayment of Medicare Advance Payments and partial repayment of employer payroll tax deferral received in 2020, unfavorable operating performance and delay in receipt of annual Disproportionate Share Hospital (DSH) Revenue. Days in accounts receivable increased by 4.4 days (8.9%) due to a decrease in collections and an increase in unbilled accounts as a result of staffing shortages during the year. Average age of plant increased by 0.5 years (4.0%) as a result of limited construction and improvement projects due to unfavorable operating performance.

Summary Financial Statements with Analysis

Management is providing the following summary financial statements and variance analysis for certain financial statement lines where it believes the readers understanding of the financial statements is enhanced.

Statements of Net Position

Net position is categorized as follows:

Net investment in capital assets: Consists of capital assets, net of accumulated depreciation and reduced by outstanding debt and deferred inflows and outflows of resources that are attributable to the acquisition, construction or improvement of those assets.

Restricted: Result when constraints placed on the use of the net position are either externally imposed by creditors, grantors, contributors, or imposed by law through constitutional provisions or enabling legislation.

Unrestricted: Represents the resources derived primarily from services rendered to patients and other operating revenues and not meeting the previously listed criteria. These resources are used for transactions related to the general healthcare and academic operations of the Corporation and may be used at the discretion of the Board of Directors to meet current expenses for any purpose.

Condensed Statements of Net Position are as follows:

			2022-2021	
	2022	2021 (Restated)	$ Change	% Change
Assets				
Current assets, excluding assets whose use is limited	$ 212,962	$ 272,450	$ (59,488)	(21.8)
Assets whose use is limited	157,516	168,563	(11,047)	(6.6)
Capital assets, net	328,170	348,816	(20,646)	(5.9)
Net pension asset	77,538	-	77,538	100.0
Other assets	7,780	23,106	(15,326)	(66.3)
Total assets	783,966	812,935	(28,969)	(3.6)
Deferred outflows of resources	178,411	279,395	(100,984)	(36.1)
Total assets and deferred outflows of resources	$ 962,377	$ 1,092,330	$ (129,953)	(11.9)
Liabilities				
Current liabilities	$ 294,849	$ 314,425	$ (19,576)	(6.2)
Noncurrent liabilities	539,505	655,694	(116,189)	(17.7)
Total liabilities	834,354	970,119	(135,765)	(14.0)
Deferred inflows of resources	396,441	357,752	38,689	10.8
Net Position				
Net investment in capital assets	82,489	93,782	(11,293)	(12.0)
Restricted	80,719	79,577	1,142	1.4
Unrestricted	(431,626)	(408,900)	(22,726)	(5.6)
Total net position	(268,418)	(235,541)	(32,877)	(14.0)
Total liabilities, deferred inflows of resources and net position	$ 962,377	$ 1,092,330	$ (129,953)	(11.9)

Statements of Net Position (Continued)

Overall, total assets and deferred outflows of resources decreased $129,953 from 2021 to 2022.

The following variances in total assets are noteworthy:

Total current assets, excluding the current portion of assets whose use is limited, decreased by $59,488 due to the following:

- Cash, cash equivalents and investments decreased by $25,269 due to losses from operations and the repayment of Medicare Advance Payments received in previous years.
- Patient accounts receivable, net, increased by $6,854 as a result of current year decreases in collections and an increase in unbilled accounts as a result of staffing shortages.
- Other receivables, decreased by $26,070 which is due to a $21,120 decrease in Medicaid DSH and Upper Payment Limit (UPL) program receivables, a decrease of $2,458 in due from third party payors and a $2,492 decrease in other receivables.

- Assets whose use is limited, including current portion, decreased by a net of $11,047, which is due to a decrease of $8,400 of assets designated for long-term investments used to fund capital projects and a $2,336 reduction in required collateral held for workers compensation claims, unrealized losses from investments of $1,096, offset by a $785 increase in reserve account funding for actuarial liabilities and other limited use assets.

- Capital assets, net, decreased by $20,646 due to investments during 2022 in new capital assets being less than depreciation expense, as a continued result of the pandemic. Investments in capital assets are summarized in a following section.
- Net pension asset increased $77,538 due to favorable investment performance on plan investments.

Overall, total liabilities and deferred inflows decreased $97,076 and net position decreased $32,877 from 2021.

The following variances in total liabilities are noteworthy:

- Accounts payable and accrued salaries and benefits increased by $19,941 due to an increase in operating expenditures and timing of payments to vendors and employees at year-end.
- Accrued other liabilities increased by $6,995 largely as a result of increases in amounts due to Erie County.
- Unearned revenue decreased by $35,799, $63,727 due to receipt of a payment for 2022 DSH funds during 2021 offset by an increase of $27,000 related to the New York State VAPAP for 2023. Other unearned revenue increased $927.
- Repayment of Medicare Advance payments resulted in a $20,879 decrease in a current liability based upon payment terms in the CARES Act.
- The unsecured line of credit liability increased $10,000 due to new borrowings that remain outstanding at December 31, 2022.
- The long-term portion of self-insured obligations increased by $1,322 due to changes in actuarial estimates for self-insured retentions for malpractice claims greater than payments made on those claims. The current portion of these self-insured obligations decreased by $15.

Statements of Net Position (Continued)

- The liability for OPEB decreased by $107,711 primarily as a result of the favorable impact of a change in actuarial standards of practice related to the development of age specific retiree healthcare costs and an increase in the discount rate to measure the obligation.
- Net position decreased by $32,877 due to unfavorable financial performance related to the continued impact on operations of the COVID-19 pandemic and its downstream challenges.

Statements of Revenues, Expenses, and Changes in Net Position

Condensed Statements of Revenues, Expenses and Changes in Net Position are as follows:

			2022-2021	
	2022	2021 (Restated)	$ Change	% Change
Net patient service revenue	$ 566,389	$ 566,104	$ 285	0.1
Disproportionate share (DSH) revenue	68,295	101,620	(33,325)	(32.8)
Other operating revenue	26,095	21,547	4,548	21.1
Total operating revenues	660,779	689,271	(28,492)	(4.1)
Operating expenses:				
Payroll and employee benefits	410,664	387,598	23,066	6.0
Professional fees	109,113	101,215	7,898	7.8
Purchased services	85,857	67,927	17,930	26.4
Supplies	117,877	112,402	5,475	4.9
Other operating expenses	29,185	31,367	(2,182)	(7.0)
Depreciation and amortization	41,615	41,178	437	1.1
Total operating expenses	794,311	741,687	52,624	7.1
Operating loss before pension and other post employment benefits amortization components	(133,532)	(52,416)	(81,116)	(154.8)
Pension benefit, amortization component	32,537	12,858	19,679	153.0
Other post employment benefits, amortization component	29,861	14,769	15,092	100.0
Operating loss	(71,134)	(24,789)	(46,345)	(187.0)
Non-operating revenues (expenses):				
Investment (loss) gain	(13,966)	2,803	(16,769)	(598.3)
Grant revenue	63,151	1,238	61,913	5,001.1
Paycheck Protection Program (PPP) loan forgiveness	-	10,000	(10,000)	(100.0)
Interest expense	(10,928)	(11,369)	441	3.9
Loss before capital grants and contributions	(32,877)	(22,117)	(10,760)	(48.7)
Capital grants	-	731	(731)	(100.0)
Capital contributions	-	13	(13)	(100.0)
Total change in net position	(32,877)	(21,373)	(11,504)	(53.8)
Net position—beginning of year	(235,541)	(213,795)	(21,746)	(10.2)
Cumulative effect of accounting change (see Note 8)	-	(373)	373	100.0
Net position—end of year	$ (268,418)	$ (235,541)	$ (32,877)	(14.0)

Statements of Revenues, Expenses, and Changes in Net Position (Continued)

Overall, operating revenues decreased by $28,492 or 4.1% in 2022 with changes attributable to the following:

- Net patient service revenue increased $285, or 0.1%, in 2022 as a result of a combination of overall decrease in patient volumes, an increase in contracted reimbursement rates, an increase in bad debt expense and a decrease in average reimbursement for certain services due to a change in patient acuity.
- DSH decreased by $33,325, or 32.8%, in 2022 as a result of an increase in the nursing home upper payment limit of $2,631, offset by a $35,956 decrease in federal DSH due to legislation that changes the DSH cap calculation to exclude Medicaid shortfalls from services provided to Medicaid-eligible beneficiaries who are dually eligible for Medicare or other coverage.

Operating expenses including the pension benefit and other post-employment benefit expenses increased $17,853 or 2.5%, in 2022. Expense changes are attributable to the following:

- Payroll and employee benefit expenses have increased by $23,066 or 6.0% as a result of increases in salaries due to new collective bargaining agreements that included significant market rate adjustments and premium pay incentives offered to fill open shifts due to staffing shortages resulting from the ongoing challenges of the COVID-19 pandemic. Salaries and employee benefit expense as a percent of net patient service revenue increased by 4.0%, from 68.5% in 2021 to 72.5% in 2022.
- Pension expense decreased by $18,717 or 100.3% as a result of favorable differences between projected and actual investment earnings on pension plan investments largely due to the 2021 plan valuation date of March 31, 2021, compared to the 2022 valuation date of March 31, 2022, and the impact of COVID-19 on the financial markets at that time and differences between expected and actual experience.
- Purchased services increased by $17,930 or 26.4% as a result of increased usage of agency staffing relating to nursing and cleaning services.
- OPEB benefit increased $28,664 or 108.0% as a result of favorable differences between projected and actual experience of net claims cost and benefit payment made to current employees.

Capital Assets, Net

At December 31, 2022, the Corporation had capital assets, including lease assets, net of accumulated depreciation of $328,170 compared to $348,816 at December 31, 2021, representing a decrease of $20,646 or 5.90%.

During 2022, the Corporation invested $21,753 in various capital assets ($12,864) and capital leases ($8,889). Noteworthy investments in capital assets include continued investment into building envelope improvements ($3,219) and purchases of other medical and non-medical equipment, furniture and fixtures, and information systems infrastructure investments. Noteworthy additions to capital leases include various robotic surgery equipment ($3,926), patient beds ($2,941) and other various leased medical and non-medical equipment. GASB Statement No. 87, Leases, establishes the foundational principle that leases are financing of the right-to-use an underlying asset for a period of time. The Corporation recorded lease assets, net of accumulated depreciation, in the amount of $30,054 and $27,779 in 2022 and 2021, respectively.

Forward-Looking Factors

Management has prepared the following forward-looking factors to assist the reader in understanding the financial, economic and market factors impacting the Corporation:

Collective Bargaining Agreements

The Corporation operates under three collective bargaining agreements that cover substantially all employees. Corporation employees of the Civil Service Employee Association (CSEA) are covered by a contract negotiated in concert with Erie County, New York, which contains a sub-bargaining unit representing only Corporation employees. The previous agreement ended in 2022, while a new agreement began January 1, 2023 and runs through December 31, 2027. Registered Nurses (RNs) are covered under an agreement with the New York State Nurses Association (NYSNA). This agreement began in 2019 and ran through December 31, 2022. The parties have mutually agreed to extend the terms through March 31, 2023, while a new agreement is being negotiated. The Corporation's agreement with the American Federation of State, County and Municipal Employees (AFSCME), a contract negotiated in concert with the County of Erie, New York, and ratified with AFSCME employees in 2022 runs through December 31, 2026.

Transactions with the County of Erie

The Corporation is a component unit of the County of Erie, New York. The County has ongoing contractual and legal obligations to the Corporation and the Corporation has ongoing contractual and legal obligations to the County.

Medicare and Medicaid Reimbursement

The future state of both reimbursement levels and reimbursement methods related to the Medicare and Medicaid programs remains uncertain. Budget proposals related to both of these programs for the upcoming year and beyond may significantly alter reimbursements or methodologies, thus changing the environment in which we conduct business as the Corporation relies heavily on these programs for reimbursement for services. The impact of these state and federal budget proposals are unknown at this time but could materially impact the Corporation.

Contacting the Corporation's Financial Management

This financial report is designed to provide our community and creditors with a general overview of Erie County Medical Center Corporation's finances and to demonstrate the Corporation's accountability for the resources it receives. If you have any questions about this report or need additional financial information, contact the Chief Financial Officer, Erie County Medical Center Corporation, 462 Grider Street, Buffalo, New York 14215.

Erie County Medical Center Corporation
(A Component Unit of the County of Erie)

Statements of Net Position
December 31, 2022 and 2021
(Dollars in Thousands)

	2022	2021
Assets and Deferred Outflows of Resources		
Current assets:		
Cash and cash equivalents	**$ 44,195**	$ 69,464
Investments	**7,253**	20,364
Assets whose use is limited	**99,078**	91,866
Patient accounts receivable, net	**83,569**	76,715
Other receivables	**62,430**	88,500
Supplies, prepaids and other	**15,515**	17,407
Total current assets	**312,040**	364,316
Assets whose use is limited	**58,438**	76,697
Capital assets, net	**328,170**	348,816
Net pension asset	**77,538**	-
Other assets, net	**7,780**	23,106
	471,926	448,619
Total assets	**783,966**	812,935
Deferred outflows of resources:		
Pension	**143,693**	220,050
Other post employment benefits	**22,684**	45,882
Other	**12,034**	13,463
Total deferred outflows of resources	**178,411**	279,395
Total assets and deferred outflows of resources	**$ 962,377**	$ 1,092,330
Liabilities, Deferred Inflows of Resources and Net Position		
Current liabilities:		
Current portion of long-term debt	**$ 11,716**	$ 11,316
Current portion of Medicare Advance Payment Program	**-**	20,879
Line of credit	**10,000**	-
Current portion of lease liability	**7,297**	6,728
Accounts payable	**72,449**	56,380
Accrued salaries, wages and employee benefits	**43,219**	39,345
Other post employment benefits	**12,061**	13,155
Accrued other liabilities	**39,788**	32,504
Unearned revenue	**98,319**	134,118
Total current liabilities	**294,849**	314,425
Long-term debt, net	**202,641**	214,358
Long-term lease liability, net	**23,190**	21,602
Net pension liability, net of current portion	**-**	915
Self-insured obligations	**48,883**	47,561
Other post employment benefits, net of current portion	**259,334**	365,951
Other	**5,457**	5,307
Total liabilities	**834,354**	970,119
Deferred inflows of resources:		
Pension	**280,189**	278,142
Other post employment benefits	**114,812**	77,301
Leases	**1,440**	2,309
Total deferred inflows of resources	**396,441**	357,752
Net Position:		
Net investment in capital assets	**82,489**	93,782
Restricted:		
Expendable	**80,719**	79,577
Unrestricted	**(431,626)**	(408,900)
Total net position	**(268,418)**	(235,541)
Total liabilities, deferred inflows of resources and net position	**$ 962,377**	$ 1,092,330

See notes to the financial statements.

Erie County Medical Center Corporation
(A Component Unit of the County of Erie)

Statements of Revenues, Expenses and Changes in Net Position
Years Ended December 31, 2022 and 2021
(Dollars in Thousands)

	2022	2021
Operating revenues:		
Net patient service revenue, net of provision for bad debts of $15,474 and $12,153 for 2022 and 2021, respectively	**$ 566,389**	$ 566,104
Disproportionate share revenue (DSH)	**68,295**	101,620
Other operating revenue	**26,095**	21,547
Total operating revenues	**660,779**	689,271
Operating expenses:		
Payroll and employee benefits	**410,664**	387,598
Professional fees	**109,113**	101,215
Purchased services	**85,857**	67,927
Supplies	**117,877**	112,402
Other operating expenses	**29,185**	31,367
Depreciation and amortization	**41,615**	41,178
Total operating expenses	**794,311**	741,687
Operating loss before pension benefit and other post employment benefits amortization components	**(133,532)**	(52,416)
Pension benefit, amortization component	**32,537**	12,858
Other post employment benefits, amortization component	**29,861**	14,769
Operating loss	**(71,134)**	(24,789)
Nonoperating revenues (expenses):		
Investment (loss) gain	**(13,966)**	2,803
Grant revenue	**63,151**	1,238
Paycheck Protection Program (PPP) loan forgiveness	**-**	10,000
Interest expense	**(10,928)**	(11,369)
Total nonoperating revenues (expenses)	**38,257**	2,672
Loss before capital grants and capital contributions	**(32,877)**	(22,117)
New York State (NYS) capital grants	**-**	731
Capital contributions	**-**	13
Total change in net position	**(32,877)**	(21,373)
Net position—beginning of year, as previously reported	**(235,541)**	(213,795)
Cumulative effect of accounting change (see Note 8)	**-**	(373)
Net position—beginning of year, as restated	**(235,541)**	(214,168)
Net position—end of year	**$ (268,418)**	$ (235,541)

See notes to the financial statements.

Erie County Medical Center Corporation
(A Component Unit of the County of Erie)

Statements of Cash Flows
Years Ended December 31, 2022 and 2021
(Dollars in Thousands)

	2022	2021
Cash flows from operating activities:		
Receipts from patients and third-party payors	**$ 585,894**	$ 546,821
Payments to Medicare Advance Payment Program	**(20,879)**	(18,222)
Payments to employees for salaries and benefits	**(389,561)**	(382,535)
Payments to vendors for supplies and other	**(293,557)**	(308,916)
Other receipts	**31,591**	129,528
Net cash used in operating activities	**(86,512)**	(33,324)
Cash flows from capital and related financing activities:		
Purchases of capital assets	**(26,855)**	(23,714)
Borrowings on line of credit	**10,000**	-
Borrowings on long-term debt	**-**	1,221
Payments on long-term debt	**(11,317)**	(11,221)
Interest paid on long-term debt	**(10,928)**	(10,448)
Grants for capital purposes	**-**	731
Net cash used in capital and related financing activities	**(39,100)**	(43,431)
Cash flows from noncapital financing activities:		
Grant funding	**90,151**	1,238
Net cash provided by noncapital financing activities	**90,151**	1,238
Cash flows from investing activities:		
Sales of assets whose use is limited, net	**11,047**	25,828
Investment (loss) gain	**(13,966)**	2,803
Sales (purchases) of investments, net	**13,111**	(3,971)
Capital contributions	**-**	13
Net cash provided by investing activities	**10,192**	24,673
Net change in cash and cash equivalents	**(25,269)**	(50,844)
Cash and cash equivalents:		
Beginning	**69,464**	120,308
Ending	**$ 44,195**	$ 69,464

Noncash capital and related financing activities:
Included in accounts payable at December 31, 2022 and 2021, was $2,737 and $8,623, respectively, of invoices related to capital asset acquisitions.

(Continued)

Erie County Medical Center Corporation
(A Component Unit of the County of Erie)

Statements of Cash Flows (Continued)
Years Ended December 31, 2022 and 2021
(Dollars in Thousands)

	2022	2021
Reconciliation of operating loss to net cash used in operating activities:		
Operating loss	**$ (71,134)**	$ (24,789)
Adjustments to reconcile operating loss to net cash used in operating activities:		
Depreciation and amortization	**41,615**	41,178
Provision for bad debts	**15,474**	12,153
Changes in assets, deferred outflows, liabilities and deferred inflows:		
Patient accounts receivable	**(22,328)**	(10,152)
Medicare Advance Payment Program	**(20,879)**	(18,222)
Other receivables	**26,070**	(22,619)
Supplies, prepaids and other	**17,218**	3,017
Deferred outflows of resources	**100,984**	(40,179)
Accounts payable	**21,955**	4,378
Accrued liabilities	**13,176**	(2,515)
Unearned revenue	**(62,799)**	6,410
Estimated third-party payor settlements	**289**	1,335
Self-insured obligations	**1,322**	5,909
Net pension (asset)/liability	**(78,453)**	(224,282)
OPEB	**(107,711)**	(18,815)
Deferred inflows of resources	**38,689**	253,869
Net cash used in operating activities	**$ (86,512)**	$ (33,324)

See notes to the financial statements.

Erie County Medical Center Corporation
(A Component Unit of the County of Erie)

Statements of Net Position—Discretely Presented Component Units
December 31, 2022 and 2021
(Dollars in Thousands)

	2022				2021			
	ECMC Foundation, Inc.	The Grider Initiative, Inc.	Research for Health in Erie County, Inc.	Aggregate Total	ECMC Foundation, Inc.	The Grider Initiative, Inc.	Research for Health in Erie County, Inc.	Aggregate Total
Assets								
Current assets:								
Cash and cash equivalents	$ 2,337	$ 271	$ 2	$ 2,610	$ 2,683	$ 271	$ 7	$ 2,961
Investments	-	-	1,092	1,092	-	-	1,124	1,124
Other receivables	1,597	-	-	1,597	2,122	-	-	2,122
Supplies, prepaids and other	408	-	-	408	37	-	-	37
Total current assets	4,342	271	1,094	5,707	4,842	271	1,131	6,244
Other receivables	1,030	-	-	1,030	1,616	-	-	1,616
Endowment and other investments	2,298	9,576	-	11,874	2,991	9,923	-	12,914
Equipment and vehicles, net	1	-	-	1	2	-	-	2
	3,329	9,576	-	12,905	4,609	9,923	-	14,532
Total assets	$ 7,671	$ 9,847	$ 1,094	$ 18,612	$ 9,451	$ 10,194	$ 1,131	$ 20,776
Liabilities and Net Position								
Current liabilities:								
Accounts payable	$ 22	$ -	$ -	$ 22	$ 71	$ -	$ -	$ 71
Funds held in custody for others	596	-	-	596	657	-	-	657
Total current liabilities	618	-	-	618	728	-	-	728
Related party	2,522	-	-	2,522	3,969	-	-	3,969
Unearned revenue	509	-	-	509	1,181	-	-	1,181
Total liabilities	3,649	-	-	3,649	5,878	-	-	5,878
Net Position								
Restricted:								
Nonexpendable	50	10,000	-	10,050	50	10,000	-	10,050
Expendable	1,510	(153)	-	1,357	1,653	194	-	1,847
Unrestricted	2,462	-	1,094	3,556	1,870	-	1,131	3,001
Total net position	4,022	9,847	1,094	14,963	3,573	10,194	1,131	14,898
Total liabilities and net position	$ 7,671	$ 9,847	$ 1,094	$ 18,612	$ 9,451	$ 10,194	$ 1,131	$ 20,776

See notes to the financial statements.

Erie County Medical Center Corporation
(A Component Unit of the County of Erie)

Statements of Revenues, Expenses and Changes in Net Position—Discretely Presented Component Units
Years Ended December 31, 2022 and 2021
(Dollars in Thousands)

	2022				2021			
	ECMC Foundation, Inc.	**The Grider Initiative, Inc.**	**Research for Health in Erie County, Inc.**	**Aggregate Total**	ECMC Foundation, Inc.	The Grider Initiative, Inc.	Research for Health in Erie County, Inc.	Aggregate Total
Operating revenues:								
Grants, contributions and special events	**$ 3,396**	**$ -**	**$ -**	**$ 3,396**	$ 3,291	$ -	$ -	$ 3,291
Total operating revenues	**3,396**	**-**	**-**	**3,396**	3,291	-	-	3,291
Operating expenses:								
Program services and grants	**875**	**-**	**5**	**880**	1,233	218	5	1,456
Fundraising	**1,562**	**-**	**-**	**1,562**	581	8	-	589
Other operating expenses	**357**	**-**	**1**	**358**	857	7	1	865
Total operating expenses	**2,794**	**-**	**6**	**2,800**	2,671	233	6	2,910
Operating income (loss)	**602**	**-**	**(6)**	**596**	620	(233)	(6)	381
Nonoperating revenue:								
Investment (loss) income	**(153)**	**(347)**	**(31)**	**(531)**	-	212	50	262
Change in net position	**449**	**(347)**	**(37)**	**65**	620	(21)	44	643
Net position—beginning of year	**3,573**	**10,194**	**1,131**	**14,898**	2,953	10,215	1,087	14,255
Net position—end of year	**$ 4,022**	**$ 9,847**	**$ 1,094**	**$ 14,963**	$ 3,573	$ 10,194	$ 1,131	$ 14,898

See notes to the financial statements.

Note 1. Organization

The Corporation: Erie County Medical Center Corporation (referred to as the Corporation or ECMCC) is a public benefit corporation created by the Erie County Medical Center Corporation Act, Chapter 143 of the Laws of New York State, 2003 (Title 6 of Article 10-C of the Public Authorities Law) (the Act") as amended in 2016. The Corporation was created under the Act to secure a form of governance which permits the Corporation to have the legal, financial, and managerial flexibility to operate its health care facilities for the benefit of the residents of New York State (the State), the County of Erie (the County), and Western New York, including persons in need who lack the ability to pay.

The Corporation's "Health Care Facilities" consist of the Medical Center, a 573-bed acute tertiary care facility providing inpatient, emergency, outpatient, primary care and specialty clinic services (Medical Center), a 390-bed residential health care facility (Terrace View) both located on Grider Street in the City of Buffalo and three chemical dependency and alcohol rehabilitation clinics located throughout the County. The Corporation serves as the region's only Level 1 Adult Trauma Center, burn center, comprehensive traumatic brain injury and spinal cord injury rehabilitative center, Comprehensive Psychiatric Emergency Program provider for acute psychiatric emergencies, Regional Center of Excellence for Transplantation and Kidney Care.

The Corporation has the power under the Act to acquire, operate, and manage its facilities and to issue bonds and notes to finance the costs of providing such facilities. The Act specifically provides that the Corporation's existence shall continue until terminated by law; provided, however, that no such termination shall take effect so long as the Corporation shall have bonds or other obligations outstanding unless adequate provision has been made for the payment or satisfaction thereof. The Corporation's primary purpose is the operation of the Medical Center and Terrace View, and its powers, duties, and functions are as set forth in the Act, as amended, and other applicable laws.

The Corporation qualifies as a governmental entity and, accordingly, is exempt from federal income tax pursuant to Section 115 of the Internal Revenue Code of 1986.

In accordance with Governmental Accounting Standards Board (GASB) Statement No. 14, *The Financial Reporting Entity*, as amended, the Corporation's financial statements are included, as a discretely presented component unit, in the County's Annual Comprehensive Financial Report (ACFR). A copy of the ACFR can be obtained from the Erie County Comptroller's Office, 95 Franklin Street, Room 1100, Buffalo, New York, 14202. The Corporation is subject to New York civil service law.

Governance: The Corporation is governed by its Board of Directors (the Board) consisting of fifteen (15) voting directors, eight (8) of whom are appointed by the Governor of the State of New York and seven (7) of whom are appointed by the Erie County Executive with the advice and consent of the Erie County Legislature. There are four non-voting representatives, as well. The directors and non-voting members serve staggered terms and continue to hold office until their successors are appointed. Directors have experience in the fields of health care services, quality and patient safety, human resources, strategic growth, law, and financial management and reflect a broad representation of the community served by the Corporation. Regular meetings of the Board are scheduled eleven (11) times per year. Board leaders are appointed by the Board.

Note 1. Organization (Continued)

Great Lakes Heath System: The Corporation is a member of Great Lakes Health System of Western New York (Great Lakes). Great Lakes is a not-for-profit, community-based corporation comprised of unified partners whose objective is to provide the highest quality of healthcare to the residents of Western New York. Great Lakes is comprised of the Corporation, Kaleida Health (KH), The Center for Hospice and Palliative Care and the State University of New York at Buffalo (the University).

Great Lakes Health Integrated Network: The Corporation, together with KH has formed Great Lakes Health Integrated Network (GLIN) with each maintaining a 50% ownership interest. As of December 31, 2022 and 2021, capital contributions due to GLIN totaled $767 and $1,730, respectively. Contributions are used to pay for care coordination services, information systems infrastructure, a physician incentive program, and routine operating expenses.

Medical School Collaboration: The Corporation serves as a primary teaching hospital for the Jacobs School of Medicine and Biomedical Sciences of the State University of New York at Buffalo (the Medical School). An agreement governs the relationship between the Corporation and the Medical School. The Corporation serves as an integral part of the education and research mission of the Medical School by providing the clinical settings for the Medical School's public mission to educate and train physicians, nurses and other healthcare professionals, conduct clinical research programs and deliver healthcare services to patients. There are currently 187 full-time equivalent medical residents assigned to the Corporation in various Academic College of Graduate Medical Education accredited residency programs.

Component Units: Accounting principles generally accepted in the United States of America (U.S. GAAP) require the inclusion within the Corporation's financial statements of certain organizations as component units. The component units discussed below are included because the nature and significance of their relationship to the Corporation are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete under criteria set forth by the Governmental Accounting Standards Board (GASB).

The component unit information in the accompanying basic financial statements includes the financial data of the Corporation's three discretely presented component units. These component units are discussed in more detail below:

ECMC Foundation, Inc.: The ECMC Foundation, Inc. (the Foundation) is a not-for-profit organization exempt from federal income taxes under Section 501©(3) of the Internal Revenue Code (IRC). The Foundation was formed for the purpose of supporting Corporation programs. The financial statements of the Foundation have been prepared on an accrual basis. The annual financial report can be obtained by writing to: Executive Director, ECMC Foundation, Inc., 462 Grider Street, Buffalo, NY 14215.

The Grider Initiative, Inc.: The Grider Initiative, Inc. (the Physician Endowment) is a not-for-profit organization exempt from federal income taxes under Section 501(c)(3) of the IRC. The Physician Endowment was funded in 2010, for the purpose of recruiting physicians who shall practice on the Grider Street campus of the Corporation. The entity was funded with an initial transfer of $10,000 from the Corporation. Earnings from the investment of the initial transfer may be used only for physician recruitment and retention and necessary expenses of the entity. The financial statements of The Grider Initiative, Inc. have been prepared on an accrual basis. The annual financial report can be obtained by writing to: Chair, The Grider Initiative, Inc. 462 Grider Street, Buffalo, NY 14215.

Note 1. Organization (Continued)

Research for Health in Erie County, Inc.: Research for Health in Erie County, Inc. (RHEC) is a not-for-profit organization dedicated to support research activities relating to the causes, nature, and treatment of diseases, disorders, and defects of particular importance to the public health in areas served by the Corporation. RHEC is exempt from income tax as a not-for-profit corporation under Section 501(c)(3) of the IRC and is incorporated under the laws of the State of New York. RHEC has not received external funding in recent years and its revenue comes primarily from investment income. The annual financial report can be obtained by writing to: Grant Administration, Research for Health in Erie County, Inc., 462 Grider Street, Buffalo, NY 14215. Subsequent to year-end, RHEC was dissolved and the remaining net assets were transferred to the ECMC Foundation.

In addition, the financial statements of the Corporation include the operations of the following component units, which are blended with the accounts of the Corporation:

PPC Strategic Services LLC (PPC): The Corporation is the sole owner of this enterprise, which was established to enable the Corporation to enter into various other business relationships. The entity was formed as a management support organization (MSO) to provide various support services to the Corporation and Preferred Physician Care, P.C. These services include providing employees, management and administrative services, and facilities management.

Grider Support Services, LLC: The Corporation is the sole owner of this enterprise, which was formed to act as an MSO for oncology and physician services.

Grider Community Gardens, LLC: This entity is wholly-owned and controlled by the Corporation and was formed for the purpose of purchasing and holding properties in proximity to the Corporation's Grider Street Campus.

1827 Fillmore, LLC: This entity is controlled by the Corporation and was formed for the purchase and development of property immediately adjacent to the Corporation's Grider Street campus.

Note 2. Summary of Significant Accounting Policies

Basis of accounting: The Corporation uses the accrual basis of accounting. Revenue is recognized in the period it is earned and expenses are recognized in the period incurred. Under this basis of accounting, all assets, deferred outflows of resources, liabilities and deferred inflows of resources associated with the operation of the Corporation are included in the statements of net position.

For financial accounting and reporting purposes, the Corporation follows all pronouncements of the GASB. All references to relevant authoritative literature issued by the GASB with which the Corporation must comply are hereinafter referred to generally as U.S. GAAP. The discretely presented component units, as previously described, report under Financial Accounting Standards Board (FASB) standards. As such, certain revenue recognition criteria and presentation features are different from GASB revenue recognition criteria and presentation features.

Use of estimates: The preparation of the financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts in the financial statements and accompanying notes. The reserve for uncollectible accounts, contractual allowances, estimated third-party payor settlements, workers compensation reserves, malpractice reserves, net pension assets/obligations, other post-employment benefits, self-insured obligations, as well as Disproportionate Share (DSH) revenue and certain other accounts, require the use of estimates. Actual results could differ from those estimates.

Note 2. Summary of Significant Accounting Policies (Continued)

Included in net patient service revenue are adjustments to prior year estimated third-party payor settlements, and their related estimated receivables and payables that were originally recorded in the period the related services were rendered, as well as adjustments to the net realization rate for collections on patient accounts receivable. These adjustments are made in the normal course of operations and amounts reported are consistent with the approach in prior years. The adjustments to prior year estimates and other third-party reimbursement or recoveries that relate to prior years also impact DSH revenues as discussed in Note 5. The combined effect of changes related to prior years' estimates resulted in an increase of $196 and a decrease $565 in total operating revenues for the years ended December 31, 2022 and 2021, respectively.

Cash and cash equivalents: The Corporation's cash and cash equivalents include cash on hand and cash in checking and money market accounts as well as investments with a maturity of three months or less when purchased. Cash and cash equivalents designated for long-term purposes or received with donor-imposed restrictions limiting their use to long-term purposes are not considered cash and cash equivalents for purposes of the statements of cash flows. Monies deposited in Federal Deposit Insurance Corporation (FDIC) insured commercial banks are collateralized with specifically designated securities held by a pledging financial institution, as required by State regulations.

Patient accounts receivable: Patient accounts receivable are reported net of both an estimated allowance for contractual adjustments and an estimated allowance for uncollectible accounts. The contractual adjustments represent the difference between established billing rates and estimated reimbursement from Medicare, Medicaid and other third-party payor programs. Current operations are charged with an estimated provision for bad debts estimated based on the age of the account, prior experience and any other circumstances which affect collectability. The Corporation's policy does not require collateral or other security for patient accounts receivable and the Corporation routinely accepts assignment of, or is otherwise entitled to receive, patient benefits payable under health insurance programs, plans or policies. The allowance for estimated doubtful accounts at December 31, 2022 and 2021 was approximately $63,414 and $60,599, respectively.

Investments and assets whose use is limited: The Corporation generally records its investments at fair value. Such assets are comprised of cash and cash equivalents, including money market funds, fixed income securities, commercial paper and equity funds. Assets classified as investments are unrestricted. Assets classified as limited as to use are restricted under Board designation or terms of agreements with third parties and include debt service funds, funds for self-insured workers compensation costs and medical malpractice costs, collateral for insured workers compensation programs, patient and resident monies, funding for future retiree health costs, and funds limited as to use for the acquisition of property, plant and equipment.

Investment securities are exposed to various risks, such as interest rate, market and credit risk. Due to the level of risk associated with certain investment securities and the level of uncertainty related to changes in the fair value of investment securities, it is at least possible that changes in risks in the near term could materially affect the net position of ECMCC.

Note 2. Summary of Significant Accounting Policies (Continued)

Other receivables: The composition of other receivables, as of December 31 is as follows:

	2022	2021
DSH and Upper Payment Limit (UPL) (Note 5)	$ 50,330	$ 71,450
Due from affiliated organizations and joint ventures	1,928	1,928
Due from third-party payors	7,524	9,982
Health insurance rebates	-	260
Other	2,648	4,880
	$ 62,430	$ 88,500

Capital assets: Capital assets are stated at cost. Depreciation is computed under the straight-line method over the estimated useful life of the asset. Estimated useful lives of assets have been established as follows:

Land and land improvements	5 – 25 years
Buildings and improvements	10 – 40 years
Fixed equipment	10 – 20 years
Movable equipment	3 – 20 years

When assets are retired, or otherwise disposed of, the cost and related accumulated depreciation are removed from the accounts, and any resulting gain or loss is reflected for the period. Amortization of lease assets is computed using the straight-line method over the lease term or the estimated useful life of the underlying asset, whichever is shorter. Maintenance and repairs are charged to expense as incurred with significant renewals and betterments being capitalized.

Capital assets that are donated (without restriction) are recorded at their fair market values as a direct increase to the component of net investment in capital assets.

Deferred outflows of resources: Deferred outflows of resources represent a consumption of net position that applies to a future period(s) and therefore will not be recognized as an outflow of resources (expense) until that time. Deferred outflows of resources consist primarily of unrecognized items not yet charged to pension expense and retiree health expense related to the net pension (asset)/liability and post-employment benefit obligations, items related to the 2017 financing transaction as described below, amongst other deferred resources.

The 2017 financing transaction included the payment of points, in the amount of $17,040 to Erie County associated with the differential in interest rate on the 2017 financing using the credit rating of Erie County and the rate that the Corporation was projected to pay independent of a relationship with Erie County. The points are being amortized on the interest method over the term of the 2017 financing. The unamortized amount of points at December 31, 2022 and 2021, is $9,836 and $11,019, respectively. The 2017 financing transaction also included the advance refunding of the 2011 financing, the proceeds of which were used to finance the construction of the Terrace View Nursing Home on the Corporation's campus. The deposit required to the advance refunding escrow was greater than the balance outstanding on the 2011 financing in the amount of $2,038 and is being amortized on the interest method over the life of the advance refunding component of the transaction. The unamortized portion of this advance refunding at December 31, 2022 and 2021 is $834 and $1,030, respectively.

Note 2. Summary of Significant Accounting Policies (Continued)

Other assets: Amounts due from the County, as noted in Note 14 as well as ownership interests in various business enterprises are included in other assets.

Collaborative Care Ventures, LLC (Collaborative Care) was formed in 2014 by ECMCC and KH. Collaborative Care was created as a vehicle for ECMCC and KH to participate in various investments in the future consistent with their missions. At December 31, 2022 and 2021, the Corporation's share of the net assets of Collaborative Care amounted to $1,060 and $1,203, respectively.

Great Lakes Integrated Network (GLIN) was formed in 2018 by ECMCC and KH. GLIN was formed to support, manage and negotiate value-based contracts and/or risk-based contracts with third-party payors for the purpose of managing population health and anticipated payment reform. The Corporation's share of contributed capital supports organizational development and ongoing operations. The Corporation's share of GLIN's profit or loss is recognized as a non-operating expense. At December 31, 2022 and 2021, the Corporation's share of the net assets of GLIN amounted to $2,179 and $1,350, respectively.

Leases: The Corporation is a lessee for noncancellable leases of real estate and equipment. The Corporation recognizes a lease liability and an intangible right-to-use lease asset in the financial statements for leases. At the commencement of a lease, the Corporation measures the lease liability at the interest rate charged on the lease, if available, or otherwise discounted using the Corporation's incremental borrowing rate. The lease assets are amortized over the shorter of the lease term or the underlying asset useful life.

The Corporation is a lessor for noncancellable leases of real estate. The Corporation recognizes a lease receivable and deferred inflow of resources in the financial statements for these leases. At the commencement of the lease, the Corporation measures the lease receivable at the interest rate charged on the lease, if available, or otherwise discounted using the Corporation's incremental borrowing rate.

Unearned revenue: Unearned revenue represents funds received by the Corporation for the DSRIP, DSH Program and New York State Department of Health (NYSDOH) Vital Access Provider Assurance Program (VAPAP) not yet earned.

Compensated absences: The Corporation has accrued liabilities for certain compensated absences earned by its employees, to include vacation, sick, and compensatory time. The Corporation's employees are permitted to accumulate unused vacation and sick leave time up to certain maximum limits. The Corporation accrues the estimated obligation related to vacation pay based on pay rates currently in effect. Sick leave credits, if accumulated above certain prescribed levels, may be the basis of a supplemental payment to employees upon retirement. The Corporation accrues an estimated liability for these estimated terminal payments. These amounts have been included in the statements of net position at December 31, 2022 and 2021, within the caption accrued salaries, wages and employee benefits in the amount of $15,295 and $14,665, respectively.

Deferred inflows of resources: Deferred inflows of resources represent an acquisition of net position that applies to a future period(s) and therefore will not be recognized as an inflow of resources (revenue) until that time. Deferred inflows of resources consist primarily of the unamortized portion of certain items related to the Corporation's pension, other post-employment benefits and the value of the lease receivable plus any payments received at or before the commencement of the lease term that relates to future periods.

Note 2. Summary of Significant Accounting Policies (Continued)

Net position: Net position is classified into three categories according to external donor restrictions or availability of assets for satisfaction of the Corporation's obligations. The Corporation's net position is described as follows:

Net investment in capital assets: This represents the Corporation's total investment in capital assets, net of accumulated depreciation and reduced by outstanding debt and deferred inflows and outflows of resources that are attributable to the acquisition, construction or improvement of those assets. To the extent debt has been incurred but not yet expended for capital assets, such amounts are not included as a component of net investment in capital assets.

Restricted: The restricted expendable component of net position consists of constraints placed on net position through external constraints imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or constraints imposed by law through constitutional provisions or enabling legislation. The restricted nonexpendable component of net position is permanently unavailable for use. The earnings on the nonexpendable net position are classified as restricted expendable.

Unrestricted: This component of net position consists of net position that does not meet the definition of other components of net position described above. These resources are used for transactions relating to the general health care operations of the Corporation and may be used at the discretion of the Board of Directors to meet current expenses for any purpose.

Net patient service revenue: Net patient service revenue is reported as services are rendered at estimated net realizable amounts, including estimated retroactive revenue adjustments under reimbursement agreements with third-party payors. Estimated settlements under third-party reimbursement agreements are accrued in the period the related services are rendered and adjusted in future periods as final settlements are determined. An estimated provision for bad debts is included in net patient service revenue.

Charity care: The Corporation provides care to patients who meet certain criteria under its charity care policy, without charge or at amounts less than established rates. Because the Corporation does not pursue collection of amounts determined to qualify as charity care, they are not reported as net patient service revenue in the accompanying statements of revenues, expenses, and changes in net position. The estimated costs of caring for charity care patients were $4,602 and $3,119 for the years ended December 31, 2022 and 2021, respectively. Additionally, the Corporation provided approximately $2,517 and $1,837 in discounts to self-pay patients for the years ended December 31, 2022 and 2021, respectively.

Contributions: The Foundation reports gifts of cash or promises to give as restricted contributions when they are received with donor stipulations that limit the use of the donated assets. When the intent of the donor is that the assets are to remain in perpetuity and the Foundation does not have the right to invade the original principal, the assets are reported as with donor restrictions. When a donor restriction expires, restricted—expendable net positions are released to unrestricted net position. The Foundation conducted a capital campaign to raise funds to support the construction of a new Level 1 Adult Trauma Center, Emergency Department and other capital needs in support of the mission of the Corporation. Receivables for pledges associated with this campaign are recorded net of a reserve for uncollectible pledges and are discounted to present value using a 3.88% discount rate, over the expected collection period of the pledges.

Note 2. Summary of Significant Accounting Policies (Continued)

Classification of revenues: The Corporation has classified its revenues as either operating or non-operating revenues according to the following criteria:

Operating revenues: Operating revenues include activities that have the characteristics of exchange transactions, such as payments for providing services and payments for goods and services received, for health care services provided to patients, net of contractual adjustments and provisions for bad debts.

Nonoperating revenues: Nonoperating revenues include activities that have the characteristics of nonexchange transactions, such as gifts and contributions, CARES Act and ARP Act Provider Relief Funds, NYSDOH grant funding, Federal Emergency Management Agency (FEMA) funding and forgiveness of the Paycheck Protection Program (PPP) loan, income from investments and contributions.

Income taxes: The Corporation is a Public Benefit Corporation of the State of New York and is exempt from federal income taxes under Section 115 of the Internal Revenue Code. Accordingly, no provision for income taxes has been made in the accompanying financial statements.

Contributed services: RHEC receives contributions from the Corporation consisting primarily of donated space, equipment, and personnel support. During 2022 and 2021, the value of contributed services meeting the requirements for recognition in the financial statements was not material and has not been recorded.

Certain immaterial amounts related to contributed rents have been reflected in the Foundation's financial statements as contribution revenue. The Foundation generally pays for services requiring specific expertise. However, many individuals volunteer their time and perform a variety of tasks that assist the Foundation in meeting its goals and objectives. Such services are not recognized in the Foundation financial statements.

No amounts have been reflected in the Physician Endowment financial statements for contributed services, as the value of contributed services meeting the requirements for recognition in the financial statements was not material.

Recent and pending accounting pronouncements: Effective January 1, 2021, the Corporation adopted GASB Statement No. 87, *Leases*. The objective of this Statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. This Statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities. There was no material impact on the Corporation's financial statements due to the adoption of Statement No. 87. See Note 8 for further details regarding the implementation of this standard.

Note 2. Summary of Significant Accounting Policies (Continued)

Effective January 1, 2022, the Corporation adopted GASB Statement No. 91, *Conduit Debt Obligations*. The primary objectives of this Statement are to provide a single method of reporting conduit debt obligations by issuers and eliminate diversity in practice associated with: (1) commitments extended by issuers, (2) arrangements associated with conduit debt obligations, and (3) related note disclosures. This Statement achieves those objectives by clarifying the existing definition of a conduit debt obligation; establishing that a conduit debt obligation is not a liability of the issuer; establishing standards for accounting and financial reporting of additional commitments and voluntary commitments extended by issuers and arrangements associated with conduit debt obligations; and improving required note disclosures. There was no material impact on the Corporation's financial statements due to the adoption of this standard.

Effective January 1, 2022, the Corporation adopted GASB Statement No. 92, *Omnibus 2020.* The objectives of this Statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing practice issues that have been identified during implementation and application of certain GASB Statements. There was no material impact on the Corporation's financial statements due to the adoption of this standard.

Effective January 1, 2022, the Corporation adopted GASB Statement No. 93, *Replacement of Interbank Offered Rates.* As a result of global reference rate reform, LIBOR is expected to cease to exist in its current form at the end of 2021, prompting governments to amend or replace financial instruments for the purpose of replacing LIBOR with other reference rates, by either changing the reference rate or adding or changing fallback provisions related to the reference rate. The objective of this Statement is to address those and other accounting and financial reporting implications that result from the replacement of an interbank offered rate (IBOR). There was no material impact on the Corporation's financial statements due to the adoption of this standard.

In May 2020, GASB issued Statement No. 96, *Subscription-Based Information Technology Arrangements*. This Statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements (SBITAs) for government end users. This Statement: (1) defines a SBITA; (2) establishes that a SBITA results in a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability; (3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and (4) requires note disclosures regarding a SBITA. To the extent relevant, the standards for SBITAs are based on the standards established in Statement No. 87, *Leases*. A SBITA is defined as a contract that conveys control of the right to use another party's information technology software alone or in combination with tangible capital assets as specified in the contract for a period of time in an exchange or exchange-like transaction. The requirements of this Statement are effective for fiscal years beginning after June 15, 2022. The Corporation has not yet determined the impact this statement will have on the financial statements.

Note 2. Summary of Significant Accounting Policies (Continued)

Effective January 1, 2022, the Corporation adopted GASB Statement No. 97, *Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans*. The primary objectives of this Statement are to: (1) increase consistency and comparability related to the reporting of fiduciary component units in circumstances in which a potential component unit does not have a governing board and the primary government performs the duties that a governing board typically would perform; (2) mitigate costs associated with the reporting of certain defined contribution pension plans, defined contribution other postemployment benefit (OPEB) plans, and employee benefit plans other than pension plans or OPEB plans (other employee benefit plans) as fiduciary component units in fiduciary fund financial statements; and (3) enhance the relevance, consistency, and comparability of the accounting and financial reporting for Internal Revenue Code (IRC) Section 457 deferred compensation plans (Section 457 plans) that meet the definition of a pension plan and for benefits provided through those plans. This Statement requires that for purposes of determining whether a primary government is financially accountable for a potential component unit, except for a potential component unit that is a defined contribution pension plan, a defined contribution OPEB plan, or another employee benefit plan (for example, certain Section 457 plans), the absence of a governing board should be treated the same as the appointment of a voting majority of a governing board if the primary government performs the duties that a governing board typically would perform. There was no material impact on the Corporation's financial statements due to the adoption of this standard.

In April 2022, GASB issued Statement No. 99, *Omnibus 2022.* The objectives of this Statement are to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing (1) practice issues that have been identified during implementation and application of certain GASB Statements and (2) accounting and financial reporting for financial guarantees. The requirements of this Statement are effective at various dates as outlined in the Statement. The Corporation does not anticipate the adoption of this standard will have a significant impact on the financial statements.

In June 2022, GASB issued Statement No. 100, *Accounting Changes and Error Corrections—An Amendment of GASB No. 62.* This Statement defines *accounting changes* as changes in accounting principles, changes in accounting estimates, and changes to or within the financial reporting entity and describes the transactions or other events that constitute those changes. As part of those descriptions, for (1) certain changes in accounting principles and (2) certain changes in accounting estimates that result from a change in measurement methodology, a new principle or methodology should be justified on the basis that it is preferable to the principle or methodology used before the change. That preferability should be based on the qualitative characteristics of financial reporting—understandability, reliability, relevance, timeliness, consistency, and comparability. This Statement also addresses corrections of errors in previously issued financial statements. The requirements of this Statement are effective for accounting changes and error corrections made in fiscal years beginning after June 15, 2023, and all reporting periods thereafter. Earlier application is encouraged. The Corporation does not anticipate the adoption of this standard will have a significant impact on the financial statements.

Note 2. Summary of Significant Accounting Policies (Continued)

In June 2022, GASB issued Statement No. 101, *Compensated Absences*. The objective of this Statement is to better meet the information needs of financial statement users by updating the recognition and measurement guidance for compensated absences. That objective is achieved by aligning the recognition and measurement guidance under a unified model and by amending certain previously required disclosures. The requirements of this Statement are effective for fiscal years beginning after December 15, 2023, and all reporting periods thereafter. Earlier application is encouraged. The Corporation has not yet determined the impact this statement will have on the financial statements.

Reclassifications: Certain prior-year amounts have been reclassified to conform to the current-year presentation. Such reclassifications had no effect on previously reported operating loss/income or changes in net position.

Subsequent events: The Corporation has evaluated subsequent events for potential recognition and/or disclosure through March 21, 2023, the date the financial statements were issued.

Note 3. Coronavirus Pandemic (COVID-19)

In response to the impact on the healthcare environment from the COVID-19, the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the American Rescue Plan (ARP) Act were enacted by Congress during 2020 and 2021. These Acts included a variety of economic assistance provisions for businesses and individuals. They include provisions to support healthcare providers and patients in the form of grants, payments for uninsured patients, and changes to Medicare and Medicaid payments, among other types of relief. COVID-19 has had a significant impact on the results of the Corporation's operations since 2020. The Corporation, under New York State regulations, suspended non-emergent and non-critical surgeries, procedures and appointments beginning in mid-March through May in 2020 and again beginning in early December 2020 through January 2021. ECMCC voluntarily suspended non-emergent and non-critical surgeries again on September 27, 2021, due to capacity constraints, while New York State imposed broader suspensions of surgeries which ran from early December 2021 through February 2022 due to COVID-19. These suspensions along with other New York State requirements resulted in substantial decreases to hospital revenue and an increase in expenses due to the purchase of Personal Protective Equipment (PPE), lab equipment and testing supplies, cleaning services, increases in personnel costs and other preparedness measures taken related to COVID-19.

Under certain provisions in the CARES and ARP Acts, the Corporation recognized benefits totaling $8,395 and $1,238, in its statements of revenues, expenses and changes in net position, for the years ended December 31, 2022 and 2021, respectively. The benefit is entirely comprised of distributions from the Provider Relief Fund established under these Acts and is recognized as non-operating revenue. During 2020, the Corporation also deferred payment of $10,926 for the employer portion of the Social Security payroll taxes as allowed by the CARES Act which has been recorded in the statements of net position as a current liability within the accrued salaries, wages and employee benefits caption at December 31, 2021. In accordance with the CARES Act, 50% of the deferred payroll tax was paid on January 3, 2022, with the remainder paid on January 3, 2023.

Note 3. Coronavirus Pandemic (COVID-19) (Continued)

Under the CARES Act, the Centers for Medicare & Medicaid Services (CMS) expanded the Medicare Accelerated and Advance Payment Program to provide necessary funds to Medicare providers to assist with the disruption in claims submission and claims processing. During 2020, the Corporation received advance payments under this program totaling $39,101. Amounts provided under the Medicare Accelerated and Advance Payment Program began to be recouped against Medicare claim payments in 2021. As of December 31, 2022, Medicare had recouped the advance in its entirety with $20,879 recouped during 2022 and $18,222 recouped during 2021. Under certain provisions of the CARES Act, the Corporation applied for and received a Paycheck Protection Program (PPP) loan in the amount of $10,000. During August 2021, the Corporation received notice that the $10,000 loan along with $126 of accrued interest had been forgiven in full and has been recognized in the statements of revenues, expenses, and changes in net position as non-operating revenue.

The CARES Act also includes financial relief through FEMA's Disaster Relief Fund. As of December 31, 2022 the Corporation has received $2,757 from FEMA to reimburse eligible incremental expenses as a result of COVID-19. The Corporation will continue to submit for grant reimbursement for any remaining eligible COVID-19 expenses under this program. Costs claimed under FEMA may not be reimbursed by any other funding source or payor, and may not be claimed though Provider Relief Funds (PRF) or other grants.

Note 4. Net Patient Service Revenue and Patient Accounts Receivable

The Corporation has agreements with third-party payors that provide for payment to the Corporation at amounts different from its established rates. A summary of the payment arrangements for hospital services with major third-party payors is as follows:

Medicare: Inpatient acute care services rendered to Medicare program beneficiaries are paid at prospectively determined rates per discharge and per patient day depending on the service. Acute care rates vary according to a patient classification system that is based on clinical, diagnostic, and other factors. Certain inpatient and outpatient services, as well as defined organ acquisition, capital and medical education costs related to Medicare beneficiaries are paid based on regulatory proscribed formulae. The Corporation is reimbursed for such items at a tentative rate with final settlement determined after submission of annual cost reports by the Corporation and audits thereof by the Medicare fiscal intermediary. The Corporation's classification of patients under the Medicare program and the appropriateness of their admission are subject to an independent review by a peer review organization under contract with the Corporation. Most outpatient reimbursements are based on an Ambulatory Payment Classification weighting by acuity system, although some outpatient cost reimbursement still exists.

Medicaid: Inpatient services rendered to Medicaid program beneficiaries are reimbursed at prospectively determined rates in accordance with Part 86 of the New York Codes, Rules and Regulations and New York State Law which are promulgated by the New York State Department of Health (DOH). Outpatient services are similarly paid at either prospective rates or fee schedule amounts.

Note 4. Net Patient Service Revenue and Patient Accounts Receivable (Continued)

Under the New York Health Care Reform Act, the Corporation also enters into payment agreements with certain commercial insurance carriers, health maintenance organizations, and preferred provider organizations. The basis for payment to the Corporation under these agreements includes prospectively determined rates, discounts from charges, and prospectively determined per diem rates. Medicaid, Workers' Compensation and No-fault continue to have reimbursement rates determined based on New York's Prospective Reimbursement Methodology.

Terrace View provides services to residents under agreements with third-party payors (Medicaid, Medicare and HMO's) under provisions of their respective cost reimbursement formulas or contractually negotiated rates. If amounts received are less than established billing rates, the difference is accounted for as a reduction of revenue. Final determination of the reimbursement rates are subject to review by appropriate third-party payors. Provisions are made in the financial statements for anticipated adjustments that may result from such reviews. The difference between the estimated amounts accrued and final settlements are reported in operations in the year of settlement.

Net patient service revenue, as reported on the statements of revenues, expenses and changes in net position, is comprised of the following for the years ended December 31:

	2022	2021
Gross charges	$ 1,514,854	$ 1,438,212
Less:		
Discounts and allowances	932,991	859,955
Provision for bad debts	15,474	12,153
	$ 566,389	$ 566,104

Net patient service revenue by payor for the years ended December 31 is as follows:

	2022		2021	
		%		%
Medicare*	$ 229,412	40.5%	$ 218,759	38.6%
Medicaid*	156,183	27.6%	163,097	28.8%
Commercial and other third-party payors	153,322	27.1%	152,806	27.0%
No-fault	23,968	4.2%	28,358	5.0%
Self-pay	3,504	0.6%	3,084	0.5%
	$ 566,389	100.0%	$ 566,104	100.0%

*Medicare and Medicaid include Managed Care plans.

Laws and regulations governing Medicare, Medicaid, and other third-party payor programs are extremely complex and subject to interpretation. As a result, there is at least a reasonable possibility that recorded estimates could change by a material amount in future periods. The Corporation believes that it is in compliance with all applicable laws and regulations and is not aware of any pending or threatened investigations involving allegations of potential wrongdoing. Compliance with such laws and regulations can be subject to future government review and interpretation as well as significant regulatory action including fines, penalties, and exclusion from the Medicare and Medicaid programs.

Note 4. Net Patient Service Revenue and Patient Accounts Receivable (Continued)

Patient accounts receivable consist of the following at December 31:

	2022	2021
Gross accounts receivable	$ 271,115	$ 254,858
Less:		
Discounts and allowances	124,132	117,544
Allowance for bad debts	63,414	60,599
	$ 83,569	$ 76,715

Concentration of credit risk: The Corporation grants credit without collateral to its patients, most of whom are insured under third-party payor arrangements. The mix of net receivables from patients and third-party payors at December 31 is as follows:

	2022	2021
Medicare*	35.6%	36.4%
Medicaid*	32.1%	30.3%
Commercial and other third party payors	27.7%	28.1%
No-fault	3.7%	2.8%
Self-pay	0.9%	2.4%
Total	100.0%	100.0%

*Medicare and Medicaid include Managed Care plans.

Note 5. Disproportionate Share (DSH) Revenue

The Medicaid DSH program is designed to provide funds to certain hospitals to help offset the cost of uncompensated care provided to the uninsured. Each state has a specified Federal DSH allotment. In addition, New York State law authorizes the New York State Department of Health (DOH) to make supplemental DSH medical assistance payments to public hospitals located in Erie County, Nassau County, and Westchester County. For long term care facilities, DSH revenue is recognized in accordance with Upper Payment Limit (UPL) regulations promulgated by the Centers for Medicare and Medicaid Services (CMS).

In 2022 and 2021, DSH funding recorded by the Corporation totaled $68,295 and $101,620, respectively. The DSH funding process is complex and includes both tentative and final settlements for various state fiscal years which are subject to the availability of state and federal funding among other factors. As a result, DSH revenue is estimated and final settlements may vary significantly from the initial estimates.

For hospital services, DSH revenue of $58,295 and $94,251 was recognized in 2022 and 2021, respectively. In addition, during 2022 and 2021, the Corporation recognized $10,000 and $7,369, respectively, of UPL revenue for Terrace View. UPL revenue has been recognized based off New York State fiscal year 2021-2022, as determined by the DOH, using cost report year 2019 data.

Note 5. Disproportionate Share (DSH) Revenue (Continued)

In addition, CMS has indicated that cost reports dating back to the 2020 reporting year and the methodology employed to calculate DSH revenue are subject to audit. At this time, the impact of the CMS audit activity on the Corporation's DSH revenue is not certain. Management has taken what it believes to be reasonable and appropriate steps to assure compliance with the CMS methodology.

Note 6. Cash and Cash Equivalents, Investments, and Assets Whose Use is Limited

Cash and cash equivalents and investments: The Corporation's investments are made in accordance with State regulations and its own investment policy. The investment policy is regularly reviewed by an investment committee of the Board which evaluates the performance of investment managers and monitors compliance with the investment policy.

The Corporation's investments are generally reported at fair value, as discussed in Note 2. The carrying amounts of cash and cash equivalents, investments and assets whose use is limited are included in the Corporation's statements of net position as follows:

	2022	2021
Cash and cash equivalents	$ 44,195	$ 69,464
Investments	7,253	20,364
Assets whose use is limited—current	99,078	91,866
Assets whose use is limited—noncurrent	58,438	76,697
	$ 208,964	$ 258,391
Current portion of assets whose use is limited:		
Patient and residents trust cash	$ 362	$ 471
Restricted for debt service [a]	2,360	2,309
Designated for self-insurance obligations [b]	9,356	8,945
Designated for retiree health obligations [b]	12,061	11,676
Designated for DSRIP program [b]	68,534	67,555
NYS voluntary defined contribution plan escrow	129	47
Medical and dental staff funds	1,004	863
Restricted—self-insured workers compensation collateral [d]	5,272	-
Total current portion of assets whose use is limited	$ 99,078	$ 91,866
Noncurrent portion of assets whose use is limited:		
Restricted for debt service [a]	$ 9,825	$ 9,713
Designated for long-term investment [b]	9,099	18,595
Designated for retiree health obligations [b]	12,770	13,155
Designated for self-insurance obligations [b]	21,808	29,872
Restricted—insured workers compensation collateral [c]	4,936	5,362
Total noncurrent portion of assets whose use is limited	$ 58,438	$ 76,697

[a] Funds restricted by operation of indenture agreement
[b] Funds internally designated by operation of Board authority
[c] Funds restricted—insured workers compensation collateral agreement
[d] Funds restricted—self-insured workers compensation collateral agreements

Note 6. Cash and Cash Equivalents, Investments, and Assets Whose Use is Limited (Continued)

The Corporation's cash and cash equivalents, as well as investments, are exposed to various risks, including credit, custodial credit, interest rate, and market risks, as discussed in more detail below:

Deposits

All monies are deposited with banks or trust companies designated by the Corporation's investment committee of the Board of Directors. Funds not needed for immediate expenditure may be deposited in interest or non-interest-bearing accounts or invested in various marketable securities and bonds.

Custodial credit risk: Custodial credit risk is the risk that, in the event of bank failure, the Corporation's deposits might not be recovered. FDIC insurance through December 31, 2022 for funds held in interest bearing accounts is $250 per depositor per category of legal ownership. New York law requires that deposits in excess of FDIC insured amounts are collateralized. The Corporation's bank deposits at December 31, 2022 and 2021, totaled $50,760 and $77,764, of which $1,043 and $1,048, respectively, were insured. Amounts over FDIC insured limits were fully collateralized with securities held by the pledging financial institution.

Investments

The Corporation's investment policy authorizes the Corporation to invest in accordance with New York State Finance Law Section 8(14), Section 201 and Public Authorities Law Article 9 Section 2800 to 2985, as well as the relevant provisions of the ECMCC Act. Compliance with the policy is monitored by the Corporation's investment committee and reported on regularly throughout the year by the Corporation's investment advisor.

Credit risk: Credit risk is the risk that the issuer or other counterparty to an investment will not fulfill its obligation, causing the Corporation to experience a loss of principal. The Corporation's investment policy limits investments in equity and fixed income securities with ratings only in the highest category. ECMCC's investments in government bonds carry the explicit guarantee of the U.S. government. The corporate bonds, short-term fixed income and government bonds are all rated AA+ or better by the Standards & Poor's rating agency.

Interest rate risk: Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Corporation's cash equivalent securities are limited to maturities of no greater than eighteen months; short-term fixed income securities are limited to maturities of no greater than five years; and long-term fixed income securities are limited to maturities to no more than ten years. Substantially all of the Corporation's investments and assets whose use is limited have stated maturities of less than one year.

Custodial credit risk: For an investment, custodial credit risk is the risk that, in the event of the failure of the counterparty, the Corporation will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. The Corporation's investment policy does not address custodial credit risk.

Note 6. Cash and Cash Equivalents, Investments, and Assets Whose Use is Limited (Continued)

Concentration of credit risk: Concentration of credit risk is the risk of loss attributable to the magnitude of investments in any single issuer. The Corporation's investment policy indicates the combined holdings of securities from one issuer shall not constitute more than 5.0% of the fund except for issues guaranteed directly or indirectly by the U.S. Government. The Corporation had no holdings in Federal National Mortgage Association (Fannie Mae) or Federal Home Loan Mortgage Corporation (Freddie Mac) issues at December 31, 2022 and 2021.

Fair value of financial instruments: Fair value is defined in the accounting standards as the amount that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Management utilizes valuation techniques that maximize the use of observable inputs (Levels 1 and 2) and minimize the use of unobservable inputs (Level 3) within the fair value hierarchy established by GASB. Assets and liabilities carried at fair value are required to be classified and disclosed in one of the following three categories:

Level 1: Valuations based on quoted prices in active markets for identical assets that the Corporation has the ability to access.

Level 2: Valuations based on quoted prices in active markets for similar assets, quoted prices in markets that are not active or for which all significant inputs are observable, directly or indirectly.

Level 3: Valuations based on inputs that are unobservable and significant to the overall fair value measurement. These are generally company generated inputs and are not market-based inputs. The Corporation has no Level 3 assets.

	2022			
	Level 1	Level 2	Level 3	Total
Cash and cash equivalents	$ 44,195	$ -	$ -	$ 44,195
Investments and assets whose use is limited:				
Cash and cash equivalents	96,213	-	-	96,213
Marketable equity securities:				
Small/Mid cap equities	4,117	-	-	4,117
Growth equities	1,459	-	-	1,459
Core equities	9,070	-	-	9,070
International equities	10,330	-	-	10,330
U.S. fixed income	43,580	-	-	43,580
Total investments and assets whose use is limited	164,769	-	-	164,769
Total	$ 208,964	$ -	$ -	$ 208,964

Note 6. Cash and Cash Equivalents, Investments, and Assets Whose Use is Limited (Continued)

	2021			
	Level 1	Level 2	Level 3	Total
Cash and cash equivalents	$ 69,464	$ -	$ -	$ 69,464
Investments and assets whose use is limited:				
Cash and cash equivalents	99,298	-	-	99,298
Marketable equity securities:				
Small/Mid cap equities	5,643	-	-	5,643
Growth equities	2,351	-	-	2,351
Core equities	14,040	-	-	14,040
International equities	12,974	-	-	12,974
U.S. fixed income	54,621	-	-	54,621
Total investments and assets whose use is limited	188,927	-	-	188,927
Total	$ 258,391	$ -	$ -	$ 258,391

Note 7. Capital Assets, Net

Capital asset activity for the years ended December 31 is as follows:

	2022			
	Beginning Balance	Additions	Disposals/ Transfers	Ending Balance
Capital assets—being depreciated:				
Land and land improvements	$ 41,624	$ 525	$ (983)	$ 41,166
Buildings and improvements	547,713	4,763	(7,384)	545,092
Fixed/major moveable equipment	160,780	5,632	(14,889)	151,523
Total capital assets – being depreciated	750,117	10,920	(23,256)	737,781
Less accumulated depreciation	(448,779)	(34,911)	22,382	(461,308)
Total capital assets – being depreciated, net	301,338	(23,991)	(874)	276,473
Capital assets – not being depreciated:				
Construction in progress	19,699	8,216	(6,272)	21,643
Capital assets, net excluding lease assets	$ 321,037	$ (15,775)	$ (7,146)	$ 298,116
			Lease assets, net (Note 8)	$ 30,054
			Total capital assets, net, as reported in statements of net position	$ 328,170

Note 7. Capital Assets, Net (Continued)

	2021			
	Beginning Balance	Additions	Disposals/ Transfers	Ending Balance
Capital assets—being depreciated:				
Land and land improvements	$ 40,455	$ 1,169	$ -	$ 41,624
Buildings and improvements	528,359	20,016	(662)	547,713
Fixed/major moveable equipment	193,387	4,144	(36,751)	160,780
Total capital assets— being depreciated	762,201	25,329	(37,413)	750,117
Less accumulated depreciation	(450,872)	(35,154)	37,247	(448,779)
Total capital assets— being depreciated, net	311,329	(9,825)	(166)	301,338
Capital assets—not being depreciated:				
Construction in progress	18,704	22,342	(21,347)	19,699
Capital assets, net excluding lease assets	$ 330,033	$ 12,517	$ (21,513)	$ 321,037
			Lease assets, net (Note 8)	$ 27,779
			Total capital assets, net, as reported in statements of net position	$ 348,816

Construction in progress at December 31, 2022 and 2021, includes costs associated with the new ambulatory electronic medical records system, and various mechanical, electrical, plumbing and building envelope improvements.

Depreciation expense amounted to $34,969 and $35,213 for the years ended December 31, 2022 and 2021, respectively.

Note 8. Leases

Effective January 1, 2021, the Corporation adopted GASB Statement No. 87, *Leases*. This change in accounting principles established new requirements for calculating and reporting the Corporation's lease activities. Beginning net position was restated for the effects of the Corporation's adoption of GASB Statement No. 87.

Lessee: The Corporation is a lessee for various noncancellable leases of real estate and equipment. The expected lease payments are discounted using the interest rate charged on the lease, if available, and are otherwise discounted using the Corporation's incremental borrowing rate. The right-to-use assets are amortized over the shorter of the lease term or the underlying asset useful life. Lease assets are reported within capital assets and lease liabilities are reported separately in the statements of net position.

Note 8. Leases (Continued)

Right-to-use lease assets by major class and the related accumulated amortization for the years ended December 31 is summarized as follows:

	2022			
	Beginning Balance	Additions	Retirements	Ending Balance
Lease assets being amortized:				
Real estate	$ 13,265	$ 428	$ -	$ 13,693
Equipment	20,490	8,502	-	28,992
Total lease assets being amortized	33,755	8,930	-	42,685
Less accumulated amortization:				
Real estate	1,135	1,193	-	2,328
Equipment	4,841	5,462	-	10,303
Total accumulated amortization	5,976	6,655	-	12,631
Lease asset, net of accumulated amortization	$ 27,779	$ 2,275	$ -	$ 30,054

	2021			
	Beginning Balance	Additions	Retirements	Ending Balance
Lease assets being amortized:				
Real estate	$ 1,040	$ 12,225	$ -	$ 13,265
Equipment	18,344	2,146	-	20,490
Total lease assets being amortized	19,384	14,371	-	33,755
Less accumulated amortization:				
Real estate	-	1,135	-	1,135
Equipment	-	4,841	-	4,841
Total accumulated amortization	-	5,976	-	5,976
Lease asset, net of accumulated amortization	$ 19,384	$ 8,395	$ -	$ 27,779

As of December 31, 2022, the principal and interest requirements to maturity for the lease liability are as follows:

	Principal	Interest	Total
2023	$ 7,297	$ 933	$ 8,230
2024	6,135	693	6,828
2025	5,440	508	5,948
2026	3,039	334	3,373
2027	1,909	250	2,159
2028-2032	4,519	725	5,244
2033-2037	2,148	120	2,268
	$ 30,487	$ 3,563	$ 34,050

Note 8. Leases (Continued)

Lessor: The Corporation leases real estate to external parties. In accordance with GASB Statement No. 87, *Leases*, the Corporation records lease receivables and deferred inflows of resources based on the present value of expected receipts over the term of the respective leases. The Corporation recognized lease receivables (reported within other assets in the statements of net position) of $501 and $2,357 at December 31, 2022 and 2021, respectively, deferred inflows of resources of $1,440 and $2,309 at December 31, 2022 and 2021, respectively, and lease revenue of $931 and $1,145 during the years ended December 31, 2022 and 2021, respectively.

Note 9. Accrued Other Liabilities

The composition of accrued other liabilities as of December 31 is as follows:

	2022	2021
Due to Erie County	$ 11,880	$ 5,584
Due to joint venture	767	1,729
Medical malpractice claims	1,800	1,815
Other	12,931	11,727
Estimated third-party payor settlements	2,736	2,447
Asset retirement obligations	2,118	2,071
Workers compensation claims	7,556	7,131
Total	$ 39,788	$ 32,504

GASB Statement No. 83, *Certain Asset Retirement Obligations,* establishes criteria for determining the timing and pattern of recognition of a liability and a corresponding deferred outflow of resources for asset retirement obligations (AROs). An ARO is a legally enforceable liability associated with the retirement of a tangible capital asset. In accordance with this Statement, the Corporation completes an analysis of assets meeting the criteria of an ARO for specific types of medical equipment such as medical imaging equipment (e.g., MRIs, CT scanners, and PET scanners), X-Rays, and ultrasounds as well as computers containing information protected by HIPAA laws, and certain types of laboratory equipment. In addition, the Corporation evaluates the requirements for disposal of underground fuel and lab acid tanks. The Corporation determined, based on industry standards for disposition of similar assets, the total asset retirement obligation totaled $2,118 and $2,071 at December 31, 2022 and 2021, respectively. The assets have a remaining useful life ranging from 0 to 30 years. This obligation is discounted using a rate of 4.0% and an inflation factor of 3.0% at December 31, 2022 and 2021.

Note 10. Indebtedness

Long-term debt consisted of the following at December 31:

	2022				
	Beginning Balance	Additions	Payments/ Forgiveness	Ending Balance	Due Within One Year
Erie County—Guaranteed Senior Revenue Bonds, Series 2004	$ 65,080	$ -	$ (3,945)	$ 61,135	$ 4,165
Erie County—2017 loan payable	92,867	-	(2,713)	90,154	2,780
Erie County—2017 loan payable	57,286	-	(4,051)	53,235	4,159
Erie County—2017 capitalized interest assumption obligation	7,731	-	(226)	7,505	231
Finance obligations	2,710	-	(382)	2,328	381
Total debt	$ 225,674	$ -	$ (11,317)	$ 214,357	$ 11,716

	2021				
	Beginning Balance	Additions	Payments/ Forgiveness	Ending Balance	Due Within One Year
Erie County—Guaranteed Senior Revenue Bonds, Series 2004	$ 68,820	$ -	$ (3,740)	$ 65,080	$ 3,945
Erie County—2017 loan payable	95,516	-	(2,649)	92,867	2,713
Erie County—2017 loan payable	61,232	-	(3,946)	57,286	4,051
Erie County—2017 capitalized interest assumption obligation	7,951	-	(220)	7,731	226
PPP Loan	10,000	-	(10,000)	-	-
Finance obligations	1,489	1,552	(331)	2,710	381
Total debt	$ 245,008	$ 1,552	$ (20,886)	$ 225,674	$ 11,316

Future annual principal payments applicable to long term debt for the years subsequent to December 31, 2022 are as follows:

2023	$ 11,716
2024	12,128
2025	12,565
2026	13,025
2027	13,507
2028 - 2032	74,145
2033 - 2037	59,595
2038 - 2041	17,676
Total	$ 214,357

The Series 2004 Bonds are secured by a pledge of the gross receipts of the Corporation and amounts on deposit in certain debt service reserve funds. Interest rates on the bonds range from 5.5% to 5.7%, with principal payments ranging from $4,165 to $7,220 due annually on November 1 with interest payments due semi-annually on May 1 and November 1.

Note 10. Indebtedness (Continued)

Pursuant to a Guaranty Agreement, the County has unconditionally guaranteed to the Corporation, the punctual payment of the principal, interest, and redemption premium, if any, on the Series 2004 Bonds, as the same shall become due and payable, and has pledged the faith and credit of the County for the performance of such guaranty. A municipal bond insurance policy has been purchased by the Corporation to guarantee all debt service payments in case of default by the Corporation and the County.

In 2017, the Corporation entered into a loan agreement and a capitalized interest liability assumption agreement with the County of Erie, with the assistance of the Erie County Fiscal Stability Authority. The proceeds of the loan were used to finance the construction of a new Level 1 Adult Trauma Center and Emergency Department, fund various other capital projects on the Corporation's campus as well as refinance a 2011 loan. The loan has an interest rate of 3.377% with monthly principal and interest payments ranging from $474 to $930 during the term of the loan. In addition to the loan, the Corporation assumed the liability related to funds borrowed to pay capitalized interest during construction on the various projects noted above. The capitalized interest liability assumption has an interest rate of 3.377% with monthly principal and interest payments ranging from $40 to $77 during the term of the loan. The new money portion of the loan and the capitalized interest assumption agreement is fully amortized and matures in 2039. The refinancing component of the loan has an interest rate of 2.649% with monthly principal and interest payments ranging from $300 to $460 during the term of the loan and is fully amortized and maturing in 2034.

During 2020, the Corporation received a PPP loan in the amount of $10,000. The loan accrued interest at 1.0%. In August 2021, the Corporation received notification that the loan and accrued interest of $126 had been forgiven in full.

During 2018, the Corporation entered into a finance obligation agreement in the amount of $2,044, the proceeds of which were used to purchase various equipment. The agreement requires principal and interest payments (cost of capital is estimated at 5.5%) of $29 and matures September 2025.

During 2018, the Corporation entered into a second finance obligation agreement in the amount of $409, the proceeds of which were used to purchase various suite improvements. The agreement requires principal and interest payments (cost of capital is estimated at 3.8%) of $4 and matures October 2028.

During 2019, the Corporation entered into a finance obligation agreement in the amount of $1,805, the proceeds of which were used to finance various cafeteria improvements. The agreement requires principal and interest payments (cost of capital ranges from 0% to 9.0%) of $17 and matures March 2029.

During 2020, the Corporation entered into a finance obligation agreement in the amount of $2,555, the proceeds of which were used to purchase various equipment. The agreement requires principal and interest payments (cost of capital is estimated at 5.5%) of $39 and matures July 2026.

During 2021, the Corporation entered into a finance obligation agreement in the amount of $1,552, the proceeds of which were used to finance a new food service line. The agreement requires principal and interest payments (cost of capital is 4.0%) of $19 and matures in December 2028.

During 2021, the Corporation signed an agreement for an unsecured revolving line of credit with an original maturity date of November 2022 and was amended and extended to May 2023. The Corporation has available $10,000 with interest payable at a fixed rate of 5.70%. There was $10,000 of outstanding borrowings against the line at December 31, 2022. There were no outstanding borrowings on the line of credit at December 31, 2021.

Note 11. Pension Plan

Retirement plan: The Corporation participates in the New York State and Local Retirement System (NYSLRS or the System), which is a cost-sharing, multiple-employer public employees' retirement system. There are more than 508,000 pensioners and beneficiaries in the System with nearly 1.2 million participants.

For purposes of measuring the net pension (asset) liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension benefit/expense, information about the fiduciary net position of the NYSLRS and additions to/deductions from NYSLRS' fiduciary net position have been determined on the same basis as they are reported by NYSLRS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. The net pension (asset) liability is measured as the portion of the present value of projected benefit payments to be provided through the pension plan to current active and inactive employees that is attributed to those employees' past periods of service (total pension liability), less the amount of the pension plan's fiduciary net position. The net pension (asset) liability should be measured as of a date (measurement date) no earlier than the end of the employer's prior fiscal year, consistently applied from period to period.

Obligations of employers and employees to contribute and benefits to employees are governed by the New York State Retirement and Social Security Law (RSSL). As set forth in the RSSL, the Comptroller of the State of New York (the Comptroller) serves as sole trustee and administrative head of the System. The Comptroller shall adopt and may amend rules and regulations for the administration and transaction of the business of the System and for custody and control of its funds. The System issues a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to the New York State and Local Retirement System, 110 State Street, Albany, NY 12244.

NYSLRS provides three main types of retirement benefits: service retirements, ordinary disability retirements (non-job-related disabilities), and accident disability retirements (job-related disabilities) to members who are in different Tiers. The members' Tier is determined by the date of membership. Subject to certain conditions, members generally become fully vested as to benefits upon the completion of five or ten years of service depending on their Tier. Employees may be required to contribute a percentage of their salary to the pension plan based on their Tier, determined by their date of membership in the plan. Annual pension benefits can be calculated as a percentage of final average salary times number of years of service and changes with the number of years of membership within the plan.

At December 31, 2022 and 2021, the Corporation reported an (asset) liability of $(77,538) and $915, respectively, for its proportionate share of the NYSLRS net pension (asset) liability. The total pension (asset) liability used to calculate the net pension (asset) liability is determined by an actuarial valuation as of April 1st each year and rolled forward to March 31st. The Corporation's proportion for the net pension (asset) liability for each fiscal year was based on the Corporation's indexed present value of future compensation to NYSLRS of all participating employers for 2022 and 2021, which was 0.9485% and 0.9187%, respectively.

Note 11. Pension Plan (Continued)

(a) Actuarial Assumptions

The total pension (asset) for the March 31, 2022, measurement date was determined using an actuarial valuation as of April 1, 2021, with update procedures used to roll-forward the total pension liability to March 31, 2022. The actuarial valuations used the following actuarial assumptions:

Inflation	2.7%
Salary increases	4.4%, including inflation
Investment rate of return	5.9%, net of pension plan investment expense
Cost of living adjustments	1.4%
Mortality improvement	Society of Actuaries Scale MP-2020

The total pension liability for the March 31, 2021, measurement date was determined using an actuarial valuation as of April 1, 2020, with update procedures used to roll-forward the total pension liability to March 31, 2021. The actuarial valuations used the following actuarial assumptions:

Inflation	2.5%
Salary increases	4.4%, including inflation
Investment rate of return	6.8%, net of pension plan investment expense
Cost of living adjustments	1.3%
Mortality improvement	Society of Actuaries Scale MP-2019

(b) Expected Rate of Return on Investments

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected return, net of investment expenses and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following tables at December 31:

	2022	
Asset class	Target Asset Allocation	Long-Term Expected Real Rate of Return
Domestic equity	32.0%	3.3%
International equity	15.0%	5.9%
Private equity	10.0%	6.5%
Real estate	9.0%	5.0%
Fixed income	23.0%	0.0%
Credit	4.0%	3.8%
Real assets	3.0%	5.6%
Opportunistic/absolute return strategy	3.0%	4.1%
Cash	1.0%	-1.0%
	100.0%	

Note 11. Pension Plan (Continued)

	2021	
Asset class	Target Asset Allocation	Long-Term Expected Real Rate of Return
Domestic equity	32.0%	4.1%
International equity	15.0%	6.3%
Private equity	10.0%	6.8%
Real estate	9.0%	5.0%
Fixed income	23.0%	0.0%
Credit	4.0%	3.6%
Real assets	3.0%	6.0%
Opportunistic/absolute return strategy	3.0%	4.5%
Cash	1.0%	0.5%
	100.0%	

(c) Discount Rate

The discount rate used to measure the total pension (asset) liability as of December 31, 2022 and 2021 was 5.9%. The projection of cash flows used to determine the discount rate assumes that contributions from plan members will be made at the current contribution rates and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on those assumptions, the NYSLRS fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on NYSLRS investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the Net Pension (Asset) Liability to the Discount Rate

The following presents the Corporation's proportionate share of the net pension (asset) liability calculated using the discount rate of 5.9% at December 31, 2022 and 2021, as well as what the Corporation's proportionate share of the net pension (asset) liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current rate:

	2022		
	1% Decrease (4.9%)	Discount Rate (5.9%)	1% Increase (6.9%)
Corporation's proportionate share of the net pension liability	$ 199,582	$ (77,538)	$ (309,335)

	2021		
	1% Decrease (4.9%)	Discount Rate (5.9%)	1% Increase (6.9%)
Corporation's proportionate share of the net pension liability	$ 253,921	$ 915	$ (232,416)

Note 11. Pension Plan (Continued)

(d) Deferred Outflows and Inflows of Resources

At December 31, 2022 and 2021, the Corporation reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	2022	2021
Deferred outflows of resources:		
Differences between expected and actual actuarial experience	$ 5,872	$ 11,173
Changes in assumptions	129,402	168,207
Corporation contributions subsequent to the measurement date	-	31,946
Other	8,419	8,724
Total	$ 143,693	$ 220,050
Deferred inflows of resources:		
Difference between expected and actual experience	$ 7,616	$ -
Change in assumptions	2,184	3,172
Difference between projected and actual investment earnings on pension plan investments	253,904	262,793
Changes in proportion and differences between Corporation contributions and proportionate share of contributions	16,485	12,177
Total	$ 280,189	$ 278,142

The change in employer proportionate share is the difference between the employer proportionate share of net pension (asset) liability in the prior year compared to the current year. Changes in these amounts are amortized over a five-year closed period, reflecting the average remaining service life of plan members.

The net deferred outflows and inflows of resources of resources related to pensions, excluding contributions made subsequent to the measurement date, will be recognized in pension expense as follows:

	Amount
Years ending December 31:	
2023	$ (22,436)
2024	(30,919)
2025	(67,696)
2026	(15,445)
	$ (136,496)

(e) Annual Pension Expense

The Corporation's annual pension (benefit) expense for calendar years ended 2022 and 2021, which includes contributions toward the actuarially determined asset or liability and the amortization of deferred outflows and inflows of resources, was approximately $(47) and $18,670, respectively.

Note 12. Other Post-Employment Benefits (OPEB)

Plan description: The Corporation provides OPEB that include basic medical and hospitalization plan coverage to eligible retirees. Eligible retirees may only be covered under the indemnified plan of the Corporation. To qualify, a retiree must meet various eligibility requirements as agreed to in collective bargaining agreements. The Corporation pays varying amounts based on specific union agreements.

Funding the plan: Currently, there is no New York State statute that expressly authorizes local governments to create a trust for OPEB purposes. Additionally, New York State's General Municipal Law does not allow for a reserve fund to accumulate funds for OPEB obligations. The Corporation's Board of Directors and management believe it is prudent to reserve funds for the Plan and have therefore internally designated $24,831 in 2022 and 2021, for purposes of funding future post-employment benefits. These internally designated funds are included within assets whose use is limited in the statements of net position. In addition to the funding for future post-employment benefits, the Corporation continues to finance current benefits on a pay-as-you-go basis.

Annual OPEB cost and net OPEB obligation: The Corporation's total OPEB liability measured at December 31, 2022 and 2021, of $271,395 and $379,106, was determined by an actuarial valuation as of January 1, 2022 and 2021, respectively. The measurement date of the obligation is December 31, 2022 and 2021.

(a) Actuarial Assumptions

The total OPEB liability in the December 31, 2022, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement, unless otherwise specified:

Inflation	2.5%
Salary increases	3.3% per annum
Pre-Medicare Plans	7.8% for 2022, 4.0% ultimate trend rate in 2075
Medicare Plans	4.5% for 2022, 4.0% ultimate trend rate in 2075
Prescription Plan	7.8% for 2022, 4.0% ultimate trend rate in 2075
Mortality	Society of Actuaries Scale MP-2021

The total OPEB liability in the December 31, 2021 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement, unless otherwise specified:

Inflation	2.3%
Salary increases	3.3% per annum
Pre-Medicare Plans	7.0% for 2021, 3.8% ultimate trend rate in 2075
Medicare Plans	4.5% for 2021, 3.8% ultimate trend rate in 2075
Prescription Plan	7.0% for 2021, 3.8% ultimate trend rate in 2075
Mortality	Society of Actuaries Scale MP-2021

Note 12. Other Post-Employment Benefits (OPEB) (Continued)

(b) Changes in the OPEB Liability

	2022	2021
Changes in the OPEB obligation:		
Projected OPEB obligation at the beginning of year	$ 379,106	$ 397,921
Service cost	4,528	5,234
Interest cost	6,959	7,774
Difference between expected and actual experience	(34,085)	(29,892)
Change in assumptions	(69,430)	13,042
Actual benefit payments	(15,683)	(14,973)
Projected OPEB obligation at the end of year	$ 271,395	$ 379,106

(c) Discount Rate

The discount rate used to measure the total OPEB liability was 3.7% and 2.1%, based on the Bond Buyer 20-year Bond GO index rate as of December 31, 2022 and 2021, respectively.

Sensitivity of the OPEB Liability to the Discount Rate

The following presents the Corporation's total OPEB liability calculated using the discount rate of 3.7%, as well as what the Corporation's total OPEB liability would be if it were calculated using a discount rate that is one percentage point lower (2.7%) or one percentage point higher (4.7%) than the current rate.

	2022		
	1% Decrease (2.7%)	Discount Rate (3.7%)	1% Increase (4.7%)
The Corporation's total OPEB liability	$ 310,620	$ 271,395	$ 239,334

The discount rate used to measure the total OPEB liability as of December 31, 2021, was 2.1%, based on the Bond Buyer 20-year Bond GO index rate.

The following presents the Corporation's total OPEB liability calculated using the discount rate of 2.1%, as well as what the Corporation's total OPEB liability would be if it were calculated using a discount rate that is one percentage point lower (1.1%) or one percentage point higher (3.1%) than the current rate.

	2021		
	1% Decrease (1.1%)	Discount Rate (2.1%)	1% Increase (3.1%)
The Corporation's total OPEB liability	$ 443,059	$ 379,106	$ 327,823

Note 12. Other Post-Employment Benefits (OPEB) (Continued)

Sensitivity of the OPEB Liability to the Healthcare Cost Trend Rates

The following presents the Corporation's total OPEB liability calculated using healthcare cost trend rates that are one percentage point lower or one percentage point higher than the current healthcare cost trend rates.

	2022		
		Healthcare	
	1% Decrease	Cost Trend Rates	1% Increase
The Corporation's total OPEB liability	$ 236,278	$ 271,395	$ 314,630

	2021		
		Healthcare	
	1% Decrease	Cost Trend Rates	1% Increase
The Corporation's total OPEB liability	$ 326,139	$ 379,106	$ 445,611

(d) Deferred Outflows and Inflows of Resources

The following are components of deferred outflows and inflows at December 31, 2022 and 2021:

	2022	
	Deferred Outflows	Deferred Inflows
Differences between expected and actual actuarial experience	$ 96	$ (58,636)
Changes in assumptions	22,588	(56,176)
Total	$ 22,684	$ (114,812)

	2021	
	Deferred Outflows	Deferred Inflows
Differences between expected and actual actuarial experience	$ 276	$ (60,968)
Changes in assumptions	45,606	(16,333)
Total	$ 45,882	$ (77,301)

The net deferred outflows and inflows of resources at December 31, 2022, will be recognized as follows:

	Amount
2023	$ (39,754)
2024	(32,366)
2025	(20,008)
	$ (92,128)

(e) Annual OPEB Benefit (Expense)

The Corporation's annual OPEB benefit for the years ended December 31, 2022 and 2021, was $31,319 and $2,655, respectively.

Note 13. New York State Department of Health (NYSDOH) Grant Programs

In April 2014, the federal government approved a New York State Medicaid waiver request to reinvest $8 billion in federal savings to support implementation of transformative reforms to the State's healthcare system. Delivery system reforms will primarily be implemented through $7.4 billion of DSRIP Incentive payments for community-level collaborations to achieve programmatic objectives with a goal of reducing avoidable hospital use by 25% over five years. Additionally, $500 million was awarded through an Interim Access Assurance Fund (IAAF) to ensure the financial viability of critical safety net providers during the period prior to DSRIP implementation.

In June 2015, the New York State Department of Health (NYSDOH) announced DSRIP valuation awards, which represent the total potential amount that each Performing Provider System (PPS) is eligible to earn in performance payments over the five years of the DSRIP program. The Corporation-led PPS received a valuation award of $243,020.

As the DSRIP program required, the Corporation served as fiduciary or lead entity for a coalition of Medicaid provider and social services organizations referred to as a Performing Provider System (PPS). The PPS was referred to as Millennium Collaborative Care (MCC). Since April 2014, the Corporation had dedicated significant effort to enterprise-level and PPS-level preparation for participation in the DSRIP program, and in execution of NYSDOH required organizational and project planning essential to implementing and managing DSRIP program efforts. Notable activities included the establishment of PPS governance structures and the operationalization of MCC which is dedicated to DSRIP implementation and management. The grant period ended on March 31, 2020, and was not been extended beyond this date.

During 2022 and 2021, net DSRIP payments received by the Corporation totaled $0 and $44,532, respectively. In addition, $5 and $851 was recorded as other operating revenue for the years ended December 31, 2022 and 2021, respectively, based on meeting the eligibility requirements and $5 and $851 of related grant program expenses were incurred during 2022 and 2021, respectively.

During the year ended December 31, 2022, the Corporation received a grant from NYSDOH in the amount of $51,998 which is recognized in the statements of revenues, expenses and changes in net position as non-operating revenue. The NYSDOH also offers the Vital Access Provider Assurance Program (VAPAP) program. Funding under this program is made to public or safety net hospitals and health systems that meet certain criteria or that have been designated as critical access or sole community hospitals and is awarded to enable these facilities to maintain operations and provision of vital services while they implement longer-term solutions to achieve sustainable health care service delivery. An award of $27,000 was received during 2022 for the year ending December 31, 2023, which is recorded as unearned revenue in the statements of net position as of December 31, 2022.

During 2020, NYSDOH awarded the Corporation a $10,000 grant to assist in funding the construction of the new Level 1 Adult Trauma Center and Emergency Department under the Statewide Health Care Facility Transformation Program 2.3. The Corporation earned $0 and $731 of that grant during the years ended December 31, 2022 and 2021, respectively.

Note 14. Transactions With the County of Erie

On December 30, 2009, the Corporation and the County entered into a Settlement Agreement. The Settlement Agreement resulted in the Corporation and the County entering into a number of transactions to resolve litigation and prepare for implementing the Corporation's master facility plan.

In October 2012, the Corporation and the County signed an amendment to the 2009 Settlement Agreement (the Amendment). The terms of the Amendment provide for the County to be reimbursed from the Corporation for certain workers' compensation claims incurred by Corporation employees that were paid by the County. The Amendment also provides for the County to reimburse the Corporation, over time, for post-retirement health expenses that the Corporation incurred for Corporation employees with service time at the County.

In 2017, the Corporation entered into a loan agreement and a capitalized interest liability assumption agreement with the County of Erie. A component of the loan agreement included the payment of points by the Corporation to the County of Erie in the amount of $17,040 as further described in Note 2 and 10.

Other transactions: Amounts that are included in operating revenues and expenses in the statements of revenues, expenses, and changes in net position, which represent related-party transactions that occurred between the Corporation and the County during the years ended December 31, 2022 and 2021, are as follows:

The Corporation earned revenue totaling $3,856 and $3,828 for the years ended December 31, 2022 and 2021, respectively, from the County. Revenue earned relates to services provided to School 84, mental health services and various other charges related to County departments located within the Corporation's physical plant.

The net amount due (to)/from the County of approximately $(11,393) and $8,589 at December 31, 2022 and 2021, respectively, is non-interest bearing and reflect the Corporation's net amount owed (to)/from the County as a result of various transactions and services between parties. This balance is reported as a component of accounts payable and other assets in the statements of net position at December 31, 2022 and 2021, respectively.

Note 15. Self-Insured Obligations

The Corporation is self-insured for all medical malpractice claims for occurrences on or after January 1, 2004. Additionally, the Corporation began purchasing excess stop-loss insurance on a claims made basis for medical malpractice effective November 2008. The current policy provides $35,000 of coverage in excess of $4,000 of individual claims or $12,000 in aggregate claims effective November 18, 2013. Previously the policy provided $35,000 of coverage in excess of $3,000 of individual claims or $10,000 in aggregate claims.

Note 15. Self-Insured Obligations (Continued)

Effective April 1, 2016, the Corporation became self-insured for workers' compensation claims through a combination of self-insurance and a high-deductible plan for certain periods as follows: The Corporation maintains a stop-loss insurance policy for the claims in excess of $750. Effective January 1, 2012, the Corporation insured a portion of its workers' compensation exposure through an occurrence basis high-deductible plan. The Corporation remains responsible for the first $750 of an individual claim payment after December 31, 2011. The Corporation is required to pledge certain assets under this arrangement. As of December 31, 2022 and 2021, $4,936 and $5,362, respectively, has been designated to service workers' compensation claims and included as part of assets whose use is limited. The Corporation remains self-insured for workers' compensation claims prior to January 1, 2012. The County has assumed a portion of liabilities for all occurrences originating prior to 2004.

Losses from asserted and unasserted medical malpractice and workers' compensation claims are accrued based on actuarial estimates that incorporate the Corporation's past experience, the nature of each claim or incident, relevant trend factors, and estimated recoveries, if any, on unsettled claims.

The Corporation has accrued $30,975 and $28,159 at December 31, 2022 and 2021, respectively, for medical malpractice related exposures. Such amounts have been discounted at 2.0% for 2022 and 2021 and the accrued liabilities are included within the accrued other liabilities and self-insured obligations caption of the accompanying statements of net position. Charges to expense for medical malpractice costs are included within the other operating expenses caption of the accompanying statements of revenues, expenses and changes in net position.

The Corporation has accrued $27,264 and $28,348 at December 31, 2022 and 2021, respectively, for workers' compensation related exposures. Such amounts have been discounted at 1.75% for 2022 and 2021, and the liabilities are included within the accrued other liabilities and self-insured obligations captions of the accompanying statements of net position. Charges to expense for workers' compensation costs approximated $7,884 and $7,909 in 2022 and 2021, respectively, and are included within the payroll, employee benefits and contract labor caption of the accompanying statements of revenues, expenses and changes in net position.

Eligible retirees are provided basic medical and hospitalization coverage by the Corporation as more fully described in Note 12.

The composition of self-insured obligations as of December 31 is as follows:

	2022				
	Beginning Balance	Actuarial estimate of claims incurred	Claims Paid	Ending Balance	Due Within One Year
Medical malpractice	$ 28,159	$ 3,797	$ (981)	$ 30,975	$ 1,800
Workers' compensation	28,348	6,378	(7,462)	27,264	7,556
	$ 56,507	$ 10,175	$ (8,443)	$ 58,239	$ 9,356

	2021				
	Beginning Balance	Actuarial estimate of claims incurred	Claims Paid	Ending Balance	Due Within One Year
Medical malpractice	$ 22,085	$ 7,542	$ (1,468)	$ 28,159	$ 1,815
Workers' compensation	28,513	7,291	(7,456)	28,348	7,131
	$ 50,598	$ 14,833	$ (8,924)	$ 56,507	$ 8,946

Note 15. Self-Insured Obligations (Continued)

Medical malpractice and workers' compensation amounts due within one year are management's estimates based on historical claims.

Note 16. Commitments and Contingencies

The health care industry is subject to numerous laws and regulations of federal, state, and local governments. Compliance with these laws and regulations is subject to future government review and interpretation as well as regulatory actions unknown or unasserted at the time. Government activity, in recent years, has increased with respect to investigations and allegations concerning possible violations by health care providers of fraud and abuse statutes and regulations, which could result in the imposition of significant fines and penalties, as well as significant repayments for patient services previously billed. While no regulatory allegations have been made against the Corporation, compliance with such laws and regulations can be subject to future government review and interpretations, as well as regulatory actions unknown or unasserted at this time. Management and its counsel are not aware of any such actions that will have a material adverse effect on the Corporation's financial statements.

Loss contingency liabilities are recorded in accordance with U.S. GAAP, which requires recognition of a loss when it is deemed probable that an asset has been impaired or a liability has been incurred, and the amount of the loss can be reasonably estimated. As of December 31, 2022 and 2021, the Corporation has recorded no loss contingencies except as disclosed in Note 15.

The COVID-19 pandemic has negatively affected national, state, and local economies and global financial markets. The outbreak and related actions taken by federal and state governments may materially impact the Corporation's financial position and its results of operations. While the impacts of COVID-19 may continually affect financial results, the Corporation's management believes that the Corporation has sufficient liquidity to meet its operating and financial needs in fiscal year 2022. However, given the difficulty in predicting the continued duration and severity of the COVID-19 pandemic and its effects on the Corporation, the economy and financial markets, the ultimate impact is unknown. The Corporation's management continues to monitor the course of the pandemic and is prepared to take additional measures to protect the health of the community and promote the continuity of the Corporation's mission.

CARES Act provider relief funds are subject to future audit adjustments based on compliance audits and potential changes to statutes. Due to the ongoing changes in the compliance requirements, amounts recorded under the CARES Act provider relief fund by the Corporation may change in future periods.

There are other government funding and relief sources, in addition to other components of the CARES Act not mentioned, that the Corporation continues to assess for eligibility. The possible impact of these funding and relief sources are not reflected in the financial performance through December 31, 2022.

The Corporation formed 1827 Fillmore, LLC (1827) for the purpose of acquiring and developing land immediately adjacent to its Grider Street campus. A condition of the acquisition was that 1827 demolish a building on the site with known asbestos abatement requirements. This condition was met in 2018. The Corporation has started a community planning process to determine the future use(s) of the site. The site requires the environmental remediation expenditures; however, the amount of such expenditures is dependent on the ultimate use of the site and requirements from regulators. Through December 31, 2022, approximately $4,600 has been spent on remediating and improving the land.

Required Supplementary Information

Erie County Medical Center Corporation
(A Component Unit of the County of Erie)

Required Supplementary Information
Schedule of Corporation's Contributions
NYSLRS Pension Plan
December 31, 2022
(Dollars in Thousands)

	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
Contractually required contribution	$ 24,973	$ 30,167	$ 27,343	$ 26,447	$ 25,803	$ 25,235	$ 26,722	$ 29,771	$ 29,835	$ 27,164
Contributions in relation to the contractually required contribution	24,973	30,167	27,343	26,447	25,803	25,235	26,722	29,771	29,835	27,164
Contribution deficiency	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
ECMCC covered-employee payroll	$ 273,555	$ 249,490	$ 246,772	$ 235,284	$ 216,044	$ 183,540	$ 166,691	$ 175,409	$ 163,395	$ 151,906
Contributions as a percentage of covered-employee payroll	9.1%	12.1%	11.1%	11.2%	11.9%	13.7%	16.0%	17.0%	18.3%	17.9%

Note: During December 2021, the Corporation prepaid its 2022 contribution to the plan in the amount of $31,946 to take advantage of a prepayment discount in the amount of $264.

Erie County Medical Center Corporation
(A Component Unit of the County of Erie)

Required Supplementary Information
Schedule of Corporation's Proportionate Share of Net Pension (Asset) Liability
NYSLRS Pension Plan
December 31, 2022
(Dollars in Thousands)

	2022	2021	2020	2019	2018	2017	2016	2015
ECMCC proportion of the net pension (asset) liability	0.9485%	0.9187%	0.8504%	0.8079%	0.7646%	0.7614%	0.7228%	0.7137%
ECMCC proportionate share of the net pension (asset) liability	$ (77,538)	$ 915	$ 225,197	$ 57,240	$ 24,677	$ 71,544	$ 116,006	$ 24,112
ECMCC covered-employee payroll	273,555	249,490	246,772	235,284	216,044	183,540	166,691	175,409
ECMCC proportionate share of the net pension liability as a percentage of it's covered-employee payroll	-28.3%	0.4%	91.3%	24.3%	11.4%	39.0%	69.6%	13.7%
Plan fiduciary net position as a percentage of the total pension liability	103.7%	100.0%	86.4%	96.3%	98.2%	94.7%	90.7%	97.9%

Note: GASB requires 10 years of information to be presented in this table. However, until a full 10-year trend is compiled, the Corporation will present information for those year for which information is available.

Change in Benefit Terms

There were no significant legislative changes in benefits during 2022 and 2021

Changes of Assumptions

2022: The mortality improvement assumption was updated to the Society of Actuaries' Scale MP-2020, inflation was updated to 2.7%, cost-of-living updated to 1.4%, and the interest rate assumption was reduced to 5.9% for the April 1, 2021 actuarial valuation.

2021: The mortality improvement assumption was updated to the Society of Actuaries' Scale MP-2019, inflation was updated to 2.5%, cost-of-living updated to 1.3%, and the interest rate assumption was increased to 6.8% for the April 1, 2020 actuarial valuation.

Erie County Medical Center Corporation
(A Component Unit of the County of Erie)

Required Supplementary Information
Schedule of Corporation's Changes in Total OPEB Liability and Related Ratios
December 31, 2022 and 2021
(Dollars in Thousands)

	2022	2021
Total OPEB liability:		
Service cost	$ 4,528	$ 5,234
Interest cost	6,959	7,774
Differences between expected and actual experience	(34,085)	(29,892)
Changes of assumptions	(69,430)	13,042
Benefit payments	(15,683)	(14,973)
Net change in total OPEB liability	(107,711)	(18,815)
Total OPEB liability—beginning	379,106	397,921
Total OPEB liability—ending	$ 271,395	$ 379,106
Covered employee payroll	$ 87,719	$ 83,879
Total OPEB liability as a percentage of covered employee payroll	309.39%	451.97%
Discount rate	3.7%	2.1%

Change in Benefit Terms
There were no significant legislative changes in benefits during 2022 and 2021.

Changes of Assumptions
2022: The annual rate of increase in healthcare costs were revised to better reflect future expectations.

2021: The mortality improvement assumption was updated to the Society of Actuaries' Scale MP-2021.

RSM US LLP

Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards*

Independent Auditor's Report

To the Board of Directors
Erie County Medical Center Corporation

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities and the aggregate discretely presented component units of Erie Medical Center Corporation (the Corporation), as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise the Corporation's basic financial statements, and have issued our report thereon dated March 21, 2023.

The financial statements of ECMC Foundation, Inc., the Grider Initiative, Inc. and Research for Health in Erie County, Inc. were not audited in accordance with *Government Auditing Standards,* and accordingly, this report does not include reporting on internal controls over financial reporting or instances of reportable noncompliance associated with ECMC Foundation, Inc., the Grider Initiative, Inc. and Research for Health in Erie County, Inc.

Report on Internal Control Over Financial Reporting
In planning and performing our audit of the financial statements, we considered the Corporation's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Corporation's internal control. Accordingly, we do not express an opinion on the effectiveness of the Corporation's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

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Report on Compliance and Other Matters
As part of obtaining reasonable assurance about whether the Corporation's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards.*

Purpose of This Report
The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Corporation's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Corporation's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

RSM US LLP

March 21, 2023

Required Supplementary Information

APPENDIX A
Four-Year Financial Plan

The difference between healthcare and true care™ ecmc.edu

Erie County Medical Center Corporation
Operating and Capital Budgets

For the year ending 2023

Management Discussion

September 30, 2022

The 2023 Budget maintains a path along the ECMCC Strategic Plan while focusing on both short and long-term financial and operational recovery efforts resulting from the devastating ongoing significant and lasting effects of the COVID-19 Pandemic. ECMCC's long-term goals will continue to be measured through the achievement of the ECMCC mission: improving clinical quality, service excellence, and the continued provision of health services to the communities ECMCC serves with compassion, all of which will require a steady recovery from the financial impacts seen since March of 2020. In the short-term however, a significant focus has been placed on recruitment and retention of staff through investments in our people.

Management Discussion

The industry is experiencing similar financial and operational challenges both locally and nationally. Given the extent of the financial impact these challenges have had, ECMCC has recognized that time along with future external support are needed to properly recover. Given the time needed, the 2023 goal is to maintain steady operating and investing cash flow through the improvement in operating results; through efficiency improvements and programmatic changes without sacrificing quality or the critical services we provide. The proposed 2023 operating budget reflects an operating loss of $35 million, an improvement of over 63% from the projected 2022 operating results. The proposed budget has been developed with the following goals in mind:

Budget Goals

- ✓ Maintain the highest quality of care provided
- ✓ Maintain critical services provided to the community
- ✓ Continue a stepped approach to recovery with a significant reduction in operating loss from 2022
- ✓ Further enhance patient experience through expanding digital health platforms
- ✓ Maximize recruitment and retention of staff
- ✓ Prepare the budget to accomplish the goals without significant job actions

3/16/2023

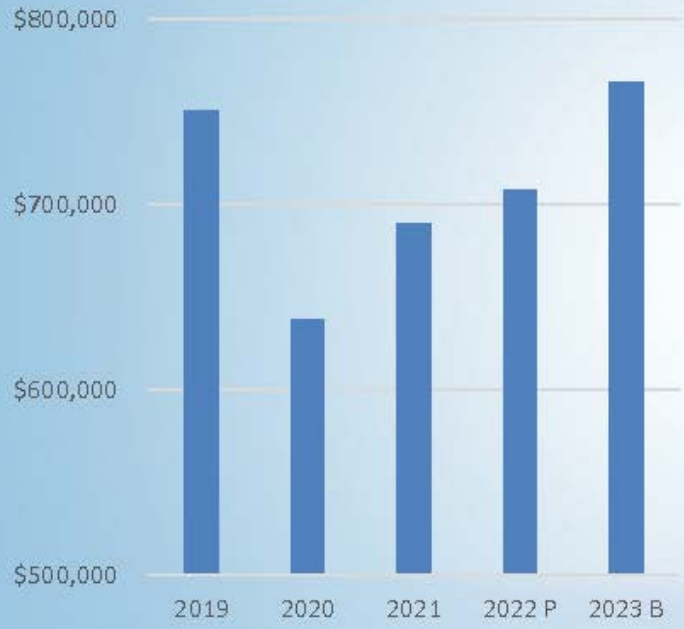
Regulatory Budget Reporting Requirements

- All requirements have been met
  - NYCRR, Part 203, Chapter V, Title 2
  - This package communicates each of the 18 requirements
- New York State Office Of The State Comptroller
- Authority Budget Office
- PARIS submission and certification

Budget Process

- Executive Leadership Team (ELT) adopt budget schedule and goals
- Using 2020, 2021 and 2022 year-to-date performance and known or anticipated budget variances, a baseline budget and financial projections were prepared
- ELT members meet with department managers to develop departmental targets and performance improvement initiatives
- ELT budget recommendation reviewed and approved by Finance Committee of ECMCC Board
- Budget recommendation reviewed and approved by ECMCC Board

Revenue



Operating Margin

Footnotes:

- 2019 Revenue Includes DSRIP Pass-Through funds and CREPS Grants
- For comparability purposes in this chart, operating margins include CARES/ARP/PPP Funding

Key Financial Ratios

	2020	2021	Projected 2022	Budget 2023
Operating Margin %	-23.34%	-5.22%	-13.22%	-4.57%
NYS PBC Average %	-5.4%	-1.1%		
Operating EBITDA %	-16.6%	1.5%	-6.7%	1.1%
NYS PBC Average %	0.0%	6.4%		
FTE's	3,487	3,453	3,423	3,530
Days Cash On Hand	91.0	106.0	60.0	60.0
NYS PBC Average	62.9	80.6		
Debt Service Coverage	(1.3)	1.1	(1.8)	0.4
NYS PBC Average	1.1	2.6		
Salaries, Wages & Benefits % of Revenue	83.8%	63.6%	70.8%	67.0%
Supply Expense % of Revenue	19.4%	19.9%	20.7%	21.0%
Benefit % of Salaries and Wages	52.5%	31.2%	34.9%	33.4%
Days In Accounts Receivable, net	56.8	49.5	49.8	49.8

Statements of Revenues and Expenses

(Thousands)

	2021 Audited	2022 Projected	2023 Budget	Increase (Decrease)	
Net Patient Revenue	$ 566,104	$ 576,616	$ 611,984	$ 35,368	6.1%
Disproportionate Share / IGT and UPL Payments	101,620	104,245	116,351	12,106	11.6%
Other Operating Revenues	21,498	26,716	37,635	10,919	40.9%
Total Operating Revenues	689,222	707,577	765,970	58,393	8.3%
Operating Expenses					
Salaries and Benefits	359,971	408,460	409,792	1,332	0.3%
Physician Fees and Professional Services	169,142	192,051	182,590	(9,461)	-4.9%
Supplies	112,497	119,179	128,714	9,535	8.0%
Other Expenses	83,599	81,401	79,871	(1,530)	-1.9%
Total Operating Expenses	725,209	801,091	800,967	(124)	0.0%
Operating Income before CARES Act Funding	(35,987)	(93,514)	(34,997)	58,517	-62.6%
CARES Act Funding Relief / PPP	1,238	10,328	-	(10,328)	-100.0%
Income/(Loss) from Operations with CARES Act Relief	(34,749)	(83,186)	(34,997)	48,189	-57.9%
Other Non-Operating Revenues	12,803	(12,170)	1,322	13,492	-110.9%
Excess of Revenues Over Expenses	$ (21,946)	$ (95,356)	$ (33,675)	$ 61,681	-64.7%

Statements of Net Position

(Thousands)

	2021 Audited		2022 Projected		2023 Budget		Increase (Decrease)	
	$	%	$	%	$	%	$	%
Assets								
Current Assets								
Cash and Investments	89,828	8.4%	52,668	5.6%	53,708	5.9%	1,039	2.0%
Patient Accounts Receivable, Net	76,715	7.2%	78,673	8.4%	80,161	8.8%	1,488	1.9%
Other Current Assets	196,916	18.5%	157,977	16.8%	155,505	17.0%	(2,472)	-1.6%
Total Current Assets	363,459	34.1%	289,319	30.7%	289,374	31.7%	56	0.0%
Assets Whose Use Is Limited	76,697	7.2%	64,363	6.8%	64,759	7.1%	396	-1.3%
Property and Equipment, Net	324,385	30.4%	306,231	32.5%	280,089	30.7%	(26,141)	-8.5%
Other Assets	301,001	28.2%	282,122	29.9%	278,333	30.5%	(3,789)	-1.3%
Total Assets	1,065,542	100.0%	942,035	100.0%	912,555	100.0%	(29,478)	-3.1%
Liabilities and Net Assets								
Current Liabilities								
Current Portion of Long Term Debt	12,019	1.1%	12,249	1.3%	12,702	1.4%	453	3.7%
Accounts Payable, Third-Party & Accrued	296,319	27.8%	259,101	27.5%	265,489	29.1%	6,388	2.5%
Total Current Liabilities	308,338	28.9%	271,350	28.8%	278,191	30.5%	6,841	2.5%
Long Term Debt	217,025	20.4%	203,542	21.6%	191,840	21.0%	(11,702)	-5.7%
Deferred Inflows	355,443	33.4%	355,443	37.7%	360,443	39.5%	5,000	1.4%
Other Post Employment Benefits	365,951	34.3%	373,288	39.6%	373,288	40.9%	-	0.0%
Self Insurance Liabilities	53,783	5.0%	56,658	6.0%	60,715	6.7%	4,057	7.2%
Total Liabilities	1,300,540	122.1%	1,260,281	133.8%	1,264,477	138.6%	4,196	0.3%
Net Position	(234,998)	-22.1%	(318,246)	-33.8%	(351,921)	-38.6%	(33,675)	10.6%
Total Liabilities and Net Assets	1,065,542	100.0%	942,035	100.0%	912,556	100.0%	(29,479)	-3.1%

Statements of Cash Flow

(Thousands)

	Audited 2021	Projected 2022	Budget 2023	Increase (Decrease)	%
Cash Flows From Operating Activities					
Excess of Revenues Over Expenses	(21,946)	(95,356)	(33,675)	61,681	-65%
Depreciation & Amortization	35,980	36,154	34,142	(2,012)	-6%
Medicare Advanced Payment Program	(18,222)	(20,879)		20,879	-100%
(Increase) Decrease in Patient Accounts Receivable, Net	2,001	(1,958)	(1,488)	470	-24%
(Increase) Decrease in Current and Other Assets	(59,781)	57,818	6,261	(51,557)	-89%
Increase (Decrease) in Accounts Payable, Third-Party & Accrued	(208,724)	(16,339)	6,388	22,727	-139%
Increase (Decrease) in Deferred In-Flows	235,053	-	5,000	5,000	N/A
Increase (Decrease) in Self Insurance Liabilities	5,909	10,212	4,057	(6,155)	-60%
Net Cash Provided By (Used In) Operating Activities	(29,730)	(30,348)	20,684	51,033	-168%
Cash Flows From Investing Activities					
(Increase) Decrease in Assets Whose Use is Limited	25,827	24,442	(395)	(24,837)	-102%
Cash Flows From Financing Activities					
Additions to Property and Equipment	(23,701)	(18,000)	(8,000)	10,000	-56%
Changes in Long Term Debt	(19,269)	(13,253)	(11,249)	2,004	-15%
Net Cash (Used In) Financing Activities	(42,970)	(31,253)	(19,249)	12,004	-38%
Net Increase (Decrease) in Cash and Investments	(46,873)	(37,159)	1,040	38,199	-103%
Cash and Investments, Beginning	136,701	89,828	52,668	(37,159)	-41%
Cash and Investments, Ending	89,828	52,668	53,708	1,040	2%

Principal Budget Assumptions

- Cash Flow Breakeven
- Volume Growth (based on full scope of services)
- Patient Revenue Rate Increases
- IGT / UPL Payment Inflation
- Other Revenue Growth
- Staffing Costs (Wage Inflation, Continue Recruitment & Reduce Premium Cost)
- Other Expense Inflation

Volume Summary

	2021 Actual	2022 Projection	2023 Budget	Increase (Decrease) 23 - 22	%
Discharges					
Acute	13,325	12,326	12,996	670	5.4%
Other	5,559	5,187	5,197	10	0.2%
Total	18,884	17,513	18,193	680	3.9%
Average Length of Stay					
Acute	8.2	9.4	8.5	(0.9)	-9.8%
Other	10.9	12.0	11.9	(0.1)	-0.7%
Total	9.0	10.2	9.5	(0.7)	-6.9%
Observation Cases	1,956	2,192	1,950	(242)	-11.0%
Outpatient Visits	279,545	275,800	278,050	2,250	0.8%
Clinics	138,557	136,823	132,415	(4,408)	-3.2%
Behavioral Health	33,615	32,552	34,767	2,215	6.8%
Chemical Dependency	25,106	23,088	23,270	182	0.8%
Dialysis	26,119	24,965	27,252	2,287	9.2%
Other	56,148	58,372	60,346	1,974	3.4%
Surgical Cases					
Inpatient	5,373	5,046	5,462	416	8.2%
Outpatient	8,490	7,353	7,802	449	6.1%
Total	13,863	12,399	13,264	865	7.0%
Case Mix Index - Acute	1.89	1.85	1.89	0	2.2%
Emergency Visits	58,159	52,202	54,968	2,766	5.3%
CPEP Visits	10,485	9,812	10,032	220	2.2%
Terrace View ADC	362.8	339.1	375.0	35.9	10.6%

Revenue

- Overall average payer rate increase net of 4% (includes Commercial, Medicare, Medicaid)
- Acute – IP Discharges increase from 2022 levels
  - Growth in inpatient cases related to improved community skilled nursing facility access, average length of stay, accounting for the 2022 elective surgery restrictions
- Outpatient volume slight increase from 2022 levels
  - Increases in emergency room visits, dialysis, and behavioral health clinic visits
- Terrace View average daily census increase to 375 residents
  - Increase in staffing will allow for increased census and re-opening of units.
- IGT – Year over year growth based upon estimated net changes in allowable costs and associated revenue.
- Revenue cycle process improvements of $5M included within contract underpayments, professional billing, denials and bad debt expense

Expenses

- Salaries
  - Decrease in overall FTE's to 3,530 (3,600 @ 8/31/22)
    - Vacancy management and attrition
  - Reduced premium costs to staff open shifts
  - Contracted wage adjustments total an average of 3.0%
  - Non-Union wage adjustments total 2.5%
- Benefits
  - Increased health insurance, workers compensation and unemployment related costs offset by a decline in pension expense
  - Post-retiree health benefit cost included at current run rate

Expenses (cont'd)

- Physician & Residents
  - Notable increases
    - Contracted increases and changes
    - University Faculty and Resident rate increases
    - New surgeons – Orthopedics, Plastic & Reconstructive
    - New medical physicians – Neurology, Primary Care
  - Increase in GPPC total cost related to new physicians and expanded practice operations (volume and revenue also included).
- Contractual Fees/Purchased Services
  - Reduction in contractual fees associated with temporary agency nursing personnel
- Supplies
  - Volume, inflationary increases, specialty pharmacy drug volume, value analysis cost reductions

Cash Flow Assumptions

- Net change in cash of $1 Million
  - Days cash on hand steady at 60 days from projected 2022
- Days in accounts receivable remaining consistent at 49.8 days
- Routine capital budget spend consistent with 2022 at $8.0 million

Performance Improvement Initiatives

- Length of stay improvements
- Vacancy management / contract agency usage reduction
- Year 2 of specialty pharmacy operations and acceptance by all payers, expansion of volume
- Value analysis program expansion to physician preference items
- Insurance plan relationship, increased rates, partnership revenue & improved governance
- Continued inpatient growth strategies
- Continued infrastructure planning and investment in population health strategies
- Outpatient service line improvement (efficiency and focused growth)

Emerging Issues and Risk Areas

- Operating performance improvements
  - Market driven length of stay risks
  - Recruitment and retention risks
- Continued inflationary pressures on staffing and other operating costs
- Federal and NYS reimbursement uncertainty
- Inpatient volume sensitivity
  - Insurance plan activity
  - Market disruptors
- Pension expense and contribution changes
- GASB 96 – Subscription based IT agreements
- GASB 97 – Lease Accounting

5 Year Financial Projections

- Reimbursement rate increases consistent with 2023 budget
- IGT/UPL at current projections
- Salary expense consistent with current collective bargaining agreements
- Benefits % of salary expense steady throughout projection period
- Supply and other expense inflation reduced from 2022 and 2023 inflation to reflect more reasonable growth after 2023
- Reflects need for additional operational Federal and/or New York State support in addition to management's achievement of ongoing operational improvements

Statements of Revenues and Expenses – Projected

(Thousands)

	Audited 2021	Projected 2022	Budget 2023	2024	2025	Projected 2026	2027	2028
Operating Revenues								
Net Patient Service Revenue	566,104	576,616	611,984	623,396	637,383	658,472	680,550	695,941
Disproportionate Share, IGT and UPL Revenue	101,620	104,245	116,351	116,351	116,351	116,351	116,351	116,351
Other Operating Revenue	21,498	26,716	37,635	38,011	38,391	38,775	39,163	39,555
Total Operating Revenues	689,222	707,577	765,970	777,759	792,126	813,599	836,064	851,846
Operating Expenses								
Salaries and Benefits	359,971	408,460	409,792	415,561	428,681	442,215	456,177	470,580
Physician Fees and Professional Services	169,142	192,051	182,590	188,068	193,710	199,521	205,507	211,672
Supplies	112,497	119,179	128,714	132,966	136,591	141,032	145,650	149,639
Other Expenses	37,171	35,246	36,271	38,480	40,823	43,309	45,947	48,745
Depreciation and Amortization	35,980	36,154	34,142	37,407	37,600	38,457	39,695	33,856
Interest	10,448	10,001	9,458	10,352	9,540	9,017	8,085	7,447
Total Operating Expenses	725,209	801,091	800,967	822,833	846,945	873,552	901,061	921,939
	(35,987)	(93,514)	(34,997)	(45,075)	(54,819)	(59,953)	(64,997)	(70,093)
Operational Support / Performance Improvements	-	-	-	30,075	39,819	52,953	65,497	70,593
Income/(Loss) from Operations	(35,987)	(93,514)	(34,997)	(15,000)	(15,000)	(7,000)	500	500
CARES Act Funding Relief	1,238	10,328	-	-	-	-	-	-
Income/(Loss) from Operations with CARES Act Relief	(34,749)	(83,186)	(34,997)	(15,000)	(15,000)	(7,000)	500	500
Non Operating Revenues & Capital Contributions	13,547	(12,170)	1,322	1,436	1,841	1,768	1,822	1,977
Excess of Revenues Over Expenses	(21,202)	(95,356)	(33,675)	(13,564)	(13,159)	(5,232)	2,322	2,477

APPENDIX A

Outstanding Bonds and Notes

Erie County Guaranteed Senior Revenue Bonds, Series 2004

No bonds were issued, called, or re-financed during 2022.

$3,945,000 of bonds matured or were redeemed in 2022.

$61,135,000 of 2004 bonds remain outstanding at December 31, 2022.

Erie County Loan Payable-2017 (Refinance)

During 2017, the Corporation refinanced its 2011 Loan with a $74,366,859 loan from the County of Erie.
$4,051,011 in principal payments were made in 2022.
$53,235,450 of debt is outstanding at December 31, 2022.

Erie County Loan Payable-2017 (New Money)

During 2017, the Corporation entered into a $99,492,034 loan with the County of Erie.
$2,712,997 in principal payments were made in 2022.
$90,154,661 of debt is outstanding at December 31, 2022.

Erie County Capitalized Interest Assumption Obligation-2017

During 2017, the Corporation entered into an $8,281,141 capitalized interest assumption obligation with the County of Erie.
$225,813 in principal payments were made in 2022.
$7,503,953 of debt is outstanding at December 31, 2022.

Line of Credit

During 2021, the Corporation signed an agreement for an unsecured revolving line of credit.

$0 in principal payments were made in 2022.

$10,000,000 of outstanding borrowings against the line of credit at December 31, 2022.

Metz Culinary Management Food Service Improvements Loan

During 2019, the Corporation entered into a $1,805,430 loan with Metz Culinary Management

$180,543 in principal payments were made in 2022.

$1,128,403 of debt is outstanding at December 31, 2022.
During 2021, the Corporation entered into a $1,552,000 loan with Metz Culinary Management
$200,258 in principal payments were made in 2022.
$1,201,548 of debt is outstanding at December 31, 2022.

Long term liabilities, including those associated with employee benefit plans are presented in the audited financial report attached.

The annual audited financial statements prepared by an independent certified public accountant and presented in conformity with generally accepted accounting principles is included with this report.

APPENDIX B
COMPENSATION SCHEDULE

Name	Job Title	2022 Gross Earnings	Annual Salary
Addison, Jessica	Charge Nurse	161,925	105,681
Aiad, Jean	Dentist ECMC RPT	110,210	110,210
Albert, Alison	Director of Admissions Medical Rehabilit	123,420	114,533
Ambrose, Keith	Director of Capital Projects	40,375	110,500
Anders, Mark	Medical Specialist	185,729	165,000
Anderson, Jennifer	Charge Nurse	132,315	105,681
Arcadi, Kristine Anne	Unit Manager MedicalSurgical	107,630	125,158
Artieri, Diane	Vice President of Materials Management	168,104	175,000
Augostini, Anna	Pharmacist ECMC	65,008	133,902
Austin, Cheryl	Director of Imaging Services	132,293	133,802
Baetzhold-Fabiniak, Karen	Physician Assistant	141,191	141,401
Bailen, Matthew	Director of Nursing Education-CC	73,847	128,000
Bailey, Steven	Nursing Supervisor LTC RPT	130,151	130,151
Ballard, Katrina	NURSING INSERVICE INSTRUCTOR (EMERGENCY	111,829	117,980
Barry, Jennifer	PROGRAM DIRECTOR-BEHAVIORAL HEALTH	96,253	105,000
Basher, William	Nursing Team Leader Dialysis Services	125,995	110,583
Bass, Cynthia	Director of Diversity and Inclusion	122,446	125,000
Bass, Edmond	Nursing Informatics Mgr.	128,127	127,496
Beaver, Michael	Pharmacist ECMC	7,564	130,946
Becker, Melissa	Unit Manager Operating Room	160,363	117,980
Becker, Paula	Pharmacist ECMC	140,938	142,732
Beckman-Pilcher, Karen	Clinical Nurse Specialist Emerg Svcs	145,894	148,081
Beiter, Sean	Director of Labor & Employee Relations	75,637	145,000
Bell, Shentelle	Director of Nursing Services Ambulatory	127,330	125,000
Bellido-Clark, Dana	Unit Manager MedicalSurgical	123,706	121,522
Bernier, Deborah	Operations Manager LTC	115,066	115,000
Bethea, Marquita	Director of Admissions LTC	135,277	125,472
Biersbach, Bret	Anesthesiologist	521,545	459,000
Biondolillo, Rhonda	General Duty Nurse PD	105,471	105,471
Bittner, Michelle	Charge Nurse	114,348	105,681
Blair, Lawrence	Behavioral Health Clinical Manager	110,318	115,000
Blair, Lindsey	Nursing Inservice Instructor ECMC	122,040	113,868
Blair, Sean	Nurse Case Manager	137,359	121,522
Blecha, Kortney	Charge Nurse	149,493	105,681
Boice, Allison	Nurse Case Manager	77,242	121,522
Bolden, Taywanda	Behavioral Health Clinical Manager	108,318	115,000
Bonito, Nicole	Anesthetist	93,421	228,042
Borton, Angela	Pharmacist ECMC	142,552	133,902
Boustany, Christopher	Anesthesiologist	8,478	375,000
Brennan, Melinda	Unit Manager MedicalSurgical	115,128	114,533
Brennan, Stephanie	Pharmacist ECMC	133,213	133,902
Brindisi, Joseph	Nurse Practitioner ECMC	130,412	131,577
Brinker, Debra	Charge Nurse	113,651	105,681
Brinkworth, Jennifer	Charge Nurse	147,013	105,681
Broeneman, Kourtney	Nurse Case Manager	125,412	125,158
Brooks, Latoya	Unit Manager MedicalSurgical	124,802	125,158
Brown, Dana	Anesthetist	265,127	228,042
Brown, Donna	Associate Hospital Administrator	133,559	133,756
Brown, Jillian	VP of Behavioral Health Services	169,604	159,120
Brundin Jr, Douglas	Anesthetist	231,021	228,042
Brunner, Stephanie	Transplant Coordinator	107,208	107,956

Bryant, Stephanie	Clin Tch?Dedicated Edu Unit Instructor	130,123	117,980
Buckley, Peter	Nursing Team Leader LTC	115,748	101,186
Budde, Ronald	PROGRAM DIRECTOR-BEHAVIORAL HEALTH	93,420	105,000
Burgio, Susan	Clinical Laboratory Quality Coordinator	150,167	110,477
Burke, Mark	Attending Physician	694,419	695,564
Burnett, Julie	Charge Nurse	121,298	105,681
Burridge, Suzanne	Pharmacist ECMC RPT	122,696	122,696
Burt, Mary	Nursing Team Leader	165,208	113,868
Canallatos, Jessica	Dentist ECMC PT	104,276	120,000
Canallatos, Paul	Dentist ECMC	217,827	221,450
Cantie, Shawn	Anesthesiologist	523,651	483,786
Carl, Karen	Nursing Team Leader	126,255	113,868
Carnevale, Marinela	Emergency Department Patient Flow TL	139,618	110,583
Carpenter, Cheryl	Director of Medical Dental Staff Svcs	122,445	119,021
Carroll, Jennifer	Behavioral Health Clinical Manager	125,209	120,000
Castonguay, Andrea	Physician Assistant	99,903	100,034
Cavo, Paul	Clinical Systems Analyst	115,372	101,440
Cheng, Yi Shun	Attending Physician	287,571	288,400
Chikaraishi, Juli	Director of Outpatient Opers & Oncolog	109,780	116,500
Chilbert, Kevin	Pharmacist ECMC	134,015	133,902
Ciancone, Gabriella	Infection Prevention Practioner	108,467	113,868
Cieri, Margaret	Nursing Care Coordinator	195,495	135,244
Cirillo, Joseph	Director of Public Relations Communic.	133,019	133,557
Cisse, Maimouna	Certified Nursing Assistant RPT	100,409	100,409
Ciurczak, Tiffany	Emergency Department Patient Flow TL	134,089	113,868
Clark, Cynthia	Nurse Case Manager	135,352	125,158
Clark, Scott	Charge Nurse RPT	100,673	100,673
Cloud, Samuel	Attending Physician	376,567	376,991
Colebeck, Amanda	Dentist ECMC	292,779	304,000
Colucci, Anthony	Executive Vice President of ECMCC	596,609	559,267
Comstock, Scott	Charge Nurse	128,282	105,681
Coniglio, Julia	Anesthetist	222,037	228,042
Connors, Marchelle	Charge Nurse	107,439	105,681
Cornelius, Rhonda	Nursing Care Coordinator	127,329	127,496
Cozzemera, John	Nursing Team Leader	115,636	110,583
Cretacci, Nicole	Unit Manager MedicalSurgical	128,441	125,158
Culligan, Tanya	Clinical Documentation Specialist	126,869	105,681
Cumbo, John	Vice President of Information Technology	229,011	230,000
Currin, Shawntres	Unit Manager MedicalSurgical	133,870	117,980
Cutler, Peter	VP of Communications & External Affairs	262,662	260,000
Dalton, Wendy	Nursing Team Leader LTC	132,518	104,223
D'Angelo, Dino	Charge Nurse	119,798	102,584
Daniels, Steven	Sr. Human Resources Info System Admin	121,966	120,000
Daoust, Jeffrey	Physician Assistant	129,475	128,164
Davis, Andrew	Chief Operating Officer ECMC	659,989	638,600
Davis, Cassandra	Senior Vice President of Operations-Outp	290,823	285,000
Davis, Karen	Charge Nurse	115,505	102,584
DeFilippo, Jenna	Assistant Head Nurse	131,624	102,584
DelGuidice, Natalie	Clinical Pharmacy Specialist	61,417	145,384
DelPrince, Becky	VP of Systems and Integrated Care	193,772	188,258
DelVecchio, Regina	Staff Counsel ECMC	195,220	188,258
DePlato, Anthony	Anesthesiologist	585,782	542,491
Derenda, Nicole	Director of Nursing Education Med/Surg	133,540	133,738
DeYoung, Candice	Nursing Team Leader	108,145	113,868

Diina, David	Nurse Practitioner Transplant	362,607	148,081
DiOrio, Leigh-Anne	Nurse Practitioner Transplant	21,776	112,732
Dobson, Judy	VP Medical Surgical Nursing Services	182,404	182,673
Dolansky, Evan	Pharmacist ECMC	142,958	139,782
Drozdowski, Michael	Director of Capital Projects	45,691	144,668
Drysdale, Michelle	InService Education Coordinator	141,142	117,980
Duell, Susan	Minimum Data Set Director	125,279	114,533
Duffin, Joy	Transplant Coordinator	196,813	125,158
Duffy, Brian	Anesthesiologist	453,813	395,391
Duman, Eileen	Administrative Director of Laboratory Se	83,647	152,000
Durant, Jason	Systems Administrator	128,748	106,956
Dvinova, Larisa	Charge Nurse	175,058	105,681
Eck, Brooke	Director of Respiratory Therapy Services	35,348	104,437
Egan, Carol	Charge Nurse	123,916	105,681
Eleey, Lynnette	Charge Nurse	135,867	105,681
Erhardt, Laurie	Minimum Data Set Specialist	106,383	107,355
Erhardt, Robert	Chief Hospital Public Safety Officer	161,757	119,007
Ervolina, Daryl	Senior Pharmacist ECMC	160,420	158,382
Evans, Maureen	Pharmacist ECMC RPT	107,588	107,588
Evans, Michele	Nursing Team Leader LTC	144,098	113,868
Exposito Vazquez, Manuel	Certified Nursing Assistant RPT	255,355	255,355
Falco, Mark	Attending Physician	213,077	480,000
Falcone, Michelle	Pharmacist ECMC	31,674	125,746
Farrell, Amanda	Population Health Clinical Data Analyst	126,457	117,980
Fenner, Nicholas	Pharmacist ECMC	137,444	133,902
Ferguson, Richard	Director of Neurology RPT	426,363	383,976
Fezer III, Stephen	Anesthetist	73,338	228,042
Firestone, Lisa	Nurse Case Manager - Ambulatory Services	119,268	117,980
Flaherty, Amy	Staff Counsel - Risk Management	161,944	159,120
Fleming, Laura	Privacy Officer	109,318	105,875
Flett, Deborah	Nursing Team Leader LTC	132,172	113,868
Floyd, Kaitlin	Nursing Team Leader	39,136	110,583
Flynn, William	Director of Surgery	173,302	169,703
Forgensi, Stacey	Anesthetist	246,631	228,042
Foster, Amanda	Director of Respiratory Therapy Services	73,327	128,009
Fowler, Julia	Nursing Care Coordinator	142,447	131,327
Fox, Heather	Nurse Case Manager - Ambulatory Services	128,751	125,158
Frey, Jordan	Attending Physician	519,676	484,100
Friend, Dawn	Director of Nursing Service LTC	140,845	140,400
Frustino, Jennifer	Dentist ECMC	239,462	257,677
Furlani, Lisa	Anesthetist	230,692	228,042
Furnari, Graziella	Clinical Pharmacy Specialist	142,678	145,384
Gallagher, Heather	Senior Director Of Comp. Benefits HRIS	142,892	140,400
Gallineau, Anne-Marie	Nursing Care Coordinator	164,391	135,244
Galuski, Tabatha	General Duty Nurse RPT	106,801	106,801
Gant, Ramona	Director of Nursing Service LTC	128,736	140,000
Gardy-Batson, Marcell	Assistant Director Nursing LTC	117,370	125,000
Garfoot, John	Attending Physician	140,130	325,000
Gary, Stephen	Consultant IV	413,424	413,424
Gatti, Donna	Director of CPEP	7,025	119,372
Giglia, Joseph	General Counsel	486,409	486,953
Gomez, Melissa	Director of Clin. Coding Record Qual Mg	101,018	101,168
Gompah, Santosha	Unit Manager MedicalSurgical	143,768	125,158
Gonzalez, Susan	Executive Director ECMC Lifeline Foundat	202,935	195,052

Gorczynski II, Thomas	Information Technology Systems Architect	142,498	137,416
Gorski, Amanda	General Duty Nurse RPT	104,900	104,900
Gozdalski, Nicole	Charge Nurse	141,655	105,681
Grantham, Ayanna	Assistant Director Nursing LTC	118,870	125,000
Greco, Timothy	General Duty Nurse RPT	102,738	102,738
Greene Clark, Maria	Director of CPEP	109,835	125,000
Gregorio, Tara	Unit Manager MedicalSurgical	134,722	121,522
Grimm, Jessica	Nursing Team Leader	107,629	101,186
Grolemund, Stephanie	Anesthetist	244,335	228,042
Grzebinski, Jane	Pharmacist ECMC	145,431	145,744
Grzybowski, Helen	InService Education Coordinator	147,153	125,158
Haag, Cheryl	Pharmacist ECMC	16,489	130,946
Habonimana, Colette	Charge Nurse	146,670	105,681
Haefner, Lori	Charge Nurse	131,575	105,681
Haefner, Paula	Project Manager HIT	104,800	104,955
Halloran, Ashley	Vice President of Pharmacy Operations	178,140	190,000
Hamilton, Catherine	Director of Patient Financial Services	124,248	124,431
Handley, Sarah	Pharmacist ECMC	136,171	133,902
Hanlon, Barbara	Assistant Head Nurse	106,237	105,681
Harrington, Crystal	Charge Nurse	144,079	105,681
Harris, Rachel	Nurse Practitioner Plastic Recon Surger	135,412	127,754
Hartman, Nancy	Registered Nurse Trauma Registrar	124,590	113,868
Hartman, Sandra	Nursing Care Coordinator	206,359	135,244
Hartmann, Erica	Dentist ECMC	82,116	175,000
Haseley, Nicole	Transplant Coordinator	179,684	121,522
Hatten, Khadija	Nursing Care Coordinator	135,723	123,766
Hauss, Lisa Marie	Nurse Case Manager	125,183	125,158
Healy, Jaclyn	Pharmacist ECMC	25,051	130,946
Heigl, Deborah	Nurse Case Manager	21,316	116,156
Herr, Alexandra	Staff Counsel ECMC	108,585	120,000
Hidalgo, Francisco	Code Compliance Manager	124,471	121,466
Highway, Lisa	Director of Recruitment and Retention	116,616	120,000
Hill, Tara	Charge Nurse	76,336	105,681
Hinderliter, Vanessa	VP of Finance ECMC	167,202	190,000
Hines, Holly	Nurse Case Manager	130,403	125,158
Hodan, Patricia	Infection Prevention Practioner	125,294	113,868
Hodgson, Matthew	Nurse Practitioner Plastic Recon Surger	142,832	143,784
Hoerner, Audrey	Senior Nurse Practitioner - Burn Unit	187,181	165,788
Hoerner, Nadine	Clinical Documentation Specialist	123,024	105,681
Honkomp, Cheryl	Assistant Head Nurse	119,751	105,681
Horesh, Fayelyn	Anesthetist RPT	151,464	151,464
Hovak, Melissa	Nurse Practitioner Transplant	225,124	148,081
Hughes, Christopher	Attending Physician RPT	293,488	275,000
Hultquist, Scott	Nursing Care Coordinator	12,806	111,519
Hunley, Kizzie	Nursing Care Coordinator	151,979	131,327
Hunt, Benjamin	Nursing Inservice Instructor Psych	129,954	110,583
Hunter, Thameena	Unit Manager Ambulatory Care	138,901	125,158
Hussain, Sarah	General Duty Nurse RPT	100,932	100,932
Hutchings, Michelle	Nurse Case Manager	123,927	125,158
Ireland, Shari	Charge Nurse	95,051	105,681
Isch, Pamela	Assistant Director Ambulatory Services	103,155	106,956
Jack, Dennis	Nurse Practitioner Transplant	209,196	121,204
Jack, Jennifer	Charge Nurse	141,227	102,584
Jackson, Seanessa	Nurse Case Manager	134,891	125,158

Jager, Jonathan	Pharmacist ECMC	53,090	125,746
James, Gelea	Director of Labor & Employee Relations	4,919	125,000
Jamison, Shannon	Charge Nurse	118,286	105,681
Jellinick, Lori	Supervisor of Rehab Medicine	104,093	106,236
Jenney, Kevin	Supervisor of Rehab Medicine	105,962	106,236
Jensen, Erik	Anesthesiologist	557,859	496,747
Jimerson, Mary	Nursing Team Leader Ambulatory Services	143,608	104,223
Johnson, Marie	Vice President of Rehab Services	164,222	164,465
Johnson, Maureen	Charge Nurse	197,093	105,681
Jones, Donna	Chief Quality of Care Officer and Operat	259,616	260,000
Jones, Veronica	Charge Nurse	58,036	105,681
Jonmaire, Kenneth	Senior Director Outpatient Operations	136,504	128,165
Juncewicz, Edmund	Anesthesiologist	511,448	468,180
Kalinka, Lisa	Nurse Practitioner Transplant	228,692	139,578
Kapral, Elizabeth	Dentist ECMC	208,350	206,824
Karl, Stephanie	Nurse Case Manager	120,469	117,980
Kaurich, Justine	Vice President of Operations	199,875	200,173
Kayler, Liise	Attending Physician RPT	205,536	166,446
Keenan-Uschold, Lisa	Chief Clinical Psychologist	135,378	136,839
Keeney, Alicia	Nursing Inservice Instructor ECMC	116,140	113,868
Kemp, Michelle	Nurse Case Manager	115,776	114,533
Ketter-Franklin, Krystal	Charge Nurse	65,595	105,681
Killion, Valerie	Assistant Director Nursing Sub Acute Ser	116,749	115,000
Kimble, Karen	Behavioral Health Clinical Manager	108,028	115,000
Kinney, Elizabeth	Charge Nurse	122,136	105,681
Kleinhans, Shannon	Quality Care Coordinator	101,731	111,195
Knoop, Shawn	General Duty Nurse RPT	110,121	110,121
Koch, Elizabeth	Anesthesiologist	503,199	459,000
Kocz, Remek	Anesthesiologist	484,462	435,000
Kolber, Brooke	Dentist ECMC RPT	111,543	74,263
Kolbert, Cynthia	Charge Nurse	130,921	105,681
Konikoff, Karen	VP Critical Care & Emergency Services	185,103	178,501
Kordasiewicz, Lynn	Nurse Practitioner Wound Care	159,551	148,081
Korff, Kathryn	Dentist ECMC	195,422	195,641
Kostek, Heather	Nursing Team Leader	108,073	107,355
Koszuta, Ceilia	Nurse Case Manager	129,821	125,158
Krakowiak, Daryl	Assistant Director of Social Work BH	103,954	105,785
Kuechle, Claire	Staff Counsel ECMC	172,489	172,744
Kurek, Alecia	Unit Manager MedicalSurgical	140,135	125,158
Kuropatwinski, David	Nursing Team Leader	110,030	110,583
Kwiatkowski, Andrew	Director of Project Management HIT	165,396	156,026
Labelle, Jamie	Unit Manager Hemodialysis	122,774	125,158
Labelle, Marc	VP Surgical Services	175,242	172,186
Lang, Julie	Project Manager HIT	104,800	104,955
Larkin, Rachel	Nursing Team Leader	110,505	113,868
Lauer, Sandra	Director of Continuum Care	141,715	131,571
Lavarnway, Nicole	Nursing Supervisor LTC	147,747	125,158
Lawley, Melinda	Unit Manager Critical Care	159,161	125,158
Leas, Christie	Unit Manager Critical Care	119,858	114,533
Lee, Pamela	Senior VP of Operations ECMC	311,592	312,053
Lenhard, Eric	Pharmacist ECMC	139,535	136,839
Lewandowski, Emily	Pharmacist ECMC	65,324	130,946
Leyh, Virginia	Transplant Coordinator	137,426	125,158
Lilic, Dijana	Charge Nurse	156,114	105,681

Lorden, Bernard	Network Analyst	126,101	101,440
Loree, Thom	Attending Physician	885,398	877,897
Ludlow, Charlene	Senior VP of Nursing	345,178	350,000
Lukasik, Keith	Chief Strategy Officer	108,192	267,903
Lydo, Kaitlin	Registered Nurse Trauma Registrar	102,437	104,223
Mack, Markita	Unit Manager Critical Care	122,409	121,522
Madoo, Kevin	Director of Plant Operations	132,451	122,593
Maggio, Sarah	ASSISTANT VP of BH, Nrsing & Edu	143,250	138,141
Mahar, Shannon	Nursing Team Leader	89,990	104,223
Maloney, Jennifer	Unit Manager MedicalSurgical	134,503	125,158
Marasco, Marjorie	NURSING INSERVICE INSTRUCTOR (EMERGENCY	118,784	117,980
Marczak, Juliet	Nurse Practitioner ECMC	143,062	143,784
Markiewicz, Anthony	VP Clinical Business Intelligence and In	195,542	185,096
Marshall, Michelle	PROGRAM DIRECTOR-BEHAVIORAL HEALTH	98,661	105,000
Marso, Lisa	Anesthetist	243,328	228,042
Martin, Alana	Pharmacist ECMC	50,897	130,946
Martin, Janet	VP of Finance ECMC	216,468	216,403
Martina, Kristin	Nursing Team Leader	130,519	104,223
Martinez, Kristen	Director of Rehabilation Services	101,851	100,500
Masters, Raymond	Anesthetist	218,030	211,356
Mayer, John	Director of System Health and Safety	47,592	120,500
Mazur, Christopher	Senior Pharmacist ECMC	171,363	148,620
McAndrews, Lisa	Charge Nurse	134,187	105,681
McCartan, Daniel	Emergency Preparedness Manager	103,493	103,646
McCloud, Arletha	Charge Nurse	124,519	105,681
McCullor, Sandra	Charge Nurse	132,098	105,681
McDonough, Meghan	Nursing Care Coordinator RPT	114,772	114,772
Mcdougall, Sarah	Pharmacist ECMC	130,337	133,902
McDuffie, Ann	Nursing Team Leader Orthopedics	116,151	113,868
McGuigan, Jessica	Unit Manager MedicalSurgical	94,101	125,158
McKeever, Ashley	Anesthetist	233,724	228,042
McLean, Terrence	Dentist ECMC	445,721	446,321
McNair, Antionette	Nursing Care Coordinator RPT	123,763	123,763
McPartlan, Georgia	Nursing Team Leader Ostomy WC	35,520	102,629
Mehmedovic, Andrea	Chief Clinical Laboratory Technologist	136,495	106,390
Mendola, Kathryn	Director of Campaigns & Major Gifts	99,945	102,000
Menter, Danielle	Charge Nurse	133,621	102,584
Metz, Martha	Clinical Nurse Specialist Critical Care	103,766	121,204
Metzler, Ashley	Unit Manager Post Anesthesia Care	132,166	125,158
Meyers, Shannon	Anesthetist	83,123	211,150
Meyers, Tracy	Nursing Team Leader	118,414	113,868
Miano, Joanne	Nurse Case Manager	126,384	125,158
Milbrand, Alison	Pharmacist ECMC	132,449	133,902
Miller, Loretta	Safe Patient Handling Coordinator	108,297	106,236
Minhas, Parveen	Nurse Practitioner Transplant	249,579	143,784
Mitchell, Alexandria	Unit Manager MedicalSurgical	126,330	125,158
Mogavero, Joseph	Healthcare Business System Manager	125,135	128,145
Mondoux, Jessica	Director of Transplantation	132,036	127,920
Monnier, Thomas	Director of Biomedical Services	102,804	105,000
Montague, Victoria	Nursing Inservice Instructor ECMC	91,699	104,223
Mooney, Michelle	Nurse Case Manager	129,734	125,158
Morford, Tiffany	Nursing Team Leader LTC	123,198	101,186
Morrissey, Colin	Anesthetist	222,989	211,356
Moses, Beth	Trauma Injury Prevention & Education Coo	120,940	113,868

Mullen, Meghan	Trauma Program Manager	147,226	148,081
Mund, Nadine	Director of Corporate Compliance RPT	149,686	149,686
Murawski, Phyllis	VP Transplantation & Renal Care	202,591	202,891
Murphy, Holly	Pharmacist ECMC	131,474	133,902
Murray, Brian	Medical Director ECMC	551,102	551,719
Nagai, Michael	Attending Physician	517,767	493,318
Nance, Michele	Assistant Nurse Case Manager	112,316	105,681
Napierala, Randal	Pharmacist ECMC	134,425	133,902
Nasca, Maureen	Chief of Service Dentistry	456,160	456,670
Nawojski, Kari	Emergency Department Patient Flow TL	230,503	110,583
Nazzarett, Jody	Nursing Team Leader	117,647	113,868
Neff, Melissa	Unit Manager Cardiac Cath Lab	217,970	125,158
Nesbitt, David	Asst VP of Compliance and Senior Counsel	183,522	210,000
Niemira, Brittany	Manager of Charge Master	109,232	101,440
Nowak, Kevin	Anesthesiologist	467,539	440,000
Nowak, Kristine	Behavioral Health Clinical Manager	111,239	115,000
Nowak, Lisa	Nursing Team Leader LTC	133,154	104,223
Nye, Maria	Charge Nurse	128,903	105,681
Obstarczyk, Valerie	Nursing Team Leader Ambulatory Services	105,083	104,223
Occhino, Erin	Clinical Pharmacy Specialist	141,340	145,384
Ordon, Cheryl	Nurse Case Manager	127,535	125,158
Orloff, Patrick	Director of Internal Audit	124,616	124,800
Ott, Michael	Clinical Coord Pharmacy Services	146,897	148,620
Ott, Sarah	RN Behavioral Health Data Reviewer	107,301	107,355
Pagano, Christina	Physician Assistant	123,585	117,313
Pajek, Lisa	Charge Nurse Ambulatory Care	32,882	105,681
Paladino, Matthew	Anesthesiologist	515,015	468,180
Palermo, Loretta	Emergency Department Patient Flow TL	142,262	113,868
Panesar, Mandip	Chief Medical Information Officer	450,991	456,754
Paolini, Karen	Nurse Practitioner Transplant	78,840	137,432
Parker, Adam	Assistant Director of Pharmacy	149,591	148,750
Parks, Mary	Charge Nurse	160,556	102,584
Patterson, Caralyn	Nursing Team Leader LTC	128,568	104,223
Patterson, Sandra	Nursing Team Leader Ambulatory Services	129,769	113,868
Payne, Angela	Unit Manager Emergency	2,182	111,195
Peals, Letrice	Charge Nurse	138,416	105,681
Pelton, Lisa	General Duty Nurse	95,817	103,208
Perkins, Melissa	Unit Manager MedicalSurgical	156,462	125,158
Perno, Amy	Physician Assistant	16,030	106,120
Perrino, Adam	Assistant Director of Capital Projects	33,773	112,243
Pesta, Joslyn	Pharmacist ECMC	137,092	130,946
Petit, Kristy	Charge Nurse RPT	103,440	103,440
Petry, Christina	Nursing Team Leader Ostomy WC	127,727	113,868
Phillips, Kristen	Anesthetist	215,250	211,356
Picciano, Cathleen	Lead Clinical Documentation Specialist	131,764	113,868
Picciano, Thomas	Manager - Care Management	127,909	130,000
Pietrzyk, Mathew	Clinical Teacher	135,217	127,496
Pilat, Cynthia	Charge Nurse	167,574	105,681
Piniewski, Jillian	Nurse Practitioner Orthopedic Services	132,480	127,754
Piscatelli, Nicole	Dentist ECMC	184,598	185,657
Pittman, Courtney	Director of Patient Access Services	118,845	119,021
Pitz, Anita	Charge Nurse	134,237	105,681
Plueckhahn, Jennifer	Minimum Data Set Specialist	103,501	104,223
Pollock, Michael	Info Technology Operations Manager	138,621	128,145

Poodry, Abby	Charge Nurse	106,769	105,681
Popat, Saurin	Attending Physician PT	474,055	450,204
Powers, Shawntey	Charge Nurse	122,085	102,584
Pressley III, Charles	Staff Counsel ECMC	119,283	128,960
Prybylski, Monica	Nurse Practitioner Orthopedic Services	9,265	137,432
Pulka, Ashley	Pharmacist ECMC	131,021	133,902
Quatroche Jr., Thomas	Chief Executive Officer ECMC	1,183,173	1,184,500
Radovic, Vladan	Attending Physician	410,626	376,764
Rassman, Jeffrey	Physician Assistant	127,320	125,523
Reed, Karen	Anesthesiologist	549,609	506,682
Reeners, Eric	Director of Finance ECMC	108,035	140,000
Reeves, Sandra	Charge Nurse	124,638	105,681
Reigle, Corey	Charge Nurse	128,755	105,681
Reilly, Mary	Assistant VP of Critical Care & Emergenc	139,050	139,256
Reinhardt, Kaitlyn	Pharmacist ECMC	5,055	130,946
Requena, Steven	Nursing Supervisor LTC RPT	141,789	141,789
Resetarits, Christopher	Anesthetist RPT	145,318	145,318
Riley, Peggy-Sue	Charge Nurse	116,105	105,681
Ring, Alan	Anesthetist	213,935	211,356
Riter, Debra	Assistant Director of Social Work BH	104,389	105,785
Rizzo, Heather	Anesthetist RPT	145,539	145,539
Rizzo, John	Unit Manager MedicalSurgical	130,050	117,980
Robb, Noel	Charge Nurse	119,194	105,681
Robertson, Heather	Charge Nurse	128,051	102,584
Robinson, Constance	Nursing Supervisor LTC	89,149	125,158
Roblee, Chelsey	Nursing Team Leader	123,611	110,583
Rodriguez, Erin	Charge Nurse	106,905	102,584
Roeder, Anastasia	Director of Development & Marketing ECMC	115,741	111,614
Rogers, Angeline	Nurse Case Manager	141,615	125,158
Rogers, Nancy	Clinical Nurse Specialist Behavioral Hea	13,264	129,540
Rohl, Kathleen	Assistant Head Nurse	112,985	105,681
Rohloff, Sarina	Director of Procurement Compliance	101,558	101,709
Rohrbacher, Bernhard	Medical Specialist RPT	116,627	132,267
Rojek, Janet	Senior Pharmacist ECMC	65,850	149,879
Roman, Julie	Clinical Documentation Specialist	128,040	102,584
Roof, Angela	Nurse Case Manager	110,810	111,195
Roof, Donald	Director of Materials Management	111,284	111,448
Root, Sarah	Infection & Wound Care Preventionist LTC	129,843	125,158
Ross, Nicole	Pharmacist ECMC	59,841	130,946
Rossi, Lucia	VP of Ambulatory Svs & Population Health	162,988	160,000
Rossitto, Rachael	Dentist ECMC	318,161	324,597
Ross-McComb, Holly	Clinical Nurse Specialist Behavioral Hea	58,646	135,529
Rubin, Kari	Nurse Case Manager	126,734	125,158
Rudyk, Jenine	Unit Manager Critical Care	124,936	121,522
Ruh, Christine	Assistant Director of Pharmacy	144,084	158,000
Rust, Shawna	Charge Nurse	128,033	105,681
Salh, Manpreet	Minimum Data Set Specialist	153,740	107,355
Sammarco-Delmont, Renee	Unit Manager MedicalSurgical	157,157	125,158
Sands, Robert	Anesthesiologist	538,753	496,747
Santillo, Alexis	Physician Assistant	46,257	102,792
Sauer, Jillian	Unit Manager MedicalSurgical	119,512	117,980
Savage, Jessica	Assistant Head Nurse	116,043	105,681
Scherer, Paul	Healthcare Business Sys Analyst	107,858	105,785
Schoelerman, Ronald	Assistant VP of BH & Community	129,953	132,500

Schubbe, Jayson	Healthcare Data Warehouse Architect	121,772	117,430
Schubbe, Michele	Healthcare Business Sys Analyst	115,488	101,440
Schunke, Katrina	Pharmacist ECMC	143,490	145,744
Schurr, Karen	Clinical Asst to VP Surg & Card. Svcs	128,268	123,350
Schwanekamp, Karen	Anesthetist	240,705	228,042
Schwartz, Danielle	General Duty Nurse RPT	135,402	135,402
Schwenk, Kurt	Director of Budget ECMCC	117,789	125,000
Scrocco, Mary Carol	Nurse Practitioner Cardiovascular Lab	183,645	148,081
Seay, Michelle	Clinical Patient Care Liaison	141,974	135,244
Semrau, Jeffrey	Senior Pharmacist ECMC	143,241	145,384
Senchoway, Laura	Anesthetist	215,870	211,356
Serafin, Laura	Clinical Resource Nurse Emerg Services	136,122	105,681
Shanahan, Robert	Network Analyst	121,225	103,617
Shaw, Patrick	Clinical Resource Nurse	83,633	102,584
Sheppard, Judith	Nursing Supervisor LTC	158,156	125,158
Short, Amy	Charge Nurse	110,149	105,681
Simon, Alexander	Clinical Application Systems Manager	121,412	113,611
Simone, Jessica	Nursing Inservice Instructor Crit Care	102,352	104,223
Skomra, Richard	Chief Anesthetist	287,014	276,779
Smith, Andrew	Nurse Case Manager	133,414	125,158
Smith, Sandra	Clinical Documentation Specialist	125,165	105,681
Snodgrass, Darress	Anesthetist	45,647	211,150
Snyder, Jennifer	Nursing Care Coordinator Emergency Dept	123,738	127,496
So, Timmy	Assistant Director of Social Work BH	95,779	101,440
Sole, Jennifer	Nursing Team Leader	126,042	113,868
Sorce, Lynn	Charge Nurse	109,920	105,681
Soto-Gott, Sheree	General Duty Nurse RPT	135,396	135,396
Sousis, Julie	Assistant Director Ambulatory Services	122,832	111,775
Sperry, Howard	Clinical Director Medicine	329,671	319,066
Speta, Kathleen	Nurse Practitioner Transplant	20,097	118,564
Srodawa, Christopher	Administrative Director of Laboratory Se	36,729	130,050
Stanford, Benjamin	Unit Manager MedicalSurgical	129,151	121,522
Steffen, Tracy	Assistant Nurse Case Manager	115,241	105,681
Stegemann, Philip	Chief of Orthopedic Surgery	117,148	117,148
Steiner, Stacy	General Duty Nurse RPT	159,731	159,731
Stercula, Edna	Anesthetist	56	228,042
Steward, Kevin	Nursing Care Coordinator	151,499	135,244
Stobnicki, Cortney	Anesthetist	239,826	228,042
Stokes, Laura	Point of Care Clinical Laboratory Coord	113,580	114,731
Stroud, Kerry	Nursing Care Coordinator	148,570	135,244
Sturtz, Janice	Nursing Team Leader Ostomy WC	113,225	110,583
Suchy III, Thomas	Attending Physician	90,385	470,000
Sutton, Danielle	Charge Nurse	116,798	105,681
Swain, Anthony	Charge Nurse	115,461	105,681
Swain, Maureen	Charge Nurse	125,898	105,681
Sweetland, Jennifer	Nursing Informatics Mgr.	136,749	135,244
Swiatkowski, Jonathan	Chief Financial Officer ECMC	540,454	541,059
Szejnar, Michael	Charge Nurse	124,649	105,681
Tadak, Monica	Director of Revenue Capture and Integrit	137,708	134,797
Tadt, Stephanie	Nurse Case Manager	125,423	125,158
Tague, Dana	Nurse Practitioner Rehab Services	173,807	148,081
Tait, Christopher	Nurse Case Manager	132,674	125,158
Tarbell, Ross	Senior Pharmacist ECMC	105,680	155,079
Thanki, Pamela	Senior Financial Analyst	110,475	106,535

Thomas, Dylan	Pharmacist ECMC	91,417	130,946
Thomas, Katheleen	Infection Prevention Practioner	144,200	113,868
Thompson, Denise	Nursing Care Coordinator	145,423	131,327
Thoms, Amy	Clinical Documentation Specialist	118,944	105,681
Thorpe, Lisa	Director of Rehabilation Services	135,779	133,557
Thurnherr, Shannon	General Duty Nurse RPT	104,866	104,866
Toal, Emily	Charge Nurse	126,078	102,584
Tomljanovich, Paul	Attending Physician PT	136,520	128,395
Tornambe, Lynne	Pharmacist ECMC	145,510	136,839
Torres, Carmen	Nurse Practitioner ECMC	157,923	148,081
Troise, Emily	Nursing Inservice Instructor Crit Care	80,592	107,355
Turner, Charlaina	Assistant Head Nurse	176,707	105,681
Turner, James	Senior VP of Surgical and Ambulatory Ser	333,850	334,343
Twichell, Jerome	Senior Director Outpatient Operations	132,904	128,165
Urban, Paul	Assistant Info Tech Sys Architect	124,248	124,431
Vacanti, Angela	Manager Infection Control	166,594	135,244
Vacanti, Charles	Nursing Team Leader	115,923	113,868
Vail, Robert	Healthcare Information Security Officer	168,884	150,507
Villacorta, Maria	Charge Nurse	137,959	105,681
Walsh, Evelyn	Attending Physician	175,410	260,000
Walter, Robert	Chief Clinical Laboratory Technologist	137,630	114,731
Wang, Nana	Pharmacist ECMC	83,369	130,946
Warmus, Renelle	Nurse Case Manager	131,534	121,522
Weber, Joseph	Network Analyst	123,228	101,440
Weiss, Katherine	Pharmacist ECMC	186,424	145,744
Welka, Andrew	Anesthesiologist	489,526	448,050
Weslow, Beth	Unit Manager Post Anesthesia Care	85,382	117,980
West, Ashley	Nurse Case Manager	126,224	125,158
West, Lindsey	Unit Manager MedicalSurgical	104,295	114,533
Wik, Michelle	Nursing Inservice Instructor ECMC	132,341	104,223
Williams, Sonia	Assistant Director Ambulatory Services	128,691	119,007
Wilson, Karyn	Assistant Director Ambulatory Services	112,970	106,956
Wilson, Nicolette	VP Revenue Cycle	178,268	178,532
Wittmann, Paula	Charge Nurse	127,878	105,681
Wohaibi, Eyad	Attending Physician	984	391,400
Wolf, Joann	Assistant Vice President Surgical Nursin	143,276	143,488
Woodruff, Stephen	Administrator LTC	118,674	165,000
Woods, Kara	Physician Assistant	133,075	128,165
Woods, Milan	General Duty Nurse RPT	101,260	101,260
Wright, Shaunda	Unit Manager Behavioral Health	143,479	121,522
Yak, Joseph	Chief Clinical Laboratory Technologist	126,578	106,390
Yates, Robert	Anesthetist	219,262	211,356
York-Renaud, Jamie	Nursing Inservice Instructor OR	134,531	113,868
Zajac, Jamie	Emergency Department Patient Flow TL	133,821	113,868
Zakrzewski, Thomas	Nursing Supervisor LTC	18,341	116,156
Zanghi, Marie	Assistant Nurse Case Manager	106,692	105,681
Zdon, Glen	Unit Manager Hemodialysis	124,368	117,980
Ziemianski, Karen	Senior VP of Nursing	173,056	390,104
Zimmer, Michelle	Charge Nurse	123,174	105,681
Zynda, Elizabeth	Nurse Practitioner Transplant	219,289	143,784

APPENDIX C
2022 CORPORATE EXPENDITURES IN EXCESS OF $100,000

Vendor Name	Payments	Reporting Year	Contract Period		Purpose
McKESSON DRUG CO	$ 25,402,160	2022	3/19/2019	3/18/2024	Commodities/Supplies
GENERAL PHYSICIAN, P.C.	$ 18,304,309	2022	11/28/2020	11/27/2023	Other Professional Services
METZ CULINARY MANAGEMENT	$ 12,041,868	2022	4/6/2019	8/31/2027	Commodities/Supplies
SUPPLEMENTAL HEALTH CARE	$ 11,998,860	2022	12/8/2016	10/27/2023	Staffing Services
APOGEE MEDICAL MANAGEMENT	$ 11,905,717	2022	9/1/2015	9/30/2023	Other Professional Services
UNIVERSITY MEDICAL RESIDENT SERVICES, P.C.	$ 11,779,278	2022	1/4/2019	1/3/2029	Other Professional Services
UBMD PSYCHIATRY	$ 11,522,940	2022	8/1/2016	2/28/2023	Other Professional Services
CARDINAL HEALTH	$ 10,422,410	2022	12/1/2012	6/30/2027	Commodities/Supplies
UPSTATE NEW YORK TRANSPLANT	$ 8,428,833	2022	8/2/2016	Evergreen	Commodities/Supplies
GREAT LAKES MEDICAL IMAGING, LLC	$ 8,056,756	2022	9/1/2015	Evergreen	Other Professional Services
THE RESEARCH FOUNDATION	$ 7,822,290	2022	Various	Evergreen	Other Professional Services
UNVERSITY AT BUFFALO SURGEONS, INC.	$ 7,698,042	2022	1/1/2018	12/31/2025	Other Professional Services
ZIMMER US INC	$ 7,248,262	2022	12/29/2022	6/30/2026	Commodities/Supplies
ACADEMIC MEDICAL SERVICES, INC.	$ 6,665,025	2022	3/8/2018	3/7/2023	Other Professional Services
BIOCARE SD	$ 6,459,591	2022	1/1/2015	12/31/2023	Commodities/Supplies
MORRISON MANAGEMENT SPECIALISTS	$ 5,742,178	2022	1/1/2013	6/30/2023	Commodities/Supplies
GILBANE BUILDING COMPANY	$ 5,570,067	2022	5/1/2018	Project Completion	Design and Construction/Maintenance
BUFFALO INTERNIST AND ASSOCIATES	$ 5,100,839	2022	6/13/2017	6/30/2024	Other Professional Services
ROCHE DIAGNOSTICS CORPORATION	$ 4,889,788	2022	5/1/2002	5/21/2025	Commodities/Supplies
UNIVERSITY EMERGENCY MEDICAL SERVICES, INC.	$ 4,193,780	2022	8/1/2017	12/31/2022	Other Professional Services
J&J DETAILS & MAINTENANCE LLC	$ 4,078,932	2022	3/24/2020	3/23/2023	Other Professional Services
SYNTHES	$ 3,987,462	2022	9/18/2019	10/24/2024	Commodities/Supplies
HILL-ROM	$ 3,837,865	2022	6/15/2001	Evergreen	Commodities/Supplies
CARDINAL HEALTH MED PRODUCTS & SERVICES	$ 3,113,776	2022	12/1/2012	6/30/2027	Commodities/Supplies
LAWLEY AGENCY, LLC	$ 2,804,805	2022	5/1/2021	4/30/2024	Other Professional Services
SMITH & NEPHEW ORTHOPAEDICS	$ 2,565,543	2022	9/11/2020	9/10/2023	Commodities/Supplies
GLOBUS MEDICAL INC	$ 2,421,236	2022	4/30/2015	9/30/2023	Commodities/Supplies
STRYKER ORTHOPAEDICS	$ 2,418,232	2022	5/19/2021	5/18/2023	Commodities/Supplies
UB FAMILY MEDICINE INC.	$ 2,371,095	2022	6/1/2020	5/31/2023	Other Professional Services
KALEIDA HEALTH	$ 2,203,565	2022	Various	Evergreen	Other
UNIVERSITY ORTHOPAEDIC SERVICES	$ 2,031,223	2022	12/31/2021	6/30/2023	Other Professional Services
IMMCO DIAGNOSTICS INC	$ 1,897,900	2022	3/19/2020	Evergreen	Other Professional Services
CORE BTS INC	$ 1,837,658	2022	9/11/2009	Evergreen	Technology - Software
GRIDER SUPPORT SERVICES, LLC	$ 1,797,256	2022	3/1/2012	Evergreen	other
MEDICAL SOLUTIONS, LLC	$ 1,722,871	2022	12/4/2018	12/3/2025	Other Professional Services
LAB CORP OF AMERICA	$ 1,717,368	2022	10/1/2018	9/30/2026	Other Professional Services
ARTHREX INC	$ 1,578,821	2022	10/1/2018	9/30/2023	Commodities/Supplies
CLEAN CARE LINEN	$ 1,562,176	2022	5/2/2019	5/1/2024	Other Professional Services
CROTHALL HEALTHCARE	$ 1,559,633	2022	3/1/2019	2/28/2023	Other Professional Services
UNIVERSITY AT BUFFALO NEUROSURGERY, INC.	$ 1,459,226	2022	9/30/2019	9/29/2023	Other Professional Services
UNIVERSITY AT BUFFALO PATHOLOGISTS	$ 1,377,120	2022	1/1/2019	2/13/2026	Other Professional Services
FAVORITE HEALTHCARE STAFFING INC	$ 1,376,478	2022	7/22/2021	12/31/2025	Staffing Services
CARDINAL HEALTH	$ 1,368,058	2022	1/1/2016	12/31/2024	Commodities/Supplies
CHANGE HEALTHCARE	$ 1,351,045	2022	6/1/2008	8/31/2023	Financial Services
THE MARTIN GROUP LLC	$ 1,241,823	2022	6/9/2014	6/30/2024	Telecommunication Equipment or Services
AMERISOURCE BERGEN DRUG CORP	$ 1,132,503	2022	2/5/2021	2/4/2028	Commodities/Supplies
ARC BUILDING PARTNERS, LLC	$ 1,132,447	2022	2/18/2019	2/18/2023	Design and Construction/Maintenance
ALLSCRIPTS LLC	$ 1,047,211	2022	5/4/2010	Evergreen	Technology - Software
PHILIPS MEDICAL SYSTEMS	$ 1,038,306	2022	6/1/2021	5/31/2024	Commodities/Supplies
MEDICAL INFO TECH INC	$ 1,034,384	2022	7/14/2011	7/13/2023	Technology - Software
CREEKRIDGE CAPITAL-LB	$ 1,017,259	2022	4/1/2011	7/31/2026	Financial Services
UNIVERSITY DENTAL RESIDENT SERVICES, P.C.	$ 998,432	2022	1/4/2019	1/3/2029	Other Professional Services
MEDLINE INDUSTRIES INC	$ 964,877	2022	1/8/2004	Evergreen	Commodities/Supplies
W L GORE & ASSOC INC	$ 942,575	2022	9/3/2020	7/1/2024	Commodities/Supplies
INTEGRA LIFESCIENCES CORP	$ 941,056	2022	7/24/2001	Evergreen	Commodities/Supplies
OLYMPUS AMERICA INC	$ 927,350	2022	1/1/2021	12/31/2023	Commodities/Supplies
FFF ENTERPRISES	$ 924,369	2022	9/9/2020	10/31/2023	Commodities/Supplies
DEPUY SYNTHES JOINT RECONSTRUCTION	$ 900,492	2022	9/18/2019	10/24/2024	Commodities/Supplies
BUFFALO PAPER AND TWINE CO	$ 889,638	2022	11/1/2020	10/31/2023	Commodities/Supplies
PATTERSON DENTAL INC	$ 865,690	2022	6/21/2001	Evergreen	Commodities/Supplies
INTUITIVE SURGICAL INC	$ 861,623	2022	12/31/2021	12/30/2026	Commodities/Supplies
PHARMERICA	$ 850,084	2022	3/1/2011	11/30/2024	Commodities/Supplies
SIEMENS MEDICAL SOLUTIONS USA	$ 848,475	2022	10/1/2015	12/31/2024	Other Professional Services
DELL MARKETING LP / DELL USA LP	$ 848,132	2022	11/30/2015	11/29/2025	Technology - Hardware
PHILIPS MEDICAL SYSTEMS NA CO	$ 776,594	2022	6/1/2021	5/31/2024	Commodities/Supplies
STRYKER CRAINOMAXILLOFACIAL	$ 772,525	2022	11/1/2019	10/31/2025	Commodities/Supplies
MEDTRONIC SD USA INC	$ 770,581	2022	5/2/2012	7/31/2023	Commodities/Supplies
STERIS CORPORATION	$ 769,184	2022	1/1/2019	6/30/2025	Commodities/Supplies
JOHNSON CONTROLS FIRE PROTECTION LP	$ 742,986	2022	8/27/2019	8/26/2024	Design and Construction/Maintenance
ASPIRE TECHNOLOGY PARTNERS	$ 740,748	2022	3/22/2021	9/30/2025	Technology - Software
FERGUSON ELECTRIC SVC	$ 731,443	2022	10/1/2020	9/30/2023	Design and Construction/Maintenance
NATIONAL GRID	$ 727,050	2022	4/21/2010	Evergreen	Other
CITY OF BUFFALO	$ 696,436	2022	1/3/2012	Evergreen	Other
JOHNSON & JOHNSON HLTH CARE SYS INC	$ 675,190	2022	9/18/2019	10/24/2024	Commodities/Supplies
3M HEALTH INFORMATION SYSTEMS, INC	$ 674,587	2022	10/1/2018	Evergreen	Technology - Software
HP, INC.	$ 670,391	2022	11/30/2015	11/29/2025	Commodities/Supplies
FRESENIUS USA MARKETING, INC.	$ 653,441	2022	8/1/2020	7/31/2028	Commodities/Supplies
STERICYCLE INC	$ 643,407	2022	2/1/2017	1/31/2023	Other Professional Services
TORNIER INC	$ 640,306	2022	9/1/2019	12/31/2022	Commodities/Supplies
ABBOTT LABORATORIES DIAGNOSTIC DIV	$ 638,729	2022	7/11/2001	Evergreen	Commodities/Supplies
AMER RED CROSS	$ 602,743	2022	7/19/2021	7/18/2023	Commodities/Supplies
STRYKER SALES CORP	$ 567,115	2022	6/27/2001	Evergreen	Commodities/Supplies
WILLIAM BELLES, M.D., PC	$ 528,649	2022	4/1/2011	11/30/2025	Other Professional Services
WNY UROLOGY ASSOCIATES LLC	$ 528,458	2022	10/1/2018	9/30/2025	Other Professional Services
MERGE HEALTHCARE	$ 512,847	2022	6/29/2017	Evergreen	Technology - Software
MAGAVERN, MAGAVERN & GRIMM LLP	$ 504,095	2022	3/28/2016	Evergreen	Legal Services
BOSTON SCIENTIFIC CORPORATION	$ 487,072	2022	2/1/2020	1/31/2026	Commodities/Supplies
LIMA, USA, INC	$ 481,930	2022	2/1/2020	1/2/2026	Commodities/Supplies

2022 CORPORSTE EXPENDITURES IN EXCESS OF $100,000

MERIDIAN IT INC.	$	462,502	2022	6/28/2016	Evergreen	Technology - Software
SYSMEX AMERICA INC	$	452,680	2022	8/1/2019	7/31/2025	Commodities/Supplies
STRYKER SPINE	$	442,986	2022	5/10/2019	7/31/2023	Commodities/Supplies
ABBOTT LABORATORIES, INC.	$	437,329	2022	11/1/2019	2/28/2025	Commodities/Supplies
SUICIDE PREVENTION & CRISIS SERVICES, INC.	$	426,040	2022	10/1/2018	9/30/2023	Other Professional Services
GRAYLINE NIAGARA FALLS/BUFFALO	$	413,142	2022	12/4/2017	12/3/2023	Other Professional Services
BRITE COMPUTERS	$	409,331	2022	3/23/2005	Evergreen	Technology - Software
EXPERIAN HEALTH, INC.	$	406,583	2022	11/30/2020	11/30/2030	Technology - Software
TRI-DELTA RESOURCES CORP	$	405,000	2022	8/26/2019	4/30/2025	Technology - Software
RICOTTA & VISCO	$	402,817	2022	4/1/2021	4/1/2024	Legal Services
STANSBERRY AND KNIGHT	$	401,975	2022	3/28/2018	12/31/2022	Other Professional Services
KIDENEY ARCHITECTS PC	$	395,876	2022	5/31/2018	Project Completion	Design and Construction/Maintenance
INTERNATIONAL INSTITUTE OF BUFFALO	$	390,559	2022	3/1/2021	Evergreen	Other Professional Services
UNIVERSITY GYNECOLOGISTS	$	388,288	2022	10/1/2016	9/30/2023	Other Professional Services
BUFFALO TRANSPORTATION INC.	$	383,898	2022	5/24/2021	5/23/2024	Other Professional Services
BIOFIRE DIAGNOSTICS LLC	$	382,080	2022	1/1/2021	1/31/2024	Commodities/Supplies
CARAHSOFT TECHNOLOGY CORPORATION	$	379,643	2022	1/12/2018	6/4/2024	Technology - Software
RODRIGUEZ CONSTRUCTION GROUP	$	378,127	2022	9/27/2021	9/26/2024	Design and Construction/Maintenance
UNIVERISTY AT BUFFALO ORAL AND MAXILLOFACIAL	$	371,118	2022	6/17/2020	6/16/2023	Other Professional Services
RUPP BAASE PFALZGRAF	$	363,535	2022	11/1/2019	5/3/2027	Legal Services
ARTHUR E. ORLICK MD PLLC	$	352,152	2022	1/1/2018	12/31/2022	Other Professional Services
ROACH, BROWN	$	342,811	2022	4/13/2021	4/14/2024	Legal Services
HEALOGICS WOUND CARE	$	337,914	2022	1/18/2019	1/18/2023	Consulting Services
C R BARD INC BARD ACCESS SYSTEMS	$	334,035	2022	12/1/2020	11/30/2023	Commodities/Supplies
OFFICE DEPOT	$	330,889	2022	8/1/2020	7/31/2023	Commodities/Supplies
EXCELSIOR ORTHOPAEDICS LLP	$	329,775	2022	11/1/2016	12/31/2022	Other Professional Services
KEYSTONE PERFUSION SERVICES, PC	$	318,786	2022	1/1/2020	12/31/2024	Other Professional Services
UNIVERSITY OPHTHALMOLOGY SERVICE, INC.	$	301,779	2022	4/1/2013	9/30/2023	Other Professional Services
US POSTAL SERVICE	$	300,000	2022	6/4/2001	Evergreen	Commodities/Supplies
KYRUUS, INC	$	299,000	2022	10/29/2021	2/28/2024	Technology - Software
ORTHOFIX, INC.	$	297,226	2022	11/1/2020	10/31/2023	Commodities/Supplies
B.E. SMITH LLC	$	295,736	2022	4/9/2018	4/9/2023	Other Professional Services
INSPIRE MEDICAL SYSTEMS, INC.	$	291,525	2022	4/2/2018	Evergreen	Commodities/Supplies
KCI USA, INC.	$	285,593	2022	6/1/2019	5/31/2025	Commodities/Supplies
MEDTRONIC MIDAS REX	$	280,204	2022	Various	Evergreen	Commodities/Supplies
VERIZON	$	278,743	2022	5/30/2008	2/25/2030	Telecommunication Equipment or Services
NUANCE COMMUNICATIONS INC	$	277,908	2022	6/30/2014	Evergreen	Technology - Software
NXSTAGE	$	275,776	2022	12/11/2017	6/7/2024	Commodities/Supplies
LEICA MICROSYSTEMS, INC	$	271,477	2022	2/1/2022	1/31/2025	Commodities/Supplies
FREED MAXICK CPAs PC	$	269,757	2022	5/15/2015	12/31/2024	Consulting Services
CDW GOVERNMENT INC	$	269,234	2022	11/1/2020	10/31/2023	Commodities/Supplies
DRFIRST.COM INC.	$	267,255	2022	9/1/2011	9/15/2025	Technology - Software
CERAPEDICS, INC.	$	263,200	2022	7/1/2021	6/30/2024	Commodities/Supplies
CRS NUCLEAR SERVICES LLC	$	259,584	2022	3/15/2002	Evergreen	Commodities/Supplies
DCB ELEVATOR CO INC	$	258,878	2022	4/20/2016	4/19/2023	Design and Construction/Maintenance
WNY INDEPENDENT LIVING	$	258,361	2022	9/1/2020	8/31/2023	Other
KRONOS	$	258,324	2022	7/20/2019	7/19/2024	Technology - Software
CROWN CASTLE FIBER, LLC.	$	254,052	2022	9/16/2019	9/15/2024	Other
COOK INC	$	249,880	2022	6/20/2001	Evergreen	Commodities/Supplies
HEALTH SYSTEM SERVICE	$	248,665	2022	6/1/2016	5/31/2023	Commodities/Supplies
OPTUM360 LLC	$	243,457	2022	10/23/2014	Evergreen	Technology - Software
LAUNCHTECH	$	239,649	2022	1/3/2022	4/30/2022	Technology - Hardware
HEALTH CATALYST, INC	$	237,500	2022	8/6/2018	8/5/2023	Other Professional Services
KSL DIAGNOSTICS, INC	$	236,380	2022	1/7/2019	9/30/2025	Other Professional Services
BAXTER HEALTHCARE CORP	$	232,339	2022	2/1/2014	1/31/2025	Commodities/Supplies
BAXTER HEALTHCARE CORP	$	218,574	2022	2/1/2014	1/31/2025	Commodities/Supplies
PREMIER HEALTHCARE SOLUTIONS, INC	$	214,548	2022	8/25/2021	12/31/2025	Other Professional Services
CARESTREAM HEALTH	$	213,347	2022	11/12/2020	12/25/2027	Technology - Software
MOHAMMAD REZA SAMIE, M.D., PLLC	$	212,530	2022	6/1/2016	5/31/2023	Other Professional Services
FISHER HEALTHCARE	$	208,772	2022	6/18/2001	Evergreen	Commodities/Supplies
COVIDIEN	$	208,519	2022	10/22/2007	Evergreen	Commodities/Supplies
KELLER TECHNOLOGY CORPORATION	$	207,923	2022	3/21/2019	6/20/2029	Other
1 ACCORD SERVICES INC	$	206,330	2022	3/6/2012	12/31/2022	Other Professional Services
AIRGAS USA, LLC	$	204,539	2022	11/1/2020	10/31/2025	Commodities/Supplies
INTELLIGENT MEDICAL OBJECTS, INC.	$	203,880	2022	8/1/2013	7/31/2023	Technology - Software
INTEGRUM, INC	$	203,710	2022	10/5/2021	12/31/2022	Commodities/Supplies
BUFFALO CANVAS	$	201,841	2022	11/1/2020	10/31/2023	Commodities/Supplies
ALERE INC. DBA ABBOTT RAPID DX NORTH AMERICA, LLC	$	201,326	2022	4/15/2011	4/14/2023	Commodities/Supplies
DRAEGER MEDICAL	$	200,768	2022	7/1/2019	6/30/2023	Commodities/Supplies
RSM MCGLADREY INC	$	198,050	2022	12/3/2018	Evergreen	Financial Services
WNY TRANSPORTATION SERVICES,	$	196,840	2022	10/1/2020	9/30/2023	Other Professional Services
ISECURE, LLC	$	194,736	2022	Various	Evergreen	Technology - Software
SYNTHES MAXILLOFACIAL	$	193,864	2022	6/15/2001	Evergreen	Commodities/Supplies
AQUA SCIENCES INC	$	192,428	2022	10/17/2001	Evergreen	Other Professional Services
LOGIQUIP LLC	$	191,671	2022	7/1/2021	6/30/2024	Commodities/Supplies
INTIVITY, INC.	$	188,695	2022	8/22/2012	Evergreen	Commodities/Supplies
CANON MEDICAL SYSTEMS USA, INC.	$	186,885	2022	2/10/2021	2/9/2026	Other Professional Services
PEOPLE INC	$	186,088	2022	4/15/2021	4/14/2024	Other Professional Services
GREYCASTLE SECURITY, LLC	$	184,829	2022	11/1/2020	11/1/2023	Technology - Software
RISKONNECT, INC.	$	181,670	2022	6/17/2022	6/16/2025	Technology - Software
TELEFLEX LLC	$	177,654	2022	7/1/2020	6/30/2023	Commodities/Supplies
UNITED NETWORK FOR ORGAN SHARING	$	177,210	2022	3/31/2017	Evergreen	Commodities/Supplies
TREACE MEDICAL CONCEPTS, INC	$	174,177	2022	10/23/2020	10/22/2023	Commodities/Supplies
MEDTRONIC USA INC	$	173,874	2022	Various	Evergreen	Commodities/Supplies
PENTAX MEDICAL	$	172,135	2022	4/1/2018	12/31/2023	Commodities/Supplies
LEVEL(3) COMMUNICATIONS LLC	$	170,840	2022	9/16/2019	9/15/2024	Telecommunication Equipment or Services
PRESS GANEY ASSOCIATES INC	$	170,421	2022	7/1/2014	1/31/2023	Other Professional Services
BE WELL HEALTHCARE MEDICINE	$	170,128	2022	1/1/2017	Evergreen	Other Professional Services
NALCO CO	$	167,933	2022	4/27/2018	4/26/2023	Commodities/Supplies
TERUMO MEDICAL CORP	$	167,867	2022	11/12/2018	9/30/2025	Commodities/Supplies

APPENDIX C

2022 CORPORSTE EXPENDITURES IN EXCESS OF $100,000

ALLOSOURCE	$	166,904	2022	7/1/2021	6/30/2024	Commodities/Supplies
BAXTER HEALTHCARE CORPORATION	$	161,336	2022	2/1/2014	1/31/2025	Commodities/Supplies
C R BARD BARD PHERIPHERAL VASCULAR	$	160,962	2022	7/2/2021	Evergreen	Commodities/Supplies
DENTSPLY IMPLANTS DEPT IMP	$	160,109	2022	6/2/2014	Evergreen	Commodities/Supplies
GENERAL PHYSICIAN SUB II, PLLC	$	159,720	2022	1/1/2018	Evergreen	Staffing Services
SKELETAL DYNAMICS, LLC	$	159,713	2022	11/1/2020	10/31/2023	Commodities/Supplies
SONEX HEALTH	$	158,136	2022	9/1/2017	Evergreen	Commodities/Supplies
BAYER HEALTHCARE LLC	$	157,899	2022	1/1/2021	12/31/2023	Commodities/Supplies
NEPHRON 503B OUTSOURCING FACILITY	$	157,583	2022	2/27/2018	Evergreen	Commodities/Supplies
PARTS SOURCE	$	156,534	2022	7/16/2013	Evergreen	Commodities/Supplies
VERATHON INC	$	155,851	2022	9/29/2020	9/28/2023	Commodities/Supplies
COCHLEAR AMERICAS	$	155,265	2022	1/12/2022	1/12/2024	Commodities/Supplies
UNIVERSITY NEUROLOGY, INC.	$	154,096	2022	6/14/2016	6/13/2023	Other Professional Services
STANDARD BARIATRICS, INC	$	153,366	2022	6/1/2021	5/31/2023	Commodities/Supplies
LIFENET HEALTH	$	152,649	2022	7/1/2021	6/30/2024	Commodities/Supplies
KARL STORZ ENDOSCOPY-AMERICA INC	$	151,591	2022	11/1/2020	10/31/2023	Commodities/Supplies
MIZUHO OSI	$	147,232	2022	1/3/2012	Evergreen	Commodities/Supplies
PENUMBRA, INC. DEPT. 34153	$	145,968	2022	2/1/2020	5/3/2024	Commodities/Supplies
STRYKER ENDOSCOPY	$	144,906	2022	1/9/2012	Evergreen	Commodities/Supplies
GOVERNMENT MARKETING & PROCUREMENT, LLC	$	144,687	2022	12/13/2019	12/14/2025	Technology - Consulting/Development or Support
WRIGHT MEDICAL TECHNOLOGY INC	$	143,409	2022	9/1/2018	8/21/2023	Commodities/Supplies
ORTHO CLINICAL DIAGNOSTICS, INC	$	143,284	2022	7/25/2001	Evergreen	Commodities/Supplies
ERBE USA INC	$	142,729	2022	2/1/2022	1/31/2025	Commodities/Supplies
GREAT LAKES BUILDING SYSTEMS INC.	$	141,877	2022	8/27/2019	8/26/2024	Design and Construction/Maintenance
PRE-EMPLOY.COM INC	$	138,761	2022	7/31/2017	Evergreen	Other Professional Services
GLAXOSMITHKLINE FINANCIAL INC	$	137,956	2022	8/23/2012	Evergreen	Commodities/Supplies
METRO COMMUNICATIONS	$	130,681	2022	2/27/2012	Evergreen	Telecommunication Equipment or Services
BAXTER	$	129,143	2022	2/1/2014	1/31/2025	Commodities/Supplies
TELETRACKING	$	128,381	2022	3/1/2016	Evergreen	Technology - Software
INTELLIPRINT SOLUTIONS, INC.	$	127,139	2022	8/1/2019	7/31/2025	Commodities/Supplies
MCG HEALTH LLC	$	123,812	2022	8/1/2022	7/31/2025	Technology - Software
CONSORTIUM INFORMATION SERVICES INC HEALTH SCIENCES LIBRARY	$	123,038	2022	7/2/2001	Evergreen	Technology - Software
XEROX CORPORATION	$	120,419	2022	8/1/2019	7/31/2025	Other
GE HEALTHCARE OEC	$	118,300	2022	8/28/2001	Evergreen	Technology - Consulting/Development or Support
AXOGEN INC	$	116,717	2022	8/4/2021	3/31/2023	Commodities/Supplies
GRASER'S DENTAL CERAMICS	$	115,664	2022	3/1/2022	2/28/2025	Commodities/Supplies
HEALTHCARE ASSOC OF NYS	$	115,260	2022	11/9/2001	Evergreen	other
WINDSTREAM PAETEC	$	115,206	2022	9/28/2021	9/15/2024	Telecommunication Equipment or Services
UP TO DATE	$	114,122	2022	9/1/2017	2/28/2023	Technology - Software
INARI MEDICAL, INC.	$	114,000	2022	2/27/2020	2/27/2030	Commodities/Supplies
FOXY DELIVERY SERVICE INC	$	112,361	2022	9/7/2016	Evergreen	Other Professional Services
BUFFALO CPR	$	110,665	2022	8/16/2017	Evergreen	Other Professional Services
PRIORITY HEALTHCARE DIST DBA CURASCRIPT SD	$	109,065	2022	3/1/2017	Evergreen	Commodities/Supplies
PRAXAIR DIST INC	$	108,924	2022	11/1/2020	10/31/2025	Commodities/Supplies
CAREFUSION 2200, INC.	$	107,979	2022	9/13/2001	Evergreen	Commodities/Supplies
SUMMIT HEALTH CARE	$	106,465	2022	3/28/2008	Evergreen	Other Professional Services
HYRO AI INC	$	105,000	2022	10/1/2021	9/30/2023	Technology - Software
SPOK, INC.	$	104,026	2022	2/23/2015	Evergreen	Technology - Software
CONMED LINVATEC	$	101,418	2022	6/15/2001	Evergreen	Commodities/Supplies

APPENDIX D

Enabling Legislation
See N.Y. Public Authorities Law §3625-3646

ECMC Corporation By-Laws
See Below

BY-LAWS

OF

ERIE COUNTY MEDICAL

CENTER CORPORATION

As Amended Through
September 23, 2022

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BY-LAWS

OF

ERIE COUNTY MEDICAL CENTER CORPORATION

PREAMBLE

The State of New York has enacted legislation, codified at Article 10-C of the Public Authorities Law of the State of New York (the "Act"), creating the Erie County Medical Center Corporation ("ECMCC" or the "Corporation"). These by-laws are intended to supplement the requirements of the Act.

ARTICLE I
OFFICES

ECMCC may maintain offices at such places within or without Erie County, New York as the Board of Directors may, from time to time, determine.

ARTICLE II
PURPOSE OF BY-LAWS

Pursuant to the broad powers granted by the Act, the Board of Directors of ECMCC (the "Board") has adopted these By-Laws, to govern and manage its proceedings and affairs and for the advice and guidance of its members, and nothing contained in these By-Laws shall be deemed, nor are they intended in any manner or degree, to limit or restrict the power and right of the Board under existing law, to manage, control, operate and administer ECMCC and its personnel, patients and medical staff.

ARTICLE III
CORPORATE PURPOSE

To continue as a general, municipal hospital and provide health care services and health facilities for the benefit of the residents of the State of New York and the County of Erie, including persons in need of health care services without the ability to pay, as required by law.

ARTICLE IV
ERIE COUNTY MEDICAL CENTER CORPORATION BOARD OF DIRECTORS

Section 1. General Powers.

In addition to the powers and authorities expressly conferred by these By-laws, the Board may exercise all such general and special powers of the Corporation and do all such lawful acts and things as enumerated by the Act.

Section 2. Hiring Powers.

The Board shall hire, determine the compensation and benefits, and annually review the performance of the Chief Executive Officer ("CEO") and President of the Corporation. Appointments made to fill the roles of the Chief Operating Officer ("COO"), Chief Financial Officer ("CFO"), Chief Medical Officer ("CMO"), Administrator of Terrace View, Chief Nursing Officer ("CNO"), Chief Strategy Officer, and General Counsel of the Corporation shall be made by the CEO of the Corporation, who shall thereafter also be responsible for determining the compensation and benefits of the persons occupying these positions and for the annual review of the incumbents. The Board shall have the authority to discharge the CEO with or without cause; provided that the removal shall not prejudice the contract rights, if any, of such executive. The CEO shall have the authority to discharge the COO, CFO, CMO, Administrator of Terrace View, Chief Nursing Officer, Chief Strategy Officer, and General Counsel with or without cause, provided that the removal shall not prejudice the contract rights, if any, of such executive.

Section 3. Voting Directors.

The Corporation shall be governed by fifteen voting Directors. The membership, term of office, selection of the voting Directors and the powers and duties of the Board shall be in accordance with the Act and these By-laws.

Section 4. Nonvoting Representatives.

The Corporation shall have four nonvoting Representatives. The term of office, selection and powers and duties of the nonvoting Representatives shall be in accordance with the Act and these By-laws. For the purpose of these By-Laws, the term "member" or "Board member" shall refer to both voting Directors and non- voting Representatives.

Section 5. Resignation.

Any Director or Representative may resign at any time by giving written notice to the Chairperson of the Board. Such resignation shall take effect at the time specified therein and unless otherwise specified therein the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Removal.

Members of the Board may be removed from office by the Board for inefficiency, neglect of duty, or misconduct of any kind, including but not limited to violation of the law, after the Board has given such member a copy of the charges against him or her and an opportunity to be heard in person or by counsel in his or her defense, upon not less than ten days' notice.

Section 7. Vacancies.

Vacancies occurring other than by expiration of term shall be filled for the unexpired terms in the manner provided for original appointment in accordance with the Act.

Section 8. Monthly Meetings.

The Board shall hold regular monthly meetings at the ECMCC offices or other convenient locations as designated by the Board at such time as the Board may designate. In the event that a previously scheduled regular monthly meeting may not be required for a particular month, the Board may cancel that meeting.

Section 9. Annual & Special Meetings.

A meeting of the Board shall be held annually at which time officers of the Corporation shall be elected. A special meeting may be called by the Chairperson or Vice Chairperson acting in the Chairperson's absence, or by any three (3) members of the Board at any time upon proper notice under the Public Officers Law. The only action that can be taken at a special meeting is the consideration of the subject or subjects designated in the notice for the special meeting.

Section 10. Open Meetings Law.

All meetings of the Board shall comply with the requirements of Article 7 of the Public Officers Law. In a regular, annual or special meeting, the Board may request an Executive Session pursuant to Article 7 of the Public Officers Law or applicable sections of the Act.

Section 11. Quorum.

The powers of the Corporation shall be vested in and shall be exercised by the Board at a duly called and held meeting, where a quorum of eight Directors is present. No action shall be taken by the Corporation except pursuant to the favorable vote of at least eight Directors present at the meeting at which such action is taken.

Section 12. Telephone Meetings.

The members of the Board or any committee thereof may participate in a meeting of such Board or committee by means of a conference telephone or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

Section 13. Action by Written Consent.

To the extent permitted by law, any action required or permitted to be taken by the Board or any committee thereof may be taken without a meeting if all members of the Board or the committee consent in writing to the adoption of a resolution authorizing the action. The resolution and the written consents thereto by the members of the Board or committee shall be filed with the minutes of the proceedings of the Board or committee.

Section 14. Minutes of Meetings.

The Board shall keep a written record of all business conducted, including resolutions, findings, conclusions and recommendations that shall be filed with the minutes of the proceedings of the Board or committee.

Section 15. Compensation.

Neither the voting Directors nor the nonvoting Representatives shall receive compensation for their services but shall be reimbursed for all their actual and necessary expenses incurred in connection with their duties under the Act and these By-laws.

Section 16. Defense and Indemnification.

The Corporation shall defend and indemnify the Directors of the Corporation and its officers for any and all lawful actions executed in the performance of their duties, to the full extent to which indemnification is permitted under the laws of the State of New York.

Section 17. Extension of Credit.

Pursuant to New York Public Authorities Law Section 2824(5), the Corporation shall not, directly, or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew any extension of credit, in the form of a personal loan to or for any Director, officer, or employee (or equivalent thereof) of the Corporation.

ARTICLE V
OFFICERS

Section 1. General.

The officers of the Corporation shall be elected by the Board and shall be comprised of a Chairperson of the Board, a Vice Chairperson of the Board, a CEO, a Secretary, and a Treasurer. The Board may also appoint an Assistant Secretary and such other officers as the Board shall from time to time provide. All such officers shall exercise the duties as described in the Act, applicable law, by these By-Laws, and/or by Board resolution.

Section 2. Election, Term of Office.

The officers of the Corporation shall be elected by the Board at its annual meeting. Each officer elected shall hold office until his successor has been duly chosen and has qualified or until his or her earlier resignation or removal.

Section 3. Resignation.

Any officer may resign at any time by giving written notice thereof to the Board, provided that the resignation shall not prejudice the contract rights, if any, of the Corporation. Any such resignation shall take effect at the time specified therein and unless otherwise specified therein the acceptance of such resignation shall not be necessary to make it effective.

Section 4. Removal.

The Directors shall have the authority to discharge any officer with or without cause; provided that the removal without cause shall not prejudice the contract rights, if any, of the officer.

Section 5. Vacancies.

In the event of a vacancy occurring in the office of the Chairperson or Vice Chairperson, any member designated by the Board shall serve as Acting Chairperson for that meeting. In the event of a vacancy occurring in any other office, any member designated by the Board shall serve as an Acting officer for that meeting.

Section 6. Chairperson of the Board.

The Directors shall, by majority vote, select one of the fifteen Directors as the Chairperson of the Board. The Chairperson shall preside over all meetings of the Board, shall chair the Executive Committee of the Board, and shall have such other duties as the Directors may provide. Other than the Governance Committee, the Chairperson shall serve ex officio on all Board committees with full voting rights. The Chairperson shall serve for a two-year term of office. No member of the Board shall be permitted to serve more than two consecutive two-year terms as Chairperson of the Board.

Section 7. Vice-Chairperson(s) of the Board.

The Directors shall, by majority vote, select one or more of the fifteen Directors as the Vice-Chairperson of the Board. The Vice-Chairperson shall preside over all meetings where the Chairperson of the Board is absent and shall have such other duties as the Directors may provide. The Vice-Chairperson shall serve for a two-year term of office. At least one Vice-Chairperson shall be designated by a majority vote of the Board as "Vice-Chair, Chair-Elect" in the second year of that Vice- Chairperson's term of office. At the conclusion of the term of the Vice-Chair, Chair-Elect, the Board shall retain authority to appoint the Vice-Chair, Chair-Elect or any other member of the Board of Directors as Chairperson of the Board of Directors.

Section 8. Chief Executive Officer.

The Board shall hire, set the compensation of, execute direct oversight of, and annually review the performance of the CEO. The CEO shall carry out the policies of the Board, provide services to the Board; and shall be subject to the By-Laws, rules and regulations of the Board. He or she shall have all the general powers and duties of a Superintendent of a public general municipal hospital as set forth and enumerated in the General Municipal Law of the State of New York, Section 129, sub. 1 through 9 as amended and of a chief executive officer as set forth in Title 10, subpart 405.3 of the New York Codes, Rules and Regulations and the Act. The CEO shall provide leadership, direction, and administration in all aspects of the Corporation's activities and other corporate entities to ensure compliance with established objectives and the realization of quality, economical health care services, and other related lines of business. The CEO shall ensure the Corporation's compliance with all applicable laws and regulations. The CEO shall submit monthly and special reports to the Board and its committees regarding strategic, operational and financial performance, along with the current status of ECMCC services and facilities. The CEO shall be expected to provide feedback to the Board regarding those employees which report directly to the CEO. The CEO shall ensure that subordinate officers provide meaningful reports to the Board regarding the previous month's activities. The CEO shall coordinate with the Board, Medical Staff, and other Corporation personnel to respond to the community's needs for quality healthcare services and monitor the adequacy of the Corporation's medical activities.

Section 9. President.

The Board shall hire, set the compensation and annually review the performance of the President. The duties of the President shall be distinct from the duties of other officers of the Corporation and shall be enumerated in a job description reviewed by the Executive Committee of the Board.

Section 10. Secretary & Assistant Secretary.

The Board shall, by majority vote, select either Directors or Representatives to serve as the Secretary and Assistant Secretary, if applicable. The Secretary shall send notices for all meetings of the Board. The Secretary shall act as custodian for all records and reports and shall be responsible for keeping and reporting of adequate records of all meetings of the Board. The Secretary may delegate these duties to another officer or employee of the Corporation to act on his/her behalf. The Secretary will approve and sign the minutes of all meetings of the Board which shall be kept in an official record book. In the absence of the Secretary at any meeting, the Assistant Secretary, if applicable, or any member designated by the Chairperson shall act as the Secretary for that meeting.

Section 11. Treasurer.

The Board shall, by majority vote, select either a Director or a Representative to serve as the Treasurer. The Treasurer shall monitor the financial affairs of ECMCC as managed by the officers of the Corporation. The Treasurer will also have the power to establish bank accounts in the name of the Corporation. He or she shall do and perform all other duties incident to the office of Treasurer as may be prescribed by the Board from time to time.

Section 12. Immediate Past Chair.

The Immediate Past Chair of the Board shall remain available to the Board and the Chair for purposes of transitional continuity and may be appointed to serve as a member of any Standing or Special Committee of the Board, assuming his or her term of office as a Director has not expired.

ARTICLE VI
COMMITTEES

General Rules

Section 1. General.

The Standing Committees of the Board shall be: the Executive Committee, the Quality Improvement Committee, the Finance Committee, the Audit and Compliance Committee, the Building and Grounds Committee, the Human Resources Committee, the Executive Compensation Committee, the Terrace View Quality Improvement Committee, the Governance Committee, the Investment Committee and the Contracts Committee. At the discretion of the Chairperson, and upon the advice of the Board, additional special committees may be appointed to address specific issues.

Section 2. Appointment of Committees.

The Chairperson of the Board shall appoint all members of standing and special committees. Appointments will be made at the first regular meeting following the annual election of officers, or at such other time deemed necessary by the Chairperson. The Chairperson of the Board shall appoint a Chairperson for each committee. Committee Chairpersons shall serve one-year terms of office but are not prohibited from serving consecutive one-year terms. The Chairperson may appoint individuals other than Board members to committees either standing or special, except the Executive Committee.

Section 3. Structure of Committees.

In addition to the individual Committee duties set forth below, each Committee shall be tasked annually with reviewing their applicable charter and recommending changes thereto, as well as setting forth goals for the Committee for the upcoming year. Such goals shall be determined in consultation with the Chairperson of the Board.

Section 4. Resignation.

A committee member may resign at any time by giving written notice to the Chairperson of the Board. Such resignation shall take effect at the time specified therein and unless otherwise specified therein the acceptance of such resignation shall not be necessary to make it effective.

Section 5. Removal.

Committee members may be removed from committee membership by the Board for inefficiency, neglect of duty, or misconduct of any kind, including but not limited to, violation of the law, after the board has given such member a copy of the charges against him or her and an opportunity to be heard in person or by counsel in his or her defense, upon not less than ten days' notice.

Section 6. Vacancies.

Vacancies occurring otherwise than by expiration of term of office shall be filled for the unexpired terms by appointment from the Chairperson of the Board.

Section 7. Quorum.

At a committee meeting, a quorum shall be one-half the number of members of the committee.

Section 8. Voting.

Only the members of the Board serving on a Standing or Special Committee, or an appointed non-member of the Board serving on a Standing or Special Committee, and the Chairperson of the Board serving ex officio, shall have a vote.

Section 9. Minutes.

Each committee meeting shall have an agenda, time convened and adjourned recorded, and shall submit minutes of its meeting to the Secretary of the Board in advance of the regular monthly meeting.

Standing Committees

Section 10. The Executive Committee.

The Executive Committee shall consist of four (4) Board members. The Corporation's General Counsel and Chief Executive Officer shall serve ex officio as members of the Executive Committee. Other members of the Board may be added when advisable. The Chairperson shall preside at all meetings of the Committee. The Executive Committee shall meet at least quarterly, or upon the call of the Chairperson.

Section 11. The Quality Improvement Committee.

The Quality Improvement Committee shall consist of three (3) members. The Chairperson of the Committee may, in his or her discretion, request the presence of other persons, as the issues before the Committee may dictate. The Committee shall meet at least quarterly, or upon the call of the Chairperson. The Committee shall be responsible for the following:

a. Inform the Board of patient safety, performance improvement and quality assurance issues of relevance to ECMCC.
b. Establishment, maintenance and operation of a coordinated quality assurance program integrating the review of activities of all hospital services in order to enhance the quality of patient care and to identify and prevent professional malpractice. The specific responsibilities of the Committee are further set forth in the quality assurance plan of the hospital.
c. Other duties and responsibilities as may be assigned from time to time by the Board.

Section 12. The Finance Committee.

The Finance Committee shall consist of five (5) financially literate members of the Board. The Chairperson of the Committee may, in his or her discretion, request the presence of other persons, as the issues before the Committee may dictate. The Finance Committee shall meet at least quarterly, or upon the call of the Chairperson. The Committee shall be responsible for the following:

a. Review relevant budgets of the Corporation and maintain ongoing oversight of the financial situation of the Corporation.
b. Oversee, evaluate, and where appropriate, make recommendations with respect to financial operations of the Corporation.
c. Other duties and responsibilities as may be assigned from time to time by the Board.

Section 13. The Audit & Compliance Committee.

The Audit & Compliance Committee shall consist of at least four (4) members. At least three (3) of the Committee's members shall be independent, as that term is defined by state law. The Corporation's General Counsel shall serve ex officio as a member of the Audit & Compliance Committee. The Chairperson of the Committee may, in his or her discretion, request the presence of other persons, as the issues before the committee may dictate. The Audit & Compliance Committee shall meet at least quarterly, or upon the call of the Chairperson. The Committee shall be responsible for the following:

a. Oversight of any independent auditors engaged by ECMCC.
b. Oversight of all ECMCC internal audit processes.
c. Collaboration with the Quality Improvement Committee in the establishment and maintenance of a coordinated quality assurance program.
d. Collaboration with the Compliance Officer on the establishment, maintenance and operation of a comprehensive compliance program, which shall comply with the Office of the Inspector General Compliance Program Guidance for Hospitals. Specifically, the Committee shall:
    1. Analyze the legal requirements and specific risk areas of the health care industry,
    2. Assess existing policies that address legal requirements and risk areas for possible incorporation into the ECMCC compliance program,
    3. Work with ECMCC departments to develop standards of conduct and policies and procedures to promote compliance with the ECMCC compliance program,
    4. Recommend and monitor the development of internal systems and controls to carry out ECMCC's standards, policies and procedures as part of its daily operations,
    5. Determine appropriate strategy to promote compliance with the ECMCC compliance program and detection of possible violations, including fraud reporting mechanisms,
    6. Develop a system to solicit, evaluate and respond to complaints and problems, and
    7. Promote ethics, integrity, and compliance with laws, policies, and procedures.
e. Other duties and responsibilities as may be assigned from time to time by the Board.

Section 14. Buildings and Grounds Committee.

The Buildings and Grounds Committee shall consist of three (3) members. The Corporation's General Counsel shall serve ex officio as a member of the Buildings and Grounds Committee. The Chairperson of the Committee may, at his or her discretion, request the presence of other persons, as the issues before the Committee may dictate. The Buildings and Grounds Committee shall meet at least quarterly, or upon the call of the Chairperson. The Committee shall be responsible for the following:

a. Evaluation and provision of recommendations with respect to proposed and ongoing construction and renovation projects and budgets.
b. Other duties and responsibilities as may be assigned from time to time by the Board.

Section 15. The Human Resources Committee.

The Human Resources Committee shall consist of three (3) members. The Chairperson of the Committee may, in his or her discretion, request the presence of other persons, as the issues before the Committee may dictate. The Committee will meet at least quarterly or upon the call of the Chairperson. The Committee shall be responsible for the following:

a. Establishment of a formal channel of communication among the Board, ECMCC management and the Labor Unions.
b. Responsibility for assuring that appropriate guidelines are in place and monitored to ensure and maintain open communication.
c. Discussion of issues that arise in the operation of the hospital as they affect all parties.
d. Other duties and responsibilities as may be assigned from time to time by the Board.

Section 16. The Executive Compensation/Evaluation Committee.

The Executive Compensation/Evaluation Committee shall consist of no more than four (4) members of the Board. No person whose compensation is determined by the Executive Compensation/Evaluation Committee may serve as a member of the Committee. The Chairperson of the Committee may, in his or her discretion, request the presence of other persons, as the issues before the committee may dictate. The Executive Compensation/Evaluation Committee shall meet at least quarterly, or upon the call of the Chairperson. The Committee shall be responsible for the following:

a. Evaluation, at least annually, of the CEO and President of the Corporation.
b. Determination of the compensation, including benefits, of the above listed Corporation executives.
c. Other duties and responsibilities as may be assigned from time to time by the Board.

Section 17. The Terrace View Quality Improvement Committee.

The Terrace View Quality Improvement Committee shall consist of at least three (3) members. The Committee shall meet at least quarterly, or upon the call of the Chairperson. The Committee shall be responsible for the following:

a. Establishment and maintenance of a coordinated quality assurance program as specifically applicable to Terrace View.
b. Other duties and responsibilities as may be assigned from time to time by the Board.

Section 18. The Governance Committee.

The Governance Committee shall consist of at least four (4) independent members, as that term is defined in New York Public Authorities Law §2825. The Chief Executive Officer and the General Counsel for the Corporation shall serve ex officio as members of the Committee, and the Chairperson of the Board may attend Committee meetings but will not be a member of the Committee and will not vote. The Committee Chairperson may, at his or her discretion, request the presence of other persons as issues before the Committee may dictate. The Governance Committee shall meet at least semi- annually, or upon the call of the Committee Chairperson. The Committee shall be responsible for the following:

a. Provision of information to the Board regarding current best governance practices.
b. Review of corporate governance trends.
c. Recommend updates to the Corporation's governance principles.
d. Provision of advice to the Governor and to the Erie County Executive in their appointment of potential Board members regarding the skills and experience required of Board members.
e. Annually review and, as necessary, make recommendations to the Board regarding updating of the Corporation's Bylaws; annually review and, as necessary, make recommendations to the applicable Committees regarding updates to Committee charters.
f. Other duties and responsibilities as may be assigned from time to time by the Board.

Section 19. The Investment Committee.

The Investment Committee shall consist of at least three (3) members. The Chair of the Finance Committee and the Chief Executive Officer shall serve ex officio as members of the Investment Committee and the Chief Financial Officer shall serve as staff to the Committee. The Committee Chairperson may, at his or her discretion, request the presence of other persons as issues before the Committee may dictate. The Investment Committee shall meet at least semi-annually, or upon the call of the Committee Chairperson. The Committee shall be responsible for the following:

a. Recommendations regarding the designation of the Corporation's investment officer.
b. Recommendations regarding investment policies and procedures consistent with applicable law and the needs of the Corporation.
c. Implementation of appropriate internal controls for investments.
d. Recommendations regarding the selection of the Corporation's investment advisors and investment managers.
e. Review of independent audits of the investment program.
f. Review of quarterly reports from the Corporation's investment advisors and investment managers.
g. Reports to the Board on a quarterly basis.
h. Monitoring the Corporation's system of internal controls and the performance of the Corporation's investment advisors and investment managers.
i. Other duties and responsibilities as may be assigned from time to time by the Board.

Section 20. The Contracts Committee.

The Contracts Committee shall consist of at least three (3) members. The Contracts Committee shall review and make recommendations to the Board with respect to the approval of all contracts required to be approved by the Board pursuant to Corporation policy and applicable law, including Section 2879(3)(b)(ii) of the Public Authorities Law. The Contracts Committee shall meet at least quarterly or upon the call of the Committee Chairperson. The Committee shall be responsible for the following:

a. Review of contracts of the Corporation requiring Board approval and make recommendations to the Board regarding such contracts.
b.
c. Annually review contracts requiring such review pursuant to Corporation policy and/or applicable law.
d. Redacting sensitive information from contracts before presentation to the Board to ensure compliance with the Corporation's contractual and confidentiality requirements.
e. Report to the Board on a quarterly basis regarding the foregoing subsections.
f. Other duties and responsibilities as may be assigned from time to time by the Board.

ARTICLE VII
MEDICAL/DENTAL STAFF

Section 1. Organization.

The Board shall cause to be created a medical staff organization to be known as the ECMC Medical Dental Staff ("Medical Staff") whose membership shall be comprised of certain categories of health care practitioners, as determined by the Board. Members of the Medical Staff may only practice within the scope of privileges granted by the Board.

Section 2. Medical Staff Governance Documents.

The Medical Staff shall develop, adopt and at least once every three years review the following Medical Staff Governance Documents: By-Laws; Rules & Regulations; Credentials Procedures Manual; and Collegial Intervention, Peer Review, Fair Hearing & Appellate Review Procedures. These Governance Documents shall establish controls that are designed to ensure the achievement and maintenance of the highest quality medical care and high standards of professional and ethical practice. The Board shall approve all such Medical Staff Governance Documents.

Section 3. Appointment of Medical Staff.

Appointments and reappointments to the Medical Staff shall be made by the Board. The Board shall be responsible for granting and defining the scope of the clinical privileges to be exercised by each member of the Medical Staff, including but not limited to providing approval of modifications, suspensions and termination of such privileges and Medical Staff membership in accordance with the Medical Staff Governance Documents and written ECMCC policies. In acting on matters of Medical Staff membership and scope of privileges, the Board shall consider the recommendations of the Medical Staff's Medical Executive Committee. The procedures for Medical Staff appointment are more specifically outlined in the Medical Staff's Credentials Procedure Manual.

Section 4. Authority for Medical Staff Conduct.

Ultimate responsibility for the conduct of the Medical Staff remains with the Board. The Board shall enforce compliance with all medical staff Governance Documents by all members of the Medical Staff. No assignment, referral or delegation of authority by the Board to the Medical Director, COO, CEO, the Medical Staff or any other person shall preclude the Board from exercising the authority required to meet its responsibility for the conduct of the Corporation. The Board retains the right to rescind any such delegation.

Section 5. Duties of the Medical Staff.

The Board shall delegate to the Medical Staff the authority to monitor, evaluate and document professional performance of Medical Staff members in accordance with its Governance Documents. The Board shall hold the Medical Staff accountable, through the chiefs of service of the departments and the Medical Director, for making recommendations based on well-defined and written criteria related to the goals and standards of the Corporation concerning Medical Staff appointments, reappointments and clinical privileges.

Section 6. Quality of Patient Care.

The Medical Staff is accountable to the Board for the quality of care provided to patients.

Section 7. Rights at Meetings.

Members of the Medical Staff shall be entitled to be heard at all public meetings and committee meetings of the Board.

ARTICLE VIII
STANDARDS OF PATIENT CARE

The Board shall require that the following patient care practices are implemented, shall monitor ECMCC's compliance with these patient care practices, and shall take corrective action as necessary to attain compliance:

a. Every patient of ECMCC, whether an in-patient, emergency patient, or out-patient, shall be provided care that meets generally accepted standards of professional practice.
b. Every patient is under the care of a health care practitioner who is a member of the medical staff.
c. Patients are admitted to ECMCC only on the recommendation of a member of the medical staff permitted by the State law and Medical Staff Governance Documents to admit patients to the hospital.
d. A physician, a registered physician's assistant or a nurse practitioner, under the general supervision of a physician, is on duty at all times in the hospital.
e. A physician shall be responsible for the care of each patient with respect to any medical or psychiatric problem that is present on admission or develops during hospitalization.
f. In the event that human research is conducted within ECMCC, written policies and procedures shall be adopted and implemented pursuant to the provisions of Public Health Law Article 24-A for the protection of human subjects.
g. ECMCC shall have available at all times personnel sufficient to meet patient care needs.

ARTICLE IX
THE SCHOOL OF MEDICINE
STATE UNIVERSITY OF NEW YORK AT BUFFALO

The Board strongly supports the relationship between ECMCC and the School of Medicine and Biomedical Sciences of the State University of New York at Buffalo through an affiliation agreement. The Board shall take all appropriate action to retain and enhance the benefits arising from said relationship provided that the Board shall hold uppermost the discharge of its legal and fiduciary duties to ECMCC.

ARTICLE X
SUBSIDIARY CORPORATIONS AND ENTITIES

Except as expressly limited by law, the Corporation may exercise and perform all or part of its purposes, powers, duties, functions or activities through one or more subsidiary corporations or companies owned or controlled wholly or in part by the Corporation, which shall be formed pursuant to the Business Corporation Law, the Limited Liability Company Law, or the Not-For-Profit Corporation Law. Any such subsidiary may be authorized to act as a general or limited partner in a partnership or as a member of a limited liability company and to enter into an arrangement calling for an initial and subsequent payment by such subsidiary in consideration of an interest in revenues or other contractual rights. The Board has the exclusive authority to create subsidiaries or other entities related to the Corporation.

ARTICLE XI
CODE OF ETHICS AND CONFLICTS OF INTEREST

Section 1. Responsibility of Members of the Board and Employees.

This Code of Ethics shall apply to all officers and employees of the Corporation. These policies shall serve as a guide for official conduct and are intended to enhance the ethical and professional performance of the Corporation's directors and employees and to preserve public confidence in the Corporation's mission. It is accordingly the responsibility of each member of the Board and each employee to perform in accordance with the following:

a. Each member of the Board and all employees of the Corporation shall perform their duties with transparency, without favor and refrain from engaging in outside matters of financial or personal interest, including other employment, that could impair independence of judgment, or prevent the proper exercise of one's official duties.

b. Each member of the Board and all employees shall not directly or indirectly, make, advise, or assist any person to make any financial investment based upon information available through the director's or employee's official position that could create any conflict between their public duties and interests and their private interests.

c. Each member of the Board and all employees shall not accept or receive any gift or gratuities where the circumstances would permit the inference that: (a) the gift is intended to influence the individual in the performance of official business or (b) the gift constitutes a tip, reward, or sign of appreciation for any official act by the

individual. This prohibition extends to any form of financial payments, services, loans, travel reimbursement, entertainment, hospitality, thing or promise from any entity doing business with or before the Corporation.

d. Each member of the Board and all employees shall not use or attempt to use their official position with the Corporation to secure unwarranted privileges for themselves, members of their family or others, including employment with the Corporation or contracts for materials or services with the Corporation.

e. Each member of the Board and all employees must conduct themselves at all times in a manner that avoids any appearance that they can be improperly or unduly influenced, that they could be affected by the position of or relationship with any other party, or that they are acting in violation of their public trust.

f. Each member of the Board and all employees may not engage in any official transaction with an outside entity in which they have a direct or indirect financial interest that may reasonably conflict with the proper discharge of their official duties.

g. Each member of the Board and all employees shall manage all matters within the scope of the Corporation's mission independent of any other affiliations or employment. Directors, including ex officio board members, and employees employed by more than one government entity shall strive to fulfill their professional responsibility to the Corporation without bias and shall support the Corporation's mission to the fullest.

h. Each member of the Board and all employees shall not use Corporation property, including equipment, telephones, vehicles, computers, or other resources, or disclose information acquired in the course of their official duties in a manner inconsistent with State or local law or policy and the Corporation's mission and goals.

i. Each member of the Board and all employees are prohibited from appearing or practicing before the Corporation for two (2) years following employment with the Corporation consistent with the provisions of Public Officers Law.

Section 2. Implementation of Code of Ethics.

This Code of Ethics shall be provided to all members of the Board and all employees upon commencement of employment or appointment and shall be reviewed annually by the Governance Committee.

Section 3. Compliance.

The members of the Board agree to comply with all applicable local and state regulations and laws regarding conflicts of interest.

Section 4. Conflict of Interest Policy.

The Board shall develop, implement, and update as needed a written policy governing conflict of interest by members of the Board. The policy shall be reviewed annually by the Governance Committee and included and incorporated into these By-Laws as Appendix A.

Section 5. Disclosure of Personal Interest and Abstention.

It is the responsibility of every Board member to disclose to the Chairperson of the Board any personal or business interest in any matter that comes before the Board for consideration. Each member of the Board shall abstain from voting on any matter in which he or she has a personal or business interest.

Section 6. Self-Dealing.

The Corporation shall not engage in any transaction with a person, firm, or other business entity in which one or more of the Board members has a financial interest in such person, firm or other business entity, unless such interest is disclosed in good faith to the Board, and the Board authorizes such transaction by a vote sufficient for such purpose, without counting the vote of the interested Board member.

Section 7. Influence of Decision Makers.

No member of the Board shall use his or her position to influence the judgment or any decision of any Corporation employee concerning the procurement of goods or services on behalf of the Corporation.

Section 8. No Forfeit of Office or Employment.

Except as provided by law, no officer, member, or employee of the state or of any public corporation shall forfeit his or her office or employment by reason of his or her acceptance of appointment as a director, nonvoting representative, officer, or employee of the Corporation, nor shall such service as such a director, nonvoting representative, officer or employee be deemed incompatible or in conflict with such office or employment; and provided further, however, that no public officer elected to his or her office pursuant to the laws of the state or any municipality thereof may serve as a member of the governing body of the Corporation during his or her term of office.

ARTICLE XII
AMENDMENTS

These By-Laws of the Board may be amended by the affirmative vote of a quorum of members at the annual meeting, special or regular meetings of the Board, provided that a full presentation of such proposed amendment(s) shall have been presented to the Board at least thirty (30) days prior to the meeting, unless waived by majority of the whole number of the members of the Board.

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7M-3	NFTA	NFTA Revised Budget for FYE 24

Attachments

23COMM. 7M-3

EC LEG APR 4 '23 PM2:07

Graber, Robert

From:	Dawn Skimmer <Dawn.Skimmer@nfta.com>
Sent:	Monday, March 27, 2023 2:15 PM
To:	Graber, Robert; lkrueger@nysenate.gov; rebecca.wydysh@niagaracounty.com; Edward Ra; County Executive; Helene Weinstein; Comptroller; omara@nysenate.gov
Subject:	NFTA - Revised Annual Budget for FYE 24
Attachments:	NFTA - Revised Annual Budget FYE 2024.pdf

[**Caution**: this email is **not** from an Erie County employee: attachments or links **may not be safe**.]

RE: Niagara Frontier Transportation Authority's (NFTA) Revised Budget for FYE 24.

Attached please see the NFTA's Revised Annual Budget for FYE 24. Please be advised that on March 23, 2023, the NFTA Board of Commissioners passed a revised annual budget for fiscal year ending 2024. The annual budget is also reported on the Public Authorities Reporting Information System (PARIS) and on the NFTA website.

If you have any questions regarding this matter, please contact John T. Cox, Chief Financial Officer, at (716) 855-7250.

Dawn Skimmer
Sr. Administrative Assistant to John T. Cox, Chief Financial Officer
Niagara Frontier Transportation Authority
181 Ellicott St.
Buffalo, NY 14203
O - 716.855.7238
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CORPORATE:

2. C. (i) Niagara Frontier Transportation Authority, Acceptance of Corporate Resolutions 2. C. (1) and 2. C. (2)

The Executive Director advised that Items 2. C. (1) and 2. C. (2) have been discussed with the Board of Commissioners of the NFTA, and the Board is unanimously in favor of all subject Resolutions. Whereupon, it was moved by Commissioner Blue, seconded by Commissioner Aul, that the following Resolution be adopted:

> "**RESOLVED**, that the Resolutions of the Niagara Frontier Transportation Authority, identified as numbers 2. (C) (1) and 2. C. (2) dated March 23, 2023 as set forth herein, be and hereby are accepted and approved in their entirety."

AYES: **HUGHES, ANSARI, AUL, BAYNES, BLUE, PERRY**

NOES: **NONE**

ADOPTED

CORPORATE:

2. C. (1) Adoption of Revised Operating and Capital Budgets, Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc., Fiscal Year 2023-2024

RECOMMENDATION: Staff recommends that the Board adopt the revised Operating and Capital Budgets for the Niagara Frontier Transportation Authority (NFTA) and Niagara Frontier Transit Metro System, Inc. (Metro) for the Fiscal Year ending March 31, 2024.

INFORMATION: On December 8, 2022, the Board adopted the budget for 2023-2024. Staff is presenting a revised balanced budget based on more current information with the assumptions noted below.

Operating revenues are increasing $3,080,994 primarily due to higher Metro passenger fares and BNIA parking lot/ramp and auto rental revenues.

Operating Assistance is decreasing $10,882,347 due to $41.5 million, or 36.2%, lower than budgeted New York State operating assistance, reflecting the Governor's executive budget for FYE 2024, and decreases in sales tax ($0.5 million, or 1.9%) and mortgage tax ($3.5 million, or 21.4%) revenues based on recent trends. These decreases have been partially offset by Federal preventive maintenance funds of $19.4 million being reallocated to operations, and Federal COVID-19 relief funds increasing $12.9 million, which are earmarked by Metro for ongoing erosion of passenger fares and mandated capital projects.

Operating expenses are increasing $486,515, primarily the result of personnel adjustments.

Non-operating/capital items have decreased $8,287,868, primarily due to a decrease in NFTA/Metro capital spending of $8,790,946 due to shifting of project funding, as well as timing of scheduled projects.

> **"RESOLVED**, that the Revised Operating and Capital Budgets of the NFTA and Metro attached hereto for FYE ending March 31, 2024, be, and hereby are, adopted."

NFTA COMBINED
KEY ITEM REPORT
FYE 24 FINAL BUDGET VS. FYE 24 ORIGINAL BUDGET

	FYE 23 BUDGET	FYE 24 ORIGINAL BUDGET	FYE 24 FINAL BUDGET	VARIANCE	%
Operating Revenues	104,971,731	120,472,789	123,553,783	3,080,994	2.6%
Operating Assistance	255,277,469	237,413,269	226,530,922	(10,882,347)	-4.6%
Total Oper Revs & Asst	360,249,200	357,886,058	350,084,705	(7,801,353)	-2.2%
Personnel Services	183,848,790	188,507,612	188,942,701	435,089	0.2%
Other Operating Expenses	59,012,747	69,635,382	69,686,808	51,426	0.1%
Total Operating Expenses	242,861,537	258,142,994	258,629,509	486,515	0.2%
Operating Income/(Loss)	117,387,663	99,743,064	91,455,196	(8,287,868)	-8.3%
Non-operating/Capital	(117,387,663)	(99,743,064)	(91,455,196)	8,287,868	-8.3%
Net Surplus/(Deficit)	0	0	0	0	n/a

FYE 24 FINAL BUDGET VS. FYE 24 ORIGINAL BUDGET
Net Surplus/(Deficit)

	FYE 24 ORIGINAL BUDGET	FYE 24 FINAL BUDGET	VARIANCE	%
BNIA	5,012,218	5,332,607	320,389	6.4%
NFIA	(5,012,218)	(5,332,607)	(320,389)	6.4%
Total Aviation	0	0	0	n/a
Metro	4,905,431	5,082,500	177,069	3.6%
Transportation Centers	(4,905,431)	(5,082,500)	(177,069)	3.6%
Total Surface Transportation	0	0	0	n/a
Property Development	0	0	0	n/a
NFTA/Metro Combined	0	0	0	n/a

NFTA/METRO
2022/23 ANNUAL FORECAST
VS
2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING REVENUES						
Passenger Fares	23,434,943	22,819,643	24,416,000	24,188,822	(227,178)	-0.9%
Airport Fees & Services	20,904,350	26,457,019	26,195,877	29,625,375	3,429,498	13.1%
Rental Income	19,319,146	21,601,305	22,197,616	24,957,601	2,759,985	12.4%
Concessions/Commissions	22,443,239	28,616,494	30,842,759	38,626,257	7,783,498	25.2%
Resales & Rebillings	1,497,199	1,298,796	1,788,727	1,854,334	65,607	3.7%
Other Operating Revenues	3,894,517	4,178,474	4,199,056	4,301,394	102,338	2.4%
TOTAL OPERATING REVENUES	**91,493,394**	**104,971,731**	**109,640,035**	**123,553,783**	**13,913,748**	**12.7%**
OPERATING ASSISTANCE						
Local - 18b Match	4,100,000	4,100,000	4,100,000	4,100,000	0	0.0%
Erie County Sales Tax	25,766,034	25,986,956	27,286,304	27,286,304	0	0.0%
Mortgage Tax	17,860,846	16,658,345	13,754,767	13,067,029	(687,738)	-5.0%
Peace Bridge	200,000	200,000	200,000	200,000	0	0.0%
State - 18b	4,100,000	4,100,000	4,100,000	4,100,000	0	0.0%
State - MTOAF	29,421,200	31,424,900	31,424,900	30,902,700	(522,200)	-1.7%
State - DMTTF	14,140,200	14,644,000	14,644,000	14,287,400	(356,600)	-2.4%
State - Additional General Fund	11,525,200	16,702,700	17,247,100	23,715,200	6,468,100	37.5%
State - PM Match	2,721,081	2,405,866	2,376,112	2,423,634	47,522	2.0%
Federal - Sec 5311	79,310	81,689	79,000	81,000	2,000	2.5%
Federal - PM	21,768,651	19,246,929	19,008,894	19,389,072	380,178	2.0%
Federal - FAA COVID Relief	10,745,915	10,527,083	10,527,083	10,428,107	(98,976)	-0.9%
Federal Operating Assistance	196,983	285,440	285,440	285,440	0	0.0%
Federal - K-9 Cops	353,500	353,500	353,500	353,500	0	0.0%
Federal - DEA Expenditures	16,994	60,000	60,000	60,000	0	0.0%
Federal - DEA OT Reimbursement	93,114	17,202	17,202	17,202	0	0.0%
Federal - FTA COVID Relief	43,182,780	108,482,859	42,900,000	75,834,334	32,934,334	76.8%
TOTAL OPERATING ASSISTANCE	**186,271,808**	**255,277,469**	**188,364,302**	**226,530,922**	**38,166,620**	**20.3%**
TOTAL REVENUES & OPERATING ASST	**277,765,202**	**360,249,200**	**298,004,337**	**350,084,705**	**52,080,367**	**17.5%**

NFTA/METRO
2022/23 ANNUAL FORECAST
VS
2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	147,138,779	183,848,790	169,540,722	188,942,701	19,401,979	11.4%
Maintenance & Repairs	20,380,762	22,601,535	21,526,592	26,150,057	4,623,465	21.5%
Transit Fuel/Power	4,184,148	5,718,699	6,118,000	6,991,727	873,727	14.3%
Utilities	5,889,928	5,203,825	6,414,299	6,798,896	384,597	6.0%
Insurance & Injuries	5,301,454	6,126,931	5,976,815	6,704,583	727,768	12.2%
Safety & Security	14,755,405	17,848,991	16,797,000	17,820,225	1,023,225	6.1%
General Business/Other	30,012,702	38,429,481	37,651,035	41,253,069	3,602,034	9.6%
Administrative Cost Reallocation	0	0	0	0	0	n/a
Costs Transferred to Capital Projects	(1,746,579)	(1,983,678)	(1,805,378)	(2,098,653)	(293,275)	16.2%
Inter Division Reimbursement	(28,759,583)	(34,933,037)	(33,580,880)	(33,933,096)	(352,216)	1.0%
TOTAL OPERATING EXPENSES	**197,157,016**	**242,861,537**	**228,638,205**	**258,629,509**	**29,991,304**	**13.1%**
OPERATING INCOME/(LOSS)	**80,608,186**	**117,387,663**	**69,366,132**	**91,455,196**	**22,089,063**	**31.8%**
NON-OPERATING ITEMS						
Bond Debt Service	(17,780,400)	(17,625,750)	(17,625,750)	(17,587,250)	38,500	-0.2%
Debt Service - Noresco	(318,600)	(210,442)	(210,442)	0	210,442	-100.0%
Operating Expense Reserve & R&R Rsv	(295,577)	(409,258)	(376,200)	(437,189)	(60,989)	16.2%
Interest/Other	299	(212,000)	1,300,000	1,500,000	200,000	15.4%
Operating Revenue Reserve - Passenger Fares	(15,967,121)	(25,332,879)	(25,332,879)	10,800,000	36,132,879	-142.6%
Operating Expense Reserve - Personnel	(4,107,853)	4,107,853	4,107,853	0	(4,107,853)	-100.0%
SIF Reserve Funding	(13,465,736)	0	(4,400,000)	(3,900,000)	500,000	-11.4%
Metro COVID Operating Reserve	(16,613,329)	0	0	0	0	n/a
Intercompany Transfer	0	0	0	0	0	n/a
Investment in ADF (net)	0	0	(5,777,601)	(1,249,532)	4,528,069	-78.4%
Property Acquisition/Other	226,290	225,000	225,000	225,000	0	0.0%
Interest Income	55,183	250,000	400,000	400,000	0	0.0%
Seneca Proceeds	1,000,000	1,000,000	1,000,000	750,000	(250,000)	-25.0%
TOTAL NON-OPERATING ITEMS	**(67,266,844)**	**(38,207,476)**	**(46,690,019)**	**(9,498,971)**	**37,191,048**	**-79.7%**
NET INCOME/(LOSS)	**13,341,342**	**79,180,187**	**22,676,113**	**81,956,225**	**59,280,112**	**261.4%**
LESS: DIRECT CAPITAL	10,107,736	79,180,187	29,165,965	81,956,225	52,790,260	181.0%
LESS: INDIRECT CAPITAL	0	0	0	0	0	n/a
NET SURPLUS/(DEFICIT)	**3,233,606**	**0**	**(6,489,852)**	**0**	**6,489,852**	**n/a**

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
FY 2022-23 OPERATING FORECAST AND CAPITAL PLAN
VS.
FY 2023-24 OPERATING BUDGET AND CAPITAL PLAN

BUSINESS CENTER	FYE 23 BUDGET	FYE 23 FORECAST	FYE 24 BUDGET	VARIANCE	%
SURFACE TRANSPORTATION GROUP					
METRO CONSOLIDATED					
Operating Revenues & Assistance	267,923,672	202,606,862	240,720,165	38,113,303	18.8%
Operating Expenses	173,101,374	163,814,194	183,466,218	19,652,024	12.0%
Operating Income/(Loss)	94,822,298	38,792,668	57,253,946	18,461,278	47.6%
Non-operating Items:					
Intercompany Transfer	(752,064)	(752,064)	(763,345)	(11,281)	1.5%
Interest/Other	(212,000)	1,300,000	1,500,000	200,000	15.4%
Operating Reserves	(21,225,026)	(25,625,026)	9,881,103	35,506,129	-138.6%
Debt Service - Noresco	(62,753)	(62,753)	0	62,753	-100.0%
Direct Capital	67,028,426	17,666,098	60,120,842	42,454,744	240.3%
Indirect Capital	2,350,507	2,036,069	2,668,362	632,293	31.1%
Total Capital	69,378,933	19,702,167	62,789,204	43,087,037	218.7%
Net Surplus/(Deficit)	3,191,521	(6,049,342)	5,082,500	11,131,843	-184.0%

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
FY 2022-23 OPERATING FORECAST AND CAPITAL PLAN
VS.
FY 2023-24 OPERATING BUDGET AND CAPITAL PLAN

BUSINESS CENTER	FYE 23 BUDGET	FYE 23 FORECAST	FYE 24 BUDGET	VARIANCE	%
AVIATION BUSINESS GROUP					
BNIA					
Operating Revenues & Assistance	83,519,944	86,138,543	99,917,187	13,778,644	16.0%
Operating Expenses	55,260,649	51,513,528	59,864,867	8,351,339	16.2%
Operating Income/(Loss)	28,259,296	34,625,015	40,052,320	5,427,305	15.7%
Non-operating Items:					
Bond Debt Service	(17,625,750)	(17,625,750)	(17,587,250)	38,500	-0.2%
Debt Service - Noresco	(12,687)	(12,687)	0	12,687	-100.0%
Operating Expense Reserves/ADF	(409,258)	(6,153,801)	(5,491,858)	661,943	-10.8%
Interest Income	250,000	400,000	400,000	0	0.0%
Direct Capital	4,149,975	4,713,147	9,977,533	5,264,386	111.7%
Indirect Capital	1,817,320	1,574,208	2,063,072	488,864	31.1%
Total Capital	5,967,295	6,287,355	12,040,605	5,753,250	91.5%
Net Surplus/(Deficit)	4,494,306	4,945,422	5,332,607	387,185	7.8%
NFIA					
Operating Revenues & Assistance	1,217,602	1,773,490	1,869,997	96,507	5.4%
Operating Expenses	6,035,214	5,657,758	6,514,083	856,325	15.1%
Operating Income/(Loss)	(4,817,612)	(3,884,268)	(4,644,086)	(759,818)	19.6%
Non-operating Items:					
Debt Service - Noresco	(1,193)	(1,193)	0	1,193	-100.0%
Operating Expense Reserves/ADF	0	0	(181,591)	(181,591)	n/a
Seneca Proceeds	1,000,000	1,000,000	750,000	(250,000)	-25.0%
Direct Capital	260,800	564,385	786,150	221,765	39.3%
Indirect Capital	414,701	359,225	470,780	111,556	31.1%
Total Capital	675,501	923,610	1,256,930	333,321	36.1%
Net Surplus/(Deficit)	(4,494,306)	(3,809,070)	(5,332,607)	(1,523,537)	40.0%
TOTAL AVIATION BUSINESS GROUP					
Operating Revenues	84,737,546	87,912,033	101,787,184	13,875,151	15.8%
Operating Expenses	61,295,863	57,171,286	66,378,949	9,207,664	16.1%
Operating Income/(Loss)	23,441,683	30,740,748	35,408,235	4,667,487	15.2%
Non-operating Items:					
Bond Debt Service	(17,625,750)	(17,625,750)	(17,587,250)	38,500	-0.2%
Debt Service - Noresco	(13,880)	(13,880)	0	13,880	-100.0%
Operating Expense Reserves/ADF	(409,258)	(6,153,801)	(5,673,449)	480,352	-7.8%
Interest Income	250,000	400,000	400,000	0	0.0%
Seneca Proceeds	1,000,000	1,000,000	750,000	(250,000)	-25.0%
Direct Capital	4,410,775	5,277,532	10,763,683	5,486,151	104.0%
Indirect Capital	2,232,021	1,933,433	2,533,853	600,420	31.1%
Total Capital	6,642,796	7,210,965	13,297,536	6,086,571	84.4%
Net Surplus/(Deficit)	0	1,136,353	0	(1,136,353)	-100.0%

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
FY 2022-23 OPERATING FORECAST AND CAPITAL PLAN
VS.
FY 2023-24 OPERATING BUDGET AND CAPITAL PLAN

BUSINESS CENTER	FYE 23 BUDGET	FYE 23 FORECAST	FYE 24 BUDGET	VARIANCE	%
FACILITIES & PROPERTIES GROUP					
TRANSPORTATION CENTERS					
Operating Revenues	2,741,500	2,739,000	2,776,700	37,700	1.4%
Operating Expenses	4,504,041	3,867,295	4,272,676	405,381	10.5%
Operating Income/(Loss)	(1,762,541)	(1,128,295)	(1,495,976)	(367,681)	32.6%
Non-operating Items:					
Debt Service - Noresco	(104,485)	(104,485)	0	104,485	-100.0%
Operating Expense Reserves/ADF	0	0	(26,437)	(26,437)	n/a
Intercompany Transfer	752,064	752,064	763,345	11,281	1.5%
Direct Capital	1,833,716	1,044,336	4,047,750	3,003,414	287.6%
Indirect Capital	242,843	210,357	275,682	65,325	31.1%
Total Capital	2,076,559	1,254,693	4,323,432	3,068,739	244.6%
Net Surplus/(Deficit)	(3,191,521)	(1,735,409)	(5,082,500)	(3,347,091)	192.9%
PROPERTY DEVELOPMENT					
Operating Revenues	4,130,340	4,030,300	4,084,514	54,214	1.3%
Operating Expenses	3,244,117	3,069,288	3,795,523	726,235	23.7%
Operating Income/(Loss)	886,223	961,012	288,991	(672,021)	-69.9%
Non-operating Items:					
Debt Service - Noresco	(29,325)	(29,325)	0	29,325	-100.0%
Operating Expense Reserves	0	0	1,032,062	1,032,062	n/a
Property Acquisition	225,000	225,000	225,000	0	0.0%
Direct Capital	570,060	554,773	965,000	410,227	73.9%
Indirect Capital	511,838	443,367	581,053	137,686	31.1%
Total Capital	1,081,898	998,140	1,546,053	547,913	54.9%
Net Surplus/(Deficit)	0	158,547	0	(158,547)	-100.0%
TOTAL FACIL & PROPERTIES GROUP					
Operating Revenues	6,871,840	6,769,300	6,861,214	91,914	1.4%
Operating Expenses	7,748,158	6,936,583	8,068,199	1,131,616	16.3%
Operating Income/(Loss)	(876,318)	(167,283)	(1,206,985)	(1,039,702)	621.5%
Non-operating Items:					
Debt Service - Noresco	(133,809)	(133,809)	0	133,809	-100.0%
Operating Expense Reserves/ADF	0	0	1,005,625	1,005,625	n/a
Intercompany Transfer	752,064	752,064	763,345	11,281	1.5%
Property Acquisition	225,000	225,000	225,000	0	0.0%
Direct Capital	2,403,776	1,599,109	5,012,750	3,413,641	213.5%
Indirect Capital	754,681	653,724	856,736	203,011	31.1%
Total Capital	3,158,457	2,252,833	5,869,486	3,616,652	160.5%
Net Surplus/(Deficit)	(3,191,521)	(1,576,861)	(5,082,500)	(3,505,638)	222.3%

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
FY 2022-23 OPERATING FORECAST AND CAPITAL PLAN
VS.
FY 2023-24 OPERATING BUDGET AND CAPITAL PLAN

BUSINESS CENTER	FYE 23 BUDGET	FYE 23 FORECAST	FYE 24 BUDGET	VARIANCE	%
CENTRAL ADMINISTRATION					
Operating Assistance	716,142	716,142	716,142	0	0.0%
Operating Expenses	716,142	716,142	716,142	0	0.0%
Operating Income/(Loss)	0	0	0	0	n/a
Direct Capital	5,337,210	4,623,226	6,058,950	1,435,724	31.1%
Indirect Capital	(5,337,210)	(4,623,226)	(6,058,950)	(1,435,724)	31.1%
Total Capital	0	0	0	0	n/a
Net Surplus/(Deficit)	0	0	0	0	n/a
CONSOLIDATED					
Operating Revenues & Assistance	360,249,200	298,004,337	350,084,705	52,080,367	17.5%
Operating Expenses	242,861,537	228,638,205	258,629,509	29,991,304	13.1%
Operating Income/(Loss)	117,387,663	69,366,132	91,455,196	22,089,063	31.8%
Non-operating Items:					
Bond Debt Service	(17,625,750)	(17,625,750)	(17,587,250)	38,500	-0.2%
Interest/Other	(212,000)	1,300,000	1,500,000	200,000	15.4%
Metro Operating Reserves	(21,225,026)	(25,625,026)	9,881,103	35,506,129	-138.6%
Debt Service - Noresco	(210,442)	(210,442)	0	210,442	-100.0%
Intercompany Transfer - Metro	(752,064)	(752,064)	(763,345)	(11,281)	1.5%
Operating Expense Reserves/ADF	(409,258)	(6,153,801)	(4,667,824)	1,485,977	-24.1%
Interest Income	250,000	400,000	400,000	0	0.0%
Intercompany Transfer - Tr Ctrs	752,064	752,064	763,345	11,281	1.5%
Seneca Proceeds	1,000,000	1,000,000	750,000	(250,000)	-25.0%
Property Acquisition	225,000	225,000	225,000	0	0.0%
Direct Capital	79,180,187	29,165,965	81,956,225	52,790,260	181.0%
Indirect Capital	0	0	0	0	n/a
Total Capital	79,180,187	29,165,965	81,956,225	52,790,260	181.0%
Net Surplus/(Deficit)	0	(6,489,852)	0	6,489,852	n/a

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
($000's)

	METRO	BNIA	NFIA	AIRPORT BUSN GROUP SUBTOTAL	TRANSP CTRS	PROP DEV	FACIL & PROPERTY GROUP SUBTOTAL	CENTRAL ADMIN
REVENUES & ASSISTANCE								
Operating Revenues								
Airport Fees & Services	0	29,520	105	29,625	0	0	0	0
Passenger Fares	24,189	0	0	0	0	0	0	0
Rental Income	0	17,836	353	18,188	2,722	4,047	6,769	0
Concessions/Commissions	0	37,312	1,263	38,575	51	0	51	0
Resales & Rebillings	0	1,789	24	1,813	4	37	41	0
Other Operating Revenues	1,145	3,032	125	3,157	0	0	0	0
	25,333	**89,489**	**1,870**	**91,359**	**2,777**	**4,085**	**6,861**	**0**
Operating Assistance								
Local - 18b Match	4,100	0	0	0	0	0	0	0
Erie County Sales Tax	27,286	0	0	0	0	0	0	0
Mortgage Tax	13,067	0	0	0	0	0	0	0
Peace Bridge	200	0	0	0	0	0	0	0
State - 18b	4,100	0	0	0	0	0	0	0
State - MTOAF	30,903	0	0	0	0	0	0	0
State - DMTTF	14,287	0	0	0	0	0	0	0
State - Additional General Fund	23,715	0	0	0	0	0	0	0
State - PM Match	2,424	0	0	0	0	0	0	0
Federal - Sec 5311	81	0	0	0	0	0	0	0
Federal - PM	19,389	0	0	0	0	0	0	0
Federal - FAA COVID Relief	0	10,428	0	10,428	0	0	0	0
Federal Operating Assistance	0	0	0	0	0	0	0	285
Federal - K-9 Cops	0	0	0	0	0	0	0	354
Federal - DEA Expenditures	0	0	0	0	0	0	0	60
Federal - DEA OT Reimbursement	0	0	0	0	0	0	0	17
Federal - FTA COVID Relief	75,834	0	0	0	0	0	0	0
Total Operating Assistance	**215,387**	**10,428**	**0**	**10,428**	**0**	**0**	**0**	**716**
TOTAL OPERATING REV & ASST	**240,720**	**99,917**	**1,870**	**101,787**	**2,777**	**4,085**	**6,861**	**716**

NIAGARA FRONTIER TRANSPORTATION AUTHORITY
($000's)

	METRO	BNIA	NFIA	AIRPORT BUSN GROUP SUBTOTAL	TRANSP CTRS	PROP DEV	FACIL & PROPERTY GROUP SUBTOTAL	CENTRAL ADMIN
OPERATING EXPENSES (Excluding Depreciation)								
Personnel Services	119,325	16,663	1,973	18,636	1,565	368	1,932	49,049
Maintenance & Repairs	10,524	13,035	1,305	14,339	494	463	957	330
Transit Fuel/Power	6,992	0	0	0	0	0	0	0
Utilities	2,179	3,328	382	3,710	360	458	817	93
Insurance & Injuries	5,176	870	230	1,100	89	130	219	209
Safety & Security	15	1,900	40	1,940	0	0	0	222
General Business/Other	22,099	8,623	430	9,053	46	123	170	9,931
Administrative Cost Reallocation								
Administrative Cost	10,348	8,000	1,826	9,826	1,069	2,253	3,322	(23,496)
Police Cost	7,046	7,559	328	7,887	710	0	710	0
Costs Transferred to Capital Projects	0	(20)	0	(20)	0	0	0	(2,079)
Inter Division Reimbursement	(237)	(93)	0	(93)	(60)	0	(60)	(33,543)
TOTAL OPERATING EXPENSES	183,466	59,865	6,514	66,379	4,273	3,796	8,068	716
OPERATING INCOME/(LOSS)	57,254	40,052	(4,644)	35,408	(1,496)	289	(1,207)	0
NON-OPERATING ITEMS								
Bond Debt Service	0	(17,587)	0	(17,587)	0	0	0	0
Interest/Other	1,500	0	0	0	0	0	0	0
Operating Revenue Reserve - Passenger Fares	10,800	0	0	0	0	0	0	0
Operating Expense Reserve - Personnel	0	0	0	0	0	0	0	0
SIF Reserve Funding	(919)	(2,740)	(182)	(2,922)	(26)	(33)	(59)	0
Debt Service - Noresco	0	0	0	0	0	0	0	0
Intercompany Transfer - Metro	(763)	0	0	0	0	0	0	0
Operating Expense Reserve & R&R Rsv	0	(437)	0	(437)	0	0	0	0
Investment in ADF/Reserves	0	(2,314)	0	(2,314)	0	1,065	1,065	0
Interest Income	0	400	0	400	0	0	0	0
Intercompany Transfer - Tr Ctrs	0	0	0	0	763	0	763	0
Seneca Proceeds	0	0	750	750	0	0	0	0
Property Acquisition	0	0	0	0	0	225	225	0
TOTAL NON-OPERATING ITEMS	10,618	(22,679)	568	(22,111)	737	1,257	1,994	0
NET INCOME/(LOSS)	67,872	17,373	(4,076)	13,298	(759)	1,546	787	0
LESS: DIRECT CAPITAL	60,121	9,978	786	10,764	4,048	965	5,013	6,059
LESS: INDIRECT CAPITAL	2,668	2,063	471	2,534	276	581	857	(6,059)
NET SURPLUS/(DEFICIT)	5,083	5,333	(5,333)	0	(5,083)	0	(5,083)	0

METRO CONSOLIDATED
2022/23 ANNUAL FORECAST
VS
2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
REVENUES & ASSISTANCE						
Operating Revenues						
Passenger Fares	23,434,943	22,819,643	24,416,000	24,188,822	(227,178)	-0.9%
Other Operating Revenues	1,134,127	1,069,785	1,069,785	1,144,670	74,885	7.0%
Total Revenues	**24,569,070**	**23,889,428**	**25,485,785**	**25,333,492**	**(152,293)**	**-0.6%**
Operating Assistance						
Local - 18b Match	4,100,000	4,100,000	4,100,000	4,100,000	0	0.0%
Erie County Sales Tax	25,766,034	25,986,956	27,286,304	27,286,304	0	0.0%
Mortgage Tax	17,860,846	16,658,345	13,754,767	13,067,029	(687,738)	-5.0%
Peace Bridge	200,000	200,000	200,000	200,000	0	0.0%
State - 18b	4,100,000	4,100,000	4,100,000	4,100,000	0	0.0%
State - MTOAF	29,421,200	31,424,900	31,424,900	30,902,700	(522,200)	-1.7%
State - DMTTF	14,140,200	14,644,000	14,644,000	14,287,400	(356,600)	-2.4%
State - Additional General Fund	11,525,200	16,702,700	17,247,100	23,715,200	6,468,100	37.5%
State - PM Match	2,721,081	2,405,866	2,376,112	2,423,634	47,522	2.0%
Federal - Sec 5311	79,310	81,689	79,000	81,000	2,000	2.5%
Federal - PM	21,768,651	19,246,929	19,008,894	19,389,072	380,178	2.0%
Federal - FTA COVID Relief	43,182,780	108,482,859	42,900,000	75,834,334	32,934,334	76.8%
Total Operating Assistance	**174,865,302**	**244,034,244**	**177,121,077**	**215,386,673**	**38,265,596**	**21.6%**
TOTAL OPERATING REVENUES & ASST	**199,434,372**	**267,923,672**	**202,606,862**	**240,720,165**	**38,113,303**	**18.8%**
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	90,357,203	112,779,028	106,000,000	119,325,374	13,325,374	12.6%
Maintenance & Repairs	9,654,687	9,619,694	9,619,694	10,524,080	904,386	9.4%
Transit Fuel/Power	4,184,148	5,718,699	6,118,000	6,991,727	873,727	14.3%
Utilities	2,151,302	1,920,770	2,000,000	2,178,750	178,750	8.9%
Insurance & Injuries	4,208,014	4,819,173	4,669,000	5,175,524	506,524	10.8%
Safety & Security	5,949,447	7,208,205	7,100,000	7,061,374	(38,626)	-0.5%
General Business/Other	16,803,561	21,805,828	20,497,000	22,098,890	1,601,890	7.8%
Administrative Cost Reallocation	7,832,062	9,464,917	8,014,700	10,347,715	2,333,015	29.1%
Costs Transferred to Capital Projects	(1,169)	0	(200)	0	200	-100.0%
Inter Division Reimbursement	(207,426)	(234,940)	(204,000)	(237,216)	(33,216)	16.3%
TOTAL OPERATING EXPENSES	**140,931,829**	**173,101,374**	**163,814,194**	**183,466,218**	**19,652,024**	**12.0%**
OPERATING INCOME/(LOSS)	**58,502,543**	**94,822,298**	**38,792,668**	**57,253,946**	**18,461,278**	**47.6%**
NON-OPERATING ITEMS						
Intercompany Transfer	(729,984)	(752,064)	(752,064)	(763,345)	(11,281)	1.5%
Interest/Other	0	(212,000)	1,300,000	1,500,000	200,000	15.4%
Operating Revenue Reserve - Passenger Fares	(15,967,121)	(25,332,879)	(25,332,879)	10,800,000	36,132,879	-142.6%
Operating Expense Reserve - Personnel	(4,107,853)	4,107,853	4,107,853	0	(4,107,853)	-100.0%
SIF Reserve Funding	(13,465,736)	0	(4,400,000)	(918,897)	3,481,103	-79.1%
COVID Operating Reserve	(16,613,329)	0	0	0	0	n/a
Debt Service - Noresco	(95,005)	(62,753)	(62,753)	0	62,753	-100.0%
TOTAL NON-OPERATING ITEMS	**(50,979,028)**	**(22,251,843)**	**(25,139,843)**	**10,617,758**	**35,757,601**	**-142.2%**
NET INCOME/(LOSS)	**7,523,515**	**72,570,455**	**13,652,825**	**67,871,704**	**54,218,879**	**397.1%**
LESS: DIRECT CAPITAL	5,435,390	67,028,426	17,666,098	60,120,842	42,454,744	240.3%
LESS: INDIRECT CAPITAL	1,320,088	2,350,507	2,036,069	2,668,362	632,293	31.1%
NET SURPLUS/(DEFICIT)	**768,037**	**3,191,521**	**(6,049,342)**	**5,082,500**	**11,131,842**	**-184.0%**

BNIA

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
EVENUES & ASSISTANCE						
Operating Revenues						
Airport Fees & Services	20,813,514	26,339,785	26,100,285	29,520,303	3,420,018	13.1
Rental Income	12,457,274	14,462,419	15,157,619	17,835,793	2,678,174	17.7
Concessions/Commissions	21,681,235	28,027,416	29,606,606	37,312,458	7,705,852	26.0
Resales & Rebillings	1,451,195	1,254,552	1,736,765	1,788,802	52,037	3.0
Other Operating Revenues	2,634,879	2,908,689	3,010,185	3,031,724	21,539	0.7
Total Revenues	**59,038,097**	**72,992,861**	**75,611,460**	**89,489,080**	**13,877,620**	**18.4**
Operating Assistance						
Federal - FAA COVID Relief	10,745,915	10,527,083	10,527,083	10,428,107	(98,976)	-0.9
Total Operating Assistance	**10,745,915**	**10,527,083**	**10,527,083**	**10,428,107**	**(98,976)**	**-0.9**
OTAL OPERATING REVENUES & ASST	**69,784,012**	**83,519,944**	**86,138,543**	**99,917,187**	**13,778,644**	**16.0**
PERATING EXPENSES (Excl. Depr.)						
Personnel Services	14,263,309	17,680,114	16,059,131	16,662,821	603,690	3.8
Maintenance & Repairs	8,563,112	10,548,316	9,630,996	13,034,614	3,403,618	35.3
Utilities	2,535,158	2,210,900	3,007,743	3,327,930	320,187	10.6
Insurance & Injuries	585,743	704,451	704,451	870,132	165,681	23.5
Safety & Security	7,739,928	9,327,904	8,500,000	9,458,378	958,378	11.3
General Business/Other	4,437,379	7,555,202	7,447,555	8,623,379	1,175,824	15.8
Administrative Cost Reallocation	6,055,443	7,329,774	6,196,652	8,000,448	1,803,796	29.1
Costs Transferred to Capital Projects	(7,809)	(20,000)	(3,000)	(20,000)	(17,000)	566.7
Inter Division Reimbursement	(81,606)	(76,012)	(30,000)	(92,835)	(62,835)	209.5
OTAL OPERATING EXPENSES	**44,090,657**	**55,260,649**	**51,513,528**	**59,864,867**	**8,351,339**	**16.2**
PERATING INCOME/(LOSS)	**25,693,355**	**28,259,296**	**34,625,015**	**40,052,320**	**5,427,305**	**15.7**
ON-OPERATING ITEMS						
Bond Debt Service	(17,780,400)	(17,625,750)	(17,625,750)	(17,587,250)	38,500	-0.2
Debt Service - Noresco	(19,208)	(12,687)	(12,687)	0	12,687	-100.0
Operating Expense Reserve & R&R Rsv	(295,577)	(409,258)	(376,200)	(437,189)	(60,989)	16.2
SIF Reserve Funding	0	0	0	(2,740,356)	(2,740,356)	n.
Investment in ADF	0	0	(5,777,601)	(2,314,313)	3,463,288	-59.9
Interest Income	55,183	250,000	400,000	400,000	0	0.0
OTAL NON-OPERATING ITEMS	**(18,040,002)**	**(17,797,695)**	**(23,392,238)**	**(22,679,108)**	**713,130**	**-3.0**
ET INCOME/(LOSS)	**7,653,353**	**10,461,601**	**11,232,777**	**17,373,212**	**6,140,435**	**54.7**
ESS: DIRECT CAPITAL	837,337	4,149,975	4,713,147	9,977,533	5,264,386	111.7
ESS: INDIRECT CAPITAL	1,020,640	1,817,320	1,574,208	2,063,072	488,864	31.1
ET SURPLUS/(DEFICIT)	**5,795,376**	**4,494,306**	**4,945,422**	**5,332,607**	**387,185**	**7.8**

NFIA

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING REVENUES						
Airport Fees & Services	90,836	117,234	95,592	105,072	9,480	9.9%
Rental Income	338,218	341,846	342,997	352,634	9,637	2.8%
Concessions/Commissions	733,279	549,078	1,196,153	1,262,799	66,646	5.6%
Resales & Rebillings	17,049	9,444	19,662	24,492	4,830	24.6%
Other Operating Revenues	125,511	200,000	119,086	125,000	5,914	5.0%
TOTAL OPERATING REVENUES	**1,304,893**	**1,217,602**	**1,773,490**	**1,869,997**	**96,507**	**5.4%**
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	1,714,910	2,127,203	1,900,000	1,973,435	73,435	3.9%
Maintenance & Repairs	1,086,069	1,142,525	1,061,559	1,304,763	243,204	22.9%
Utilities	304,573	291,916	362,706	382,256	19,550	5.4%
Insurance & Injuries	201,610	228,213	228,213	230,150	1,937	0.8%
Safety & Security	288,755	305,846	400,000	368,146	(31,854)	-8.0%
General Business/Other	230,319	278,844	321,242	429,680	108,438	33.8%
Administrative Cost Reallocation	1,381,815	1,660,667	1,414,038	1,825,653	411,615	29.1%
Costs Transferred to Capital Projects	0	0	(30,000)	0	30,000	-100.0%
Inter Division Reimbursement	(1,104)	0	0	0	0	n/a
TOTAL OPERATING EXPENSES	**5,206,947**	**6,035,214**	**5,657,758**	**6,514,083**	**856,325**	**15.1%**
OPERATING INCOME/(LOSS)	**(3,902,054)**	**(4,817,612)**	**(3,884,268)**	**(4,644,086)**	**(759,818)**	**19.6%**
NON-OPERATING ITEMS						
Debt Service - Noresco	(1,806)	(1,193)	(1,193)	0	1,193	-100.0%
SIF Reserve Funding	0	0	0	(181,591)	(181,591)	n/a
Seneca Proceeds	1,000,000	1,000,000	1,000,000	750,000	(250,000)	-25.0%
TOTAL NON-OPERATING ITEMS	**998,194**	**998,807**	**998,807**	**568,409**	**(430,398)**	**-43.1%**
NET INCOME/(LOSS)	**(2,903,860)**	**(3,818,805)**	**(2,885,461)**	**(4,075,677)**	**(1,190,216)**	**41.2%**
LESS: DIRECT CAPITAL	14,011	260,800	564,385	786,150	221,765	39.3%
LESS: INDIRECT CAPITAL	232,904	414,701	359,225	470,780	111,556	31.1%
NET SURPLUS/(DEFICIT)	**(3,150,774)**	**(4,494,306)**	**(3,809,070)**	**(5,332,607)**	**(1,523,537)**	**40.0%**

TRANSPORTATION CENTERS

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING REVENUES						
Rental Income	2,655,098	2,697,000	2,697,000	2,722,000	25,000	0.9%
Concessions/Commissions	28,725	40,000	40,000	51,000	11,000	27.5%
Resales & Rebillings	2,045	4,500	2,000	3,700	1,700	85.0%
Other Operating Revenues	0	0	0	0	0	n/a
TOTAL OPERATING REVENUES	**2,685,868**	**2,741,500**	**2,739,000**	**2,776,700**	**37,700**	**1.4%**
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	1,107,909	1,814,248	1,400,000	1,564,505	164,505	11.8%
Maintenance & Repairs	411,902	501,100	501,100	493,600	(7,500)	-1.5%
Utilities	368,153	316,039	450,000	359,900	(90,100)	-20.0%
Insurance & Injuries	48,123	79,067	79,067	88,840	9,773	12.4%
Safety & Security	661,990	830,036	620,000	710,327	90,327	14.6%
General Business/Other	38,835	47,088	47,088	46,428	(660)	-1.4%
Administrative Cost Reallocation	809,171	972,463	828,040	1,069,076	241,036	29.1%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	(57,412)	(56,000)	(58,000)	(60,000)	(2,000)	3.4%
TOTAL OPERATING EXPENSES	**3,388,671**	**4,504,041**	**3,867,295**	**4,272,676**	**405,381**	**10.5%**
OPERATING INCOME/(LOSS)	**(702,803)**	**(1,762,541)**	**(1,128,295)**	**(1,495,976)**	**(367,681)**	**32.6%**
NON-OPERATING ITEMS						
Debt Service - Noresco	(158,185)	(104,485)	(104,485)	0	104,485	-100.0%
SIF Reserve Funding	0	0	0	(26,437)	(26,437)	n/a
Gain on Sale/Other	299	0	0	0	0	n/a
Intercompany Transfer	729,984	752,064	752,064	763,345	11,281	1.5%
TOTAL NON-OPERATING ITEMS	**572,098**	**647,579**	**647,579**	**736,908**	**89,329**	**13.8%**
NET INCOME/(LOSS)	**(130,705)**	**(1,114,962)**	**(480,716)**	**(759,068)**	**(278,352)**	**57.9%**
LESS: DIRECT CAPITAL	500,947	1,833,716	1,044,336	4,047,750	3,003,414	287.6%
LESS: INDIRECT CAPITAL	136,385	242,843	210,357	275,682	65,325	31.1%
NET SURPLUS/(DEFICIT)	**(768,037)**	**(3,191,521)**	**(1,735,409)**	**(5,082,500)**	**(3,347,091)**	**192.9%**

PROPERTY DEVELOPMENT

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING REVENUES						
Rental Income	3,868,556	4,100,040	4,000,000	4,047,174	47,174	1.2%
Resales & Rebillings	26,910	30,300	30,300	37,340	7,040	23.2%
Other Operating Revenues	0	0	0	0	0	n/a
TOTAL OPERATING REVENUES	**3,895,466**	**4,130,340**	**4,030,300**	**4,084,514**	**54,214**	**1.3%**
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	154,647	233,155	233,155	367,781	134,626	57.7%
Maintenance & Repairs	416,812	463,000	400,000	463,000	63,000	15.8%
Utilities	448,763	374,150	500,000	457,550	(42,450)	-8.5%
Insurance & Injuries	71,180	90,879	90,879	130,464	39,585	43.6%
Safety & Security	0	0	0	0	0	n/a
General Business/Other	81,436	137,945	100,000	123,445	23,445	23.4%
Administrative Cost Reallocation	1,705,483	1,944,988	1,745,254	2,253,283	508,029	29.1%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	0	0	0	0	0	n/a
TOTAL OPERATING EXPENSES	**2,878,321**	**3,244,117**	**3,069,288**	**3,795,523**	**726,235**	**23.7%**
OPERATING INCOME/(LOSS)	**1,017,145**	**886,223**	**961,012**	**288,991**	**(672,021)**	**-69.9%**
NON-OPERATING ITEMS						
Debt Service - Noresco	(44,396)	(29,325)	(29,325)	0	29,325	-100.0%
SIF Reserve Funding	0	0	0	(32,719)	(32,719)	n/a
Investment from Reserves	0	0	0	1,064,781	1,064,781	n/a
Property Acquisition/Other	226,290	225,000	225,000	225,000	0	0.0%
TOTAL NON-OPERATING ITEMS	**181,894**	**195,675**	**195,675**	**1,257,062**	**1,061,387**	**542.4%**
NET INCOME/(LOSS)	**1,199,039**	**1,081,898**	**1,156,688**	**1,546,053**	**389,365**	**33.7%**
LESS: DIRECT CAPITAL	322,577	570,060	554,773	965,000	410,227	73.9%
LESS: INDIRECT CAPITAL	287,458	511,838	443,367	581,053	137,686	31.1%
NET SURPLUS/(DEFICIT)	**589,004**	**0**	**158,547**	**0**	**(158,547)**	**-100.0%**

EXECUTIVE - NFTA

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING ASSISTANCE						
Federal Operating Assistance	196,983	285,440	285,440	285,440	0	0.0%
Federal - K-9 Cops	353,500	353,500	353,500	353,500	0	0.0%
Federal - DEA Expenditures	16,994	60,000	60,000	60,000	0	0.0%
Federal - DEA OT Reimbursement	93,114	17,202	17,202	17,202	0	0.0%
TOTAL OPERATING ASSISTANCE	**660,591**	**716,142**	**716,142**	**716,142**	**0**	**0.0%**
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	16,655,500	21,259,311	18,300,000	21,370,233	3,070,233	16.8%
Maintenance & Repairs	196,428	260,500	260,500	273,500	13,000	5.0%
Utilities	31,384	38,100	38,100	39,600	1,500	3.9%
Insurance & Injuries	183,449	205,148	205,148	209,356	4,208	2.1%
Safety & Security	115,285	177,000	177,000	222,000	45,000	25.4%
General Business/Other	6,381,615	6,470,020	7,000,000	7,643,936	643,936	9.2%
Costs Transferred to Capital Projects	25,228	0	0	0	0	n/a
Inter Division Reimbursement	(14,395,160)	(17,610,788)	(17,610,788)	(17,251,289)	359,499	-2.0%
TOTAL OPERATING EXPENSES	**9,193,729**	**10,799,291**	**8,369,960**	**12,507,336**	**4,137,376**	**49.4%**
OPERATING INCOME/(LOSS)	**(8,533,138)**	**(10,083,149)**	**(7,653,818)**	**(11,791,194)**	**(4,137,376)**	**54.1%**
LESS: DIRECT CAPITAL	2,963,023	5,173,210	4,594,726	5,761,350	1,166,624	25.4%
NET SURPLUS/(DEFICIT)	**(11,496,161)**	**(15,256,359)**	**(12,248,544)**	**(17,552,544)**	**(5,304,000)**	**43.3%**

EXECUTIVE - METRO

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	185,726	215,440	215,440	217,716	2,276	1.1%
Maintenance & Repairs	0	0	0	0	0	n/a
Utilities	1,106	1,500	1,500	1,200	(300)	-20.0%
Insurance & Injuries	2,237,962	2,400,000	2,700,000	2,401,500	(298,500)	-11.1%
Safety & Security	0	0	0	0	0	n/a
General Business/Other	1,083,574	1,310,937	1,300,000	1,398,611	98,611	7.6%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	(228,662)	(260,768)	(260,768)	(262,848)	(2,080)	0.8%
TOTAL OPERATING EXPENSES	**3,279,706**	**3,667,109**	**3,956,172**	**3,756,179**	**(199,993)**	**-5.1%**
NET SURPLUS/(DEFICIT)	**(3,279,706)**	**(3,667,109)**	**(3,956,172)**	**(3,756,179)**	**199,993**	**-5.1%**

EEO/DIVERSITY DEVELOPMENT

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	331,408	381,088	370,000	409,874	39,874	10.8%
Maintenance & Repairs	0	0	0	0	0	n/a
Utilities	0	0	0	0	0	n/a
Insurance & Injuries	0	0	0	0	0	n/a
Safety & Security	0	0	0	0	0	n/a
General Business/Other	21,845	19,650	33,000	19,650	(13,350)	-40.5%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	0	0	0	0	0	n/a
TOTAL OPERATING EXPENSES	**353,253**	**400,738**	**403,000**	**429,524**	**26,524**	**6.6%**
OPERATING INCOME/(LOSS)	**(353,253)**	**(400,738)**	**(403,000)**	**(429,524)**	**(26,524)**	**6.6%**
LESS: DIRECT CAPITAL	0	0	0	0	0	n/a
NET SURPLUS/(DEFICIT)	**(353,253)**	**(400,738)**	**(403,000)**	**(429,524)**	**(26,524)**	**6.6%**

GENERAL COUNSEL

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	2,549,561	2,903,991	2,700,000	3,125,542	425,542	15.8%
Maintenance & Repairs	505	1,500	1,500	1,500	0	0.0%
Utilities	28,033	23,700	28,000	29,000	1,000	3.6%
Insurance & Injuries	0	0	0	0	0	n/a
Safety & Security	0	0	0	0	0	n/a
General Business/Other	1,390,217	1,380,075	1,400,000	1,432,075	32,075	2.3%
Costs Transferred to Capital Projects	(113)	0	0	0	0	n/a
Inter Division Reimbursement	(663,035)	(573,394)	(550,000)	(626,505)	(76,505)	13.9%
TOTAL OPERATING EXPENSES	**3,305,168**	**3,735,872**	**3,579,500**	**3,961,612**	**382,112**	**10.7%**
OPERATING INCOME/(LOSS)	**(3,305,168)**	**(3,735,872)**	**(3,579,500)**	**(3,961,612)**	**(382,112)**	**10.7%**
NON-OPERATING ITEMS						
Debt Service - Noresco	(2,548)	(1,683)	(1,683)	0	1,683	-100.0%
TOTAL NON-OPERATING ITEMS	**(2,548)**	**(1,683)**	**(1,683)**	**0**	**1,683**	**-100.0%**
NET INCOME/(LOSS)	**(3,307,716)**	**(3,737,555)**	**(3,581,183)**	**(3,961,612)**	**(380,429)**	**10.6%**
LESS: DIRECT CAPITAL	0	50,000	0	135,000	135,000	n/a
NET SURPLUS/(DEFICIT)	**(3,307,716)**	**(3,787,555)**	**(3,581,183)**	**(4,096,612)**	**(515,429)**	**14.4%**

ENGINEERING - NFTA

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	4,021,124	5,617,920	4,200,000	5,395,600	1,195,600	28.5%
Maintenance & Repairs	51,247	64,900	51,243	55,000	3,757	7.3%
Utilities	20,952	25,750	25,750	21,910	(3,840)	-14.9%
Insurance & Injuries	3,335	0	57	117	60	105.3%
Safety & Security	0	0	0	0	0	n/a
General Business/Other	68,217	99,050	68,214	121,550	53,336	78.2%
Costs Transferred to Capital Projects	(1,710,761)	(1,791,500)	(1,600,000)	(1,846,100)	(246,100)	15.4%
Inter Division Reimbursement	(1,903,777)	(2,891,848)	(2,100,000)	(2,693,001)	(593,001)	28.2%
TOTAL OPERATING EXPENSES	**550,337**	**1,124,272**	**645,264**	**1,055,076**	**409,812**	**63.5%**
OPERATING INCOME/(LOSS)	**(550,337)**	**(1,124,272)**	**(645,264)**	**(1,055,076)**	**(409,812)**	**63.5%**
LESS: DIRECT CAPITAL	17,971	64,000	19,500	87,000	67,500	346.2%
NET SURPLUS/(DEFICIT)	**(568,308)**	**(1,188,272)**	**(664,764)**	**(1,142,076)**	**(477,312)**	**71.8%**

ENGINEERING - METRO

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	0	0	0	0	0	n/a
Maintenance & Repairs	13,721	14,000	14,000	15,000	1,000	7.1%
Utilities	20,234	21,405	21,405	21,000	(405)	-1.9%
Insurance & Injuries	0	0	0	0	0	n/a
Safety & Security	0	0	0	0	0	n/a
General Business/Other	424,312	556,691	556,691	557,626	935	0.2%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	0	0	0	0	0	n/a
TOTAL OPERATING EXPENSES	**458,267**	**592,096**	**592,096**	**593,626**	**1,530**	**0.3%**
NET SURPLUS/(DEFICIT)	**(458,267)**	**(592,096)**	**(592,096)**	**(593,626)**	**(1,530)**	**0.3%**

PUBLIC AFFAIRS - NFTA

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	1,150,044	1,321,786	1,292,000	1,417,581	125,581	9.7%
Maintenance & Repairs	0	0	0	0	0	n/a
Utilities	1,610	2,500	2,000	2,000	0	0.0%
Insurance & Injuries	0	0	0	0	0	n/a
Safety & Security	0	0	0	0	0	n/a
General Business/Other	36,424	83,086	83,086	84,386	1,300	1.6%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	0	0	(300)	0	300	-100.0%
TOTAL OPERATING EXPENSES	**1,188,078**	**1,407,372**	**1,376,786**	**1,503,967**	**127,181**	**9.2%**
OPERATING INCOME/(LOSS)	**(1,188,078)**	**(1,407,372)**	**(1,376,786)**	**(1,503,967)**	**(127,181)**	**9.2%**
LESS: DIRECT CAPITAL	16,480	0	9,000	75,600	66,600	740.0%
NET SURPLUS/(DEFICIT)	**(1,204,558)**	**(1,407,372)**	**(1,385,786)**	**(1,579,567)**	**(193,781)**	**14.0%**

PUBLIC AFFAIRS - METRO

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	135,272	142,772	141,000	142,593	1,593	1.1%
Maintenance & Repairs	0	0	0	0	0	n/a
Utilities	0	0	0	0	0	n/a
Insurance & Injuries	0	0	0	0	0	n/a
Safety & Security	0	0	0	0	0	n/a
General Business/Other	21,714	20,000	20,000	20,000	0	0.0%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	(17,401)	(27,005)	(27,005)	(27,442)	(437)	1.6%
TOTAL OPERATING EXPENSES	**139,585**	**135,767**	**133,995**	**135,151**	**1,156**	**0.9%**
NET SURPLUS/(DEFICIT)	**(139,585)**	**(135,767)**	**(133,995)**	**(135,151)**	**(1,156)**	**0.9%**

HUMAN RESOURCES - NFTA

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	1,108,765	1,482,247	1,300,000	1,498,324	198,324	15.3%
Maintenance & Repairs	0	0	0	0	0	n/a
Utilities	0	0	0	0	0	n/a
Insurance & Injuries	0	0	0	0	0	n/a
Safety & Security	0	0	0	0	0	n/a
General Business/Other	445,894	348,843	450,000	450,000	0	0.0%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	(116,791)	(203,891)	(203,891)	(189,871)	14,020	-6.9%
TOTAL OPERATING EXPENSES	**1,437,868**	**1,627,199**	**1,546,109**	**1,758,453**	**212,344**	**13.7%**
OPERATING INCOME/(LOSS)	**(1,437,868)**	**(1,627,199)**	**(1,546,109)**	**(1,758,453)**	**(212,344)**	**13.7%**
LESS: DIRECT CAPITAL	0	0	0	0	0	n/a
NET SURPLUS/(DEFICIT)	**(1,437,868)**	**(1,627,199)**	**(1,546,109)**	**(1,758,453)**	**(212,344)**	**13.7%**

HUMAN RESOURCES - METRO

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	0	0	0	0	0	n/a
Maintenance & Repairs	0	0	0	0	0	n/a
Utilities	0	0	0	0	0	n/a
Insurance & Injuries	0	0	0	0	0	n/a
Safety & Security	0	0	0	0	0	n/a
General Business/Other	299,719	261,391	270,000	275,171	5,171	1.9%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	(50,952)	(44,436)	(44,436)	(46,192)	(1,756)	4.0%
TOTAL OPERATING EXPENSES	**248,767**	**216,955**	**225,564**	**228,979**	**3,415**	**1.5%**
NET SURPLUS/(DEFICIT)	**(248,767)**	**(216,955)**	**(225,564)**	**(228,979)**	**(3,415)**	**1.5%**

FINANCE & ADMINISTRATION - NFTA

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	2,430,285	3,336,436	3,336,436	3,434,421	97,985	2.9%
Maintenance & Repairs	0	0	0	0	0	n/a
Utilities	0	0	0	0	0	n/a
Insurance & Injuries	0	0	0	0	0	n/a
Safety & Security	0	0	0	0	0	n/a
General Business/Other	76,960	203,850	203,850	179,650	(24,200)	-11.9%
Costs Transferred to Capital Projects	(51,955)	(172,178)	(172,178)	(232,553)	(60,375)	35.1%
Inter Division Reimbursement	(39,158)	(373,901)	(373,901)	(385,169)	(11,268)	3.0%
TOTAL OPERATING EXPENSES	**2,416,132**	**2,994,207**	**2,994,207**	**2,996,349**	**2,142**	**0.1%**
OPERATING INCOME/(LOSS)	**(2,416,132)**	**(2,994,207)**	**(2,994,207)**	**(2,996,349)**	**(2,142)**	**0.1%**
LESS: DIRECT CAPITAL	0	50,000	0	0	0	n/a
NET SURPLUS/(DEFICIT)	**(2,416,132)**	**(3,044,207)**	**(2,994,207)**	**(2,996,349)**	**(2,142)**	**0.1%**

FINANCE & ADMINISTRATION - METRO

2022/23 ANNUAL FORECAST

VS

2023/24 ANNUAL BUDGET

	FY 21-22 ACTUAL	FY 22-23 BUDGET	FY 22-23 FORECAST	FY 23-24 BUDGET	VARIANCE	%
OPERATING EXPENSES (Excl. Depr.)						
Personnel Services	1,038,350	1,515,652	1,300,000	1,688,993	388,993	29.9%
Maintenance & Repairs	0	0	0	0	0	n/a
Utilities	23,791	22,660	22,660	22,500	(160)	-0.7%
Insurance & Injuries	0	0	0	0	0	n/a
Safety & Security	0	0	0	0	0	n/a
General Business/Other	1,111,388	1,107,751	1,107,751	1,158,369	50,618	4.6%
Costs Transferred to Capital Projects	0	0	0	0	0	n/a
Inter Division Reimbursement	(325,917)	(434,099)	(434,099)	(491,110)	(57,011)	13.1%
TOTAL OPERATING EXPENSES	**1,847,612**	**2,211,964**	**1,996,312**	**2,378,752**	**382,440**	**19.2%**
NET SURPLUS/(DEFICIT)	**(1,847,612)**	**(2,211,964)**	**(1,996,312)**	**(2,378,752)**	**(382,440)**	**19.2%**

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7M-4	DEC	DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Crowley Ave., Buffalo

Attachments

23COMM. 7M-4

EC LEG APR 4 '23 PM2:07

Graber, Robert

From: New York State Department of Environmental Conservation <nysdec@public.govdelivery.com>
Sent: Wednesday, March 29, 2023 12:31 PM
To: Graber, Robert
Subject: 308 Crowley Avenue Site (Buffalo) - DEC Invites Public Comment on Draft Investigation Plan

[**Caution**: this email is **not** from an Erie County employee: attachments or links **may not be safe**.]

View in browser

DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Crowley Ave., Buffalo

This link opens a fact sheet that invites public comment about a draft work plan to investigate contamination at the **308 Crowley Avenue site #C915390 (Buffalo, Erie County)** within New York's Brownfield Cleanup Program:

https://www.dec.ny.gov/data/der/factsheet/c915390riwp.pdf

DEC is accepting public comments about the draft work plan through April 28, 2023. Please see fact sheet for details about the draft plan and how to comment.

The fact sheet is in PDF format. You can save, open, and read the fact sheet by using Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can go to the following web page on the DEC web site to download the program: https://www.dec.ny.gov/about/590.html

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the contaminated site identified above, please use the contact information provided in the fact sheet.

The New York State Department of Environmental Conservation respects your right to privacy and welcomes your feedback | Update preferences or unsubscribe | Learn more about DEC Delivers

Connect with DEC:

Basil Seggos, Commissioner

This email was sent to robert.graber@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation · 625 Broadway · Albany, NY 12233 · (518) 402-8013

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7M-5	DEC	DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Main St., Buffalo

Attachments

23COMM. 7M-5

EC LEG APR 4 '23 PM2:07

Graber, Robert

From:	New York State Department of Environmental Conservation <nysdec@public.govdelivery.com>
Sent:	Wednesday, March 29, 2023 12:02 PM
To:	Graber, Robert
Subject:	Hope on Main Site (Buffalo) - Public Comment Invited on Brownfield Application and Draft Work Plan

[**Caution**: this email is **not** from an Erie County employee: attachments or links **may not be safe**.]

View in browser

DEC Invites Public Comment About Brownfield Application and Draft Work Plan for Site on Main St., Buffalo

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application and Draft Remedial Investigation Work Plan from SAB Hope LLC for a site known as **Hope on Main, site ID #C915393**. This site is located in the City of Buffalo, within the County of Erie, and is located at 954 Main Street.

Access the application, Draft Remedial Investigation Work Plan and other relevant documents online through the DECinfo Locator: https://www.dec.ny.gov/data/DecDocs/C915393/. The documents also are available at the document repository located at the Buffalo & Erie County Public Library, 1 Lafayette Square, Buffalo, NY, 14203.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Veronica Kreutzer at 700 Delaware Avenue, Buffalo, NY, 14209; via email at veronica.reutzer@dec.ny.gov, or by calling (716) 851-7220. **All comments must be submitted by April 28, 2023.**

Site information can be viewed by entering the site ID noted above at: https://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception

(2003), the BCP has catalyzed the cleanup of more than 500 contaminated sites statewide and incentivized redevelopment. There are more than 550 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website: https://www.dec.ny.gov/chemical/8450.html

The New York State Department of Environmental Conservation respects your right to privacy and welcomes your feedback | Update preferences or unsubscribe | Learn more about DEC Delivers

Connect with DEC:

Basil Seggos, Commissioner

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Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7M-6	DEC	DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Fillmore Ave., Buffalo

Attachments

23COMM. 7M-6

EC LEG APR 4 '23 PM2:07

Graber, Robert

From: New York State Department of Environmental Conservation <nysdec@public.govdelivery.com>
Sent: Wednesday, March 22, 2023 3:31 PM
To: Graber, Robert
Subject: 22 Fillmore Avenue Site (Tonawanda) - Public Comment Invited on Brownfield Application and Draft Work Plan

[**Caution**: this email is **not** from an Erie County employee: attachments or links **may not be safe**.]

View in browser

DEC Invites Public Comment About Brownfield Application and Draft Work Plan for Site on Fillmore Ave., Tonawanda

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application and Draft Remedial Investigation/Interim Remedial Measures/Alternatives Analysis Work Plan from JC Tonawanda Tower QOZB LLC for a site known as **22 Fillmore Avenue, site ID #C915395**. This site is located in the City of Tonawanda within the County of Erie, and is located at 22 Fillmore Avenue.

Access the application, work plan and other relevant documents online through the DECinfo Locator: https://www.dec.ny.gov/data/DecDocs/C915395/. The documents also are available at the document repository located at Buffalo and Erie County Public Library, 1 Lafayette Square, Buffalo, NY 14203.

There are several ways to comment on BCP applications and work plans. Comments can be submitted to the site Project Manager Veronica Kreutzer at NYSDEC, 700 Delaware Ave., Buffalo, NY 14209; via email at veronica.kreutzer@dec.ny.gov or by calling 716-851-7220. **All comments must be submitted by April 21, 2023.**

Site information can be viewed by entering the site ID noted above at: https://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception

(2003), the BCP has catalyzed the cleanup of more than 500 contaminated sites statewide and incentivized redevelopment. There are more than 550 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website: https://www.dec.ny.gov/chemical/8450.html

The New York State Department of Environmental Conservation respects your right to privacy and welcomes your feedback | Update preferences or unsubscribe | Learn more about DEC Delivers

Connect with DEC:

Basil Seggos, Commissioner

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Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7M-7	NYSERDA	Notice of Intent to Undertake an Action Within an Agricultural District - Town of Grand Island

Attachments

23COMM. 7M-7

EC LEG APR 4 '23 PM2:07

KATHY HOCHUL
Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
President and CEO

Commissioner Richard Ball
NYS Department of Agriculture and Markets
10B Airline Drive
Albany, NY 12235

April 3, 2023

SENT VIA ELECTRONIC MAIL

Re: Notice of Intent to Undertake an Action Within an Agricultural District
NYSolar06 LLC's NY GRAND ISLAND 2599 WHITEHAVEN RD in the Town of Grand Island

Dear Commissioner Ball,

Pursuant to New York State Agriculture and Markets Law (AML) Section 305(4)(b), the New York State Energy Research and Development Authority (NYSERDA) hereby files a Notice of Intent to undertake an action within a State-certified Agricultural District.

This statute requires NYSERDA to provide notice to the Department of Agriculture and Markets (NYSAGM) and the applicable Agricultural Farmland Protection Board (AFPB) simultaneously. Upon notice from NYSAGM that the Notice is deemed complete, the AFPB may, within thirty days, review the proposed action and provide feedback to NYSAGM.

NYSERDA has reviewed the attached information submitted by NYSolar06 LLC, the project company, for the construction of NY GRAND ISLAND 2599 WHITEHAVEN RD at 2599 Whitehaven Rd, Grand Island New York. The information provided herein is accurate to the extent of NYSERDA's knowledge.

Sincerely,

Candace Rossi
Senior Project Manager, NY-Sun

Cc: Judy Littrell, NYSAGM
Max Joel, NYSERDA
Juliet Caplinger, Catalyze Holdings

Enclosures

NEW YORK STATE | NYSERDA

KATHY HOCHUL
Governor

RICHARD L. KAUFFMAN
Chair

DOREEN M. HARRIS
President and CEO

Date Prepared: 03.29.23

**NYS Department of Agriculture and Markets – Agricultural and Markets Law §305(4)
Short Form Notice of Intent to Undertake an Action Within an Agricultural District for
Solar Energy Projects Affecting Less than 30 acres of Mineral Soil Groups (MSG) 1 - 4**

Instructions: The purpose of this form is to provide NYSERDA with the necessary information required to submit a Notice of Intent to the Department of Agriculture and Markets (NYSAGM) for the Project Developer. Please populate all fields in this form, and provide additional requested documents/maps in a single file with a maximum file size of 20 MB, and return to NYSERDA, with a copy to commercial.industrialpv@nyserda.ny.gov. This complete submission is required to be uploaded as part of your NY-Sun Commercial/Industrial application. **If the proposed project impacts more than 30 acres of MSG 1-4 or is stacked[1] with other projects on the same parcel impacting more than 30 acres of MSG 1-4, please refer to the Notice of Intent Long Form. NYSERDA has provided Contractors with mapping resources (the interactive map is available here) to assess the level of overlap that their Facility Area is expected to have on MSG 1-4. All submissions on or after March 22, 2023 must use this form version.**

I. Project Maps

Provide, as part of your response package to NYSERDA, maps showing the site of the proposed action including the following:

☑ The proposed solar array layout of the project on an aerial image.
☑ Label or annotate the map with all affected landowners, including tax map numbers, surrounding land uses, and type(s) of agricultural production.
☑ Label all points of interconnection with the public utilities, all transmission lines associated with the project, equipment storage or mobilization pads/construction areas, and access roads/driveways
☑ Include any siting considerations that determined the location of the solar array, such as wetlands, grading restrictions, municipal setback or zoning requirements, landowner requests, etc.
☑ A copy of the NRCS Web Soil Survey map of all affected parcels, including the breakdown of soils impacted (MSG 1 - 4)[2].

II. Project Description and Agricultural Setting:

Project Name: NY GRAND ISLAND 2599 WHITEHAVEN RD
Public Entity: NYS Energy and Research Development Authority
Project Company: NYSolar06 LLC
Project Developer: Catalyze Holdings, LLC

Project Contact Information:
Name: Juliet Caplinger Title: Project Developer Company: Catalyze Holdings
Phone Number: 715.482.7779 Email: juliet.caplinger@catalyze.com

[1] Stacked projects are defined as multiple projects greater than 1MWdc that are abutting and located on parcels of real property that are owned by the same landowner(s). Stacked projects will undergo aggregated review. The impacted MSG 1-4 acreage will be aggregated across all stacked projects to determine the required mitigation.
[2] Mineral Soils Group (MSG) 1-4 are defined by the NYS Department of Agriculture and Markets for each soil type in each county identified by the United States Department of Agriculture, and are used to classify the state's agricultural lands based upon soil productivity and capability. Each county in New York State has a listing of all soil types present in the county that is associated with a specific mineral soil group, MSG 1 through 10.

Contact Information of other individuals authorized to respond to Agriculture & Markets inquiries:
Name: Ben Broder Title: Senior Project Developme Company: Catalyze Holdings, LLC
Phone Number: (303) 981-2873 Email: ben.broder@catalyze.com

Project Address: 2599 Whitehaven Rd, Grand Island, NY 140 County: Erie
Authority Having Jurisdiction: Grand Island Town Board Agricultural District: 17
Is this project stacked with another project?: ☐ Yes ☑ No Number of Points of Interconnection?: 1
Total Parcel Size: 36 Total Facility Area[3]: 20
Total Impacted MSG 1-4 acres within the Facility Area: 0

Fill out the below table for each Point of Interconnection. As an example, if there is only one Point of Interconnection, fill out only Facility 1. If the project has 3 separate Points of Interconnection, fill in Facilities 1 through 3.

	System Size kWac	System Size kWdc	Date of Interconnection Application	Facility Area	Impacted MSG 1-4 acres within the Facility Area			
					MSG 1	MSG 2	MSG 3	MSG 4
Facility 1	3,450	4,470	05.01.20	20	0	0	0	0
Facility 2								
Facility 3								
Facility 4								
Facility 5								

Anticipated date of commencement of proposed action[4]: July 2023

Provide information regarding the system size, NY-Sun incentives awarded, the current status of interconnection and any other relevant information for the project.

The project has received interconnection approval.

Describe any siting considerations that that impacted the placement of the array, such as the presence of delineated wetlands, grading restrictions, municipal setbacks or other zoning requirements, shading setbacks, landowner restrictions, etc.

We have complied with municipal setbacks.

[3] The Facility Area is defined as all land area occupied during the commercial operation of the generation facility, the associated interconnection equipment and, if applicable, energy storage equipment as verified by NYSERDA through the Operational Certification process. Generally, this will include all areas within the facility's perimeter security fence(s) and the applicable facility related improvements outside of fenced areas. The Facility Area shall include the area "inside the fence" of the project including all fencing inclosing the mechanical equipment such as the solar arrays, inverters, location of any combiner boxes, fuses, switches, meters, distribution boards, monitoring systems such as Balance of Systems components, interconnection equipment, and stormwater controls. The Facility Area shall additionally include improvements of the project "outside of the fence" including access roads, parking areas, stormwater controls and other permanent facilities, or structures installed at the Facility Area, except vegetative landscape screenings or appropriately buried utilities such as electrical conductors or conduit(s).

[4] The commencement date is the first day the Project Developer/Developer starts any construction-related activity and may include, but is not limited to, creating access road(s), digging underground trenches, starting land clearing, staging supplies and/or equipment, or installing solar panels.

Affected Landowners[5]:

1. Name(s): INGA AND JOHN EMERY
   Address: 26 Button Bush CT, Amherst, NY 14228
   Parcel Number(s): 543229127-7626

2. Name(s):
   Address:
   Parcel Number(s):

3. Name(s):
   Address:
   Parcel Number(s):

Operator of the Parcel (if different from the listed landowner):

III. Adverse Agricultural Effects:

Has the proposed action been approved by the affected local municipality?
☑ Yes ☐ No

If no, please cite approvals which are still pending:

Is the parcel subdivided, or will the parcel be subdivided?
☐ Yes ☑ No

If yes, will the parcels be merged after the system has been decommissioned?
☐ Yes ☐ No ☐ N/A

Has the Project Company avoided and/or minimized impacts to prime soils in the consideration of the proposed layout?

☑ Yes ☐ No

Please explain:

Will unaffected portions of any impacted farms remain in agricultural production?
☑ Yes ☐ No

If yes, will the landowner have access to the remainder of the agricultural field?
☑ Yes ☐ No ☐ N/A

[5] Provide the names, addresses, and tax parcel identification numbers for the landowners that are directly affected by the construction of the proposed project within the agricultural district. This includes the owners of the land where the project will be constructed and any other landowner that may be affected by the construction of an access road or transmission lines across their property. Do not include landowners within the project vicinity that are not within the agricultural district.

IV. Alternatives to the Proposed Action:

Describe alternatives to the proposed action, and reasons why the project site was selected as the preferred site for the proposed action. An alternative site is viewed as any other parcel(s) that were assessed or reviewed to be a potential candidate to host the project, before arriving at the selected location. Provide only the tax parcel ID and a brief explanation as to why the parcel was not ultimately selected.

Tax Parcel ID	Reason Not Selected
14460036.00-1-8	Landowner not interested
14460023.00-3-4.211	Landowner not interested
14460050.00-3-11	Landowner not interested

V. Mitigation Measures Proposed:

NY-Sun supported Projects in Agricultural Districts are required to adopt the NYSAGM **Guidelines for Solar Energy Projects – Construction Mitigation for Agricultural Lands (10/18/19)** (Guidelines) in their entirety. Confirm both that the Guidelines will be adhered to in their entirety and include a signed copy with this filing.

☑ I confirm that the Project will conform to the NYSAGM Guidelines, in their entirety.

☑ Signed copy of Guidelines included in application.

☑ A copy of the project's decommissioning plan is included.

Does the decommissioning plan ensure the project site will be restored to its previous condition upon decommissioning?

☑ Yes ☐ No

If no, please explain:

Additional mitigation measures proposed, if any:

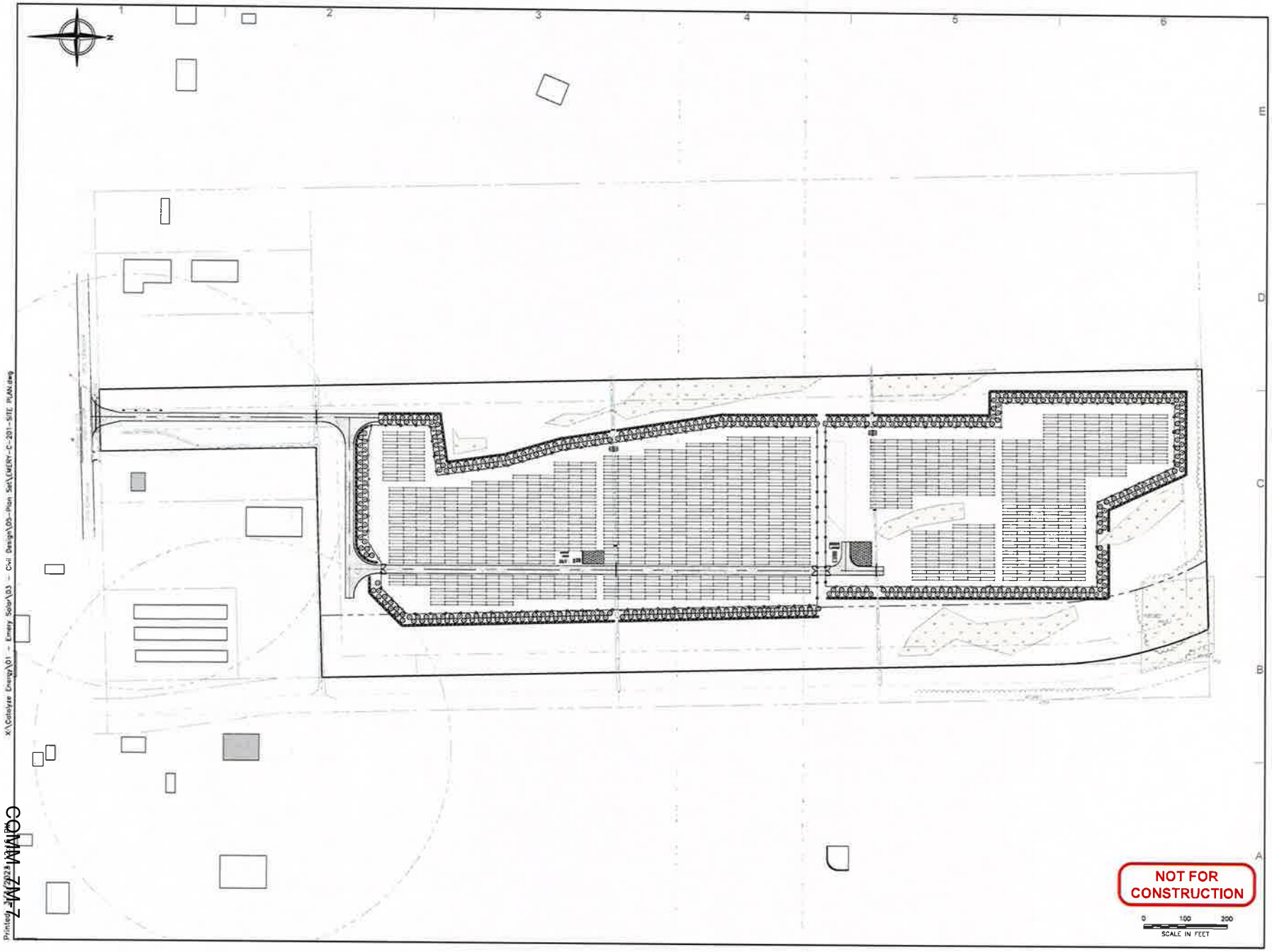
When this form is completed, the Project Company must provide their signature prior to submitting the form to NYSERDA.

Project Company Authorized Signature

3/28/23

Date

Attachment A
Solar Array and Landowner Map



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STAMP:

EMERY SOLAR

PROPERTY OWNERS:
EMERY, JONATHON &
EMERY IGNA

2599 WHITEHAVEN ROOAD
GRAND ISLAND, NY 14072

PROJECT NUMBERS:
194-1378-0001

SHEET TITLE:
SITE OVERVIEW/ LAYOUT PLAN

SHEET SIZE:
ARCH "D"
24" X 36" (610 x 914)
0 ½" 1"

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A	PERMITTING	05/26/2022	AGF
B	PERMITTING	06/23/2022	AGF
C	PERMITTING	07/21/2022	AGF
D	PERMITTING	09/31/2022	AGF
E	PERMITTING REV.	10/25/2023	RCD
F	PERMITTING REV.	11/14/2023	RCD
G	PERMITTING REV.	12/14/2023	RCD
H	60% DESIGN	03/23/2023	RCD

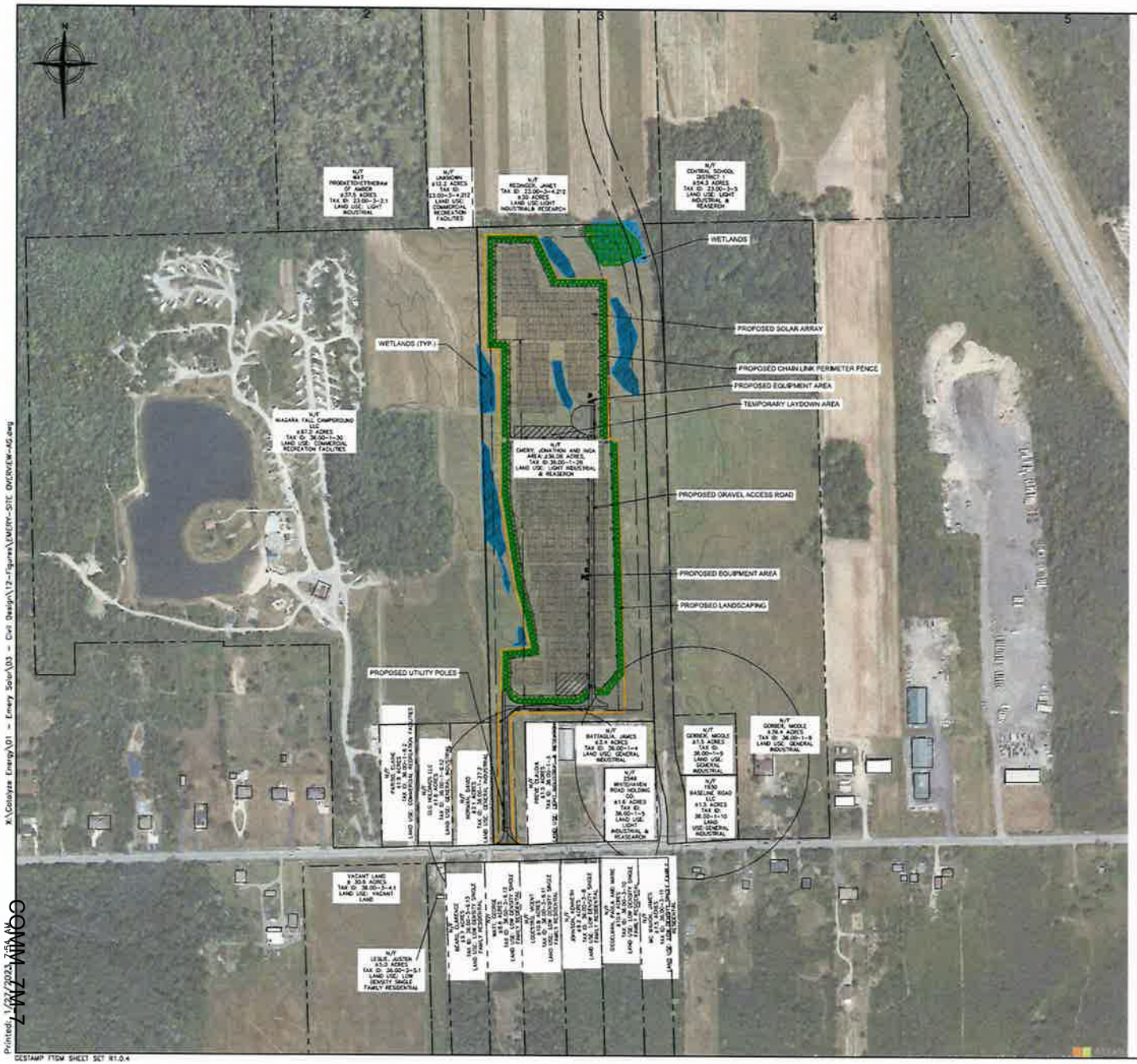
DATE:	05/26/2022
DRAWN BY:	R. DEMILIO
ENGINEER:	R.DEMILIO
APPROVED BY:	M. ROBINSON

PROJECT PHASE:
60% DESIGN

SCALE:

SHEET NO.:
C-200

X:\Catalyze Energy\01 - Emery Solar\03 - Civil Design\05-Plan Set\EMERY - C-201 - SITE PLAN.dwg
Printed: 12/14/2023



LEGEND

- PROPERTY LINE
- MAJOR CONTOURS (EXISTING)
- MINOR CONTOURS (EXISTING)
- ADJACENT PARCEL LINES
- NWI WETLANDS
- DELINEATED AND NON REGULATORY WETLANDS
- PROPOSED CHAIN LINK FENCE
- PROPOSED PERVIOUS ACCESS ROAD
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED OVERHEAD ELECTRIC
- 50' SETBACK FROM PROPERTY LINE
- 150' SETBACK FROM PROPERTY LINE
- LIMITS OF DISTURBANCE
- EXISTING TREE SURVEY
- EXISTING STRUCTURE
- PROPOSED PLANTINGS

NOT FOR CONSTRUCTION

0 200 400
SCALE IN FEET

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BOULDER, CO 80301
DT +1 (888) 818-0771
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STAMP:

EMERY SOLAR

PROPERTY OWNER:
EMERY, JONATHON &
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NO.	REVISION	DATE	INIT.
A	PERMITTING	05/26/2022	AGF
B	PERMITTING	06/23/2022	AGF
C	PERMITTING	07/21/2022	AGF
D	PERMITTING	08/31/2022	AGF
E	PERMITTING REV.	10/25/2022	RCD
F	PERMITTING REV.	11/14/2022	RCD
G	PERMITTING REV.	12/14/2022	RCD

DATE:	05/26/2022
DRAWN BY:	RCD
ENGINEER:	RCD
APPROVED BY:	MFR

PROJECT PHASE:
60% DESIGN

SCALE:
1" = 200'

SHEET NO.:
C-200

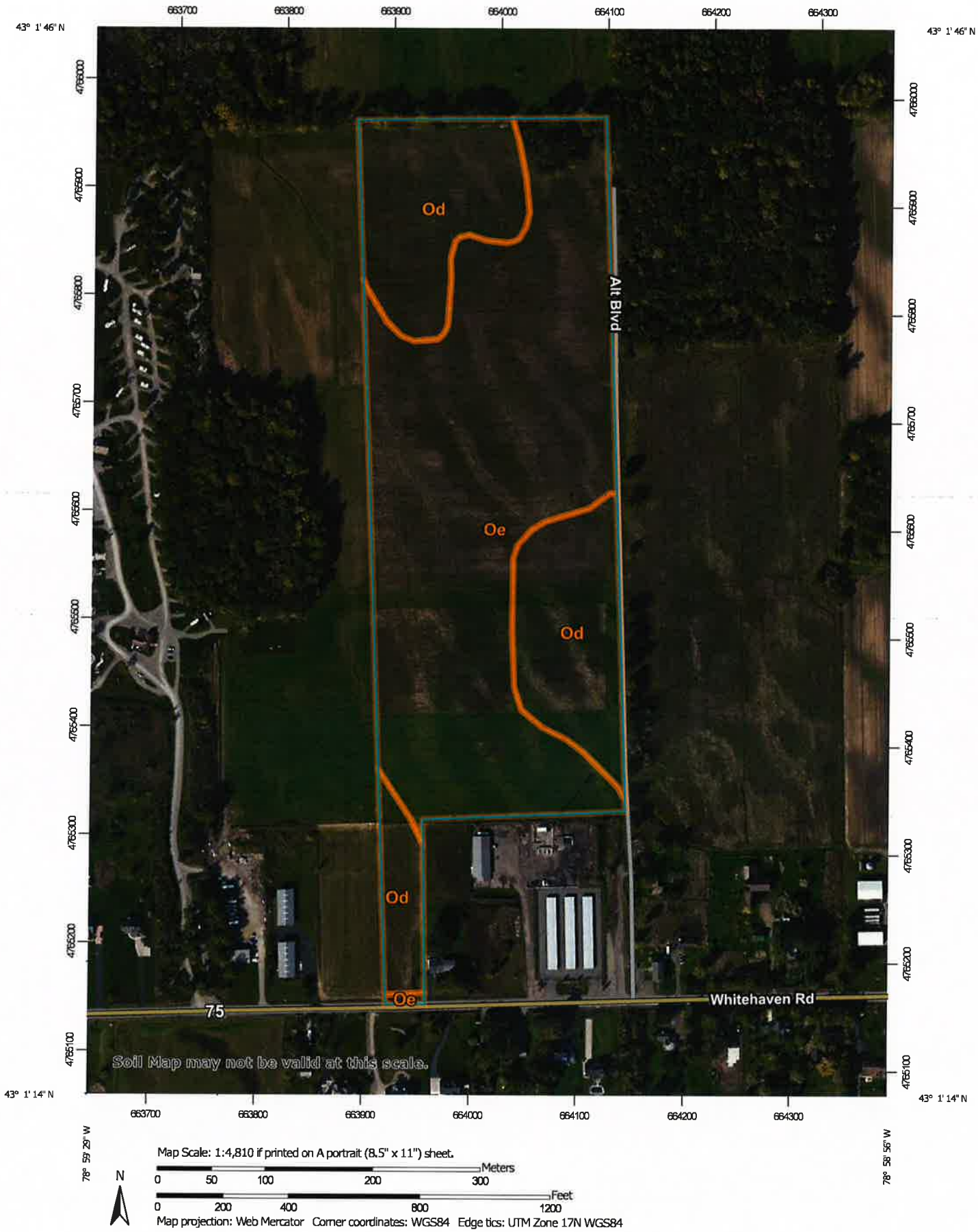
X:\Catalyze Energy\01 - Emery Solar\03 - Civil Design\12-Figures\EMERY-SITE OVERVIEW-AG.dwg

Printed: 1/27/2023 7:55 AM

DESTAMP FTSM SHEET SET R1.0.4

Attachment B
NRCS Web Soil Survey Map

Soil Map (Emery Solar)



MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Erie County, New York
Survey Area Data: Version 20, Jun 11, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 26, 2019—Oct 10, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend (Emery Solar)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Od	Odessa silt loam, 0 to 3 percent slopes	12.8	33.1%
Oe	Odessa-Lakemont complex, 0 to 3 percent slopes	25.9	66.9%
Totals for Area of Interest		**38.6**	**100.0%**

Map Unit Descriptions (Emery Solar)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

Attachment C
Decommissioning Plan

TETRA TECH

Decommissioning Cost Estimate and Plan
Catalyze Energy LLC Solar Project
Town of Grand Island, New York

The Catalyze Energy LLC Solar Project (the Project) is designed to last initially 25 years, with two, 5-year option extensions. At the end of the Project's operation, structures and foundations will be removed and the land restored as detailed below. Any components of the solar energy systems which have reached the end of its useful life or have not been active and in continuous service for a period of one year, shall be removed by the owner or the operator within six months of the date of expiration of the one-year period. The owner or operator shall notify the Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning of the solar PV system shall be implemented in accordance with the Decommissioning Plan process as described below. Tetra Tech has performed detailed cost analysis based upon industry standard cost data (RS Means by Gordian™) to determine the net cost to decommission the Project and return the site to its existing pre-condition. The total net cost to perform these activities is $185,753.54 in 2022 dollars. Tetra Tech is a consulting company and performed this cost estimate independently from Catalyze Energy, LLC (Catalyze Energy). Tetra Tech has significant experience performing similar estimates within the solar PV industry.

Catalyze Energy is responsible for decommissioning the system at the end of its useful life or following discontinued operations. Catalyze Energy and the Town of Grand Island will enter into a decommissioning agreement to ensure that adequate financial security (in the form of escrow funds, bonds, or similar instrument) is available to the Town of Grand Island to pay for the decommissioning of the system in the event that Catalyze Energy does not commence decommissioning activities when required.

Tetra Tech Inc.
3136 South Winton Road, Suite 303, Rochester, NY 14623
Tel 585.417.4002 tetratech.com

The Catalyze Energy LLC Solar installation will be completed with minimal permanent alterations to the existing site. Therefore, upon decommissioning, Catalyze Energy will restore the project site to pre-construction conditions as is reasonably practical, including removal of structures, foundations, and the restoration of soil and vegetation. The restoration plan will be submitted to the Town of Grand Island Planning Board for approval. Very limited grading is anticipated to be performed to restore the site to its original condition, since there will be limited grading during installation of the facility. The system will be dismantled and removed using minimal impact construction equipment. Materials will be safely recycled or disposed. During the decommissioning, Catalyze Energy will use appropriate temporary construction-related erosion and sediment control measures and best management practices (BMP).

A decommissioning cost summary for the Catalyze Energy LLC Solar Project is provided in Appendix A. This decommissioning estimate supports the financial surety bond estiamte noted above. The units of measure are either a lump sum, which will be a one time event occurrence, or a measureable weight or length. The weight or length of the units represents the quantity of that described material needed for the decommissioning of the solar project. The total cost is the unit cost multiplied by the unit of measure.

Table 1 Catalyze Energy LLC Solar Decommissioning Plan Cost Estimate Summary

The scrap metal credit cost is estimated to be accredited to the owner or the operator of the decommissioning effort. The forecasted cost of the credit is displayed as negative due to the fact that it is a credit and not an expense against the decommissioning effort. As noted above please refer to Appendix A for the detailed itemized decommissioning estimate breakdown.

Decommissioning requirements:

Catalyze Energy shall:

1. Obtain special use permit which is required for the decommissioning, removal, and legal disposal of the system components prior to the commencement of the decommissioning activities in accordance with local, State, and Federal waste disposal regulations.
2. Remove hazardous materials (if any) and transport them to be disposed of by licensed contractors at an appropriate facility in accordance with Federal and State rules and regulations.
3. Work with local electrical utility to disconnect PV array from power grid.
4. Remove aboveground and below-ground components of the solar energy system to the point of interconnection *i.e.*, transformer, inverters switch gear, power poles, racking, modules, above ground wiring, etc.) and all nonutility owned equipment (*i.e.*, conduit less than 3 feet in depth, structures, fencing, roads, foundations, etc.). The cost estimate assumes any HDD cable/conduit buried at a depth of 4 feet or deeper would remain in place following decommissioning.
5. Remove any stormwater control features.
6. Reclaim gravel from access road unless requested by the property owner to retain the road.

7. Re-grade area to an approximation of the original contours.
8. Reseed and mulch distributed areas using a native seed mix, excluding any invasive species.
9. Recycle or dispose of gravel, glass, concrete, rebar, fencing, steel piers, steel racking, solar modules, copper and aluminum wiring, inverters, disconnects, switchgear and transformer.
10. The plan includes a timeframe of approximately seven months following initiation of activities to complete the work.

Catalyze Energy and/or its Successors will be responsible for updating this Decommissioning Plan.

_____

Brian Sielski, PhD, PE
Tetra Tech, Principal Engineer
NY State PE License # 084250

Appendix A
Decommissioning Estimate

Tetra Tech Inc.
3136 South Winton Road, Suite 303, Rochester, NY 14623
Tel 585.417.4002 tetratech.com

Estimate Summary
TETRA TECH EC, INC.
Job Code: Emery Solar
Description: Decommissioning Estimate

CBS Position Code	Quantity UM	Description	Days	Cost UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1	1.00 Lump Sum	EMERY SOLAR	48.65	0.02	Detail	U.S. Dollar	185,753.54	185,753.54
1.1	1.00 Lump Sum	Mob / Demob	0.00	0.00	Detail	U.S. Dollar	21,400.00	21,400.00
1.1.1	1.00 Lump Sum	Equipment Mob	0.00	0.00	Detail	U.S. Dollar	20,300.00	20,300.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
UERNTRLG	Rental Equip Transp-Large		2.00 Each	U.S. Dollar	10,000.00	20,000.00
UERNTRSM	Rental Equip Transp-Small		2.00 Each	U.S. Dollar	150.00	300.00

1.1.2	1.00 Lump Sum	Site Facilities	0.00	0.00	Detail	U.S. Dollar	1,100.00	1,100.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
UOCONMOB	Connex Box Mob		1.00 Each	U.S. Dollar	300.00	300.00
UOTRLTRN	Trailer Trnsp/Setup/Trdwn		1.00 Each	U.S. Dollar	800.00	800.00

1.2	1.00 Month	Site Facilities	0.00	0.00	Detail	U.S. Dollar	2,005.00	2,005.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
URCONNEX	Connex Box		1.00 Month	U.S. Dollar	150.00	150.00
UROFFTRL	Office Trailer -12x60		1.00 Month	U.S. Dollar	500.00	500.00
UO1STAID	1st Aid Supplies		1.00 Month	U.S. Dollar	300.00	300.00
UOOFFPHN	Monthly Office Phone		1.00 Month	U.S. Dollar	500.00	500.00
UOOFFSUP	Office Supplies($/prs/mo)		1.00 Month	U.S. Dollar	55.00	55.00
UINT	Internet		1.00 Month	U.S. Dollar	200.00	200.00
URPRTAJH	Port-a-John Unit(s) (4)		1.00 Month	U.S. Dollar	300.00	300.00

1.3	4.00 Week	Field Management	24.00	0.17	Detail	U.S. Dollar	8,693.16	34,772.65

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
L90FXX02	Field - Proj Superintendent	240.00	1.00 Each (hourly)	U.S. Dollar	83.18	19,963.68
RPUTRK05	F-250 4X4 3/4 TON PICKUP	480.00	2.00 Each (hourly)	U.S. Dollar	11.07	5,311.20
L90FEL00	Field - Engr. Tech	240.00	1.00 Each (hourly)	U.S. Dollar	39.57	9,497.77

1.4	1.00 Lump Sum	Customer Owned POI Poles & Equipment	1.00	1.00	Detail	U.S. Dollar	2,092.56	2,092.56
1.4.1	1.00 Lump Sum	Equipment Removal	1.00	1.00	Detail	U.S. Dollar	1,582.56	1,582.56

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
L010101	OPERATOR	10.00	1.00 Each (hourly)	U.S. Dollar	48.95	489.46
L060100	GENERAL LABORER	20.00	2.00 Each (hourly)	U.S. Dollar	38.04	760.75
RBACKH09	Deere 710J BACKHOE, 1.62CY	10.00	1.00 Each (hourly)	U.S. Dollar	33.24	332.35

1.4.2	0.50 Each	Trucking - Per Load	0.00	0.00	Detail	U.S. Dollar	900.00	450.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		450.00 Each	U.S. Dollar	1.00	450.00

1.4.3	2.00 Ton	Disposal Cost	0.00	0.00	Detail	U.S. Dollar	30.00	60.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		60.00 Each	U.S. Dollar	1.00	60.00

1.5	1.00 Lump Sum	Solar Array Removal	21.07	0.05	Detail	U.S. Dollar	102,855.39	102,855.39
1.5.1	4,854.00 Linear Feet	Fence Removal	0.95	5,124.80	Detail	U.S. Dollar	1.11	5,396.80
1.5.1.1	4,854.00 Linear Feet	Fence Removal	0.95	5,124.80	Detail	U.S. Dollar	0.93	4,496.80

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost

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CBS Position Code	Quantity UM	Description	Cost Item	Days	Cost UM/Day	Source	Currency	Unit Cost	Total Cost
L010101	OPERATOR		28.41	3.00	Each (hourly)		U.S. Dollar	48.95	1,390.80
L060100	GENERAL LABORER		56.83	6.00	Each (hourly)		U.S. Dollar	38.04	2,161.64
RBACKH09	Deere 710J BACKHOE, 1.62CY		28.41	3.00	Each (hourly)		U.S. Dollar	33.24	944.36
1.5.1.2	1.00 Each	Trucking - Per Load		0.00	0.00	Detail	U.S. Dollar	900.00	900.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		900.00 Each	U.S. Dollar	1.00	900.00

Notes: **********
Assumption: 5 lbs per foot fence & posts
****

1.5.2	2.00 Each	Inverter / Transformer Removal		4.00	0.50	Detail	U.S. Dollar	4,614.67	9,229.34
1.5.2.1	2.00 Each	Disconnect Electrical		2.00	1.00	Detail	U.S. Dollar	1,050.92	2,101.83

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
L010110	ELECTRCIAN	20.00	1.00 Each (hourly)	U.S. Dollar	55.99	1,119.79
L060100	GENERAL LABORER	20.00	1.00 Each (hourly)	U.S. Dollar	38.04	760.75
RPUTRK05	F-250 4X4 3/4 TON PICKUP	20.00	1.00 Each (hourly)	U.S. Dollar	11.07	221.30

1.5.2.2	2.00 Each	Loadout Inverter & Transformer		2.00	1.00	Detail	U.S. Dollar	2,663.75	5,327.51

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	80.00	4.00 Each (hourly)	U.S. Dollar	38.04	3,042.98
L010101	OPERATOR	20.00	1.00 Each (hourly)	U.S. Dollar	48.95	978.93
RHYDCR06	GROVE RT880 73 TON	20.00	1.00 Each (hourly)	U.S. Dollar	65.28	1,305.60

1.5.2.3	2.00 Each	Trucking - Per Load		0.00	0.00	Detail	U.S. Dollar	900.00	1,800.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		1,800.00 Each	U.S. Dollar	1.00	1,800.00

1.5.3	2.00 Each	Remove Foundations To Subgrade		0.22	9.21	Detail	U.S. Dollar	216.20	432.39

Notes: **********
Assumption: Slab on grade concrete pad per inverter/ transformer
****

1.5.3.1	16.00 Cubic Yard	Excavate / Remove Foundation		0.06	280.00	Detail	U.S. Dollar	15.05	240.82

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	0.57	1.00 Each (hourly)	U.S. Dollar	38.04	21.74
L010101	OPERATOR	1.14	2.00 Each (hourly)	U.S. Dollar	48.95	55.94
*REXCAV06C	Excav 100K w/ Hammer	0.57	1.00 Each (hourly)	U.S. Dollar	160.97	91.98
*REXCAV06A	Excav 100K w/ Bucket & Grapple	0.57	1.00 Each (hourly)	U.S. Dollar	124.54	71.16

1.5.3.2	16.00 Cubic Yard	Concrete Transport Offsite		0.16	100.00	Detail	U.S. Dollar	11.97	191.57

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	1.60	1.00 Each (hourly)	U.S. Dollar	74.29	118.86
L080940	TEAMSTER	1.60	1.00 Each (hourly)	U.S. Dollar	45.44	72.71

1.5.4	1.00 Lump Sum	Solar Panel Removal		6.95	0.14	Detail	U.S. Dollar	42,679.12	42,679.12
1.5.4.1	12,512.00 Each	Solar Panel Removal		6.95	1,799.29	Detail	U.S. Dollar	1.66	20,779.12

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	69.54	1.00 Each (hourly)	U.S. Dollar	21.65	1,505.16
L010101	OPERATOR	69.54	1.00 Each (hourly)	U.S. Dollar	48.95	3,403.65
L060100	GENERAL LABORER	417.23	6.00 Each (hourly)	U.S. Dollar	38.04	15,870.31

Notes: **********
Assumed production: 30 panels per laborer per hour, includes packaging and preparing for shipment offsite.
****

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CBS Position Code	Quantity UM	Description	Cost Item Days	Cost UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.5.4.2	14.00 Each	Trucking - Per Load	0.00	0.00	Detail	U.S. Dollar	900.00	12,600.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		12,600.00 Each	U.S. Dollar	1.00	12,600.00

Notes: **********
Assumption: 45,000 lbs per load
****

1.5.4.3	310.00 Ton	Disposal Cost	0.00	0.00	Detail	U.S. Dollar	30.00	9,300.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		9,300.00 Each	U.S. Dollar	1.00	9,300.00

Notes: **********
Assumption: 12,512 modules x 49.6 lbs each
****

1.5.5	1.00 Lump Sum	Solar Rack (Trackers) & Post Removal	8.95	0.11	Detail	U.S. Dollar	45,117.74	45,117.74
1.5.5.1	179.00 Each	Solar Rack (Trackers) & Post Removal	8.95	20.00	Detail	U.S. Dollar	242.00	43,317.74

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
L010101	OPERATOR	179.00	2.00 Each (hourly)	U.S. Dollar	48.95	8,761.39
L060100	GENERAL LABORER	179.00	2.00 Each (hourly)	U.S. Dollar	38.04	6,808.67
*REXCAV06A	Excav 100K w/ Bucket & Grapple	89.50	1.00 Each (hourly)	U.S. Dollar	124.54	11,145.88
*REXCAV06E	Excav 100K w/ Shear	89.50	1.00 Each (hourly)	U.S. Dollar	185.50	16,601.80

Notes: **********
Assumed production: .5 hour per rack per crew. Crew to include 1 excavator w/shear, 1 excavator w/grapple, 2 operators and 2 laborers. Includes post removal and sizing of steel for sale as scrap, and loadout to haul trucks.
Quantity assumption: 70 modules per rack assembly
****

1.5.5.2	2.00 Each	Trucking - Per Load	0.00	0.00	Detail	U.S. Dollar	900.00	1,800.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		1,800.00 Each	U.S. Dollar	1.00	1,800.00

Notes: **********
Assumption: 45,000 lbs per load
****

1.6	1.00 Lump Sum	Site Restoration - Partial Site Seeding	2.58	0.39	Detail	U.S. Dollar	7,767.59	7,767.59
1.6.1	833.00 Cubic Yard	Restore Roads, Remove Base & Surface Course.	1.18	703.75	Detail	U.S. Dollar	3.32	2,765.65

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer	11.84	1.00 Each (hourly)	U.S. Dollar	58.34	690.49
L010101	OPERATOR	23.67	2.00 Each (hourly)	U.S. Dollar	48.95	1,158.71
*RFELWH08C	CAT 980 LOADER	11.84	1.00 Each (hourly)	U.S. Dollar	77.43	916.45

Notes: **********
Assumption: 2,250' of road x 20' width x .5' depth
****

1.6.2	7.00 Acre	Spot Grade Disturbed Areas	1.40	5.00	Detail	U.S. Dollar	214.56	1,501.94

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer	14.00	1.00 Each (hourly)	U.S. Dollar	58.34	816.69
L010101	OPERATOR	14.00	1.00 Each (hourly)	U.S. Dollar	48.95	685.25

Notes: **********
Assumption: 25% of project footprint
****

1.6.3	7.00 Acre	Re-Seed With Native Vegetation - Roads & Areas Disturbed By Construction	0.00	0.00	Detail	U.S. Dollar	500.00	3,500.00

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CBS Position Code	Quantity UM	Description	Cost Item Days	Cost UM/Day Source	Currency	Unit Cost	Total Cost
Resource Code	**Description**	**Hours**	**Quantity UM**		**Currency**	**Unit Cost**	**Total Cost**
USLANDSCAPE	Landscape Sub		7.00 Acre		U.S. Dollar	500.00	3,500.00

Notes: **********
Assumption: 25% of project footprint
****

1.7	1.00 Lump Sum	Home Office, Project Management (5% Of Cost)	0.00	0.00 Detail	U.S. Dollar	8,544.65	8,544.65
Resource Code	**Description**	**Hours**	**Quantity UM**		**Currency**	**Unit Cost**	**Total Cost**
USMARKUP5	5% Markup		170,893.00 Each		U.S. Dollar	0.05	8,544.65
1.8	1.00 Lump Sum	Contractor OH & Fee (15% Of Cost)	0.00	0.00 Detail	U.S. Dollar	26,915.70	26,915.70
Resource Code	**Description**	**Hours**	**Quantity UM**		**Currency**	**Unit Cost**	**Total Cost**
USMARKUP	15% Markup		179,438.00 Each		U.S. Dollar	0.15	26,915.70
1.9	1.00 Lump Sum	Scrap Credit	0.00	0.00 Detail	U.S. Dollar	(20,600.00)	(20,600.00)
1.9.1	12.00 Ton	Scrap Credit - Fence	0.00	0.00 Detail	U.S. Dollar	(200.00)	(2,400.00)
Resource Code	**Description**	**Hours**	**Quantity UM**		**Currency**	**Unit Cost**	**Total Cost**
UODCFERROUS	Ferrous Metal Scrap		12.00 Ton		U.S. Dollar	(200.00)	(2,400.00)
1.9.2	46.00 Ton	Scrap Credit - Inverters & Transformers	0.00	0.00 Detail	U.S. Dollar	(200.00)	(9,200.00)
Resource Code	**Description**	**Hours**	**Quantity UM**		**Currency**	**Unit Cost**	**Total Cost**
UODCFERROUS	Ferrous Metal Scrap		46.00 Ton		U.S. Dollar	(200.00)	(9,200.00)
1.9.3	45.00 Ton	Scrap Credit - Solar Rack	0.00	0.00 Detail	U.S. Dollar	(200.00)	(9,000.00)
Resource Code	**Description**	**Hours**	**Quantity UM**		**Currency**	**Unit Cost**	**Total Cost**
UODCFERROUS	Ferrous Metal Scrap		45.00 Ton		U.S. Dollar	(200.00)	(9,000.00)
Report Total:			48.65				185,753.54

Category	Total
Labor	77,004.89
Rented Equipment	41,023.29
Supplies	355.00
Subcontract	86,170.35
ODCs	1,800.00
Other Costs	(20,600.00)

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Attachment D
NYSDAM Guidelines

NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

Guidelines for
Solar Energy Projects - Construction Mitigation for Agricultural Lands
(Revision 10/18/2019)

The following are guidelines for mitigating construction impacts on agricultural land during the following stages of a solar energy project: Construction, Post-Construction Restoration, Monitoring and Remediation, and Decommissioning. These guidelines apply to project areas subject to ground disturbance[1] within agricultural lands including:

- Lands where agriculture use will continue or resume following the completion of construction (typically those lands outside of the developed project's security fence);
- Lands where the proposed solar development will be returning to agricultural use upon decommissioning, (typically those lands inside of the developed project's security fence);
- Applicable Area under review pursuant to Public Service Law Article 10 Siting of Major Electric Facilities.

The Project Company will incorporate these Guidelines into the development plans and applications for permitting and approval for solar projects that impact agricultural lands. If the Environmental Monitor, hereafter referred to as EM, determines that there is any conflict between these Guidelines and the requirements for project construction that arise out of the project permitting process, the Project Company and its EM, will notify the New York State Department of Agriculture and Markets (NYSDAM), Division of Land and Water Resources, and seek a reasonable alternative.

Environmental Monitor (EM)

The Project Company (or its contractor) shall hire or designate an EM to oversee the construction, restoration and follow-up monitoring in agricultural areas. The EM shall be an individual with a confident understanding of normal agriculture practices[2] (such as cultivation, crop rotation, nutrient management, drainage (subsurface and/or surface), chemical application, agricultural equipment operation, fencing, soils, plant identification, etc.) and able to identify how the project may affect the site and the applicable agricultural practices. The EM should also have experience with or understanding of the use of a soil penetrometer for compaction testing and record keeping. The EM may serve dual inspection roles associated with other Project permits and/or construction duties, if the agricultural workload allows. The EM should be available to provide site-specific agricultural information as necessary for project development through field review and direct contact with both the affected farm operators and NYSDAM. The EM should maintain regular contact with appropriate onsite project construction supervision and inspectors throughout the construction phase. The EM should maintain regular contact with the affected farm operator(s) concerning agricultural land impacted, management matters pertinent to the agricultural operations and the site-specific implementation of agricultural resource mitigation measures. The EM will serve as the agricultural point of contact.

[1]Ground Disturbance is defined as an activity that contributes to measurable soil compaction, alters the soil profile or removes vegetative cover. Construction activities that utilize low ground pressure vehicles that do not result in a visible rut that alters soil compaction, is not considered a Ground Disturbance. Soil compaction should be tested using an appropriate soil penetrometer or other soil compaction measuring device. The soil compaction test results within the affected area will be compared with those of the adjacent unaffected portion of the agricultural area.

[2] An EM is not expected to have knowledge regarding all of the listed agricultural practices, but rather a general understanding such that the EM is able to perform the EM function.

1. For projects involving less than 50 acres of agricultural land within the limits of disturbance (LOD),[3] the EM shall be available for consultation and/or on-site whenever construction or restoration work that causes Ground Disturbance is occurring on agricultural land.

2. For projects involving 50 acres or more of agricultural land within the (LOD) (including projects involving the same parent company whether phased or contiguous projects), the EM shall be on site whenever construction or restoration work requiring or involving Ground Disturbance is occurring on agricultural land and shall notify NYSDAM of Project activity. The purpose of the agency coordination would be to assure that the mitigation measures of these guidelines are being met to the fullest extent practicable. The Project Company and the NYSDAM will agree to schedule inspections in a manner that avoids delay in the work. NYSDAM requires the opportunity to review and will approve the proposed EM based on qualifications or capacities.

Construction Requirements

- Before any topsoil is stripped, representative soil samples should be obtained from the areas to be disturbed. The soil sampling should be consistent with Cornell University's soil testing guidelines, and samples should be submitted to a laboratory for testing PH, percent organic material, cation exchange capacity, Phosphorus/Phosphate (P), and Potassium/Potash (K). The results are to establish a benchmark that the soil's PH, Nitrogen (N), Phosphorus/Phosphate (P), and Potassium/Potash (K) are to be measured against upon restoration. If soil sampling is not performed, fertilizer and lime application recommendations for disturbed areas can be found at https://www.agriculture.ny.gov/ap/agservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf .

- Stripped topsoil should be stockpiled from work areas (e.g. parking areas, electric conductor trenches, along access roads, equipment pads) and kept separate from other excavated material (rock and/or sub-soil) until the completion of the facility for final restoration. For proper topsoil segregation, at least 25 feet of additional temporary workspace (ATWS) may be needed along "open-cut" underground utility trenches. All topsoil will be stockpiled as close as is reasonably practical to the area where stripped/removed and shall be used for restoration on that particular area. Any topsoil removed from permanently converted agricultural areas (e.g. permanent roads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD) ; however not to significantly alter the hydrology of the area. Clearly designate topsoil stockpile areas and topsoil disposal areas in the field and on construction drawings; changes or additions to the designated stockpile areas may be needed based on field conditions in consultation with the EM. Sufficient LOD (as designated on the site plan or by the EM) area should be allotted to allow adequate access to the stockpile for topsoil replacement during restoration.

    - Topsoil stockpiles on agricultural areas left in place prior to October 31st should he seeded with Aroostook Winter Rye or equivalent at an application rate of three bushels (168 lbs.) per acre and mulched with straw mulch at rate of two to three bales per 1000 Sq. Ft.

    - Topsoil stockpiles left in place between October 31st and May 31st should be mulched with straw at a rate of two to three bales per 1000 Sq. Ft. to prevent soil loss.

- The surface of access roads located outside of the generation facility's security fence and constructed through agricultural fields shall be level with the adjacent field surface. If a level road design is not

[3] The Limits of Disturbance (LOD) includes all project related ground disturbances and all areas within the project's security fencing.

feasible, all access roads should be constructed to allow a farm crossing (for specific equipment and livestock) and to restore/ maintain original surface drainage patterns.

- Install culverts and/or waterbars to maintain or improve site specific natural drainage patterns.

- Do not allow vehicles or equipment outside the planned LOD without the EM seeking prior approval from the landowner (and/or agricultural producer), and associated permit amendments as necessary. Limit all vehicle and equipment traffic, parking, and material storage to the access road and/or designated work areas, such as laydown areas, with exception the use of low ground pressure equipment.[4] Where repeated temporary access is necessary across portions of agricultural areas outside of the security fence, preparation for such access should consist of either stripping / stockpiling all topsoil linearly along the access road, or the use of timber matting.

- Proposed permanent access should be established as soon as possible by removing topsoil according to the depth of topsoil as directed by the EM. Any extra topsoil removed from permanently converted areas (e.g. permanent roads, equipment pads, etc.) should be temporarily stockpiled and eventually spread evenly in adjacent agricultural areas within the project Limits of Disturbance (LOD); however not to significantly alter the hydrology of the area.

- When open-cut trenching is proposed, topsoil stripping is required from the work area adjacent to the trench (including segregated stockpile areas and equipment access). Trencher or road saw like equipment are not allowed for trench excavation in agricultural areas, as the equipment does not segregate topsoil from subsoil. Horizontal Directional Drilling (HDD) or equivalent installation that does not disrupt the soil profile, may limit agricultural ground disturbances. Any HDD drilling fluid inadvertently discharged must be removed from agricultural areas. Narrow open trenches less than 25 feet long involving a single directly buried conductor or conduit (as required) to connect short rows within the array, are exempt from topsoil segregation.

- Electric collection, communication and transmission lines installed above ground can create long term interference with mechanized farming on agricultural land. Thus, interconnect conductors outside of the security fence must be buried in agricultural fields wherever practicable. Where overhead utility lines are required, (including Point(s) of Interconnection) installation must be located outside field boundaries or along permanent access road(s) wherever possible. When overhead utilities must cross farmland, minimize agricultural impacts by using taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

- All buried utilities located **within** the generation facility's security fence must have a minimum depth of 18-inches of cover if buried in a conduit and a minimum depth of twenty-four inches of cover if directly buried (e.g. not routed in conduit).[5]

- The following requirements apply to all buried utilities located **outside** of the generation facility security fence:

    - In cropland, hayland, and improved pasture buried electric conductors must have a minimum depth of 48-inches of cover. In areas where the depth of soil over bedrock is less than 48-inches, the

[4] low ground pressure vehicles that do not result in a visible rut that alters soil compaction.

[5] Burial of electrical conductors located within the energy generation facility may be superseded by more stringent updated electrical code or applicable governing code.

electric conductors must be buried below the surface of the bedrock if friable/rippable, or as near as possible to the surface of the bedrock.

- In unimproved grazing areas or on land permanently devoted to pasture the minimum depth of cover must be 36-inches.

- Where electrical conductors are buried directly below the generation facility's access road or immediately adjacent (at road edge) to the access road, the minimum depth of cover must be 24-inches. Conductors must be close enough to the road edge as to be not subject to agricultural cultivation / sub-soiling.

- When buried utilities alter the natural stratification of soil horizons and natural soil drainage patterns, rectify the effects with measures such as subsurface intercept drain lines. Consult the local Soil and Water Conservation District concerning the type of intercept drain lines to install to prevent surface seeps and the seasonally prolonged saturation of the conductor installation zone and adjacent areas. Install and/or repair all drain lines according to Natural Resources Conservation Service conservation practice standards and specifications. Drain tile must meet or exceed the AASHTO M-252 specifications. Repair of subsurface drains tiles should be consistent with the NYSDAM's details for *"Repair of Severed Tile Line"* found in the pipeline drawing A-5 (http://www.agriculture.ny.gov/ap/agservices/Pipeline-Drawings.pdf).

- In pasture areas, it may be necessary to construct temporary fencing (in addition to the Project's permanent security fences) around work areas to prevent livestock access to active construction areas and areas undergoing restoration. For areas returning to pasture, temporary fencing will be required to delay the pasturing of livestock within the restored portion of the LOD until pasture areas are appropriately revegetated. Temporary fencing including the project's required temporary access for the associated fence installations should be included within the LOD as well as noted on the construction drawings. The Project Company will be responsible for maintaining the temporary fencing until the EM determines that the vegetation in the restored area is established and able to accommodate grazing. At such time, the Project Company should be responsible for removal of the temporary fences.

Post-Construction restoration requirements applicable to continued use agricultural areas that suffered ground disturbance due to construction activities (typically lands outside of the developed project's security fence).

- All construction debris in active agriculture areas including pieces of wire, bolts, and other unused metal objects will need to be removed and properly disposed of as soon as practical to prevent mixing with any topsoil.

- Excess concrete will not be buried or left on the surface in active agricultural areas. Concrete trucks will be washed outside of active agricultural areas. Remove all excess subsoil and rock unearthed from construction related activities occurring in areas intended to return to agricultural use. On-site disposal of such material is not permissible in active agricultural lands. Designated spoil disposal locations should be specified in the associated construction plans. If landowner agreements, LOD boundary, or Project's land use approvals do not allow for on-site disposal, material must be removed from the site.[6]

[6] Any permits necessary for disposal under local, State and/or federal laws and regulations must be obtained by the facility operator, with the cooperation of the landowner when required.

- Excess stripped topsoil shall not be utilized for fill within the project area. Any extra topsoil removed from permanently impacted areas (e.g. roads, equipment pads, etc.) should be evenly spread in adjacent agricultural project areas, however not to significantly alter the hydrology of the area.

- Regrade all access roads outside of the security fencing (as determined necessary by the EM), to allow for farm equipment crossing and restore original surface drainage patterns, or other drainage pattern incorporated into the design.

- Repair all surface or subsurface drainage structures damaged during construction as close to preconstruction conditions as possible, unless said structures are to be removed as part of the project design. Correct any surface or subsurface drainage problems resulting from construction of the solar energy project with the appropriate mitigation as determined by the Environmental Monitor, Soil and Water Conservation District and the Landowner.

- On agricultural land needing restoration because of ground disturbance, postpone any restoration practices until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration must not be conducted while soils are in a wet or plastic state of consistency. Stockpiled topsoil must not be regraded, and subsoil must not be decompacted until plasticity, as determined by the Atterberg field test, is adequately reduced. No permanent project restoration activities shall occur in agricultural areas between the months of October through May unless favorable soil moisture conditions exist.

- In all continued use agricultural land where the topsoil was stripped, subsoil decompaction shall be conducted prior to topsoil replacement. Following construction, all such areas will be decompacted to a depth of 18 inches with a tractor mounted deep ripper or heavy-duty chisel plow. Soil compaction results shall be no more than 250 pounds per square inch (PSI) throughout the decompacted 18 inches as measured with a soil penetrometer. Following decompaction, all rocks 4 inches and larger in size unearthed from decompaction will be removed from the surface of the subsoil prior to replacement of the topsoil. The topsoil will be replaced to original depth and the original contours will be reestablished where possible. All rocks 4 inches and larger from topsoil shall be removed from the surface of the topsoil. Subsoil decompaction and topsoil replacement must be avoided after October 1, unless approved on a site-specific basis by the landowner in consultation with NYSDAM. All parties involved must be cognizant that areas restored after October 1st may not obtain sufficient growth for stabilization[7] to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to prevent potential springtime erosion, as well as restore any eroded areas in the springtime, to establish proper growth. Excess stripped topsoil shall be evenly spread in the adjacent project areas, or adjacent agricultural areas (within the LOD), however, not to significantly alter the hydrology of the area.

- In all continued use agricultural areas where the topsoil was not stripped, including timber matted areas, the EM shall determine appropriate activities to return the area to agricultural use. These activities may include decompaction, rock removal, and revegetation. Soil compaction should be tested in the affected areas and the affected area's adjacent undisturbed areas using an appropriate soil penetrometer or other soil compaction measuring device as soon as soils achieve moisture equilibrium with adjacent unaffected areas. Compaction tests will be made at regular intervals of distance throughout the affected areas, including each soil type identified within the affected areas. Soil compaction results shall be measured with a soil penetrometer not exceeding more than 250 pounds per square inch (PSI), by

[7] Sufficient growth for stabilization should be determined by comparison with unaffected crop production. Annual crops restored after normal planting window (as determined by the landowner or associated producer) should be stabilized with Aroostook Winter Rye at the rate of 150/100 lbs. per acre (broad cast/drill seeder).

comparing probing depths of both the affected and unaffected areas. Where representative soil density of the affected area's collective depth measurements present compaction restrictions exceeding an acceptable deviation of no more than 20% from the adjacent undisturbed area's mean soil density, additional decompaction may be required to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Following decompaction, remove all rocks unearthed from decompaction activities 4 inches and larger in size from the surface. Revegetation shall be performed in accordance with the instructions below.

- Seed all agricultural areas from which the vegetation was removed or destroyed with the seed mix specified by the landowner/agriculture producer or as otherwise recommended in the Department's fertilizer, lime and seeding guideline: [https://www.agriculture.ny.gov/ap/agservices/Fertilizer_Lime_and_Seeding_Recommendations.pdf]. Soil amendments should be applied as necessary so that restored agricultural areas' soil properties, at minimum, reasonably reflect the pre-construction soil test results or as otherwise agreed to by the involved parties to ensure continued agricultural use. All parties must be cognizant that areas restored after October 1st may not obtain sufficient growth to prevent erosion over the winter months. If areas are to be restored after October 1st, necessary provisions must be made to restore and/or re-seed any eroded or poorly germinated areas in the springtime, to establish proper growth.

Monitoring and Remediation

Project Companies shall provide a monitoring and remediation period of one complete growing season following the date upon which the desired crop is planted. All projects subject to NYS Public Service Law Article 10 will provide a monitoring period of two complete growing seasons following the date upon which the project achieves the establishment of the desired crop.

On site monitoring shall be conducted seasonally at least three times during the growing season (Spring, Summer, Fall). Monitoring is required to identify any remaining impacts directly associated with the construction of the project on agricultural lands proposed to remain or resume agriculture production, including the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring observations can be made. NYSDAM expects the Project Company (or its contractor) to retain the EM for follow-up monitoring and remediation (as needed) in agricultural areas. Monitoring is limited to the restored agricultural area. Non-project related impacts affecting the restored project area will be discussed with NYSDAM staff and considered for omission from future monitoring and remediation. The EM is expected to record the following observations from onsite inspections:[8]

- **Topsoil Thickness and Trench Settling** – The EM observations may require small hand dug holes to observe the percentage of settled topsoil in areas where the topsoil was stripped, or trenching was performed without stripping topsoil. Observations concerning depth of topsoil deficiencies shall require further remediation by re-appropriating additional topsoil. Acceptable materials for remediation are: known areas of native excess topsoil (according to records of project specific excess topsoil disposal spread within the original LOD) or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site.

[8] The activities that follow are not necessary for restored agricultural lands on which the farmer or landowner has commenced activities, including agricultural activities or other use that tend to reverse restoration or create conditions that would otherwise trigger restoration. Should NYSDAM contend upon inspection that conditions indicate that post-construction restoration activities were improperly performed or insufficient, NYSDAM may inform the project company and NYSERDA for further investigation and remediation.

- **Excessive Rock (>4-inches)** - Determined by a visual inspection of disturbed areas as compared to unaffected portions of the same field located outside the construction area. Observations concerning excess stone material in comparison to off-site conditions shall require further remediation including removal and disposal of all excess rocks and large stones.

- **Soil Compaction** - Project affected agricultural soils should be tested using an appropriate soil penetrometer or other soil compaction measuring device. Compaction tests will be made at regular intervals of distance throughout the access or work areas, including each soil type identified on the affected agricultural areas. Where representative soil density of the affected area exceeds the representative soil density of the unaffected areas, additional decompaction may be required. Consultation with NYSDAM staff and the agricultural producer(s) should be conducted prior to scheduling additional decompaction. If warranted, decompaction to a depth of 18-inches with a tractor mounted deep ripper or heavy-duty chisel plow. Restoration of displaced topsoil to original depth and re-establish original contours where possible. Decompaction deep shattering will be applied during periods of relatively low soil moisture to ensure the desired mitigation and to prevent additional soil compaction. Oversized stone/rock (Four-inches) material that is uplifted/unearthed to the surface as a result of the deep shattering will be removed.

- **Drainage** – The EM shall visually inspect the restored agricultural areas in search of pervasive stunted crop growth due to seasonal saturation, not previously experienced at the site and not resulting from the agricultural producer's irrigation management or due to excessive rainfall. Identified areas of stunted crop growth shall be compared to the nearest undisturbed adjacent areas under a substantially equivalent terrain and crop management plan. Drainage observations should be evaluated to determine if the project affected surface or sub-surface drainage during construction or restoration. Project caused drainage issues affecting or likely to reduce crop productivity of the adjacent areas will have to be remediated via a positive surface drainage, sub-surface drainage repair or an equivalent.

- **Agriculture Fencing and Gates** – The EM shall inspect Project associated fencing and gates (installed, altered or repaired) within the Project's LOD associated with agricultural activities for function and longevity. The Project Company is responsible during the Monitoring and Remediation Phase for maintaining the integrity of Project associated fencing and gates.

The Project Company (or its contractor) shall consolidate each applicable growing season's observations into an annual report during the monitoring period and shall be provided upon request to NYSDAM. Annual reports should include date stamped photographs illustrating crop growth in comparison with unaffected portions the agricultural areas.

The EM shall record observations of the establishment of the desired crop and subsequent crop productivity within restored agricultural areas and shall be evaluated by comparing its productivity to that of the nearest adjacent undisturbed agricultural land of similar crop type within the same field. If a decline in crop productivity is apparent the Project Company as well as other appropriate parties must determine whether the decline is due to project activities. If project activities are determined to be the primary detrimental factor, the project EM will notify NYSDAM concerning unsuccessful restoration and to potentially schedule a NYSDAM staff field visit. If project restoration is determined to be insufficient, the Project Company will develop a plan for appropriate rehabilitation measures to be implemented. NYSDAM staff will review and approve said plan prior to implementation. Additional monitoring may be required depending on additional restoration activities needed.

The Project Company is not responsible for site conditions and/or potential damages attributable to the agricultural producer's land use management or others' land use management.

Decommissioning

If the operation of the generation facility is permanently discontinued, remove all above ground structures (including panels, racking, signage, equipment pad, security fencing) and underground utilities if less than 48-inches deep. All concrete piers, footers, or other supports must be removed to a minimum depth of 48-inches below the soil surface. The following requirements apply to electric conductors located at the respective range of depth below the surface:

- 48-inches plus: All underground electric conduits and direct buried conductors may be abandoned in place. Applicable conduit risers must be removed, and abandoned conduit must be sealed or capped to avoid a potential to direct subsurface drainage onto neighboring land uses.

- Less than 48-inches: All underground direct buried electric conductors and conductors in conduit and associated conduit with less than 48-inches of cover must be removed, by means of causing the least amount of disturbance as possible.

Access roads in agricultural areas must be removed, unless otherwise specified by the landowner. If access is to be removed, topsoil will have to be returned from recorded project excess native topsoil disposal areas, if present, or imported topsoil free of invasive species that is consistent with the quality of topsoil on the affected site. Restore all areas intended for agricultural production, according to recommendations by the current landowner or leasing agricultural producer, and as required by any applicable permit, the Soil and Water Conservation District, and NYSDAM.

Monitoring and restoration requirements in accordance to the prior sections of these guidelines, will be required for the decommissioning restoration. NYSDAM requires notice before the Project Company undertakes decommissioning.

NYSolar06 LLC (Project Company) hereby agrees to use best efforts to adopt and employ the provisions of the NYSDAM Guidelines for Agricultural Mitigation for Solar Energy Projects in all material aspects of the construction, post construction and decommissioning of this project. Where Project Company determines that it cannot perform an activity in a manner that meets the material terms of any provision of the Guidelines, the Project Company or its Environmental Monitor will notify NYSDAM and make good faith efforts to devise an alternative solution that will mitigate adverse agricultural impacts.

Terrill Laughton (Mar 28, 2023 20:15 MDT)

Signature

3/28/23

Date

EmeryNOI

Final Audit Report 2023-03-29

Created:	2023-03-29
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Document created by Juliet Caplinger (juliet.caplinger@catalyze.com)
2023-03-29 - 0:24:07 AM GMT

Document emailed to terrill.laughton@catalyze.com for signature
2023-03-29 - 0:25:52 AM GMT

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Signer terrill.laughton@catalyze.com entered name at signing as Terrill Laughton
2023-03-29 - 2:15:24 AM GMT

Document e-signed by Terrill Laughton (terrill.laughton@catalyze.com)
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Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7M-8	NYS DEPARTMENT OF TAXATION & FINANCE	List of Certified 2023 State Equalization Rates

Attachments

23COMM. 7M-8

New York State Department of Taxation and Finance
Office of Real Property Tax Services
WA Harriman State Campus
Albany, New York 12227

4/5/2023

EC LEG APR 5 '23 PM12:44

List of Certified 2023 State Equalization Rates

Mr. Robert M. Graber , Clerk
Erie County Legislature
Old County Hall, 4th Fl.
92 Franklin Street
Buffalo, NY 14202

Subpart 8186-2 of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York specifies that a certified statement setting forth the final State equalization rate for each municipality shall be filed with the clerk of the legislative body of the county.

Listed below are final State equalization rates for the 2023 assessment rolls which have been established to date for the municipalities in your county. If a final equalization rate for a municipality has been certified to you and subsequently rescinded this is also noted.

Municipal Code	Municipal Name	State Equalization Rate	Date Established	County Full Valuation of Taxable Real Property
140900	City of Lackawanna	79.00	04/05/2023	

* The final State equalization rate has been rescinded, the revised State equalization rate is shown.

Villages that have adopted the provisions of Section 1402-3 of the Real Property Tax Law and have ceased to be assessing units are not listed on this report. Section 1202 of the Real Property Tax Law specifies that the State equalization rate established by the State Office for the town or county assessment roll shall be deemed to be the State equalization rate established for these villages.

I hereby certify that the State Office of Real Property Tax Services has established the State equalization rates for the 2023 assessment roll shown on this document for the above municipalities.

Brian F. Moon
Real Property Analyst 2

Mr. Scott Bylewski, County Director
Erie County RPTS
Rath Building Room 100
95 Franklin Street
Buffalo, NY 14202

Erie County Legislature
Meeting Date: 04/13/2023

SUBJECT

COMM. 7M-9	NYS DEPARTMENT OF TAXATION & FINANCE	List of Certified 2023 State Equalization Rates

Attachments

23COMM. 7M-9

New York State Department of Taxation and Finance
Office of Real Property Tax Services
WA Harriman State Campus
Albany, New York 12227

List of Certified 2023 State Equalization Rates

Mr. Robert M. Graber , Clerk
Erie County Legislature
Old County Hall, 4th Fl.
92 Franklin Street
Buffalo, NY 14202

EC LEG APR 10 '23 PM2:24

Subpart 8186-2 of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York specifies that a certified statement setting forth the final State equalization rate for each municipality shall be filed with the clerk of the legislative body of the county.

Listed below are final State equalization rates for the 2023 assessment rolls which have been established to date for the municipalities in your county. If a final equalization rate for a municipality has been certified to you and subsequently rescinded this is also noted.

Municipal Code	Municipal Name	State Equalization Rate	Date Established	County Full Valuation of Taxable Real Property
140200	City of Buffalo	70.00	04/07/2023	
140900	City of Lackawanna	79.00	04/05/2023	

* The final State equalization rate has been rescinded, the revised State equalization rate is shown.

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Real Property Analyst 2

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