

THE ERIE COUNTY LEGISLATURE

Session No. 10
MAY 11, 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. Malczewski

PLEDGE OF ALLEGIANCE - Mr. Kooshoian

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING

Minutes for Meeting No. 8

Minutes for Meeting No. 9

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

BASKIN Celebrating and Honoring National Nurses Week

BASKIN Recognizing Apraxia Awareness Day

TODARO Honoring the Elwood Jordans Insurance Agency
as the Alden Chamber of Commerce 2023
Business of the Year

TODARO Recognizing Coach McKenzie Bezon, 2023 All-
Bee Girls' Basketball Coach of the Year

TODARO Honoring Tyler DeKruger on Achieving the
Rank of Eagle Scout

TODARO Honoring Luciano Grande on Achieving the
Rank of Eagle Scout

TODARO Honoring Eric Fry on Achieving the Rank of
Eagle Scout

VINAL Acknowledging and Honoring Geoffrey and
Robin Klein

BASKIN Honoring and Recognizing The Phi Omega
Chapter of Omega Psi Phi Fraternity, Inc. --

100th Year Anniversary

VINAL Honoring Gary Schautt -- Celebrating 50 Years of Service with the Eggertsville Hose Company

JOHNSON Recognizing Military Appreciation Month 2023

VINAL Honoring Past Fire Chief John Daniels -- 50 Years of Service with the Eggertsville Hose Company

MAJORITY CAUCUS Recognizing National Blood Pressure Month - May 2023

MAJORITY CAUCUS Honoring National Lupus Awareness Month - May 2023

BASKIN Acknowledging Shai Arnold and For Grieving Daughters Organization Celebrating 4th Annual Motherless-Daughter Brunch

GREENE Honoring Brothers of Mercy Wellness Campus on National Nursing Home Week

GREENE Honoring and Congratulating Police Officer Keith Felgemacher on His Retirement

GREENE Honoring and Congratulating Amherst Police Officer Scott Banning on His Retirement

GREENE Honoring the Cystic Fibrosis Association of Western New York and Recognizing Cystic Fibrosis Awareness Month in Erie County

MALCZEWSKI Recognizing Lyme WNY During Lyme Disease Awareness Month

MILLS Honoring Fox Run at Orchard Park on National Nursing Home Week

MILLS Honoring the Jennie B. Richmond Nursing Home During National Nursing Home Week

MILLS Celebrating the Wayland Brewing Company on Its Grand Opening

TODARO Recognizing the Correctional Officers at the Erie County Holding Center During National Correctional Officers' Week May 7-13, 2023

TODARO Recognizing the Correctional Officers at the Erie County Correctional Facility During National

MILLS Honoring Stanley Brown for Serving Our Country and Community

MALCZEWSKI Congratulating Anna Tavernier for Winning the 2023 Youth of the Year Competition

TODARO Honoring Christopher Gust for Being Named Alden Chamber of Commerce 2023 Citizen of the Year

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

LL INTRO. 5-1 (2023) GILMOUR The Service-Disabled Veterans Utilization Act

COMMITTEE REPORTS:

REPORT No. 6 PUBLIC SAFETY COMMITTEE

REPORT No. 6 ECONOMIC DEVELOPMENT COMMITTEE

LEGISLATOR RESOLUTIONS:

INTRO. 10-1 BASKIN RENEW Plan Funding Re-Allocation

INTRO. 10-2 MALCZEWSKI Supporting the Separation of Policy and Financial Issues in the New York State Budget

INTRO. 10-3	TODARO	Supporting Kyra's Law in the New York State Senate and Assembly
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COMMUNICATIONS DISCHARGED FROM COMMITTEE:

COMM. 4E-9	From the Energy & Environment Committee	From the County Executive - ECSD No. 5 RFP - Transit Road Corridor Sanitary Sewer Service Evaluation Report ****Proposed Amendment to COMM. 4E-9 (2023)
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COMM. 6E-10	From the Energy & Environment Committee	From the County Executive - ECSD No. 6 - Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project ****Proposed Amendment to COMM. 6E-10 (2023)
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SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 10E-1	SHERIFF	EC Sheriff's Office - NYS Canal Corporation Marine Patrol Grant	Public Safety
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COMM. 10E-2	MEYERS	Letter of Absence for Session No. 9 - May 4, 2023	RFP
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COMM. 10E-3	BARGNESI	Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization	RFP
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COMM. 10E-4	COMPTROLLER	Interim Financial Report of Erie County	Finance & Management
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COMM. 10E-5	MINORITY CAUCUS	Constituent Concern	Health & Human Services
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COMM. 10E-6	COUNTY EXECUTIVE	Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization	RFP
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COMM. 10E-7	COUNTY EXECUTIVE	Buffalo Convention Center - Sidewalk Vault Rehabilitation Project	Economic Development
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COMM. 10E-8	COUNTY EXECUTIVE	Erie County - On-Call Electrical Engineering Consultant	Economic Development
COMM. 10E-9	COUNTY EXECUTIVE	Authorization to Enter Into Contract for Rath Building - 15th Floor Amendment	Economic Development
COMM. 10E-10	COUNTY EXECUTIVE	On-Call General Civil Engineering & Land Survey Services RFP	Immediate Consideration Requested
COMM. 10E-11	COUNTY EXECUTIVE	Transfer of Funds to Capital Project	Public Safety
COMM. 10E-12	COUNTY EXECUTIVE	Authorization to Enter Into Contract with the Recreational Off-Highway Vehicle Association	Economic Development
COMM. 10E-13	COUNTY EXECUTIVE	Acceptance of State Aid for Safe Harbor for Sexually Exploited Children	Health & Human Services
COMM. 10E-14	COUNTY EXECUTIVE	Authorization to Enter Into Contract with Dr. Iram Ashraf	Health & Human Services
COMM. 10E-15	COUNTY EXECUTIVE	Appointment to the EC Senior Services Advisory Board	Health & Human Services
COMM. 10E-16	COUNTY EXECUTIVE	Authorization to Enter Into Contract for Transportation Consultant for Older Adult & Disabled Populations	Health & Human Services
COMM. 10E-17	COUNTY EXECUTIVE	Authorization to Award 2023 Summer Operation Primetime Contracts	Health & Human Services
COMM. 10E-18	COUNTY EXECUTIVE	Appointment to the EC Health Equity Advisory Board	Health & Human Services
COMM. 10E-19	SHERIFF	Accept Donation of Sanitation Supplies	Public Safety

COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 10D-1	DIRECTOR OF BUDGET & MANAGEMENT	February 2023 Budget Monitoring Report	Finance & Management
COMM. 10D-2	DEPUTY COMPTROLLER OF AUDIT	EC Comptroller's Office Audit of the EC Clerk's Office - Notification of Expanded Scope & Separation into Two Audits	Government Affairs

COMM. 10D-3	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 10D-4	BUDGET DIRECTOR	Information Request Per INTRO. 7-3 (2023)	Finance & Management

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 10M-1	ASSIGNED COUNSEL PROGRAM	Quarterly Report of Assigned Counsel Program - 1st Quarter of 2023	Government Affairs
COMM. 10M-2	ECIDA	ECIDA 2022 Annual Financial Statements	Government Affairs
COMM. 10M-3	NYSERDA	Notice of Intent to Undertake an Action Within an Agricultural District - RPNY Solar 11, LLC's Two Rod Road Project in the Town of Marilla	Energy & Environment
COMM. 10M-4	NYSERDA	Notice of Intent to Undertake an Action Within an Agricultural District - RPNY Solar 10, LLC's Stolle Road Solar Project in the Town of Marilla	Energy & Environment

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

Minutes for Meeting No. 8

Attachments

Minutes for Meeting No. 8

ERIE COUNTY LEGISLATURE
MEETING NO. 8
APRIL 27, 2023

The Legislature was called to order by Chair Baskin.

All members present, except Legislators Meyers and Mills.

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

The Pledge of Allegiance was led by Mr. Johnson.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. GILMOUR moved for the approval of the minutes for Meeting Number 7 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

JOHNSON	Congratulating and Recognizing Wane Thomas Barnes on a Phenomenal Career
BASKIN & JOHNSON	Remembering the Life of Quinton R. Smith
JOHNSON & GILMOUR	In Remembrance of Duryll S.D. Anderson
MINORITY CAUCUS	Honoring Jeff Miers on His Retirement from the Buffalo News
MILLS	Honoring Marilyn Cordia for Over 50 Years of Service to the Farnham Volunteer Fire Department Ladies Auxiliary
MILLS	Honoring Superintendent James Bialasik on School Lunch Hero Day
MILLS	Honoring Cafeteria Staff on “School Lunch Hero Day”
GREENE	Recognizing Summit Center and Proclaiming April as Autism Awareness Month in Erie County

GREENE	Recognizing the Farooq Family for Their Efforts to Improve Our Environment
TODARO	Honoring Mark Pruitt for Thirty-Four Years of Service to the Village of Alden Department of Public Works
TODARO	Honoring and Celebrating Ronny's Take Out Pizza on its 40th Anniversary
TODARO	Honoring the Bowmansville Garden Club on National Gardening Day
TODARO	Honoring the Lancaster Garden Club on National Gardening Day
TODARO	Honoring and Congratulating Chief William Karn on His Retirement
VINAL	Indian Heritage Month (May 2023)
JOHNSON	National Black Barbershop Appreciation Day
MAJORITY CAUCUS	Recognizing National Library Workers Day
JOHNSON	Recognizing Military Appreciation Month 2023
BASKIN	Honoring The Buffalo Club of the National Association of Negro Business and Professional Women's Clubs Inc. – Acknowledging "Sojourner Truth Day" in Buffalo
BASKIN	Celebrating and Honoring Día de los Niños/El Día de los Libros (Children's Day/Book Day)
BARGNESI & KOOSHOIAN	Recognizing Eileen Koterak Elibol - Newest Member of the KVIS
BARGNESI	Honoring James P. Stauffiger Town of Tonawanda Police Chief - Citizen of the Month, April 2023
VINAL	Congratulating and Recognizing C.R. Rao - 2023 International Prize in Statistics Recipient
VINAL	In Remembrance of Kara Margaret Stein
MALCZEWSKI	Celebrating the 75th Anniversary of the East Aurora American Legion Post 362 Auxiliary

MALCZEWSKI	Commemorating the 40th Anniversary of the East Aurora Vietnam Veterans Club
GREENE	Celebrating National Adopt a Shelter Pet Day in Erie County and Recognizing Buddy's Second Chance Rescue
TODARO	Honoring Erie 1 BOCES' Career and Technical Education on National Skilled Trades Day
GREENE	Recognizing Akron Central Schools Nutrition Service Staff on "School Lunch Hero Day"

MR. GILMOUR moved for consideration of the above twenty-nine items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. GILMOUR moved for approval of the above twenty-nine items as amended. MR. TODARO 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. 3 (Print #1) 2023 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 9 – MR. GILMOUR moved to take Local Law Intro. No. 1 (Print #2) 2023 from the table. MR. TODARO seconded.

CARRIED UNANIMOUSLY.

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

MR. GILMOUR moved to approve Local Law Intro. No. 1 (Print #2) 2023. MR. TODARO seconded.

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MS. VINAL. NOES: None. (AYES: 9; NOES: 0)

CARRIED UNANIMOUSLY.

Item 10 – CHAIR BASKIN directed that Local Law No. 2 (Print #2) 2023 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 11 – MR. GILMOUR moved to take Local Law Intro. No. 4 (Print #1) 2023 from the table. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
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

MR. GILMOUR moved to approve Local Law Intro. No. 4 (Print #1) 2023. MR. JOHNSON seconded.

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOLIAN and MS. VINAL. NOES: None. (AYES: 9; NOES: 0)

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 12 – MR. GILMOUR presented the following report, moved to separate item Numbers 1a, 1b, and 1c, and approve the balance of the report. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

April 20, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-9 (2023)
COUNTY EXECUTIVE: “ECSD No. 6 - Lackawanna WRRF & ORF Disinfection Systems Improvements Project”
(Chair’s Ruling)
 - b. COMM. 6E-10 (2023)
COUNTY EXECUTIVE: “ECSD No. 6 - Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project”
(Chair’s Ruling)
 - c. COMM. 6E-11 (2023)
COUNTY EXECUTIVE: “ECSD No. 2 - Big Sister Creek WRRF IT Infrastructure Improvements”
(Chair’s Ruling)
 - d. COMM. 7E-3 (2023)
BASKIN: “Letter to Democratic Party Caucus Regarding Position of Commissioner of the ECWA”
(Chair’s Ruling)
 - e. COMM. 7E-4 (2023)
BASKIN: “Letter to Republican Party Caucus Regarding Position of Commissioner of the ECWA”
(Chair’s Ruling)
 - f. COMM. 7E-5 (2023)
BASKIN: “Letter to Conservative Party Member Regarding Position of Commissioner of the ECWA”
(Chair’s Ruling)
 - g. COMM. 7E-19 (2023)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Contract Agreement”
(Chair’s Ruling)
 - h. COMM. 7E-20 (2023)
COUNTY EXECUTIVE: “ECSD No. 8 - East Aurora Water Resource Recovery Facility Control Building Improvements”
(Chair’s Ruling)

- i. COMM. 7E-21 (2023)
COUNTY EXECUTIVE: “ECSD No. 6 - Engineer Term Contract Agreement”
(Chair’s Ruling)
- j. COMM. 7E-22 (2023)
COUNTY EXECUTIVE: “ECSD No. 2 - Engineering Term Contract Agreement”
(Chair’s Ruling)
- k. COMM. 7D-2 (2023)
CLERK OF LEGISLATURE: “Letters of Interest & Resumes for Position of Commissioner of the ECWA”
(Chair’s Ruling)
- l. COMM. 7M-4 (2023)
DEC: “DEC Invites Public Comment About Draft Plan to Investigate Contamination at Brownfield Site on Crowley Ave., Buffalo”
(Chair’s Ruling)
- m. COMM. 7M-5 (2023)
DEC: “DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Main St., Buffalo”
(Chair’s Ruling)
- n. COMM. 7M-6 (2023)
DEC: “DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Fillmore Ave., Buffalo”
(Chair’s Ruling)
- o. COMM. 7M-7 (2023)
NYSERDA: “Notice of Intent to Undertake an Action Within an Agricultural District – Town of Grand Island”
(Chair’s Ruling)

2. COMM. 5E-7 (2023) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract Nos. 73-A and 73-D at 10:00 a.m. on March 29, 2023:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 73-A General/Mechanical	Hohl Industrial Services Inc. 770 Riverview Blvd Tonawanda, NY 14150	\$ 2,893,000.00
Contract 73-D Electrical	CIR Electric Construction Corporation 2517 Long Road Grand Island, NY 14072	\$ 351,760.00

and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Southtowns Influent Screenings Replacement Project, Erie County Sewer District No. 3, Contract Nos. 73-A and 73-D be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract 73-A General/Mechanical	Hohl Industrial Services Inc. 770 Riverview Blvd Tonawanda, NY 14150	\$ 2,893,000.00
Contract 73-D Electrical	CIR Electric Construction Corporation 2517 Long Road Grand Island, NY 14072	\$ 351,760.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute Contracts with the aforementioned lowest responsible bidders, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$3,000,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract Nos. 73-A and 73-D; and be it further

RESOLVED, that authorization is hereby provided for the partial closing of up to \$244,760.00 in ECSD No. 3 Capital Reserve Account C.00007, Fund 430, Funds Center 183 to fund Contract Nos. 73-A and 73-D; and be it further

RESOLVED, that authorization is hereby provided for the Division of Budget and Management to process a residual equity transfer of up to \$244,760.00 from ECSD No. 3 Capital Reserve Account C.00007 and a transfer of \$3,000,000.00 in Capital Account No. C.21150 to Erie County Sewer District No. 3 Capital Bond Account C.17301, Fund 430, Funds Center 183; and be it further

RESOLVED, that \$3,244,760.00 be allocated in Erie County Sewer District No. 3 Capital Bond Account C.17301 to fund Contract Nos. 73-A and 73-D; and be it further

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

RESOLVED, that any unused funds for this Contract will be returned to Erie County Sewer District No. 3 Capital Reserve Account C.00007 based on guidance from the Division of Sewerage Management and the budget for the Capital Reserve Account be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.
(4-0)

3. COMM. 7E-17 (2023)
COUNTY EXECUTIVE

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:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409010	State Aid - Other	\$329,628
TOTAL REVENUE		\$329,628

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
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

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 – Compliance.

(4-0)

**TIMOTHY J. MEYERS
CHAIR**

CHAIR BASKIN directed that item Numbers 1a, 1b, and 1c be returned to committee for further consideration.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

April 20, 2023	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-7 (2023)
COMPTROLLER: “Dec. 2022 - Feb. 2023 Sales & Compensating Use Tax Report”
(Chair’s Ruling)
 - b. COMM. 7E-9 (2023)
COMPTROLLER: “Department of Law Risk Retention Fund Spending - Jan. & Feb. 2023”
(Chair’s Ruling)
 - c. COMM. 7D-1 (2023)
DEPUTY COMPTROLLER OF AUDIT: “Audit of the Department of Law - Notification of Expanded Scope of the Indigent Defense Program to Include Claim Reimbursements”
(Chair’s Ruling)
 - d. COMM. 7D-4 (2023)
DEPUTY COMPTROLLER OF AUDIT: “EC Comptroller's Office Audit of the Department of Law”
(Chair’s Ruling)
 - e. COMM. 7M-8 (2023)
NYS DEPARTMENT OF TAXATION & FINANCE: “List of Certified 2023 State Equalization Rates”
(Chair’s Ruling)
 - f. COMM. 7M-9 (2023)
NYS DEPARTMENT OF TAXATION & FINANCE: “List of Certified 2023 State Equalization Rates”
(Chair’s Ruling)
2. COMM. 2D-3 (2023) AS AMENDED
DIRECTOR OF REAL PROPERTY TAX SERVICES
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 250042 through 250070, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR 2023 Petition No. 250,042.00

ASSESSOR Cancel
S-B-L 107.00-8-14 1636 Sandridge Rd 142089 ALDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 Town/SpecialDist/School
Charge To : 142089 ALDEN
Relevy School \$199.76 142001 ALDEN CENTRAL

RPTL 550(2): Applied school tax payment to wrong parcel
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,043.00

ASSESSOR Cancel \$255.71
S-B-L 108.15-3-7 1804 Crittenden Rd 142001 ALDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$255.71 Town/SpecialDist/School
Charge To : 142001 ALDEN \$255.71
Relevy School \$255.71 142001 ALDEN CENTRAL

RPTL 550(2): Applied school payment to wrong parcel
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,044.00

ASSESSOR Refund \$1,328.19
S-B-L 28.42-1-4 30 Coriander Ct 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,328.19 Town/SpecialDist/School
Charge To : 142289 AMHERST \$1,328.19

RPTL 550(2): Applied incorrect sewer units
Refund to be issued to Frances Mary Egloff

FISCAL YEAR 2023 Petition No. 250,045.00

ASSESSOR Refund \$424.94
S-B-L 69.10-2-17.2/7F 610 Youngs Rd Uni 142289 AMHERST

Acct. No. 112 \$247.72 County
Acct. No. 132 \$177.22 Town/SpecialDist/School
Charge To : 142289 AMHERST \$177.22

RPTL 550(2): Failed to apply senior exemption
Refund to be issued to Gary C. Francescone

FISCAL YEAR 2023 Petition No. 250,046.00

ASSESSOR Cancel \$1,671.62
S-B-L 176.05-2-44 62 Olean St 142401 EAST AURORA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,671.62 Town/SpecialDist/School
Charge To : 142401 EAST AURORA \$1,671.62

Relevy Village \$1,671.62 Village of EAST AURORA
RPTL 550(2): Failed to apply partial payment to village taxes
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 250,047.00

ASSESSOR Cancel \$1,593.28
S-B-L 92.14-1-1.112 Moorman Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,593.28 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$1,593.28
Relevy School \$1,593.28 143002 CHEEK. UNION #2

RPTL 550(7): Failed to apply town owned exemption, RS 8
Refund to be issued to Town of Cheektowaga

FISCAL YEAR 2023 Petition No. 250,048.00

ASSESSOR Refund \$1,191.35
S-B-L 92.14-1-1.112 Moorman Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$473.65 County
Acct. No. 132 \$717.70 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$717.70

RPTL 550(7): Failed to apply town owned exemption, RS 8
Refund to be issued to Town of Cheektowaga

FISCAL YEAR 2023 Petition No. 250,049.00

ASSESSOR Refund\$229.85
S-B-L 91.11-7-18 696 Maryvale Dr 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$229.85 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$229.85
Relevy School \$229.85 143002 CHEEK. UNION #2

RPTL 550(2): Failed to apply on time school tax payment
Refund issued to Jeffery & Christine Walsh

FISCAL YEAR 2023 Petition No. 250,050.00

ASSESSOR Refund\$257.41
S-B-L 113.21-5-27 151 Roland St 143001 SLOAN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$257.41 Town/SpecialDist/School
Charge To : 143001 SLOAN \$257.41
Relevy School \$257.41 143009 SLOAN UNION #9

RPTL 550(2): Failed to apply timely school tax payment
Refund to be issued to Joseph M. Fouchie

FISCAL YEAR 2023 Petition No. 250,051.00

ASSESSOR Cancel \$15,900.00
S-B-L 123.28-6-11 75 Pleasant Pkwy 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$15,900.00 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$15,900.00

RPTL 550(2): Applied incorrect amount on clean up charge.
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,052.00

ASSESSOR Cancel \$32.77
S-B-L 103.76-3-17 4596 Broadway St 143003 DEPEW

Acct. No. 112 \$0.00 County
Acct. No. 132 \$32.77 Town/SpecialDist/School
Charge To : 143003 DEPEW \$32.77

RPTL 550(2): Failed to apply capital improvement exemption
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 250,053.00

ASSESSOR Refund\$911.19
S-B-L 103.12-3-6.111 Rossiter Ave 143001 SLOAN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$911.19 Town/SpecialDist/School
520 Code SC520 \$538.03
Charge To : 143001 SLOAN \$373.16
Relevy School \$373.16 143007 DEPEW UNION-CHEEK

RPTL 550(7): Failed to apply village owned exemption, RS 8
Refund to be issued to Village of Depew

FISCAL YEAR 2023 Petition No. 250,054.00

ASSESSOR Refund\$709.65
S-B-L 103.12-3-6.111 Rossiter Ave 143003 DEPEW

Acct. No. 112 \$100.09 County
Acct. No. 132 \$609.56 Town/SpecialDist/School
Charge To : 143003 DEPEW \$609.56

RPTL 550(7): Failed to apply village owned exemption, RS 8.
Refund to be issued to Village of Depew

FISCAL YEAR 2022 Petition No. 250,055.00

ASSESSOR Refund\$6.38
S-B-L 274.00-2-13.11 10690 Springville 143889 CONCORD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$6.38 Town/SpecialDist/School
Charge To : 143889 CONCORD \$6.38
Relevy School \$6.38 143801 SPRING-GRIFFITH

RPTL 550(1): Incorrect acreage
Refund to be issued to Donna Felger

FISCAL YEAR 2023 Petition No. 250,056.00

ASSESSOR Refund\$4.67
S-B-L 274.00-2-13.11 10690 Springville 143889 CONCORD

Acct. No. 112 \$1.79 County
Acct. No. 132 \$2.88 Town/SpecialDist/School

38019 CONCORD FIRE PROTECT \$1.36
Charge To : 143889 CONCORD \$1.52

RPTL 550(2): Incorrect acreage
Refund to be issued to Donna Felger

FISCAL YEAR 2023 Petition No. 250,057.00

ASSESSOR Refund\$549.93
S-B-L 255.00-3-8 9550 Sisson Hwy 144000 EDEN

Acct. No. 112 \$308.19 County
Acct. No. 132 \$241.74 Town/SpecialDist/School
Charge To : 144000 EDEN\$241.74

RPTL 550(2): Failed to calculate aged exemption properly
Refund to be issued to Robert P. & Cecilia B. Mols

FISCAL YEAR 2022 Petition No. 250,058.00

ASSESSOR Refund\$300.00
S-B-L 253.00-1-2 2071 Carpenter Rd 144000 EDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$300.00 Town/SpecialDist/School
40049 ECSD2 Flat Usage Fee \$300.00
Charge To : 144000 EDEN\$0.00

RPTL 550(2): Applied ECSD flat usage fee in error
Refund to be issued to Lewis A Yager Jr.

FISCAL YEAR 2021 Petition No. 250,059.00

ASSESSOR Refund\$300.00
S-B-L 253.00-1-2 2071 Carpenter Rd 144000 EDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$300.00 Town/SpecialDist/School
40049 ECSD2 Flat Usage Fee \$300.00
Charge To : 144000 EDEN\$0.00

RPTL 550(2): Applied ECSD flat usage fee in error.
Refund to be issued to Lewis A. Yager Jr.

FISCAL YEAR 2023 Petition No. 250,060.00

ASSESSOR Refund\$315.00

S-B-L 253.00-1-2 2071 Carpenter Rd 144000 EDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$315.00 Town/SpecialDist/School
40049 ECSD2 Flat Usage Fee \$315.00
Charge To : 144000 EDEN\$0.00

RPTL 550(2): Applied ECSD flat usage fee in error
Refund to be issued to Lewis A Yager Jr.

FISCAL YEAR 2022 Petition No. 250,061.00

ASSESSOR Cancel \$7,630.51
S-B-L 23.00-1-17.111 126 Industrial Dr 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County
Acct. No. 132 \$7,630.51 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$7,630.51
Relevy School \$7,630.51 144601 GRND ISLN CENTRAL

RPTL 550(2): Failed to apply Solar PILOT exemption
New tax bill to be issued.

FISCAL YEAR 2023 Petition No. 250,062.00

ASSESSOR Cancel \$230.64
S-B-L 23.00-1-17.111 126 Industrial Pkwy 144600 GRAND ISLAND

Acct. No. 112 \$73.66 County
Acct. No. 132 \$156.98 Town/SpecialDist/School
Charge To : 144600 GRAND ISLAND \$156.98

RPTL 550(2): Failed to apply Solar PILOT agreement
New tax bill to be issued.

FISCAL YEAR 2021 Petition No. 250,063.00

ASSESSOR Refund\$370.00
S-B-L 139.13-4-11 S-1886 Two Rod R 145400 MARILLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$370.00 Town/SpecialDist/School
Charge To : 145400 MARILLA \$370.00

RPTL 550(2): Incorrect sanitation units
Refund to be issued to David Cegielski

FISCAL YEAR 2022 Petition No. 250,064.00

ASSESSOR Refund\$370.00
S-B-L 139.13-4-11 S 1886 Two Rod R 145400 MARILLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$370.00 Town/SpecialDist/School
Charge To : 145400 MARILLA \$370.00

RPTL 550(2): Incorrect sanitary units
Refund to be issued to David Cegielski

FISCAL YEAR 2023 Petition No. 250,065.00

ASSESSOR Refund\$370.00
S-B-L 139.13-4-11 S 1886 Two Rod R 145400 MARILLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$370.00 Town/SpecialDist/School
Charge To : 145400 MARILLA \$370.00

RPTL 550(2): Incorrect sanitation units
Refund to be issued to David Cegielski

FISCAL YEAR 2023 Petition No. 250,066.00

ASSESSOR Cancel \$137.51
S-B-L 157.00-6-10./GG Four Rod Rd 145400 MARILLA

Acct. No. 112 \$112.86 County
Acct. No. 132 \$24.65 Town/SpecialDist/School
54019 MARILLA FIRE PROTECT \$19.18
Charge To : 145400 MARILLA \$5.47

RPTL 550(2): Incorrect assessed value
New tax bill to be issued.

FISCAL YEAR 2022 Petition No. 250,067.00

ASSESSOR Refund\$1,111.17
S-B-L 65.68-1-6 194 Henderson Ave 146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,111.17 Town/SpecialDist/School
520 Code SC520 \$1,111.17
Charge To : 146489 TONAWANDA \$0.00

RPTL 550(2): Incorrect calculation of exemption removal charge
Refund to be issued to David G. Economou

FISCAL YEAR 2023 Petition No. 250,068.00

ASSESSOR Refund\$2,041.67
S-B-L 65.68-1-6 194 Henderson Ave 146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$2,041.67 Town/SpecialDist/School
64999 EXEMPTION REMOVAL \$2,041.67
Charge To : 146489 TONAWANDA \$0.00

RPTL 550(2): Incorrect calculation of exemption removal charge
Refund to be issued to David G. Economou

FISCAL YEAR 2022 Petition No. 250,069.00

ASSESSOR Refund\$1,419.00
S-B-L 143.14-3-57 750 Fisher Rd 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,419.00 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$1,419.00
Relevy School\$1,419.00 146801 WEST SENECA CENT

RPTL 550(2): Failed to apply exemptions
Refund to be issued to Edwina & Jeffrey Kwiatkowski

FISCAL YEAR 2023 Petition No. 250,070.00

ASSESSOR Refund\$1,089.60
S-B-L 143.14-3-57 750 Fisher Rd 146800 WEST SENECA

Acct. No. 112 \$419.82 County
Acct. No. 132 \$669.78 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$669.78

RPTL 550(2): Failed to apply vet exemptions
Refund to be issued to Edwina & Jeffrey Kwiatkowski

and be it further

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

(5-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

April 20, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 7M-3 (2023)
NFTA: “NFTA Revised Budget for FYE 24”
(Chair’s Ruling)

2. COMM. 7E-14 (2023)
COUNTY EXECUTIVE

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.
(5-0)

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

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

WHEREAS, Project Owner, (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.

(5-0)

4. COMM. 7E-18 (2023)
COUNTY EXECUTIVE

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.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

April 20, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6D-3 (2023)

ERIE COUNTY PROBATION COMMISSIONER: “Erie County Conditional Release Commission - 2022 Annual Report”
(Chair’s Ruling)

b. COMM. 7E-1 (2023)
MILLS: “Board Appointment Recommendation”
(Chair’s Ruling)

2. COMM. 7E-11 (2023)
SHERIFF

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.

(5-0)

3. COMM. 7E-12 (2023)
SHERIFF

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.

(5-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

April 20, 2023	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 6E-8 (2023)
COUNTY EXECUTIVE: “Buffalo Niagara Convention & Visitors Bureau Board Appointment”
(Chair’s Ruling)
2. COMM. 7E-15 (2023)
COUNTY EXECUTIVE
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 be it further

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; and be it further

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.
(5-0)

JOHN J. GILMOUR
CHAIR

LEGISLATOR RESOLUTIONS

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

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. TODARO, MR. BARGNESI, MR. GILMOUR and MR. KOOSHOIAN. NOES: CHAIR BASKIN, MR. JOHNSON and MS. VINAL.
(AYES: 6; NOES: 3)

CARRIED.

RESOLUTION NO. 62

RE: Opposing Federal Government's
Change in Loan-Level Price
Adjustment Matrix
(INTRO. 8-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MALCZEWSKI

WHEREAS, the Federal Government has recently made changes to the Loan-Level Price Adjustment Matrix, resulting in higher mortgage payments for borrowers with good credit scores and lower fees for riskier borrowers; and

WHEREAS, this change will create an unfair and unjust system that punishes responsible borrowers with good credit scores and rewards risky borrowers who pose a greater risk of defaulting on their loans; and

WHEREAS, this change goes against the principles of a fair and just lending system, which should incentivize responsible borrowing behavior and discourage risky behavior; and

WHEREAS, this change will disproportionately affect low- and middle-income borrowers with good credit scores, who may not have the financial resources to absorb the higher mortgage payments resulting from the change; and

WHEREAS, the current economic climate, with economic uncertainty, makes it even more important to protect borrowers from unfair and predatory lending practices.

NOW, THEREFORE, BE IT

RESOLVED, that the legislative body opposes the Federal Government's change in the Loan-Level Price Adjustment Matrix and urges the Federal Government to reverse this decision and work towards creating a fair and just lending system that incentivizes responsible borrowing behavior and protects borrowers from unfair and predatory lending practices; and be it further

RESOLVED, that copies of this resolution be sent to the President of the United States, the Secretary of the Treasury, Congressman Brian Higgins and Congressman Nick Langworthy, urging them to act to reverse the change in the Loan-Level Price Adjustment Matrix and to support policies that promote fair and just lending practices.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

RE: Opposing SkyWest Airlines'
Request for Reclassification
(INTRO. 8-2)

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

WHEREAS, SkyWest Airlines has requested to be reclassified from a "major airline" to a "commuter airline," which would significantly reduce the safety rules that it is subject to; and

WHEREAS, the tragic crash of Flight 3407 on February 12, 2009, which claimed the lives of 50 people, revealed the serious deficiencies in the aviation industry's safety regulations; and

WHEREAS, Flight 3407 was operated by a regional airline, Colgan Air, which had a poor safety record and was known for its low pay and poor working conditions for its pilots; and

WHEREAS, the National Transportation Safety Board (NTSB) investigation into the crash of Flight 3407 found that the pilots were inadequately trained and fatigued, and that the airline's safety culture was severely lacking; and

WHEREAS, the NTSB made numerous recommendations for improving the safety of regional airlines, including enhancing pilot training and qualification requirements, improving fatigue management programs, and enhancing safety culture and oversight; and

WHEREAS, since the crash of Flight 3407 and the subsequent passage of the Airline Safety and Federal Aviation Administration Act of 2010, commercial aviation fatalities have reduced by 99.8%; and

WHEREAS, reclassifying SkyWest Airlines as a commuter airline would weaken the safety regulations that were put in place following the crash of Flight 3407 and would put the lives of passengers and crew at risk; and

WHEREAS, it is the responsibility of the legislature to prioritize the safety of its citizens, including those who travel by air.

NOW, THEREFORE, BE IT

RESOLVED, that the legislature opposes SkyWest Airlines' reclassification request and calls on the Federal Aviation Administration to reject this request in order to maintain the safety regulations that are currently in place for major airlines; and be it further

RESOLVED, that the legislature urges the Federal Aviation Administration to continue to prioritize safety in all aspects of the aviation industry, including regional airlines, in order to prevent future tragedies like the crash of Flight 3407; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Congressman Nick Langworthy, Congressman Brian Higgins and Secretary of the United States Department of Transportation Pete Buttigieg.

Item 19 – MR. GILMOUR presented the following resolution and moved for immediate consideration and approval. MR. MALCZEWSKI seconded.

CHAIR BASKIN directed that the resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 8-3 from MALCZEWSKI. Opposing NYS Senate Proposal to Add a Surcharge on Ride Sharing Services.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 20 – MR. GILMOUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 7E-26 (2023). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

RE: 2023 Public Works Projects –
Authorization to Appropriate Funds &
Enter Into Contracts
(COMM. 7E-26, 2023)

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

CARRIED UNANIMOUSLY.

Insert the Following:

WHEREAS, it is critical that the Department of Public Works accomplish as many highway rehabilitation projects as possible and commence projects as soon as possible, including taking advantage of the short construction season and the availability of lower pricing by contractors by early bidding; and

WHEREAS, due to the condition of County facilities, every effort must be made to expedite this work, which includes seeking pre-approval from the Erie County Legislature to award highway, bridge and culvert construction, construction engineering services, design, and testing contracts and to appropriate funds for 2023 highway and related work; and

WHEREAS, the County of Erie desires to advance the Construction phase of Federal Aid Projects by making a commitment for the Federal and non-Federal share of the costs of the project and execute New York State and local fed aid agreements to obtain Federal and State reimbursement funds.

NOW, THEREFORE, BE IT

RESOLVED, that to best promote the public interest and expedite 2023 highway work, the award of 2023 highway division construction, construction engineering services, design, and testing contracts as designated by the Commissioner of Public Works for projects listed in Exhibit A and any other necessary projects added to the 2023 road list by the Commissioner of Public Works are hereby preapproved by the Erie County Legislature and the County Executive is hereby authorized and directed to execute said contracts; and be it further

RESOLVED, that pre-approval is contingent upon the advertisement and award of all 2023 highway construction projects pursuant to applicable Local and New York State public bidding laws; and be it further

RESOLVED, that the Commissioner of Public Works shall determine the lowest responsible construction bidders and submit recommendations to the County Executive; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into Agreements with the New York State Department of Transportation (NYSDOT) for the Federal Aid projects in Exhibit A; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of construction and construction inspection phases of the Projects or portions thereof with the understanding that qualified costs may be eligible for federal-aid and or state-aid reimbursement; and be it further

RESOLVED, that the County of Erie is hereby authorized to accept any Federal, New York State Marchiselli or other revenue that is available and to increase the budgets in the capital projects in Fund 420, Funds Center 123 accordingly; and be it further

RESOLVED, that the pre-approved contract authorization shall apply to the 2023 highway project contracts, as designated by the Commissioner of Public Works and noted on the attached Exhibit A document, and shall not exceed an aggregate total of \$29,694,770.09 from the following fund sources:

2017, 2018, 2019, 2020, 2021 and 2022 Bond Proceeds, Federal Aid, and Pay-As-You-Go	\$11,502,360.00
2023 Bond Proceeds and Pay-As-You-Go	\$18,192,410.09
<hr/> Total Funding	<hr/> \$29,694,770.09

and be it further

RESOLVED, the authorization is hereby given for the expenditures of the funding provided for the above pre-approved projects be extended into 2024 if construction work is unable to be completed in 2023; and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management to make any necessary adjustments to the revenues and expenses to the projects included in Exhibit A; and be it further

RESOLVED, that the Comptroller's Office is directed to effectuate the release of funds for road projects based on requests from the Department of Public Works from the above-noted funding sources or related sources of funds made available in 2023; and be it further

RESOLVED, that periodic informational reports shall be filed with the Legislature by the Department of Public Works indicating awarded 2023 highway project contracts and contractors; and be it further

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

****See attachment: [COMM. 7E-26 \(2023\) Erie County Department of Public Works - 2023 Road Program Exhibit A](#)

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

CARRIED UNANIMOUSLY.

Item 21 – MR. GILMOUR moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of INTRO. 23-2 (2022). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: In Support of the Proposed
"3 Bell System" for Buffalo
Public Schools
(INTRO. 23-2, 2022)

WHEREAS, approximately 1,500 Buffalo Public School students aged 3-13 (grades PK - 8) have not had access to a bus that picks them up and transports them to school on time or that efficiently takes them home after school since the beginning of the 2022-2023 school year; and

WHEREAS, some students wait for hours at the end of their school day for a bus to pick them up and transport them home; and

WHEREAS, teachers load some children onto buses thirty minutes before a school's designated end time in order to accommodate transportation schedules; and

WHEREAS, this amounts to a segment of students losing between 1 and 3 hours of instruction each day or spending between 1 and 3 hours either waiting for or on the bus at the end of the day; and

WHEREAS, what might have begun as a logistical matter has quickly devolved into an issue of profound inequity, with hundreds of students waiting for morning buses and losing academic learning time; and

WHEREAS, hundreds more are impacted at the end of each day, with tens of thousands of Buffalo Public School students being deprived of field trips, essential extended learning time activities, and modified sports; and

WHEREAS, Superintendent Dr. Tonja Williams, with input from teachers and parents, has put together a solution to this busing crisis called the 3 Bell System; and

WHEREAS, this proposal includes adoption of a three-bell schedule and shifting school start times by no more than 30 minutes to 7:30 a.m., 8:30 a.m., and 9:30 a.m.; and

WHEREAS, the benefits to this plan are clear as it would provide predictable and consistent bus coverage where students would be picked up no earlier than 6:30 a.m. and dropped off by 5:30 p.m., bus routes of no more than 50 minutes in length, fewer students riding each bus (thereby

improving safety on buses), and additional capacity for extended learning, field trips, and athletics; and

WHEREAS, adopting this plan would immediately improve two of the most important aspects of student care in Buffalo: safety and academic standing; and

WHEREAS, the three-bell schedule will require weeks for full planning and implementation, and should be carefully planned and measured for success.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the careful consideration and application of Superintendent Dr. Tonja Williams' 3 Bell System for the Buffalo Public School System; and be it further

RESOLVED, that this honorable body requests that Buffalo Teachers Federation and the Buffalo School Board ratify a new contract; and be it further

RESOLVED, that copies of this resolution be given to the Buffalo Public Schools Superintendent, the Buffalo Board of Education, and the Buffalo Education Equity Task Force.

MR. GILMOUR moved to approve the resolution. MR. JOHNSON seconded. MR. BARGNESI, MR. GILMOUR and MR. KOOSHOIAN voted in the negative.

CARRIED. (6-3)

SUSPENSION OF THE RULES

Item 22 - MR. GILMOUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

MR. GILMOUR moved for consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN called for nominations for Commissioner of the Erie County Water Authority.

MR. GILMOUR, pursuant to law, presented a petition nominating Peggy A. LaGree for re-appointment as Commissioner of the Erie County Water Authority.

We, the undersigned, representing the Republican members of the Erie County Legislature, do hereby nominate Peggy A. LaGree, residing at 55 Heritage Road East, Williamsville, New York 14221, for re-appointment as Commissioner of the Erie County Water Authority, to fill a three-year term commencing April 27th, 2023 and expiring April 27th, 2026:

Christopher D. Greene
District 6

Frank J. Todaro
District 8

John J. Mills
District 11

CHAIR BASKIN called for any other nominations for Commissioner of the Erie County Water Authority.

MR. GILMOUR moved to close nominations. MR. GREENE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION. 66

RE: Appointment of Commissioner of
ECWA
(COMM. 8E-18, 2023)

Insert the Following:

April 27, 2023

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

Re: Appointment of Commissioner of the Erie County Water Authority

Dear Clerk Graber:

Pursuant to Section 5.01 of the Erie County Legislature Rules of Order, I have previously requested that notice be provided to the public, legislators, media and interested candidates for the position of Commissioner of the Erie County Water Authority. You provided proper notice and interviews were conducted by the Legislature's Energy and Environment Committee on April 13, 2023.

Therefore, I am prepared to appoint a candidate for Commissioner of the Erie County Water Authority as required by Section 1053 of the New York Public Authorities Law. I hereby appoint Peggy LaGree of 55 Heritage Road East, Williamsville, NY 14221 to fill a three (3) year term commencing April 28, 2023 and ending April 27, 2026.

I have attached a Nominating Petition from the Minority Caucus as required by Section 1053 of the New York Public Authorities Law and request legislative confirmation of this appointment.

Thank you in advance for your assistance.

Sincerely,

April N.M. Baskin
Chair, Erie County Legislature

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

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MS. VINAL. NOES: None. (AYES: 9; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLVED, that the Erie County Legislature does hereby confirm the re-appointment of PEGGY A. LAGREE, 55 Heritage Road East, Williamsville, NY 14221, as Commissioner of the Erie County Water Authority for a three (3) year term commencing April 27, 2023 and expiring April 27, 2026.

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

GRANTED.

COMM. 8D-1 from COUNTY ATTORNEY Re: Opinion as to Form Local Law Intro No. 1-2 2023

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

April 25, 2023

Via Email Only
Hon. April N.M. Baskin, Chairwoman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Opinion as to Form Local Law Intro No 1-2 2023

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 1-2 2023 (1-2).

Preemption

Under New York state law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

Here, New York State Real Property Tax Law Section 466-a (RPTL) provides specific authority which permits counties to provide for 10% property tax exemptions for volunteer firefighters and ambulance workers. Since the State Legislature has granted counties this specific authority, 1-2 does not present a preemption issue of concern.

Grammar

The stated purpose of 1-2 is 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 assessed value of qualifying real property. We find the grammar and usage of 1-2 to be sufficient in order to achieve the stated purpose.

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 1-2 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 1-2-2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

By: Gregory P Kammer
Assistant Erie County Attorney

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

GRANTED.

COMM. 8D-2 from COUNTY ATTORNEY Re: Opinion as to Form Local Law Intro No. 4-1 2023

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

April 25, 2023

Via Email Only
Hon. April N.M. Baskin, Chairwoman
Erie County Legislature
Old Erie County Hall
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Opinion as to Form Local Law Intro No 4-1 2023

Dear Chairwoman Baskin:

In accordance with the obligations of the Erie County Attorney set forth in subsection 3, Section 204 of Article 2 of the Erie County Charter, this legal opinion concerns Local Law Intro No. 4-1 2023 (4-1).

Preemption

Under New York state law, preemption occurs when a local law directly conflicts with a state statute, or where a state statute expressly states that local laws on a given subject matter are preempted. Preemption can also occur where the State Legislature has assumed full regulatory responsibility in a field related to the proposed local law.

Here, New York State Public Officers Law Section 103-a (POL) provides specific authority which authorizes the governing board of a county to adopt a local law authorizing the use of videoconferencing. Since the State Legislature has granted county governing boards this specific authority, 4-1 does not present a preemption issue of concern.

Grammar

The stated purpose of 4-1 is to give the Erie County Legislature the authority to participate in meetings via videoconference in a manner consistent with POL. We find the grammar and usage of 4-1 to be sufficient in order to achieve the stated purpose.

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 4-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 4-1 2023 is sufficient as to form.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

By: Gregory P Kammer
Assistant Erie County Attorney

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

RE: 2022 Year-End Budget Balancing
Amendments & Designations
(COMM. 8E-1)

WHEREAS, year-end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2022 fiscal year; and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports; and

WHEREAS, existing 2022 funding within a variety of departments has been established as fund reservations and designated for re-appropriation into 2023 with no additional transfer required. These include \$100 million for the New Buffalo Bills Stadium, \$41.6 million for delayed Intergovernmental Transfer payments to Erie County Medical Center Corporation and \$33.3 million in duly appropriated items that were not fully expended in 2022; and

WHEREAS, after completing budget balancing entries and consideration of the aforementioned carry-forwards, the County will end 2022 7.2% below budget resulting in a \$96,442,847 surplus; and

WHEREAS, key positive variations contributing to this year-end surplus include: sales tax receipts (\$48.4M), Medicaid savings (\$12.7M), gross salary & fringe savings (\$24.8M), Social Service operating efficiencies (\$16.5M), delinquent property tax collections (\$10.8M), interest earnings (\$5.8M), etc.; and

WHEREAS, after the establishment of \$72 million in re-appropriations are made into the 2023 Budget, \$24,370,732 will be committed to Unassigned Fund Balance for a final 2022 balance of \$137,767,019 or approximately ten (10) percent of the County’s 2022 Adopted Operating Budget; and

WHEREAS, although the Erie County Charter and Code require an Undesignated Fund Balance to be at least five (5) percent of the County’s annual operating budget, other municipal financial best practices suggest as much as 15 percent; and

WHEREAS, additionally, this resolution makes several designations that will both reduce future bonding and pre-pay remaining bond principal, which, in turn, will lead to approximately \$23.8 million in interest savings over the next several decades; and

WHEREAS, specifically, the defeasance of the \$9.4 million in remaining old stadium debt will save approximately \$1.5 million in interest, the addition of \$25 million in pay-as-you-go funding for the new stadium construction (now a total of \$125 million) will save approximately \$17.7 million in interest and the conversion of 6 capital projects from bonded to pay-as-you-go will save approximately \$6.6 million in interest.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to adjust the 2022 Budget in order to facilitate the completion of 2022 financial statements, based on the following schedule:

2022 Year-End Budget Balancing Amendments

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year-end spending. In most cases the source of funds was obtained from within the department from where the shortfall occurred.

Department	Account	Increase/ (Decrease)
General Fund 110 - Expense Adjustments		
100	Legislature	
	561410 Lab & Technical Equipment	-200,000
	561420 Office Furn & Fixt	200,000
	<u>Legislature Total</u>	<u>0</u>
105	Information & Support Services	
	500350 Other Employee Pymts	36,375
	515000 Utility Charges	-36,375
	<u>Information & Support Services Total</u>	<u>0</u>

10610	Division of Purchase		
	500000	Full Time - Salaries	11,839
	500350	Other Employee Pymts	11,952
	502000	Fringe Benefits	-23,791
	<hr/> Division of Purchase Total		0
11510	Sheriff Division		
	500000	Full Time - Salaries	802,915
	500010	Part Time - Wages	-94,132
	500030	Seasonal - Wages	235,901
	500300	Shift Differential	28,930
	500330	Holiday Worked	66,178
	500340	Line-up Pay	19,757
	500350	Other Employee Pymts	185,377
	501000	Overtime	2,725,717
	502000	Fringe Benefits	-196,193
	505600	Auto Tr & Hvy Eq Sup	-20,787
	510100	Out Of Area Travel	-57,019
	510200	Training And Education	-30,350
	515000	Utility Charges	-11,757
	516020	Professional Services Cont & Fees	-32,680
	<hr/> Sheriff Division Total		3,621,857
116	Jail Management		
	500000	Full Time - Salaries	-1,416,099
	500300	Shift Differential	114,994
	500320	Uniform Allowance	-19,435
	500330	Holiday Worked	91,840
	500340	Line-up Pay	-232,838
	500350	Other Employee Pymts	24,404
	501000	Overtime	3,682,382
	502000	Fringe Benefits	-1,595,607
	505400	Food & Kitchen Supplies	84,693
	<hr/> Jail Management Total		734,334
11650	Correctional Health Services		
	500000	Full Time - Salaries	-363,025
	500330	Holiday Worked	-17,250
	501000	Overtime	37,490
	502000	Fringe Benefits	-569,462
	505800	Medical & Health Supplies	-141,054

	516020	Professional Services Cont & Fees	31,431
	516050	Dept Payments to ECMCC	994,525
	<u>Correctional Health Total</u>		<u>-27,345</u>
120	Department of Social Services		
	500010	Part Time - Wages	-323,255
	516010	Cnt Pmts-Non Pro Pur	90,000
	516030	Maintenance Contracts	-178,065
	516040	DSS Trng & Edu Pro	106,710
	516400	Title XX Prev&Prot	-155,733
	525040	Family Assistance (FA)	-4,826,179
	525092	Child Care - CCBG	4,706,630
	525130	State Training School	1,595,434
	525160	Indigent Care DSH	-786,922
	530000	Other Expenses	-740,567
	530010	Chargebacks	-458,679
	530030	Pivot Wage Subsidies	-589,552
	545000	Rental Charges	-114,336
	<u>Department of Social Services Total</u>		<u>-1,674,514</u>
12210	DPW Commissioner's Office		
	502000	Fringe Benefits	-40,428
	516020	Professional Services Cont & Fees	575,000
	530000	Other Expenses	-119,679
	<u>DPW Commissioner's Office Total</u>		<u>414,893</u>
12220	DPW Building & Grounds		
	500020	Regular PT - Wages	-20,323
	502000	Fringe Benefits	-584,577
	515000	Utility Charges	-49,548
	575040	Interfund Expense-Utility Fund	315,852
	<u>DPW Building & Grounds Total</u>		<u>-338,596</u>
12410	MH - Program Admin.		
	516050	Dept Payments to ECMCC	-306,334
	516010	Cnt Pmts-Non Pro Pur	-327,831
	517581	Court Ordered-MH Srv	878,574
	502000	Fringe Benefits	-63,695
	<u>MH - Program Admin. Total</u>		<u>180,714</u>

12520	Youth Detention		
		502000 Fringe Benefits	-1,338,464
		516020 Professional Services Cont & Fees	-496,122
		575040 Interfund Expense-Utility Fund	10,298
	Youth Detention Total		-1,824,288
1273030	Environmental Health		
		502000 Fringe Benefits	-75,297
		516050 Dept Payments to ECMCC	75,297
	Environmental Health Total		0
12750	Special Needs		
		516020 Professional Services Cont & Fees	-271,879
		516050 Dept Payments to ECMCC	-276,639
		528000 Svcs Spec Need Child	1,065,428
	Special Needs Total		516,910
1335010	Aid to Local Governments		
		516060 Sales Tax Loc Gov 3 %	31,733,381
	Aid to Local Governments Total		31,733,381
14010	County-wide Acct Budget		
		504990 Reductions Per Srv	1,400,000
		504992 Salary Reserves	-3,875,122
		511000 Control Board Expense	162,227
		516050 Dept Payments to ECMCC	-346,563
		520070 Buffalo Bills Maintenance	29,663
		520072 Working Capital Asst	66,279
	County-wide Acct Budget Total		-2,563,516
14020	Interfund		
		570035 IF Tran-COVID-19 Res	181,160
		570050 InterFund Trans-Cap	5,750,000
	Interfund Total		5,931,160
14030	Community College		
		520020 Co Res Enrl Comm Col	-65,754
	Community College Total		-65,754
150	Board of Elections		

	500000	Full Time - Salaries	-169,609
	500010	Part Time - Wages	-365,398
	500020	Regular PT - Wages	-248,441
	501000	Overtime	-107,761
	502000	Fringe Benefits	-628,578
	516020	Professional Services Cont & Fees	-448,736
	530000	Other Expenses	-509,546
	Board of Elections Total		-2,478,069
16010	Law Division		
	502000	Fringe Benefits	-264,287
	516020	Professional Services Cont & Fees	-119,555
	Law Division Total		-383,842
16110	Personnel		
	502000	Fringe Benefits	-164,252
	516020	Professional Services Cont & Fees	-73,198
	Personnel Total		-237,450
16200	Env.& Planning Divn.		
	502000	Fringe Benefits	-70,742
	516020	Professional Services Cont & Fees	-402,881
	Env.& Planning Divn. Total		-473,623
16410	Parks Department		
	502000	Fringe Benefits	-228,899
	515000	Utility Charges	42,415
	575040	Interfund Expense-Utility Fund	19,567
	Parks Department Total		-166,917
16500	Central Police Services		
	500000	Full Time - Salaries	-58,977
	502000	Fringe Benefits	-162,618
	Central Police Services Total		-221,595
16700	Homeland Security & Emergency Services		
	500000	Full Time - Salaries	-23,855
	559000	County Share - Grants	23,855
	Homeland Security & Emergency Services Total		0

500	ECMC				
		502000	Fringe Benefits		-232,949
<hr/>					
	ECMC Total				-232,949
<hr/>					
510	EC Home				
		502000	Fringe Benefits		-194,500
<hr/>					
	EC Home Total				-194,500
<hr/>					
<hr/>					
Total General Fund 110 Expense Adjustments					32,250,291
<hr/>					

General Fund 110 - Revenue Adjustments

12750	Special Needs				
		405570	ME 50% Fed Presch		516,910
<hr/>					
	Special Needs Total				516,910
<hr/>					
14010	County-wide Acct Budget				
		402140	Sales Tax to Local Gov		31,733,381
		405500	SA-Spec Need Presch		
		409050	State Aid Revenue Offset		
<hr/>					
	County-wide Acct Budget Total				31,733,381
<hr/>					
<hr/>					
Total General Fund 110 Revenue Adjustments					32,250,291
<hr/>					
<hr/>					
Net General Fund 110 Adjustments					0
<hr/>					

Highway Fund 210 - Expense Adjustments

123	Highways (DPW)				
		501000	Overtime		60,048
		502000	Fringe Benefits		-159,576
		505600	Auto Tr & Hvy Eq Sup		34,788
		506200	Maintenance & Repair		64,740
<hr/>					
	Highways (DPW) Total				0
<hr/>					

E-911 Fund 230 -Expense Adjustments

11510	Sheriff Division				
		500000	Full Time - Salaries		17,887
		502000	Fringe Benefits		-17,887
<hr/>					
	Sheriff Division Total				0
<hr/>					

12720	Emergency Medical Services	
	501000 Overtime	76,238
	502000 Fringe Benefits	-76,238
	<hr/> Emergency Medical Services Total	<hr/> 0
	<hr/> <hr/> Total E-911 Fund 230 Expense Adjustments	<hr/> <hr/> 0

Debt Service Fund 310 - Adjustments

17200	General Debt Expense	
	550000 Principal - Bonds	
	550010 Principal - Long Term Loan	5,085,000
	550110 Bond Issue Costs	196,640
	550800 Interest - Bonds	
	550810 Interest-Long Term Loan	6,624,050
	<hr/> General Debt Expense Total	<hr/> 11,905,690
	 Revenue	
	445070 Premium on Obligations	208,828
	445180 Interest-Long Term Loan	4,721,495
	466350 Principal-Long Term Loan	6,975,367
	486010 Resid Equity Tran-In	
	<hr/> General Debt Revenue Total	<hr/> 11,905,690
	<hr/> <hr/> Net General Debt Adjustments	<hr/> <hr/> 0

17300	Debt Srv SD 1,4 & 5 Expense	
	550000 Principal - Bonds	30,427
	550800 Interest - Bonds	20,223
	<hr/> Debt Service SD 1,4 & 5 Expense Total	<hr/> 50,650
	 Revenue	
	475090 NYSEFC Bond Subsidy Income	50,650
	<hr/> Debt Service SD 1,4 & 5 Revenue Total	<hr/> 50,650
	<hr/> <hr/> Net Debt Service SD 1,4 & 5 Adjustments	<hr/> <hr/> 0

17400	Debt Srv SD 2 Expense		
		550000 Principal - Bonds	5,044
	<u>Debt Service SD 2 Expense Total</u>		<u>5,044</u>
	Revenue		
		475090 NYSEFC Bond Subsidy Income	5,044
	<u>Debt Service SD 2 Revenue Total</u>		<u>5,044</u>
	<u>Net Debt Service SD 2 Adjustments</u>		<u>0</u>
17500	Debt Srv SD 3/Southtowns		
		550800 Interest - Bonds	5,918
	<u>Debt Service SD 3/Southtowns Expense Total</u>		<u>5,918</u>
	Revenue		
		475090 NYSEFC Bond Subsidy Income	5,918
	<u>Debt Service SD 3/Southtowns Revenue Total</u>		<u>5,918</u>
	<u>Net Debt Service SD 3/Southtowns Adjustments</u>		<u>0</u>
17600	Debt Svc - SD 6 Expense		
		550000 Principal - Bonds	14,966
		550800 Interest - Bonds	(9,322)
	<u>Debt Service SD 6 Expense Total</u>		<u>5,644</u>
	Revenue		
		475090 NYSEFC Bond Subsidy Income	5,644
	<u>Debt Service SD 6 Revenue Total</u>		<u>5,644</u>
	<u>Net Debt Service SD 6 Adjustments</u>		<u>0</u>

and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$100,000,000 in available 2022 funding established as fund reservations into 2023 for pay-as-you-go funding for the New Buffalo Bills Stadium, no transfer is required; and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$41,599,635 in available 2022 funding established as fund reservations into 2023 for the following items directly related to

the delayed Intergovernmental Transfer (IGT) Payments to Erie County Medical Center Corporation (ECMCC), no transfer is required:

Countywide		
2022 Disproportionate Share Hospital (DSH) Payments		\$ 39,013,497
2022 Upper Payment Limit (UPL) Payments		\$ 2,586,138

and be it further

RESOLVED, that authorization is hereby given to re-appropriate \$33,335,460 in available 2022 funding established as fund reservations into 2023 for the following items, no transfer is required:

Countywide		
Grant Local Share		\$ 3,034,123
2021 Budget Balancing PAYGO Capital - Unexpended		\$ 1,315,000
2022 Budgeted - All Other		\$ 228,000
Environment & Planning		
Storefront Revitalization Program		\$ 8,400,000
Legislature Directed Urban Initiatives Funding		\$ 2,400,000
Legislative Directed RENEW Plan Allocations - Unexpended		\$ 1,749,424
2020-22 Cultural & Community Benefit Funding - Unexpended		\$ 552,466
Poverty Initiative		\$ 400,000
Climate Action "PARIS" Fund		\$ 180,063
Equal Employment Opportunity, Diversity & Inclusion		
2022 Disparity Study - Allocated		\$ 500,000
2022 Disparity Study - Unallocated		\$ 500,000
Health		
Environmental Health Water Safety Program		\$ 225,000
Division of Health Equity ARP Funding - Unexpended		\$ 202,383
Community Health Center of Buffalo		\$ 175,000
Public Health Lab Cooperative Agreement with Monroe County		\$ 130,000
Homeland Security & Emergency Services		
Communication Tower Repairs		\$ 50,000
Law		
Risk Retention		\$ 3,520,262
Legislature		
Lab & Technical Equipment & Furniture - Unallocated		\$ 210,000
Mental Health		
Housing Options Program		\$ 350,000
Website Upgrades for Mental Health/Youth		\$ 100,000
Suboxone Initiative for Jail Management Division		\$ 54,023

Mobile Telephone App Development	\$ 50,000
V3iT Software (Per COMM 18E-26)	\$ 50,000
CCNY (Per COMM. 14E-12)	\$ 43,906
Murals at 120 West Eagle	\$ 2,650
Public Works - Highways	
AURIGO Capital Planning & Cost Management System	\$ 575,000
Municipal Capital Program Management	\$ 380,000
Sheriff's Office	
Radio Upgrade Project	\$ 1,500,000
Warehouse & Office Lease (Per COMM. 14E-20)	\$ 87,519
Social Services	
DSS Workforce Development Action	\$ 4,550,000
DSS Live Well Innovation	\$ 597,537
Training & Education	\$ 470,028
Employment Services	\$ 425,000
Domestic Violence Services	\$ 225,515
Raise the Age	\$ 150,000
Child Abuse Prevention	\$ 82,500
Preventative Services	\$ 8,067
SUNY Erie Community College	
Unemployment Cost Relief Funds	\$ 861,994

and be it further

RESOLVED, that authorization is hereby given to transfer \$4,679,739 in available 2022 funding for additional designations and establish re-appropriations into 2023 as follows:

Health and Human Services

EMS Ambulance Operations - Start-Up	\$ 2,954,739
EMS Ambulance Operations - Building Design & Construction	\$ 1,725,000

and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to amend the Department of Health's Division of Emergency Medical Services (EMS) 2023 Budget (Fund 110, Funds Center 12720) in the amount of \$2,954,739 for EMS Ambulance Operations start-up as necessary; and be it further

RESOLVED, that authorization is hereby given to create the following positions within EMS as of June 3, 2023, of which sufficient funding is available in EMS's 2023 Budget as included in the "EMS Ambulance Operations – Start-Up" appropriation above:

Department	Title	Status	Unit	JG	#	B100 #
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Health EMS	Director of Ambulance Services	FT	CSEA	13	1	13634
Health EMS	Paramedic Program Director	FT	CSEA	13	1	13635
Health EMS	Supervising Emergency Medical Technician - Paramedic	FT	CSEA	11	1	13636
Health EMS	Emergency Medical Technician - Paramedic II	FT	CSEA	10	5	13637
Health EMS	Emergency Medical Technician - Paramedic I	FT	CSEA	9	5	13638
Health EMS	Emergency Medical Technician - Paramedic I	PT	CSEA	9	6	13639
Health EMS	Advanced Emergency Medical Technician	FT	CSEA	8	4	13640
Health EMS	Emergency Medical Technician	RPT	CSEA	7	4	13684
Health EMS	Emergency Medical Technician	PT	CSEA	7	4	13732
Health EMS	Junior Administrative Assistant	FT	CSEA	7	1	13731
Health EMS	Emergency Communication Nurse	FT	NYSNA	11	2	13733

and be it further

RESOLVED, that authorization is hereby given to transfer \$261,437 in available 2022 funding for additional designations and establish re-appropriations into 2023 as follows:

Countywide	Salary Reserve	\$	261,437
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and be it further

RESOLVED, that authorization is hereby given to create the following positions as of June 3, 2023, of which sufficient funding is available in the 2023 Budget as included in the “Salary Reserve” appropriation above:

Department	Title	Status	Unit	JG	#	B100 #
HSES	Building Guard	FT	AFSCME	6	2	13676
Comptroller	Public Affairs Consultant	RPT	MC	16	1	13722
DPW B&G	Electrical Engineer	FT	CSEA	13	1	13646

and be it further

RESOLVED, that authorization is hereby given to upgrade the following positions as of June 3, 2023, of which sufficient funding is available in the 2023 Budget as included in the “Salary Reserve” appropriation above:

Department	Title	Status	Unit	Old JG	New JG	#	B100 #
HSES	Building Guard	FT	AFSCME	4	6	14	13674

HSES	Building Guard - Shift Supervisor	FT	AFSCME	5	7	2	13675
HSES	Coordinator of Building Security	FT	CSEA	9	10	1	13741

and be it further

RESOLVED, that authorization hereby given to transfer \$67,130,939 in available 2022 funding for additional designations and establish re-appropriations into 2023 as follows:

Countywide

New Stadium Pay-As-You-Go	\$ 25,000,000
Existing Stadium Debt Defeasance	\$ 9,421,977
Teamsters Contractual Reserve	\$ 900,000

Economic Development

2023 Storefront Revitalization Program	\$ 5,000,000
Renaissance Commerce Park Capital Fund	\$ 3,800,000
2022 November Storm Damage Fund	\$ 2,000,000
Erie County Healthcare Careers Program	\$ 280,000
Niagara Military Affairs Council	\$ 10,000

Education and Libraries

SUNY Erie CSEA & AFSCME Contract Reserve	\$ 3,492,316
Central Library - Evolv Weapons Detectors	\$ 510,976
Central Library - Teen/Kids Space Conversion	\$ 115,000
Buffalo Science Museum Eclipse 2024 Glasses	\$ 100,000
Chromebook Hotspot Lending Program	\$ 70,000
Central Library - Security Needs	\$ 60,000

General Services

New Jail & Corrections Center Pre-Construction	\$ 2,500,000
SUNY Erie Master Plan Phase 2 Pay-As-You-Go	\$ 2,500,000
Fed Aid William Street Reconstruction Phase 1 Pay-As-You-Go	\$ 1,628,000
Parks - Emery Maintenance Building Exterior Renovations	\$ 1,100,000
Parks - Winter Groomers	\$ 750,000
Rath Building Improvements Pay-As-You-Go	\$ 750,000
Parks Roads & Parking Lots Pay-As-You-Go	\$ 750,000
Kleinhans Capital Improvements Pay-As-You-Go	\$ 650,000
SUNY Erie North Campus Sports Field Complex Construction	\$ 500,000
Building & Grounds - Work Order System Expansion	\$ 300,000
Trailblazing Women Monument	\$ 250,000
Transit Road Sanitary Study	\$ 125,000

Health and Human Services

Youth Sports AED Kits	\$ 220,000
Civic Ready	\$ 150,000
Save the Michaels	\$ 100,000
211 - Outreach	\$ 100,000
Say Yes Summer Camp	\$ 100,000
Mural for 608 William Street	\$ 50,000
Feed More WNY	\$ 50,000
United Way Emergency Care Kits	\$ 25,000
Cornell Childcare Study	\$ 25,000
Public Safety	
District Attorney Discovery Local Share Grants Reserve	\$ 2,819,402
Probation Discovery Local Share Grants Reserve	\$ 403,268
Winter Storm Rating System	\$ 350,000
Emergency Operations Center Upgrades	\$ 175,000

and be it further

RESOLVED, that authorization is hereby given to make the following 2022 budget adjustments in order to establish funding for the re-appropriations into 2023 as outlined in the preceding resolve clauses:

Department	Account	Increase/ (Decrease)
Designations		
General Fund 110 - Expense Adjustments		
10110	County Executive's Office	
	516020 Professional Services Cont & Fees	420,000
	561410 Lab & Technical Equipment	70,000
	County Executive's Office Total	490,000
11400	District Attorney's Office	
	559000 County Share - Grants	2,819,402
	District Attorney's Office Total	2,819,402
120	Department of Social Services	
	516020 Professional Services Cont & Fees	250,000
	Department of Social Services Total	250,000
12210	DPW Commissioner's Office	
	516020 Professional Services Cont & Fees	300,000
	DPW Commissioner's Office Total	300,000

12610	Probation		
		559000	County Share - Grants
			403,268
	Probation Total		403,268
12700	Health Division		
		516020	Pro Ser Cnt and Fees
			50,000
	Health Division Total		50,000
12720	Emergency Medical Services		
		516045	Program Start-Up Costs
			2,954,739
		570050	InterFund Trans-Cap
			1,725,000
	Emergency Medical Services Total		4,679,739
1331010	Economic Development		
			WIB Health Professions
		518700	Opportunity
			280,000
	Economic Development Total		280,000
1332010	Community/Neighborhood Development		
			Storefront Community
		516340	Revitalization
			5,000,000
		517780	Save the Michaels of the World
			100,000
		518053	Niag Mil Affairs Council
			10,000
	Community/Neighborhood Development Total		5,110,000
1333020	Cultural Agencies		
		518064	Buffalo Society Natural Sciences
			100,000
	Cultural Agencies Total		100,000
14010	County-wide Acct Budget		
		504992	Full Time - Salaries
			261,437
		504998	Net Impact Teamsters
			900,000
		516020	Pro Ser Cnt and Fees
			4,500,000
		570000	Interfund Transfers Subsidy
			125,000
		570050	InterFund Trans-Cap
			25,000,000
	County-wide Acct Budget Total		30,786,437
14020	Interfund		
		570028	Interfund County Share Library
			685,976
		570040	Interfund Subsidy-Debt Service
			9,421,977

	570050	InterFund Trans-Cap	12,103,000
	Interfund Total		22,210,953
14030	Community College		
	575000	Interfnd Exp Non-Sub	3,492,316
	Community College Total		3,492,316
16410	Parks Department		
	561430	Building, Grounds & Heavy Eqmt	750,000
	Parks Department Total		750,000
16700	Homeland Security & Emergency Services		
	516020	Pro Ser Cnt and Fees	350,000
	Homeland Security & Emergency Services Total		350,000
Total Designations Expense			72,072,115

Designations

General Fund 110 - Revenue Adjustments

11400	District Attorney's Office		
	409010	State Aid - Other	2,819,402
	District Attorney's Office Total		2,819,402
120	Department of Social Services		
	414030	FMAP Revenue	640,002
	466070	Refunds P/Y Expenses	8,160,473
	Department of Social Services Total		8,800,000
12610	Probation		
	409010	State Aid - Other	403,268
	Probation Total		403,268
14010	County-wide Acct Budget		
	400050	Int&Pen on R P Taxes	1,771,163
	402000	Sales Tax EC Purp	16,513,962
	402100	1% Sales Tax-EC Purp	17,686,163
	402120	.25% Sales Tax	4,313,612
	402130	.5% Sales Tax	8,860,054
	402500	OTB Betting & Gaming	1,474,060

	402520 Gaming Facilities Aid	3,652,018
	<u>County-wide Acct Budget Total</u>	<u>54,271,032</u>
17000	Countywide Accounts - Comptroller	
	445030 Int & Earn - Gen Inv	4,769,527
	445040 Int & Earn-3rd Party	1,008,411
	<u>Countywide Accounts - Comptroller Total</u>	<u>5,777,938</u>
	<u>Total Designations Revenue</u>	<u>72,072,115</u>
	<u>Designations Net Impact</u>	<u>0</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive enter into contract with Bergmann and Associates to providing consulting services to assist the Department of Public Works with the continued implementation of the Cartegraph software system for GIS building inventory and a work order system for an amount not to exceed the \$300,000 “Highways – Work Order System Expansion” appropriation authorized above, with purchasing authority provided under the New York State Office of General Services; and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to make any additional 2022 and 2023 budgetary adjustments necessary to implement budgetary amendments, carry-forwards and the establishment of re-appropriations authorized in this resolution; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any further 2022 Budget adjustments that may be required based on inter-departmental budget balancing or adjusting entries identified by the Erie County Comptroller or the County’s independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose; and be it further

RESOLVED, that none of the aforesaid budget transfer items shall be deemed to approve, fund, or permit the physical alteration of the environment for any specific action or project identified above until the applicable environmental review(s) for the specific action or project is completed in accordance with the applicable laws, including but not limited to the New York State Environmental Quality Review Act (Art 8 of New York State Environmental Conservation Law); and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive’s Office, the Comptroller’s Office, the Department of Law, and the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

Amend 11th Resolve Clause as Follows:

Delete:

New Jail & Corrections Center – Pre-Construction - \$2,500,000

Add:

Public Safety Needs Assessment & Facility Feasibility Study - \$750,000

Public Safety Facilities – Pre-Construction - \$1,750,000

Jail Management Division (Community Reintegration Division Furniture Project) - \$45,000
Fund Center – 116 Account-561420 – Office Eqmt. Furniture & Fixtures

Jericho Road Community Health Center (Vive, Inc. Shelter)	\$150,000
Village of Farnham Volunteer Fire Department	\$5,000
Town of Brant	\$3,000
Langford-New Oregon Volunteer Fire Company	\$5,000
Hillcrest Volunteer Fire Company	\$5,000
Orchard Park Volunteer Fire Company	\$5,000
Windom Volunteer Fire Company	\$5,000
Boston Emergency Squad	\$20,000
Mortons Corners Fire Department	\$3,000
Village of North Collins Fire Department	\$5,000
Eden Fire Department	\$5,000
Brant-Farnham Historical Society	\$5,000
Operation Good Neighbor	\$5,000
Eden North Collins Food Pantry	\$5,000
WNY Southtowns Scenic Byway	\$10,000
Boston Free Library	\$2,000
Town of Collins Public Library	\$2,000
North Collins Public Library	\$2,000
Angola Public Library	\$2,000
Eden Public Library	\$2,000
Concord Public Library	\$2,000
Orchard Park Public Library	\$2,000
Foster Closet WNY	\$10,000
Clarence Fire District No. 1	\$30,000
Clarence Football Boosters	\$10,000
Village of Akron	\$25,000
Friendship Foundation	\$5,000
Amherst Youth Foundation	\$5,000
Buddy's Second Chance Rescue	\$5,000
Amherst South Rotary	\$2,500
Clarence Chamber of Commerce	\$7,500
Alden Historical Society	\$5,000

Alden Substance Abuse Coalition Prevention Coalition	\$3,000
Alden High School/ Bulldog Manufacturing	\$3,000
Town of Lancaster	\$30,000
Town of Cheektowaga	\$5,000
P.U.N.T Pediatric Cancer Collaborative	\$20,000
Boys & Girls Club of Depew-Lancaster	\$10,000
Alden Community Center	\$10,000
Lancaster Senior Center	\$10,000
716Patriots	\$4,000
Blossom in NY Inc.	\$10,000
Blossom Fire Company	\$10,000
Elma, Marilla, Wales Boys & Girls Club	\$10,000
Elma Conservation Club	\$10,000
Friends of Knox Farm	\$10,000
West Seneca Police Department	\$10,000
West Falls Center for the Arts	\$10,000
West Seneca Senior Center	\$5,000
Aurora Senior Center	\$5,000
West Seneca Cares, Inc.	\$5,000
Elma Historical Society	\$5,000
Office of the Aurora Town Historian	\$5,000
Roycroft Campus Corporation	\$5,000
Buffalo Friends of Folk Music, Inc.	\$20,000
O'Connell & Company Productions	\$20,000
Eggertsville Hose Company	\$20,000
Bangladeshi American Social & Cultural Org.	\$20,000
George F. Lamm Post #62	\$20,000
Town of Cheektowaga Senior Center	\$100,000
The EXE Jr. Program	\$15,000
African American Cultural Center	\$20,000
The Galactic Tribe	\$15,000
Michigan Str African American Heritage District	\$15,000
Ujima Company	\$25,000
Burchfield Penny Art Center	\$10,000
Every Bottom Covered	\$20,000
King Urban Life Center	\$20,000
Ramp Global Missions (Project Mona's House)	\$20,000
Erie Niagara Area Health Education Center (Melinated Moms)	\$15,000
Agape AME Church	\$10,000
Mother Earth Literacies	\$15,000
Hamburg Central School District – Union Pleasant Elementary School	\$100,000
Town of Tonawanda (Paramedics)	\$20,000
City of Tonawanda (Visual Arts Board)	\$10,000
American Legion Post 264	\$10,000
Hertel North Park Youth Baseball League	\$10,000
City of Tonawanda (Senior Center)	\$10,000
Parkside Community Association	\$10,000

Frank Lloyd Wright Martin House	\$20,000
Town of Tonawanda (Pocket Parks & Recreation)	\$10,000
Town of Grand Island (Police)	\$20,000
Boys & Girls Club of the Northtowns	\$20,000
James V. and Fay P. Ryan Paramedic Foundation	\$20,000
Buffalo Parent Teacher Organization	\$10,000
Tonawanda Community Gardens and Totes Project	\$20,000
American Legions Post # 1041	\$10,000

Add New Resolve Clause as Follows:

RESOLVED, the Public Safety Needs Assessment & Facility Feasibility Study must require a request for proposal process in accordance with Erie County procurement policies, and the request for proposal for the Public Safety Needs Assessment & Facility Feasibility Study shall include language that requires a racial equity lens evaluation, robust community engagement process, and an alternatives to new construction analysis in the scope of work for the study; and be it further

Add New Resolve Clause as Follows:

RESOLVED, the funds for the Public Safety Facilities – Pre-Construction at \$1,750,000 shall not be released until the Public Safety Needs Assessment & Facility Feasibility Study is completed and adopted by this honorable body; and be it further

MR. GILMOUR requested the separation of the 5th, 6th, and 7th Resolve Clauses, and moved to approve the balance of the item. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to approve the 5th Resolve Clause. MR. JOHNSON seconded.

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MS. VINAL. NOES: None. (AYES: 9; NOES: 0)

CARRIED UNANIMOUSLY.

MR. GILMOUR moved to approve the 6th Resolve Clause. MR. JOHNSON seconded.

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

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MS. VINAL. NOES: MR. GREENE, MR. MALCZEWSKI and MR. TODARO. (AYES: 6; NOES: 3)

CARRIED.

MR. GILMOUR moved to approve the 7th Resolve Clause. MR. JOHNSON seconded. MR. GREENE, MR. MALCZEWSKI and MR. TODARO voted in the negative.

CARRIED. (6-3)

FROM THE COMPTROLLER

Item 26 – (COMM. 8E-2) Comptroller Analysis of 2022 Budget Balancing Amendments & Designations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 27 – (COMM. 8E-3) Chaplain Agreements for Holding Center & Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MEYERS

Item 28 – (COMM. 8E-4) Letter Concerning Absence for Session No. 8

Received, filed and printed.

April 21, 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 April 27, 2023 Legislature Session #9. Due to recovery from recent surgery, I will be unable to attend the meeting.

Please enter the aforementioned into the Legislature's official record.

Sincerely,

Timothy J. Meyers
7th District Legislator

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 8E-5) ECSD Nos. 1 & 3 - Various Sanitary Sewer Replacements

Item 30 – (COMM. 8E-6) ECSD No. 3 - National Fuel Gas Distribution Corporation

Item 31 – (COMM. 8E-7) ECSD No. 3 - Niagara Mohawk Power Corporation

Item 32 – (COMM. 8E-8) EC Fair Housing Study - Authorization to Enter Into an Agreement with Consultant

Item 33 – (COMM. 8E-9) PILOT Agreement for Ellicott Town Center, City of Buffalo - Affordable Housing Development

Item 34 – (COMM. 8E-10) Chestnut Ridge Park Culvert PK-21 Stone Wall Replacement

Item 35 – (COMM. 8E-11) SUNY ECC City Campus, 2021 Ellicott St. Building - Clay Tile Roof Repair Rebid

Item 36 – (COMM. 8E-12) Grover Cleveland Golf Course Schenck House & Restroom Renovation Project Construction Award

The above eight items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 37 – (COMM. 8E-13) Personnel Adjustment - EC Department of Probation & Increased Appropriation for Electronic Monitoring

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF & COUNTY EXECUTIVE

Item 38 – (COMM. 8E-14) Tablet Program Expansion & Community Reintegration Office Furniture

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 39 – (COMM. 8E-15) Submission Pursuant to EC Code of Ethics

Received, filed and printed.

April 24, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Mr. Graber:

The purpose of this letter is to comply with our ethics law regarding relatives who hold government positions. The only relatives who are employed by governments in Erie County of whom I am aware are:

- My wife, Deborah L. Hardwick, an elementary teacher for the Buffalo Public Schools; and
- My daughter, Aubrey Hill, who is also an elementary teacher for the Buffalo Public Schools.

In addition, I am aware of the following relatives who live outside of Erie County and are employed by government entities:

- My sister, Peggy Holmes, who is employed by Broome Community College;
- My niece, Alicia Woodard, a police officer in Norwich, NY;
- My nephew, Ricky Green, a state trooper in Connecticut;
- My nephew, Jason Woodard, who is a police officer in Jackson Township, Pennsylvania; and
- My niece, Sidney Holmes, who is a teacher in the Chenango Valley Central School District in Broome County.

I also have numerous cousins and other relatives who I have lost contact with over the years. To my knowledge, though, none reside in Western New York and I am unaware of any who are employed by government.

Sincerely,

Kevin R. Hardwick
Erie County Comptroller

FROM LEGISLATOR MILLS

Item 40 – (COMM. 8E-16) Letter Concerning Absence for Session No. 8

Received, filed and printed.

April 24, 2023

Hon. April N.M. Baskin, Chair
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Chair Baskin,

I regret that I will unavoidably be unable to attend the session on April 27, 2023. I am scheduled to be out of town on that date for a business meeting.

Thank you.

Yours Truly,

John J. Mills
Erie County Legislator – 11th District

cc: Robert M. Graber, Clerk
Erie County Legislature

FROM THE SHERIFF

Item 41 – (COMM. 8E-17) Award On-Site Diagnostic Imaging Services for the Holding Center & Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

None.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 42 – (COMM. 8M-1) Metro Cash Flow Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 43 – (COMM. 8M-2) DEC Invites Public Comment About Brownfield Application for Site on East Huron St., Buffalo

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPT OF AGRICULTURE & MARKETS

Item 44 – (COMM. 8M-3) Final Notice of Intent to Undertake an Action within an Agricultural District, Grand Island

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 45 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, May 4, 2023, and the schedule will be distributed. Chair Baskin further announced that the next scheduled session of the Legislature will be held on Thursday, May 11, 2023.

Chair Baskin also announced a timetable to hold committee discussions and conduct a vote on the legislation concerning the new stadium complex in Orchard Park involving NYS and Buffalo Bills. She announced that the Economic Development Committee will conduct discussions on Wednesday, May 3, 2023 and Thursday, May 4, 2023, in the Chamber of the Legislature. Chair Baskin also announced that a Special Session of the Legislature will be held on Thursday, May 4, 2023, also in the Chamber of the Legislature, to conduct the vote on the new stadium complex package.

MEMORIAL RESOLUTIONS

Item 46 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Joan Ratajczak.

Item 47 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Robert Smith Jr.

Item 48 – Legislator Malczewski requested that when the Legislature adjourns, it do so in memory of Michelle Brennan.

ADJOURNMENT

Item 49 – 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, May 11, 2023 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, May 11, 2023 at 12:00 Noon.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

Minutes for Meeting No. 9

Attachments

Minutes for Meeting No. 9

ERIE COUNTY LEGISLATURE
MEETING NO. 9
SPECIAL MEETING
MAY 4, 2023

The Legislature was called to order by Chair Baskin.

All members present, except Legislator Meyers.

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

The Pledge of Allegiance was led by Mr. Mills.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 1 – MR. GILMOUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 7E-8 (2023). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

RE: New Stadium Complex in Orchard Park
Involving NYS and Buffalo Bills
(COMM. 7E-8, 2023)

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”); and

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; and be it further

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](#)

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

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MS. VINAL. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR BASKIN

Item 2 – (COMM. 9E-1) Letter Calling for Special Meeting

Received, filed and printed.

April 28, 2023

Robert M. Graber
Clerk of the Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Calling a Special Meeting of the Legislature

Dear Mr. Graber:

Please be advised that there is a pressing matter before the Erie County Legislature that needs immediate attention. Therefore, there is a need to call a Special Meeting of the Legislature.

Accordingly, pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a SPECIAL MEETING of the Erie County Legislature to be held on Thursday, May 4, 2023 at 2:00 p.m. in the Chambers of the Legislature, 4th Floor of Old County Hall, 92 Franklin Street, Buffalo, New York.

The purpose of the Special Meeting will be to discuss and potentially act on a Discharge from the Economic Development Committee, COMM. 7E-8 (2023), concerning "New Stadium Complex in Orchard Park Involving NYS and Buffalo Bills."

The items on the agenda of the Special Meeting will include COMM. 7E-8 (2023), a Discharge from the Economic Development Committee, my letter to you directing the calling of the Special Meeting, and your Memo as Clerk of the Legislature to Members of the Legislature calling the Special Meeting.

Thank you for your attention to this matter.

Sincerely,

April N.M. Baskin
Chair, Erie County Legislature

COMMUNICATIONS FROM THE DEPARTMENTS

FROM CLERK OF LEGISLATURE

Item 3 – (COMM. 9D-1) Special Meeting Notice

Received, filed and printed.

April 28, 2023

To: All Members of the Erie County Legislature

From: Robert M. Graber, Clerk

Subject: SPECIAL MEETING NOTICE FOR MAY 4, 2023

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, and under the direction of Chair April N.M. Baskin, there will be a Special Meeting of the Erie County Legislature on Thursday, May 4, 2023 at 2:00 p.m. in the Chambers of the Legislature, 4th Floor of Old County Hall, 92 Franklin Street, Buffalo, New York.

The Special Meeting will consider a Discharge from the Economic Development Committee, COMM. 7E-8 (2023), concerning "New Stadium Complex in Orchard Park Involving NYS and Buffalo Bills."

The items on the agenda of the Special Meeting will include COMM. 7E-8 (2023), Discharged from the Economic Development Committee, Chair Baskin's letter to me directing the calling of the Special Meeting, and my Memo as Clerk of the Legislature to Members of the Legislature calling the Special Meeting. The items are attached.

Thank you.

ANNOUNCEMENTS

Item 4 – Chair Baskin announced that the next scheduled session of the Legislature will be held on Thursday, May 11, 2023.

MEMORIAL RESOLUTIONS

Item 5 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of those who are no longer with us.

ADJOURNMENT

Item 6 – 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, May 11, 2023 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, May 11, 2023 at 12:00 Noon.

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

BASKIN

Celebrating and Honoring National Nurses Week

Attachments

NATIONAL NURSES WEEK

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MAY 8, 2023

Celebrating and Honoring National Nurses Week

WHEREAS, National Nurses Week is May 6-12 annually, and among other goals, the commemoration is intended to elevate and celebrate individuals in the nursing profession; and

WHEREAS, National Nurses Week is a time for everyone, individuals, employers, other health care professionals and community leaders to recognize the vast contributions and positive impact nurses have on a daily basis; and

WHEREAS, with over 4 million working nurses in the US today, nurses make up the highest percentage of the US healthcare workforce; and

WHEREAS, the depth and breadth of the registered nursing professionals meet the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, nurses play a vital role in providing healthcare services, sometimes being the first and only point of care in their communities; and

WHEREAS, during National Nurses Week, we celebrate and honor the dedication of nurses here at ECMC and throughout Erie County; and

WHEREAS, history will forever remember how our nurses and healthcare professionals answered and responded selflessly in our nation's time of need providing attentiveness and support in all healthcare facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses our thanks and sincere and heartfelt gratitude and blessings to all nurses and healthcare professionals for the compassion and care they provide to their patients; and be it further;

RESOLVED, that the Erie County Legislature hereby recognizes all nurses and healthcare professionals and honors and commemorates nurses during National Nurses Week.

Hon. April N.M. Baskin
Erie County Legislator, 2nd District

EC LEG NOV 4 '23 PM 4:52

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

BASKIN

Recognizing Apraxia Awareness Day

Attachments

APRAXIA AWARENESS DAY

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MAY 14, 2023

FC LEG MAY 4 '23 PM5:11

Recognizing Apraxia Awareness Day

WHEREAS, May 14, 2023 marks Childhood Apraxia of Speech Day during which awareness will be raised throughout Erie County about childhood apraxia of speech, an extremely challenging speech disorder that affects 1-in-1,000 children; and

WHEREAS, the month of May has been designated Apraxia Awareness Month and corresponds with May as Better Hearing and Speech Month, sponsored by the American Speech-Language-Hearing Association (ASHA); and

WHEREAS, Apraxia Awareness Day aims to unite community members, children with childhood apraxia of speech, their friends and family on May 14th to be an unstoppable, united force advocating for children with childhood apraxia of speech; and

WHEREAS, during Apraxia Awareness Day, workplaces around the country wear blue to celebrate children with apraxia of speech; and

WHEREAS, children diagnosed with apraxia generally have a good understanding of language and know what they want to say despite having some difficulty learning or carrying out the complex movements that underlie speech; and

WHEREAS, for parents who think their child may have CAS, there is help through consulting a Speech-Language Pathologist who can help diagnose and provide intensive and appropriate SLP intervention for CAS, as well as, other speech-language-learning-communication challenges; and

WHEREAS, without appropriate speech therapy intervention, children with apraxia will have diminished communication skills, but are also placed at high risk for secondary impacts in reading, writing, spelling, and other school-related skills; and

WHEREAS, the more conversations we start about apraxia, the greater the opportunities to exchange ideas and promote research and discovery; and

WHEREAS, public awareness about childhood apraxia of speech in Erie County is essential for families of children with childhood apraxia of speech and the professionals who support them to best advocate for needed services for children learning to use their own voice; and

WHEREAS, it is important to generate greater public awareness of CAS in Erie County among community members, physicians, education professionals, policy makers, and elected officials; and

WHEREAS, our highest respect goes to these children, as well as their families, for their effort, determination, and resilience in the face of such obstacles; and

WHEREAS, *Apraxia Awareness Day* a time meant to increase awareness as many communities gather together to spread knowledge, or simply reflect on raising awareness and understanding about childhood apraxia of speech.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body recognizes *Apraxia Awareness Day* and the admiration to our young people and adults of our community who selflessly act to educate themselves and others in becoming active and supportive role models in our community; and be it further

RESOLVED, May 14, 2023 is “Apraxia Awareness Day” and citizens of Erie County and surrounds are encouraged to work within their communities to increase awareness and understanding of childhood apraxia of speech; and be it further

RESOLVED, that the Erie County Legislature recognizes Courtney Malicki and her family as a strong advocate for Apraxia Awareness and for her commitment to building education around this disorder and for her effort, determination and resilience to improve the lives of all live with Apraxia.

Hon. April N.M. Baskin
Erie County Legislator, 2nd District

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

TODARO

Honoring the Elwood Jordans Insurance Agency as the Alden
Chamber of Commerce 2023 Business of the Year

Attachments

ELWOOD JORDANS INSURANCE

STATE OF NEW YORK

EC LEG MAY 5 '23 PM 2:35

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 2023 A.D.

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

Honoring the Elwood Jordans Insurance Agency as Alden Chamber of Commerce 2023 Business of the Year

WHEREAS, since its establishment in 1956, the Alden Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of businesses in the Alden Community; and

WHEREAS, on May 10, 2023, the Alden Chamber of Commerce hosted its Annual Awards Dinner, a spectacular event where the community celebrates businesses, individuals, organizations, and lifetime achievers for the positive impact their service has had on the quality of life in the town; and

WHEREAS, the awards that the Alden Chamber of Commerce gives are considered by many to be the highest honor bestowed in the Town of Alden; and

WHEREAS, the **Elwood Jordans Insurance Agency** is owned and operated by Brooks Bowman, a graduate of Alden High School, who currently serves as Director for the Alden Chamber of Commerce; and

WHEREAS, the **Elwood Jordans Insurance Agency** has six employees, boasting over sixty years of combined insurance experience, working for their clients to get the best coverage possible for the most competitive price; and

WHEREAS, in addition to offering excellent customer service, the **Elwood Jordans Insurance Agency** takes great pride in being a part of the Alden community and supports many different organizations, including the Alden Christian Theater Society, Alden Youth Baseball, and the Kiwanis Club.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate the **Elwood Jordans Insurance Agency** on receiving the **Alden Chamber of Commerce 2023 Business of the Year Award** and extend our sincere best wishes for many more years of success, growth, and prosperity.

FRANK. J TODARO

Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

TODARO

Recognizing Coach McKenzie Bezon, 2023 All-Bee Girls'
Basketball Coach of the Year

Attachments

COACH BEZON

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Coach McKenzie Bezon
2023 All-Bee Girls' Basketball Coach of the Year

WHEREAS, coaches help teach a student the value of teamwork, discipline, and a healthy attitude toward competition; and

WHEREAS, a coach can help a young person learn how to win gracefully and experience growth from defeat; and

WHEREAS, the best coaches are highly qualified teachers, friends, and counselors who help to instill essential attitudes in their charges that will serve them all of their lives; and

WHEREAS, coaches do not work for personal glory; their satisfaction comes from witnessing the achievements of those they have coached; and

WHEREAS, **McKenzie Bezon** started her career serving as the JV Girls' Basketball Coach for one year at Kendall High School in Orleans County, followed by two years as a Graduate Assistant Coach with the Daemen College Women's Basketball Team before becoming the Head Coach of the Depew High School Varsity Girls' Basketball Team; and

WHEREAS, under her leadership, Depew Varsity Girls' Basketball Team won a single season program record twenty-three games, the Division III and Section VI Class B-1 championships and advanced to the Far West Regional after winning the overall Class B title; and

WHEREAS, in recognition of her outstanding work, **McKenzie Bezon** was named the 2022-2023 All-Bee Girls' Basketball Coach of the Year, joining an elite group of coaches who have achieved this distinction.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **McKenzie Bezon** and recognize her immeasurable value to her students and the community.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

TODARO

Honoring Tyler DeKruger on Achieving the Rank of Eagle Scout

Attachments

TYLER DEKRUGER

STATE OF NEW YORK

EC LEG MAY 5 '23 PM2:34

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Tyler DeKruger on Achieving the Rank of Eagle Scout

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

WHEREAS, Tyler DeKruger of Troop 601, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and was celebrated at his Court of Honor on May 7, 2023, at Bowmansville Firehall; and

WHEREAS, Tyler DeKruger earned the twenty-two badges required in his quest to become an Eagle Scout, completed the National Youth Leadership Training, and is a Member of Order of The Arrow; and

WHEREAS, Tyler DeKruger's Eagle Scout Project was to help remove brush and debris, tilling and raking nine hundred sixty square feet of land in preparation for grass at the Buffalo Scholastic Rowing Association; and

WHEREAS, Tyler DeKruger oversaw volunteers for this project and had to secure equipment such as shovels and rakes to complete his project; and

WHEREAS, in addition to his dedication to scouting, Tyler DeKruger is a student at Lancaster Central High School, where he serves as a member and Captain of the Lancaster High School Air Rifle Team; and

WHEREAS, Tyler DeKruger will graduate from Lancaster Central High School in June of 2023 and plans to attend Akron University this fall.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor Tyler DeKruger for achieving the rank of Eagle Scout.

FRANK J. TODARO

Erie County Legislature, District 8

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

TODARO

Honoring Luciano Grande on Achieving the Rank of Eagle
Scout

Attachments

LUCIANO GRANDE

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Luciano Grande on Achieving the Rank of Eagle Scout

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

WHEREAS, **Luciano Grande** of Troop 601, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and was celebrated at his Court of Honor on May 7, 2023, at Bowmansville Firehall; and

WHEREAS, **Luciano Grande** earned thirty-four merit badges, including First Aid, Emergency Preparedness, Personal Management, Swimming, and Citizenship in the World, in his quest to become an Eagle Scout; and

WHEREAS, **Luciano Grande's** Eagle Scout Project was to help honor our veterans by placing flags on veterans' graves, planting flowers, spreading mulch, and clearing gravestones; and

WHEREAS, **Luciano Grande** oversaw fifty volunteers for over seven hours; and

WHEREAS, as a Lancaster Central High School student **Luciano Grande** is a member of the Academy of Hospitality and Tourism, National Honor Society, and Ski Club; and

WHEREAS, **Luciano Grande** will graduate from Lancaster Central High School in June of 2023 and plans to attend St. John Fisher University this fall.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Luciano Grande** for achieving the rank of Eagle Scout.

FRANK J. TODARO

Erie County Legislature, District 8

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

TODARO

Honoring Eric Frys on Achieving the Rank of Eagle Scout

Attachments

ERIC FRYS

STATE OF NEW YORK EC LEG MAY 5 '23 PM 2:35

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Eric Frys on Achieving the Rank of Eagle Scout

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

WHEREAS, **Eric Frys** of Troop 601, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and was celebrated at his Court of Honor on May 7, 2023, at Bowmansville Firehall; and

WHEREAS, **Eric Frys** earned the twenty-two badges required in his quest to become an Eagle Scout and is a Member of the Order of The Arrow; and

WHEREAS, **Eric Frys'** Eagle Scout Project was to help remove shrubbery, paint baseball benches, and clean out window wells at Hillview Baptist Church; and

WHEREAS, **Eric Frys** oversaw volunteers for this project and had to secure equipment such as chainsaws, gas-powered weedwhackers, and branch cutters to complete his project; and

WHEREAS, in addition to being an active member of the Boy Scouts, **Eric Frys** is a member of the Academy of Finance, Project Lead the Way, Science Honor Society, Math Honor Society, Varsity Basketball, and Varsity Volleyball as a student at Lancaster Central High School; and

WHEREAS, **Eric Frys** will graduate from Lancaster Central High School in June of 2023 and plans to attend the University of Tampa this fall.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Eric Frys** for achieving the rank of Eagle Scout.

FRANK J. TODARO

Erie County Legislature, District 8

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

VINAL

Acknowledging and Honoring Geoffrey and Robin Klein

Attachments

GEOFFREY & ROBIN KLEIN

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

EC LEG MAY 9 '23 AM 9:57

Acknowledging and Honoring Geoffrey and Robin Klein

WHEREAS, today, The Amherst Womens Interclub Council honors *Geoffrey and Robin Klein*, have been lifelong residents of Amherst; and

WHEREAS, *Geoffrey and Robin Klein* both represent Erie County through their hard work and collaborations in creating a “dynamic duo” best serving Amherst and Williamsville in multiple ways; and

WHEREAS, Geoffrey received his bachelors degree in Political Science from the University of Buffalo (May 1981) and also received his J.D (Law Degree) at the University of Buffalo (May 1985); and

WHEREAS, prior to his great work in his current role as Amherst Town Justice, Geoffrey served our country with the United States Marine Corps; and

WHEREAS, Geoffrey not only defended our country nationwide, but also served our country in Vietnam, Okinawa, South Korea and the Philippines before being Honorably discharged in 1971; and

WHEREAS, after his time with the United States Marine Corps, Geoffrey became a New York State Trooper for 20 years and later taught Criminal Justice at Erie Community College for 10 years; and

WHEREAS, Geoffrey has gone above and beyond as an advocate and hard worker through his efforts in community service as a member of the Jolly Boys of Williamsville, Scholarship Committee Chairman, Chair of the Concession Ride Committee, Amherst Youth and Community Coalition, Amherst Senior Center Advisory Board and much more; and

WHEREAS, Robin Klein, graduate of Williamsville North High School (c/o 1972), grew up with parents who encouraged and showed by example the importance of community service; and

WHEREAS, Robin is a current member of the Amherst Youth and Community Coalition, current member for 23 years and past president of the Women's Auxiliary Board of the Foundation of John R. Oishei Children's Hospital; and

WHEREAS, Robin served as a Past Girl Scout and Cub Scout Leader and voluntarily took a troop of Girl Scouts to Washington DC; and

WHEREAS, Robin has developed an extensive resume and has volunteered above and beyond as a member of the Jolly Boys of Williamsville in selling bracelets, ride tickets, serving lunches for the Cantalician children, volunteered in the Gift Shop and became a buyer for children's books and Buffalo apparel; and

WHEREAS, throughout their union in marriage (48 years), Geoffrey and Robin are blessed to have two wonderful children, Rebecca and Matthew, along with two grandsons, Carter and Cameron; and

WHEREAS, once a month on Thursdays, Geoff and Robin pick-up day-old bake goods from Tops Markets and deliver them to food pantries and the Friends of the Night People; and

WHEREAS, their assistance thus far is nothing short of outstanding, it is with great admiration that this Honorable Body acknowledges and thanks ***Geoffrey and Robin Klein*** for their devotion to serve the Town of Amherst, Village of Williamsville and receiving well-deserved praise throughout Erie County.

NOW, THEREFORE, BE IT

RESOLVED, it is with great honor that the Erie County Legislature congratulates ***Geoffrey and Robin Klein*** on phenomenal careers and commends this power couple on remaining dedicated and passionate members in the Town of Amherst and the Village of Williamsville where they will continue to serve those communities as we proudly honor them today on behalf of the Amherst Womens Interclub Council.

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

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

BASKIN

Honoring and Recognizing The Phi Omega Chapter of Omega
Psi Phi Fraternity, Inc. -- 100th Year Anniversary

Attachments

PHI OMEGA

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

EC LEG MAY 9 '23 AM 9:59

BUFFALO, NY, APRIL 29, 2023

*Honoring and Recognizing The Phi Omega Chapter of Omega Psi Phi
Fraternity, Inc. - 100 Year Anniversary*

WHEREAS, *The Phi Omega Chapter of Omega Psi Phi Fraternity, Inc.* celebrates 100 years as the first collegiate Black Greek Letter Organization chartered in the Greater Western New York area of the Niagara Frontier; and

WHEREAS, by historical account, Phi Omega Chapter is a graduate chapter conceptualized under the leadership of the Fraternity's founders: Ernest E. Just, Ph.D., Edgar A. Love, D.D., Oscar J. Cooper, M.D. and Frank Coleman, M.S; and

WHEREAS, on February 24, 1923, Phi Omega Chapter was chartered at the University at Buffalo, now named State University of New York at Buffalo; and

WHEREAS, the chartering line of the Chapter consisted of eleven (11) graduate and undergraduate men: Mosby B. McAden, Earl Payne, Christopher C. Jones, William Jackson, James Holbrock, F. Yerby Jones, Joseph J. Williams, Myron McGuire, Clarence Howard, V.H. Palmer and Theodore Daniels; and

WHEREAS, through the years, the men of Phi Omega demonstrate leadership and true bridge building, driven by their fraternal cardinal principles: manhood, scholarship, persevere and uplift in the community they serve; and

WHEREAS, in 1946, Phi Omega chartered Phi Epsilon at State University of Buffalo - the first undergraduate chapter of Omega Psi Phi Fraternity, Inc. on a college campus in Western New York of the Niagara Frontier; and

WHEREAS, in regards to signature programs, Phi Omega maintains over 25 social programs of both fraternally mandated and local initiatives that serve the Greater Niagara Frontier area, including Buffalo, New York; and

WHEREAS, their mandated programs include Achievement Week, College Endowment Fund, NAACP, Fatherhood and Mentoring, Health Initiatives, Scholarship, Social Action, Talent Hunt, Voter Registration, Education & Mobilization; and

WHEREAS, throughout their history, a number of Phi Omega men have been posthumously honored in having schools, centers, libraries, streetways and programs named, or renamed, after them in the City of Buffalo, New York over the Chapter's 100-year history; and

WHEREAS, Phi Omega is also noted as one of the chartering member- organizations of the Buffalo Pan-Hellenic Council, now known as the National PanHellenic Counsel of Western New York, Inc; and

WHEREAS, the historical roster of the Chapter has had over 300 active members in Chapter over the past 100 years; and

WHEREAS, today we salute Phi Omega, a 501 (c)(3) non-for-profit organization which has been historically comprised of men with substantial notoriety in the community as trailblazers in every professional area and as social sculptors in Buffalo, New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations and sincere appreciation to ***The Phi Omega Chapter of Omega Psi Phi Fraternity, Inc.***; and be it further

RESOLVED, that this Honorable Body thanks and extends our appreciation to ***The Phi Omega Chapter of Omega Psi Phi Fraternity, Inc.*** for their contributions to Erie County as we congratulate you on your 100th year Anniversary and wish this fraternity many more successful years to come!

Hon. April N.M. Baskin
Erie County Legislator, 2nd District

Hon. Robert M. Graber
Clerk of the Legislature

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

VINAL

Honoring Gary Schautt -- Celebrating 50 Years of Service with
the Eggertsville Hose Company

Attachments

GARY SCHAUTT

Legislative Proclamation Submitted

By Legislator Vinal

EC LEG MAY 9 '23 AM 9:57

*Re: Honoring Gary Schautt
Celebrating 50 years of Service with the Eggertsville Hose Company*

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

JOHNSON

Recognizing Military Appreciation Month 2023

Attachments

MILITARY APPRECIATION

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MAY 1- 31, 2023

Recognizing Military Appreciation Month 2023

EC LEG MAY 9 '23 AM 9:50

WHEREAS, the month of May officially marks Military Appreciation Month, a special month for both those currently serving in the military and our veterans; and

WHEREAS, May was chosen because it has many individual days marked to note our military's achievements, including Loyalty Day, established in 1921, Victory in Europe (VE) Day commemorating the end of WWII in Europe in 1945, Children of Fallen Patriots Day and the anniversary of the death of Osama bin Laden; and

WHEREAS, the purpose of designating an entire month as National Military Appreciation Month is to remind Americans of the service and sacrifice put forth by all of our military service members, both past and present; and

WHEREAS, the freedom and security that citizens of the United States enjoy today are direct results of the bloodshed and continued vigilance given by the United States Armed Forces over the history of our great nation; and

WHEREAS, throughout the month, military branches and installments across the globe are encouraged to establish or engage in community events that highlight military efforts as well as thank civilians for their support; and

WHEREAS, during these challenging times, Military Appreciation Month offers a time for national unity to honor, recognize, remember, and appreciate all those who have served, and continue to proudly serve our grateful state and nation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and honor Military Appreciation Month and gives a special thanks to the dedication and commitment of all military personnel and supports the observation of this month with appropriate ceremonies and activities.

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

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

VINAL

Honoring Past Fire Chief John Daniels -- 50 Years of Service
with the Eggertsville Hose Company

Attachments

JOHN DANIELS

Legislative Proclamation Submitted

By Legislator Vinal

*Re: Honoring Past Fire Chief John Daniels
Celebrating 50 years of Service with the Eggertsville Hose Company*

EC LEG MAY 9 '23 AM 9:57

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

MAJORITY CAUCUS

Recognizing National Blood Pressure Month - May 2023

Attachments

BLOOD PRESSURE MONTH

Legislative Proclamation Submitted

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

EC LEG MAY 9 '23 AM 9:

Re: National Blood Pressure Month- May 2023

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

MAJORITY CAUCUS

Honoring National Lupus Awareness Month - May 2023

Attachments

LUPUS MONTH

Legislative Proclamation Submitted

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

EC LEG MAY 9 '23 AM 9:57

Re: Honoring National Lupus Awareness Month - May 2023

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

BASKIN

Acknowledging Shai Arnold and For Grieving Daughters
Organization Celebrating 4th Annual Motherless-Daughter
Brunch

Attachments

SHAI ARNOLD

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

EC LEG MAY 9 '23 AM 9:57

*Acknowledging Shai Arnold and For Grieving Daughters Organization
Celebrating 4th Annual Motherless - Daughter Brunch*

WHEREAS, 4 years ago, *For Grieving Daughters*, an organization birthed as an essential need in our community for motherless women who needed a space where they felt seen, heard, understood and empowered; and

WHEREAS, Founder, *Shai Arnold*, a graduate of Hilbert College and devoted mother of 8-year Brenton, lost her mother at the age of 10 and didn't know how greatly she'd been impacted until she became a mother herself; and

WHEREAS, *For Grieving Daughters*, Shai created a life-changing opportunity to partner with young women ages 12 to 21 who have lost their mother or maternal figure, but are ready to embark on their journey through the stages of grief: Grieving, Healing, and Wholeness; and

WHEREAS, Shai has also created partnerships with female business owners who've also experienced the loss of their mother; and

WHEREAS, throughout the years, *For Grieving Daughters* has facilitated in advocating and providing educational, financial wellness, housing support and community service activities that have been tailored and perfected to meet the needs of grieving daughters; and

WHEREAS, this year marks the organizations 4th Annual Motherless - Daughter Brunch; and

WHEREAS, this Honorable Body supports grieving daughters and the community of women who continue to pour into and support them in dealing with the loss of their mothers.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body honors and thanks *Shai Arnold* and For Grieving Daughters for their outstanding efforts and leadership in hosting the *Celebrating 4th Annual Motherless - Daughter Brunch* and continuing to provide our community with essential resources and support grieving daughters in Erie County for many years to come.

Hon. April N.M. Baskin
Erie County Legislator, 2nd District

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

GREENE

Honoring Brothers of Mercy Wellness Campus on National
Nursing Home Week

Attachments

MERCY WELLNESS

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Brothers of Mercy Wellness Campus on National Nursing Home Week

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, Erie County has a rich history of caring for our aging population, recognizing the living history and precious resource of our senior citizens and valuing their lives and contributions to our community; and

WHEREAS, **National Nursing Home Week** begins on May 14, 2023, and ends on May 20, 2023, providing an opportunity for our community to recognize and celebrate the valuable contributions of nursing homes and their staff; and

WHEREAS, **Brothers of Mercy Wellness Campus** has been providing high-quality care and services to seniors in our community for many years, guided by its mission to provide a supportive, compassionate, and healing environment for those they are privileged to serve; and

WHEREAS, **Brothers of Mercy Wellness Campus** is committed to providing a comprehensive range of care options, including skilled nursing, rehabilitation services, memory care, and hospice care, tailored to meet the unique needs of each resident; and

WHEREAS, **Brothers of Mercy Wellness Campus** takes pride in its exceptional team of highly trained, skilled, and experienced healthcare professionals who bring a deep sense of compassion, empathy, and dedication to their work each day.

NOW, THEREFORE, BE IT RESOLVED, on the occasion of **National Nursing Home Week**, the Erie County Legislature pauses in its deliberations to honor and celebrate the staff at **Brothers of Mercy Wellness Campus** for their exceptional dedication to providing quality care and support to enhance the lives of our elderly population.

HON. CHRISTOPHER D. GREENE

Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

GREENE

Honoring and Congratulating Police Officer Keith
Felgemacher on His Retirement

Attachments

KEITH FELGEMACHER

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Honoring and Congratulating Police Officer
Keith Felgemacher on his Retirement**

WHEREAS, the contributions a police department makes to the quality of life for the residents they serve are immeasurable and made possible only by the dedication of the brave men and women of law enforcement; and

WHEREAS, for thirty-six years, *Police Officer Keith Felgemacher* has provided distinguished service to the Amherst Police Department, the residents of the Village of Williamsville, the Town of Amherst, and the public and private entities located in our community; and

WHEREAS, in 1987, *Police Officer Keith Felgemacher* was hired as a road patrol officer and later assigned to the department's Computer Division; and

WHEREAS, *Police Officer Keith Felgemacher* was presented the Meritorious Service Award in 1999; and

WHEREAS, throughout each step of his career, *Police Officer Keith Felgemacher* exhibited honesty, creativity, confidence, resilience, accountability, and decisiveness, all characteristics that contributed to his success as a law enforcement leader; and

WHEREAS, *Police Officer Keith Felgemacher's* leadership and communication skills inspired the more than one hundred fifty sworn officers and thirty-five employees of the Amherst Police Department who ensure the Town of Amherst remains one of the safest communities in the United States.

NOW, THEREFORE BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and congratulate *Police Officer Keith Felgemacher* on his retirement and wish him all the best in his future endeavors.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

GREENE

Honoring and Congratulating Amherst Police Officer Scott
Banning on His Retirement

Attachments

SCOTT BANNING

STATE OF NEW YORK

EC LEG MAY 9 '23 AM 9:49

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 11, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring and Congratulating Amherst Police Officer Scott Banning on His Retirement

WHEREAS, the contributions a police department makes to the quality of life for the residents they serve are immeasurable and made possible only by the dedication of the brave men and women of law enforcement; and

WHEREAS, *Officer Scott Banning* joined the Amherst Police Department in 2002 when he was hired as a road patrol officer; and

WHEREAS, for twenty years, *Officer Scott Banning* has provided distinguished service to the Amherst Police Department, the residents of the Village of Williamsville, the Town of Amherst, and the public and private entities located in our community; and

WHEREAS, throughout his career, *Officer Scott Banning* exhibited honesty, creativity, confidence, resilience, accountability, and decisiveness, all characteristics that contributed to his success as a law enforcement leader; and

WHEREAS, *Officer Scott Banning's* leadership and communication skills inspired the more than one hundred fifty sworn officers and thirty-five employees of the Amherst Police Department who ensure the Town of Amherst remains one of the safest communities in the United States.

NOW, THEREFORE BE IT

RESOLVED, the Erie County Legislature pauses in its deliberations to honor and congratulate *Amherst Police Officer Scott Banning* on his retirement and wish him all the best in his future endeavors.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

GREENE

Honoring the Cystic Fibrosis Association of Western New
York and Recognizing Cystic Fibrosis Awareness Month in
Erie County

Attachments

CYSTIC FIBROSIS

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring the Cystic Fibrosis Association of Western New York
and Recognizing Cystic Fibrosis Awareness Month in Erie County**

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

WHEREAS, the month of May is recognized as **Cystic Fibrosis Awareness Month** across the United States and is a time to raise awareness about this rare disease; and

WHEREAS, cystic fibrosis is a progressive, genetic disease that affects the lungs, pancreas, and other organs and impacts an estimated nearly forty thousand children and adults in the United States and one hundred five thousand people across ninety-four counties today; and

WHEREAS, the **Cystic Fibrosis Foundation** is leading the charge to find a cure for this terrible disease and supports a wide range of research initiatives to tackle the disease from all angles; and

WHEREAS, the **Cystic Fibrosis Foundation** has chapters across the United States, including the **Cystic Fibrosis Association of Western New York** located in Williamsville, New York, which assists in raising awareness and coordinating events locally to support its mission.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature pauses in its deliberations to honor the **Cystic Fibrosis Association of Western New York** for its work to defeat cystic fibrosis and recognize May as **Cystic Fibrosis Awareness Month** in Erie County.

CHRISTOPHER D. GREENE

Erie County Legislator – 6th District

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

MALCZEWSKI

Recognizing Lyme WNY During Lyme Disease Awareness
Month

Attachments

LYME WNY

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Recognizing Lyme WNY During
Lyme Disease Awareness Month**

WHEREAS, the Erie County Legislature feels it is the responsibility of Erie County to improve awareness of Lyme Disease and to inform our residents of the dangers and terrible effects of Lyme and other tick-borne illnesses; and

WHEREAS, May is recognized as **National Lyme Disease Awareness Month**; and

WHEREAS, Lyme WNY is a local organization dedicated to informing the general public about Lyme Disease and other tick-borne illnesses, as well as education regarding preventive measures and providing support to those who suffer from the disease; and

WHEREAS, Lyme Disease is a complex, multi-system illness, which, if caught early, can be treated with antibiotics, but if left untreated, can invade the nervous system, heart, and multiple organs of the body, causing years of pain, suffering, severe disability, and even death; and

WHEREAS, Western New York is one of the most heavily affected regions in the country, which facilitated the need for an organization to advocate, inform and support those who suffer from the long-term effects of Lyme Disease; and

WHEREAS, Lyme WNY holds a monthly meeting on the second Wednesday of each month at East Seneca Fire Company where those who suffer from Lyme Disease and their loved ones meet to discuss their struggles and experiences and give advice about living with the disease; and

WHEREAS, Lyme WNY has helped hundreds of families know that they do not suffer alone and educates thousands of people about the dangers of tick-borne illnesses, which will help prevent future cases.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize Lyme WNY for its efforts to educate and improve the health of the public during Lyme Disease Awareness Month.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

MILLS

Honoring Fox Run at Orchard Park on National Nursing
Home Week

Attachments

FOX RUN-NURSING HOME WEEK

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring Fox Run at Orchard Park on National Nursing Home Week

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, Erie County has a rich history of caring for our aging population, recognizing the living history and precious resource of our senior citizens and valuing their lives and contributions to our community; and

WHEREAS, **National Nursing Home Week** begins on May 14, 2023, and ends on May 20, 2023, providing an opportunity for our community to recognize and celebrate the valuable contributions of nursing homes and their staff; and

WHEREAS, **Fox Run at Orchard Park** has been providing high-quality care and services to seniors in our community for many years, guided by its mission to promote independence, health, quality of life, and dignity for each resident; and

WHEREAS, **Fox Run at Orchard Park** is committed to providing a comprehensive range of care options, including skilled nursing, rehabilitation services, memory care, and hospice care, tailored to meet the unique needs of each resident; and

WHEREAS, **Fox Run at Orchard Park** takes pride in its exceptional team of highly trained, skilled, and experienced healthcare professionals who bring a deep sense of compassion, empathy, and dedication to their work each day.

NOW, THEREFORE, BE IT RESOLVED, on the occasion of **National Nursing Home Week**, the Erie County Legislature pauses in its deliberations to honor and celebrate the staff at **Fox Run at Orchard Park** for their exceptional dedication to providing quality care and support to enhance the lives of our elderly population.

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

MILLS

Honoring the Jennie B. Richmond Nursing Home During
National Nursing Home Week

Attachments

JENNIE B. NURSING HOME

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring the Jennie B. Richmond Nursing Home During National Nursing Home Week

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, Erie County has a rich history of caring for our aging population, recognizing the living history and precious resource of our senior citizens and valuing their lives and contributions to our community; and

WHEREAS, **National Nursing Home Week** begins on May 14, 2023, and ends on May 20, 2023, providing an opportunity for our community to recognize and celebrate the valuable contributions of nursing homes and their staff; and

WHEREAS, the **Jennie B. Richmond Nursing Home** has been providing high-quality care and services to seniors in our community since 1974, guided by its mission statement to promote independence, health, quality of life, and dignity for each resident; and

WHEREAS, the **Jennie B. Richmond Nursing Home** is committed to providing a comprehensive range of care options, including skilled nursing, rehabilitation services, memory care, and hospice care, tailored to meet the unique needs of each resident; and

WHEREAS, the **Jennie B. Richmond Nursing Home** takes pride in its exceptional team of highly trained, skilled, and experienced healthcare professionals who bring a deep sense of compassion, empathy, and dedication to their work each day.

NOW, THEREFORE, BE IT RESOLVED, on the occasion of **National Nursing Home Week**, the Erie County Legislature pauses in its deliberations to honor and celebrate the staff at the **Jennie B. Richmond Nursing Home** for their exceptional dedication to providing quality care and support to enhance the lives of our elderly population.

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

MILLS

Celebrating the Wayland Brewing Company on Its Grand
Opening

Attachments

WAYLAND BREWING

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Celebrating Wayland Brewing Company on its Grand Opening

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, **Wayland Brewing Company** celebrated its grand opening on April 30, 2023; and

WHEREAS, an unstoppable team formed when accomplished entrepreneurs **Caryn Dujanovich** and **Brad Rowell** joined forces with **PJ Dunn**, a master brewer with sixteen years of experience, to purchase the historical landmark located at 3740 North Buffalo Street in Orchard Park and turn it into a one-of-a-kind brewery; and

WHEREAS, **Wayland Brewing Company** is a brewery that prides itself on its meticulous attention to detail and its unwavering commitment to providing a superior experience to its patrons; and

WHEREAS, **Wayland Brewing Company** has created an exciting beer menu with traditional German Lagers and modern India Pale Ales; and

WHEREAS, **Caryn Dujanovich, Brad Rowell, and PJ Dunn** have worked tirelessly to bring their vision of the peacefulness of yesteryear to **Wayland Brewing Company** with features such as the greenhouse-inspired taproom, inviting courtyard, fire pits, private suites, and a refined event space for weddings and celebrations.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to celebrate the opening of **Wayland Brewing Company** and recognize the entrepreneurial spirit and dedication of owners **Caryn Dujanovich, Brad Rowell, and PJ Dunn** and wish them much success in all their business ventures.

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

TODARO

Recognizing the Correctional Officers at the Erie County
Holding Center During National Correctional Officers' Week
May 7-13, 2023

Attachments

CORRECTIONAL HOLDING CENTER

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing the Correctional Officers
at the Erie County Holding Center During
National Correctional Officers' Week May 7-13, 2023**

WHEREAS, National Correctional Officers' Week was established by President Ronald Reagan on May 5, 1984, as a way to thank correctional officers for their services and celebrate their contributions to society; and

WHEREAS, correctional officers are trained law enforcement professionals dedicated to maintaining safe correctional facilities and ensuring the safety of their fellow officers, employees, incarcerated individuals, and the public; and

WHEREAS, correctional officers and employees are responsible for the custody, care, and rehabilitation of thousands of incarcerated individuals every year, as well as the maintenance of safe and secure facilities; and

WHEREAS, correctional officers and employees who support our criminal justice system are resourceful, capable, committed, patient, and persistent professionals; and

WHEREAS, Erie County has nearly seven hundred correctional officers and deputies who serve at the Erie County Correctional Facility and Erie County Holding Center; and

WHEREAS, it is important to recognize the work of these dedicated correctional officers and deputies who serve our community honorably in the face of tremendous challenges.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to celebrate Correctional Officers' Week in Erie County and thank the Erie County Holding Center officers and deputies for their service.

FRANK J. TODARO

Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

TODARO

Recognizing the Correctional Officers at the Erie County
Correctional Facility During National Correctional Officers'
Week May 7-13, 2023

Attachments

CORRECTIONAL FACILITY

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MAY 11, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing the Correctional Officers at the Erie County Correctional Facility During National Correctional Officers' Week May 7-13, 2023

WHEREAS, National Correctional Officers' Week was established by President Ronald Reagan on May 5, 1984, as a way to thank correctional officers for their services and celebrate their contributions to society; and

WHEREAS, correctional officers are trained law enforcement professionals dedicated to maintaining safe correctional facilities and ensuring the safety of their fellow officers, employees, incarcerated individuals, and the public; and

WHEREAS, correctional officers and employees are responsible for the custody, care, and rehabilitation of thousands of incarcerated individuals every year, as well as the maintenance of safe and secure facilities; and

WHEREAS, correctional officers and employees who support our criminal justice system are resourceful, capable, committed, patient, and persistent professionals; and

WHEREAS, Erie County has nearly 700 correctional officers and jail deputies who serve at the Erie County Correctional Facility and Erie County Holding Center; and

WHEREAS, it is important to recognize the work of these dedicated correctional officers and deputies who serve our community honorably in the face of tremendous challenges.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize Correctional Officers' Week in Erie County and thank the Correctional Officers' at the Erie County Correctional Facility for their service.

FRANK J. TODARO

Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

MILLS

Honoring Stanley Brown for Serving Our Country and
Community

Attachments

STANLEY BROWN

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Stanley Brown for Serving Our Country and Community

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

WHEREAS, **Stanley Brown**, born on March 5, 1925, is a lifelong resident of the Village of Angola; and

WHEREAS, at the age of eighteen, **Stanley Brown** was drafted into the Navy under the Selective Service Act and served as a Navy Seabee in the Pacific Campaign during World War II; and

WHEREAS, **Stanley Brown** served with distinction in Hawaii, where he helped build and repair seaplanes, and in the Philippines, where he drove Navy garbage trucks, before returning home in 1946; and

WHEREAS, in 1947, **Stanley Brown** met and married the love of his life, Geraldine Watson, and they were married for fifty-one years before her passing; and

WHEREAS, after the war, **Stanley Brown** returned home to Angola, NY, where he took over his father's plumbing business with his brother-in-law and operated it for fifty years; and

WHEREAS, **Stanley Brown** was honored for seventy-five years of service to the Orchard Park Odd Fellows Lodge No. 187, demonstrating his deep commitment to charitable work, civic engagement, and helping others in need.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Stanley Brown**, a true hero and patriot who embodies the best values of our country and has inspired us all to serve others and make a difference in the world.

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

MALCZEWSKI

Congratulating Anna Tavernier for Winning the 2023 Youth
of the Year Competition

Attachments

ANNA TAVERNIER

EC LEG MAY 8 '23 PM 4:30

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., MAY 11, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 11th day of May 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Congratulating Anna Tavernier for Winning the
2023 Youth of the Year Competition**

WHEREAS, for over seventy-five years, the Boys & Girls Club of America annually recognizes one outstanding young person as the Youth of the Year, selected after thousands of clubs participate in local, regional, and national competitions; and

WHEREAS, the Boys & Girls Club Collaborative of WNY recently held their Youth of the Year competition with the participation of clubs from Rochester, Jamestown, the Tonawandas, Orchard Park, East Aurora, Holland, Depew, and Elma, Marilla, and Wales; and

WHEREAS, after presentations and thorough vetting by a panel of judges, **Anna Tavernier** was selected as the **2023 Youth of the Year** representing Western New York; and

WHEREAS, **Anna Tavernier** is a senior at Holland High School who was named Salutatorian of her class, currently serves as a Youth Development Professional with the Boys & Girls Club of Holland, and has received several awards for leadership, academic success, and community service; and

WHEREAS, **Anna Tavernier** consistently displays the qualities of a well-rounded young adult and is recognized for her compassion for others, the courage to stand up for what is right, and her ability to balance a part-time job, numerous extracurricular activities, and community service, all while maintaining a 4.0 GPA and excelling in her academic studies; and

WHEREAS, **Anna** is endeavoring to become a doctor where her moral character, personal drive, and emotional maturity will undoubtedly propel her amazing achievements that will make her family, her Boys & Girls Club, and her entire community very proud for many years to come.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to congratulate **Anna Tavernier** on being named **2023 Youth of the Year** by the Boys and Girls Club Collaborative of WNY and wish her luck in achieving her goals and ambitions.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

TODARO

Honoring Christopher Gust for Being Named Alden Chamber
of Commerce 2023 Citizen of the Year

Attachments

CHRISTOPHER GUST

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

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

**Honoring Christopher Gust for Being Named
Alden Chamber of Commerce 2023 Citizen of the Year**

WHEREAS, since its establishment in 1956, the Alden Chamber of Commerce has been a dynamic organization dedicated to fostering the growth of business in the Alden Community; and

WHEREAS, on May 10, 2023, the Alden Chamber of Commerce hosted its Annual Awards Dinner, a spectacular event where the community celebrates businesses, individuals, organizations, and lifetime achievers for the positive impact their service has had on the quality of life in the town; and

WHEREAS, the awards that the Alden Chamber of Commerce gives are considered by many to be the highest honor bestowed in the Town of Alden; and

WHEREAS, **Christopher Gust** has been a resident of the Town of Alden for over sixty years, during which time he has put his business experience and commitment to service to work for the benefit of countless organizations, allowing him to make tremendous contributions that have had a positive impact on all who reside and do business in the town; and

WHEREAS, after graduating from Alden High School, **Christopher Gust** went on to earn his bachelor's degree in economics from Buffalo State College, graduating with honors; and

WHEREAS, upon graduation, he started his career at Alden State Bank, where he has worked for over thirty years, beginning as a teller and working his way up the corporate ladder to be named Vice President in charge of Deposit Operations; and

WHEREAS, **Christopher Gust** is a longstanding member of the Alden Chamber of Commerce, serving as Vice President and President.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to congratulate **Christopher Gust** on being named **Alden Chamber of Commerce 2023 Citizen of the Year** and extend our sincere thanks for his decades of service to the Town of Alden.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 05/11/2023

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
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Attachments

LL INTRO. 1-1 (2022)

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 of 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 hunters¹” 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



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).

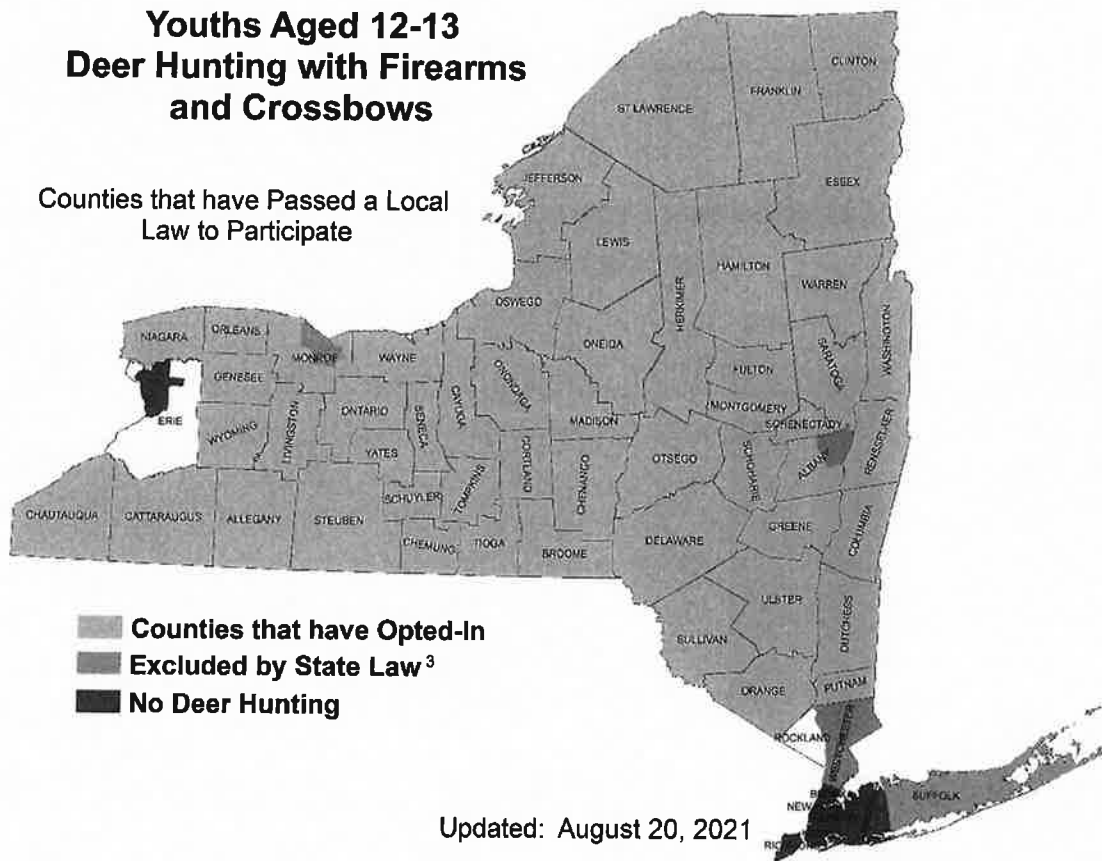
² Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York until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

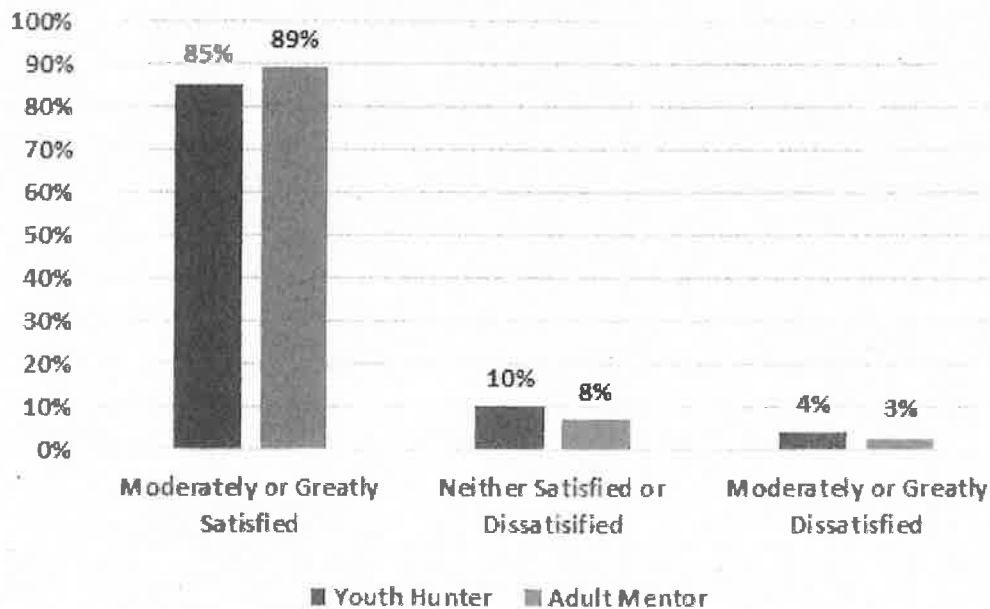
"The youth hunt is great...I think it builds a great trust and cooperation between DEC officers, young hunters and their parents, that extends well beyond the weekend. Great experience."

"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!"

How Satisfied were you with your Youth Big Game Hunting experiences?



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: 05/11/2023

SUBJECT

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

LL INTRO. 3-1 (2022)

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: 05/11/2023

SUBJECT

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

LL INTRO. 3-1 (2023)

COUNTY OF ERIE

LOCAL LAW INTRO NO. 3-1-2023

EC LEG MAR 21 '23 08:39

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(1) 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 its 501(c)((6) status, or alter its purpose so that its 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 therefor, 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: 05/11/2023

SUBJECT

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

LL INTRO. 2-2 (2023)

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: 05/11/2023

SUBJECT

LL INTRO. 5-1
(2023)

GILMOUR

The Service-Disabled Veterans Utilization Act

Attachments

LL INTRO. 5-1

COUNTY OF ERIE

LOCAL LAW INTRO NO. 5-1 -2023

LOCAL LAW NO. _____-2023

THE SERVICE-DISABLED VETERANS UTILIZATION ACT

A LOCAL LAW in relation to ensuring that service-disabled veterans have greater participation in Erie County contracts.

THEREFORE, BE IT ENACTED by the Legislature of the County of Erie, as follows:

SECTION 1. LEGISLATIVE INTENT

Erie County is home to many men and women who have faithfully served their country as members of military and national guard, some of whom became disabled during their service. It is the intent of the Erie County Legislature to honor this service and sacrifice for our nation by promoting and encouraging the continued economic development of service-disabled veteran-owned businesses by ensuring greater participation in County contracts.

SECTION 2. DEFINITIONS

The following terms shall have the meanings indicated:

1. "State-Certified Business" shall mean a business that is a certified service-disabled veteran-owned business under the New York State Service-Disabled Veteran-Owned Business Act.
2. "Departments and Offices" shall mean
 - a) Any County department; or
 - b) Any division, office or bureau of any County department, or Erie County Community College; or
 - c) A board, a majority of whose members are appointed by the County Executive or who serve by virtue of being County officers or employees.

SECTION 3. OUTREACH

The Erie County Office of Equal Employment Opportunity (the "EEO") shall be responsible for outreach to State Certified Businesses in order to encourage participation in public contract bidding opportunities. The EEO shall maintain a data base of all State-Certified Businesses.

SECTION 4. PARTICIPATION

All Departments and Offices of Erie County shall make good faith efforts to ensure State-Certified Businesses have greater participation in County contracts by aiming for at least a six percent participation rate of State-Certified Businesses on County contracts.

SECTION 5. RECORDS

All Departments and Offices of Erie County shall maintain documents reflecting the good faith efforts made by their Department.

SECTION 6. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of the 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.

SECTION 4. EFFECTIVE DATE

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

Sponsors:
John Gilmour

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

REPORT No. 6 PUBLIC SAFETY COMMITTEE

Attachments

PS Report No. 6

May 4, 2023

PUBLIC SAFETY COMMITTEE
REPORT NO. 6

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

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 6E-1 (2023)
JOHNSON: “Documents Supporting 3 Bell System for BPS”
(Chair’s Ruling)

2. COMM. 7E-10 (2023)

SHERIFF

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.
(5-0)

3. COMM. 8E-3 (2023)

SHERIFF

WHEREAS, the Erie County Sheriff’s Office maintains a chaplain unit to provide religious services and spiritual counseling to the incarcerated population at the Erie County Holding Center and the Erie County Correctional Facility inmates; and

WHEREAS, the Sheriff’s Office will enter into separate three-year agreements with Chaplain Frederick Gelsey and Chaplain Kenneth Simmons; and

WHEREAS, the chaplains shall be compensated \$50.00 per week; and

WHEREAS, the contracts will be paid from account 516020 – Professional Services and Fees and will not affect the 2023 operational 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 three-year contract with Frederick Gelsey, 217 Northampton Street, Buffalo, New York 14208, at a rate of \$50.00 per week for religious and spiritual services; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff’s Office and the Erie County Executive to enter into a three-year contract with Kenneth Simmons, 60 Stewart Avenue, Buffalo, New York 14211, at a rate of \$50.00 per week for religious and spiritual services; and be it further

RESOLVED, the contracts will be paid from account 516020 – Professional Services and Fees and will not affect the 2023 operational budget; 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 Budget and Management, the Erie County Comptroller’s Office, and the Chief of Administration of the Sheriff’s Office for implementation.
(5-0)

4. COMM. 8E-13 (2023)

COUNTY EXECUTIVE

WHEREAS, the Erie County Probation Department provides pretrial Release Under Supervision services for the courts as an alternative to incarceration; and

WHEREAS, bail reform legislation enacted by New York State in 2020 has significantly increased the caseloads of the Probation Officers providing pretrial Release Under Supervision services as well as the demand for electronic monitoring of released defendants; and

WHEREAS, the attached resolution requests authorization to add a Probation Officer position within the Erie County Probation Department to the pretrial services staff to address the increase in caseloads and the resulting increase in electronic monitoring of defendants; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department funding to address expenses related to the provision of Pretrial Services; and

WHEREAS, the Erie County Probation Department proposes to use a portion of this funding to add a Probation Officer position and to increase the 2023 budget amount for electronic monitoring; and

WHEREAS, these appropriations will not result in an increase in County funding of the existing Probation Department’s 2023-2025 Budgets and will be readdressed with the 2026 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes to add one Probation Officer position effective June 3, 2023 (B-100 #13653) in the 2023 Probation Department General Fund; and be it further

RESOLVED, that authorization is hereby given for the following budgetary increase in the 2023 Budget of the Probation Department to fund the cost of the new position and increases in electronic monitoring costs:

Probation Fund 110, Fund Center 12610		
<u>Account</u>	<u>Revenue</u>	<u>Increase</u>
409060	State Aid Pretrial Service	\$78,394
Account	Appropriation	Increase
500000	Full Time Salaries	\$32,632
502000	Fringe Benefit	\$16,316
516030	Maintenance Contracts	\$27,846
561410	Lab and Technical Equipment	<u>\$ 1,600</u>
		<u>\$ 78,394</u>

and be it further

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

RESOLVED, that certified copies of this resolution be sent to the: County Executive's Office, Division of Budget and Management, County Comptroller, Personnel Department, Department of Purchase and the Probation Department.
(5-0)

5. COMM. 8E-14 (2023)

SHERIFF & COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Sheriff’s Office has initiated a tablet program for the incarcerated population; and

WHEREAS, the tablets are used for educational, personal skill-building, and entertainment purposes; and

WHEREAS, the tablets are used in conjunction with service providers to enhance programming; and

WHEREAS, the Erie County Sheriff’s Office will purchase an additional 475 tablets and 70 charging carts from Keefe Commissary Network, which will provide greater access to the tablets for the incarcerated population at the holding center and the correctional facility; and

WHEREAS, the Erie County Sheriff’s Office will transfer \$82,000.00 from account 221800 – Telephone Revenue to account 561410 – Lab & Tech to purchase the tablets and charging carts; and

WHEREAS, the Sheriff’s Office created the Community Reintegration Division to provide educational, personal skill-building, and re-entry programming to the incarcerated population; and

WHEREAS, the Community Reintegration offices have moved to 134 West Eagle Street due to the expansion of services and the number of service providers; and

WHEREAS, the division needs additional office furniture to provide workstations for the increased county and non-county personnel within the office; and

WHEREAS, the Sheriff’s Office will transfer \$22,500.00 from account 221800 – Telephone Revenue to account 561420 – Office Furniture & Fixtures to purchase the furniture; and

WHEREAS, the office furniture will be purchased from Millington-Lockwood, an approved New York State bidder; and

WHEREAS, as of April 24, 2024, the Telephone Revenue Account's balance is \$537,396.00; and

WHEREAS, the Sheriff and the County Executive agree the tablet expansion program and the furniture for the Community Reintegration office are appropriate use of the funds; and

WHEREAS, this use of funds complies with COMM. 6E-24, 2013, which states that telephone revenue "shall be dedicated to the general operation of the Holding Center and Correctional Facility;" and

WHEREAS, these transfers will not have a fiscal impact on the 2023 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Division of Budget and Finance to transfer \$82,000.00 from account 221800 – Telephone Revenue to account 561410 – Lab & Tech to purchase the tablets and charging carts; and be it further

RESOLVED, the Erie County Legislature authorizes the Division of Budget and Finance to transfer \$22,500.00 from account 221800 – Telephone Revenue to account 561420 – Office Furniture & Fixtures to purchase the furniture; and be it further

RESOLVED, the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of purchasing the tablets and charging carts from Keefe Commissary Network; and be it further

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funds either remain in or returned to the Telephone Revenue Account; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer 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 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.

(5-0)

6. COMM. 8E-17 (2023)

SHERIFF

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 radiology imaging services; and

WHEREAS, Correctional Health has twice issued a Request for Proposal (RFP) for on-site diagnostic imaging services; and

WHEREAS, staff publicly published the RFP and contacted multiple vendors; and

WHEREAS, Buffalo Ultrasound was the only vendor to submit a proposal following the second publication of the RFP; and

WHEREAS, the vendor will provide the following, but not limited to, diagnostic imaging services: x-rays, ultrasound, Doppler, and echocardiographs; and

WHEREAS, the Sheriff's Office recommends that Buffalo Ultrasound be awarded the contract for RFP #2023-004VF; and

WHEREAS, the Erie County Sheriff's Office and the County of Erie shall enter into a three-year agreement with Buffalo Ultrasound for \$25,000.00 per year; and

WHEREAS, either party may terminate the agreement, with or without cause, with ten days written notice; and

WHEREAS, there are no fiscal implications on the operating budget. The professional services contract for diagnostic imaging services at the Erie County Holding Center and the Erie County Correctional Facility are funded in account:

516020	Professional Services	\$25,000.00
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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Sheriff's Office to award RFP #2023-004VF to Buffalo Ultrasound 388 Evans Street, Williamsville, New York 14221, for on-site diagnostic imaging services comprehensive for 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 Buffalo Ultrasound 388 Evans Street, Williamsville, New York 14221; and be it further

RESOLVED, the terms of the agreement are for three years at \$25,000.00, and either party may terminate the contract, with or without cause, with ten days written notice; and be it further

RESOLVED, the contract is funded in Fund Center 11650, in the following accounts:

516020	Professional Services	\$25,000.00
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and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any technical adjustments necessary 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.

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

REPORT No. 6 ECONOMIC DEVELOPMENT COMMITTEE

Attachments

ED Report No. 6

May 4, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 6

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

1. RESOLVED, the following item is hereby received, filed and referred to the ENERGY & ENVIRONMENT COMMITTEE:
 - a. COMM. 8E-5 (2023)
COUNTY EXECUTIVE: “ECSD Nos. 1 & 3 - Various Sanitary Sewer Replacements”
(Chair’s Ruling)
2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8M-1 (2023)
NFTA: “Metro Cash Flow Statements”
(Chair’s Ruling)
 - b. COMM. 8M-2 (2023)
NYSDEC: “DEC Invites Public Comment About Brownfield Application for Site on East Huron St., Buffalo”
(Chair’s Ruling)
 - c. COMM. 8M-3 (2023)
NYS DEPT OF AGRICULTURE & MARKETS: “Final Notice of Intent to Undertake an Action within an Agricultural District, Grand Island”
(Chair’s Ruling)
3. COMM. 8E-6 (2023)
COUNTY EXECUTIVE
WHEREAS, the Erie County Division of Sewerage Management (DSM) is in the design phase for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project; and

WHEREAS, it has been identified during the design phase that a proposed electrical substation for the Southtowns AWTF Expansion Project requires the relocation of an existing 2-inch diameter gas line owned by National Fuel Gas Distribution Corporation; and

WHEREAS, the DSM recommends executing right of way and gas line relocation agreements to allow the existing 2-inch diameter gas line to be moved.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of a 10-foot-wide right of way to be granted to National Fuel Gas Distribution Corporation within the bounds the Southtowns AWTF parcel, SBL No. 159.00-1-24, S-3690 Lake Shore Road, Buffalo, New York 14219, so that National Fuel Gas Distribution Corporation may lay, maintain, alter, operate, relocate, remove, abandon in place, extend, re-lay and change the size of a pipeline or pipelines and to install cathodic protection devices, cable, regulators, connections, meters, valves, fittings, and accessories and do such other activity as is necessary and/or convenient for system maintenance, transportation and distribution of gas, over, under and/or through via a new 2-inch diameter gas line, or future gas lines, as may be necessary to service the Southtowns AWTF; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Environment and Planning to sign any and all documentation requiring the signature of the property owner, including Right of Way and Gas Line Relocation Agreements, as it relates to the new gas line provided by National Fuel Gas Distribution Corporation for the Southtowns AWTF expansion project, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive’s Office, Division of Budget and Management, Department of Law, Department of Environment and Planning, and the Division of Sewerage Management.
(4-0) Chair Baskin not present for vote.

4. COMM. 8E-7 (2023)
COUNTY EXECUTIVE
WHEREAS, the Erie County Division of Sewerage Management (DSM) is in the design phase for the Southtowns Advanced Wastewater Treatment Facility (AWTF) Expansion Project; and

WHEREAS, it has been identified during the design phase that a proposed electrical substation for the Southtowns AWTF Expansion Project would require a new electrical service; and

WHEREAS, the DSM recommends granting Niagara Mohawk Power Corporation (NMPC) a 20-foot wide easement for the new electrical service and associated appurtenances.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves of a 20-foot wide easement to be granted to NMPC within the bounds the Southtowns AWTF parcel, SBL No. 159.00-1-24, S-3690 Lake Shore Road, Buffalo, New York 14219, so that NMPC may construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at their pleasure, abandon or remove electric facilities as may be necessary to service the Southtowns AWTF; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Environment and Planning to sign any and all documentation requiring the signature of the

property owner, including the easement agreement, as it relates to the new electrical service provided by NMPC for the Southtowns AWTF expansion project, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive's Office, Division of Budget and Management, Department of Law, Department of Environment and Planning, and the Division of Sewerage Management.
(4-0) Chair Baskin not present for vote.

5. COMM. 8E-8 (2023)
COUNTY EXECUTIVE

WHEREAS, the need for developing additional units of affordable housing is a priority for Erie County; and

WHEREAS, Erie County recognizes that various urban, suburban and rural communities within the County seek to explore creation of new units but may lack the technical expertise relative to siting such developments; and

WHEREAS, the County recognizes that studying existing zoning, public transit, and neighborhood amenity patterns relative to affordable housing development is beneficial in strategically locating such sites; and

WHEREAS, Erie County has solicited proposals from qualified professional planning consultants for proposals to undertake such Affordable Housing Study; and

WHEREAS, the results of the selection process are included as an attachment to this resolution as outlined in the Erie County Administrative Code 26.08; and

WHEREAS, Erie County desires to work with Dr. Jason Knight, AICP (SUNY Buffalo State) to produce such Study; and

WHEREAS, this Affordable Housing Study is intended to assist Erie County and local municipalities with bringing additional units of affordable housing online.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement to provide professional planning services to conduct an Affordable Housing Study in an amount not to exceed \$30,000 with Dr. Jason Knight, AICP (SUNY Buffalo State); and be it further

RESOLVED, that an amount of \$30,000 be allocated from the 2023 Erie County Budget in fund 110, fund center 16200, general ledger 516020; and be it further

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

RESOLVED, that this resolution takes effect from and after its date of adoption; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive's Office; County Attorney; Comptroller's Office; Division of Budget and Management; and Department of Environment and Planning.
(4-0) Chair Baskin not present for vote.

6. COMM. 8E-9 (2023)
COUNTY EXECUTIVE

WHEREAS, Ellicott Town Center Project consists of the acquisition, rehabilitation, and preservation of 281 units for low income tenants within four high-rise tower buildings located at 211 & 233 East Eagle Street, and 202 & 214 South Division Street, the Shiloh Senior Homes townhomes-style facility at 245 East Eagle Street and parcels at 215 East Eagle Street, 216 East Eagle Street and 243 East Eagle Street; 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 Ellicott Town Center LLC and First Shiloh 2 Housing Development Fund Company, Inc. to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given for the County Executive to execute a Payment in Lieu of Taxes (PILOT) Agreement with Ellicott Town Center LLC, First Shiloh 2 Housing Development Fund Company, Inc., and the City of Buffalo and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

**SCHEDULE A
PILOT Payments**

Year	Total	City	County
1	\$ 114,572	\$ 85,929	\$ 28,643
2	\$ 118,009	\$ 88,507	\$ 29,502
3	\$ 121,550	\$ 91,163	\$ 30,387
4	\$ 125,196	\$ 93,897	\$ 31,299
5	\$ 128,952	\$ 96,714	\$ 32,238
6	\$ 132,821	\$ 99,616	\$ 33,205
7	\$ 136,805	\$102,604	\$ 34,201
8	\$ 140,909	\$105,682	\$ 35,227
9	\$ 145,137	\$108,853	\$ 36,284
10	\$ 149,491	\$112,118	\$ 37,373
11	\$ 153,976	\$115,482	\$ 38,494
12	\$ 158,595	\$118,946	\$ 39,649
13	\$ 163,353	\$122,515	\$ 40,838
14	\$ 168,253	\$126,190	\$ 42,063
15	\$ 173,301	\$129,976	\$ 43,325

(4-0) Chair Baskin not present for vote.

7. COMM. 8E-10 (2023)

COUNTY EXECUTIVE

WHEREAS, the Stone Walls at Culvert PK-21 in Chestnut Ridge Park are deteriorating and causing a potential safety hazard of the travelling public; and

WHEREAS, the replacement of the stone Walls at Culvert PK-21 in Chestnut Ridge Park (Project CAP-PK-21-WALL-22) was approved by your Honorable Body via COMM 17E-15 (2021) and COMM 9E-6 (2022); and

WHEREAS, unforeseen conditions found during the construction resulted in additional construction costs, an extended construction schedule, and the need for additional construction inspection; and

WHEREAS, the work performed was beyond the scope of the original project and therefore requires additional funding; and

WHEREAS, the County Executive and department of Parks, Recreation & Forestry desires to execute a Change Order with the Contractor, McLaughlin Construction Corp. dba Edbauer Construction, for the increase in construction costs estimated at \$31,000 for the Construction phase of the project; and

WHEREAS, the County Executive and department of Parks, Recreation & Forestry desires to execute an Amendment with the Consultant, Greenman-Pedersen, Inc., with an increase in funding for the Construction Inspection phase of the Project estimated at \$5,000; and

WHEREAS, the additional \$36,000 needed for the Change Order and Amendment is available from Fund 410, Funds Center 164, Project A.21112 - 2021 Countywide Parks Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute any necessary Change Orders with the Project Contractor; McLaughlin Construction Corp. dba Edbauer Construction in an amount not to exceed \$31,000; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute any necessary Amendments with the Project Consultant, Greenman-Pedersen, Inc. in an amount not to exceed \$5,000; and be it further

RESOLVED, that the additional funds for the Project will be allocated from Fund 410, Funds Center 164, Project A.21112- 2021 Countywide Parks Improvements; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive's Office, Division of Budget and Management, Department of Parks, Recreation, and Forestry.

(4-0) Chair Baskin not present for vote.

8. COMM. 8E-11 (2023)

COUNTY EXECUTIVE

WHEREAS, from 2010 to 2012, exterior restorations of the Ellicott Street Building were completed which included replacing the existing asphalt shingles and the sloped roof cladding on the street side around the perimeter of the building with a clay tile roof that duplicates the original; since then, a

number of localized failures have occurred on the clay tile roof system that has compromised pedestrian safety; and

WHEREAS, in 2018 after several localized failures at the City campus, the Department of Public Works contracted with a Register Roofing Consultant to perform a forensic analysis to determine the cause for the roof failures; and

WHEREAS, after onsite investigations were performed, the forensic analysis revealed that neither the calculated design resistance of the tiles as installed, nor the prescriptive guidelines referenced in the design documents provided a structurally-sound, code-compliant roof assembly for the Ellicott Street Building; and

WHEREAS, the investigation and analysis also revealed that the lifting and/or separation of clay tile units from the building is primarily due to a failure of the smooth shank copper roofing nails that secure the clay tile units to the underlying horizontal wood batten and the existing roof mortar filler material at all hip locations is failing; and

WHEREAS, remedial action is necessary to ensure that the clay tile units that are currently anchored with smooth shank nails be re-installed with screws to the underlying horizontal wood battens to eliminate their potential to become dislodged by wind and fall to grade; and

WHEREAS, the Department of Public Works coordinated with the Department of Law to determine if there was any recourse to the original design consultant from the 2010 project to hold them accountable, however, it was determined that we were outside the statute of limitations on the project resulting in the inability to hold the original design consultant accountable; and

WHEREAS, based on the forensic analysis and the inability to hold the original design consultant accountable, a different design consultant was selected through the County's standard RFP process to prepare documents to make the necessary corrective action to the existing roof system; and

WHEREAS, the County of Erie previously received bids for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair project on Tuesday, December 20, 2022, however the bid prices far exceeded the consultant's pre-bid estimate, the scope was reduced to approximately half of the roof areas; and

WHEREAS, the County of Erie received bids for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project on Tuesday, March 14, 2023; and

WHEREAS, the lowest bidder failed to submit their Experience Questionnaire as part of the sealed proposal rendering them non-responsive, making it so that their bid could not be considered in accordance with the Erie County Local Law 2-2021; and

WHEREAS, the lowest responsible bidder for the General Construction Work is Jos A. Sanders & Sons, Inc.; and

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

WHEREAS, the Department of Public Works and Bell & Spina Architects-Planners PC are recommending award of the contract to the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the lowest responsible bidder for the SUNY Erie Community College City Campus 2021 Ellicott Street Building Clay Tile Roof Repair REBID project for an amount not to exceed as follows:

General Construction Work

Jos. A. Sanders & Sons, Inc.	Base Bid:	\$ 3,701,344.00
Total Award of General Construction	Contract:	\$ 3,701,344.00

and be it further

RESOLVED, that the sum of \$298,656 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

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

E.14006 2014 ECC Code Compliance (Collegewide)	\$ 146.33
E.15004 2015 ECC Code Compliance (Collegewide)	\$ 23,528.00
E.17005 2017 ECC Code Compliance (Collegewide)	\$ 36,568.49
E.18005 2018 ECC Code Compliance (Collegewide)	\$ 1,150.00
E.19001 2019 Collegewide Improvements and Renovations	\$ 370,360.48
E.20001 2000 Collegewide Improvements and Renovations	\$ 1,569,546.70
E.21150 2021 ECC City Roof	\$ 1,998,700.00
For a Total Amount Not to Exceed	\$ 4,000,000.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, and one copy to SUNY Erie and Financial Officer. (4-0) Chair Baskin not present for vote.

9. COMM. 8E-12 (2023)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has identified a capital improvement project at Grover Cleveland Golf Course to renovate the existing historic Grover Schenk House and Restroom Building; and

WHEREAS, the Department of Public Works and Watts Architecture and Engineering, DPC are recommending award of the contracts to the lowest responsible bidder for the General, Mechanical, Electrical and Plumbing Contract received on March 8, 2023; and

WHEREAS, the County Executive is requesting authorization to enter into an agreement with the lowest responsible bidder for the Grover Cleveland Golf Course Schenck House and Restroom Renovation Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts with the lowest responsible bidders for the Project for an amount not to exceed as follows:

General Construction Work

<u>Walter Johnson Building Co., Inc.</u>	Base Bid:	\$ 1,089,604
Total Award of General Construction Contract:		\$ 1,089,604

Mechanical Construction Work

<u>John W. Danforth Company</u>	Base Bid:	\$ 156,500
Total Award of General Construction Contract:		\$ 156,500

Electrical Construction Work

<u>CIR Electrical Construction Corporation</u>	Base Bid:	\$ 198,550
Total Award of Electrical Construction Contract:		\$ 198,550

Plumbing Construction Work

<u>M.K.S Plumbing Corp.</u>	Base Bid:	\$ 49,000
Total Award of Electrical Construction Contract:		\$ 49,000

and be it further

RESOLVED, that the sum of \$150,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from the previously approved, as adopted Capital Projects in Fund 410, Funds Center 122 as follows:

<u>A.21162 – 2021 Parks Managed by DPW</u>	\$1,643,654
Total not to exceed	\$1,643,654

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 Comptroller's Office, the Division of Budget and Management, and the Department of Parks, Recreation & Forestry. (4-0) Chair Baskin not present for vote.

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

INTRO. 10-1

BASKIN

RENEW Plan Funding Re-Allocation

Attachments

23INTRO. 10-1

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

WHEREAS, the GBUAHN was awarded \$200,000 in RENEW Plan funding by the Erie County Legislature in Comm. 18E-18 (2021) in Erie County Department of Health Fund Center 12700, Account 516020; and

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

WHEREAS, this Honorable Body, in partnership with the District Attorney, is looking to collaborate with United States District Court for the Western District of New York ("WDNY") and New York State Office of Court Administration ("OCA") on an effort to increase the diversity of Erie County's juries; and

WHEREAS, WDNY, OCA, and Erie County have agreed to share the costs of the Jury Diversification Project with services provided by Causewave who was chosen after months of analysis and vetting performed by numerous committees and subcommittees from the entities described above as well as by more than a dozen community agencies.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to transfer funds previously reserved for the GBUAHN Health Home Fund 110, Fund Center 12700, Account #516020 – Professional Services, Contracts, and Fees to Fund 110, Fund Center 1332010 and reallocate \$15,000 for the Jury Diversification Project; 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 Purchase is authorized to create any necessary documents to facilitate the granting of funds for the Jury Diversification Project; 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 the Division of Purchase, the Director of Budget and Management, and any other party deemed necessary and proper.

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

INTRO. 10-2

MALCZEWSKI

Supporting the Separation of Policy and
Financial Issues in the New York State Budget

Attachments

23INTRO. 10-2

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

Re: Supporting the Separation of Policy and Financial Issues in the New York State Budget

WHEREAS, the New York State budget was approved on May 2, 2023, thirty-two days after the April 1 deadline for passing such a budget; and

WHEREAS, over the past forty years, the New York State budget has only been passed on time on twelve occasions; and

WHEREAS, it is vitally important for the New York State budget to be passed on time; and

WHEREAS, this is especially true for New York State's counties and other municipalities, the majority of whom approve annual budgets which commence on January 1, months before the New York State budget; and

WHEREAS, delaying the passage of the New York State budget gives counties and municipalities less time to react and make adjustments based on the New York State final approved budget; and

WHEREAS, for example, Erie County now has thirty-two less days to plan and make adjustments to its budget to offset the damage done by New York State choosing to keep eFMAP funds for itself, instead of sharing them with counties as was originally intended; and

WHEREAS, one issue that has been identified as preventing the passage of an on-time budget is the comingling of financial and policy issues within the budget; and

WHEREAS, in an effort to prevent policy issues from hampering the passage of a budget funding billions of dollars of important services and infrastructure improvements, a bill has been introduced in the New York State Senate; and

WHEREAS, New York State Senate bill S. 4486 seeks to limit the budget to financing programs which exist in New York State law, as well as proposed programs which would modify New York State law, but requiring that policy determinations, such as the existence of programs and the rules and regulations governing the programs, be voted on separately; and

WHEREAS, in addition to facilitating an on-time budget, such a requirement would enable New York State Senate and Assembly members to better perform their duty of serving as checks and balances on their co-equal branch of government, because they would not be forced to accept issues without appropriate contemplation and discussion, at the risk of jeopardizing the entire New York State budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the passage and enactment of New York State Senate bill S. 4486 in that it separates fiscal and policy decisions from being comingled in the New York State budget; and be it further

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

Fiscal Implications: None.

STATE OF NEW YORK

4486

2023-2024 Regular Sessions

IN SENATE

February 9, 2023

Introduced by Sens. GALLIVAN, BORRELLO, HELMING, OBERACKER, O'MARA, ORTT, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to article 7 of the constitution, in relation to items of appropriation

1 Section 1. Resolved (if the Assembly concur), That section 3 of arti-
2 cle 7 of the constitution be amended to read as follows:

3 § 3. At the time of submitting the budget to the legislature the
4 governor shall submit:

5 (a) a bill or bills containing all the proposed appropriations and
6 reappropriations included in the budget [~~and~~], provided, however, that
7 such appropriations and reappropriations shall be consistent with and
8 constrained by the provisions of existing state law at the time of
9 submission or consistent with proposed legislation intended to amend
10 such existing law, except for monetary amounts where appropriate; and

11 (b) the proposed legislation, if any, recommended therein, which shall
12 be in a nonappropriation bill or bills separate and distinct from the
13 appropriation bill or bills.

14 The governor may at any time within thirty days thereafter and, with
15 the consent of the legislature, at any time before the adjournment ther-
16 eof, amend or supplement the budget and submit amendments to any bills
17 submitted by him or her or submit supplemental bills.

18 The governor and the heads of departments shall have the right, and it
19 shall be the duty of the heads of departments when requested by either
20 house of the legislature or an appropriate committee thereof, to appear
21 and be heard in respect to the budget during the consideration thereof,
22 and to answer inquiries relevant thereto. The procedure for such appear-
23 ances and inquiries shall be provided by law.

24 § 2. Resolved (if the Assembly concur), That section 6 of article 7 of
25 the constitution be amended to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD89093-01-3

1 § 6. Except for appropriations contained in the bills submitted by the
2 governor and in a supplemental appropriation bill for the support of
3 government, no appropriations shall be made except by separate bills
4 each for a single object or purpose. All such bills and such supple-
5 mental appropriation bill shall be subject to the governor's approval as
6 provided in section 7 of article IV.

7 ~~[No provision shall be embraced in any]~~ Any appropriation bill submit-
8 ted by the governor or ~~[in]~~ such supplemental appropriation bill ~~[unless~~
9 ~~it relates]~~ shall only contain items of appropriation and descriptions
10 thereof. Such item of appropriation shall not contain multiple items
11 unless separately scheduled and shall, where practicable, include iden-
12 tification of the statutory basis for such expenditure. Such
13 description:

14 (a) shall relate specifically to some particular appropriation in the
15 bill~~[, and any such provision shall be limited in its operation to such~~
16 ~~appropriation]~~;

17 (b) shall identify the object or purpose of the appropriation to the
18 extent necessary for the legislature and public to effectively review
19 the proposed appropriation;

20 (c) shall not include the conditions, rules or requirements of a
21 program to be funded thereby; provided any such conditions, rules or
22 requirements shall be separately set forth by the governor in either
23 nonappropriation bills containing proposed legislation or the additional
24 budgetary information submitted by the governor in accordance with
25 section two of this article; and

26 (d) shall not abrogate or modify an existing provision of law,
27 provided, however, the governor may propose such modifications to an
28 existing provision of law in nonappropriation bills in accord with
29 subdivision (b) of section three of this article.

30 § 3. Resolved (if the Assembly concur), That the foregoing amendment
31 be referred to the first regular legislative session convening after the
32 next succeeding general election of members of the assembly, and, in
33 conformity with section 1 of article 19 of the constitution, be
34 published for 3 months previous to the time of such election.

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

INTRO. 10-3	TODARO	Supporting Kyra's Law in the New York State Senate and Assembly
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Attachments

INTRO. 10-3

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

Re: Supporting Kyra's Law in the New York State Senate and Assembly

WHEREAS, Kyra Franchetti was a Nassau County toddler who was ordered by the court to have unsupervised visits with her father, despite being notified that her father was dangerous, angry and suicidal; and

WHEREAS, Kyra's mother's pleas for the court protect Kyra were dismissed, with the judge remarking that it was "not a life-or-death" situation; and

WHEREAS, while on a court-sanctioned unsupervised visit with her father in Virginia, Kyra was murdered and her father committed suicide by burning his house down while in it; and

WHEREAS, research is now available regarding domestic violence and child abuse that was not available when custody courts developed their current practices; and

WHEREAS, courts have been slow to integrate this research; and

WHEREAS, most judges, lawyers and evaluators do not have the requisite training and background to properly evaluate certain domestic violence and child abuse cases; and

WHEREAS, New York State Senate bill S.7425 and Assembly Bill A.5398A encourages a multidisciplinary approach that would include experts in domestic violence and child abuse; and

WHEREAS, the bills would require an evidentiary hearing within 60 days of the filing of a verified pleading to make a determination upon competent admissible evidence and enter findings regarding child abuse, family violence or domestic abuse; and

WHEREAS, the bills would require the court to prioritize the health and safety of a child when making a decision based on the best interest of a child; and

WHEREAS, the bills would prevent the courts from presuming that a child's deficient or negative relationship with a parent was caused by the other parent and a child's contact with the primary attachment figure will not be restricted as a means of attempting to improve the deficient relationship; and

WHEREAS, the bills would require that in cases where domestic violence or child abuse has occurred, the court would not base decisions on a legal presumption of shared parenting; and

WHEREAS, the bills would also allow the court to order payment of legal fees for both parties by the abuser, if the abuser is so able; and

WHEREAS, the bills would require judges and court personnel handling child custody cases in which one or both of the parties have alleged domestic violence or child sexual abuse to complete training for the handling of such cases at least once annually; and

WHEREAS, additional modifications would also be implemented to protect children in abusive relationships, as outlined in the bills, copies of which are attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the passage and enactment of New York State Senate bill S. 7425 and Assembly bill A. 5398A, commonly known as Kyra's Law; and be it further

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

Fiscal Implications: None.

STATE OF NEW YORK

7425

2021-2022 Regular Sessions

IN SENATE

October 8, 2021

Introduced by Sens. KAPLAN, GOUNARDES -- read twice and ordered printed,
and when printed to be committed to the Committee on Rules

AN ACT to amend the domestic relations law, in relation to establishing
"Kyra's Law"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known as and may be cited as
2 "Kyra's Law".

3 § 2. Paragraph (a) of subdivision 1 of section 240 of the domestic
4 relations law, as amended by chapter 567 of the laws of 2015, is amended
5 to read as follows:

6 (a) In any action or proceeding brought (1) to annul a marriage or to
7 declare the nullity of a void marriage, or (2) for a separation, or (3)
8 for a divorce, or (4) to obtain, by a writ of habeas corpus or by peti-
9 tion and order to show cause, the custody of or right to visitation with
10 any child of a marriage, the court shall require verification of the
11 status of any child of the marriage with respect to such child's custody
12 and support[~~, including any prior orders, and shall enter orders for~~
13 ~~custody and support~~] as, in the court's discretion, justice requires,
14 having regard to the circumstances of the case and of the respective
15 parties and to the best interests of the child and subject to the
16 provisions of subdivision one-c of this section. Where either party to
17 an action concerning custody of or a right to visitation with a child
18 alleges in a sworn petition or complaint or sworn answer, cross-peti-
19 tion, counterclaim or other sworn responsive pleading that the other
20 party has committed an act of child abuse against such child, or commit-
21 ted an act of domestic violence against the party making the allegation
22 or a family or household member of either party, as such family or
23 household member is defined in article eight of the family court act,
24 [~~and such allegations are proven by a preponderance of the evidence, the~~
25 ~~court must consider the effect of such domestic violence upon the best~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD09163-01-1

1 ~~interests of the child, together with such other facts and circumstances~~
2 ~~as the court deems relevant in making a direction pursuant to this~~
3 ~~section and state on the record how such findings, facts and circum-~~
4 ~~stances factored into the direction] the court must first, before
5 considering any other best interest factors, hear and determine upon
6 competent admissible evidence such allegations set forth, and enter any
7 findings regarding any child abuse or domestic abuse. The evidentiary
8 hearing for such determination shall be held within sixty days of the
9 filing of a verified pleading. The court shall not be precluded from
10 issuing any necessary emergency orders to protect the child. All costs,
11 including attorney and expert fees incurred by the non-offending parent
12 and the child, to prepare for and participate in such evidentiary hear-
13 ing, shall be paid by the parent who is found to have committed child
14 abuse or domestic violence, unless the offending parent has insufficient
15 means to fund such activities. If a parent makes a good faith allega-
16 tion based on a reasonable belief supported by facts that the child is
17 the victim of child abuse, child neglect, or the effects of domestic
18 violence, and if that parent acts lawfully and in good faith in response
19 to that reasonable belief to protect the child or seek treatment for the
20 child, then that parent shall not be deprived of custody, visitation or
21 contact with the child, or restricted in custody, visitation or contact,
22 based solely on that belief or the reasonable actions taken based on
23 that belief. If [~~an allegation that a child is abused is supported by a~~
24 ~~preponderance of the evidence, then the court shall consider such~~
25 ~~evidence of abuse in determining the visitation arrangement that is in~~
26 ~~the best interest of the child, and the court shall not place a child in~~
27 ~~the custody of a parent who presents a substantial risk of harm to that~~
28 ~~child, and shall state on the record how such findings were factored~~
29 ~~into the determination. Where a proceeding filed pursuant to article ten~~
30 ~~or ten-A of the family court act is pending at the same time as a~~
31 ~~proceeding brought in the supreme court involving the custody of, or~~
32 ~~right to visitation with, any child of a marriage, the court presiding~~
33 ~~over the proceeding under article ten or ten-A of the family court act~~
34 ~~may jointly hear the disposition's hearing on the petition under article~~
35 ~~ten or the permanency hearing under article ten-A of the family court~~
36 ~~act and, upon referral from the supreme court, the hearing to resolve~~
37 ~~the matter of custody or visitation in the proceeding pending in the~~
38 ~~supreme court; provided however, the court must determine custody or~~
39 ~~visitation in accordance with the terms of this section] the court finds
40 a pattern of domestic violence or child abuse by a parent, the court
41 shall award sole custody of the child to the non-offending parent or
42 party and shall suspend visitation or only award professionally super-
43 vised visitation to the parent engaged in a pattern of violence or
44 abusive behavior. If the court does not make a finding that a party has
45 engaged in a pattern of domestic violence or child abuse, the court may
46 not refuse to consider additional evidence of domestic violence or child
47 abuse presented later in the case.~~~~

48 An order directing the payment of child support shall contain the
49 social security numbers of the named parties. In all cases there shall
50 be no prima facie right to the custody of the child in either parent.
51 Such direction shall make provision for child support out of the proper-
52 ty of either or both parents. The court shall make its award for child
53 support pursuant to subdivision one-b of this section. Such direction
54 may provide for reasonable visitation rights to the maternal and/or
55 paternal grandparents of any child of the parties. Such direction as it
56 applies to rights of visitation with a child remanded or placed in the

1 care of a person, official, agency or institution pursuant to article
2 ten of the family court act, or pursuant to an instrument approved under
3 section three hundred fifty-eight-a of the social services law, shall be
4 enforceable pursuant to part eight of article ten of the family court
5 act and sections three hundred fifty-eight-a and three hundred eighty-
6 four-a of the social services law and other applicable provisions of law
7 against any person having care and custody, or temporary care and custo-
8 dy, of the child. Notwithstanding any other provision of law, any writ-
9 ten application or motion to the court for the establishment, modifica-
10 tion or enforcement of a child support obligation for persons not in
11 receipt of public assistance and care must contain either a request for
12 child support enforcement services which would authorize the collection
13 of the support obligation by the immediate issuance of an income
14 execution for support enforcement as provided for by this chapter,
15 completed in the manner specified in section one hundred eleven-g of the
16 social services law; or a statement that the applicant has applied for
17 or is in receipt of such services; or a statement that the applicant
18 knows of the availability of such services, has declined them at this
19 time and where support enforcement services pursuant to section one
20 hundred eleven-g of the social services law have been declined that the
21 applicant understands that an income deduction order may be issued
22 pursuant to subdivision (c) of section fifty-two hundred forty-two of
23 the civil practice law and rules without other child support enforcement
24 services and that payment of an administrative fee may be required. The
25 court shall provide a copy of any such request for child support
26 enforcement services to the support collection unit of the appropriate
27 social services district any time it directs payments to be made to such
28 support collection unit. Additionally, the copy of any such request
29 shall be accompanied by the name, address and social security number of
30 the parties; the date and place of the parties' marriage; the name and
31 date of birth of the child or children; and the name and address of the
32 employers and income payors of the party from whom child support is
33 sought or from the party ordered to pay child support to the other
34 party. Such direction may require the payment of a sum or sums of money
35 either directly to the custodial parent or to third persons for goods or
36 services furnished for such child, or for both payments to the custodial
37 parent and to such third persons; provided, however, that unless the
38 party seeking or receiving child support has applied for or is receiving
39 such services, the court shall not direct such payments to be made to
40 the support collection unit, as established in section one hundred
41 eleven-h of the social services law. Every order directing the payment
42 of support shall require that if either parent currently, or at any time
43 in the future, has health insurance benefits available that may be
44 extended or obtained to cover the child, such parent is required to
45 exercise the option of additional coverage in favor of such child and
46 execute and deliver to such person any forms, notices, documents or
47 instruments necessary to assure timely payment of any health insurance
48 claims for such child.

49 § 3. The domestic relations law is amended by adding a new section
50 240-d to read as follows:

51 § 240-d. Custody and visitation; health and safety of the child. 1.
52 For the purposes of this section, the following terms shall have the
53 following meanings:

54 (a) "Adverse childhood experiences" means any stressful or traumatic
55 experience of a child during such child's childhood which are strongly
56 related to the development and prevalence of a wide range of health

1 problems throughout such child's lifetime, including, but not limited
2 to, physical or sexual abuse, domestic violence, parental mental
3 illness, substance abuse, and incarceration.

4 (b) "Parental alienation" means claims that a child has become
5 estranged from a parent or legal guardian as the result of psychological
6 manipulation by the other parent or legal guardian.

7 (c) "Victim of domestic violence" shall have the same meaning as
8 defined in section four hundred fifty-nine-a of the social services law.

9 (d) "Friendly parent" means the propensity of a parent to actively
10 support a child's contact and relationship with the other parent, or the
11 ability of such parent to cooperate in, and resolve disputes, regarding
12 matters affecting such child.

13 (e) "Primary attachment figure" means the parent who best provides
14 emotional security and comfort to the child and takes into consideration
15 which parent provided most of the child care during the first two years
16 of the child's life.

17 2. Notwithstanding any other provision of law to the contrary, a court
18 making a determination based on the best interests of a child pursuant
19 to the provisions of this chapter shall prioritize and promote the
20 health and safety of such child when making such determinations. Promot-
21 ing the safety of a child shall include preventing direct physical
22 and/or emotional harm to such child and creating situations that may
23 decrease the likelihood such child will engage in harmful behaviors.

24 3. Prior to the issuance of any form of an order of custody or visita-
25 tion, the court shall determine the safety of the child who is the
26 subject of such order by considering all relevant factors and by giving
27 weighted consideration to those factors which affect the health and
28 safety of such child, which shall include, but not be limited to:

29 (a) whether either parent is more likely to ensure the health and
30 safety of the child. There shall be a rebuttable presumption that custo-
31 dy or visitation shall not be awarded to a parent or party who jeopard-
32 izes the health and safety of the child;

33 (b) the negative consequences associated with separating the child
34 from its primary attachment figure;

35 (c) whether either parent jeopardizes the health and safety of the
36 child by unreasonably placing the child at substantial risk of severe
37 emotional distress or bodily injury;

38 (d) any present or past abuse committed by a parent, or a member of a
39 parent's household against the child, regardless of whether there is
40 continued risk of harm to the child;

41 (e) whether either parent has committed an act of child abuse against
42 the child, or committed an act of domestic violence against the party
43 making the allegation, a family member, or a household member of either
44 party;

45 (f) whether either parent is better able and more likely to attend to
46 the daily physical, emotional, developmental, educational and special
47 needs of the child;

48 (g) any history of violence or abuse committed by a parent or a member
49 of a parent's household against:

50 (1) any other party;

51 (2) another child in the parent's household; or

52 (3) the child's other parent or any other individual who currently
53 resides, or formerly resided, in the other parent's household;

54 (h) any fear held by the child of a parent based on such parent's
55 specific conduct that is contrary to the child's best interest, and
56 specifically to the child's health and safety; and

1 (i) the presence of adverse childhood experiences, and whether either
2 parent's behaviors have contributed to the presence of adverse childhood
3 experiences for such child.

4 4. (a) The court shall not presume that a child's deficient or nega-
5 tive relationship with a parent was caused by the other parent, nor
6 shall a child be separated from a parent found to be the primary attach-
7 ment figure for the purpose of improving a deficient relationship with
8 the other parent.

9 (b) Concerns regarding unconscious or subliminal parental alienation
10 shall not be admissible in any proceeding for custody or visitation and
11 shall not be considered in assessing a child's best interests.

12 (c) No psychological or medical theories or labels related to a
13 child's resistance to contact with one parent shall be admitted into
14 evidence unless they are based on empirical proof of scientific reli-
15 ability and validity and generally accepted by the scientific and
16 professional community.

17 (d) No reunification treatment or any similar program shall be ordered
18 by the court without scientifically valid and generally accepted proof
19 of the effectiveness and therapeutic value of such treatment or program;
20 nor shall a treatment or program be ordered which is predicated on sepa-
21 rating a child from the child's primary attachment figure.

22 (e) Any order attempting to remediate a child's resistance to contact
23 or visitation with a parent shall address any parental behaviors or
24 contributions the court determines to be the cause of, either wholly or
25 in part, such resistance.

26 (f) In cases where the court has found a parent to be a victim of
27 domestic violence and/or where child abuse has occurred or is occurring,
28 a court shall not consider whether either parent is a friendly parent.

29 5. In cases where the court has found a parent to be a victim of
30 domestic violence and/or where child abuse has occurred or is occurring:

31 (a) the court shall not base decisions on a legal presumption of
32 shared parenting; and

33 (b) all costs, including attorney and expert fees, incurred by the
34 non-offending parent and the child, shall be paid by the parent who is
35 found to have committed child abuse or domestic violence, unless the
36 offending parent has insufficient means to pay such costs.

37 6. (a) Before judges and other court professionals handle child custo-
38 dy proceedings in which one or more parties have alleged domestic
39 violence or child abuse, they shall complete at least twenty hours of
40 initial training for the handling of such cases. The office of children
41 and family services shall, within amounts appropriated for such purpose,
42 contract exclusively with a nonprofit entity designated by the federal
43 department of health and human services to coordinate statewide improve-
44 ments within local communities, social services systems, and programming
45 regarding the prevention and intervention of domestic violence in the
46 state of New York, and other nonprofit entities with whom it subcon-
47 tracts with expertise in child abuse and adverse childhood experiences
48 to develop such training. Such entity, or entities in partnership, shall
49 be responsible for providing such training to judges and other court
50 professionals handling child custody proceedings and for reviewing and
51 updating training topics at least once every two years. Such training
52 shall include, but not be limited to:

53 (1) a review of relevant statutes and case law pertaining to domestic
54 violence and child abuse;

55 (2) the dynamics and effects of domestic violence and child abuse,
56 including but not limited to, emotional, financial, physical, technolog-

1 ical and sexual abuse, and an understanding of the barriers and fears
2 associated with reporting domestic violence and child abuse and why
3 victims may not have documented evidence of abuse;

4 (3) tactics commonly used by one party to induce fear in another party
5 or child, including verbal, emotional, psychological, and/or economic
6 abuse, isolating tactics and efforts to build trust and an emotional
7 connection with a child to support future manipulation, exploitation and
8 abuse, coercive control, threats, controlling and harassing behaviors,
9 including monitoring of a partner's location and activities, litigation
10 abuse and demands for custody or joint custody in order to pressure the
11 partner to return or punish the partner for leaving;

12 (4) knowledge of trauma, particularly as it relates to sexual abuse
13 and the risks posed to children and the long-term dangers and impacts
14 posed by the presence of adverse childhood experiences;

15 (5) the increased risk of escalating violence that occurs during child
16 custody proceedings;

17 (6) education regarding the harm courts may cause children in child
18 custody cases where domestic violence or child abuse is present by rely-
19 ing on non-scientific theories such as parental alienation, parental
20 alienation syndrome, the friendly parent concept, or any other theory or
21 label that is not supported by scientific research and not generally
22 accepted by the scientific community;

23 (7) the investigation process once a law enforcement agency or a local
24 department of social services has received a report of suspected child
25 abuse, including the limitations of investigating reports of suspected
26 child abuse; and

27 (8) appropriate experience and qualifications of child custody evalu-
28 ators and mental health treatment providers.

29 (b) Once initial training requirements have been met, judges and other
30 court professionals handling child custody proceedings in which one or
31 more parties have alleged domestic violence or child sexual abuse shall
32 complete at least ten hours of training every two years in order to
33 remain eligible to handle such proceedings.

34 § 4. Subdivision (a) of section 70 of the domestic relations law, as
35 amended by chapter 457 of the laws of 1988, is amended to read as
36 follows:

37 (a) (i) Where a minor child is residing within this state, either
38 parent may apply to the supreme court for a writ of habeas corpus to
39 have such minor child brought before such court; and on the return ther-
40 eof, the court, on due consideration, may award the natural guardian-
41 ship, charge and custody of such child to either parent for such time,
42 under such regulations and restrictions, and with such provisions and
43 directions, as the case may require, and may at any time thereafter
44 vacate or modify such order. In all cases there shall be no prima facie
45 right to the custody of the child in either parent, but the court shall
46 determine solely what is for the best interest of the child, and what
47 will best promote its welfare and happiness, and make award accordingly.
48 Where either party to an action concerning custody of or a right to
49 visitation with a child alleges in a sworn petition or complaint or
50 sworn answer, cross-petition, counterclaim or other sworn responsive
51 pleading that the other party has committed an act of child abuse
52 against such child, or committed an act of domestic violence against the
53 party making the allegation or family or household member of either
54 party, as such family or household is defined in section four hundred
55 fifty-nine-a of the social services law, the court must first, before
56 considering any other best interest factors, conduct an evidentiary

1 hearing and enter findings regarding any child abuse or domestic abuse,
2 as described pursuant to section two hundred forty-a of this chapter.

3 (ii) Notwithstanding any other provision of law to the contrary, a
4 court making a determination based on the best interests of a child
5 pursuant to the provisions of this chapter shall prioritize and promote
6 the health and safety of such child when making such determinations.
7 Promoting the safety of such child shall include preventing direct phys-
8 ical and/or emotional harm to such child and creating situations that
9 may decrease the likelihood such child will engage in harmful behaviors.

10 (iii) Prior to the issuance of any form of any order of custody or
11 visitation, the court shall determine the safety of the child who is the
12 subject of such order by considering the factors described in section
13 two hundred forty-d of this chapter and by giving weighted consideration
14 to those factors which affect the health and safety of such child.

15 (iv) In making a decision pursuant to paragraph (i) of this subdivi-
16 sion, the court shall be bound by the presumptions and admissibility
17 described pursuant to section two hundred forty-d of this chapter.
18 Further, the court shall not take into consideration whether either
19 parent is married, was formerly married or has ever been married to the
20 other parent or anyone else.

21 (v) In cases where the court has found a parent to be a victim of
22 domestic violence and/or where child abuse has occurred or is occurring,
23 the court shall not base decisions on a legal presumption of shared
24 parenting and all costs, including attorney and expert fees, incurred by
25 the non-offending parent and the child, shall be paid by the parent who
26 is found to have committed child abuse or domestic violence, unless the
27 offending parent has insufficient means to pay such costs.

28 (vi) Before judges and other court professionals handle child custody
29 proceedings in which one or more parties have alleged domestic violence
30 or child abuse, they shall complete initial training for the handling of
31 such cases as described pursuant to section two hundred forty-d of this
32 chapter. Once initial training requirements have been met, judges and
33 other court professionals shall complete additional training every two
34 years as described pursuant to section two hundred forty-d of this chap-
35 ter.

36 § 5. This act shall take effect on the ninetieth day after it shall
37 have become a law. Effective immediately, the addition, amendment and/or
38 repeal of any rule or regulation necessary for the implementation of
39 this act on its effective date are authorized to be made on or before
40 such effective date.

STATE OF NEW YORK

5398--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 16, 2021

Introduced by M. of A. HEVESI, SILLITTI, BARNWELL, DICKENS, FAHY, CLARK, HUNTER, GALEF, LAVINE, SEAWRIGHT, SIMON, JACKSON, J. RIVERA, McDONOUGH, MORINELLO, THIELE, BURDICK, K. BROWN, STIRPE, QUART, GONZALEZ-ROJAS, DURSO, OTIS, LAWLER, BRABENEC, MANKTELOW, ANGELINO, COOK, GRIF-FIN, GUNTHER, STERN, FRONTUS, McDONALD, JEAN-PIERRE, DeSTEFANO, BLANKENBUSH, FERNANDEZ, RA, FITZPATRICK, PHEFFER AMATO, ANDERSON, MIKULIN, L. ROSENTHAL, LALOR, LUPARDO, SIMPSON, EPSTEIN, KELLES, SMITH, JENSEN, BURGOS, JONES, STECK, ZINERMAN, CRUZ, AUBRY, GOTTFRIED, CUNNINGHAM, ABINANTI, HAWLEY -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law and the family court act, in relation to establishing "Kyra's Law"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known as and may be cited as
2 "Kyra's Law".
3 § 2. Subparagraph 5 of paragraph (a-1) of subdivision 1 of section 240
4 of the domestic relations law, as amended by chapter 295 of the laws of
5 2009, is amended to read as follows:
6 (5) Temporary emergency order. (i) Notwithstanding any other
7 provision of the law, upon the application of a party to an action
8 concerning custody of or a right to visitation with a child who alleges
9 that the other party to the proceeding has committed, has threatened to
10 commit, or is likely to commit an act of child abuse against such child,
11 or has committed, has threatened to commit, or is likely to commit an
12 act of domestic violence against the party making the allegation or a
13 family or household member of either party, as such family or household
14 member is defined in article eight of the family court act, the court

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD09163-02-2

1 shall hold a hearing to determine whether temporary limitations or
2 conditions on the custody or visitation rights of the party who is
3 alleged to have committed an act of child abuse against the child, or
4 committed an act of domestic violence against the party making the alle-
5 gation or a family or household member of either party is necessary to
6 avoid significant risk to the child's life or safety. The court shall
7 conduct an assessment of the best interests of the child to identify
8 significant risk to the child's life and safety, using a risk assessment
9 tool developed pursuant to clause (ii) of this subparagraph to evaluate
10 factors which shall include, but shall not be limited to:

11 (A) allegations of domestic violence, child abuse, child sexual abuse
12 or incidents involving harm, or risk of harm, to a child;

13 (B) prior police reports or domestic violence incident reports docu-
14 menting prior incidents involving child abuse or domestic violence, or
15 whether either party has been charged with an act which would constitute
16 disorderly conduct, unlawful dissemination or publication of an intimate
17 image, harassment in the first degree, harassment in the second degree,
18 aggravated harassment in the second degree, sexual misconduct, forcible
19 touching, sexual abuse in the third degree, sexual abuse in the second
20 degree as set forth in subdivision one of section 130.60 of the penal
21 law, stalking in the first degree, stalking in the second degree, stalk-
22 ing in the third degree, stalking in the fourth degree, criminal
23 mischief, menacing in the second degree, menacing in the third degree,
24 reckless endangerment, criminal obstruction of breathing or blood circula-
25 tion, strangulation in the second degree, strangulation in the first
26 degree, assault in the second degree, assault in the third degree, an
27 attempted assault, identity theft in the first degree, identity theft in
28 the second degree, identity theft in the third degree, grand larceny in
29 the fourth degree, grand larceny in the third degree, coercion in the
30 second degree or coercion in the third degree as set forth in subdivi-
31 sions one, two and three of section 135.60 of the penal law between
32 spouses or former spouses, or between party and child or between members
33 of the same family or household, regardless of the disposition;

34 (C) whether either party owns, possesses or has access to a firearm,
35 rifle or shotgun;

36 (D) decisions and reports on registries as required pursuant to
37 subparagraph three of this paragraph;

38 (E) confinement of a party or child by the other party;

39 (F) threats to harm or kill self or others, or threats to harm or kill
40 emotional support or comfort animals owned or possessed by self or
41 others, made by one party to the other party or child; and

42 (G) one party's concern about future assaults from the other party.

43 Except for good cause shown, the hearing for such determination shall
44 commence within fourteen court days of the application for such hearing
45 and shall not be adjourned. Parties shall be noticed of their right to
46 the assistance of counsel at the initiation of such hearing. When the
47 parties first appear in court, the judge shall advise them before
48 proceeding of the right to be represented by counsel of his or her own
49 choosing, of the right to have an adjournment to confer with counsel,
50 and the right to obtain counsel fees and expenses, pursuant to section
51 two hundred thirty-seven of this article. During such hearing, compe-
52 tent, material and relevant evidence may be admitted, in addition to
53 evidence that may include or consist of hearsay and documents or photo-
54 graphs for which a proper foundation cannot be laid. If a party waives
55 his or her right to a hearing under this section, the court shall advise
56 such party at that time that, notwithstanding such waiver, an applica-

1 tion under this section may be made at any time during the pendency of
2 the proceedings.

3 (ii) The office for the prevention of domestic violence, in coordi-
4 nation with the office of court administration and in consultation with
5 the New York state coalition against domestic violence, the New York
6 state coalition against sexual assault, prevent child abuse New York,
7 victims of domestic violence, sexual assault, child abuse or child sexu-
8 al abuse, civil attorneys representing such victims in custody and visi-
9 tation proceedings, and researchers and academics with expertise in
10 developing risk assessment tools shall develop a risk assessment tool
11 for use by the court when assessing significant risk to child's life or
12 safety for the purposes of issuing a temporary emergency order. These
13 entities will review and, when appropriate, update the risk assessment
14 tool at least once every two years.

15 (iii) If the court determines that limitations or restrictions of a
16 party's custody, visitation or contact with the child are necessary to
17 avoid significant risk to the child's life or safety, the court shall
18 issue a temporary emergency order for custody or visitation stating as
19 such. Such order shall set forth conditions of custody or visitation
20 which may be revised by the court upon application by either party only
21 for good cause shown. Any order of the court under this section shall
22 terminate when the court makes a final order of custody or of visitation
23 concerning the child or children, unless the supreme court continues the
24 order to family court.

25 (iv) There shall be a rebuttable presumption that the court shall not
26 award, in a temporary emergency order for custody or visitation, sole or
27 joint custody or unsupervised visitation to a party who jeopardizes or
28 may jeopardize the life or safety of the child.

29 (v) The court shall state on the record, and in writing, its findings,
30 the factors considered in rendering its decision and the reasons for the
31 limitations or restrictions placed on a party's custody, visitation or
32 contact with such child.

33 (vi) All costs, including attorney and expert fees incurred by the
34 non-offending party and the child, to prepare for and participate in
35 such hearing shall be paid by the party who is found to have committed
36 child abuse or domestic violence, unless the offending party has insuf-
37 ficient means to fund such expenses.

38 (vii) If a party makes a good faith allegation based on a reasonable
39 belief supported by facts that a child is the victim of child abuse,
40 child neglect, or has been exposed to domestic violence, and if that
41 party acts lawfully and in good faith in response to that reasonable
42 belief to protect the child, seek treatment for the child or to protect
43 self, then that party shall not be deprived of custody, visitation or
44 contact with the child, or restricted in custody, visitation or contact,
45 based solely on that belief or the reasonable actions taken based on
46 that belief.

47 (viii) If the court does not make a finding that limitations or
48 restrictions on a party's custody or visitation with such child are
49 necessary to avoid significant risk to the child's life or safety, the
50 court shall hold an additional hearing whenever a party alleges that a
51 temporary order may be necessary to promote and protect the best inter-
52 est of the child pending entry of a final order.

53 (ix) With the exception of hearsay or other non-competent evidence,
54 the court may not refuse to consider, at further proceedings, evidence
55 presented during a hearing for a temporary emergency order or additional
56 evidence of domestic violence or child abuse presented in further

1 proceedings. The presentation of any facts or evidence at a hearing for
2 a temporary emergency order shall not preclude the presentation of any
3 facts or evidence.

4 (x) Nothing contained in this subparagraph shall be deemed in any way
5 to limit, restrict, expand or impair the rights of any party to file for
6 a modification of a temporary emergency order as is otherwise provided
7 by law.

8 (xi) Any party to a proceeding for a temporary emergency order pursu-
9 ant to this section shall have a right to appeal to the appropriate
10 appellate division. An appeal under this subdivision must be taken no
11 later than five days after the service by a party or the child's attor-
12 ney upon the appellant of any order from which the appeal is taken or
13 five days from receipt of the order by the appellant in court, whichever
14 is earliest.

15 (xii) Notwithstanding any other provision of the law, upon emergency
16 situations, including computer malfunctions, to serve the best interest
17 of the child, the court may issue a temporary emergency order for custo-
18 dy or visitation in the event that it is not possible to timely review
19 decisions and reports on registries as required pursuant to subparagraph
20 three of this paragraph.

21 § 3. The domestic relations law is amended by adding a new section
22 240-e to read as follows:

23 § 240-e. Custody and visitation; life and safety of the child. 1. For
24 the purposes of this section, the following terms shall have the follow-
25 ing meanings:

26 (a) "Parental alienation" means claims that a child has become
27 estranged from a parent or legal guardian as a result of psychological
28 manipulation by the other parent or legal guardian.

29 (b) "Victim of domestic violence" shall have the same meaning as
30 defined in section four hundred fifty-nine-a of the social services law.

31 (c) "Friendly parent" means the propensity of a parent or legal guard-
32 ian to actively support a child's contact and relationship with the
33 other parent or legal guardian, or the ability of such parent or legal
34 guardian to cooperate in, and resolve disputes, regarding matters
35 affecting such child.

36 2. Notwithstanding any other provision of law to the contrary, a court
37 making a final determination of custody or visitation based on the best
38 interests of a child pursuant to the provisions of this chapter shall
39 prioritize and promote the life and safety of such child when making
40 such determinations. Promoting the life and safety of a child shall
41 include preventing direct physical and/or emotional harm to such child.

42 3. Prior to the issuance of a final order of custody or visitation,
43 during its assessment of the best interests of the child, the court
44 shall determine the life and safety of the child who is the subject of
45 such order by considering all relevant factors and by giving weighted
46 consideration to those factors which affect the life and safety of such
47 child, which shall include, but not be limited to:

48 (a) whether either party is more likely to ensure the life and safety
49 of the child and whether either party jeopardizes the life or safety of
50 the child. There shall be a rebuttable presumption that custody or visi-
51 tation shall not be awarded to a party who jeopardizes the life or safe-
52 ty of the child;

53 (b) the impact of disrupting continuity in the child's home, environ-
54 ment and established parenting contacts;

55 (c) any allegations of domestic violence, child abuse or child sexual
56 abuse, or incidents involving harm, or risk of harm, to a child;

1 (d) prior police reports or domestic violence incident reports docu-
2 menting incidents involving child abuse or domestic violence, or whether
3 either party has been charged with an act which would constitute disor-
4 derly conduct, unlawful dissemination or publication of an intimate
5 image, harassment in the first degree, harassment in the second degree,
6 aggravated harassment in the second degree, sexual misconduct, forcible
7 touching, sexual abuse in the third degree, sexual abuse in the second
8 degree as set forth in subdivision one of section 130.60 of the penal
9 law, stalking in the first degree, stalking in the second degree, stalk-
10 ing in the third degree, stalking in the fourth degree, criminal
11 mischief, menacing in the second degree, menacing in the third degree,
12 reckless endangerment, criminal obstruction of breathing or blood circu-
13 lation, strangulation in the second degree, strangulation in the first
14 degree, assault in the second degree, assault in the third degree, an
15 attempted assault, identity theft in the first degree, identity theft in
16 the second degree, identity theft in the third degree, grand larceny in
17 the fourth degree, grand larceny in the third degree, coercion in the
18 second degree or coercion in the third degree as set forth in subdivi-
19 sions one, two and three of section 135.60 of the penal law between
20 spouses or former spouses, or between parent and child or between
21 members of the same family or household, regardless of the disposition;

22 (e) whether either party owns, possesses or has access to a firearm,
23 rifle or shotgun;

24 (f) whether either party is better able and more likely to attend to
25 the daily physical, emotional, developmental, educational and special
26 needs of the child; and

27 (g) any previously made statements by the child about a party indicat-
28 ing they are fearful of or resistant to having contact or visitation
29 with such party.

30 4. (a) The court shall not presume that a child's deficient or nega-
31 tive relationship with a party was caused by the other party, nor shall
32 a party be given custody for the purpose of improving a deficient
33 relationship between the child and such party or in an attempt to reme-
34 diate a child's resistance to contact or visitation with a party.

35 (b) Allegations regarding parental alienation shall not be admissible
36 in any proceeding for custody or visitation and shall not be considered
37 in assessing a child's best interests.

38 (c) No psychological or medical theories or labels related to a
39 child's resistance to contact with a party shall be admitted into
40 evidence unless they are based on empirical proof of scientific reli-
41 ability and validity and generally accepted by the scientific and
42 professional community.

43 (d) No reunification treatment or any similar program designed to
44 repair a party's relationship with a child due to parental alienation
45 shall be ordered by the court without scientifically valid and generally
46 accepted proof of the effectiveness and therapeutic value of such treat-
47 ment or program; nor shall a treatment or program be ordered which is
48 predicated on separating a child from their primary caregiver.

49 (e) In cases involving domestic violence or child abuse, whether such
50 abuse has occurred or is occurring, a court shall not consider whether
51 either parent is a friendly parent.

52 5. In cases where the court has found a parent to be a victim of
53 domestic violence and/or where child abuse has occurred or is occurring:

54 (a) the court shall award joint legal custody only on consent of the
55 parties or where it has been determined that the parties can effectively
56 communicate, cooperate with each other, and make joint decisions

1 concerning the child; provided, however, that where final orders are on
2 the consent of the parties, in no event shall an order of joint legal
3 custody be awarded when there is an existing or prior full stay away
4 order of protection against a party on behalf of another party to the
5 proceeding or when there is an existing temporary order of protection
6 entered ex parte; and

7 (b) all costs, including attorney and expert fees, incurred by the
8 non-offending parent and the child, shall be paid by the parent who is
9 found to have committed child abuse or domestic violence, unless the
10 offending parent has insufficient means to pay such costs.

11 6. (a) Before judges, referees, or other hearing officers preside over
12 child custody proceedings in which one or more parties have alleged
13 domestic violence or child abuse, they shall complete at least twenty
14 hours of initial training for the handling of such cases. The office for
15 prevention of domestic violence shall, within amounts appropriated for
16 such purpose, contract exclusively with the New York state coalition
17 against domestic violence, and other nonprofit entities with whom it
18 subcontracts with expertise in child abuse or gender-based violence, to
19 develop such training. Such entity, or entities in partnership, shall
20 review and update the training at least once every two years. In
21 consultation with the office of court administration, such entities, or
22 entities in partnership, shall be responsible for providing such train-
23 ing to judges, referees, and other hearing officers handling child
24 custody proceedings. Such training shall include, but not be limited
25 to:

26 (1) a review of relevant statutes and case law pertaining to domestic
27 violence and child abuse;

28 (2) the dynamics and effects of domestic violence and child abuse,
29 including but not limited to, emotional, financial, physical, technolog-
30 ical and sexual abuse, and an understanding of the barriers and fears
31 associated with reporting domestic violence and child abuse and why
32 victims may not have documented evidence of abuse;

33 (3) tactics commonly used by one party to induce fear in, or dominate
34 or control a partner or child, including verbal, emotional, psycholog-
35 ical, and/or economic abuse; isolation; efforts to build trust and an
36 emotional connection with a child to support future manipulation;
37 exploitation; abuse; threats; controlling and harassing behaviors,
38 including monitoring of a partner's location and activities; use of
39 oppressive behavior designed to deprive a partner of their rights and
40 liberties and establishing a regime of domination in the partner's
41 personal life; litigation abuse; and demands for custody in order to
42 pressure the partner to return or punish the partner for leaving;

43 (4) knowledge of trauma, particularly as it relates to sexual abuse
44 and the risks posed to children and the long-term dangers and impacts
45 posed by the presence of adverse childhood experiences;

46 (5) the increased risk of escalating violence that occurs during child
47 custody proceedings and methods for assessing a child's safety during
48 custody and visitation proceedings, particularly in cases involving
49 domestic violence or child abuse;

50 (6) the assessment of legality or signs of lethal violence, and
51 instruction on the use of a risk assessment tool to assess risk to a
52 child's life or safety for the purpose of issuing a temporary emergency
53 order;

54 (7) education regarding the harm courts may cause children in child
55 custody cases where domestic violence or child abuse is present by rely-
56 ing on non-scientific theories such as parental alienation, parental

1 alienation syndrome, the friendly parent concept, or any other theory or
2 label that is not supported by scientific research and not generally
3 accepted by the scientific community;

4 (8) the investigation process once a law enforcement agency or a local
5 department of social services has received a report of suspected child
6 abuse, including the limitations of investigating reports of suspected
7 child abuse; and

8 (9) appropriate experience and qualifications of child custody evalu-
9 ators and mental health treatment providers.

10 (b) Once initial training requirements have been met, judges, refer-
11 ees, and other hearing officers presiding over child custody proceedings
12 in which one or more parties have alleged domestic violence or child
13 sexual abuse shall complete at least ten hours of training every two
14 years in order to remain eligible to handle such proceedings.

15 § 4. Subdivision (a) of section 70 of the domestic relations law, as
16 amended by chapter 457 of the laws of 1988, is amended to read as
17 follows:

18 (a) (i) Where a minor child is residing within this state, either
19 parent may apply to the supreme court for a writ of habeas corpus to
20 have such minor child brought before such court; and on the return ther-
21 eof, the court, on due consideration, may award the natural guardian-
22 ship, charge and custody of such child to either parent for such time,
23 under such regulations and restrictions, and with such provisions and
24 directions, as the case may require, and may at any time thereafter
25 vacate or modify such order. In all cases there shall be no prima facie
26 right to the custody of the child in either parent, but the court shall
27 determine solely what is for the best interest of the child, and what
28 will best promote its welfare and happiness, and make award accordingly.
29 Where either party to an action concerning custody of or a right to
30 visitation with a child alleges that the other party has committed an
31 act of child abuse against such child, or committed an act of domestic
32 violence against the party making the allegation or a family or house-
33 hold member of either party, as such family or household is defined in
34 article eight of the family court act, the court must first, before
35 considering any other best interest factors, hold a hearing to determine
36 whether temporary limitations or conditions on the custody or visitation
37 rights of the party who is alleged to have committed an act of child
38 abuse against the child, or committed an act of domestic violence
39 against the party making the allegation or a family or household member
40 of either party is necessary to avoid significant risk to the child's
41 life or safety, as described pursuant to subdivision five of section two
42 hundred forty of this chapter.

43 (ii) Notwithstanding any other provision of law to the contrary, a
44 court making a determination that limitations or restrictions of a
45 party's custody, visitation or contact with the child are necessary to
46 avoid significant risk to the child's life or safety shall issue a
47 temporary emergency order for custody or visitation stating as such.

48 (iii) Notwithstanding any other provision of law to the contrary,
49 prior to the issuance of a temporary emergency order of custody or visi-
50 tation, the court shall conduct an assessment of the best interests of
51 the child to identify significant risk to the life or safety of the
52 child who is the subject of such order by considering the factors
53 described in section two hundred forty of this chapter.

54 (iv) Notwithstanding any other provision of law to the contrary, a
55 court making a final determination of custody or visitation based on the
56 best interests of a child pursuant to the provisions of this chapter

1 shall prioritize and promote the life and safety of such child when
2 making such determinations. Promoting the safety of a child shall
3 include preventing direct physical and/or emotional harm to such child.
4 Prior to the issuance of a final order of custody or visitation, during
5 its assessment of the best interests of the child, the court shall
6 determine the safety of the child who is the subject of such order by
7 considering all relevant factors and by giving weighted consideration to
8 those factors which affect the life and safety of such child, pursuant
9 to subdivision three of section two hundred forty-d of this chapter.

10 (v) In making a decision pursuant to paragraph (i) of this subdivi-
11 sion, the court shall be bound by the presumptions and admissibility
12 described pursuant to section two hundred forty-d of this chapter.
13 Further, the court shall not take into consideration whether either
14 party is married, was formerly married or has ever been married to the
15 other party or anyone else.

16 (vi) In cases where the court has found a party to be a victim of
17 domestic violence and/or where child abuse has occurred or is occurring,
18 the court shall award joint legal custody only on consent of the parties
19 or where it has been determined that the parties can effectively commu-
20 nicate, cooperate with each other, and make joint decisions concerning
21 the child; provided, however, that where final orders are on the consent
22 of the parties, in no event shall an order of joint legal custody be
23 awarded when there is an existing or prior full stay away order of
24 protection against a party on behalf of another party to the proceeding
25 or when there is an existing temporary order of protection entered ex
26 parte and all costs, including attorney and expert fees, incurred by the
27 non-offending parent and the child, shall be paid by the parent who is
28 found to have committed child abuse or domestic violence, unless the
29 offending parent has insufficient means to pay such costs.

30 (vii) Before judges, referees and other hearing officers preside over
31 child custody proceedings in which one or more parties have alleged
32 domestic violence or child abuse, they shall complete initial training
33 for the handling of such cases as described pursuant to section two
34 hundred forty-d of this chapter. Once initial training requirements have
35 been met, judges, referees and other hearing officers shall complete
36 additional training every two years as described pursuant to section two
37 hundred forty-d of this chapter.

38 § 5. The family court act is amended by adding a new section 654 to
39 read as follows:

40 § 654. Temporary order of custody or of visitation. (a) Notwithstand-
41 ing any other provision of the law, upon the application of either party
42 to an action concerning custody of or a right to visitation with a child
43 who alleges that the other party has committed an act of child abuse
44 against such child, or committed an act of domestic violence against the
45 party making the allegation or a family or household member of either
46 party, as such family or household member is defined in article eight of
47 the family court act, the court shall hold a hearing to determine wheth-
48 er temporary limitations or conditions on the custody or visitation
49 rights of the party who is alleged to have committed an act of child
50 abuse against the child, or committed an act of domestic violence
51 against the party making the allegation or a family or household member
52 of either party is necessary to avoid significant risk to the child's
53 life or safety, in accordance with subparagraph five of paragraph (a-1)
54 of subdivision one of section two hundred forty of the domestic
55 relations law. If the court determines that limitations or restrictions
56 of a party's custody, visitation or contact with the child are necessary

1 to avoid significant risk to the child's life or safety, the court shall
2 issue a temporary emergency order for custody or visitation stating as
3 such, in accordance with clause (iii) of subparagraph five of paragraph
4 (a-1) of subdivision one of section two hundred forty of the domestic
5 relations law.

6 (b) Such temporary order of custody or of visitation may be taken as
7 of right to the appellate division of the supreme court. Pending the
8 determination of such appeal, such order shall be stayed where the
9 effect of such order would be to discharge the child, if the family
10 court or the court before which such appeal is pending finds that such a
11 stay is necessary to avoid significant risk to the child's life or safe-
12 ty. A preference in accordance with rule five thousand five hundred
13 twenty-one of the civil practice law and rules shall be afforded, with-
14 out the necessity of a motion, for appeals under article three; parts
15 one and two of article six; articles seven, ten, and ten-A of this act;
16 and sections three hundred fifty-eight-a, three hundred eighty-three-c,
17 three hundred eighty-four, and three hundred eighty-four-b of the social
18 services law. An appeal under this subdivision must be taken no later
19 than five days after the service by a party or the child's attorney upon
20 the appellant of any order from which the appeal is taken, five days
21 from receipt of the order by the appellant in court.

22 § 6. Subdivision a of section 1112 of the family court act, as amended
23 by section 28 of part A of chapter 3 of the laws of 2005, is amended to
24 read as follows:

25 a. An appeal may be taken as of right from any order of disposition
26 and, in the discretion of the appropriate appellate division, from any
27 other order under this act. An appeal from an intermediate or final
28 order in a case involving abuse or neglect, the decision to grant or
29 deny a temporary emergency order, as determined pursuant to section six
30 hundred fifty-four of this act, or a temporary emergency order issued to
31 avoid significant risk to the child's life or safety, as determined
32 pursuant to section six hundred fifty-four of this act, may be taken as
33 of right to the appellate division of the supreme court. Pending the
34 determination of such appeal, such order shall be stayed where the
35 effect of such order would be to discharge the child, if the family
36 court or the court before which such appeal is pending finds that such a
37 stay is necessary to avoid imminent risk to the child's life or health.
38 A preference in accordance with rule five thousand five hundred twenty-
39 one of the civil practice law and rules shall be afforded, without the
40 necessity of a motion, for appeals under article three; parts one and
41 two of article six; articles seven, ten, and ten-A of this act; and
42 sections three hundred fifty-eight-a, three hundred eighty-three-c,
43 three hundred eighty-four, and three hundred eighty-four-b of the social
44 services law.

45 § 7. This act shall take effect on the ninetieth day after it shall
46 have become a law. Effective immediately, the addition, amendment and/or
47 repeal of any rule or regulation necessary for the implementation of
48 this act on its effective date are authorized to be made on or before
49 such effective date.

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 4E-9	From the Energy & Environment Committee	From the County Executive - ECSD No. 5 RFP - Transit Road Corridor Sanitary Sewer Service Evaluation Report
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Attachments

23COMM. 4E-9

DISCHARGE



EC LEG FEB 10 '23 AM 11:32

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 10, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

**RE: Erie County Sewer District No. 5
RFP – Transit Road Corridor Sanitary Sewer Service Evaluation Report**

Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management is in the process of reviewing responses to a Request For Proposals for the Transit Road Corridor Sanitary Sewer Service Evaluation Report.

We respectfully request this item be placed on the agenda of the Energy and Environment Committee. After final selections are made, the Department will provide the necessary ranking tabulations, recommendations to award, and a suggested resolution for review and consideration.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E., BCEE in the Division of Sewerage Management. Thank you for your consideration in this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

****Proposed Amendment to COMM. 4E-9
(2023)

Attachments

Proposed Amendment to COMM. 4E-9 (2023)

Erie County Legislature – Meeting No. 10
May 11, 2023
Amendment to Comm. 4E-9 (2023)

May 5, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

RE: Amendment: Legislative Comm. 4E-9 (2023)
Erie County Sewer District No. 5
Transit Road Corridor Sanitary Sewer Service Evaluation Report
Request For Proposals

Honorable Members:

Enclosed please find a resolution and accompanying memorandum from the Department of Environment and Planning pertaining to proposed agreement to perform engineering services for Erie County Sewer District No. 5.

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: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Amendment: Legislative Comm. 4E-9 (2023)
Erie County Sewer District No. 5
Transit Road Corridor Sanitary Sewer Service Evaluation Report
Request For Proposals
Date: May 5, 2023

SUMMARY

Award of a professional services agreement with JM Davidson, D.P.C. (JMDavidson) (935 Sheridan Drive – Suite 120, Tonawanda, New York 14150) in an amount not-to-exceed \$100,000.00 for engineering services related to the Transit Road Corridor Sanitary Sewer Service Evaluation Report in Erie County Sewer District (ECSD) No. 5 is requested.

FISCAL IMPLICATIONS

Funding for the study exists within Capital Project C.23550 as was appropriated as part of Legislative Comm. 8E-1 (2023) – Budget Balancing and Year End Designations Resolution.

REASONS FOR RECOMMENDATION

The Erie County Department of Environment and Planning (ECDEP) – Division of Sewerage Management (DSM) issued a Request for Proposals (RFP) to retain a firm to provide engineering services associated with Transit Road Corridor Sanitary Sewer Service Evaluation Report. A proposal review committee consisting of representatives from the ECDEP, the DSM, the Town of Amherst, and the Town of Clarence reviewed and scored the proposals using the scoring matrix in the RFP, which includes factors contained in Section 26.08 of the County’s Administrative Code. On March 9, 2023, the review committee met to tabulate scores and it was recommendation of the committee to interview the top three ranked firms: GHD Consulting Services, Inc. (GHD), JMDavidson, and Wendel WD Architecture Engineering Surveying (Wendel). On March 27, 2023, the review committee interviewed the three firms and it was subsequently recommended that JMDavidson be retained for the requested professional services.

BACKGROUND INFORMATION

Sanitary sewer services in the Town of Clarence are provided by ECSD No. 5, Town of Clarence Sewer Districts 2, 4, 6, 7, 9, & 10 (maintained by ECSD No.5 through an intermunicipal agreement), by private septic systems maintained by the respective property owners, or in limited situations by private treatment systems. The vast majority of public sewer systems in this area are tributary to the Town of Amherst Water Pollution Control Facility. Both the Town of Clarence and ECSD No. 5 have agreements with the Town of Amherst for conveyance and treatment services.

In December 2016, the Town of Clarence completed its latest master planning exercise titled “Clarence 2030 – Town of Clarence Comprehensive Plan”. As an addendum to the plan, the Town completed the “Town of Clarence Master Sewer Plan – 2030” (April 2018), identifying various priorities for the provision of sanitary sewer services in the coming years.

In 2021, the Town of Clarence received a Conceptual Master Plan application for the redevelopment of Eastern Hills Mall parcel in ECSD No. 5. Uniland Development Company, as owner of this parcel, has proposed converting the site into a mixed-use “Town Center” through the construction of new residential, commercial, hospitality, and entertainment/recreational uses. These proposed changes to the Eastern Hills Mall parcel were not contemplated in the Town of Clarence master plans.

Preliminary analyses indicate the proposed peak wastewater flows from full implementation of the plan to redevelop the Eastern Hills Mall parcel exceed the current capacity of ECSD No. 5’s downstream sewer system on Transit Road. Further, there are other potential projects in ECSD No. 5 and/or the Town of Clarence master plans that impact sanitary sewer capacities.

As a result, the DSM issued a request for proposals to retain an engineering firm to analyze the future provision of sanitary sewer services in the Transit Road corridor. Five (5) firms submitted proposals in response to the RFP. After reviewing the proposals based on qualifications, considering the costs submitted, and interviewing the top three firms, JMDavidson was recommended to be retained for the services.

CONSEQUENCES OF NEGATIVE ACTION

ECSD No. 5 will not be able to advance the engineering analyses needed for long-term planning in this corridor, which may adversely impact projects in the Town of Clarence master plans or the potential redevelopment of Eastern Hills Mall site.

STEPS TO FOLLOW APPROVAL

The County Executive will be requested to execute an agreement with JMDavidson in an amount not to exceed \$100,000.00.

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 capital appropriations for the action proposed.

Signed Timothy Callan Date 5/5/23
Timothy Callan, Ph.D.
Deputy Comptroller

**Erie County Sewer District No. 5
Transit Road Corridor Sanitary Sewer Service Evaluation Report
Capital Project C.23550**

A RESOLUTION SUBMITTED BY
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Amendment: Legislative Comm. 4E-9 (2023)
Erie County Sewer District No. 5
Transit Road Corridor Sanitary Sewer Service Evaluation Report
Request For Proposals

WHEREAS, funding was appropriated as part of Legislative Comm. 8E-1 (2023) – 2023 Budget Balancing and Year End Designations Resolution – for a study of Erie County Sewer District (ECSD) No. 5’s future sanitary sewer capacity needs, including items listed in the Town of Clarence’s master plan and potential redevelopment of the Eastern Hills Mall site; and

WHEREAS, the County of Erie issued a Request for Proposals to retain an engineering firm to perform professional services for the Transit Road Corridor Sanitary Sewer Service Evaluation Report in ECSD No. 5; and

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

WHEREAS, after ranking proposals and conducting interviews the review committee recommends JM Davidson, D.P.C. to complete the requested consulting services.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an agreement with JM Davidson, D.P.C. (935 Sheridan Drive – Suite 120, Tonawanda, New York 14150) for professional services associated with this project in an amount not to exceed \$100,000.00, subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney’s Office; and be it further

RESOLVED, that sufficient funding exists within ECSD No. 5, Fund 430, Funds Center 181, Capital Project C.23550 – Transit Road Sanitary Sewer Service Evaluation to fund these engineering services; and be it further

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

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment & Planning.



**ERIE COUNTY DIVISION OF SEWERAGE MANAGEMENT
TRANSIT ROAD CORRIDOR SANITARY SEWER EVALUATION REPORT
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY**

Daniel Castle, AICP
COMMISSIONER
Joseph Fiegl, P.E., BCCE
DEPUTY COMMISSIONER

Rater	Based on Proposals Only					Based on Proposals and Interviews		
	CHA	GHD	GPI	JMDavidson	Wendel	GHD	JMDavidson	Wendel
Rater #1	#4	#1	#5	#2	#3	#1	#2	#3
Rater #2	#3	#4	#5	#1	#2	#3	#1	#2
Rater #3	#3	#2	#5	#4	#1	#2	#3	#1
Rater #4	#2	#1	#5	#2	#4	#1	#2	#3
Rater #5	#4	#2	#5	#3	#1	#3	#1	#2
Average Qualifications Scoring	3.20	2.00	5.00	2.40	2.20	2.00	1.80	2.20
QUALIFICATIONS RANKING	#4	#1	#5	#3	#2	#2	#1	#3
TOTAL PROPOSED COST (including add-ons)	\$ 97,734.51	\$ 91,000.00	\$ 66,534.14	\$ 94,431.96	\$ 99,856.40	\$ 91,000.00	\$ 94,431.96	\$ 99,856.40

It is my opinion in recommending JMDavidson that the Erie County Department of Environment and Planning - Division of Sewerage Management (DSM) has complied with all applicable provisions of Section 26.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the DSM offices during regular business hours.

Lisa Chmera
Deputy County Executive

TO: COMPTRROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

<u>REQUESTING DEPARTMENT</u>	<u>COMPLETE ITEMS 1 THROUGH 5</u>
1. CONTRACTOR'S NAME	<u>JM Davidson DPC</u>
2. AMOUNT OF CONTRACT	<u>100,000.00</u>
3. PROJECT NUMBER	<u>C.23550</u>
4. PROJECT TITLE	<u>Transit Road Corridor Sanitary Sewer Service Evaluation Report</u>
5. DEPARTMENT CONTACT	<u>Beth Pfalzer x6144</u>
<u>COMPTRROLLER'S OFFICE</u>	<u>COMPLETE ITEMS 6 AND 7</u>
6. AVAILABILITY OF FUNDS	<u>\$ 125,000.00</u>
7. PERFORMED BY	<u>Elizabeth A Hall 5/5/2023</u>
Date Sent to Comptroller's Office:	<u>5/4/2023</u>

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 6E-10	From the Energy & Environment Committee	From the County Executive - ECSD No. 6 - Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project
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Attachments

23COMM. 6E-10

DISCHARGE



EC LEG MAR 17 '23 PM 2:39

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

March 17, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

**Re: Erie County Sewer District No. 6
Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project
Bid Opening – Contract No. 66**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 6 Contract No. 66 Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project.

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,

A handwritten signature in black ink that reads "Mark C. Poloncarz" with a long horizontal flourish extending to the right.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: nw

cc: J. Fiegl – Division of Sewerage Management

RATH BUILDING • 95 FRANKLIN STREET • BUFFALO, N.Y. • 14202 • (716) 858-6000 • WWW.ERIE.GOV

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

****Proposed Amendment to COMM. 6E-10
(2023)

Attachments

Proposed Amendment to COMM. 6E-10 (2023)

Erie County Legislature – Meeting No. 10
May 11, 2023
Amendment to Comm. 6E-10 (2023)

April 26, 2023

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

RE: Amendment: Legislative Comm. 6E-10 (2023)
Erie County Sewer District No. 6
Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project
Bid Opening – Contract No. 66

Dear Honorable Members:

Plans and specifications, known as the Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project, Contract No. 66, were prepared and construction bids were received on Tuesday, April 4, 2023 by the Erie County Division of Sewerage Management. The lowest responsible bidder and bid amount for this project is as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 66	United Survey, Inc. 25145 Broadway Avenue Oakwood Village, OH 44146	\$498,140.00

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 of this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:nw

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: Amendment: Legislative Comm. 6E-10 (2023)
Erie County Sewer District No. 6
Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project
Bid Opening – Contract No. 66
Date: April 26, 2023

SUMMARY

Award of Contract No. 66 for the Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project is requested as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 66	United Survey, Inc. 25145 Broadway Avenue Oakwood Village, OH 44146	\$498,140.00

The necessary bid tabulations, Engineer's estimate, and Engineer's recommendation are enclosed.

FISCAL IMPLICATIONS

There will be no fiscal implications to the County's General Fund. The funds for this contract will be from Capital Account No. C.21150 (American Rescue Plan funds).

REASONS FOR RECOMMENDATION

Rehabilitation of infrastructure is necessary to restore proper function in sanitary sewer collection systems, limit the probability of failure, reduce costly inflow & infiltration (I&I), and to protect public and environmental safety. In an effort to remove I&I from the Ridgewood Village sanitary sewer collection system, engineers in the Division of Sewerage Management proposed that the connections to the mainline sewer in this project area be rehabilitated utilizing Cured-in-Place Pipe (CIPP) service connection liners, a trenchless technology determined to be the most economical method of completing the repairs. The process has minimal impact on surface conditions, traffic, and residents.

BACKGROUND INFORMATION

Erie County Sewer District No. 6 owns and operates the sanitary sewer collection system within the Ridgewood Village area of the City of Lackawanna. In recent years, investments have been made in the rehabilitation of this system in accordance with an Enhanced I&I Pilot Study to provide compliance with the New York State Department of Environmental Conservation (NYSDEC) requirements. Rehabilitation efforts to date have included CIPP lining of the mainline sewer, manhole rehabilitation, and open cut excavation spot repairs. The final phase of the pilot study includes rehabilitation of the connections between the sanitary mainline sewers and the laterals.

Plans and specifications were prepared by the Erie County Division of Sewerage Management for the purpose of receiving bids to complete the Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project, Contract No. 66. Three (3) bids were received and publicly read on Tuesday April 4, 2023. United Survey, Inc. was the lowest responsible bidder with a bid of \$498,140.00. United Survey, Inc. submitted a responsive bid that is considered competitive for this work and close to the Engineer's estimate. The contractor has been recognized as a responsible company and has successfully completed projects of this scale for the Division of Sewerage Management in the past. Therefore, it is recommended the County Legislature proceed with award.

CONSEQUENCES OF NEGATIVE ACTION

Maintaining the status quo would result in continued deterioration of the identified pipes, an increase in probability of failure over time, and no reduction in I&I. Further, NYSDEC requirements would not be met.

STEPS TO FOLLOW APPROVAL

The lowest responsible bidder will be issued a Notice of Award and the Department will initiate the process of executing the contract documents. A Notice to Proceed will be issued to the contractor upon receipt of all necessary documents and execution of the contract.

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 4/26/23
Title Timothy C. Callan
Deputy Comptroller

**Erie County Sewer District No. 6
Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project
Bid Opening – Contract No. 66
Capital Account No. C.21150 (American Rescue Plan funds)**

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Amendment: Legislative Comm. 6E-10 (2023)
Erie County Sewer District No. 6
Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project
Bid Opening – Contract No. 66

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 66 at 2:00 p.m. on April 4, 2023:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 66	United Survey, Inc. 25145 Broadway Avenue Oakwood Village, OH 44146	\$498,140.00

; and

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

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

NOW, THEREFORE, BE IT,

RESOLVED, that the Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project, Erie County Sewer District No. 6, Contract No. 66 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 66	United Survey, Inc. 25145 Broadway Avenue Oakwood Village, OH 44146	\$498,140.00

; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute Contracts with the aforementioned lowest responsible bidder, subject to approval as to form by the County Attorney's office and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$498,140.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract No. 66; and be it further

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

RESOLVED, that at the close of the project any unused funds be returned to the capital project and the budgets be adjusted accordingly; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of Budget and Management, Richard Stanton, Assistant County Attorney, and Joseph Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

TO: Joseph L. Fiegl, P.E., Deputy Commissioner
FROM: Nadine R. Wetzel, P.E., Sanitary Engineer *N.R.W.*
DATE: April 17, 2023
RE: Erie County Sewer District No. 6, Contract No. 66
Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project
Contract Award to United Survey, Inc.
Engineer Recommendation

Bids were opened for Erie County Sewer District No. 6, Contract No. 66, Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project on April 4, 2023. Three (3) bids were received and considered. The bid tabulations are enclosed. The total cost submitted by the apparent low bidder (United Survey, Inc.) was \$498,140.00. The second lowest bid was \$577,990.00; therefore, the lowest bid is considered a competitive bid for the work specified. It is also close to the Engineer's Estimate of \$477,280.00.

The Division of Sewerage Management (DSM) has reviewed the bid and believe it is fair and competitive. The bid package was complete and properly filled out. United Survey, Inc. is experienced in the type of work specified for this project. They have successfully completed projects of this scale with the DSM before. United Survey, Inc. is recognized as a responsible company and capable of being able to provide the necessary manpower and equipment for this contract. The County's EEO office is currently reviewing the proposed MWBE Utilization and Apprenticeship Plans.

Per Local Law No. 2 (2021), the ten (10) calendar day period for receipt of public comments pertaining to bidder responsibility has elapsed and no comments have been received by the Commissioner.

It is recommended that the Contract be awarded to United Survey, Inc., Inc. at a total bid of \$498,140.00.

(enc.)

CC: G. Pecak/W. Lardo/D. Skowronski/6.3.3.66
K. Kaminski/C. Home
S. Canestrari / D. Hojnacki/M. Pinto

ERIE COUNTY DEPT. OF ENVIRONMENT & PLANNING DIVISION OF SEWERAGE MANAGEMENT ECSO No. 6 CONTRACT No. 66 Ridgewood Village Sanitary Sewer Service Lateral Connection Lining Project FILE NO. 6.3.3.66 BID DATE: April 4, 2023 at 2:00 PM BID BOND 5%				ENGINEER'S ESTIMATE \$ 477,280.00	United Survey Inc. \$498,140.00	BLD Services LLC \$577,990.00	National Water Main Cleaning Co. \$638,980.00				
ITEM NO.	DESCRIPTION	UNIT	BID QUANTITY	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1	Clean, Televis, and Investigate Existing Laterals	EA	157	\$900.00	\$141,300.00	\$1,250.00	\$196,250.00	\$750.00	\$117,750.00	\$570.00	\$89,490.00
2	Service Lateral Connection Liners										
2A	8" Mainline	EA	92	\$1,700.00	\$156,400.00	\$1,550.00	\$142,600.00	\$2,600.00	\$239,200.00	\$3,200.00	\$294,400.00
2B	10" Mainline	EA	65	\$1,700.00	\$110,500.00	\$1,650.00	\$107,250.00	\$2,600.00	\$169,000.00	\$3,200.00	\$208,000.00
3	Additional Length of Lateral Lining	LF	50	\$100.00	\$5,000.00	\$100.00	\$5,000.00	\$100.00	\$5,000.00	\$1.00	\$50.00
4	Clean and Televis Existing Mainline Sewer										
4A	Pre - CCTV	LF	4,260	\$4.00	\$17,040.00	\$3.00	\$12,780.00	\$2.00	\$8,520.00	\$3.00	\$12,780.00
4B	Post - CCTV	LF	4,260	\$4.00	\$17,040.00	\$1.00	\$4,260.00	\$2.00	\$8,520.00	\$1.00	\$4,260.00
5	CONTINGENT ITEMS	LS	1	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
CONTRACT TOTAL					\$477,280.00		\$498,140.00		\$577,990.00		\$638,980.00

Item No. 3 written words one hundred dollars and no cents vs. \$150.00 figures discrepancy. Total for 50LF = \$5,000.00 vs. \$7,500.00 resulting in corrected Bid Total shown \$577,990.00 vs. \$580,490.00 original total

TO: COMPTRROLLER'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 | <u>United Survey Inc</u> |
| 2. AMOUNT OF CONTRACT | <u>\$498,140.00</u> |
| 3. PROJECT NUMBER | <u>C.21150 (ARP Funds)</u> |
| 4. PROJECT TITLE | <u>Ridgewood Village Sanitary Sewer Service
Lateral Connection Lining Project</u> |
| 5. DEPARTMENT CONTACT | <u>Beth Pfalzer x6144</u> |

COMPTRROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|-------------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$ 27,689,476.28</u> |
| 7. PERFORMED BY | <u>Elyse A Hall</u> |
| Date Sent to Comptroller's Office: | <u>4/25/2023</u> |

[55 compt_10]

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-1

SHERIFF

EC Sheriff's Office - NYS Canal Corporation
Marine Patrol Grant

Attachments

23COMM. 10E-1

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 28, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Erie County Sheriff's Office – NYS Canal Corporation Marine Patrol grant

Honorable Members:

Attached is a proposed resolution and accompanying memorandum requesting authorization for the County Executive and the Sheriff to enter into an agreement to accept a grant from the New York State Canal Corporation for \$40,000.00. Funding will be utilized by the Erie County Sheriff's Office Marine Unit for navigation law enforcement, waterway safety, and boater education on and around the Erie Barge Canal.

Representatives of the Sheriff's Office will be available at the next meeting 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 – NYS Canal Corporation Marine Patrol grant
Date: April 28, 2023

Summary of Recommended Action

The attached resolution requests authorization for the County Executive and the Sheriff to enter into an agreement and receive a grant for \$40,000.00 from the New York State Canal Corporation. Funding will be utilized by the Erie County Sheriff's Office Marine Unit for navigation law enforcement, waterway safety, and boater education on and near the Erie Barge Canal.

Fiscal Implications of the Proposal

The grant will have no impact on the 2023 operating budget.

The funds will be directed to account 501000 – Overtime.

Reasons for Recommendation

The Erie County Sheriff's Marine Unit is responsible for patrolling parts of Lake Erie, Niagara River, the Erie Barge Canal, and other waterways along the over 90 miles of Erie County shoreline. The marine unit is instrumental in maintaining safe waterways by enforcing navigation laws and educating the boating public. This grant will provide the Sheriff's Office additional resources to patrol along the Erie Barge Canal.

Consequences of Negative Action

The County will forfeit up to \$40,000.00 in funding to support the Erie County Sheriff's Office Marine Unit's mission to increase the safety of area waterways.

Steps Following Approval of Measure

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

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: Erie County Sheriff's Office – NYS Canal Corporation Marine Patrol grant

WHEREAS, the New York State Canal Corporation has selected the Erie County Sheriff's Office Marine Unit to receive \$40,000.00 in funding; and

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

WHEREAS, the Erie County Sheriff's Marine Unit is responsible for patrolling parts of Lake Erie, Niagara River, the Erie Barge Canal, and other waterways along the over 90 miles of Erie County shoreline; and

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

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

WHEREAS, this will have no impact on the county budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does authorize the County Executive and the Sheriff to enter into a contract with the New York State Canal Corporation to accept \$40,000.00 for increased marine patrols on and near the waterways of the Erie Barge Canal; 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 23-24 NYS Canal Corp. Grant

<u>REVENUE</u>		DECREASE
409020	NYS - Miscellaneous	\$40,000.00
<u>APPROPRIATION</u>		INCREASE
501000	Overtime	\$40,000.00
	Total Revenue	\$40,000.00

and be it further

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

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

FISCAL IMPACT: as indicated

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-2

MEYERS

Letter of Absence for Session No. 9 - May 4,
2023

Attachments

23COMM. 10E-2

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 MAY 4 '23 PM4:03

May 4, 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 May 4, 2023 Legislature Session #9. Due to recovery from recent surgery, I will be unable to attend the meeting.

Please enter the aforementioned into the Legislature's official record.

Sincerely,

A handwritten signature in black ink that reads "Timothy J. Meyers".

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-3	BARGNESI	Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization
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Attachments

23COMM. 10E-3

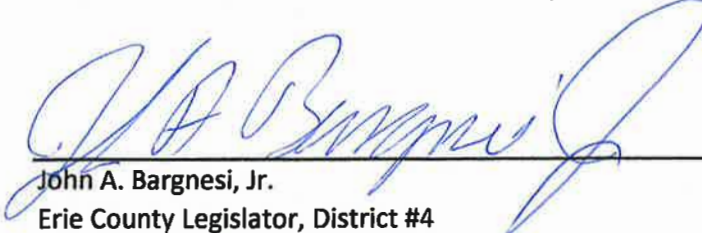
John A. Bargnesi, Jr.
Erie County Legislator, District # 4

EC LEG APR 28 '23 PM12:15

To whom it may concern:

Please accept the following as my disclosure of family members working in any governmental organization, in any capacity:

<u>Name:</u>	<u>Relationship</u>	<u>Governmental Entity</u>	<u>Position Held</u>
John A. Bargnesi, Jr.	Self	Erie County	Legislator, District #4
Jennifer A. Bargnesi	Spouse	Buffalo Schools	Teacher
Dominic J. Bargnesi	Son	Town of Tonawanda	Water Department-Operator
Jack A. Bargnesi	Son	Town of Tonawanda	Town Prosecutor
Anna G. Bargnesi	Daughter	Akron Central School District	Teacher
Grace E. Bargnesi	Daughter	Town of Tonawanda	PT Clerk - Town Clerk's Office
James F. Bargnesi	Brother	Erie County Courts	Judge
Tom Mesi	Cousin	Town of Tonawanda	Water Department-Laborer



John A. Bargnesi, Jr.
Erie County Legislator, District #4

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-4

COMPTROLLER

Interim Financial Report of Erie County

Attachments

23COMM. 10E-4



ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

May 3, 2023

Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, New York 14202

Mark C. Poloncarz, Esq.
 Erie County Executive
 95 Franklin Street, 16th Floor
 Buffalo, New York 14202

Dear Honorable Members and County Executive Poloncarz:

My office has prepared an Interim Financial Report ("Report") of the County of Erie, New York ("County") as of and for the three-month period ended March 31, 2023 (first quarter 2023). The Report, enclosed for your review, consists of the following elements:

- Financial Statements
- Investment Report
- Cash Flow Statement
- Property Tax and Sales Tax Summary
- Debt Schedules
- Miscellaneous Financial Data (including data on short and long-term bonded indebtedness, property tax rates and constitutional taxing power)

Our office provides the following observations and comments for your consideration:

Sales Tax

Actual sales tax revenues in 2023 have continued to exceed budget. The County's 2023 Budget is predicated on a 1% growth in sales tax revenue, which is very conservative. The 2023 Budget assumes the local 4.75% County share sales tax revenue will be \$583,527,694 (with a County share of \$545,061,427 after the County's \$25,966,267 distribution to the NFTA and \$12.5 million of the 1% sales tax is distributed to towns and cities).

Based on first quarter 2023 sales tax revenue trends, the County is on pace to meet the 2023 budgeted revenue. The County share sales tax revenue for the County's first quarter 2023 was \$147,313,096, compared to \$138,743,820 for the same period in 2022.

While we are meeting the 2023 budget target, sales tax revenue growth is slowing. Because this revenue is subject to consumer spending and consumer confidence (and inflation) and is the County's largest revenue source, this office will continue to monitor this account closely throughout the year and will report as necessary.

Real Property Taxes

Through the three-month period ended March 31, 2023, the County has received 79.6% of the \$417,572,963 in property tax that was levied and is collectible for County purposes. That is 0.7% lower than the percentage collected as of March 31, 2022. Taxes remaining to be collected are at \$85,183,787 for the first quarter of 2023 compared to \$79,108,901 for the same period in 2022.

Borrowing

At this point, the County has not issued nor will issue a Revenue Anticipation Note (RAN) in 2023 (similar to 2021 and 2022). The County issued our annual request for proposal for underwriting for the annual capital borrowing bond sale and currently expects to sell the bonds in late July 2023.

Investment Earnings

Taking advantage of rising interest rates, our cash management unit has continued investing in Treasury Bills, as well as making deposits at several banking institutions offering significantly higher interest rate yields than the County's main banker. As a result, the County has benefitted through much higher than budgeted investment earnings revenue. For the first three months of 2023, we have made 400 investments, earning \$5,739,977 in total interest earnings for all funds.

Conclusion

The financial statements and other information contained in this Report have been compiled largely from the official accounting records maintained in the County's SAP system. The Financial Statements from Erie County Medical Center Corporation, Erie Community College, the Erie County Tobacco Securitization Corporation, the Buffalo and Erie County Industrial Land Development Corporation, Inc. and the Erie County Fiscal Stability Authority are not included because financial information for the aforementioned entities is maintained separately from the County.

Information contained in this Report has not been reviewed by the County's independent auditor; therefore, no opinion on this Report is expressed.

If you have any questions, please contact me at (716) 858-8400.

Sincerely yours,



Kevin R. Hardwick, Ph.D.
Erie County Comptroller

Enclosure

cc: Erie County Fiscal Stability Authority
Robert W. Keating, Director of Budget and Management

COUNTY OF ERIE, NEW YORK
INTERIM FINANCIAL REPORT
FOR THE THREE MONTHS ENDED MARCH 31, 2023



Erie County Comptroller's Office

KEVIN R. HARDWICK
Erie County Comptroller

MAY 3, 2023

COUNTY OF ERIE, NEW YORK

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For the three months ended March 31, 2023

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FUND FINANCIAL STATEMENTS

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COUNTY OF ERIE, NEW YORK

COUNTY OF ERIE, NEW YORK
Balance Sheet

Governmental Funds

March 31 2023

(amounts expressed in thousands)

	<u>General</u>	<u>Emergency Response</u>	<u>General Government Buildings, Equipment and Improvements</u>	<u>Other Governmental Funds</u>	<u>Total Governmental Funds</u>
ASSETS:					
Cash and cash equivalents	\$ 446,388	\$ 67,516	\$ 32,805	\$ 89,019	\$ 635,728
Investments	-	-	-	200	200
Receivables (net of allowances)					
Real property taxes, interest, penalties and liens	141,291	-	-	1,238	142,529
Other	13,650	32	4,010	27,456	45,148
Due from other funds	39,644	64,838	-	82,781	187,263
Due from other governments	291,178	5	393	25,251	316,827
Prepaid items	1,333	-	-	2,399	3,732
Restricted cash	155	-	118,456	128,210	246,821
Total assets	\$ 933,639	\$ 132,391	\$ 155,664	\$ 356,554	\$ 1,578,248
LIABILITIES:					
Accounts payable	\$ 3,480	\$ 3	\$ 26	\$ 1,046	\$ 4,555
Accrued liabilities	114,526	79	1,590	7,453	123,648
Due to other funds	52,792	-	34,634	29,300	116,726
Due to component unit	5,770	393	-	-	6,163
Due to other governments	329	-	-	26	355
Retained percentages payable	-	104,268	958	1,250	106,476
Unearned revenue	55,751	-	-	3,203	58,954
Total liabilities	232,648	104,743	37,208	42,278	416,877
DEFERRED INFLOWS OF RESOURCES:					
Unavailable revenue – property taxes	58,135	-	-	-	58,135
Total deferred inflows of resources	58,135	-	-	-	58,135
FUND BALANCES:					
Nonspendable:					
Community development loans	-	-	-	27,351	27,351
Prepaid items	1,333	-	-	2,399	3,732
Restricted for:					
Handicapped parking	155	-	-	-	155
E-911 system costs	-	-	-	2,288	2,288
Debt service	-	-	-	23,981	23,981
Capital expenditures	-	-	118,456	128,410	246,866
Assigned:					
Other purposes	129,257	27,648	-	129,847	286,752
Unassigned	512,111	-	-	-	512,111
Total fund balances	642,856	27,648	118,456	314,276	1,103,236
Total liabilities, deferred inflows of resources and fund balances	\$ 933,639	\$ 132,391	\$ 155,664	\$ 356,554	\$ 1,578,248

COUNTY OF ERIE, NEW YORK

Statement of Revenues, Expenditures and Changes in Fund Balances

Governmental Funds

For the three months ended March 31, 2023

(amounts expressed in thousands)

	General	Emergency Response	General Government Buildings, Equipment and Improvements	Other Governmental Funds	Total Governmental Funds
REVENUES:					
Real property taxes and tax items	\$ 306,216	\$ -	\$ -	\$ 24,716	\$ 330,932
Sales and use taxes	252,446	-	-	954	253,400
Transfer taxes	53	-	-	3,348	3,401
Intergovernmental	105,250	-	86	10,070	115,406
Departmental	21,680	-	-	51,048	72,728
Interest	5,180	-	-	2,643	7,823
Miscellaneous	744	-	1	2,996	3,741
Total revenues	691,569	-	87	95,775	787,431
EXPENDITURES:					
Current:					
General government support	147,016	110	-	1,955	149,081
Public safety	44,599	6	-	4,323	48,928
Health	23,281	201	-	3,118	26,600
Transportation	9,350	71	-	10,063	19,484
Economic assistance and opportunity	191,243	20	-	4,870	196,133
Culture and recreation	4,282	-	-	16	4,298
Education	22,988	-	-	-	22,988
Home and community service	1,528	-	-	11,106	12,634
Capital outlay	-	-	4,959	2,939	7,898
Debt service:					
Principal retirement	-	-	-	3,625	3,625
Interest and fiscal charges	-	-	-	8,740	8,740
Total expenditures	444,287	408	4,959	50,755	500,409
Excess (deficiency) of revenues over expenditures	247,282	(408)	(4,872)	45,020	287,022
OTHER FINANCING SOURCES (USES):					
Sale of property	100	-	-	-	100
Transfers in	729	-	276	27,485	28,490
Transfers out	(19,367)	-	(1,561)	(7,559)	(28,487)
Total other financing sources (uses)	(18,538)	-	(1,285)	19,926	103
Net change in fund balances	228,744	(408)	(6,157)	64,946	287,125
Fund balances at beginning of year	414,112	28,056	124,613	249,330	816,111
Fund balances at end of three months	\$ 642,856	\$ 27,648	\$ 118,456	\$ 314,276	\$ 1,103,236

Statement of Net Position

Proprietary Fund

March 31 2023

(amounts expressed in thousands)

	Business - Type Activity Enterprise Fund Utilities Aggregation Fund
ASSETS:	
Current Assets:	
Cash	\$ 248
Due from other funds	76
Due from other governments	14,541
Total current assets	14,865
Total assets	14,865
LIABILITIES	
Current Liabilities:	
Accounts payable	975
Accrued liabilities	6
Due to other funds	12,809
Due to other governments	76
Total current liabilities	13,866
Total liabilities	13,866
NET POSITION:	
Unrestricted	999
Total net position	\$ 999

Statement of Revenues, Expenses and Changes in Net Position

Proprietary Fund

For the three months ended March 31, 2023

(amounts expressed in thousands)

	Business - Type Activity Enterprise Fund Utilities Aggregation Fund
OPERATING REVENUES:	
Interfund revenues	\$ 2,233
Other operating revenue	4,775
Total operating revenue	7,008
OPERATING EXPENSES:	
Employee wages	57
Employee benefits	28
Utilities and telephone	6,278
Total operating expenses	6,363
Change in net position	645
Total net position - beginning	354
Total net position at end of three months	\$ 999

Statement of Agency Net Position

Agency Fund

March 31 2023

(amounts expressed in thousands)

	Agency Fund
ASSETS:	
Cash and cash equivalents	\$ 61,698
Other	634
Due from other governments	2
Bonds and securities held in custody	20
Total assets	\$ 62,354
LIABILITIES:	
Held in custody for others	62,354
Total liabilities	\$ 62,354

**COMBINING & INDIVIDUAL
FUND STATEMENTS & SCHEDULES**

NONMAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

These funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes. These funds include the Road, Sewer, Downtown Mall, E-911, Grants, Community Development, and Pharmaceutical Litigation Settlements Fund.

- **Road Fund**
Used to account for all revenues and expenditures related to the maintenance of County roads and bridges, snow removal, construction and reconstruction of County roads not required to be recorded in a Capital Projects Fund.
- **Sewer Fund**
Used to account for the activities of the various sewer districts currently in operation within the County.
- **Downtown Fund**
Used to account for revenues raised through a special district charge levy and the subsequent expenditure of these monies for the operation and maintenance of a downtown pedestrian/transit mall.
- **E-911 Fund**
Used to account for revenues raised through a telephone access line surcharge and the subsequent expenditure of these monies for the establishment and maintenance of an enhanced 911 emergency telephone system.
- **Grants Fund**
Used to account for federal and state operating grants (except the Community Development Block Grant) earmarked for specific programs, so that grantor accounting and reporting requirements can be satisfied.
- **Community Development Fund**
Used to assist participating municipalities in the development of locally approved community or economic development activities that are eligible under federal program regulations.
- **Pharmaceutical Litigation Settlements Fund**
Used to account for the County's receipt and spending of pharmaceutical litigation settlement funds from national, state and County litigation against pharmaceutical companies. The County started receiving revenue from the Office of the New York State Attorney General in 2022. Much of the settlement funding is restricted and has to be spent on specific public health measures to combat opioid abuse. The Fund reports separate breakdowns for the usages of restricted funds and unrestricted funds.

DEBT SERVICE FUND

The Debt Service Fund is used to account for current payments of principal and interest on general obligation long-term debt, and for financial resources that have been accumulated to make future principal and interest payments on general long term indebtedness.

NONMAJOR GOVERNMENTAL FUNDS (Continued)

CAPITAL PROJECTS FUNDS

Capital Projects Funds are used to account for financial resources to be used for the acquisition or construction of major capital facilities.

- **Highways, Roads, Bridges and Equipment Fund**

Utilized to account for capital projects administered by the Department of Public Works for the construction or reconstruction of County roads and bridges and the acquisition of equipment not accounted for in the Road Fund.

- **Sewers, Facilities, Equipment and Improvements Fund**

Used to account for capital projects relating to the construction and acquisition of sewer facilities and equipment by the operating sewer districts.

- **Tobacco Proceeds Fund**

Used to account for the net proceeds from the County's securitization of its share of the 1998 Master Settlement Agreement with the tobacco industry that will be used to fund capital projects that otherwise would have been supported by operating funds or the issuance of bonds.

- **Special Capital Projects Fund**

Utilized to account for capital projects administered by departments other than Public Works that are primarily for the acquisition or construction of buildings, improvements and equipment.

Combining Balance Sheet

Nonmajor Governmental Funds

March 31 2023

(amounts expressed in thousands)

	Special Revenue			
	Road	Sewer	Downtown Mall	E-911
ASSETS:				
Cash and cash equivalents	\$ 31,815	\$ 26,889	\$ 599	\$ 1,493
Investments	-	-	-	-
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	-	-	1,238	-
Other	-	-	-	87
Due from other funds	-	55,377	-	-
Due from other governments	1,120	1,148	-	959
Prepaid items	-	2,373	-	26
Restricted cash	-	-	-	-
Total assets	\$ 32,935	\$ 85,787	\$ 1,837	\$ 2,565
LIABILITIES:				
Accounts payable	\$ 8	\$ 45	\$ -	\$ 22
Accrued liabilities	3,101	942	40	229
Due to other funds	-	-	-	-
Due to other governments	-	-	-	-
Retained percentages payable	-	45	-	-
Unearned revenue	-	-	-	-
Total liabilities	3,109	1,032	40	251
FUND BALANCES:				
Nonspendable:				
Community development loans	-	-	-	-
Prepaid items	-	2,373	-	26
Restricted for:				
E-911 system costs	-	-	-	2,288
Debt service	-	-	-	-
Capital expenditures	-	-	-	-
Assigned:				
Other purposes	29,826	82,382	1,797	-
Total fund balances	29,826	84,755	1,797	2,314
Total liabilities, deferred inflows of resources and fund balances	\$ 32,935	\$ 85,787	\$ 1,837	\$ 2,565

Combining Balance Sheet

Nonmajor Governmental Funds

March 31 2023

(amounts expressed in thousands)

Special Revenue

	Grants	Community Development	Pharmaceutical Litigation Settlements	Total
ASSETS:				
Cash and cash equivalents	\$ 606	\$ 576	\$ 15,836	\$ 77,814
Investments	-	-	-	-
Receivables (net of allowances)	-	-	-	-
Real property taxes, interest, penalties and liens	-	-	-	1,238
Other	7	27,362	-	27,456
Due from other funds	-	-	-	55,377
Due from other governments	18,636	211	-	22,074
Prepaid items	-	-	-	2,399
Restricted cash	-	-	-	-
Total assets	\$ 19,249	\$ 28,149	\$ 15,836	\$ 186,358
LIABILITIES:				
Accounts payable	\$ 692	\$ 169	\$ -	\$ 936
Accrued liabilities	1,293	51	10	5,666
Due to other funds	14,141	456	-	14,597
Due to other governments	23	3	-	26
Retained percentages payable	-	-	-	45
Unearned revenue	3,084	119	-	3,203
Total liabilities	19,233	798	10	24,473
FUND BALANCES:				
Nonspendable:				
Community development loans	-	27,351	-	27,351
Prepaid items	-	-	-	2,399
Restricted for:				
E-911 system costs	-	-	-	2,288
Debt service	-	-	-	-
Capital expenditures	-	-	-	-
Assigned:				
Other purposes	16	-	15,826	129,847
Total fund balances	16	27,351	15,826	161,885
Total liabilities, deferred inflows of resources and fund balances	\$ 19,249	\$ 28,149	\$ 15,836	\$ 186,358

Combining Balance Sheet

Nonmajor Governmental Funds

March 31 2023

(amounts expressed in thousands)

	Capital Projects			
	Debt Service	Highways, Roads, Bridges and Equipment	Sewers, Facilities Equipment and Improvements	Tobacco Proceeds
ASSETS:				
Cash and cash equivalents	\$ 6,285	\$ 683	\$ 2,667	\$ 1
Investments	-	-	-	200
Receivables (net of allowances) Real property taxes, interest, penalties and liens	-	-	-	-
Other	-	-	-	-
Due from other funds	27,404	-	-	-
Due from other governments	77	1,537	1,529	-
Prepaid items	-	-	-	-
Restricted cash	-	62,681	54,718	16
Total assets	\$ 33,766	\$ 64,901	\$ 58,914	\$ 217
LIABILITIES:				
Accounts payable	\$ -	\$ 42	\$ 16	\$ -
Accrued liabilities	73	277	1,434	-
Due to other funds	9,712	1,320	2,665	1
Due to other governments	-	-	-	-
Retained percentages payable	-	581	81	-
Unearned revenue	-	-	-	-
Total liabilities	9,785	2,220	4,196	1
FUND BALANCES:				
Nonspendable:				
Community development loans	-	-	-	-
Prepaid items	-	-	-	-
Restricted for:				
E-911 system costs	-	-	-	-
Debt service	23,981	-	-	-
Capital expenditures	-	62,681	54,718	216
Assigned:				
Other purposes	-	-	-	-
Total fund balances	23,981	62,681	54,718	216
Total liabilities, deferred inflows of resources and fund balances	\$ 33,766	\$ 64,901	\$ 58,914	\$ 217

Combining Balance Sheet

Nonmajor Governmental Funds

March 31 2023

(amounts expressed in thousands)

	Capital Projects		
	Special Capital Projects	Total	Total Nonmajor Governmental Funds
ASSETS:			
Cash and cash equivalents	\$ 1,569	\$ 4,920	\$ 89,019
Investments	-	200	200
Receivables (net of allowances)			
Real property taxes, interest, penalties and liens	-	-	1,238
Other	-	-	27,456
Due from other funds	-	-	82,781
Due from other governments	34	3,100	25,251
Prepaid items	-	-	2,399
Restricted cash	10,795	128,210	128,210
Total assets	\$ 12,398	\$ 136,430	\$ 356,554
LIABILITIES:			
Accounts payable	\$ 52	\$ 110	\$ 1,046
Accrued liabilities	3	1,714	7,453
Due to other funds	1,005	4,991	29,300
Due to other governments	-	-	26
Retained percentages payable	543	1,205	1,250
Unearned revenue	-	-	3,203
Total liabilities	1,603	8,020	42,278
FUND BALANCES:			
Nonspendable:			
Community development loans	-	-	27,351
Prepaid items	-	-	2,399
Restricted for:			
E-911 system costs	-	-	2,288
Debt service	-	-	23,981
Capital expenditures	10,795	128,410	128,410
Assigned:			
Other purposes	-	-	129,847
Total fund balances	10,795	128,410	314,276
Total liabilities, deferred inflows of resources and fund balances	\$ 12,398	\$ 136,430	\$ 356,554

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the three months ended March 31, 2023
(amounts expressed in thousands)

	Special Revenue			
	Road	Sewer	Downtown Mall	E-911
REVENUES:				
Real property taxes and tax items	\$ -	\$ 22,919	\$ 1,797	\$ -
Sales and use taxes	-	-	-	954
Transfer taxes	3,348	-	-	-
Intergovernmental	-	-	-	9
Departmental	37	32,082	-	-
Interest	-	194	-	-
Miscellaneous	-	1,131	-	-
Total revenues	3,385	56,326	1,797	963
EXPENDITURES:				
Current:				
General government support	-	-	-	-
Public safety	-	-	-	1,999
Health	-	-	-	385
Transportation	10,063	-	-	-
Economic assistance and opportunity	-	-	-	-
Culture and recreation	-	-	-	-
Home and community service	-	9,669	-	-
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	10,063	9,669	-	2,384
(Deficiency) excess of revenues over expenditures	(6,678)	46,657	1,797	(1,421)
OTHER FINANCING SOURCES (USES) :				
Transfers in	6,680	-	-	1,310
Transfers out	-	(6,388)	-	-
Total other financing sources (uses)	6,680	(6,388)	-	1,310
Net change in fund balances	2	40,269	1,797	(111)
Fund balances at beginning of year	29,824	44,486	-	2,425
Fund balances at end of three months	\$ 29,826	\$ 84,755	\$ 1,797	\$ 2,314

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the three months ended March 31, 2023
(amounts expressed in thousands)

	Special Revenue			Total
	Grants	Community Development	Pharmaceutical Litigation Settlements	
REVENUES:				
Real property taxes and tax items	\$ -	\$ -	\$ -	\$ 24,716
Sales and use taxes	-	-	-	954
Transfer taxes	-	-	-	3,348
Intergovernmental	9,680	266	4	9,959
Departmental	1,541	867	15,996	50,523
Interest	-	-	42	236
Miscellaneous	93	-	-	1,224
Total revenues	11,314	1,133	16,042	90,960
EXPENDITURES:				
Current:				
General government support	1,932	-	-	1,932
Public safety	2,263	-	61	4,323
Health	2,618	-	115	3,118
Transportation	-	-	-	10,063
Economic assistance and opportunity	4,765	65	40	4,870
Culture and recreation	16	-	-	16
Home and community service	325	1,112	-	11,106
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	11,919	1,177	216	35,428
(Deficiency) excess of revenues over expenditures	(605)	(44)	15,826	55,532
OTHER FINANCING SOURCES (USES) :				
Transfers in	621	44	-	8,655
Transfers out	-	-	-	(6,388)
Total other financing sources (uses)	621	44	-	2,267
Net change in fund balances	16	-	15,826	57,799
Fund balances at beginning of year	-	27,351	-	104,086
Fund balances at end of three months	\$ 16	\$ 27,351	\$ 15,826	\$ 161,885

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds

For the three months ended March 31, 2023

(amounts expressed in thousands)

	Capital Projects			
	Debt Service	Highways, Roads, Bridges and Equipment	Sewers, Facilities Equipment and Improvements	Tobacco Proceeds
REVENUES:				
Real property taxes and tax items	\$ -	\$ -	\$ -	\$ -
Sales and use taxes	-	-	-	-
Transfer taxes	-	-	-	-
Intergovernmental	77	-	-	-
Departmental	-	501	24	-
Interest	2,041	-	366	-
Miscellaneous	1,772	-	-	-
Total revenues	3,890	501	390	-
EXPENDITURES:				
Current:				
General government support	23	-	-	-
Public safety	-	-	-	-
Health	-	-	-	-
Transportation	-	-	-	-
Economic assistance and opportunity	-	-	-	-
Culture and recreation	-	-	-	-
Home and community service	-	-	-	-
Capital outlay	-	315	2,417	-
Debt service:				
Principal retirement	3,625	-	-	-
Interest and fiscal charges	8,740	-	-	-
Total expenditures	12,388	315	2,417	-
(Deficiency) excess of revenues over expenditures	(8,498)	186	(2,027)	-
OTHER FINANCING SOURCES (USES) :				
Transfers in	13,130	-	5,700	-
Transfers out	-	(768)	(400)	-
Total other financing sources (uses)	13,130	(768)	5,300	-
Net change in fund balances	4,632	(582)	3,273	-
Fund balances at beginning of year	19,349	63,263	51,445	216
Fund balances at end of three months	\$ 23,981	\$ 62,681	\$ 54,718	\$ 216

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the three months ended March 31, 2023
(amounts expressed in thousands)

	Capital Projects		Total Nonmajor Governmental Funds
	Special Capital Projects	Total	
REVENUES:			
Real property taxes and tax items	\$ -	\$ -	\$ 24,716
Sales and use taxes	-	-	954
Transfer taxes	-	-	3,348
Intergovernmental	34	34	10,070
Departmental	-	525	51,048
Interest	-	366	2,643
Miscellaneous	-	-	2,996
Total revenues	34	925	95,775
EXPENDITURES:			
Current:			
General government support	-	-	1,955
Public safety	-	-	4,323
Health	-	-	3,118
Transportation	-	-	10,063
Economic assistance and opportunity	-	-	4,870
Culture and recreation	-	-	16
Home and community service	-	-	11,106
Capital outlay	207	2,939	2,939
Debt service:			
Principal retirement	-	-	3,625
Interest and fiscal charges	-	-	8,740
Total expenditures	207	2,939	50,755
(Deficiency) excess of revenues over expenditures	(173)	(2,014)	45,020
OTHER FINANCING SOURCES (USES) :			
Transfers in	-	5,700	27,485
Transfers out	(3)	(1,171)	(7,559)
Total other financing sources (uses)	(3)	4,529	19,926
Net change in fund balances	(176)	2,515	64,946
Fund balances at beginning of year	10,971	125,895	249,330
Fund balances at end of three months	\$ 10,795	\$ 128,410	\$ 314,276

(Concluded)

LIBRARY COMPONENT UNIT

The financial data shown for the Buffalo and Erie County Public Library is derived from records maintained on its behalf by the County. The Library does not issue separate financial statements. The inclusion of the Library as a component unit in the County's financial statements reflects the County's financial accountability for this legally separate entity.

Balance Sheet

Library Component Unit

March 31 2023

(amounts expressed in thousands)

	Library
ASSETS:	
Cash and cash equivalents	\$ 32,304
Other	93
Due from primary government	5,770
Due from other governments	467
Prepaid items	43
Total assets	\$ 38,677
LIABILITIES:	
Accounts payable	\$ 68
Accrued liabilities	453
Retained percentages payable	24
Unearned revenue	1,818
Total liabilities	2,363
FUND BALANCES:	
Nonspendable	43
Committed	3,597
Assigned	2,085
Unassigned	30,589
Total fund balances	36,314
Total liabilities and fund balances	\$ 38,677

Statement of Revenues, Expenditures and Changes in Fund Balances

Library Component Unit

For the three months ended March 31, 2023

(amounts expressed in thousands)

	Library
REVENUES:	
Real property taxes and tax items	\$ 28,285
Intergovernmental	1,503
Departmental	31
Interest	39
Miscellaneous	12
Total revenues	29,870
EXPENDITURES:	
Current:	
Culture and recreation	9,013
Total expenditures	9,013
Net change in fund balances	20,857
Fund balances at beginning of year	15,457
Fund balances at end of three months	\$ 36,314

INVESTMENT REPORT

Investment Report

January 1, 2023 through March 31, 2023

In accordance with the Comptroller's Investment Guidelines, the Investment Report for the first three months of 2023 is hereby submitted. The primary objectives of the investment program, as set out in established guidelines, are as follows in order of importance:

- compliance with legal requirements
- safeguarding of principal
- ensuring sufficient liquidity
- obtaining a reasonable rate of return

Our cash management program offers the County a good return on its investments without assuming unnecessary risks. A total of 400 investments were made during the first three months, resulting in \$5,739,977 in total interest earnings for all funds. The average yield for the first three months was 3.00%. For comparison, during the first three months of 2022, 369 investments were effectuated which generated \$28,298 in total interest earnings for all funds at an average yield of .03%.

SUMMARY OF INVESTMENTS PURCHASED

	Number of Investments Jan. - March		Average Investment (in millions) Jan. - March		Average Length of Investment (days) Jan. - March	
	2023	2022	2023	2022	2023	2022
Manufacturers & Traders	389	369	56.8	70.8	6	7
Citizens	4	N/A	20.1	N/A	25	N/A
JP Morgan Chase	4	N/A	20.2	N/A	23	N/A
NYCLASS	3	N/A	20.3	N/A	29	N/A
Totals	400	369				

Investment Report

January 1, 2023 through March 31, 2023

SUMMARY OF INTEREST EARNINGS BY FUND

	General Fund	Trust Fund	Capital Fund	Sewer Fund	Total
1st Quarter	\$3,528,813	\$114,510	\$1,900,235	\$196,419	\$5,739,977
Year to date	\$3,528,813	\$114,510	\$1,900,235	\$196,419	\$5,739,977

Please note the 2023 Adopted Budget General Fund interest earnings is \$1,200,000. The actual year to date earnings for the General Fund as of March 31, 2023 is \$3,528,813. For comparison, as of March 31, 2022, the General Fund interest earnings were \$13,625.

SUMMARY OF AVERAGE YIELD (ALL FUNDS)

Month	Average Yield	
	2023	2022
January	2.67%	.02%
February	3.13%	.02%
March	3.21%	.04%
Average Jan. - March	3.00%	.03%

CASH FLOW STATEMENT

As a matter of procedure, the Erie County Comptroller's Office does not report public projections regarding future cash flows or other results. However, the Comptroller's Office has prepared projected cash flow information, set forth in the following schedule, to present the projected cumulative cash flow of Erie County for the year ending December 31, 2023.

The projected financial information is subject to change based on various intervening factors, and was not produced to comply with guidelines established by the American Institute of Certified Public Accountants with respect to prospective financial information. Rather, it was prepared by the Comptroller's Office based on data provided by the Division of Budget, Management and Finance and other sources to reflect the best and currently available estimates and judgments, and presents, to the best of the Comptroller's Office's knowledge, the expected future cash flow of the County.

This information is not static or audited, and should not be relied upon as indicative of future results.

NEITHER THE COUNTY'S INDEPENDENT AUDITORS NOR ANY OTHER INDEPENDENT ACCOUNTANTS HAVE COMPILED, EXAMINED OR PERFORMED ANY PROCEDURES WITH RESPECT TO THE PROSPECTIVE CASH FLOW INFORMATION CONTAINED HEREIN. IN ADDITION, THEY HAVE NOT EXPRESSED ANY OPINION OR ANY OTHER FORM OF ASSURANCE ON SUCH INFORMATION OR ITS ACHIEVABILITY, AND ASSUME NO RESPONSIBILITY FOR, AND DISCLAIM ANY ASSOCIATION WITH, THE PROSPECTIVE FINANCIAL INFORMATION.

COUNTY OF ERIE, NEW YORK

County Of Erie

Cash Flow Statement

January-March Actual, April-December Projected
2023

Description	Actual January	Actual February	Actual March	Projected April	Projected May
Opening Balance	\$ 310,125,726				
RECEIPTS:					
DSS	\$ 3,994,479	30,506,133	\$ 49,251,026	\$ 1,078,829	\$ 29,061,547
Sales Tax	55,332,706	73,789,845	65,871,786	96,519,496	79,074,593
Real Property Tax	14,150,573	62,029,244	267,288,585	42,183,078	8,147,485
Other	32,406,858	26,403,002	53,363,320	31,132,064	16,893,841
EFSCA Set Aside Release	242,875	109,875	-	-	16,798,597
Total Receipts	106,127,492	192,838,099	435,774,716	170,913,467	149,976,063
DISBURSEMENTS:					
DSH/IGT	-	-	52,046,839	-	-
DSS Expense	15,066,046	14,385,629.00	15,721,687	12,793,203	10,618,121
MMIS	16,708,205	13,366,564	13,366,564	13,364,000	16,705,000
Payroll	41,402,718	40,490,357	53,462,418	40,490,357	40,490,357
Vendor	32,130,132	57,880,828	130,938,569	56,412,555	39,110,349
Debt Service	18,503	540,203	8,105,090	2,374,708	970,135
Capital Subsidy	206,000	-	70,000	2,758,235	14,043,792
Sewer Property Tax	-	-	-	36,086,623	8,291,595
Stadium Set Asides	-	-	-	-	-
ECFSA Bond Set Asides	2,535,610	2,535,797	2,535,797	2,150,239	2,150,260
ECFSA Debt Service	242,875	109,875	-	-	16,798,597
Total Disbursements	108,310,090	129,309,253	276,246,963	166,429,920	149,178,205
Monthly Cash Flow	\$ (2,182,599)	\$ 63,528,846	\$ 159,527,752	\$ 4,483,546	\$ 797,858
Cumulative Cash Flow	\$ 307,943,127	\$ 371,471,973	\$ 530,999,725	\$ 535,483,272	\$ 536,281,129

(Continued)

COUNTY OF ERIE, NEW YORK

County Of Erie

Cash Flow Statement

January-March Actual, April-December Projected
2023

Description	Projected June	Projected July	Projected August	Projected September	Projected October
RECEIPTS:					
DSS	\$ 3,794,405	\$ 14,503,470	\$ 36,323,949	\$ 15,312,591	\$ 17,807,308
Sales Tax	114,528,044	54,925,159	82,144,702	78,977,433	87,102,053
Real Property Tax	7,226,811	7,799,288	5,358,961	5,359,453	2,795,612
Other	30,622,474	31,993,920	30,895,713	45,541,925	21,807,589
EFSCA Set Aside Release	2,847,625	2,000	4,504,875	77,625	-
Total Receipts	159,019,359	109,223,836	159,228,200	145,269,028	129,512,562
DISBURSEMENTS:					
DSH/IGT	1,472,994	-	-	1,472,994	-
DSS Expense	11,049,376	12,176,709	16,025,647	15,257,070	14,275,571
MMIS	13,364,000	13,364,000	16,705,000	13,364,000	16,705,000
Payroll	40,490,357	40,490,357	40,490,357	53,462,418	40,490,357
Vendor	132,134,006	43,166,625	49,515,986	116,523,206	27,553,265
Debt Service	2,446,393	573,577	16,498	23,017,994	505,303
Capital Subsidy	-	171,265	226,070	-	41,960
Sewer Property Tax	1,222,918	679,985	664,171	363,713	337,357
Stadium Set Asides	44,118,000	17,091,000	-	-	17,498,000
ECFSA Bond Set Asides	2,150,260	2,131,947	2,130,239	1,763,989	1,764,427
ECFSA Debt Service	2,847,625	2,000	4,504,875	77,625	-
Total Disbursements	251,295,930	129,847,464	130,278,843	225,303,007	119,171,238
Monthly Cash Flow	\$ (92,276,571)	\$ (20,623,629)	\$ 28,949,357	\$ (80,033,980)	\$ 10,341,324
Cumulative Cash Flow	\$ 444,004,558	\$ 423,380,929	\$ 452,330,286	\$ 372,296,306	\$ 382,637,630

(Continued)

COUNTY OF ERIE, NEW YORK

County Of Erie

Cash Flow Statement

January-March Actual, April-December Projected
2023

Description	Projected November	Projected December	TOTAL
RECEIPTS:			
DSS	10,349,668.59	28,804,364.70	\$ 271,293,904
Sales Tax	65,280,004.21	92,687,730.27	1,020,023,396
Real Property Tax	4,194,544	8,158,043	496,720,919
Other	31,254,851	33,135,698	385,451,256
EFSCA Set Aside Release	684,409	2,387,750	27,655,631
Total Receipts	111,763,477	165,173,586	2,201,145,107
DISBURSEMENTS:			
DSH/IGT	-	50,041,686	105,034,513
DSS Expense	13,128,455	9,917,767	160,415,282
MMIS	13,364,000	13,364,000	173,740,333
Payroll / Pension	40,490,357	82,519,411	554,769,821
Vendor	30,017,207	101,928,875	817,311,602
Debt Service	633,295	784,639	39,986,338
Capital Subsidy	616,565	8,400,888	26,534,775
Sewer Property Tax	5,065,621	-	52,711,982
Stadium Set Asides	-	17,957,000	96,664,000
ECFSA Bond Set Asides	1,607,802	1,607,802	25,064,169
ECFSA Debt Service	684,409	2,387,750	27,655,631
Total Disbursements	105,607,711	288,909,817	2,079,888,446
Monthly Cash Flow	\$ 6,155,766	\$ (123,736,231)	\$ 121,256,661
Cumulative Cash Flow	\$ 388,793,396	\$ 265,057,165	

(Concluded)

PROPERTY AND SALES TAX SUMMARY

Property Tax Collections

Three Months Ended March 31, 2023 and 2022

	<u>2023</u>	<u>2022</u>
Gross Levy	\$ 845,306,073	\$ 818,250,077
Less: Amount Retained by Towns	(427,733,110)	(415,677,429)
Net Collectible by County	417,572,963	402,572,648
Less: January - March Collections	(332,389,176)	(323,446,854)
Net Outstanding at March 31	<u>\$ 85,183,787</u>	<u>\$ 79,108,901</u>
Percentage Collected through March 31	<u>79.6%</u>	<u>80.3%</u>

Source: Erie County Govern Tax Collection System.

COUNTY OF ERIE, NEW YORK

Sales Tax Revenue

Three Months Ended March 31, 2023 and 2022

	2023 Adopted Budget	March 2023 Y-T-D Revenue (1) (2)	% of Budget Realized	2022 Adopted Budget	March 2022 Y-T-D Revenue (1) (2)	% of Budget Realized
Sales And Use Tax	\$ 220,020,488	\$ 55,552,866	25.2%	\$207,035,059	\$52,315,053	25.3%
1% Sales Tax - Erie County Purposes	207,730,136	52,436,830	25.2%	195,470,064	49,392,004	25.3%
0.25% Sales Tax	51,925,690	13,107,800	25.2%	48,967,342	12,345,588	25.3%
0.50% Sales Tax	103,851,380	26,215,600	25.2%	97,701,854	24,691,175	25.3%
Totals	\$ 583,527,694	\$ 147,313,096	25.2%	\$549,174,319	\$138,743,820	25.3%

Source: Erie County Comptroller's Office.

Notes:

(1) Through March 31, 2023 year to date, \$101,795,405 was recorded as both a revenue and an expenditure in the County's General Fund for sales tax shared with local municipalities. This revenue amount is excluded from the table above.

(2) Includes accrual estimate for portion to be received in May 2023.

DEBT SCHEDULES

Annual Debt Service Requirements for Long-Term Gen Obligation Indebtedness of the County (1)

As of March 31, 2023

Fiscal Year Ending December 31	Principal Payments	Interest Payments	Total Debt Service
2023	50,096,538.00	8,978,558.70	59,075,096.70
2024	32,578,781.00	12,302,104.15	44,880,885.15
2025	30,315,024.00	10,874,245.31	41,189,269.31
2026	29,282,267.00	9,482,716.36	38,764,983.36
2027	25,594,510.00	8,268,533.84	33,863,043.84
2028	26,750,752.00	7,032,509.42	33,783,261.42
2029	24,122,995.00	5,738,722.86	29,861,717.86
2030	20,925,238.00	4,582,392.74	25,507,630.74
2031	21,926,481.00	3,565,531.69	25,492,012.69
2032	14,861,336.00	2,589,530.32	17,450,866.32
2033	11,118,839.00	1,887,824.18	13,006,663.18
2034	7,598,839.00	1,392,634.84	8,991,473.84
2035	7,522,839.00	1,075,086.33	8,597,925.33
2036	4,432,839.00	757,891.23	5,190,730.23
2037	4,027,839.00	553,200.59	4,581,039.59
2038	1,462,839.00	362,931.18	1,825,770.18
2039	1,497,839.00	300,592.17	1,798,431.17
2040	1,272,839.00	237,115.97	1,509,954.97
2041	1,285,000.00	183,118.02	1,468,118.02
2042	760,000.00	140,783.35	900,783.35
2043	605,000.00	113,813.00	718,813.00
2044	615,000.00	89,559.40	704,559.40
2045	635,000.00	64,709.40	699,709.40
2046	645,000.00	39,263.00	684,263.00
2047	665,000.00	13,220.20	678,220.20
Totals	\$ 320,598,634.00	\$ 80,626,588.25	\$ 401,225,222.25

Source: Erie County Comptroller's Office

Note:

(1) Amount is net of debt service payments of \$9,179,755.10 made from January 1, 2023 to March 31, 2023.

Direct General Obligation Indebtedness Outstanding
As of March 31, 2023

Bonds:		
Highway Improvements	\$ 103,236,820.04	
Buildings and other Improvements	84,553,562.94	
Sewer District Facilities	65,258,634.00	
Community College	24,412,143.82	
Highmark Stadium	16,546,089.16	
Computer System	8,009,636.02	
Court House Facilities	5,083,510.64	
Convention Center	4,368,794.98	
Prison Facilities	4,055,942.08	
Key Bank Center	4,070,000.00	
Buffalo Zoo	<u>1,003,500.32</u>	
Total Long-Term Debt		\$ 320,598,634.00 ^{(1) (2)}
Exclusions :		
Sewer District Debt	65,258,634.00	
Budgeted Appropriations	45,415,429.00	
Total Deductions		<u>110,674,063.00</u>
Net Direct Debt		<u><u>\$ 209,924,571.00</u></u>

Source: Erie County Comptroller's Office

Notes:

(1) Pursuant to the agreement governing the sale of the County hospital and nursing home to Erie County Medical Center Corporation, the County continues to be directly responsible for the payment of certain bonded debt for these facilities. Bonded debt, in the amount of \$61,135,000 of Erie County Medical Center Corporation for which the County has indirect responsibility as guarantor, is not included above.

(2) This schedule reflects remaining principal for bonds issued from 2001 to 2022 by the County.

Calculation of Constitutional Debt Limit

As of March 30, 2023.

For Fiscal Year Ended December 31	Equalized Full Valuation of Taxable Real Property
2019	60,970,410,994.00
2020	64,771,315,474.00
2021	70,645,602,048.00
2022	74,148,294,674.00
2023	83,955,196,847.00
Total five year full valuation	\$ 354,490,820,037.00
5 Year Average full valuation	\$ 70,898,164,007.00
Debt limit - 7% of average full valuation	\$ 4,962,871,480.49

Source: NYS Office of the State Comptroller - Data Management Unit

Calculation of Total Net Indebtedness

As of March 30,2023.

Five year average full valuation (2018-2022)		<u>\$ 70,898,164,007.00</u>
Debt Limit - 7% of average full valuation		<u>\$ 4,962,871,480.49</u>
Outstanding Indebtedness:		
Bonds - General	\$ 255,340,000.00	
Bonds - Sewer	65,258,634.00	
Bond Guaranty - ECMCC (1)	61,135,000.00	
Total Indebtedness	<u>381,733,634.00</u>	
Less Exclusions:		
Sewer Exclusion	65,258,634.00	
Budgeted Appropriations	45,415,429.00	
Total Exclusions	<u>110,674,063.00</u>	
Total Net Indebtedness		<u>271,059,571.00</u>
Net Debt Contracting Margin		<u>\$ 4,691,811,909.49</u>
Percentage of Debt Contracting Power Exhausted		<u>5.46%</u>

Sources:

Property Value - NYS Office of the State Comptroller - Data Management Unit
Indebtedness and exclusions - Erie County Comptroller's Office

Note:

(1) Erie County Medical Center Corporation

MISCELLANEOUS FINANCIAL DATA

Property Tax Collection History

Last Ten Fiscal Years

Fiscal Year	County Property Taxes Levied (1)	All Other Property Taxes Levied (2)	Total Property Taxes Levied for the Fiscal Year	Collected within the Fiscal Year of the Levy	
				Amount	Percentage of Levy
2013	237,270,828	418,170,150	655,440,978	637,052,431	97.19%
2014	241,721,087	420,052,940	661,774,027	644,024,505	97.32%
2015	245,876,811	428,290,819	674,167,630	655,940,466	97.30%
2016	257,638,097	437,982,920	695,621,017	677,125,859	97.34%
2017	272,002,597	447,195,930	719,198,527	700,924,354	97.46%
2018	287,386,093	457,147,623	744,533,716	725,368,656	97.43%
2019	295,096,353	469,825,980	764,922,333	745,093,535	97.41%
2020	305,272,912	481,191,141	786,464,053	765,776,625	97.37%
2021	312,095,683	492,768,043	804,863,726	785,705,523	97.62%
2022	319,959,718	498,290,359	818,250,077	800,581,184	97.84%

Sources:

*Erie County Department of Real Property Tax Services
Erie County Govern Tax Collection System*

Notes:

(1) Totals shown exclude amounts levied in accordance with State law to recover election expenditures from the municipalities that were incurred by the County.

(2) Totals shown are primarily comprised of taxes levied for the benefit of County towns, re-levy of uncollected school and village taxes, and sewer district taxes and user charges.

Short-Term Borrowing History (1)

2002-2023

Year	Amount	Type	Issue Date	Maturity Date
2002	43,000,000	RAN ⁽²⁾	09/18/02	09/17/03
2003	90,000,000	RAN	06/24/03	06/23/04
2004	82,500,000	RAN	07/14/04	07/13/05
2005	80,000,000	RAN	03/11/05	03/10/06
2005	80,000,000	RAN	07/14/05	07/13/06
2006	110,000,000	RAN	06/13/06	06/13/07
2007	75,000,000	RAN	06/27/07	06/27/08
2008	75,000,000	RAN	09/30/08	06/30/09
2009	103,534,867	BAN ⁽³⁾	05/20/09	05/18/10
2009	65,000,000	RAN	10/27/09	06/30/10
2010	45,000,000	RAN	08/12/10	06/30/11
2010	20,000,000	RAN	12/14/10	04/14/11
2011	88,000,000	RAN	10/06/11	06/29/12
2012	75,000,000	RAN	10/11/12	06/28/13
2013	109,440,000	RAN	08/27/13	06/30/14
2014	110,000,000	RAN	09/18/14	06/30/15
2015	89,560,000	RAN	12/14/15	06/30/16
2016	89,580,000	RAN	12/07/16	06/30/17
2017	111,225,000	RAN	09/28/17	06/30/18
2018	79,255,000	RAN	09/26/18	06/30/19
2019	-	N/A	N/A	N/A
2020	125,000,000	RAN	06/25/20	06/24/21
2021	-	N/A	N/A	N/A
2022	-	N/A	N/A	N/A
2023	-	N/A	N/A	N/A

Source: Erie County Comptroller's Office

Notes:

(1) Excludes all Bond Anticipation Notes ("BANs") issued by the Environmental Facilities Corporation.

(2) Revenue Anticipation Notes ("RANs") may be issued in any fiscal year in anticipation of the collection or receipt of taxes (other than real property taxes) and certain other types of revenue which are due and payable in such fiscal year and moneys to be received from the State or Federal government which are due in such fiscal year. Pursuant to State law, such notes must mature within one year after the date of issuance, and may be renewed from time to time for periods of up to one year; however, the maturity of such notes, including renewals, may not extend beyond the end of the second fiscal year following the fiscal year in which such notes were originally issued.

The issuance of RANs has been necessitated, in part, by the State's practice of requiring local governments to pay 100% of the expenditures for various programs in advance, and then providing subsequent, often delayed, reimbursement for the non-local share.

(3) BANs may be issued in anticipation of bond proceeds to be received at a later date. On May 17, 2010, the BANs were paid by the issuance of long-term general obligation bonds by the ECFSA pursuant to an agreement entered into by the parties.

Outstanding Long-Term Direct Indebtedness (1)

Last Ten Fiscal Years

As of December 31

Fiscal Year	Amount (2)
2012	392,619,957 ⁽³⁾
2013	412,285,000 ⁽³⁾
2014	391,605,000 ⁽³⁾
2015	368,175,000 ⁽³⁾
2016	348,165,000 ⁽³⁾
2017	327,405,000 ⁽³⁾
2018	318,235,000 ⁽³⁾
2019	310,830,000 ⁽³⁾
2020	291,805,000 ⁽³⁾
2021	257,477,929 ⁽³⁾
2022	262,188,634 ⁽³⁾

Source: Erie County Comptroller's Office

Notes:

(1) Excludes all sewer debt payable from special assessments.

(2) Excludes ECMCC bond guaranty of \$99,305,000 for 2009, \$97,150,000 for 2010, \$94,900,000 for 2011, \$92,550,000 for 2012, \$90,085,000 for 2013, \$87,500,000 for 2014, \$84,790,000 for 2015, \$81,930,000 for 2016, \$78,910,000 for 2017, \$72,365,000 for 2019, \$68,820,000 for 2020, \$65,080,000 for 2021, and \$61,135,000 for 2022.

Valuations, Tax Levies and Rates

Last Five Fiscal Years

	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
Assessed Valuation \$	54,700,637,199	\$ 53,820,516,518	\$ 50,811,242,811	\$ 43,964,519,282	\$ 43,811,239,534
Equalized Full Valuation	83,955,196,847	74,148,294,674	70,645,602,048	64,771,315,474	60,970,410,994
Levied for County Purposes ⁽¹⁾	329,709,718	319,959,718	312,095,683	305,272,912	295,096,353
Rates for \$1,000 of Equalized Full Valuation	\$3.93	\$4.32	\$4.42	\$4.71	\$4.84

Source: Division of Real Property Tax Annual Reports

Note:

(1) Includes County and Library property taxes.

Computation of Constitutional Taxing Power for 2023

Tax Year	Full Valuation
2019	60,970,410,994
2020	64,771,315,474
2021	70,645,602,048
2022	74,148,294,674
2023	83,955,196,847
Total	\$ 354,490,820,037
Five-Year Average Full Valuation	\$ 70,898,164,007
Tax Limit (1.5%) (1)	\$ 1,063,472,460
Total Exclusions	60,776,541
Total Taxing Power	1,124,249,001
Total Levy for 2022 (2)	367,397,108
Tax Margin (1)	\$ 756,851,893

Source: Data excerpted from the County's Constitutional Tax Limit Report, filed with the New York State Comptroller

Notes:

(1) New York State Constitutional Tax Limit equals 1.5% of Five-Year Average Full Valuation. By Amendment to the County Charter, the County has limited its annual property tax levy to one per centum (1.0%) of the five year average of full valuation. The County's 2022 total taxing power under this local law is \$769,758,181 leaving a tax margin of \$402,361,073

(2) Includes County and Library property taxes, taxes for election expenses and Community College chargebacks.

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-5

MINORITY CAUCUS

Constituent Concern

Attachments

23COMM. 10E-5



ERIE COUNTY LEGISLATURE

REPUBLICAN CAUCUS

April 27, 2023

Thomas J. Quatroche, Jr., PHD
 President and CEO, ECMCC
 462 Grider Street
 Buffalo, New York 14215

RE: Constituent Concern

Dear Mr. Quatroche:

Attached is a letter we received from Marilyn Nixon, founder of the Buffalo Ostomy Support Group. Marilyn is concerned about the absence of outpatient ostomy care in Erie County. She tells us that when a patient leaves a hospital in Erie County with an ostomy, there are no outpatient facilities to provide ongoing care locally. Marilyn experiences this firsthand, and she and other ostomy patients are forced to travel out of Erie County for continued care. Marilyn has formed a support group to help others in the same situation. As founder of the local support group, she is asking for help to bring ostomy services and education to Erie County residents.

On behalf of Marilyn Nixon, we are inquiring if ECMC has ever offered outpatient ostomy support and education or if the hospital would consider offering these services.

We appreciate your time and attention to this inquiry and look forward to hearing from you regarding this issue of significant importance to local ostomy patients.

Sincerely,

A handwritten signature in black ink that reads "John J. Mills".

John J. Mills
 Minority Leader
 Legislator, District 11

A handwritten signature in black ink that reads "Frank J. Todaro".

Frank J. Todaro
 Legislator, District 8

A handwritten signature in black ink that reads "Christopher D. Greene".

Christopher D. Greene
 Legislator, District 6

A handwritten signature in black ink that reads "James Malozewski".

James Malozewski
 Legislator, District 10

CC: The Erie County Legislature
 Marilyn Nixon

District No. 11: Hon. John J. Mills
Legislative Office: 92 Franklin St., 4th Floor, Buffalo, NY
14202
Phone: 716-858-8850; Fax: 716-858-8818
Email: John.Mills@erie.gov
District 11 website

Marilyn Nixon
Elizabeth Brown
Darryl Choates
Kristine Cooper
Deborah Daniel
Paula Lewis
Lois Young

My Name is Marilyn Nixon and I have an Ostomy. In April, of 2021, I had emergency surgery performed at Buffalo General Hospital.

The surgery was the removal of my large intestine to stop uncontrolled, internal bleeding which left me with an ileostomy.

Soon after leaving the hospital and needing further ostomy care and information, I was told that once a patient **leaves** the hospital, the hospital **does not provide out-patient Ostomy care**. I was left out in the dark by the medical community to fend for myself and there are thousands of others like me.

I am a tax paying Erie County resident, but when I, or other local ostomy patients need out-patient care, we have to travel to the University of Rochester Medical Center to get the ostomy care we need. This is not fair for us, with ostomies, to have to travel, to a facility, in another city to service us.

Years ago, Buffalo General Hospital used to provide out-patient ostomy services. What can be done to establish a new out-patient clinic or re-establish the ostomy clinic that Buffalo General Hospital once had, so that others, like myself that have ostomies, can receive the information and care we need in *our own city*?

Background Information:

I, Marilyn Nixon, am a retired Buffalo Public School Teacher and the founder of the Buffalo Ostomy Support Group. I went in for what was considered a routine brain surgery that went well, however ended up having one of my organs removed after the procedure. This life-changing event spurred me to create this Ostomy Support Group, as I could not receive ongoing emotional support nor medical support for this new condition unless I was admitted into the hospital for treatment. I soon found others who had the same needs, people in the community, who also have no support. There is no local existing organization readily available to help people who have just undergone such traumatic changes. There is no local organization here to guide **new life-styles** on how to live with Ostomies. After traveling to the University of Rochester Medical Center for treatment, I decided to form an Ostomy Support Group for residents of Buffalo.

I was then reminded of a story of a young ten-year old, Seven Bridges, who committed suicide due to his living with an Ostomy, and realized a support group is more important now than ever before.

Why the Support Group?

To make the community aware there is now, an Ostomy group here to support them. This group helps people with Ostomies and their families cope and triumph over the loss and grieving that happens due to the loss of the body's organs(s) and the mental stress and depression that coincides with the loss of what was considered a normal life.

I am trying to educate the public of this situation. I am also trying to bring people that have ostomies, information on various types of supplies and resources that are available to and for them. I want them to know that they don't have to be depressed and fearful.

I have had my ostomy for two years and after being unsuccessful on where to get information on ostomies, I turned to YouTube for information. It's been a struggle for me and I don't want others to face the struggle I did to get ostomy information.

One in 500 babies are born with some form of obstruction that leads them to have an ostomy, however, in some cases, younger children are bullied and commit suicide. Older adults get depressed. I want to start educating people.

Ostomies don't discriminate. It doesn't matter what color or age you are or where you live.

There are many residents of Western New York who have Ostomies, however, they live in secret, shame, hiding and with little to no medical or emotional support. The Ostomy Group of Buffalo is here to let everyone know, regardless of race, religion, ethnicity, age or background, we are here to provide support.

There is a vital need to share with the community that people living with Ostomies do not have to be alone, that there are people who understand them and they, along with other family members, can receive help, support and comfort.

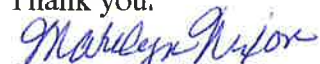
What is an Ostomy?

An Ostomy is a surgically made opening in one of three places on the outside of your internal organs: those organs being the kidneys, the large intestine or the small intestine. It can occur when a person has:

- 1.) Colon Cancer
- 2.) Crohns Disease
- 3.) Birth Defects
- 4.) A non- functioning colon
- 5.) Diverticulosis
- 6.) Irritable bowels
- 7.) Undiagnosed or unstoppable bleeding in the small or large intestine
- 8.) Prostate Cancer (complications)

I am asking your help in this endeavor to give us out-patient services as this is not a life-style, if we had a choice we would have chosen, however, it is a life-style that has saved our lives in which we need services and education.

Thank you.


Contact: Marilyn Nixon

(716) 598-5288

Email: marilynspears@roadrunner.com

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-6	COUNTY EXECUTIVE	Submission Pursuant to EC Code of Ethics (Local Law #2 -2018), Disclosure of Family Members Employed by Any Government Organization
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Attachments

23COMM. 10E-6



EC LEG MAY 5 '23 PM 3:36

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 4, 2023

Robert Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Filing Pursuant to Erie County Ethics Law Section 5(c)

Dear Honorable Members:

Pursuant to Section 5(c) of the recently enacted Code of Ethics, the undersigned hereby submits to you a list of all family members as defined in the law presently employed by any government organization in any capacity:

Name of Relative	Relation to Self	Employer
Robb Poloncarz	Brother	Erie County
Lynn Poloncarz	Sister-in-law	Orchard Park Central School District
James Jurek	First Cousin	Erie County

To my knowledge there are no other members of my family as defined by Section 5(c) of the Code of Ethics presently employed by any government. If you have any questions on this filing please contact the undersigned at your earliest convenience.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-7

COUNTY EXECUTIVE

Buffalo Convention Center - Sidewalk Vault
Rehabilitation Project

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-8	COUNTY EXECUTIVE	Erie County - On-Call Electrical Engineering Consultant
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Attachments

23COMM. 10E-8



EC LEG MAY 5 '23 PM 3:38

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Erie County – On-Call Electrical Engineering Consultant

Dear Honorable Members:

The Department of Public Works (DPW) previously advertised for an Erie County – On-Call Electrical Engineering Consultant and received proposals on May 15, 2019 per COMM. 15E-24 (2019) and is requesting that additional funds be allocated for this contract.

DPW does not have a professional electrical engineer on staff to perform tasks including but not limited to, reviewing drawings and specifications performed by others with respect to electrical code compliance, providing recommendations for repairs, site visits to verify existing conditions, responding to any emergency situations specific to electrical issues, and performing cost estimates, budgeting, and design services, so it was necessary to advertise for an on-call Electrical Engineer.

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, Esq.
Erie County Executive

MCP/rb
Enclosure

cc: William Geary, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Erie County – On-Call Electrical Engineering Consultant
Date: May 5, 2023

SUMMARY

The Department of Public Works (DPW) advertised for an Erie County On-Call Electrical Engineering Consultant for assistance in projects Countywide as requested by DPW. DPW is requesting authorization to approve use of additional funds for the term contracts previously approved for Buffalo Engineering, P.C. and M/E Engineering for on-call electrical engineering services per COMM. 15E-24 (2019). The contract is currently within the first year of extension through July 25, 2023 with one more extension available through July 25, 2024.

FISCAL IMPLICATIONS

Funds for the project are currently available from the approved and adopted 2022 capital budget, A.22050 – Code and Environmental Compliance, Funds Center 122, Fund 410. Consultant billing would be on an hourly basis according to the approved rate schedule per their proposal unless an agreed upon work scope and fee can be determined prior to beginning any services. The on-call services will be utilized for qualifying design services on an emergency, accelerated, or as needed basis.

REASONS FOR RECOMMENDATION

The firms selected have submitted evidence that they have the necessary expertise, experience, and manpower to provide the necessary engineering services. Two firms were selected in the event one of the companies cannot fulfill DPW's need due to manpower. In addition, each company has their different relevant respective experience.

BACKGROUND INFORMATION

Since DPW does not currently staff an electrical engineer, Erie County requires a design professional to review plans and construction documents for electrical code compliance, perform site visits to verify existing conditions, provide recommendations for repair or replacement, and associated design services as requested by DPW. Services would be retained on a term agreement as defined in the Request for Proposals advertised by DPW.

While funding was previously approved in the amount of \$250,000 total, only \$135,000 was dedicated to the electrical on-call contracts due to an administrative error when planning the money within SAP. The balance of the that money that was not used on the electrical consultant term contracts, was then approved to be used for the Elevator Modernization Project per COMM 4E-8 (2022). In short, DPW used less money on the contracts compared to what was previously approved and approval of the \$115,000 will make the contract whole as per COMM. 15E-24 (2019).

CONSEQUENCES OF NEGATIVE ACTION

If the consulting term contracts are not approved, DPW staff will not have an ability to properly ensure electrical code compliance on construction projects and in existing buildings as there currently is no professional electrical engineer employed by the County.

STEPS FOLLOWING APPROVAL

Upon legislative approval, this money will be associated to the term contract executed with Buffalo Engineering, P.C. and M/E Engineering as negotiated and as approved by DPW.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation 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.

Timothy C. Callan
4/18/23

Timothy C. Callan
Deputy Comptroller
Comptroller's Office

Erie County - On-Call Electrical Engineering Consultant

Fund 410, Fund Center 122

A.22050 – Code and Environmental Compliance

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Erie County – On-Call Electrical Engineering Consultant

WHEREAS, the Department of Public Works previously engaged the services of Electrical Engineers in order to comply with the requirements of electrical code and provide advisement on various County projects per COMM. 15E-24 (2019); and

WHEREAS, while funding was previously approved in the resolution noted above in the amount of \$250,000 total, only \$135,000 was dedicated to the electrical on-call contracts due to an administrative error when planning the money within SAP; and

WHEREAS, the balance of the that money that was previously dedicated for the electrical on-call contracts, was then inadvertently planned and approved to be used for the Elevator Modernization Project per COMM 4E-8 (2022); and

WHEREAS, in short, DPW used less money on the electrical on-call contracts when compared to what was previously approved per COMM. 15E-24 (2019) and therefore, DPW is requesting approval of this \$115,000 to make the contract whole funding the project as previously approved; and

WHEREAS, the contracts with the firms of Buffalo Engineering P.C. and M/E Engineering are currently within the first one (1) – year extension through July 25, 2023 with an additional extension available through July 25, 2024 per the terms of the Request for Proposals advertised by the Department of Public Works (DPW); and

WHEREAS, this contract will continue to address the anticipated scope of services as they arise and approved by DPW; and

WHEREAS, each firm has displayed the expertise, experience, and manpower to provide the required services as requested by the County; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Executive to allocated an additional \$115,000.00 to make the contract whole per COMM. 15E-24 (2019) for an amount not to exceed a total of \$250,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for services from Capital Project A.22050 – Code and Environmental Compliance, Funds Center 122, Fund 410 for a total amount not to exceed \$115,000; and be it further

RESOLVED, that two (2) certified copies each of this resolution be sent to the Department of Public Works, Commissioner's Office and one (1) copy each to the County Executive's Office, the Comptroller's Office, and the Division of Budget and Management.

TO: JOHN SOLECKI, 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 | <u>Buffalo Engineering, P.C. and M/E Engineering</u> |
| 2. AMOUNT OF CONTRACT | <u>A.22050 - \$ 115,000.00</u>
<u>Total Contract Not to Exceed - \$250,000</u> |
| 3. PROJECT NUMBER | <u>A.22050 – Code and Environmental Compliance</u>
<u>Countywide</u> |
| 4. PROJECT TITLE | <u>Erie County – On-Call Electrical Engineering</u>
<u>Consultant</u> |
| 5. DEPARTMENT CONTACT | <u>Funding questions: Kristofer Straus x7294</u>
<u>Letter pickup: Christy Weber at x8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|--------------------------|--------------------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$ 309,371.49</u> |
| 7. PERFORMED BY | <u><i>Kristofer Straus</i></u> |

Date Sent to Comptroller's Office: April 17, 2023

[55 compt_10]

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-9

COUNTY EXECUTIVE

Authorization to Enter Into Contract for Rath
Building - 15th Floor Amendment

Attachments

23COMM. 10E-9



EC LEG MAY 5 '23 PM 3:38

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2023

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

RE: Authorization to Enter into Contract for Rath Building – 15th Floor Abatement

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into a contract with the lowest responsible bidder for the Rath Building – 15th Floor Abatement Project. Bids were received by the Department of Public Works on April 6, 2023 and a copy of the bid tabulation is attached for your reference.

This project involves removal of asbestos containing materials from areas on the 15th floor of the Erie County Rath building in preparation of the new server room for Erie Net.

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, Esq.
Erie County Executive

MCP/ks
Enclosure

Cc: William E. Geary, Jr., Commissioner, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works
Re: Authorization to Enter into Contract for Rath Building – 15th Floor Abatement
Date: May 5, 2023

SUMMARY

The Department of Public Works (DPW) is seeking authorization for the County Executive to enter into a contract with the lowest responsible bidder for the Rath Building – 15th Floor Abatement Project, located at Erie County Rath Building.

This project involves removal of asbestos containing materials, including deteriorated spray applied fireproofing, from structural members on the east side of the electrical closets on floors 1 thru 13 of the Rath building and on the 15th floor of the Rath building. The project is required to eliminate asbestos hazards, and facilitate the renovations necessary in preparation of the Point of Presence (POP) Server Room on the 15th floor, as well as maintain the fire resistance rating of the building. New fireproofing will be applied.

FISCAL IMPLICATIONS

Funds for the project are currently available from the approved Capital Budget, Funds Center 122, Fund 410, as follows:

A.22068 – 2022 DISS Point of Presence Server Room	\$ 427,500
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REASON FOR RECOMMENDATION

This abatement project is necessary to facilitate the installation of a new Point of Presence (POP) Server room on the 15th floor of the Rath building.

BACKGROUND INFORMATION

DISS (Department of Information and Support Services) requires a Point of Presence (POP) server room installed on the 15th floor of the Rath Building for the ErieNet initiative. Asbestos containing materials are present in the areas that are being renovated on the 15th floor, as well as the electrical closets on floors 1 thru 13 of the Rath Building.

CONSEQUENCES OF NEGATIVE ACTION


If this asbestos abatement project is not completed it would prevent the requested renovations to the 15th floor (including the electrical closets on floors 1 thru 13) and installation of the Point of Presence server room required for ErieNet.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into a contract with the lowest responsible bidder.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation 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.



Timothy C. Callan
Deputy Comptroller
Comptroller's Office

A.22068 – 2022 DISS Point of Presence Server Room

Rath Building – 15th Floor Abatement Project

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Authorization to Enter into Contract for Rath Building – 15th Floor Abatement

WHEREAS, the Department of Information and Support Services (DISS) requires a Point of Presence (POP) server room to be installed on the 15th floor of the Erie County Rath Building in preparation of ErieNet; and

WHEREAS, this abatement project is the first step toward preparing the space for construction that will eventually house the Point of Presence to support ErieNet; and

WHEREAS, asbestos containing materials, including spray applied fireproofing, has been found on the east side of the electrical closets on floors 1 thru 13 of the Rath building as well as on the 15th floor of the Rath building; and

WHEREAS, The Department of Public Works (DPW) received bids for the Rath Building 15th Floor Abatement Project on April 6, 2023; and

WHEREAS, the lowest responsible bidder was Caysea Contracting; and

WHEREAS, the Department of Public Works and LaBella Associates are recommending award of the contract to the lowest responsible bidder for the Rath Building 15th Floor Abatement project; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment in the amount of \$22,500 to the firm LaBella Associates for air monitoring services during construction as required by New York State Department of Labor, Code Rule 56 during abatement project for the Rath Building – 15th Floor Abatement Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidder, Caysea Contracting, for the Rath Building – 15th Floor POP Server Room abatement project for an amount not to exceed as follows:

Abatement Construction Work

Caysea Contracting	Base Bid:	\$ 368,000.00
Total Award of Abatement Construction Contract:		\$ 368,000.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$37,000.00 to be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

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

RESOLVED, that authorization is hereby given for the County Executive to execute an Agreement Amendment with the firm of LaBella Associates to provide air monitoring services during construction for the Rath Building – 15th Floor Abatement Project for an amount not to exceed \$22,500; and be it further

RESOLVED, that sufficient funding for this project exists in the Division of Building and Grounds' (Fund Center 122, Fund 410) capital project A.22068 – 2022 DISS Point of Presence Server Room; 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 Comptroller's Office, the Department of Law and the Division of Budget and Management.

TO: JOHN SOLECKI, COMPTROLLER'S OFFICE, 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

- | | | |
|----|--------------------|---|
| 1. | CONTRACTOR'S NAME | Caysea Contracting
<u>LaBella and Associates</u> |
| 2. | AMOUNT OF CONTRACT | Caysea Contracting - \$405,000
<u>LaBella and Associates - \$22,500</u>
Not to exceed \$427,500 |
| 3. | PROJECT NUMBER | <u>A.22068</u> |
| 4. | PROJECT TITLE | Rath Building – 15th Floor POP Server Room
Funding questions: Kristofer Straus #7294 |
| 5. | DEPARTMENT CONTACT | <u>Letter pickup: Christy Weber at 8301</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | | |
|----|-----------------------|--------------------------------|
| 6. | AVAILABILITY OF FUNDS | <u>\$ 749,713.70</u> |
| 7. | PERFORMED BY | <u><i>Kristofer Straus</i></u> |

Date sent to Comptroller's Office: April 17, 2023

[55 compt_08]



Project Name: Rath Building 15th Floor Abatement
 DPW Project #: 2022-816-02
 Project Manager: Kris Straus
 DPW Inspector: Tom Boechele
 A/E Firm: Labella Associates
 Bid Date: April 6, 2023
 Bid Time: 10:30 AM

BID TABULATION SHEET
 FOR
 GENERAL CONSTRUCTION WORK

BIDDER	BASE BID	COMPLETION TIME (CALENDAR DAYS)	ALT. BID EC-1 (+/-)		ADDITIONAL COMPLETION TIME FOR ALTERNATE (+/- CALENDAR DAYS)	ADDENDA ACKNOWLEDGED	APPRENTICESHIP TRAINING PROGRAM	OWNER' S SIGNATURE	CONTRACTOR' S OWN WORKFORCE	NYS VENDOR RESPONSIBILITY QUESTIONAIRE	EQUAL PAY	M/WBE UTILIZATION PART A FORM	BID BOND	EXECUTIVE ORDER 18	DRUG AND ALCOHOL
			West Electrical Closet Abatement & Re- Fireproofing												
ONEIDA SALES + SERVICE	464,900	65	+121,750		40	V	V	V	V	V	V	V	V	V	V
METRO CONTRACTING	493,900	165	+117,000		60	V	V	V	V	V	V	V	V	V	V
MARCH GENIOME	403,900	120	+124,000		120	V	V	V	V	V	V	V	V	V	V
CAYSEA CONTRACTING	568,000	170	+94,000		120	V	V	V	V	V	V	V	V	V	V

DEPARTMENT OF PUBLIC WORKS
 OFFICE OF THE COMMISSIONER
 DPW Rev. 05/2015

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-10	COUNTY EXECUTIVE	On-Call General Civil Engineering & Land Survey Services RFP
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Attachments

23COMM. 10E-10



EC LEG MAY 5 '23 PM 3:38

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2023

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

**RE: On-Call General Civil Engineering and Land Survey Services
RFP - #2022 – On-Call Gen Civil/Land Survey
Amend Awarded Contracts Below to Include Department of Parks, Recreation, &
Forestry:
GPI (Greenman-Pedersen, Inc.)
DiDonato Associates Engineers and Architects
Countywide County of Erie
IMMEDIATE CONSIDERATION REQUESTED**

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter into a Contract Amendment for the On-Call General Civil Engineering and Land Survey Services Agreements with the firms of GPI (Greenman-Pedersen, Inc.) and DiDonato Associates Engineers and Architects to include funding sources from the Department of Parks, Recreation, & Forestry. There is no change in the contract terms as originally executed.

Should your Honorable Body require further information, I encourage you to contact Commissioner William E. Geary, Jr. of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: William E. Geary, Jr., Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: On-Call General Civil Engineering and Land Survey Services
RFP - #2022 – On-Call Gen Civil/Land Survey
Amend Awarded Contracts Below to Include Department of Parks, Recreation, & Forestry:
GPI (Greenman-Pedersen, Inc.)
DiDonato Associates Engineers and Architects
Countywide County of Erie
Date: May 5, 2023

SUMMARY

The accompanying resolution requests authority for the County Executive to amend the executed On-Call Term Agreements for General Civil Engineering and Land Survey Services with both GPI (Greenman-Pedersen, Inc.) and DiDonato Associates Engineers and Architects to add Department of Parks, Recreation, & Forestry specific funding sources for the department's respective projects. Both firms were selected in accordance with County policy using an open request for proposals and the County selection process. Term of the contracts will be three (3) years with an option for two (2) one (1) year extensions.

FISCAL IMPLICATIONS

Initial spending authorization requested is a not-to-exceed amount of \$255,234.67 inclusive of both contracts. Of that amount \$100,000.00 will be exclusively for the Bennett Beach Parking Lot Reconstruction and \$155,234.67 for the exclusive use of various civil, survey, geotechnical, and construction projects in the Department of Parks, Recreation & Forestry. The funding source for both shares are in Fund 410, Funds Center 164 as follows:

A.22022 – 2022 Bennett Beach Reconstruction	\$100,000.00
A.22008 – Countywide Parks Improvements and ADA Accessibility	\$155,234.67
	<u>\$255,234.67</u>

Tasks would be negotiated and assigned with the understanding that the aggregate costs of assigned tasks cannot exceed \$255,234.67.

REASONS FOR RECOMMENDATION

There are many instances where general civil engineering and land survey services are required for problems or issues of a relatively immediate nature that are not of a size or scope that warrant issuing an RFP. Examples would include but not limited to: define/ establishment of highway right of way location, design of ADA compliant features for minor building or highway reconstruction, site utility issues and failures etc.

BACKGROUND INFORMATION

The On-Call Term Agreement was previously executed per the Department of Public Works (DPW) Contract No. 23-172-PW (COMM 2E-21 (2023) to allow the County to address items that are of

immediate concern and are unforeseen by shortening the time it takes to address the issue at hand, which require professional assistance and emergency and disaster related issues. This resolution does not change the terms of the already executed contract. It is including additional funds from the Department of Parks, Recreation & Forestry for their department's needs as issues arise.

CONSEQUENCES OF NEGATIVE ACTION

Without approval, the County will be unable to execute these term contracts in a timely manner. Any issue, no matter how minor or how large an emergency will have to go through the formal RFP, selection, approval, and contracting process which can take months and limits the County's ability to react to and solve problems as they arise.

STEPS FOLLOWING APPROVAL

The County Executive will execute On-Call General Civil Engineering and Land Survey Services Agreements for an initial term of three years with the option of two one-year extensions.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to authorized capital projects for which there is sufficient funding.

Timothy C. Callan 4/4/23

Timothy C. Callan
Deputy Comptroller
Comptroller's Office

On Call General Civil Engineering and Land Survey Services Term Agreements:

Fund 410, Fund Center 164

A.22022 – 2022 Bennett Beach Reconstruction

Fund 410, Fund Center 164

A.22008 – Countywide Parks Improvements and ADA Accessibility

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: On-Call General Civil Engineering and Land Survey Services
RFP - #2022 – On-Call Gen Civil/Land Survey
Amend Awarded Contracts Below to Include Department of Parks, Recreation, & Forestry:
GPI (Greenman-Pedersen, Inc.)
DiDonato Associates Engineers and Architects
Countywide
County of Erie

WHEREAS, the Department of Public Works previously advertised an RFP for the General Civil Engineering & Land Survey Services – On Call Term Agreement as the County has determined that there is a need for the ability to access general civil engineering and land survey services in an efficient and timely manner to be able to respond to problems, emergency situations and issues that are of such magnitude that an issuance of a request for proposals is not warranted; and

WHEREAS, the County has in the past met this need by the awarding two On-Call contracts for such services to consultants selected in accordance with County policy and the County selection process; and

WHEREAS, the County previously entered into an agreement through the Department of Public Works (DPW) standard consultant selection process with Greenman-Pedersen, Inc. (GPI) and DiDonato Associates Engineers and Architects (DiDonato) for professional services for the Professional General Civil Engineering & Land Survey Services On-Call Term Agreement per COMM. 2E-21 (2023) for an initial term of three (3) years with the option of two (2) one (1) year extensions; and

WHEREAS, the County reserved the right for all Erie County Departments to utilize the contract provided a funding source per the terms of the RFP that was issued on November 4, 2022; and

WHEREAS, the terms of DPW Contract No. 23-172-PW will remain unchanged while including the ability to use Department of Parks, Recreation and Forestry funding sources as described herein; and

WHEREAS, the firms are anticipated to be utilized by the Department of Parks, Recreation, & Forestry, and other Departments/Divisions within the County; and

WHEREAS, funding for the On-Call contracts is available from the Capital Projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to

execute Agreement Amendments on a case by case basis as negotiated with the County and GPI or DiDonato per the terms of DPW Contract No. 23-172-PW as projects arise to utilize Department of Parks, Recreation and Forestry funding sources by an amount not to exceed \$255,234.67; and be it further

RESOLVED, that of that amount, \$100,000.00 will be exclusively for the Bennett Beach Parking Lot Reconstruction and \$155,234.67 for the exclusive use of various civil, survey, geotechnical, and construction projects in the Department of Parks, Recreation & Forestry; and be it further

RESOLVED, that sufficient funding is available in Fund 410, Funds Center 164 as follows:

Project	Title	Fund	Fund Center	Amount
A.22022	2022 Bennett Beach Reconstruction	410	164	\$100,000.00
A.22008	Countywide Parks Improvements and ADA Accessibility	410	164	\$155,234.67
Total not to Exceed				\$255,234.67

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, and to the Department of Parks, Recreation, & Forestry.

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 Greenman-Pedersen, Inc. (GPI)
DiDonato Associates Engineers and Architects
2. AMOUNT OF CONTRACT Aggregate Not to Exceed \$255,234.67
3. PROJECT NUMBER A.22022. - \$100,000.00
A.22008 - \$155,234.67
4. PROJECT TITLE On Call General Civil Engineering and Land
Survey Services
5. DEPARTMENT CONTACT Funding questions: Kristofer Straus, PE at
x7294
Letter pickup: Christy Weber at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 1,364,934.67
 7. PERFORMED BY *Timothy C. Callan*
- Date Sent to Comptroller's Office: 3-31-2023

[55 compt_10]

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-11 COUNTY EXECUTIVE Transfer of Funds to Capital Project

Attachments

23COMM. 10E-11



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Transfer of Funds to Capital Project A.21119

Dear Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum from the Erie County Department of Homeland Security and Emergency Services requesting legislative authorization to transfer funds to cover unanticipated engineering costs associated with Capital Project A.21119 EC Fire Academy Training Facility Upgrade.

If your Honorable Body requires any further information, please contact Deputy Commissioner Christopher Couell of the Department of Homeland Security & Emergency Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink, reading "Mark C. Poloncarz", is written over a horizontal line.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sb
Enclosure

cc: Christopher Couell, Deputy Fire Coordinator HSES

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Homeland Security & Emergency Services
Re: Transfer of Funds to Capital Project A.21119
Date: May 5, 2023

SUMMARY

The attached resolution requests authorization to transfer funds to cover unanticipated engineering costs associated with Capital Project A.21119 EC Academy Training Facility Upgrade.

FISCAL IMPLICATIONS

No impact on County tax dollars. The Erie County Office of Budget and Management has identified available funds within the Adopted 2023 Operating Budget.

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

On June 23, 2022 by Resolution COMM. 12E-26 a capital account was established in the Department of Homeland Security and Emergency Services in the amount of \$295,009.70 to implement upgrades to the training facilities at the Erie County Fire Academy. As work progressed on this project it was found that the cost of NYS Stamped Engineered Drawings had not been included in the initial budget projections. A building permit cannot be issued until these drawings are completed. Currently, funds are not available in the Capital Account to cover the \$15,211.54 cost.

CONSEQUENCES OF NEGATIVE ACTION

Without the additional funding requested in this legislation, the Department of Homeland Security & Emergency Services cannot continue work on this project and would be unable to complete the EC Fire Training Facility upgrades as desired.

STEPS FOLLOWING APPROVAL

The Erie County Department of Homeland Security & Emergency Services will initiate the transfer of funds in coordination with the Division of Budget and Management.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HOMELAND SECURITY &
EMERGENCY SERVICES**

Re: Transfer of Funds to Capital Project A.21119

WHEREAS, a capital account in the amount of \$295,009.70 was authorized by the Erie County Legislature on June 23,2022 by Resolution COMM.12E-26 to upgrade the training facilities at the Erie County Fire Academy; and

WHEREAS, work on this project has begun and the cost of NYS Stamped Engineered Drawings in the amount of \$15,111.24 was not included in the original budget, therefore creating a budget shortfall in this capital project; and

WHEREAS, the Erie County Department of Budget and Management has identified available funds in Fund Center 14010, Account 400010 – Exemption Removal Revenue for transfer to the capital project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the recognition of previously unbudgeted revenue in Fund 110, Funds Center 14010, Revenue Account #400010, and the appropriation of a like amount of funding into the Department of Homeland Security and Emergency Services 2023 Budget, Fund 110, Funds Center 16700 Account #570050 Interfund Transfer Capital as follows:

2023 Budget
Fund 110 – Funds Center 14010
Countywide Budget Accounts

REVENUES

400010 – Exemption Removal Revenue	\$15,211.54
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2023 Budget
Fund 110 – Funds Center 16700
Department of Homeland Security and Emergency Services

APPROPRIATIONS

570050 – Interfund Transfer Capital	\$15,211.54
-------------------------------------	-------------

and be it further

RESOLVED, that authorization is hereby given to increase the existing Capital Project A.21119 - EC Fire Academy Fire Training Facilities in the amount of \$15,211.54 as follows:

Project A.21119
 2023 EC Fire Academy Training Facilities
 Fund 410, Fund Center 16700

<u>REVENUE</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>REVISED</u>
486000 - Interfund Revenue Subsidy	<u>\$295,009.70</u>	<u>\$15,211.54</u>	<u>\$310,221.74</u>
TOTAL	<u>\$295,009.70</u>	<u>\$15,211.54</u>	<u>\$310,221.74</u>

<u>APPROPRIATIONS</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>REVISED</u>
Capital Projects	<u>\$295,009.70</u>	<u>\$15,211.54</u>	<u>\$310,221.74</u>
TOTAL	<u>\$295,009.70</u>	<u>\$15,211.54</u>	<u>\$310,221.74</u>

and be it further

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-12	COUNTY EXECUTIVE	Authorization to Enter Into Contract with the Recreational Off-Highway Vehicle Association
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Attachments

23COMM. 10E-12



EC LEG MAY 5 '23 PM 3:38

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Authorization to Enter into Contract with the Recreational Off-Highway Vehicle Association

Dear Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum from the Department of Homeland Security & Emergency Services requesting authorization to contract with the Recreational Off-highway Vehicle Association to conduct training that will allow the Department of Homeland Security to train other local first responders and add as a force multiplier to the existing first responders.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Neaverth Jr. at the Department of Homeland Security & Emergency Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sb
Enclosure

cc: Daniel Neaverth, Commissioner Homeland Security and Emergency Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Homeland Security & Emergency Services
Re: Authorization to Enter into Contract with the Recreational Off-Highway Vehicle Association
Date: May 5, 2023

SUMMARY

This proposed resolution authorizes the Department of Homeland Security and Emergency Services to contract with the Recreational Off-Highway Vehicle Association to conduct training for the Erie County Department of Homeland Security and Emergency Services with the capability to train other local first responders and add as a force multiplier to the existing first responders.

FISCAL IMPLICATIONS

The New York State Department of Homeland Security and Emergency Services provided The County of Erie with \$9,000 in the FY2022 State Homeland Security Program to be utilized for training of personnel. The training from the Recreational Off-Highway Vehicle Association will be consistent with the guidance and approval from New York State and cost \$9,000.00, which will be paid in full by the grant funds.

REASONS FOR RECOMMENDATION

The Erie County Department of Homeland Security & Emergency Services as the fiduciary agency has determined that the Recreational Off-Highway Vehicle Association will be able to provide the requested training in a timely and efficient manner. The Recreational Off-Highway Vehicle Association has been nationally used to provide trainings and certify trainer for this specialty area of response.

BACKGROUND INFORMATION

The Erie County Department of Homeland Security & Emergency Services has determined that a gap in our community preparedness exists and became clear during the recent storms. Through both the November and December 2022 storms, Utility Terrain Vehicles (UTV) proved to be a valuable asset in our emergency response however we were unable to take advantage of our strong local UTV and ATV capable first response agencies.

The goal of this training is to provide the Department of Homeland Security and Emergency Services with the capability to train other local first responders as a force multiplier to the existing responders. The ability to provide comprehensive UTV Train the Trainer programs for Erie County preemptively prepares and strengthens community response in the event there is the need to respond during a snow or other related weather events and off-road rescues. Recreational Off-Highway Vehicle Association has a proven competency in training individuals in the necessary skills and techniques to operate a variety of UTVs safely and effectively.

CONSEQUENCES OF NEGATIVE ACTION

Without this Legislation, the training will not occur and the gap in emergency response capability will not be addressed.

STEPS FOLLOWING APPROVAL

The Department of Homeland Security and Emergency Services will work with Erie County Bureau of Purchase to issue a purchase order, followed by the department to schedule with Recreational Off-Highway Vehicle Association for training in 2023.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF EMERGENCY SERVICES

RE: Authorization to Enter into Contract with the Recreational Off-Highway Vehicle Association

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; and

WHEREAS, the Recreational Off-Highway Vehicle Association 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 enter into contract with the Recreational Off-Highway Vehicle Association to conduct the training for emergency response with the use of an all-terrain vehicles.

WHEREAS, funding is available in the HS167SHSP2223 State Homeland Security Program 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, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the Recreational Off-Highway Vehicle Association in an amount not to exceed \$9,000 to conduct emergency response training; and be it further

RESOLVED, that sufficient funding exists to cover this expense in HS167SHSP2223; and be it further

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-13	COUNTY EXECUTIVE	Acceptance of State Aid for Safe Harbor for Sexually Exploited Children
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Attachments

23COMM. 10E-13



EC LEG MAY 5 '23 PM 3:37

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Acceptance of State Aid for Safe Harbor for Sexually Exploited Children

Dear Honorable Members:

The Department of Social Services has been awarded \$43,350 in 100% State funds as a graduated community in the Safe Harbor for Exploited Children program. This proposed resolution authorizes the Department to amend the 2023 Adopted Budget and to enter into contract with the International Institute as the lead agency for this program funding.

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk
Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Acceptance of State Aid for Safe Harbor for Sexually Exploited Children
Date: May 5, 2023

SUMMARY

This proposed resolution authorizes the Department of Social Services to amend the 2023 Adopted Budget and enter into contract with the International Institute as the lead agency for the Safe Harbor program funding.

FISCAL IMPLICATIONS

This resolution authorizes the acceptance of \$43,350 of State funds and to enter into a contract with the International Institute of Buffalo in the amount of \$43,350 for the provision of services for the Safe Harbor for Sexually Exploited Children program.

REASONS FOR RECOMMENDATION

Regulations and legislation at the Federal and State Level require local districts to respond to and prevent sex trafficking. The International Institute of Buffalo is the area agency with expertise in human trafficking and sex trafficking of minors. Since 2015 the International Institute has enhanced the Department of Social Services programs through their services.

CONSEQUENCES OF NEGATIVE ACTION

These important services could not be continued.

STEPS FOLLOWING APPROVAL

The 2023 adopted budget will be amended and a contract established with International Institute for the Safe Harbor for Exploited Children program.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES**

Re: Acceptance of State Aid for Safe Harbor for Sexually Exploited Children

WHEREAS, a key provision of the Preventing Sex Trafficking and Strengthening Families Act is to move sexually exploited youth from the criminal and juvenile justice systems to the family court where children and their families can receive support and services from the child welfare system; and

WHEREAS, services are to be provided to victims of sex trafficking and core elements of the service include case management, emergency temporary housing, health care, mental health counseling, language interpretation and translation services, job training and placement and services to assist in establishing permanent residence; and

WHEREAS, International Institute of Buffalo has been the lead agency for this program since its inception and is the only local agency with the expertise and existing resources to carry out the program; and

WHEREAS, International Institute of Buffalo was re-awarded this contract in 2021 after a request-for-proposal, and the next scheduled request for proposal for this program is scheduled for 2024; and

WHEREAS, a gradual decrease in State funding over the past few years has required additional county funding to operate this valuable program; and

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to the County Executive to enter into contract with the International Institute of Buffalo in the amount of \$43,350 for the provision of services for the Safe Harbor for Exploited Children program, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept \$43,350 in State Aid and amend the 2023 General Fund Budget (Fund110, Funds Center 1209010) as follows:

Department of Social Services
Fund 110, Funds Center 1209010

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409000	State Aid Revenue	<u>\$43,350</u>
	TOTAL	<u>\$43,350</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516410	Preventative Agencies-International	<u>\$43,350</u>
	TOTAL	<u>\$43,350</u>

and be it further

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

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-14	COUNTY EXECUTIVE	Authorization to Enter Into Contract with Dr. Iram Ashraf
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Attachments

23COMM. 10E-14



EC LEG MAY 5 '23 PM 3:37

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Authorization to enter into Contract with Dr. Iram Ashraf

Dear Honorable Members:

The Department of Social Services is seeking authorization to enter into contract with Dr. Iram Ashraf, a Board-Certified Child Abuse & General Pediatrician, to act as an expert witness in Child Abuse/Neglect Cases overseen by the department.

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk

Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Authorization to enter into Contract with Dr. Iram Ashraf
Date: May 5, 2022

SUMMARY

This proposed resolution authorizes the Department of Social Services to enter into a Contract with Dr. Iram Ashraf, a Board-Certified Child Abuse & General Pediatrician, to act as an expert witness in Child Abuse/Neglect Cases overseen by the department.

FISCAL IMPLICATIONS

This resolution authorizes the Department of Social Services to enter into a contract with Dr. Iram Ashraf in an amount not to exceed \$50,000 to act as an expert witness in Child Abuse/Neglect cases.

REASONS FOR RECOMMENDATION

The Erie County Department of Social Services Child Welfare Division provides protective, preventive, and permanency services for children in Erie County who are victims, or at risk of becoming victims of maltreatment (abuse or neglect) or exploitation. Abused and maltreated children need an effective child protective service to prevent them from suffering further injury and impairment.

Social Services Law 423.1 mandates that there be a sufficient level of qualified staff to perform the duties of a Child Protective worker and meet their mandated responsibilities. An expert witness is a person who has extensive knowledge or skill in a specific field or discipline beyond that of a layperson. The expert witness's duty is to apply their expertise to give a professional opinion to the court on particular matters in dispute. An expert opinion must be based on sufficient facts or data and reliable principles or methods. The major function of an expert witness is to express their independent opinion based on the information provided. Dr. Ashraf is the only Board-Certified Child Abuse Pediatrician in Western New York and she possesses the needed qualifications and reliability that is needed for the department to effectively aid victims in Child Abuse/Neglect cases.

CONSEQUENCES OF NEGATIVE ACTION

The Erie County Department of Social Services will be unable to sufficiently protect the children that we serve.

STEPS FOLLOWING APPROVAL

The Department of Social Services will establish a contract with Dr. Iram Ashraf in an amount not to exceed \$50,000 to act as an expert witness in Child Abuse/Neglect cases overseen by the department.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Authorization to enter into Contract with Dr. Iram Ashraf

WHEREAS, the Erie County Department of Social Services Child Welfare Division provides protective, preventive, and permanency services for children in Erie County who are victims, or at risk of becoming victims of maltreatment (abuse or neglect) or exploitation; and

WHEREAS, Social Services Law 423.1 mandates that there be a sufficient level of qualified staff to perform the duties of a Child Protective worker and meet their mandated responsibilities; and

WHEREAS, an expert witness is a person who has extensive knowledge or skill in a specific field or discipline beyond that of a layperson; and

WHEREAS, Dr. Iram Ashraf, a Board Certified Child Abuse & General Pediatrician, possesses the needed qualifications and reliability that is needed for the department to effectively aid victims in Child Abuse/Neglect cases; and

WHEREAS, the Department of Social Services would like to contract with Dr. Iram Ashraf in an amount not to exceed \$50,000 to act as an expert witness in Child Abuse/Neglect cases overseen by the department.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Dr. Iram Ashraf to act as an expert witness in Child Abuse/Neglect cases handled by the Department of Social Services in an amount not to exceed \$50,000, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services 2023 General Fund Budget (Fund 110, Funds Center 1208020) to be amended as follows:

Department of Social Services
Fund 110, Funds Center 1208020

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516020	Prof Svcs Contracts & Fees	\$50,000
530000	Other Expenses	<u>(\$50,000)</u>
	TOTAL	<u>\$ 0</u>

and be it further

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

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-15	COUNTY EXECUTIVE	Appointment to the EC Senior Services Advisory Board
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Attachments

23COMM. 10E-15



EC LEG MAY 8 '23 PM 12:08

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 1, 2023

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

Re: Appointment to the EC Senior Services Advisory Board

Dear Honorable Members,

Pursuant to Article 16, Section 1603 of the County Charter, I, Mark C. Poloncarz, Erie County Executive, do hereby submit for your confirmation the following individuals to be appointed as members of the Erie County Senior Services Advisory Board for a full two-year term expiring on December 31, 2024.

Appointees

Mario Pena
114 Minerva Street
Tonawanda, NY 14150
New Appointment

Francis McLaughlin
2901 E. Pleasant Avenue
Eden, NY 14057
Re-Appointment

Jim Banko
2850 Amsdell Road, #8
Hamburg, NY 14075
Re-Appointment

Leonard Vento
127 Fourth Avenue
Buffalo, NY 14204
Re-Appointment

Jennifer Wood
236 Highland Avenue
Buffalo, NY 14222
Re-Appointment

Kristin DiMartino
232 Glendale Avenue
Tonawanda, NY 14051
Re-Appointment

Should you have any questions, please contact Commissioner Angela Marinucci at (716) 858-8526, or Angela.Schnell@erie.gov.

Sincerely,

Mark C. Poloncarz
Erie County Executive

MCP/mm

cc: Angela Marinucci, Commissioner, Senior Services

J. Mario Pena

114 Minerva St
City of Tonawanda, NY 14150
(716) 480-2171
cotneighborsformario@gmail.com

Purpose

Dedicated to service.

Work Experience

140th district Assemblyman Bill Conrad staff Tonawanda, NY

- *Community Relations Director*

August 2021-Present

- Directing, planning, managing and attending public facing 140th district community events and constituent outreach
- Responsiveness, guiding and triaging constituents through the complicated network of NY state government to achieve timely resolution for those we represent

Premium Wine & Spirits - Premier Group Williamsville, NY

- *Wine Education Coordinator*

October 2016-October 2020

- planning calendar of classes including booking, promotion, set up of as well as leading classes (largest classes ever at Premium)

Divino Restaurant / Vinology Wine Retail Houston, TX

- *Salesperson, Associate Wine Buyer, Project Manager*

April 2012-August 2016

- planning and working wine sales, leading wine seminars, restaurant service
- worked last year as project manager for wine store opening and assisted owner in crowdsourced fundraising, setting budgets for business plan and opening year, applying for city permits, working with contractors

Chez Nous Restaurant Houston, TX

- *Sommelier, Associate Wine Buyer*

January 2009-February 2015

- managing wine service for entire restaurant
- selecting wines for wine list, first employee to have wine list recommendations for guests to choose
- planning/leading wine dinners with an emphasis on conversing with attendees about their food and wine pairings as well as wine backgrounds

Community Involvement

- Vice President of City of Tonawanda Public Library Board, Trustee on City of Tonawanda Local Development Cooperation Board
- Regularly attend Board of Education, Common Council meetings as well as other municipal meetings in the Tonawandas and throughout WNY
- Volunteer with COT Neighbors United, Historical Society of the Tonawandas and the TEGG Lions Club

Education

- **Court of Master Sommeliers, Texas Wine School at Houston**
- **University of Texas at Austin, Lone Star Community College Harris County**

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-16	COUNTY EXECUTIVE	Authorization to Enter Into Contract for Transportation Consultant for Older Adult & Disabled Populations
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Attachments

23COMM. 10E-16



EC LEG MAY 8 '23 PM 12:08

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 5, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Authorization to Enter into Contract for Transportation Consultant for Older Adult and Disabled Populations

Dear Honorable Members:

Please find enclosed a resolution from the Department of Senior Services seeking legislative authorization to contract with consulting firm Via Mobility, LLC., selected through a Request for Proposal process, to evaluate and recommend methods to improve effectiveness and efficiency of Department's transportation system which serves Erie County's Older Adult and Disabled populations.

Should your Honorable Body require any further information, I encourage you to contact Commissioner Angela Marinucci. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/am
Enclosure

cc: Angela Marinucci, Commissioner, Department of Senior Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Senior Services
Re: Authorization to Enter into Contract for Transportation Consultant for Older Adult and Disabled Populations
Date: May 5, 2023

SUMMARY

Approve the attached resolution to allow the Department of Senior Services to contract for a period of June 1, 2023, through May 31, 2024, with Via Mobility, LLC to provide consulting services to evaluate and recommend improvements and efficiencies to the transportation services currently provided by the Department to Erie County's older adults and residents with disabilities.

FISCAL IMPLICATIONS

No additional County funds are required. Existing appropriations in the Department's 163III-BARP2124 grant will cover the contract cost, not to exceed \$50,000.

REASONS FOR RECOMMENDATION

The Department of Senior Service seeks to provide transportation to older adult residents of Erie County in a consistent and cost-effective manner. The Department currently uses a mixed model approach to scheduling and dispatching. To position itself for future demographic growth and service success, it seeks to utilize a sustainable, countywide transportation system capable of serving Erie County's older adults and residents with disabilities. Via Mobility, LLC will assist the Department in the design of an efficient, cost-effective, and sustainable model to deliver transportation to older adult and residents with disabilities of Erie County now and in the future. This model will assist in meeting the needs of the expected increase of over 300,000 eligible potential riders by 2030.

CONSEQUENCES OF NEGATIVE ACTION

Section 5310 of the federal Older Americans Act includes requirements for the enhanced mobility of older adults using public transportation and low-cost transportation models. Without evaluation by an expert, the Department of Senior Services will continue to be faced with the challenge of serving Erie County's older adults and residents with disabilities using the current fragmented transportation system. Despite increases in population numbers and increases in demand for transportation, funding streams for our transportation program have declined or remained flat, while the cost of providing transportation continues to rise. The Department does not have internal experience with mass transit and/or the knowledge of what is needed to meet the reliable transportation needs of the increasing older adult and residents with disabilities populations. The current transportation model will be unable to meet the increased demand for transportation of these populations and be limited in its ability to continue to provide the requested transportation using its current system.

STEPS FOLLOWING APPROVAL

The Department of Senior Services will enter into a contract with Via Mobility, LLC to begin an evaluation of the Department's current transportation system.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SENIOR SERVICES

RE: Authorization to Enter into Contract for Transportation Consultant for Older Adult and Disabled Populations

WHEREAS, the Department of Senior Services continually looks to enhance services for older adults and residents with disabilities in Erie County and for ways to fund such services; and

WHEREAS, a request for proposal was issued to select an agency to provide consultation services to evaluate and recommend improvements and efficiencies to the transportation services currently provided by the Department; and

WHEREAS, Via Mobility, LLC is a consulting agency that has a record of previous success in evaluating and recommending changes to transportation systems locally, statewide and beyond; and

WHEREAS, the Department wishes to prepare for the future transportation needs of older adults and residents with disabilities in Erie County in a timely and cost-effective manner; and

WHEREAS, the Department of Senior Service now desires to contract with Via Mobility, LLC to ensure its ability to continue to offer and meet the growing need of transportation for older adults and residents with disabilities, with a 12-month contract term from June 1, 2023 to May 31, 2024; and

WHEREAS, existing appropriations are available in the Department's 163III-BARP2124 grant's professional services account #516020 to cover the contract cost, not to exceed \$50,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a one-year contract with Via Mobility, LLC to assist in evaluating the County's current transportation model efforts and to make recommendations for an efficient, sustainable, cost-effective countywide transportation system capable of serving Erie County's older adults and residents with disabilities; and be it further

RESOLVED, that authorization is hereby given that up to \$50,000 of existing appropriations in the Department's 163III-BARP2124 grant's professional services account #516026 be utilized to fund the contract; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to adjust the grant budget as required to comply with the grantor approved funding levels; and be it further

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

RFP 2023 -008VF											
Proposer	Overall Grade of Proposal (1 - 5)	Minority, Women, or Veteran owned business (0 = no, 1 = Yes)	Reviewer # 1	Reviewer # 2	Reviewer # 3	Reviewer # 4	Reviewer # 5	Average Score			
	Max Possible=5 4.8	Max Possible=5 0	Max Possible = 100 92	Max Possible = 100 84	Max Possible = 100 85	Max Possible = 100 89	Max Possible = 100 66	Max Possible = 100 83.2			
Via Mobility											
Agency	Ranking	Award Amount									
Via Mobility	1	\$50,000									

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-17	COUNTY EXECUTIVE	Authorization to Award 2023 Summer Operation Primetime Contracts
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Attachments

23COMM. 10E-17



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG MAY 5 '23 PM 3:37

May 5, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Authorization to Award 2023 Summer Operation Primetime Contracts

Dear Honorable Members:

The Department of Social Services – Youth Bureau is seeking approval to execute contracts with 74 community providers in the amount of \$697,615 for the 2023 Summer Primetime program. The Youth Bureau distributed a request-for-proposal for this program, and Youth Board panel recommendations were used to determine contract award amounts.

Should your Honorable Body require further information, please contact Marie Cannon at the Erie County Department of Social Services. Thank you for your consideration of this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk

Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Social Services – Youth Bureau
Re: Authorization to Award 2023 Summer Operation Primetime Contracts
Date: May 5, 2023

SUMMARY

The Department of Social Services – Youth Bureau is seeking approval to execute contracts with 71 community providers in the amount of \$697,615 for the 2023 summer Operation Primetime program.

FISCAL IMPLICATIONS

The grant funding for this action is derived from New York State Aid and local share dollars that are included in the 2023 Adopted Budget.

REASONS FOR RECOMMENDATION

Operation Primetime provides for an adult-supervised environment for the school summer recess period. Program activities consist of positive youth development, including academic support, mentoring, cultural enrichment, and structured recreational activities that prevent delinquency, increase socialization, and foster respect for authority.

BACKGROUND INFORMATION

The Department of Social Services - Youth Bureau distributed a request for proposal to interested parties and the Youth Board panel recommendations were utilized to determine contract award amounts.

CONSEQUENCES OF NEGATIVE ACTION

This important program would not be available to local youth.

STEPS FOLLOWING APPROVAL

Contracts will be executed and services will be provided.

**A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES - YOUTH BUREAU**

RE: Authorization to Award 2023 Summer Operation Primetime Contracts

WHEREAS, the Department of Social Services – Youth Bureau is seeking approval to execute contracts with community providers for the 2023 summer Primetime program; and

WHEREAS, the availability of local share funding provided in the 2023 adopted budget enable this program implementation; and

WHEREAS, Operation Primetime provides for an adult-supervised environment for the ten-week school summer recess period, and program activities consist of structured recreation that prevents delinquency, increase socialization and foster respect for authority; and

WHEREAS, a Request for Proposal was distributed for this program and Youth Board panel recommendations were utilized to determine contract award amounts; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts with the following providers for Operation Primetime from available 2023 funds in Fund Center 12530, Account 517749 (Operation Primetime) in the Youth Bureau:

Agency	Total Score	Ranking by Score	Requested Amount	Recommended Award
BACK TO BASICS OUTREACH MINISTRIES, INC.	78.00	61	\$ 13,482.00	\$10,112.00
BAKER HALL, INC. (OLV HUMAN SERVICES)	86.00	33	\$ 11,367.48	\$8,526.00
BE-A-FRIEND PROGRAM, INC., BIG BROTHERS BIG SISTERS OF ERIE, NIAGARA, AND THE SOUTHERN TIER	92.67	3	\$ 10,000.00	\$10,000.00
BESTSELF BEHAVIORAL HEALTH	94.33	1	\$ 10,000.00	\$10,000.00
BOYS & GIRLS CLUB OF EAST AURORA	89.00	17	\$ 10,000.00	\$10,000.00
BOYS & GIRLS CLUB OF ELMA, MARILLA, AND WALES	85.00	37	\$ 10,000.00	\$7,500.00
BOYS & GIRLS CLUB OF HOLLAND	87.33	24	\$ 10,000.00	\$10,000.00
BOYS & GIRLS CLUB OF ORCHARD PARK	83.33	44	\$ 10,000.00	\$7,500.00
BOYS & GIRLS CLUBS OF THE NORTHTOWNS	85.67	35	\$ 15,000.00	\$11,250.00
BOYS AND GIRLS CLUB OF EDEN-LAKE SHORE	86.33	32	\$ 15,000.00	\$11,250.00
BRIDGES FROM BORDERS, INC	61.67	70	\$ 15,000.00	\$5,000.00
BUFFALO ARTS AND TECHNOLOGY CENTER, INC.	88.33	19	\$ 15,000.00	\$11,250.00

BUFFALO FEDERATION OF NEIGHBORHOOD CENTERS	90.33	8	\$ 10,000.00	\$10,000.00
BUFFALO URBAN LEAGUE	91.67	4	\$ 15,000.00	\$15,000.00
BUFFALO VINEYARD (5 LOAVES FARM)	86.67	28	\$ 10,000.00	\$10,000.00
BUFFALO-AREA ENGINEERING AWARENESS FOR MINORITIES	88.00	20	\$ 10,000.00	\$10,000.00
CHILDCARE NETWORK OF THE NIAGARA FRONTIER, INC (JUST FOR KIDS)	78.67	59	\$ 10,000.00	\$7,500.00
COMMUNITY ACTION ORGANIZATION OF WESTERN NEW YORK, INC. (CAO)	84.00	42	\$ 10,000.00	\$7,500.00
COMPEER OF GREATER BUFFALO	90.00	10	\$ 15,000.00	\$15,000.00
CORNELL COOPERATIVE EXTENSION OF ERIE COUNTY	89.67	12	\$ 10,000.00	\$10,000.00
CRADLE BEACH CAMP	91.33	6	\$ 15,000.00	\$15,000.00
ENLIGHTENMENT BOOKSTORE & LITERARY ARTS CENTER, INC.	86.67	29	\$ 15,000.00	\$13,750.00
ERIE REGIONAL HOUSING DEVELOPMENT CORPORATION (THE BELLE CENTER)	79.67	56	\$ 15,000.00	\$11,250.00
EVERY PERSON INFLUENCES CHILDREN - EPIC	90.33	9	\$ 10,000.00	\$10,000.00
F BITES (FOOD BASED INTERVENTIONS WITH TECHNOLOGY, ENERGY, AND SCIENCE)	81.67	51	\$ 15,000.00	\$11,250.00
FIRST SHILOH YOUTH FOUNDATION, INC.	87.00	26	\$ 10,000.00	\$10,000.00
FRIENDS INC	70.33	68	\$ 15,000.00	\$7,500.00
GAY & LESBIAN YOUTH SERVICES OF WESTERN NEW YORK	93.00	2	\$ 10,000.00	\$10,000.00
GIRL SCOUTS OF WESTERN NEW YORK, INC.	85.00	38	\$ 10,000.00	\$7,500.00
GREATER NIAGARA FRONTIER COUNCIL, BSA	83.33	45	\$ 15,000.00	\$11,250.00
JEWISH COMMUNITY CENTER OF GREATER BUFFALO	86.67	30	\$ 15,000.00	\$13,750.00
KAREN SOCIETY OF BUFFALO	89.67	13	\$ 10,000.00	\$10,000.00
KIDS ESCAPING DRUGS	79.33	57	\$ 5,000.00	\$3,750.00
KING URBAN LIFE CENTER INC.	86.00	34	\$ 10,000.00	\$7,500.00
LACKAWANNA SOCCER CLUB/ SPORTS AND EDUCATION	71.00	66	\$ 15,000.00	\$7,500.00
LOCUST STREET NEIGHBORHOOD ART CLASSES, INC.	71.00	67	\$ 10,000.00	\$5,000.00
Agency	Total Score	Ranking by Score	Requested Amount	Recommended Award
MASSACHUSETTS AVENUE PROJECT	90.67	7	\$ 10,000.00	\$10,000.00
METRO COMMUNITY DEVELOPMENT CORPORATION	81.00	53	\$ 15,000.00	\$11,250.00
MT. OLIVE MBC, INC.	84.67	39	\$ 10,000.00	\$7,500.00
NATIVE AMERICAN COMMUNITY SERVICES OF ERIE AND NIAGARA COUNTIES, INC.	85.67	36	\$ 9,998.00	\$7,499.00
NORTHWEST BUFFALO COMMUNITY CENTER INC	89.33	14	\$ 15,000.00	\$11,250.00
OLD FIRST WARD COMMUNITY ASSOCIATION, INC.	87.00	27	\$ 15,000.00	\$13,750.00
PARKER ACADEMY CHILD CARE AND LEARNING CENTER INC	82.33	49	\$ 10,000.00	\$7,500.00
PEACE OF THE CITY	90.00	11	\$ 15,000.00	\$15,000.00
POLICE ATHLETIC LEAGUE OF BUFFALO, INC.	87.33	25	\$ 15,000.00	\$13,750.00

POLISH COMMUNITY CENTER OF BUFFALO INC. (LT. COL. MATT URBAN HUMAN SERVICES CENTER OF WNY)	88.00	21	\$ 15,000.00	\$11,250.00
RESEARCH FOUNDATION FOR SUNY / BUFFALO STATE	87.67	22	\$ 13,904.00	\$10,428.00
RESOURCE COUNCIL OF WNY	89.33	15	\$ 15,000.00	\$11,250.00
SENECA STREET COMMUNITY DEVELOPMENT CORPORATION	91.67	5	\$ 15,000.00	\$15,000.00
SOLID FOUNDATION PREP, INC.	88.67	18	\$ 10,000.00	\$10,000.00
SOMALI BANTU COMMUNITY ORGANIZATION OF WNY	89.33	16	\$ 15,000.00	\$11,250.00
SPRINGVILLE YOUTH INC.	84.33	40	\$ 15,000.00	\$11,250.00
THE CITY SWIM PROJECT	61.67	71	\$ 15,000.00	\$7,500.00
THE GALACTIC TRIBE	72.33	65	\$ 10,000.00	\$5,000.00
THE RURAL OUTREACH CENTER	87.67	23	\$ 10,000.00	\$7,500.00
THE SALVATION ARMY	86.67	31	\$ 15,000.00	\$11,250.00
TOTAL PACKAGE SPORTS, INC	76.67	64	\$ 15,000.00	\$11,250.00
TOWN OF CHEEKTOWAGA	77.67	62	\$ 9,500.00	\$7,125.00
TOWN OF HAMBURG, NEW YORK	82.33	50	\$ 10,000.00	\$7,500.00
TOWN OF WEST SENECA	78.67	60	\$ 10,000.00	\$7,500.00
TRE & ASSOCIATES INC. (WILLIE HUTCH JONES EDUCATIONAL & SPORTS PROGRAM)	82.67	47	\$ 15,000.00	\$11,250.00
TRU WAY COMMUNITY CENTER INC.	79.00	58	\$ 15,000.00	\$11,250.00
UNITED CHURCH HOME, INC (PLYMOUTH CROSSROADS)	81.67	52	\$ 9,700.00	\$7,275.00
UNIVERSITY DISTRICT COMMUNITY DEVELOPMENT ASSOCIATION, INC.	84.33	41	\$ 15,000.00	\$11,250.00
URBAN CHRISTIAN MINISTRIES	77.67	63	\$ 10,000.00	\$7,500.00
VALLEY COMMUNITY ASSOCIATION INC.	84.00	43	\$ 15,000.00	\$11,250.00
VOICE BUFFALO	64.67	69	\$ 15,000.00	\$7,500.00
WAVE BUFFALO INC	83.00	46	\$ 7,200.00	\$5,400.00
WEST SIDE COMMUNITY SERVICES, INC.	80.67	55	\$ 15,000.00	\$11,250.00
WESTMINSTER ECONOMIC DEVELOPMENT INITIATIVE, INC.	82.67	48	\$ 10,000.00	\$7,500.00
YWCA OF WESTERN NEW YORK, INC.	81.00	54	\$ 15,000.00	\$11,250.00
				<u>\$697,615</u>

and be it further

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

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-18	COUNTY EXECUTIVE	Appointment to the EC Health Equity Advisory Board
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Attachments

23COMM. 10E-18



EC LEG MAY 5 '23 PM 3:3

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 1, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment to the EC Health Equity Advisory Board

Dear Honorable Members,

Pursuant to Article 5, Sec. 5.04 of the County Administrative Code, I, Mark C. Poloncarz, Erie County Executive, do hereby submit for your confirmation the following individuals to be appointed to the Erie County Health Equity Advisory Board for a full three-year term expiring on May 1, 2026.

Appointees

Maria M. Cruz
16 Highland Place
Lancaster, NY 14086
New Appointment

George Nicholas
34 Roman Lane
Amherst, NY 14226
New Appointment

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

Sincerely,

Mark C. Poloncarz
Erie County Executive

MCP/nn

cc: Maria M. Cruz
George Nicholas

MARIA M. CRUZ

16 Highland Place, Lancaster, NY 14086 | C: (716) 364-3883 | Mariacruz1126@gmail.com

Professional Summary

Experienced Case Management Supervisor of infectious diseases and prophylactic treatment with a history of successfully managing several state funded programs. Engaging communicator able to leverage innovation, use financial data, and build relationships with diverse stakeholders. Extremely confident in coaching, developing others, building teams and using talent while creating a positive culture. Excellent written skills, auditing ability and experience preparing and submitting grant applications, presentations, evaluation and progress reports. Extensive professional development with diversity, inclusion and equity competency. Experience developing and leading culture and/or diversity programs with a health equity mindset.

Professional Experience

Evergreen Health Services

2015-Present

Director of Treatment and Prevention Adherence, Buffalo NY

- Responsible for leading and supervising a team of 10 Retention and Prep Specialist in an (FQHC) primary health care center.
- Identify gaps in care or programming and facilitate quality improvements, workflows, and policy changes within the organization.
- Support and train program directors with grant writing and reporting to for local, state and federally funded programs.
- Interviewed, trained and hired all staff to treat patients with dignity and respect while conducting person centered care.
- Trained and motivated staff to complete quarterly assessments, treatment ready evaluations and service plans.
- Trained staff to advocate for patients needs as well as provide proper linkage and wrap around services to other programs such as care coordination, transportation, mental health, substance use, housing, health education and nutrition etc.
- Promote office culture which to foster teamwork and high performance by all.
- Engage with community organizations to build collaborative networks.
- Demonstrate initiative and a determined approach to problem solving and strategic thinking skills.
- Review monthly database reports to monitor data entry and performance measures.
- Continuously review and update policies and procedures.
- Ensure strong operational and financial infrastructure, with extensive awareness of grant management in collaboration with the administrative team.
- Submit monthly reports to the AIDS Institutes that provide detailed information on how we measure progress, implementation plans, successes, failures, work plan review with goals, etc.
- Excellent communication and interpersonal skills with people from diverse personal and professional background

M&T Bank

July 2013-October 2015

Executive Assistant, Buffalo NY

- Advised Management in appropriate resolution of employee relations issues.
- Processed all hiring and termination paperwork.
- Planned and conducted new employee orientation to foster positive attitude toward company goals.

- Prepared and generated routine standard and ad hoc reports using Excel, Access and PowerPoint.
- Prepared disbursements and billings for approval/payment by General Accounting and expense reports for department managers.
- Served as the Secretary for the Buffalo Chapter of the RMA coordinating meetings, communications and expenses.

The Ritz Carlton

June 2010-July 2013

Human Resource/Payroll Coordinator, Cleveland OH

- Administered benefits such as life, health, dental, 401K, vacation, sick leave, leave of absence, and employee assistance.
- Developed, established, and implemented policy, procedure and standards.
- Advised other departments by interpreting Labor Laws to ensure compliance.
- Assisted Accounting Manager as needed.

Computer Skills

- Proficient in Microsoft Office Word, PowerPoint, Outlook, Access, Excel, Medent, AIRS, and Penelope
- Working Knowledge of QuickBooks and Concur
- Strong knowledge of video conferencing, social media, Google Suites, and comfortable learning new software

✓ **Language Skills**

- Fluent in Spanish (Written and Verbal)

Education /Honors

Bachelor of Science in Conflict Studies & Dispute Resolution

December 2016

Hilbert College, Hamburg, NY

GPA: 3.80/4.0

Academic Honors List

Fall 2014-Spring 2016

Tau Sigma National Honor Society

Spring 2016

• **Community Involvement**

✓ **Hispanic Women League**

- **President:** 2021-Present
- **Corresponding Secretary:** 2019-2021

✓ **Evergreen Diversity and Inclusion**

- **Advisory Board Member:** 2020-2022
- **Co-Chair:** 2022-Present

✓ **Dear Tayrin: Sexual Abuse Awareness:** 2015-Present

• **Certification and Professional Development**

- ✓ Emerging Leaders
- ✓ Advanced Motivational Interviewing for Healthcare Professionals
- ✓ Diversity and Inclusion Cultural Competency
- ✓ Diversity and Inclusion Health Equity and Social Determinants of Health
- ✓ Diversity Training | Reconstructing the Narratives of Race and Human Possibility
- ✓ Mental Aid First Aid USA
- ✓ Non-Violent Crisis Intervention



Bio: Maria Cruz

Maria Cruz is a proud Afro Latina born in Puerto Rico and relocated to Buffalo at the young age of eight years old. Her education includes a B.A. in Conflict Studies and Dispute Resolution from Hilbert College and a Master's in Organizational Leadership from Medaille College. Currently she is the Director of Treatment and Prevention Adherence at Evergreen Health where she oversees several state funded programs. She is the current President of the Hispanic Women's League| Liga de Mujeres Hispanas where has also served in the positions of Corresponding Secretary, and active member of the Empowerment Committee. She is also part of the launching committee and mentor with the Governor Hochul Latina Mentoring Initiative housed at The Belle Center. In addition, Maria is a Co-Chair of the Evergreen Diversity and Inclusion: Advisory Board and a mentor for Say Yes! Maria is also a Co-Chair for the Lean in: Fostering Women's Leadership & Workplace Inclusion chapter at Evergreen Health. In addition, Maria is a member of the Buffalo AKG Community Advisory Council. Her passion for diversity, desire to seek out and enact positive change in the lives of people, and her exemplary commitment to the Buffalo/WNY community through her work at Evergreen Health, the Hispanic Women's League and beyond has allowed her to receive various leadership awards by the City Mayor Byron Brown and other organizations. She has been invited to speak as a panelist at various community conversations to speak on the importance of Health Equity, diversity, woman and woman advocacy. She can be seen giving her time to help other women find their purpose in the community and help them be confident in every space they enter. She was a product of the services provided by the community and because of this, she has always wanted to be in a position where she could help other women gain access to resources that allow them to achieve success. Maria is a strong advocate for health equity for our community of color and spends endless energy to make sure that there is a sit at the table to tell our own stories. Maria has been recognized in different platforms for the work that she does.

She is an experienced and engaging communicator able to leverage innovation, use financial data, and build relationship with diverse stakeholders. Extremely confident in coaching, developing others, building teams and using talent while creating a positive culture. Excellent written skills, auditing ability and experience preparing and submitting grant applications, presentations, evaluation and progress reports. Extensive professional development with diversity, inclusion and equity competency. Experience developing and leading culture and/or diversity programs with a health equity mindset.

She is a proud wife and mother of a 19-year-old daughter and a 17-year-old son.

Certification and Professional Development

- Emerging Leaders
- Advanced Motivational Interviewing for Healthcare Professionals
- Diversity and Inclusion Cultural Competency
- Diversity and Inclusion Health Equity and Social Determinants of Health
- Diversity Training | Reconstructing the Narratives of Race and Human Possibility
- Mental Aid First Aid and Non-Violent Crisis Intervention

GEORGE NICHOLAS

34 Roman Lane Amherst, NY 14226
716.364.4476
gnicholas1@gmail.com

EXPERIENCE

JANUARY 2023 – PRESENT

CHIEF EXECUTIVE OFFICER, Buffalo Center for Health Equity, BUFFALO, NY

JULY 2012 – PRESENT

SENIOR PASTOR, LINCOLN MEMORIAL UNITED METHODIST CHURCH, BUFFALO, NY

JANUARY 2002 – JULY 2012

CHIEF EXECUTIVE OFFICER, GRACE COMMUNITY VILLAGE INC., ROCHESTER, NY

JULY 2000 – JULY 2012

SENIOR PASTOR, GRACE UNITED METHODIST CHURCH, ROCHESTER, NY

APRIL 1999 – MAY 2000

CHIEF EXECUTIVE OFFICER, GENEVA B. SCRUGGS COMMUNITY HEALTH CARE CENTER, BUFFALO, NY

OCT 1997 – APRIL 1999

CONSULTANT, HUMAN RESOURCES AND ADMINISTRATION, GENEVA B. SCRUGGS COMMUNITY HEALTH CARE CENTER, BUFFALO, NY

APRIL 1996 – JUNE 2000

FOUNDER AND CHIEF EXECUTIVE OFFICER, Consulting and Home Development, NICHOLAS ENTERPRISES, BUFFALO, NY

NOVEMBER 1993 - MARCH 1996

FOUNDER AND DIRECTOR, United Neighborhoods Block Club and Neighborhood Organizations Development, UNITED WAY OF BUFFALO AND ERIE COUNTY, BUFFALO, NY

SEPTEMBER 1993 - DECEMBER 1995

CONSULTANT, Community Outreach, Health Care Plan, Buffalo, NY

SEPTEMBER 1993 - NOVEMBER 1993

CONSULTANT, Minority Business Development,
Western New York Economic Development Agency, Buffalo, NY

MAY 1992 - AUGUST 1993

DIRECTOR, Community Outreach and Minority Business Development, **World University Games, July 1993, Buffalo, NY**

JULY 1991 - MARCH 1992

ASSISTANT DIRECTOR, Prevention Resource Center, **State University College at Buffalo, Buffalo, NY**

JUNE 1990 - JULY 1991

STAFF ASSISTANT, Business Development and Community Programs, **Greater Buffalo Development Foundation, Buffalo, NY**

APRIL 1988 - SEPTEMBER 1989

DIRECTOR OF PUBLIC RELATIONS FOR THE DEPUTY SPEAKER, New York State Assembly 141st District, **Buffalo, NY**

NOVEMBER 1986 - APRIL 1988

RESEARCH ASSISTANT, Commercial Banking, **Manufacturers and Traders Trust Company, Buffalo, NY**

MAY 1996 - OCTOBER 1996

CASE DEVELOPER, Clients Specific Planning, **SENIOR COUNSELOR**, Tot Lot Program, **Buffalo Federation of Neighborhood Centers, Buffalo, NY**

JANUARY 1986 TO JUNE 1986

SUBSTITUTE TEACHER, Buffalo Public Schools, **Buffalo, NY**

JUNE 1985 TO JANUARY 1986

STAFF ORGANIZER AND RECRUITER, Communications Workers of America, **Columbus, OH**

EDUCATION

MAY 2001

MASTERS OF DIVINITY, COLGATE ROCHESTER DIVINITY SCHOOL, ROCHESTER, NY

MAY 1992

MASTERS OF SOCIAL SCIENCE, Center for Applied Public Affairs and Public Policy Studies, STATE UNIVERSITY OF NEW YORK AT BUFFALO, BUFFALO, NY

JUNE 1985

BACHELOR OF SCIENCE, THE OHIO STATE UNIVERSITY, COLUMBUS, OH

ORGANIZATIONS

2022 – PRESENT

Board of Directors, **HealthLink**, Buffalo, NY

2022 – PRESENT

Member of the Local Advisory Council, **LISC WNY**, Buffalo, NY

2022 – PRESENT

Member, **Advisory Committee for New York’s Master Plan for Aging**, New York State

2022 – PRESENT

Board of Directors, **Investigative Post**, Buffalo, NY

2022 – PRESENT

Board of Directors, **Buffalo Bills Foundation**, Buffalo, NY

2022 – PRESENT

Advisory Board, **University of Buffalo**, School of Education, Buffalo, NY

2019 – PRESENT

Board Chair, **Buffalo Center for Health Equity**, Buffalo, NY

2018 – PRESENT

Board of Directors, **Population Health Collaborative**, Buffalo, NY

AWARDS & ACHIEVEMENTS

2022

ACHP Bernard J. Tyson Health Equity Award recipient

1995

Medgar Evers Civil Rights Award, Buffalo Branch NAACP

1992

Black Achievers Award, 1490 Enterprises Outstanding Academic and Professional Achievement Award Center for Applied Public Affairs, SUNY at Buffalo

1991

Distinguished Service Award - Buffalo Branch NAACP

Pastor George Nicholas, MDiv is the Senior pastor of Lincoln Memorial United Methodist, Buffalo, NY. He has been recognized by the General Board of Global Ministries of the United Methodist for his work on urban ministries. Pastor Nicholas is an advocate for social justice and community revitalization. He has particular passion for public health, as a result 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. As a recognition for his work in public health, Pastor Nicholas was awarded with the Benard J. Tyson Health Equity Award in 2022.

Pastor Nicholas serves on multiple Committees including, the Executive Committee of the Board of Population Health Collaborative, HEALTeLINK Board of Directors, Board of Directors of the Bills Foundation, and the Advisory Committee for New York's Master Plan for Aging.

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

Pastor Nicholas is married to Daun Nicholas and they have 5 children Kristin, Desmond, George Jr., Joel and Caleb.

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10E-19

SHERIFF

Accept Donation of Sanitation Supplies

Attachments

23COMM. 10E-19

JOHN C. GARCIA
SHERIFF

WILLIAM J. COOLEY
UNDERSHERIFF



EC LEG NOV 8 '23 PM 2:55
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

May 8, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Accept Donation of Sanitation Supplies

Honorable Members:

Attached is a proposed resolution and accompanying memorandum requesting authorization for the Erie County Sheriff's Office to accept sanitation equipment for the Erie County Correctional Facility and the Erie County Holding Center.

Representatives of the Sheriff's Office will be available at the next meeting 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: Accept Donation of Sanitation Supplies
Date: May 8, 2023

Summary of Recommended Action

The attached resolution requests authorization for the Erie County Sheriff's Office to accept sixteen pieces of cleaning equipment for the Erie County correctional facility and the holding center.

Fiscal Implications of the Proposal

The grant will have no impact on the 2023 operating budget.

Reasons for Recommendation

The Erie County Sheriff's Office was selected to receive cleaning equipment from the New York State Sheriff's Association as part of a grant the organization received in 2022.

The equipment that will be received is as follows:

- 2 – Portion control systems for cleaning chemicals;
- 2 – Microfiber mopping machines;
- 2 – Color coded microfiber systems;
- 2 – Auto scrubbers;
- 2 – “No Touch” machines;
- 2 – iMops;
- 2 – Backpack vacuums;
- 2 – Air quality meters.

Consequences of Negative Action

The Erie County Sheriff's Office would be unable to accept the equipment offered by the New York State Sheriff's Office and may have to purchase the items from the operating budget.

Steps Following Approval of Measure

Certified copies of this resolution shall be forwarded to the County Attorney, the Purchasing Department, and the Erie County Sheriff's Office.

A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE

Re: Accept Donation of Sanitation Supplies

WHEREAS, the New York State Sheriff's Association (NYSSA) was awarded a grant for COVID detection and mitigation equipment; and

WHEREAS, NYSSA has made equipment available to qualified county sheriff offices throughout New York; and

WHEREAS, the Erie County Sheriff's Office was selected to receive the following items at no charge to the taxpayers:

- 2 – Portion control systems for cleaning chemicals;
- 2 – Microfiber mopping machines;
- 2 – Color coded microfiber systems;
- 2 – Auto scrubbers;
- 2 – “No Touch” machines;
- 2 – iMops;
- 2 – Backpack vacuums;
- 2 – Air quality meters;

and

WHEREAS, the Erie County Correctional Facility and the Erie County Holding Center will receive one each of the equipment listed above; and

WHEREAS, this will have no impact on the county budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does authorize the Erie County Sheriff's Office to accept the cleaning equipment from the New York State Sheriff's Association; and be it further

RESOLVED, that certified copies shall be forwarded to the County Attorney, the Purchasing Department, and the Erie County Sheriff's Office.

FISCAL IMPACT: as indicated

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10D-1	DIRECTOR OF BUDGET & MANAGEMENT	February 2023 Budget Monitoring Report
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Attachments

23COMM. 10D-1



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

April 26, 2023

EC LEG APR 26 '23 AM 11:35

Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Re: February 2023 Budget Monitoring Report

Dear Honorable Members:

The County Charter calls for a monthly Budget Monitoring Report (BMR). For January and February, the County does not go through the accrual process to produce monthly financial results. Thus, a "traditional" BMR for those months cannot be prepared. A traditional BMR will be released covering March year-to-date activity in early May 2023 after the March 2023 monthly closing process has been finalized.

The County's 2022 fiscal year is expected to close with a surplus of approximately \$96.4 million dollars and after factoring in the proposed year-end designations would result in an assignment of \$24.4 million to unassigned fund balance.

February 2023 year-to-date sales tax growth is 6.34%, however the stand-alone February month period was 5.95% less than February 2022. A concern for 2023 going forward is a potential action within the upcoming New York State budget to withhold all enhanced Federal Medical Assistance Percentage (eFMAP) funds which in past years were provided to Erie County. Such withholding of these funds would have a negative impact to the County for \$20+ million. Other potential New York State-driven changes to Social Services banking processes are also a cause for concern both operationally and fiscally.

Sincerely,

Robert W. Keating
Director of Budget and Management

cc: County Executive Mark C. Poloncarz
Erie County Fiscal Stability Authority

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10D-2	DEPUTY COMPTROLLER OF AUDIT	EC Comptroller's Office Audit of the EC Clerk's Office - Notification of Expanded Scope & Separation into Two Audits
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Attachments

23COMM. 10D-2



EC LEG MAY 4 '23 PM 2:04

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

May 4, 2023

Honorable Michael P. Kearns
Erie County Clerk
92 Franklin Street
Buffalo, NY 14202

Re: Erie County Comptroller's Office Audit of the Erie County Clerk's Office – notification of expanded scope and separation into two audits

Dear Mr. Kearns:

This letter is notification that the audit scope for the Erie County Clerk's Office as documented in the February 13, 2023 announcement letter for testing and evaluating the revenue accounts for pistol permits, court fees and mortgage tax is being expanded and separated into two audits.

As outlined in the original scope, the current objectives will remain the same as previously indicated for the revenue accounts, however, we are expanding the scope of our original audit to include mortgage tax distributions. Mortgage tax distributions along with mortgage tax revenues will be treated as a separate audit.


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 mortgage tax distribution amounts, including proper recording of revenues, interest and distributions.

The expanded scope will perform a one (1) year review of mortgage tax revenue and distributions for the period of January 1, 2022 to December 31, 2022.

We would like to schedule a meeting for next week to discuss the expansion and to address any questions or concerns. Please contact our Auditor, Amy Barlow, at 716.858.1338 or by email at Amy.Barlow@erie.gov with your availability for next week.

Thank you in advance for your assistance and cooperation.

Sincerely,


Mary K. Mytz-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 Authority

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10D-3	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County
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Attachments

23COMM. 10D-3



EC LEG MAY 5 '23 10:57

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, Erie County Attorney
DATE: May 3, 2023
RE: Transmittal of New Claims Against Erie County

JCT/aw

Mr. Graber:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find eight (8) new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. John DeAngelo v. DA John Flynn, et al.;
2. John Gutkowski v. ECMCC, et al.;
3. Michael T. Sawyer v. Sheriff Garcia, et al.;
4. Gene Nati, et al. v. County of Erie, et al.;
5. Nathaniel Oyoyo v. County of Erie, et al.;
6. Angel Rosado v. City of Buffalo & County of Erie;
7. John Gugino & Teamsters Local 264 v. Sheriff Garcia, et al.; and
8. Marsha Wilkinson v. County of Erie, et al.

JCT:dld
Attachments



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 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:	<i>DeAngelo, John v. ECMCC, DA John Flynn and Joh</i>
Document Received:	Notice of Claim
Name of Claimant:	John DeAngelo 101 Maple Sttreet Jamestown, New York 14701
Claimant's attorney:	

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

Thomas J. Quatroche Jr. President & CEO
Erie County Medical Center Corporation
462 Grider St
Buffalo NY 14215

Date: February 27 2022

Jeremy C. Toth, Erie County Attorney
County of Erie
Department of Law
95 Franklin St. Room 1634
Buffalo NY 14202

MAR 08 2023
DEPT. OF LAW

NOTICE OF CLAIM

Pursuant to General Municipal Law Section 50-e, this is a Notice of Claim against Erie County Medical Center Corporation, all medical care providers of myself at ECMCC, Erie County District Attorney John Flynn, Erie County and any and all involved ECMCC Police Officers pertaining to my arrest at ECMCC.

On November 22, 2022, I, John DeAngelo presented myself to ECMCC emergency department for Detox from opiates. I was admitted to their detox program. I was put on a Methadone taper. Upon review of my admission note to the Substance Intervention Unit on November 22 2022 it states under Past History that I have no surgical history in which this is incorrect, I had a CABG (triple bypass) done in 1994, also it states under Social History that I live with 2 daughters, which is wrong, I live with 2 sons and it states under Substance: Dependence: Nicotine, Opiates; Denies Herion, which Herion is/was the start of my opiate abuse. Under Substance Use its states I started at 30 y/o, this is wrong, I started 3 years ago. Under Review of System/PSY it states Overall Assessment of Risk LOW. Under If Detox Patient Admission: Additional admission info: Acute intervent. for med/psych d/o.

In the Detox Progress Note dated November 24 2022, under Anxiety/Depression it states "Patient's mood is currently stable".

In the Detox Progress Note dated November 25 2022 under Anxiety/Depression it states "Patient's mood is currently stable".

ON the Discharge Summary from the Substance Intervention Unit dated November 25 2022 it states I had a history of anxiety/depression and DANGER SIGNS TO WATCH FOR! CALL YOUR DOCTOR IF YOU HAVE: Agitation/Anger; Depression, Feeling/Thought of harming self, Feeling/Thought of harming other, Fearfulness, side effects from medication, Helplessness/Hopelessness, Anxiousness/Restlessness.

On or about November 25, 2022, I was transferred from the substance abuse/detox unit to the medical unit due to tachycardia and pneumonia. The medical unit continued with the Methadone taper.

On November 25 2022, The Note from the medical unit, INTMED-History & Physical it states under Assessment & Plan Problems: (1) Opiate abuse, continuous Status: Acute. And under Additional Comments it states I was admitted to the detox unit for detox treatment, and Case evaluation for resuming detox treatment. Under Toxicology report reviewed it states Yes, and under Additional admission info: N/A-not a detox patient. I clearly was a detox patient. On November 25 a request for Substance Abuse Consult was done.

On November 27, 2022 I was on the phone with a friend of mine and we were trying to download the Tim Hortons App to enable me to purchase items from them while on the medical unit of ECMCC. I

got frustrated as it was very confusing and difficult to download their app. During this private phone conversation with my friend I did get frustrated and aggitated and made a comment that the nurse thought was inappropriate.

The nurse, Alyse Contino RN, who was in the room at the time, overheard my private phone conversation. This nurse did ask me if I was suicidal and asked if I wanted to harm anyone. My response to this nurse was that I was joking about what I said, was in no way wanting to harm myself or anyone else and apologized for my words. As per Alyse's nursing note dated Nov. 27 2022, she then reported my private phone conversation to NCC Tasha, the hospital police and Dr. Sadarat. The police came to speak with me and once again I told them I was not a harm/threat to anyone, I apologized for saying anything wrong.

INTMED-Progress Note dated November 27 2022 it states Hospital police with the patient. Under Psych/Mental Status: normal mental status. This was after the supposedly terroristic threat that I was being accused of.

INTMED-Progress Note dated November 28 2022 it states Hospital police with the patient. Under Psych/Mental Status: normal mental status.

Why wasn't Behavioral Health called in for a consultation if they deemed my comments such a threat to anyone. Behavioral Health was never consulted throughout my stay.

D/C-Discharge Summary dated November 29 2022 it states under Admitting Diagnosis: Pneumonia, Hypoxia/tachycardia, Dizziness/lightheadedness, Opioid abuse with withdrawl, History COPD, Homicidal ideation. Under Discharge Diagnosis all the foregoing as Admitting Diagnosis. So it appears nothing was resolved from the admission date. It states I had homicidal ideations and Behavioral Health was never consulted. On the same D/C summary note under Discharge Condition: it states: Stable. How could my health be Stable if I continued with the same admitting diagnosis upon discharge. It also states under Additional Comments/Course: "Patient is medically stable for discharge today, discharge plan discussed with the patient" I was never told I was going to be discharged into Police Custody, which ECMCC hospital staff clearly knew. On the same D/C summary under Discharge to: it states "other (Hospital Police)". So Doctor Fnu Sadarat MD states I was medically stable to go sit in a cold jail cell with Pneumonia, Hypoxia/tachycardia, Dizziness/lightheadedness, Opioid abuse with withdrawl, History COPD, and Homicidal ideation.

On or about November 29, 2022, I was told I was being discharged and was immediately under police custody. I was not informed prior to my discharge so I could have contacted someone to pick me up. It was intentionally planned by ECMCC and their police department that I would be arrested upon discharge. (as per discharge summary dated November 29 2022) I was not shown any arrest warrant nor did I receive any papers stating why I was being arrested. Upon initially seeing the ECMCC police I became anxious, having chest pain and was having a difficult time breathing. I told the Police I didn't do anything wrong. The ECMCC police took me back to ECMCC emergency department for evaluation.

ED-Provider report dated November 29 2022 at 1643 hours states under History of Present Illness, Initial Comments: "The patient reports that he "cannot protect himself" in jail.... The patient reports that at no time did he subjectively feel better, and states that he still becomes SOB while walking to the restroom. He endorses associated chest pain which he states spans across the entirety of his chest, and is not pleuritic in nature. He also endorses headache, chills, and generalize weakness." under Activities at Onset/Contest: Reports emotional stress; Associated Symptoms: Reports anxiety, Reports chest pain, Reports weakness. Under Review of Systems General: chills, tremors,/shaking. Under Medical Decision Making it states "When asked what bringing him here, his initial response is that "he "cannot go to jail". ... He is found to be tachypneic and tachycardic. ...At this time, my clinical

suspicion is the highest for anxiety and continued pneumonia....”

Upon discharge from ECMCC emergency department, the ECMCC police hand cuffed me behind my back and my body taken by ECMCC police took me to Jail (at Erie County holding center in Buffalo).

While in a jail cell, I was able to make one phone call and called a friend and asked if they would show up for my arraignment the next morning, which it takes them 1.5 hours to drive. I asked to use the phone again and was denied, with the jailors stating “no, your a criminal”, I also asked for water and was denied with jailors stating again, “no, your a criminal”. I experienced increased anxiousness, breathing difficulties and chest pain. I was then transported back to ECMCC emergency department by ambulance with being hand cuffed to the gurney, for evaluation.

ED-Provider Report date November 30 2022 time 04:36.

History of Present Illness, Initial Comments: “...Once again started experiencing similar symptoms. He describes as sharp stabbing sensation in the middle of his chest and is unable to lay down comfortably.” Under Medical Decision Making: “...on exam, patient has midsternal chest pain.. Differentials include anxiety.....”

ED-Attending Supervising Note dated November 30 2022, time 05:54

Under S:// “..It was believed that the symptoms were due to anxiety.....”

Under O:// “Afebrile....Heart: Tachycardic”

Under A/P:// “.... but much more likely anxiety”

I was released from ECMCC emergency department and transported back to jail by a police car being hand cuffed once again to wait for arraignment in front of a judge. I was refused breakfast and something to drink while in police custody awaiting for arraignment. I was arraigned and released on recognizance to Erie County probation. Upon release, I had mandatory contacts per the judge, that I had to make in the same building immediately after my release. I had to meet with the probation officer and set up times for check ins with her. I had to meet with a case technician to review my case and for further counseling. I also had to return to Buffalo on January 6 2023 for another court appearance.

I was being charged with three separated NY penal codes: PL 490.20 01, PL 240.45 01 and PL 240.20 07. See attached Exhibit A. On this Exhibit A, there is no incident date for PL 240.45.01 and PL 240.20.07.

I went into inpatient rehab at UMPC Jamestown and was released on January 3, 2023. I attended my court appearance on January 6 2023 and all charges were dismissed in Furtherance of Justice, See Exhibit B.

Numerous attempts were made by me to see the warrant and all paperwork associated with this arrest, See Exhibit C, certified mail to recipients, with no response from ECMCC as of the date of this Notice.

Claimed Damages

#1 False Arrest: NY PL 490.20 01 clearly states:

1. A person is guilty of making a terroristic threat when with intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination or kidnapping, he or she threatens to commit or cause to be committed a specified offense and

thereby causes a reasonable expectation or fear of the imminent commission of such offense.

2. It shall be no defense to a prosecution pursuant to this section that the defendant did not have the intent or capability of committing the specified offense or that the threat was not made to a person who was a subject thereof.

Making a terroristic threat is a class D felony.

According to PL 490.25:

2. Sentencing.

(a) When a person is convicted of a crime of terrorism pursuant to this section, and the specified offense is a class B, C, D or E felony offense, the crime of terrorism shall be deemed a violent felony offense.

I was taken by ECMCC Police handcuffed, against my will, to Jail, and was deemed a violent felon.

It is my belief that the District Attorney, John Flynn signed the warrant for my arrest and/or was involved in pursuing my arrest. I have been unable to obtain any information or obtain a copy of my arrest warrant.

There was no probable cause for my arrest. It was clearly documented many times in ECMCC medical notes that I was on a private phone conversation with a friend that was overheard by a nurse. I did not make any threats to intimidate or coerce any civilian population as I was on a private phone conversation and I did not make any statements to influence the policy of a unit of government or to effect the conduct of a unit of government.

Ignorance of the Law is no excuse.

This clearly violated my U.S. Constitutional Rights and New York State Constitutional Rights.

#2 Negligent Infliction of Emotional Distress

ECMCC and their medical staff had a Duty of Care for my health and welfare while I was under their care. They had a responsibility to me to keep me safe.

ECMCC and their medical staff breached their Duty of Care by not contacting their Behavioral Health Department and by allowing their Police to arrest me under false pretenses. ECMCC and their medical staff had from November 27 to November 29 to call in their Behavioral Health Department if they were at all concerned with my behaviors.

ECMCC and their medical staff unreasonably endangered my physical safety and caused me to fear for my safety.

ECMCC and their medical staff should have called in Behavioral Health Department and not the Police. By calling the Police their conduct was extreme and outrageous.

I suffered and continue to suffer extreme emotional distress. I continue to have Post Traumatic Stress Disorder which includes anxiety, fear of hospitals, police and I am currently under the care of a Counselor due to the false arrest. I live in view of a hospital from my windows at my home which I will never feel safe going to. I also have physical symptoms due to this distress; headaches, shaking, shortness of breath, muscles spasms in neck and lack of appetite.

#3 Intentional Infliction of Emotional Distress:

ECMCC, their medical staff, District Attorney John Flynn and ECMCC Police acted intentionally and recklessly. John Flynn and ECMCC Police know or should know the Laws NYS. I believe they were discriminating against me due to my opiate abuse.

Their conduct of having me arrested was extreme and outrageous, instead of having me arrested someone should have called Behavioral Health.

They had blatant disregard for the substantial probability of causing me physical and mental harm.

I suffered and continue to suffer extreme emotional distress. I continue to have Post Traumatic Stress Disorder which includes anxiety, fear of hospitals, police and I am currently under the care of a Counselor due to the false arrest. I live in view of a hospital from my windows at my home which I will never feel safe going to. I also have physical symptoms due to this distress; headaches, shaking, shortness of breath, muscles spasms in neck and lack of appetite.

#4 Fraudulent Misrepresentation

It is my belief that ECMCC Police misrepresented or caused the material omission that I was on a private phone conversation to acquire a warrant for my arrest. I have been unable to obtain a copy of the arrest warrant or any paperwork associated with my arrest.

I believe this was done to coerce the arrest warrant by District Attorney John Flynn or a Judge.

They had blatant disregard for the substantial probability of causing me physical and mental harm.

I suffered and continue to suffer extreme emotional distress. I continue to have Post Traumatic Stress Disorder which includes anxiety, fear of hospitals, police and I am currently under the care of a Counselor due to the false arrest. I live in view of a hospital from my windows at my home which I will never feel safe going to. I also have physical symptoms due to this distress; headaches, shaking, shortness of breath, muscles spasms in neck and lack of appetite.

I am seeking damages.

#5 Breach of Fiduciary Duty

ECMCC and their medical staff had a Fiduciary Duty as a Doctor and patient relationship. The Law of Fiduciary Duty is suppose to protect vulnerable people in transactions with others. Doctors have have an obligation to their patients to act with the utmost loyalty and good faith.

ECMCC and their medical staff unilaterally exercised their power of Fiduciary Duty when calling the ECMC Police and breached their Duty by not calling Behavioral Health Department. It clearly states in the admission note to the Substance Intervention Unit on November 22 2022, under If Detox Patient Admission: Additional admission info: Acute intervent. for med/psych d/o. It is my belief that all Detox patients should be followed by Behavioral Health. Although Behavioral Health was never consulted even after their concern of the alleged terroristic threat.

It was ECMCC and their medical staff decision(s) and abuse of their discretionary power to call the Police and not Behavioral Health. I was vulnerable and at the mercy of ECMCC and their medical staff. I trusted ECMCC and their medical staff to do what was in my best interests, which they failed to do.

#6 Misfeasance

ECMCC and their Police Department and Officer's breached their Duty to supply me with my arrest warrant when personally requested on January 6 2023 and continued to request through phone calls and a certified mail letter. See Exhibit C. According to Article 120 NY Criminal Procedure Law Section 120.80 #2 "...the arresting police officer must inform the defendant that a warrant for his arrest for the offense designated therein has been issued. Upon request of the defendant, the officer must show him the warrant if he has it in his possession. The officer need not have the warrant in his possession, and, if he has not, he must show it to the defendant upon request as soon after the arrest as possible". It is my belief that they failed to provide me the arrest warrant and associated arrest paperwork to deter me from filing a timely Notice of Claim and to inhibit me from finding out who signed the arrest warrant and if there was any material fact omitted to induce an arrest warrant.

ECMCC and their medical staff Contacted the Police vs. consulting with Behavioral Health Department. They negligently failed to call in Behavioral Health which breached their Duty and it's my belief their policies and procedures.

#7 Nonfeasance

ECMCC and their medical staff intentionally and negligently failed to call Behavioral Health which should be and it is my belief that it is a required Duty and Obligation to myself after the so called alleged terroristic threat. I was injured per foregoing.

#8 Injurious Falsehood


ECMCC and their Police Department failed to provide arrest warrant and all paperwork associated with my arrest to possibly hide any malicious false statements to procure my arrest with intent to harm me or recklessly and without regard to the consequences. They should have anticipated the resultant psychological and physical damage and harm they caused to me by putting me in jail.

I am seeking damages in the amount of \$150,00.00. If a court case has to be opened for any recoveries of the foregoing I will ask for punitive damages to punish ECMCC, their medical staff, their Police Officer(s), John Flynn and the County of Erie (due to their nature of ECMCC corporate structure, as ECMCC is a Component Unit of the County of Erie) for their blatant ignorance to the penal codes of NYS, and blatant disregard for my health and safety.

State of New York
ss:
County of Chautauqua

Verified

I certify that all information contained in this notice is true and correct to the best of my knowledge and belief. I understand that the willful making of any false statement of material fact herein will subject me to criminal penalties and civil liabilities.


Notary

KAREN L. JOHNSON, #01J06393602
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires June 17, 2023

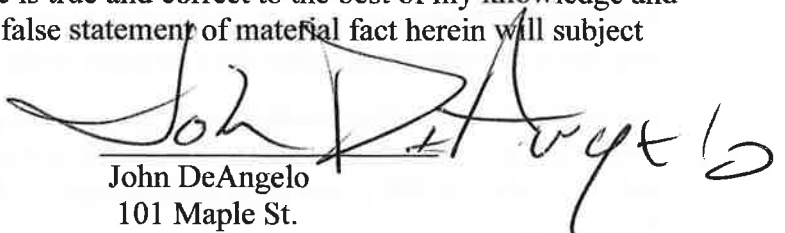

John DeAngelo
101 Maple St.
Jamestown NY 14701
(716) 640-1582
email: johndeangelo@gmail.com;

Exhibit A



BUFFALO CITY COURT

50 Delaware Avenue, Buffalo, NY 14202
 Phone: (716) 845-2689 Fax: (716) 847-8257

UCS-514-Judge

The People of the State of New York
 vs.

Securing Order

John Deangelo
 101 Maple St, Jamestown, NY 14701

Docket Number: **CR-06694-22**
 CJTN: 70139323H
 NYSID: 04255936K
 Index Number:
 DA Case Number:
 EYO: N YO: N

Sex: Male Race: White DOB: 03/30/1961

The above-named defendant is charged with the following offense(s):

Charge	Charge Weight	Charge Description	No. of Counts	Incident Date
PL 490.20 01	DF	Make Terroristic Threat	1	11/27/2022
PL 240.45 01	BM	Crim Nuisance 2-Endangr Others	1	
PL 240.20 07	V	Dis Con: Create Hazardous Cond	1	

The defendant is charged with the above-listed offense(s), and pursuant to CPL §510.10(1), the Court has determined on the basis of available information that the least restrictive kind and degree of control or restriction necessary to reasonably assure the defendant's return to court when required is as follows;

It is hereby **ORDERED** that the defendant is released on recognizance to RUS. Unless a detainer from another court of competent jurisdiction exists, defendant is hereby released from custody in relation to the above charges.

Or release to Erie County Probation (RUS)

- Refrain from any criminal activity.
- Notify the **Erie County Probation Department** within 48 hours of any new arrest or if I am questioned by any law enforcement agency.
- Return to court as directed by the Court or by the **Erie County Probation Department**
- Report to the **Erie County Probation Department** as required.
- Provide the **Erie County Probation Department** with my current address and contact information.
- Immediately notify **Erie County Probation Department** of any changes to any information I have previously provided.
- Refrain from alcohol and illegal drug use and submit to screening(s) when directed.
- Obey Orders of Protection issued by the Court, if any.

REPORTING INSTRUCTIONS
 Report **immediately** to the Release Under Supervision office located on the 7th floor of Buffalo City Court, 50 Delaware Ave., Buffalo, New York 14202

- AND**, abide by any additional conditions as indicated below (include all that apply)
- Submit to an alcohol/drug evaluation and comply with all treatment recommendations.
 - Submit to a mental health evaluation and comply with all treatment recommendations.
 - Have no contact with co-defendants.
 - Abide by a _____ curfew.

Exhibit B



BUFFALO CITY COURT
 50 Delaware Avenue, Buffalo, NY 14202
 Phone: (716) 845-2689 Fax: (716) 847-8257

NO FEE
 Non-Public
 Version

Court ORI: NY014011J

The People of the State of New York
 vs.
John Deangelo

Certificate of Disposition
 Docket Number: **CR-06694-22**
 CJTN: 70139323H
 NYSID: 04255936K

Defendant DOB: **03/30/1961**

Arrest Date: **11/29/2022** Arraignment Date: **11/30/2022**

THIS IS TO CERTIFY that the undersigned has examined the files of the **Buffalo City Court** concerning the above entitled matter and finds the following:

Count #	Charge	Charge Weight	Disposition	Disposition Date
1	PL 490.20 01 DF Make Terroristic Threat **SEALED 160.50**	DF	Dismissed (Statutory Motion to Dismiss in Furtherance of Justice (CPL 170.40), Sealed 160.50)	01/06/2023
2	PL 240.45 01 BM Crim Nuisance 2-Endangr Others **SEALED 160.50**	BM	Dismissed (Statutory Motion to Dismiss in Furtherance of Justice (CPL 170.40), Sealed 160.50)	01/06/2023
3	PL 240.20 07 V Dis Con: Create Hazardous Cond **SEALED 160.50**	V	Dismissed (Statutory Motion to Dismiss in Furtherance of Justice (CPL 170.40), Sealed 160.50)	01/06/2023

Charge Weight Key: I=Infraction; V=Violation; AM, BM=Class Misdemeanor; UM=Unclassified Misdemeanor; AF, BF, CF, DF, EF=Class Felony

Dated: **January 9, 2023**

Chief Clerk/Clerk of the Court

CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40—including any appearing on this certificate of disposition—are vacated, dismissed, sealed, and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise—unless specifically required or permitted to do so by statute. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.59 or 160.58 of the criminal procedure law, in connection with the licensing, housing, employment, including volunteer positions, or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. An individual required or requested to provide information in violation of this subdivision may respond as if the arrest, criminal accusation, or disposition of such arrest or criminal accusation did not occur. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. For purposes of this subdivision, an action which has been adjourned in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, shall not be considered a pending action, unless the order to adjourn in contemplation of dismissal is revoked and the case is restored to the calendar for further prosecution. [Executive Law 296(16)]

Charges may not be the same as the original arrest charges.

CPL 160.50: All official records (excluding published court decisions or opinions or records and briefs on appeal) related to the arrest or prosecution on file with the Division of Criminal Justice Services, any court, police agency or prosecutor's office shall not be available to any person or public or private agency.

Exhibit C

To: Joseph Giglia
462 Grider St
3rd floor Administration
Buffalo NY 14215

February 16 2023

Demand for Production of ECMCC Police Records

Reference: John DeAngelo; Docket Number: CR-06694-22; CJTN:7 0139323H; NYSID: 04255936K

Mr. Giglia;

I am writing to you in regards to an arrest that was done to me on November 29 2022. I was immediately arrested upon discharge from ECMCC. I was taken by ECMCC police from a ECMCC room on the medical unit by a ECMCC Police officer(s).

I physically came to ECMCC on January 6 and requested a copy of the arrest warrant and any and all police paper work associated with this arrest. The woman at the police unit stated I would have to go to risk management to receive that information, she said they were not in that day but provided me with a phone number to call. I had her make a copy of my Drivers License at this same time in case it was needed to receive the paperwork I was requesting because I live an hour and a half away. I have made numerous phone calls to a Ms. Amy Clarity, who I was told, is the Director of Risk Management, and left numerous messages (at least 5) without any success of speaking with Ms. Clarity and retrieving copies of the arrest warrant and any and all paperwork associated with the arrest. The number I was calling is (716) 898-3162.

According to Article 120 NY Criminal Procedure Law Section 120.80 #2 "...the arresting police officer must inform the defendant that a warrant for his arrest for the offense designated therein has been issued. Upon request of the defendant, the officer must show him the warrant if he has it in his possession. The officer need not have the warrant in his possession, and, if he has not, he must show it to the defendant upon request as soon after the arrest as possible".

On November 29 at 9:10 pm a friend of mine called Buffalo Booking and spoke with Melody, she asked for a copy of the warrant and tickets that were issued. Melody said that ECMCC would have that information not them and to contact them. My friend then immediately called ECMCC Police and they refused to provide that information to her. I was released from inpatient rehab on January 3 2023 and had a Court appearance on January 6 2023 and that is the first time I was able to come to ECMCC to retrieve a copy of the arrest warrant and all associated paperwork with the arrest. January 6 2023 was as soon after the arrest as possible that I was able to make the request for a copy of the warrant.

This is a Demand for a copy of the warrant and all associated Police paperwork pertaining to my arrest at ECMCC. Please mail hard copies and also email to below addresses.

Best Regards;

John DeAngelo
101 Maple St.
Jamestown NY 14701
email: johnnydeange@gmail.com; (716) 640-1582

cc: Nadine Mund Director of Corporate Compliance



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 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:	<i>Gutowski, John v. ECMCC and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	John Gutowski 92 Pullman Place Buffalo, New York 14215
Claimant's attorney:	Edward L. Smith, III, 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.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

IN THE MATTER OF THE CLAIM OF

JOHN GUTOWSKI
92 Pullman Place
Buffalo, NY 14212

NOTICE OF CLAIM

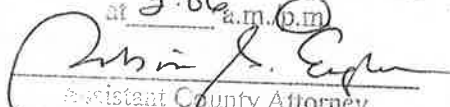
Claimant,

v.

ERIE COUNTY MEDICAL CENTER CORPORATION
462 Grider Street
Buffalo, New York 14215

THE COUNTY OF ERIE
95 Franklin Street - 16th Floor
Buffalo, New York 14202

Respondents.

This paper received at the
Erie County Attorney's Office
from David S. Kobler on
the 22nd day of March, 2023
at 2:06 a.m. (p.m.)

Assistant County Attorney

TO: ERIE COUNTY MEDICAL CENTER CORPORATION
462 Grider Street
Buffalo, New York 14215

THE COUNTY OF ERIE
95 Franklin Street - 16th Floor
Buffalo, New York 14202

PLEASE TAKE NOTICE, that the claimants hereby makes a claim and demand against the
ERIE COUNTY MEDICAL CENTER CORPORATION (ECMCC) and THE COUNTY OF ERIE,
as follows:

1. Claimant resides at 92 Pullman Place, Buffalo, New York 14212.
2. The attorney for claimants herein is Dolce Panepinto, P.C., Edward L. Smith, III,
Esq., and his post office address and telephone number are 1260 Delaware Avenue, Buffalo,
New York 14209, (716) 852-1888.

3. The time when, and the place where, and the nature of the claim are as follows: upon information and belief, claimant John Gutowki was admitted to ECMC, 462 Grider Street Buffalo, NY 14215 through the emergency department for treatment of personal injuries. He was admitted on or about September 15, 2021 and remains a patient of respondents up to the date of this notice of claim remains a patient under the care and treatment of respondents, and his last date of treatment at the respondents facility for the injuries caused thereat was December 30, 2022.

4. This is a claim for negligence and for medical malpractice against respondents, their agents, employees, independent contractors providing medical care and treatment within respondents' facilities for whom respondents are vicariously liable. Respondents have presented themselves to the public as qualified to provide medical care and treatment and such associated health care and treatment as may be reasonable to promote the health and welfare of their patients. Respondents failed to provide appropriate medical care and treatment and appropriate health care and treatment as was warranted under the circumstances for John Gutowski and by failing to meet such standards did cause injuries to him, and did aggravate and exacerbate such conditions with which he presented to respondents' facility.

5. Claimant alleges that the ECMCC and/or THE COUNTY OF ERIE, their agents, servants and/or employees were negligent in that they failed to provide proper and adequate care to the claimant, John Gutowski, while he was a patient at the ECMC during the time frame herein above and thereafter. Claimant do not possess all the relevant medical records at this time but the contents of those records are within the control of ECMC and ECMCC and/or THE COUNTY OF ERIE. Claimants allege that respondents were negligent, including but not limited to:

- a. failing to timely diagnose and intervene in plaintiff's condition;
- b. improper care and treatment of the plaintiff's injuries;

- c. failing to timely correct and address the conditions caused and exacerbated by such care and treatment resulting in multiple additional surgeries;
- d. causing damage to claimant;
- e. loss of chance to obtain a better recovery;
- f. providing other medical care and treatment which fell below the applicable standard of medical care;
- g. providing improper and negligent nursing care and treatment;
- h. and were otherwise careless, reckless, and/or negligent in the medical treatment/care of claimant, John Gutowski, while he was a patient at the Erie County Medical Center and under the care and treatment of physicians and other health care professionals provided by ECMCC .

6. Therefore, claimant serves this damages claim for personal injuries, economic loss, and conscious pain and suffering, all of which stem from the alleged negligence of the ECMCC and/or THE COUNTY OF ERIE and their agents, contractors, servants, and employees.

7. The injuries sustained by claimant, Anthony Bloomquist, include, but are not limited to, the following injuries to his person:

- a. the need for additional surgeries to his left leg
- b. infections to his left leg resulting in extended treatment and surgeries
- c. delay in medical treatment
- d. loss of timely chance of cure
- e. economic loss
- f. pain and suffering
- g. bruising, trauma to his tissues and organs
- h. hospital acquired infections

8. The claimant will also seek damages for such other and further injuries as may be determined by the treating physicians, therapists, health care providers, and other qualified medical personnel, including economic and non-economic damages and such items as may be determined in a life-care plan.

9. Due to ongoing medical treatment, damages are being accumulated and will be provided at a later date.

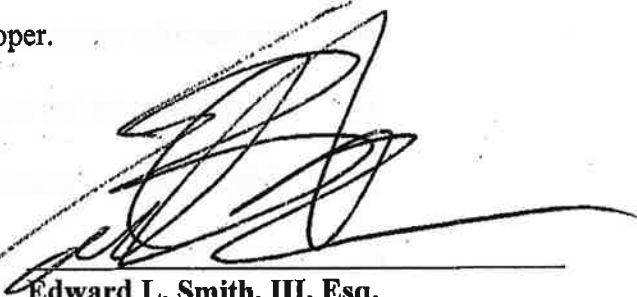
10. Claimant hereby specifically reserve the right to amend and/or supplement this Notice of Claim if necessary or upon the receipt or discovery of additional information.

11. This claim is hereby presented for adjustment and payment.

WHEREFORE, claimants respectfully request that their claims against the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE be paid.

PLEASE TAKE FURTHER NOTICE, that by reason of the failure of the ERIE COUNTY MEDICAL CENTER CORPORATION and/or THE COUNTY OF ERIE to make good the claim herein, the claimants intend to commence an action to recover damages in an amount which is currently undetermined, together with the costs and disbursements of this action and for such other and further relief as to the court deems just and proper.

DATED: Buffalo, New York
March 20, 2023



Edward L. Smith, III, Esq.
Dolce Panepinto, P.C.
Attorneys for Claimant
1260 Delaware Avenue
Buffalo, New York 14209
(716) 852-1888

STATE OF NEW YORK)
COUNTY OF ERIE)ss:
CITY OF BUFFALO)

John Gutowski, being duly sworn, deposes and says that deponent is a Claimant in the within action; that deponent has read the foregoing Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.


John Gutowski

Sworn to before me this
21 day of March, 2023


Notary Public

CHRISTY L. SHAFFER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 21, 2023

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SACRAMENTO, CALIFORNIA

NOTICE TO TAXPAYER
REGARDING YOUR RETURN
YOUR RETURN HAS BEEN SELECTED FOR REVIEW
BY THE TAX DEPARTMENT
IF YOU HAVE ANY QUESTIONS
PLEASE CONTACT THE TAX DEPARTMENT
AT THE ADDRESS LISTED BELOW

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SACRAMENTO, CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SACRAMENTO, CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SACRAMENTO, CALIFORNIA



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 4, 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:	<i>Sawyer, Michael T. v. Sheriff Garcia, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Michael T. Sawyer ICN #124270 Erie County Correctional Facility 11581 Walden Avenue Alden, New York 14004
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NOTICE OF CLAIM BY CERTIFIED MAIL

John Garcia, Erie County Sheriff
10 Delaware Ave, Buffalo N.Y. 14202

Michael Phillips, Superintendent E.C.H.C
10 Delaware Ave, Buffalo N.Y. 14202

Michael P. Kerns, Erie County Clerk, Erie County Clerk
92 Franklin St, Floor Buffalo N.Y. 14202

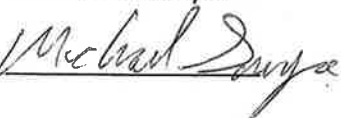
April Baskin, Chairperson, Erie County Legislature
92 Franklin St, 4th Floor, Buffalo N.Y. 14202

John Flynn, Erie County District Attorney
25 Delaware Ave, Buffalo N.Y. 14202

Robert Rodrigues, N.Y.S Secretary of State
1 Commerce plaza 99 Washington Ave Albany N.Y. 12231

CLAIM DATE: February 25, 2023
FROM: MICHAEL T. SAWYER
12354 Broadway St
Alden N.Y. 14004
ICN# 124270

I MICHAEL T. SAWYER a resident of Erie County, New York Hereby serve Notice on the above listed entities that while a resident of the Erie County Holding Center, in protective custody Charlie (Long), Cell #23 on 7/26/2022, I was assaulted by three inmates and sustained injuries for which i was transported to Erie County Medical Center. I was treated, given X-Rays and a Catscan. The injuries required stiches to my face under and above my left eye and was diagnosed with a broken upper jaw.

Date 2/25/2023
Michael T. Sawyer


Sworn to before me on
this 25 day
of February, 2023
Notary Public



DARA BOUNLEUM
COMMISSIONER OF DEEDS
In and For the City of Buffalo, Erie County, NY
My Commission Expires Dec. 31, 2025

STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
STATE OF CALIFORNIA

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STATE OF CALIFORNIA

STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
STATE OF CALIFORNIA



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 6, 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:	<i>Nati, Gene O., et al. v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Gene O. Nati, et al. 445 Scribner Road Pembroke, New York 14056
Claimant's attorney:	Charles C. Ritter, Jr., Esq. Duke Holzman Photiadis & Gresens LLP 701 Seneca Street, Suite 750 Buffalo, New York 14210

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

GENE O. NATI,
TRACY NATI,
DANIEL HILL, and
BRITTANY HILL.

NOTICE OF CLAIM

- v -

TOWN OF PEMBROKE,
COUNTY OF GENESEE,
TOWN OF NEWSTEAD, and
COUNTY OF ERIE.

PLEASE TAKE NOTICE, that GENE O. NATI, TRACY NATI, DANIEL HILL, and BRITTANY HILL (“Claimants”), hereby make in accordance with General Municipal Law §50-e, a claim and demand against the Town of Pembroke (the “Pembroke”), County of Genesee (“Genesee County”), Town of Newstead (“Newstead”), and County of Erie (“Erie County”) (Pembroke and Newstead collectively are the “Towns”; Genesee County and Erie County collectively are the “Counties”), as follows:

1. **The names and address of Claimants:** Gene O. Nati, Tracy Nati, Daniel Hill, and Brittany Hill, 445 Scribner Road, in the Town of Pembroke, County of Genesee, and State of New York 14056 (the “Home”).

2. **The name and address of Claimants’ counsel:** DUKE HOLZMAN PHOTIADIS & GRESENS LLP (Charles C. Ritter, Jr. and Thomas D. Lyons, of counsel), 701 Seneca Street, Suite 750, Buffalo, New York 14210.

3. **The time when, the place where, and the manner in which the claim arose:**
The claim arose from damage caused at and to Claimants’ Home on Sunday, August 7, 2022. The damage to Claimants’ Home was caused because the Towns and/or Counties (a) permitted,

oversaw, directed, and/or incentivized the Akron Quarry to expand the scope and frequency of its operations, including the drawdown of groundwater and blasting; and (b) allowed those operations to expand and continue, despite being on actual and/or constructive notice of the likelihood that the Quarry's operations have previously caused, and would continue to cause, damage to the Towns' and/or Counties' property, and the property of nearby Pembroke and Genesee County residents, such as Claimants.

4. The nature of the claim: The Town and County negligently and recklessly (a) permitted, oversaw, directed, and/or incentivized the Akron Quarry to expand the scope and frequency of its operations, including the drawdown of groundwater and blasting; and (b) allowed those operations to expand and continue, despite being on actual and/or constructive notice of the likelihood that the Quarry's operations have previously caused, and would continue to cause, damage to the Towns' and/or Counties' property, and the property of nearby Pembroke and Genesee County residents, such as Claimants. The conditions leading to the damage of Claimants' Home were affirmatively caused and/or contributed to, in whole or in part, by the acts or omissions of the Towns, Counties, their agents, and/or employees.

As a result of the foregoing, on August 7, 2022, Claimants' heard cracking and popping sounds at approximately 6:30 a.m. Claimants then noticed the windows and doors in their Home would not open or shut properly; they discovered cracking in their land, driveway, and foundation; and they observed that the Home appeared to be sinking into the earth. Accordingly, Claimants notified the authorities, and the Town of Pembroke condemned the Home as unfit for occupancy.

The condition of the Home and the property on which it sits continues to deteriorate, and it is no longer safe for residential purposes. As a result of the Towns' and/or Counties' negligence and reckless conduct in permitting the expansion and continuation of the Quarry's activities, the

Property was, and continues to be, severely damaged. The damage to the Property was and is, in whole or in part, a direct and proximate result of the negligent and reckless acts of the Towns, Counties, their agents, and/or employees.

5. The items of damages or injuries claimed to be sustained: Claimants suffered damage to their real and personal property, suffered severe reduction in property value, and other damages to be determined. Claimant reserves the right to seek recovery for all damages sustained, when the full nature, extent and permanency thereof are known. The damage to the Claimants, upon information and belief, exceeds \$1,000,000.00.

PLEASE TAKE FURTHER NOTICE that by reason of the foregoing, Claimants demand payment of the within claim, and unless the claim is paid within the time limited for compliance herewith by law, it is the intention of Claimants to commence an action against the Towns and Counties to seek recovery for the damages claimed herein.

Affirmed to be true under the penalties of perjury and sworn to on behalf of claimants Gene O. Nati, Tracy Nati, Daniel Hill, and Brittany Hill this 3rd day of November, 2022.


DUKE HOLZMAN PHOTIADIS & GRESENS LLP

By: s/ Charles C. Ritter, Jr.

Charles C. Ritter, Jr., Esq.
Thomas D. Lyons, Esq.
Attorneys for Claimants
701 Seneca Street, Suite 750
Buffalo, New York 14210
Tel: (716) 855-1111
critter@dhpqlaw.com
tlyons@dhpqlaw.com

VERIFICATION

GENE O. NATI, TRACY NATI, DANIEL HILL, and BRITTANY HILL, being duly sworn, depose and say that they each of them is a Claimant referred to above; that each of them has read the foregoing NOTICE OF CLAIM and that the statements contained therein are true except as to such statements which are based upon information and belief, which statements each of them believe to be true.



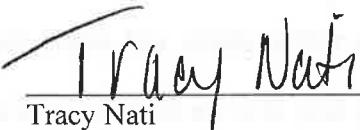
Gene O. Nati

Subscribed and sworn before me
this 3rd day of November, 2022.



Notary Public

Thomas D. Lyons
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 1 2024




Tracy Nati

Subscribed and sworn before me
this 3rd day of November, 2022.



Notary Public

Thomas D. Lyons
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 1 2024



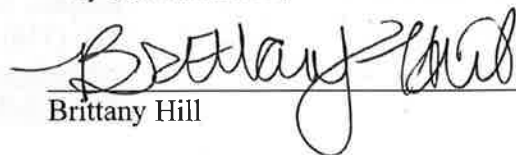
Daniel Hill

Subscribed and sworn before me
this 3rd day of November, 2022.




Notary Public

Thomas D. Lyons
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 1 2024



Brittany Hill

Subscribed and sworn before me
this 3rd day of November, 2022.



Notary Public

Thomas D. Lyons
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 1 2024



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 11, 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:	<i>Oyoyo, Nathaniel v. County of Erie, Erie County Sheriff's Department</i>
Document Received:	Verified Petition
Name of Claimant:	Nathaniel Oyoyo Greene Correctional Facility 165 Plank Road Coxsackie, New York 12051-0008
Claimant's attorney:	Steven M. Cohen, Esq. Tiveron Law PLLC 2410 North Forest Road Getzville, New York 14068

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

NATHANIEL OYOYO,

Claimant

NOTICE OF PETITION

vs.

Index No.:

COUNTY OF ERIE,
ERIE COUNTY SHERIFF'S DEPARTMENT

Defendant.

MOTION MADE BY:

Claimant Nathaniel Oyoyo, through his attorneys, TIVERON LAW, PLLC 2410 North Forest Road, Suite 301, Getzville, New York 14068.

DATE, TIME, AND PLACE
OF HEARING:

On _____, 2023 at a Special Term of the Supreme Court held before the Hon. _____, J.S.C., located at _____ Delaware Avenue, Buffalo, NY 14202.

SUPPORTING PAPERS:

Verified Petition of Steven M. Cohen, Esq., sworn to March 22, 2023 with exhibits.

RELIEF DEMANDED AND
GROUNDS THEREFORE:

Entry of an Order for the following relief:

1. Granting Plaintiff's application to serve a late Notice of Claim pursuant to General Municipal Law § 50-e (5)
2. Such other and further relief as this Court deems just, proper and equitable.

ANSWERING AFFIDAVITS:

Answering affidavits, if any, must be served at least seven (7) days prior to the return date of this motion pursuant to CPLR § 2214(b). Reply papers, if any, to be served one (1) day of the return date.

ORAL ARGUMENT:

Requested.

DATED: March 23, 2023
Amherst, New York



Steven M. Cohen, Esq.
TIVERON LAW, PLLC
Attorneys for Plaintiff
2410 North Forest Road
Amherst, New York 14068
(716) 636-7600
dtiveron@tiveronlaw.com

To: Erie County Attorney's Office
95 Franklin Street
Buffalo, New York 14202

Erie County Sheriff's Department
10 Delaware Avenue
Buffalo, New York 14202

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

NATHANIEL OYOYO, JR.,
Greene Correctional Facility
165 Plank Rd.
Coxsackie, New York 12051-0008

PETITION

Claimant,

Index No.:

v.

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

ERIE COUNTY SHERIFF'S DEPARTMENT
10 Delaware Avenue
Buffalo, New York 14202,

Respondents.

Steven M. Cohen, Esq., affirms the following pursuant to CPLR § 2106 and under the penalties of perjury that:

1. I am an attorney duly admitted to practice in the Court of New York and am associated with Tiveron Law, PLLC., attorneys for Claimant, Nathaniel Oyoyo, Jr., and as such I am familiar with the facts and circumstances of this matter.

2. This Petition is submitted in support of the Claimant's application for an Order permitting him to serve the County of Erie and the Erie County Sheriff's Department with a late Notice of Claim pursuant to General Municipal Law § 50-e (5).

3. This is an action for personal injuries, pain and suffering and other damages which the Claimant sustained on or about February 24, 2022 while in the custody of the Erie County Sheriff's Department.

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4. Claimant, while in the custody of the Erie County Sheriff's Department, and while handcuffed on the floor being held down by at least 3 Deputy Sheriffs, was physically assaulted by Deputy Daniel Piwowarczyk, while other deputies stood by and permitted this to occur.

5. The Honorable Catherine Nugent-Panepinto, J.S.C., recently ruled that video recorded by the body cams worn by at least 5 Sheriff's Deputies be released revealing the necessary facts to pursue this claim.

6. Pursuant to New York General Obligations Law § 50-e, "[i]n any case founded upon tort where a notice of claim is required by law as a condition precedent to the commencement of an action or special proceeding against a public corporation...the notice of claim shall comply with and be served in accordance with the provisions of this section within ninety days after the claim arises". See NY General Obligations Law § 50-e(1)(a).

7. Claimant has one (1) year and ninety (90) days period in which leave for permission to file late Notice of Claim may be entertained. See New York General Obligations Law § 50-e; *see also Hochberg v. New York*, 63 N.Y.2d. 665 (1984).

8. In deciding whether to permit service of a late notice of claim, the primary focus of the Court is whether the public corporation had acquired actual knowledge of the essential facts constituting the claim within ninety days, or a reasonable time thereafter, of the event(s) that serve the basis for the notice of claim.

9. The determination as to whether to grant leave to serve a late notice of claim is a question committed to the sound discretion of the Court. *See Clark v. Roswell Park Cancer Institute Corporation*, 92 A..D.3d. 1273 (4th Dep., 2012).

10. The key factor that should be accorded great weight in whether the Respondent received actual knowledge of the facts constituting the claim in a timely manner. *See Clark v. Roswell Park Cancer Institute Corporation*, 92 A..D.3d. 1273 (4th Dep., 2012).

11. Respondents had actual notice of the facts constituting the claim by virtue of their possession of videos in which they actively fought to keep from the public and as such, Respondents have already investigated this incident. The action of the Respondents forms the basis of the assault, and the relevant facts are contained in Respondents' own records. Under these circumstances, the New York State Court, Appellate Division, Fourth Department has held that a grant of an application for leave to serve a late notice of claim by the New York State Court of Claims was not an abuse of discretion. *See Clark v. Roswell Park Cancer Institute Corporation*, 92 A..D.3d. 1273 (4th Dep., 2012).

12. The delay in service the Notice of Claim upon the County of Erie and the Erie County Sheriff's Department has not substantially prejudiced the Respondents in maintaining a defense on the merits because of all the relevant facts regarding Claimant's claim are contained in the videos and records which are in the control of the Erie County Sheriff's Department.

13. It is also respectfully submitted that the Court should take into consideration that the Claimant is presently incarcerated at the Greene Correctional Facility.

14. Attached hereto at **Exhibit "A"**, is a copy of the Affidavit of the Claimant, which has been approved by Nathaniel Oyoyo, Jr., detailing his circumstances. Claimant is experiencing difficulty in obtaining a notary public and the fully executed original will be supplied immediately upon receipt.

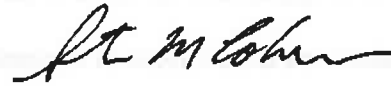
15. Pursuant to General Municipal Law § 50-e(7), a copy of the Notice of Claim that is proposed to be served is annexed as **Exhibit "B"**.

16. In light of the foregoing, the Claimant respectfully requests that this Court enter an Order granting Claimant the leave to serve a late notice of claim against the Respondents, County of Erie and Erie County Sheriff's Department.

No previous application for the relief requested herein has been made.

WHEREFORE, it is respectfully requested that this Court grant Claimant an Order, pursuant to General Obligations Law § 50-e (5) permitting Claimant to serve a late notice of claim on the Respondents named herein; and granting such other relief as the Court may deem just and proper.

Dated: March 22, 2023
Amherst, New York



Steven M. Cohen, Esq.
Attorneys for Claimant
2410 North Forest Rd., Suite 301
Amherst, New York 14068
Telephone: (716) 636-7600

VERIFICATION


STATE OF NEW YORK)
COUNTY OF ERIE) SS.:

Steven M. Cohen, Esq., being duly sworn, deposes and says that he is the Attorney for Claimant in the within action; that he has read the foregoing Petition and knows the contents thereof; that the same is true to his knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true.



STEVEN M. COHEN, ESQ.

Sworn to before me this
23 day of March, 2023



Notary Public

Registration number: _____

Angela Lee Schuster
No. 01SC6165216
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 05/07/2023

RESOLUTION

APPROVED BY THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors has received a request from the [unclear] to [unclear] and it is the policy of the Board to [unclear] such requests in accordance with the provisions of the [unclear] Code of Ordinances, Chapter [unclear], Article [unclear], Section [unclear];

[Signature]
[unclear]

[Signature]
[unclear]

APPROVED BY THE BOARD OF SUPERVISORS
ON [unclear] DAY OF [unclear] 20[unclear]



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 11, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

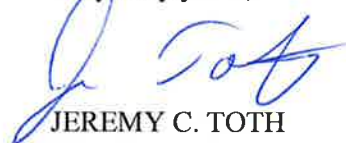
Dear Mr. Graber:

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:	<i>Rosado, Angel v. City of Buffalo and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Angel C. Rosado 105 Weimar Street Buffalo, New York 14206
Claimant's attorney:	Steven J. Schrader, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

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:

ANGEL C. ROSADO
105 Weimar Street
Buffalo, New York 14206

Claimant

-against-

NOTICE OF CLAIM

CITY OF BUFFALO
1100 City Hall
65 Niagara Street
Buffalo, New York 14202

COUNTY OF ERIE
95 Franklin Street
Buffalo, New York 14202

Respondents

PLEASE TAKE NOTICE that Claimant, ANGEL C. ROSADO, (hereinafter "Claimant") hereby makes claim against Respondents, CITY OF BUFFALO and COUNTY OF ERIE, (hereinafter "Respondents") and in support thereof Claimant alleges:

1. That Claimant, residing at 105 Weimar Street, Buffalo, New York 14206, by and through his attorneys, WILLIAM MATTAR, P.C., 6720 Main Street, Suite 100, Williamsville, New York 14221, claims damages against Respondents for personal injuries, pain and suffering, general and special damages, and medical expenses sustained by him.

2. That Claimant's injuries were sustained on December 19, 2022, between the times of approximately 12:00 p.m. and approximately 1:00 p.m. when Claimant was crossing Weimar Street at or near 105 Weimar Street when Claimant was caused to slip and fall due to an accumulation of

ice, snow, and other percipitation on the roadway, which upon information and belief is owned, operated, and maintained by Respondents, their agents, servants, and/or employees. A Google Maps aerial view of the approximate location of Claimant's fall is attached hereto as **Exhibit A**.

3. That Claimant's injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others, including Claimant, by Respondents, their agents, servants, and/or employees in failing to maintain Weimar Street in a reasonably safe manner free from ice, snow, and other accumulated percipitation on the roadway.

4. That Claimants, by and through their agents, servants, and/or employees had actual or constructive notice of the aforementioned dangerous and hazardous conditions.

5. That as a result of the foregoing, Claimant sustained serious injuries, including, but not limited to a fractured leg requiring surgery, among other injuries. Some of these injuries are believed to be permanent or indefinite in duration and Claimant has and will in the future be forced to expend sums of money for hospitals, doctors, and other medical expenses.

6. That Claimant's injuries were occasioned solely and wholly as a result of the negligence of Respondents, their agents, servants, and/or employees and without any negligence on the part of the Claimant contributing thereto.


DATED: Williamsville, New York
 March 3, 2023

Steven J. Schrader

Steven J. Schrader, Esq.
Attorney for Claimant
WILLIAM MATTAR, P.C.
6720 Main Street, Suite 100
Williamsville, New York 14221


STATE OF NEW YORK)
COUNTY OF ERIE) ss:

ANGEL C. ROSADO, being duly sworn, deposes and say that he is the Claimant in this action; that he has read the foregoing Notice of Claim and know the contents thereof; that the same is true to deponent's knowledge, except as to matters therein stated to be alleged on information and belief, and that as to those matters he believe them to be true.



Angel C. Rosado
NYS DL # 237911688

Sworn to before me this
9th day of March, 2023



Notary Public

Jodi E. Williams
Notary Public State of New York
Erie County
Commission Expires 2/18/27

EXHIBIT A

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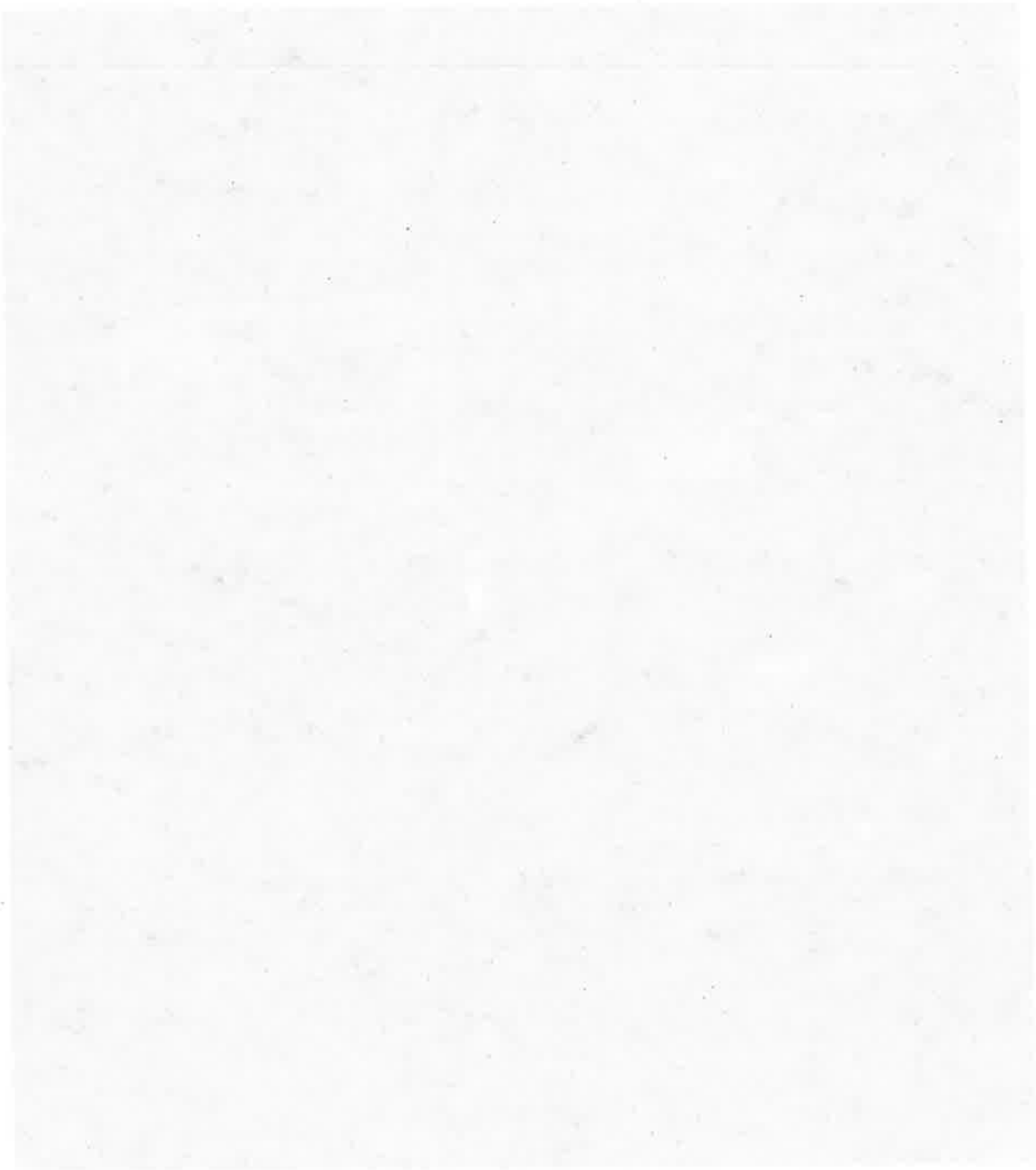
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COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 13, 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:	<i>Gugino, John and Teamsters Local 264 v. Sheriff John C. Garcia and County of Erie</i>
Document Received:	Verified Petition
Name of Claimant:	John Gugino 5160 Larkspur Lane Hamburg, New York 14075
Claimant's attorney:	Terry M. Sugrue, Esq. Law Offices of Terry M. Sugrue & Associates, LLP 135 Delaware Avenue, Suite 410 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 OF THE STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Application of

NOTICE OF PETITION

JOHN A. GUGINO and
TEAMSTERS LOCAL 264

Petitioners,

Index No.

For a Judgment Pursuant to Article 78 of the Civil
Practice Law and Rules

-against-

JOHN C. GARCIA, as Sheriff of Erie County, and
COUNTY OF ERIE,

Respondents.

MOTION BY	:	Law Offices of Terry M. Sugrue & Associates, LLP (Terry M. Sugrue, Esq.) Attorneys for Petitioners
DATE, TIME, AND PLACE OF HEARING	:	Supreme Court, Part Buffalo, New York
SUPPORTING PAPERS	:	Verified Petition and accompanying materials.
RELIEF REQUESTED	:	A judgment annulling petitioner Gugino's separation from service together with such further relief as this Court deems just, proper and equitable.
GROUNDS FOR RELIEF	:	CPLR Article 78 and related decisional law.
RESPONDING PAPERS	:	Pursuant to CPLR 7804(c), answering papers, if any are to be served upon the undersigned no later than five (5) days before the return date of this Petition.

DATED

Buffalo, New York
March 15, 2023

By: s/ Terry M. Sugrue
Law Offices of Terry M. Sugrue
& Associates, LLP
Terry M. Sugrue, Esq.
Attorneys for Petitioners
135 Delaware Avenue, Suite 410
Buffalo, New York 14202
Telephone: (716) 856-0277
Facsimile : (716) 843-8698
terry.m.sugrue@gmail.com

To: John C. Garcia
Sheriff of Erie County
10 Delaware Avenue
Buffalo, New York 14202

County of Erie
c/o Mark Polancarz
Erie County Executive
95 Franklin Street, 16th Floor
Buffalo, New York 14202

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE**

In the Matter of the Application of

VERIFIED PETITION

**JOHN A. GUGINO and
TEAMSTERS LOCAL 264**

Petitioners,

Index No.

**For a Judgment Pursuant to Article 78 of the Civil
Practice Law and Rules**

-against-

**JOHN C. GARCIA, as Sheriff of Erie County, and
COUNTY OF ERIE,**

Respondents.

Petitioners, JOHN A. GUGINO and TEAMSTERS LOCAL 264, by their attorney, Law Offices of Terry M. Sugrue & Associates, LLP (Terry M. Sugrue, Esq.), for their Petition against the Respondents, JOHN C. GARCIA, as Sheriff of Erie County and COUNTY OF ERIE, allege:

1. At all times relevant herein, Petitioner JOHN A. GUGINO was a Deputy Sheriff Officer employed by the Erie County Sheriff's Office and the County of Erie, and a resident of the Town of Hamburg, in Erie County in the State of New York.

2. Pursuant to Section 204(1) of the New York State Civil Service Law, as amended, Petitioner TEAMSTERS LOCAL 264 (hereinafter "Union" or "Teamsters") is an employee organization within the meaning of Civil Service Law Article 14, and is the exclusive bargaining agent for certain employees of the Erie County Sheriff's Office, including those holding the title of Deputy Sheriff Officers.

3. Respondent JOHN C. GARCIA is the Sheriff of Erie County (hereinafter "Sheriff"), head of the Erie County Sheriff's Office, an office of Erie County existing pursuant to the laws of the State of New York and the Charter of the County of Erie, with offices located at 10 Delaware Avenue, Buffalo, New York 14202,.

4. Respondent COUNTY OF ERIE (hereinafter “County”) is a municipality organized and existing pursuant to the laws of the State of New York.

5. Respondents are joint employers within the meaning of Civil Service Law Article 14.

6. Respondents and Teamsters are parties to a collective bargaining agreement (hereinafter “cba”) dated January 1, 2019 through December 31, 2023, which contains a grievance and arbitration procedure for the resolution of disputes, including those concerning discipline and discharge. Attached hereto as **Exhibit A** is a true and accurate copy of said collective bargaining agreement.

7. Article 22 of said collective bargaining agreement, entitled “Discipline and Discharge,” sets forth the standards and process for taking disciplinary action against an employee that is covered by the agreement as well as the procedure to challenge said disciplinary action through a disciplinary grievance. The grievance procedure culminates in final and binding arbitration, whereby a neutral arbitrator determines the employee’s guilt or innocence and the appropriateness of proposed penalties.

8. Petitioner Gugino had been employed by Respondents since 2007, when he began service as a Deputy Sheriff Officer.

9. On or about October 17, 2020, petitioner Gugino, while off duty, was pulled over and arrested in Erie County, New York and charged with several criminal offenses. Attached hereto as **Exhibit B** are documents related to those criminal charges.

10. On or about May 10, 2022, petitioner Gugino plead guilty to one count of violating New York State Penal Law Section 220.03, Criminal Possession of a Controlled Substance in the seventh (7th) degree a class A misdemeanor. Attached hereto as **Exhibit C** is the transcript of the relevant court proceeding.

11. Penal Law §220.03 provides as follows:

“§ 220.03 Criminal possession of a controlled substance in the seventh degree. A person is guilty of criminal possession of a controlled substance in the seventh degree when he or she knowingly

and unlawfully possesses a controlled substance; provided, however, that it shall not be a violation of this section when a person possesses a residual amount of a controlled substance and that residual amount is in or on a hypodermic syringe or hypodermic needle obtained and possessed pursuant to section thirty-three hundred eighty-one of the public health law, which includes the state's syringe exchange and pharmacy and medical provider-based expanded syringe access programs; nor shall it be a violation of this section when a person's unlawful possession of a controlled substance is discovered as a result of seeking immediate health care as defined in paragraph (b) of subdivision three of section 220.78 of the penal law, for either another person or him or herself because such person is experiencing a drug or alcohol overdose or other life threatening medical emergency as defined in paragraph (a) of subdivision three of section 220.78 of the penal law. Criminal possession of a controlled substance in the seventh degree is a class A misdemeanor."

12. On or about July 21, 2022, petitioner Gugino was sentenced to a one-year conditional discharge, fifty (50) hours of community service, and a fine in the amount of two hundred and five dollars (\$205). See, Exhibit C.

13. On or about June 10, 2022, following said conviction, Respondents terminated the employment of petitioner Gugino pursuant to the process in the cba governing his employment between Respondents and petitioner Teamsters. Attached hereto as **Exhibit D** is a true and accurate copy of the Notice of Termination.

14. Attached hereto as **Exhibit E** is a true and accurate copy of General Order 36, which Respondent alleged were violated in the Notice of Termination (see, Exhibit D).

15. Attached hereto as **Exhibit F** is a true and accurate copy of General Order 39, also cited by Respondent in the Notice of Termination (see, Exhibit D).

16. On or about June 14, 2022, Petitioner Teamsters filed a grievance in accordance with the cba protesting said termination. Attached hereto as **Exhibit G** is a true and accurate copy of said grievance.

17. On or about June 16, 2022, Respondents served petitioner Gugino with a letter dated June 15, 2022, entitled Notice of Separation From Service, which notified petitioner Gugino that upon his conviction of Penal Law 220.03 on May 10, 2022, his position as Deputy Sheriff Officer

became vacant pursuant to New York State Public Officers Law §30(1)(e). Attached hereto as **Exhibit H** is a true and accurate copy of said Notice of Separation From Service.

18. Respondents notified Petitioners that he was “separated from service” and that “[t]his action occurred by operation of law and is not subject to the grievance and arbitration process, or any other labor action, provided by any collective bargaining agreement.” See, Exhibit H.

19. Petitioner Gugino brings this Article 78 proceeding pursuant to CPLR 7803(3) and challenges his separation of from service as a Deputy Sheriff Officer, pursuant to the June 15, 2022 letter (see, Exhibit H), as being made in violation of lawful procedure, was affected by an error of law or was arbitrary and capricious.

20. By email dated July 6, 2022, Petitioner Teamsters Local 264 requested that Petitioner’s grievance be placed on hold following the issuance of the separation of service letter and pending the outcome of this proceeding or to schedule a Step 2 grievance meeting. Attached hereto as **Exhibit I** is a true and accurate copy of an email containing said request to place the grievance on hold.

21. The Step 2 grievance meeting for Petitioner’s grievance was not scheduled and said grievance matter has remained on hold pending the outcome of this proceeding.

22. Public Officers Law Section 30, paragraph 1, subparagraph e, provides in pertinent part, as follows:

§30. Creation of vacancies. 1. Every office shall be vacant upon the happening of one of the following events before the expiration of the term thereof: ...

e. His conviction of a felony, or a crime involving a violation of his oath of office, ...

23. Petitioner Gugino was not convicted of a felony, and this petition argues that his conviction of Penal Law §220.03 did not violate his oath of office. Attached hereto as **Exhibit J** is a true and accurate copy of Petitioner Gugino’s oath of office.

24. The standard for determining whether a conviction for a crime less than a felony warrants vacatur of office was articulated by the Court of Appeals of the State of New York in Feola v. Carroll, 10 N.Y.3d 569 (2008). The Court there held that:

“If the officer is convicted of a misdemeanor the elements of which constitute willful deceit, calculated disregard for honest dealings, intentional dishonesty or corruption of purpose, then an oath of office violation has occurred and the position becomes vacant. If, on the other hand, the misdemeanor for which the officer has been convicted is not of such a nature, then the officer is entitled to a hearing on the issue of appropriate discipline, which may include termination.” Id., at 574.

25. In Feola, the plaintiff police officer had been found guilty after a jury trial of endangering the welfare of a child less than seventeen years old. The Court concluded that such a conviction, although only a misdemeanor, was sufficient to demonstrate “knowing or intentional conduct indicative of a lack of moral integrity.”

26. Feola drew its essence from an earlier holding of the Court in Duffy v. Ward, 81 N.Y.2d 127 (1993). In that case, the New York City Police Commissioner summarily dismissed an officer under the provisions of Public Officers Law §30(1)(e) after he was convicted of misdemeanor criminal trespass during an off duty scuffle. The single dissenting judge, voting to uphold the Commissioner’s summary dismissal, reasoned that the underlying events involved an improper display of the officer’s firearm as well as the trespass which elevated a “common street-sparing-with-words into a far more dangerous brawl” (Id., at 136-37). However, the majority of the Court examined closely the alternative test set in §30(1)(e), and carefully noted that while any criminal conviction may be considered a knowing violation of an officer’s oath of office, the terms of the statute specifies only that a felony conviction requires such a summary dismissal (Id., at 134). The majority holding reasoned that regarding all convictions as requiring summary convictions would strip the remaining clause of §30(1)(e) of any meaning, and reversed the Commissioner’s determination. It summarized the distinction it drew in the following manner:

“The statute’s purpose is to assure that the public officers are individuals of ‘moral integrity’ worthy of confidence and trust [citation omitted]. While the oath itself does not expressly establish

a duty to act with moral integrity, the very act of taking the oath is rendered meaningless if the officer lacks the capacity to swear honestly or has not serious intention of abiding by its promises. When an officer's moral integrity is called into question, so is the oath and the public's trust in its government is necessarily undermined - the very concern Public Officers Law §30(1)(e) was meant to address [citation omitted]. Thus reading Public Officers Law §30(1)(e) as reaching only those misdemeanors that demonstrate a lack of moral integrity construes the provision in a manner consistent with the statute's underlying purposes and, at the same time, gives practical effect to the Legislature's manifest intention to draw some limits on the invocation of summary dismissal" (Id., at 134-35).

27. In other words, where the underlying criminal conviction does not directly implicate the officer's moral integrity, an officer's misdemeanor conviction, for off duty conduct, does not automatically violate his oath of office and/or render the office vacant.

28. In the instant matter, petitioner Gugino's conviction of Penal Law §220.03 involves possession of a controlled substance, the elements of which do not constitute willful deceit, calculated disregard for honest dealings, intentional dishonesty, or corruption of purpose. Nor does petitioner Gugino's conviction of Penal Law §220.03 implicate his moral integrity.

29. Respondents' June 15, 2022 determination that petitioner Gugino's position with the Erie County Sheriff's Office became vacant immediately upon his conviction of Penal Law §220.03 was affected by an error of law or was arbitrary and capricious.

30. Accordingly, Respondents' June 15, 2022 determination to separate Petitioner Gugino's service should be annulled.

31. Petitioners are not asking the Court to decide whether petitioner Gugino is guilty or innocent of the alleged violations of the General Orders (see, Exhibits E and F) cited in the Notice of Termination (see, Exhibit D) issued under the collective bargaining agreement, nor to decide the appropriateness of the proposed penalty, if any, or otherwise pass merits on the disciplinary grievance challenging said termination (see, Exhibit G).

32. If Respondent's June 15, 2022 determination to separate Petitioner Gugino's service is annulled, Petitioners can separately continue challenging petitioner Gugino's termination from employment (see, Exhibit D) through the disciplinary grievance that it brought (see, Exhibit G), in

accordance with the grievance and arbitration process set forth in the collective bargaining agreement between Respondents and Petitioner Teamsters, whereby a neutral arbitrator would determine if the employee is guilty of the charges set forth in the Notice of Termination and, if so, the appropriateness of the proposed penalty, if any (see, Exhibit A, Article 22, Section 22.2(g)).

33. Petitioner Gugino has exhausted his administrative remedies and has no adequate remedy at law.

34. Petitioners previously brought a Petition seeking the relief herein (Erie County Index No. 810869/2022), which was dismissed without prejudice.

WHEREFORE, it is respectfully prayed that the Court annul petitioner Gugino's June 15, 2022 separation from service, together with such further relief as this Court deems just, proper and equitable.

Dated: Buffalo, New York
February 27, 2023

Respectfully submitted,


Law Offices of Terry M. Sugrue
& Associates, LLP

By: s/Terry M. Sugrue
Terry M. Sugrue, Esq.
Attorneys for Petitioners
135 Delaware Avenue, Suite 410
Buffalo, New York 14202
Tel: (716) 856-0277
terry.m.sugrue@gmail.com

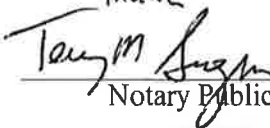
VERIFICATION

STATE OF NEW YORK)
)ss.;
COUNTY OF ERIE)

I, John A. Gugino, being duly sworn says: I am a petitioner in the proceeding herein; I have read the Verified Petition, know the contents thereof and the same are true to my knowledge, except those matters which are stated to be alleged on information and belief, and as to those matters I believe them to be true.


JOHN A. GUGINO

Sworn to before me this 14th
day of ~~February~~, 2023.
March


Notary Public

TERRY M. SUGRUE, ESQ.
NOTARY PUBLIC, STATE OF NEW YORK
Reg. No. 02SU6071558
QUALIFIED IN ERIE COUNTY
My Commission Expires Mar 18, 2026



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

April 18, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

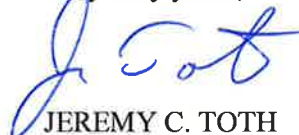
Dear Mr. Graber:

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:	<i>Wilkinson, Marsha v. County of Erie, et al.</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Marsha Wilkinson 8 Stormy Way E. Amherst, New York 14051
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

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

MARSHA WILKINSON,

Complainant,

v.

COUNTY OF ERIE, SANDRA NEUBERT, FRANK
CAMARRATA,

Respondents.

COMPLAINT

Pursuant to Executive Law,
Article 15

Case No.

10224449

Federal Charge No. 16GC302939

I, Marsha Wilkinson, residing at 8 Stormy Way, East Amherst, NY, 14051, 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 age, opposed discrimination/retaliation, disability.

Date most recent or continuing discrimination took place is 12/14/2022.

The allegations are:

SEE ATTACHED.

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of age, opposed discrimination/retaliation, disability, 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 also charge the above-named respondents with violating the Age Discrimination in Employment Act (ADEA) as amended (covers ages 40 years of age or older in 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).

**COMPLAINANT'S ADDENDUM TO
EXECUTIVE DIRECTOR NEW YORK STATE DIVISION OF HUMAN RIGHTS
COMPLAINT FORM**

I, Marsha Wilkinson, residing at 8 Stormy Way, East Amherst, NY, 14051, charge the Erie County Department of Social Services, whose address is Rath Building, 95 Franklin Street, 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 discrimination based on disability, failure to accommodate a disability, hostile work environment based on disability, age, and opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is December 14, 2022.

The allegations are:

1. I am sixty-three (63) years of age.
2. I have a disability in that I suffered an ankle injury which affected my ability to walk. I was required to use a walker or a scooter in order to be able to attend work and perform normal life activities such as shopping.
3. I began work for the County of Erie on September 13, 2010 at Erie County Medical Center.
4. In April of 2015 I moved to the Erie County Department of Social Services as an employment counselor. In this position I counseled social service applicants and recipients regarding their employability.
5. I report to work at the location of 290 Main Street, 9th Floor, Buffalo, NY 14202.
6. During my employment with Erie County my performance evaluations were good. Personally, I prefer to come to the office rather than work from home.
7. On July 15, 2022, I injured my ankle. This was the day I moved into my new apartment, which is located in Erie County near the intersection of Transit Road and Millersport Highway. The straight-line distance from my home to the Erie County Department of Social Services is just over twenty-one miles.

8. On that day I went to the Emergency Room at Millard Filmore Suburban, where I was diagnosed with a closed fracture of distal end of right fibula.
9. On July 19, 2022 I went to Excelsior Orthopedics, LLP., regarding my injury.
10. One July 22, 2022 at 9:02am Excelsior Orthopedics, LLP faxed Erie County's Human Resource department my first request for accommodation stating "Patient cannot drive." And an accommodation of "Patient needs to work from home" "Patient may come into the office 1 to 2 times a week only if she has transportation to and from the bus stop." The accommodation was to be reassessed on August 23, 2022.
11. I began physical therapy at Excelsior Orthopedics, LLP on September 21, 2022.
12. On July 22, 2022, the same day my request for accommodation was sent to the County's Office for People with Disabilities mailed me a denial letter, stating "there is no reasonable accommodation that the County can provide that would enable you to perform the essential functions of your job."
13. I called Mr. Cammarata about my request for an accommodation, and he told me the decision was up to Sandra Neubert, Director of Employment for Erie County.
14. Ms. Neubert never contacted me, and when I raised this issue with Christine Loos, Senior Employment Counselor I was laughed at and told to "just drive with my left foot". I felt demeaned, ignored, humiliated, and discarded.
15. Of note, I have the ability to work from home 2 days each week. For the County to reply that I cannot perform my essential functions of my job from home lacks any sense, considering I and all of my co-workers already perform our job duties from home 2 or 3 days a week.
16. My plan for the accommodation was to coordinate the two days a week I was required to come to the office with my daughter who was able to drop me off and pick me up from the bus stop.
17. However, since the accommodation request was denied, without any interactive process, I was required to drive myself to the bus stop and park my car across street. I then had to

cross five lanes of traffic (on my way home to get to my parked car), and walk with my scooter to the bus stop, then I was dropped off at Church Street and walked to the Swan Building to work, and the same route the way back home. The need to rent a scooter would not have been required if the accommodation was approved.

18. After 2 weeks, on about August 4, 2022 I ended up injuring my left knee due to wear and tear of having to use the scooter and walking on my injured right ankle.
19. On August 18, 2022, I went back to Excelsior due to my right knee injury, where I was diagnosed with small to moderate joint effusion with associated synovitis and high-grade cartilage defect along the superior third of the median ridge of the patella extending into the medial facet with focal full-thickness cartilage fissuring associated subchondral edema. Grade III chondromalacia along the inferior trochlear sulcus and medial trochlea. It was explained to me that this injury is more commonly found in younger individuals and is most commonly caused by a sport injury. It was clear this was due to the wear and tear of having to use the scooter to get to and from work.
20. By the time my ankle had healed my left knee was torn from riding the scooter.
21. In mid to late August 2022, I received a letter from the County, now accepting my accommodation request. My medical records sent for the accommodation specified needing the accommodation until August 23, 2022. Respondent's denial and then inexplicit acceptance weeks later and too late for the need of my accommodation, A) proves the initial denial was inappropriate and B) shows to their ill intent of my denial being targeted and disparate, as this shows this issue most certainly would have been resolved if Respondent engaged in the interactive process at the time of my request, opposed to writing a letter of denial on the same exact day they received my request.
22. On August 26, 2022, I called Lynette Seliger, Administrative Clerk, to request copies of my accommodation request and Respondent's denial of the request, which I received and is attached herein as **Exhibit A**. I advised to Ms. Seliger on the phone that the accommodation request is no longer needed.

23. I requested another accommodation on November 29, 2022, as I had surgery scheduled on my left knee on December 2, 2022.
24. During all of this time, Sandra Neubert never contacted me about my situation, or anyone within Erie County to engage in an interactive process.
25. I heard through my coworkers that Sandra Neubert said I should have saved my sick time and if I appealed her decision for leave, it would be denied.
26. Hearing that I was going to be denied leave, and then hearing about the comments by Sandra Neubert, I was devastated.
27. I received a denial letter for my second accommodation request on or about December 14, 2022. **Exhibit B.**
27. The denial of my request for accommodation, without any interactive process has caused me further physical damages requiring surgery.
28. The County's response to my request, without any reasoning, belittling me with their flippant suggestion to drive with my left foot, and their ignoring or my further complaints of discrimination has caused my mental health to be greatly negatively affected.

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of age, disability and 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 respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

I have not commenced 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.


Marsha Wilkinson


STATE OF NEW YORK)
COUNTY OF Erie)SS:

Marsha Wilkinson, being duly sworn, deposes and says: that he/she is the complainant herein; that she has read (or had read to her) the foregoing complaint and knows the content thereof; that the same is true of her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, she believes the same to be true.


Marsha Wilkinson

Subscribed and sworn to before me this

16th day of JANUARY, 2023


Signature of Notary Public



Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10D-4 BUDGET DIRECTOR Information Request Per INTRO. 7-3 (2023)

Attachments

23COMM. 10D-4



55 JUN 1 2023 13:57

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

May 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Information Request Per INTRO. 7-3 (2023)

Dear Honorable Members:

Please see the attached report as per your request included in INTRO. 7-3 (2023). The report on all County-funded capital projects from 2016 to 2023 includes the department administrating; total cost; sources of funding; the amounts spent, obligated and remaining; a brief status report and an estimated completion date.

Unfortunately, we were not able to provide project interest information as part of this initial report but we will be working with the Comptroller's Office to gather that information from bond amortization tables they maintain for subsequent reports. In the meantime, however, you can find some of this information as part of the annual debt service tables included in the Adopted Budget Book B.

Should your Honorable Body require any further information, do not hesitate to contact me.

Sincerely yours,

Robert W. Keating
Budget Director

Enclosure

2016 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Committed	Available	Status	Estimated Completion
A.16001	Rehab of RMS 4th Year	122	\$ 4,850,031	\$ 1,917,000	\$ 2,933,031	\$ -	\$ 4,850,031	\$ -	\$ -	Closed	Completed
A.16002	Botanical Gardens Rehab	122	1,005,610	500,000	500,000	500,000	1,005,610	-	-	Closed	2024
A.16003	Buffalo Niagara Convention Center Rehab	122	250,000	250,000	-	-	235,323	14,678	-	Allocated for design reimbursables	2024
A.16004	Countywide Code & Environment Compliance	122	1,000,000	1,000,000	-	-	1,000,000	-	-	Closed	
A.16005	Rath Building Upgrade Boiler System	122	700,000	700,000	-	-	698,546	1,454	-	Used as part of EPC 2.0	2024
A.16006	Countywide Roof Replacement	122	400,000	400,000	-	-	400,000	-	-	Closed	
A.16007	Countywide Mechanical & Electrical	122	400,000	400,000	-	-	400,000	-	-	Closed	
A.16008	Energy Conservation Contract	122	540,556	500,000	40,556	-	540,556	-	-	Closed	
A.16009	Countywide Environmental Compliance	122	500,000	500,000	-	-	500,000	-	-	Closed	
A.16010	Preservation of Buildings - Countywide	122	500,000	500,000	-	-	500,000	-	-	Closed	
A.16011	EC Home Decommissioning	122	200,000	200,000	-	-	157,217	22,880	19,903	EC Home utilities separation	2024
A.16012	Replacement of Fleet Pool	107	150,000	150,000	-	-	150,000	-	-	Closed	
A.16013	Countywide Park Improvements	164	750,000	750,000	-	-	748,993	-	1,007	Remaining funds will be pooled among a number of small remainders towards a new 2023 project	2023
A.16014	Shelter, Buildings, & Comfort Stations	164	300,000	300,000	-	-	300,000	-	-	Closed	
A.16015	Roads, Paths, & Parking Lots	164	250,000	250,000	-	-	250,000	-	-	Closed	
A.16016	Procurement of Parks Vehicles & Equipment	164	250,000	250,000	-	-	250,000	-	-	Closed	
A.16017	Brownfield Redevelopment Projects	164	1,300,000	1,300,000	-	-	965,462	-	334,538	Planned for proposed electrical extension to the site, issues with RR have delayed implementation	2024
A.16018	Evans Shelter Tr Phase 3	162	2,432,400	650,000	1,820,304	-	2,431,215	1,185	-	Can be closed	Completed
A.16019	Evans Tr Phase 3 (Land)	162	30,000	30,000	-	-	30,000	-	-	Closed	
A.16020	Rehab County Rail 1242 Bridge Depew	162	350,000	350,000	-	-	350,000	-	-	Closed	
A.16021	Rehab County Rail Pier 1246 Hamburg	162	250,000	250,000	-	-	250,000	-	-	Can be closed	Completed
A.16022	Naval & Service Park Hanger Building Expansion	162	950,000	950,000	-	-	950,000	-	-	Closed	
A.16023	Buffalo Museum of Science	162	500,000	500,000	-	-	500,000	-	-	Closed	
A.16024	Reno to Toxic Lab & Medical Examiner Facility	122	1,750,000	1,750,000	-	-	1,737,326	12,674	-	Phase 5 construction in progress	June 2023
A.16025	Medical Examiner Software	127	50,000	50,000	-	-	50,000	-	-	Closed	
A.16026	Improvements to Building 17	122	500,000	500,000	-	-	498,510	-	1,490	Building 17 Phase 2	Late 2023
A.16027	Medical Examiner Toxicology Equipment	127	350,000	350,000	-	-	350,000	-	-	Closed	
A.16028	Medical Examiner Purchase of Anthro Microscope	127	43,500	43,500	-	-	43,500	-	-	Closed	
A.16029	Replacement of Lab Equipment	127	58,000	58,000	-	-	58,000	-	-	Closed	
A.16030	Replacement of Telephone System (Phase 2)	105	1,350,000	1,350,000	-	-	1,026,987	45,973	277,040	Work with vendor continues and will be completed this year	Late 2023
A.16031	Replacement of Virtual Desktop System, Storage Upgrades, and Server Refresh	105	730,000	730,000	-	-	730,000	-	-	Closed	
A.16032	Improvements to Holding Center & Correctional Facility	122	500,000	500,000	-	-	500,000	-	-	Closed	
A.16033	Purchase of Replacement Vans Countywide	163	142,199	63,500	78,699	-	63,500	-	78,699	Vans purchased. State aid not realized. Can be closed	Completed
A.16034	Purchase of Police Radio Equipment (Buffalo)	126	64,224	64,224	-	-	64,224	-	-	Closed	
A.16035	Office Space Renovation & Purchase of Equipment	122	1,755,689	672,500	1,094,217	-	1,754,928	-	761	Can be closed	Completed
A.16036	Renovations to Secure Youth Facility	122	920,233	605,000	315,233	-	861,300	-	58,933	To be used for entryway concrete at YDF	Late 2023
A.16050	Park Amenities Countywide	164	50,000	50,000	-	-	50,000	-	-	Closed	
A.16076	Polling Site Improvements	122	100,000	100,000	-	-	100,000	-	-	Closed	
A.16077	Rath Building Security	122	609,400	609,400	4,400	-	609,400	-	-	Closed	
B.16001	Preservation of Roads - Construction	123	2,000,000	2,000,000	-	-	2,000,000	-	-	Closed	
B.16002	Preservation of Roads - Design	123	1,250,000	1,250,000	-	-	1,250,000	-	-	Closed	
B.16003	Asset Management Software Tools - Countywide	123	250,000	250,000	-	-	250,000	-	-	Closed	
B.16004	Asset Management Software Equipment - Countywide	123	100,000	100,000	-	-	100,000	-	-	Closed	
B.16005	Construction for Road Projects or Turnbacks	123	1,000,000	1,000,000	-	-	1,000,000	-	-	Closed	
B.16006	Capital Right of Way	123	100,000	100,000	-	-	83,701	-	16,299	Can be closed	Completed

2016 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAVGO	Spent	Committed	Available	Status	Estimated Completion
B.16007	Federal Aid Projects - Right of Way	123	87,600	18,000	69,600	-	57,181	-	30,419	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B.16008	Federal Aid Projects - Construction	123	2,832,000	500,000	2,332,000	-	797,420	-	2,034,580	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B.16009	Federal Aid Projects - Bridges	123	150,000	150,000	-	-	150,000	-	-	Closed	
B.16010	FED AID PRL BR	123	1,898,950	333,000	1,565,950	-	1,885,547	-	13,403	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B.16011	Road Design - Countywide	123	800,000	800,000	-	-	610,276	152,966	36,759	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Spring 2025
B.16012	Road Slides Right of Way - Countywide	123	175,000	175,000	-	-	38,926	31,000	105,074	Construction	Spring 2025
B.16013	Road Construction - Countywide	123	500,000	500,000	-	-	380,850	-	119,150	Design	Spring 2025
B.16014	Preservation of Bridges & Culverts	123	715,000	715,000	-	-	639,344	36,310	39,346	Construction	Spring 2025
B.16015	Bridge & Culverts - Design/Engineering	123	691,070	400,000	291,070	-	630,551	7,491	53,028	Repair Construction - Maintenance	2024
B.16016	Bridge & Culvert Work to Addressed Flagged	123	500,000	500,000	-	-	500,000	-	-	Closed	
B.16017	Bridge & Culverts Design - Countywide	123	250,000	250,000	-	-	250,000	-	-	Closed	
B.16018	Highway Safety Improvements	123	400,000	400,000	-	-	400,000	-	-	Closed	
B.16019	Highways Vehicles & Equipment	123	2,150,000	2,150,000	-	-	2,150,000	-	-	Closed	
B.16050	Capital Overlay Program	123	13,969,636	-	-	13,969,636	13,869,506	1,954	98,176	Will be combined with other PAVGD remainders and utilized.	2024
E.16001	Equipment - Collegewide	102	1,800,000	1,800,000	-	-	1,800,000	-	-	Closed	
E.16002	Roof Replacement & Exterior	122	2,000,000	1,000,000	1,000,000	-	1,644,128	324,359	31,514	Funds are for upcoming Bell Sports roof design project and current Kittinger Windows construction project being closed out.	2025
E.16003	Stework - Collegewide	122	1,000,000	500,000	500,000	-	500,000	-	500,000	Unrealized state aid. Project can be closed	Completed
E.16004	Infrastructure Improvements & Construction - South Camo	122	1,200,000	600,000	600,000	-	531,219	84,191	584,591	Classroom infrastructure design underway. Funds are for construction project to be bid Nov 2023.	2025
E.16005	Code Compliance	122	400,000	200,000	200,000	-	400,000	-	-	Closed	
F.16001	Mechanical, Electrical, & Plumbing	122	250,000	250,000	-	-	250,000	-	-	Closed	
F.16002	Life Safety Improvements	122	250,000	250,000	-	-	250,000	-	-	Closed	

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A17001	Rehab of New Era Stadium - 5th Year	122	\$ 4,836,349	\$ 1,888,227	\$ 2,948,122	\$ -	\$ 4,836,349	\$ -	\$ -	Closed	
A17002	Botanical Gardens Rehab	122	500,000	500,000	-	-	500,000	-	-	Closed	
A17003	Buffalo Niagara Convention Center Rehab	122	1,266,000	1,250,000	16,000	-	1,266,000	-	-	Closed	
A17004	Countywide Code & Environmental Compliance	122	1,050,575	1,000,000	50,575	-	983,936	37,808	28,831	In progress. Used for contingency of ME Phase 5 and 1/10 term agreement.	Late 2023
A17005	Countywide Roof Replacement & Waterproofing	122	650,000	650,000	-	-	650,000	-	-	Closed	
A17006	Countywide Mechanical, Electrical, Plumbing, & Misc	122	1,021,198	1,000,000	21,198	-	1,021,198	-	-	Closed	
A17007	Energy Conservation Implementation	122	327,038	250,000	77,038	-	325,298	-	1,740	Funding is being used towards ongoing EPC	Late 2023
A17008	Preservation of Countywide Buildings	122	546,877	500,000	46,877	-	499,950	13,980	32,947	Funding tied to a new hearing system at the Elliptic Creek Park Supervisor's house that will be completed this Spring.	Late 2023
A17009	Preservation of Countywide Facilities	122	500,000	500,000	-	-	500,000	-	-	Closed	
A17010	Replacement of Fleet Pool Vehicles	107	120,000	120,000	-	-	120,000	-	-	Closed	
A17011	Purchase of Electric Vehicles & Charging Station	107	229,000	60,000	169,000	-	181,000	-	48,000	Will be purchasing an electric vehicle with remaining funds. Determining what is the best option.	2023
A17012	Countywide Parks Improvements	164	800,000	800,000	-	-	800,000	-	-	Closed	
A17013	Shelter, Building, & Comfort Station Rehab	164	350,000	350,000	-	-	340,534	-	9,466	Como Lake project in progress	Summer 2023
A17014	Roads, Pathways, & Parking Lot Rehab	164	375,000	375,000	-	-	329,353	-	45,647	Remaining funds will be pooled among a number of small remainders towards 2023 road and parking lot work.	Fall 2023
A17015	Procurement of Parks Vehicles & Equipment	164	300,000	300,000	-	-	300,000	-	-	Closed	
A17016	Bethlehem Steel Redevelopment	162	1,250,000	1,250,000	-	-	1,160,071	-	89,929	Contingency to water and sewer construction project currently under construction. Additional environmental issues have resulted in additional costs.	2023
A17017	Darwin Martin House Interior Restoration	162	250,000	250,000	-	-	250,000	-	-	Closed	
A17018	Buffalo History Museum Porch Restoration	162	150,000	150,000	-	-	150,000	150,000	-	Project complete - billing from City of Buffalo in process	2023
A17019	Medical Examiner Auto Equipment Replacement	127	185,000	185,000	-	-	185,000	-	-	Closed	
A17020	Medical Examiner Autopsy Cart Replacement	127	25,000	25,000	-	-	25,000	-	-	Closed	
A17021	Replacement of Lab Equipment & Tech Upgrades	127	235,000	235,000	-	-	235,000	-	-	Closed	
A17022	Medical Mail Parking Expansion	122	50,000	50,000	-	-	50,000	-	-	Closed	
A17023	Data B/U System Replacement - Countywide	105	320,000	320,000	-	-	320,000	-	-	Closed	
A17024	Server Replacement - Countywide	105	225,000	225,000	-	-	225,000	-	-	Closed	
A17025	Disaster Recovery System - Countywide & Outside	105	400,000	400,000	-	-	400,000	-	-	Closed	
A17026	Improvements to ECHC & ECFE	122	350,000	350,000	-	-	350,000	-	-	Closed	
A17027	Purchase of Replacement Vans - Countywide	163	72,000	72,000	-	-	70,901	-	1,099	Vans Purchased can be closed	Completed
A17028	Purchase of Police Radio Equipment	126	1,023,936	1,035,211	-	-	1,035,211	-	-	Closed	
A17029	Mobile Technology Project - Countywide	120	481,250	481,250	-	-	542,686	-	1,022	Can be closed	Completed
A17030	Renovation of Office Space - Social Services	122	2,685,000	1,342,500	1,342,500	-	382,424	2,280,238	22,338	3rd floor Raft Building renovation	Completed 2024
A17031	Renovations to Secure Youth Detention Center	122	1,152,184	287,895	746,569	-	1,141,134	-	11,050	Project currently in design. Funding will be used for renovation of 2 "pods" and other site improvements at the facility. Will be advertised for bid/low later this year.	2024
A17050	Park Amenities - Countywide	164	50,000	-	-	50,000	50,000	-	-	Can be closed	Completed
A17075	Elliptic Creek Park - Friendship Center Renovation	122	306,935	-	-	306,935	298,287	-	8,648	Can be closed	Completed
A17076	Unified Courts System Floor Improvements	122	475,000	-	475,000	-	439,181	-	35,819	Can be closed	Completed
B17001	Preservation of Roads Construction - Lake Ave	123	2,400,000	2,400,000	-	-	2,400,000	-	-	Closed	
B17002	Preservation of Roads Construction - Goodrich Rd	123	2,500,000	2,500,000	-	-	2,499,999	-	1	Can be closed	Completed
B17003	Preservation of Roads Design - Countywide	123	500,000	500,000	-	-	457,431	42,313	256	Design	Spring 2025
B17004	Highway Vehicles & Equipment	123	2,000,000	2,000,000	-	-	469,514	-	280,486	Remaining funding combined with others for Vermont Street. Out to bid now	2024
B17005	Construction for Road Projects or Turn Back	123	750,000	750,000	-	-	-	-	-	Closed	
B17006	Capital Right of Way - Countywide	123	119,000	100,000	19,000	-	14,160	31,840	73,000	On going design	2024
B17007	Pontiac Rd Bridge (Eram) - Design	123	100,000	100,000	-	-	-	-	100,000	RFP out for consultant	Fall 2025
B17008	Tonawanda Rails to Trails Extension	123	1,301,212	513,000	788,212	-	1,296,510	-	4,702	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B17009	Mill St Bridge Over Catt Creek - Concord	123	1,500,000	150,000	1,350,000	-	150,000	-	1,350,000	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B17010	Stony Rd Bridge - Lancaster	123	3,240,000	1,500,000	1,740,000	-	3,240,000	-	-	Closed	

2017 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
B-17011	Federal Aid Project Bridge Preservation - Design	123	165,000	165,000	-	-	165,000	-	-	Closed	
B-17012	Federal Aid Project Bridge Preservation - Design	123	1,056,336	195,000	861,336	-	973,951	-	82,385	Remaining Funds combined for 2023 bridge repairs in Omnibus Reso	2023
B-17013	Slope Stability Investigations - Countywide	123	125,000	125,000	-	-	-	100,000	25,000	Design - Multiple Projects	2024
B-17014	Road Slide Designs - Countywide	123	250,000	250,000	-	-	-	-	250,000	Design has begun	2024
B-17015	Road Slides Right of Way - Countywide	123	150,000	150,000	-	-	150,000	-	-	Closed	
B-17016	Road Slides Construction - Belscher Rd	123	500,000	500,000	-	-	500,000	-	-	Closed	
B-17017	Rehab of Flaged Bridges & Culverts	123	1,400,000	1,400,000	114,589	-	1,323,746	56,165	20,089	Construction	Fall 2023
B-17018	Mill St Bridge Replacement	123	400,000	400,000	-	-	726,791	-	400,000	Resolution Cattaraugus County - Final Payment	Fall
B-17019	Repair & Rehab of Large Culverts - Countywide	123	750,000	300,000	-	-	50,000	-	23,209	Resolution - final payment	Fall
B-17020	Preservation of Bridge & Culverts - Leydecker Rd	123	300,000	-	-	-	-	-	250,000	Planning/Design	2024
B-17021	Misc Culvert & Small Bridge Repair	123	250,000	250,000	-	-	-	-	250,000	Culvert project being designed this year and bid in spring	2024
B-17022	Emergency as Directed - Engineer Services	123	150,000	150,000	-	-	148,900	-	1,100	Can be closed	Completed
B-17023	Preservation of Dams Design - Countywide	123	250,000	250,000	-	-	3,412	141,992	104,596	Dam Inspections / reports	2023
B-17024	Highway Safety Improvements - Countywide	123	500,000	500,000	-	-	500,000	-	-	Closed	
B-17025	Highway Building Security - Countywide	123	50,000	50,000	-	-	50,000	-	-	Closed	
B-17026	Highway Searchable Database - Countywide	123	350,000	350,000	-	-	340,920	9,080	-	On going	Fall 2023
B-17050	Capital Overlay Program	123	10,550,000	-	-	-	10,472,511	-	77,489	On going contract	Winter 2023
B-17075	Culvert Ansdell Rd CR 122 Over Drain	123	525,000	-	525,000	-	516,894	-	8,106	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B-17076	Culvert Warner Hill Rd Over Trh Gaz Creek	123	400,000	-	399,500	500	400,000	-	-	Closed	
B-17077	Replacement of Pontiac Rd Bridge Over Big Sister Creek	123	175,000	-	152,800	23,000	172,404	-	2,596	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B-17078	Cedar St CR261 Bridge Over Ledge Creek	123	238,800	-	212,800	26,000	216,000	-	22,800	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B-17079	Trevett Rd CR240 Bridge Over Clear Creek	123	190,000	-	180,500	9,500	160,445	-	29,555	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B-17080	Quaker St Bridge Over Clear Creek Replacement	123	180,000	-	171,000	9,000	179,166	-	834	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B-17081	Pedestrian & Bicycle Bridge on Elmwood Ave	123	1,673,400	-	1,673,400	-	1,623,198	-	50,202	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
E-17001	Equipment (Collegeville)	102	1,800,000	1,800,000	-	-	1,800,000	-	-	Closed	
E-17002	Roof Replacement, Exterior Waterproofing, Masonry	122	2,000,000	1,000,000	1,000,000	-	220,468	1,756,303	23,228	Funds are for current Burt Flickinger Exterior construction	Late 2023
E-17003	Collegewide Stework	122	1,300,000	650,000	650,000	-	1,287,774	7,654	4,572	Classroom Infrastructure design underway. Funds are for	Completed 2025
E-17004	Infrastructure Improvements of South Campus Student Ctr	122	2,000,000	1,000,000	1,000,000	-	-	-	2,000,000	Classroom Infrastructure design underway. Funds are for	Completed 2025
E-17005	Code Compliance (Collegeville)	122	750,000	375,000	375,000	-	701,678	-	48,322	construction project to be bid Nov 2023	Late 2024
E-17006	Mechanical, Electrical, Plumbing, & Misc Improvements	122	1,000,000	500,000	500,000	-	917,018	82,982	-	Funds are for current Burt Flickinger Exterior project with construction underway, and current Spring Exterior construction	Late 2023
E-17001	Mechanical, Electrical, & Plumbing BECP	122	325,000	325,000	-	-	325,000	-	-	Project with Nov 2023 completion	Late 2023
E-17002	Central Library Rehab & Asbestos Abatement	122	600,000	600,000	-	-	589,115	-	10,885	Auditorium renovations. Awaiting details on repairs needed for wallpaper issue that may require abatement.	Late 2023

2018 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.18001	Rehab of New Era Stadium - 6th Year	122	\$ 4,954,235	\$ 1,923,566	\$ 2,989,742	\$ 40,927	\$ 4,954,235	\$ -	\$ -	Closed	Completed
A.18002	Botanical Garden Rehab	122	\$ 500,000	\$ 500,000	\$ -	\$ -	\$ 433,320	\$ 66,680	\$ -	Can be closed	Completed
A.18003	Burlingame Convention Center Rehab	122	\$ 500,000	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	Closed	Completed
A.18004	Countywide Code & Environmental Compliance	122	\$ 1,000,000	\$ 1,000,000	\$ -	\$ -	\$ 918,024	\$ 46,061	\$ 35,915	Being used to fund ongoing on-call electrical contract	Late 2023
A.18005	Countywide Roof Replacement & Waterproofing	122	\$ 500,000	\$ 500,000	\$ -	\$ -	\$ 466,060	\$ 20,964	\$ 12,977	\$12K committed to the Phase 5 ECMEO renovations. Left over monies will be used to supplement funding on the roofing/ envelope RFP (See A.22002)	Late 2023
A.18006	Countywide Mechanical, Electrical, Plumbing, & Misc	122	\$ 1,500,000	\$ 1,500,000	\$ -	\$ -	\$ 1,455,452	\$ 11,865	\$ 32,683	Money to be used for the concrete scanning done in the parking garage to support the Rath Sprinkler replace project. Scan needed to confirm existing conduit locations in the concrete slab and we are awaiting a final price to execute a PO through our Electrical On-Call contractor	Late 2023
A.18007	Energy Conservation Implementation	122	\$ 250,000	\$ 250,000	\$ -	\$ -	\$ 250,000	\$ -	\$ -	Closed	
A.18008	EPA Environmental Regulation Compliance - Salt Bldgs	122	\$ 750,000	\$ 750,000	\$ -	\$ -	\$ 750,000	\$ -	\$ -	Closed	
A.18009	EC Toxicology/Pathology Lab Reno - Phase 5	122	\$ 1,000,000	\$ 1,000,000	\$ -	\$ -	\$ 856,229	\$ 142,261	\$ 1,510	Ongoing renovations at ECMEO, Morigue Phase 5 and 6	Late 2023
A.18010	Improvements to EC Health Dept Bldg 17	122	\$ 500,000	\$ 500,000	\$ -	\$ -	\$ 489,809	\$ 9,773	\$ 418	Ongoing renovations at ECMEO, Morigue Phase 5; Bldg 17 Phase 2	Late 2023
A.18011	Highway Maintenance Facility - Harden/Lanc/Clearance	122	\$ 800,000	\$ 800,000	\$ -	\$ -	\$ 306,296	\$ 129,506	\$ 364,198	Project is ongoing; Resolution for construction has been uploaded	2025
A.18012	Preservation of Countywide Buildings & Facilities	122	\$ 750,000	\$ 750,000	\$ -	\$ -	\$ 750,000	\$ -	\$ -	Closed	
A.18013	Preservation of County Highway Facilities	122	\$ 500,000	\$ 500,000	\$ -	\$ -	\$ 500,000	\$ -	\$ -	Can be closed	Completed
A.18014	120/134 W. Eagle Rehab	122	\$ 1,000,000	\$ 1,000,000	\$ -	\$ -	\$ 334,992	\$ 665,008	\$ -	Ongoing RFP phase 2 work	Late 2023
A.18015	Vehicle Replacements	107	\$ 150,000	\$ -	\$ -	\$ -	\$ 896,931	\$ 2,500	\$ 569	Inactive project - not funded	2023
A.18015	Countywide Park Improvements	164	\$ 900,000	\$ 900,000	\$ -	\$ -	\$ 896,931	\$ 2,500	\$ 569	Item yet to be received, remaining funds will be pooled with other small sums for a 2023 project	
A.18017	Shelter, Building, & Comfort Station Rehab	164	\$ 406,000	\$ 350,000	\$ 56,000	\$ -	\$ 385,608	\$ 7,279	\$ 13,114	Funding used for charging station design for E-vehicles at Akron & CRP. Reminder will be pooled with other available funds for small project in 2023	Late 2023
A.18018	Roads, Pathways, & Parking Lot Improvements	164	\$ 200,000	\$ 200,000	\$ -	\$ -	\$ 200,000	\$ -	\$ -	Closed	
A.18019	Conno Lake Restoration	164	\$ 400,000	\$ 400,000	\$ -	\$ -	\$ 400,000	\$ -	\$ -	Closed	
A.18020	Conno Lake Restoration	164	\$ 100,000	\$ 100,000	\$ -	\$ -	\$ 100,000	\$ -	\$ -	Closed	
A.18021	Emery Park Ski Lift Replacement	164	\$ 850,000	\$ 850,000	\$ -	\$ -	\$ 850,000	\$ -	\$ -	Closed	
A.18022	Beethoven Steel Redevelopment	162	\$ 1,400,000	\$ 1,400,000	\$ -	\$ -	\$ 1,400,000	\$ -	\$ -	Closed	
A.18023	Explore & More Children's Museum	162	\$ 175,000	\$ -	\$ -	\$ 175,000	\$ 175,000	\$ -	\$ -	Closed	
A.18024	Disaster Recovery Project Phase II	105	\$ 200,000	\$ 200,000	\$ -	\$ -	\$ 200,000	\$ -	\$ -	Closed	
A.18025	Time & Attendance Project	105	\$ 800,000	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000	Project delayed due to COVID along with other roofing logistics with Personnel. Will take 14 months to complete.	Summer 2024
A.18026	EC Sheriff's Dept - Misc Renovations	122	\$ 400,000	\$ 400,000	\$ -	\$ -	\$ 376,887	\$ 18,500	\$ 4,613	Money was tied to 2 previous PO's. Projects to be closed and money to be used to supplement other construction projects	Late 2023
A.18027	ECCF Video & Door Control Upgrades Phase 2	122	\$ 600,000	\$ 600,000	\$ -	\$ -	\$ 600,000	\$ -	\$ -	Closed	
A.18028	Continuation of E911 Services/Hardware Refresh	165	\$ 2,594,000	\$ 2,594,000	\$ -	\$ -	\$ 2,565,841	\$ 28,159	\$ -	Can be closed	Completed
A.18050	Park Amenities (Countywide)	164	\$ 75,000	\$ -	\$ -	\$ 75,000	\$ 75,000	\$ -	\$ -	Closed	
A.18075	Rolling Site Improvements (per Legislature)	122	\$ 99,640	\$ -	\$ -	\$ 99,640	\$ 99,640	\$ -	\$ -	Closed	
A.18076	USC Tenant Work Improvements	122	\$ 550,000	\$ -	\$ 550,000	\$ -	\$ 455,125	\$ 30,000	\$ 94,875	Can be closed	Completed
B.18011	Scooby Dam Fish Pkg Ecosystem Restoration Project	123	\$ 5,500,000	\$ 500,000	\$ 5,000,000	\$ -	\$ 470,000	\$ -	\$ 5,000,000	Anticipated state & federal grants - design ongoing - DEC & Army Corp. Drive schedule	2024
B.18022	Preservation of Hoods Construction - East & West Rd	123	\$ 3,000,000	\$ 3,000,000	\$ -	\$ -	\$ 3,000,000	\$ -	\$ -	Closed	
B.18033	Preservation of Roads Construction - N/S Main St, Anzola	123	\$ 2,500,000	\$ 2,500,000	\$ -	\$ -	\$ 2,500,000	\$ -	\$ -	Closed	
B.18004	Preservation of Roads Design - Countywide	123	\$ 851,400	\$ 500,000	\$ 351,400	\$ -	\$ 699,613	\$ 136,787	\$ 15,000	Design	Winter 2024
B.18005	Highway Vehicles & Equipment	123	\$ 2,000,000	\$ 2,000,000	\$ -	\$ -	\$ 2,000,000	\$ -	\$ -	Closed	
B.18006	Turn Back of Roads to Towns	123	\$ 750,000	\$ 750,000	\$ -	\$ -	\$ 729,060	\$ 19,909	\$ 1,311	Design	Winter 2024
B.18007	Federal Aid Project Design - Maple Rd 5761.76	123	\$ 501,200	\$ 121,200	\$ 380,000	\$ -	\$ 271,980	\$ -	\$ 229,220	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B.18008	Federal Aid Project - Intersection Construction	123	\$ 1,500,653	\$ 633,888	\$ 866,775	\$ -	\$ 1,500,653	\$ -	\$ -	Closed	
B.18009	Federal Aid Project Construction - Abbott Rd 5761.74	123	\$ 891,289	\$ 124,800	\$ 766,489	\$ -	\$ 764,027	\$ -	\$ 127,262	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
B.18010	Federal Aid Project Construction - McKimley Pkwy 5761.75	123	1,750,144	249,600	1,500,544	-	1,579,521	-	170,623	Unrealized federal aid. Project is complete but we are waiting on reimbursement of some other close-out process.	Completed
B.18011	Federal Aid Project Construction - Armor Duells Rd	123	916,701	178,600	738,101	-	691,993	-	224,708	Unrealized federal aid. Project is complete but we are waiting on reimbursement of some other close-out process.	Completed
B.18012	Federal Aid Project Construction - Maple Rd 5761.75	123	2,506,000	416,000	2,090,000	-	2,200,000	-	306,000	Unrealized federal aid. Project is complete but we are waiting on reimbursement of some other close-out process.	Completed
B.18013	Federal Aid Project Bridge Preservation - Design	123	200,000	200,000	-	-	200,000	-	-	Closed	
B.18014	Federal Aid Project Bridge NY Program - Design	123	376,450	100,000	276,450	-	140,551	161,160	74,739	Ongoing bridge designs	2025
B.18015	Federal Aid Project Bridge NY Program - Construction	123	6,000,000	935,000	5,065,000	-	3,419,141	-	2,580,859	Construction multiple bridge projects	2025
B.18016	Federal Aid Project Bridge Construction - Cedar St	123	937,000	272,000	665,000	-	937,000	-	-	Closed	
B.18017	Federal Aid Project Bridge Construction - Pontiac Rd	123	1,541,600	356,000	1,185,600	-	1,541,600	-	-	Closed	
B.18018	Preservation of Bridges & Culverts Construction Misc R/R	123	500,000	500,000	-	-	500,000	-	-	Closed	
B.18019	Rehab of Flagged Bridges & Culverts	123	500,000	500,000	-	-	-	122,879	377,121	Remaining funds utilized in for 2023 bridge repairs in omnibus resolution	2024
B.18020	Road Slides Construction - Ketchum Rd	123	800,000	800,000	-	-	798,957	-	1,043	Can be closed	Completed
B.18021	Road Slides Construction - Burdick Rd	123	500,000	500,000	-	-	500,000	-	500,000	Design Repeats	2024
B.18022	Highway Safety Improvements - Countywide	123	500,000	500,000	-	-	500,000	-	-	Closed	
B.18023	Various Roads Reconstruction	123	3,000,000	3,000,000	-	-	1,880,969	-	1,119,031	Funds combined with other sources for Trevelt Road project out to bid currently.	2024
B.18024	Elliott Creek Park Pedestrian Bridge	123	300,000	300,000	-	-	264,795	-	35,205	Parks Monies for future projects	2024
B.18050	Capital Overlay Program	123	9,700,000	-	-	9,700,000	9,671,806	-	28,194	Maintenance - construction	2024
B.18051	Capital Right of Way (Countywide)	123	50,000	-	-	50,000	3,675	-	20,000	On going ROW issues with roadways	2025
B.18052	Abbot Rd Design PIN 5761.74	123	-	-	-	-	-	26,325	-	Closed	
B.18053	McKinley Pkwy Design PIN 5761.75	123	-	-	-	-	-	-	-	Closed	
B.18054	Federal Aid Project Armor Duells Rd Design	123	-	-	-	-	-	-	-	Closed	
B.18055	Repair & Rehab of Large Culverts - Countywide	123	75,000	-	-	75,000	-	-	75,000	PRF for consultant - planning/design	2024
B.18056	Repair & Rehab of Large Culverts - Countywide	123	75,000	-	-	75,000	-	-	-	Closed	
B.18057	Resurfacing Abbott, McKinley, Armor Duells	123	750,000	-	740,000	20,000	370,658	-	389,342	Unrealized federal aid. Project is complete but we are waiting on reimbursement of some other close-out process.	Completed
B.18075	Pedestrian Safety Action Plan (PSAP) Improvements	123	349,650	-	349,650	-	292,340	-	57,310	Close unrealized federal funding. Funding in SAP is an initial estimate at beginning of project and does not exist at this point.	Completed
E.18001	Equipment (Collegewide)	102	1,800,000	1,800,000	-	-	1,800,000	-	-	Closed	
E.18002	Roof Replacement, Exterior Waterproofing	122	2,000,000	1,000,000	1,000,000	-	147,060	1,551,958	300,982	Funds are for construction contingency of current City Skyflight	2024
E.18003	Collegewide Stework	122	800,000	400,000	400,000	-	800,000	-	400,000	Unrealized State Aid. Can be Closed	Completed
E.18004	Infrastructure Improvements/Renovs (Collegewide)	122	1,000,000	500,000	500,000	-	787,952	23,000	189,048	Classroom infrastructure design underway, Funds are for construction projects to be bid Nov 2023.	2025
E.18005	Code Compliance (Collegewide)	122	600,000	300,000	300,000	-	565,976	-	1,150	Funds are for Clay Tile construction project currently being approved at Legislature	2024
E.18006	Mechanical, Electrical, Plumbing, & Misc Improvements	122	1,000,000	500,000	500,000	-	981,007	16,964	2,029	Funds are for current North ADA construction project being closed out.	Late 2023
E.18007	Preservation of Buildings (Collegewide)	122	600,000	300,000	300,000	-	592,298	7,702	-	Funds are for current construction contingency of current Spring Auditorium renovations.	Late 2023
E.18001	B&E Main Library Aid Rehab - Phase III	122	650,000	650,000	-	-	644,861	-	5,139	Auditorium renovation project.	Late 2023
F.18002	Mechanical, Electrical, & Plumbing BSCPL	122	400,000	400,000	-	-	317,398	-	82,602	Auditorium renovation project.	Late 2023

2019 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.19001	Rehabilitation of Botanical Gardens	122	\$ 500,000	\$ 500,000	\$ -	\$ -	\$ 500,000	\$ -	\$ -	Closed	Late 2023
A.19002	Roof Replacement & Exterior Waterproofing - Countywide	122	1,000,000	1,000,000	-	-	862,620	101,422	35,958	See notes from A.22002 as this funding would supplement that RFP with the remaining balance in this project.	Late 2023
A.19003	EPA Environmental Regulation Compliance Phase 7 - Salt Bldgs	122	750,000	750,000	-	-	738,808	-	11,192	Funding term agreement through Sept. 23 and final piece of work to be completed is replacing fuel storage tank at 120/130 W Eagle.	Late 2023
A.19004	Toxicology/Pathology Lab and Morgue Reno Phase 5-6	122	1,200,000	1,200,000	-	-	1,117,542	81,940	518	Continued renovations at EMEO, Morgue Phase 5 and 6	Late 2023
A.19005	Improvements to Health Department Bldg 12	122	250,000	250,000	-	-	250,000	-	-	Closed	Late 2024
A.19006	Preservation of Countywide Buildings & Facilities	122	1,905,676	1,500,000	73,676	332,000	1,585,621	127,257	192,798	\$127K committed to the Rath Elevator Modernization Project currently under construction. \$5K balance on Watts HazMat term agreement remaining. \$12K to be used for misc Countywide building electrical issues.	Late 2024
A.19007	120/134 W. Eagle Rehab	122	250,000	250,000	-	-	250,000	-	-	Closed	Late 2023
A.19008	Rath Building Improvements	122	500,000	500,000	-	-	479,500	20,500	-	Being used to fund ongoing elevator modernization project	Late 2023
A.19009	Cybersecurity/Network Enhancements	105	250,000	250,000	-	-	250,000	-	-	Closed	Late 2023
A.19010	Cybersecurity Improvements at Central Police	105	350,000	350,000	-	-	19,746	-	330,254	Work is underway and will be completed this year.	Late 2023
A.19011	E-911 Services/Hardware Refresh	165	2,000,000	2,000,000	-	-	700,451	55,025	1,244,524	This project is to replace and maintain the countywide E-911 system which has a life span of 7 years, terminating in 2026. The remaining funds are being allocated at the rate of \$406,475 each year, available each September.	Fall 2026
A.19012	Rehab of New Era Field - 7th Year CIA	122	5,067,695	2,041,317	3,026,378	-	4,059,545	8,150	1,000,000	Understanding list of projects sent to complete	Spring 2024
A.19013	Buffalo Niagara Convention Center Rehab	122	1,000,000	1,000,000	-	-	882,917	58,399	58,684	Funding ongoing BNBC facade project	Late 2023
A.19014	Code & Environmental Compliance - Countywide	122	508,014	500,000	-	8,014	494,806	5,194	8,014	Funding ongoing sub-basement asbestos abatement project	Late 2023
A.19015	Countywide Mechanical, Electrical, Plumbing, & Misc.	122	1,509,397	1,500,000	9,397	-	1,497,949	-	11,448	Money is planned for a generator project at the Rath Building	Spring 2024
A.19016	Energy Conservation Implementation	122	400,000	400,000	-	-	400,000	-	-	Closed	Spring 2024
A.19017	Countywide Life Safety & Security	122	250,000	250,000	-	-	214,851	14,588	20,560	Funding ongoing projects including sub-basement asbestos abatement and security/swipe updates in EC buildings	Spring 2024
A.19018	Preservation of County Highway Facilities	122	509,140	500,000	9,140	-	509,140	-	176,117	Ongoing EC Home utility separation	Spring 2024
A.19019	EC Home Decommissioning & Demolition	122	500,000	500,000	-	-	323,883	19,561	5,095	Equipment hasn't been received. Remaining funds pooled with other available funds for 2023 project	Late 2023
A.19020	Countywide Park Improvements	164	950,000	950,000	-	-	359,344	-	3,368	Active in-house capital project	Late 2023
A.19021	Shelter, Buildings, & Comfort Station Renovations	164	400,000	400,000	-	-	234,352	-	15,648	Remainder will be pooled with other available funds for 2023 road and parking lot work	Late 2023
A.19022	Roads, Pathways, & Parking Lot Improvements	164	250,000	250,000	-	-	42,238	38,183	583,579	Phase 1 currently out to bid	Spring 2024
A.19023	County Park Exterior Signage Plan	164	664,000	400,000	-	264,000	400,000	-	-	Can be closed	Completed 2026
A.19024	Parks Vehicles and Equipment	164	400,000	400,000	-	-	400,000	-	1,000,000	A resolution was recently clocked in to allocate a portion of this towards rail road relocation design. Extended negotiation with landowner and railroad has caused delays.	Completed
A.19025	Bethlehem Steel Redevelopment	162	1,000,000	1,000,000	-	-	-	-	-		
A.19026	EC Sheriff's Department - Misc Renovations	122	500,000	500,000	-	-	500,000	-	-	Closed	Late 2024
A.19027	ECCE-Video & Door Control Upgrades Phase 3	122	500,000	500,000	-	-	500,000	-	-	Closed	Late 2024
A.19028	4th Floor Rath Renovation	122	3,500,250	1,750,125	1,750,125	-	388,588	1,703,741	1,407,921	Ongoing contract with electrical consultant to assist in renovation	Late 2024
A.19029	Social Services Mobile Technologies Project	120	700,000	329,000	371,000	-	700,000	-	1,267,922	Can be closed	Completed
A.19030	Youth Detention Health, Safety, & Facility Upgrades	122	2,450,000	1,249,500	1,200,500	-	586,152	595,926	-	Project currently in design. Funding will be used for renovation of 2 "pods" and other site improvements at the facility. Will be advertised for bidding later this year.	Late 2024
A.19030	Equipment & Software - DPW/Highways	123	75,000	-	-	75,000	73,992	-	1,008	Equipment out to bid	2023
A.19031	Countywide Park Amenities	164	75,000	-	-	75,000	75,000	-	-	Closed	2023
A.19032	Etna Meadows Tree Boxes	164	200,000	-	-	200,000	199,647	353	-	Can be closed	Completed
A.19033	2 Mile Creek Multi-Use Trail Reconstruction	162	200,000	-	-	200,000	124,585	-	75,415	Initial project complete, secondary capital maintenance project planned	2025
A.19034	Roycroft Campus Copper Shop Reconstruction	162	200,000	-	-	200,000	200,000	-	-	Closed	
A.19035	African-American Veterans Monument	162	100,000	-	-	100,000	23,291	76,709	-	Project complete - billing from City of Buffalo in process	2023
A.19036	Data Storage - DSS	105	200,000	-	-	200,000	200,000	-	-	Closed	
A.19037	Virtualization/Server Replacement	105	175,000	-	-	175,000	175,000	-	-	Closed	
A.19038	Forensic Laboratory Equipment Upgrades	165	114,800	-	-	114,800	114,800	-	-	Closed	

2019 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.19075	Shoreline Trail	162	4,288,867	-	3,213,853	1,069,014	1,340,110	143,507	2,804,849	Shoreline Trail project complete 2022. Now funding Isle View Enhancement Project in design	2024
B.19076	Tenant Work Improvements	122	405,000	-	405,000	-	378,588	-	26,412	Ongoing court improvement projects	Late 2023
B.19001	Preservation of Roads Construction - East & West Rd	123	3,000,000	3,000,000	-	-	3,000,000	-	-	Can be closed	Completed
B.19002	Preservation of Roads Construction - Lake Ave	123	1,500,000	1,500,000	-	-	1,092,254	361,118	46,628	Active Project	2024
B.19003	CR200	123	2,500,000	2,500,000	-	-	2,077,445	97,432	325,123	Active Project	2024
B.19004	Preservation of Roads Construction - N/S Main St	123	2,000,000	2,000,000	-	-	2,000,000	-	-	Closed	
B.19005	Highway Vehicles & Equipment	123	310,000	310,000	-	-	310,000	-	-	Closed	
B.19006	Federal Aid Project Construction - Abbott Rd CR 4	123	390,000	390,000	-	-	64,141	-	325,859	Phase 2 construction	2024
B.19007	Federal Aid Project Construction - McKinley Pkwy	123	300,000	300,000	-	-	97,211	-	202,789	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B.19008	Federal Aid Project Construction - Maple Rd CR132	123	500,000	500,000	-	-	-	-	500,000	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B.19009	Lakeshore Rd Drainage Rehab/Replacement	123	1,000,000	1,000,000	-	-	928,165	18,103	53,732	In Design & ROW	2024
B.19010	Turn Back of Roads to Towns	123	1,440,000	400,000	1,040,000	-	1,188,803	-	251,197	Active Project	2024
B.19011	Hillicroft Rd Bridge Replacement PIN 5761.69	123	1,500,000	1,500,000	6,000,000	-	-	-	7,500,000	Unrealized federal aid. Project is complete but we are waiting on reimbursement or some other close-out process.	Completed
B.19012	Federal Aid Project Bridge Preservation - Construction	123	1,441,325	300,000	1,141,325	-	1,012,988	125,994	302,343	\$3 million allocated for N. French and Country Road Bridge Replacements	2025
B.19013	Federal Aid Bridge Maintenance & Preservation - Countywide	123	801,000	300,000	501,000	-	-	-	801,000	Construction 2022 culvert project	2024
B.19014	Vermont St (CR226) Site 9 Road Slides	123	280,000	250,000	30,000	-	199,401	-	86,599	Remaining funding combined with others for Vermont Street. Out to bid now.	2024
B.19015	Misc Culvert Repair/Replacement - Countywide	123	500,000	500,000	-	-	500,000	-	500,000	2022 culvert project is bid and construction to begin Summer 2023	2024
B.19016	Repair/Rehab of Flagger Bridges & Culverts	123	500,000	500,000	-	-	500,000	-	500,000	Construction 2022 culvert project	2024
B.19017	Highway safety Improvements - Countywide	123	1,000,000	1,000,000	-	-	685,000	-	315,000	Closed	2024
B.19018	General Civil & Geotech - Construction As Directed	123	300,000	300,000	-	-	296,705	-	3,295	Design	2023
B.19019	Chestnut Ridge Park Culverts	123	300,000	300,000	-	-	-	-	300,000	Reso Final Payment	Summer 2024
B.19020	Parks Works Progress Admin Fra Rehab	123	300,000	300,000	-	-	-	-	300,000	Funding will be used for rehab of Ellcroft/Emery shelters per DD/Donato design	Summer 2024
B.19050	Capital Overlay Program	123	14,750,000	3,750,000	11,000,000	-	14,601,284	-	148,716	Ongoing construction	Spring 2024
B.19051	Capital Right of Way (Countywide)	123	150,000	150,000	-	-	-	-	150,000	Ongoing Large ROW project - William St.	2025
B.19052	Federal Aid Project - Design North Forest PIN 5753.74	123	180,000	-	-	180,000	-	-	180,000	Close unrealized federal funding. Funding in SAR is an initial estimate at beginning of project and does not exist at this point.	Completed
B.19053	Federal Aid Bridge Preservation - Design	123	200,000	-	-	200,000	191,853	8,147	-	Can be closed	Completed
B.19054	Federal Aid Project Bridge NY Program - Design	123	100,000	-	-	100,000	-	-	100,000	Waiting for Grant awards	2025
B.19055	Preservation of Bridge & Culverts Design - Misc Projects	123	150,000	-	-	150,000	33,016	113,741	3,243	Design multiple bridges	2024
B.19056	Preservation of Bridge & Culverts Design - Emergency Engineering	123	150,000	-	-	150,000	129,342	20,658	-	Can be closed	Completed
B.19057	Preservation of Dams - Design	123	100,000	-	-	100,000	-	-	100,000	Inspection for design	2024
B.19058	Stormwater Asset Management & Regulatory Compliance	123	100,000	-	-	100,000	-	-	100,000	Permit Processing - DEC	2024
E.19001	Collegewide Improvements & Renovations	122	6,800,000	3,400,000	3,400,000	-	2,371,895	3,242,830	1,183,274	Funds are for several current projects: current North ADA construction project being closed out; current Spring Exterior construction project with Nov 2023 completion; current Bretschger Mechanical Upgrade design project with Nov 2023 bid schedule; current Glassner/Dry Library Exterior Upgrade design project with Nov 2024 bid schedule; Clay Tile construction project currently being approved at Legislature.	2025
E.19002	Collegewide Equipment	102	1,440,000	1,440,000	-	-	1,440,000	-	224,513	Inspection for design	Late 2023
F.19001	B&E/Ext Bldg Envelope & Site Improvements	122	400,000	400,000	-	-	175,487	-	61,496	Multiple ongoing projects: switchgear replacement, loading dock trench drain, emergency egress systems.	Late 2023
F.19002	B&E/C Main Library Mechanical, Electrical, & Plumbing Imp	122	500,000	500,000	-	-	312,294	126,210	-	Closed	Late 2023
F.19050	Shipping & Maintenance Vehicle Repair	420	80,000	-	-	80,000	80,000	-	-	Closed	

2020 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.20001	Harlem Rd/Lancaster/Clerence Highway Facility	122	\$ 2,500,000	\$ 2,500,000	\$ -	\$ -	\$ -	\$ -	\$ 2,500,000	Resolution authorizing construction bid has been uploaded.	Estimated Late 2024
A.20002	Roof Replacement & Exterior Waterproofing - Countywide	122	1,000,000	1,000,000	-	-	862,085	18,433	119,482	Family court re-roofing and BNCC Facade ongoing. Additional project to replace doors at 120 W Earle	Spring 2024
A.20003	Toxicology/Pathology Lab Reno Phase 6	122	1,200,000	1,200,000	-	-	1,096,167	50,730	53,103	ECMED Phase 6 construction	Spring 2023
A.20004	Rath Building Improvements	122	1,000,000	1,000,000	-	-	888,318	111,682	-	Rath Bldg ongoing elevator project	Spring 2024
A.20005	Rehab of New Era Field - 8th Year	122	5,048,867	2,085,435	2,963,432	-	3,926,371	119,884	1,002,612	Ongoing projects	Spring 2024
A.20006	Buffalo Niagara Convention Center Improvements	122	500,000	500,000	-	-	467,675	32,325	-	BNCC Facade Project - GC partial, electrical partial, construction inspection - will restart in Spring	Spring 2024
A.20007	EC Energy Conservation Implementation	122	11,537,730	2,500,000	537,730	8,500,000	4,319,992	7,139,096	78,642	ERC Phase 2 underway with HVAC projects	Spring 2024
A.20008	Time & Attendance Update - DISS	105	1,000,000	1,000,000	-	-	62,093	70,968	867,000	Project delayed due to COVID along with other coding logistics with Personnel. Will take 14 months to complete.	Summer 2024
A.20009	EC Agrhushes Park - E&P	162	500,000	-	-	500,000	-	-	500,000	Currently in the GEIS, utilized as a match to ESD grant request. Planned for design of roadway	2023
A.20010	Evan's Shoreline Trail Phase 2 Construction	162	380,000	-	-	380,000	-	-	380,000	Reallocated to larger road reconstruction and bike path project currently in design.	2025
A.20011	El Centro WNY Hispanic Cultural Ins	162	500,000	-	-	500,000	99,872	400,128	-	SEQR underway	2024
A.20012	Shea's Expansion & Accessibility Project	162	750,000	750,000	-	-	-	-	750,000	Shea's modified the design, need more funding to start	2026
A.20013	RCC Central For Families in Poverty	162	400,000	400,000	-	-	400,000	-	-	Closed	-
A.20014	Buffalo History Museum PAN AM 120 Years	162	500,000	500,000	-	-	500,000	-	-	Closed	-
A.20020	Countywide Parks Improvements & ADA Access	164	750,000	750,000	-	-	749,268	-	732	Can be closed	2023
A.20021	Shelter, Buildings, & Comfort Station Rehab	164	500,000	500,000	-	-	466,541	17,040	16,419	Remainder pooled with other available funds for current 2023 project	Late 2023
A.20022	Roads, Pathways, & Parking Lot Improvements	164	200,000	200,000	-	-	125,399	-	74,601	Working with DPW on paving project priorities to be completed in 2023. All remaining prior year paving funds will be utilized towards this plan.	2023
A.20023	Comfort Station New Builds - Parks	164	-	-	-	-	-	-	-	Closed	-
A.20024	Parks Vehicles and Equipment	164	300,000	300,000	-	-	300,000	-	800,000	Used as match to the RAISE Grant. Anticipated to be allocated towards railroad reconstruction. Extended negotiation between landowner and railroad have caused delays. Will also be utilized to route 34.5 kw power to the site.	2026
A.20025	Bethlehem Steel Redevelopment	162	800,000	800,000	-	-	-	-	-	Closed	-
A.20030	Youth Detention Facility Upgrades	122	2,200,000	2,200,000	-	-	-	-	2,200,000	Youth Detention Pods design ongoing for pod renovation Phase 2. Project is in design phase with bid specs being prepared. Anticipated bid Fall 2023 and construction 2024.	Late 2024
A.20050	IT & GIS Equipment	123	100,000	-	-	100,000	29,599	-	70,402	Getting bids - field collection equipment	2023
A.20051	Countywide Park Amenities	164	100,000	-	-	100,000	99,246	-	754	Can be closed	Completed 2023
A.20052	Asset Inventory	123	100,000	-	-	100,000	-	-	100,000	Data Extraction - Cyclodmedia	Completed
A.20053	Disk Storage & Disaster Recovery	105	250,000	-	-	250,000	249,923	-	77	Can be closed	Completed
A.20054	Roycroft Campus Copper Shop Restoration	162	100,000	-	-	100,000	100,000	-	-	Closed	-
A.20055	Email Archive Replacement	105	100,000	-	-	100,000	100,000	-	-	Closed	-
A.20056	Security Enhancements	105	150,000	-	-	150,000	150,000	-	-	Closed	-
A.20057	Virtualization/Server Replacement	105	-	-	-	-	-	-	-	Closed	-
A.20058	Code & Environment Compliance - Countywide	122	250,000	-	-	250,000	155,891	39,923	54,185	Funding ongoing projects including ME Phase 5 and Rath Elevators.	Late 2023
A.20059	EC Sheriff's Department - Misc Renovations	122	500,000	-	-	500,000	412,460	87,540	-	Funding ongoing projects	Late 2023
A.20060	Countywide Mechanical, Electrical, Plumbing, & Misc	122	250,000	-	-	250,000	229,664	16,921	3,415	Ongoing projects including waterline at Alden and tank replacement at 134 W Earle	Late 2023
A.20061	Weights & Measures Bldg Improvements	122	100,000	-	-	100,000	398	4,552	95,050	Ongoing construction at W&M Inspection Pit	Late 2023
A.20062	Cheektowaga Senior Center Transport Van	162	50,000	-	-	50,000	50,000	-	-	Closed	-
A.20063	Marsten Boys & Girls Club Renovation	162	75,000	-	-	75,000	75,000	-	-	Closed	-
A.20064	ODA Farmland Protection Planning	162	100,000	-	-	100,000	-	-	100,000	Planned round for 2023	2024
A.20065	Roosevelt Nat Historic Site Exhibit	162	100,000	-	-	100,000	-	-	-	Started construction	2023
A.20066	Ujima Co at School 77 Capital Project	162	75,000	-	-	75,000	-	-	75,000	Issues with County Requirements have delayed contracting	2025
A.20067	Forestry Management Plan Update	164	-	-	-	-	-	-	-	Closed	-

2020 Capital Projects

WBSS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A-20068	Public Safety/Criminal Justice Software Upgrade	165	296,900	-	-	296,900	18,300	131,700	146,900	Phase 1 of this project is in process. Due the changing and tightening of Erie County's security policies regarding accessing the County network using mobile devices, we needed to take a step back to evaluate the potential cybersecurity concerns. DIS and CPS are engaged in a cybersecurity study with a separate vendor which will impact the project start date.	Summer 2024
A-20069	EODSS Paperless Office Efficiencies	120	200,000	-	100,000	100,000	-	-	200,000	Project awarded, currently negotiating terms and start date.	Late 2024
A-20070	COVID Call Center @ TICOR	122	7,821,196	-	-	7,821,196	7,797,298	1,632	22,266	Can be closed	Completed
A-20071	COVID - Fire Training-Server & Generator	122	1,108,906	-	179,481	929,425	907,843	44,880	156,183	Unrealized State/Fed Aid. Can be closed	Completed
A-20072	COVID - Public Health Lab CC Renovations	122	1,054,088	-	-	1,054,088	1,054,088	-	-	Can be closed	Completed
A-20073	EODSS Rath Building Renovations	120	60,000	-	30,000	30,000	59,596	-	404	Can be closed	Completed
B-20001	East & West Road Construction	123	3,000,000	-	-	-	2,829,611	-	-	Funds expended - construction completed 2021 due to industry delays from the Covid pandemic	Completed
B-20002	North Main St. Road Construction	123	2,500,000	-	-	-	1,962,000	139,190	398,810	Remaining funds for pending litigation - Construction completed 2021 due to industry delays from the Covid pandemic	2024
B-20003	Alden Crittenden & Bulls Roads Rehab	123	3,380,000	-	380,000	-	2,223,788	460,839	695,373	Two years worth of construction completed in 2022. Final payment has not been completed yet waiting on contractor paperwork.	2024
B-20004	Vehicle & Equipment Replacement	123	2,500,000	2,500,000	-	-	2,500,000	-	-	Closed	Completed
B-20005	Preservation of Roads Design - Borden Road	123	350,000	-	-	350,000	204,810	145,190	-	Ongoing design phases 2 & 3	2024
B-20006	Preservation of Roads Design - New Road	123	350,000	-	-	350,000	129,021	170,875	104	Ongoing Design - 2 phases	2025
B-20007	Federal Aid Project Construction - Maple Rd CR192	123	3,000,000	3,000,000	-	-	2,725,573	-	274,427	Construction completed over two seasons 2020 and 2021. Can be closed	Completed
B-20008	Road Slides Construction - Ketchum Rd	123	700,000	700,000	-	-	33,861	-	666,139	Construction completed 2021. Funds remaining	Completed
B-20009	Turn Back of Roads to Towns	123	750,000	-	-	750,000	-	-	750,000	Ongoing Design	2024
B-20010	Slide Remediation Construction of Trevelt Road	123	1,250,000	-	-	1,250,000	-	-	1,250,000	Funds combined with other sources for Trevelt Road project put to bid currently.	2024
B-20011	N. Ellicott Creek Rd Bridge Replacement	123	1,900,000	1,900,000	-	-	1,898,978	-	1,022	Construction completed in 2022 due to industry wide delays from Covid pandemic.	Completed
B-20012	Springville Dam Ecosystem Restoration	123	-	-	-	-	-	-	-	Closed	Completed
B-20013	Capital Bridge Design	123	700,000	-	-	700,000	100,875	302,570	286,555	Design on going multiple bridges	2026
B-20014	Wehrle Dr. - Federal Aid Construction	123	3,351,000	480,000	2,871,000	-	2,776,882	420,783	153,335	Construction completed in 2022 due to industry wide delays from Covid pandemic. Remaining funds will be used as Federal Aid excess closes.	Completed
B-20015	Federal Aid Construction- Elmwood Pedestrian & Bicycle Improvements	123	-	-	-	-	-	-	-	Closed	Completed
B-20016	Highway Safety Improvements - Countywide	123	400,000	-	-	400,000	400,000	-	-	Closed	Completed
B-20017	WPA Era Rehabilitation - Parks	123	300,000	300,000	-	-	-	-	300,000	Parks Design- Shelters	2024
B-20050	Capital Overlay Program	123	8,101,767	-	-	8,101,767	7,034,387	580,685	486,695	On going construction	2024
B-20051	Capital Right of Way (Countywide)	123	-	-	-	-	-	-	-	Closed	Completed
B-20052	Federal Aid Project North Forest Rd CR 294	123	200,000	-	-	200,000	-	-	200,000	Planning - Design RFP	2023
B-20053	Federal Aid Bridge Preservation Design	123	770,000	-	-	770,000	-	-	177,699	Design	Winter 2025
B-20054	Federal Aid Project Design William St	123	250,000	-	570,000	200,000	256,301	356,000	164,624	Construction	Spring 2024
B-20055	Preservation Bridges & Culverts Misc Beas	123	250,000	-	-	250,000	83,376	-	-	On going Design	Fall 2024
B-20056	Preservation Bridges & Culverts As Directed/Emergency	123	150,000	-	-	150,000	836	-	149,164	On going Design	Fall 2024
B-20057	Federal Aid Preservation Beakman Creek Bridge	123	-	-	-	-	-	-	-	Closed	Completed
B-20058	Preservation Dams General Maintenance & Upkeep	123	-	-	-	-	-	-	-	Closed	Completed
B-20059	Preservation of Bridges & Culverts - Design Misc	123	100,000	-	-	100,000	-	-	100,000	RFP Consultant design Summer 2023	2024
E-20001	ECC Collegewide Improvements & Renovations	122	7,500,000	3,750,000	3,750,000	-	3,188,223	206,144	4,105,633	Funds are for current North Sidewalk construction project with Aug 2023 completion, current Burt Ficklinger Pool construction project being closed out, and Clay Tile construction project currently being approved at legislature. Remaining funds for design of North Sports Fields currently at RfQ stage, and upcoming Bretschger Mechanical Upgrade construction project scheduled to bid Nov 2023.	2025
E-20002	ECC Collegewide Equipment	102	1,080,000	1,080,000	-	-	1,080,000	-	-	Closed	Completed

2020 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
F.20050	EC Library Exterior Bldg Env & Site Improvements	122	-	-	-	-	-	-	-	Inactive project - not currently funded	
F.20051	EC Library Mechanical, Electrical, & Plumbing Improvements	122	-	-	-	-	-	-	-	Inactive project - not currently funded	

2021 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.21101	Rehab of Highmark Stadium - 9th Year	122	21 CBR	\$ 5,190,235	\$ 2,143,827	\$ 3,046,408	\$ -	\$ 2,302,200	\$ 422,887	\$ 2,464,647	Ongoing contractual repinal projects	Late 2024
A.21102	Buffalo Niagara Convention Center Improvements	122	21 CBR	750,000	750,000	-	-	634,957	54,128	60,915	BNCC Façade Project (construction contingency) - project starting in Spring	Summer 2023
A.21103	Code & Environmental Compliance B&G	122	21 CBR 21 BB	870,000	500,000	-	370,000	162,552	470,951	236,497	Used for on-call term HAZMAT contract through 2025, portion of elevator modernization project, and W&M Inspection Pit rehab	2025
A.21104	Roof Replacement & Exterior Waterproofing - Countywide	122	21 CBR	1,000,000	1,000,000	-	-	815,314	184,686	-	W&M Inspection Pit rehab	Late 2023
A.21105	Preservation of Countywide Buildings & Facilities	122	21 CBR RESO	1,826,253	750,000	57,072	1,019,181	400,487	477,318	948,448	This is funding two projects which are ongoing (elevator project and Family Court roof). Unallocated funds are earmarked for '25 Delaware Freight Elevator modernization	2025
A.21106	Countywide Mechanical, Electrical, Plumbing, & Misc	122	21 CBR 21 BB	1,462,550	1,250,000	2,550	210,000	969,064	262,394	231,092	Only funding remaining is for project contingency funding for 2 projects which are nearing completion (Rath Sprinkler replacement & Botanical Garden Window Operator/ controls replacement).	Late 2023
A.21107	EC Sheriff's Department - Misc Renovations	122	21 CBR	400,000	400,000	-	-	9,500	382,440	8,060	Contingency for project is on going (EHC hot water tank replacement).	Late 2023
A.21108	Toxicology/Pathology Lab Reno Phase 7	122	21 CBR RESO	2,950,000	1,200,000	-	1,750,000	-	-	2,950,000	Full amount is available and will be used for Phase 7 Morgue renovations that are currently in design phase. Money will be encumbered in early summer after project is advertised for bidding.	2025
A.21109	Botanical Gardens Rehab	122	21 CBR	500,000	500,000	-	-	450,073	49,665	263	Botanical Garden Window Control/Operator Replacement project. Project ready for close-out.	Spring 2023
A.21110	Rath Building Improvements	122	21 CBR RESO	3,750,000	750,000	-	3,000,000	50,650	1,733,779	1,965,571	Funding is being used for 4 ongoing B&G projects (sub-basement structural repairs, elevator modernization, electrical upgrades/generator, and elevator modernization).	2025
A.21111	Public Safety Campus Piping Replacement	122	21 CBR	500,000	500,000	-	-	199,481	300,519	-	In progress restroom renovations to be finished in 2023	Late 2023
A.21112	Countywide Park Improvements & ADA Access	164	21 CBR	1,950,000	750,000	-	1,200,000	1,749,282	137,305	63,413	In progress park renovations	Spring 2024
A.21113	Countywide Shelter Bldg Comfort Station	164	21 CBR RESO	500,000	500,000	-	-	413,619	73,974	12,408	In progress Elma Meadows cart path project	Spring 2024
A.21114	Countywide Road, Paths, Parking Lot Improvements	164	21 CBR	500,000	500,000	-	-	399,938	-	100,062	Equipment hasn't been received. Remaining funds pooled with other available funds for 2023 project	Late 2023
A.21115	Parks Vehicles and Equipment	164	21 CBR	500,000	500,000	-	-	458,620	38,799	2,581	Waiting for delivery of final items; remainder will be pooled with other funds for additional equipment purchase	2023
A.21116	WPA Era Rehabilitation	122	21 CBR	400,000	400,000	-	-	67,901	33,350	298,749	Design term Contract with DIDORCO for Parks Rehab of existing WPA shelters. \$400,000 for Emery/Elliott designs remainder to be used at other parks.	Term ends 2027
A.21117	Bethlehem Steel Redevelopment	162	21 CBR	837,000	837,000	-	-	-	-	837,000	Used as the match to the RAISE grant. Anticipated to be allocated towards railroad reconstruction. Extended negotiation with land owner and railroad have delayed the project.	2026
A.21118	NOT USE SEE F.211	-	-	-	-	-	-	-	-	-	Closed	-
A.21119	EC Fire Academy Training Facilities	167	RENEW	295,010	-	-	295,010	31,611	262,473	926	3 Training trailers have been delivered and will be in full service on Monday, May 1, 2023. The Draeger Swede System is completely built and waiting to be shipped. Site prep work has been started with an estimated completion by June 1, 2023	Fall 2023
A.21120	Buffalo Irish Festival	162	RENEW	50,000	-	-	50,000	50,000	-	-	Closed	-
A.21121	Bellevue FD19-Brush Truck Apparatus	162	RENEW	50,000	-	-	50,000	50,000	-	-	Closed	-
A.21122	Cheektowaga Town Park Playground	162	RENEW	215,000	-	-	215,000	215,000	-	215,000	Executed Contract to Contractor 3/29/2023	2024
A.21123	Town of Cheektowaga Steglmeier Park	162	RENEW	788,000	-	-	788,000	788,000	-	788,000	Executed Contract to Contractor 3/29/2023	2024
A.21124	Cheektowaga Knox Box System Updates	100	RENEW	75,000	-	-	75,000	-	-	75,000	Executed Contract to Contractor 3/29/2023	2024

2021 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.21125	Bellevue FD #9 Ambulance	100	RENEW	50,000	-	-	50,000	-	-	50,000		Completed
A.21126	Delaware Park All-Inclusive Playground	100	RENEW	200,000	-	-	200,000	-	-	200,000		Completed
A.21127	Peter St. Pitch In Park - Buffalo	100	RENEW	200,000	-	-	200,000	-	-	200,000		Completed
A.21128	Julia Boyer Reinster Center Repairs	100	RENEW	150,000	-	-	150,000	-	-	150,000		Completed
A.21129	Shakespeare Delaware Park Safety Rail	100	RENEW	40,000	-	-	40,000	-	-	40,000		Completed
A.21130	Football Concession Stand Tomawanda	162	RENEW	15,000	-	-	15,000	7,500	7,500	40,000	50% Paid to Date	2023
A.21131	Town of Hamburg Mckinley/Clark Intersection Imp	162	RENEW	750,000	-	-	750,000	375,000	375,000	-	50% Paid to Date	2025
A.21132	American Post 264 Kitchen Improvements	162	RENEW	11,000	-	-	11,000	-	-	11,000	Contract sent, working through issues with County rec	2024
A.21133	Grand Island VFW Developer Post Memorial	162	RENEW	25,000	-	-	25,000	25,000	-	-	Closed	
A.21134	VFW Post 7545 Bathroom Updates	162	RENEW	25,000	-	-	25,000	25,000	-	-	Closed	
A.21135	Security Surveillance Controller Update	167	RENEW	220,716	-	-	220,716	220,711	-	5	Can be closed	Completed
A.21136	Luncheon Festival Bldg Upgrade	162	RENEW	200,000	-	-	200,000	100,000	100,000	-	50% Paid to Date	2024
A.21137	New Covenant United Church Bldg	162	RENEW	26,000	-	-	26,000	-	-	26,000	Executed Contract to Contractor 10/18/2022	2024
A.21138	MT Aaron Development Corp Village	162	RENEW	100,000	-	-	100,000	100,000	-	-	Closed	
A.21139	Nanny's Nook Day Care Facility Expansion	162	RENEW	70,000	-	-	70,000	70,000	-	-	Closed	
A.21140	Clark Dance Academy Facility Improvements	162	RENEW	32,634	-	-	32,634	16,317	16,317	-	50% Paid to Date	2023
A.21141	Northwest Buffalo Community Center	162	RENEW	350,000	-	-	350,000	175,000	175,000	-	50% Paid to Date	2024
A.21142	Restructuring Food Pantry Expansion	162	RENEW	110,000	-	-	110,000	-	-	110,000	Executed Contract to Contractor 10/20/2022	2024
A.21143	Town of Amherst - Central Park Improvements	162	RENEW	2,400,000	-	-	2,400,000	-	-	2,400,000	Executed Contract to Contractor for phase 1.	2026
A.21144	Town of Hamburg Police Vehicle	162	RENEW	100,000	-	-	100,000	50,000	50,000	-	50% Paid to Date	2023
A.21145	Town of Hamburg - Nike Base Recreation	162	RENEW	350,000	-	-	350,000	175,000	175,000	-	50% Paid to Date	2024
A.21146	Hawk Creek Facility Improvements	162	RENEW	100,000	-	-	100,000	100,000	-	-	Closed	
A.21147	Frank L. Gerlach Post 1320	162	RENEW	40,000	-	-	40,000	-	-	40,000	Contract sent 6/22, meeting 12/22, follow up letter sent 3/73	2025
A.21148	Greater Buffalo Italian Heritage	162	RENEW	20,000	-	-	20,000	20,000	-	-	Closed	
A.21149	Town of Cheektowaga Police Dept	162	RENEW	500,000	-	-	500,000	-	-	500,000	Executed Contract to Contractor 9/14/2022	2024
A.21150	DPW EPA Regulatory Compliance	122	21 BUD	600,000	-	-	600,000	15,615	-	584,385	Funding ongoing term contract	Late 2024
A.21151	Countywide Parks Amenities	164	21 BUD	100,000	-	-	100,000	99,589	-	411	Can be closed	Completed
A.21152	Agriculture Farmland Protection	162	21 BUD	100,000	-	-	100,000	4,285	70,715	25,000	Awarded in 2022, Town projects currently underway	2024
A.21153	EC Health Lab Improvements Bldg 17	122	RESCO	1,000,000	-	-	1,000,000	989,290	-	10,710	Will be used for roofing repairs	Late 2023
A.21154	DRM472 Bldg View Dock Reconstruction	164	RESCO	100,179	-	87,656	12,523	98,939	-	1,240	Can be closed	Completed
A.21155	Playgrounds for Heritage Parks	164	RESCO	2,325,000	-	-	2,325,000	2,018,405	304,963	1,632	Final Playgrounds at Akron/CRP being installed.	Spring 2023
A.21156	Como Lake Dog Park	164	RESCO	150,000	-	-	150,000	134,172	-	15,828	Project complete; remaining funds for future materials for park	Summer 2024
A.21157	Preservation of County Highway Facilities	122	RESCO	2,250,000	-	-	2,250,000	20,241	-	2,229,760	Ongoing maintenance and improvements at County Highway facilities	Late 2024
A.21158	Amherst Little League Restroom & Upgrades	162	RENEW	250,000	-	-	250,000	250,000	-	-	Closed	
A.21159	Traillblazing Women Monument	162	21 BUD	515,890	-	-	456,000	119,168	336,722	110	In design, to be bid in 2023	2024
A.21160	Agriculture Park Development	162	RESCO	1,350,000	-	350,000	1,000,000	-	-	1,350,000	Currently in the GIS	2025
A.21161	Parks Expanded Capital Program	164	RENEW	3,248,758	-	202,854	3,045,904	1,852,456	356,877	1,039,424	Ongoing RENEW Plan projects	Spring 2024
A.21162	Parks Managed by DPW Exp Cap Program	122	RENEW	8,354,096	-	-	8,354,096	1,77,427	651,789	7,524,880	Emery, Como & CRP shelters in progress and in various stages, Wendt Beach Mansion (currently in design), Scherck House renovation (construction to begin Summer 23)	2025
A.21163	Convention Center Facade	122	RENEW	4,500,000	-	-	4,500,000	3,116,935	1,382,760	305	Construction in progress	Summer 2023
A.21164	Botanical Gardens New Greenhouse	122	RENEW	5,000,000	-	-	5,000,000	803	285,000	4,714,197	In design phase	2025
A.21165	Harlem Highway Barn New Build	122	RENEW	7,000,000	-	-	7,000,000	-	-	7,000,000	Big opening was 3/31/2023	Late 2024
A.21166	Sandridge Water Tower Replacement	122	APP	1,000,000	-	-	1,000,000	-	-	1,000,000	ECWA will be bidding this project	unknown
A.21167	25 Delaware Exterior Facade	122	RENEW	12,000,000	-	-	12,000,000	42,000	458,000	11,500,000	Design ongoing	Late 2025
A.21168	EC DPW Health Mail Improvements	122	-	-	-	-	-	-	-	-	Unfunded, Closed	
A.21169	Agriculture Park Water Tank	162	APP	1,200,000	-	-	1,200,000	-	-	1,200,000	50% Paid to Date	2024
A.21170	Agriculture Park Water Lines	162	APP	500,000	-	-	500,000	250,000	250,000	-	50% Paid to Date	2023
A.21171	Sprinkler Central Ave Water Main	162	APP	485,275	-	-	485,275	457,362	27,913	-	Can be closed	2022
A.21172	Jarvis Harold Place Sewer Replacement	162	APP	212,157	-	-	212,157	212,157	-	-	Closed	
A.21173	Akron Skyline Dr Waterline Install	162	APP	214,628	-	-	214,628	-	-	214,628	Executed Contract to Contractor 4/18/2022	2023
A.21175	George Arthur Community Center Upgrade	162	RENEW	300,000	-	-	300,000	150,000	150,000	-	50% Paid to Date	2023
A.21176	Matt Urban Hope Center Upgrades	162	RENEW	450,000	-	-	150,000	150,000	-	-	50% Paid to Date	2025

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.21177	City of Buffalo Elmire Ave Improvements	162	RENEW	1,000,000	-	-	1,000,000	-	-	1,000,000	Contract Executed 4/21/23	2025
A.21178	City of Buffalo Bailey Ave Improvements	162	RENEW	500,000	-	-	500,000	-	-	500,000	Contract Executed 4/21/23	2025
A.21179	City of Buffalo Shoshone Park Improvements	162	RENEW	100,000	-	-	100,000	50,000	50,000	-	50% Paid to Date	2025
A.21180	Kenmore Fire Hall Repairs	162	RENEW	150,000	-	-	150,000	-	-	150,000	Project Complete, billing is in process	2023
A.21181	Tonawanda Kenney Field Playground	162	RENEW	200,000	-	-	200,000	-	-	200,000	Executed Contract to Contractor 5/18/2022	2024
A.21182	Kenmore Mang Field Playground	162	RENEW	150,000	-	-	150,000	-	-	150,000	Executed Contract to Contractor 5/18/2022	2024
A.21183	City of Buffalo Riverside Park Football	162	RENEW	100,000	-	-	100,000	-	-	100,000	Executed Contract to Contractor 5/18/2022	2024
A.21184	JH Williams Shelterhouse Buffalo	162	RENEW	100,000	-	-	100,000	-	-	100,000	Executed Contract to VH	2025
A.21185	Hertel Ave Streetscape Improvements	162	RENEW	200,000	-	-	200,000	50,000	50,000	-	50% Paid to Date	2025
A.21186	Tonawanda Paramedic Truck	162	RENEW	100,000	-	-	100,000	-	-	100,000	Contract uploaded 4/11/23	2025
A.21187	Miracle League (Grand Island) Facility Improvements	162	RENEW	1,105,000	-	-	1,105,000	-	-	1,105,000	Executed Contract to Contractor 5/18/2022 Entry unable to meet County requirements. Resolution to switch contracting entity to Town of Grand Island planned as part of tentative RENEW	2025
A.21189	Hamburg Legion Baseball Field	162	RENEW	700,000	-	-	700,000	550,000	550,000	150,000	Phase 1 Paid in Full 10/3/2022, Phase 2 contract is in process	2024
A.21190	Cazenovia Park Playground	162	RENEW	450,000	-	-	450,000	225,000	225,000	-	50% Paid to Date	2024
A.21191	Bassdell Pickleball Courts	162	RENEW	80,000	-	-	80,000	-	-	80,000	Executed Contract to Contractor 5/16/2022	2023
A.21192	Larkawanna Ridge Road Improvements	162	RENEW	120,000	-	-	120,000	120,000	-	-	Closed	2023
A.21193	Rural Outreach Center Facility	162	RENEW	400,000	-	-	400,000	-	-	400,000	Contract sent 1/22, incomplete contract received back 4/24/23, follow up planned, project is complete contract and billing needed	2023
A.21194	Roycroft Campus Facility Improvements	162	RENEW	240,000	-	-	240,000	120,000	120,000	-	50% Paid to Date	2024
A.21195	Neval and Sargent's Park Improvements	162	RENEW	300,000	-	-	300,000	150,000	150,000	-	50% Paid to Date	2023
A.21196	Olmsted Aid South Park MLK	162	RENEW	400,000	-	-	400,000	200,000	200,000	-	50% Paid to Date	2024
A.21197	Colored Musician's Club Capital Improvements	162	RENEW	600,000	-	-	600,000	300,000	300,000	-	50% Paid to Date	2024
A.21198	R86 Club Northtowns Upgrades	162	RENEW	446,775	-	-	446,775	446,775	-	-	Closed	2024
A.21199	Little League Field - Tonawanda	162	RENEW	132,374	-	-	132,374	66,187	66,187	-	50% Paid To Date	2023
B.21101	Preservation of Roads - Lake Ave	123	21 CBR	500,000	500,000	-	-	-	-	500,000	Drainage work that came up during project requiring work that will require ROW takings	2024
B.21102	Preservation of Roads - Borden Rd Phase I	123	21 CBR	4,813,500	4,000,000	813,500	-	871,545	3,841,570	100,385	Project awarded 2022 and under construction- Post covid inflation and supply chain issues delayed the project until more funding could be attained. A portion of the 2022 bond for phase 2 & 3 needed to complete finance phase 1. Construction to be completed Fall 2023	2023
B.21103	Road Slides Construction Back Creek	123	21 CBR	1,500,000	1,500,000	-	-	4,250	-	1,495,750	Construction contract awarded - construction began 3/2023. Bidding for construction delayed due to purchase of procehtr from home owner	2023
B.21104	Highway Vehicles & Equipment	123	21 CBR	2,000,000	2,000,000	-	-	1,687,544	312,456	-	Waiting on final delivery of remaining items	2023
B.21105	Federal Aid Bridge Preservation - Construction	123	21 CBR	2,153,000	500,000	1,653,000	-	762,510	1,383,242	7,248	Construction	2024
B.21106	Highway Safety Improvements	123	21 CBR	500,000	500,000	-	-	500,000	-	-	Closed	2024
B.21107	Culverts & Bridges	123	21 CBR	400,000	400,000	-	-	399,170	-	830	Partis- Ward Road Bridge project- monies expended, construction completed 2022	Completed
B.21150	Capital Overlay Program	123	21 CBR	17,255,047	5,000,000	300,000	11,955,047	13,908,588	322,097	3,024,362	Monies expended - Roads monies used on Duerr Rd, Heath Rd, Middle Rd, Salt Rd, Partridge Rd, N. Ellicott Creek Rd, McKinley Pkwy, Webster Rd, Harris Hill, Two- Mile Creek Rd, Hopkins Rd, Taylor Rd.. (partially funded Center St. and Knoche Rd.	2023
B.21151	Engineering Design Services	123	21 BUD	100,000	-	-	100,000	297,400	82,600	100,000	RFP- Consultant/Planning	2024
B.21152	Bridge Project North French Rd	123	21 BUD	625,000	-	490,000	135,000	137,691	126,301	245,000	On Going Design	Winter 2023
B.21153	Bridge Project Four Rod Rd	123	21 BUD	315,000	-	240,000	75,000	1,054,065	379,036	61,009	Construction - Phase 2	Winter 2024
B.21154	Preservation of Roads - Alden Crittenenden & Bullis	123	RESO	3,500,000	-	-	3,500,000	80,458	203,520	2,066,989	RFP - Consultant - Summer 2023	2024
B.21155	Culvert Bridge Inspection Program	123	RESO	500,000	-	-	500,000	-	-	500,000	RFP - Consultant - Summer 2023	2024
B.21156	Capitol Bridge Design	123	RESO	350,000	-	-	350,000	-	-	350,000	RFP - Consultant - Summer 2023	2024
B.21157	Misc Small Bridge & Culvert Design	123	RESO	175,000	-	-	175,000	-	-	175,000	RFP - Consultant - Summer 2023	2024
B.21158	Federal Aid Bridge Preservation - Design	123	RESO	175,000	-	-	175,000	-	-	175,000	Planning - RFP Consultant	2025
B.21159	Preservation of Bridge & Culvert - Construction	123	RESO	175,000	-	-	175,000	-	-	175,000	Construction	2025
B.21160	Preservation of Flagged Bridges Repairs/Rehab	123	RESO	175,000	-	-	175,000	-	-	175,000	Remaining funds utilized in for 2023 bridge repairs in omnibus resolution	2023
B.21161	IT & GIS Equipment	123	RESO	175,000	-	-	175,000	820	150,000	24,180	On-going contract	2024
B.21162	Preservation of Roads Design - borden rd Phases 2 & 4	123	RESO	410,000	-	-	410,000	-	-	410,000	Design - 3 phases	2025

2021 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
B-21163	Federal Aid Elmwood Rehab	123	RESO	1,200,000	-	960,000	240,000	299,815	492,152	408,034	Under Design	Estimated 2025
B-21164	Parks Managed by Highways Exp Capital Program	123	RENEW	3,200,000	-	-	3,200,000	3,156,130	30	43,840	Need to make final payments	Completed
B-21165	Elmwood Avenue Improvements	123	-	-	-	-	-	-	-	-	Closed	
B-21166	Makinley Parkway Roundabout	123	-	-	-	-	-	-	-	-	Closed	
B-21167	Clarkshurk Bridge	123	RESO	1,500,000	-	-	1,500,000	65,625	134,375	1,300,000	Bid Construction-June	Fall 2024
E-21101	Collegewide Equipment	102	21 CBR	720,000	720,000	-	-	720,000	-	-	Closed	
E-21150	FCC City Roof	122	RENEW	2,000,000	-	1,000,000	1,000,000	806	-	1,999,194	Funds for Clay Tile construction project currently being approved at Legislature	2024
F-21101	FCC Public Library - Various Improvements	122	21 CBR	500,000	500,000	-	-	117,769	99,368	282,863	Chimney repair project which is slated to being sprimg '23. Balance of funding to be used for the switchgear replacement (See A-220271)	Late 2024
F-21102	Escalator Demolition Reno & Asbestos Abatement	122	21 CBR	1,300,000	1,000,000	300,000	-	111,152	13,256	1,175,593	Several projects have been completed and some funding is for on call design term contract thru 24. Libraries would like to completely remove escalators.	2025
F-21150	Bookmobile/Outreach Vehicle	420	21 BUD	140,000	-	-	140,000	103,104	-	36,896		

2022 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.22001	DPW Reah Building Improvements	122	22 CBR	\$ 750,000	\$ 750,000	\$ -	\$ -	\$ 221,100	\$ 528,900	\$ -	Raft elevator project - construction ongoing	Spring 2025
A.22002	DPW Roof Replace Waterproofing Countywide	122	22 CBR	400,000	400,000	-	-	229,063	48,101	122,836	This project is being also being used to fund two ongoing projects: one (door replace at 608 William) is 30% complete and the other is for on call roof contract. The \$98K unallocated will be used to partially fund a roofing replacement RFP for new roofs and building envelope at several buildings (77 West Eagle, ECCF Mesh Bldg, OCH, Beechmont, Deerpark)	Spring 2025
A.22003	DPW Buffalo Niagara Convention Center Improvements	122	22 CBR	1,750,000	1,250,000	-	500,000	119,385	227,108	1,403,507	This account is being used to fund 4 projects underway currently or are awaiting Legislative approval to being. The \$850,288 unallocated will be used for the structural repair project that is currently out to bid.	2025
A.22004	DPW EC Health Department Bldg 17 Improvements	122	22 CBR	2,750,000	2,500,000	-	250,000	75,289	80,998	2,593,714	Available money will be used to sward the Phase 3 construction bids.	2025
A.22005	DPW EC Sheriff Dept Misc Renos	122	22 CBR	900,000	400,000	-	500,000	6,085	387,880	506,035	Account will be used to fund 4 ongoing renovation projects (ECHC hot water tank replacement, UPS replacements, ECCF air conditioning, and to support door controller project nearing completion and ECHC plumbing fixture replacements).	2024
A.22006	DPW EC Toxicology Lab Reno Phase 8	122	22 CBR	1,500,000	1,500,000	-	-	-	-	1,500,000	Full amount is available and will be used for Phase 7 Mo/Rgue renovations that are currently in design. Money will be encumbered early summer after project is advertised for bidding.	2025
A.22007	DPW Buffalo EC Library Improvements & Upgrades	122	22 CBR	500,000	500,000	-	-	-	-	500,000	Drawings to replace outdated switchgear at BECHL are 100% complete; Change/reduction in staffing has stalled project but will be advertised for bidding in Spring '23.	2024
A.22008	Countywide Park Improvements & ADA Access	164	22 CBR	800,000	600,000	-	200,000	260,695	174,370	364,933	All funding is committed to ongoing parks projects	Spring 2024
A.22009	Countywide Shelter Bldg Comfort Stations	164	22 CBR	400,000	400,000	-	-	269,943	104,017	26,039	All funding is committed to ongoing parks projects	Summer 2023
A.22010	Countywide Roads Pathways Parking Improvements	164	22 CBR	1,500,000	500,000	-	1,000,000	1,657	38,343	1,460,000	Currently planning & receiving estimates for 3 large projects (CRP, Como & Sprague). Anticipated the funding for these projects will be spent by the Fall of 2023. CRP Project is being done at the same time as the Newton Rd Highway reconstruction.	Late 2023
A.22011	Vehicles & Equipment	164	22 CBR	500,000	500,000	-	-	196,357	244,711	58,931	Waiting on delivery of remaining items	Fall 2023
A.22012	DSS & CPS Security Project	105	22 CBR	800,000	800,000	-	-	6,116	55,000	738,884	Work has started	Spring 2024
A.22013	Server & Desktop Virtualization	105	22 CBR	600,000	600,000	-	-	592,382	7,618	-	Can be closed	Completed
A.22014	Backup & Recovery	105	22 CBR	400,000	400,000	-	-	351,657	48,343	-	Work is underway and will be completed this year.	Late 2023
A.22015	Network Replacement/Upgrade	105	22 CBR	400,000	400,000	-	-	10,783	155,291	233,926	Work is underway and will be completed this year.	Late 2023
A.22016	Agribusiness Park	162	22 CBR	1,400,000	-	-	-	-	-	-	Inactive project - not currently funded	2026
A.22017	Bechtelerm Steel Redevelopment	162	22 CBR	1,000,000	1,000,000	-	-	-	-	1,000,000	Used as the match to the FAST NY grant. Anticipated to be allocated towards railroad reconstruction. Extended negotiation with landowner and railroad have delayed the project.	2024
A.22018	Law Enforce Mobile Connect Security	165	22 CBR	418,660	418,660	-	-	-	362,868	55,792	The equipment budgeted for Year 1 has been ordered and is expected to arrive at the Public Safety Campus the week of April 3rd, 2023. Due to supply chain issues, the vendor was not able to secure all the modems and custom antennas needed in 2022. Even though their costs increased due to the delay, the vendor honored the pricing that was originally quoted at the beginning of the project. Installation is being scheduled for April and May into patrol and emergency service vehicles throughout Erie County.	Completed
A.22019	Clarence Baseball Association Barring Cages	100	21 BB	50,000	-	-	50,000	50,000	-	-	Can be closed	Completed
A.22020	Buffalo Heritage Carousel Facility Upgrade	100	21 BB	50,000	-	-	50,000	50,000	-	-	Closed	Completed
A.22021	City of Tonawanda - Kohler Park Splash Pad	100	21 BB	100,000	-	-	100,000	100,000	-	-	Part of property damage claim with FEMA for Nov 2022 Storm. Working with DPW for temporary fixes while design is being completed. Construction will occur before next beach season.	Spring 2024
A.22022	Bennett Beach Roadway & Parkway Lot	164	RESO	1,000,000	-	-	1,000,000	-	-	1,000,000	Part of property damage claim with FEMA for Nov 2022 Storm. Working with DPW for temporary fixes while design is being completed. Construction will occur before next beach season.	Spring 2024

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.22023	Chestnut Ridge Park Conservancy	100	21 BB	70,000	-	-	70,000	70,000	-	-	Closed	
A.22050	Code and Environmental Compliance	122	22 BUD	550,000	-	-	550,000	120,609	120,020	309,371	Resolution uploaded to increase Wendel fee to work on Salt Barns and tank replacement as well as funding repairs to W&M Inspection Pit	Spring 2024
A.22051	Mechanical, Electrical, Plumbing Improvements EIC Bldgs	122	22 BUD	300,000	-	-	300,000	3,200	218,702	78,098	Resolution uploaded to increase Wendel fee to work on Salt Barns and tank replacement as well as funding EIC Phase 2 projects	Late 2024
A.22052	Preservation of County Facilities and Bldgs	122	22 BUD	650,000	-	-	650,000	260,034	211,618	178,349	Funding ongoing electrical upgrades at 134 W Eagle	Late 2024
A.22053	Countywide Park Amenities	164	22 BUD	125,000	-	-	125,000	70,596	37,561	16,843	Remaining funds use for park-wide tree plantings	Spring 2024
A.22054	Isle View Park Enhancement Project	162	22 BUD	1,785,000	-	1,435,000	350,000	-	-	1,785,000	Ralph C Wilson Foundation funded project currently in design.	2024
A.22055	WPA Era Rehabilitation	122	22 BUD	300,000	-	-	300,000	63,427	77,204	159,369	Funding ongoing upgrade of Park Shelters	Late 2024
A.22056	Buffalo Southern County Railroad	162	22 BUD	250,000	-	-	250,000	-	-	250,000	Match to forthcoming Federal grant - Federal contract is not executed	2026
A.22057	D&W County Railroad Improvements	162	22 BUD	250,000	-	-	250,000	-	-	250,000	Match to forthcoming Federal grant - Federal contract is not executed	2026
A.22058	Rovercroft Campus Copper Shop Restoration	162	21 BB	210,000	-	-	210,000	44,372	165,628	-	Approximately 50% complete	2023
A.22059	H.E.A.L. International Inc.	162	21 BB	60,000	-	-	60,000	-	60,000	-	Contract executed, project started, invoices forthcoming	2023
A.22060	Network Reconfiguration & Segmentation	105	21 BB	150,000	-	-	150,000	-	-	150,000	Work is underway and will be completed this year.	Late 2023
A.22061	Print Shop Upgrades	105	21 BB	100,000	-	-	100,000	9,550	61,144	29,306	Work is underway and will be completed this year.	Late 2023
A.22062	Youth Facility Security Upgrades	122	22 BUD	600,000	-	294,000	306,000	-	-	600,000	Design is underway, construction to start by end of year.	Late 2024
A.22063	Youth HVAC Replacement	122	22 BUD	500,000	-	245,000	255,000	-	-	500,000	Design is underway, construction to start by end of year.	Late 2024
A.22064	DPW/Parks HVAC Replacement	122	21 BB	100,000	-	-	100,000	99,949	9	43	Can be closed	Completed
A.22065	FireNet Construction Management	162	21 BB	1,400,000	-	-	-	-	-	-	Funding moved to operating contractual line and combined with funds approved in 2022 Budget. Project can be closed.	Completed
A.22066	Parks Showmobile Replacement	164	21 BB	225,000	-	-	225,000	-	220,530	4,470	Waiting for delivery.	Fall 2023
A.22067	Renaissance Commerce Parks Sign	162	21 BB	150,000	-	-	150,000	-	-	150,000	Sign 75% complete	2023
A.22068	DISS Point of Presence Server Room	122	21 BB	750,000	-	-	750,000	286	-	749,714	Design is underway, construction to begin Summer 2023	Late 2024
A.22069	Update to 2003 Forestry Management Plan	164	21 BB	125,000	-	-	125,000	-	-	125,000	Active RFP out	Summer 2024
A.22070	DPW Rehab of Highmark Stadium - 10th Year	122	RESO	5,335,562	-	3,131,708	2,203,854	257,203	473,601	4,604,758	Funding ongoing contractual upgrades	2025
A.22071	FEWA Times Beach Debris Removal	164	RESO	152,552	-	104,052	48,500	126,675	-	25,877	Can be closed	Completed
A.22072	East Aurora Boys & Girls Clubhouse	100	21 BB	50,000	-	-	50,000	50,000	-	-	Closed	
A.22073	West Seneca Police Drone Program	100	21 BB	20,000	-	-	20,000	20,000	-	-	Closed	
A.22074	Friends of Knox Farm Building Reno	100	21 BB	150,000	-	-	150,000	150,000	-	-	Closed	
A.22075	Town of West Seneca All-Inclusive Playground	100	21 BB	75,000	-	-	75,000	75,000	-	-	Closed	
A.22076	St Mary's HS All Inclusive Theater Reno	100	21 BB	200,000	-	-	200,000	200,000	-	-	Closed	
A.22077	Village of Depew Police Dispatch Center	100	21 BB	140,000	-	-	140,000	140,000	-	-	Closed	
A.22078	Holland Boys & Girls Club Improvements	100	21 BB	50,000	-	-	50,000	50,000	-	-	Closed	
A.22079	American Legion Lt Tillman Post Improvements	100	21 BB	50,000	-	-	50,000	50,000	-	-	Closed	
A.22080	Matt Urban VFW/Amvets Post	100	21 BB	30,000	-	-	30,000	30,000	-	-	Closed	
A.22081	East Aurora Police Department Equipment & Building	100	21 BB	45,000	-	-	45,000	45,000	-	-	Closed	
A.22082	Erna Martha Wales Boys & Girls Club	100	21 BB	50,000	-	-	50,000	50,000	-	-	Closed	
A.22083	Bread of Life Outreach Center Maintenance	100	21 BB	10,000	-	-	10,000	10,000	-	-	Closed	
A.22084	Depew Police Station Fitness Center	100	21 BB	29,000	-	-	29,000	29,000	-	-	Closed	
A.22085	Town of Wailes-Community Center Improvements	100	21 BB	10,000	-	-	10,000	10,000	-	-	Closed	
A.22086	Village of Depew-George Urban Bridge	100	21 BB	26,000	-	-	26,000	26,000	-	-	Closed	
A.22087	Town of Evans-Dredging of Sturgeon Point	100	21 BB	100,000	-	-	100,000	100,000	-	-	Closed	
A.22088	USC 2022-2023 Tenant Work Improvements	122	RESO	380,000	-	380,000	-	41,514	21,702	316,783	Funding ongoing improvement projects for Courts	Late 2024
A.22089	Buffalo Zoo Capital Improvements	162	21 BB	2,000,000	-	-	2,000,000	-	1,100,000	2,000,000	Contract executed 2/23	2025
A.22090	Buffalo Society of Natural Science	162	21 BB	1,100,000	-	-	1,100,000	-	1,100,000	-	Contract Executed date 12/22	2025
A.22091	Family Promise of WNY	100	21 BB	50,000	-	-	50,000	50,000	-	-	Closed	
A.22092	Depew Freeman's Park Fitness Center	100	21 BB	29,000	-	-	29,000	29,000	-	-	Closed	

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A-22093	Town of Clarence - Town Park Improvements	100	21 BR	150,000	-	-	150,000	150,000	-	-	Closed	2024
A-22094	Lou Gehrig Youth Baseball LED Lights	100	21 BR	65,000	-	-	65,000	65,000	-	-	Closed	2023
A-22095	Cultural Agency Capital Fund	162	21 BR	25,000,000	-	-	25,000,000	80,871	98,842	24,820,287	Phase 1 underway. 31 contracts went out in March 2023	2025
A-22096	Emery Maintenance & Sheriff Outbuilding Roofs	164	RESO	100,000	-	-	100,000	-	-	100,000	Currently in design with funds expended soon	Summer 2023
B-22001	Kenmore Ave Sheridan Dr Grand Island	123	22 CBR	3,000,000	3,000,000	-	-	-	-	3,000,000	Contract signed and construction ramp up beginning	Summer 2023
B-22002	Borden Rd Rehab Phases 2 & 3	123	22 CBR	5,000,000	5,000,000	-	-	-	1,860,916	3,139,084	Post-covid inflation forced \$2.1mil of this project to be diverted to phase 1. 2023 CBR funds needed to fully fund phase 2.	Summer 2023
B-22003	Lakeshore Rd Rehab	123	22 CBR	3,500,000	3,500,000	-	-	-	-	3,500,000	Currently in design. Bid late summer early fall 2023. Working with Federal aid process and limited ROW	2024
B-22004	Federal Aid Bridge & Culvert - Bridgenvy	123	22 CBR	3,000,000	600,000	2,400,000	-	-	-	3,000,000	1 project (Sharp St bridge) was awarded in 2021. Bridgenvy. This is under design with an anticipated letting in Oct. of this year. Approx. 2 million to be spent on Sharp St. Remaining funds used on 6 Bridges were submitted for in Bridgenvy 7/2022	2024
B-22005	Preservation of Bridges & Culverts - Construction	123	22 CBR	400,000	400,000	-	-	-	-	400,000	Funds being combined with other sources for 2023 bridge work in omnibus resolution.	2024
B-22006	Preservation of Bridges Construction - Replacement	123	22 CBR	1,000,000	1,000,000	-	-	-	-	1,000,000	3 bridges are under design for capital construction (Hunters Creek, Sanders Hill, and Genesee Road). Estimates for each range from approx. \$1.6M to \$2.0M. 2022 funding is not sufficient to let any. With 2023 funding at least 1 will be able to let in 2023.	2025
B-22007	Highways Vehicles & Equipment	123	22 CBR	2,000,000	2,000,000	-	-	181,840	1,818,160	-	New blow trucks received.	2023
B-22008	Federal Aid Construction - Elmwood Ave	123	22 CBR	7,314,000	-	-	-	-	-	-	not currently funded - Ongoing design - bid 1st quarter 2024	2025
B-22009	Federal Aid Construction - William St Construction	123	22 CBR	6,254,000	-	-	-	-	-	-	not currently funded - currently in Design & DOT doing ROW - DOT setting schedule	Winter 2026
B-22010	Capital Bridge Design	123	22 CBR	400,000	400,000	-	-	-	-	400,000	Not yet assigned for a specific bridge. Delays in the TIP (Fed Aid Bridge Replacement until 2023) approval and waiting for results of multiple grant applications (BIP, Bridgenvy) to see which projects to do as Capital only. vs. those that will get aid from other sources. Just got the TIP in Feb	2024
B-22011	On Call General Civil & Geo Services	123	22 CBR	400,000	400,000	-	-	-	-	400,000	Contracts awarded to consultants	2024
B-22012	Highway Safety Improvements	123	22 CBR	500,000	500,000	-	-	450,490	49,510	-	Remaining funds to be used.	2023
B-22013	Capital Right-Of-Way	123	22 CBR	300,000	300,000	-	-	-	-	300,000	Used as needed throughout the year.	2025
B-22050	Capital Overlay Program	123	22 BUD	14,000,000	-	-	14,000,000	8,913,961	136,079	4,949,960	Construction - this years program	2024
B-22051	Trevett Rd Reconstruction & Slope Stabilization	123	22 BUD	300,000	-	-	300,000	-	-	300,000	Funds combined with other sources for Trevett Road project out to bid currently.	2024
B-22052	McKinley Pkwy Road Design Federal Aid	123	22 BUD	588,000	-	525,000	63,000	211,826	350,174	26,000	Ongoing Design	Winter 2023
B-22053	General Road Design Program	123	22 BUD	500,000	-	-	500,000	-	-	500,000	Design - consultant negotiation	2024
B-22054	Federal Aid Bridge Preservation - Construction	123	22 BUD	1,000,000	-	800,000	200,000	-	-	1,000,000	Funds being combined with other sources for 2023 bridge work in omnibus resolution	2024
B-22055	Misc Culvert Repair/Replacement - Construction	123	22 BUD	150,000	-	-	150,000	-	-	150,000	Planning/Design	2024
B-22056	Design Federal Aid Bridge Preservation	123	22 BUD	100,000	-	-	100,000	-	-	100,000	Planning	2025
B-22057	Bridgenvy Federal Aid Bridge Culvert Design	123	22 BUD	800,000	-	640,000	160,000	-	-	800,000	Waiting on Grant awards - 2023	2025
B-22058	As Directed/Emergency Engineering Design	123	22 BUD	200,000	-	-	200,000	-	-	200,000	On Going Design repairs	2024
B-22059	Misc Small Bridge & Pedestrian Bridge Inspection	123	22 BUD	250,000	-	-	250,000	-	-	250,000	Consultant RFP summer 2023	2024
B-22060	Large Culvert Small Bridge - Pedestrian Bridge	123	22 BUD	200,000	-	-	200,000	-	-	200,000	Structure Inspections 2023	2024
B-22061	Culverts & Bridges	123	22 BUD	150,000	-	-	150,000	123,368	26,632	-	Parts - Culverts Final Payment	Complete
B-22062	Abbott Rd Design Millstrip - Fisher	123	RESO	310,000	-	-	310,000	916	283,894	25,190	Ongoing Design	Spring 2024
B-22063	Pine St East Aurora Design	123	RESO	500,000	-	-	500,000	-	-	500,000	Ongoing Design	Spring 2024
B-22064	Manvople Dr Cheekowaga Design	123	RESO	500,000	-	-	500,000	306	-	499,694	Design Consultant resolution & contract negotiations	2024

2022 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
E:22001	ECC Facility Master Plan - Phase 1	122	22 GAR	3,000,000	1,500,000	1,500,000	-	-	-	3,000,000	Bretschger Mechanical Upgrade design project underway, construction estimate is \$7.5M. Funds for construction project scheduled to bid Nov 2023 when 2023 ECC capital funding has been approved by SUNY for reimbursement.	2025
F:22050	Ship & Maintenance Vehicle Replacement Program	420	22 BUD	90,000	-	-	-90,000	-	47,296	42,704		

2023 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.23050	DPW Rehab of Highmark Stadium - 11th Year	122	23 BUD	\$ 5,484,957	\$ -	\$ 3,219,395	\$ 2,265,562	\$ -	\$ -	\$ 5,484,957		unknown
A.23051	DPW EPA Regulatory Compliance	122	23 BUD	350,000	-	-	350,000	-	-	350,000		unknown
A.23052	DPW Code & Environment Compliance	122	23 BUD	250,000	-	-	250,000	-	-	250,000		unknown
A.23053	Preservation of County Highway Facilities	122	23 BUD	250,000	-	-	250,000	-	-	250,000		unknown
A.23054	Convention Center Security Upgrades	122	23 BUD	327,600	-	-	327,600	-	-	327,600		unknown
A.23056	Gasboy Software Upgrades - Fleet	107	23 BUD	150,000	-	-	150,000	-	-	150,000	Working with vendor on upgrades	2023
A.23057	Vehicle Replacements - Fleet	107	23 BUD	400,000	-	-	400,000	-	-	400,000	Currently building spec sheet before purchasing	2023
A.23058	Shelter Bldg & Comfort Station Rehab	164	23 BUD	200,000	-	-	200,000	-	-	200,000	Projects vet to be awarded	Summer 2024
A.23059	Exterior Signage Plan Phase 2	164	23 BUD	300,000	-	-	300,000	-	-	300,000	Phase 2 to be bid Fall 2023	Summer 2024
A.23060	Countywide Park Amenities	164	23 BUD	100,000	-	-	100,000	-	-	100,000	Items Ordered	Spring 2024
A.23061	Municipal Planning Grant Program	162	23 BUD	350,000	-	-	350,000	-	-	350,000	RFP to be released in June, 2023	2025
A.23062	Buffalo Southern Railroad Capital Improvement	162	23 BUD	400,000	-	-	400,000	-	-	400,000	Match to Federal grant - Federal contract is not executed	2026
A.23063	DLRW Railroad Bridge Capital Program	162	23 BUD	150,000	-	-	150,000	-	-	150,000	Match to Federal grant - Federal contract is not executed	2026
A.23064	Jefferson Ave Fine Arts Project	162	23 BUD	200,000	-	-	200,000	-	-	200,000	SEQR recently Completed, Meeting planned	Unknown
A.23065	Backup System Replacement	105	23 BUD	400,000	-	-	400,000	-	-	400,000	Work is underway and will be completed this year	Late 2023
A.23066	Server Replacement	105	23 BUD	300,000	-	-	300,000	-	73,072	226,928	Work is underway and will be completed this year	Late 2023
A.23067	Network Equipment Upgrades	105	23 BUD	300,000	-	-	300,000	-	-	300,000	Work is underway and will be completed this year	Late 2023
A.23068	DSS Technology Upgrades	120	23 BUD	284,500	-	150,785	133,715	-	-	284,500	Bids are currently out	2023
A.23069	Child Advocacy Center Relocation	162	23 BUD	1,000,000	-	-	1,000,000	-	-	1,000,000	Meeting held 1/23 to review County requirements	Unknown
A.23070	Office Furniture Upgrades	112	23 BUD	100,000	-	-	100,000	-	-	100,000	Will be purchasing office furniture	2023
A.23071	Tow Path Fenian Inv Monument Project	164	RESO	95,000	-	-	-	-	-	95,000	Project awarded with upcoming ground breaking	Fall 2023
B.23050	Capital Overlay Program Countywide	123	23 BUD	9,000,000	-	-	16,485,000	-	-	9,000,000	This year's road program	2024
B.23051	Emergency Engineering Design Services	123	23 BUD	250,000	-	-	250,000	-	-	250,000	On going repair designs 2023	2024
B.23052	Preservation of Bridges/Culverts - Construction	123	23 BUD	250,000	-	-	250,000	-	-	250,000	On going repair designs 2023	2024
B.23053	Highway Safety Improvements	123	23 BUD	400,000	-	-	400,000	-	-	400,000	On going repairs 2023	Spring 2024
B.23054	Lakeshore Rd Federal Aid Road Construction	123	23 BUD	700,000	-	560,000	140,000	-	330,000	700,000	Bid construction Fall 2023	2024
B.23055	Culvert Bridge & Pedestrian Bridge Inspection	123	23 BUD	250,000	-	-	250,000	-	-	250,000	2023-2024 inspection contract	2024
B.23056	FEMA Hazard Mitigation Ellicott Creek	123	23 BUD	500,000	-	375,000	125,000	-	-	500,000	Waiting on grant	2024
F.23050	DPW Buffalo & EC Public Library Improvements	122	23 BUD	500,000	-	250,000	250,000	-	-	500,000		unknown

Department Business Area Key

BA	Name
100	Legislature
102	Division of Budget and Management
105	Division of Information Support Services
107	Division of Fleet Management
112	Comptroller's Office
120	Department of Social Services
122	Division of Buildings and Grounds
123	Division of Highways
126	Department of Probation
127	Department of Health
162	Department of Environment and Planning
163	Department of Senior Services
164	Department of Parks, Recreation & Forestry
165	Department of Central Police Services
167	Department of Homeland Security & Emergency Services
420	Libraries

2016 -2022 Bonded Projects Amortized Interest

Project Number	Total of Annual Repayments and Semi Annual Interest Amounts	Authorized Project Amount	Interest
A.16001	\$ 2,306,707.64	\$ 1,917,000.00	\$ 389,707.64
A.16002	\$ 601,645.19	\$ 500,000.00	\$ 101,645.19
A.16003	\$ 300,822.60	\$ 250,000.00	\$ 50,822.60
A.16004	\$ 1,203,290.36	\$ 1,000,000.00	\$ 203,290.36
A.16005	\$ 842,303.26	\$ 700,000.00	\$ 142,303.26
A.16006	\$ 481,316.15	\$ 400,000.00	\$ 81,316.15
A.16007	\$ 481,316.15	\$ 400,000.00	\$ 81,316.15
A.16008	\$ 601,645.19	\$ 500,000.00	\$ 101,645.19
A.16009	\$ 601,645.19	\$ 500,000.00	\$ 101,645.19
A.16010	\$ 601,645.19	\$ 500,000.00	\$ 101,645.19
A.16011	\$ 240,658.07	\$ 200,000.00	\$ 40,658.07
A.16012	\$ 180,493.55	\$ 150,000.00	\$ 30,493.55
A.16013	\$ 902,467.78	\$ 750,000.00	\$ 152,467.78
A.16014	\$ 360,987.10	\$ 300,000.00	\$ 60,987.10
A.16015	\$ 300,822.60	\$ 250,000.00	\$ 50,822.60
A.16016	\$ 300,822.60	\$ 250,000.00	\$ 50,822.60
A.16017	\$ 1,564,277.50	\$ 1,300,000.00	\$ 264,277.50
A.16018	\$ 782,138.78	\$ 650,000.00	\$ 132,138.78
A.16019	\$ 36,098.69	\$ 30,000.00	\$ 6,098.69
A.16020	\$ 421,151.64	\$ 350,000.00	\$ 71,151.64
A.16021	\$ 300,822.60	\$ 250,000.00	\$ 50,822.60
A.16022	\$ 1,143,125.87	\$ 950,000.00	\$ 193,125.87
A.16023	\$ 601,645.19	\$ 500,000.00	\$ 101,645.19
A.16024	\$ 2,105,758.14	\$ 1,750,000.00	\$ 355,758.14
A.16025	\$ 60,164.55	\$ 50,000.00	\$ 10,164.55
A.16026	\$ 601,645.19	\$ 500,000.00	\$ 101,645.19
A.16027	\$ 421,151.64	\$ 350,000.00	\$ 71,151.64
A.16028	\$ 52,343.12	\$ 43,500.00	\$ 8,843.12
A.16029	\$ 69,790.86	\$ 58,000.00	\$ 11,790.86
A.16030	\$ 1,624,441.98	\$ 1,350,000.00	\$ 274,441.98
A.16031	\$ 878,401.95	\$ 730,000.00	\$ 148,401.95
A.16032	\$ 601,645.19	\$ 500,000.00	\$ 101,645.19
A.16033	\$ 76,408.94	\$ 63,500.00	\$ 12,908.94
A.16034	\$ 77,280.11	\$ 64,224.00	\$ 13,056.11
A.16035	\$ 809,212.77	\$ 672,500.00	\$ 136,712.77
A.16036	\$ 727,990.66	\$ 605,000.00	\$ 122,990.66
B.16001	\$ 2,406,580.72	\$ 2,000,000.00	\$ 406,580.72
B.16002	\$ 1,504,112.97	\$ 1,250,000.00	\$ 254,112.97
B.16003	\$ 300,822.60	\$ 250,000.00	\$ 50,822.60
B.16004	\$ 120,328.99	\$ 100,000.00	\$ 20,328.99
B.16005	\$ 1,203,290.39	\$ 1,000,000.00	\$ 203,290.39
B.16006	\$ 120,328.99	\$ 100,000.00	\$ 20,328.99
B.16007	\$ 21,659.23	\$ 18,000.00	\$ 3,659.23
B.16008	\$ 601,645.19	\$ 500,000.00	\$ 101,645.19
B.16009	\$ 180,493.55	\$ 150,000.00	\$ 30,493.55
B.16010	\$ 400,695.68	\$ 333,000.00	\$ 67,695.68
B.16011	\$ 962,632.31	\$ 800,000.00	\$ 162,632.31
B.16012	\$ 210,575.79	\$ 175,000.00	\$ 35,575.79
B.16013	\$ 601,645.19	\$ 500,000.00	\$ 101,645.19
B.16014	\$ 860,352.63	\$ 715,000.00	\$ 145,352.63

B.16015	\$	481,316.15	\$	400,000.00	\$	81,316.15
B.16016	\$	601,645.19	\$	500,000.00	\$	101,645.19
B.16017	\$	300,822.60	\$	250,000.00	\$	50,822.60
B.16018	\$	481,316.15	\$	400,000.00	\$	81,316.15
B.16019	\$	2,587,074.29	\$	2,150,000.00	\$	437,074.29
E.16001	\$	2,165,922.66	\$	1,800,000.00	\$	365,922.66
E.16002	\$	1,203,290.39	\$	1,000,000.00	\$	203,290.39
E.16003	\$	601,645.19	\$	500,000.00	\$	101,645.19
E.16004	\$	721,974.20	\$	600,000.00	\$	121,974.20
E.16005	\$	240,658.09	\$	200,000.00	\$	40,658.09
F.16001	\$	300,822.60	\$	250,000.00	\$	50,822.60
F.16002	\$	300,822.60	\$	250,000.00	\$	50,822.60
A.17001	\$	2,247,181.69	\$	1,888,227.00	\$	358,954.69
A.17002	\$	595,050.60	\$	500,000.00	\$	95,050.60
A.17003	\$	1,487,626.54	\$	1,250,000.00	\$	237,626.54
A.17004	\$	1,190,101.22	\$	1,000,000.00	\$	190,101.22
A.17005	\$	773,565.79	\$	650,000.00	\$	123,565.79
A.17006	\$	1,190,101.22	\$	1,000,000.00	\$	190,101.22
A.17007	\$	297,525.29	\$	250,000.00	\$	47,525.29
A.17008	\$	595,050.60	\$	500,000.00	\$	95,050.60
A.17009	\$	595,050.60	\$	500,000.00	\$	95,050.60
A.17010	\$	142,812.19	\$	120,000.00	\$	22,812.19
A.17011	\$	71,406.08	\$	60,000.00	\$	11,406.08
A.17012	\$	952,080.97	\$	800,000.00	\$	152,080.97
A.17013	\$	416,535.41	\$	350,000.00	\$	66,535.41
A.17014	\$	446,287.92	\$	375,000.00	\$	71,287.92
A.17015	\$	357,030.38	\$	300,000.00	\$	57,030.38
A.17016	\$	1,487,626.54	\$	1,250,000.00	\$	237,626.54
A.17017	\$	297,525.30	\$	250,000.00	\$	47,525.30
A.17018	\$	178,515.14	\$	150,000.00	\$	28,515.14
A.17019	\$	220,168.74	\$	185,000.00	\$	35,168.74
A.17020	\$	29,752.53	\$	25,000.00	\$	4,752.53
A.17021	\$	279,673.82	\$	235,000.00	\$	44,673.82
A.17022	\$	59,505.03	\$	50,000.00	\$	9,505.03
A.17023	\$	380,832.37	\$	320,000.00	\$	60,832.37
A.17024	\$	267,772.77	\$	225,000.00	\$	42,772.77
A.17025	\$	476,040.48	\$	400,000.00	\$	76,040.48
A.17026	\$	416,535.41	\$	350,000.00	\$	66,535.41
A.17027	\$	85,687.30	\$	72,000.00	\$	13,687.30
A.17028	\$	123,200.43	\$	103,521.00	\$	19,679.43
A.17029	\$	572,736.22	\$	481,250.00	\$	91,486.22
A.17030	\$	1,597,710.89	\$	1,342,500.00	\$	255,210.89
A.17031	\$	342,624.17	\$	287,895.00	\$	54,729.17
B.17001	\$	2,856,242.90	\$	2,400,000.00	\$	456,242.90
B.17002	\$	2,975,253.04	\$	2,500,000.00	\$	475,253.04
B.17003	\$	595,050.60	\$	500,000.00	\$	95,050.60
B.17004	\$	2,380,202.46	\$	2,000,000.00	\$	380,202.46
B.17005	\$	892,575.94	\$	750,000.00	\$	142,575.94
B.17006	\$	119,010.13	\$	100,000.00	\$	19,010.13
B.17007	\$	119,010.13	\$	100,000.00	\$	19,010.13
B.17008	\$	610,521.93	\$	513,000.00	\$	97,521.93
B.17009	\$	178,515.13	\$	150,000.00	\$	28,515.13
B.17010	\$	1,785,151.88	\$	1,500,000.00	\$	285,151.88
B.17011	\$	196,366.71	\$	165,000.00	\$	31,366.71
B.17012	\$	232,069.75	\$	195,000.00	\$	37,069.75

B.17013	\$	148,762.64	\$	125,000.00	\$	23,762.64
B.17014	\$	297,525.30	\$	250,000.00	\$	47,525.30
B.17015	\$	178,515.14	\$	150,000.00	\$	28,515.14
B.17016	\$	595,050.60	\$	500,000.00	\$	95,050.60
B.17017	\$	1,666,141.70	\$	1,400,000.00	\$	266,141.70
B.17018	\$	476,040.48	\$	400,000.00	\$	76,040.48
B.17019	\$	892,575.94	\$	750,000.00	\$	142,575.94
B.17020	\$	357,030.38	\$	300,000.00	\$	57,030.38
B.17021	\$	297,525.30	\$	250,000.00	\$	47,525.30
B.17022	\$	178,515.14	\$	150,000.00	\$	28,515.14
B.17023	\$	297,525.30	\$	250,000.00	\$	47,525.30
B.17024	\$	595,050.60	\$	500,000.00	\$	95,050.60
B.17025	\$	59,505.03	\$	50,000.00	\$	9,505.03
B.17026	\$	416,535.41	\$	350,000.00	\$	66,535.41
E.17001	\$	2,142,182.21	\$	1,800,000.00	\$	342,182.21
E.17002	\$	1,190,101.22	\$	1,000,000.00	\$	190,101.22
E.17003	\$	773,565.79	\$	650,000.00	\$	123,565.79
E.17004	\$	1,190,101.22	\$	1,000,000.00	\$	190,101.22
E.17005	\$	446,287.92	\$	375,000.00	\$	71,287.92
E.17006	\$	595,050.60	\$	500,000.00	\$	95,050.60
F.17001	\$	386,782.92	\$	325,000.00	\$	61,782.92
F.17002	\$	714,060.75	\$	600,000.00	\$	114,060.75
A.18001	\$	2,356,747.67	\$	1,923,566.00	\$	433,181.67
A.18002	\$	612,598.74	\$	500,000.00	\$	112,598.74
A.18003	\$	612,598.74	\$	500,000.00	\$	112,598.74
A.18004	\$	1,225,197.48	\$	1,000,000.00	\$	225,197.48
A.18005	\$	612,598.74	\$	500,000.00	\$	112,598.74
A.18006	\$	1,837,796.19	\$	1,500,000.00	\$	337,796.19
A.18007	\$	306,299.34	\$	250,000.00	\$	56,299.34
A.18008	\$	918,898.09	\$	750,000.00	\$	168,898.09
A.18009	\$	1,225,197.48	\$	1,000,000.00	\$	225,197.48
A.18010	\$	612,598.74	\$	500,000.00	\$	112,598.74
A.18011	\$	980,157.97	\$	800,000.00	\$	180,157.97
A.18012	\$	918,898.09	\$	750,000.00	\$	168,898.09
A.18013	\$	612,598.74	\$	500,000.00	\$	112,598.74
A.18014	\$	1,225,197.48	\$	1,000,000.00	\$	225,197.48
A.18016	\$	1,102,677.71	\$	900,000.00	\$	202,677.71
A.18017	\$	428,819.10	\$	350,000.00	\$	78,819.10
A.18018	\$	245,039.48	\$	200,000.00	\$	45,039.48
A.18019	\$	490,079.00	\$	400,000.00	\$	90,079.00
A.18020	\$	122,519.75	\$	100,000.00	\$	22,519.75
A.18021	\$	1,041,417.83	\$	850,000.00	\$	191,417.83
A.18022	\$	1,715,276.44	\$	1,400,000.00	\$	315,276.44
A.18024	\$	245,039.48	\$	200,000.00	\$	45,039.48
A.18025	\$	980,157.97	\$	800,000.00	\$	180,157.97
A.18026	\$	490,079.00	\$	400,000.00	\$	90,079.00
A.18027	\$	735,118.44	\$	600,000.00	\$	135,118.44
A.18028	\$	3,178,162.16	\$	2,594,000.00	\$	584,162.16
B.18001	\$	612,598.66	\$	500,000.00	\$	112,598.66
B.18002	\$	3,675,592.36	\$	3,000,000.00	\$	675,592.36
B.18003	\$	3,062,993.65	\$	2,500,000.00	\$	562,993.65
B.18004	\$	612,598.74	\$	500,000.00	\$	112,598.74
B.18005	\$	2,450,394.90	\$	2,000,000.00	\$	450,394.90
B.18006	\$	918,898.09	\$	750,000.00	\$	168,898.09
B.18007	\$	148,493.93	\$	121,200.00	\$	27,293.93

B.18008	\$	776,637.99	\$	633,888.00	\$	142,749.99
B.18009	\$	152,904.64	\$	124,800.00	\$	28,104.64
B.18010	\$	305,809.27	\$	249,600.00	\$	56,209.27
B.18011	\$	218,820.23	\$	178,600.00	\$	40,220.23
B.18012	\$	509,682.15	\$	416,000.00	\$	93,682.15
B.18013	\$	245,039.48	\$	200,000.00	\$	45,039.48
B.18014	\$	122,519.75	\$	100,000.00	\$	22,519.75
B.18015	\$	1,145,559.61	\$	935,000.00	\$	210,559.61
B.18016	\$	333,253.71	\$	272,000.00	\$	61,253.71
B.18017	\$	436,170.30	\$	356,000.00	\$	80,170.30
B.18018	\$	612,598.74	\$	500,000.00	\$	112,598.74
B.18019	\$	612,598.74	\$	500,000.00	\$	112,598.74
B.18020	\$	980,157.97	\$	800,000.00	\$	180,157.97
B.18021	\$	612,598.74	\$	500,000.00	\$	112,598.74
B.18022	\$	612,598.74	\$	500,000.00	\$	112,598.74
B.18023	\$	3,675,592.36	\$	3,000,000.00	\$	675,592.36
B.18024	\$	367,559.25	\$	300,000.00	\$	67,559.25
E.18001	\$	2,205,355.40	\$	1,800,000.00	\$	405,355.40
E.18002	\$	1,225,197.48	\$	1,000,000.00	\$	225,197.48
E.18003	\$	490,079.00	\$	400,000.00	\$	90,079.00
E.18004	\$	612,598.74	\$	500,000.00	\$	112,598.74
E.18005	\$	367,559.27	\$	300,000.00	\$	67,559.27
E.18006	\$	612,598.74	\$	500,000.00	\$	112,598.74
E.18007	\$	367,559.27	\$	300,000.00	\$	67,559.27
F.18001	\$	796,378.33	\$	650,000.00	\$	146,378.33
F.18002	\$	490,079.00	\$	400,000.00	\$	90,079.00
A.19001	\$	563,282.13	\$	500,000.00	\$	63,282.13
A.19002	\$	1,126,564.37	\$	1,000,000.00	\$	126,564.37
A.19003	\$	844,923.31	\$	750,000.00	\$	94,923.31
A.19004	\$	1,351,877.23	\$	1,200,000.00	\$	151,877.23
A.19005	\$	281,641.10	\$	250,000.00	\$	31,641.10
A.19006	\$	1,689,846.60	\$	1,500,000.00	\$	189,846.60
A.19007	\$	281,641.10	\$	250,000.00	\$	31,641.10
A.19008	\$	563,282.17	\$	500,000.00	\$	63,282.17
A.19009	\$	281,641.10	\$	250,000.00	\$	31,641.10
A.19010	\$	394,297.54	\$	350,000.00	\$	44,297.54
A.19011	\$	2,253,128.73	\$	2,000,000.00	\$	253,128.73
A.19012	\$	2,299,674.99	\$	2,041,317.00	\$	258,357.99
A.19013	\$	1,126,564.37	\$	1,000,000.00	\$	126,564.37
A.19014	\$	563,282.17	\$	500,000.00	\$	63,282.17
A.19015	\$	1,689,846.60	\$	1,500,000.00	\$	189,846.60
A.19016	\$	450,625.76	\$	400,000.00	\$	50,625.76
A.19017	\$	281,641.10	\$	250,000.00	\$	31,641.10
A.19018	\$	563,282.17	\$	500,000.00	\$	63,282.17
A.19019	\$	563,282.17	\$	500,000.00	\$	63,282.17
A.19020	\$	1,070,236.17	\$	950,000.00	\$	120,236.17
A.19021	\$	450,625.76	\$	400,000.00	\$	50,625.76
A.19022	\$	281,641.10	\$	250,000.00	\$	31,641.10
A.19023	\$	450,625.76	\$	400,000.00	\$	50,625.76
A.19024	\$	450,625.76	\$	400,000.00	\$	50,625.76
A.19025	\$	1,126,564.37	\$	1,000,000.00	\$	126,564.37
A.19026	\$	563,282.17	\$	500,000.00	\$	63,282.17
A.19027	\$	563,282.17	\$	500,000.00	\$	63,282.17
A.19028	\$	1,971,628.51	\$	1,750,125.00	\$	221,503.51
A.19029	\$	370,639.67	\$	329,000.00	\$	41,639.67

A.19030	\$	1,407,642.17	\$	1,249,500.00	\$	158,142.17
B.19001	\$	3,379,693.12	\$	3,000,000.00	\$	379,693.12
B.19002	\$	1,689,846.60	\$	1,500,000.00	\$	189,846.60
B.19003	\$	2,816,410.96	\$	2,500,000.00	\$	316,410.96
B.19004	\$	2,253,128.73	\$	2,000,000.00	\$	253,128.73
B.19005	\$	349,235.00	\$	310,000.00	\$	39,235.00
B.19006	\$	439,360.12	\$	390,000.00	\$	49,360.12
B.19007	\$	337,969.29	\$	300,000.00	\$	37,969.29
B.19008	\$	563,282.17	\$	500,000.00	\$	63,282.17
B.19009	\$	1,126,564.37	\$	1,000,000.00	\$	126,564.37
B.19010	\$	450,625.76	\$	400,000.00	\$	50,625.76
B.19011	\$	1,689,846.60	\$	1,500,000.00	\$	189,846.60
B.19012	\$	337,969.29	\$	300,000.00	\$	37,969.29
B.19013	\$	337,969.29	\$	300,000.00	\$	37,969.29
B.19014	\$	281,641.10	\$	250,000.00	\$	31,641.10
B.19015	\$	563,282.17	\$	500,000.00	\$	63,282.17
B.19016	\$	563,282.17	\$	500,000.00	\$	63,282.17
B.19017	\$	1,126,564.37	\$	1,000,000.00	\$	126,564.37
B.19018	\$	337,969.29	\$	300,000.00	\$	37,969.29
B.19019	\$	337,969.29	\$	300,000.00	\$	37,969.29
B.19050	\$	4,224,616.40	\$	3,750,000.00	\$	474,616.40
E.19001	\$	3,830,318.88	\$	3,400,000.00	\$	430,318.88
E.19002	\$	1,622,252.67	\$	1,440,000.00	\$	182,252.67
F.19001	\$	450,625.76	\$	400,000.00	\$	50,625.76
F.19002	\$	563,282.17	\$	500,000.00	\$	63,282.17
A.20001	\$	2,756,337.14	\$	2,500,000.00	\$	256,337.14
A.20002	\$	1,102,534.94	\$	1,000,000.00	\$	102,534.94
A.20003	\$	1,323,041.93	\$	1,200,000.00	\$	123,041.93
A.20004	\$	1,102,534.94	\$	1,000,000.00	\$	102,534.94
A.20005	\$	2,299,264.93	\$	2,085,435.00	\$	213,829.93
A.20006	\$	551,267.50	\$	500,000.00	\$	51,267.50
A.20007	\$	2,756,337.31	\$	2,500,000.00	\$	256,337.31
A.20008	\$	1,102,534.94	\$	1,000,000.00	\$	102,534.94
A.20012	\$	826,901.20	\$	750,000.00	\$	76,901.20
A.20013	\$	441,013.92	\$	400,000.00	\$	41,013.92
A.20014	\$	551,267.50	\$	500,000.00	\$	51,267.50
A.20020	\$	826,901.20	\$	750,000.00	\$	76,901.20
A.20021	\$	551,267.50	\$	500,000.00	\$	51,267.50
A.20022	\$	220,507.02	\$	200,000.00	\$	20,507.02
A.20024	\$	330,760.47	\$	300,000.00	\$	30,760.47
A.20025	\$	882,027.97	\$	800,000.00	\$	82,027.97
A.20030	\$	2,425,576.83	\$	2,200,000.00	\$	225,576.83
B.20001	\$	3,307,604.77	\$	3,000,000.00	\$	307,604.77
B.20002	\$	2,756,337.31	\$	2,500,000.00	\$	256,337.31
B.20003	\$	3,307,604.77	\$	3,000,000.00	\$	307,604.77
B.20004	\$	2,756,337.31	\$	2,500,000.00	\$	256,337.31
B.20007	\$	3,307,604.77	\$	3,000,000.00	\$	307,604.77
B.20008	\$	771,774.43	\$	700,000.00	\$	71,774.43
B.20011	\$	2,094,816.31	\$	1,900,000.00	\$	194,816.31
B.20014	\$	529,216.78	\$	480,000.00	\$	49,216.78
B.20017	\$	330,760.47	\$	300,000.00	\$	30,760.47
E.20001	\$	4,134,505.93	\$	3,750,000.00	\$	384,505.93
E.20002	\$	1,190,737.70	\$	1,080,000.00	\$	110,737.70
A.21101	\$	2,377,042.68	\$	2,143,827.00	\$	233,215.68
A.21102	\$	831,588.62	\$	750,000.00	\$	81,588.62

A.21103	\$	554,392.44	\$	500,000.00	\$	54,392.44
A.21104	\$	1,108,784.85	\$	1,000,000.00	\$	108,784.85
A.21105	\$	831,588.62	\$	750,000.00	\$	81,588.62
A.21106	\$	1,385,981.05	\$	1,250,000.00	\$	135,981.05
A.21107	\$	443,513.96	\$	400,000.00	\$	43,513.96
A.21108	\$	1,330,541.82	\$	1,200,000.00	\$	130,541.82
A.21109	\$	554,392.44	\$	500,000.00	\$	54,392.44
A.21110	\$	831,588.62	\$	750,000.00	\$	81,588.62
A.21111	\$	554,392.44	\$	500,000.00	\$	54,392.44
A.21112	\$	831,588.62	\$	750,000.00	\$	81,588.62
A.21113	\$	554,392.44	\$	500,000.00	\$	54,392.44
A.21114	\$	554,392.44	\$	500,000.00	\$	54,392.44
A.21115	\$	554,392.44	\$	500,000.00	\$	54,392.44
A.21116	\$	443,513.96	\$	400,000.00	\$	43,513.96
A.21117	\$	928,052.87	\$	837,000.00	\$	91,052.87
B.21101	\$	554,392.44	\$	500,000.00	\$	54,392.44
B.21102	\$	4,435,139.36	\$	4,000,000.00	\$	435,139.36
B.21103	\$	1,663,177.25	\$	1,500,000.00	\$	163,177.25
B.21104	\$	2,217,569.66	\$	2,000,000.00	\$	217,569.66
B.21105	\$	554,392.44	\$	500,000.00	\$	54,392.44
B.21106	\$	554,392.44	\$	500,000.00	\$	54,392.44
B.21107	\$	443,513.96	\$	400,000.00	\$	43,513.96
B.21150	\$	5,543,924.19	\$	5,000,000.00	\$	543,924.19
E.21101	\$	798,325.10	\$	720,000.00	\$	78,325.10
F.21101	\$	554,392.44	\$	500,000.00	\$	54,392.44
F.21102	\$	1,108,784.85	\$	1,000,000.00	\$	108,784.85
A.22001	\$	934,226.79	\$	750,000.00	\$	184,226.79
A.22002	\$	498,254.20	\$	400,000.00	\$	98,254.20
A.22003	\$	1,557,044.43	\$	1,250,000.00	\$	307,044.43
A.22004	\$	3,114,088.92	\$	2,500,000.00	\$	614,088.92
A.22005	\$	498,254.20	\$	400,000.00	\$	98,254.20
A.22006	\$	1,868,453.39	\$	1,500,000.00	\$	368,453.39
A.22007	\$	622,817.83	\$	500,000.00	\$	122,817.83
A.22008	\$	747,381.28	\$	600,000.00	\$	147,381.28
A.22009	\$	498,254.20	\$	400,000.00	\$	98,254.20
A.22010	\$	622,817.83	\$	500,000.00	\$	122,817.83
A.22011	\$	622,817.83	\$	500,000.00	\$	122,817.83
A.22012	\$	996,508.44	\$	800,000.00	\$	196,508.44
A.22013	\$	747,381.28	\$	600,000.00	\$	147,381.28
A.22014	\$	498,254.20	\$	400,000.00	\$	98,254.20
A.22015	\$	498,254.20	\$	400,000.00	\$	98,254.20
A.22017	\$	1,245,635.58	\$	1,000,000.00	\$	245,635.58
A.22018	\$	521,497.81	\$	418,660.00	\$	102,837.81
B.22001	\$	3,736,906.68	\$	3,000,000.00	\$	736,906.68
B.22002	\$	6,228,177.86	\$	5,000,000.00	\$	1,228,177.86
B.22003	\$	4,359,724.48	\$	3,500,000.00	\$	859,724.48
B.22004	\$	747,381.28	\$	600,000.00	\$	147,381.28
B.22005	\$	498,254.20	\$	400,000.00	\$	98,254.20
B.22006	\$	1,245,635.58	\$	1,000,000.00	\$	245,635.58
B.22007	\$	2,491,271.10	\$	2,000,000.00	\$	491,271.10
B.22010	\$	498,254.20	\$	400,000.00	\$	98,254.20
B.22011	\$	498,254.20	\$	400,000.00	\$	98,254.20
B.22012	\$	622,817.83	\$	500,000.00	\$	122,817.83
B.22013	\$	373,690.73	\$	300,000.00	\$	73,690.73
E.22001	\$	1,868,453.39	\$	1,500,000.00	\$	368,453.39

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10M-1	ASSIGNED COUNSEL PROGRAM	Quarterly Report of Assigned Counsel Program - 1st Quarter of 2023
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Attachments

23COMM. 10M-1



**Real Attorneys
Professional Defenders**

ASSIGNED COUNSEL PROGRAM

Michelle Parker, Executive Director/Chief Defender

The Brisbane Building
403 Main Street, Suite 215
Buffalo, NY 14203

Phone (716) 856-8804
Fax (716) 856-0424

EC LEG MAY 4 '23 PM 1:47

Officers 2023-2024

Peter P. Vasilion
President

Joseph Terranova
Vice President

Pamela Thibodeau
Secretary

Ayoka Tucker
Treasurer

Kevin Stadelmaier
First Deputy Defender
Criminal Division

Yvonne Vertlieb
Second Deputy Administrator
Family Division

Lori A. Hoffman
Deputy for Quality Assurance

David Heraty
Deputy for Litigation Support
And Appellate Bureau

Matthew Powers
Deputy for Legal Education
Director of the
John R. Nucheren
Center for Legal Excellence

Kevin Condon
Deputy for Child Welfare

Mission Statement

We strive to help those who cannot help themselves; who face steep odds against the power of the State; and who struggle with poverty, mental issues, helplessness, and dread. We save lives and we save families. We are the first line of defense for the freedoms granted to us by the U.S. Constitution and the Bill of Rights.

April 28, 2023

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

RE: Erie County Legislature Resolution of March 4, 2004
Comm. 5E-24 (2004)

Dear Mr. Graber:

Pursuant to the above-referenced Resolution and the related letter from the Erie County Attorney to the Chairman of the Legislature dated March 16, 2004, this letter with enclosure constitutes the Quarterly Report of the Assigned Counsel Program for the 1st quarter of 2023.

County funds appropriated for 2023 fiscal year: \$9,444,952

Portion of appropriation allocated to 1st quarter: \$2,361,238

Portion of appropriation allocated for year to date: \$2,361,238

Funds disbursed by Erie County to Assigned Counsel Program in 1st quarter:
\$2,361,238

Funds disbursed by Erie County to Assigned Counsel Program, year to date:
\$4,722,476

Administrative expenses in 1st quarter: \$1,081,893

Administrative expenses, year to date: \$1,081,893

Payments made to attorneys for legal services in 1st quarter: \$2,229,753

Payments made to attorneys for legal services, year to date: \$2,229,753

Payments made to investigators in 1st quarter: \$18,397

Payments made to investigators, year to date: \$18,397

Payments made to experts in 1st quarter: \$88,482

Payments made to experts, year to date: \$88,482

Payments made for transcripts in 1st quarter: \$16,927

Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
WWW.ASSIGNED.ORG

COMM. 10M-1
Page 1 of 4

Payments made for transcripts, year to date: \$16,927

Please note that the figures for payments made to attorneys, year to date, are payments actually made and do not include liability incurred for legal work performed but either not yet billed or billed and not actually paid as of the end of the quarter.

A list of all attorneys who have received payments during the 1st quarter of this year for legal services rendered is enclosed with this letter.

Thank you.

Very truly yours,

Michelle Parker

Michelle Parker
Director/Chief Defender

MP:hpk

Enc.

cc: Jeremy C. Toth, Erie County Attorney
Robert W. Keating, Erie County Director of Budget & Management

ATTORNEYS RECEIVING ASSIGNED COUNSEL PAYMENTS
1st QUARTER 2023

Abate, Jeffrey	Dorlaie, Cecile	Kulpit, Jessica
Abbarno, Anthony	Dougherty, Connor	Lenhardt, Clayton
Adeniji, Jesutowo	Dubois, Daniel	Lilac, Dean
Alba, Samuel	Duncan, TheArthur	Longo, Frank
Altshiler, Florina	Evans, Jason	Loss, Katrina
Amendola, Francis	Fabiatos, Lee	MacDonald, Brian
Ancona, Elena	Farah, Elias	Mackay, Parker
Anderson, Ryan	Farrell, Bethany	Maloney, James
Bauerle, Ariel	Fernandez, Noemi	Manfredi, Corinne
Bedaska, John	Ferullo, Michael	Marranca, Mindy
Bellrose Lloyd, Jacqueline	Fina, Gregory	Marrero, Rachel
Bender, Debra	Fiske, Andrew	Martin, Alexander
Berchou, Catherine	Flynn, Robert	McCann, Stephen
Bernard, Scott	Frank, Cortney	McIver, James
Billanti, Catherine	Friedman, Kathryn	McKeating, Michael
Blahowicz, Ashley	Gallagher, Timothy	McLaughlin, Bonnie
Bogulski, Frank	Garrity, Patrick	McLaughlin, Patrick
Bojak, Adam	Gartner, Peter	Michalek, Jr., Paul
Breen, Gail	Genovese, Giovanni	Midlik, Tara
Broderick, William	Gibbons, Kenneth	Miserendino, Samuel
Brooks, Matthew	Gibbons, Kevin	Moncher, Michelle
Brooks, Timothy	Gioia, Rebecca	Muscato, Joseph
Buffamonte, Angelo	Goldstein, Robert	Mussari, Louis
Buscaglia, Kara	Greenberg, Charles	Newcomb, Terence
Bryne, Mark	Greene, Alvin	O'Neill, Barbara
Caffrey, Daniel	Grennell, John	Osman, Mayada
Canterbury, Ian	Griebel, Daniel	O'Sullivan, Evelyne
Carey, Catherine	Harrington, Jeffrey	Pajak, David
Carney, Ryan	Harris, Kevin	Parisi, Ryan
Chabala, Anthony	Hennessy, Timothy	Parker, Brian
Chan, Mary	Hensley, Karen	Paul, Kim
Cimasi, Michael	Heubusch, Thomas	Pawarski, Timothy
Ciminelli, James	Hoerner, Kaitlyn	Penberthy, Brittany Lee
Cole, Richard	Hoffman, Alan	Penn, Mary
Connelly, Caitlin	Hughes, Stephen	Petersen, Frederick
Conroy, Michael	Ieraci, Frank	Platzer, Kathleen
Cooper, Cindy	Jablonski, Justin	Popoola, Ifeoluwa
Creighton, Lauren	Jarzembek, Joseph	Poretta, Michael
Curtin, William	Johnson, Robert	Potter, Todd
Dell, Paul	Kane, Kevin	Puleo, Dean
DeMatteo, James	Kapperman, Kelly	Quinlivan, Patrick
Desiderio, Lawrence	Karalus, Susan	Radack, Andrew
Dinki, Edward	Kelly, Sean	Repka, Crystal
Dolgoff, Barry	Kobiolka, Michael	Riordan, Scott
Domenico, Anthony	Krajewski, Jeffrey	Roberts, Jr., Linwood
Donatelli, Alan	Kullman, Paul	Robshaw, Nora

ATTORNEYS RECEIVING ASSIGNED COUNSEL PAYMENTS
1st QUARTER 2023

Rosciglione, Maria	Zosh, Michael	
Rougeux, Debra		
Ruffino, Brian		
Sacha, Mark		
Salevsky, Brent		
Sanfilippo, Salvatore		
Santoro, Jeffrey		
Sarkovics, David		
Schaus, Daniel		
Scherer, Jeffrey		
Schwegler, Lawrence		
Scinta, Joseph		
Seegert, Seth		
Shatkin, Marc		
Smith, Cara		
Smith, Jennifer		
Smith, Victoria		
Stachowski, Michael		
Stadler, Joseph		
Starr, Suzanne		
Steinhaus, Robert		
Stiller, Douglas		
Swerdlin, Matthew		
Szczur, Celia		
Tabashneck, Andrew		
Tarantino, Daniel		
Terranova, Joseph		
Tesseyman, Jr., Francis		
Texido, Nicholas		
Thibodeau, Pamela		
Tota-Neal, Delrease		
Towey, Brian		
Trott, Emily		
Tupchik, Lana		
Turner, Joseph		
Vallone-Bacon, Gina		
Vasilion, Peter		
Vesper, Jessica		
Violanti, Louis		
Voelkl, Jeffrey		
Ward, Daniel		
Weinrieb, Pieter		
Whorley, Daniel		
Wiens, Wallace		
Wilson, David		
Wojtan, Thomas		182

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10M-2

ECIDA

ECIDA 2022 Annual Financial Statements

Attachments

23COMM. 10M-2



April 25, 2023

EC LEG APR 28 '23 AM 10:56

Robert M. Graber
Clerk of the Legislature
Rath Building, 4th Floor
95 Franklin Street
Buffalo, New York 14202

Dear Mr. Graber,

As required under section 859 of the General Municipal Law, we are enclosing a copy of the Erie County Industrial Development Agency's 2022 annual audited financial statements which include supplemental schedules listing indebtedness and all lease transactions and notes.

Please feel free to contact me if you have any questions or comments on the above. I can be reached at (716) 856-6525, ext. 123.

Regards,

A handwritten signature in blue ink that reads 'Mollie M Profic'. The signature is written in a cursive style.

Mollie Profic
CFO

Enclosure

**ERIE COUNTY INDUSTRIAL
DEVELOPMENT AGENCY**

FINANCIAL STATEMENTS

DECEMBER 31, 2022

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INDEPENDENT AUDITORS' REPORT

The Board of Directors
Erie County Industrial Development Agency

Report on the Audit of the Financial Statements

Opinion

We have audited the financial statements of Erie County Industrial Development Agency (ECIDA), a business-type activity, as of and for the year ended December 31, 2022, and the related notes to the financial statements, which collectively comprise ECIDA's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of ECIDA as of December 31, 2022, and the changes in its financial position and cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America (GAAP).

Basis For Opinion

We conducted our audit 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. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of ECIDA, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

2021 Financial Statements

The financial statements of ECIDA as of and for the year ended December 31, 2021 were audited by another auditor who expressed an unmodified opinion on those statements on March 24, 2022.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with GAAP, 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.

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 ECIDA's ability to continue as a going concern for one year beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' 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 auditors' report that includes our opinion. 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 ECIDA'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 ECIDA'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.

Change in Accounting Principle

As described in Note 2 to the financial statements, ECIDA adopted GASB Statement No. 87, *Leases*, in 2022. Our opinion is not modified with respect to this matter.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that management's discussion and analysis be presented to supplement the financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with GAAS, 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 financial statements, and other knowledge we obtained during our audit of the 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.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise ECIDA's basic financial statements. The accompanying supplementary information as listed in the table of contents is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS. In our opinion, the accompanying supplementary information is fairly stated in all material respects in relation to the financial statements as a whole.

Nonaccounting Information

The nonaccounting information at the end of these financial statements, which is the responsibility of management, is of a nonaccounting nature and has not been subjected to auditing procedures applied in the audit of the financial statements. Accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated March 16, 2023 on our consideration of ECIDA's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is 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 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 ECIDA's internal control over financial reporting and compliance.

A handwritten signature in blue ink that reads "Lumsden & McCormick, LLP". The signature is written in a cursive, flowing style.

March 16, 2023

Management's Discussion and Analysis (unaudited)

December 31, 2022

Erie County Industrial Development Agency (ECIDA) is a public benefit corporation that provides tax incentives, financing programs, international trade assistance, land development, and other economic development services to the City of Buffalo (the City) and Erie County, New York (the County). In accomplishing its mission, ECIDA does not receive any operational funding from Federal, State, County, or local sources. Instead, ECIDA relies primarily upon administrative fees charged to those businesses that utilize its products and services.

As a public benefit corporation, ECIDA is required to comply with accounting standards issued by the Governmental Accounting Standards Board (GASB). Under GASB Statement No. 34, *Basic Financial Statements - Management's Discussion and Analysis - for State and Local Governments*, ECIDA is required to present management's discussion and analysis (MD&A) to assist readers in understanding ECIDA's financial performance.

In compliance with GASB Statement No. 34, we present the attached overview and analysis of the financial activities of ECIDA as of and for the years ended December 31, 2022, 2021, and 2020. We encourage readers to consider the information presented here in conjunction with ECIDA's audited financial statements.

Effective January 1, 2021, ECIDA adopted GASB *Statement No. 87, Leases* (GASB 87). This statement requires recognition of certain lease assets and liabilities for leases that were previously classified as operating leases and that recognized income or expense, based on the payment provisions of the contract. Under this statement, a lessee is required to recognize a lease as a 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.

Basic Overview of the Financial Statements

Included in this report are the following financial statements:

- 1) Balance Sheets - The balance sheets show the reader what ECIDA owns (assets and deferred outflows of resources) and what ECIDA owes (liabilities and deferred inflows of resources). The difference between ECIDA's assets, deferred outflows of resources, liabilities, and deferred inflows of resources (net position) can be one way to measure ECIDA's financial position. Over time, increases or decreases in ECIDA's net position are an indicator of whether its financial health is improving or deteriorating.
- 2) Statements of Revenues, Expenses, and Changes in Net Position - This statement reports ECIDA's operating and nonoperating revenues by major source along with operating and nonoperating expenses. The difference between total revenues and expenses can be one way to measure ECIDA's operating results for the year.
- 3) Statements of Cash Flows - This statement reports ECIDA's cash flows from operating, capital and related financing, and investing activities.

Financial Highlights

- ECIDA's total net position decreased by 2% from \$20,866,000 in 2021 to \$20,638,000 in 2022.
- ECIDA experienced a decrease in net position of \$228,000 in 2022 compared to \$195,000 in 2021.
- Administrative fees, a key source of revenue for ECIDA, decreased 32% from \$2,419,000 in 2021 to \$1,656,000 in 2022.
- Operating expenses increased from \$2,734,000 in 2021 to \$2,946,000 in 2022.

Condensed Comparative Financial Statements

Balance Sheets at December 31:

<i>in thousands</i>	2022	2021	\$ Change	% Change	2020
Assets					
Cash	\$ 18,401	\$ 18,638	\$ (237)	(1%)	\$ 18,670
Receivables and other assets	2,467	3,121	(654)	(21%)	2,088
Capital assets, net	1,166	1,422	(256)	(18%)	1,249
Restricted cash	9,524	8,870	654	7%	6,289
Total assets	31,558	32,051	(493)	(2%)	28,296
Liabilities					
Other liabilities	\$ 958	\$ 1,614	\$ (656)	(41%)	\$ 1,064
Funds held on behalf of others	9,318	8,718	600	7%	6,134
Total liabilities	10,276	10,332	(56)	(1%)	7,198
Deferred inflows of resources – leases	644	853	(209)	(25%)	-
Net position					
Net investment in capital assets	1,040	1,134	(94)	(8%)	1,249
Restricted	11,332	11,435	(103)	(1%)	11,647
Unrestricted	8,266	8,297	(31)	-	8,202
Total net position	20,638	20,866	(228)	(1%)	21,098
Total liabilities, deferred inflows, and net position	\$ 31,558	\$ 32,051	\$ (493)	(2%)	\$ 28,296

Restricted cash consists primarily of funds held on behalf of others including the Erie County Regional Redevelopment Fund, Buffalo Brownfields Redevelopment Fund, and PILOT Increment Financing (PIF) funds. The \$654,000 or 7% increase from 2021 is primarily due to PILOT and PIF receipts of \$1,414,000 and interest of \$30,000 exceeding required disbursements to municipalities of \$676,000 and eligible project funds of \$168,000. Restricted cash also includes \$207,000 for the Railway Trust Fund, which increased \$55,000 from 2021. The \$2,581,000, or 41%, increase in 2021 over 2020 was due to continued PILOT payments into PIF funds and the establishment of a new PIF in 2021.

Receivables and other assets include grants receivable, affiliate receivables, leases receivable, prepaid expenses, and venture capital investments. The decrease of \$654,000 is primarily the result of \$219,000 of cash received from special project grants, \$210,000 of cash received from building leases, and \$284,000 from affiliates. The increase from 2020 to 2021 is from implementation of GASB 87, resulting in \$853,000 of leases receivable and deferred inflow of resources at December 31, 2021.

The \$656,000 decrease in other liabilities is due to decreases in accounts payable of \$265,000, unearned revenue of \$229,000, and leases payable of \$162,000. Unearned revenue is offset by grants receivable and is recognized as special project revenue as eligible activities are performed. ECIDA rents office space that is capitalized as a right-to-use lease asset in accordance with GASB 87 and the related lease payable decreases as payments are made. The increase from 2020 to 2021 was partially caused by the implementation of GASB 87. Other liabilities include leases payable of \$288,000 at December 31, 2021 that were not included in 2020.

In accordance with GASB 87, ECIDA has capitalized the present value of future lease receipts as a lease receivable and deferred inflow of resources. The lease receivable is reduced as cash is received and the deferred inflow of resources is recognized as rental income over the term of the lease contract. ECIDA implemented GASB 87 as of January 1, 2021, the earliest year presented in the accompanying financial statements, and as such associated lease accounts are not reflected in this MD&A for 2020.

Statements of Revenues, Expenses, and Changes in Net Position for the years ended December 31:

<i>in thousands</i>	2022	2021	\$ Change	% Change	2020
Operating revenues:					
Administrative fees	\$ 1,656	\$ 2,419	\$ (763)	(32%)	\$ 1,850
Affiliate management fees	466	419	47	11%	387
Rental and other	438	405	33	8%	439
Total operating revenues	2,560	3,243	(683)	(21%)	2,676
Operating expenses:					
Salaries and benefits	1,999	1,905	94	5%	2,004
General and administrative	687	564	123	22%	625
Depreciation, amortization, and other	260	265	(5)	(2%)	118
Total operating expenses	2,946	2,734	212	8%	2,747
Special project grants:					
Revenues	966	5,484	(4,518)	(82%)	113
Expenses	(896)	(6,228)	5,332	(86%)	(1,476)
Total special project grants	70	(744)	814	(109%)	(1,363)
Operating loss	(316)	(235)	(81)	34%	(1,434)
Nonoperating revenue (expense), net	88	40	48	120%	(90)
Change in net position	(228)	(195)	(33)	17%	(1,524)
Net position – beginning	20,866	21,098	(232)	(1%)	22,622
Restatement – GASB 87	-	(37)	-	-	-
Net position – ending	\$ 20,638	\$ 20,866	\$ (228)	(1%)	\$ 21,098

Revenue Analysis

Administrative fees are primarily collected from the issuance of various forms of tax abatements and tax-exempt financing. Fees for tax abatement are based on the amount of project investment. ECIDA relies on these fees to cover its operating costs; however, the amount of fees collected in any given year is largely dependent upon the local economic climate and the timing between project approval and project commencement. Administrative fees decreased \$763,000 or 32% in 2022 primarily due to a decrease in the value of induced projects. Administrative fees were collected related to 25 different projects in 2022, down from 31 in 2021. In 2020, administrative fees were collected related to 21 projects.

Affiliate management fees represent salaries and overhead costs charged to ECIDA affiliates for services that ECIDA’s employees provide to these organizations. ECIDA’s affiliates include Buffalo & Erie County Regional Development Corporation (RDC), a lending corporation, and Buffalo & Erie County Industrial Land Development Corporation (ILDC), a land development corporation. Affiliate management fees from ILDC increased \$53,000 while fees from RDC decreased \$6,000.

Rental and other income is primarily comprised of rental income for building leases and rental income from the Port Terminal Facility.

Expense Analysis

Salaries and benefits increased \$94,000, or 5%, in 2022 due to employee raises and performance incentives. In 2021, salaries and benefits decreased \$99,000 from 2020 due to no performance incentive payments, lower pension contributions due to newly hired employees, and decreases in accrued leave balances.

General and administrative expenses increased \$123,000 from \$564,000 in 2021 to \$687,000 in 2022 primarily due to an \$89,000 refund for previously recognized administrative fee revenue. The final project budget was below initial estimates and the fee due to ECIDA was reduced accordingly. In 2021, general and administrative expenses decreased \$61,000 which is partially due to the implementation of GASB 87 as lease payments in 2020 are reclassified as amortization and interest expense beginning in 2021. Consultant fees increased \$84,000 and insurance costs increased \$31,000 which partially offset the overall decrease in general and administrative expenses in 2021.

Net special project grants increased from a \$744,000 net loss in 2021 to net income of \$70,000 in 2022. In 2022, grant revenues mostly equaled grant expenses as the ECIDA passed through Erie County funds of \$385,000 to ILDC and \$198,000 of CARES Act funds to RDC. In 2021, ECIDA established a COVID-19 Personal Protective Equipment (PPE) Grant in response to the state of emergency declared in New York State and expended \$559,000 of funds for this purpose. ECIDA also granted ILDC \$213,000 to support carrying costs of property owned.

Budget Analysis

ECIDA prepares an annual budget which was presented and approved by the Board of Directors on October 27, 2021. The following table presents an analysis of ECIDA’s performance compared to the approved 2022 budget.

<i>in thousands</i>	Actual	Budget	Variance \$	%
Operating revenues:				
Administrative fees	\$ 1,656	\$ 1,855	\$ (199)	(11%)
Affiliate management fees	466	434	32	7%
Rental and other	438	450	(12)	(3%)
Total operating revenues	2,560	2,739	(179)	(7%)
Operating expenses:				
Salaries and benefits	1,999	2,092	(93)	(4%)
General and administrative	687	714	(27)	(4%)
Depreciation, amortization, and other	260	120	140	117%
Total operating expenses	2,946	2,926	20	1%
Operating income before special project grants	(386)	(187)	(199)	106%
Special project grants:				
Revenues	966	832	134	16%
Expenses	(896)	(824)	(72)	9%
Total special project grants	70	8	62	775%
Nonoperating revenue, net	88	13	75	577%
Change in net position	\$ (228)	\$ (166)	\$ (62)	37%

Budget to Actual Analysis

Overall, ECIDA exceeded its budgeted decrease in net position for 2022 by \$62,000. Administrative fees were 11% less than the budgeted amount due to smaller tax incentive projects approved and closed than anticipated. Total operating expenses were \$20,000 over budget and nonoperating revenue was higher than budget by \$75,000. Nonoperating revenue includes interest income on cash deposits that was \$60,000 greater than expected. Net special project grants had a positive variance of \$62,000.

ECIDA implemented GASB 87, *Leases*, which required various reclassifications on the Statements of Revenues, Expenses, and Changes in Net Position that were not reflected in the 2022 budget. A portion of rental income was reclassified to interest income. ECIDA’s payments as a lessee are now capitalized as a right-to-use lease asset, resulting in lease payments budgeted as general and administrative expenses now recognized as amortization expense and a small portion as interest expense.

Economic Factors Impacting ECIDA

ECIDA relies extensively upon administrative fees to generate the majority of its annual revenue. As a result of current uncertain economic conditions and potential legislative/board actions, ECIDA's ability to generate the administrative fees necessary to support operations may be limited in the future.

Requests for Information

This financial report is designed to provide a general overview of ECIDA's finances. Questions concerning any of the financial information provided in this report should be addressed to the CFO of ECIDA at (716) 856-6525. General information relating to ECIDA can be found at its website, www.ecidany.com.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Balance Sheets

December 31,	2022	(As Restated) 2021
Assets		
Current assets:		
Cash	\$ 18,400,853	\$ 18,638,374
Receivables		
Affiliates	471,011	755,495
Grants	644,183	863,473
Leases	200,724	209,531
Other	111,376	111,804
Prepaid expenses	89,319	29,547
	<u>19,917,466</u>	<u>20,608,224</u>
Noncurrent assets:		
Leases receivable	443,203	643,927
Capital assets, net (Note 5)	1,166,361	1,422,178
Other assets	506,886	506,886
Restricted cash	9,524,124	8,870,022
	<u>11,640,574</u>	<u>11,443,013</u>
	<u>\$ 31,558,040</u>	<u>\$ 32,051,237</u>
Liabilities and Net Position		
Current liabilities:		
Accounts payable	\$ 37,003	\$ 302,018
Lease payable	126,166	147,483
Accrued expenses	151,856	150,611
Unearned revenue	643,647	872,994
	<u>958,672</u>	<u>1,473,106</u>
Noncurrent liabilities:		
Lease payable	-	140,897
Funds held on behalf of others	9,317,525	8,717,606
	<u>9,317,525</u>	<u>8,858,503</u>
Deferred inflows of resources:		
Deferred inflows of resources related to leases	643,927	853,458
Net position:		
Net investment in capital assets	1,040,195	1,133,798
Restricted	11,331,382	11,434,813
Unrestricted	8,266,339	8,297,559
	<u>20,637,916</u>	<u>20,866,170</u>
	<u>\$ 31,558,040</u>	<u>\$ 32,051,237</u>

See accompanying notes.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Statements of Revenues, Expenses, and Changes in Net Position

For the years ended December 31,	2022	(As Restated) 2021
Operating revenues:		
Administrative fees	\$ 1,656,279	\$ 2,419,283
Affiliate management fees	465,692	419,100
Rental income	308,450	280,076
Other	129,643	126,161
Total operating revenues	<u>2,560,064</u>	<u>3,244,620</u>
Operating expenses:		
Salaries and benefits	1,999,345	1,905,312
General and administrative	687,125	564,443
Depreciation and amortization	258,776	263,932
Other	1,354	1,060
Total operating expenses	<u>2,946,600</u>	<u>2,734,747</u>
Operating income (loss) before special project grants	<u>(386,536)</u>	509,873
Special project grants:		
Revenues	965,710	5,484,283
Expenses	<u>(895,280)</u>	<u>(6,228,502)</u>
	<u>70,430</u>	<u>(744,219)</u>
Operating loss	<u>(316,106)</u>	(234,346)
Nonoperating revenues:		
Investment income	-	2,425
Interest income	102,271	59,683
Interest expense	<u>(14,419)</u>	<u>(22,144)</u>
	<u>87,852</u>	39,964
Change in net position	<u>(228,254)</u>	(194,382)
Net position - beginning	20,866,170	21,097,843
Cumulative effect of a change in accounting principle (Note 2)	-	(37,291)
Net position - beginning as restated	<u>20,866,170</u>	<u>21,060,552</u>
Net position - ending	<u>\$ 20,637,916</u>	<u>\$ 20,866,170</u>

See accompanying notes.

ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Statements of Cash Flows

For the years ended December 31,	2022	(As Restated) 2021
Operating activities:		
Cash from fees and rental income	\$ 1,964,729	\$ 2,714,289
Cash from special project grants	955,653	5,500,302
Cash received from other sources	880,247	366,877
Payments to employees, suppliers, and other	(3,173,580)	(2,395,760)
Payments for special project grants	(895,280)	(6,228,502)
Net operating activities	(268,231)	(42,794)
Capital and related financing activities:		
Purchases of capital assets	(2,959)	(31,305)
Interest payments on leases	(14,419)	(22,144)
Interest received on leases	42,673	52,651
Net capital and related financing activities	25,295	(798)
Investing activities:		
Change in restricted cash, net	(54,183)	2,683
Cash received from equity investments	-	2,425
Interest received	59,598	7,032
Net investing activities	5,415	12,140
Net change in cash	(237,521)	(31,452)
Cash - beginning	18,638,374	18,669,826
Cash - ending	\$ 18,400,853	\$ 18,638,374
Reconciliation of operating loss to net cash flows from operating activities:		
Operating loss	\$ (316,106)	\$ (234,346)
Adjustments to reconcile operating loss to net cash flows from operating activities:		
Depreciation and amortization	258,776	263,932
Changes in other assets and liabilities:		
Receivables	504,202	(195,429)
Prepaid expenses	(59,772)	16,011
Accounts payable	(265,015)	227,366
Lease payable	(162,214)	(154,489)
Accrued expenses	1,245	(13,833)
Unearned revenue	(229,347)	47,994
Net operating activities	\$ (268,231)	\$ (42,794)

See accompanying notes.

Notes to Financial Statements

1. Summary of Significant Accounting Policies:

Nature of Organization

Erie County Industrial Development Agency (ECIDA) was created in 1970 by an act of the Legislature of the State of New York (the State) for the purpose of encouraging financially sound companies to establish themselves and prosper in Erie County (the County).

ECIDA has related party relationships with Buffalo and Erie County Industrial Land Development Corporation (ILDC) and Buffalo and Erie County Regional Development Corporation (RDC). All three entities are managed by the same personnel and RDC currently shares a common board with ECIDA. These entities share the same mission, which is to provide the resources that encourage investment, innovation, workforce development, and international trade resulting in a successful business climate focused on growth, economic stability, job creation, and job retention for businesses and individuals which improves the quality of life for the residents of the region.

Basis of Presentation

The financial statements of ECIDA have been prepared in conformity with accounting principles generally accepted in the United States of America as applied to governmental units. The Governmental Accounting Standards Board is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

Financial Reporting Entity

In evaluating how to define ECIDA for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit in ECIDA's reporting entity is based on accounting standards which consider legal standing, fiscal dependency, and financial accountability. Based on the application of these criteria, there are no additional entities included in ECIDA's financial statements.

Measurement Focus

ECIDA reports as a special-purpose government engaged in business-type activities. Business-type activities are those that are financed in whole or in part by fees charged to external parties for goods or services. ECIDA's financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred.

ECIDA's policy for defining operating activities in the statements of revenues, expenses, and changes in net position are those that generally result from exchange transactions such as payments received for services and payments made to purchase those goods or services. Certain other transactions are reported as nonoperating activities and include interest income, interest expense, and grants resulting from nonexchange transactions. Grants are recognized as receivable and unearned revenue at the time awarded and as revenue when all eligibility requirements imposed by the provider have been satisfied. ECIDA receives special project grants from various Federal, State, and County sources.

Estimates

The preparation of 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 amounts reported in the financial statements and accompanying notes. Actual results could differ from those estimates.

Cash

Cash management is governed by State laws and as established by ECIDA's written policies. Cash resources must be deposited in FDIC-insured commercial banks or trust companies located within the State. Policies permit management to use demand accounts and certificates of deposit for daily operating funds. Invested resources are limited to obligations of the United States Treasury and its Agencies, repurchase agreements, and obligations of the State or its localities.

Collateral is required for demand and time deposits and certificates of deposit not covered by Federal Deposit Insurance. Obligations that may be pledged as collateral include obligations of the United States and its agencies and obligations of the State and its municipalities and school districts.

Custodial credit risk is the risk that, in the event of a bank failure, ECIDA’s deposits may not be returned to it. At December 31, 2022, ECIDA’s bank deposits were fully collateralized by FDIC coverage and securities held by the pledging institution’s agent in ECIDA’s name.

Loans Receivable

Loans receivable are stated at the principal amount outstanding, net of an allowance for uncollectible loans. The allowance method is used to compute the provision for uncollectible loans.

Determination of the balance of the allowance for uncollectible loans is based on an analysis of the loan portfolio and reflects an amount that, in management’s judgment, is adequate to provide for potential loan losses. Loans are written off when, in management’s judgment, no legal recourse is available to collect the amount owed.

ECIDA previously provided a loan to a manufacturing company that would be forgiven as the company met certain criteria. At December 31, 2022, the entire loan is reserved with the remaining \$400,000 forgivable in \$100,000 installments between 2023 and 2026 as the borrower satisfies the loan requirements.

Capital Assets

Capital assets are recorded at cost. Depreciation is provided over estimated useful lives using the straight-line method. Maintenance and repairs are expensed as incurred; significant improvements are capitalized.

Capitalization thresholds to determine which asset purchases are added to capital accounts and the estimated useful lives of capital assets are:

	Capitalization Policy	Estimated Useful Life in Years
Buildings and improvements	\$ 1,000	5 - 40
Furniture and equipment	\$ 1,000	3 - 10

Rental Property:

In 1989, ECIDA developed a public warehouse and trans-shipment facility (the Port Terminal Facility) at the Gateway Metroport facility in the City of Lackawanna. The Port Terminal Facility provides enclosed storage facilities and materials handling services for the trans-shipment of goods by water, rail, and truck. The facility is owned by ECIDA and is operated by Gateway Trade Center, Inc. Port Terminal Facility rental property assets are fully depreciated. ECIDA receives a percentage of annual Excess Cash Flow, as defined, from the operations at the Port Terminal Facility.

ECIDA also owns its former office space at 143 Genesee Street. This property is recorded at cost and leased to a third party (Note 7).

Other Assets

Other assets include venture capital investments made by ECIDA in order to spur local economic growth. Venture capital investments are recorded at the lesser of cost or fair market value as determined by management’s estimates based on available financial information.

Net Position

Net position consists of the following components:

- *Net investment in capital assets* – consists of capital assets, net of accumulated depreciation, reduced by outstanding balances of any related debt obligations attributable to the acquisition, construction, or improvement of those assets.
- *Restricted* – consists of restricted assets reduced by liabilities and deferred inflows of resources related to those assets if their use is constrained to a particular purpose. Restrictions are imposed by the U.S. Department of Housing and Urban Development’s UDAG program.
- *Unrestricted* – the net amount of assets, deferred outflows of resources, liabilities, and deferred inflows of resources that are not included in the determination of net investment in capital assets or the restricted component of net position and therefore are available for general use by ECIDA.

Tax Incentive Transactions

ECIDA maintains an economic development incentive program to provide sales, property, and/or mortgage recording tax benefits for qualified construction, renovation, or expansion projects or other economic development activities within Erie County. Under this program, ECIDA may take title to or a leasehold interest in the real and/or personal property involved in the project for the term of the incentive period. ECIDA simultaneously leases the property under a lease agreement to the company undertaking the project (lessee). ECIDA receives administrative fees from the lessee for providing these tax incentives which are recognized according to the terms of the fee agreement.

ECIDA is an issuer of tax-exempt bond financing for qualified manufacturers and low-income housing projects which meets the definition of conduit debt obligations. These bonds are obligations of the borrower and secured by the assets they finance. ECIDA receives bond issuance fees from the borrower for providing this service which is recognized according to the terms of the fee agreement. ECIDA also has a shared services agreement with ILDC under which administrative and staffing services are provided to ILDC in connection with its bond issuances to nonprofit organizations in exchange for the related bond issuance fees received by ILDC. At December 31, 2022, previously issued bonds have an aggregate outstanding balance of \$540,645,622, none of which is recognized as a liability of ECIDA.

ECIDA received \$105,000 in administrative fees from ILDC in 2022. There were no administrative fees transferred in 2021.

2. Change in Accounting Principle:

Effective January 1, 2021, the earliest period presented, ECIDA adopted GASB Statement No. 87, *Leases*. This Statement 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 asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources. The impact of this Statement on ECIDA’s balance sheet at January 1, 2021 is as follows:

Net position, January 1, 2021	\$ 21,097,843
Lease receivable	1,053,011
Right-to-use lease asset	737,415
Accumulated amortization	(331,837)
Lease liability	(442,869)
Deferred inflow of resources	(1,053,011)
Net position, as restated, January 1, 2021	\$ 21,060,552

3. Special Project Grants:

Bethlehem Shoreline Enhancement – ECIDA received a grant from the NYS Department of State in the amount of \$122,825 in June 2020 to support the construction and administration of Shoreline Trail enhancements on the former Bethlehem Steel property.

Bethlehem Water and Sewer Design – ECIDA received a grant from Erie County in the amount of \$700,000 in July 2020 to support the design, engineering and construction administration of water and sewer utility extensions and upgrades on the former Bethlehem Steel property.

National Grid – Zero Net Energy Building – ECIDA received an Economic Development Program grant from National Grid in the amount of \$125,000 in January 2017. Revenue was recognized during 2022 upon completion of the grant requirements.

U.S. Economic Development Administration (EDA) – Comprehensive Economic Development Strategy – ECIDA received a grant from the EDA in the amount of up to \$50,000 in October 2021 to support the Comprehensive Economic Development Strategy recovery plan implementation.

The following is a summary of grants receivable at December 31:

	2022	2021
Bethlehem Shoreline Enhancement	\$ 92,119	\$ 92,119
Bethlehem Water and Sewer Design	545,566	589,856
Buffalo Southern Railroad - 2017 PFRAP Rail Improvement	140	140
Sumitomo Dunlop Rail - PFRAP	6,358	6,358
National Grid - Zero Net Energy	-	125,000
EDA - Comprehensive Economic Development Strategy	-	50,000
	\$ 644,183	\$ 863,473

The following is a summary of unearned revenue at December 31:

	2022	2021
Bethlehem Shoreline Enhancement	\$ 108,152	\$ 122,373
Bethlehem Water and Sewer Design	535,495	575,621
National Grid - Zero Net Energy	-	125,000
EDA - Comprehensive Economic Development Strategy	-	50,000
	\$ 643,647	\$ 872,994

4. Funds Held on Behalf of Others:

ECIDA holds cash for various development activities. ECIDA disburses these funds when given the appropriate authorization. The funds include:

	2022	2021
Erie County Regional Redevelopment Fund	\$ 1,820,634	\$ 1,846,057
Buffalo Brownfields Redevelopment Fund	452,106	561,316
Jemal’s Seneca Fund	427,340	348,142
Seneca Street Corridor Fund	2,387,879	2,304,585
Main Street Improvement Fund	4,229,566	3,657,506
	\$ 9,317,525	\$ 8,717,606

Restricted cash also includes \$206,599 and \$152,416 as of December 31, 2022 and 2021, respectively, for the Railway Trust Fund for activities related to two Erie County shortline railroads.

5. Capital Assets:

	Balance January 1, 2022	Increases	Retirements/ Reclassifications	Balance December 31, 2022
Land	\$ 167,400	\$ -	\$ -	\$ 167,400
Depreciable capital assets:				
Land improvements	1,106,386	2,959	-	1,109,345
Buildings	2,747,489	-	-	2,747,489
Furniture and equipment	470,145	-	-	470,145
Total depreciable assets	4,324,020	2,959	-	4,326,979
Less accumulated depreciation:				
Land improvements	879,876	54,824	-	934,700
Buildings	2,026,464	36,043	-	2,062,507
Furniture and equipment	420,997	20,426	-	441,423
Total accumulated depreciation	3,327,337	111,293	-	3,438,630
Total depreciable assets, net	996,683	(108,334)	-	888,349
Right-to-use lease assets:				
Building	737,415	-	-	737,415
Less accumulated amortization	479,320	147,483	-	626,803
Total right-to-use assets, net	258,095	147,483	-	110,612
	\$ 1,422,178	\$ (255,817)	\$ -	\$ 1,166,361
	Balance January 1, 2021	Increases	Retirements/ Reclassifications	Balance December 31, 2021
Land	\$ 167,400	\$ -	\$ -	\$ 167,400
Depreciable capital assets:				
Land improvements	1,106,386	-	-	1,106,386
Buildings	2,747,489	-	-	2,747,489
Furniture and equipment	471,536	31,305	(32,696)	470,145
Total depreciable assets	4,325,411	31,305	(32,696)	4,324,020
Less accumulated depreciation:				
Land improvements	825,348	54,528	-	879,876
Buildings	1,990,421	36,043	-	2,026,464
Furniture and equipment	427,815	25,878	(32,696)	420,997
Total accumulated depreciation	3,243,584	116,449	(32,696)	3,327,337
Total depreciable assets, net	1,081,827	(85,144)	-	996,683
Right-to-use lease assets:				
Building	737,415	-	-	737,415
Less accumulated amortization	331,837	147,483	-	479,320
Total right-to-use assets, net	405,578	147,483	-	258,095
	\$ 1,654,805	\$ (232,627)	\$ -	\$ 1,422,178

6. Related Party Transactions:

Affiliate Management Fees

ECIDA allocates a portion of personnel and rental costs to its affiliates, RDC and ILDC. ECIDA earned \$465,692 and \$419,100 in affiliate management fees for the years ended December 31, 2022 and 2021. Management fees and related receivables by affiliate are as follows:

	Management Fees		Receivables	
	2022	2021	2022	2021
RDC	\$ 288,468	\$ 294,566	\$ 291,289	\$ 297,384
ILDC	177,224	124,534	179,722	458,111
	<u>\$ 465,692</u>	<u>\$ 419,100</u>	<u>\$ 471,011</u>	<u>\$ 755,495</u>

In 2022, Erie County provided \$385,000 to ECIDA as a subrecipient of Community Development Block Grant funds. These funds were then transferred to ILDC for its Erie County BDF loan program. These amounts are included in special project grant revenues and expenses in the accompanying 2022 statement of revenues, expenses, and changes in net position.

7. Leases:

ECIDA, as lessee, entered into a non-cancelable lease for office space through September 30, 2023 and recognized a right-to-use lease asset at the present value of \$737,415 using a discount rate of 5%. The lease requires annual minimum payments of \$176,633 and utility charges that are determined on an annual basis. Principal and interest due in 2023 total \$126,166 and \$6,308, respectively.

ECIDA entered into a sublease agreement with Buffalo Urban Development Corporation for a portion of their office space through September 30, 2023. ECIDA recognized \$23,153 and \$23,338 in gross rental income, including interest at 5.0%, in 2022 and 2021. Expected receipts in 2023 total \$16,011.

ECIDA, as lessor, has entered into a non-cancelable lease for its former office through July 31, 2027. ECIDA recognized \$220,386 and \$213,681 in gross rental income, including interest at 5.0%, in 2022 and 2021. Annual receipts are expected to total \$230,856 through 2025.

8. Pension:

ECIDA maintains a defined contribution simplified employee pension (SEP) plan covering all of its employees. Employees are eligible to participate six months after employment, with employer contributions vesting immediately. During 2022 and 2021, ECIDA made discretionary contributions of 12% of eligible employees’ salaries. ECIDA’s expense for contributing to the plan for the years ended December 31, 2022 and 2021 amounted to \$162,663 and \$157,973 respectively. Employees are also permitted to participate in the New York State Deferred Compensation Plan but ECIDA does not make contributions to this plan.

9. Risk Management:

ECIDA purchases commercial insurance for various risks of loss due to torts, theft, damage, injuries to employees, and natural disasters in addition to insurance purchased to indemnify directors and officers. Settled claims resulting from these risks have not exceeded commercial insurance coverage in any of the past three years.

10. Commitments and Contingencies:

Grants

ECIDA receives financial assistance from federal, state, and local agencies in the form of grants and fiduciary agreements. Managing these funds generally requires compliance with the terms and conditions specified in the agreements and may be subject to audit by the grantor agencies. Disallowed claims resulting from such audits could become a liability of ECIDA. Based on prior experience, management expects any such amounts to be immaterial.

Litigation

ECIDA is subject to claims and lawsuits that arise in the ordinary course of business. In the opinion of management, these claims and lawsuits will not have a material adverse effect upon the financial position of ECIDA.

Supplementary Information
Combining Schedule of Balance Sheets

December 31, 2022

	General Account	UDAG Account	Total
Assets			
Current assets:			
Cash	\$ 7,475,718	\$ 10,925,135	\$ 18,400,853
Receivables			
Affiliates	471,011	-	471,011
Grants	644,183	-	644,183
Leases	200,724	-	200,724
Other	111,376	-	111,376
Prepaid expenses	89,319	-	89,319
	<u>8,992,331</u>	<u>10,925,135</u>	<u>19,917,466</u>
Noncurrent assets:			
Leases receivable	443,203	-	443,203
Capital assets, net	1,166,361	-	1,166,361
Other assets	100,639	406,247	506,886
Restricted cash	9,524,124	-	9,524,124
	<u>11,234,327</u>	<u>406,247</u>	<u>11,640,574</u>
	<u>\$ 20,226,658</u>	<u>\$ 11,331,382</u>	<u>\$ 31,558,040</u>
Liabilities and Net Position			
Current liabilities:			
Accounts payable	\$ 37,003	\$ -	\$ 37,003
Lease payable	126,166	-	126,166
Accrued expenses	151,856	-	151,856
Unearned revenue	643,647	-	643,647
	<u>958,672</u>	<u>-</u>	<u>958,672</u>
Noncurrent liabilities:			
Funds held on behalf of others	9,317,525	-	9,317,525
Deferred inflows of resources:			
Deferred inflows of resources related to leases	643,927	-	643,927
Net position:			
Net investment in capital assets	1,040,195	-	1,040,195
Restricted	-	11,331,382	11,331,382
Unrestricted	8,266,339	-	8,266,339
	<u>9,306,534</u>	<u>11,331,382</u>	<u>20,637,916</u>
	<u>\$ 20,226,658</u>	<u>\$ 11,331,382</u>	<u>\$ 31,558,040</u>

Supplementary Information
Combining Schedule of Revenues, Expenses, and Changes in Net Position

For the year ended December 31, 2022

	General Account	UDAG Account	Total
Operating revenues:			
Administrative fees	\$ 1,656,279	\$ -	\$ 1,656,279
Affiliate management fees and rental income	465,692	-	465,692
Rental income	308,450	-	308,450
Other	129,643	-	129,643
Total operating revenues	2,560,064	-	2,560,064
Operating expenses:			
Salaries and benefits	1,999,345	-	1,999,345
General and administrative	631,269	55,856	687,125
Depreciation and amortization	258,776	-	258,776
Other	1,354	-	1,354
Total operating expenses	2,890,744	55,856	2,946,600
Operating loss before special project grants	(330,680)	(55,856)	(386,536)
Special project grants:			
Revenues	816,898	148,812	965,710
Expenses	(663,042)	(232,238)	(895,280)
	153,856	(83,426)	70,430
Operating loss	(176,824)	(139,282)	(316,106)
Nonoperating revenues:			
Interest income	66,420	35,851	102,271
Interest expense	(14,419)	-	(14,419)
	52,001	35,851	87,852
Change in net position	(124,823)	(103,431)	(228,254)
Net position - beginning	9,431,357	11,434,813	20,866,170
Net position - ending	\$ 9,306,534	\$ 11,331,382	\$ 20,637,916

INDEPENDENT AUDITORS' 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

The Board of Directors
Erie County Industrial Development Agency

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 balance sheet of Erie County Industrial Development Agency (ECIDA), a business-type activity, as of December 31, 2022, and the related statements of revenues, expenses, and changes in net position and cash flows for the year then ended, and the related notes to the financial statements, which collectively comprise ECIDA's basic financial statements, and have issued our report thereon dated March 16, 2023.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered ECIDA'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 opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of ECIDA's internal control. Accordingly, we do not express an opinion on the effectiveness of ECIDA'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 have not been identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether ECIDA'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 ECIDA's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering ECIDA's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in blue ink that reads "Lyndon & McCormick, LLP". The signature is written in a cursive, flowing style.

March 16, 2023

**Nonaccounting Information - Schedule of Bond,
Note, and Lease Transactions**

December 31, 2022

Project Code	Project Name	Applicant Name	Address	City	State	Postal Code	Final Year of Financial Assistance
2682	1093 Group/Family Dollar	Ellicott Development	295 Main Street	Buffalo	NY	14203	2025
10676	132 Dingens Street/Pinto Construction	132 Dingens Street, LLC	132 Dingens Street	Buffalo	NY	14206	2030
2360	2009 Shoreline Apartments LLC	Norstar Development USA LP	200 South Division Street	Buffalo	NY	14204	2025
10411	201 Ellicott, LLC/Braymiller Market	Ciminelli Real Estate Development	50 Fountain Plaza	Buffalo	NY	14202	2021
2405	2300 Clinton Street Holdings, LLC/ Pol -Tek Industries	Pol-Tek Industries	2300 Clinton Street	Cheektowaga	NY	14227	2022
10671	283 Ship Canal Parkway	283 Ship Canal Parkway, LLC	2732 Transit Road	West Seneca	NY	14224	2022
10672	293 Grote Street	293 Grote Street, LLC	293 Grote Street	Buffalo	NY	14207	2029
2583	315 Ship Canal Parkway, LLC	Sonwil Distribution Center, Inc.	100 Sonwil Drive	Cheektowaga	NY	14225	2024
10432	3310 Benzing Road/Marathon Drains/MRP Supports	Marathon Drains	3310 N. Benzing Road	Orchard Park	NY	14127	2028
10230	337 Ellicott Street, LLC/Big Ditch Brewing Company	Iskalo Development	5166 Main Street	Williamsville	NY	14221	2022
10376	467 Richmond Avenue	Rosanna Elizabeth Visual & Performing Arts Campus (REVPAC)	345 West Ferry Street	Buffalo	NY	14213	2020
10231A	500 Seneca Street, LLC	Savarino Construction Corporation	500 Seneca Street	Buffalo	NY	14208	2025
2515	5001 Genesee Street, LLC / Niagara National, Inc.	Niagara National	5001 Genesee Street	Cheektowaga	NY	14225	2023
10203	555 Riverwalk Parkway, LLC	TM Montante Development	2760 Kenmore Avenue	Tonawanda	NY	14150	2024
10355A	570 Associates VI, LLC	Benderson Development Company	570 Delaware Avenue	Buffalo	NY	14202	2027
10372	683 Northland Avenue/Workforce Training Center	Buffalo Urban Development Corporation	95 Perry Street	Buffalo	NY	14203	2026
10583	72 East Niagara Street	Creative Structure Services	550 Seneca Street	Buffalo	NY	14204	2029
10524	75 Pirson Parkway	Tonawanda Pirson, LLC	5505 Main Street	Williamsville	NY	14221	2032
10339	791 Washington Street, LLC/Trico Building	The Krog Corporation	4 Centre Drive	Orchard Park	NY	14127	2022
10285A	93 NYRPT, LLC	Benderson Development Company	570 Delaware Avenue	Buffalo	NY	14202	2024
10298	95 Pirson Parkway, LLC	Zaepfel Development	5505 Main Street	Williamsville	NY	14221	2027
2479	9505 Main Street, LLC - Cobey	Cobey, Inc	1 Ship Canal Parway	Buffalo	NY	14218	2022
2616	API Heat Transfer, Inc.	API Heat Transfer	2777 Walden Avenue	Cheektowaga	NY	14225	2022
10359A	Aakron Rule Corporation	Aakron Rule Corporation	8 Indianola Avenue	Akron	NY	14001	2028
1742	Asbury Development, LP/Righteous Babe Records	Righteous Babe Records, Inc	P.O. Box 95 Ellicott Station	Buffalo	NY	14205	2024
10208	Automated Machine Technologies, Inc.	Automated Machine Technologies	6661 Ward Road	Orchard Park	NY	14127	2024
10663	BLD VII, LLC	BLD VII, LLC	100 Corporate Parkway	Amherst	NY	14226	2032
10074	BP Southtowns Campus, LLC, JP Southtowns Campus, LLC & B&S Southtowns Campus Group, LLC	BP Southtowns Campus, LLC, JP Southtowns Campus, LLC & B&S Southtowns Campus Group, LLC	701 Seneca Street, Suite 200	Buffalo	NY	14210	2023
10429	Baracolo Buffalo LLC	The Frizlen Group	257 LafayetteSquare	Buffalo	NY	14213	2023
2456	Braxner, LLC	Tonawanda Coke	3875 River Road	Tonawanda	NY	14151	2022
10413	Buffalo Material Handling	Buffalo Material Handling	2745 Broadway	Buffalo	NY	14227	2027
2674	Buffalo Recycling Enterprises, LLC	Buffalo Recycling Enterprises, LLC	266 Hopkins Street	Buffalo	NY	14220	2025
10701	Bullis Road Solar	RPNY Solar 2 LLC	897 Sanches Street	San Francisco	CA	94114	2047
10622	Bush Lofts	Terzo Development, LLC	505 Ellicott Street	Buffalo	NY	14203	2030
10408	CPI Process Systems, Inc.	CPI Process Systems, Inc.	2400 North America Drive	West Seneca	NY	14224	2020
10582	Calspan Corporation	Calspan Corporation	4455 Genesee Street	Cheektowaga	NY	14225	2032
10340A	Calspan Corporation	Calspan Corporation	4455 Genesee Street	Cheektowaga	NY	14225	2028
2591	Canisius High School	Canisius High School	1180 Delaware Avenue	Buffalo	NY	14209	2008
860	Canterbury Woods	Episcopal Chruch Homes	24 Rhode Island Street	Buffalo	NY	14213	2029
10585	Chestnut Point LLC	Chestnut Point LLC	305 Oak Street	Lewiston	NY	14092	2031

**Nonaccounting Information - Schedule of Bond,
Note, and Lease Transactions**

December 31, 2022

Project Code	Project Name	Applicant Name	Address	City	State	Postal Code	Final Year of Financial Assistance
1035	Child & Family Services of Erie County	Child and Family Services of Erie County	330 Delaware Avenue	Buffalo	NY	14202	2022
10699	Coca-Cola Beverages	Coca-Cola Beverage Northeast, Inc.	1 Executive Park Drive	Bedford	NH	3110	2033
10394	Column Development/L&W Supply	Column Development	1243 Military Road	Tonawanda	NY	14217	2026
10198A	Conventus Partners, LP	Ciminelli Real Estate Development	350 Essjay Road	Williamsville	NY	14221	2027
10225	DNC 250, Inc.	Uniland Partnership of Delaware, LP	100 Corporate Parkway	Amherst	NY	14226	2026
1014	DTE Tonawanda, LLC	DTE Tonawanda LLC	425 South Main Street	Ann Arbor	MI	48107	2022
10286A	David Gordon/Gordon Companies, Inc./Colvin Oakdale, LLC	Gordon Companies, Inc.	85 Innsbruck Drive	Cheektowaga	NY	14227	2024
10415A	Derby Warehousing, LLC/KPM Exceptional	Derby Warehousing, LLC/KPM Exceptional	1393 Wisconsin Road	Derby	NY	14047	2028
10054	Derrick Corporation	Derrick Corporation	590 Duke Road	Cheektowaga	NY	14225	2022
2361	Duke HN New York, LLC, Health Now	Duke HN New York, LLC	600 East 96th Street	Indianapolis	IN	46240	2023
10535	Eastman Machine Company	Eastman Machine Company	779 Washington Street	Buffalo	NY	14203	2029
10395A	Ebenezer Railcar Services, Inc.	Ebenezer Railcar Services, Inc./ERS Industries, Inc.	1005 Indian Church Road	West Seneca	NY	14224	2028
10504	Elmwood Square Housing	The Related Companies, LP	30 Hudson Yards	New York	NY	10001	2038
2544	Enidine Incorporated	Enidine, Inc.	7 Centre Drive	Orchard Park	NY	14127	2023
2342	Episcopal Church Home & Affiliates Life Care Community, Inc.	Episcopal Church Homes	24 Rhode Island Street	Buffalo	NY	14213	2036
10352	Flexo-Transparent, Inc.	Flexo-Transparent, Inc.	28 Wasson Avenue	Buffalo	NY	14240	2025
10317A	Flexovit USA, Inc.	Flexovit USA, Inc	1305 Eden-Evans Center	Angola	NY	14006	2027
10254A	Flying Bison Brewing Co.	Flying Bison Brewing Co.	491 Ontario Street	Buffalo	NY	14207	2023
1031	General Motors Corporation	General Motors Powertrain	2995 River Road	Tonawanda	NY	14150	2032
627	General Motors Corporation	General Motors Powertrain	2995 River Road	Tonawanda	NY	14150	2012
2524	General Motors Corporation/GM Powertrain Group	General Motors Powertrain	2995 River Road	Tonawanda	NY	14150	2032
2752	General Motors, LLC	General Motors, LLC	2995 River Road	Tonawanda	NY	14150	2012
2563	General Welding & Fabricating, Inc.	General Welding and Fabricating, Inc	991 Maple Street	Elma	NY	14059	2023
2637	Gerspach Properties, LLC	Leisure Living	574 Main Street	Tonawanda	NY	14150	2026
2534	Goya Foods, Inc.	Goya Foods, Inc.	200 S. Main Street	Angola	NY	14006	2025
10330A	Great Lakes Orthodontics, Ltd.	Great Lakes Orthodontics	200 Cooper Avenue	Tonawanda	NY	14150	2028
10389	Group V Real Estate, Inc./Athenex Pharma Solutions	Group V Real Estate, Inc.	2457 Wehrle Drive	Williamsville	NY	14221	2030
10189	HARBORcenter Development, LLC	HARBORcenter Development, LLC	First Niagara Center	Buffalo	NY	14203	2026
10419A	Hertel Pacific, LLC/Cypress North Corp.	Hertel Pacific, LLC/Cypress North Corp.	567 Exchange Street	Buffalo	NY	14210	2028
2491	Hydro-Air Components, Inc.	Hydro-Air Components, Inc.	100 Rittling Boulevard	Buffalo	NY	14220	2023
10350A	Iroquois Bar Corporation	Iroquois Bar Corporation	155 Commerce Drive	Lackawanna	NY	14218	2025
10434	Iskalo 6700 Transit Road, LLC	Iskalo Development Corporation	5166 Main Street	Williamsville	NY	14221	2032
10433	Jemal's Seneca, LLC	Douglas Development Corporation	One Seneca Drive	Buffalo	NY	14203	2046
2596	John Goller/Arrow Grinding, Inc.	Arrow Grinding, Inc.	525 Vickers Street	Tonawanda	NY	14150	2025
10291	Joint Schools Construction Board	Joint Schools Construction Board	672 Delaware Avenue	Buffalo	NY	14209	2029
10621	Joint Schools Construction Board	Joint Schools Construction Board	672 Delaware Avenue	Buffalo	NY	14209	2032
10140	Joint Schools Construction Board 2012A Refinance	Joint Schools Construction Board	672 Delaware Avenue	Buffalo	NY	14209	2026
10194	Joint Schools Construction Board 2013 Refunding of 2009A Bonds	Joint Schools Construction Board	672 Delaware Avenue	Buffalo	NY	14209	2028
10342	Joint Schools Construction Board Series 2016A	Joint Schools Construction Board	672 Delaware Avenue	Buffalo	NY	14209	2031
10134	Joint Schools Construction Project	Joint Schools Construction Board	672 Delaware Avenue	Buffalo	NY	14209	2032
10435A	Kamax, LLC/Raine Logistics	Raine Logistics	2890 North America Drive	West Seneca	NY	14224	2028

**Nonaccounting Information - Schedule of Bond,
Note, and Lease Transactions**

December 31, 2022

Project Code	Project Name	Applicant Name	Address	City	State	Postal Code	Final Year of Financial Assistance
2523	Kohler Awning, Inc.	Hohler Awning, Inc.	2600 Walden Avenue	Cheektowaga	NY	14225	2023
10331	Kohler Awning, Inc.	Kohler Awning, Inc.	2600 Walden Avenue	Cheektowaga	NY	14225	2024
10009	Lco Building, LLC	Larkin Development Group	726 Exchange Street	Buffalo	NY	14210	2022
2656	Life Technologies Corporation	Invitrogen Corporation/GIBCO	3175 Staley Road	Grand Island	NY	14072	2025
2680	Life Technologies, Inc.	Invitrogen Corporation/GIBCO/Life Technologies	3175 Staley Road	Grand Island	NY	14072	2028
2511	Luminescent Systems, Inc. ("LSI")	Luminescent System, Inc.	130 Commerce way	East Aurora	NY	14052	2027
2675	MJM Industries, Inc.	MJM Industries, Inc.	3360 N. Benzing Road	Orchard Park	NY	14127	2025
10404	Marina Vista Apartments	The Related Companies, LP	60 Columbus Circle	New York	NY	10023	2037
2566	Mayer Brothers Apple Products, Inc.	Mayer Bros. Apple Products, Inc.	3300 Transit Road	West Seneca	NY	14224	2023
10209A	McGard, LLC	McGard, Inc.	3875 California Road	Orchard Park	NY	14127	2022
10216	Medaille College 2013 Refunding of ECIDA 2003 Bond	Medaille College	18 Agassiz Circle	Buffalo	NY	14214	2035
2426	Moog Inc. Plant 6A and 2C	Moog, Inc.	300 Jamison Road	Elma	NY	14059	2009
10356A	Moog, Inc.	Moog, Inc.	300 Jamison Road	East Aurora	NY	14052	2030
10093	Moog, Inc.	Moog, Inc.	300 Jamison Road	East Aurora	NY	14052	2023
2619	Moog, Inc. Plant 11D	Moog, Inc.	300 Jamison Road	Elma	NY	14059	2025
2574	Moog, Inc. Plant 20	Moog, Inc.	300 Jamison Road	Elma	NY	14059	2025
2454	New Era Cap Company, Inc.	New Era Cap Company, Inc.	160 Delaware Avenue	Buffalo	NY	14202	2022
10390A	Niagara Label/12715 Lewis Road, LLC	Niagara Label Co., Inc.	12715 Lewis Road	Akron	NY	14001	2030
1062	Niagara Maryland Development, LLC	Supermarket Management	460 Niagara Street	Buffalo	NY	14201	2023
10064	Niagara Transformer Corporation	Niagara Transformer Corporation	1747 Dale Road	Cheektowaga	NY	14225	2024
10234	North American Salt Company	North American Salt Company	9900 West 109th Street	Overland Park	KS	66210	2022
2481	Northstar Services, LLC	Northstar Location Services	4285 Genesee Street	Cheektowaga	NY	14225	2022
10256	Orchard Heights, Inc.	The Hamister Group	10 Lafayette Square	Buffalo	NY	14203	2023
2404	Orchard Park CCRC, Inc.	Orchard Park CCRC, Inc.	1 Fox Run Lane	Orchard Park	NY	14127	2036
2516	Our Lady of Victory Renaissance Corporation	Our Lady of Victory Renaissance Corp.	291 North Street	Buffalo	NY	14218	2008
1036	People, Inc.	People, Inc.	1219 N. Forest Road	Williamsville	NY	14221	2022
2579	Perry's Ice Cream Company, Inc.	Perrys Ice Cream	1 Ice Cream Plaza	Akron	NY	14001	2024
10354	Pine Pharmaceuticals	Pine Pharmaceuticals, LLC	100 Colvin Woods Parkway	Tonawanda	NY	14150	2028
10212	Pollock Research & Design d/b/a Simmers Crane Design & Services	Simmers Cranes Design & Service Company	255 Fire Tower Road	Tonawanda	NY	14150	2026
10689	Polymer Conversions, Inc.	Polymer Conversions, Inc.	5732 Big Tree Road	Orchard Park	NY	14127	2032
2478	Polymer Conversions, Inc.	Polymer Conversions, Inc.	5732 Big Tree Road	Orchard Park	NY	14127	2023
10393A	ROAR Logistics, LLC	ROAR Logistics, LLC	120 Church Street	Buffalo	NY	14202	2028
10211	Richardson Center Corporation/Richardson Olmsted Complex	Richardson Center Corporation	PO Box 100	Buffalo	NY	14240	2027
2520	Rigidized Metals Corp.	Rigidized Metals Corporation	658 Ohio Street	Buffalo	NY	14203	2023
10420	Rosina Food Products, Inc.	Rosina Food Products, Inc.	75 Industrial Parkway	Cheektowaga	NY	14227	2021
10269	SelectOne RE Holdings	Select One Search, LLC	2831 Wehrle Drive	Williamsville	NY	14221	2024
10341A	Shell Fab	Shell Fab	2855 Clinton Street	West Seneca	NY	14224	2025
10292A	Shevlin Land & Cattle Company	Concept Construction Corp.	2555 Transit Road	Elma	NY	14059	2024
10700	Skycatcher Holdings, LLC	Sti-Co Industries, Inc.	15 Cobham Drive	Orchard Park	NY	14127	2022
10421	Steel Winds I Replacement	Erie Wind, LLC	4910 Camp Road	Hamburg	NY	14075	2036
10422	Steel Winds II Replacement	Erie Wind, LLC	4910 Camp Road	Hamburg	NY	14075	2036

**Nonaccounting Information - Schedule of Bond,
Note, and Lease Transactions**

December 31, 2022

Project Code	Project Name	Applicant Name	Address	City	State	Postal Code	Final Year of Financial Assistance
10430A	Steuben Foods, Inc.	Steuben Foods, Inc.	1150 Maple Road	Elma	NY	14059	2034
10410A	Steuben Foods, Inc.	Steuben Foods, Inc.	1150 Maple Road	Elma	NY	14059	2030
10586	Sucro Real Estate/Sweet Life	Sucro Real Estate, LLC	2303 Hamburg Turnpike	Lackawanna	NY	14218	2033
10360A	Sumitomo Rubber USA, Inc.	Sumitomo Rubber USA, Inc.	P.O Box 1109	Buffalo	NY	14240	2029
10706	Sumotomo Rubber	Sumitomo Rubber USA, Inc.	10 Sheridan Drive	Tonawanda	NY	14150	2033
10620	Surmet Ceramics	Surmet Ceramics Corp.	699 Hertel Avenue	Buffalo	NY	14207	2022
10192	The Kittinger Company	Kittinger Furniture Company	2495 Main Street	Buffalo	NY	14214	2024
10295A	The Uniland Partnership of Delaware, LP	Uniland Development Company	100 Corporate Parkway	Amherst	NY	14226	2027
10565	Thermo Fisher North Expansion	Life Technologies Corporation, Subsidiary of Thermo Fisher Scientific, Inc.	3175 Staley Road	Grand Island	NY	14072	2032
10564	Thermo Fisher West Expansion	Life Technologies Corporation, Subsidiary of Thermo Fisher Scientific, Inc.	3175 Staley Road	Grand Island	NY	14072	2032
10418	Time Release Properties/Time Release Sciences, Inc.	TMP Technologies, Inc.	1200 Northland Avenue	Buffalo	NY	14206	2022
10221	Tonawanda Pirson, LLC/Wythe Will Tzetzto	Zaepfel Development	5505 Main Street	Williamsville	NY	14221	2025
10328A	Trahwen-G, LLC	Benderson Development Company	570 Delaware Avenue	Buffalo	NY	14202	2024
10260A	Unifrax 1, LLC	Unifrax Corporation	360 Firetower Drive	Tonawanda	NY	14150	2026
10362A	Unifrax 1, LLC	Unifrax Corporation	600 Riverwalk Parkway	Tonawanda	NY	14150	2025
10407	Unifrax Line 7	Unifrax Corporation	600 Riverwalk Parkway	Tonawanda	NY	14150	2020
10379A	WNY Foreign Trade Zone Operations/Punto Franco Ltd.	WNY Foreign Trade Zone	10 North Gates Avenue	Lackawanna	NY	14218	2027
10148A	Welded Tube	Welded Tube	111 Rayette Road	Concord		L4K2E	2024
2345	Zion Holdings, LLC/Buffalo Clinical Research Center, LLC	Zion Holdings, LLC	443 Delaware Avenue	Buffalo	NY	14203	2022
10702	George Lewis House Apartments	197 Summer St LLC	617 Main St.	Buffalo	NY	14203	2023
10703	Walcot Apartments	Sinatra and Company Redevelopment, LLC	617 Main St.	Buffalo	NY	14203	2023
10720	Broadway Development & Management Group, LLC	Broadway Dev. & Management Group, LLC	343-345 Broadway	Buffalo	NY	14203	2026
10722	Arbor Multi Family Lending	Arbor Multi-Family Lending, LLC	333 Earle Ovington Blvd	Uniondale	NY	11553	2023
10723	791 Washington Street, LLC	Krog Corporaton	4 Center Drive	Orchard Park	NY	14127	2024
10725	471 Elmwood Ave	Sinatra & Company	617 Main St.	Buffalo	NY	14203	2023
10727	Workspport	Workspport	7299 E. Danbro Crescent	Mississauga		L5N6P9	2027
10740	A&A Union Road, LLC	Aebly & Associates	3638 Seneca St	West Seneca	NY	14224	2031
10746	380 Vulcan / Carrier Terminal Services	Carrier Terminal Services Inc	2299 Kenmore Ave	Kenmore	NY	14207	2024
10751	Perry's Ice Cream	Perry's Ice Cream	1 Ice Cream Plaza	Akron	NY	14221	2034
10758	Tonawanda Towers	OAHS Tonawanda TC LLC	980 Sylvan Avenue	Englewood Cliffs	NJ	7632	2062
10759	Laborers Way 1, LLC	Zephyr Partners	700 Second St	Encintas	CA	92024	2039
10772	Second Warehouse 132 Dingens Street LLC	Pinto Construction Company	132 Dingens St	Buffalo	NY	14206	2031
10730	Joint Schools Construction Board/City School District of the City of Buffalo - 2022 series	Joint Schools Construction Board	406 City Hall	Buffalo	NY	14202	2026
10469	Great Point Studios Buffalo	Great Point Media Group	28 Wells Ave.	Yonkers	NY	10701	2034

**Nonaccounting Information - Schedule of Bond,
Note, and Lease Transactions**

December 31, 2022

Project Code	Project Name	Project Type	Project Purpose	Total Project Amount	Benefited Project Amount	Bond/Note Amount	Federal Tax Status of Bonds	Applicant is a Not for Profit Corporation
2682	1093 Group/Family Dollar	Lease	Finance, Ins., & Real Estate	\$ 1,268,510	\$ 1,000,000	\$ -	n/a	N
10676	132 Dingens Street/Pinto Construction	Lease	Finance, Ins., & Real Estate	\$ 69,000,000	\$ 6,208,185	\$ -	n/a	N
2360	2009 Shoreline Apartments LLC	Bonds/Notes	Finance, Ins., & Real Estate	\$ 11,000,000	\$ 11,000,000	\$ 9,000,000	Tax Exempt	N
10411	201 Ellicott, LLC/Braymiller Market	Lease	Retail Trade	\$ 6,901,900	\$ 5,960,000	\$ -	n/a	N
2405	2300 Clinton Street Holdings, LLC/ Pol -Tek Industries	Lease	Manufacturing	\$ 500,000	\$ 300,000	\$ -	n/a	N
10671	283 Ship Canal Parkway	Lease	Finance, Ins., & Real Estate	\$ 53,802,515	\$ 49,029,105	\$ -	n/a	N
10672	293 Grote Street	Lease	Finance, Ins., & Real Estate	\$ 9,267,021	\$ 5,264,269	\$ -	n/a	N
2583	315 Ship Canal Parkway, LLC	Lease	Wholesale Trade	\$ 12,404,677	\$ 12,404,677	\$ -	n/a	N
10432	3310 Benzing Road/Marathon Drains/MRP Supports	Lease	Manufacturing	\$ 718,329	\$ 622,484	\$ -	n/a	N
10230	337 Ellicott Street, LLC/Big Ditch Brewing Company	Lease	Manufacturing	\$ 2,560,000	\$ 1,357,580	\$ -	n/a	N
10376	467 Richmond Avenue	Tax Exemptions	Finance, Ins., & Real Estate	\$ 10,775,636	\$ 7,355,713	\$ -	n/a	N
10231A	500 Seneca Street, LLC	Lease	Finance, Ins., & Real Estate	\$ 31,737,624	\$ 26,522,393	\$ -	n/a	N
2515	5001 Genesee Street, LLC / Niagara National, Inc.	Lease	Services	\$ 1,100,000	\$ 1,100,000	\$ -	n/a	N
10203	555 Riverwalk Parkway, LLC	Lease	Finance, Ins., & Real Estate	\$ 9,415,114	\$ 8,474,415	\$ -	n/a	N
10355A	570 Associates VI, LLC	Lease	Finance, Ins., & Real Estate	\$ 20,745,000	\$ 19,995,000	\$ -	n/a	N
10372	683 Northland Avenue/Workforce Training Center	Lease	Finance, Ins., & Real Estate	\$ 58,000,000	\$ 44,110,000	\$ -	n/a	N
10583	72 East Niagara Street	Lease	Finance, Ins., & Real Estate	\$ 2,220,927	\$ 1,624,556	\$ -	n/a	N
10524	75 Pirson Parkway	Lease	Manufacturing	\$ 5,806,657	\$ 4,731,474	\$ -	n/a	N
10339	791 Washington Street, LLC/Trico Building	Tax Exemptions	Finance, Ins., & Real Estate	\$ 80,535,000	\$ 69,094,873	\$ -	n/a	N
10285A	93 NYRPT, LLC	Lease	Finance, Ins., & Real Estate	\$ 6,331,256	\$ 6,331,256	\$ -	n/a	N
10298	95 Pirson Parkway, LLC	Lease	Manufacturing	\$ 3,304,500	\$ 3,060,000	\$ -	n/a	N
2479	9505 Main Street, LLC - Cobey	Lease	Manufacturing	\$ 10,000,000	\$ 9,200,000	\$ -	n/a	N
2616	API Heat Transfer, Inc.	Lease	Manufacturing	\$ 7,125,076	\$ 3,712,576	\$ -	n/a	N
10359A	Aakron Rule Corporation	Lease	Manufacturing	\$ 2,670,000	\$ 2,095,615	\$ -	n/a	N
1742	Asbury Development, LP/Righteous Babe Records	Lease	Other Categories	\$ 5,800,000	\$ 5,800,000	\$ -	n/a	N
10208	Automated Machine Technologies, Inc.	Lease	Manufacturing	\$ 860,000	\$ 675,000	\$ -	n/a	N
10663	BLD VII, LLC	Lease	Finance, Ins., & Real Estate	\$ 14,570,786	\$ 12,707,083	\$ -	n/a	N
10074	BP Southtowns Campus, LLC, JP Southtowns Campus, LLC & B&S Southtowns Campus Group, LLC	Lease	Services	\$ 2,869,500	\$ 2,869,500	\$ -	n/a	N
10429	Baracolo Buffalo LLC	Tax Exemptions	Finance, Ins., & Real Estate	\$ 3,025,200	\$ 14,437,500	\$ -	n/a	N
2456	Braxner, LLC	Lease	Finance, Ins., & Real Estate	\$ 491,000	\$ 391,000	\$ -	n/a	N
10413	Buffalo Material Handling	Lease	Services	\$ 1,315,000	\$ 1,265,000	\$ -	n/a	N
2674	Buffalo Recycling Enterprises, LLC	Lease	Other Categories	\$ 14,000,000	\$ 3,642,400	\$ -	n/a	N
10701	Bullis Road Solar	Lease	Other Categories	\$ 7,425,000	\$ 7,425,000	\$ -	n/a	N
10622	Bush Lofts	Lease	Finance, Ins., & Real Estate	\$ 3,050,000	\$ 1,867,795	\$ -	n/a	N
10408	CPI Process Systems, Inc.	Lease	Wholesale Trade	\$ 3,100,000	\$ 2,700,000	\$ -	n/a	N
10582	Calspan Corporation	Lease	Services	\$ 13,500,000	\$ 13,250,000	\$ -	n/a	N
10340A	Calspan Corporation	Lease	Services	\$ 6,095,500	\$ 6,095,500	\$ -	n/a	N
2591	Canisius High School	Bonds/Notes	Civic Facility	\$ 25,000,000	\$ 25,000,000	\$ 22,250,000	Tax Exempt	Y
860	Canterbury Woods	Bonds/Notes	Other Categories	\$ 58,610,000	\$ 58,740,000	\$ 58,610,000	Tax Exempt	Y
10585	Chestnut Point LLC	Lease	Services	\$ 5,000,000	\$ 3,750,000	\$ -	n/a	N
1035	Child & Family Services of Erie County	Bonds/Notes	Services	\$ 4,200,000	\$ 4,200,000	\$ 4,200,000	Tax Exempt	Y

**Nonaccounting Information - Schedule of Bond,
Note, and Lease Transactions**

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Project Code	Project Name	Project Type	Project Purpose	Total Project Amount	Benefited Project Amount	Bond/Note Amount	Federal Tax Status of Bonds	Applicant is a Not for Profit Corporation
10699	Coca-Cola Beverages	Lease	Manufacturing	\$ 22,611,507	\$ 21,571,633	\$ -	n/a	N
10394	Column Development/L&W Supply	Lease	Wholesale Trade	\$ 2,500,000	\$ 2,500,000	\$ -	n/a	N
10198A	Conventus Partners, LP	Lease	Finance, Ins., & Real Estate	\$ 100,723,543	\$ 81,367,307	\$ -	n/a	N
10225	DNC 250, Inc.	Lease	Finance, Ins., & Real Estate	\$ 51,785,708	\$ 51,785,708	\$ -	n/a	N
1014	DTE Tonawanda, LLC	Lease	Services	\$ 34,900,000	\$ 19,700,000	\$ -	n/a	N
10286A	David Gordon/Gordon Companies, Inc./Colvin Oakdale, LLC	Lease	Wholesale Trade	\$ 1,425,000	\$ 1,425,000	\$ -	n/a	N
10415A	Derby Warehousing, LLC/KPM Exceptional	Lease	Wholesale Trade	\$ 1,332,000	\$ 1,307,500	\$ -	n/a	N
10054	Derrick Corporation	Lease	Manufacturing	\$ 19,155,000	\$ 11,355,611	\$ -	n/a	N
2361	Duke HN New York, LLC, Health Now	Bonds/Notes	Services	\$ 111,300,000	\$ 11,275,000	\$ 11,275,000	Taxable	N
10535	Eastman Machine Company	Lease	Manufacturing	\$ 1,665,000	\$ 1,615,000	\$ -	n/a	N
10395A	Ebenezer Railcar Services, Inc.	Lease	Manufacturing	\$ 6,000,000	\$ 4,600,000	\$ -	n/a	N
10504	Elmwood Square Housing	Bonds/Notes	Other Categories	\$ 8,590,000	\$ 8,590,000	\$ 8,590,000	Tax Exempt	N
2544	Enidine Incorporated	Lease	Manufacturing	\$ 2,926,400	\$ 2,926,400	\$ -	n/a	N
2342	Episcopal Church Home & Affiliates Life Care Community, Inc.	Lease	Civic Facility	\$ 14,472,000	\$ 14,472,000	\$ -	n/a	Y
10352	Flexo-Transparent, Inc.	Lease	Manufacturing	\$ 6,559,158	\$ 3,375,000	\$ -	n/a	N
10317A	Flexovit USA, Inc.	Lease	Manufacturing	\$ 8,349,492	\$ 2,878,500	\$ -	n/a	N
10254A	Flying Bison Brewing Co.	Lease	Manufacturing	\$ 2,500,000	\$ 1,642,714	\$ -	n/a	N
1031	General Motors Corporation	Lease	Manufacturing	\$ 501,201,500	\$ 80,000,000	\$ -	n/a	N
627	General Motors Corporation	Lease	Manufacturing	\$ 293,000,000	\$ 42,000,000	\$ -	n/a	N
2524	General Motors Corporation/GM Powertrain Group	Lease	Manufacturing	\$ 25,000,000	\$ 25,000,000	\$ -	n/a	N
2752	General Motors, LLC	Lease	Manufacturing	\$ 814,700,000	\$ 18,000,000	\$ -	n/a	N
2563	General Welding & Fabricating, Inc.	Lease	Manufacturing	\$ 2,260,000	\$ 2,129,670	\$ -	n/a	N
2637	Gerspach Properties, LLC	Lease	Finance, Ins., & Real Estate	\$ 4,500,000	\$ 1,855,000	\$ -	n/a	N
2534	Goya Foods, Inc.	Lease	Manufacturing	\$ 10,681,774	\$ 10,681,774	\$ -	n/a	N
10330A	Great Lakes Orthodontics, Ltd.	Lease	Manufacturing	\$ 4,629,766	\$ 4,629,766	\$ -	n/a	N
10389	Group V Real Estate, Inc./Athenex Pharma Solutions	Lease	Finance, Ins., & Real Estate	\$ 1,697,388	\$ 1,575,000	\$ -	n/a	N
10189	HARBORcenter Development, LLC	Lease	Finance, Ins., & Real Estate	\$ 172,200	\$ 160,000,000	\$ -	n/a	N
10419A	Hertel Pacific, LLC/Cypress North Corp.	Lease	Finance, Ins., & Real Estate	\$ 935,160	\$ 7,000,000	\$ -	n/a	N
2491	Hydro-Air Components, Inc.	Bonds/Notes	Manufacturing	\$ 9,800,000	\$ 9,800,000	\$ 9,800,000	Taxable	N
10350A	Iroquois Bar Corporation	Lease	Manufacturing	\$ 1,561,179	\$ 1,413,021	\$ -	n/a	N
10434	Iskalo 6700 Transit Road, LLC	Lease	Manufacturing	\$ 32,300,000	\$ 21,500,000	\$ -	n/a	N
10433	Jemal's Seneca, LLC	Lease	Finance, Ins., & Real Estate	\$ 45,000,000	\$ 45,000,000	\$ -	n/a	N
2596	John Goller/Arrow Grinding, Inc.	Lease	Manufacturing	\$ 650,000	\$ 614,000	\$ -	n/a	N
10291	Joint Schools Construction Board	Bonds/Notes	Other Categories	\$ 236,975,000	\$ 236,975,000	\$ 236,975,000	Tax Exempt	N
10621	Joint Schools Construction Board	Bonds/Notes	Other Categories	\$ 109,135,000	\$ 109,135,000	\$ 109,135,000	Tax Exempt	N
10140	Joint Schools Construction Board 2012A Refinance	Bonds/Notes	Other Categories	\$ 209,540,000	\$ 209,540,000	\$ 209,540,000	Tax Exempt	N
10194	Joint Schools Construction Board 2013 Refunding of 2009A	Bonds/Notes	Other Categories	\$ 62,540,000	\$ 62,540,000	\$ 62,540,000	Tax Exempt	N
10342	Joint Schools Construction Board Series 2016A	Bonds/Notes	Other Categories	\$ 175,000,000	\$ 133,580,000	\$ 133,580,000	Tax Exempt	N
10134	Joint Schools Construction Project	Bonds/Notes	Other Categories	\$ 277,875,000	\$ 277,875,000	\$ 277,875,000	Tax Exempt	N
10435A	Kamax, LLC/Raine Logistics	Lease	Transportation, Communication, Electric, Gas and Sanitary Services	\$ 2,214,000	\$ 2,214,000	\$ -	n/a	N

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Project Code	Project Name	Project Type	Project Purpose	Total Project Amount	Benefited Project Amount	Bond/Note Amount	Federal Tax Status of Bonds	Applicant is a Not for Profit Corporation
2523	Kohler Awning, Inc.	Lease	Services	\$ 295,800	\$ 295,800	\$ -	n/a	N
10331	Kohler Awning, Inc.	Lease	Manufacturing	\$ 850,000	\$ 850,000	\$ -	n/a	N
10009	Lco Building, LLC	Lease	Construction	\$ 13,428,191	\$ 10,000,000	\$ -	n/a	N
2656	Life Technologies Corporation	Lease	Services	\$ 2,378,000	\$ 2,378,000	\$ -	n/a	N
2680	Life Technologies, Inc.	Lease	Manufacturing	\$ 7,558,455	\$ 6,905,410	\$ -	n/a	N
2511	Luminescent Systems, Inc. ("LSI")	Bonds/Notes	Manufacturing	\$ 7,500,000	\$ 6,000,000	\$ 6,000,000	Tax Exempt	N
2675	MJM Industries, Inc.	Lease	Wholesale Trade	\$ 1,000,000	\$ 1,000,000	\$ -	n/a	N
10404	Marina Vista Apartments	Bonds/Notes	Finance, Ins., & Real Estate	\$ 23,599,000	\$ 13,300,000	\$ 13,300,000	Taxable	N
2566	Mayer Brothers Apple Products, Inc.	Lease	Manufacturing	\$ 916,530	\$ 916,530	\$ -	n/a	N
10209A	McGard, LLC	Lease	Manufacturing	\$ 9,009,000	\$ 7,702,319	\$ -	n/a	N
10216	Medaille College 2013 Refunding of ECIDA 2003 Bond	Bonds/Notes	Other Categories	\$ 18,240,000	\$ 18,240,000	\$ 18,240,000	Tax Exempt	N
2426	Moog Inc. Plant 6A and 2C	Lease	Manufacturing	\$ 6,514,316	\$ 6,514,316	\$ -	n/a	N
10356A	Moog, Inc.	Lease	Manufacturing	\$ 44,300,000	\$ 39,600,000	\$ -	n/a	N
10093	Moog, Inc.	Lease	Manufacturing	\$ 20,567,600	\$ 17,327,600	\$ -	n/a	N
2619	Moog, Inc. Plant 11D	Lease	Manufacturing	\$ 6,700,300	\$ 6,700,300	\$ -	n/a	N
2574	Moog, Inc. Plant 20	Lease	Manufacturing	\$ 9,781,000	\$ 9,463,000	\$ -	n/a	N
2454	New Era Cap Company, Inc.	Lease	Manufacturing	\$ 9,772,000	\$ 9,593,850	\$ -	n/a	N
10390A	Niagara Label/12715 Lewis Road, LLC	Lease	Manufacturing	\$ 1,300,000	\$ 1,300,000	\$ -	n/a	N
1062	Niagara Maryland Development, LLC	Bonds/Notes	Other Categories	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	Tax Exempt	N
10064	Niagara Transformer Corporation	Lease	Manufacturing	\$ 10,365,000	\$ 6,700,000	\$ -	n/a	N
10234	North American Salt Company	Lease	Manufacturing	\$ 8,269,396	\$ 4,680,000	\$ -	n/a	N
2481	Northstar Services, LLC	Lease	Services	\$ 1,400,000	\$ 1,400,000	\$ -	n/a	N
10256	Orchard Heights, Inc.	Lease	Services	\$ 18,700,000	\$ 18,700,000	\$ -	n/a	N
2404	Orchard Park CCRC, Inc.	Bonds/Notes	Other Categories	\$ 80,000,000	\$ 77,835,000	\$ 77,835,000	Tax Exempt	Y
2516	Our Lady of Victory Renaissance Corporation	Bonds/Notes	Civic Facility	\$ 12,000,000	\$ 11,860,000	\$ 11,860,000	Tax Exempt	Y
1036	People, Inc.	Bonds/Notes	Services	\$ 13,685,000	\$ 13,685,000	\$ 13,685,000	Tax Exempt	Y
2579	Perry's Ice Cream Company, Inc.	Lease	Services	\$ 3,600,000	\$ 3,600,000	\$ -	n/a	N
10354	Pine Pharmaceuticals	Lease	Manufacturing	\$ 4,300,000	\$ 3,500,000	\$ -	n/a	N
10212	Pollock Research & Design d/b/a Simmers Crane Design & Services	Lease	Manufacturing	\$ 1,546,500	\$ 1,475,000	\$ -	n/a	N
10689	Polymer Conversions, Inc.	Lease	Manufacturing	\$ 14,250,000	\$ 14,000,000	\$ -	n/a	N
2478	Polymer Conversions, Inc.	Lease	Manufacturing	\$ 3,460,000	\$ 2,964,300	\$ -	n/a	N
10393A	ROAR Logistics, LLC	Lease	Services	\$ 3,425,000	\$ 2,616,000	\$ -	n/a	N
10211	Richardson Center Corporation/Richardson Olmsted	Lease	Finance, Ins., & Real Estate	\$ 55,154,000	\$ 44,310,000	\$ -	n/a	N
2520	Rigidized Metals Corp.	Lease	Services	\$ 1,569,176	\$ 1,569,176	\$ -	n/a	N
10420	Rosina Food Products, Inc.	Lease	Manufacturing	\$ 58,000,000	\$ 33,000,000	\$ -	n/a	N
10269	SelectOne RE Holdings	Lease	Services	\$ 1,528,000	\$ 1,528,000	\$ -	n/a	N
10341A	Shell Fab	Lease	Manufacturing	\$ 3,179,000	\$ 2,750,000	\$ -	n/a	N
10292A	Shevlin Land & Cattle Company	Lease	Finance, Ins., & Real Estate	\$ 1,602,950	\$ 1,534,571	\$ -	n/a	N
10700	Skycatcher Holdings, LLC	Tax Exemptions	Manufacturing	\$ 2,879,000	\$ 2,829,000	\$ -	n/a	N
10421	Steel Winds I Replacement	Lease	Other Categories	\$ 17,171,429	\$ 16,171,429	\$ -	n/a	N
10422	Steel Winds II Replacement	Lease	Other Categories	\$ 4,292,858	\$ 4,002,858	\$ -	n/a	N

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Project Code	Project Name	Project Type	Project Purpose	Total Project Amount	Benefited Project Amount	Bond/Note Amount	Federal Tax Status of Bonds	Applicant is a Not for Profit Corporation
10430A	Steuben Foods, Inc.	Lease	Manufacturing	\$ 25,621,494	\$ 25,621,494	\$ -	n/a	N
10410A	Steuben Foods, Inc.	Lease	Manufacturing	\$ 16,457,951	\$ 10,283,007	\$ -	n/a	N
10586	Sucro Real Estate/Sweet Life	Lease	Manufacturing	\$ 19,000,000	\$ 18,880,000	\$ -	n/a	N
10360A	Sumitomo Rubber USA, Inc.	Lease	Manufacturing	\$ 9,915,409	\$ 4,461,159	\$ -	n/a	N
10706	Sumotomo Rubber	Lease	Manufacturing	\$ 126,000,000	\$ 125,985,000	\$ -	n/a	N
10620	Surmet Ceramics	Tax Exemptions	Manufacturing	\$ 11,500,000	\$ 11,000,000	\$ -	n/a	N
10192	The Kittinger Company	Lease	Manufacturing	\$ 1,278,000	\$ 1,278,000	\$ -	n/a	N
10295A	The Uniland Partnership of Delaware, LP	Lease	Finance, Ins., & Real Estate	\$ 21,058,000	\$ 17,850,000	\$ -	n/a	N
10565	Thermo Fisher North Expansion	Lease	Manufacturing	\$ 85,000,000	\$ 70,200,000	\$ -	n/a	N
10564	Thermo Fisher West Expansion	Lease	Manufacturing	\$ 90,000,000	\$ 90,000,000	\$ -	n/a	N
10418	Time Release Properties/Time Release Sciences, Inc.	Lease	Manufacturing	\$ 22,700,000	\$ 14,380,000	\$ -	n/a	N
10221	Tonawanda Pirson, LLC/Wythe Will Tzetzto	Lease	Transportation, Communication, Electric, Gas and Sanitary Services	\$ 18,700,000	\$ 16,200,000	\$ -	n/a	N
10328A	Trahwen-G, LLC	Lease	Finance, Ins., & Real Estate	\$ 4,772,611	\$ 4,772,611	\$ -	n/a	N
10260A	Unifrax 1, LLC	Lease	Manufacturing	\$ 33,000,000	\$ 13,000,000	\$ -	n/a	N
10362A	Unifrax 1, LLC	Lease	Manufacturing	\$ 28,700,000	\$ 6,151,770	\$ -	n/a	N
10407	Unifrax Line 7	Lease	Manufacturing	\$ 36,000,000	\$ 18,675,000	\$ -	n/a	N
10379A	WNY Foreign Trade Zone Operations/Punto Franco Ltd.	Lease	Services	\$ 1,516,000	\$ 1,516,000	\$ -	n/a	N
10148A	Welded Tube	Lease	Manufacturing	\$ 49,778,000	\$ 12,762,000	\$ -	n/a	N
2345	Zion Holdings, LLC/Bufalo Clinical Research Center, LLC	Lease	Other Categories	\$ 2,250,000	\$ 2,250,000	\$ -	n/a	N
10702	George Lewis House Apartments	Tax Exemptions	Finance, Ins., & Real Estate	\$ 2,875,000	\$ 945,000	\$ -	n/a	N
10703	Walcot Apartments	Tax Exemptions	Finance, Ins., & Real Estate	\$ 3,345,000	\$ 1,212,000	\$ -	n/a	N
10720	Broadway Development & Management Group, LLC	Tax Exemptions	Finance, Ins., & Real Estate	\$ 12,500,000	\$ 8,086,560	\$ -	n/a	N
10722	Arbor Multi Family Lending	Tax Exemptions	Services	\$ 2,100,000	\$ 2,000,000	\$ -	n/a	N
10723	791 Washington Street, LLC	Lease	Finance, Ins., & Real Estate	\$ 101,500,000	\$ 79,693,125	\$ -	n/a	N
10725	471 Elmwood Ave	Tax Exemptions	Finance, Ins., & Real Estate	\$ 3,590,000	\$ 1,400,000	\$ -	n/a	N
10727	Worksport	Tax Exemptions	Manufacturing	\$ 15,666,887	\$ 1,480,000	\$ -	n/a	N
10740	A&A Union Road, LLC	Lease	Services	\$ 3,110,729	\$ 2,786,729	\$ -	n/a	N
10746	380 Vulcan / Carrier Terminal Services	Lease	Services	\$ 7,145,000	\$ 5,760,000	\$ -	n/a	N
10751	Perry's Ice Cream	Lease	Manufacturing	\$ 18,000,000	\$ 9,820,000	\$ -	n/a	N
10758	Tonawanda Towers	Bonds/Notes	Finance, Ins., & Real Estate	\$ 25,040,720	\$ 11,740,000	\$ 11,740,000	Tax Exempt	N
10759	Laborers Way 1, LLC	Lease	Manufacturing	\$ 27,800,000	\$ 24,875,000	\$ -	n/a	N
10772	Second Warehouse 132 Dingens Street LLC	Lease	Finance, Ins., & Real Estate	\$ 9,300,000	\$ 9,050,000	\$ -	n/a	N
10730	Joint Schools Construction Board/City School District of the City of Buffalo - 2022 series	Bonds/Notes	Finance, Ins., & Real Estate	\$ 71,150,000	\$ 71,150,000	\$ 71,150,000	Tax Exempt	N
10469	Great Point Studios Buffalo	Lease	Services	\$ 20,931,998	\$ 15,318,753	\$ -	n/a	N

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Project Code	Project Name	Date Project Approved	Estimate of jobs to be created	Estimate of jobs to be retained	State Sales Tax Exemption	Local Sales Tax Exemption	County Real Property Tax Exemption	Local Property Tax Exemption	School Property Tax Exemption	Mortgage Recording Tax Exemption
2682	1093 Group/Family Dollar	6/8/2009	2	0	\$ -	\$ -	\$ 3,555	\$ 12,846	\$ -	\$ -
10676	132 Dingens Street/Pinto Construction	7/28/2021	23	0	\$ 67,168	\$ 79,762	\$ -	\$ -	\$ -	\$ -
2360	2009 Shoreline Apartments LLC	5/9/2005	4	0	\$ -	\$ -	\$ 9,956	\$ 35,975	\$ -	\$ -
10411	201 Ellicott, LLC/Braymiller Market	8/28/2019	45	0	\$ -	\$ -	\$ -	\$ 29,979	\$ -	\$ -
2405	2300 Clinton Street Holdings, LLC/ Pol -Tek Industries	9/12/2005	3	0	\$ -	\$ -	\$ 1,608	\$ 2,515	\$ 6,747	\$ -
10671	283 Ship Canal Parkway	5/26/2021	76	0	\$ 596,771	\$ 708,666	\$ -	\$ -	\$ -	\$ -
10672	293 Grote Street	5/26/2021	1	0	\$ 112,640	\$ 133,760	\$ -	\$ -	\$ -	\$ -
2583	315 Ship Canal Parkway, LLC	12/10/2007	33	0	\$ -	\$ -	\$ 60,339	\$ 218,033	\$ -	\$ -
10432	3310 Benzing Road/Marathon Drains/MRP Supports	3/25/2020	2	15	\$ -	\$ -	\$ 1,756	\$ 1,326	\$ 6,379	\$ -
10230	337 Ellicott Street, LLC/Big Ditch Brewing Company	1/29/2014	13	0	\$ -	\$ -	\$ 12,068	\$ 43,607	\$ -	\$ -
10376	467 Richmond Avenue	6/28/2017	1	3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10231A	500 Seneca Street, LLC	2/26/2014	11	20	\$ -	\$ -	\$ 146,388	\$ 528,965	\$ -	\$ -
2515	5001 Genesee Street, LLC / Niagara National, Inc.	11/13/2006	5	30	\$ -	\$ -	\$ 5,890	\$ 9,212	\$ 16,187	\$ -
10203	555 Riverwalk Parkway, LLC	4/22/2013	168	0	\$ -	\$ -	\$ 31,803	\$ 78,697	\$ 125,747	\$ -
10355A	570 Associates VI, LLC	2/22/2017	124	0	\$ 134,081	\$ 159,222	\$ 49,973	\$ 78,156	\$ 153,447	\$ -
10372	683 Northland Avenue/Workforce Training Center	5/24/2017	8	0	\$ -	\$ -	\$ 8,045	\$ 29,071	\$ -	\$ -
10583	72 East Niagara Street	1/27/2021	3	17	\$ -	\$ -	\$ -	\$ -	\$ 23,315	\$ -
10524	75 Pirson Parkway	11/18/2020	2	35	\$ 67,705	\$ 80,400	\$ -	\$ -	\$ 35,120	\$ -
10339	791 Washington Street, LLC/Trico Building	8/24/2016	130	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10285A	93 NYRPT, LLC	4/22/2015	35	0	\$ -	\$ -	\$ 21,566	\$ 33,728	\$ 63,519	\$ -
10298	95 Pirson Parkway, LLC	8/18/2015	31	141	\$ -	\$ -	\$ 13,641	\$ 33,756	\$ 53,938	\$ -
2479	9505 Main Street, LLC - Cobey	5/8/2006	15	45	\$ -	\$ -	\$ 12,028	\$ 83,615	\$ -	\$ -
2616	API Heat Transfer, Inc.	5/12/2008	75	0	\$ -	\$ -	\$ 21,792	\$ 34,083	\$ -	\$ -
10359A	Aakron Rule Corporation	4/26/2017	10	145	\$ -	\$ -	\$ 5,011	\$ 8,101	\$ 13,004	\$ -
1742	Asbury Development, LP/Righteous Babe Records	6/11/2003	0	0	\$ -	\$ -	\$ 19,985	\$ 72,214	\$ -	\$ -
10208	Automated Machine Technologies, Inc.	5/20/2013	2	0	\$ -	\$ -	\$ 2,805	\$ 2,118	\$ 10,188	\$ -
10663	BLD VII, LLC	4/28/2021	41	0	\$ 137,684	\$ 163,500	\$ -	\$ -	\$ -	\$ -
10074	BP Southtowns Campus, LLC, JP Southtowns Campus, LLC & B&S Southtowns Campus Group, LLC	12/19/2011	50	0	\$ -	\$ -	\$ 12,947	\$ 9,774	\$ 47,020	\$ -
10429	Baracolo Buffalo LLC	2/26/2020	25	9	\$ 58,827	\$ 69,857	\$ -	\$ -	\$ -	\$ -
2456	Braxner, LLC	2/13/2006	36	4	\$ -	\$ -	\$ 4,275	\$ 10,579	\$ -	\$ -
10413	Buffalo Material Handling	6/27/2019	3	30	\$ -	\$ -	\$ 2,447	\$ 8,309	\$ 6,724	\$ -
2674	Buffalo Recycling Enterprises, LLC	3/9/2009	40	0	\$ -	\$ -	\$ 13,828	\$ 49,966	\$ -	\$ -
10701	Bullis Road Solar	9/22/2021	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10622	Bush Lofts	3/24/2021	1	0	\$ 13,930	\$ 16,542	\$ -	\$ -	\$ -	\$ -
10408	CPI Process Systems, Inc.	5/22/2019	2	12	\$ -	\$ -	\$ 9,122	\$ 14,972	\$ 31,719	\$ -
10582	Calspan Corporation	1/27/2021	20	143	\$ 10,001	\$ 11,876	\$ -	\$ -	\$ -	\$ -
10340A	Calspan Corporation	8/24/2016	11	113	\$ -	\$ -	\$ 12,867	\$ 20,124	\$ 35,363	\$ -
2591	Canisius High School	1/1/2008	1	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
860	Canterbury Woods	6/11/1997	16	0	\$ -	\$ -	\$ 128,916	\$ 100,399	\$ 472,377	\$ -
10585	Chestnut Point LLC	1/27/2021	43	76	\$ 13,916	\$ 16,525	\$ -	\$ -	\$ 95,911	\$ -

**Nonaccounting Information - Schedule of Bond,
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Project Code	Project Name	Date Project Approved	Estimate of jobs to be created	Estimate of jobs to be retained	State Sales Tax Exemption	Local Sales Tax Exemption	County Real Property Tax Exemption	Local Property Tax Exemption	School Property Tax Exemption	Mortgage Recording Tax Exemption
1035	Child & Family Services of Erie County	5/15/2002	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10699	Coca-Cola Beverages	9/22/2021	0	124	\$ 379,596	\$ 450,770	\$ -	\$ -	\$ -	\$ -
10394	Column Development/L&W Supply	7/25/2018	8	30	\$ -	\$ -	\$ 8,971	\$ 14,030	\$ 26,422	\$ -
10198A	Conventus Partners, LP	3/25/2013	100	1148	\$ -	\$ -	\$ 228,691	\$ 826,361	\$ -	\$ -
10225	DNC 250, Inc.	12/16/2013	65	0	\$ -	\$ -	\$ 152,357	\$ 550,532	\$ -	\$ -
1014	DTE Tonawanda, LLC	3/14/2001	7	0	\$ -	\$ -	\$ 49,599	\$ 122,733	\$ 196,112	\$ -
10286A	David Gordon/Gordon Companies, Inc./Colvin Oakdale, LLC	5/20/2015	6	82	\$ -	\$ -	\$ 9,922	\$ 15,518	\$ 25,891	\$ -
10415A	Derby Warehousing, LLC/KPM Exceptional	7/24/2019	1	6	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10054	Derrick Corporation	3/21/2011	36	0	\$ -	\$ -	\$ 9,237	\$ 14,447	\$ -	\$ -
2361	Duke HN New York, LLC, Health Now	7/11/2005	0	0	\$ -	\$ -	\$ 362,036	\$ 1,308,195	\$ -	\$ -
10535	Eastman Machine Company	2/24/2021	3	126	\$ 19,605	\$ 23,281	\$ -	\$ -	\$ -	\$ 7,500
10395A	Ebenezer Railcar Services, Inc.	7/25/2018	13	84	\$ -	\$ -	\$ 29,729	\$ 48,792	\$ 103,370	\$ -
10504	Elmwood Square Housing	9/23/2021	0	4	\$ 2,674	\$ 3,175	\$ -	\$ -	\$ -	\$ -
2544	Enidine Incorporated	3/12/2007	40	270	\$ -	\$ -	\$ 2,439	\$ 1,841	\$ 8,858	\$ -
2342	Episcopal Church Home & Affiliates Life Care Community, Inc.	6/13/2005	30	0	\$ -	\$ -	\$ 37,869	\$ 29,492	\$ 138,761	\$ -
10352	Flexo-Transparent, Inc.	12/21/2016	6	115	\$ -	\$ -	\$ 2,263	\$ 8,176	\$ -	\$ -
10317A	Flexovit USA, Inc.	11/18/2015	36	45	\$ -	\$ -	\$ 16,682	\$ 27,831	\$ 40,615	\$ -
10254A	Flying Bison Brewing Co.	6/18/2014	4	5	\$ -	\$ -	\$ 8,548	\$ 30,888	\$ -	\$ -
1031	General Motors Corporation	5/10/2000	0	0	\$ -	\$ -	\$ 198,725	\$ 491,751	\$ 785,754	\$ -
627	General Motors Corporation	10/16/1996	0	4133	\$ -	\$ -	\$ 102,241	\$ 252,998	\$ 404,258	\$ -
2524	General Motors Corporation/GM Powertrain Group	12/11/2006	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2752	General Motors, LLC	4/12/2010	263	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2563	General Welding & Fabricating, Inc.	5/21/2007	10	29	\$ -	\$ -	\$ 12,514	\$ 602	\$ 40,219	\$ -
2637	Gerspach Properties, LLC	8/11/2008	2	0	\$ -	\$ -	\$ 6,421	\$ 22,090	\$ 19,820	\$ -
2534	Goya Foods, Inc.	3/12/2007	0	0	\$ -	\$ -	\$ 36,864	\$ 100,961	\$ 114,833	\$ -
10330A	Great Lakes Orthodontics, Ltd.	6/22/2016	9	221	\$ -	\$ -	\$ 13,111	\$ 32,445	\$ 51,842	\$ -
10389	Group V Real Estate, Inc./Athenex Pharma Solutions	2/21/2018	25	55	\$ -	\$ -	\$ 2,358	\$ 988	\$ 7,287	\$ -
10189	HARBORcenter Development, LLC	2/19/2013	285	0	\$ -	\$ -	\$ 326,838	\$ 853,961	\$ -	\$ -
10419A	Hertel Pacific, LLC/Cypress North Corp.	8/28/2019	2	16	\$ -	\$ -	\$ -	\$ 10,084	\$ -	\$ -
2491	Hydro-Air Components, Inc.	6/12/2006	135	165	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10350A	Iroquois Bar Corporation	10/26/2016	2	65	\$ -	\$ -	\$ 2,535	\$ 9,162	\$ 6,862	\$ -
10434	Iskalo 6700 Transit Road, LLC	5/27/2020	90	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10433	Jemal's Seneca, LLC	3/25/2020	5	0	\$ -	\$ -	\$ 101,697	\$ 667,270	\$ -	\$ -
2596	John Goller/Arrow Grinding, Inc.	1/17/2008	6	0	\$ -	\$ -	\$ 6,475	\$ 22,277	\$ 19,988	\$ -
10291	Joint Schools Construction Board	5/20/2015	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10621	Joint Schools Construction Board	4/28/2021	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10140	Joint Schools Construction Board 2012A Refinance	8/14/2002	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10194	Joint Schools Construction Board 2013 Refunding of 2009A	3/25/2013	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10342	Joint Schools Construction Board Series 2016A	8/24/2016	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10134	Joint Schools Construction Project	8/14/2002	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

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December 31, 2022

Project Code	Project Name	Date Project Approved	Estimate of jobs to be created	Estimate of jobs to be retained	State Sales Tax Exemption	Local Sales Tax Exemption	County Real Property Tax Exemption	Local Property Tax Exemption	School Property Tax Exemption	Mortgage Recording Tax Exemption
10435A	Kamax, LLC/Raine Logistics	6/24/2020	1	12	\$ 601	\$ 714	\$ 6,288	\$ 10,320	\$ 21,865	\$ -
2523	Kohler Awning, Inc.	12/11/2006	20	0	\$ -	\$ -	\$ 1,835	\$ 2,870	\$ 5,404	\$ -
10331	Kohler Awning, Inc.	6/22/2016	1	50	\$ -	\$ -	\$ 2,582	\$ 4,039	\$ 7,606	\$ -
10009	Lco Building, LLC	10/18/2010	25	176	\$ -	\$ -	\$ 29,415	\$ 106,291	\$ -	\$ -
2656	Life Technologies Corporation	10/20/2008	0	475	\$ -	\$ -	\$ 3,007	\$ 1,592	\$ 11,242	\$ -
2680	Life Technologies, Inc.	4/20/2009	0	0	\$ -	\$ -	\$ 3,483	\$ 1,844	\$ 13,023	\$ -
2511	Luminescent Systems, Inc. ("LSI")	8/14/2006	100	280	\$ -	\$ -	\$ 16,487	\$ 26,828	\$ 52,166	\$ -
2675	MJM Industries, Inc.	3/9/2009	50	0	\$ -	\$ -	\$ 4,845	\$ 3,657	\$ 17,595	\$ -
10404	Marina Vista Apartments	2/27/2019	0	5	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2566	Mayer Brothers Apple Products, Inc.	6/11/2007	0	0	\$ -	\$ -	\$ 4,141	\$ 6,796	\$ 14,399	\$ -
10209A	McGard, LLC	5/20/2013	23	457	\$ -	\$ -	\$ 9,983	\$ 7,536	\$ 36,254	\$ -
10216	Medaille College 2013 Refunding of ECIDA 2003 Bond	3/12/2003	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2426	Moog Inc. Plant 6A and 2C	4/10/2006	0	0	\$ -	\$ -	\$ 3,362	\$ 162	\$ 9,947	\$ -
10356A	Moog, Inc.	3/22/2017	69	288	\$ -	\$ -	\$ 18,267	\$ 879	\$ 53,940	\$ -
10093	Moog, Inc.	8/15/2011	35	0	\$ -	\$ -	\$ 22,753	\$ 1,095	\$ 67,189	\$ -
2619	Moog, Inc. Plant 11D	4/14/2008	70	0	\$ -	\$ -	\$ 10,474	\$ 504	\$ 35,855	\$ -
2574	Moog, Inc. Plant 20	8/13/2007	0	0	\$ -	\$ -	\$ 14,886	\$ 717	\$ 43,954	\$ -
2454	New Era Cap Company, Inc.	3/13/2006	20	0	\$ -	\$ -	\$ 39,472	\$ 142,630	\$ -	\$ -
10390A	Niagara Label/12715 Lewis Road, LLC	5/23/2018	5	49	\$ -	\$ -	\$ 1,936	\$ 811	\$ 5,024	\$ -
1062	Niagara Maryland Development, LLC	7/21/1999	21	0	\$ -	\$ -	\$ 18,605	\$ 67,227	\$ -	\$ -
10064	Niagara Transformer Corporation	5/16/2011	14	0	\$ -	\$ -	\$ 14,634	\$ 22,887	\$ 43,102	\$ -
10234	North American Salt Company	1/29/2014	8	0	\$ -	\$ -	\$ 6,025	\$ 21,775	\$ 16,308	\$ -
2481	Northstar Services, LLC	6/12/2006	140	0	\$ -	\$ -	\$ 9,560	\$ 14,951	\$ 29,233	\$ -
10256	Orchard Heights, Inc.	7/16/2014	7	42	\$ -	\$ -	\$ 46,397	\$ 35,026	\$ 168,499	\$ -
2404	Orchard Park CCRC, Inc.	9/12/2005	118	0	\$ -	\$ -	\$ 143,466	\$ 108,305	\$ 521,025	\$ -
2516	Our Lady of Victory Renaissance Corporation	11/2/2006	150	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1036	People, Inc.	5/15/2002	600	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2579	Perry's Ice Cream Company, Inc.	9/10/2007	5	285	\$ -	\$ -	\$ 5,467	\$ 8,837	\$ 14,186	\$ -
10354	Pine Pharmaceuticals	2/22/2017	12	15	\$ -	\$ -	\$ 10,382	\$ 25,690	\$ 41,049	\$ -
10212	Pollock Research & Design d/b/a Simmers Crane Design & Services	6/17/2013	5	0	\$ -	\$ -	\$ 4,299	\$ 14,789	\$ 13,269	\$ -
10689	Polymer Conversions, Inc.	7/28/2021	15	125	\$ 129,160	\$ 153,378	\$ -	\$ -	\$ -	\$ -
2478	Polymer Conversions, Inc.	5/8/2006	15	80	\$ -	\$ -	\$ 7,593	\$ 5,732	\$ 27,574	\$ -
10393A	ROAR Logistics, LLC	6/27/2018	14	43	\$ -	\$ -	\$ 10,057	\$ 36,339	\$ -	\$ -
10211	Richardson Center Corporation/Richardson Olmsted	6/17/2013	45	0	\$ -	\$ -	\$ 42,489	\$ 153,531	\$ -	\$ -
2520	Rigidized Metals Corp.	11/13/2006	2	45	\$ -	\$ -	\$ 3,520	\$ 12,719	\$ -	\$ -
10420	Rosina Food Products, Inc.	10/23/2019	40	100	\$ -	\$ -	\$ -	\$ -	\$ 145,327	\$ -
10269	SelectOne RE Holdings	10/22/2014	6	14	\$ -	\$ -	\$ 3,268	\$ 11,810	\$ -	\$ -
10341A	Shell Fab	8/24/2016	10	45	\$ -	\$ -	\$ 12,641	\$ 20,747	\$ 43,955	\$ -
10292A	Shevlin Land & Cattle Company	6/16/2015	10	70	\$ -	\$ -	\$ 8,002	\$ 13,133	\$ 27,824	\$ -
10700	Skycatcher Holdings, LLC	9/22/2021	6	41	\$ 6,754	\$ 8,020	\$ -	\$ -	\$ -	\$ -

**Nonaccounting Information - Schedule of Bond,
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December 31, 2022

Project Code	Project Name	Date Project Approved	Estimate of jobs to be created	Estimate of jobs to be retained	State Sales Tax Exemption	Local Sales Tax Exemption	County Real Property Tax Exemption	Local Property Tax Exemption	School Property Tax Exemption	Mortgage Recording Tax Exemption
10421	Steel Winds I Replacement	11/20/2019	0	3	\$ -	\$ -	\$ 38,743	\$ 140,030	\$ 104,872	\$ -
10422	Steel Winds II Replacement	11/1/2020	0	3	\$ -	\$ -	\$ 9,686	\$ 35,008	\$ 26,218	\$ -
10430A	Steuben Foods, Inc.	3/25/2020	20	604	\$ 16,019	\$ 19,022	\$ -	\$ -	\$ -	\$ -
10410A	Steuben Foods, Inc.	3/27/2019	18	564	\$ -	\$ -	\$ 37,310	\$ 1,796	\$ 119,910	\$ -
10586	Sucro Real Estate/Sweet Life	1/27/2021	40	5	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 86,250
10360A	Sumitomo Rubber USA, Inc.	4/26/2017	0	1241	\$ -	\$ -	\$ 8,190	\$ 20,267	\$ 28,457	\$ -
10706	Sumotomo Rubber	10/27/2021	0	1399	\$ 305,250	\$ 362,485	\$ -	\$ -	\$ -	\$ -
10620	Surmet Ceramics	3/24/2021	18	13	\$ 12,332	\$ 14,644	\$ -	\$ -	\$ -	\$ -
10192	The Kittinger Company	2/19/2013	8	0	\$ -	\$ -	\$ 5,550	\$ 2,141	\$ 16,189	\$ -
10295A	The Uniland Partnership of Delaware, LP	8/18/2015	0	511	\$ -	\$ -	\$ 48,704	\$ 76,172	\$ 133,855	\$ -
10565	Thermo Fisher North Expansion	1/27/2021	60	807	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10564	Thermo Fisher West Expansion	12/16/2020	60	818	\$ 267,261	\$ 317,373	\$ -	\$ -	\$ -	\$ -
10418	Time Release Properties/Time Release Sciences, Inc.	8/28/2019	20	103	\$ 30,323	\$ 36,008	\$ -	\$ 267,163	\$ 200,085	\$ -
10221	Tonawanda Pirson, LLC/Wythe Will Tzetz	9/16/2013	35	0	\$ -	\$ -	\$ 64,665	\$ 160,015	\$ 255,684	\$ -
10328A	Trahwen-G, LLC	5/26/2015	35	0	\$ -	\$ -	\$ 26,776	\$ 41,877	\$ 96,705	\$ -
10260A	Unifrax 1, LLC	8/19/2014	25	268	\$ -	\$ -	\$ 7,222	\$ 17,871	\$ 28,555	\$ -
10362A	Unifrax 1, LLC	4/26/2017	25	0	\$ -	\$ -	\$ 32,305	\$ 79,939	\$ 127,732	\$ -
10407	Unifrax Line 7	3/27/2019	10	27	\$ -	\$ -	\$ -	\$ -	\$ 85,146	\$ -
10379A	WNY Foreign Trade Zone Operations/Punto Franco Ltd.	8/23/2017	1	5	\$ -	\$ -	\$ 4,171	\$ 15,075	\$ 11,290	\$ -
10148A	Welded Tube	7/16/2012	121	0	\$ -	\$ -	\$ 41,778	\$ 151,001	\$ 113,089	\$ -
2345	Zion Holdings, LLC/Bufalo Clinical Research Center, LLC	4/11/2005	0	20	\$ -	\$ -	\$ 14,582	\$ 52,691	\$ -	\$ -
10702	George Lewis House Apartments	9/21/21	1	0	\$ 2,973	\$ 3,530	\$ -	\$ -	\$ -	\$ -
10703	Walcot Apartments	9/21/21	1	0	\$ 2,499	\$ 2,968	\$ -	\$ -	\$ -	\$ -
10720	Broadway Development & Management Group, LLC	1/26/22	7	2	\$ 1,260	\$ 1,496	\$ -	\$ -	\$ -	\$ -
10722	Arbor Multi Family Lending	1/26/22	25	168	\$ 58,766	\$ 69,785	\$ -	\$ -	\$ -	\$ -
10723	791 Washington Street, LLC	1/26/22	5	0	\$ 119,326	\$ 141,700	\$ -	\$ -	\$ -	\$ 532,500
10725	471 Elmwood Ave	3/23/22	1	0	\$ 913	\$ 1,085	\$ -	\$ -	\$ -	\$ -
10727	Workspport	4/27/22	11	0	\$ 2,611	\$ 3,101	\$ -	\$ -	\$ -	\$ 30,937
10740	A&A Union Road, LLC	7/27/22	2	12	\$ 70	\$ 83	\$ -	\$ -	\$ -	\$ 19,890
10746	380 Vulcan / Carrier Terminal Services	7/27/22	4	5	\$ 15,282	\$ 18,148	\$ -	\$ -	\$ -	\$ 39,375
10751	Perry's Ice Cream	7/27/22	15	363	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10758	Tonawanda Towers	10/26/22	0	3	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10759	Laborers Way 1, LLC	8/24/22	37	0	\$ 85,141	\$ 101,105	\$ -	\$ -	\$ -	\$ 120,000
10772	Second Warehouse 132 Dingens Street LLC	12/21/22	18	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10730	Joint Schools Construction Board/City School District of the City of Buffalo - 2022 series	4/27/22	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10469	Great Point Studios Buffalo	11/17/21	17	0	\$ 162,938	\$ 193,489	\$ -	\$ -	\$ -	\$ -

**Nonaccounting Information - Schedule of Bond,
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Project Code	Project Name	County PILOT Payments Made	Local PILOT Payments Made	School District PILOT Payments Made	County PILOT Payments Due	Local PILOT Payments Due	School District PILOT Payments Due
2682	1093 Group/Family Dollar	\$ 1,904	\$ 6,881	\$ -	\$ 1,904	\$ 6,881	\$ -
10676	132 Dingens Street/Pinto Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2360	2009 Shoreline Apartments LLC	\$ 6,560	\$ 20,271	\$ -	\$ 6,560	\$ 20,271	\$ -
10411	201 Ellicott, LLC/Braymiller Market	\$ -	\$ 11,125	\$ -	\$ -	\$ 11,125	\$ -
2405	2300 Clinton Street Holdings, LLC/ Pol -Tek Industries	\$ 841	\$ 1,316	\$ 6,747	\$ 841	\$ 1,316	\$ 6,747
10671	283 Ship Canal Parkway	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10672	293 Grote Street	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2583	315 Ship Canal Parkway, LLC	\$ 30,170	\$ 109,016	\$ -	\$ 30,170	\$ 109,016	\$ -
10432	3310 Benzing Road/Marathon Drains/MRP Supports	\$ 176	\$ 133	\$ 638	\$ 176	\$ 133	\$ 638
10230	337 Ellicott Street, LLC/Big Ditch Brewing Company	\$ 7,942	\$ 28,698	\$ -	\$ 7,942	\$ 28,698	\$ -
10376	467 Richmond Avenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10231A	500 Seneca Street, LLC	\$ 146,388	\$ 528,965	\$ -	\$ 146,388	\$ 528,965	\$ -
2515	5001 Genesee Street, LLC / Niagara National, Inc.	\$ 3,545	\$ 5,545	\$ 9,743	\$ 3,545	\$ 5,545	\$ 9,743
10203	555 Riverwalk Parkway, LLC	\$ 6,156	\$ 15,234	\$ 35,609	\$ 6,156	\$ 15,234	\$ 35,609
10355A	570 Associates VI, LLC	\$ 26,486	\$ 41,424	\$ 28,867	\$ 26,486	\$ 41,424	\$ 28,867
10372	683 Northland Avenue/Workforce Training Center	\$ 3,840	\$ 15,563	\$ -	\$ 3,840	\$ 15,563	\$ -
10583	72 East Niagara Street	\$ -	\$ -	\$ 7,506	\$ -	\$ -	\$ 7,506
10524	75 Pirson Parkway	\$ -	\$ -	\$ 15,820	\$ -	\$ -	\$ 15,820
10339	791 Washington Street, LLC/Trico Building	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10285A	93 NYRPT, LLC	\$ 7,072	\$ 11,061	\$ 20,830	\$ 7,072	\$ 11,061	\$ 20,830
10298	95 Pirson Parkway, LLC	\$ 5,066	\$ 12,536	\$ 20,030	\$ 5,066	\$ 12,536	\$ 20,030
2479	9505 Main Street, LLC - Cobey	\$ 12,028	\$ 83,615	\$ -	\$ 12,028	\$ 83,615	\$ -
2616	API Heat Transfer, Inc.	\$ 12,776	\$ 19,982	\$ -	\$ 12,776	\$ 19,982	\$ -
10359A	Aakron Rule Corporation	\$ 1,002	\$ 1,620	\$ 2,601	\$ 1,002	\$ 1,620	\$ 2,601
1742	Asbury Development, LP/Righteous Babe Records	\$ 7,500	\$ 42,500	\$ -	\$ 7,500	\$ 42,500	\$ -
10208	Automated Machine Technologies, Inc.	\$ 1,165	\$ 879	\$ 4,229	\$ 1,165	\$ 879	\$ 4,229
10663	BLD VII, LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10074	BP Southtowns Campus, LLC, JP Southtowns Campus, LLC & B&S Southtowns Campus Group, LLC	\$ 5,066	\$ 3,825	\$ 18,399	\$ 5,066	\$ 3,825	\$ 18,399
10429	Baracolo Buffalo LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2456	Braxner, LLC	\$ 3,798	\$ 9,398	\$ -	\$ 3,798	\$ 9,398	\$ -
10413	Buffalo Material Handling	\$ 917	\$ 3,116	\$ 2,988	\$ 917	\$ 3,116	\$ 2,988
2674	Buffalo Recycling Enterprises, LLC	\$ 8,863	\$ 32,025	\$ -	\$ 8,863	\$ 32,025	\$ -
10701	Bullis Road Solar	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10622	Bush Lofts	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10408	CPI Process Systems, Inc.	\$ 1,488	\$ 2,443	\$ 5,175	\$ 1,488	\$ 2,443	\$ 5,175
10582	Calspan Corporation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10340A	Calspan Corporation	\$ 3,045	\$ 4,762	\$ 8,367	\$ 3,045	\$ 4,762	\$ 8,367
2591	Canisius High School	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
860	Canterbury Woods	\$ 128,916	\$ 100,399	\$ 455,676	\$ 128,916	\$ 100,399	\$ 455,676
10585	Chestnut Point LLC	\$ -	\$ -	\$ 9,591	\$ -	\$ -	\$ 9,591
1035	Child & Family Services of Erie County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**Nonaccounting Information - Schedule of Bond,
Note, and Lease Transactions**

December 31, 2022

Project Code	Project Name	County PILOT Payments Made	Local PILOT Payments Made	School District PILOT Payments Made	County PILOT Payments Due	Local PILOT Payments Due	School District PILOT Payments Due
10699	Coca-Cola Beverages	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10394	Column Development/L&W Supply	\$ 3,588	\$ 5,612	\$ 10,569	\$ 3,588	\$ 5,612	\$ 10,569
10198A	Conventus Partners, LP	\$ 228,691	\$ 826,361	\$ -	\$ 228,691	\$ 826,361	\$ -
10225	DNC 250, Inc.	\$ 40,729	\$ 147,172	\$ -	\$ 40,729	\$ 147,172	\$ -
1014	DTE Tonawanda, LLC	\$ 25,387	\$ 62,822	\$ 196,112	\$ 25,387	\$ 62,822	\$ 196,112
10286A	David Gordon/Gordon Companies, Inc./Colvin Oakdale, LLC	\$ 5,341	\$ 8,353	\$ 14,731	\$ 5,341	\$ 8,353	\$ 14,731
10415A	Derby Warehousing, LLC/KPM Exceptional	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10054	Derrick Corporation	\$ 4,801	\$ 7,508	\$ -	\$ 4,801	\$ 7,508	\$ -
2361	Duke HN New York, LLC, Health Now	\$ 198,403	\$ 716,918	\$ -	\$ 198,403	\$ 716,918	\$ -
10535	Eastman Machine Company	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10395A	Ebenezer Railcar Services, Inc.	\$ 2,973	\$ 4,879	\$ 10,337	\$ 2,973	\$ 4,879	\$ 10,337
10504	Elmwood Square Housing	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2544	Enidine Incorporated	\$ 2,012	\$ 1,519	\$ 7,306	\$ 2,012	\$ 1,519	\$ 7,306
2342	Episcopal Church Home & Affiliates Life Care Community, Inc.	\$ 37,869	\$ 29,492	\$ 138,761	\$ 37,869	\$ 29,492	\$ 138,761
10352	Flexo-Transparent, Inc.	\$ 453	\$ 2,453	\$ -	\$ 453	\$ 2,453	\$ -
10317A	Flexovit USA, Inc.	\$ 4,126	\$ 6,884	\$ 10,583	\$ 4,126	\$ 6,884	\$ 10,583
10254A	Flying Bison Brewing Co.	\$ 4,496	\$ 16,248	\$ -	\$ 4,496	\$ 16,248	\$ -
1031	General Motors Corporation	\$ 46,740	\$ 115,660	\$ 259,927	\$ 46,740	\$ 115,660	\$ 259,927
627	General Motors Corporation	\$ 57,093	\$ 138,622	\$ 217,036	\$ 57,093	\$ 138,622	\$ 217,036
2524	General Motors Corporation/GM Powertrain Group	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2752	General Motors, LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2563	General Welding & Fabricating, Inc.	\$ 6,404	\$ 308	\$ 20,581	\$ 6,404	\$ 308	\$ 20,581
2637	Gerspach Properties, LLC	\$ 3,578	\$ 12,311	\$ 11,046	\$ 3,578	\$ 12,311	\$ 11,046
2534	Goya Foods, Inc.	\$ 18,566	\$ 50,849	\$ 57,835	\$ 18,566	\$ 50,849	\$ 57,835
10330A	Great Lakes Orthodontics, Ltd.	\$ 2,622	\$ 6,489	\$ 10,368	\$ 2,622	\$ 6,489	\$ 10,368
10389	Group V Real Estate, Inc./Athenex Pharma Solutions	\$ 236	\$ 99	\$ 1,457	\$ 236	\$ 99	\$ 1,457
10189	HARBORcenter Development, LLC	\$ 69,261	\$ 268,498	\$ -	\$ 69,261	\$ 268,498	\$ -
10419A	Hertel Pacific, LLC/Cypress North Corp.	\$ -	\$ 2,807	\$ -	\$ -	\$ 2,807	\$ -
2491	Hydro-Air Components, Inc.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10350A	Iroquois Bar Corporation	\$ 728	\$ 3,449	\$ 2,583	\$ 728	\$ 3,449	\$ 2,583
10434	Iskalo 6700 Transit Road, LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10433	Jemal's Seneca, LLC	\$ 101,697	\$ 667,270	\$ -	\$ 101,697	\$ 667,270	\$ -
2596	John Goller/Arrow Grinding, Inc.	\$ 4,997	\$ 17,191	\$ 15,424	\$ 4,997	\$ 17,191	\$ 15,424
10291	Joint Schools Construction Board	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10621	Joint Schools Construction Board	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10140	Joint Schools Construction Board 2012A Refinance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10194	Joint Schools Construction Board 2013 Refunding of 2009A Bonds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10342	Joint Schools Construction Board Series 2016A	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10134	Joint Schools Construction Project	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10435A	Kamax, LLC/Raine Logistics	\$ 2,689	\$ 4,412	\$ 9,348	\$ 2,689	\$ 4,412	\$ 9,348
2523	Kohler Awning, Inc.	\$ 1,001	\$ 1,566	\$ 2,950	\$ 1,001	\$ 1,566	\$ 2,950
10331	Kohler Awning, Inc.	\$ 775	\$ 1,212	\$ 2,282	\$ 775	\$ 1,212	\$ 2,282

**Nonaccounting Information - Schedule of Bond,
Note, and Lease Transactions**

December 31, 2022

Project Code	Project Name	County PILOT Payments Made	Local PILOT Payments Made	School District PILOT Payments Made	County PILOT Payments Due	Local PILOT Payments Due	School District PILOT Payments Due
10009	Lco Building, LLC	\$ 11,253	\$ 13,471	\$ -	\$ 11,253	\$ 13,471	\$ -
2656	Life Technologies Corporation	\$ 1,547	\$ 819	\$ 5,785	\$ 1,547	\$ 819	\$ 5,785
2680	Life Technologies, Inc.	\$ 1,407	\$ 745	\$ 6,553	\$ 1,407	\$ 745	\$ 6,553
2511	Luminescent Systems, Inc. ("LSI")	\$ 8,243	\$ 13,414	\$ 52,166	\$ 8,243	\$ 13,414	\$ 52,166
2675	MJM Industries, Inc.	\$ 3,804	\$ 2,871	\$ 13,813	\$ 3,804	\$ 2,871	\$ 13,813
10404	Marina Vista Apartments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2566	Mayer Brothers Apple Products, Inc.	\$ 3,173	\$ 5,208	\$ 11,034	\$ 3,173	\$ 5,208	\$ 11,034
10209A	McGard, LLC	\$ 3,164	\$ 2,389	\$ 36,254	\$ 3,164	\$ 2,389	\$ 36,254
10216	Medaille College 2013 Refunding of ECIDA 2003 Bond	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2426	Moog Inc. Plant 6A and 2C	\$ 1,852	\$ 89	\$ 5,524	\$ 1,852	\$ 89	\$ 5,524
10356A	Moog, Inc.	\$ 1,827	\$ 88	\$ 5,394	\$ 1,827	\$ 88	\$ 5,394
10093	Moog, Inc.	\$ 6,954	\$ 335	\$ 20,570	\$ 6,954	\$ 335	\$ 20,570
2619	Moog, Inc. Plant 11D	\$ 5,408	\$ 260	\$ 18,478	\$ 5,408	\$ 260	\$ 18,478
2574	Moog, Inc. Plant 20	\$ 7,614	\$ 367	\$ 22,527	\$ 7,614	\$ 367	\$ 22,527
2454	New Era Cap Company, Inc.	\$ 28,033	\$ 142,630	\$ -	\$ 28,033	\$ 142,630	\$ -
10390A	Niagara Label/12715 Lewis Road, LLC	\$ 194	\$ 81	\$ 502	\$ 194	\$ 81	\$ 502
1062	Niagara Maryland Development, LLC	\$ 18,605	\$ 67,227	\$ -	\$ 18,605	\$ 67,227	\$ -
10064	Niagara Transformer Corporation	\$ 4,961	\$ 7,759	\$ 14,612	\$ 4,961	\$ 7,759	\$ 14,612
10234	North American Salt Company	\$ 1,807	\$ 21,775	\$ 16,308	\$ 1,807	\$ 21,775	\$ 16,308
2481	Northstar Services, LLC	\$ 5,971	\$ 9,338	\$ 29,233	\$ 5,971	\$ 9,338	\$ 29,233
10256	Orchard Heights, Inc.	\$ 13,919	\$ 10,508	\$ 50,550	\$ 13,919	\$ 10,508	\$ 50,550
2404	Orchard Park CCRC, Inc.	\$ 109,306	\$ 82,605	\$ 446,412	\$ 109,306	\$ 82,605	\$ 446,412
2516	Our Lady of Victory Renaissance Corporation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1036	People, Inc.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2579	Perry's Ice Cream Company, Inc.	\$ 2,741	\$ 4,430	\$ 7,112	\$ 2,741	\$ 4,430	\$ 7,112
10354	Pine Pharmaceuticals	\$ 4,290	\$ 10,616	\$ 16,962	\$ 4,290	\$ 10,616	\$ 16,962
10212	Pollock Research & Design d/b/a Simmers Crane Design & Services	\$ 1,248	\$ 4,295	\$ 5,031	\$ 1,248	\$ 4,295	\$ 5,031
10689	Polymer Conversions, Inc.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2478	Polymer Conversions, Inc.	\$ 3,824	\$ 2,887	\$ 13,888	\$ 3,824	\$ 2,887	\$ 13,888
10393A	ROAR Logistics, LLC	\$ 1,474	\$ 5,326	\$ -	\$ 1,474	\$ 5,326	\$ -
10211	Richardson Center Corporation/Richardson Olmsted Complex	\$ 13,983	\$ 50,525	\$ -	\$ 13,983	\$ 50,525	\$ -
2520	Rigidized Metals Corp.	\$ 2,142	\$ 7,739	\$ -	\$ 2,142	\$ 7,739	\$ -
10420	Rosina Food Products, Inc.	\$ -	\$ -	\$ 21,873	\$ -	\$ -	\$ 21,873
10269	SelectOne RE Holdings	\$ 1,609	\$ 6,562	\$ -	\$ 1,609	\$ 6,562	\$ -
10341A	Shell Fab	\$ 3,070	\$ 5,039	\$ 14,836	\$ 3,070	\$ 5,039	\$ 14,836
10292A	Shevlin Land & Cattle Company	\$ 2,777	\$ 4,557	\$ 9,655	\$ 2,777	\$ 4,557	\$ 9,655
10700	Skycatcher Holdings, LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10421	Steel Winds I Replacement	\$ 27,424	\$ 98,676	\$ 73,901	\$ 27,424	\$ 98,676	\$ 73,901
10422	Steel Winds II Replacement	\$ 6,856	\$ 24,669	\$ 18,475	\$ 6,856	\$ 24,669	\$ 18,475
10430A	Steuben Foods, Inc.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10410A	Steuben Foods, Inc.	\$ 3,731	\$ 180	\$ 11,991	\$ 3,731	\$ 180	\$ 11,991
10586	Sucro Real Estate/Sweet Life	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

**Nonaccounting Information - Schedule of Bond,
Note, and Lease Transactions**

December 31, 2022

Project Code	Project Name	County PILOT Payments Made	Local PILOT Payments Made	School District PILOT Payments Made	County PILOT Payments Due	Local PILOT Payments Due	School District PILOT Payments Due
10360A	Sumitomo Rubber USA, Inc.	\$ 819	\$ 2,027	\$ 5,691	\$ 819	\$ 2,027	\$ 5,691
10706	Sumotomo Rubber	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10620	Surmet Ceramics	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10192	The Kittinger Company	\$ 5,045	\$ 1,946	\$ 14,717	\$ 5,045	\$ 1,946	\$ 14,717
10295A	The Uniland Partnership of Delaware, LP	\$ 17,311	\$ 27,074	\$ 47,576	\$ 17,311	\$ 27,074	\$ 47,576
10565	Thermo Fisher North Expansion	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10564	Thermo Fisher West Expansion	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10418	Time Release Properties/Time Release Sciences, Inc.	\$ -	\$ 148,824	\$ 111,458	\$ -	\$ 148,824	\$ 111,458
10221	Tonawanda Pirson, LLC/Wythe Will Tzetzto	\$ 22,510	\$ 55,702	\$ 89,005	\$ 22,510	\$ 55,702	\$ 89,005
10328A	Trahwen-G, LLC	\$ 11,331	\$ 17,722	\$ 39,098	\$ 11,331	\$ 17,722	\$ 39,098
10260A	Unifrax 1, LLC	\$ 1,565	\$ 3,872	\$ 8,983	\$ 1,565	\$ 3,872	\$ 8,983
10362A	Unifrax 1, LLC	\$ 8,411	\$ 20,812	\$ 45,065	\$ 8,411	\$ 20,812	\$ 45,065
10407	Unifrax Line 7	\$ -	\$ -	\$ 8,515	\$ -	\$ -	\$ 8,515
10379A	WNY Foreign Trade Zone Operations/Punto Franco Ltd.	\$ 417	\$ 3,015	\$ 2,258	\$ 417	\$ 3,015	\$ 2,258
10148A	Welded Tube	\$ 8,362	\$ 43,642	\$ 32,684	\$ 8,362	\$ 43,642	\$ 32,684
2345	Zion Holdings, LLC/Bufalo Clinical Research Center, LLC	\$ 8,385	\$ 52,691	\$ -	\$ 8,385	\$ 52,691	\$ -
10702	George Lewis House Apartments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10703	Walcot Apartments	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10720	Broadway Development & Management Group, LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10722	Arbor Multi Family Lending	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10723	791 Washington Street, LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10725	471 Elmwood Ave	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10727	Workspport	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10740	A&A Union Road, LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10746	380 Vulcan / Carrier Terminal Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10751	Perry's Ice Cream	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10758	Tonawanda Towers	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10759	Laborers Way 1, LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10772	Second Warehouse 132 Dingens Street LLC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10730	Joint Schools Construction Board/City School District of the City of Buffalo - 2022 series	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10469	Great Point Studios Buffalo	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10M-3	NYSERDA	Notice of Intent to Undertake an Action Within an Agricultural District - RPNY Solar 11, LLC's Two Rod Road Project in the Town of Marilla
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Attachments

23COMM. 10M-3



NYSERDA

EC LEG MAY 8 '23 PM 1:18

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

May 5, 2023

SENT VIA ELECTRONIC MAIL

Re: Notice of Intent to Undertake an Action Within an Agricultural District
RPNY Solar 11, LLC's Two Rod Road Project in the Town of Marilla

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 RPNY Solar 11, LLC, the project company, for the construction of Two Rod Road Project at 803 Two Rod Road, Marilla 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
Stephane Loucas, RPNY Solar 11, LLC

New York State Energy Research and Development Authority

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17 Columbia Circle, Albany, NY 12203-6399
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Buffalo, NY
14210-1484
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(F) 716-842-0156

New York City
1359 Broadway
19th Floor
New York, NY
10018-7842
(P) 212-971-5342
(F) 518-862-1091

**West Valley Site
Management Program**
9030-B Route 219
West Valley, NY
14171-9500
(P) 716-942-9960
(F) 716-942-9961

Erie County Legislature
Meeting Date: 05/11/2023

SUBJECT

COMM. 10M-4	NYSERDA	Notice of Intent to Undertake an Action Within an Agricultural District - RPNY Solar 10, LLC's Stolle Road Solar Project in the Town of Marilla
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Attachments

23COMM. 10M-4



NYSERDA

EC LEG MAY 8 '23 PM 1:18

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

May 5, 2023

SENT VIA ELECTRONIC MAIL

Re: Notice of Intent to Undertake an Action Within an Agricultural District
RPNY Solar 10, LLC's Stolle Road Solar Project in the Town of Marilla

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 RPNY Solar 10, LLC, the project company, for the construction of Stolle Road Solar Project at 11130 Stolle Rod Road, Marilla 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
Stephane Loucas, RPNY Solar 10, LLC

New York State Energy Research and Development Authority

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**West Valley Site
Management Program**
9030-B Route 219
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(F) 716-942-9961