



THE ERIE COUNTY LEGISLATURE

Session No. 12
JUNE 8, 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. Johnson

PLEDGE OF ALLEGIANCE - Ms. Vinal

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING - Meeting No. 11

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

JOHNSON	Honoring and Recognizing the Life of PFC David Evans, Jr.
JOHNSON	In Remembrance of Lillie "Pearl" Watson Anderson
BASKIN	Acknowledging the First Friday in June as National Gun Violence Awareness Day
VINAL	Acknowledging Music on Main Street - 14th Year
BASKIN	In Remembrance of Dorothy Kamoche
VINAL	In Remembrance of Dr. Kenton McCall Stewart
VINAL	In Remembrance of Daniel J. Chase - Founding Member of the Williamsville Business Association
BARGNESI & KOOSHOIAN	Recognizing Ed Adameczyk - Retirement as Historian of the Village of Kenmore and the Town of Tonawanda
MAJORITY CAUCUS	Recognizing Children's Awareness Month
MALCZEWSKI	Celebrating Charles Kopera on His 70th Birthday

GREENE Celebrating National Little League Baseball Week in Erie County June 12, 2023 - June 18, 2023

GREENE Honoring and Congratulating Amherst Police Lieutenant Edgar Walker on His Retirement

GREENE Recognizing Gordon P. Gold as a Clarence Veterans Memorial Wall Honoree

TODARO Celebrating the Grand Opening of Fattay Beer Company in Lancaster, New York

TODARO Recognizing and Honoring Henry Kunttu for Being Inducted into the NFL Hall of Fame for His Film Work

TODARO Honoring Farhang Habiby Kermany as Salutatorian for Lancaster High School

TODARO Honoring Adam Heiler as Valedictorian for Lancaster High School

MILLS Honoring Peter David SantaLucia on Earning the Rank of Eagle Scout

MILLS Honoring Philip John Wick, Jr. on Earning the Rank of Eagle Scout

MILLS Honoring Michael T. Breth on Earning the Rank of Eagle Scout

MILLS Celebrating the Hamburg Garden Club's Commitment to "Gardening, Community and Knowledge"

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
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LL INTRO. 3-1 (2022)	BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR	The Erie County Language Access Act	Health & Human Services
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LL INTRO. 3-1 (2023)	JOHNSON	The Occupancy Tax Modernization Act	Finance & Management
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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	Economic Development
LL INTRO. 6-1 (2023)	BARGNESI, MEYERS, GILMOUR & KOOSHOIAN	A Local Law Providing for the Extended Lease of Real Property Located at 13 Centre Drive, Orchard Park, NY, 14127	

COMMITTEE REPORTS:

REPORT No. 8	PUBLIC SAFETY COMMITTEE
REPORT No. 8	ECONOMIC DEVELOPMENT COMMITTEE
REPORT No. 5	FINANCE & MANAGEMENT COMMITTEE
REPORT No. 6	ENERGY & ENVIRONMENT COMMITTEE
REPORT No. 4	COMMUNITY ENRICHMENT COMMITTEE

LEGISLATOR RESOLUTIONS:

INTRO. 12-1	TODARO	Supporting the Amendment of the Vehicle and Traffic Law, in Relation to the Ignition Interlock Program
INTRO. 12-2	MALCZEWSKI	Calling for the Department of Public Works -- Division of Highways to Provide a Preventative Maintenance Plan to the Legislature

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

COMM. 11E-35	From the Public Safety Committee	From the Sheriff - Lease Space at 10 Centre Dr., Orchard Park
		****Proposed Amendment to COMM. 11E-35

SUSPENSION OF THE RULES:

COMM. 12D-3	COUNTY ATTORNEY	Opinion as to Form Local Law Intro No. 5-1 (2023)
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COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 12E-1	COMPROLLER	Financial Statements & Management Letter for ECC - Fiscal Year Ending 8/31/2022	Finance & Management
COMM. 12E-2	COUNTY EXECUTIVE	Amendment to EBO Administrator; COMM. 3E-7 (2015)	Economic Development
COMM. 12E-3	COUNTY EXECUTIVE	Authorization to Continue Community Engagement Services at the Walden Galleria Mall	Public Safety
COMM. 12E-4	COUNTY EXECUTIVE	Authorization to Enter Into Contract with the Research Foundation to Develop a Winter Storm Rating System	Health & Human Services
COMM. 12E-5	COUNTY EXECUTIVE	Authorization for NYS Municipal Certificate of Need	Health & Human Services
COMM. 12E-6	COUNTY EXECUTIVE	Maintenance & Support of Erie Path Mobile App	Health & Human Services
COMM. 12E-7	COUNTY EXECUTIVE	Authorization to Create MH Emergency/Disaster Response Coordinator	Health & Human Services
COMM. 12E-8	COUNTY EXECUTIVE	Authorization to Enter Into Contract for 2023-2024 On-Call/Emergency Bridge & Culvert Engineering Services	Economic Development
COMM. 12E-9	COUNTY EXECUTIVE	Amendment of Agreement for Back Creek Rd. Slope & Slide Remediation - Town of Boston	Economic Development
COMM. 12E-10	COUNTY EXECUTIVE	PILOT Agreement for Francis John Apartments & Frederick Douglass II Apartments, City of Buffalo - Affordable Housing Development	Immediate Consideration Requested
COMM. 12E-11	COUNTY EXECUTIVE	PILOT Agreement for Solar Energy Systems - Gowans Rd. & Eden Evans Center Rd., Town of Evans	Economic Development
COMM. 12E-12	COUNTY EXECUTIVE	ECSD Nos. 2 & 6 - Roof Replacements Project	Energy & Environment
COMM. 12E-13	COUNTY EXECUTIVE	ECSD No. 8 - Engineering Term Contract Agreement	Energy & Environment

COMM. 12E-14	COUNTY EXECUTIVE	ECSD No. 3 - Engineer Term Contract Agreement	Energy & Environment
COMM. 12E-15	COUNTY EXECUTIVE	ECSD No. 3 - Engineering Term Contract Agreement	Energy & Environment
COMM. 12E-16	DISTRICT ATTORNEY	Additional Positions in GIVE Grant Budget	Public Safety
COMM. 12E-17	TODARO	Constituent Concern - Civil Service Hiring Practices	Government Affairs

COMMUNICATIONS FROM THE DEPARTMENTS:

COMM. 12D-1	COMMISSIONER OF SOCIAL SERVICES & COUNTY ATTORNEY	Migrant Situation	Health & Human Services
COMM. 12D-2	BUDGET DEPARTMENT	Capital Projects Update	Economic Development

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

COMM. 12M-1	NYSDEC	Notification of Brownfield Cleanup Program Application from Amherst Commons, LLC	Energy & Environment
COMM. 12M-2	VBN PRESIDENT & CEO	2023 First Quarter Reports & Financial Statements for VBN & BNCC	Community Enrichment
COMM. 12M-3	CHAIR, SUNY ERIE BOARD OF TRUSTEES	2023-2024 SUNY Erie Operating Budget	Community Enrichment

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT
MINUTES OF PREVIOUS MEETING - Meeting No. 11

Attachments

Meeting No. 11 Minutes

**ERIE COUNTY LEGISLATURE
MEETING NO. 11
MAY 25, 2023**

The Legislature was called to order by Chair Baskin.

All members present.

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

The Pledge of Allegiance was led by Mr. Bargnesi.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MEYERS moved for the approval of the minutes for Meeting Number 10 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

MAJORITY CAUCUS	Recognizing Teacher Appreciation Week 2023
MAJORITY CAUCUS	Recognizing National Cancer Research Month
VINAL	Congratulating Head Coach Brian Davis on Earning His 150th Win
GILMOUR	In Remembrance of Maribel Rodriguez
BARGNESI	Acknowledging the Celebrating Art! Event - 2023
BASKIN & JOHNSON	Recognizing the Tulsa Massacre - Honoring Black Wall Street Week 2023
JOHNSON	Honoring and Recognizing Keynote Speaker – Dr. Raven Patricia Baxter
JOHNSON	Recognizing Confident Girl Mentoring During Mental Health Awareness Month

BASKIN	Recognizing Danise Wilson - Executive Director, Friend and Colleague
VINAL	Honoring the Amherst Police Department Citizen of the Month - May 2023
JOHNSON	Acknowledging National Senior Health & Fitness Day
BARGNESI & KOOSHOIAN	Acknowledging Stella Hycner - Celebrating Her 105th Birthday
TODARO	Recognizing and Honoring Audrey Hamernik as Recipient of the 2023 NAF Advisory Board Champion Award
MILLS	Recognizing North Collins American Legion Post 1640 on Memorial Day, May 29, 2023
MILLS	Recognizing Sardinia American Legion Post 1131 on Memorial Day, May 29, 2023
MILLS	Recognizing VFW Felton Burns Post 5260 on Memorial Day, May 29, 2023
MILLS	Recognizing Orchard Park American Legion Post 567 on Memorial Day, May 29, 2023
MILLS	Recognizing Newell-Faulkner American Legion Post 880 on Memorial Day, May 29, 2023
MILLS	Recognizing Concord American Legion Post 431 on Memorial Day, May 29, 2023
MALCZEWSKI	Recognizing June as National Dairy Month in Erie County
MALCZEWSKI	Celebrating National Senior Health and Fitness Day in Erie County and Recognizing the West Seneca Senior Fitness Center
TODARO	Celebrating the 75th Anniversary of Boy Scout Troop 545
TODARO	Remembering the Life of Judge Gordon Willis
TODARO	Recognizing Mercy Flight Pilot Jim Havens on His Retirement
GREENE	Recognizing Twenty-One Service Member Honorees on the Clarence Veterans Memorial Wall

GILMOUR Honoring Keith D. Mobley on His 9th Pastoral Anniversary
of Mt. Olive Missionary Baptist Church

GREENE Recognizing Keeley Noworytas and Celebrating the
Contributions of Keeley Kares for Kids

MALCZEWSKI Celebrating Elma Wine & Liquor on Its 55th Anniversary

MR. MEYERS moved for consideration of the above twenty-eight items. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-eight items as amended. MR. JOHNSON 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 – CHAIR BASKIN directed that Local Law No. 2 (Print #2) 2023 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 5 (Print #1) 2023 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 11 – MR. JOHNSON presented the following report and moved for immediate consideration and approval. MS. VINAL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

May 18, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.

1. COMM. 10E-11 (2023)
COUNTY EXECUTIVE

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

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	\$295,009.70	\$15,211.54	\$310,221.74
TOTAL	\$295,009.70	\$15,211.54	\$310,221.74

<u>APPROPRIATIONS</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>REVISED</u>
Capital Projects	\$295,009.70	\$15,211.54	\$310,221.74
TOTAL	\$295,009.70	\$15,211.54	\$310,221.74

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.
(4-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

May 18, 2023	ECONOMIC DEVELOPMENT COMMITTEE
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	REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLS & TODARO.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 10E-7 (2023)
COUNTY EXECUTIVE

WHEREAS, water infiltration has caused the existing concrete sidewalk above the vault to move away from the building over time as well as has caused the structural steel elements in the basement level beneath Pearl Street to deteriorate at the Buffalo Convention Center; and

WHEREAS, continual deterioration without corrective action may pose a risk to Convention Center employees as well as sidewalk pedestrians along the west side of Pearl Street adjacent to the Convention Center; and

WHEREAS, corrective measures must be implemented and the repairs to be made will not only correct previous deterioration but will also prevent future deterioration by replacement of the structural elements as well as new waterproofing beneath the new sidewalk; and

WHEREAS, it is important to execute these repairs during the summer months, so the existing structural elements are not exposed to another freeze/thaw cycle in the winter months causing further deterioration; and

WHEREAS, the Erie County Department of Public Works (DPW) received bids for the Buffalo Convention Center Sidewalk Rehabilitation Project on April 11, 2023; and

WHEREAS, the lowest responsible bidder is Patterson-Stevens Inc.; and

WHEREAS, the Department of Public Works is recommending award of the contract to the lowest responsible bidder.

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, Patterson – Stevens, for the Buffalo Convention Center Sidewalk Vault Rehabilitation Project in the amount noted below:

General Contracting Work		
<u>Patterson – Stevens</u>	Base Bid:	\$1,167,000
Total Construction Contract Award		\$1,167,000

and be further

RESOLVED, that authorization is hereby given to allocated the sum of \$100,000 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 sufficient funding for the project exists in the following Division of Buildings & Grounds' capital projects in Funds Center 122, Fund 410:

A.22003 – DPW (Buildings and Grounds) – Buffalo Niagara Convention Center (BNCC) Improvements	\$ 850,288.25
A.21105 – DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities	\$ 416,711.75
<u>Total Not to Exceed</u>	<u>\$1,267,000.00</u>

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 (4-0)

2. COMM. 10E-8 (2023)
COUNTY EXECUTIVE

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.
(4-0)

3. COMM. 10E-9 (2023)
COUNTY EXECUTIVE

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.

(4-0)

4. COMM. 10E-12 (2023)
COUNTY EXECUTIVE

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

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.
(4-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

May 18, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR TODARO.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17E-17 (2022)
COUNTY EXECUTIVE: “Authorization to Enter into Contract with Stall Senior Medical and Rutowski Pharmacies, Inc. for Home Monkeypox Vaccination”
(Chair’s Ruling)

- b. COMM.7M-2 (2023)
ERIE COUNTY MEDICAL CENTER CORPORATION: “2022 Annual Report of ECMCC”
(Chair’s Ruling)
- c. COMM. 10E-5 (2023)
MINORITY CAUCUS: “Constituent Concern”
(Chair’s Ruling)

2. COMM. 10E-13 (2023)
COUNTY EXECUTIVE

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.

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 (Fund 110, Funds Center 1209010) as follows:

Department of Social Services
Fund 110, Funds Center 1209010

ACCOUNT

REVENUE

CHANGE

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	\$43,350
	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.

(5-0)

3. COMM. 10E-14 (2023)
COUNTY EXECUTIVE

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	(\$50,000)
	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.

(5-0)

4. COMM. 10E-15 (2023)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the following individuals for appointment to the Erie County Senior Services Advisory Board for a full two-year term expiring on December 31, 2024.

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

(5-0)

5. COMM. 10E-16 (2023)
COUNTY EXECUTIVE

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.

(5-0)

6. COMM. 10E-17 (2023)
COUNTY EXECUTIVE

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,	61.67	70	\$ 15,000.00	\$5,000.00

INC				
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	87.67	22	\$ 13,904.00	\$10,428.00

FOR SUNY / BUFFALO STATE				
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.

(5-0)

JOHN J. GILMOUR
CHAIR

LEGISLATOR RESOLUTIONS

Item 14 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO. 11-1 from MALCZEWSKI. Supporting the Essential Caregivers Act.

Item 15 – CHAIR BASKIN directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

MR. MALCZEWSKI moved to challenge the ruling of the Chair.

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

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

FAILED.

INTRO. 11-2 from MALCZEWSKI. Calling for a State of Emergency to Avoid Effects of an Immigration Crisis in Erie County.

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

GRANTED.

INTRO. 11-3 from BASKIN. Community Inclusion in Public Safety Needs Assessment.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: Establishing a Standard Work Day for Elected Officials (INTRO. 11-4)

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

WHEREAS, the New York State and Local Employees’ Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as standard work days for elected officials and will report the following Standard Work Day to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer’s Time Keeping System</u>	<u>Days/ Month (Based on Record of Activities)</u>
County Clerk	Michael P. Kearns	7	1/1/2023 - 12/31/2026	N	28.33
Legislator	James Malczewski	6	01/01/2023 - 12/31/2023	N	29.64

and be it further

RESOLVED, that a certified copy of this resolution shall be posted on the Legislature’s website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the New York State Comptroller, Erie County Commissioner of Personnel and to Laurie Haug, Senior Payroll and Roster Clerk – Erie County Department of Personnel.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 18 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 6E-9 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: ECSD No. 6 - Lackawanna WRRF &
ORF Disinfection Systems
Improvements Project
(COMM. 6E-9, 2023)

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

CARRIED UNANIMOUSLY.

Insert the following:

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for Contract Nos. 62-A, 62-B and 62-D at 10:00 a.m. on April 19, 2023:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 62-A General	H&K Services, Inc. 12025 Leon-New Albion Road Leon, NY 14751	\$2,460,700.00
Contract No. 62-B HVAC	John W. Danforth 300 Colvin Woods Pkwy Tonawanda, NY 14150	\$264,700.00
Contract No. 62-D Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$277,200.00

and

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

WHEREAS, the Division of Sewerage Management has determined this project is an unlisted action in accordance with 6NYCRR Section 617 and a negative declaration has been issued following a State Environmental Quality Review Act review under New York State Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Lackawanna WRRF and ORF Disinfection Systems Improvements Project, Erie County Sewer District No. 6, Contract Nos. 62-A, 62-B and 62-D be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
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Contract No. 62-A General	H&K Services, Inc. 12025 Leon-New Albion Road Leon, NY 14751	\$2,460,700.00
Contract No. 62-B HVAC	John W. Danforth 300 Colvin Woods Pkwy Tonawanda, NY 14150	\$264,700.00
Contract No. 62-D Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$277,200.00

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 \$1,700,000.00 in Capital Account No. C.21150 (American Rescue Plan funds), Fund 430, Funds Center 1861010 to fund Contract Nos. 62-A, 62-B and 62-D; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$1,302,600 in Capital Account No. C.00064 (including \$1,160,295.75 of existing grant authorization), Fund 430, Funds Center 1861010 to fund Contract Nos. 62-A, 62-B and 62-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 at the close of the project unused funds may be returned to the capital project as directed by the Division of Sewerage Management 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.

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

CARRIED UNANIMOUSLY.

Item 19 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 6E-11 (2023). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: ECSD No. 2 - Big Sister Creek WRRF
IT Infrastructure Improvements
(COMM. 6E-11, 2023)

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

CARRIED UNANIMOUSLY.

Insert the following:

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for Contract No. 100 at 10:00 a.m. on April 11, 2023:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 100 Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$693,000.00

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 New York State Environmental Quality Review (SEQR) Unlisted Action and after due consideration a Negative Declaration was issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Big Sister Creek Water Resource Recovery Facility (WRRF) Information Technology (IT) Infrastructure Improvements Project, Erie County Sewer District No. 2, Contract No. 100 be awarded as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount</u>
Contract No. 100 Electrical	Frey Electric Construction Co., Inc. 100 Pearce Avenue Tonawanda, NY 14150	\$693,000.00

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 \$693,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Contract No. 100; 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.

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

CARRIED UNANIMOUSLY.

Item 20 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO. 3-2 (2023). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: Appointment to the EC Health Equity
Advisory Board
(INTRO. 3-2, 2023)

**A RESOLUTION SUBMITTED BY
LEGISLATOR BASKIN**

WHEREAS, the Erie County Health Equity Advisory Board was created in 2021 via Local Law 3-2021; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Health Equity Advisory Board; and

WHEREAS, the Legislators representing the legislative districts with the two highest rates of poverty have one recommendation each to the Health Equity Advisory Board; and

WHEREAS, Legislative District 2 has a poverty rate of 25%, the second highest poverty rate amongst the 11 legislative districts; and

WHEREAS, per Section 5(A) of Local Law 3-2021, a member shall have a background in health issues for minorities and disadvantaged persons, as well as at least one member shall have a medical degree or master's degree in public health; and

WHEREAS, Dr. Kenyani Davis, a resident of Erie County, is the Chief Medical Officer of the Community Health Center of Buffalo, where she specializes in primary care in underserved communities; and

WHEREAS, in addition to her medical degree, Dr. Davis obtained a Master's in Public Health from SUNY Buffalo; and

WHEREAS, Dr. Davis' was a member of the African American Health Equity Task Force and has performed extensive research and practice on the disparities minorities and other disadvantaged persons struggle with in society.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendation of one of the legislators representing the two legislative districts with the highest poverty rates, Dr. Kenyani Davis is appointed to the Erie County Health Equity Advisory Board, for a three-year term; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Department of Health's Office of Health Equity and Dr. Kenyani Davis.

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

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BASKIN & JOHNSON**

WHEREAS, the Erie County Health Equity Advisory Board was created in 2021 via Local Law 3-2021; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Erie County Health Equity Advisory Board; and

WHEREAS, the Legislators representing the legislative districts with the two highest rates of poverty have one recommendation each to the Erie County Health Equity Advisory Board; and

WHEREAS, Legislative District 1 has a poverty rate of 30.2% and Legislative District 2 has a poverty rate of 25%, which are the two highest rates of poverty per Legislative District; and

WHEREAS, per Section 5(A) of Local Law 3-2021, a member shall have a background in health issues for minorities and disadvantaged persons, as well as at least one member shall have a medical degree or master's degree in public health; and

WHEREAS, Dr. Olivia Smith-Blackwell is a primary care physician with extensive public health experience as a former Regional Health Director for the New York State Department of Health's Office of Public Health – Western Region and as a former Medical Director for Erie County's Department of Health; and

WHEREAS, Dr. Kenyani Davis is the Chief Medical Officer of the Community Health Center of Buffalo, where she specializes in primary care in underserved communities, has served on the African American Health Equity Task Force, and has researched the health disparities minorities and other disadvantaged persons struggle with in society; and

WHEREAS, in addition to their medical degrees, both individuals have master's degrees in public health.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendations of the legislators representing the two districts with the highest poverty rates, Dr. Olivia Smith-Blackwell and Dr. Kenyani Davis are appointed to the Erie County Health Equity Advisory Board, for three-year terms; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Department of Health's Office of Health Equity, Dr. Olivia Smith-Blackwell, and Dr. Kenyani Davis.

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

CARRIED UNANIMOUSLY.

Item 21 – MR. MEYERS moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 10E-18 (2023). MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

RE: Appointment to the EC Health Equity
Advisory Board
(COMM. 10E-18, 2023)

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following named individuals as members of the Erie County Health Equity Advisory Board for a full three-year term expiring on May 1, 2026:

Maria M. Cruz of Lancaster, NY and George Nicholas of Amherst, NY

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 11E-34 from COUNTY EXECUTIVE Re: RENEW Plan Contracts Authorizations
- Phase 7

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 11E-35 from SHERIFF Re: Lease Space at 10 Centre Dr., Orchard Park

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

GRANTED.

COMM. 11E-36 from SHERIFF Re: Moose and Deimos K9 Retirement Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 25 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11M-7 from CINDI MCEACHON Re: Resignation Letter - ECCSAB

Received, filed and printed.

May 25, 2023

Greetings, Chairwoman Baskin,

Please accept this email as notice of my immediate resignation as Chair as well as member of the Erie County Corrections Specialist Advisory Board. It has been an honor to serve this legislative body as both vice chair and chair over the last three and half years.

Cheers,
Cindi

Cindi McEachon
Chief Executive Officer

Peaceprints of WNY
660 Smith Street
Buffalo, NY 14210

www.peaceprintswny.org
@peaceprintswny

Item 26 – MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 11-5 from BASKIN Re: Appointments to the Erie County Corrections Specialist Advisory Board

RESOLUTION NO. 85

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

WHEREAS, the Erie County Corrections Specialist Advisory Board was created in 2019 via Local Law 3-2019; and

WHEREAS, the law established a variety of appointing authorities for candidates seeking to serve on the Advisory Board, and those appointing authorities have submitted the names of their recommended appointees for Legislature ratification.

NOW, THEREFORE, BE IT

RESOLVED, that based on the recommendations of the various appointing authorities and pursuant to Local law 3-2019, the following persons are hereby confirmed to serve on the Erie County Corrections Specialist Advisory Board for three-year terms effective May 25, 2023:

Candidate
Jerome Wright
96 Jewett Parkway
Buffalo, New York 14214

Appointing Authority
Chairwoman April N.M. Baskin

Orlando Dixon
22 Aviano Way
Amherst, NY 14226

Majority Leader Timothy Meyers

Corey McCarthy
41 Maynard Drive
Amherst, NY 14226

Sheriff John Garcia

Felicia Beard
372 Springville Avenue
Amherst, NY 14226

County Commissioner of Probation

Michael Ranney
5721 Salt Road
Clarence, NY 14031

County Commissioner of Mental Health

Keisha A. Williams, Esq.
193 Brunswick Boulevard
Buffalo, NY 14208

Erie County Bar Association

Michael Deal
290 Main Street, Suite 300
Buffalo, NY 14203

Legal Aid Bureau
Prisoners' Rights Organization

Dixie Farr
34 Edge Park Drive
Cheektowaga, NY 14225

Center for Employment Opportunities
Former Offender Transition Organization

and be it further

RESOLVED, that certified copies of this resolution be transmitted to the members of the Erie County Corrections Specialist Advisory Board.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE DISTRICT ATTORNEY

Item 27 – (COMM. 11E-1) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 9, 2023

Honorable Robert Graber
Clerk of the Legislature
92 Franklin Street
Buffalo, NY 14202

Re: Disclosure/Family Members Employed by (any) Government

Dear Clerk Graber,

Pursuant to Local Law 2(2018), Section 5c, I am providing a list of family members employed by any government organization:

My wife, Debra Flynn, is a Teacher's Aide in the Ken-Ton School District;

My daughter, Kelsie Flynn, is a Labor Relations Specialist in the Town of Tonawanda Personnel Department.

Please contact me if you have any further questions.

Respectfully submitted,

JOHN J. FLYNN
DISTRICT ATTORNEY

FROM LEGISLATOR MALCZEWSKI

Item 28 – (COMM. 11E-2) Letter to County Executive Concerning the Erie County Gender Identity Policy

Received and filed.

FROM THE COUNTY CLERK

Item 29 – (COMM. 11E-3) Erie County Clerk's Office - Annual Report 2022

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

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

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

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

CARRIED.

RESOLUTION NO. 86

RE: Home Rule Request for Immediate
Consideration - Extension of Additional
1.0% & 0.75% Sales Tax
(COMM. 11E-4)

EXTENSION OF ADDITIONAL 1% AND .75% SALES TAX
ASSEMBLY

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2023 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$373 million in the Erie County budget, and

WHEREAS, Assembly Bill No. A.6629 and Senate Bill No. S.6475, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2023 to November 30, 2025;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.6629 entitled "AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County"

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

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

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$373 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

EXTENSION OF ADDITIONAL 1% AND .75% SALES TAX
SENATE

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2023 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$373 million in the Erie County budget, and

WHEREAS, Senate Bill No. S.6475 and Assembly Bill No. A.6629, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2023 to November 30, 2025;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.6475 entitled "AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County"

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

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

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$373 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

FROM LEGISLATOR GILMOUR

Item 31 – (COMM. 11E-5) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

- Brian Moran (uncle), Erie County Department of Public Works
- Kristin Gilmour (wife), Town of Hamburg
- Pat Moran (cousin), Buffalo Fire Department
- Morgan Moran (cousin), Buffalo Public Schools
- David Gilmour (uncle), City of Buffalo

Thank you in advance for your assistance.

Sincerely,

John Gilmour
Erie County Legislator

FROM LEGISLATOR MEYERS

Item 32 – (COMM. 11E-6) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

Valerie Meyers (wife), Erie County Water Authority
Faith Meyers (daughter), NYS Supreme Court

Thank you in advance for your assistance.

Sincerely,

Timothy J. Meyers
Erie County Legislator

FROM LEGISLATOR JOHNSON

Item 33 – (COMM. 11E-7) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, I have no family members employed by any government organization in any capacity.

Thank you in advance for your assistance.

Sincerely,

Howard Johnson
Erie County Legislator

FROM LEGISLATOR VINAL

Item 34 – (COMM. 11E-8) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

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

Re: Erie County Code of Ethics, Section 5(c) Reporting Requirement

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2-2018, Section 5(c), and to the best of my knowledge, below is the list of my family members employed by any government organization in any capacity:

Gregory Vinal (son): SUNY Buffalo
James Vezina (brother): US Department of Energy
Stacey Vezina (niece): US Department of State
Tricia Vezina (niece): Buffalo Public Schools
Stephanie Vezina (niece): Cincinnati Public Schools, Ohio
Kathleen Steele (niece): Braintree Electric Lighting District, Massachusetts

Thank you in advance for your assistance.

Sincerely,

Jeanne Vinal
Erie County Legislator

FROM CHAIR BASKIN

Item 35 – (COMM. 11E-9) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

Hon. Robert M. Graber
Clerk of the Legislature
92 Franklin Street
Buffalo, NY 14202

Re: Required Disclosure/Family Members Employed by (any) Government

Dear Clerk Graber:

Pursuant to Section 5(c) of the Code of Ethics, I am providing a list of my family members employed by any government organization in any capacity as of May 15, 2023.

My Mother Lisa Jacobs-Watson works for the NY State Supreme Court, Office of Hon. Craig Hannah.

My Step-Father Brian Watson is a Corrections Officer at Albion Correctional Facility.

My Brother Maxwell V. McCants Jr. is in the U.S. Marine Corps.

My Sister Seana L. McCants is in the U.S. Air Force.

Respectfully,

April N.M. Baskin
Chair, Erie County Legislature

FROM THE SHERIFF

Item 36 – (COMM. 11E-10) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

Mr. Robert Graber
Clerk of the Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Graber:

In accordance with the Disclosure of Interest in County Business, Section 5-c, please see the list below of family members employed by any government organization in any capacity:

Jake Giarrano, Nephew Buffalo Police Department

To my knowledge, there are no other family members as defined by Section 5-c presently employed by any government organization.

Respectfully submitted,

JOHN C. GARCIA
SHERIFF OF ERIE COUNTY

FROM THE COUNTY CLERK

Item 37 – (COMM. 11E-11) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023
Hon. Robert M. Graber
Clerk of the Legislature
92 Franklin St
Buffalo, New York 14202

RE: Required Disclosure/Family Members Employed by (any) Government Agency

Dear Clerk Graber:

Pursuant to the Erie County Code of Ethics, Local Law 2 (2018), Section 5c, I am providing a list of my family members employed by any government organization in any capacity. They include:

<u>Name</u>	<u>Relation</u>	<u>Employer</u>
Joanne Kearns	Sister	City of Buffalo Clerk
Patrick Kearns	Cousin	City of Buffalo Teacher
Dr. Kevin Kearns	Cousin	SUNY Fredonia VP of Economic Development
McKenna Kearns	Daughter	Teacher Aide City of Buffalo

If you have any questions please feel free to contact me at (716) 858-6985 or email me at Michael.Kearns@erie.gov

Sincerely,

Michael P. Kearns
Erie County Clerk

FROM LEGISLATOR KOOSHOIAN

Item 38 – (COMM. 11E-12) Submission Pursuant to EC Code of Ethics (Local Law #2 - 2018), Disclosure of Family Members Employed by Any Government Organization

Received, filed and printed.

May 15, 2023

Attn: Mr. Robert Graber
Clerk - Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

Dear Clerk Graber:

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

- My sister in law, Molly Kooshoian, who is a City of Buffalo crossing guard;
- My first cousin Amy Schmit, who is the Assistant Vice President/Chief of Staff for Research and Economic Development at the University at Buffalo; and
- My first cousin Joseph Schmit's wife, Kerry Gould-Schmit, who is the Director of Planning, Capital Planning and Construction at the the New York Public Library.

Thank you for your time and attention to this matter.

Very truly yours,

Michael H. Kooshoian

FROM THE COUNTY CLERK

Item 39 – (COMM. 11E-13) Authorization to Extend Contract with WNY Law Center, Inc. for Zombie Property Outreach Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 11E-14) Appointments to the EC Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 41 – (COMM. 11E-15) Appointments to EC Environmental Management Council

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 42 – (COMM. 11E-16) Huron Human Capital Management Financial Aid Student Managed Services & Post-Production Support

Item 43 – (COMM. 11E-17) Authorization to Contract with First Amendment First Vote

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 44 – (COMM. 11E-18) Authority to Enter into Contract for New Lancaster Highway Maintenance Facility

Item 45 – (COMM. 11E-19) Authorization to Enter Into Contract for Zoeller Rd. Pumping Station - Electric Service Project

Item 46 – (COMM. 11E-20) Authorization to Enter Into Contract for Emery Park Amphitheater Rehabilitation

Item 47 – (COMM. 11E-21) Rehabilitation of Bailey Ave. from Millersport Highway to Sheridan Dr.

Item 48 – (COMM. 11E-22) Rehabilitation of Maryvale Dr. from Beach Rd. to Cayuga Rd. - Contract for Engineering Design Services

Item 49 – (COMM. 11E-23) PILOT Agreement for Mt. Olive Senior Manor, City of Buffalo - Affordable Housing Development

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

Item 50 – (COMM. 11E-24) Solid Waste Management Boards MOU

Item 51 – (COMM. 11E-25) ECSD No. 3 - Southtowns Incinerator Tray Scrubber Replacement & Crane Installation Project

Item 52 – (COMM. 11E-26) ECSD No. 4 - Warner Rd. & Bowmansville Pump Stations Value Installations Project

Item 53 – (COMM. 11E-27) ECSD No. 3 - Southtowns Influent Pumps Replacement Project

Item 54 – (COMM. 11E-28) ECSD No. 6 - Engineer Term Contract Agreement

Item 55 – (COMM. 11E-29) ECSD No. 2 - Engineering Term Contract Agreement

Item 56 – (COMM. 11E-30) ECSD No. 4 - Engineering Term Contract Agreement

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

Item 57 – (COMM. 11E-31) Sheriff's Office Personnel Adjustment - Division of Correctional Health

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR BASKIN

Item 58 – (COMM. 11E-32) Erie County Corrections Specialist Advisory Board Inquiry

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 59 – (COMM. 11E-33) EC Comptroller Access to EC Clerk's Government Bank Accounts

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE PERSONNEL COMMISSIONER

Item 60– (COMM. 11D-1) Letter from Legislator Malczewski Concerning the Erie County Gender Identity Policy

Received and filed.

FROM THE COMMISSIONER OF HEALTH

Item 61 – (COMM. 11D-2) COVID-19 Outbreaks at Nursing Homes (Intro. 20-2)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 62 – (COMM. 11D-3) Filing Document for Local Law No. 4-1-2023: A Local Law Providing for Remote Public Meetings & Remote Participation of the Legislature in the County of Erie

Item 63 – (COMM. 11D-4) Filing Document for Local Law No. 1-2-2023: A Local Law Providing for 10% Property Tax Exemptions for Volunteer Firefighters & Ambulance Workers in Erie County

The above two items were received and filed.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 64 – (COMM. 11D-5) Budget Monitoring Report for Period Ending March 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ASSEMBLYMAN GOODELL

Item 65 – (COMM. 11M-1) Acknowledgment of Receipt of Certified Resolution

Received and filed.

FROM THE NYS DEPARTMENT OF TAXATION & FINANCE

Item 66 – (COMM. 11M-2) List of Certified 2023 Class Equalization Rates

Item 67 – (COMM. 11M-3) List of Certified 2023 Class Equalization Rates

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

FROM THE NYSDEC

Item 68 – (COMM. 11M-4) Brownfield Cleanup Program Public Notice Fact Sheet

Item 69 – (COMM. 11M-5) DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Ohio St., Buffalo

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

FROM COMMUNITY ORGANIZATIONS

Item 70 – (COMM. 11M-6) Needs Assessment for Alternatives to a New Jail

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 71 – Chair Baskin announced that the Legislature will conduct committee meetings on Thursday, June 1, 2023, and the schedule will be distributed. Chair Baskin further announced that the next session of the Legislature will be held on Thursday, June 8, 2023.

MEMORIAL RESOLUTIONS

Item 72 – Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Clara Gomez.

Item 73 – Chair Baskin joined Legislator Johnson requested that when the Legislature adjourns, it do so in memory of Clara Gomez.

Item 74 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Donald Yavicoli.

Item 75 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Barbara J. Parish.

Item 76 – Legislator Vinal requested that when the Legislature adjourns, it do so in memory of John B. "Jay" Askey.

Item 77 – Legislator Greene requested that when the Legislature adjourns, it do so in memory of Jeffrey R. Beers and Justin A. Costantino.

ADJOURNMENT

Item 78 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. MEYERS moved that the Legislature adjourn until Thursday, June 8, 2023 at 12:00 Noon. MR. GILMOUR seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, June 8, 2023 at 12:00 Noon.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

JOHNSON

Honoring and Recognizing the Life of PFC David Evans, Jr.

Attachments

DAVID EVANS

E:\LEG\MAY 28 '23 PM5:38

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, MAY 29, 2023

Honoring and Recognizing the Life of PFC David Evans, Jr.

WHEREAS, *PFC David Evans, Jr.* AKA "Lil Dave" and "Usher" was born to Esther E. Macklin and David Evans, Sr. on November 18, 1984, at Deaconess Hospital in Buffalo, New York; and

WHEREAS, PFC Evans, Jr. attended Buffalo Public School #53, #11 and graduated from Kensington High School in June of 2002 with a regents diploma.; and

WHEREAS, David was a star athlete and a member of the Kensington High School track team; and

WHEREAS, since childhood, David had a desire to become an FBI agent; and

WHEREAS, so immediately after graduating from Kensington High School, he enlisted in the United States Army and successfully completed the requirements of the course of instruction for Military Police at Fort Leonard, Missouri; and

WHEREAS, PFC David Evans, Jr. was a member of the 977th Military, Police Company in Fort Riley Kansas, and was tragically killed on May 25, 2003, in the line of duty in Diwaniyah, Iraq; and

WHEREAS, David was a young man who, in his short life span, accomplished so much and touched so many; and

WHEREAS, he gave his life to the Lord under the pastorate care of Rev Paul J. Walker of True Vine Christian Center in Buffalo, New York; and

WHEREAS, throughout history, military branches and installments locally and 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, David is the recipient of several distinguished awards, including a Bronze Star and the Purple Heart which is awarded in the name of the President of the United States to members of the U.S. Military who have been wounded or killed in action; and

WHEREAS, David will be remembered for his bright smile that lit up the room, his laughter, his kind-hearted soul, his loyalty, diligence, and dedication; and

WHEREAS, this Honorable Body celebrates the life of *PFC David Evans, Jr.* who is idolized by many for the person he is, for serving our country and representing the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby celebrate and honor the life of *PFC David Evans, Jr.* a young man who selflessly devoted his life to serve our country and now serves as a soldier for the Lord.

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

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

JOHNSON

In Remembrance of Lillie "Pearl" Watson Anderson

Attachments

LILLIE ANDERSON

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

EC LEG JUN 2 '23 PM 5:23

BUFFALO, NY, JUNE 1, 2023

In Remembrance of Lillie "Pearl" Watson Anderson

WHEREAS, Almighty God, in His infinite wisdom, on May 23, 2023, removed from our midst *Lillie "Pearl" Watson Anderson*, in whose death we have lost a loving mother, grandmother, aunt, sister, valued and respected citizen, and whose family has lost a leader, kind and devoted member; and

WHEREAS, *Lillie "Pearl" Watson Anderson* was born on November 10, 1945; and

WHEREAS, she received her education from Buffalo Public Schools; and

WHEREAS, Lillie received her Christian upbringing at an early age; and

WHEREAS, after receiving her education, Lillie attended fashion design school in Detroit, Michigan; and

WHEREAS, her fashions were unique and are considered an accumulation of worldly experience, emotions, and the true expressions of her vision as a designer; and

WHEREAS, her interest in fashion and sewing began at an early age, abilities that came from her grandmother; and

WHEREAS, Lillie was also known for her hats and costume designing; and

WHEREAS, her first assignment was to create costumes for the play titled "The Eagle"; and

WHEREAS, Lillie was nominated and won 1st Place for the best costume design, which was judged by actor Robert Hooks; and

WHEREAS, drawing her inspiration from years in the fashion and entertainment arena, Lillie took her creative ideas to new heights; and

WHEREAS, Pearl designed for numerous recording artists, such as the ate Aretha Franklin and the group "Chi-Lites"; and

WHEREAS, Pearl also designed costumes for the "Magic Man" when the Black Circus was on tour in Buffalo; and

WHEREAS, through her warmth, kind spirit, and pleasant personality, Lillie was loved by many and made a lasting transformation in the lives of her family and other loved ones; and

WHEREAS, Lillie's beautiful life will forever be cherished in the lives of her devoted, dedicated loving daughter, Serless (Mark) Adams; one loving grandson, Brandon Adams; two dedicated and devoted sisters, Barbara Price Lumpkin (Marvin Moss) and Wannetta Joan Watson; two brothers, William and Irvin (Karen Ellington) Watson and a host of other relatives and friends; and

WHEREAS, last, but not least, Lillie's greatest hopes and prayers were realized when her daughter Serless Adams (Mark) blessed her with grandson; Brandon Adams; and

WHEREAS, after seventy-seven fruitful and joyous years on this Earth, Lillie now rests peacefully her loving parents, her brother Jack, and her sister Charmaine; and

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of *Lillie "Pearl" Watson Anderson*, whose lifelong dedication to God, family and community are an inspiration to be admired, emulated, and honored.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby mourn the passing of *Lillie "Pearl" Watson Anderson* and pauses in its deliberations to recognize her praiseworthy life, her love of family and her commitment and devotion to the betterment of our community; and be it further

RESOLVED, that the Erie County Legislature express its sympathy and condolences to the Anderson family, the Watson family and to her many friends, knowing full well that she has received her eternal and glorified reward in Heaven, having heard the consoling words of the Master, "*Well done, thou good and faithful servant.*"

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

BASKIN

Acknowledging the First Friday in June as National Gun
Violence Awareness Day

Attachments

GUN VIOLENCE AWARENESS

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, JUNE 2, 2023

Acknowledging the First Friday in June as National Gun Violence Awareness Day

WHEREAS, every day, more than 120 Americans are killed by gun violence and more than 200 are shot and wounded, with an average of more than 17,000-gun homicides every year; and

WHEREAS, Americans are 26 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, New York State has 939 gun deaths every year, with a rate of 4.7 deaths per 100,000 people, a crisis that costs the state \$11.4 billion each year, of which \$301.2 million is paid by taxpayers; and

WHEREAS, gun homicides and assaults are concentrated in cities, with more than half of all firearm related gun deaths in the nation occurring in 127 cities; and

WHEREAS, municipalities across the nation, including in Erie County are working to end the senseless violence with evidence-based solutions; and

WHEREAS, protecting public safety in the communities they serve is mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, mayors and law enforcement officers —in partnership with local violence intervention activists and resources —know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, gun violence prevention is more important than ever as we see an increase in firearm homicides, and nonfatal shootings across the country, increased calls to domestic violence hotlines, and an increase in city gun violence; and

WHEREAS, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 2, 2023 to recognize the 26th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to Hadiya Pendleton and other victims of gun violence and the loved ones of those victims; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods, and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to wear orange on June 2nd, the first Friday in June in 2023, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 2, 2023 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the hands of people who should not have access to them, and encourage responsible gun ownership to help keep our families and communities safe.

NOW, THEREFORE BE IT,

RESOLVED, that this Erie County Legislature declares the first Friday in June, June 2, 2023, to be National Gun Violence Awareness Day and encourages all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

VINAL

Acknowledging Music on Main Street - 14th Year

Attachments

MUSIC ON MAIN

Legislative Proclamation Submitted

By Legislator Vinal

EC LEG JUN 6 '23 AM 9:58

Re: Recognizing Music on Main Street - 14th Year

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

BASKIN

In Remembrance of Dorothy Kamoche

Attachments

DOROTHY KAMOCHÉ

Legislative Proclamation Submitted

By Legislator Baskin

EC LEG JUN 6 '23 AM 9:58

Re: In Remembrance of Dorothy Kamoche

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

VINAL

In Remembrance of Dr. Kenton McCall Stewart

Attachments

DR. STEWART

Legislative Proclamation Submitted

EC LEG JUN 6 '23 AM 9:57

By Legislator Vinal

Re: In Remembrance of Dr. Kenton McCall Stewart

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

VINAL

In Remembrance of Daniel J. Chase - Founding Member of the
Williamsville Business Association

Attachments

DANIEL J. CHASE

Legislative Proclamation Submitted

EC LEG JUN 6 '23 AM 9:57

By Legislator Vinal

*Re: In Remembrance of Daniel J. Chase - Founding Member of the
Williamsville Business Association*

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

BARGNESI & KOOSHOIAN

Recognizing Ed Adamczyk - Retirement as Historian of the
Village of Kenmore and the Town of Tonawanda

Attachments

ED ADAMCZYK

Legislative Proclamation Submitted

EC LEG JUN 6 '23 AM 9:57

By Legislators Bargnesi and Kooshoian

*Re: Recognizing Ed Adamczyk
Storied Career as Historian for the Village of Kenmore and The Town of
Tonawanda*

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

MAJORITY CAUCUS

Recognizing Children's Awareness Month

Attachments

CHILDREN'S AWARENESS

Legislative Proclamation Submitted

EC LEG JUN 6 '23 AM 9:57

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

Re: Recognizing Children's Awareness Month

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

MALCZEWSKI

Celebrating Charles Kopera on His 70th Birthday

Attachments

CHARLES KOPERA

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Celebrating Charles Kopera for his 70th Birthday

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

WHEREAS, **Charles “Charlie” Kopera** was born on **June 19, 1953**, in Buffalo, New York; and

WHEREAS, **Charlie Kopera** was born with Cerebral Palsy which is a group of neurological disorders that may take many forms and exhibits a wide array of symptoms that include ataxia, spasticity, tremors, impaired motor skills, and is sometimes accompanied by intellectual disability and delayed development; and

WHEREAS, despite this adversity, **Charlie Kopera** never let his disability limit his pursuit of the American Dream or his drive to accomplish great things; and

WHEREAS, **Charlie Kopera** graduated from Kensington High School in 1972 and earned his Bachelor of Arts degree in History with honors from Daemen College; and

WHEREAS, throughout his life, **Charlie Kopera** competed in the Special Olympics and passionately advocated for the disabled community through lobbying, attending day programs, and eventually going on to work with Aspire where he sat as a Board Member for over twenty years, and received numerous awards; and

WHEREAS, **Charlie Kopera** retired at the age of sixty-seven and now resides at the Harris Hill Nursing Home, bringing joy and laughter to the hallways after a lifetime of helping to create a more accessible and inclusive world.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and celebrate **Charles “Charlie” Kopera** for his 70th birthday and wish him many more years of happiness.

JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

GREENE

Celebrating National Little League Baseball Week in Erie
County June 12, 2023 - June 18, 2023

Attachments

LITTLE LEAGUE BASEBALL

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., JUNE 8, 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 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:

Celebrating National Little League Baseball Week in Erie County June 12, 2023 - June 18, 2023

WHEREAS, the Erie County Legislature honors individuals and organizations that go above and beyond to give back to their community and enhance the quality of life for residents; and

WHEREAS, **National Little League Baseball Week** was established in 1959 by President Dwight D. Eisenhower and is celebrated annually during the second week of June; and

WHEREAS, Little League was founded in 1939 by Carl E. Stotz in Williamsport, Pennsylvania when he began to think about how his nephews loved the game of baseball, yet there was no organized program for pre-teen boys who wanted to play the sport; and

WHEREAS, in 1974 Little League began admitting girls and offering softball, and in 1990 began its "Challenger Division," an all-inclusive division for children with mental and physical challenges; and

WHEREAS, Little League is now played across all 50 states and in 80 countries around the world and teaches boys and girls of all abilities the basics of baseball and principles of fair play, sportsmanship and teamwork; and

WHEREAS, today Little League continues its commitment to bringing communities together through the love of baseball and aiding in the development of young people into well-rounded citizens of society.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to celebrate **National Little League Baseball Week in Erie County** and recognize the many children, parents, coaches, and volunteers who support youth baseball organizations across the county.

HON. CHRISTOPHER D. GREENE
Erie County Legislator – 6th District

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

GREENE

Honoring and Congratulating Amherst Police Lieutenant
Edgar Walker on His Retirement

Attachments

EDGAR WALKER

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 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 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring and Congratulating Amherst Police Lieutenant
Edgar Walker 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 twenty-five years, *Lieutenant Edgar Walker* 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, *Lieutenant Edgar Walker* began his law enforcement career as a police officer at the University of Buffalo, he joined the Amherst Police Department in 2002, becoming a lieutenant in 2017; and

WHEREAS, during his career, *Lieutenant Edgar Walker* served as a School Liaison Officer and an Assistant Safety Education Officer; and

WHEREAS, *Lieutenant Edgar Walker* received the Amherst Bee Officer of the Year, the Meritorious Service Award, and the ASIS International Special Recognition Award; and

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

WHEREAS, *Lieutenant Edgar Walker's* leadership and communication skills inspired the more than 150 sworn officers and 35 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 *Lieutenant Edgar Walker* 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: 06/08/2023

SUBJECT

GREENE

Recognizing Gordon P. Gold as a Clarence Veterans Memorial
Wall Honoree

Attachments

GORDON GOLD

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 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 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Recognizing Gordon P. Gold
as a Clarence Veterans Memorial Wall Honoree**

WHEREAS, the greatest acknowledgment of our freedom is to honor our armed forces veterans who have sacrificed and, in so many instances, paid the ultimate price for our freedom; and

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original thirteen colonies, Americans have been willing to fight and die to preserve our individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, for their love of country and dedication to duty, America's veterans have endured adversity, loneliness, fatigue, and loss and have made incredible sacrifices. Our nation's veterans fully understand liberty's high and precious cost, for they have paid it every single day since the formation of our Republic; and

WHEREAS, Erie County recognizes and respects the more than fifty-two thousand county veterans for their contributions as these Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen selflessly placed lives, well-being, and the security of others before their own needs; and

WHEREAS, as a way of saying thank you and remembering their service, the Clarence Rotary Club has built the *Clarence Veterans Memorial Wall*, an inspirational structure that serves as a lasting tribute to town residents who served their country in the Armed Forces; and

WHEREAS, the names of 503 service members were placed on the wall in 2021, and it is only fitting that our legislative body recognize these heroes individually and collectively,

NOW THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to celebrate the life and service of *Gordon P. Gold*, who served in the United States Marine Corps from 1951-1954, and whose selfless and patriotic service on behalf of family, friends, neighbors, and country truly merits this great honor.

CHRISTOPHER D. GREENE

Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

TODARO

Celebrating the Grand Opening of Fattey Beer Company in
Lancaster, New York

Attachments

FATTEY BEER LANC

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 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 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Celebrating the Grand Opening of
Fattey Beer Company in Lancaster, New York**

WHEREAS, America's progress has been driven by pioneers who think big, take risks and work hard; and

WHEREAS, from the storefront shops that anchor Main Street to the high-tech startups that keep America on the cutting edge, small businesses are the backbone of our economy and the cornerstones of our nation's promise; and

WHEREAS, founded in 2017, **Fattey Beer Company** is a bottle shop, tap room, and a craft community experience; and

WHEREAS, **Fattey Beer Company** has locations in Buffalo, Hamburg, Kenmore, Orchard Park, North Tonawanda, Rochester, Westerville (Ohio), and Wurlitzer (North Tonawanda); and

WHEREAS, **Fattey Beer Company** continues to expand and will be opening its seventh store in Lancaster, New York; and

WHEREAS, **Fattey Beer Company in Lancaster** will be a dog-friendly space with a large selection of craft beers, wine, cider, seltzer, sodas, non-alcoholic drinks, and snacks, including a world-famous chicken sandwich.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to celebrate **Fattey Beer Company** on the grand opening of their Lancaster location and wish them much success.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

TODARO

Recognizing and Honoring Henry Kunttu for Being Inducted
into the NFL Hall of Fame for His Film Work

Attachments

HENRY KUNTTU

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 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 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:

Recognizing and Honoring Henry Kunttu for Being Inducted into the NFL Hall of Fame for His Film Work

WHEREAS, the Erie County Legislature is pleased to honor individuals in our community who are masters of their craft and through their professional endeavors enhance the quality of their product for customers and the community; and

WHEREAS, **Henry Kunttu**, a Lancaster resident, was recently inducted into the Pro Football Hall of Fame, receiving an Award of Excellence for his film and video directing work with the Buffalo Bills; and

WHEREAS, he started working in the industry in 1969 until his retirement twelve years ago in 2011, collecting game and practice film for research and analysis by coaches and staff; and

WHEREAS, **Henry Kunttu** went to four Super Bowls with Buffalo Bills Head Coach Marv Levy, and was also Chairman of the NFL Video Directors Technical Research Committee and member of the NFL Directors Committee; and

WHEREAS, during the course of his career, **Henry Kunttu** worked with 15 head coaches over his 41 years covering the Buffalo Bills.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Henry Kunttu** on being inducted into the NFL Hall of Fame, Class of 2023.

FRANK J. TODARO

Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

TODARO

Honoring Farhang Habiby Kermany as Salutatorian for
Lancaster High School

Attachments

FARHANG HABIBY KERMANY

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring Farhang Habiby Kermany as Salutatorian
for Lancaster High School**

WHEREAS, the Erie County Legislature is pleased to honor individuals who display excellence in the pursuit of their academic endeavors; and

WHEREAS, **Farhang Habiby Kermany** has been named salutatorian of the 2023 graduating class of Lancaster High School; and

WHEREAS, Lancaster High School's graduation will be held at KeyBank Arena on Wednesday, June 21, 2023; and

WHEREAS, during his time at Lancaster High School he has been a part of Science Olympiad, Model United Nations, Math Honor Society, Science and French Honor Societies, Healthcare Academy, and LHS Peer to Peer Tutoring Program; and

WHEREAS, he received many awards and honors including the UB Presidential Scholar; Richard Davidson Science Award; Terrence J. Smerka Humanitarian Award; Model UN: Superior Delegate in World Health Organization; Model UN: Excellent Delegate in NATO; Science Olympiad Environmental Chemistry medalist; Chemistry Olympiad local round selection; Foreign Language Department Award, French; AP Scholar; and

WHEREAS, this upcoming fall, **Farhang Habiby Kermany** will be attending University at Buffalo; and

WHEREAS, he plans to major in biochemistry while engaging in on-campus research at the University at Buffalo, and involving himself in experiences that will prepare him for work in clinical settings.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Farhang Habiby Kermany** for his academic excellence and for earning the title of **Salutatorian for the class of 2023 at Lancaster High School**.

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

TODARO

Honoring Adam Heiler as Valedictorian for Lancaster High School

Attachments

ADAM HEILER

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Honoring Adam Heiler as Valedictorian
for Lancaster High School**

WHEREAS, the Erie County Legislature is pleased to honor individuals who display excellence in the pursuit of their academic endeavors; and

WHEREAS, **Adam Heiler** has been named Valedictorian of the 2023 graduating class of Lancaster High School; and

WHEREAS, Lancaster High School's graduation will be held at KeyBank Arena on Wednesday, June 21, 2023; and

WHEREAS, during his time at Lancaster High School, he has been a part of Varsity Tennis, Math Honor Society, Project Lead the Way, Academy of Visual and Performing Arts, Science Honor Society, Carnival Kids Steel Orchestra, Symphony Orchestra, Jazz Ensemble, Jazz Combo, Ski Club, and Student Union; and

WHEREAS, during his time at Lancaster High School, he received many awards and honors including the 11th Grade Math Department Award; Science Student of the Month, January 2022; NYSSMA Area All-State Musician, Percussion; ECMEA All-County Musician, Percussion; NYSSMA Conference All-State Alternate, Percussion; RIT Presidential Scholarship; RIT Performing Arts Scholar; RIT Honors Scholar; AP Scholar; and

WHEREAS, this upcoming fall, **Adam Heiler** will be attending either the University of Michigan or Rochester Institute of Technology; and

WHEREAS, he will major in mechanical engineering and plans to pursue a Master's Degree in mechanical engineering and work on the development of renewable energy while continuing to compose and perform music.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and recognize **Adam Heiler** for his academic excellence and for earning the title of **Valedictorian for the class of 2023 at Lancaster High School**.

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

MILLS

Honoring Peter David SantaLucia on Earning the Rank of
Eagle Scout

Attachments

PETER DAVID SANTALUCIA

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 2023, A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Peter David SantaLucia on Earning the Rank of Eagle Scout

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, **Peter David SantaLucia** of Troop 285, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and will be celebrated at his Court of Honor on June 17, 2023; and

WHEREAS, **Peter David SantaLucia** earned twenty-five merit badges in his quest to become an Eagle Scout; and

WHEREAS, **Peter David SantaLucia** partnered with the American Legion Post 567 for his Eagle Project, constructing a garden at their front entrance to revitalize the worn-out area and bring life to the Legion's new building; and

WHEREAS, with a remarkable team of twenty-eight volunteers, the project accumulated an impressive total of two hundred-and-seventeen-man hours, including Peter's eighty-nine hours, showcasing his leadership and commitment to honoring our veterans; and

WHEREAS, in addition to his scouting, **Peter David SantaLucia** is a senior at Orchard Park High School, excelling academically as an honor roll student, actively participating in hockey and the school orchestra as a bass player, and serving as the President of the National Honor Society; and

WHEREAS, in addition to enjoying camping, hiking, volunteering, coding, and gaming in his leisure time, **Peter David SantaLucia** also has a passion for reading and plans to attend Northeastern University to pursue a degree in computer science and biology, with the goal of establishing a career as a software developer.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to acknowledge and commend the outstanding achievement of **Peter David SantaLucia** in achieving all requirements to attain the rank of Eagle Scout.

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

MILLS

Honoring Philip John Wick, Jr. on Earning the Rank of Eagle Scout

Attachments

PHILIP JOHN WICK, JR.

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 2023, A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Philip John Wick, Jr. on Earning the Rank of Eagle Scout

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, **Philip John Wick, Jr.** of Troop 285, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and will be celebrated at his Court of Honor on June 17, 2023; and

WHEREAS, **Philip John Wick, Jr.** earned twenty-three merit badges in his quest to become an Eagle Scout; and

WHEREAS, **Philip John Wick, Jr.** demonstrated exceptional dedication and leadership by undertaking his Eagle Scout Project at St. James United Church of Christ in the Christian Education building, where he cleaned out a large room, removed games, puzzles, and books, organized, donated, repurposed items, repaired cracks and holes in walls and applied fresh coats of paint, transforming the room into a renewed and welcoming space; and

WHEREAS, **Philip John Wick, Jr.** a 2022 graduate of Orchard Park High School and Erie 2 Boces-Wallace D. Ormsby Educational Center, is currently pursuing a Welding Technology, A.A.S. at Niagara County Community College, showcasing his ambition and determination to become a skilled welder; and

WHEREAS, **Philip John Wick, Jr.** embodies the values of an Eagle Scout, including integrity, leadership, and service to others, demonstrating his commitment to making a positive impact in his community.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to acknowledge and commend the outstanding achievement of **Philip John Wick, Jr.** in achieving all requirements to attain the rank of Eagle Scout.

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

MILLS

Honoring Michael T. Breth on Earning the Rank of Eagle
Scout

Attachments

MICHAEL BRETH

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 2023, A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring Michael T. Breth on Earning the Rank of Eagle Scout

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, **Michael T. Breth** of Troop 285, Greater Niagara Frontier Council, Boy Scouts of America, has attained the coveted rank of Eagle Scout, Boy Scouting's highest honor, and will be celebrated at his Court of Honor on June 17, 2023; and

WHEREAS, **Michael T. Breth** earned twenty-four merit badges in his quest to become an Eagle Scout; and

WHEREAS, **Michael T. Breth's** Eagle Scout Project aimed to assist the Western New York Storm Water Coalition in their efforts to preserve the environment by undertaking a shoreline cleaning initiative along Tonawanda Creek; and

WHEREAS, **Michael T. Breth** dedicated a total of seventy-five hours and organized a team of nine volunteers, utilized four canoes and an escort boat to effectively clean up the designated area of shoreline; and

WHEREAS, **Michael T. Breth's** many distinguished accomplishments include but are not limited to, membership in the National Honor Society, Latin National Honor Society, and is an Orchard Park Pride Award Recipient; and

WHEREAS, **Michael T. Breth** is currently a senior at Orchard Park High School with plans to study Architecture and Environmental Design at Kent State University, enforcing his commitment to remodel buildings for increased sustainability and efficiency, emphasizing the importance of preservation and minimizing waste.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to acknowledge and commend the outstanding achievement of **Michael T. Breth** in achieving all requirements to attain the rank of Eagle Scout.

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

MILLS

Celebrating the Hamburg Garden Club's Commitment to
"Gardening, Community and Knowledge"

Attachments

HAMBURG GARDEN CLUB

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., JUNE 8, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 8th day of June 2023 A.D., a resolution was adopted, of which the following is a true copy:*

**Celebrating the Hamburg Garden Club's Commitment to
"Gardening, Community, and Knowledge"**

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

WHEREAS, the **Hamburg Garden Club** history dates back to 1924, with a mission to promote and support knowledge and understanding of horticulture, conservation and beautification within our community along with educating members and others on the protection, preservation and enhancement of the natural environment; and

WHEREAS, with its dedicated membership of sixty-five members, the **Hamburg Garden Club** utilizes its monthly meetings and educational programs to serve as both a community resource and a platform for sharing knowledge, fostering beauty in gardens, and enhancing our local community; and

WHEREAS, the **Hamburg Garden Club** dedicates substantial time to outreach and charitable endeavors, actively beautifying various locations throughout the town, including Memorial Park and the Hamburg Library, while offering therapeutic gardening sessions to seniors and collaborating with elementary students through youth programs; and

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

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

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

Erie County Legislature
Meeting Date: 06/08/2023

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).

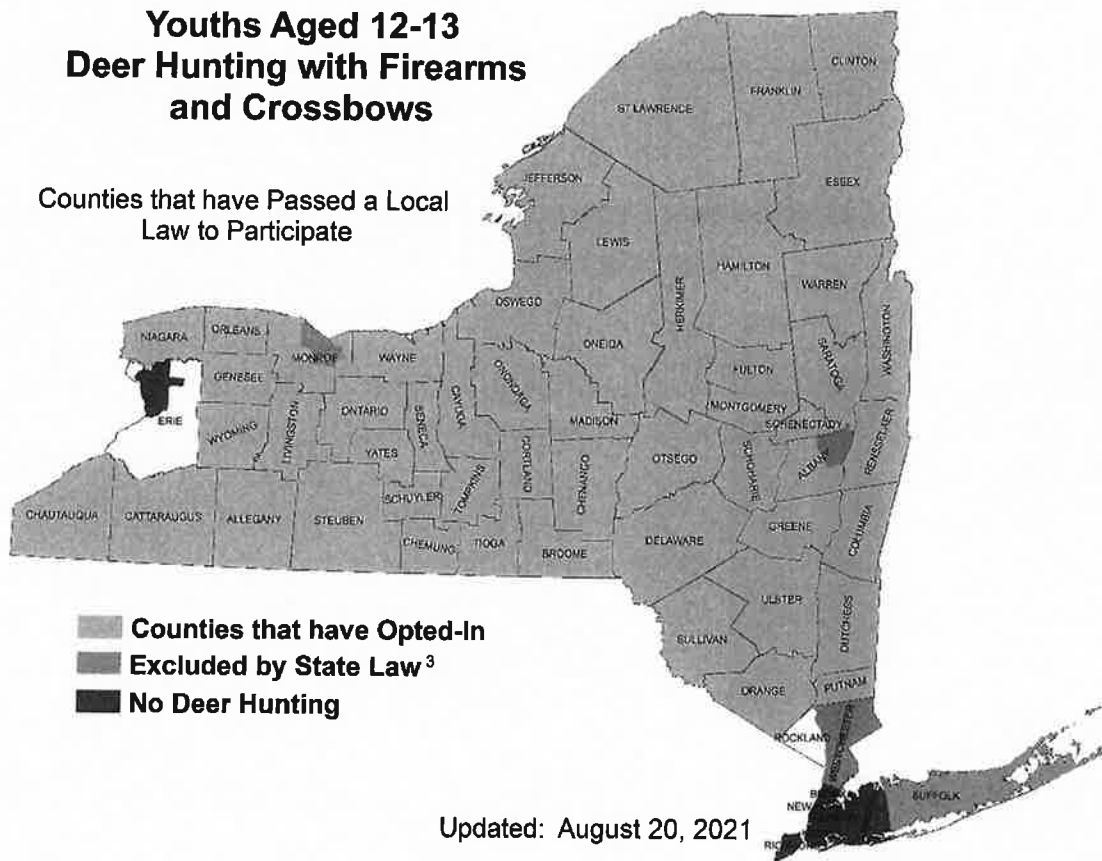
² Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York until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

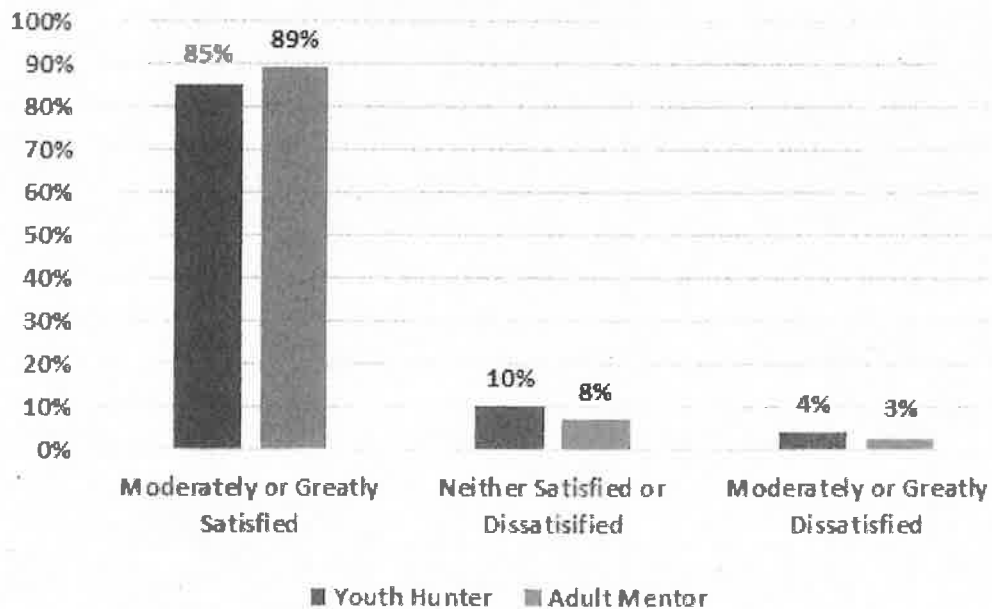
"The youth hunt is great...I think it builds a great trust and cooperation between DEC officers, young hunters and their parents, that extends well beyond the weekend. Great experience."

"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: 06/08/2023

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: 06/08/2023

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: 06/08/2023

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: 06/08/2023

SUBJECT

LL INTRO. 6-1 (2023)	BARGNESI, MEYERS, GILMOUR & KOOSHOIAN	A Local Law Providing for the Extended Lease of Real Property Located at 13 Centre Drive, Orchard Park, NY, 14127
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Attachments

LL INTRO. 6-1 (2023)

COUNTY OF ERIE

LOCAL LAW INTRO – NO. 6-1 - 2023

LOCAL LAW – NO. _____ - 2023

A local law providing for the extended lease of real property located at 13 Centre Drive, Orchard Park, New York, 14127. This Local Law supersedes New York State County Law Section 215, subdivision (3).

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

Section 1 – Intent

The Erie County Legislature intends to supersede the real property lease term restrictions provided for in New York State County Law Section 215 (3) by authorizing Erie County to enter into a 10-year lease for warehouse and office space located at 13 Centre Drive in the Town of Orchard Park State of New York. The leased space will be used to house the Erie County Sheriff's Office Special Services Division, Professional Standards Division, Inventory Facility, and to provide for secure storage of emergency response equipment.

Section 2 – Authorization of Extended Lease Length

Notwithstanding the provisions of section 215 of the County Law or any special act or local law to the contrary, the County is hereby authorized to enter into a lease with 13 Centre Drive OPNY LLC for real property located at 13 Centre Drive in the Town of Orchard Park, New York for an initial term of ten years with two, five-year renewal options which may be enacted upon mutual written agreement of the parties.

Section 3 - Severability

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 4 – Effective Date

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

Sponsors:

John Bargnesi
Timothy Meyers
John Gilmour
Michael Kooshoian

Erie County Legislature
Meeting Date: 06/08/2023

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: 06/08/2023

SUBJECT

REPORT No. 8 PUBLIC SAFETY COMMITTEE

Attachments

PS Report No. 8

June 1, 2023

PUBLIC SAFETY COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GREENE.

1. RESOVLED, the following item is herby received, filed and printed:

- a. COMM. 11E-14 (2023)
COUNTY EXECUTIVE: “Appointments to the EC Fire Advisory Board”
(Chair’s Ruling)

May 19, 2023

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

Re: Appointments to the Fire Advisory Board

Dear Honorable Members:

Pursuant to the powers vested in me by Section 1403 of the Erie County Charter, I hereby appoint the following persons to the Fire Advisory Board for a term ending December 31, 2024.

Shad Garner	Tom Partridge	Jack Chiappone
16 Samantha Court	4999 Tim Tam Trail	4421 Richwood Drive
West Seneca, NY 14224	Blasdell, NY 14219	Hamburg, NY 14075
New Appointment	New Appointment	New Appointment

Should you have any questions regarding these appointments please feel free to contact my office at (716) 858-8500.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

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

- a. COMM. 11E-32 (2023)
BASKIN: “Erie County Corrections Specialist Advisory Board Inquiry”
(Chair’s Ruling)

- b. COMM. 11M-6 (2023)
COMMUNITY ORGANIZATIONS: “Needs Assessment for Alternatives to a New Jail”
(Chair’s Ruling)

- 3. COMM. 10E-1 (2023)
SHERIFF
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.

(4-0)

4. COMM. 10E-19 (2023)
COUNTY EXECUTIVE

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.

(4-0)

5. COMM. 11E-31 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Sheriff's Division of Correctional Health continues to experience staffing shortages for the division; and

WHEREAS, the Sheriff's Office has hosted numerous job recruitment activities and has an agreement with a nurse staffing agency, yet the agency is still experiencing staff shortages; and

WHEREAS, Correctional Health seeks to upgrade the position from a Registered Nurse to Senior Nurse Practitioner; and

WHEREAS, this position upgrade will allow Correctional Health to expand its recruitment efforts, and Senior Nurse Practitioners will provide a higher level of care to the incarcerated populations of the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the Sheriff's Office will delete four Registered Nurses (JG 8) with an annual wage of \$59,840.00; and

WHEREAS, the office will create four Senior Nurse Practitioner positions (JG 16) with an annual wage of \$99,578.00; and

WHEREAS, the funds needed to effectuate this change are available from unfilled Registered Nurse positions, overtime savings, and the fee for the on-call nurses' agreement will fund the positions for the remainder of 2023.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and the Personnel Department to delete the following positions four (4) Registered Nurses (JG 8) in the 2023 Division of Correctional Health General Fund; and be it further

RESOLVED, the Erie County Legislature authorizes the Erie County Sheriff's Office and the Personnel Department to create four (4) Senior Nurse Practitioner (JG 16) positions with an annual wage of \$99,578.00; and be it further

RESOLVED, that the Division of Budget and Management and the Commissioner of Personnel are authorized to make any budget adjustments and any technical adjustments required to effectuate this resolution; and be it further

RESOLVED, certified copies of this resolution shall be forwarded to the County Executive's Office, the Department of Personnel, the Division of Budget and Management, and the Erie County Sheriff's Office.

(4-0)

6. COMM. 11E-36 (2023)

SHERIFF

WHEREAS, the Erie County Sheriff's Office seeks to retire two canines and transfer ownership to the handlers; and

WHEREAS, since the handler/canine relationship is special and unique, it is appropriate to transfer ownership to the handler; and

WHEREAS, the Sheriff's Office, the County, and the Legislature have granted K9 transfers in the past, allowing the dog to remain with the family it has lived with for many years.

NOW, THEREFORE, BE IT

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff's Office to enter into an agreement with Sergeant Randy Ratajczak for the consideration of one (1) U.S. Dollar for the transfer of ownership of Moose; and be it further

RESOLVED, the Sergeant mentioned above shall assume full responsibility for the canine under such agreement and shall further hold the County of Erie and the Erie County Sheriff's Office harmless against any and all liability; and be it further

RESOLVED, the Legislature hereby authorizes the Erie County Executive and the Erie County Sheriff's Office to enter into an agreement with Deputy Bradford Ballantyne (retired) for the consideration of one (1) U.S. Dollar for the transfer of ownership of Deimos; and be it further

RESOLVED, Mr. Ballantyne shall assume full responsibility for the canine under such agreement and shall further hold the County of Erie and the Erie County Sheriff's Office harmless against any and all liability; and be it further

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

(4-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

REPORT No. 8 ECONOMIC DEVELOPMENT COMMITTEE

Attachments

ED Report No. 8

June 1, 2023

ECONOMIC DEVELOPMENT COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

1. COMM. 11E-18 (2023)
COUNTY EXECUTIVE

WHEREAS, the Clarence Highway Maintenance Building has structural issues and is deemed unsafe for occupancy; and

WHEREAS, it is prudent and cost effective to construct a new building to provide services and comply with all current safety, OSHA, and building code requirements; and

WHEREAS, a new facility is to be constructed within the Clarence Maintenance District at 125 Cemetery Road, Lancaster NY; and

WHEREAS, the Department of Public Works and The Liro Group are recommending award of contracts to the lowest responsible bidders for the General, Mechanical, Electrical, and Plumbing construction received on April 6, 2023; and

WHEREAS, The Liro Group has the necessary expertise and manpower to provide professional construction administration and monitoring services for the project; and

WHEREAS, Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Section 617.1 under the State Environmental Quality Review Act (SEQR) requires local governments when they directly undertake, fund or approve an action to evaluate whether said actions will have a significant impact on the environment; and

WHEREAS, Erie County acting through the Department of Environment and Planning has reviewed the action under the aforementioned SEQR regulations and has made the determination that the action is classified as an Unlisted action under 6 NYCRR Part 617.4 (b)(6) and 617.2(al); and

WHEREAS, Erie County acting through the Department of Environment and Planning reviewed the action in accordance with SEQR and made the determination that the action will have little to no impact on the environment; and

WHEREAS, authorization is required for the County Executive to issue contracts with the lowest responsible bidders for the Erie County – New Lancaster Highway Maintenance Facility project; and

WHEREAS, authorization is required for the County Executive to enter into an Agreement amendment with The Liro Group for providing professional construction administration and monitoring services for the Erie County - New Highway Maintenance Facility 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

Javen Construction	Base Bid:	\$ 5,527,000.00
	Alt GC-1:	\$ 569,000.00
Total Award of General Construction Contract:		\$ 6,096,000.00

Mechanical Construction Work

Greater Niagara Mechanical	Base Bid:	\$ 863,135.00
	Alt MC-1:	\$ 141,025.00
Total Award of Mechanical Construction Contract:		\$ 1,004,160.00

Electrical Construction Work

Frey Electric Construction	Base Bid:	\$ 505,650.00
	Alt EC-1:	\$ 34,000.00
Total Award of Electrical Construction Contract:		\$ 539,650.00

Plumbing Construction Work

MLP Plumbing and Mechanical, Inc.	Base Bid:	\$ 575,000.00
	Alt PC-1:	\$ 46,900.00
Total Award of Plumbing Construction Contract:		\$ 621,900.00

and be it further

RESOLVED, that authorization is hereby given for sum of \$588,290 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 is authorization is hereby given for the County Executive to enter into an Agreement amendment with The Liro Group for providing professional construction administration and monitoring services for the Erie County - New Lancaster Highway Maintenance Facility for an amount not to exceed \$350,000.00, including design contingency; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office to make payment from the following capital project in Funds Center 122, Fund 410:

A.18011 – 2018-Highway maintenance Facility	\$ 364,197.56
A.20001 – 2020 Harlem Road / Lancaster	\$ 2,500,000.00
<u>A.21165 – 2021 Harlem Highway</u>	<u>\$ 6,335,802.44</u>
Total Amount Not to Exceed	\$ 9,200,000.00

and be it further

RESOLVED, that Erie County hereby determines that the proposed Erie County - New Highway Maintenance Facility project is an Unlisted action in accordance with 6 NYCRR Section 617.7 (c) and will have little to no impact on the environment and the action and is therefore not subject to further review under 6 NYCRR Part 617; 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 Environment and Planning. (5-0)

2. COMM. 11E-19 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Sewers pumping station located at the corner of Zoeller Rd and Walden Avenue sits adjacent to the Erie County Home; and

WHEREAS, the Zoeller Rd Pumping station receives electrical power from a distribution panel in the Erie County Home; and

WHEREAS, Erie County is seeking the sale of the Erie County Home; and

WHEREAS, the Zoeller Road Pumping Station will not be part of the sale of the Erie County Home and will be maintained Erie County Division of Sewerage Management requiring the Zoeller Rd Pumping station utilities to be separated from the Erie County Home through execution of the scope of work on this Construction Project; and

WHEREAS, Erie County requested bids to install a new electric service and the associated backup power equipment; and

WHEREAS, the lowest responsible bidder, in accordance with General Municipal Law, for the Zoeller Road Pumping Station Electric project is CIR Electrical, Inc.; and

WHEREAS, the Erie County Department of Public Works, along with the Architect of record for the project, is recommending award of the contract to the lowest responsible bidder.

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 for the Zoeller Road Pumping Station Electric project for an amount not to exceed as follows:

General Construction Work

CIR Electrical, Inc.	Base Bid:	\$ 241,866.00
<hr/>		
Total Award of Construction Contract:		\$ 241,866.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$25,000.00 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 deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that authorization is hereby given to the Comptroller's Office to make payment for the above from Fund 410, Funds Center 122, as follows:

A.19019 – Erie County Home Decommissioning -	\$175,752.16
A.16011 – 2016 Erie County Home Decommissioning -	\$ 11,281.72
A.18006 – 2018 Mechanical, Electrical and Plumbing -	\$ 32,682.75
A.11006 – 2011 Mechanical, Electrical and Plumbing -	\$ 937.50
A.19015 – 2019 Mechanical, Electrical and Plumbing -	\$ 11,448.00
A.20060 – 2020 Mechanical, Electrical and Plumbing -	\$ 3,414.67
A.21106 – 2021 Mechanical, Electrical and Plumbing -	\$ 31,349.20
Total Amount Not to Exceed:	\$266,866.00

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, and the Division of Budget and Management.
(5-0)

3. COMM. 11E-20 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation and Forestry (Parks) has identified a capital improvement project at the Emery Park Amphitheater to re-invigorate the existing site; and

WHEREAS, the existing site has deteriorated over time and needs a rehabilitation and can pose a life safety hazard to the public if renovations are not completed; and

WHEREAS, the rehabilitation project includes a new asphalt parking lot, new ADA Accessible sidewalks and concrete pad for events and vendors, a new stone tier seating view area, and formalizing the driveway down to the Amphitheater Stage; and

WHEREAS, the Erie County Department of Public Works (DPW) received bids for the Parks Emery Amphitheater Rehabilitation Project on April 25, 2023; and

WHEREAS, the lowest responsible bidder is NW Contracting; and

WHEREAS, the DPW is recommending award of the contract to the lowest responsible bidder.

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, NW Contracting, as follows for the Erie County Department of Parks, Recreation, and Forestry Emery Park Amphitheater Rehabilitation Project for an amount not to exceed as follows:

NW Contracting	
Base Bid	\$394,947
Alternate 1	\$30,000
Total Construction Contract Award	\$424,947

and be it further

RESOLVED, that the sum of \$45,000 be allocated to a Construction Contingency Fund with authorization 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 the above project including contingency from the following Capital Projects, as follows:

Fund	Fund Center	Capital Project	Description	Amount
410	122	A.21162	2021 Parks Mngd by DPW Exp Cap Program	\$266,816.00
410	122	A.22055	2022 WPA Era Rehab	\$159,369.00
410	164	A.23058	2023 Shelter Bldg. & Comfort Station Rehab	\$43,762.00
Total Not to Exceed				\$469,947.00

and be it further

RESOLVED, that two certified copies each of this resolution be sent to the Department of Public Works, Commissioner’s Office, and 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.
(5-0)

4. COMM. 11E-21 (2023)
COUNTY EXECUTIVE

WHEREAS, the Rehabilitation of Bailey Avenue (CR 152) from Millersport Highway (NYS 263) to Sheridan Drive (NYS 324), Town of Amherst, PIN 5764.14 (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of Federal funds and a local share; and

WHEREAS, the County of Erie desires to execute an Agreement with the New York State Department of Transportation (NYSDOT) to obtain Federal and non-Federal reimbursement funds, for the Project; and

WHEREAS, the Department of Public Works (DPW) employed the Federal Aid RFQ process to determine necessary expertise, experience, and manpower for the Project; and

WHEREAS, DPW desires to enter into an engineering design services agreement with Erdman Anthony for \$583,000 and establish a project contingency of \$30,000 with the project total not to exceed \$613,000; and

WHEREAS, there are sufficient funds for the project in Fund 420, Funds Center 123, B.23005 – 2023 Federal Aid – Road Design.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to participate in the Rehabilitation of Bailey Avenue, PIN 5764.14; and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter the County of Erie into an Agreement with NYSDOT; and be it further

RESOLVED, that the NYSDOT agreement, in the amount of \$1,000,000, provides for \$800,000 in Federal Aid, \$150,000 in Marchiselli state funds and \$ 50,000 in local County funds; and be it further

RESOLVED, that authorization is hereby given to adjust Fund 420, Funds Center 123, SAP Project B.23005, 2023 Federal Aid – Road Design as follows:

REVENUES Account	Description	CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
405160	NYS Marchiselli	\$ 0	\$ 150,000	\$ 150,000
414000	Federal Aid	\$4,000,000	\$(150,000)	\$ 3,850,000
475000	Gen. Oblig. Bond	\$1,750,000	\$ 0	\$ 1,750,000
TOTAL REVENUES		<u>\$ 5,750,000</u>	<u>\$ 0</u>	<u>\$ 5,750,000</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$ 5,750,000	\$(4,750,000)	\$ 1,000,000
UNALLOCATED	Unallocated Capital	<u>\$0</u>	<u>\$ 4,750,000</u>	<u>\$ 4,750,000</u>
TOTAL APPROPRIATIONS		<u>\$ 5,750,000</u>	<u>\$ 0</u>	<u>\$ 5,750,000</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive to execute and award an agreement with the selected project design engineers, Erdman Anthony, for engineering design services in the amount of \$583,000; and be it further

RESOLVED, that authorization is hereby given for the County Executive to establish a project

contingency in the amount of \$30,000 with a total project cost not to exceed \$613,000; and be it further

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

RESOLVED, that authorization is hereby given for the County of Erie to pay, in the first instance, 100% of the Federal and Non-Federal shares of the cost of the engineering design phases of the Project 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 authorization is hereby given to accept all Federal and State reimbursements from the NYSDOT Agreement, as well as any other additional Federal or State funding which may be made available; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project’s Design Engineering phases exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

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

5. COMM. 11E-22 (2023)
COUNTY EXECUTIVE

WHEREAS, it is necessary to rehabilitate Maryvale Drive (CR 194) from Beach Road to Cayuga Road, including pavement resurfacing and drainage replacement; and

WHEREAS, LaBella Associates, DPC (LaBella), was selected utilizing the County's request for proposal process as having the necessary expertise, experience, and manpower to provide the County of Erie with design engineering services for the rehabilitation of the above noted project; and

WHEREAS, it is desired to execute a contract with LaBella for design engineering services in the amount of \$189,670 with a contingency in the amount of \$19,000; and

WHEREAS, the necessary funds for the design engineering phase contract and contingency are \$208,670, and are available in Fund 420, Funds Center 123, Capital Project B.22064 - 2022 Maryvale Drive Cheektowaga Design.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute and award an agreement with the selected Project Design Engineers, LaBella, for engineering design services in the amount of \$189,670 as part of the Rehabilitation of Maryvale Drive Project, CAP-194-23; and be it further

RESOLVED, that authorization is hereby given to establish a project contingency in the amount of \$19,000 with a project total not to exceed \$208,670; and be it further

RESOLVED, that sufficient funding for this Project is available for the project from Fund 420, Fund Center 123, as follows:

B.22064	2022 Maryvale Dr Cheektowaga Design	\$208,670
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and be it further

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

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

6. COMM. 11E-23 (2023)
COUNTY EXECUTIVE

WHEREAS, Mt. Olive Senior Manor consists of the new construction of 65 units of permanent supportive senior affordable apartments for low income tenants at 703 East Delevan Avenue; 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 Mt. Olive Senior Manor Housing Development Fund Corporation and Mt. Olive Senior Manor LLC to operate the housing project it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Mt. Olive Senior Manor Housing Development Fund Corporation, Mt. Olive Senior Manor LLC and the City of Buffalo and any other organizations necessary to conclude this PILOT Agreement; and be it further

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

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

SCHEDULE A
PILOT Payments

Year	Total	City	County
1	13,620.35	10,215.26	3,405.09
2	14,028.96	10,521.72	3,507.24
3	14,449.83	10,837.37	3,612.46
4	14,883.32	11,162.49	3,720.83
5	15,329.82	11,497.37	3,832.46
6	15,789.72	11,842.29	3,947.43
7	16,263.41	12,197.56	4,065.85
8	16,751.31	12,563.48	4,187.83
9	17,253.85	12,940.39	4,313.46
10	17,771.47	13,328.60	4,442.87
11	18,304.61	13,728.46	4,576.15
12	18,853.75	14,140.31	4,713.44
13	19,419.36	14,564.52	4,854.84
14	20,001.94	15,001.46	5,000.49
15	20,602.00	15,451.50	5,150.50

(5-0)

HOWARD J. JOHNSON, JR.
CHAIR

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

REPORT No. 5 FINANCE & MANAGEMENT COMMITTEE

Attachments

FM Report No. 5

June 1, 2023

FINANCE & MANAGEMENT COMMITTEE
REPORT NO. 5

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-33 (2022)
COUNTY EXECUTIVE: “BENLIC Pre-Emptive Bid Powers & Subsequent Repayment Agreement for County of Erie in Rem Sales”
(Chair’s Ruling)
 - b. COMM. 5E-4 (2023)
COMPTROLLER: “Proposed 2023-2024 NYS Budget & Impact of Enhanced Federal Medical Assistance Percentage Cuts”
(Chair’s Ruling)
 - c. COMM. 6E-4 (2023)
COMPTROLLER: “Upcoming IGT Payments for ECMCC”
(Chair’s Ruling)
 - d. INTRO. 8-3 (2023)
MALCZEWSKI: “Opposing NYS Senate Proposal to Add a Surcharge on Ride Sharing Services”
(Chair’s Ruling)
 - e. COMM. 8E-2 (2023)
COMPTROLLER: “Comptroller Analysis of 2022 Budget Balancing Amendments & Designations”
(Chair’s Ruling)
 - f. COMM. 10E-4 (2023)
COMPTROLLER: “Interim Financial Report of Erie County”
(Chair’s Ruling)
 - g. COMM. 10D-1 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “February 2023 Budget Monitoring Report”
(Chair’s Ruling)

- h. COMM. 10D-4 (2023)
BUDGET DIRECTOR: “Information Request Per INTRO. 7-3 (2023)”
(Chair’s Ruling)
- i. COMM. 11E-3 (2023)
COUNTY CLERK: “Erie County Clerk's Office - Annual Report 2022”
(Chair’s Ruling)
- j. COMM. 11D-5 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report for Period Ending March 2023”
(Chair’s Ruling)
- k. COMM. 11M-2 (2023)
NYS DEPARTMENT OF TAXATION & FINANCE: “List of Certified 2023 Class Equalization Rates”
(Chair’s Ruling)
1. COMM. 11M-3 (2023)
NYS DEPARTMENT OF TAXATION & FINANCE: “List of Certified 2023 Class Equalization Rates”
(Chair’s Ruling)
2. COMM. 11E-13 (2023)
COUNTY CLERK
WHEREAS, a "Zombie Property" is a parcel improved by a one-to-four-family dwelling and abandoned by its occupants when a foreclosure action has been instituted against the property owner; and

WHEREAS, upon vacating the properties, the structures experience: damage from weather, scavenging, squatters, and criminal activity and the resulting deterioration creates nuisance conditions and can often affect the values of surrounding properties; and

WHEREAS, the prolonged foreclosure process clouds title to the property, making it difficult for municipalities to enforce code violations resulting from neglect and leads to blight; and

WHEREAS, the COVID-19 pandemic introduced unanticipated and unprecedented economic strains on our community that continue to impact the financial stability of many home owners; and

WHEREAS, the default rate topped out at 3.8% during the foreclosure crisis of the Great Recession and community leaders are anticipating a foreclosure crisis of greater magnitude resulting from the impact of COVID-19; and

WHEREAS, the Erie County Clerk recognizes that grappling with the blight of Zombie Properties transcends all communities and impacts all County taxpayers, regardless of the property location and believes this initiative will become more important as the number of foreclosures is anticipated to continue to rise; and

WHEREAS, the intended effect of combating Zombie Properties is to put them in a position for improvement and conveyance so there may be an increase in mortgage and transfer tax revenues, as well as securing value in the County's tax base; and

WHEREAS, in November of 2021, the Erie County Clerk issued RFP #2021-044VF seeking proposers for Zombie Property Outreach Services, advertised in the Orchard Park Bee and Buffalo Challenger and provided the RFP to several potential proposers; and

WHEREAS, a committee received, reviewed and scored the two (2) proposals that were submitted in response to the RFP and determined that Western New York Law Center, Inc. submitted the best proposal and that their organization was the most responsible, well-regarded and best-positioned to perform the services requested; and

WHEREAS, on December 16, 2021 the Erie County Legislature authorized the Erie County Clerk to enter into a contract with the Western New York Law Center, Inc., in the amount of \$250,000, for zombie property outreach services for an initial term of twelve (12) months (COMM. 25E-16 (2021)); and

WHEREAS, the Erie County Clerk is now requesting authorization from the Erie County Legislature to extend the aforementioned contract with the Western New York Law Center, Inc., which has not previously been extended, to provide zombie outreach services for an additional term of twelve (12) months; and

WHEREAS, the funds necessary to cover the costs of extending the aforementioned contract are currently available in the following account: County Clerk- Registrar Division, Account No.: 516020- Professional Services Contracts and Fees.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County is hereby authorized to enter into a contract extension for a period of twelve (12) months with Western New York Law Center, Inc., in the amount of \$250,000, to provide zombie property outreach services; and be it further

RESOLVED, that the source of these funds comprising payment under the contract to the Western New York Law Center, Inc., in the amount of \$250,000, shall be from and are currently available in the following account: County Clerk- Registrar Division, Account No.: 516020- Professional Services Contracts and Fees; and be it further

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

(4-0) Chair Baskin not present for vote.

3. COMM. 11E-33 (2023)

COMPTROLLER

WHEREAS, Section 1802(s) of the Erie County Charter mandates that the Erie County Comptroller “shall have custody of all accounts;” and

WHEREAS, Section 1802(a) of the Charter states that the Comptroller “shall be the chief fiscal, accounting, reporting and auditing officer of the County, and oversee the fiscal affairs of the County . . . including the investment of agency and trust funds, as well as general and operating fund revenues;” and

WHEREAS, for many years the County Comptroller’s Office has not had access to the government bank accounts held at M&T Bank for the Sheriff and County Clerk under the County’s federal Tax Identification Number, and the Comptroller’s Office has not been able to view the transactions occurring in those bank accounts on a daily basis; and

WHEREAS, the Comptroller’s Office has access to all other County bank accounts; and

WHEREAS, following a request by the County Comptroller, M&T Bank declined to provide the Comptroller’s Office with read-only access to the five bank accounts maintained for each office without the consent of the Sheriff and County Clerk; and

WHEREAS, in letters dated February 24, 2023 to the Sheriff and County Clerk, the Comptroller requested read-only access to the ten bank accounts in order to ensure timely bank reconciliations are conducted and public funds are monitored by the County’s chief financial officer; and

WHEREAS, within two weeks of receiving the Comptroller’s letter, the Sheriff granted the Comptroller access to their accounts; and

WHEREAS, as part of that process, the Comptroller’s Office found that M&T Bank had been charging service fees to the Sheriff for the accounts for the past 18 years totaling \$581,223; and

WHEREAS, because M&T Bank does not charge service fees on the bank accounts under the Comptroller’s purview, the Comptroller’s Office requested, and M&T Bank agreed to stop assessing service fees on the Sheriff’s bank accounts; and

WHEREAS, the Comptroller’s staff has had several conversations with the County Clerk’s Office and made multiple requests to receive access to the accounts over the course of the last three months; and

WHEREAS, the County Clerk requested an opinion from the County Attorney regarding this matter; and

WHEREAS, the County Attorney affirmed the position of the Comptroller, citing the clear language of the County Charter; and

WHEREAS, the County Clerk still has not granted read-only access to the Comptroller; and

WHEREAS, the Comptroller requires access to the accounts to fulfill Charter mandated responsibilities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the Erie County Clerk to take steps immediately to grant the Erie County Comptroller with read-only access to the Clerk’s government bank accounts at M&T Bank; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Clerk and to the Erie County Attorney.
(5-0)

4. COMM. 11E-34 (2023)
COUNTY EXECUTIVE

WHEREAS, funding for the RENEW Plan was originally allocated via Comm. 13E-15 (2021); and

WHEREAS, in several instances, it has been necessary to reallocate previously appropriated funding; and

WHEREAS, the Town of Cheektowaga – Town of Cheektowaga History Museum as proposed in Comm. 13E -15 (2021) was deleted in Comm. 5E-10 (2022) and funding was made available to other projects and held in reserve in Fund 110, Funds Center 16200, Account #570050 Interfund Transfer Capital; and

WHEREAS, the City of Buffalo/Town of Tonawanda Elmwood Avenue Improvements Project as proposed and authorized in Comm. 13E-15 (2021) was deleted in Comm. 9E-17 (2022) and funding was made available to other projects and held in reserve in Fund 110, Funds Center 16200, Account #570050 Interfund Transfer Capital; and

WHEREAS, the Legislature desires that the Erie County Parks - Small Business Park Project, as proposed and authorized in Comm. 13E-15 (2021) be deleted and funding reallocated and any remainder held in reserve for future projects; and

WHEREAS, the Legislature desires that the Ike and BGs Affordable Housing Development Project as proposed and authorized in Comm. 13E-15 (2021) be deleted and funding reallocated; and

WHEREAS, the Erie County Legislature desires to reallocate the aforementioned funding and initiate contracts with related to the below mentioned projects and initiatives.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes \$174,990.30 of RENEW Plan funding originally reserved for the “Town of Cheektowaga Museum Project” in Fund 110, Funds Center 16200, Account #570050 – Interfund Transfer Capital be reallocated as follows:

Amount	Description	Contract Awardee
\$ 10,000.00	Kaleidoscope of WNY Parking Lot	Kaleidoscope of WNY
\$100,000.00	Delta Development of WNY Affordable Housing	Delta Development of WNY
\$ 64,990.30	Niagara Frontier Radio Reading Service	Niagara Frontier Radio Reading Service

and be it further

RESOLVED, that authorization is hereby given for \$1,202,500 of RENEW Plan funding originally reserved for the “Erie County – Parks Erie County Small Business Park Project” in Fund 110, Funds Center 16200, Account #570050 – Interfund Transfer Capital be reallocated as follows:

Amount	Description	Contract Awardee
\$1,200,000	T.O.P Enterprises Inc. Mixed Use Project	T.O.P Enterprises Inc. Mixed Use Project
\$ 2,500	Town of Grand Island Law Enforcement Survey	Town of Grand Island

and be it further

RESOLVED, that authorization is hereby given for \$90,000 of RENEW Plan funding originally reserved for the “City of Buffalo/Town of Tonawanda Elmwood Avenue Improvements Project” in Fund 110, Funds Center 16200, Account #570050 – Interfund Transfer Capital to be reallocated as follows:

Amount	Description	Contract Awardee
\$ 1,000	Slow Roll Buffalo KenTon Community Bike Ride	Slow Roll Buffalo
\$ 3,000	Kenmore Village Improvement Society	Kenmore Village Improvement Society
\$ 8,000	Neighbors Foundation Food Pantry	Neighbors Foundation
\$ 7,000	Town of Grand Island Historic Preservation Survey	Town of Grand Island
\$30,000	Kenmore Volunteer Fire Department Floor Replacement	Kenmore Volunteer Fire Department
\$17,000	Town of Tonawanda Pool Liner Replacement	Town of Tonawanda
\$ 5,000	Literacy Buffalo Niagara	Literacy Buffalo Niagara
\$ 5,000	Academy of Human Rights	Academy of Human Rights
\$ 2,000	Niagara Frontier American Legion Post 1041	Niagara Frontier American Legion Post 1041
\$ 5,000	Grand Island American Legion 1346	Grand Island American Legion 1346
\$ 2,000	Grand Island Chamber of Commerce	Grand Island Chamber of Commerce
\$ 5,000	Boys & Girls Club of the Northtowns	Boys & Girls Club of the Northtowns

and be it further

RESOLVED, that authorization is hereby given for \$35,000 of RENEW Plan funding originally reserved for the “Ike and BGs Affordable Housing Development Project” in Fund 110, Funds Center 16200, Account #570050 – Interfund Transfer Capital be reallocated as follows:

Amount	Description	Contract Awardee
\$35,000	African American Cultural Center	African American Cultural Center

and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into contract with all above noted “Contract Awardees” in the amounts indicated; and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into contract with the Town of Grand Island in the amount of \$1,105,000 for the completion of existing capital project A.21187 – Miracle League (Grand Island) Facility Improvements; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to make any necessary budgetary adjustments as needed to administer these projects including the creation of subsequent capital projects or general fund accounts; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive’s Office; the Comptroller’s Office; the Division of Budget and Management; and Department of Environment and Planning.
(5-0)

**TIMOTHY J. MEYERS
CHAIR**

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

REPORT No. 6 ENERGY & ENVIRONMENT COMMITTEE

Attachments

EE Report No. 6

June 1, 2023

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-2 (2023)
BASKIN: “Public Notice Concerning Position of Commissioner of the ECWA”
(Chair’s Ruling)
 - b. COMM. 7M-1 (2023)
PEGGY A. LAGREE: “Letter of Interest - Commissioner ECWA”
(Chair’s Ruling)
 - c. COMM. 10M-3 (2023)
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”
(Chair’s Ruling)
 - d. COMM. 10M-4 (2023)
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”
(Chair’s Ruling)
 - e. COMM. 11E-28 (2023)
COUNTY EXECUTIVE: “ECSD No. 6 - Engineer Term Contract Agreement”
(Chair’s Ruling)
 - f. COMM. 11E-29 (2023)
COUNTY EXECUTIVE: “ECSD No. 2 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - g. COMM. 11E-30 (2023)
COUNTY EXECUTIVE: “ECSD No. 4 - Engineering Term Contract Agreement”
(Chair’s Ruling)
 - h. COMM. 11M-4 (2023)
NYSDEC: “Brownfield Cleanup Program Public Notice Fact Sheet”
(Chair’s Ruling)

- i. COMM. 11M-5 (2023)
NYSDEC: “DEC Invites Public Comment About Brownfield Application & Draft Work Plan for Site on Ohio St., Buffalo”
(Chair’s Ruling)

2. COMM. 7E-25 (2023) **AS AMENDED**
COUNTY EXECUTIVE
WHEREAS, the Erie County Parks system contains nearly 10,000 acres of land on 38 sites throughout Erie County; and

WHEREAS, the Erie County Parks system includes a variety of types of parks including heritage parks, beaches, recreational trails, urban, and forestry sites; and

WHEREAS, within the Parks system there are numerous different signs which lack a cohesive Erie County Park identity, are difficult to re-create, not context sensitive and outdated; and

WHEREAS, the 2019 *Erie County Parks Master Plan* recommended the County develop a signage and wayfinding manual to guide the future development of signage in a consistent and comprehensive manner; and

WHEREAS, in the approved 2019 Erie County Capital Budget funding for the development of Exterior Park Signage was allocated for this purpose; and

WHEREAS, Wendel Companies assisted the County with the development of the Erie County Parks Signage and Wayfinding Manual and was previously retained to provide construction inspection and construction engineering for phase 1 construction; and

WHEREAS, Erie County wishes to procure construction services for Phase 1 of the County Parks Exterior Signage Capital Project; and

WHEREAS, in compliance with Erie County Administrative Code a construction bidding process was undertaken for Phase 1 Erie County Parks Signage and Wayfinding construction project; and

WHEREAS, McLaughlin Construction Corp DBA Edbauer Construction was the lowest responsible bidder in the total amount of \$472,207.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute all agreements necessary to implement this project related to the installation of signs in public right of ways owned or operated by Federal, State, or municipal governments and utilities; and be it further

RESOLVED, that authorized is hereby given to the County Executive to execute contracts for construction and construction administration with the responsible low bidder, McLaughlin Construction Corp DBA Edbauer Construction, in an amount of \$472,207; and be it further

RESOLVED, that authorization is hereby given to create an engineering and construction contingency fund for contract amendments with McLaughlin Construction Corp DBA Edbauer Construction and Wendel Companies for additional construction inspection and construction engineering in a total amount not to exceed \$47,221.00; and be it further

RESOLVED, that funds, in the total amount of \$519,428.00 be made available for the Project from the following project in Fund 410, Fund Center 164:

A.19023 – 2019 Exterior Park Signage Project	\$519,428.00
--	--------------

and be it further

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

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Public Works and the Commissioner of Department of Parks, Recreation and Forestry.
(5-0) Legislator Vinal not present for vote.

3. COMM. 11E-15 (2023)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the following individuals for appointment to serve on the Erie County Environmental Management Council, term expiration of May 31, 2025.

Environmental Management Council At-Large Appointments

Tendaji Ya-Ukuu
1327 Jefferson Avenue
Buffalo, NY 14208
New Appointment

Sharon Bachman
157 King Street
East Aurora, NY 14052
Re-Appointment

Jeanne Beiter
298 Sycamore Street
East Aurora, NY 14052
Re-Appointment

Marcus Rosten
373 Adam Street
Tonawanda, NY 14150
Re-Appointment

Amun Ra
183 Florida Street
Buffalo, NY 14208
New Appointment

Municipal Appointments

Leane Schultz
38 Highland Avenue
West Seneca, NY 14224
New Appointment

Holly Park
179 Lake Street
Hamburg, NY 14075
New Appointment

William Smith
8787 Erie Road
Angola, NY 14006
New Appointment

Cathy Sterns
1965 Parker Boulevard
Tonawanda, NY 14150
New Appointment

Don Owens
1865 Hubbard Road
East Aurora, NY 14052
Re-Appointment

Linda Hammer
34 Princeton Avenue
Depew, NY 14073
Re-Appointment

Brenda Young
9402 Douglas Fir Court
Clarence Center, NY 14032
Re-Appointment

Kevin Peterson
85 Manitou Street
Depew, NY 14043
Re-Appointment

Raymond Boy
269 Gaylord Court
Elma, NY 14059
Re-Appointment

Sam Akinbami
2227 West River Road
Grand Island, NY 14072
Re-Appointment

Leona Rockwood
5724 Old Lakeshore Road
Lakeview, NY 14085
Re-Appointment

Julius McCann
33 Burwell Avenue
Lancaster, NY 14086
Re-Appointment

Lewis Tandy
13678 Main Road
Akron, NY 14001
Re-Appointment

Richard Schechter
4 Lennys Lane
Orchard Park, NY 14127
Re-Appointment

Jane Vohwinkel
50 North Long Street
Williamsville, NY 14221
Re-Appointment

Mitch Tucker, Ph.D.
7126 Parkside Drive
Hamburg, NY 14075
Re-Appointment

Daniel Lotito
47 Pearl Street, PO Box 36
Holland, NY 14080
Re-Appointment

Lynne Ruda
5423 Broadway
Lancaster, NY 14086
Re-Appointment

(5-0) Legislator Vinal not present for vote.

4. COMM. 11E-24 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides support to the Northwest and the Northeast Southtowns Solid Waste Management Boards for solid waste and recycling planning, regulatory reporting and educational program implementation; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities to implement projects to reduce solid waste in New York; and

WHEREAS, through that NYSDEC grant the ECDEP provides technical assistance to municipalities, as well as education and outreach to residents, to facilitate compliance with State environmental waste regulations and implementation of the approved Solid Waste Management Plan (SWMP); and

WHEREAS, there are two Memorandums of Understanding (MOUs) that outline a scope of services to be provided by ECDEP and provide \$20,250 annually in local source funding from the two Solid Waste Management Boards as a local grant match towards the NYS Department of Environmental Conservation grant; and

WHEREAS, the Northeast Southtowns (NEST) Solid Waste Management Board has also approved up to \$40,000 for costs associated with a household hazardous waste collection event this summer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to sign Memorandums of Understanding with the Northwest Solid Waste Management Board and the Northeast Southtowns Solid Waste Management Board; and be it further

RESOLVED, that \$20,250 will be accepted into grant 162WRRCG2023 (as previously approved in the 2023 Budget Book B); and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept \$40,000 from the Northeast Southtowns Solid Waste Board and be made available to the Department of Environment and Planning in Fund 110, Funds Center 16200 as follows:

Department of Environment and Planning
Fund 110, Funds Center 16200

<u>ACCOUNT</u>	<u>REVENUES</u>	<u>BUDGET</u>
479100	Other Contributions	<u>\$40,000</u>
	TOTAL	<u>\$40,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>BUDGET</u>
517629	Hazardous Waste Days	<u>\$40,000</u>
	TOTAL	<u>\$40,000</u>

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 certified copies of this resolution shall be forwarded to the Office of the County Executive; the Division of Budget and Management; the County Attorney's Office; the Office of the County Comptroller; and the Department of Environment and Planning.
(5-0) Legislator Vinal not present for vote.

5. COMM. 11E-25 (2023)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 25E-4 (2021), Contract No. 68 was awarded to Quackenbush Co. Inc. to construct the Southtowns Incinerator Tray Scrubber Replacement and Crane Installation project in Erie County Sewer District No. 3; and

WHEREAS, the Division of Sewerage Management has determined that additional time is needed for procurement and installation of the air pollution control system components; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Change Order No. 2, an increase of time of 309 days.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body approves of increasing the total Contract Time for Contract No. 68 between the County of Erie and Quackenbush Co., Inc. (495 Kennedy Road, Buffalo, NY 14227) by 309 days to a total of 584 days; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management be authorized to execute Change Order No. 2 for Contract No. 68; and be it further

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

6. COMM. 11E-26 (2023)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 8E-28 (2022), Contract No. 58 was awarded to STC Construction Inc. to construct the Warner Road and Bowmansville Pump Stations Valve Installations project in Erie County Sewer District No. 4; and

WHEREAS, the Division of Sewerage Management has determined that additional time is needed for installation of valves; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of no-cost Change Order No. 1, an increase of time of 172 days to a total Contract time of 432 days.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body approves of increasing the total Contract Time for Contract No. 58 between the County of Erie and STC Construction, Inc. (63 Zoar Valley Road, P.O. Box 459, Springville, NY 14141-0459) by 172 days to a total of 432 days; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management be authorized to execute Change Order No. 1 for Contract No. 58; and be it further

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

7. COMM. 11E-27 (2023)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 10E-22 (2022), Contract No. 72-A and Contract No. 72-D were awarded to Hohl Industrial Services Inc. and CIR Electrical Construction Corp, respectively, to construct the Southtowns Influent Pumps Replacement project in Erie County Sewer District No. 3; and

WHEREAS, the Project's Engineer, DiDonato Associates, and the Division of Sewerage Management have determined that additional time is needed for receipt and installation of critical project equipment; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of no-cost Change Order No. 1, an increase of time of 172 days, to both Contract No. 72-A and Contract No. 72-D.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body approves of increasing the total Contract Time for Contract No. 72-A between the County of Erie and Hohl Industrial Services, Inc. (770 Riverview Blvd, Tonawanda, NY 14150) and for Contract No. 72-D between the County of Erie and CIR Electrical Construction Corp (2517 Long Road, Grand Island, Ny 14072) by 172 days to a total of 442 days; and be it further

RESOLVED, that the Deputy Commissioner in the Division of Sewerage Management be authorized to execute Change Order No. 1 for both Contract No. 72-A and Contract No. 72-D; and be it further

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

TIMOTHY J. MEYERS
CHAIR

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

REPORT No. 4 COMMUNITY ENRICHMENT COMMITTEE

Attachments

CE Report No. 4

June 1, 2023

COMMUNITY ENRICHMENT COMMITTEE
REPORT NO. 4

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GREENE & VINAL.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 11E-16 (2023)
COUNTY EXECUTIVE
WHEREAS, SUNY Erie Community College renewed its subscription of the Workday ERP platform on June 30, 2022; and

WHEREAS, the college has identified opportunities for optimizing the functionality of the Workday ERP platform; and

WHEREAS, by remaining on the Workday ERP the college will realize a total savings of \$14,150,747.48 in comparison to the Banner implementation plan; and

WHEREAS, Huron Consulting Group has successfully implemented and optimized a Workday platform at multiple higher education institutions; and

WHEREAS, Huron Consulting Group has diversified the team that has been assigned to the college to include those with experience in our educational space, and those with experience solutioning other college users.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby authorize Dr. Adiam Tsegai or her designee to sign a enter into a three-year engagement with Huron Consulting Group for an HCM FIN STU Managed Services and Post-Production Statement of Work, not to exceed \$4,000,000; and be it further

RESOLVED, that the Legislature of the County of Erie does hereby authorize Dr. Adiam Tsegai or her designee to sign a Professional Services Agreement that will be in substantially the same form as submitted pending final changes approved by the Erie County Attorney's office; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Officer in Charge of SUNY Erie Community College.

(4-0)

2. COMM. 11E-17 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for SUNY Erie; and

WHEREAS, the Department of Public Advocacy, as part of the mission of the Erie County Commission on the Status of Women, offers high school girls' civic engagement experiential learning opportunities; and

WHEREAS, 1st Amendment, 1st Vote (1st A, 1st V) promotes opportunities for female students to learn and experience the political process through participation in 1st A, 1st V programs and events; and

WHEREAS, 1st A, 1st V offers the participants learning opportunities focusing on the significance of the of the early Women's Suffrage movement's contributions to women's equality; and

WHEREAS, 1st A, 1st V offers participants the opportunity understands the connection between the first and nineteenth amendments and to recognize the ongoing work necessary to create greater gender parity in elected office.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby authorizes the County Executive to enter into a contract with 1st A, 1st V for an amount not to exceed \$3,500; and be it further

RESOLVED, that sufficient funds to cover the cost of this contract exist within the Erie County Office of Public Advocacy's 2023 General Fund Budget (Fund 110, Funds Center 10910) in Account 516020 - Professional Services, Contracts and Fees; and be it further

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

(4-0)

JOHN J. GILMOUR
CHAIR

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

INTRO. 12-1	TODARO	Supporting the Amendment of the Vehicle and Traffic Law, in Relation to the Ignition Interlock Program
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Attachments

23INTRO. 12-1

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

Re: Supporting the Amendment of the Vehicle and Traffic Law, in Relation to the Ignition Interlock Program

WHEREAS, impaired drivers in New York State are a hazard to themselves, as well as other motorists and pedestrians; and

WHEREAS, accidents caused by impaired drivers cause devastation to individuals, but to their friends and families as well; and

WHEREAS, New York has made efforts to remove impaired drivers from the roads, thus protecting innocent motorists, passengers and pedestrians; and

WHEREAS, New York State Senate Bill S. 775A and Assembly Bill A. 4171 seek to amend New York State Vehicle and Traffic law §§ 1193 and 1198 and New York State Penal Law §65.10; and

WHEREAS, the amendments would require that in addition to any other fine, period of imprisonment, or license sanction imposed, a court would be required to sentence any driver convicted of certain violations of New York State Vehicle and Traffic Law to use an ignition interlock device for at least twelve months; and

WHEREAS, while the changes in the law would do nothing to monitor and prevent usage of a motor vehicle by an individual under the influence of marijuana and other drugs, it would prevent an individual from starting a motor vehicle if his or her Blood Alcohol Content was above 0.025; and

WHEREAS, by preventing impaired potential drivers from starting and operating motor vehicles, the hazards associated operating a motor vehicle while impaired will also be reduced.
and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the passage and enactment of New York State Senate Bill S. 775A and Assembly Bill A. 4171 in that it requires ignition interlock devices for certain drivers convicted of operating a motor vehicle while impaired; and be it further

RESOLVED, that the Erie County Legislature urges New York State to increase efforts to address drivers impaired by other substances, especially marijuana; 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.

STATE OF NEW YORK

775--A

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the penal law, in relation to the ignition interlock program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Legislative findings. The legislature hereby finds and
2 declares:
- 3 1. In 2009, New York adopted "Leandra's Law" to require, as a condi-
4 tion of sentence, that all individuals convicted of the crime of driving
5 while intoxicated install an ignition interlock device (IID) for a spec-
6 ified time in any vehicle they own or operate. Fifteen years later,
7 despite the mandate, only three in ten offenders actually install an
8 IID.
- 9 2. In addition, although the penalty model based predominantly on
10 license revocation persists, far too many offenders continue to drive
11 even after losing their license privilege, and a significant number of
12 them continue to drive under the influence of alcohol. The consensus
13 among highway safety experts is that well over fifty percent, and as
14 many as eighty percent, of revoked drivers continue to drive while unli-
15 censed.
- 16 3. IIDs are designed to do two things: (1) protect the public by
17 preventing drunk driving events; and (2) alter driver behavior to reduce
18 recidivism. Numerous studies have shown IIDs to be overwhelmingly effec-
19 tive on both counts:
- 20 (a) Public safety. Between December 1, 2006 and December 31, 2020, IID
21 installation stopped 3.8 million drivers nationally from attempting to
22 drive while legally intoxicated (.08+) and foiled an additional 25.4

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD02546-04-3

1 million drivers from attempting to drive after consuming enough alcohol
2 to trigger the IID's set point. Over the same time period in New York -
3 even despite the poor compliance rate - IIDs prevented more than 111,000
4 legally drunk drivers and foiled an additional 439,427 attempts by
5 convicted drunk drivers who attempted to start a vehicle after consuming
6 alcohol.

7 (b) Reduced recidivism. A 2016 University of Pennsylvania study found
8 that alcohol-related fatalities decreased by 15% in states with all-of-
9 fender interlock laws. Similarly, a 2016 California study concluded that
10 ignition interlock devices are seventy-four percent more effective in
11 reducing DWI recidivism than license suspension alone during the first
12 six months after conviction and forty-five percent more effective over
13 the course of a year.

14 4. Given the empirical data that favors the use of the IID as a condi-
15 tion of sentence, either in conjunction with or instead of license revo-
16 cation, the legislature finds that New York has fallen significantly
17 behind other states that utilize IIDs to promote public safety and
18 support rehabilitative efforts. Accordingly, the legislature declares
19 that to further advance public safety, New York must adopt best prac-
20 tices consistent with the data for model use of the ignition interlock
21 device as a proven method for saving lives and promoting rehabilitation.

22 § 2. Paragraph (c) of subdivision 1 of section 1193 of the vehicle
23 and traffic law, as amended by chapter 169 of the laws of 2013, and
24 subparagraph (ii-a) as added by chapter 191 of the laws of 2014, is
25 amended to read as follows:

26 (c) Felony offenses. (i) A person who operates a vehicle (A) in
27 violation of subdivision two, two-a, three, four or four-a of section
28 eleven hundred ninety-two of this article after having been convicted of
29 a violation of subdivision two, two-a, three, four or four-a of such
30 section or of vehicular assault in the second or first degree, as
31 defined, respectively, in sections 120.03 and 120.04 and aggravated
32 vehicular assault as defined in section 120.04-a of the penal law or of
33 vehicular manslaughter in the second or first degree, as defined,
34 respectively, in sections 125.12 and 125.13 and aggravated vehicular
35 homicide as defined in section 125.14 of such law, within the preceding
36 ten years, or (B) in violation of paragraph (b) of subdivision two-a of
37 section eleven hundred ninety-two of this article shall be guilty of a
38 class E felony, and shall be punished by a fine of not less than one
39 thousand dollars nor more than five thousand dollars or by a period of
40 imprisonment as provided in the penal law, or by both such fine and
41 imprisonment.

42 (ii) A person who operates a vehicle in violation of subdivision two,
43 two-a, three, four or four-a of section eleven hundred ninety-two of
44 this article after having been convicted of a violation of subdivision
45 two, two-a, three, four or four-a of such section or of vehicular
46 assault in the second or first degree, as defined, respectively, in
47 sections 120.03 and 120.04 and aggravated vehicular assault as defined
48 in section 120.04-a of the penal law or of vehicular manslaughter in the
49 second or first degree, as defined, respectively, in sections 125.12 and
50 125.13 and aggravated vehicular homicide as defined in section 125.14 of
51 such law, twice within the preceding ten years, shall be guilty of a
52 class D felony, and shall be punished by a fine of not less than two
53 thousand dollars nor more than ten thousand dollars or by a period of
54 imprisonment as provided in the penal law, or by both such fine and
55 imprisonment.

1 (ii-a) A person who operates a vehicle in violation of subdivision
2 two, two-a, three, four or four-a of section eleven hundred ninety-two
3 of this article after having been convicted of a violation of subdivi-
4 sion two, two-a, three, four or four-a of such section or of vehicular
5 assault in the second or first degree, as defined, respectively, in
6 sections 120.03 and 120.04 and aggravated vehicular assault as defined
7 in section 120.04-a of the penal law or of vehicular manslaughter in the
8 second or first degree, as defined, respectively, in sections 125.12 and
9 125.13 and aggravated vehicular homicide as defined in section 125.14 of
10 such law, three or more times within the preceding fifteen years, shall
11 be guilty of a class D felony, and shall be punished by a fine of not
12 less than two thousand dollars nor more than ten thousand dollars or by
13 a period of imprisonment as provided in the penal law, or by both such
14 fine and imprisonment.

15 [~~(iii) In addition to the imposition of any fine or period of impri-
16 sonment set forth in this paragraph, the court shall also sentence such
17 person convicted of, or adjudicated a youthful offender for, a violation
18 of subdivision two, two-a or three of section eleven hundred ninety-two
19 of this article to a period of probation or conditional discharge, as a
20 condition of which it shall order such person to install and maintain,
21 in accordance with the provisions of section eleven hundred ninety-eight
22 of this article, an ignition interlock device in any motor vehicle owned
23 or operated by such person during the term of such probation or condi-
24 tional discharge imposed for such violation of section eleven hundred
25 ninety-two of this article and in no event for a period of less than
26 twelve months; provided, however, that such period of interlock
27 restriction shall terminate upon submission of proof that such person
28 installed and maintained an ignition interlock device for at least six
29 months, unless the court ordered such person to install and maintain a
30 ignition interlock device for a longer period as authorized by this
31 subparagraph and specified in such order. The period of interlock
32 restriction shall commence from the earlier of the date of sentencing,
33 or the date that an ignition interlock device was installed in advance
34 of sentencing. Provided, however, the court may not authorize the opera-
35 tion of a motor vehicle by any person whose license or privilege to
36 operate a motor vehicle has been revoked pursuant to the provisions of
37 this section.]~~

38 § 3. Paragraph (g) of subdivision 1 of section 1193 of the vehicle and
39 traffic law, as amended by section 57 of part A of chapter 56 of the
40 laws of 2010, is amended to read as follows:

41 (g) Condition of probation and conditional discharge; ignition inter-
42 lock device requirements; alternative sentence authorized. (1) Defi-
43 initions. For the purposes of paragraphs (g) through (m) of this subdivi-
44 sion, the terms defined in subdivision one-a of section eleven hundred
45 ninety-eight of this article shall be applicable.

46 (2) Ignition interlock device; sentence. In addition to the imposi-
47 tion of any fine or period of imprisonment as set forth in this subdivi-
48 sion and to any license sanction imposed pursuant to subdivision two of
49 this section, the court shall sentence such person convicted of, or
50 adjudicated a youthful offender for, a violation of subdivision two,
51 two-a, three or four-a of section eleven hundred ninety-two of this
52 article to a period of probation or conditional discharge, the condi-
53 tions of which shall include the following:

54 (i) an express prohibition on the operation of any motor vehicle with-
55 out a functioning ignition interlock device from a qualified manufactur-
56 er for a period of twelve months or longer, pursuant to the requirements

1 of this paragraph and paragraph (c) of subdivision one-a of this
2 section, and which shall run concurrently with any period of license
3 sanction; and

4 (ii) such person shall install and maintain in accordance with the
5 provisions of section eleven hundred ninety-eight of this article, an
6 ignition interlock device in any motor vehicle operated by such person
7 for a period of twelve months or longer as set forth in subparagraph
8 four of this paragraph, including the one hundred eighty days after a
9 license has been restored; provided, however, a certificate of
10 completion certifying that such person has operated such motor vehicle
11 free of any events as set forth in paragraph (j) of this subdivision for
12 a period of one hundred twenty consecutive days after the restoration of
13 the operator's license, shall be deemed to have satisfied the conditions
14 of probation or conditional discharge relating to the ignition interlock
15 requirements set forth in this paragraph. The period of interlock
16 restriction shall commence on the date that such ignition interlock
17 device shall have been installed.

18 (3) Ignition interlock device; alternative sentence. Notwithstanding
19 the provisions of subparagraph two of this paragraph and subdivision two
20 of this section relating to license sanctions, a court may, upon motion
21 of the defendant, impose an alternative sentence upon such person
22 convicted of, or adjudicated a youthful offender for, a violation of
23 subdivision two, two-a, three or four-a of section eleven hundred nine-
24 ty-two of this article, a period of probation or conditional discharge,
25 the conditions of which shall include the following:

26 (i) a conditional waiver of the license sanction provisions of subdi-
27 vision two of this section;

28 (ii) an express prohibition from operating any vehicle without a func-
29 tioning ignition interlock device for a period of twelve months or long-
30 er pursuant to the requirements of this paragraph and paragraph (c) of
31 subdivision one-a of this section; and

32 (iii) an order that such person install and maintain, in accordance
33 with the provisions of section eleven hundred ninety-eight of this arti-
34 cle, an ignition interlock device in any motor vehicle owned or operated
35 by such person for a period of twelve months or longer, as set forth in
36 subparagraph four of this paragraph; provided, however, a certificate of
37 completion certifying that such person has operated the motor vehicle
38 free of any events as set forth in paragraph (j) of this subdivision for
39 a period of three hundred consecutive days shall be deemed to have
40 satisfied the conditions of probation or conditional discharge relating
41 to the ignition interlock requirements as set forth in this paragraph.
42 The period of interlock restriction shall commence on the date that such
43 ignition interlock device shall have been installed. The alternative
44 sentence set forth herein may be revoked by the court for cause. This
45 sentence not be imposed on any offender who is subject to the additional
46 penalties set forth in paragraph (a) or (b) of subdivision one-a of this
47 section or who shall have also been convicted of a violation of any
48 provision of article one hundred twenty or one hundred twenty-five of
49 the penal law involving the operation of a motor vehicle.

50 (4) License restoration. When a sentence is imposed pursuant to
51 subparagraph two or three of this paragraph, in no event shall the
52 commissioner restore the license of any such person until the commis-
53 sioner receives a certificate of completion certifying that such person
54 has operated the motor vehicle free of any events set forth in paragraph
55 (j) of this subdivision for the applicable time periods imposed pursuant
56 to subparagraphs two and three of this paragraph. Non-compliance with

1 the ignition interlock requirements set forth in paragraph (j) of this
2 subdivision shall cause the respective period of operation to reset from
3 the date of any such violation.

4 (h) Driving while ability impaired by alcohol; ignition interlock
5 device requirement. Notwithstanding any other provision of law to the
6 contrary, when a person is charged with a violation of subdivision two,
7 two-a, three, or four-a of section eleven hundred ninety-two of this
8 article and a plea of guilty shall have been entered in satisfaction of
9 such charge to a violation of subdivision one of section eleven hundred
10 ninety-two of this article, and the person has either: (1) had a prior
11 conviction for a violation of any provision of section eleven hundred
12 ninety-two of this article within the previous ten years; (2) registered
13 a BAC of .13 or more; (3) has refused to submit to a chemical test of
14 his or her blood, breath, urine or saliva pursuant to the provisions of
15 section eleven hundred ninety-four of this article, or (4) the underly-
16 ing charge involved the combined use of drugs and alcohol, the condi-
17 tions of such plea shall include an express prohibition on the operation
18 of any motor vehicle without a functioning ignition interlock device for
19 a period of six months, and which shall run concurrently with any period
20 of license sanction, and that such person shall install and maintain an
21 ignition interlock device for a period of not less than six months on
22 any motor vehicle owned or operated by such person. If the court
23 accepts the plea to the reduced charge, the court shall sentence such
24 person to a conditional discharge which shall include such requirement
25 in addition to any fine required by this article and any other condition
26 authorized by law or otherwise imposed by the court. A certificate of
27 completion certifying that such person has operated the motor vehicle
28 free of any events as set forth in paragraph (j) of this subdivision for
29 a period of ninety consecutive days after the date of installation,
30 shall be deemed to have satisfied the conditions of such plea relating
31 to the ignition interlock requirements set forth in this paragraph. The
32 period of interlock restriction shall be deemed to commence from the
33 date such ignition interlock device shall have been installed. If such
34 person is found to have violated the terms of the use of such ignition
35 interlock device as set forth in paragraph (j) of this subdivision, such
36 ninety day period shall reset from the date of any such violation.

37 (i) Permanent revocation; ignition interlock requirement. A person
38 subject to a permanent license revocation pursuant to a provision of
39 this chapter or any rule promulgated pursuant to this chapter, when the
40 underlying basis for the permanent revocation relates to two or more
41 violations of section eleven hundred ninety-two of this article and/or
42 refusal to submit to a chemical test pursuant to section eleven hundred
43 ninety-four of this article, such person shall be entitled to apply to
44 the commissioner for a post-revocation conditional license provided that
45 the person has not within the past twenty-five years been convicted of a
46 violation of article one hundred twenty or article one hundred twenty-
47 five of the penal law related to the operation of a motor vehicle, and
48 the person has been subject to a license revocation for not less than
49 five years and has not, during that period, been convicted of a
50 violation of this chapter regarding the operation of a motor vehicle.
51 Upon application, the commissioner shall provide such applicant with a
52 post-revocation conditional license subject to the following conditions:

53 (1) submission of proof that all sanctions imposed as a result of the
54 previous convictions have been satisfied, including but not limited to,
55 completion of the impaired driving program and/or proof of rehabilita-
56 tive effort, where either or both are required, payment of all fines and

1 mandatory surcharges, and payment of any restitution required as a
2 result of such convictions;

3 (2) an express prohibition on the operation of any motor vehicle with-
4 out a functioning ignition interlock device for a period of twenty-four
5 months as set forth in this paragraph; and

6 (3) such person shall install and maintain in accordance with the
7 provisions of section eleven hundred ninety-eight of this article, an
8 ignition interlock device in any motor vehicle owned or operated by such
9 person, for a period of twenty-four months. Where all other conditions
10 or the sentence have been satisfied pursuant to subparagraph one of this
11 paragraph, there shall be a rebuttable presumption of rehabilitation for
12 the purpose of petitioning the commissioner for restoration of the oper-
13 ator's license to operate a motor vehicle upon a certificate of
14 completion certifying that such person has operated such motor vehicle
15 free of any violations of this chapter, excepting violations related to
16 standing, stopping or parking, and has been free of any events set forth
17 in paragraph (j) of this subdivision during the post-revocation condi-
18 tional license period. A violation of section five hundred eleven of
19 this chapter, any provision of section eleven hundred ninety-two of this
20 article, or refusal to submit to a chemical test pursuant to section
21 eleven hundred ninety-four of this article during the post-revocation
22 conditional license period will result in immediate revocation of such
23 license subject to the rules of the commissioner. The period of inter-
24 lock restriction shall commence on the date that such ignition interlock
25 device shall have been installed.

26 (j) Non-compliance with ignition interlock requirements. For purposes
27 of paragraphs (g), (h) and (i) of this subdivision, the following events
28 shall be deemed to be non-compliant with the ignition interlock device
29 requirements:

30 (1) any violation of the provisions set forth in subdivision nine of
31 section eleven hundred ninety-eight of this article regarding circum-
32 venting or tampering with an ignition interlock device or operating a
33 vehicle without a functioning interlock device, regardless of the under-
34 lying basis for the ignition interlock requirement; or

35 (2) a certified violation on a form provided by the division of crimi-
36 nal justice services that such person has:

37 (i) attempted to start his or her vehicle when the start-up test
38 resulted in a blood alcohol concentration level of at or above the set
39 point of .025, unless a subsequent test performed within ten minutes
40 thereafter registers a blood alcohol concentration level lower than the
41 set point and the digital image provided confirms that the same person
42 provided both samples;

43 (ii) missed any random test, unless a review of the digital image
44 confirms that such vehicle was not occupied by the driver at the time of
45 the missed test;

46 (iii) failed any random test or re-test, unless a subsequent test
47 performed within ten minutes registers a blood alcohol concentration
48 level below the set point of .025, and the digital image confirms that
49 the same person provided both samples; or

50 (iv) failed to appear at the installation/service provider for instal-
51 lation or for a service visit when required for maintenance, repair,
52 calibration, monitoring, inspection, or replacement of such device. When
53 applicable, a certificate of non-compliance shall be accompanied by a
54 contemporaneous digital image verifying the identity of the violator.

55 (k) Duration of ignition interlock requirement. In any case set forth
56 in this subdivision where the period of the ignition interlock require-

1 ment exceeds the period of probation or conditional discharge, and the
2 court has not otherwise extended its jurisdiction over the matter, it
3 shall remain in full force and effect subject to the administrative
4 jurisdiction of the commissioner and any rule promulgated by the commis-
5 sioner to effectuate the provisions of this subdivision.

6 (l) Ignition interlock device requirements; terms of imprisonment.
7 When a sentence imposed pursuant to this subdivision includes a term of
8 imprisonment, the satisfaction of such term of imprisonment shall not
9 reduce or otherwise limit the requirements set forth in paragraph (g) of
10 this subdivision.

11 (m) A person who has successfully satisfied the ignition interlock
12 requirements set forth in paragraph (g) or (h) of this subdivision shall
13 no longer be subject to the provisions of section eleven hundred nine-
14 ty-nine of this article relating to the driver responsibility assessment
15 and any fee paid by such person pursuant to such section shall be
16 returned by the commissioner upon satisfactory proof of compliance.

17 (n) The office of probation and correctional alternatives shall recom-
18 mend to the commissioner of the division of criminal justice services
19 regulations governing the monitoring of compliance by persons ordered to
20 install and maintain ignition interlock devices to provide standards for
21 monitoring by departments of probation, and options for monitoring of
22 compliance by such persons, that counties may adopt as an alternative to
23 monitoring by a department of probation.

24 § 4. Paragraph (c) of subdivision 1-a of section 1193 of the vehicle
25 and traffic law, as amended by chapter 669 of the laws of 2007, is
26 amended to read as follows:

27 (c) A court sentencing a person pursuant to paragraph (a) or (b) of
28 this subdivision shall: (i) order, as a condition of such sentence, the
29 installation of an ignition interlock device approved pursuant to
30 section eleven hundred ninety-eight of this article in any motor vehicle
31 owned or operated by the person so sentenced. Such devices shall remain
32 installed during any period of license revocation required to be imposed
33 pursuant to paragraph (b) of subdivision two of this section, and, upon
34 the termination of such revocation period, for an additional period as
35 determined by the court or as otherwise provided in paragraph (g) of
36 subdivision one of this section; and (ii) order that such person receive
37 an assessment of the degree of their alcohol or substance abuse and
38 dependency pursuant to the provisions of section eleven hundred ninety-
39 eight-a of this article. Where such assessment indicates the need for
40 treatment, such court is authorized to impose treatment as a condition
41 of such sentence except that such court shall impose treatment as a
42 condition of a sentence of probation or conditional discharge pursuant
43 to the provisions of subdivision three of section eleven hundred nine-
44 ty-eight-a of this article. Any person ordered to install an ignition
45 interlock device pursuant to this paragraph shall be subject to para-
46 graph (g) of subdivision one of this section and the provisions of
47 subdivisions four, five, seven, eight and nine of section eleven hundred
48 ninety-eight of this article.

49 § 5. Subdivisions 1, 2, 3, 4 and 5 of section 1198 of the vehicle and
50 traffic law, subdivisions 1, 2, 3, 4 and paragraph (a) of subdivision 5
51 as amended by chapter 496 of the laws of 2009, paragraph (a) of subdivi-
52 sion 4 as amended by chapter 169 of the laws of 2013, and subdivision 5
53 as amended by chapter 669 of the laws of 2007, are amended and a new
54 subdivision 1-a is added to read as follows:

55 1. Applicability. The provisions of this section shall apply through-
56 out the state to each person required or otherwise ordered by a court as

1 a condition of sentence, plea, probation or conditional discharge, which
2 shall prohibit the operation of a motor vehicle without a functioning
3 ignition interlock device and requires such person to install and [~~oper-~~
4 ~~ate~~] maintain an ignition interlock device in any vehicle [~~which he or~~
5 ~~she owns or operates~~] owned or operated by such person.

6 1-a. Definitions. For the purposes of this section and subdivision one
7 of section eleven hundred ninety-three of this article, the following
8 terms shall have the following meanings:

9 (a) The term "blood alcohol concentration" or "BAC" shall mean the
10 weight amount of alcohol contained in a unit volume of blood, measured
11 as grams ethanol/one hundred milliliters blood, and expressed as %
12 BAC.

13 (b) The term "certificate of completion" shall mean a document issued
14 by the monitor after the conclusion of the ignition interlock period set
15 by the criminal court, including any extensions or modifications as
16 may have subsequently occurred which shows either satisfactory
17 completion of the ignition interlock condition or a change by the court
18 in a pre-sentence order no longer requiring the need for a device, or a
19 change in the conditions of probation or conditional discharge no
20 longer requiring the need for a device after completion of the ignition
21 interlock period as set forth in section eleven hundred ninety-three of
22 this article.

23 (c) The term "circumvent" shall mean to request, solicit or allow
24 any other person to blow into an ignition interlock device or to start
25 a motor vehicle equipped with the device, for the purpose of providing
26 the operator whose driving privileges is so restricted with an oper-
27 able motor vehicle, or to blow into an ignition interlock device or
28 start a motor vehicle equipped with the device for the purpose of
29 providing an operable motor vehicle to a person whose driving priv-
30 ilege is so restricted or to tamper with an operable ignition interlock
31 device.

32 (d) The term "county" shall mean every county outside of the city of
33 New York, and the city of New York as a whole.

34 (e) The term "division" shall mean the division of criminal
35 justice services.

36 (f) The term "drinking driver program" or "impaired driver program"
37 shall mean an alcohol and drug rehabilitation program established pursu-
38 ant to section eleven hundred ninety-six of this article.

39 (g) The term "failed tests" shall mean a start-up re-test or roll-
40 ing re-test at or above the set point, or a missed rolling re-test.

41 (h) The term "ignition interlock monitor" or "monitor" shall mean
42 the local probation department where the operator is under interim
43 probation supervision or probation or any person or entity designated in
44 the county's ignition interlock program plan for any operator granted
45 conditional discharge or otherwise required to install an ignition
46 interlock device who monitors compliance with the provisions of this
47 section and the concurrent regulations related thereto.

48 (i) The term "installation/service provider" shall mean an entity
49 located in the state approved by a qualified manufacturer that installs,
50 services, and/or removes an ignition interlock device.

51 (j) The term "operator" shall mean a person who is subject to instal-
52 lation of an ignition interlock device arising from a charge or
53 conviction under this article or the penal law, where a violation of
54 this article is an essential element thereof, or arising from a youth-
55 ful adjudication of any such offense.

1 (k) The term "owned or operated" shall refer to a vehicle owned by the
2 person required by a court to install an ignition interlock device as a
3 condition of probation or conditional discharge or, alternatively, the
4 vehicle most regularly operated by such person regardless of registra-
5 tion or title.

6 (l) The term "qualified manufacturer" shall mean a manufacturer or
7 distributor of an ignition interlock device certified by the depart-
8 ment of health which has satisfied the specific operational requirements
9 herein and has been approved as an eligible vendor by the division in
10 the designated region where the county is located.

11 (m) The term "random test" shall include a start-up re-test, a rolling
12 test, or rolling re-test as those terms are defined herein.

13 (n) The term "start-up test" shall mean a breath test taken by the
14 operator to measure the operator's blood alcohol concentration prior
15 to starting the vehicle's ignition.

16 (o) The term "start-up re-test" shall mean a breath test taken by the
17 operator to measure the operator's blood alcohol concentration required
18 within five to fifteen minutes of a failed start-up test.

19 (p) The term "rolling test" shall mean a breath test, administered at
20 random intervals, taken by the operator while the vehicle is running.

21 (q) The term "rolling re-test" shall mean a breath test, taken by the
22 operator while the vehicle is running, within one to three minutes after
23 a failed or missed rolling test.

24 (r) The term "failed rolling re-test" shall mean a rolling re-test in
25 which the operator's BAC is at or above the set point.

26 (s) The term "missed rolling re-test" shall mean failure to take the
27 rolling re-test within the time period allotted to do so.

28 (t) The term "service visit" shall mean a visit by the operator or
29 another driver of the subject vehicle to or with the
30 installation/service provider for purposes of having the ignition inter-
31 lock device inspected for repair, defect, and detection of tampering
32 and/or circumvention, downloaded, recalibrated, or maintained.

33 (u) The term "set point" shall mean a pre-set or pre-determined BAC
34 setting at which, or above, the device will prevent the ignition of a
35 motor vehicle from operating. For the purposes of this section and
36 subdivision one of section eleven hundred ninety-three of this article,
37 the set point shall be a BAC of .025.

38 (v) The term "tamper" shall mean to alter, disconnect, physically
39 disable, remove, deface, or destroy an ignition interlock device or any
40 of its component seals.

41 2. Requirements. (a) In addition to any other penalties prescribed by
42 law, the court shall require that any person who has been convicted [~~of~~]
43 or adjudicated a youthful offender for a violation of subdivision two,
44 two-a [~~of~~], three or four-a of section eleven hundred ninety-two of this
45 article, or any crime defined by this chapter or the penal law of which
46 an alcohol-related violation of any provision of section eleven hundred
47 ninety-two of this article is an essential element, [~~to~~] shall not oper-
48 ate a motor vehicle without a functioning ignition interlock device and
49 shall install and maintain, as a condition of plea, sentence, probation
50 or conditional discharge, a functioning ignition interlock device in
51 accordance with the provisions of this section and, as applicable, in
52 accordance with the provisions of subdivisions one and one-a of section
53 eleven hundred ninety-three of this article; provided, however, the
54 court may not authorize the operation of a motor vehicle by any person
55 whose license or privilege to operate a motor vehicle has been revoked
56 except as provided herein. For any such individual subject to a sentence

1 of probation, installation and maintenance of such ignition interlock
2 device shall be a condition of probation.

3 (b) Nothing contained in this section shall prohibit a court, upon
4 application by a probation department, from modifying the conditions of
5 probation of any person convicted of any violation set forth in para-
6 graph (a) of this subdivision prior to the effective date of this
7 section, to require the installation and maintenance of a functioning
8 ignition interlock device, and such person shall thereafter be subject
9 to the provisions of this section.

10 ~~[(c) Nothing contained in this section shall authorize a court to~~
11 ~~sentence any person to a period of probation or conditional discharge~~
12 ~~for the purpose of subjecting such person to the provisions of this~~
13 ~~section, unless such person would have otherwise been so eligible for a~~
14 ~~sentence of probation or conditional discharge.]~~

15 3. Conditions. (a) ~~[Notwithstanding any other provision of law]~~ Except
16 as otherwise provided for sentences imposed pursuant to paragraph (g) of
17 subdivision one of section eleven hundred ninety-three of this article,
18 the commissioner may grant a post-revocation conditional license, as set
19 forth in paragraph (b) of this subdivision, to a person who has been
20 convicted of a violation of subdivision two, two-a ~~[or]~~, three or four-a
21 of section eleven hundred ninety-two of this article and who has been
22 sentenced to a period of probation or conditional discharge, provided
23 the person has satisfied the minimum period of license revocation estab-
24 lished by law and the commissioner has been notified that such person
25 may operate only a motor vehicle equipped with a functioning ignition
26 interlock device. No such request shall be made nor shall such a
27 license be granted, however, if such person has been found by a court to
28 have committed a violation of section five hundred eleven of this chap-
29 ter during the license revocation period or deemed by a court to have
30 violated any condition of probation or conditional discharge set forth
31 by the court relating to the operation of a motor vehicle or the
32 consumption of alcohol. In exercising discretion relating to the issu-
33 ance of a post-revocation conditional license pursuant to this subdivi-
34 sion, the commissioner shall not deny such issuance based solely upon
35 the number of convictions for violations of any subdivision of section
36 eleven hundred ninety-two of this article committed by such person with-
37 in the ten years prior to application for such license. Upon the termi-
38 nation of the period of probation or conditional discharge set by the
39 court, the person may apply to the commissioner for restoration of a
40 license or privilege to operate a motor vehicle in accordance with this
41 chapter.

42 (b) Notwithstanding any inconsistent provision of this chapter, a
43 post-revocation conditional license granted pursuant to paragraph (a) of
44 this subdivision shall be valid only for use by the holder thereof, (1)
45 ~~[enroute]~~ en route to and from the holder's place of employment, (2) if
46 the holder's employment requires the operation of a motor vehicle then
47 during the hours thereof, (3) ~~[enroute]~~ en route to and from a class or
48 course at an accredited school, college or university or at a state
49 approved institution of vocational or technical training, (4) to and
50 from court ordered probation activities, (5) to and from a motor vehicle
51 office for the transaction of business relating to such license, (6) for
52 a three hour consecutive daytime period, chosen by the department, on a
53 day during which the participant is not engaged in usual employment or
54 vocation, (7) ~~[enroute]~~ en route to and from a medical examination or
55 treatment as part of a necessary medical treatment for such participant
56 or member of the participant's household, as evidenced by a written

1 statement to that effect from a licensed medical practitioner, (8)
2 [~~enroute~~] en route to and from a class or an activity which is an
3 authorized part of the alcohol and drug rehabilitation program and at
4 which participant's attendance is required, and (9) [~~enroute~~] en route
5 to and from a place, including a school, at which a child or children of
6 the participant are cared for on a regular basis and which is necessary
7 for the participant to maintain such participant's employment or enroll-
8 ment at an accredited school, college or university or at a state
9 approved institution of vocational or technical training.

10 (c) The post-revocation conditional license described in this subdivi-
11 sion may be revoked by the commissioner for sufficient cause including
12 but not limited to, failure to comply with the terms of the condition of
13 probation or conditional discharge set forth by the court, conviction of
14 any traffic offense other than one involving parking, stopping or stand-
15 ing [~~ex~~], conviction of any alcohol or drug related offense, misdemeanor
16 or felony, any violation of this article with respect to operating a
17 motor vehicle without a functioning ignition interlock device when
18 required to do so, or failure to install or maintain a court ordered
19 ignition interlock device.

20 (d) Nothing contained herein shall prohibit the court from requiring,
21 as a condition of probation or conditional discharge, the installation
22 of a functioning ignition interlock device in any vehicle owned or oper-
23 ated by a person sentenced for a violation of subdivision two, two-a,
24 [~~ex~~] three or four-a of section eleven hundred ninety-two of this [~~chap-~~
25 ~~ter~~] article, or any crime defined by this chapter or the penal law of
26 which an alcohol-related violation of any provision of section eleven
27 hundred ninety-two of this [~~chapter~~] article is an essential element, if
28 the court in its discretion, determines that such a condition is neces-
29 sary to ensure the public safety. Imposition of an ignition interlock
30 condition shall in no way limit the effect of any period of license
31 suspension or revocation set forth by the commissioner or the court.

32 (e) Nothing contained herein shall prevent the court from applying any
33 other conditions of probation or conditional discharge allowed by law,
34 including treatment for alcohol or drug abuse, restitution and community
35 service.

36 (f) The commissioner shall note on the operator's record of any person
37 restricted pursuant to this section that, in addition to any other
38 restrictions, conditions or limitations, such person may operate only a
39 motor vehicle equipped with an ignition interlock device.

40 4. Proof of compliance and recording of condition. (a) Following
41 imposition by the court of the use of an ignition interlock device as a
42 condition plea, sentence, of probation or conditional discharge it shall
43 require the person to provide proof of compliance with this section to
44 the court and the probation department or other monitor where such
45 person is under probation or conditional discharge supervision. A claim
46 by such person that he or she has good cause for not installing an
47 ignition interlock device shall be made to the court at or before
48 sentencing, in writing in the form of a sworn affidavit signed by such
49 person asserting under oath that: (1) he or she is not the registered or
50 titled owner of any motor vehicle and will not operate any motor vehicle
51 during the period of restriction; and (2) that such person does not have
52 access to the vehicle operated by such person at the time of the
53 violation of section eleven hundred ninety-two of this article; and (c)
54 that the registered owner of that vehicle or any vehicle registered to
55 such person's household will not give consent for the installation of an
56 interlock device on his or her vehicle. The affidavit shall include a

1 statement regarding whether such person owned any motor vehicle on the
2 date of the underlying violation of section eleven hundred ninety-two of
3 this article and whether ownership of any of those vehicles has been
4 transferred to another party by sale, gift or any other means since the
5 date of said violation. The affidavit shall also include a statement
6 from such person that he or she has not and will not transfer ownership
7 of any vehicle to evade installation of an ignition interlock device,
8 the address of such person's employment, if applicable, and how such
9 person intends to travel to that location during the period of
10 restriction. The person also may include any other facts and circum-
11 stances he or she believes to be relevant to the claim of good cause.
12 The court shall make a finding whether good cause exists on the record
13 and, if good cause shall be found, issue such finding in writing to be
14 filed by such person with the probation department or the ignition
15 interlock monitor, as appropriate. In the event the court denies such
16 person's claim of good cause on the basis of the affidavit filed with
17 the court, such persons shall be given an opportunity to be heard. Such
18 person shall also be permitted to waive the opportunity to be heard, if
19 he or she chooses to do so. If ~~the~~ a person shall be ordered to
20 install and maintain an ignition interlock device, and such person fails
21 to provide for such proof of installation, absent a finding by the court
22 of good cause for that failure which is entered in the record, the court
23 may revoke, modify, or terminate the person's sentence of probation or
24 conditional discharge as provided under law. ~~Good cause may include a~~
25 ~~finding that the person is not the owner of a motor vehicle if such~~
26 ~~person asserts under oath that such person is not the owner of any motor~~
27 ~~vehicle and that he or she will not operate any motor vehicle during the~~
28 ~~period of interlock restriction except as may be otherwise authorized~~
29 ~~pursuant to law.~~ "Owner" shall have the same meaning as provided in
30 section one hundred twenty-eight of this chapter.

31 (b) When a court imposes the condition specified in subdivision one of
32 this section, the court shall notify the commissioner in such manner as
33 the commissioner may prescribe, and the commissioner shall note such
34 condition on the operating record of the person subject to such condi-
35 tions.

36 5. Cost, installation and maintenance. (a) The cost of installing and
37 maintaining the ignition interlock device shall be borne by the person
38 subject to such condition unless the court determines such person is
39 financially unable to afford such cost whereupon such cost may be
40 imposed pursuant to a payment plan or waived. In the event of such
41 waiver, the cost of the device shall be borne in accordance with regu-
42 lations issued under paragraph (g) of subdivision one of section eleven
43 hundred ninety-three of this article or pursuant to such other agreement
44 as may be entered into for provision of the device. Such cost shall be
45 considered a fine for the purposes of subdivision five of section 420.10
46 of the criminal procedure law. Such cost shall not replace, but shall
47 instead be in addition to, any fines, surcharges, or other costs imposed
48 pursuant to this chapter or other applicable laws.

49 (b) The installation and service provider of the device shall be
50 responsible for the installation, calibration, and maintenance of such
51 device.

52 (c) Failure to install such device, failure to appear for a service
53 visit or failure to comply with service instructions or circumvention of
54 or tampering with the device, in violation of regulations promulgated by
55 the division of criminal justice services, shall constitute a violation

1 of the conditions of a person's sentence, probation or conditional
2 discharge.

3 § 6. Paragraph (k-1) of subdivision 2 of section 65.10 of the penal
4 law, as amended by chapter 669 of the laws of 2007, is amended to read
5 as follows:

6 (k-1) Install and maintain a functioning ignition interlock device, as
7 that term is defined in section one hundred nineteen-a of the vehicle
8 and traffic law, in any vehicle owned or operated by the defendant [~~if~~
9 ~~the court in its discretion determines that such a condition is neces-~~
10 ~~sary to ensure the public safety. The court may require such condition~~
11 ~~only where a person has been convicted of a violation of subdivision~~
12 ~~two, two-a or three of section eleven hundred ninety-two of the vehicle~~
13 ~~and traffic law, or any crime defined by the vehicle and traffic law or~~
14 ~~this chapter of which an alcohol-related violation of any provision of~~
15 ~~section eleven hundred ninety-two of the vehicle and traffic law is an~~
16 ~~essential element. The offender shall be required], provided the court
17 shall require the defendant to install and operate the ignition inter-
18 lock device [~~only~~] in accordance with the provisions of paragraphs (g),
19 (h), (j) and (l) of subdivision one of section eleven hundred ninety-
20 three and section eleven hundred ninety-eight of the vehicle and traffic
21 law.~~

22 § 7. The division of criminal justice services is authorized and
23 directed to compile and publish annually a report on its website of the
24 total number of repeat convictions with respect to violations of section
25 1192 of the vehicle and traffic law for the five years succeeding the
26 effective date of this act, and shall also include the total number of
27 repeat convictions for the five years preceding the effective date in
28 such report. The division is authorized and directed to coordinate with
29 any other agency, authority, department, division, bureau, or political
30 subdivision to compile this information, including without limitation
31 the governor's highway traffic safety committee.

32 § 8. The commissioner of the division of criminal justice services, in
33 consultation with the commissioner of the department of motor vehicles,
34 shall promulgate any rules or regulations necessary to effectuate the
35 provisions of this act.

36 § 9. This act shall take effect on the first of November next succeed-
37 ing the date on which it shall have become a law, provided, however,
38 that the amendments to section 1198 of the vehicle and traffic law made
39 by section five of this act shall not affect the repeal of such section
40 and shall be deemed repealed therewith.

STATE OF NEW YORK

4171

2023-2024 Regular Sessions

IN ASSEMBLY

February 10, 2023

Introduced by M. of A. WOERNER, THIELE, SEAWRIGHT, DeSTEFANO, McDONOUGH, SIMON, WILLIAMS, WALLACE, JACOBSON, SILLITTI, STERN, LAVINE, ZINERMAN, ANGELINO, K. BROWN, FAHY -- Multi-Sponsored by -- M. of A. TAGUE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the penal law, in relation to the ignition interlock program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Legislative findings. The legislature hereby finds and
2 declares:
- 3 1. In 2009, New York adopted "Leandra's Law" to require, as a condi-
4 tion of sentence, that all individuals convicted of the crime of driving
5 while intoxicated install an ignition interlock device (IID) for a spec-
6 ified time in any vehicle they own or operate. Fifteen years later,
7 despite the mandate, only three in ten offenders actually install an
8 IID.
- 9 2. In addition, although the penalty model based predominantly on
10 license revocation persists, far too many offenders continue to drive
11 even after losing their license privilege, and a significant number of
12 them continue to drive under the influence of alcohol. The consensus
13 among highway safety experts is that well over fifty percent, and as
14 many as eighty percent, of revoked drivers continue to drive while unli-
15 censed.
- 16 3. IIDs are designed to do two things: (1) protect the public by
17 preventing drunk driving events; and (2) alter driver behavior to reduce
18 recidivism. Numerous studies have shown IIDs to be overwhelmingly effec-
19 tive on both counts:
- 20 (a) Public safety. Between December 1, 2006 and December 31, 2020, IID
21 installation stopped 3.8 million drivers nationally from attempting to
22 drive while legally intoxicated (.08+) and foiled an additional 25.4
23 million drivers from attempting to drive after consuming enough alcohol

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 to trigger the IID's set point. Over the same time period in New York -
2 even despite the poor compliance rate - IIDs prevented more than 111,000
3 legally drunk drivers and foiled an additional 439,427 attempts by
4 convicted drunk drivers who attempted to start a vehicle after consuming
5 alcohol.

6 (b) Reduced recidivism. A 2016 University of Pennsylvania study found
7 that alcohol-related fatalities decreased by 15% in states with all-of-
8 fender interlock laws. Similarly, a 2016 California study concluded that
9 ignition interlock devices are seventy-four percent more effective in
10 reducing DWI recidivism than license suspension alone during the first
11 six months after conviction and forty-five percent more effective over
12 the course of a year.

13 4. Given the empirical data that favors the use of the IID as a condi-
14 tion of sentence, either in conjunction with or instead of license revo-
15 cation, the legislature finds that New York has fallen significantly
16 behind other states that utilize IIDs to promote public safety and
17 support rehabilitative efforts. Accordingly, the legislature declares
18 that to further advance public safety, New York must adopt best prac-
19 tices consistent with the data for model use of the ignition interlock
20 device as a proven method for saving lives and promoting rehabilitation.

21 § 2. Paragraph (c) of subdivision 1 of section 1193 of the vehicle
22 and traffic law, as amended by chapter 169 of the laws of 2013, and
23 subparagraph (ii-a) as added by chapter 191 of the laws of 2014, is
24 amended to read as follows:

25 (c) Felony offenses. (i) A person who operates a vehicle (A) in
26 violation of subdivision two, two-a, three, four or four-a of section
27 eleven hundred ninety-two of this article after having been convicted of
28 a violation of subdivision two, two-a, three, four or four-a of such
29 section or of vehicular assault in the second or first degree, as
30 defined, respectively, in sections 120.03 and 120.04 and aggravated
31 vehicular assault as defined in section 120.04-a of the penal law or of
32 vehicular manslaughter in the second or first degree, as defined,
33 respectively, in sections 125.12 and 125.13 and aggravated vehicular
34 homicide as defined in section 125.14 of such law, within the preceding
35 ten years, or (B) in violation of paragraph (b) of subdivision two-a of
36 section eleven hundred ninety-two of this article shall be guilty of a
37 class E felony, and shall be punished by a fine of not less than one
38 thousand dollars nor more than five thousand dollars or by a period of
39 imprisonment as provided in the penal law, or by both such fine and
40 imprisonment.

41 (ii) A person who operates a vehicle in violation of subdivision two,
42 two-a, three, four or four-a of section eleven hundred ninety-two of
43 this article after having been convicted of a violation of subdivision
44 two, two-a, three, four or four-a of such section or of vehicular
45 assault in the second or first degree, as defined, respectively, in
46 sections 120.03 and 120.04 and aggravated vehicular assault as defined
47 in section 120.04-a of the penal law or of vehicular manslaughter in the
48 second or first degree, as defined, respectively, in sections 125.12 and
49 125.13 and aggravated vehicular homicide as defined in section 125.14 of
50 such law, twice within the preceding ten years, shall be guilty of a
51 class D felony, and shall be punished by a fine of not less than two
52 thousand dollars nor more than ten thousand dollars or by a period of
53 imprisonment as provided in the penal law, or by both such fine and
54 imprisonment.

55 (ii-a) A person who operates a vehicle in violation of subdivision
56 two, two-a, three, four or four-a of section eleven hundred ninety-two

1 of this article after having been convicted of a violation of subdivi-
2 sion two, two-a, three, four or four-a of such section or of vehicular
3 assault in the second or first degree, as defined, respectively, in
4 sections 120.03 and 120.04 and aggravated vehicular assault as defined
5 in section 120.04-a of the penal law or of vehicular manslaughter in the
6 second or first degree, as defined, respectively, in sections 125.12 and
7 125.13 and aggravated vehicular homicide as defined in section 125.14 of
8 such law, three or more times within the preceding fifteen years, shall
9 be guilty of a class D felony, and shall be punished by a fine of not
10 less than two thousand dollars nor more than ten thousand dollars or by
11 a period of imprisonment as provided in the penal law, or by both such
12 fine and imprisonment.

13 ~~[(iii) In addition to the imposition of any fine or period of impris-~~
14 ~~onment set forth in this paragraph, the court shall also sentence such~~
15 ~~person convicted of, or adjudicated a youthful offender for, a violation~~
16 ~~of subdivision two, two-a or three of section eleven hundred ninety-two~~
17 ~~of this article to a period of probation or conditional discharge, as a~~
18 ~~condition of which it shall order such person to install and maintain,~~
19 ~~in accordance with the provisions of section eleven hundred ninety-eight~~
20 ~~of this article, an ignition interlock device in any motor vehicle owned~~
21 ~~or operated by such person during the term of such probation or condi-~~
22 ~~tional discharge imposed for such violation of section eleven hundred~~
23 ~~ninety-two of this article and in no event for a period of less than~~
24 ~~twelve months; provided, however, that such period of interlock~~
25 ~~restriction shall terminate upon submission of proof that such person~~
26 ~~installed and maintained an ignition interlock device for at least six~~
27 ~~months, unless the court ordered such person to install and maintain a~~
28 ~~ignition interlock device for a longer period as authorized by this~~
29 ~~subparagraph and specified in such order. The period of interlock~~
30 ~~restriction shall commence from the earlier of the date of sentencing,~~
31 ~~or the date that an ignition interlock device was installed in advance~~
32 ~~of sentencing. Provided, however, the court may not authorize the opera-~~
33 ~~tion of a motor vehicle by any person whose license or privilege to~~
34 ~~operate a motor vehicle has been revoked pursuant to the provisions of~~
35 ~~this section.]~~

36 § 3. Paragraph (g) of subdivision 1 of section 1193 of the vehicle and
37 traffic law, as amended by section 57 of part A of chapter 56 of the
38 laws of 2010, is amended to read as follows:

39 (g) Condition of probation and conditional discharge; ignition inter-
40 lock device requirements; alternative sentence authorized. (1) Defi-
41 nitions. For the purposes of paragraphs (g) through (m) of this subdivi-
42 sion, the terms defined in subdivision one-a of section eleven hundred
43 ninety-eight of this article shall be applicable.

44 (2) Ignition interlock device; sentence. In addition to the imposi-
45 tion of any fine or period of imprisonment as set forth in this subdivi-
46 sion and to any license sanction imposed pursuant to subdivision two of
47 this section, the court shall sentence such person convicted of, or
48 adjudicated a youthful offender for, a violation of subdivision two,
49 two-a, three or four-a of section eleven hundred ninety-two of this
50 article to a period of probation or conditional discharge, the condi-
51 tions of which shall include the following:

52 (i) an express prohibition on the operation of any motor vehicle with-
53 out a functioning ignition interlock device from a qualified manufactur-
54 er for a period of twelve months or longer, pursuant to the requirements
55 of this paragraph and paragraph (c) of subdivision one-a of this

1 section, and which shall run concurrently with any period of license
2 sanction; and

3 (ii) such person shall install and maintain in accordance with the
4 provisions of section eleven hundred ninety-eight of this article, an
5 ignition interlock device in any motor vehicle operated by such person
6 for a period of twelve months or longer as set forth in subparagraph
7 four of this paragraph, including the one hundred eighty days after a
8 license has been restored; provided, however, a certificate of
9 completion certifying that such person has operated such motor vehicle
10 free of any events as set forth in paragraph (j) of this subdivision for
11 a period of one hundred twenty consecutive days after the restoration of
12 the operator's license, shall be deemed to have satisfied the conditions
13 of probation or conditional discharge relating to the ignition interlock
14 requirements set forth in this paragraph. The period of interlock
15 restriction shall commence on the date that such ignition interlock
16 device shall have been installed.

17 (3) Ignition interlock device; alternative sentence. Notwithstanding
18 the provisions of subparagraph two of this paragraph and subdivision two
19 of this section relating to license sanctions, a court may, upon motion
20 of the defendant, impose an alternative sentence upon such person
21 convicted of, or adjudicated a youthful offender for, a violation of
22 subdivision two, two-a, three or four-a of section eleven hundred nine-
23 ty-two of this article, a period of probation or conditional discharge,
24 the conditions of which shall include the following:

25 (i) a conditional waiver of the license sanction provisions of subdivi-
26 vision two of this section;

27 (ii) an express prohibition from operating any vehicle without a func-
28 tioning ignition interlock device for a period of twelve months or long-
29 er pursuant to the requirements of this paragraph and paragraph (c) of
30 subdivision one-a of this section; and

31 (iii) an order that such person install and maintain, in accordance
32 with the provisions of section eleven hundred ninety-eight of this arti-
33 cle, an ignition interlock device in any motor vehicle owned or operated
34 by such person for a period of twelve months or longer, as set forth in
35 subparagraph four of this paragraph; provided, however, a certificate of
36 completion certifying that such person has operated the motor vehicle
37 free of any events as set forth in paragraph (j) of this subdivision for
38 a period of three hundred consecutive days shall be deemed to have
39 satisfied the conditions of probation or conditional discharge relating
40 to the ignition interlock requirements as set forth in this paragraph.
41 The period of interlock restriction shall commence on the date that such
42 ignition interlock device shall have been installed. The alternative
43 sentence set forth herein may be revoked by the court for cause. This
44 sentence not be imposed on any offender who is subject to the additional
45 penalties set forth in paragraph (a) or (b) of subdivision one-a of this
46 section or who shall have also been convicted of a violation of any
47 provision of article one hundred twenty or one hundred twenty-five of
48 the penal law involving the operation of a motor vehicle.

49 (4) License restoration. When a sentence is imposed pursuant to
50 subparagraph two or three of this paragraph, in no event shall the
51 commissioner restore the license of any such person until the commis-
52 sioner receives a certificate of completion certifying that such person
53 has operated the motor vehicle free of any events set forth in paragraph
54 (j) of this subdivision for the applicable time periods imposed pursuant
55 to subparagraphs two and three of this paragraph. Non-compliance with
56 the ignition interlock requirements set forth in paragraph (j) of this

1 subdivision shall cause the respective period of operation to reset from
2 the date of any such violation.

3 (h) Driving while ability impaired by alcohol; ignition interlock
4 device requirement. Notwithstanding any other provision of law to the
5 contrary, when a person is charged with a violation of subdivision two,
6 two-a, three, or four-a of section eleven hundred ninety-two of this
7 article and a plea of guilty shall have been entered in satisfaction of
8 such charge to a violation of subdivision one of section eleven hundred
9 ninety-two of this article, and the person has either: (1) had a prior
10 conviction for a violation of any provision of section eleven hundred
11 ninety-two of this article within the previous ten years; (2) registered
12 a BAC of .13 or more; (3) has refused to submit to a chemical test of
13 his or her blood, breath, urine or saliva pursuant to the provisions of
14 section eleven hundred ninety-four of this article, or (4) the underly-
15 ing charge involved the combined use of drugs and alcohol, the condi-
16 tions of such plea shall include an express prohibition on the operation
17 of any motor vehicle without a functioning ignition interlock device for
18 a period of six months, and which shall run concurrently with any period
19 of license sanction, and that such person shall install and maintain an
20 ignition interlock device for a period of not less than six months on
21 any motor vehicle owned or operated by such person. If the court
22 accepts the plea to the reduced charge, the court shall sentence such
23 person to a conditional discharge which shall include such requirement
24 in addition to any fine required by this article and any other condition
25 authorized by law or otherwise imposed by the court. A certificate of
26 completion certifying that such person has operated the motor vehicle
27 free of any events as set forth in paragraph (j) of this subdivision for
28 a period of ninety consecutive days after the date of installation,
29 shall be deemed to have satisfied the conditions of such plea relating
30 to the ignition interlock requirements set forth in this paragraph. The
31 period of interlock restriction shall be deemed to commence from the
32 date such ignition interlock device shall have been installed. If such
33 person is found to have violated the terms of the use of such ignition
34 interlock device as set forth in paragraph (j) of this subdivision, such
35 ninety day period shall reset from the date of any such violation.

36 (i) Permanent revocation; ignition interlock requirement. A person
37 subject to a permanent license revocation pursuant to a provision of
38 this chapter or any rule promulgated pursuant to this chapter, when the
39 underlying basis for the permanent revocation relates to two or more
40 violations of section eleven hundred ninety-two of this article and/or
41 refusal to submit to a chemical test pursuant to section eleven hundred
42 ninety-four of this article, such person shall be entitled to apply to
43 the commissioner for a post-revocation conditional license provided that
44 the person has not within the past twenty-five years been convicted of a
45 violation of article one hundred twenty or article one hundred twenty-
46 five of the penal law related to the operation of a motor vehicle, and
47 the person has been subject to a license revocation for not less than
48 five years and has not, during that period, been convicted of a
49 violation of this chapter regarding the operation of a motor vehicle.
50 Upon application, the commissioner shall provide such applicant with a
51 post-revocation conditional license subject to the following conditions:

52 (1) submission of proof that all sanctions imposed as a result of the
53 previous convictions have been satisfied, including but not limited to,
54 completion of the impaired driving program and/or proof of rehabilita-
55 tive effort, where either or both are required, payment of all fines and

1 mandatory surcharges, and payment of any restitution required as a
2 result of such convictions;

3 (2) an express prohibition on the operation of any motor vehicle with-
4 out a functioning ignition interlock device for a period of twenty-four
5 months as set forth in this paragraph; and

6 (3) such person shall install and maintain in accordance with the
7 provisions of section eleven hundred ninety-eight of this article, an
8 ignition interlock device in any motor vehicle owned or operated by such
9 person, for a period of twenty-four months. Where all other conditions
10 or the sentence have been satisfied pursuant to subparagraph one of this
11 paragraph, there shall be a rebuttable presumption of rehabilitation for
12 the purpose of petitioning the commissioner for restoration of the oper-
13 ator's license to operate a motor vehicle upon a certificate of
14 completion certifying that such person has operated such motor vehicle
15 free of any violations of this chapter, excepting violations related to
16 standing, stopping or parking, and has been free of any events set forth
17 in paragraph (j) of this subdivision during the post-revocation condi-
18 tional license period. A violation of section five hundred eleven of
19 this chapter, any provision of section eleven hundred ninety-two of this
20 article, or refusal to submit to a chemical test pursuant to section
21 eleven hundred ninety-four of this article during the post-revocation
22 conditional license period will result in immediate revocation of such
23 license subject to the rules of the commissioner. The period of inter-
24 lock restriction shall commence on the date that such ignition interlock
25 device shall have been installed.

26 (j) Non-compliance with ignition interlock requirements. For purposes
27 of paragraphs (g), (h) and (i) of this subdivision, the following events
28 shall be deemed to be non-compliant with the ignition interlock device
29 requirements:

30 (1) any violation of the provisions set forth in subdivision nine of
31 section eleven hundred ninety-eight of this article regarding circum-
32 venting or tampering with an ignition interlock device or operating a
33 vehicle without a functioning interlock device, regardless of the under-
34 lying basis for the ignition interlock requirement; or

35 (2) a certified violation on a form provided by the division of crimi-
36 nal justice services that such person has:

37 (i) attempted to start his or her vehicle when the start-up test
38 resulted in a blood alcohol concentration level of at or above the set
39 point of .025, unless a subsequent test performed within ten minutes
40 thereafter registers a blood alcohol concentration level lower than the
41 set point and the digital image provided confirms that the same person
42 provided both samples;

43 (ii) missed any random test, unless a review of the digital image
44 confirms that such vehicle was not occupied by the driver at the time of
45 the missed test;

46 (iii) failed any random test or re-test, unless a subsequent test
47 performed within ten minutes registers a blood alcohol concentration
48 level below the set point of .025, and the digital image confirms that
49 the same person provided both samples; or

50 (iv) failed to appear at the installation/service provider for instal-
51 lation or for a service visit when required for maintenance, repair,
52 calibration, monitoring, inspection, or replacement of such device. When
53 applicable, a certificate of non-compliance shall be accompanied by a
54 contemporaneous digital image verifying the identity of the violator.

55 (k) Duration of ignition interlock requirement. In any case set forth
56 in this subdivision where the period of the ignition interlock require-

1 ment exceeds the period of probation or conditional discharge, and the
2 court has not otherwise extended its jurisdiction over the matter, it
3 shall remain in full force and effect subject to the administrative
4 jurisdiction of the commissioner and any rule promulgated by the commis-
5 sioner to effectuate the provisions of this subdivision.

6 (l) Ignition interlock device requirements; terms of imprisonment.
7 When a sentence imposed pursuant to this subdivision includes a term of
8 imprisonment, the satisfaction of such term of imprisonment shall not
9 reduce or otherwise limit the requirements set forth in paragraph (g) of
10 this subdivision.

11 (m) A person who has successfully satisfied the ignition interlock
12 requirements set forth in paragraph (g) or (h) of this subdivision shall
13 no longer be subject to the provisions of section eleven hundred nine-
14 ty-nine of this article relating to the driver responsibility assessment
15 and any fee paid by such person pursuant to such section shall be
16 returned by the commissioner upon satisfactory proof of compliance.

17 (n) The office of probation and correctional alternatives shall recom-
18 mend to the commissioner of the division of criminal justice services
19 regulations governing the monitoring of compliance by persons ordered to
20 install and maintain ignition interlock devices to provide standards for
21 monitoring by departments of probation, and options for monitoring of
22 compliance by such persons, that counties may adopt as an alternative to
23 monitoring by a department of probation.

24 § 4. Paragraph (c) of subdivision 1-a of section 1193 of the vehicle
25 and traffic law, as amended by chapter 669 of the laws of 2007, is
26 amended to read as follows:

27 (c) A court sentencing a person pursuant to paragraph (a) or (b) of
28 this subdivision shall: (i) order, as a condition of such sentence, the
29 installation of an ignition interlock device approved pursuant to
30 section eleven hundred ninety-eight of this article in any motor vehicle
31 owned or operated by the person so sentenced. Such devices shall remain
32 installed during any period of license revocation required to be imposed
33 pursuant to paragraph (b) of subdivision two of this section, and, upon
34 the termination of such revocation period, for an additional period as
35 determined by the court or as otherwise provided in paragraph (g) of
36 subdivision one of this section; and (ii) order that such person receive
37 an assessment of the degree of their alcohol or substance abuse and
38 dependency pursuant to the provisions of section eleven hundred ninety-
39 eight-a of this article. Where such assessment indicates the need for
40 treatment, such court is authorized to impose treatment as a condition
41 of such sentence except that such court shall impose treatment as a
42 condition of a sentence of probation or conditional discharge pursuant
43 to the provisions of subdivision three of section eleven hundred nine-
44 ty-eight-a of this article. Any person ordered to install an ignition
45 interlock device pursuant to this paragraph shall be subject to para-
46 graph (g) of subdivision one of this section and the provisions of
47 subdivisions four, five, seven, eight and nine of section eleven hundred
48 ninety-eight of this article.

49 § 5. Subdivisions 1, 2, 3, 4 and 5 of section 1198 of the vehicle and
50 traffic law, subdivisions 1, 2, 3, 4 and paragraph (a) of subdivision 5
51 as amended by chapter 496 of the laws of 2009, paragraph (a) of subdivi-
52 sion 4 as amended by chapter 169 of the laws of 2013, and subdivision 5
53 as amended by chapter 669 of the laws of 2007, are amended and a new
54 subdivision 1-a is added to read as follows:

55 1. Applicability. The provisions of this section shall apply through-
56 out the state to each person required or otherwise ordered by a court as

1 a condition of sentence, plea, probation or conditional discharge, which
2 shall prohibit the operation of a motor vehicle without a functioning
3 ignition interlock device and requires such person to install and [oper-
4 ate] maintain an ignition interlock device in any vehicle [which he or
5 she owns or operates] owned or operated by such person.

6 1-a. Definitions. For the purposes of this section and subdivision one
7 of section eleven hundred ninety-three of this article, the following
8 terms shall have the following meanings:

9 (a) The term "blood alcohol concentration" or "BAC" shall mean the
10 weight amount of alcohol contained in a unit volume of blood, measured
11 as grams ethanol/one hundred milliliters blood, and expressed as %
12 BAC.

13 (b) The term "certificate of completion" shall mean a document issued
14 by the monitor after the conclusion of the ignition interlock period set
15 by the criminal court, including any extensions or modifications as
16 may have subsequently occurred which shows either satisfactory
17 completion of the ignition interlock condition or a change by the court
18 in a pre-sentence order no longer requiring the need for a device, or a
19 change in the conditions of probation or conditional discharge no
20 longer requiring the need for a device after completion of the ignition
21 interlock period as set forth in section eleven hundred ninety-three of
22 this article.

23 (c) The term "circumvent" shall mean to request, solicit or allow
24 any other person to blow into an ignition interlock device or to start
25 a motor vehicle equipped with the device, for the purpose of providing
26 the operator whose driving privileges is so restricted with an oper-
27 able motor vehicle, or to blow into an ignition interlock device or
28 start a motor vehicle equipped with the device for the purpose of
29 providing an operable motor vehicle to a person whose driving priv-
30 ilege is so restricted or to tamper with an operable ignition interlock
31 device.

32 (d) The term "county" shall mean every county outside of the city of
33 New York, and the city of New York as a whole.

34 (e) The term "division" shall mean the division of criminal
35 justice services.

36 (f) The term "drinking driver program" or "impaired driver program"
37 shall mean an alcohol and drug rehabilitation program established pursu-
38 ant to section eleven hundred ninety-six of this article.

39 (g) The term "failed tests" shall mean a start-up re-test or roll-
40 ing re-test at or above the set point, or a missed rolling re-test.

41 (h) The term "ignition interlock monitor" or "monitor" shall mean
42 the local probation department where the operator is under interim
43 probation supervision or probation or any person or entity designated in
44 the county's ignition interlock program plan for any operator granted
45 conditional discharge or otherwise required to install an ignition
46 interlock device who monitors compliance with the provisions of this
47 section and the concurrent regulations related thereto.

48 (i) The term "installation/service provider" shall mean an entity
49 located in the state approved by a qualified manufacturer that installs,
50 services, and/or removes an ignition interlock device.

51 (j) The term "operator" shall mean a person who is subject to instal-
52 lation of an ignition interlock device arising from a charge or
53 conviction under this article or the penal law, where a violation of
54 this article is an essential element thereof, or arising from a youth-
55 ful adjudication of any such offense.

1 (k) The term "owned or operated" shall refer to a vehicle owned by the
2 person required by a court to install an ignition interlock device as a
3 condition of probation or conditional discharge or, alternatively, the
4 vehicle most regularly operated by such person regardless of registra-
5 tion or title.

6 (l) The term "qualified manufacturer" shall mean a manufacturer or
7 distributor of an ignition interlock device certified by the depart-
8 ment of health which has satisfied the specific operational requirements
9 herein and has been approved as an eligible vendor by the division in
10 the designated region where the county is located.

11 (m) The term "random test" shall include a start-up re-test, a rolling
12 test, or rolling re-test as those terms are defined herein.

13 (n) The term "start-up test" shall mean a breath test taken by the
14 operator to measure the operator's blood alcohol concentration prior
15 to starting the vehicle's ignition.

16 (o) The term "start-up re-test" shall mean a breath test taken by the
17 operator to measure the operator's blood alcohol concentration required
18 within five to fifteen minutes of a failed start-up test.

19 (p) The term "rolling test" shall mean a breath test, administered at
20 random intervals, taken by the operator while the vehicle is running.

21 (q) The term "rolling re-test" shall mean a breath test, taken by the
22 operator while the vehicle is running, within one to three minutes after
23 a failed or missed rolling test.

24 (r) The term "failed rolling re-test" shall mean a rolling re-test in
25 which the operator's BAC is at or above the set point.

26 (s) The term "missed rolling re-test" shall mean failure to take the
27 rolling re-test within the time period allotted to do so.

28 (t) The term "service visit" shall mean a visit by the operator or
29 another driver of the subject vehicle to or with the
30 installation/service provider for purposes of having the ignition inter-
31 lock device inspected for repair, defect, and detection of tampering
32 and/or circumvention, downloaded, recalibrated, or maintained.

33 (u) The term "set point" shall mean a pre-set or pre-determined BAC
34 setting at which, or above, the device will prevent the ignition of a
35 motor vehicle from operating. For the purposes of this section and
36 subdivision one of section eleven hundred ninety-three of this article,
37 the set point shall be a BAC of .025.

38 (v) The term "tamper" shall mean to alter, disconnect, physically
39 disable, remove, deface, or destroy an ignition interlock device or any
40 of its component seals.

41 2. Requirements. (a) In addition to any other penalties prescribed by
42 law, the court shall require that any person who has been convicted [~~of~~]
43 or adjudicated a youthful offender for a violation of subdivision two,
44 two-a [~~of~~], three or four-a of section eleven hundred ninety-two of this
45 article, or any crime defined by this chapter or the penal law of which
46 an alcohol-related violation of any provision of section eleven hundred
47 ninety-two of this article is an essential element, [~~to~~] shall not oper-
48 ate a motor vehicle without a functioning ignition interlock device and
49 shall install and maintain, as a condition of plea, sentence, probation
50 or conditional discharge, a functioning ignition interlock device in
51 accordance with the provisions of this section and, as applicable, in
52 accordance with the provisions of subdivisions one and one-a of section
53 eleven hundred ninety-three of this article; provided, however, the
54 court may not authorize the operation of a motor vehicle by any person
55 whose license or privilege to operate a motor vehicle has been revoked
56 except as provided herein. For any such individual subject to a sentence

1 of probation, installation and maintenance of such ignition interlock
2 device shall be a condition of probation.

3 (b) Nothing contained in this section shall prohibit a court, upon
4 application by a probation department, from modifying the conditions of
5 probation of any person convicted of any violation set forth in para-
6 graph (a) of this subdivision prior to the effective date of this
7 section, to require the installation and maintenance of a functioning
8 ignition interlock device, and such person shall thereafter be subject
9 to the provisions of this section.

10 ~~[(c) Nothing contained in this section shall authorize a court to~~
11 ~~sentence any person to a period of probation or conditional discharge~~
12 ~~for the purpose of subjecting such person to the provisions of this~~
13 ~~section, unless such person would have otherwise been so eligible for a~~
14 ~~sentence of probation or conditional discharge.]~~

15 3. Conditions. (a) ~~[Notwithstanding any other provision of law]~~ Except
16 as otherwise provided for sentences imposed pursuant to paragraph (g) of
17 subdivision one of section eleven hundred ninety-three of this article,
18 the commissioner may grant a post-revocation conditional license, as set
19 forth in paragraph (b) of this subdivision, to a person who has been
20 convicted of a violation of subdivision two, two-a ~~[ex]~~, three or four-a
21 of section eleven hundred ninety-two of this article and who has been
22 sentenced to a period of probation or conditional discharge, provided
23 the person has satisfied the minimum period of license revocation estab-
24 lished by law and the commissioner has been notified that such person
25 may operate only a motor vehicle equipped with a functioning ignition
26 interlock device. No such request shall be made nor shall such a
27 license be granted, however, if such person has been found by a court to
28 have committed a violation of section five hundred eleven of this chap-
29 ter during the license revocation period or deemed by a court to have
30 violated any condition of probation or conditional discharge set forth
31 by the court relating to the operation of a motor vehicle or the
32 consumption of alcohol. In exercising discretion relating to the issu-
33 ance of a post-revocation conditional license pursuant to this subdivi-
34 sion, the commissioner shall not deny such issuance based solely upon
35 the number of convictions for violations of any subdivision of section
36 eleven hundred ninety-two of this article committed by such person with-
37 in the ten years prior to application for such license. Upon the termi-
38 nation of the period of probation or conditional discharge set by the
39 court, the person may apply to the commissioner for restoration of a
40 license or privilege to operate a motor vehicle in accordance with this
41 chapter.

42 (b) Notwithstanding any inconsistent provision of this chapter, a
43 post-revocation conditional license granted pursuant to paragraph (a) of
44 this subdivision shall be valid only for use by the holder thereof, (1)
45 ~~[enroute]~~ en route to and from the holder's place of employment, (2) if
46 the holder's employment requires the operation of a motor vehicle then
47 during the hours thereof, (3) ~~[enroute]~~ en route to and from a class or
48 course at an accredited school, college or university or at a state
49 approved institution of vocational or technical training, (4) to and
50 from court ordered probation activities, (5) to and from a motor vehicle
51 office for the transaction of business relating to such license, (6) for
52 a three hour consecutive daytime period, chosen by the department, on a
53 day during which the participant is not engaged in usual employment or
54 vocation, (7) ~~[enroute]~~ en route to and from a medical examination or
55 treatment as part of a necessary medical treatment for such participant
56 or member of the participant's household, as evidenced by a written

1 statement to that effect from a licensed medical practitioner, (8)
2 [~~enroute~~] en route to and from a class or an activity which is an
3 authorized part of the alcohol and drug rehabilitation program and at
4 which participant's attendance is required, and (9) [~~enroute~~] en route
5 to and from a place, including a school, at which a child or children of
6 the participant are cared for on a regular basis and which is necessary
7 for the participant to maintain such participant's employment or enroll-
8 ment at an accredited school, college or university or at a state
9 approved institution of vocational or technical training.

10 (c) The post-revocation conditional license described in this subdivi-
11 sion may be revoked by the commissioner for sufficient cause including
12 but not limited to, failure to comply with the terms of the condition of
13 probation or conditional discharge set forth by the court, conviction of
14 any traffic offense other than one involving parking, stopping or stand-
15 ing [~~ex~~], conviction of any alcohol or drug related offense, misdemeanor
16 or felony, any violation of this article with respect to operating a
17 motor vehicle without a functioning ignition interlock device when
18 required to do so, or failure to install or maintain a court ordered
19 ignition interlock device.

20 (d) Nothing contained herein shall prohibit the court from requiring,
21 as a condition of probation or conditional discharge, the installation
22 of a functioning ignition interlock device in any vehicle owned or oper-
23 ated by a person sentenced for a violation of subdivision two, two-a,
24 [~~ex~~] three or four-a of section eleven hundred ninety-two of this [~~chap-~~
25 ~~ter~~] article, or any crime defined by this chapter or the penal law of
26 which an alcohol-related violation of any provision of section eleven
27 hundred ninety-two of this [~~chapter~~] article is an essential element, if
28 the court in its discretion, determines that such a condition is neces-
29 sary to ensure the public safety. Imposition of an ignition interlock
30 condition shall in no way limit the effect of any period of license
31 suspension or revocation set forth by the commissioner or the court.

32 (e) Nothing contained herein shall prevent the court from applying any
33 other conditions of probation or conditional discharge allowed by law,
34 including treatment for alcohol or drug abuse, restitution and community
35 service.

36 (f) The commissioner shall note on the operator's record of any person
37 restricted pursuant to this section that, in addition to any other
38 restrictions, conditions or limitations, such person may operate only a
39 motor vehicle equipped with an ignition interlock device.

40 4. Proof of compliance and recording of condition. (a) Following
41 imposition by the court of the use of an ignition interlock device as a
42 condition plea, sentence, of probation or conditional discharge it shall
43 require the person to provide proof of compliance with this section to
44 the court and the probation department or other monitor where such
45 person is under probation or conditional discharge supervision. A claim
46 by such person that he or she has good cause for not installing an
47 ignition interlock device shall be made to the court at or before
48 sentencing, in writing in the form of a sworn affidavit signed by such
49 person asserting under oath that: (1) he or she is not the registered or
50 titled owner of any motor vehicle and will not operate any motor vehicle
51 during the period of restriction; and (2) that such person does not have
52 access to the vehicle operated by such person at the time of the
53 violation of section eleven hundred ninety-two of this article; and (c)
54 that the registered owner of that vehicle or any vehicle registered to
55 such person's household will not give consent for the installation of an
56 interlock device on his or her vehicle. The affidavit shall include a

1 statement regarding whether such person owned any motor vehicle on the
2 date of the underlying violation of section eleven hundred ninety-two of
3 this article and whether ownership of any of those vehicles has been
4 transferred to another party by sale, gift or any other means since the
5 date of said violation. The affidavit shall also include a statement
6 from such person that he or she has not and will not transfer ownership
7 of any vehicle to evade installation of an ignition interlock device,
8 the address of such person's employment, if applicable, and how such
9 person intends to travel to that location during the period of
10 restriction. The person also may include any other facts and circum-
11 stances he or she believes to be relevant to the claim of good cause.
12 The court shall make a finding whether good cause exists on the record
13 and, if good cause shall be found, issue such finding in writing to be
14 filed by such person with the probation department or the ignition
15 interlock monitor, as appropriate. In the event the court denies such
16 person's claim of good cause on the basis of the affidavit filed with
17 the court, such persons shall be given an opportunity to be heard. Such
18 person shall also be permitted to waive the opportunity to be heard, if
19 he or she chooses to do so. If ~~the~~ a person shall be ordered to
20 install and maintain an ignition interlock device, and such person fails
21 to provide for such proof of installation, absent a finding by the court
22 of good cause for that failure which is entered in the record, the court
23 may revoke, modify, or terminate the person's sentence of probation or
24 conditional discharge as provided under law. [~~Good cause may include a~~
25 ~~finding that the person is not the owner of a motor vehicle if such~~
26 ~~person asserts under oath that such person is not the owner of any motor~~
27 ~~vehicle and that he or she will not operate any motor vehicle during the~~
28 ~~period of interlock restriction except as may be otherwise authorized~~
29 ~~pursuant to law.] "Owner" shall have the same meaning as provided in~~
30 section one hundred twenty-eight of this chapter.

31 (b) When a court imposes the condition specified in subdivision one of
32 this section, the court shall notify the commissioner in such manner as
33 the commissioner may prescribe, and the commissioner shall note such
34 condition on the operating record of the person subject to such condi-
35 tions.

36 5. Cost, installation and maintenance. (a) The cost of installing and
37 maintaining the ignition interlock device shall be borne by the person
38 subject to such condition unless the court determines such person is
39 financially unable to afford such cost whereupon such cost may be
40 imposed pursuant to a payment plan or waived. In the event of such
41 waiver, the cost of the device shall be borne in accordance with regu-
42 lations issued under paragraph (g) of subdivision one of section eleven
43 hundred ninety-three of this article or pursuant to such other agreement
44 as may be entered into for provision of the device. Such cost shall be
45 considered a fine for the purposes of subdivision five of section 420.10
46 of the criminal procedure law. Such cost shall not replace, but shall
47 instead be in addition to, any fines, surcharges, or other costs imposed
48 pursuant to this chapter or other applicable laws.

49 (b) The installation and service provider of the device shall be
50 responsible for the installation, calibration, and maintenance of such
51 device.

52 (c) Failure to install such device, failure to appear for a service
53 visit or failure to comply with service instructions or circumvention of
54 or tampering with the device, in violation of regulations promulgated by
55 the division of criminal justice services, shall constitute a violation

1 of the conditions of a person's sentence, probation or conditional
2 discharge.

3 § 6. Paragraph (k-1) of subdivision 2 of section 65.10 of the penal
4 law, as amended by chapter 669 of the laws of 2007, is amended to read
5 as follows:

6 (k-1) Install and maintain a functioning ignition interlock device, as
7 that term is defined in section one hundred nineteen-a of the vehicle
8 and traffic law, in any vehicle owned or operated by the defendant [~~if~~
9 ~~the court in its discretion determines that such a condition is neces-~~
10 ~~sary to ensure the public safety. The court may require such condition~~
11 ~~only where a person has been convicted of a violation of subdivision~~
12 ~~two, two-a or three of section eleven hundred ninety-two of the vehicle~~
13 ~~and traffic law, or any crime defined by the vehicle and traffic law or~~
14 ~~this chapter of which an alcohol-related violation of any provision of~~
15 ~~section eleven hundred ninety-two of the vehicle and traffic law is an~~
16 ~~essential element. The offender shall be required], provided the court
17 shall require the defendant to install and operate the ignition inter-
18 lock device [~~only~~] in accordance with the provisions of paragraphs (g),
19 (h), (j) and (l) of subdivision one of section eleven hundred ninety-
20 three and section eleven hundred ninety-eight of the vehicle and traffic
21 law.~~

22 § 7. The division of criminal justice services is authorized and
23 directed to compile and publish annually a report on its website of the
24 total number of repeat convictions with respect to violations of section
25 1192 of the vehicle and traffic law for the five years succeeding the
26 effective date of this act, and shall also include the total number of
27 repeat convictions for the five years preceding the effective date in
28 such report. The division is authorized and directed to coordinate with
29 any other agency, authority, department, division, bureau, or political
30 subdivision to compile this information, including without limitation
31 the governor's highway traffic safety committee.

32 § 8. The commissioner of the division of criminal justice services, in
33 consultation with the commissioner of the department of motor vehicles,
34 shall promulgate any rules or regulations necessary to effectuate the
35 provisions of this act.

36 § 9. This act shall take effect on the first of November next succeed-
37 ing the date on which it shall have become a law, provided, however,
38 that the amendments to section 1198 of the vehicle and traffic law made
39 by section five of this act shall not affect the repeal of such section
40 and shall be deemed repealed therewith.

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

INTRO. 12-2	MALCZEWSKI	Calling for the Department of Public Works -- Division of Highways to Provide a Preventative Maintenance Plan to the Legislature
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Attachments

23INTRO. 12-2

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

Re: Calling for the Department of Public Works – Division of Highways to Provide a Preventative Maintenance Plan to the Legislature

WHEREAS, the Erie County Highway Department maintains 1,176 centerlane miles of road; and

WHEREAS, the lifespan of these roads is impacted by the weather and climate of the Western New York region; and

WHEREAS, regular maintenance of these roads is required to keep them safe and passable; and

WHEREAS, preventative maintenance can extend the useful life of roadways at a significantly lower cost than full replacement; and

WHEREAS, the Division of Highways has set a goal of accomplishing 100 miles of pavement preservation improvements per year; and

WHEREAS, such a plan would allow the Division of Highways to cycle through and accomplish pavement preservation every twelve years; and

WHEREAS, understanding that the need for pavement preservation is contingent on not just weather, but other factors, such as use (for example, the average age of pavement surface on the New York State Thruway is 6 years), some roads may need to be addressed more frequently than others; and

WHEREAS, understanding also that emergencies arise that require adjustments to any preventative maintenance plan; and

WHEREAS, providing the Legislature with 12-year preventative maintenance plan which specifically lists roadways and the type of preventative maintenance procedure anticipated would allow the Legislature to more effectively monitor and evaluate road conditions and projects, as well as enable Legislators to be more responsive to constituent inquiries.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature directs the Erie County Department of Public Works, Division of Highways to provide a twelve-year pavement preservation program, including the roads to be addressed by year, as well as the planned maintenance, to be updated on an annual basis; and

RESOLVED, that a copy of this resolution be transmitted to the Erie County Executive and the Commissioner of the Department of Public Works.

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 11E-35	From the Public Safety Committee	From the Sheriff - Lease Space at 10 Centre Dr., Orchard Park
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Attachments

23COMM. 11E-35

DISCHARGE

May 24, 2023

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Erie County Sheriff's Office Warehouse and Office Lease

Dear Honorable Members:

The Erie County Sheriff's Office is requesting authorization for the County of Erie to enter into a lease for warehouse and office space at 10 Centre Drive, Orchard Park, with Twenty-Four Ventures LLC for the purpose of housing the Erie County Sheriff's Office Special Services Division.

Should your Honorable Body require further information, please contact my office. Thank you for your consideration on this matter.

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

DISCHARGE

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Erie County Sheriff's Office warehouse and office lease
Date: May 24, 2023

Summary of Recommended Action

The Erie County Sheriff's Office is requesting authorization for the County of Erie to enter into a lease for warehouse and office space at 10 Centre Drive in the Town of Orchard Park with 13 Centre Drive OPNY LLC for the purpose of housing the Sheriff's Office Special Services Division, Inventory Facility, and secure storage of emergency response equipment.

Fiscal Implications of the Proposal

The leasing of warehouse and office space is substantially less expensive than the County building new space. Necessary funds to cover lease costs will be transferred by approval of the attached resolution and will have no impact on the 2023 County Budget.

Reasons for Recommendation

The Cold War Era nuclear bunker located at Chestnut Ridge Park, currently occupied by the Erie County Sheriff's Office, is being decommissioned by the Erie County Public Works Department.

Background Information

The Erie County Sheriff's Office is required to lease space due to the lack of availability in other County-owned buildings. The Sheriff's Office bunker at Chestnut Ridge is being decommissioned by the Erie County Public Works Department as most of its internal mechanical and structural components are failing, and would not meet current Uniform Building and Fire Code requirements, and it would be extraordinarily expensive to update what is essentially a concrete subsurface vault. This location currently houses the Erie County Sheriff's Special Services Division, Detectives, and all of Special Services' sensitive equipment. A Request-for-Proposals was issued for new space, and the department considered several options. The selected location provided the most suitable location for deployment of emergency responses, and had the highest quality and lowest-priced warehouse space, and competitive pricing for the commercial space, and was chosen for those reasons.

Consequences of Negative Action

The County will not be able to proceed with lease finalization

Steps Following Approval of Measure

Certified copies shall be forwarded to the County Executive's Office, the County Attorney, the Division of Budget and Management, the Division of Purchasing, the Office of the Comptroller, and the Office of the Sheriff for implementation.

DISCHARGE

A RESOLUTION SUBMITTED BY: ERIE COUNTY SHERIFF'S OFFICE

Re: Erie County Sheriff's Office warehouse and office lease

WHEREAS, the Sheriff's Department has been operating road patrol, emergency command center, evidence rooms, and K-9 units, which service all of Erie County, out of circa 1940 former disaster response shelter commonly known as the "Bunker", which is accessible through Chestnut Ridge Park in the Town of Orchard Park; and

WHEREAS, the continued use of the Bunker presents several habitability and operational concerns in that:

1. It is a subsurface concrete vault out of which approximately 30 Sheriff personnel work without any windows or light shafts, or natural gas service, and which has limited mechanical airflow, and water infiltration problems; and
2. It lacks the ability to provide protected storage for heavier emergency response equipment and thus emergency equipment must be gathered up from several locations when needed; and
3. Rapid responses from the center face initial delays due to the need to exit the structure through a limited access point, and then traverse a heavily utilized park before hitting the public roads; and
4. Sanitary system lines buried beneath the concrete bunker have been failing increasing the stresses to the already concerning working conditions; and
5. Air quality and humidity can threaten ability to preserve documents over time which are required to be held in the evidence room; and
6. Emergency egress from the facility may not meet current Uniform Building and Fire Code requirements; and
7. Conditions at the site are not suitable for meeting with the public; and

WHEREAS the Sheriff's Office is in need of healthier, safer, and more habitable office space, and warehouse space to connect man power with larger high tech equipment, and

WHEREAS a new facility could improve response times, improve workplace conditions, improve emergency service functionality, and also could provide witness interview rooms, space for mandated training of personnel and training space for K-9 units, and

WHEREAS, a Request-for-Proposals was issued for new space by the Department of Public Works, and the Sheriff's Office considered several options; and

WHEREAS, the Sheriff's Office concluded the most suitable and appropriately sized combined warehouse and office space, with the best sited location for a multifunctional Emergency Command Center, with potential for a secure inventory facility, that could house detectives quarters, interview rooms, K-9 units, and oversized emergency response vehicles and equipment, in a centrally located area of the County without restricted access to State and County roads was 13 Centre Drive in the Town of Orchard Park; and

DISCHARGE

WHEREAS, 13 Centre Drive provided the lowest price on warehouse space at (\$5.40 per sq. ft with 4% annual increases, and a competitive commercial space price of \$25.40 per sq. ft with 4% annual increases.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to execute a triple net lease on behalf of the Erie County Sheriff's Office with 13 Centre Drive OPNY LLC to procure 22,900 square feet of commercial space, and 23,811 square feet of warehouse space for a base rent cost of \$710,239.40 per year, with a 4 percent increase for an initial term of ten years, and up to two five year renewals subject to subsequent Legislative Body approval before executing said renewals, and be it further

RESOLVED, that the Director of Budget and Management is authorized to transfer \$786,001 in unbudgeted revenue from Fund 110, Funds Center 14010, Account 402250, Gaming Facilities Aid to Fund 110, Funds Center 11510, Account 545000 to facilitate these leases and build-outs; and be it further

RESOLVED, that the Director of Budget and Management is authorized to transfer \$163,999 in unbudgeted cost savings from Fund 110, Funds Center 120, Account 525150, DSH Expense to Fund 110, Funds Center 11510, Account 545000 to facilitate these leases and build-outs; and be it further

RESOLVED, that the Director of Budget and Management is authorized to transfer \$200,000 from Shared Reserve Asset ICE Fund 610, Fund Center 11510, Account #221900 to Fund 110, Fund Center 11510, Account 545000 to facilitate this lease and build-outs; and be it further

RESOLVED, the Erie County Comptrollers Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any necessary fund adjustments to facilitate this resolution; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Sheriff, Department of Public Works, and the Director of the Division of Budget and Management.

FISCAL impact: as indicated

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

****Proposed Amendment to COMM. 11E-35

Attachments

Proposed Amendment to COMM. 11E-35

Erie County Legislature – Meeting No. 12
June 8, 2023
Amendment to COMM. 11E-35

Delete the First Resolve Clause and Replace with the Following:

RESOLVED, the County Executive is authorized to execute a triple net lease on behalf of the Erie County Sheriff's Office with 13 Centre Drive OPNY LLC to procure 22,900 square feet of commercial space, and 23,811 square feet of warehouse space for a base rent cost of \$710,239.40 per year, with a 4 percent increase for an initial term of ten years with up to two five year renewals, and is further authorized to construct up to \$1 million in improvements to include building out a secure climate controlled inventory room, a secure armory, reconfigure bay access with enlarged at grade openings, and further reconfigure the facility to meet the needs of the Sheriff's Office; and be it further

Delete the Second Resolve Clause and Replace with the Following:

RESOLVED, that the Director of Budget and Management is authorized to transfer \$786,001 in unbudgeted revenue from Fund 110, Funds Center 14010, Account 402550, Gaming Facilities Aid to Fund 110, Funds Center 11510, Account 545000 to facilitate these leases and build-outs; and be it further

Delete the Fourth Resolve Clause and Replace with the Following:

RESOLVED, that the Director of Budget and Management is authorized to transfer \$200,000 from Shared Reserve Asset ICE Fund 610, Fund Center 11510, Account #221900 to Fund 110, Fund Center 11510, Account 545000 to facilitate this lease; and be it further

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12D-3	COUNTY ATTORNEY	Opinion as to Form Local Law Intro No. 5-1 (2023)
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Attachments

COMM. 12D-3

SUSPENSION



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 7, 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 5-1 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. 5-1 2023 (5-1).

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, 5-1 does not present any direct conflicts with state statute and since the State Legislature has not taken specific action to assume sole regulatory authority on this topic, 5-1 does not present a preemption issue of concern.

Grammar

The stated purpose of 5-1 is to promote and encourage economic development of service-disabled veteran-owned businesses by encouraging greater participation in County contracts. We find the grammar and usage of 5-1 to be sufficient in order to achieve the stated purpose.

SUSPENSION

Ambiguities

While every hypothetical circumstance or eventuality cannot be addressed in the scope of this opinion, 5-1 does not present any facial ambiguities that would frustrate its implementation and enforcement.

Conclusion

We find that Local Law Intro. 5-1 2023 is sufficient as to form.

Very truly yours,
JEREMY C. TOTH
Erie County Attorney



By: Gregory P Kammer
Assistant Erie County Attorney

GPK/lda

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-1

COMPTROLLER

Financial Statements & Management Letter for
ECC - Fiscal Year Ending 8/31/2022

Attachments

23COMM. 12E-1



ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

June 1, 2023

Honorable Members
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Honorable Mark C. Poloncarz
Erie County Executive
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Dear Honorable Members and County Executive Poloncarz:

Enclosed is the audited Financial Statements and Management Letter for Erie Community College ("ECC") for the fiscal year ended August 31, 2022.

If you have any questions regarding the enclosed, please contact me at 858-8404.

Sincerely,

A handwritten signature in blue ink that reads "Kevin R. Hardwick".

Kevin R. Hardwick, Ph.D.
Erie County Comptroller

Enclosure

cc: Robert W. Keating, Director, Budget and Management
Adiam Tsegai, Ph.D., Officer in Charge, ECC (without Enclosure)
Erie County Audit Committee

Certified Public Accountants

March 30, 2023

To the Board of Trustees of SUNY Erie
and Audit Committee of the County of Erie, New York:

In planning and performing our audit of the basic financial statements of SUNY Erie (the "College"), a component unit of the County of Erie, New York, as of and for the year ended August 31, 2022, in accordance with 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, we considered the College's internal control over financial reporting ("internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we do not express an opinion on the effectiveness of the College's internal control over financial reporting.

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 reasonable possibility exists when the likelihood of an event occurring is either reasonably possible or probable as defined as follows:

- *Reasonably possible.* The chance of the future event or events occurring is more than remote but less than likely.
- *Probable.* The future event or events are likely to occur.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

During our audit we identified certain matters involving the internal control, other operational matters and future reporting requirements that are presented for your consideration. This letter does not affect our report dated March 30, 2023 on the financial statements of the College. We will review the status of these comments during our next audit engagement. Our comments and recommendations, all of which have been discussed with appropriate members of management, are intended to improve the internal control or result in other operating efficiencies. Our comments are summarized in Exhibit I.

The purpose of this communication, which is an integral part of our audit, is to describe for management and those charged with governance, the scope of our testing of internal control and the results of that testing. Accordingly, this communication is not intended to be and should not be used for any other purpose.

Drescher & Malecki LLP

March 30, 2023

Declining Trends and Fund Balance Planning/Replenishment

Per the State University of New York's (SUNY) published enrollment data, New York State Community College's headcount enrollment has fallen consistently over the past 10 years from 243,007 in Fall of 2012 to 159,333 in Fall of 2022. Since the Fall of 2012, there has been a reduction of approximately 34% in enrollment. More specifically, SUNY Erie has experienced a greater decline in headcount, decreasing from 14,116 in the Fall of 2012 to 8,904 in the Fall of 2022, equal to a decrease of approximately 37% in enrollment.

In response to the declining enrollment trends in recent years, SUNY Erie (the "College") has seen an increased reliance on one-time sources of revenues from pandemic relief funds and the use of unrestricted reserve funds to balance their budgets. Over the three fiscal years ended August 31, 2020 through 2022, the College has recognized over \$23.5 million in federal relief funds under the allowable claim for lost revenues, which refers to those revenues an institution of higher education otherwise expected but were reduced or eliminated as a result of the novel coronavirus 2019 (COVID-19) pandemic. The expectation or calculation as allowed by the U.S. Department of Education was based on a revenue average of the most recent three years prior to the pandemic; this average amount for the College's tuition and fees was over \$55 million. Looking ahead, the College's budgeted tuition and fees for 2022-2023 is \$38.1 million, nearly \$17 million less than what was expected in tuition and fees pre-pandemic, and what was relied on in federal aid during the pandemic. The federal pandemic relief funds that supported the College over the last three years is no longer available; this is evident as the College budgeted \$0 within "Federal Grants & Contracts" for the 2022-2023 budget. As a result, the College balanced its 2022-2023 budget with unrestricted reserve funds of \$8.96 million.

From a current financial resources perspective, the College's calculated unrestricted fund balance at August 31, 2022 was \$14.4 million, as reported within their annual report to SUNY. Further, the \$14.7 million of unrestricted fund balance represents roughly 12.4 percent of operating expenses for the year, which falls below the two month minimum threshold (16.67 percent) as set forth by the College's Fund Balance Policy. This amount is anticipated to decrease by \$8.96 million based on the amount appropriated within the 2022-2023 budget. SUNY Erie, in conjunction with Erie County, launched a retirement incentive program for retirees with planned savings of \$2.5 million for eligible retirees, while also implementing layoffs prior to August 31, 2022 in efforts to address the shortfall.

Adequate cash flow and unrestricted fund balance will continue to be essential for the College to maintain service levels through the persistent decline in enrollment and operating in a post-pandemic era, where significant federal aid is seemingly no longer available. As such, we recommend that the College continue to carefully monitor operations to stabilize future budgets and develop a formal restoration plan to achieve and maintain the minimum fund balance as set forth in the Fund Balance Policy. The College should develop both a short-term and long-term plan to enhance its future budgets. These action plans should document and should pursue potential additional cost-cutting efforts and/or revenue enhancing options, including strategic tuition increases, increased collection efforts and real-time reporting, and marketing and recruitment strategies to continue to stabilize enrollment.

Year-End Journal Entry Procedures

Throughout the audit it was noted the College does not have any formal policies or procedures surrounding the recording of non-standard journal entries, as evidenced by significant year-end journal entries and large balances within the College's interfund loans between its operating and grants funds.

We recommend that the College update their current policies and procedures surrounding journal entries. This policy or procedure should designate individuals who are responsible for preparing, reviewing and posting of nonstandard journal entries and year-end entries. Also, this policy should include a reasonable cut-off date after the fiscal year end in which journal entries can be made before the records are closed.

Future Reporting Requirements

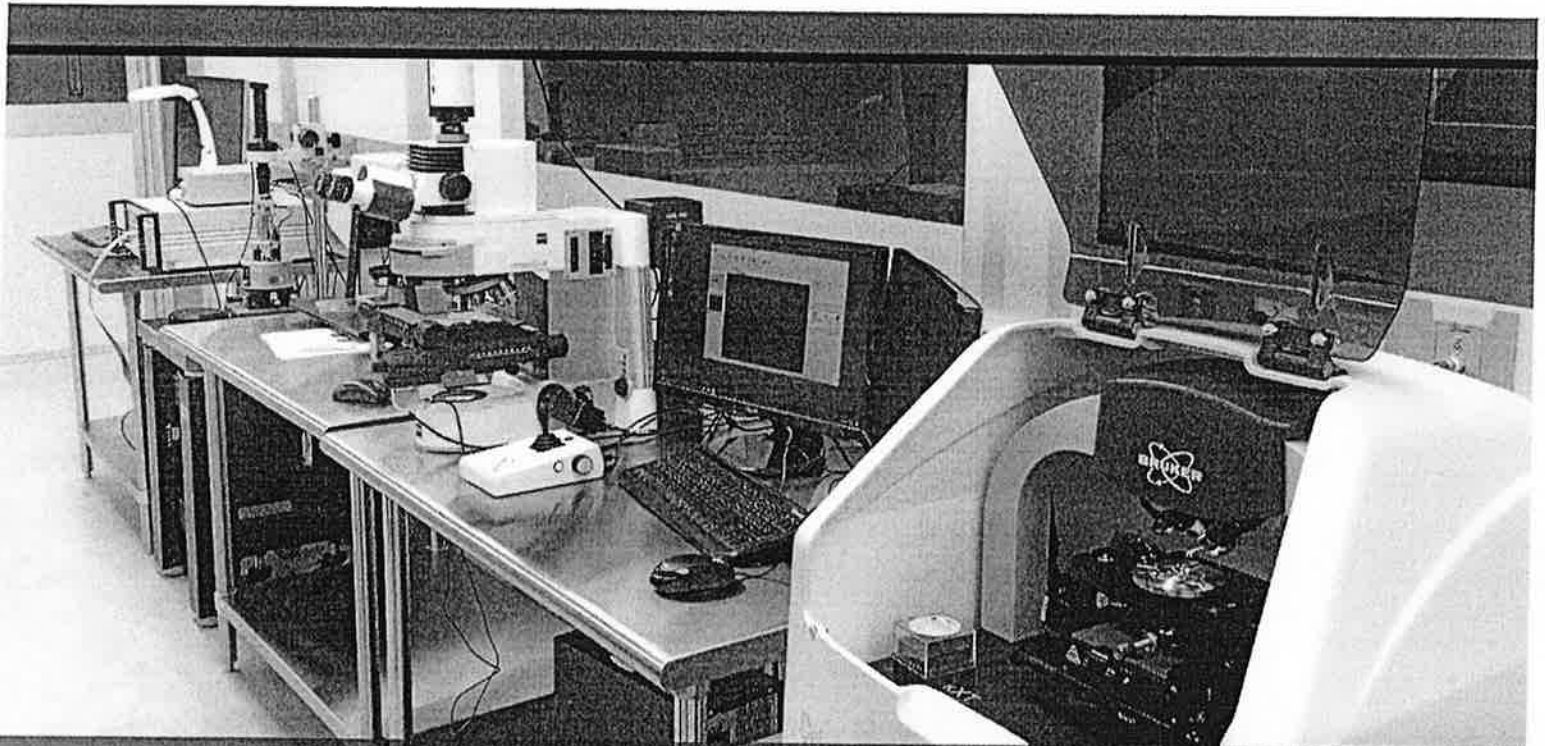
The Governmental Accounting Standards Board ("GASB") has adopted several new pronouncements, which may have a future impact upon the College. These should be evaluated to determine the extent the College will be impacted in future years.

GASB Statement No. 94—The College is required to implement GASB Statement No. 94, *Public-Public and Public-Private Partnerships and Availability Payment Arrangements*, effective for the fiscal year ending August 31, 2023. The objectives of this Statement are to improve financial reporting by addressing issued related to public-private and public-public partnerships arrangements ("PPPs").

GASB Statement No. 99—The College is required to implement GASB Statement No. 99, *Omnibus 2022*, effective for the fiscal year ending August 31, 2023, while other elements become effective during the fiscal year ending August 31, 2024. The objective of this Statement is to enhance comparability in accounting and financial reporting and to improve the consistency of authoritative literature by addressing (1) practice issues that have been identified during implementation and application of certain GASB Statements and (2) accounting and financial reporting for financial guarantees.

GASB Statement No. 100—The College is required to implement GASB Statement No. 100, *Accounting Changes and Error Corrections—an amendment of GASB Statement No. 62*, effective for the fiscal year ending August 31, 2024. The objective of this Statement is to improve financial reporting requirements for accounting changes and error corrections.

GASB Statement No. 101—The College is required to implement GASB Statement No. 101, *Compensated Absences*, effective for the fiscal year ending August 31, 2025. The objective of this Statement is to improve financial reporting by addressing issues related to the recognition and measurement for compensated absences.



SUNY ERIE | NANOTECHNOLOGY LAB | NORTH CAMPUS

(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)

**Basic Financial Statements and
Required Supplementary Information**

For the Years Ended August 31, 2022 and 2021,
Other Information and Federal Awards Information

For the Year Ended August 31, 2022 and Independent Auditors' Reports

SUNY ERIE
 (AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
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(concluded)

Certified Public Accountants

INDEPENDENT AUDITORS' REPORT

The Board of Trustees,
SUNY Erie:

Report on the Audit of the Financial Statements

Opinions

We have audited the financial statements of the business-type activities and the discretely presented component units of SUNY Erie (the "College"), a component unit of the County of Erie, New York, as of and for the years ended August 31, 2022 and 2021, and the related notes to the financial statements, which collectively comprise the College's basic financial statements as listed in the table of contents.

In our opinion, based on our audits and the reports of the other auditors, the accompanying financial statements present fairly, in all material respects, the respective financial position of the business-type activities and the discretely presented component units of the College, as of August 31, 2022 and 2021, and the respective changes in financial position and, where applicable, cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

We did not audit the financial statements of the Erie Community College Foundation, Inc. (the "Foundation") or the Auxiliary Services Corporation of Erie Community College (the "Corporation"), which represent 67.1 percent and 32.9 percent, respectively of the assets, and 41.0 percent and 59.0 percent, respectively of the revenues of the discretely presented component units. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for the Foundation and Corporation is based solely on the report of the other auditors.

Basis for Opinions

We conducted our audits in accordance with auditing standards generally accepted in the United States of America ("U.S. 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. The financial statements of the Foundation and Corporation were not audited in accordance with *Government Auditing Standards*. We are required to be independent of the College and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

College management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the College's ability to continue as a going concern for twelve months 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 auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS 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, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the College's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the College's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis and other Required Supplementary Information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information

because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the College's basic financial statements. The Schedule of Expenditures of Federal Awards, as required by Title 2 U.S. Code of Federal Regulations ("CFR") Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance"), is presented for purposes of additional analysis and is not a required part of the basic financial statements. The Schedule of Expenditures of Federal Awards is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the Schedule of Expenditures of Federal Awards is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information included in the financial statements. The Other Information, as listed in the table of contents, does not include the basic financial statements and our auditor's report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated March 30, 2023 on our consideration of the College's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the College's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the College's internal control over financial reporting and compliance.

Drescher & Malecki LLP

March 30, 2023

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Management's Discussion and Analysis
Years Ended August 31, 2022 and 2021

As management of SUNY Erie (the "College"), we offer readers of the College's financial statements this narrative overview and analysis of the financial activities of the College for the fiscal years ended August 31, 2022 and 2021. We encourage readers to consider the information presented here in conjunction with additional information that we have furnished in the College's financial statements, which follow this narrative. For financial reporting purposes, the College's reporting entity consists of all operations of the College, as well as the financial activity of the Erie Community College Foundation, Inc. and the Auxiliary Services Corporation of Erie Community College, Inc., which are considered component units under Governmental Accounting Standards Board ("GASB").

Financial Highlights

- The College's primary government net position increased \$9.1 million and \$1.2 million for the years ended August 31, 2022 and 2021, respectively. During the year ended August 31, 2022, net position increased to \$(177.5) million, largely due to an increase in operating revenues of \$7.6 million.
- Overall revenues and transfers in (includes the County of Erie, New York (the "County") contribution) of the College increased to \$127.0 million, or 8.5%, compared to \$117.0 million for the year ended August 31, 2021. This increase is mainly due to increases in Federal grants.
- Operating expenses of the College increased \$2.2 million for the year ended August 31, 2022 compared to August 31, 2021. The increase is primarily attributable to increases in scholarships financed through Federal grants when compared to the prior year.

Overview of the Financial Statements

The discussion and analysis provided here is intended to serve as an introduction to the College's financial statements. The College's financial statements are comprised of two components: 1) the entity-wide financial statements and 2) the notes to the financial statements. This report also contains other supplementary information in addition to the financial statements themselves.

The College's financial statements include not only the College itself, but also the Erie Community College Foundation, Inc. and the Auxiliary Services Corporation of Erie Community College, Inc. Financial information for these component units is reported separately from the financial information presented for the primary entity itself.

The *statement of net position* presents information on all of the College's assets, deferred outflows of resources, liabilities, and deferred inflows of resources, with the difference between them reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the College is improving or deteriorating.

The *statement of revenues, expenses, and changes in net position* presents information indicating how the College's net position changed during the two most recent fiscal years. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of the related cash flows. Thus, revenues and expenses are reported in this statement for some items that will result in cash flows in future fiscal periods.

The *statement of cash flows* presents cash generated and used for the two most recent fiscal years summarized by operating, financing and investing activities, and provides a reconciliation of the College's net operating loss to its net cash used for operating activities.

The *notes to the financial statements* provide additional information that is essential to a full understanding of the data provided in the financial statements.

These financial statements also include Required Supplementary Information, other information and federal awards information accompanied by notes. The *Required Supplement Information* section presents information concerning the College's net pension liabilities and the College's progress in funding its obligation to provide postemployment benefits to its employees. The *Other Information* section presents information on certain financial information as recommended for community colleges by the State University of New York. The federal awards information and notes present information as required by the U.S. Office of Management and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance").

Financial Analysis—Primary Government

Net position over time may serve as a useful indicator of an entity's financial position. In the case of the College, liabilities and deferred inflows of resources exceeded assets and deferred outflows of resources (*net position*) by \$177.5 million at August 31, 2022 and \$186.6 million at August 31, 2021. The College's net position increased \$9.1 million in 2022 due to increases in federal assistance related to the impacts of the COVID-19 pandemic, as well as an increase in the County contribution.

Net position of the primary government of the College is displayed in two major categories:

- ***Net Investment in Capital Assets***—This category represents the College's total investment in long-lived capital assets such as building improvements, equipment and library collections, right-to-use leased assets, net of accumulated depreciation/amortization and less any related debt used to acquire those assets that is still outstanding.
- ***Unrestricted Net Position***—This category represents the resources derived primarily from student tuition and fees, state and sponsor appropriations and sales and services of educational activities that are not restricted. These resources are used for transactions related to the educational and general operations of the College, and may be used at the discretion of the Board of Trustees to meet current expenses for any purpose. Unrestricted net position was in a deficit position as of August 31, 2022 and 2021. This demonstrates that future funding will be necessary to liquidate long-term obligations.

Table 1—Condensed Statements of Net Position—Primary Government

	August 31,			
	2022		2021	
Current assets	\$ 38,178,756	54.7%	\$ 31,317,868	41.6%
Noncurrent assets	31,646,584	45.3%	43,880,824	58.4%
Total assets	<u>69,825,340</u>	<u>100.0%</u>	<u>75,198,692</u>	<u>100.0%</u>
Deferred outflows of resources	<u>70,722,581</u>	<u>100.0%</u>	<u>80,363,918</u>	<u>100.0%</u>
Current liabilities	18,869,089	8.9%	18,305,489	7.5%
Noncurrent liabilities	193,315,235	91.1%	224,570,576	92.5%
Total liabilities	<u>212,184,324</u>	<u>100.0%</u>	<u>242,876,065</u>	<u>100.0%</u>
Deferred inflows of resources	<u>105,841,795</u>	<u>100.0%</u>	<u>99,243,498</u>	<u>100.0%</u>
Net position:				
Net investment in capital assets	24,488,028	(13.8)%	26,327,106	(14.1)%
Unrestricted	<u>(201,966,226)</u>	<u>113.8%</u>	<u>(212,884,059)</u>	<u>114.1%</u>
Total net position	<u>\$ (177,478,198)</u>	<u>100.0%</u>	<u>\$ (186,556,953)</u>	<u>100.0%</u>

	August 31,			
	2021		2020	
Current assets	\$ 31,317,868	41.6%	\$ 30,650,386	51.8%
Noncurrent assets	43,880,824	58.4%	28,560,018	48.2%
Total assets	<u>75,198,692</u>	<u>100.0%</u>	<u>59,210,404</u>	<u>100.0%</u>
Deferred outflows of resources	<u>80,363,918</u>	<u>100.0%</u>	<u>64,366,501</u>	<u>100.0%</u>
Current liabilities	18,305,489	7.5%	19,191,959	7.9%
Noncurrent liabilities	224,570,576	92.5%	223,442,726	92.1%
Total liabilities	<u>242,876,065</u>	<u>100.0%</u>	<u>242,634,685</u>	<u>100.0%</u>
Deferred inflows of resources	<u>99,243,498</u>	<u>100.0%</u>	<u>68,720,650</u>	<u>100.0%</u>
Net position:				
Net investment in capital assets	26,327,106	(14.1)%	28,560,018	(15.2)%
Unrestricted	<u>(212,884,059)</u>	<u>114.1%</u>	<u>(216,338,448)</u>	<u>115.2%</u>
Total net position	<u>\$ (186,556,953)</u>	<u>100.0%</u>	<u>\$ (187,778,430)</u>	<u>100.0%</u>

At August 31, 2022 and 2021, total College assets were \$69,825,340 and \$75,198,692, respectively. The College's net capital assets (e.g., land improvements, building improvements, machinery and equipment, right-to-use leased assets less accumulated depreciation/amortization) total \$24,695,543 at August 31, 2022, which is a decrease of \$1.6 million from \$26,327,106, reported at August 31, 2021. During the year, the College's depreciation expense exceeded current year asset additions.

The College's cash and cash equivalents encompasses its second largest asset class, which total \$31,614,460 and \$25,497,092 as of August 31, 2022 and 2021, respectively. The increase in cash and cash equivalents is largely attributable to the results of the current year operations.

At August 31, 2022 and 2021, the College reported deferred outflows of resources of \$70.7 million and \$80.4 million, respectively, representing deferred outflows relating to OPEB and pensions. Decreases of \$6.2 million related to pensions and \$3.4 million related to OPEB result from changes in the assumptions used within the New York State and Local Retirement System, the New York State Teachers' Retirement System, and the OPEB actuarial reports. These changes in assumptions also contributed to a noncurrent net pension asset of \$7.0 million at August 31, 2022 related to the New York State Teachers' Retirement System.

The College reported current liabilities of approximately \$18.9 million and \$18.3 at August 31, 2022 and 2021, respectively. Noncurrent liabilities at August 31, 2022 decreased to \$193.3 million from \$224.6 million, at August 31, 2021. The College's proportionate share of the OPEB obligation of \$187.9 million, compared to \$219.6 million at August 31, 2021, is the College's most significant liability. Despite the significance of this benefit liability, the College believes it has sufficient resources to meet its ongoing obligation to students and creditors, even though unrestricted net position is presently in a deficit position.

At August 31, 2022 and 2021, the College reported deferred inflows of resources of \$105.8 million and \$99.2 million, respectively, representing deferred inflows relating to OPEB, pensions and leases receivable. This increase is mainly attributed to OPEB, which reported \$78.9 million of actuarially determined net differences between projected and actual earnings on pension plan investments and changes in assumptions.

Table 2—Condensed Statements of Revenues, Expenses, and Changes in Net Position—Primary Government

	<u>Year Ended August 31,</u>	
	<u>2022</u>	<u>2021</u>
Operating revenues	\$ 55,581,864	\$ 47,997,746
Operating expenses	<u>117,949,839</u>	<u>115,775,429</u>
Operating loss	(62,367,975)	(67,777,683)
Nonoperating revenues—net of nonoperating expenses	<u>50,016,757</u>	<u>50,194,843</u>
Loss before transfers	(12,351,218)	(17,582,840)
Transfers in:		
County contributions	<u>21,429,973</u>	<u>18,804,317</u>
Total transfers in	<u>21,429,973</u>	<u>18,804,317</u>
Change in net position	9,078,755	1,221,477
Net position—beginning	<u>(186,556,953)</u>	<u>(187,778,430)</u>
Net position—ending	<u>\$ (177,478,198)</u>	<u>\$ (186,556,953)</u>

(continued)

	<u>Year Ended August 31,</u>	
	<u>2021</u>	<u>2020</u>
Operating revenues	\$ 47,997,746	\$ 40,324,255
Operating expenses	<u>115,775,429</u>	<u>139,404,089</u>
Operating loss	(67,777,683)	(99,079,834)
Nonoperating revenues—net of nonoperating expenses	<u>50,194,843</u>	<u>58,702,308</u>
Loss before transfers	(17,582,840)	(40,377,526)
Transfers in:		
County contributions	<u>18,804,317</u>	<u>18,804,317</u>
Total transfers in	<u>18,804,317</u>	<u>18,804,317</u>
Change in net position	1,221,477	(21,573,209)
Net position—beginning	<u>(187,778,430)</u>	<u>(166,205,221)</u>
Net position—ending	<u>\$ (186,556,953)</u>	<u>\$ (187,778,430)</u>

Operating revenues are received for providing educational instruction to students and other constituencies of the College. Operating expenses are those expenses paid to acquire or produce instructional and related services provided in return for the operating revenues in carrying out the mission of the College. Revenues received, for which no services are provided, are either reported as nonoperating revenues, such as state and local appropriations and federal and state student financial aid, or the transfer in of County contribution by Erie County, the College's local sponsor.

Operating revenues consist of student tuition and fees, net of scholarships; grants received from federal, state and local governments as well as private enterprises; and other sources of revenue such as rent, other fees and miscellaneous. Operating expenses consist of salaries and wages, benefits and taxes, scholarships, utilities, supplies and general expenses, and depreciation. State and local appropriations, the local sponsor contribution, federal and state financial aid and investment income significantly offset operating losses.

Table 3—Summary of Sources of Revenues—Primary Government

	Year Ended August 31,	
	2022	2021
Operating revenues (by major source):		
Student tuition and fees	\$ 38,118,907	\$ 40,950,284
Less: scholarship allowances	(15,501,654)	(13,356,826)
Net student tuition and fees	22,617,253	27,593,458
Grants and contracts	31,924,567	19,707,142
Other sources	1,040,044	697,146
Total operating revenues	<u>55,581,864</u>	<u>47,997,746</u>
Nonoperating revenues (by major source):		
State appropriations, unrestricted	27,884,538	28,814,327
Local appropriations, unrestricted	1,318,315	1,162,770
Federal and state financial aid	20,813,399	20,216,492
Investment income	11,288	10,948
Total nonoperating revenues	<u>50,027,540</u>	<u>50,204,537</u>
Transfers in:		
County contributions	21,429,973	18,804,317
Total transfers in	<u>21,429,973</u>	<u>18,804,317</u>
Total revenues	<u>\$ 127,039,377</u>	<u>\$ 117,006,600</u>
	Year Ended August 31,	
	2021	2020
Operating revenues (by major source):		
Student tuition and fees	\$ 40,950,284	\$ 45,968,210
Less: scholarship allowances	(13,356,826)	(17,558,770)
Net student tuition and fees	27,593,458	28,409,440
Grants and contracts	19,707,142	11,115,198
Other sources	697,146	799,617
Total operating revenues	<u>47,997,746</u>	<u>40,324,255</u>
Nonoperating revenues (by major source):		
State appropriations, unrestricted	28,814,327	29,104,302
Local appropriations, unrestricted	1,162,770	1,239,216
Federal and state financial aid	20,216,492	28,270,031
Investment income	10,948	100,433
Total nonoperating revenues	<u>50,204,537</u>	<u>58,713,982</u>
Transfers in:		
County contributions	18,804,317	18,804,317
Total transfers in	<u>18,804,317</u>	<u>18,804,317</u>
Total revenues	<u>\$ 117,006,600</u>	<u>\$ 117,842,554</u>

Operating revenues increased \$7.6 million during the year ended August 31, 2022 from those of the year ended August 31, 2021. This was mainly the result of an increase in federal grants and contracts related to continued COVID-19 assistance from the Higher Education Emergency Relief Fund authorized under both the CARES Act and the American Rescue Plan Act.

Nonoperating revenues totaling \$50.0 million decreased by \$0.2 million during the year ended August 31, 2022 compared to the year ended August 31, 2021, which totaled \$50.2 million.

During the year ended August 31, 2022, County contributions totaled \$21.4 million, an increase of \$2.6 million compared to the \$18.8 million total from the year ended August 31, 2021.

Table 4—Summary of Expenses—Primary Government

	Year Ended August 31,			
	2022	% of total	2021	% of total
Operating expenses:				
Salaries and wages	\$ 55,219,692	46.8%	\$ 59,816,114	51.7%
Employee benefits and taxes	20,977,776	17.8%	23,507,497	20.3%
Scholarships	19,543,755	16.5%	13,245,997	11.4%
Utilities	2,339,890	2.0%	1,771,673	1.5%
Depreciation	3,025,972	2.6%	2,831,213	2.4%
Supplies, services, and general	16,842,754	14.3%	14,602,935	12.6%
Nonoperating expenses	10,783	0.0%	9,694	0.1%
Total expenses	<u>\$ 117,960,622</u>	<u>100.0%</u>	<u>\$ 115,785,123</u>	<u>100.0%</u>

	Year Ended August 31,			
	2021	% of total	2020	% of total
Operating expenses:				
Salaries and wages	\$ 59,816,114	51.7%	\$ 66,197,506	47.4%
Employee benefits and taxes	23,507,497	20.3%	37,579,580	27.0%
Scholarships	13,245,997	11.4%	13,837,372	9.9%
Utilities	1,771,673	1.5%	1,954,027	1.4%
Depreciation	2,831,213	2.4%	2,958,806	2.1%
Supplies, services, and general	14,602,935	12.6%	16,876,798	12.1%
Nonoperating expenses	9,694	0.1%	11,674	0.1%
Total expenses	<u>\$ 115,785,123</u>	<u>100.0%</u>	<u>\$ 139,415,763</u>	<u>100.0%</u>

Total expenses of \$118.0 million for the year ended August 31, 2022 represent a 1.9% increase from those similar costs of \$115.8 million in the previous year. Total operating expenses increased \$2.2 million compared to August 31, 2021. Notably, total scholarship expenses increased \$6.3 million due to the increase in federal assistance related to the Higher Education Emergency Relief Fund.

As reflected in Table 4, during the year ended August 31, 2022 the College spent approximately \$0.65 of every dollar on personnel costs providing services to students, and another \$0.17 thereof on direct student aid in the form of scholarships.

Statement of Cash Flows

The statement of cash flows provides information about the cash receipts, cash payments, and net change in cash resulting from the operating, investing, and capital and noncapital financing activities of the College during the year. This statement helps users assess the College's ability to generate net cash flows, its ability to meet obligations as they come due, and its need for external financing.

The *statement of cash flows* is divided into five parts:

1. *Cash flows from operating activities*—This section shows the net cash and cash equivalents used by the operating activities of the College.
2. *Cash flows from noncapital financing activities*—This section reflects the net cash and cash equivalents received for nonoperating, non-investing, and noncapital financing purposes.
3. *Cash flows from capital and related financing activities*—This section reflects cash and cash equivalents used for the acquisition and construction/sale of capital assets and related items.
4. *Cash flows from investing activities*—This section shows the purchases, proceeds, and interest received from investing activities.
5. *Reconciliation of operating income (loss) to net cash provided by (used for) operating activities*—This section provides a schedule that reconciles the accrual-based operating loss to the net cash flow used for operating activities.

Table 5—Condensed Statements of Cash Flows—Primary Government

	Year Ended August 31,	
	2022	2021
Cash provided by (used for):		
Operating activities	\$ (63,627,838)	\$ (66,955,003)
Noncapital financing activities	70,931,595	73,661,646
Capital and related financing activities	(1,197,677)	(607,995)
Investing activities	<u>11,288</u>	<u>10,948</u>
Increase in cash and cash equivalents	6,117,368	6,109,596
Cash and cash equivalents—beginning	<u>25,497,092</u>	<u>19,387,496</u>
Cash and cash equivalents—ending	<u>\$ 31,614,460</u>	<u>\$ 25,497,092</u>

Compared to August 31, 2021, total cash increased \$6,117,368 for the year ended August 31, 2022. A decrease in net cash provided by noncapital financing activities coupled with a decrease in net cash used for operating activities represent the most significant changes from the prior year ended 2021.

	Year Ended August 31,	
	2021	2020
Cash provided by (used for):		
Operating activities	\$ (66,955,003)	\$ (88,565,253)
Noncapital financial activities	73,661,646	77,417,866
Capital and related financing activities	(607,995)	(526,131)
Investing activities	10,948	100,433
Increase (decrease) in cash and cash equivalents	6,109,596	(11,573,085)
Cash and cash equivalents—beginning	19,387,496	30,960,581
Cash and cash equivalents—ending	\$ 25,497,092	\$ 19,387,496

Compared to August 31, 2020, total cash increased \$6,109,596 for the year ended August 31, 2021. A decrease of \$21.6 million in net cash used for operating activities, and a \$3.7 million decrease in net cash provided by noncapital financing activities represent the most significant changes from 2020.

Capital Asset Activity

The College's net capital asset additions for the fiscal years ended August 31, 2022 and 2021, amounted to approximately \$1.4 and \$0.6 million, respectively. These additions included building improvements and additions, enhancements and renovations to campus facilities, electrical service upgrades, technological improvements/equipment purchases, and right-to-use leased assets.

Economic Outlook

A significant factor impacting the College's financial position and operations is student enrollment. Future enrollment levels will continue to be influenced by the economic environment, and local student demographics, which reflect a downward trend in the number of graduating high school students through 2031/2032. Future enrollments could be further adversely affected by several factors, including any significant increase in tuition or other charges, changes in economic conditions including local employment opportunities, and higher education competition as well as the impact of the COVID-19 pandemic. College management has identified enrollment strategies to identify and penetrate new markets, enhance persistence and retention efforts and collaborate with industry/alumni/other partners, including a significant effort directed towards our advanced studies courses at the local high schools, all in an effort to stabilize and ultimately increase enrollment at the College. It is projected that FTE enrollment will continue to decline in fiscal year 2022/2023 and then hopefully begin to level off as these new strategies have had sufficient time to influence enrollment trends.

Basic state aid is the funding resource provided to the College by New York State has traditionally been based on student enrollment using full-time equivalent student ("FTE") data. The following reflects basic state aid rates per FTE over the periods indicated:

<u>2022/23</u>	<u>2021/22</u>	<u>2020/21</u>	<u>2019/20</u>	<u>2018/19</u>
\$ 2,997	\$ 2,997	\$ 2,947	\$ 2,947	\$ 2,847

In 2019/20, New York State approved a one-year funding floor for community colleges that equaled 98% of the 2018/19 SUNY approved budget for state support, or \$2,947 per FTE if enrollment exceeded the approved budgeted FTE for 2019/20. The College did not exceed the budgeted FTE approved by SUNY for 2019/20 and it relied on the floor for that fiscal year. However, at the start of the 20/21 state fiscal year, New York State continued to experience difficulty in balancing budgets, particularly with the impacts around the COVID-19 pandemic. As a result, the Governor's 2020/21 budget did not include a continuation of the one-year funding floor for community colleges and initially included a 20% reduction

as the state received significant levels of federal stimulus funding, the FTE reimbursement rate was adjusted upward. For the 2021/22 academic year, the assistance levels have been raised by \$50 per student, going from \$2,947 to \$2,997. Additionally, a funding floor has been introduced that is either based on the new assistance level of \$2,997 per student or 98% of the SUNY approved budget levels from the 2020/21 fiscal year, whichever is greater. SUNY Erie utilized this funding floor during that fiscal year.

Continuing local economic realities combined with the downward trend in student demographics suggest the economic outlook to be a continued challenge for the College while at the same time providing adequate levels of student services at three full-service campuses. As a result, the college has embarked on a process to realign campus operations that could in the future impact the level of service provided at one or more campuses. It is important to note that while this process may result in changes to the level of service provided at one or more campuses, the College remains committed to providing the best possible education to its students. This realignment is a necessary step to ensure the long-term viability of the College in the face of ongoing economic challenges.

The College's local sponsor, Erie County, has been responsive to the college's fiscal needs in the past several years, and the 2019/20 budget included a \$250,000, or 1.4%, additional sponsor contribution. Sponsorship funding for the 2020/21 budget remained consistent with contributions provided in 2019/20, with an additional \$380,000 of maintenance of effort dollars shifted from restricted equipment funds to regular operating funds. Fiscal year 2021/22 includes a \$1,000,000, or 5% increase in maintenance of effort to boost the institution's financial stability. In addition, to help achieve fiscal stability, the County provided SUNY Erie with a funding grant of \$2,487,650 to use towards the cost of actual retirement incentives, of which 1,625,655 to date has been utilized and reimbursed. As the College's financial position is closely tied to that of the state and local sponsor, as well as student enrollment, it is subject to the ups and downs of these economies.

In 2020 and 2019, unrestricted state appropriations contributed approximately 24.5% and 24.7% of all revenues, respectively, while the local sponsor contributed 16.1% for 2020, an increase from 16.0% from the prior year. In 2020, student tuition and fees comprise 35.0% of total revenues, a significant decrease from 39.0% in 2019 due to flat tuition and fee rates and declining enrollment. Nonetheless, the College's partnership with Erie County has been a positive and valuable one, as evidenced by the consistent and increasing levels of financial support provided by the County in recent years.

As a result of the state and local economic outlooks, budget constraint will continue to be closely practiced but balanced with the College's strategic plan for growth and development going forward. The College continues to offer an exceptional educational value in the Western New York region and is positioning itself as a leader of workforce development locally. The College continues its diligent work at enhancing revenues by working with local and regional economic partners to grow certificate and workforce programs, as well as seeking grant funding opportunities. SUNY Erie offers approximately 100 degree and certificate programs. The College has allocated \$9 million of its unrestricted fund balance for use in the 2021/22 budget to mitigate funding shortages. SUNY Erie, in conjunction with Erie County, launched a retirement incentive program worth \$2.5 million for eligible retirees, while also implemented layoffs prior to August 31, 2022, to address the shortfall.

The College is party to the county-wide contract with the American Federation of State, County and Municipal Employees ("AFSCME") union, as well as the Civil Service Employees Association, Inc. ("CSEA"). The previous contracts, which expired on December 31, 2016 were both settled in January 2018. The contract with AFSCME is in effect through December 31, 2021 and CSEA is in effect until December 31, 2022. The College also has agreements with two local unions, the Faculty Federation of Erie Community College and the Administrators Association of Erie Community College. Both of these unions have contracts expiring on August 31, 2020. Conversations have not yet begun with both unions.

Changes Impacting Future Operations

Traditional high school populations have been declining since 2011, creating a downturn in revenue, both in tuition and in state aid revenue generated by FTE's. In addition to a declining revenue base, unfunded costs mandated by labor management agreements with our four unions, as well as the regular cost of living increases and increasing healthcare costs, resulting in tuition and fee rate increases over the last several years. In 2019-20 the College held tuition and fees flat at the 2017-18 rates for a second time to come in line with WNY community college prices but had to raise them in the 2020/21 budget and 2021/22 with a 3% increase in tuition as well as an increase in technology fee from \$20 per credit hour to \$25. Budgets are analyzed monthly and reforecasts modeled each semester to ensure the College is managing it's spend within its approved operating budget and use of reserve fund balances. The College has overspent its operating budget for the past two years, some of which was planned for the Workday ERP implementation project. The College's unreserved fund balance has declined from \$18.5 million to \$14.6 million at August 31, 2022, which is less than existing Board of Trustee fund balance policy requirements.

Accreditation

On November 15, 2018 SUNY Erie Community College's accreditation was reaffirmed by the Middle States Commission on Higher Education ("MSCHE").

SUNY Erie's Self Study was submitted in August of 2021. The college conducted an extensive two year self-study and writing process. The self-study and writing process was conducted during the COVID-19 pandemic. SUNY Erie acknowledged the significance and impact of COVID-19 on not only student learning but the Middle States self-study process. SUNY Erie's commitment to comprehensive planning and proactive measures allowed the institution to continue to fulfill the mission of delivering high-quality education to a diverse student population by capitalizing on the virtual meeting technology resources available at the institution. This same virtual technology allowed the Self-Study Team to collaborate with key stakeholders efficiently and effectively throughout the institution. Throughout the self-study process the college experienced many leadership changes. These leadership changes synergistically aligned with the technological resources deployed at the institution, resulting in the timely development of a collaborative and comprehensive Self-Study Report. The College's MSCHE peer review virtual visit is scheduled for November 1-4, 2021.

Accreditation information, including a history of events, can be viewed on the MSCHE website at [MSCHE.org](https://www.msche.org), then selecting the institution icon and locating the College by name.

Requests for Information

This financial statement is designed to provide a general overview of the College's finances. Questions concerning the information provided in this report or requests for additional financial information should be addressed to Mrs. Arta Pllana, Comptroller, 4041 Southwestern Blvd., Orchard Park, New York 14127.

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BASIC FINANCIAL STATEMENTS

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Statement of Net Position
August 31, 2022

	Primary	Component Units		Total
	Government Business-type Activities	Foundation	Auxiliary Services Corporation	
ASSETS				
Current assets:				
Cash and cash equivalents	\$ 31,614,460	\$ 267,881	\$ 1,617,422	\$ 33,499,763
Investments	-	5,514,928	-	5,514,928
Student receivables, net	3,259,375	-	-	3,259,375
Lease receivable	1,304,309	-	-	1,304,309
Due from Erie County	98,029	-	-	98,029
Other receivables	1,842,566	94,332	41,750	1,978,648
Inventories	-	-	16,528	16,528
Prepaid items	60,017	54,012	540	114,569
Total current assets	<u>38,178,756</u>	<u>5,931,153</u>	<u>1,676,240</u>	<u>45,786,149</u>
Noncurrent assets:				
Capital assets	59,835,627	-	1,028,745	60,864,372
Less: accumulated depreciation/amortization	(35,140,084)	-	(806,625)	(35,946,709)
Net pension asset	6,951,041	-	-	6,951,041
Net assets held on behalf of others	-	-	1,003,874	1,003,874
Total noncurrent assets	<u>31,646,584</u>	<u>-</u>	<u>1,225,994</u>	<u>32,872,578</u>
Total assets	<u>69,825,340</u>	<u>5,931,153</u>	<u>2,902,234</u>	<u>78,658,727</u>
DEFERRED OUTFLOWS OF RESOURCES				
Deferred outflows—relating to pensions	23,383,106	-	-	23,383,106
Deferred outflows—relating to OPEB	47,339,475	-	-	47,339,475
Total deferred outflows of resources	<u>70,722,581</u>	<u>-</u>	<u>-</u>	<u>70,722,581</u>
LIABILITIES				
Current liabilities:				
Accounts payable	864,782	17,754	16,351	898,887
Accrued liabilities	1,641,508	-	60,300	1,701,808
Lease liability	102,123	-	-	102,123
Compensated absences	400,000	-	-	400,000
Due to retirement systems	2,850,875	-	-	2,850,875
Due to Erie County	556,338	-	-	556,338
Other liabilities	5,692,338	-	-	5,692,338
Unearned revenue	6,761,125	-	92,649	6,853,774
Total current liabilities	<u>18,869,089</u>	<u>17,754</u>	<u>169,300</u>	<u>19,056,143</u>
Noncurrent liabilities:				
Accrued liabilities	801,857	-	-	801,857
Lease liability	105,392	-	-	105,392
Compensated absences	2,426,907	-	-	2,426,907
Due to retirement systems	270,023	-	-	270,023
OPEB obligation	187,920,331	-	-	187,920,331
Net pension liability	1,790,725	-	-	1,790,725
Net assets held on behalf of others	-	-	1,003,874	1,003,874
Total noncurrent liabilities	<u>193,315,235</u>	<u>-</u>	<u>1,003,874</u>	<u>194,319,109</u>
Total liabilities	<u>212,184,324</u>	<u>17,754</u>	<u>1,173,174</u>	<u>213,375,252</u>
DEFERRED INFLOWS OF RESOURCES				
Deferred inflows—relating to pensions	25,616,073	-	-	25,616,073
Deferred inflows—relating to OPEB	78,921,413	-	-	78,921,413
Deferred inflows—relating to leases receivable	1,304,309	-	-	1,304,309
Total deferred inflows of resources	<u>105,841,795</u>	<u>-</u>	<u>-</u>	<u>105,841,795</u>
NET POSITION				
Net investment in capital assets	24,488,028	-	-	24,488,028
With donor restrictions	-	3,718,652	6,368	3,725,020
Without donor restrictions	-	2,194,747	1,722,692	3,917,439
Unrestricted	<u>(201,966,226)</u>	<u>-</u>	<u>-</u>	<u>(201,966,226)</u>
Total net position	<u>\$ (177,478,198)</u>	<u>\$ 5,913,399</u>	<u>\$ 1,729,060</u>	<u>\$ (169,835,739)</u>

The notes to the financial statements are an integral part of this statement.

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Statement of Net Position
August 31, 2021

	Primary	Component Units		Total
	Government Business-type Activities	Foundation	Auxiliary Services Corporation	
ASSETS				
Current assets:				
Cash and cash equivalents	\$ 25,497,092	\$ 446,332	\$ 1,537,183	\$ 27,480,607
Investments	-	6,425,938	-	6,425,938
Student receivables, net	3,570,795	-	-	3,570,795
Due from Erie County	598,029	-	-	598,029
Other receivables	1,327,936	118,454	63,139	1,509,529
Inventories	-	-	19,943	19,943
Prepaid items	324,016	-	9,811	333,827
Total current assets	<u>31,317,868</u>	<u>6,990,724</u>	<u>1,630,076</u>	<u>39,938,668</u>
Noncurrent assets:				
Capital assets, as adjusted	59,539,472	-	1,028,745	60,568,217
Less: accumulated depreciation	(33,212,366)	-	(761,488)	(33,973,854)
Net pension asset	17,553,718	-	-	17,553,718
Net assets held on behalf of others	-	-	1,168,556	1,168,556
Total noncurrent assets	<u>43,880,824</u>	<u>-</u>	<u>1,435,813</u>	<u>45,316,637</u>
Total assets	<u>75,198,692</u>	<u>6,990,724</u>	<u>3,065,889</u>	<u>85,255,305</u>
DEFERRED OUTFLOWS OF RESOURCES				
Deferred outflows—relating to pensions	29,606,209	-	-	29,606,209
Deferred outflows—relating to OPEB	50,757,709	-	-	50,757,709
Total deferred outflows of resources	<u>80,363,918</u>	<u>-</u>	<u>-</u>	<u>80,363,918</u>
LIABILITIES				
Current liabilities:				
Accounts payable	1,194,109	7,891	44,821	1,246,821
Accrued liabilities	1,764,361	-	64,861	1,829,222
Compensated absences	400,000	-	-	400,000
Due to retirement systems	3,780,876	-	-	3,780,876
Due to Erie County	535,216	-	-	535,216
Other liabilities	5,505,632	-	-	5,505,632
Unearned revenue	5,125,295	-	64,750	5,190,045
Total current liabilities	<u>18,305,489</u>	<u>7,891</u>	<u>174,432</u>	<u>18,487,812</u>
Noncurrent liabilities:				
Accrued liabilities	852,495	-	-	852,495
Loans payable	-	-	147,117	147,117
Compensated absences	3,789,436	-	-	3,789,436
Due to retirement systems	273,087	-	-	273,087
OPEB obligation	219,562,931	-	-	219,562,931
Net pension liability	92,627	-	-	92,627
Net assets held on behalf of others	-	-	1,168,556	1,168,556
Total noncurrent liabilities	<u>224,570,576</u>	<u>-</u>	<u>1,315,673</u>	<u>225,886,249</u>
Total liabilities	<u>242,876,065</u>	<u>7,891</u>	<u>1,490,105</u>	<u>244,374,061</u>
DEFERRED INFLOWS OF RESOURCES				
Deferred inflows—relating to pensions	47,242,640	-	-	47,242,640
Deferred inflows—relating to OPEB	52,000,858	-	-	52,000,858
Total deferred inflows of resources	<u>99,243,498</u>	<u>-</u>	<u>-</u>	<u>99,243,498</u>
NET POSITION				
Net investment in capital assets	26,327,106	-	-	26,327,106
With donor restrictions	-	4,124,340	6,857	4,131,197
Without donor restrictions	-	2,858,493	1,568,927	4,427,420
Unrestricted	<u>(212,884,059)</u>	<u>-</u>	<u>-</u>	<u>(212,884,059)</u>
Total net position	<u>\$ (186,556,953)</u>	<u>\$ 6,982,833</u>	<u>\$ 1,575,784</u>	<u>\$ (177,998,336)</u>

The notes to the financial statements are an integral part of this statement.

SUNY ERIE
 (AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Statement of Revenues, Expenses, and Changes in Net Position
Year Ended August 31, 2022

	Primary Government Business-type Activities	Component Units		Total
		Foundation	Auxiliary Services Corporation	
OPERATING REVENUES				
Student tuition and fees	\$ 38,118,907	\$ -	\$ -	\$ 38,118,907
Less: scholarship allowances	(15,501,654)	-	-	(15,501,654)
Net student tuition and fees	22,617,253	-	-	22,617,253
Federal grants and contracts	27,691,595	-	-	27,691,595
State grants	3,312,524	-	-	3,312,524
Local grants	920,448	-	-	920,448
Other sources	1,040,044	125,083	331,056	1,496,183
Contributions	-	959,598	-	959,598
Support from Erie Community College	-	5,385	-	5,385
Food service revenue, net	-	-	128,341	128,341
Bookstore revenue	-	-	137,590	137,590
Childcare service revenue	-	-	759,873	759,873
Loan forgiveness	-	-	147,117	147,117
Total operating revenues	55,581,864	1,090,066	1,503,977	58,175,907
OPERATING EXPENSES				
Salaries and wages	55,219,692	-	-	55,219,692
Employee benefits and taxes	20,977,776	-	-	20,977,776
Scholarships	19,543,755	335,202	-	19,878,957
Utilities	2,339,890	-	-	2,339,890
Depreciation	3,025,972	-	45,137	3,071,109
Supplies, services, and general	16,842,754	807,187	367,545	18,017,486
Food service	-	-	251,661	251,661
Childcare service	-	-	753,622	753,622
Total operating expenses	117,949,839	1,142,389	1,417,965	120,510,193
Operating income (loss)	(62,367,975)	(52,323)	86,012	(62,334,286)
NONOPERATING REVENUES (EXPENSES)				
State appropriations, unrestricted	27,884,538	-	-	27,884,538
Local appropriations, unrestricted	1,318,315	-	-	1,318,315
Federal and state student financial aid	20,813,399	-	-	20,813,399
Investment income (loss)	11,288	-	441	11,729
Miscellaneous revenue	-	-	66,823	66,823
Loss on disposal of capital assets	(10,783)	-	-	(10,783)
Net realized and unrealized loss	-	(1,017,111)	-	(1,017,111)
Total nonoperating revenues (expenses)	50,016,757	(1,017,111)	67,264	49,066,910
Income (loss) before transfers	(12,351,218)	(1,069,434)	153,276	(13,267,376)
TRANSFERS IN				
County contributions	21,429,973	-	-	21,429,973
Total transfers in	21,429,973	-	-	21,429,973
Change in net position	9,078,755	(1,069,434)	153,276	8,162,597
Net position—beginning	(186,556,953)	6,982,833	1,575,784	(177,998,336)
Net position—ending	\$ (177,478,198)	\$ 5,913,399	\$ 1,729,060	\$ (169,835,739)

The notes to the financial statements are an integral part of this statement.

SUNY ERIE
 (AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Statement of Revenues, Expenses, and Changes in Net Position
Year Ended August 31, 2021

	Primary Government Business-type Activities	Component Units		Total
		Foundation	Auxiliary Services Corporation	
OPERATING REVENUES				
Student tuition and fees	\$ 40,950,284	\$ -	\$ -	\$ 40,950,284
Less: scholarship allowances	<u>(13,356,826)</u>	<u>-</u>	<u>-</u>	<u>(13,356,826)</u>
Net student tuition and fees	27,593,458	-	-	27,593,458
Federal grants and contracts	17,393,546	-	-	17,393,546
State grants	1,263,302	-	-	1,263,302
Local grants	1,050,294	-	-	1,050,294
Other sources	697,146	1,135,340	96,572	1,929,058
Contributions	-	410,552	-	410,552
Support from Erie Community College	-	84,339	-	84,339
Food service revenue, net	-	-	16,659	16,659
Bookstore revenue	-	-	124,442	124,442
Childcare service revenue	-	-	464,179	464,179
Loan forgiveness	-	-	304,900	304,900
Total operating revenues	<u>47,997,746</u>	<u>1,630,231</u>	<u>1,006,752</u>	<u>50,634,729</u>
OPERATING EXPENSES				
Salaries and wages	59,816,114	-	-	59,816,114
Employee benefits and taxes	23,507,497	-	-	23,507,497
Scholarships	13,245,997	229,997	-	13,475,994
Utilities	1,771,673	-	-	1,771,673
Depreciation	2,831,213	-	45,137	2,876,350
Supplies, services, and general	14,602,935	474,466	398,643	15,476,044
Food service	-	-	204,746	204,746
Childcare service	-	-	390,852	390,852
Total operating expenses	<u>115,775,429</u>	<u>704,463</u>	<u>1,039,378</u>	<u>117,519,270</u>
Operating income (loss)	<u>(67,777,683)</u>	<u>925,768</u>	<u>(32,626)</u>	<u>(66,884,541)</u>
NONOPERATING REVENUES (EXPENSES)				
State appropriations, unrestricted	28,814,327	-	-	28,814,327
Local appropriations, unrestricted	1,162,770	-	-	1,162,770
Federal and state student financial aid	20,216,492	-	-	20,216,492
Investment income	10,948	-	680	11,628
Miscellaneous revenue	-	-	51,978	51,978
Loss on disposal of capital assets	<u>(9,694)</u>	<u>-</u>	<u>-</u>	<u>(9,694)</u>
Total nonoperating revenues (expenses)	<u>50,194,843</u>	<u>-</u>	<u>52,658</u>	<u>50,247,501</u>
Income (loss) before transfers	(17,582,840)	925,768	20,032	(16,637,040)
TRANSFERS IN				
County contributions	<u>18,804,317</u>	<u>-</u>	<u>-</u>	<u>18,804,317</u>
Total transfers in	<u>18,804,317</u>	<u>-</u>	<u>-</u>	<u>18,804,317</u>
Change in net position	1,221,477	925,768	20,032	2,167,277
Net position—beginning	<u>(187,778,430)</u>	<u>6,057,065</u>	<u>1,555,752</u>	<u>(180,165,613)</u>
Net position—ending	<u>\$ (186,556,953)</u>	<u>\$ 6,982,833</u>	<u>\$ 1,575,784</u>	<u>\$ (177,998,336)</u>

The notes to the financial statements are an integral part of this statement.

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Statement of Cash Flows
Year Ended August 31, 2022

	<u>Primary</u> <u>Government</u>	<u>Component Units</u>		<u>Total</u>
	<u>Business-type</u> <u>Activities</u>	<u>Foundation</u>	<u>Auxiliary</u> <u>Services</u> <u>Corporation</u>	
CASH FLOWS FROM OPERATING ACTIVITIES				
Tuition and fees	\$ 22,928,673	\$ -	\$ -	\$ 22,928,673
Federal grants and contracts	27,691,595	-	-	27,691,595
State grants and contracts	3,312,524	-	-	3,312,524
Local grants	1,420,448	-	-	1,420,448
Other sources	1,040,044	871,865	-	1,911,909
Food service activity	-	-	128,341	128,341
Other auxiliary service activity	-	-	920,735	920,735
Personal service payments	(55,393,183)	(248,655)	(816,776)	(56,458,614)
Payments for fringe benefits	(27,679,870)	-	-	(27,679,870)
Payments to suppliers	(17,404,314)	(558,532)	(267,716)	(18,230,562)
Payments for scholarships	(19,543,755)	(335,202)	-	(19,878,957)
Net cash (used for) provided by operating activities	<u>(63,627,838)</u>	<u>(270,524)</u>	<u>(35,416)</u>	<u>(63,933,778)</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES				
State appropriations	42,428,293	-	-	42,428,293
County contributions	21,429,973	-	-	21,429,973
Federal and state student financial aid grants	5,755,014	-	-	5,755,014
Chargeback revenues	1,318,315	-	-	1,318,315
Endowment funds	-	198,174	-	198,174
Auxiliary other activity	-	-	67,264	67,264
Net cash provided by noncapital financing activities	<u>70,931,595</u>	<u>198,174</u>	<u>67,264</u>	<u>71,197,033</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES				
Acquisition/funding of capital projects	(1,405,192)	-	-	(1,405,192)
Lease adjustment	306,386	-	-	306,386
Principal payment on lease	(98,871)	-	-	(98,871)
Net cash used for capital and related financing activities	<u>(1,197,677)</u>	<u>-</u>	<u>-</u>	<u>(1,197,677)</u>
CASH FLOW FROM INVESTING ACTIVITIES				
Interest, dividends, and realized gains on investments	11,288	2,156,895	441	2,168,624
Proceeds from sale of assets	-	-	47,950	47,950
Purchases of investments	-	(2,262,996)	-	(2,262,996)
Net cash provided by investing activities	<u>11,288</u>	<u>(106,101)</u>	<u>48,391</u>	<u>(46,422)</u>
Net change in cash and cash equivalents	6,117,368	(178,451)	80,239	6,019,156
Cash and cash equivalents—beginning	<u>25,497,092</u>	<u>446,332</u>	<u>1,537,183</u>	<u>27,480,607</u>
Cash and cash equivalents—ending	<u>\$ 31,614,460</u>	<u>\$ 267,881</u>	<u>\$ 1,617,422</u>	<u>\$ 33,499,763</u>

(continued)

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Statement of Cash Flows
Year Ended August 31, 2022

(concluded)

	Primary	Component Units		Total
	Government	Auxiliary		
	Business-type Activities	Foundation	Services Corporation	
Reconciliation of operating income (loss) to net cash				
(used for) provided by operating activities:				
Operating income (loss)	\$ (62,367,975)	\$ (52,323)	\$ 86,012	\$ (62,334,286)
Adjustments to reconcile operating income (loss) to net cash (used for) provided by operating activities:				
Depreciation expense	3,025,972	-	45,137	3,071,109
Interest income	-	-	(441)	(441)
Proceeds from sale of assets	-	-	(47,950)	(47,950)
Loan forgiveness	-	-	(147,117)	(147,117)
Decrease in student receivables, net	311,420	-	-	311,420
Realized and unrealized (gain) on investments	-	-	-	-
Contributions restricted for long-term purposes	-	(198,174)	-	(198,174)
Decrease in other receivables, net	521,122	24,122	21,389	566,633
Decrease in inventories	-	-	3,415	3,415
Decrease in net pension asset	10,602,677	-	-	10,602,677
Decrease in prepaid items	263,999	(54,012)	9,271	219,258
Decrease in deferred outflows of resources	9,641,337	-	-	9,641,337
(Decrease) increase in accounts payable	(329,327)	9,863	(28,470)	(347,934)
(Decrease) in accrued liabilities	(173,491)	-	(4,561)	(178,052)
(Decrease) in retirement liabilities	(2,295,594)	-	-	(2,295,594)
Increase in other liabilities	186,706	-	-	186,706
Increase in unearned revenues	1,635,830	-	27,899	1,663,729
(Decrease) in OPEB obligation	(31,642,600)	-	-	(31,642,600)
Increase in net pension liability	1,698,098	-	-	1,698,098
Increase in deferred inflows of resources	5,293,988	-	-	5,293,988
Total adjustments	(1,259,863)	(218,201)	(121,428)	(1,599,492)
Net cash (used for) operating activities	\$ (63,627,838)	\$ (270,524)	\$ (35,416)	\$ (63,933,778)

The notes to the financial statements are an integral part of this statement.

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Statement of Cash Flows
Year Ended August 31, 2021

	<u>Primary</u>	<u>Component Units</u>		<u>Total</u>
	<u>Government</u>		<u>Auxiliary</u>	
	<u>Business-type</u>	<u>Foundation</u>	<u>Services</u>	
	<u>Activities</u>		<u>Corporation</u>	
CASH FLOWS FROM OPERATING ACTIVITIES				
Tuition and fees	\$ 27,046,095	\$ -	\$ -	\$ 27,046,095
Federal grants and contracts	17,393,546	-	-	17,393,546
State grants and contracts	1,263,302	-	-	1,263,302
Local grants	2,398,948	-	-	2,398,948
Other sources	697,146	633,190	-	1,330,336
Food service activity	-	-	92,210	92,210
Other auxiliary service activity	-	-	268,904	268,904
Personal service payments	(60,132,903)	(265,489)	(482,300)	(60,880,692)
Payments for fringe benefits	(25,153,059)	-	-	(25,153,059)
Payments to suppliers	(17,222,081)	(208,977)	(82,106)	(17,513,164)
Payments for scholarships	(13,245,997)	(229,997)	-	(13,475,994)
Net cash (used for) operating activities	<u>(66,955,003)</u>	<u>(71,273)</u>	<u>(203,292)</u>	<u>(67,229,568)</u>
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES				
State appropriations	42,060,324	-	-	42,060,324
County contributions	18,804,317	-	-	18,804,317
Federal and state student financial aid grants	11,634,235	-	-	11,634,235
Chargeback revenues	1,162,770	-	-	1,162,770
Endowment funds	-	50,614	-	50,614
Proceeds from loans payable	-	-	147,117	147,117
Net cash provided by noncapital financing activities	<u>73,661,646</u>	<u>50,614</u>	<u>147,117</u>	<u>73,859,377</u>
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES				
Acquisition/funding of capital projects	<u>(607,995)</u>	<u>-</u>	<u>-</u>	<u>(607,995)</u>
Net cash provided by (used for) capital and related financing activities	<u>(607,995)</u>	<u>-</u>	<u>-</u>	<u>(607,995)</u>
CASH FLOW FROM INVESTING ACTIVITIES				
Interest, dividends, and realized gains on investments	10,948	2,429,759	680	2,441,387
Purchases of investments	-	(2,320,744)	-	(2,320,744)
Net cash provided by investing activities	<u>10,948</u>	<u>109,015</u>	<u>680</u>	<u>120,643</u>
Net change in cash and cash equivalents	6,109,596	88,356	(55,495)	6,142,457
Cash and cash equivalents—beginning	<u>19,387,496</u>	<u>357,976</u>	<u>1,592,678</u>	<u>21,338,150</u>
Cash and cash equivalents—ending	<u>\$ 25,497,092</u>	<u>\$ 446,332</u>	<u>\$ 1,537,183</u>	<u>\$ 27,480,607</u>

(continued)

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Statement of Cash Flows
Year Ended August 31, 2021

(concluded)

	Primary Government	Component Units		
	Business-type Activities	Foundation	Auxiliary Services Corporation	Total
Reconciliation of operating income (loss) to net cash used for operating activities:				
Operating income (loss)	\$ (67,777,683)	\$ 925,768	\$ (32,626)	\$(66,884,541)
Adjustments to reconcile operating income (loss) to net cash used for operating activities:				
Depreciation expense	2,831,213	-	45,137	2,876,350
Loan forgiveness	-	-	(304,900)	(304,900)
Decrease in student receivables, net	(547,363)	-	-	(547,363)
Realized and unrealized (gain) on investments	-	(988,685)	-	(988,685)
(Increase) decrease in other receivables, net	(56,050)	(50,614)	66,110	(40,554)
Decrease in inventories	-	40,372	2,449	42,821
Decrease in net pension asset	(17,553,718)	-	-	(17,553,718)
(Increase) in prepaid items	(22,917)	-	14,502	(8,415)
(Increase) in deferred outflows of resources	(15,997,417)	-	-	(15,997,417)
Increase (decrease) in accounts payable	(1,049,493)	1,886	(1,676)	(1,049,283)
Increase in accrued liabilities	(316,789)	-	(13,038)	(329,827)
Increase in retirement liabilities	111,605	-	-	111,605
Increase in other liabilities	711,923	-	-	711,923
(Decrease) increase in unearned revenues	917,718	-	20,750	938,468
(Decrease) in OPEB obligation	29,314,706	-	-	29,314,706
Increase in net pension liability	(28,043,586)	-	-	(28,043,586)
Increase in deferred inflows of resources	30,522,848	-	-	30,522,848
Total adjustments	822,680	(997,041)	(170,666)	(345,027)
Net cash (used for) operating activities	\$ (66,955,003)	\$ (71,273)	\$ (203,292)	\$(67,229,568)

The notes to the financial statements are an integral part of this statement.

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Notes to the Financial Statements
Years Ended August 31, 2022 and 2021

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The basic financial statements of SUNY Erie (the "College") 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 ("GASB") is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The more significant of the College's accounting policies are described below.

Reporting Entity

SUNY Erie, an educational institution of the County of Erie, New York (the "County", "Sponsor"), is a locally sponsored, two-year college. The College is supervised by the State University of New York ("SUNY"), and was established for the purpose of providing educational services primarily to the residents of the County. The College is funded primarily through New York State (the "State"), the County, and tuition revenue. The College extends credit to students, which is collateralized by expected financial aid awards.

The College is considered by the County to be part of the County's primary government. The College's financial statements are therefore incorporated into the County's financial statements as a blended component unit. The County reports on a calendar-year basis.

The County is the sponsor of the College, and as such retains title to certain assets used in providing educational opportunities to students. These assets are excluded from the College's financial statements, and consist primarily of the College's three physical campuses. Financing for these assets, including long-term debt obligations, is the responsibility of and is provided by the County and the State.

State Education Law prescribes a tri-party funding formula in which the State is to provide up to 40%, students 33.3% and the County sponsor 26.7% of the College's resources. The State and County's level of support have historically been at levels lower than that prescribed by State Education Law, while student revenues have exceeded 33.3%. The regulations permit this sponsor funding situation to continue so long as "maintenance of effort" is sustained in that the level of sponsor support does not decline from one year to the next. If sponsor support were to decline, the College would be required to adjust its tuition rates down significantly to meet the 33.3% funding requirement. As of August 31, 2022, the College received an increased level of support from the prior year, thus the "maintenance of effort" was sustained. Sponsor support increased 14.0% for the year ended August 31, 2022. The College's 2022-21 and 2020-21 budgets were adopted by the County Executive and Legislature providing a continued "maintenance of effort".

The College is part of the SUNY and represents separate funds that are not included in the State's general fund. The College is a separate entity, although part of a system, which includes all other State institutions of higher education. The accompanying financial statements present all funds under the authority of the College. The basic criterion for inclusion in the accompanying financial statements is the exercise of oversight responsibility derived from the College's ability to significantly influence operations and accountability for fiscal matters of related entities.

Discretely Presented Component Units—The organizations listed below were determined to have met the basic criteria for inclusion in the College reporting entity and are included in the accompanying financial statements as discretely presented component units.

Auxiliary Services Corporation of Erie Community College, Inc.—The purpose of the Auxiliary Services Corporation of Erie Community College, Inc. (the “Corporation”), a New York not-for-profit corporation, is to promote and cultivate educational and social relations through the operation of bookstores, on-campus dining services, vending facilities, childcare, and student centers for the convenience of the students, faculty, and staff of the College. The Corporation is funded through sales of merchandise and food, federal and state grants, and other fees.

The Corporation operates under the terms of an agreement with the Board of Trustees of the College. As part of this agreement, the Corporation also acts as custodian for certain funds held on behalf of other organizations. The Corporation has rent-free use of certain College premises. It was not practical to determine the fair value of the use of these premises. Separate financial statements can be obtained from the Auxiliary Services Corporation of Erie Community College, Inc., Executive Director, 4041 Southwestern Blvd., Orchard Park, NY 14127.

Erie Community College Foundation, Inc.—The Erie Community College Foundation, Inc. (the “Foundation”) is a New York State not-for-profit corporation established to support the College. Its purpose is to raise, receive, and administer all private gifts and program services for the College, its programs, and its students. Separate financial statements can be obtained from the Erie Community College Foundation, Inc., Executive Director, 121 Ellicott Street, Buffalo, NY 14203.

Measurement Focus and Basis of Accounting

The accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the type of resources being measured such as *current financial resources* or *economic resources*. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

The activities of the College 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, regardless of the timing of cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The College follows GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*, which supersedes the provisions previously allowable under GASB Statement No. 20, *Accounting and Financial Reporting for Proprietary Funds and Other Governmental Entities That Use Proprietary Fund Accounting*, by incorporating into the GASB’s literature all Financial Accounting Standards Board (“FASB”) Statements and Interpretations, Accounting Principles Board Opinions, and Accounting Research Bulletins no matter when issued except those that conflict with a GASB pronouncement.

Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position

Cash and Cash Equivalents—The College’s cash and cash equivalents consist of cash on hand, demand deposits, time deposits and short-term, highly liquid investments with original maturities of three months or less from the date of acquisition.

For purposes of the statements of cash flows, the Foundation considers all money market mutual funds and highly liquid investments available for current use with an initial maturity of three months or less to be cash equivalents.

The Corporation's cash consists of demand deposits and time deposits maintained at one bank. Cash is held in bank deposit accounts which may at times exceed federally insured limits. At August 31, 2022 and 2021, the Corporation's bank deposits were either FDIC-insured or collateralized with securities held by the pledging bank's agent in the Corporation's name.

Investments—The Foundation follows the Not-For-Profit Entities subtopic of the Financial Accounting Standards Board (“FASB”) Accounting Standards Codification with respect to investments. Under this subtopic, investments in marketable securities with readily determinable fair values and all investments in debt securities are reported at their fair values in the statement of financial position. Unrealized gains and losses are included in the change in net position.

Inventories—The Corporation's inventory is stated at the lower of cost (first in, first-out) or market, and consists of food and food service supplies.

Prepaid Items—Certain payments reflect costs applicable to future accounting periods and are recorded as prepaid items in the financial statements. The cost of prepaid items is recorded as expenses when consumed rather than when purchased.

Unconditional Promises to Give—The Foundation's unconditional promises to give are stated in the statement of net position as other receivables at their estimated realizable value. The Foundation accounts for bad debts using the direct charge-off method, directly expensing promises to give which management deems uncollectible, or realizable at less than full value. The direct charge-off method provides results similar to the reserve method in all material respects.

Capital Assets—Capital assets include land improvements, building improvements, equipment, and books that are part of a catalogued library. Capital assets are stated at cost (or estimated historical cost) at the date of acquisition or construction, or fair value at the date of donation in the case of gifts. For the years ended August 31, 2022 and 2021, library collections are depreciated using half year convention; whereas, all other assets are depreciated using the straight-line method over the estimated useful lives of the assets.

Construction in progress is not depreciated. The other capital assets of the College are depreciated using the straight-line method over the following estimated useful lives:

	Estimated Useful Life (Years)
Building improvements	20
Land improvements	20
Equipment	3–10
Library collections	10

Deferred Outflows/Inflows of Resources—In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense) until then. At August 31, 2022, the College has two items that qualify for reporting in this category. The first item is related to pensions and represents the effect of the net change in the College's proportion of the collective net pension liability (asset), the difference during the measurement period between the College's contributions and its proportionate share of the total contribution to the pension systems not included in the pension expense, and any contributions to the pension systems made subsequent to the measurement date. The second item represents the effects of the change in the College's proportion of the collective OPEB liability and difference during the measurement period between certain of the employer's contributions and its proportionate share of the total of certain contributions from employers included in the collective OPEB liability.

In addition to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. At August 31, 2022, the College has three items that qualify for reporting in this category. The first item represents the effect of the net change in the College's proportion of the collective net pension liability (asset) and the difference during the measurement periods between the College's contributions and its proportionate share of total contributions to the pension systems not included in pension expense. The second item represents the effects of the change in the College's proportion of the collective OPEB liability and difference during the measurement period between certain of the employer's contributions and its proportionate share of the total of certain contributions from employers included in the collective OPEB liability. The third item is related to leases receivable reported on the Statement of Net Position, which is reported equal to the lease receivable at the present value of the remaining lease payments expected to be received during the lease term and amortized over the life of the lease.

Net Position Flow Assumptions—Sometimes the College will fund outlays for a particular purpose from both restricted (e.g., restricted grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted-net position and unrestricted-net position in the financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the College's policy to consider restricted-net position to have been depleted before unrestricted-net position is applied.

Revenues and Expenses

Classification of Revenues—The College has classified its revenues as either operating or nonoperating revenues according to the following criteria:

Operating Revenues—Operating revenues include activities that have the characteristics of exchange transactions, such as (1) student tuition and fees, less scholarship allowances, (2) most federal, state, local, and non-governmental grants and contracts, (3) federal appropriations, and (4) sales and services of educational activities.

Nonoperating Revenues—Nonoperating revenues include activities that have the characteristics of nonexchange transactions, such as gifts and contributions, and other revenues that are defined as nonoperating revenues by GASB, such as unrestricted state and local appropriations, federal and state student financial aid, investment income, miscellaneous revenue and loss on capital assets.

Nonoperating Activities—The Corporation includes miscellaneous revenue and program expenses, classified as non-operating activities in the statements of activities, as operating activities in the statement of cash flows. These receipts and disbursements, including donations and payments to the College, of the Corporation are not considered to be guaranteed annual recurring transactions and, therefore, are classified as non-operating activities in the statements of activities; however, the nature of these items under the classifications provided in the statements of cash flows has been considered as operating activities.

Unearned Revenue—Certain revenues have not met the revenue recognition criteria for financial reporting purposes. At August 31, 2022, the College reported \$6,761,125 of unearned revenues. The College received cash in advance relating to grants, and tuition and fees applicable to the upcoming fall term but has not performed the services, and therefore recognizes a liability. Additionally, the Corporation reported \$92,649 of unearned revenues related to advanced payments for sponsorships, bookstore sales, as well as the first payment of the stabilization grant.

Income Taxes—The College and its component units are exempt from income taxes, except for unrelated business income, under federal and state income tax laws and regulations of the Internal Revenue Service.

Scholarship Allowances—Student tuition and fee revenues, and certain other revenues from students, are reported on the Statements of Revenues, Expenses, and Changes in Net Position, which are reduced by scholarship allowances. Scholarship allowances are the difference between the stated charge for goods and services provided by the College, and the amount that is paid by students and/or third parties making payments on the student's behalf.

Government Grants and Contracts—Government grants and contracts normally provide for the recovery of direct and indirect costs. The College recognizes revenue associated with direct costs as the related costs are incurred. Recovery of related indirect costs is generally recorded at fixed rates negotiated for the applicable period.

Higher Education Emergency Relief Funds (“HEERF”)—During the year ended August 31, 2022, the College was a recipient of HEERF. Of the \$25,947,801 total allocation received, \$12,970,199 was distributed as Emergency Financial Aid Grants directly to students, \$12,371,249 was reported as institutional portion of the HEERF grant representing lost revenues and other eligible expenses, including housing fees, and the remaining portion, \$606,353, represents additional lost revenues under the Strengthening Institutions Program. These amounts were included in the Statement of Revenues, Expenses and Changes in Net Position of the College as Federal grants under operating revenues since they constitute payments for services provided for which operating costs are recorded or qualifying lost revenues.

Compensated Absences—The College accounts for compensated absences in accordance with the provisions of GASB, which requires entities to accrue for employees' rights to receive compensation for vacation leave, or payments in lieu of accrued vacation or sick leave, as such benefits are earned and payment becomes probable.

Pensions—The College is mandated by New York State law to participate in the New York State Teachers' Retirement System (“TRS”) and the New York State Local Employees' Retirement System (“ERS”). For purposes of measuring the net pension liability (asset), deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the defined benefit pension plans, and changes thereof, have been determined on the same basis as they are reported by the respective defined benefit pension plans. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with benefit terms. Investments are reported at fair value. More information regarding pensions is included in Note 9.

Other Postemployment Benefits—In addition to providing pension benefits, the College provides health insurance coverage for certain retired employees as discussed in Note 10.

Contributions—The Foundation follows the Not-For-Profit Entities subtopic and Revenue Recognition subtopic of the FASB Accounting Standards Codification with respect to contributions. In accordance with these subtopics, contributions received are recorded as with or without donor restrictions depending on the existence or nature of any donor or grantor imposed restrictions.

Other

Use of Estimates—The preparation of the financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets, deferred outflows/inflows of resources, and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements. Estimates also affect the reported amounts of revenue and expenses/expenditures during the reported period. Actual results could differ from those estimates.

Adoption of New Accounting Pronouncements—During the year ended August 31, 2022, the College implemented GASB Statement No. 87, *Leases*; No. 89, *Accounting for Interest Cost Incurred before the End of a Construction Period*; No. 91, *Conduit Debt Obligations*; and No. 96, *Subscription-Based Information Technology Arrangements*. GASB Statement No. 87 better meets the information needs of financial statement users by improving accounting and financial reporting for leases by governments. GASB Statement No. 89 enhances the relevance and comparability of information about capital assets and the cost of borrowing for a reporting period and to simplify accounting for certain interest costs. GASB Statement No. 91 clarifies the existing definition of a conduit debt obligation; establishing that a conduit debt obligation is not a liability of the issuer; establishing standards for accounting and financial reporting of additional commitments and voluntary commitments extended by issuers and arrangements associated with conduit debt obligations; and improving required note disclosures. GASB Statement No. 96 improves financial reporting by establishing a definition for Subscription-Based Information Technology Arrangements (“SBITAs”) and provides uniform guidance for accounting and financial reporting for transactions that meet that definition. The implementation of GASB Statements No. 87, 89, 91 and 96 did not have a material impact on the College’s financial position or results from operations.

Future Impacts of Accounting Pronouncements—The College has not completed the process of evaluating the impact that will result from adopting GASB Statements No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*; and a portion of No. 99, *Omnibus 2022*, effective for the year ending August 31, 2023, and the remainder of No. 99, *Omnibus 2022*; and No. 100, *Accounting Changes and Error Corrections—an amendment of GASB Statement No. 62*, effective for the year ending August 31, 2024, and No. 101, *Compensated Absences*, effective for the year ending August 31, 2025. The College is, therefore, unable to disclose the impact that adopting GASB Statements No. 94, 99, 100, and 101 will have on its financial position and results of operations when such statements are adopted.

2. BASIC STATE AID

Operating revenues received from the State University of New York are regulated by a financing formula contained in the State University of New York regulations. Under the formula, the amount of basic state aid is limited to the lower of 40% of the College’s net allowable expenditures or an established rate per full-time equivalent student (“FTE”). The FTE rate was \$2,997 and \$2,947 for the years ended August 31, 2022 and 2021, respectively.

3. CASH AND CASH EQUIVALENTS

The College’s available cash is deposited and invested in accordance with the State General Municipal Law (Article 2, Section 11), which governs the College’s investment policies. Additionally, the College has its own written investment policy. College monies must be deposited in FDIC-insured commercial banks or trust companies located within the State. The College is authorized to use demand accounts and time deposits (including certificates of deposit). Permissible investments include obligations of the U.S. Treasury and U.S. Agencies, repurchase agreements, and obligations of New York State or its localities.

Collateral is required for demand deposit accounts, time deposit accounts and certificates of deposit at 100% of all deposits not covered by federal deposit insurance. The College has entered into custodial agreements with the various banks which hold their deposits. These agreements authorize the obligation that may be pledged as collateral. Obligations that may be pledged as collateral are outlined in Chapter 623 of the laws of the State of New York.

Cash and cash equivalents of the College at August 31, 2022 and 2021 are shown on the following page.

	<u>2022</u>	<u>2021</u>
Petty cash (uncollateralized)	\$ 1,920	\$ 1,920
Deposits	<u>31,612,540</u>	<u>25,495,172</u>
Total	<u>\$31,614,460</u>	<u>\$25,497,092</u>

Deposits—All deposits are carried at fair value and are classified by custodial credit risk at August 31, 2022 and 2021 as follows:

	<u>Bank Balance</u>	<u>Carrying Amount</u>
Deposits at August 31, 2022:		
Insured—FDIC	\$ 684,016	\$ 684,016
Uninsured:		
Collateral held by pledging bank's agent in the College's name	<u>31,811,953</u>	<u>30,928,524</u>
Total	<u>\$32,495,969</u>	<u>\$ 31,612,540</u>
	<u>Bank Balance</u>	<u>Carrying Amount</u>
Deposits at August 31, 2021:		
Insured—FDIC	\$ 683,950	\$ 683,950
Uninsured:		
Collateral held by pledging bank's agent in the College's name	<u>24,964,560</u>	<u>24,811,222</u>
Total	<u>\$25,648,510</u>	<u>\$ 25,495,172</u>

Custodial Credit Risk—Deposits—Custodial credit risk is the risk that in the event of a bank failure, the College's deposits may not be returned to it. As noted above, by State statute all deposits in excess of FDIC insurance coverage must be collateralized. At August 31, 2022 and 2021, the College's deposits were either FDIC insured or collateralized with securities held by the pledging bank's agent in the College's name.

Interest Rate Risk—In accordance with its investment policy, the College manages exposures by limiting investments to low risk type investments governed by New York State statutes.

Auxiliary Services Corporation of Erie Community College, Inc.

For the years ended August 31, 2022 and 2021, the Corporation reported cash, and cash equivalents of \$1,617,422 and \$1,537,183 and receivables of \$41,750 and \$63,139, respectively, as financial assets available for general expenditure that are, without donor or other restrictions limiting their use, within one year of the balance sheet date. The Corporation ensures funds are invested to provide high levels of safety and liquidity, while also looking to maximize yield in a conservative manner.

Erie Community College Foundation, Inc.

For purposes of the statements of cash flows, the Foundation considers all money market mutual funds and highly liquid investments available for current use with an initial maturity of three months or less to be cash equivalents.

Financial instruments that potentially subject the Foundation to off-balance-sheet credit risk include cash and cash equivalents on deposit with financial institutions which were insured for up to \$250,000 by the U.S. Federal Deposit Insurance Corporation. At various times throughout the years ended August 31, 2022 and 2021, the Foundation's balance in its accounts has exceeded these federally insured limits.

4. INVESTMENTS

Erie Community College Foundation, Inc.

The Fair Value Measurements and Disclosures subtopic of the FASB Accounting Standards Codification establishes a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. This hierarchy consists of three broad levels: Level 1 inputs consist of unadjusted quoted prices in active markets for identical assets and have the highest priority, Level 2 consist of observable inputs other than quoted prices for identical assets, and Level 3 inputs have the lowest priority. The Foundation uses appropriate valuation techniques based on the available inputs to measure the fair value of its investments. When available, the Foundation measures fair value using Level 1 inputs because they generally provide the most reliable evidence of fair value. Level 3 inputs would be used only when Level 1 or Level 2 inputs were not available.

The Foundation's investments are reported at fair value in the accompanying statement of financial position as of August 31, 2022 and 2021, respectively:

	2022		2021	
	Fair Value	Quoted Market Prices (Level 1)	Fair Value	Quoted Market Prices (Level 1)
Fixed income securities	\$ 2,291,415	\$ 2,291,415	\$ 2,406,777	\$ 2,406,777
Equity securities	3,223,513	3,223,513	4,019,161	4,019,161
Total	\$ 5,514,928	\$ 5,514,928	\$ 6,425,938	\$ 6,425,938

5. RECEIVABLES

Receivables at August 31, 2022 and 2021 include student receivables, lease receivables, amounts due from the County and other receivables as follows:

	2022			2021		
	Receivable	Allowance	Net	Receivable	Allowance	Net
Student receivables	\$ 18,604,115	\$ (15,344,740)	\$ 3,259,375	\$ 19,030,759	\$ (15,459,964)	\$ 3,570,795
Lease receivables	1,304,309	-	1,304,309	-	-	-
Due from Erie County	98,029	-	98,029	598,029	-	598,029
Other receivables:						
Due from other counties	667,437	-	667,437	122,638	-	122,638
Due from federal government	913,610	-	913,610	65,135	-	65,135
Due from New York State	104,002	-	104,002	848,220	-	848,220
Miscellaneous	157,517	-	157,517	291,943	-	291,943
Total receivables	\$ 21,849,019	\$ (15,344,740)	\$ 6,504,279	\$ 20,956,724	\$ (15,459,964)	\$ 5,496,760

Lease Receivables—Following the implementation of GASB Statement No. 87, *Leases*, the College recognizes various lease receivables including land and office space measured at the present value of the remaining lease payments expected to be received during the lease terms. The leases have maturity dates ranging from 2 to 13 years remaining, and the College recognized \$221,387 in lease revenue and \$49,350 in interest revenue during the current fiscal year. As of August 31, 2022, the College’s outstanding receivable for lease payments was \$1,304,309.

Erie Community College Foundation, Inc.

Other receivables for the Foundation include unconditional promises to give and accounts receivable for special events at August 31, 2022 and 2021 as follows:

	<u>2022</u>	<u>2021</u>
Receivable in less than one year	\$ 20,750	\$ 20,000
Receivable in one to five years	80,000	80,000
Receivable in more than five years	<u>-</u>	<u>20,000</u>
Total unconditional promises to give	100,750	120,000
Less discounts to net present value	<u>(6,418)</u>	<u>(1,546)</u>
Net unconditional promises to give	<u>\$ 94,332</u>	<u>\$ 118,454</u>

Auxiliary Services Corporation of Erie Community College, Inc.

Accounts receivable consisted of the following components at August 31, 2022 and 2021:

	<u>2022</u>	<u>2021</u>
Trade receivables	<u>\$ 41,750</u>	<u>\$ 63,139</u>

6. INVENTORIES

Auxiliary Services Corporation of Erie Community College, Inc.

Inventory consisted of the following components at August 31, 2022 and 2021:

	<u>2022</u>	<u>2021</u>
Food	\$ 11,712	\$ 14,566
Food service supplies	<u>4,816</u>	<u>5,377</u>
Total	<u>\$ 16,528</u>	<u>\$ 19,943</u>

7. CAPITAL ASSETS

Capital asset activity for the College for the years ended August 31, 2022 and 2021 was as follows:

	Balance 9/1/2021	Increases and Reclassifications	Decreases	Balance 8/31/2022
Capital assets, not being depreciated/amortized:				
Construction in progress	\$ 741,446	\$ 62,480	\$ -	\$ 803,926
Total capital assets, not being depreciated/amortized	<u>741,446</u>	<u>62,480</u>	<u>-</u>	<u>803,926</u>
Capital assets, being depreciated/amortized:				
Building improvements	34,979,017	-	-	34,979,017
Land improvements	63,754	-	-	63,754
Equipment	21,948,863	765,579	893,373	21,821,069
Library collections	1,806,392	61,709	215,662	1,652,439
Right-to-use leased assets	-	515,424	-	515,424
Total capital assets, being depreciated/amortized	<u>58,798,026</u>	<u>1,342,712</u>	<u>1,109,035</u>	<u>59,031,703</u>
Less accumulated depreciation/amortization for:				
Building improvements	13,804,671	1,748,951	-	15,553,622
Land improvements	52,598	3,188	-	55,786
Equipment	18,315,370	802,421	893,373	18,224,418
Library collections	1,039,727	162,158	204,879	997,006
Right-to-use leased assets	-	309,254	-	309,254
Total accumulated depreciation	<u>33,212,366</u>	<u>3,025,972</u>	<u>1,098,252</u>	<u>35,140,086</u>
Total capital assets, being depreciated/amortized, net	<u>25,585,660</u>	<u>(1,683,260)</u>	<u>10,783</u>	<u>23,891,617</u>
Total capital assets, net	<u>\$ 26,327,106</u>	<u>\$ (1,620,780)</u>	<u>\$ 10,783</u>	<u>\$ 24,695,543</u>
	Balance 9/1/2020	Increases	Decreases	Balance 8/31/2021
Capital assets, not being depreciated:				
Construction in progress	\$ 651,743	\$ 89,703	\$ -	\$ 741,446
Total capital assets, not being depreciated	<u>651,743</u>	<u>89,703</u>	<u>-</u>	<u>741,446</u>
Capital assets, being depreciated:				
Building improvements	34,979,017	-	-	34,979,017
Land improvements	63,754	-	-	63,754
Equipment	21,506,897	464,446	22,480	21,948,863
Library collections	1,946,418	53,846	193,872	1,806,392
Total capital assets, being depreciated	<u>58,496,086</u>	<u>518,292</u>	<u>216,352</u>	<u>58,798,026</u>
Less accumulated depreciation for:				
Building improvements	12,055,720	1,748,951	-	13,804,671
Land improvements	49,410	3,188	-	52,598
Equipment	17,436,723	901,127	22,480	18,315,370
Library collections	1,045,958	177,947	184,178	1,039,727
Total accumulated depreciation	<u>30,587,811</u>	<u>2,831,213</u>	<u>206,658</u>	<u>33,212,366</u>
Total capital assets, being depreciated, net	<u>27,908,275</u>	<u>(2,312,921)</u>	<u>9,694</u>	<u>25,585,660</u>
Total capital assets, net	<u>\$ 28,560,018</u>	<u>\$ (2,223,218)</u>	<u>\$ 9,694</u>	<u>\$ 26,327,106</u>

The College does not have title to or ownership of certain capital assets (e.g., buildings and infrastructure) or liability for certain indebtedness; these are direct assets and obligations of the County and are reported within the County's financial statements.

Auxiliary Services Corporation of Erie Community College, Inc.

The Corporation's capital assets as of August 31, 2022 and 2021 consist of the following:

	<u>2022</u>	<u>2021</u>
Equipment	\$ 325,522	\$ 325,522
Facility improvements	684,441	684,441
Vehicles	<u>18,782</u>	<u>18,782</u>
Total capital assets	1,028,745	1,028,745
Less accumulated depreciation	<u>(806,625)</u>	<u>(761,488)</u>
Total capital assets (net)	<u>\$ 222,120</u>	<u>\$ 267,257</u>

8. ACCRUED LIABILITIES

Accrued liabilities reported by the primary government of the College at August 31, 2022 and 2021 were as follows:

	<u>2022</u>	<u>2021</u>
Salaries and benefits	\$ 1,641,508	\$ 1,764,361
Health insurance—terminal liability*	<u>801,857</u>	<u>852,495</u>
Total	<u>\$ 2,443,365</u>	<u>\$ 2,616,856</u>

* Included as noncurrent liabilities, see Note 13 for additional information.

9. PENSION OBLIGATIONS

The College participates in the New York State Teacher's Retirement System ("TRS"), the New York State and Local Employees' Retirement System ("ERS"), and the Teachers' Insurance and Annuity Association – College Retirement Equities Fund ("TIAA/CREF"). The TRS and ERS (the "Systems") are cost-sharing multiple-employer public employee retirement systems which compute contribution requirements based on the New York State Retirement and Local Security Law ("NYSRSSL"). TIAA/CREF is a multiple-employer, defined contribution plan administered by separate boards of trustees. Substantially all College full-time employees participate in the plans.

Defined Benefit Plans

Plan Descriptions and Benefits Provided

Teachers' Retirement System—TRS provides retirement benefits as well as death and disability benefits to plan members and beneficiaries as authorized by the Education Law and the NYSRSSL. TRS is governed by a 10 member Board of Trustees. TRS benefits are established under New York State Law. Membership is mandatory and automatic for all full-time teachers, teaching assistants, guidance counselors and administrators employed in New York Public Schools and BOCES who elected to participate in TRS. Once a public employer elects to participate in TRS, the election is irrevocable. The New York State Constitution provides that pension membership is a contractual relationship and plan benefits cannot be diminished or impaired. Benefits can be changed for future members only by enactment of a State statute. Additional information regarding TRS may be obtained by writing to the New York State Teachers' Retirement System, 10 Corporate Woods Drive, Albany, NY 12211-2395 or by referring to the NYSTRS Comprehensive Annual Financial report which can be found on TRS' website at www.nystrs.org.

Employees' Retirement System—ERS provides retirement benefits as well as death and disability benefits. The net position of ERS is held in the New York State Common Retirement Fund (the "Fund"), which was established to hold all net assets and record changes in plan net position allocated to ERS. The Comptroller of the State of New York serves as the trustee of the Fund and is the administrative head of ERS. System benefits are established under the provisions of the NYSRSSL. Once a public employer elects to participate in ERS, the election is irrevocable. The New York State Constitution provides that pension membership is a contractual relationship and plan benefits cannot be diminished or impaired. Benefits can be changed for future members only by enactment of a State statute. The College also participates in the Public Employees' Group Life Insurance Plan ("GLIP"), which provides death benefits in the form of life insurance. ERS is included in the State's financial report as a pension trust fund. That report, including information with regard to benefits provided, may be found at www.osc.state.ny.us/retire/publications/index.php, or obtained by writing to the New York State and Local Retirement System, 110 State Street, Albany, NY 12244.

The Systems are noncontributory except for employees who joined after July 27, 1976, who contribute three percent (3.0%) of their salary for the first ten years of membership, and employees who joined on or after January 10, 2010 who generally contribute three percent (3.0%) to three and one half percent (3.5%) of their salary for their entire length of service. In addition, employee contribution rates under ERS Tier VI vary based on a sliding salary scale. For TRS, contribution rates are established annually by the New York State Teachers' Retirement Board pursuant to Article 11 of the Education Law. For ERS, the Comptroller annually certifies the actuarially determined rates expressly used in computing the employers' contributions based on salaries paid during the Systems' fiscal year ending March 31.

Pension Liability/(Asset), Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions—At August 31, 2022, the College reported the following liability/(asset) for its proportionate share of the net pension liability/(asset) for each of the Systems. The net pension liability/(asset) is measured as of June 30, 2022 for TRS and March 31, 2022 for ERS. The total pension liability/(asset) used to calculate the net pension liability/(asset) is determined by actuarial valuations as of June 30, 2021 and April 1, 2021, respectively, with update procedures used to roll forward the total pension liability/(asset) to the measurement dates. The College's proportion of the net pension liability/(asset) was based on a projection of the College's long-term share of contributions to the Systems relative to the projected contributions of all participating members, actuarially determined. For TRS, this information was provided by the TRS in a report to the College. For ERS, the College is under the County's plan. The County determined a percentage to the College for the allocation of the County's proportion of the net pension liability/(asset).

	TRS	ERS
Measurement date	June 30, 2022	March 31, 2022
Net pension liability (asset)	\$ 1,790,725	\$ (6,951,041)
College's portion of the Plan's total net pension liability	0.093321%	0.085032%

For the year ended August 31, 2022, the College recognized pension expenses of \$2,289,596 for the TRS and \$172,389 for the ERS. At August 31, 2022, the College reported deferred outflows of resources and deferred inflows of resources related to pensions from the sources on the following page.

	<u>Deferred Outflows of Resources</u>		<u>Deferred Inflows of Resources</u>	
	<u>TRS</u>	<u>ERS</u>	<u>TRS</u>	<u>ERS</u>
Differences between expected and actual experiences	\$ 1,876,453	\$ 526,412	\$ 35,883	\$ 682,786
Changes of assumptions	3,473,704	11,600,508	721,355	195,746
Net difference between projected and actual earnings on pension plan investments	2,313,787	-	-	22,761,747
Changes in proportion and differences between the College's contributions and proportionate share of contributions	463,919	678,915	238,101	980,455
College contributions subsequent to the measurement date	<u>1,350,116</u>	<u>1,099,292</u>	<u>-</u>	<u>-</u>
Total	<u>\$ 9,477,979</u>	<u>\$ 13,905,127</u>	<u>\$ 995,339</u>	<u>\$ 24,620,734</u>

College contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability/(asset) in the year ending August 31, 2023. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows:

<u>Year Ending August 31,</u>	<u>TRS</u>	<u>ERS</u>
2023	\$ 1,372,309	\$ (1,878,316)
2024	703,811	(2,658,899)
2025	(284,430)	(6,009,590)
2026	4,613,837	(1,268,094)
2027	654,889	-
Thereafter	72,108	-

Actuarial Assumptions—The total pension liability/(asset) as of the measurement dates were determined by using actuarial valuations as noted in the table below, with update procedures used to roll forward the total pension liability/(asset) to the respective measurement dates. The actuarial valuations used the following actuarial assumptions:

	<u>TRS</u>	<u>ERS</u>
Measurement date	June 30, 2022	March 31, 2022
Actuarial valuation date	June 30, 2021	April 1, 2021
Interest rate	6.95%	5.90%
Salary scale	1.95%-5.18%	4.40%
Decrement tables	July 1, 2015- June 30, 2020	April 1, 2015- March 31, 2020
Inflation rate	2.40%	2.70%
Cost-of-living adjustments	1.30%	1.40%

For TRS, annuitant mortality rates are based on July 1, 2015 – June 30, 2020 System experience with adjustments for mortality improvements based on the Society of Actuaries' Scale MP-2021, applied on a generational basis. For ERS, annuitant mortality rates are based on April 1, 2015 – March 31, 2020 System's experience with adjustments for mortality improvements based on the Society of Actuaries' Scale MP-2020.

For TRS, the actuarial assumptions used in the June 30, 2021 valuation are based on the results of an actuarial experience study for the period July 1, 2015 – June 30, 2020. For ERS, the actuarial assumptions used in the April 1, 2021 valuation are based on the results of an actuarial experience study for the period April 1, 2015 – March 31, 2020.

The long-term rate of return on pension plan investments was determined using a building block method in which the best estimate ranges of expected future real rates of return (expected returns net of investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by each the target asset allocation percentage and by adding expected inflation. Best estimates of the arithmetic real rates of return for each major asset class included in the target asset allocation are summarized below.

Measurement date	Target Allocation		Long-Term Expected Real Rate of Return	
	TRS	ERS	TRS	ERS
			June 30, 2022	March 31, 2022
Asset class:				
Domestic equities	33.0 %	32.0 %	6.5 %	3.3 %
International equities	16.0	15.0	7.2	5.9
Global equities	4.0	0.0	6.9	0.0
Private equity	8.0	10.0	9.9	6.5
Real estate	11.0	9.0	6.2	5.0
Absolute return strategies	0.0	4.0	0.0	3.8
Domestic fixed income securities	16.0	0.0	1.1	0.0
Global fixed income securities	2.0	0.0	0.6	0.0
High-yield fixed income securities	1.0	0.0	3.3	0.0
Opportunistic portfolio	0.0	3.0	0.0	4.1
Private debt	2.0	0.0	5.3	0.0
Real assets	0.0	3.0	2.4	5.6
Bonds and mortgages	6.0	23.0	3.3	0.0
Cash	1.0	1.0	(0.3)	(1.0)
Total	100.0 %	100.0 %		

Discount Rate—The discount rate used to calculate the total pension liability/(asset) was 6.95% for TRS and 5.90% for ERS. The projection of cash flows used to determine the discount rate assumes that the contributions from plan members will be made at the current contribution rates and that contributions from employers will be made at statutorily required rates, actuarially. Based upon the assumptions, the Systems’ fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability/(asset).

Sensitivity of the Proportionate Share of the Net Pension Liability/(Asset) to the Discount Rate Assumption—The chart on the following page presents the College’s proportionate share of the net pension liability/(asset) calculated using the discount rate of 6.95% for TRS and 5.90% for ERS, as well as what the College’s proportionate share of the net pension liability/(asset) would be if it were calculated using a discount rate that is one percentage-point lower (5.95% for TRS and 4.90% for ERS) or one percentage-point higher (7.95% for TRS and 6.90% for ERS) than the current assumption.

TRRS	1% Decrease (5.95%)	Current Assumption (6.95%)	1% Increase (7.95%)
Employer's proportionate share of the net pension liability/(asset)	\$ 16,511,324	\$ 1,790,725	\$ (10,589,202)

ERS	1% Decrease (4.90%)	Current Assumption (5.90%)	1% Increase (6.90%)
Employer's proportionate share of the net pension liability/(asset)	\$ 17,891,904	\$ (6,951,041)	\$ (27,730,966)

Pension Plan Fiduciary Net Position—The components of the current-year net pension liability/(asset) of the employers as of the respective valuation dates, were as follows:

	(Dollar in Thousands)	
	TRRS	ERS
Valuation date	June 30, 2021	April 1, 2021
Employers' total pension liability	\$ 133,883,474	\$ 223,874,888
Plan fiduciary net position	<u>131,964,582</u>	<u>232,049,473</u>
Employers' net pension liability/(asset)	<u>\$ 1,918,892</u>	<u>\$ (8,174,585)</u>
System fiduciary net position as a percentage of total pension liability/(asset)	98.6%	103.7%

Payables to the Pension Plan—For TRRS, employer and employee contributions for the fiscal year ended August 31, 2022 are paid to the System in September, October and November 2022. Accrued retirement contributions as of August 31, 2022 represent employee and employer contributions for the fiscal year ended August 31, 2022 based on paid TRRS wages multiplied by the employer's contribution rate, by tier, and employee contributions for the fiscal year as reported to the TRRS System. Accrued retirement contributions as of August 31, 2022 amounted to \$1,924,544.

For ERS, employer contributions are paid annually based on the System's fiscal year which ends of March 31st. Accrued retirement contributions as of August 31, 2022 represent the projected employer contribution for the period of April 1, 2022 through August 31, 2022 based on paid ERS wages multiplied by the employer's contribution rate, by tier. Accrued retirement contributions as of August 31, 2022 amounted to \$1,124,224.

Defined Contribution Plan

Teachers' Insurance and Annuity Association – College Retirement Equities Fund

Plan Description—TIAA/CREF is a college Optional Retirement Program ("ORP") and offers benefits through annuity contracts. The TIAA/CREF issues a publicly available financial report that contains financial statements and required supplementary information for the System. The Report may be obtained by writing to the Teachers' Insurance and Annuity Association – College Retirement Equities Fund, 730 Third Avenue, New York, New York, 10017.

Funding Policy—TIAA/CREF provides benefits through annuity contracts and provides retirement and death benefits to those employees who elected to participate in the ORP. Benefits are determined by the amount of individual accumulations and the retirement income option selected. All benefits generally vest after the completion of one year of service if the employee is retained thereafter. TIAA/CREF is

contributory for employees who joined after July 27, 1976, who contribute 3 percent (3.0%) of their salary. For employees enrolled after July 27, 1992, the College contributes 8 percent (8.0%) of salary for the first seven years of employment and 10 percent (10.0%) of salary thereafter. For employees enrolled between July 27, 1976 and July 17, 1992, the College contributes 9 percent (9.0%) of the first \$16,500 in salary and 12 percent (12.0%) thereafter. Those joining after April 1, 2013 contribute a percentage ranging from 3 percent (3.0%) to 6 percent (6.0%), based on salary for their entire length of service. Employee contributions are deducted from their salaries and remitted on a current basis to TIAA/CREF.

The College's contributions to TIAA/CREF for the most recent three fiscal years are as follows:

<u>Year Ended August 31,</u>	<u>Employer Contributions</u>	<u>Employee Contributions</u>
2022	\$ 1,675,488	\$ 68,037
2021	1,456,391	59,140
2020	1,904,697	70,584

The College's contribution made to the TIAA/CREF was equal to 100 percent of the contributions required for each year.

Payables to the Defined Contribution Plan—TIAA/CREF payments are paid each pay period, therefore resulting in an amount due at August 31, 2022. The balance within the account is likely to fluctuate each period as the amount owed is based on the value of the employee's contributions. Accrued retirement contributions as of August 31, 2022 amounted to \$72,130.

Auxiliary Services Corporation of Erie Community College, Inc.

The Corporation participates in a Section 403(b) plan that covers substantially all of its full-time employees. Contributions made to the plan take the form of bonuses that the employee elects to contribute to a tax-sheltered annuity or custodial account which is maintained through an independent pension provider. This plan is available for the benefit of all full-time employees of the Corporation who have completed one year of service to the organization.

In accordance with the plan agreement, the organization makes contributions to the plan, which is determined based on a percentage of the participating employee's salary and the years of service with the organization. The organization's contributions were \$29,105 and \$15,396 for the years ended August 31, 2022 and 2021, respectively.

10. OTHER POSTEMPLOYMENT BENEFITS ("OPEB") OBLIGATION

Plan Description—The College pays for either a portion of eligible retirees' health insurance or 100% of eligible retirees' health insurance, depending on the date of retirement or the contract. Substantially all of the College's employees may become eligible for these benefits if they have completed five or more years of full-time service with the College, or an equivalent amount of regular part-time service.

Employees Covered by Benefit Terms—At January 1, 2022, the valuation date, the following employees were covered by the benefit terms:

Active employees	635
Inactive employees or beneficiaries currently receiving benefit payments	<u>474</u>
Total	<u>1,109</u>

Total OPEB Liability

The College's total OPEB liability of \$187,920,331 was measured as of December 31, 2021, and was determined by an actuarial valuation as of January 1, 2022.

Actuarial Methods and Assumptions—Calculations are based on the types of benefits provided under the terms of the substantive plan, the plan as understood by the employer and the plan members, at the time of the valuation and on the pattern of cost sharing between the employer and plan members. The projection of benefits does not incorporate the potential effect of a change in the pattern of cost sharing between the employer and plan members in the future. Calculations reflect a long-term perspective, so methods and assumptions used include techniques that are designed to reduce short-term volatility.

In the January 1, 2022 actuarial valuation, the entry age normal actuarial cost method, over a level percent of pay was used. The single discount rate changed from 2.00% effective January 1, 2020 to 1.84% effective December 31, 2021. The salary scale assumed to increase at 2.25% per year. The sex-distinct and job category-specific headcount weighted Pub-2010 Public Retirement Plans Mortality Tables for employees and healthy retirees, adjusted for mortality improvements with scale MP-2021 mortality improvement scale on a generational basis were used for mortality rates. In order to estimate the change in the cost of healthcare, the actuaries initial healthcare cost trend rate used is 7.00% while the ultimate healthcare cost trend rate is 3.78%. An inflation rate of 2.25% was assumed for developing the rate of increase in healthcare costs.

Changes in the Total OPEB Liability—The following table presents the changes to the total OPEB liability during the fiscal year, by source:

	Total OPEB Liability
Balance at August 31, 2021	<u>\$ 219,562,931</u>
Changes for the year:	
Service cost	6,912,128
Interest	4,486,082
Differences between expected and actual experience	(48,156,019)
Changes of assumptions	9,457,171
Benefit payments	<u>(4,341,962)</u>
Net changes	<u>(31,642,600)</u>
Balance at August 31, 2022	<u>\$ 187,920,331</u>

Sensitivity of the Total OPEB Liability to the Change in the Discount Rate and Healthcare Cost Trend Rate—The discount rate assumption can have an impact on the total OPEB liability. The following table presents the effect of a 1% change in the discount rate assumption would have on the total OPEB liability:

	1% Decrease (0.84%)	Current Discount Rate (1.84%)	1% Increase (2.84%)
Total OPEB liability	\$ 220,395,319	\$ 187,920,331	\$ 161,797,450

Additionally, healthcare costs can be subject to considerable volatility over time. The following table presents the effect on the OPEB liability of a 1% change in the initial (7.00%)/ultimate (3.78%) healthcare cost trend rates.

	1% Decrease (6.00%/2.78%)	Healthcare Cost Trend Rates (7.00%/3.78%)	1% Decrease (8.00%/4.78%)
Total OPEB liability	\$ 159,700,730	\$ 187,920,331	\$ 223,761,879

Funding Policy—Authorization for the College to pay a portion, or all, of retiree health insurance premiums was enacted by resolution of the Board of Trustees or through union contracts, which are ratified by the Board. Retirees responsible for a portion of their health insurance premiums pay based on one of two scenarios. Employees who retired prior to January 1, 2003, pay approximately 50% of health insurance costs while the College pays the remainder. Individuals who retired on or after January 1, 2003 pay between 0% and 25% of premiums based on the amount of sick leave the retiree has banked as of their retirement date. The remainder of the retirees make no contribution and the College pays 100% of premiums. The College recognizes the cost of providing these benefits by expensing the annual insurance premiums when invoiced by the County or by the health insurance provider. The College contributed \$4,341,962 and \$4,897,632 for the years ended August 31, 2022 and 2021.

OPEB Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB—The College reports deferred outflows of resources due to differences during the measurement period between the employer’s contributions and its proportionate share of the total of certain contributions from employers included in the collective total OPEB liability. The table below presents the College’s deferred outflows and inflows of resources at August 31, 2022.

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 814,461	\$ 70,344,756
Changes of assumptions	43,215,599	8,576,657
Benefit payments subsequent to the measurement date	3,309,415	-
Total	<u>\$ 47,339,475</u>	<u>\$ 78,921,413</u>

College contributions subsequent to the measurement date will be recognized as a reduction of the total OPEB liability in the year ending August 31, 2023. Other amounts reported as deferred outflows and inflows of resources related to OPEB will be recognized in OPEB expense as follows:

<u>Year ending August 31,</u>	
2023	\$ (8,542,422)
2024	(8,834,877)
2025	(7,256,639)
2026	(2,294,499)
2027	(4,133,134)
Thereafter	(3,829,782)

11. RISK MANAGEMENT

The College is exposed to various risks of losses related to torts; theft of, damage to, and destruction of assets; injuries to employees; natural disasters; and cyber liability. The College purchases commercial insurance to cover such potential risks. There have not been any significant changes in any type of insurance coverage from the prior year, nor have there been any settlements which have exceeded insurance coverage in the past three fiscal years.

Workers’ Compensation Expense—The College is part of a self-insurance workers’ compensation plan administered by the County. Since the College is considered part of the primary government unit of the County, the College does not recognize a liability for its unfunded share of workers’ compensation claims. The County uses its General Fund to account for this risk financing activity and invoices the College for claims paid on its behalf. Total workers’ compensation expense was \$425,586 and \$470,365 for the years ended August 31, 2022 and 2021, respectively.

12. LEASE LIABILITY

The College is a lessee for a noncancellable lease of parking space. The College recognizes a lease liability and an intangible right-to-use lease asset (lease asset) in its statement of net position. The College recognizes lease liabilities with an initial, individual value of \$100,000 or more.

At the commencement of a lease, the College initially measures the lease liability at the present value of payments expected to be made during the lease term. Subsequently, the lease liability is reduced by the principal portion of lease payments made. The lease asset is initially measured as the initial amount of the lease liability, adjusted for lease payments made at or before the lease commencement date, plus certain initial direct costs. Subsequently, the lease asset is amortized on a straight-line basis over its useful life.

Key estimates and judgments related to leases include how the College determines (1) the discount rate it uses to discount the expected lease payments to present value, (2) lease term, and (3) lease payments.

- The College uses the interest rates charged by the lessor as the discount rate. When the interest rate charged by the lessor is not provided, the College generally uses its estimated incremental borrowing rate as the discount rate for leases.
- The lease terms include the noncancellable period of the lease. Lease payments included in the measurement of the lease liability are composed of fixed payments and purchase option price that the College is reasonably certain to exercise.

The College monitors changes in circumstances that would require a remeasurement of its lease and will remeasure the lease asset and liability if certain changes occur that are expected to significantly affect the amount of the lease liability.

Lease assets are reported within capital assets and lease liabilities are reported within noncurrent liabilities on the statement of net position.

During the year ended August 31, 2019, the College entered into a long-term, lease agreement as the lessee for the use of parking space. As a result of the implementation of the GASB Statement No. 87, *Leases*, the College now reports this as a lease liability. As of August 31, 2022, the value of the lease liability was \$207,515. The College is required to make eight monthly principal and interest payments of \$13,500 per year. The lease has an interest rate of 3.0%. The value of the right-to-use lease assets as of the end of the current fiscal year was \$515,424 and reported accumulated amortization of \$309,254.

The future principal and interest payments as of August 31, 2022, were as follows:

Fiscal Year Ending August 31,	Principal	Interest	Total
2023	\$ 102,123	\$ 5,877	\$ 108,000
2024	<u>105,392</u>	<u>2,608</u>	<u>108,000</u>
Total	<u>\$ 207,515</u>	<u>\$ 8,485</u>	<u>\$ 216,000</u>

Auxiliary Services Corporation of Erie Community College, Inc.

The Corporation entered into an agreement in July 2021, maturing in June 2025, to lease certain office equipment. Future minimum annual lease payments under this operating lease are as follows:

<u>Year Ending August 31,</u>	
2023	\$ 1,776
2024	1,776
2025	<u>1,480</u>
Total	<u>\$ 5,032</u>

Total lease expense charged to operations was \$1,776 and \$4,601 for the years ended August 31, 2022 and 2021, respectively.

13. LONG-TERM LIABILITIES

A summary of changes in the College's long-term liabilities for the years ended August 31, 2022 and 2021 is as follows:

	<u>Year ended August 31, 2022</u>				
	<u>Beginning Balance</u>	<u>Additions and Reclassifications</u>	<u>Reductions</u>	<u>Ending Balance</u>	<u>Current Portion</u>
Accrued liabilities:					
Health insurance - terminal liability	\$ 852,495	\$ -	\$ 50,638	\$ 801,857	\$ -
Due to retirement systems:					
NYS Employees' Retirement System	2,065,712	2,448,311	3,389,799	1,124,224	1,124,224
NYS Teachers' Retirement System	1,936,523	1,611,223	1,623,202	1,924,544	1,654,521
SUNY Optional Retirement Program	51,728	1,675,831	1,655,429	72,130	72,130
Lease liability	-	306,386	98,871	207,515	102,123
Compensated absences:					
Vacation accrual	3,685,939	-	1,179,544	2,506,395	340,000
Comp-time accrual	417,377	-	139,925	277,452	40,000
Sick leave accrual	86,120	-	43,060	43,060	20,000
OPEB obligation	219,562,931	-	31,642,600	187,920,331	-
Net pension liability*	<u>92,627</u>	<u>1,698,098</u>	<u>-</u>	<u>1,790,725</u>	<u>-</u>
Total	<u>\$ 228,751,452</u>	<u>\$ 7,739,849</u>	<u>\$ 39,823,068</u>	<u>\$ 196,668,233</u>	<u>\$ 3,352,998</u>

(*Additions to the net pension liability are shown net of reductions.)

	Year ended August 31, 2021				
	Beginning Balance	Additions	Reductions	Ending Balance	Current Portion
Accrued liabilities:					
Health insurance - terminal liability	\$ 1,082,867	\$ -	\$ 230,372	\$ 852,495	\$ -
Due to retirement systems:					
NYS Employees' Retirement System	2,168,598	3,320,697	3,423,583	2,065,712	2,065,712
NYS Teachers' Retirement System	1,805,170	1,780,603	1,649,250	1,936,523	1,663,436
SUNY Optional Retirement Program	59,380	1,507,879	1,515,531	51,728	51,728
Compensated absences:					
Vacation accrual	3,540,398	571,583	426,042	3,685,939	340,000
Comp-time accrual	466,745	-	49,368	417,377	40,000
Sick leave accrual	91,503	-	5,383	86,120	20,000
OPEB obligation	190,248,225	34,212,338	4,897,632	219,562,931	-
Net pension liability*	28,136,213	-	28,043,586	92,627	-
Total	<u>\$ 227,599,099</u>	<u>\$ 41,393,100</u>	<u>\$ 40,240,747</u>	<u>\$ 228,751,452</u>	<u>\$ 4,180,876</u>

(*Additions to the net pension liability are shown net of reductions.)

Accrued Liabilities—Includes retirement incentive-wages and health insurance terminal liability. Retirement incentives represent local programs for incentives to encourage retirement in order to reduce future costs. The incentives vary by program offered, but generally provide for payment of 50–100% of annual salary to be paid either as a lump-sum or over a period of up to five years or to apply such amount to the individual's share of postemployment health insurance coverage. The terminal liability is related to the self-insurance health plan with Erie County and it entails the liability assumed at the end of the plan period.

Due to Retirement Systems—The College's total liability relating to retirement is \$3,120,898 and \$4,053,963 as of August 31, 2022 and 2021, respectively. Of this, \$2,850,875 and \$3,780,876 are recorded in current liabilities as of August 31, 2022 and 2021, respectively, and \$270,023 and \$273,087 are recorded as noncurrent liabilities as of August 31, 2022 and 2021, respectively.

Lease Liability—During 2019, the College entered into a lease for parking space. The lease matures on May 31, 2024 with payments due monthly and the lease carries an interest rate of 3%. The outstanding balance at August 31, 2022 was \$207,515. Refer to Note 12 for additional information related to the College's leases.

Compensated Absences—As explained in Note 1, the College records the value of compensated absences in accordance with GASB. The liability at August 31, 2022 and 2021, for total compensated absences, both current and long-term, is \$2,826,907 and \$4,189,436, respectively.

OPEB Obligation—As explained in Note 10, the College provides health insurance coverage for certain retirees. The College's annual postemployment benefit ("OPEB") cost is measured as the portion of the present value of projected benefit payments to be provided to current active and inactive employees that is attributed to those employees' past periods of service (total OPEB liability), less the amount of the OPEB plan's fiduciary net position. The long-term OPEB liability is estimated to be \$187,920,331 and \$219,562,931, as of August 31, 2022 and 2021, respectively.

Net Pension Liability—The College reported a liability of \$1,790,725 and \$92,627 for the years ended August 31, 2022 and 2021, respectively, for its proportionate share of the net pension liability for their participation in the New York State Employees’ Retirement System and Teachers’ Retirement System. Refer to Note 9 for additional information related to the College’s net pension liability.

14. RELATED-PARTY TRANSACTIONS

The County retains title to certain assets, primarily campuses, used by the College in carrying out the institutional mission. No charge is made by the County to the College for use of the campuses. The College carries certain insurance of its own with varying limits of coverage. Beyond that, the County administers and funds its own General Liability Self-Insurance Program, thus, any litigation, claim or assessment against the College is potentially a claim against the County. A successful claim against the College could be satisfied from its own insurance or that of the County’s self-insurance program.

Amounts due from the County to the College are \$98,029 and \$598,029 at August 31, 2022 and 2021, respectively, and relate to grant money for specific programs. Amounts due to the County at August 31, 2022 and 2021 are \$556,338 and \$535,216, respectively. These amounts due to the County are for bills paid by the County on behalf of the College. The County’s annual contributions to the College were \$21,429,973 and \$18,804,317, respectively, for the years ended August 31, 2022 and 2021.

Erie Community College Foundation, Inc.

The Foundation received \$121,000 and \$80,000 from the College during the years ended August 31, 2022 and 2021, respectively, to offset the administrative costs of operating the Foundation. In addition, the Foundation receives the rent-free use of their facility and other direct support from the College. The total value of the support for the years ended August 31, 2022 and 2021 of \$5,385 and \$84,339, respectively, is comprised of the items in the table below:

	<u>2022</u>	<u>2021</u>
Payroll, payroll taxes, and benefits	\$ -	\$ 78,954
Facility and maintenance	5,385	5,385
Total	<u>\$ 5,385</u>	<u>\$ 84,339</u>

15. LABOR CONTRACTS

The College is a party to the County-wide contract with CSEA which is in effect through December 31, 2022. The County-wide contract with AFSCME expired as of December 31, 2021, and the Faculty Federation union contract, the College’s largest, along with the Administrators’ Association of Erie Community College expired August 31, 2020, and remain in negotiation as of the date of the financial statements.

16. COMMITMENTS

Auxiliary Services Corporation of Erie Community College, Inc.

Bookstore Operations—The Corporation contracts with Follett Bookstores; whereby, Follett agrees to manage the operations of the Corporation’s bookstore. On July 1, 2019, the Corporation renegotiated the terms of the contract with Follett through June 30, 2024. The percentage commission recognized on all sales increased to 13.0% in lieu of continuing a minimum guaranteed commission. The Corporation recognized \$137,590 and \$124,442 in contract revenue for the years ended August 31, 2022 and 2021, respectively.

College Agreement—Under the terms of the Corporation’s agreement with the College, Article 4 states that the College will make available to the Corporation, on an exclusive basis, office space at the College’s South Campus for use of its business office. In exchange, the Corporation will disburse 15% of annual bookstore commission revenues received to the College in lieu of a rental payment. During the 2021-2022 and 2020-2021 fiscal years, the Corporation disbursed \$0 to the College. Also, on May 1, 2020, the Corporation passed a resolution with the College that immediately suspended the Article 4 payment beginning with the payment that would be disbursed during the fiscal year ending August 31, 2021, and continuing thereafter until the Corporation has recovered from the interruption in operations caused by the COVID-19 pandemic, decline of enrollment of the college, and achieved a position of full financial solvency. Therefore, the Corporation was not required to, and did not, make this payment again during the 2021-2022 fiscal year.

Under terms of the agreement, the Corporation formalized Article 5 pertaining to the annual budget. Article 5 requires that the Corporation include a commitment to provide College support as a component of their annual budget. However, as a result of the pandemic, for the 2021-2022 and 2020-2021 fiscal years the Corporation committed \$0 for College support. The budget shall provide for contributions of financial support for College programs and activities, support being allocated among College recipients in such amounts as the Board of the Corporation determines, in its discretion, to be prudent and advisable.

Net Assets Held on Behalf of Others—The Corporation is the custodian of mandatory activity fees and student life fees charged by the College and funds raised by various organizations associated with, but not controlled by, the Corporation. Such funds are retained and disbursed at the instruction of the particular organization. These organizations include Student Government, Student Athletics, Athletic Special, Wellness Center and Restricted Funds (which includes Student Life, Restricted Excess Activity Fees, E.M. Statler/Eric Room, Graduation and North Special).

Net assets held on behalf of others as of August 31, 2022 and 2021 are presented below:

	August 31, 2022					
	Student Government	Student Athletics	Athletic Special	Wellness Center	Restricted Funds	Totals
Assets:						
Cash	\$ 116,737	\$ 349,786	\$ 27,033	\$ 60,318	\$ 524,874	\$ 1,078,748
Accounts receivable	-	18,686	-	-	4,104	22,790
Total assets	<u>116,737</u>	<u>368,472</u>	<u>27,033</u>	<u>60,318</u>	<u>528,978</u>	<u>1,101,538</u>
Liabilities:						
Accounts payable	28,168	6,402	442	50,008	12,644	97,664
Total liabilities	<u>28,168</u>	<u>6,402</u>	<u>442</u>	<u>50,008</u>	<u>12,644</u>	<u>97,664</u>
Net assets held on behalf of others	<u>\$ 88,569</u>	<u>\$ 362,070</u>	<u>\$ 26,591</u>	<u>\$ 10,310</u>	<u>\$ 516,334</u>	<u>\$ 1,003,874</u>
	August 31, 2021					
	Student Government	Student Athletics	Athletic Special	Wellness Center	Restricted Funds	Totals
Assets:						
Cash	\$ 186,136	\$ 436,667	\$ 24,951	\$ 62,563	\$ 557,284	\$ 1,267,601
Accounts receivable	-	15,820	1,275	-	3,604	20,699
Total assets	<u>186,136</u>	<u>452,487</u>	<u>26,226</u>	<u>62,563</u>	<u>560,888</u>	<u>1,288,300</u>
Liabilities:						
Accounts payable	53,638	-	41	51,725	14,340	119,744
Total liabilities	<u>53,638</u>	<u>-</u>	<u>41</u>	<u>51,725</u>	<u>14,340</u>	<u>119,744</u>
Net assets held on behalf of others	<u>\$ 132,498</u>	<u>\$ 452,487</u>	<u>\$ 26,185</u>	<u>\$ 10,838</u>	<u>\$ 546,548</u>	<u>\$ 1,168,556</u>

17. CONTINGENCIES

Litigation—The nature of the educational industry is such that, from time to time, claims will be presented against the College on account of alleged negligence, acts of discrimination, breach of contract, or disagreements arising from the interpretation of laws or regulations. While some of these claims may be for substantial amounts, they are not unusual in the ordinary course of providing educational services in a higher education system. In the opinion of management, all known claims are covered by insurance or are such that an award against the College would not seriously impact the financial position of the College.

Grants—In the normal course of operations, the Corporation receives grant funds from various federal and state agencies. These grant programs are subject to audit by agents of the granting authority, the purpose of which is to ensure compliance with conditions precedent to the granting of funds. Any disallowed expenditures resulting from such audits could become a liability of the Corporation. While the amount of expenditures, if any, which may be disallowed cannot be determined at this time, management expects any amounts to be immaterial.

18. FUNCTIONAL EXPENSES

A summary of the College's operating expenses for the years ended August 31, 2022 and 2021, classified by function, are as follows:

	2022						Total
	Salaries & Wages	Employee Benefits	Scholarships	Utilities	Depreciation	Supplies, Services & General	
Instruction	\$ 31,507,114	\$ 10,923,917	\$ -	\$ -	\$ -	\$ 4,098,929	\$ 46,529,960
Academic support	6,194,013	2,486,753	-	-	-	1,177,701	9,858,467
Libraries	1,030,425	405,259	-	-	-	382,752	1,818,436
Student services	7,917,037	3,029,023	-	-	-	1,643,756	12,589,816
General administration	2,860,591	939,326	-	-	-	1,062,804	4,862,721
General institutional services	2,569,730	5,550,560	-	-	-	6,601,944	14,722,234
Maintenance and operation of plant	3,140,782	2,049,438	-	2,339,890	-	1,874,868	9,404,978
Pension/OPEB expense	-	(4,406,500)	-	-	-	-	(4,406,500)
Scholarships	-	-	19,543,755	-	-	-	19,543,755
Depreciation	-	-	-	-	3,025,972	-	3,025,972
Total	\$ 55,219,692	\$ 20,977,776	\$ 19,543,755	\$ 2,339,890	\$ 3,025,972	\$ 16,842,754	\$ 117,949,839

2021

	Salaries & Wages	Employee Benefits	Scholarships	Utilities	Depreciation	Supplies, Services & General	Total
Instruction	\$33,599,384	\$ 11,419,529	\$ -	\$ -	\$ -	\$ 3,316,144	\$ 48,335,057
Academic support	3,140,690	1,204,154	-	-	-	732,229	5,077,073
Libraries	1,248,500	505,299	-	-	-	236,277	1,990,076
Student services	8,148,410	3,212,922	-	-	-	1,296,526	12,657,858
General administration	3,009,689	1,141,666	-	-	-	1,887,682	6,039,037
General institutional services	4,636,431	5,330,070	-	-	-	6,073,004	16,039,505
Maintenance and operation of plant	6,033,010	2,451,024	-	1,771,673	-	1,061,073	11,316,780
Pension/OPEB expense	-	(1,757,167)	-	-	-	-	(1,757,167)
Scholarships	-	-	13,245,997	-	-	-	13,245,997
Depreciation	-	-	-	-	2,831,213	-	2,831,213
Total	\$59,816,114	\$ 23,507,497	\$13,245,997	\$1,771,673	\$ 2,831,213	\$14,602,935	\$115,775,429

19. SUBSEQUENT EVENTS

Management has evaluated subsequent events through March 30, 2023, which is the date the financial statements are available for issuance, and have determined there are no subsequent events that require disclosure under generally accepted accounting principles.

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REQUIRED SUPPLEMENTARY INFORMATION

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SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Schedule of the College's Proportionate Share of the Net Pension Liability (Asset)—
Teachers' Retirement System
Last Nine Fiscal Years*

	Year Ended August 31,								
	2022	2021	2020	2019	2018	2017	2016	2015	2014
Measurement date	June 30, 2022	June 30, 2021	June 30, 2020	June 30, 2019	June 30, 2018	June 30, 2017	June 30, 2016	June 30, 2015	June 30, 2014
College's proportion of the net pension liability (asset)	0.093321%	0.101297%	0.100454%	0.099898%	0.093727%	0.097612%	0.095057%	0.092554%	0.095618%
College's proportionate share of the net pension liability (asset)	\$ 1,790,725	\$ (17,553,718)	\$ 2,775,819	\$ (2,595,347)	\$ (712,420)	\$ 1,045,467	\$ (9,873,445)	\$ (10,651,290)	\$ (609,238)
College's covered payroll	\$ 14,928,744	\$ 15,729,617	\$ 16,557,492	\$ 16,066,534	\$ 15,316,670	\$ 15,567,718	\$ 14,376,617	\$ 14,243,416	\$ 13,674,431
College's proportionate share of the net pension liability (asset) as a percentage of its covered payroll	12.0%	(111.6%)	16.8%	(16.2%)	(4.7%)	6.7%	(68.7%)	(74.8%)	(4.5%)
Plan fiduciary net position as a percentage of the total pension liability (asset)	98.6%	113.2%	97.8%	102.2%	100.7%	99.0%	110.5%	111.5%	100.7%

*Information prior to the year ended August 31, 2014 is not available.

SUNY ERIE
 (AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
 Schedule of the College's Contributions—
 Teachers' Retirement System
 Last Nine Fiscal Years*

	Year Ended August 31,								
	2022	2021	2020	2019	2018	2017	2016	2015	2014
Contractually required contribution	\$ 1,620,139	\$ 1,638,519	\$ 1,510,652	\$ 1,705,454	\$ 1,737,216	\$ 1,997,293	\$ 2,503,096	\$ 2,295,202	\$ 1,605,164
Contributions in relation to the contractually required contribution	<u>(1,620,139)</u>	<u>(1,638,519)</u>	<u>(1,510,652)</u>	<u>(1,705,454)</u>	<u>(1,737,216)</u>	<u>(1,997,293)</u>	<u>(2,503,096)</u>	<u>(2,295,202)</u>	<u>(1,605,164)</u>
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
College's covered payroll	\$ 14,932,237	\$ 15,784,240	\$ 16,614,989	\$ 16,354,231	\$ 15,590,940	\$ 14,911,529	\$ 15,544,002	\$ 14,482,823	\$ 14,349,710
Contributions as a percentage of covered payroll	10.8%	10.4%	9.1%	10.4%	11.1%	13.4%	16.1%	15.8%	11.2%

*Information prior to the year ended August 31, 2014 is not available.

SUNY ERIE
 (AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
 Schedule of the College's Proportionate Share of the Net Pension Liability (Asset)—
 Employees' Retirement System
 Last Nine Fiscal Years*

Measurement date	Year Ended August 31,								
	2022	2021	2020	2019	2018	2017	2016	2015	2014
March 31, 2022	March 31, 2021	March 31, 2020	March 31, 2019	March 31, 2018	March 31, 2017	March 31, 2016	March 31, 2015	March 31, 2014	March 31, 2014
College's proportion of the net pension liability (asset)	0.085032%	0.093023%	0.091138%	0.093321%	0.089712%	0.088235%	0.092729%	0.087770%	0.087770%
College's proportionate share of the net pension liability (asset)	\$ (6,951,041)	\$ 92,627	\$ 25,360,394	\$ 6,612,090	\$ 2,895,394	\$ 8,290,727	\$ 14,883,273	\$ 2,965,086	\$ 3,966,204
College's covered payroll	\$ 21,871,273	\$ 22,254,863	\$ 23,426,172	\$ 23,620,179	\$ 23,294,062	\$ 22,422,309	\$ 22,907,555	\$ 21,474,920	\$ 21,197,115
College's proportionate share of the net pension liability (asset) as a percentage of its covered payroll	(31.8%)	0.4%	108.3%	28.0%	12.4%	37.0%	65.0%	13.8%	18.7%
Plan fiduciary net position as a percentage of the total pension liability (asset)	103.7%	100.0%	86.4%	96.3%	98.2%	94.7%	90.7%	97.9%	97.2%

*Information prior to the year ended August 31, 2014 is not available.

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Schedule of the College's Contributions—
Employees' Retirement System
Last Nine Fiscal Years*

	Year Ended August 31,								
	2022	2021	2020	2019	2018	2017	2016	2015	2014
Contractually required contribution	\$ 3,389,799	\$ 3,744,699	\$ 3,572,679	\$ 3,388,815	\$ 3,271,447	\$ 3,280,271	\$ 3,763,821	\$ 4,037,828	\$ 4,131,239
Contributions in relation to the contractually required contribution	(3,389,799)	(3,744,699)	(3,572,679)	(3,388,815)	(3,271,447)	(3,280,271)	(3,763,821)	(4,037,828)	(4,131,239)
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
College's covered payroll	\$ 22,013,384	\$ 22,834,810	\$ 24,036,642	\$ 24,389,009	\$ 24,028,580	\$ 22,733,134	\$ 23,015,582	\$ 21,716,298	\$ 21,338,579
Contributions as a percentage of covered payroll	15.4%	16.4%	14.9%	13.9%	13.6%	14.4%	16.4%	18.6%	19.4%

*Information prior to the year ended August 31, 2014 is not available.

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Schedule of Changes in the College's Total OPEB Liability and Related Ratios
Last Five Fiscal Years*

	2022	2021	2020	2019	2018
Total OPEB liability					
Service cost	\$ 6,912,128	\$ 5,605,335	\$ 4,987,397	\$ 5,845,031	\$ 4,954,958
Interest	4,486,082	5,318,630	7,949,047	7,644,153	7,829,180
Differences between expected and actual experience	(48,156,019)	74,379	(58,675,134)	1,731,670	666,182
Changes of assumptions or other inputs	9,457,171	23,213,994	28,714,074	(25,585,397)	17,319,854
Benefit payments	(4,341,962)	(4,897,632)	(3,999,565)	(6,918,403)	(5,500,313)
Net changes in total OPEB liability	(31,642,600)	29,314,706	(21,024,181)	(17,282,946)	25,269,861
Total OPEB liability—beginning	219,562,931	190,248,225	211,272,406	228,555,352	203,285,491
Total OPEB liability—ending	<u>\$ 187,920,331</u>	<u>\$ 219,562,931</u>	<u>\$ 190,248,225</u>	<u>\$ 211,272,406</u>	<u>\$ 228,555,352</u>
Plan fiduciary net position					
Contributions—employer	\$ 4,341,962	\$ 4,897,632	\$ 3,999,565	\$ 6,918,403	\$ 5,500,313
Benefit payments	(4,341,962)	(4,897,632)	(3,999,565)	(6,918,403)	(5,500,313)
Net change in plan fiduciary net position	-	-	-	-	-
Plan fiduciary net position—beginning	-	-	-	-	-
Plan fiduciary net position—ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
College's net OPEB liability—ending	<u>\$ 187,920,331</u>	<u>\$ 219,562,931</u>	<u>\$ 190,248,225</u>	<u>\$ 211,272,406</u>	<u>\$ 228,555,352</u>
Plan's fiduciary net position as a percentage of the total OPEB liability	0.0%	0.0%	0.0%	0.0%	0.0%
Covered-employee payroll	\$ 59,548,796	\$ 61,220,625	\$ 64,442,763	\$ 61,609,210	\$ 58,951,103
College's net OPEB liability as a percentage of covered-employee payroll	315.6%	358.6%	295.2%	342.9%	387.7%

*Information prior to the year ended August 31, 2018 is not available.

The note to the Required Supplementary Information is an integral part of this schedule.

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Note to the Required Supplementary Information
Year Ended August 31, 2022

1. OPEB LIABILITY

Changes of Assumptions—Changes of assumptions reflect the effects of changes in the discount rate and the medical healthcare cost trend rate. The single discount rate changed from 2.00% effective December 31, 2020 to 1.84% effective December 31, 2021. The salary scale assumed to increase at 2.25% per year. The sex-distinct and job category-specific headcount weighted Pub-2010 Public Retirement Plans Mortality Tables for employees and healthy retirees, adjusted for mortality improvements with scale MP-2021 mortality improvement scale on a generational basis were used for mortality rates. In order to estimate the change in the cost of healthcare, the actuaries initial healthcare cost trend rate used is 7.00% while the ultimate healthcare cost trend rate is 3.78%. An inflation rate of 2.25% was assumed for developing the rate of increase in healthcare costs.

The Actuarial Standards Board published Actuarial Standards of Practice (ASOP) No. 6 Practice Note regarding the development of age-specific retiree healthcare costs. Section V.2.c. of the Practice Note deems Medicare Advantage plans an exception under ASOP No. 6 Section 3.7.7.c, since Medicare Advantage plans receive a risk-adjusted federal subsidy that is intended to eliminate any subscriber cost differences due to age, sex, or health status, resulting in an average medical cost for all subscribers. In accordance with guidance in this Practice Note, beginning December 31, 2021 the Medicare Advantage premiums for the Medicare Advantage plans are used as the basis for Medicare-eligible retiree costs without adjustment for age and sex. The change resulted in a decrease in liabilities.

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OTHER INFORMATION

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Reconciliation of Revenues and Expenses as Reflected in the
Annual Report to the Audited Financial Statements
For the Year Ended August 31, 2022

	Revenues	Expenses			
Per annual report:					
Unrestricted current funds	\$ 102,579,201	\$ 96,237,413			
Restricted current funds	39,094,876	39,094,876			
OPEB funds	1,303,811	-			
Pension funds	3,102,689	-			
Plant funds	3,234,379	8,228,772			
Subtotals	149,314,956	143,561,061			
Adjustments to reconcile to financial statements:					
Scholarship allowances	(15,501,654)	(15,501,654)			
Expended for plant facilities	(889,766)	(889,766)			
Scholarship reclassifications	(5,884,159)	(5,884,159)			
Depreciation	-	(3,025,972)			
Totals	\$ 127,039,377	\$ 118,259,510			
Per audited financial statements:					
Operating revenue / expenses	\$ 55,581,864	\$ 117,949,839			
Nonoperating revenue / expenses	50,027,540	10,783			
Other revenue / expenses	21,429,973	-			
Totals per financial statements	\$ 127,039,377	\$ 117,960,622			
	Annual Report	Unrestricted Current Fund	Reconciled Difference		
2022 Total unrestricted expenses	\$ 96,237,413	\$ 96,237,413	\$ -		
2022 Total revenues - offset to expense plus costs not allowable for state-aid	18,841,141	18,841,141	-		
2022 Net operating costs	\$ 77,396,272	\$ 77,396,272	\$ -		
Net Position/Fund Balance Reconciliation:					
		Reported Amounts			
Current unrestricted fund balance*		\$ 14,439,148			
Effects of GASB Statement No. 75 liability (per financial statements)		(219,502,269)			
Effects of GASB Statement No. 68 liability (per financial statements)		2,927,349			
Journal entries subsequent to annual report		169,546			
Unrestricted net position (per financial statements)		\$ (201,966,226)			

Line 113 (column C) of Annual Report to NYS.

Note: the College has appropriated \$8,961,389 of current unrestricted fund balance to be used within the 2022/23 adopted budget.

SUNY ERIE
 (AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Schedule of State-Aidable FTE Tuition Reconciliation
For the Year Ended August 31, 2022

Calculated tuition based on State-aidable FTE per Annual Report:

<u>Full-time Student Headcount</u>	<u>Headcount Credit Hours and FTE</u>	<u>Rate</u>	<u>Equated Tuition</u>
Fall 2021 full-time students per End of Term ("EOT")	4,702	\$ 2,600	\$ 12,225,200
Spring 2022 full-time students per EOT	3,930	2,600	10,218,000
Winter 2022 full-time students per EOT	45	2,600	117,000
Summer 2021 full-time students per EOT	138	2,600	358,800
Total full-time headcount	8,815		
Total credit hours of full-time students	128,330.7		
<u>Part-time Student Credit Hours</u>			
Fall 2021 part-time credits per EOT	19,060.5	\$ 217	\$ 4,136,129
Spring 2022 part-time credits per EOT	23,713.3	217	5,145,775
Winter 2022 part-time credits per EOT	1,443.0	217	313,131
Summer 2022 part-time credits per EOT	9,517.0	217	2,065,189
Fall 2021 non-credit remedial	14,698.0	217	3,189,466
Spring 2022 non-credit remedial	17,605.6	217	3,820,415
Summer 2022 non-credit remedial	10,870.2	217	2,358,833
Fall 2021 per Form 24	342.2	217	74,257
Spring 2022 per Form 24	398.1	217	86,394
Total part-time credit hours	97,647.9		
Total credit hours	225,978.6		
Total state-aidable FTE	7,532.6		
Total calculated tuition based on headcount and credit hours			\$ 44,108,589

(continued)

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Schedule of State-Aidable FTE Tuition Reconciliation
For the Year Ended August 31, 2022

(concluded)

Reconciliation to Annual Report and Audited Financial Statements:

Total calculated tuition based on headcount and credit hours	<u>\$ 44,108,589</u>
Less: Bad debt allowance charged to tuition	(2,926,441)
Difference in tuition for discounted classes	(2,993,285)
Difference in tuition for excelsior scholarships	(67,792)
Calculated State-aidable non-credit remedial tuition	(9,368,714)
Learning centers - credits generated - no tuition charged	(160,651)
Other - clinical waivers	(99,483)
Other - prior term adjustments	3,487
Add: Forfeited tuition due to withdrawals - FTEs not claimed	7,136
Non-credit remedial tuition revenue collected	4,055
Cross-registered tuition	5,346
Other - miscellaneous	<u>(100,485)</u>
Tuition revenue reported on annual report (lines 205-207)	<u>\$ 28,411,762</u>
Add: Charges to non-resident students	652,950
Out-of-state resident tuition	606,903
Service fees	7,972,683
Student revenue - non state-aidable courses	<u>474,609</u>
Tuition and fee revenue per audited financial statements	<u>\$ 38,118,907</u>

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Schedule of State Operating Aid
For the Year Ended August 31, 2022

Total operating costs	\$ 96,237,413			
Total revenue - offset to expense	(18,841,141)			
Costs not allowable for state aid	<u> -</u>			
Net operating costs	\$ 77,396,272	@	40.0%	= <u>\$30,958,509</u> (a)
Rental costs - physical space	\$ 309,949	@	(26.1%)*	= \$ (80,894)
	Net FTE			
<u>Funded FTE Students - Basic Aid</u>	<u>Allowable</u>			
2018-2019 Actual	9,920.1	x	0.20	= 1,984.0
2019-2020 Actual	9,340.7	x	0.30	= 2,802.2
2020-2021 Actual	8,345.3	x	0.50	= <u>4,172.7</u>
2021-22 Calculated FTE (20-30-50% Rule)				8,958.9
2021-22 Calculated FTE (20-30-50% Rule or prior year actual)				<u>8,958.9</u> (c)
Funded FTE students - Basic Aid	8,958.9	(c)	x	\$ 2,997* = <u>26,849,823</u>
Funded FTE, rental costs and Next Generation NY Job Linkage Program				<u>\$27,884,538</u> (b)
Basic Aid - lesser of (a) or (b)				<u>\$27,884,538</u>

* Rental aid percentage and State Aid funding per FTE approved annually by SUNY Board.

FEDERAL AWARDS INFORMATION

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Schedule of Expenditures of Federal Awards
Year Ended August 31, 2022

Federal Grantor/Pass-through Grantor/Program or Cluster Title (1a)	Federal ALN Number (1b)	Pass-Through Entity's Identifying Number (1c)	Passed- Through to Subrecipients	Total Federal Expenditures (1d)
U.S. DEPARTMENT OF LABOR:				
<i>Passed through the Workforce Development Consortium:</i>				
WIOA Cluster				
Workforce Investment Act—Adult Programs	17.258	KKK-0376-A1	\$ -	\$ 374,880
Workforce Investment Act—Dislocated Workers	17.278	LLL-0376-A1	-	119,685
Total WIOA Cluster			-	494,565
TOTAL U.S. DEPARTMENT OF LABOR			-	494,565
NATIONAL SCIENCE FOUNDATION:				
<i>Passed through Penn State University:</i>				
Nano Professional Development	47.076	5654-ECC-NSF-0630	-	109,898
TOTAL NATIONAL SCIENCE FOUNDATION			-	109,898
U.S. DEPARTMENT OF EDUCATION:				
<i>Direct programs:</i>				
Student Financial Assistance Cluster:				
Federal Supplemental Educational Opportunity Grants	84.007	n/a	-	570,211
Federal Work Study Program	84.033	n/a	-	57,343
Federal Pell Grant Program	84.063	n/a	-	15,075,109
Federal Direct Student Loans*	84.268	n/a	-	9,622,446
Total Student Financial Assistance Cluster			-	25,325,109
Child Care Access Means Parents in School	84.335	n/a	-	59,696
<i>Passed through New York State:</i>				
Career and Technical Education - Basic Grants to States	84.048	8000-21-6190	-	873,433
Career and Technical Education - Basic Grants to States	84.048	8000-22-6191	-	19,940
Education Stabilization Fund, Higher Education Emergency Relief Fund (HEERF):				
HEERF Student Portion	84.425E	n/a	-	12,970,199
HEERF Institutional Portion	84.425F	n/a	-	12,371,249
HEERF Strengthening Institutions Program (SIP)	84.425M	n/a	-	606,353
Total Education Stabilization Fund			-	25,947,801
TOTAL U.S. DEPARTMENT OF EDUCATION			-	52,225,979
TOTAL FEDERAL FINANCIAL ASSISTANCE (1e)			\$ -	\$ 52,830,442

*The amount of ALN No. 84.268 loans outstanding at August 31, 2022 and August 31, 2021 were \$9,622,446 and \$9,240,351, respectively.

The notes to the schedule of expenditures of federal awards are an integral part of this schedule.

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Notes to the Schedule of Expenditures of Federal Awards
Year Ended August 31, 2022

1. BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards (the "Schedule") includes the federal grant activity of SUNY Erie Community College (the "College") under programs of the federal government for the year ended August 31, 2022. The information in this Schedule is presented in accordance with the audit requirements of Title 2 U.S. Code of Federal Regulations ("CFR") Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance"). Because the Schedule presents only a selected portion of the operations of the College, it is not intended to and does not present the financial position, changes in net position or cash flows of the College. The following notes were identified on the Schedule:

- (a) Includes all federal award programs of SUNY Erie Community College.
- (b) Source: Assistance Listing Numbers, previously known as the Catalog of Federal Domestic Assistance.
- (c) Pass-through entity identifying numbers are presented where available.
- (d) Prepared under accounting principles generally accepted in the United States of America and includes all federal award programs, other than those included in Note 3 below.
- (e) A reconciliation to the financial statements is available.

2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Expenditures reported on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement. Pass-through entity identifying numbers are presented where available. The College has not elected to use the 10 percent de minimus indirect cost rate, as allowed under the Uniform Guidance. The College's policy is not to charge federal programs with indirect costs unless funded in the original award notification.

3. LOANS MADE AND OUTSTANDING

The following is a summary of loans made during the fiscal year and loan balances outstanding at August 31, 2022.

Loan Program Title	Loans Made During Year Ended August 31, 2022
Federal Subsidized Stafford Loans	\$ 3,970,196
Federal Unsubsidized Stafford Loans	5,397,510
Federal Plus Loans	254,740
Total Direct Loans (ALN #84.268)	\$ 9,622,446

* * * * *

Certified Public Accountants

**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**

To the Board of Trustees, SUNY Erie:

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the business-type activities and the discretely presented component units of SUNY Erie (the "College"), a component unit of the County of Erie, New York, as of and for the year ended August 31, 2022, and the related notes to the financial statements, which collectively comprise the College's basic financial statements, and have issued our report thereon dated March 30, 2023. Our report includes a reference to other auditors who audited the financial statements of the Erie Community College Foundation, Inc. (the "Foundation"), as described in our report on the College's financial statements. We have also audited the financial statements of the Auxiliary Services Corporation of Erie Community College, Inc. (the "Corporation"). The financial statements of the Foundation and Corporation were not audited in accordance with *Government Auditing Standards*.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the College's internal control over financial reporting ("internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the College's internal control. Accordingly, we do not express an opinion on the effectiveness of the College'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 may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the College's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Drescher & Malecki LLP

March 30, 2023

Certified Public Accountants

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE
FOR EACH MAJOR FEDERAL PROGRAM AND REPORT ON
INTERNAL CONTROL OVER COMPLIANCE
IN ACCORDANCE WITH THE UNIFORM GUIDANCE**

To the Board of Trustees, SUNY Erie:

Report on Compliance for Each Major Federal Program

Opinion on Each Major Federal Program

We have audited SUNY Erie's (the "College"), a component unit of the County of Erie, New York, compliance with the types of compliance requirements identified as subject to audit in the OMB *Compliance Supplement* that could have a direct and material effect on each of the College's major federal programs for the year ended August 31, 2022. The College's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

In our opinion, the College complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended August 31, 2022.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America ("GAAS"); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States ("*Government Auditing Standards*"); and the audit requirements of Title 2 U.S. *Code of Federal Regulations* ("CFR") Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (the "Uniform Guidance"). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the College and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of the College's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to the College's federal programs.

Auditors' Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the College's compliance based on our audit. 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, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the College's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, 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 College's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the College's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of the College's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control Over Compliance

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Drescher & Malecki LLP

March 30, 2023

SUNY ERIE
 (AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
 Schedule of Findings and Questioned Costs
 Year Ended August 31, 2022

Section I. SUMMARY OF AUDITORS' RESULTS

Financial Statements:

Type of report the auditor issued: Unmodified*
 *(which report refers to other auditors)

Internal control over financial reporting:

Material weakness(es) identified?	_____ Yes	_____ <input checked="" type="checkbox"/> No
Significant deficiency(ies) identified?	_____ Yes	_____ <input checked="" type="checkbox"/> None reported
Noncompliance material to the financial statements noted?	_____ Yes	_____ <input checked="" type="checkbox"/> No

Federal Awards:

Internal control over major federal programs:

Material weakness(es) identified?	_____ Yes	_____ <input checked="" type="checkbox"/> No
Significant deficiency(ies) identified?	_____ Yes	_____ <input checked="" type="checkbox"/> None reported

Type of auditors' report issued on compliance for major federal programs: Unmodified

Any audit findings disclosed that are required to be reported
 in accordance with 2 CFR 200.516(a)? _____ Yes No

Identification of major federal programs:

<u>Name of Federal Program or Cluster</u>	<u>ALN Number(s)</u>
WIOA Cluster	17.258, 17.259, 17.278
Education Stabilization Fund:	
Higher Education Emergency Relief Fund - Student Portion	84.425E
Higher Education Emergency Relief Fund - Institutional Portion	84.425F
Higher Education Emergency Relief Fund - SIP	84.425M

Dollar threshold used to distinguish between Type A and Type B programs? \$ 1,584,913

Auditee qualified as low-risk auditee? _____ Yes No

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Schedule of Findings and Questioned Costs
Year Ended August 31, 2022

Section II. FINANCIAL STATEMENT FINDINGS

No findings noted.

Section III. FEDERAL AWARD FINDINGS AND QUESTIONED COSTS

No findings noted.

SUNY ERIE
(AN EDUCATIONAL INSTITUTION OF THE COUNTY OF ERIE, NEW YORK)
Summary Schedule of Prior Year Audit Findings
Year Ended August 31, 2022
(Follow-up on August 31, 2021 Findings)

No findings were reported.

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Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-2	COUNTY EXECUTIVE	Amendment to EBO Administrator; COMM. 3E-7 (2015)
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Attachments

23COMM. 12E-2



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG JUN 5 '23 PM 1:13

June 2, 2023

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

RE: Amendment to EBO Administrator; COMM.3E-7(2015)

Dear Honorable Members:

The attached proposed resolution requests authorization to amended resolution COMM.3E-7(2015) specifically naming the Director of the Division of Equal Employment Opportunity, to update the administrator with New York State as the EBO administrator for Erie County.

Should your Honorable Body require further information, I encourage you to contact the Director of Equal Employment Opportunity, James O. Blackwell. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jb
Enclosure

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Office of Equal Employment Opportunity
Re: Amendment to COMM. 3E-7 (2015)
Date: June 2, 2023

SUMMARY

It is recommended that the Legislature authorize the County Executive to amend resolution COMM. 3E-7(2015) to specifically name the Director of Division of Equal Employment Opportunity (DEEO).

The New York State Department of Transportation (NYSDOT) is requiring a resolution specifically naming the Director and application to update Erie County's EBO Administrator.

FISCAL IMPLICATIONS

There are no fiscal implications to authorizing this update to the prior resolution.

REASONS FOR RECOMMENDATION

Pursuant to EEOs requirements to monitor the compliance programs of Minority Women Disadvantaged Business Enterprise (MWDDBE) participation percentages the County must have an administrator who oversees and assigns authority in the Equitable Business Opportunities Solution (EBO) program. The Director of EEO is the named administrator per, COMM. 3E-7(2015) however, NYSDOT has new requirements that mandates the Director's name be in the resolution to update or change the administrator in their database.

Additionally, any NYS project cannot be properly monitored without the administrator granting access to those in the County requiring access for Federally monitored projects.

BACKGROUND INFORMATION

The New York State Department of Transportation (NYSDOT) has implemented a web-based civil rights reporting system called EBO (Equitable Business Opportunities) to streamline and reduce the efforts required by the construction and engineering industries to satisfy contractual civil rights reporting requirements. EBO went into production in May 2007. The Department holds the license for EBO, and the software resides on Department servers. EBO is made available to vendors participating on Department contracts and Federal-Aid locally sponsored contracts. The software is available free of charge and Contractors are not required to purchase or maintain any software other than a web browser.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution will serve to hinder the DEEO ability to monitor and enforce the MWDBE firm participation for County contractions. The County must have a designated EBO administrator NYSDOT, which it cannot do without an updated resolution.

STEPS FOLLOWING APPROVAL

The Erie County Division of Equal Employment Opportunity will notify New York State Department of Transportation of the approved resolution and the change will be made to make the Director the Administrator for EBO.

A RESOLUTION SUBMITTED BY:
THE ERIE COUNTY DIVISION OF EQUAL EMPLOYMENT
AMENDMENT TO COMM. 3E-7 (2015)

RE: Amendment to EBO Administrator; COMM.3E-7(2015)

WHEREAS, the County regularly contracts with NYSDOT for the design and construction of projects utilizing federal aid; and

WHEREAS, NYSDOT has instituted a new web based civil rights reporting system called Equitable Business Opportunities (EBO); and

WHEREAS, NYSDOT has made use of the EBO system mandatory on all federal aid projects; and

WHEREAS, NYSDOT requires that in order to access the EBO system Erie County must designate an EBO administrator

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the County Executive's designation of the Director of the Division of Equal Employment Opportunity (EEO), James Blackwell, as the County's EBO Administrator; and be it further

RESOLVED, that authorization is hereby given to the Director of the Erie County Division EEO, James Blackwell, to complete the EBO application and submit it to NYSDOT; and be it further

RESOLVED, that once approved as Erie County's EBO administrator the Director, Division of EEO will be responsible for providing access to other County staff as required for the management of NYSDOT sponsored federal aid projects; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner and one each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, the Office of the Comptroller and the Division of the Equal Employment Opportunity.

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-3	COUNTY EXECUTIVE	Authorization to Continue Community Engagement Services at the Walden Galleria Mall
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Attachments

23COMM. 12E-3



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG JUN 5 '23 PM 1:13

June 2, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

**Re: Authorization to Continue Community Engagement
Services at the Walden Galleria Mall**

Dear Honorable Members:

Please find attached a resolution requesting legislative authorization to enter into a new contract with the Pyramid Walden Company, L.P. and the Erie County Probation Department to continue providing Community Engagement Services at the Walden Galleria Mall. This will allow the Probation Department to continue the pilot project initiated in July of 2022.

If your Honorable Body requires any further information, please contact Commissioner Michelle Olszowy at the Probation Department. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/cw
Enclosure

cc: Michelle A. Olszowy, Commissioner Probation Department

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Probation Department
Re: Authorization to Continue Community Engagement Services at the Walden Galleria Mall
Date: June 2, 2023

SUMMARY

Legislative authorization is requested for the Erie County Probation Department to continue providing Community Engagement Services at the Walden Galleria Mall. The primary objectives of this service are public safety and the maintenance of a family friendly environment at the Walden Galleria Mall. Based on the success of the initial year-long pilot project, the Pyramid Management Group as well as the Erie County Probation Department would like to continue the project.

FISCAL IMPLICATIONS

Officers will be conducting these services during overtime hours. Pyramid Walden Company, L.P. will reimburse the county for the cost including the ensuing fringe benefits. No County tax dollars are necessary to support this request.

REASONS FOR RECOMMENDATION

In June of 2022, the Erie County Probation Department entered in an agreement with the Pyramid Management Group, LLC to provide Community Engagement Services at the Walden Galleria, in an effort to reduce criminal, antisocial and violent behavior at the mall. Based on the success of the pilot project that began in July of 2022, and was documented in the Community Engagement Services Project Status Report submitted by Probation Commissioner Michelle Olszowy, both parties would like to continue this initiative.

The Community Engagement Services Program at the Galleria Mall has been well received by all involved agencies. Officers have received positive feedback from merchants who support our continued presence at the mall and the enhanced public safety we help provide. Officers have reported experiencing positive encounters with mall patrons who have inquired about the Probation Department's presence at the mall. These encounters have created an opportunity for Officers to interact with the general public and an occasion for the public to learn more about the role and responsibilities of Probation Officers. In addition, Officers have indicated that this experience has fostered relationships with those probationers, probationer's family and school personnel who they encounter in the mall.

Although severe incidents at the mall have decreased, there is still a need for our department's presence. There remain incidents involving violence, criminal activity, and the public's adherence to mall policy. The continued participation of the Erie County Probation Department in the Community Engagement Services Program will help in promoting a family-friendly environment at the Galleria Mall.

Scope of Work:

- The Erie County Probation Department will continue to assign two Probation Officers to the Walden Galleria Mall to work four-hour concurrent shifts on a two day per week basis either during weekday evenings or on weekends.
- The duties of the Probation Officers will include patrolling the common areas of the mall, engaging in positive communication with mall patrons and in particular known probationers, both preliminary and subsequent response to incidents, and the reporting of incidents that Probation Officers either witness or are involved in.
- The Erie County Probation Department will interact and complement the efforts of the existing multiagency team presently comprised of the Cheektowaga Police Department, AUS Security and the Buffalo Peacemakers.

The Erie County Probation Department will receive reimbursement from the Pyramid Walden Company, L.P. as compensation for salary and fringe benefits of the Probation Officers as articulated below:

- Hourly rate of \$62.522, 16 hours per week for 52 weeks = \$52,019
- Shift Differential @ \$10.50 per day = \$2,184
- Fringe (FICA @7.65%, Pension @ 16%) at rate of 23.65%, = \$12,819
- Total Cost = \$67,022

In response to the interest of both the Cheektowaga Police Department and Pyramid Walden Company, L.P. to improve public safety and enhance the positive exchanges in the Walden Galleria Mall, the Erie County Probation Department is proposing our department's continued commitment to Community Engagement Services at the Walden Galleria Mall.

CONSEQUENCES OF NEGATIVE ACTION

We would be unable to continue collaborating with the Cheektowaga Police Department and the Pyramid Walden Company, L.P. in providing services to improve public safety at the Walden Galleria Mall.

STEPS FOLLOWING APPROVAL

The Probation Department will work with Pyramid Walden Company, L.P. and the Erie County Department of Law in obtaining a new service agreement to continue providing Community Engagement Services at the Walden Galleria Mall.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PROBATION

Re: Authorization to Continue Community Engagement
Services at the Walden Galleria Mall

WHEREAS, the Erie County Probation Department is responsible for public safety through the community supervision of justice involved adults and juveniles; and

WHEREAS, our community has seen criminal, antisocial, and violent behavior incidents at the Walden Galleria Mall impacting negatively on the public safety and requiring a large law enforcement presence to disperse; and

WHEREAS, the Erie County Probation Department, Cheektowaga Police Department, and the Pyramid Walden Company, L.P. have worked together over the last year to implement a pilot Community Engagement Services program at the Walden Galleria Mall to reduce the negative behavior and engage in non-confrontational, violence de-escalation and preventative interventions; and

WHEREAS, Probation Commissioner Michelle Olszowy has submitted a 40-week status report on the project, highlighting positive community interaction, increased opportunities for Probation Officers to foster relationships with probationers and their families, and the opportunities to deescalate emerging issues; and

WHEREAS, the Erie County Probation Department, Cheektowaga Police Department, and the Pyramid Walden Company, L.P. agree the results of the pilot project have been favorable and are interested in the continuation of program beyond the pilot period; and

WHEREAS, no County funds will be necessary for the Erie County Probation Department to continue collaborating in this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a successor one year agreement and any amendments with the Pyramid Walden Company, L.P. to reimburse the county for overtime and related fringes for County Probation Officers to provide Community Engagement Services at the Walden Galleria Mall; and be it further

RESOLVED, that authorization is hereby authorized to make the following budgetary adjustment in the Probation Departments 2023 General Fund Budget:

Erie County Department of Probation
Fund 110, Fund Center 12610

Revenue	Increase
Account 479100 – Other Contributions	\$33,510

Appropriations	Increase
Account 501000 - Overtime	\$26,009
Account 500300 - Shift Differential	\$ 1,092
Account 502000 - Fringe Benefits	\$ 6,409

and be it further

RESOLVED, that revenue and expenses of the project for the following years will be reflected in the Probation Department's 2024 budget submission, and subsequent years budget submissions; and be it further

RESOLVED, that authorization is hereby given for the Erie County Division of Budget and Management to make any budgetary adjustments to properly reflect the revenue and expense of the project, provided all program expenses are paid for by the Pyramid Walden Company, L.P.; and be it further

RESOLVED, that certified copies of this resolution be furnished to the: Erie County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law and the Department of Probation.

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-4	COUNTY EXECUTIVE	Authorization to Enter Into Contract with the Research Foundation to Develop a Winter Storm Rating System
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Attachments

23COMM. 12E-4



COUNTY OF ERIE

EC LEG JUN 5 '23 PM 1:13

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 2, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

**RE: Authorization to enter into contract with the Research Foundation to Develop
a Winter Storm Rating System**

Dear Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum from the Erie County Department of Homeland Security & Emergency Services requesting legislative authorization to enter into contract with the Research Foundation, in an amount not to exceed \$350,000.

If your Honorable Body requires any further information, please contact Commissioner Daniel Neaverth Jr. at the Department of Homeland Security & Emergency Services. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: Daniel Neaverth Jr., Commissioner of Department of Homeland Security & Emergency Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Homeland Security & Emergency Services
Re: Authorization to enter into contract with the Research Foundation to Develop a Winter Storm Rating System
Date: June 2, 2023

SUMMARY

See the attached resolution that if approved will allow the Department of Homeland Security and Emergency Services to enter contract, for the period July 1st, 2023 until 18 months after the signing of the contract, with the Research Foundation to accomplish to goals. To establish a tailored comprehensive winter storm metric that would provide county and emergency planner an enhanced ability to understand past storms as well as prepare for future storms. In addition, the project seeks to assess communication messaging during winter storms with a primary focus on the Christmas Blizzard of 2022 and develop suggested ways to increase the effectiveness of this messaging for future storms. The Research Foundation was selected after an initial inventory of existing potential providers of this multi-faceted request was completed.

FISCAL IMPLICATIONS

\$350,000 was allocated as part of the 2022 Year-End Budget Balancing Amendments and Designations Resolution COMM 8E-1 (2023) that was approved by your Honorable Body on April 27, 2023.

REASONS FOR RECOMMENDATION/BACKGROUND

INFORMATION

The funding is intended to address the need to identify clear and effective language and communication methods during severe weather storms. Over the course of the last twelve years Erie County has experienced four blizzards and the need to develop specialized language to communicate appropriate risk levels to the community is imperative. The adaptation of a winter weather scale may also have beneficial implications for the future of response to storms.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Homeland Security and Emergency Services will be unable to fill the gap that currently exists between winter storms and clear, actionable communications to the public.

STEPS FOLLOWING APPROVAL

The Department of Homeland Security and Emergency Services will complete the contractual process with the Research Foundation and begin the project.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HOMELAND SECURITY &
EMERGENCY SERVICES

Re: Authorization to Enter into Contract with the Research Foundation to Develop a Winter Storm Rating System

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

WHEREAS, the Research Foundation (RF) is the largest comprehensive university-connected research foundation in the country that provides essential administrative services that enable State University of New York (SUNY) faculty to focus their efforts on educating students and performing life-changing research across a wide range of disciplines; and

WHEREAS, General Municipal Law § 99-r authorizes the County to enter direct negotiations with any unit of SUNY to contract for technology services, equipment, or any other services of government that the SUNY unit is authorized to provide; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact with the Research Foundation to execute the project; and

WHEREAS, funding is available in the Department of Homeland Security and Emergency Services as made available through the 2022 Year-End Budget Balancing Amendments and Designations Resolution COMM 8E-1 (2023); and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the Research Foundation in an amount not to exceed \$350,000 for the purposes of creating a winter storm rating system; and be it further

RESOLVED, that General Municipal Law § 99-r authorizes the County to enter direct negotiations with any unit of SUNY to contract for technology services, equipment, or any other services of government that the SUNY unit is authorized to provide without use of a Request for Proposal; and be it further

RESOLVED, that sufficient funding for this contract exists within the Department of Homeland Security and Emergency Services 2023 General Fund Budget (Fund 110, Funds Center 16700) Account 516020 – Professional Service Contract and Fees; and be it further

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-5	COUNTY EXECUTIVE	Authorization for NYS Municipal Certificate of Need
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Attachments

23COMM. 12E-5



EC LEG JUN 5 '23 PM1:13

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 2, 2023

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

RE: Authorization for NYS Municipal Certificate of Need

Dear Honorable Members:

Enclosed, please find a memorandum and proposed resolution from the Department of Health's Emergency Medical Services requesting authorization for Erie County to apply to New York State for a Municipal Certificate of Need (Muni-CON) – Ambulance (Transport) as defined by New York State Public Health Law Article 30 to operate an ambulance service.

Should your Honorable Body require further information, I encourage you to contact Gale Burstein, Commissioner of the Department of Health. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jah
Enclosure

cc: Gale R. Burstein, MD, Commissioner of Health

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Health
Re: Authorization for NYS Municipal Certificate of Need
Date: June 2, 2023

SUMMARY

The Department of Health's Emergency Medical Services is seeking to apply to New York State for a Municipal Certificate of Need (Muni-CON) – Ambulance (Transport) that is required to operate a municipal ambulance service as stated in New York State Public Health Law Article 30. A requirement of the application is a resolution from the municipal governing authority for the requested service.

FISCAL IMPLICATIONS

None as there are no fees to apply for the certificate.

REASONS FOR RECOMMENDATION

Due to several factors including a shortage of EMTs, enrollment down over time at volunteer based first responding agencies, and longer wait times for ambulance responses, Erie County will begin its own ambulance service to supplement current companies and agencies. In order to create its municipal ambulance service, a Muni-CON – Ambulance (Transport) is required by New York State. Erie County would be able to begin its county wide ambulance service upon the filing of the application. Without legislative authorization to apply for the Muni-CON – Ambulance (Transport), Erie County would have to operate under smaller, local jurisdictions which would create a lot of unnecessary coordination and leave gaps in coverage for ambulance services.

BACKGROUND INFORMATION

Erie County, through various department and divisions such as Department of Health's Emergency Medical Services and Department of Homeland Security and Emergency Services, already has other necessary certificates, accreditations, and trainings to begin Erie County's ambulance service including New York State's Certificate of Need for Advanced Life Support Fire Response Service. This Muni-Con allows Erie County to respond to calls of first aid and allow for transporting of patients.

CONSEQUENCES OF NEGATIVE ACTION

Erie County will be unable to apply for the necessary Certificate of Need that allows it to operate its own municipal ambulance service county wide and would be unable to provide this life saving service in an effective and efficient manner.

STEPS FOLLOWING APPROVAL

ECDOH will coordinate the application with the necessary departments to apply for the Certificate of Need as soon as possible.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HEALTH

RE: Authorization for NYS Municipal Certificate of Need

WHEREAS, Erie County, like many communities across New York, is experiencing a movement where there's a significant reduction in certified ambulance personnel and volunteers to staff and respond in ambulances resulting in longer wait times for ambulances and delay in care; and

WHEREAS, the lack of available ambulances in designated areas have led to an increase in mutual aid requests with other surrounding agencies in order to provide some level of care, however this is not a sustainable solution to the areas with inadequate coverage; and

WHEREAS, the Erie County Executive and Legislature worked to address this need by allocating funding on April 27, 2023, to establish a municipal ambulance service to pay for the necessary costs of personnel, equipment, supplies, and location; and

WHEREAS, Erie County will be the "safety net" ambulance service and be available to assist the volunteer and commercial ambulance services across Erie County when needed; and

WHEREAS, Erie County seeking to apply to New York State for a Municipal Certificate of Need (Muni-CON) – Ambulance (Transport) that is required to operate a municipal ambulance service as stated in New York State Public Health Law Article 30 to transport throughout all of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes Erie County to apply for a Muni-CON as defined by New York State Public Health Law Article 30, Section 3005; and be it further

RESOLVED, that this resolution takes effect immediately upon passage by the Erie County Legislature; and be it further

RESOLVED, the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive, the Commissioner of Emergency Services and Homeland Security, the Department of Law, the New York State Department of Health, the New York State Emergency Medical Services Council, and the Commissioner of Health.

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-6	COUNTY EXECUTIVE	Maintenance & Support of Erie Path Mobile App
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Attachments

23COMM. 12E-6



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 5, 2023

EC LEG JUN 5 '23 PM 1:13

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Maintenance and Support of Erie Path Mobile App

Dear Honorable Members:

Please find attached a resolution requesting legislative authorization to enter into contract with V3iT, Inc. and Well Connected, Inc. for the ongoing maintenance and support for the Erie Path Mobile application which was created to help parents and guardians of children and adolescents who are struggling with mental health or behavioral challenges.

If your Honorable Body requires any further information, please contact Commissioner Mark O'Brien at the Department of Mental Health. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in black ink that reads "Mark Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dvs
Enclosure

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Mental Health
Re: Authorization to contract for ongoing maintenance and support of Erie Path Mobile Application
Date: June 5, 2023

SUMMARY

Funds previously allocated to the Erie County Department of Mental Health (ECDMH) will be awarded and allocated to V3iT, Inc. and Well Connected, Inc. for the ongoing maintenance and support for the Erie Path Mobile application which was created to help parents and guardians of children and adolescents who are struggling with mental health or behavioral challenges.

FISCAL IMPLICATIONS

The funding to support this action for the balance the year will come from remaining funds from the initial development of the application within Mental Health's 2023 Budget. Funds for future maintenance and support will be appropriated annually as part of the department's operating budget.

REASONS FOR RECOMMENDATION

The Erie Path Application was created via a Request for Proposal (RFP), entitled Solicit Community Input, Identify Features and Functionality, Organize and Assemble Content for a Mobile Application for Parents and Caregivers to Address Mental Health Challenges of Children and Adolescents-RFP #2022-036VF awarded to CCNY, Inc. and a second RFP, entitled Mobile App Development Services-RFP #2022-046VF awarded to V3iT, Inc. Upon completion of the Erie Path App, the Department requests to contract with V3iT for ongoing maintenance of the application and to contract with Well Connected, Inc. which provides the software platform that allows access to the 211 resource database.

Parents and educators report that children are dealing with increased anxiety and depression, school violence and safety concerns, increased stress at home, unstable housing and increased homelessness, and greater financial stressors. Marginalized communities - including communities of color, youth with disabilities, and families living in poverty – suffered mental health disparities before the pandemic, and these disparities have only increased as a result. Erie Path will provide a user-friendly tool to help parents and caregivers find community resources and information to support their children and youth in accessing needed mental and behavioral health services.

BACKGROUND INFORMATION

Mental and behavioral health challenges were getting worse for children and adolescents even before COVID-19, and the impacts of the pandemic exacerbated the need for mental health services. Over the past two plus years, children and families have faced a myriad of challenges

including social isolation, financial hardship, grief and loss, academic struggles and a general disruption of their lives from what they knew and experienced prior to the pandemic.

This new mobile phone app aims to provide easy access to the invaluable mental and behavioral health services available throughout the community for the caregivers of this most vulnerable part of the population.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this action would curtail the operation of the Erie Path application and deny the opportunity to make this service available to the parents and caregivers within the community whose children and adolescents are struggling with mental health or behavioral challenges, and that ultimately hurts all of us in one way or another.

STEPS FOLLOWING APPROVAL

The ECDMH will contract or amend existing contracts with V3iT, Inc. and Well Connected, Inc. as well as work with other involved County departments to facilitate the maintenance and support of the app to ensure its ongoing operations.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF MENTAL HEALTH

RE: Authorization to contract for ongoing maintenance and support of Erie Path Mobile Application

WHEREAS, the Erie County Department of Mental Health (ECDMH) is responsible for the delivery of a comprehensive range of mental and behavioral health services for the residents of Erie County; and

WHEREAS, the Erie Path Mobile Application was created via a Request for Proposal (RFP), entitled Solicit Community Input, Identify Features and Functionality, Organize and Assemble Content for a Mobile Application for Parents and Caregivers to Address Mental Health Challenges of Children and Adolescents-RFP #2022-036VF awarded to CCNY, Inc. and a second RFP, entitled Mobile App Development Services-RFP #2022-046VF awarded to V3iT, Inc.; and

WHEREAS, upon completion of the Erie Path App, the ECDMH requests to contract with V3iT for ongoing maintenance of the application and to contract with Well Connected, Inc. which provides the software platform that allows access to the 211 resource directory; and

WHEREAS, no additional County funds are necessary for this request in 2023; any funding needed moving forward will be requested via subsequent annual budget submissions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with V3iT, Inc. and Well Connected, Inc. for maintenance, hosting, and other costs related to the operations for the Erie Path application for the remainder of 2023, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, sufficient funding exists within the Department of Mental Health – Program Administration’s 2023 Budget (Fund 110, Funds Center 12410) Account 516020 Professional Services, Contracts and Fees for an amount not to exceed \$27,600 in fiscal year 2023; and be it further

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

RESOLVED, that certified copies of this resolution be furnished to the County Executive’s Office, the Comptroller’s Office, the Department of Mental Health, Division of Information and Support Services, and the Division of Budget and Management.

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-7	COUNTY EXECUTIVE	Authorization to Create MH Emergency/Disaster Response Coordinator
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Attachments

23COMM. 12E-7



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG JUN 5 '23 PM 1:13

June 2, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Authorization to Create MH Emergency/Disaster Response Coordinator

Dear Honorable Members:

The Erie County Department of Mental Health (ECMH) is seeking legislative authorization to create a new position titled Mental Health Emergency/Disaster Response Coordinator, in response to the numerous local/national crises that have taken place.

Should your Honorable Body require further information, I encourage you to contact Commissioner of Mental Health, Mark O'Brien.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/dvs

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Mental Health
Re: Authorization to Create MH Emergency/Disaster Response Coordinator
Date: June 2, 2023

SUMMARY

Authorization is requested to create a new position within the Department of Mental Health titled MH Emergency/Disaster Response Coordinator.

FISCAL IMPLICATIONS

There are no immediate fiscal implications to the County. No more than \$62,930 (this amount includes fringe) in funding would be required for the balance of 2023 (assuming a 7/1 start date) and is available through unallocated state aid dollars that have already been awarded from NYS Office of Mental Health (OMH).

Starting in 2024, the funding will be derived from a combination of OMH state aid dollars and (if necessary) Federal Salary Sharing (FSS), which is a consistent additional funding source from Medicaid administration that is maintained by the Department and able to be banked for future use.

<u>Annualized Salary</u>	<u>\$81,199</u>
<u>Salary for Balance of Year</u>	<u>\$40,600 (July 1)</u>
<u>Funding Source</u>	<u>NYS OMH</u>
If Grant funded:	
Grant Source:	<u>N/A</u>
Grant Duration:	<u>N/A</u>
Remaining Grant Funding:	<u>N/A</u>
Alternative Source of Funding if	
Grant is not renewed:	<u>N/A</u>

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

The Erie County Department of Mental Health (ECDMH), consistent with its legal authority as prescribed in NYS Mental Health law, has traditionally operated as an administrative facilitator and overseer of contracted behavioral health services in Erie County, providing administrative leadership to ensure the coordination of a community-based behavioral health system.

However, within the past five years or so, there has been an increasing need and expectation for the ECDMH to provide a tangible response that resembles more of a public health approach.

This first became evident during the opioid epidemic, then became especially apparent during COVID, and most recently, during the response to the racially motivated hate crime and murders that occurred last May in East Buffalo and the snow emergencies that transpired due to two severe winter storms. ECDMH as currently structured is not staffed for such a function.

The addition of this position will assist the MH Commissioner in his/her role of responding, convening, facilitating and coordinating the necessary resources when such crises arise. Having a dedicated staff member who is trained and skilled in mental health crisis response will also enhance the Department's ability to provide critical public information during and following a crisis as it pertains to mental and behavioral health messaging geared to resources and public wellness. The position will also provide critical and time saving assistance to the Commissioner to help coordinate the vast array of community service providers, stakeholders, and where appropriate, with the Department of Emergency Services.

Duties required of the position required by Law or Contract:
Position Classification:

Contract
CSEA JG-14

Duties include but are not limited to:

Coordinates the Erie County Emergency Mental Health response to public health emergencies, bioterrorism, disaster, and other untoward community events.

CONSEQUENCES OF NEGATIVE ACTION

Without the creation of this position, the ECDMH – as well as the community as a whole – will continue to be unprepared to assist County residents when the next crisis occurs. This is why we feel that it is vitally important to have someone in this role prior to the next tragedy or terrible event taking place.

STEPS FOLLOWING APPROVAL

The Erie County Department of Mental Health will work with the Personnel Department and the Division of Budget and Management to properly establish and maintain this newly created position within the aforementioned guidelines.

A RESOLUTION SUBMITTED BY
DEPARTMENT OF MENTAL HEALTH

Re: Authorization to Create MH Emergency/Disaster Response Coordinator

WHEREAS, the Erie County Department of Mental Health (ECDMH) is responsible for the delivery of a comprehensive range of mental and behavioral health services to the residents of Erie County; and

WHEREAS, the need to provide emergency/disaster response services to the local population is critical for the proper function of the ECDMH; and

WHEREAS, the ECDMH has identified an opportunity to fill this need with both current year and future years unallocated state aid from NYS Office of Mental Health (OMH); and

WHEREAS, no more than \$62,930 in funding will be required for the remainder of 2023 from available state funding; and

WHEREAS, a combination of OMH state aid and Federal Salary Sharing will cover 100% of the necessary funding starting in 2024; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with OMH for the purposes of accepting \$62,930 in State Aid to be budgeted within the Department of Mental Health's Division of Program Administration's 2023 Budget (Fund 110, Funds Center 12410) as follows:

**Department of Mental Health
Fund, 110, Funds Center 12410**

<u>Revenue</u>	<u>Increase/(Decrease)</u>
406830 State Aid – Mental Health II	<u>\$62,930</u>
TOTAL	\$62,930
<u>Expense</u>	
500000 Full Time – Salaries	40,600
502000 Fringe Benefits	<u>\$22,330</u>
TOTAL	\$62,930

and be it further

RESOLVED, that authorization is hereby given to create one Mental Health Emergency/Disaster Response Coordinator, Job Group 14 Step 1, (B100 #13743) in the CSEA bargaining unit effective July 1, 2023; and be it further

RESOLVED, that authorization is hereby given to the Director of Budget and Management to adjust items of appropriations and revenues, provided there are no changes to authorized personnel levels; and be it further

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-8	COUNTY EXECUTIVE	Authorization to Enter Into Contract for 2023-2024 On-Call/Emergency Bridge & Culvert Engineering Services
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Attachments

23COMM. 12E-8



EC LEG JUN 5 '23 PM 1:13

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 2, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Authorization to Enter into Contract for 2023-2024 On-Call/Emergency Bridge & Culvert Engineering Services

Dear Honorable Members:

This resolution is requesting authorization for the County Executive to enter a contract with CHA Consultants, Inc. for Erie County Bridge & Culvert On-Call and Emergency Engineering Services, related to the annual Bridge Inspection and Maintenance Programs, as well as other conditions which may arise.

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/jtd
Enclosure

cc: William Geary, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Authorization to Enter into Contract for 2023-2024 On-Call/Emergency Bridge & Culvert Engineering Services
Date: June 2, 2023

SUMMARY

This resolution requests authorization for the County Executive to enter into a contract with CHA Consultants, Inc. for On-call/Emergency Bridge and Culvert Design Engineering Services. This Contract would address emergency conditions, conditions received from the New York State Department of Transportation (NYSDOT) or county inspections, district maintenance reports, or citizen reports on bridges and culverts throughout Erie County. It would also include the necessary design for maintenance projects on bridges and culverts which may benefit from federal aid construction funding, but do not include federal aid for design. Also included are engineering services for projects which are on a short time schedule and do not allow for the normal acquisition of these services. CHA Consultants was selected through the County's RFP process which solicited proposals and a selection committee reviewed and ranked the proposals received.

FISCAL IMPLICATIONS

The CHA Consultants, Inc. contract will be in the amount of \$547,176. Funds are available in the following Projects in Fund 420, Funds Center 123:

B.16050 – 2016 Capital Overlay	\$ 98,176
B.20053 – 2020 Federal Aid Bridge Preservation – Design	\$200,000
B.20056 – 2020 Preservation of Bridges & Culverts – Design	\$149,000
<u>B.21151 – 2021 As Directed/Emergency Engineering Design Services</u>	<u>\$100,000</u>
TOTAL PROJECT	\$547,176

REASONS FOR RECOMMENDATION

Erie County receives notices from NYSDOT bridge inspection and county large culvert inspection reports, as well as notifications from maintenance districts or citizens, of various bridge and culvert conditions which may limit or restrict public access or may be a hazard. The Department of Public Works, Division of Highways is required to provide immediate response to sufficiently address bridge or culvert conditions or provide recommendations for rectifying the conditions.

BACKGROUND INFORMATION

The County has 297 bridges averaging approximately 50 years in age and 482 small bridges/culverts, in addition to an un-enumerated inventory of maintenance culverts. Age, natural elements, and use have precipitated the deterioration of many County bridges and culverts thereby accounting for the numerous conditions affecting long-term preservation. This contract will allow for the needed engineering services to take place during 2023 and 2024. Extending the contract an additional 2 years may be done later pending additional legislative approval.

CONSEQUENCES OF NEGATIVE ACTION

If conditions are not responded to in a reasonable time frame, access by the traveling public on the County bridges will be limited through load postings or closures based upon the severity of the condition. Not acting will suspend long term preservation measures.

STEPS FOLLOWING APPROVAL

The County Executive awards a contract to CHA Consultants, Inc. for the 2023-2024 On Call/Emergency Services contract. Information from the engineering consultant will determine DPW follow-up actions based on the condition at each location.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to authorized capital projects for which there are sufficient appropriations for the action proposed.



Timothy C. Callan
Deputy Comptroller
Comptroller's Office

File Copy
B.16050
B.20053
B.20056
B.21151
2023-2024 On-Call/Emergency Bridge & Culvert Engineering Services,
Various Locations, Erie County

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS

RE: Authorization to Enter into Contract for 2023-2024 On-Call/Emergency Bridge & Culvert Engineering Services

WHEREAS, the Department of Public Works, Division of Highways, and the New York State Department of Transportation (NYSDOT) perform annual and biannual inspections of County-owned bridges and culverts; and

WHEREAS, conditions noted from these inspections, department engineering or maintenance staff, or taxpayer notifications, Erie County desires to respond to conditions which may restrict access or present a hazard to the traveling public with a plan of action as soon as practicable; and

WHEREAS, engineering and design services are necessary for the annual bridge inspection and maintenance program; and

WHEREAS, the Department of Public Works, Division of Highways, determined that CHA Consultants, Inc. has the appropriate expertise and experience in emergency bridge design, technical/engineering services, construction management and inspection, short schedule projects and bridge maintenance design through an RFP process; and

WHEREAS, the Department of Public Works, Division of Highways, must be able to respond to these cited County bridge and culvert deficiencies with appropriate action, and deemed emergency conditions Legislative approval is required to authorize the County Executive to award a contract to CHA Consultants, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with CHA Consultants, Inc. for the 2023-2024 On-Call/Emergency Bridge and Culvert Engineering Services project in an amount of \$547,176 for this contract; and be it further

RESOLVED, that funds, in the total amount of \$547,176, be made available for the Project from the following Projects in Fund 420, Funds Center123:

B.16050 – 2016 Capital Overlays	\$ 98,176
B.20053 – 2020 Federal Aid Bridge Preservation – Design	\$200,000
B.20056 – 2020 Preservation of Bridges & Culverts – Design	\$149,000
<u>B.21151 – 2021 As Directed/Emergency Engineering Design Services</u>	<u>\$100,000</u>
TOTAL	\$547,176

and be it further

RESOLVED, a possible two (2) year extension to this contract and the necessary funding for it may be appropriated pending legislative approval in the future; and be it further

RESOLVED, that five (5) 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 Division of Purchase.

TO: TIMOTHY C. CALLAN, 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 CHA Consultants, Inc.
2. AMOUNT OF CONTRACT \$547,176
3. PROJECT NUMBER B.16050 - \$ 98,176
B.20053 - \$200,000
B.20056 - \$149,000
B.21151 - \$100,000
4. PROJECT TITLE 2023-2024 On-Call/Emergency Engineering
5. DEPARTMENT CONTACT Funding questions: William E. Geary x 7555
Letter pickup: Christy Weber at x8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS B. 16050 - \$ 98,176.00
B. 20053 - \$ 200,000.00 } \$ 547,340.14
B. 20056 - \$ 149,164.14
B. 21151 - \$ 100,000.00
7. PERFORMED BY Elizabeth A Hall 5/26/2023
- Date Sent to Comptroller's Office: 5/25/2023

[55 compt_10]



ERIE COUNTY DEPARTMENT OF PUBLIC WORKS - HIGHWAYS
RFP # 2023-2024 On-Call Bridge Services
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY

Proposer	Evaluation Criteria														Weighted Average Qualifications Score (1 - 10)	Qualifications Ranking										
	Experience & Qualifications of Proposed Staff		Understanding of the Work to be Done			Logistics and Familiarity with Project Area			Experience with similar kinds of Projects and/or work			Experience of Proposed Team					Percentage of M/WBE Participation									
	Weight = 25%		Weight = 20%			Weight = 20%			Weight = 20%			Weight = 10%					Weight = 5%									
	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score	Committee Member Raw Score (1 - 10)	Avg. Score			Committee Member Raw Score (1 - 10)	Avg. Score								
#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3									
Santon & Loguidice	7	7	8	7.33	5	9	8	7.33	4	5.5	4	4.50	7	4.5	8	6.50	7	8	9	8.00	7	8	9	8.00	6.70	4
CHA	9	9	8.5	8.83	9	7	10	8.67	10	10	10	10.00	10	7.5	10	9.17	9	6	10	8.33	8	9.5	9	8.83	9.05	1
DiDenato	9	7	9	8.33	9	8	9.5	8.83	9	9	9	9.00	10	8.5	9.5	9.33	9	5.5	9.5	8.00	9	9	9.5	9.17	8.78	2
Foix Albert	8	7	8	7.67	6	7.5	9	7.50	9	9	8	8.67	8	4.5	9	7.17	8	7	9	8.00	8	9.5	9	8.83	7.83	3
LiRo	8	7.5	8	7.83	6	7	8	7.00	4	1.5	4	3.17	8	3.5	8	6.50	8	5.5	7	6.83	8	8	9	8.33	6.39	5

It is my opinion in recommending CHA Consulting, Inc., the Erie County Department of Public Works has complied with all applicable provisions of Section 19.08 of the Erie County Administrative Code. Scoring sheets and other materials related to this matter are available for review at the Department of Public Works' office during regular business hours.

William E. Geary, Jr., Commissioner
 Erie County Department of Public Works

Lisa Chimera
 Deputy County Executive

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-9	COUNTY EXECUTIVE	Amendment of Agreement for Back Creek Rd. Slope & Slide Remediation - Town of Boston
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Attachments

23COMM. 12E-9



COUNTY OF ERIE

SC LEG JUN 5 '23 PM 1:13

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 2, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Amendment of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. Professional Services Agreement for Back Creek Rd (CR438) Slope and Slide Remediation Town of Boston

Dear Honorable Members:

We are forwarding for your approval a proposed resolution seeking authorization for the County Executive to execute an amendment to the existing Engineering Design Services Agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.

Should your Honorable Body require further information, I encourage you to contact William E. Geary, Jr., Commissioner of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/kwr/cw
Enclosure

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: Amendment of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. Professional Services Agreement for Back Creek Rd (CR438) Slope and Slide Remediation Town of Boston
Date: June 2, 2023

SUMMARY

The accompanying resolution requests authority for the County Executive to execute an amendment to the Professional Services Agreement for the Back Creek Road (CR438) Slope and Slide Remediation (the "Project"), which was authorized under the retired 2018-2021 On Call Civil & Geotechnical Engineering Term Agreement, which was subsequently extended to the end of 2022, with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann Associates) for additional and alternative design phase engineering services required to complete the Project.

FISCAL IMPLICATIONS

Funding for this Amendment is estimated not to exceed \$48,178.00 and is available in Fund 420, Funds Center 123, as follows:

Capital Project B.16011 – 2016 Road Design Countywide	- \$17,094.49
Capital Project B.17014 – 2017 Road Slide Design Countywide	- \$31,083.51

REASONS FOR RECOMMENDATION

Bergmann Associates performed additional and alternative design phase engineering services required to complete the Back Creek Road Reconstruction / Slope Stabilization project.

BACKGROUND INFORMATION

This project aims to stabilize the slope and reconstruct the highway including new closed drainage and a relocated waterline. Project limits on Back Creek Road extend from the intersection with Rice Hill Road to 400 feet north of the intersection with Rice Hill Road. Bergmann's work was completed during their 2018-2022 On Call Civil & Geotechnical Engineering Term Agreement.

STEPS FOLLOWING APPROVAL

The County Executive will execute an amendment to the Professional Services Agreement with Bergmann Associates. Upon full execution, payment for services provided will be made,

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 are sufficient appropriations for the action proposed.

 5/19/23

Timothy C. Callan
Deputy Comptroller
Comptroller's Office

Project B.16011 – 2016 Road Design Countywide

Project B.17014 – 2017 Road Slide Design Countywide

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Amendment of Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. Professional Services Agreement for Back Creek Rd (CR438) Slope and Slide Remediation Town of Boston

WHEREAS, authorization is being requested for the County Executive to execute an amendment to the Professional Services Agreement for the Back Creek Road (CR438) Slope and Slide Remediation (the "Agreement"), which was authorized through COMM. 4E-21 on March 5, 2019 under the retired 2018-2021 On-Call Civil & Geotechnical Engineering Term Agreement, which was subsequently extended to the end of 2022, with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann Associates) for additional and alternative design phase engineering services performed under the Agreement; and

WHEREAS, the estimated total cost of the amendment shall not exceed \$48,178.00 and funds are available in Fund 420, Funds Center 123, Capital Projects B.16011 and B.17014.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an amendment to the Professional Services Agreement with Bergmann Associates for additional and alternative design phase engineering services in an amount not to exceed \$48,178; and be it further

RESOLVED, the sufficient funding to cover the costs associated with this amendment budget exist in the Division of Highways' Capital Projects (Fund 420, Funds Center 123) B.16011 – 2016 Road Design Countywide, and B.17014 – 2017 Road Slide Design Countywide; 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, Division of Highways, and one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

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 Bergmann Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C.
- 2. AMOUNT OF CONTRACT \$ 48,178.00
- 3. PROJECT NUMBER B.16011 - \$17,094.49
B.17014 - \$31,083.51
- 4. PROJECT TITLE Professional Services Agreement for
Back Creek Rd (CR438)
Slope and Slide Remediation
- 5. DEPARTMENT CONTACT Funding questions: Darlene Svilokos at 7801

Letter pickup: Christy Weber at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- 6. AVAILABILITY OF FUNDS B.14011 - \$36,758.63 > \$86,758.63
\$ B.17014 - \$50,000.00
 - 7. PERFORMED BY Elizabeth Hall 5/18/2023
- Date Sent to Comptroller's Office: 5/18/2023

[55 compt_10]

PROJECT TITLE: B.16011 2016 ROAD DESIGN (COUNTYWIDE)

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT
IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>800,000.00</u>
Total Project Appropriations	\$ <u>800,000.00</u>
Less: Total Expenditure To Date	\$ <u>615,419.96</u>
Less: Total Commitments	\$ <u>147,821.41</u>
Available Appropriations As Of Date Of Request	\$ <u>36,758.63</u>
Less: Contract Amount	\$ <u>17,094.49</u>
Net Available Appropriations	\$ <u>19,664.14</u>

Comments: There is \$189,794.36 cash in the project.

Request Approved: Tony C. Cole

Request Denied: _____

Date: 5/19/23

PROJECT TITLE: B.17014 2017 ROAD SLIDE DESIGNS (COUNTYWIDE)

1) IS THE REASON FOR THIS CONTRACT CONSISTENT WITH THE PURPOSE OF THE PROJECT: YES X NO

IF NO, RETURN THIS REQUEST TO THE DEPARTMENT
IF YES, COMPLETE THE FOLLOWING VERIFICATION

2) PROJECT AVAILABLE APPROPRIATION

Total Project Revenues	\$ <u>250,000.00</u>
Total Project Appropriations	\$ <u>250,000.00</u>
Less: Total Expenditure To Date	\$ <u> -</u>
Less: Total Commitments	\$ <u>200,000.00</u>
Available Appropriations As Of Date Of Request	\$ <u>50,000.00</u>
Less: Contract Amount	\$ <u>31,083.51</u>
Net Available Appropriations	\$ <u>18,916.49</u>

Comments: There is \$250,000.00 cash in the project.

Request Approved: Tammy C. Gale

Request Denied: _____

Date: 5/19/23

SAP PROJ. NO.	PROJECT DESCRIPTION (object or purpose)	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	PROJECT DESCRIPTION
B.16011	DPW/HIGHWAYS - ROAD DESIGN (COUNTYWIDE)	\$800,000	\$800,000		This project is the design phase for the eventual rehabilitation or reconstruction of road projects in Erie County and future investigation and design. Roads to be included are Burdick Road, Tonawanda Creek Road, Mill Street, Belscher Road and others.
B.17014	Road Slides Design (Countywide) - DPW/Highways	250,000	250,000	-	This project is the design phase for the eventual reconstruction of road slides projects in Erie County and future investigation and design. Road slides to be included, but not limited to, are Burdick Road, and Mill Street.

Fund/Group 420					
Funds Center *					
Funded Program B.16011 (2016 ROAD DESIGN (COUNTYWIDE))					
Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
445070 Premium on Obligations					108,537.91-
475000 Gen Oblig Bond Prog	800,000.00-		800,000.00-		691,462.09-
* Revenue	800,000.00-		800,000.00-		800,000.00-
516020 Prof Ser Con and Fees				147,821.41	615,419.94
CAPITALPROJECTS Capita. Project Exp	800,000.00		800,000.00		
* Expense	800,000.00		800,000.00	147,821.41	615,419.94
** Commitment Item				147,821.41	104,580.04-

Fund(s): 400..599 Fiscal Year: 2023 Project(s): B.16011 2016 ROAD DESIGN (COUNTYWIDE)				
Period: 1 to 5				
Account	Prev. Yr.	YTD Debit	YTD Credit	End Bal
17000 CASH CONTROL ACCOUNT	190,709.87		915.51-	189,794.36
200000 ACCOUNTS PAYABLE CONTROL ACCT		915.51	915.51-	70.00-
200200 GR/FR ACCOUNT	32,703.57-	32,703.57	5,144.32-	5,144.32-
389999 UNRESERVED/UNDESIGNATED FUND BALANCE				
* Balance Sheet	158,006.30	33,619.08	7,045.34-	184,580.04
445070 PREMIUM ON OBLIGATIONS - BONDS	108,537.91-			108,537.91-
475000 GENERAL OBLIGATION BOND PROCEEDS	691,462.09-			691,462.09-
* Revenues	800,000.00-			800,000.00-
516020 PROFESSIONAL SERVICE CONTRACTS AND FEES	641,993.70	6,129.03	32,703.57-	615,419.96
* Expenditures	641,993.70	6,129.03	32,703.57-	615,419.96
** Total		39,748.91	39,748.91-	

Fund/Group 420
 Funds Center *
 Funded Program B.17014 (2017 ROAD SLIDE DESIGNS CONTYWD)

Commitment Item	Original Budget	Adjustments	Current Budget	Commitment	Actuals
445000 Premium On Obligations					41,801.08-
475000 Gen Oblig Bond Proc.	250,000.00-		250,000.00-		208,198.96-
* Revenue	250,000.00-		250,000.00-		250,000.00-
516020 Pro Ser Cnt and Fees				200,000.00	
CAPITAL PROJECTS Capital Project Exp.	250,000.00		250,000.00		
* Expense	250,000.00		250,000.00	200,000.00	
** Commitment Item				200,000.00	250,000.00-

Account	Prev. Yr.	YTD Debit	YTD Credit	End Bal.
117000 CASH CONTRL ACCOUNT	250,000.00			250,000.00
385000 UNASSIGNED UNRESTRICTED FUND BALANCE				
* Balance Sheet	250,000.00			250,000.00
445071 PREMIUM ON OBLIGATIONS - BONDS	41,801.08-			41,801.08-
475000 GENERAL OBLIGATION BOND PROCEEDS	208,198.96-			208,198.96-
* Revenues	250,000.00-			250,000.00-
** Total				

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-10	COUNTY EXECUTIVE	PILOT Agreement for Francis John Apartments & Frederick Douglass II Apartments, City of Buffalo - Affordable Housing Development
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Attachments

23COMM. 12E-10



COUNTY OF ERIE

EC LEG JUN 5 '23 PM1:13

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 2, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Payment in Lieu of Taxes (PILOT) Agreement for Francis John Apartments and Frederick Douglass II Apartments, City of Buffalo – Affordable Housing Development
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for Francis John Apartments and Frederick Douglass II Apartments. The resolution authorizes the County Executive to execute an agreement with FJA-FDII Housing Development Fund Company Inc. and FJA-FDII Development LLC., and the City of Buffalo.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jw
Enclosure

cc: Daniel R. Castle, Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Payment in Lieu of Taxes (PILOT) Agreement Francis John Apartments and Frederick Douglas II Apartments, City of Buffalo – Affordable Housing Project
Date: June 2, 2023

SUMMARY

The resolution authorizes the County Executive to execute a PILOT Agreement with FJA-FDII Housing Development Fund Company, FJA-FDII Development LLC, and the City of Buffalo.

The owner is seeking a PILOT from the City of Buffalo and Erie County consistent with the PILOT Policy adopted by the Erie County Legislature on December 16, 1999.

FISCAL IMPLICATIONS

In accordance with the PILOT policy, the proposed PILOT payment for Francis John Apartments and Frederick Douglas II Apartments shall be based on a payment of \$54,169 in year 1 and would escalate by 3% each year for an additional fifteen-year term. The County would receive twenty-five percent (25%) of each annual payment, and the City of Buffalo would receive seventy-five percent (75%) of each annual payment. The payment Schedule A lists the payments for the 15 years of the Agreement.

REASONS FOR RECOMMENDATION

The City of Buffalo supports the PILOT and on May 30, 2023, the Common Council approved Francis John Apartments and Frederick Douglas II Apartments Project PILOT Agreement. The project conforms to the provisions of Article XI of the New York Private Housing Finance Law.

BACKGROUND INFORMATION

The residential project involves the acquisition, rehabilitation, and preservation of 174 units for low-income senior housing at two locations, 1201 Broadway St. (Francis John Apartments) and 210 Jefferson Ave. (Frederick Douglass II Apartments). The project will provide affordable housing opportunities to existing residents with all units restricted to households that earn up to 50% AMI. The total development cost is projected to be \$47,530,597.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, it would not be economically feasible for FJA-FDII Housing Development Fund Company and/or FJA-FDII Development LLC to complete the project as it is currently structured.

STEPS FOLLOWING APPROVAL

The County Executive will enter into a PILOT Agreement with the noted parties.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for Francis John Apartments and Frederick Douglas II Apartments, City of Buffalo – Affordable Housing Project

WHEREAS, Francis John Apartments and Frederick Douglas II Apartments Project consists of the acquisition, rehabilitation, and preservation of 174 units for low income senior housing at two locations, 1201 Broadway St. (Francis John Apartments) and 210 Jefferson Ave. (Frederick Douglass II Apartments).; 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 with FJA-FDII Housing Development Fund Company Inc. and FJA-FDII Development LLC. to operate the housing project, it is necessary to extend tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

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

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

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

**SCHEDULE A
PILOT Payments**

Year	Total	City	County
1	\$ 54,169	\$ 40,626	\$ 13,542
2	\$ 55,794	\$ 41,845	\$ 13,948
3	\$ 57,467	\$ 43,101	\$ 14,367
4	\$ 59,191	\$ 44,394	\$ 14,798
5	\$ 60,967	\$ 45,725	\$ 15,242
6	\$ 62,796	\$ 47,097	\$ 15,699
7	\$ 64,680	\$ 48,510	\$ 16,170
8	\$ 66,621	\$ 49,965	\$ 16,655
9	\$ 68,619	\$ 51,464	\$ 17,155
10	\$ 70,678	\$ 53,008	\$ 17,669
11	\$ 72,798	\$ 54,599	\$ 18,200
12	\$ 74,982	\$ 56,236	\$ 18,745
13	\$ 77,231	\$ 57,924	\$ 19,308
14	\$ 79,548	\$ 59,661	\$ 19,887
15	\$ 81,935	\$ 61,451	\$ 20,484

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-11	COUNTY EXECUTIVE	PILOT Agreement for Solar Energy Systems - Gowans Rd. & Eden Evans Center Rd., Town of Evans
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Attachments

23COMM. 12E-11



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG JUN 5 '23 PM 1:13

June 2, 2023

Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Payment in Lieu of Taxes (PILOT) Agreement for Solar Energy Systems- Gowans Road and Eden Evans Center Road, Town of Evans

Dear Honorable Members:

Please find an enclosed resolution from the Department of Environment and Planning regarding a Payment in Lieu of Taxes (PILOT) Agreement for a Solar Project in the Town of Evans. The resolution authorizes the County Executive to execute an agreement with Gowans Road Solar, LLC.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel R. Castle, A.I.C.P. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

cc: Daniel R. Castle A.I.C.P., Commissioner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Payment in Lieu of Taxes (PILOT) Agreement for Solar Energy Systems –
Gowans Road and Eden Evans Center Road, Town of Evans
Date: June 2, 2023

SUMMARY

The resolution authorizes the County to execute a PILOT Agreement with Gowans Road Solar, LLC (“Project Owner”).

The Project Owner is seeking a PILOT from Erie County in connection with the development and operation of an approximately 3.75-megawatt solar photovoltaic facility (“Project”) located on Gowans Road and Eden Evans Center Road (SBL numbers 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, 236.00-1-2.12, and 236.00-1-29) in the Town of Evans (“Site”). The Project Owner negotiated a separate PILOT and Host Community Agreement with the Town of Evans and a separate PILOT with the Evans-Brant Central School District. Given the nature of the Project, it is exempt from taxation pursuant to Real Property Tax Law (“RPTL”) § 487, unless the taxing jurisdictions enter into a PILOT Agreement with the owner.

FISCAL IMPLICATIONS

Under RPTL § 487(2), solar energy facilities are tax exempt. Notwithstanding such exemption, RPTL § 487(9)(a) states that certain taxing jurisdictions, including counties, may require the owner of a property that includes a solar energy system to enter into a PILOT agreement that provides for annual payments to the taxing jurisdictions.

The Agreement proposed by Gowans Road Solar, LLC offers a payment amount of \$4,500 per megawatt for the County’s 16.6% share of real property taxes in the Town of Evans. This results in a total annual payment of \$2,793, with an annual escalation factor of 2%. These payments will be made annually over a 15-year term.

In lieu of the aforementioned P.I.L.O.T agreement, the County would not receive tax payments.

REASONS FOR RECOMMENDATION

The proposed Agreement conforms to the provisions of RPTL § 487 and was negotiated between the Project Owner and County. The Project otherwise conforms to the Town of Evans and zoning ordinance and makes productive use of an otherwise underutilized property.

On April 3, 2023, the Town Board of the Town of Evans executed a single-jurisdiction PILOT Agreement and Host Community Agreement with the Project Owner.

On March 21, 2023, the Board of Education of the Evans-Brant Central School District executed a single-jurisdiction PILOT agreement with the Project Owner.

BACKGROUND INFORMATION

Seaboard Solar Operations, LLC (dba Gowans Road Solar, LLC) is proposing the development of an approximately 3.75-megawatt solar photovoltaic facility on six parcels of land totaling approximately 128 acres, located on Gowans Road and Eden Evans Center Road (SBL #s 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, 236.00-1-2.12, and 236.00-1-29) in the Town of Evans, Erie County.

Due to the size and nature of the Project, it is considered a Type 1 action for the purposes of New York State Environmental Quality Review (SEQR). The Town Board of the Town of Evans, acting as Lead Agency, issued a SEQR negative declaration on August 17, 2022.

The Site is located within the Solar Overlay Zoning District, the only district in the Town that permits solar energy facilities of this scale. Solar energy facilities located in the Solar Overlay Zoning District require the issuance of a Special Use Permit. On August 17, 2022, the Town Board of the Town of Evans issued a Special Use Permit for the Project.

Under RPTL § 487, a partial tax exemption is available for properties which are developed for solar and wind renewable energy systems. RPTL § 487(2) exempts from real property taxation “any increase in the value [of real property] by reason of the inclusion of a [solar and wind energy system] for a period of fifteen years.” Erie County has not opted out of the RPTL §487 exemptions and therefore may require renewable energy systems to enter into a PILOT agreement to replace a portion of the tax revenue. Gowans Road Solar, LLC notified Erie County of their intent to construct a solar project in June 2021. The County has been working to negotiate the proposed PILOT Agreement since October 2022. The proposed payment table (Schedule A) is the result of negotiations.

CONSEQUENCES OF NEGATIVE ACTION

Without the PILOT, pursuant to RPTL § 487, the County would receive no property taxes from the solar facility project.

STEPS FOLLOWING APPROVAL

The County Executive will enter into a PILOT Agreement with the noted parties.

A DRAFT RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Payment in Lieu of Taxes (PILOT) Agreement for Solar Energy Systems- Gowans Road and Eden Evans Center Road, Town of Evans

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, (Gowans Road Solar, LLC) has submitted a Notice of Intent to the Taxing Jurisdictions that it plans to build and operate a Solar Energy System as defined in New York Real Property Tax Law ("RPTL") Section 487(1)(b) (the "Project") with an expected nameplate capacity ("Capacity") of approximately 3.75 Megawatts AC on six parcels totaling approximately 128 acres of land located within the Town of Evans on Gowans Road and Eden Evans Center Road and identified by SBL numbers 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, 236.00-1-2.12, and 236.00-1-29; 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 Evans 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 County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Gowans Road Solar, LLC, and any other organizations necessary to complete this PILOT Agreement, pertaining to the Real Property located on Gowans Road and Eden Evans Center Road, Evans New York (SBL numbers 236.00-1-28, 236.00-1-2.11, 236.00-1-1, 236.00-1-3.1, 236.00-1-2.12, and 236.00-1-29); and be it further

RESOLVED, that said Agreement shall include an annual approximate PILOT payment in the amount \$2,793, 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 Office of County Executive; the Division of Budget and Management; the Division of Real Property Tax Services; the Department of Environment and Planning; the Office of County Comptroller; and the County Attorney's Office.

Schedule A

PILOT Schedule

Calendar Year*	Term Year	County PILOT Payment**
2024	1	\$2,793
2025	2	\$2,849
2026	3	\$2,906
2027	4	\$2,964
2028	5	\$3,023
2029	6	\$3,084
2030	7	\$3,145
2031	8	\$3,208
2032	9	\$3,272
2033	10	\$3,338
2034	11	\$3,405
2035	12	\$3,473
2036	13	\$3,542
2037	14	\$3,613
2038	15	\$3,685
	TOTAL	\$48,299

* The following schedule is for illustrative purposes only. The PILOT will commence in accordance with Section 2(b) of the Agreement.

**Per the Agreement, this payment schedule is subject to adjustment if the capacity of the Project changes.

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-12	COUNTY EXECUTIVE	ECSD Nos. 2 & 6 - Roof Replacements Project
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Attachments

23COMM. 12E-12



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG JUN 5 '23 PM 1:13

June 2, 2023

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

**RE: Erie County Sewer District Nos. 2 & 6
Roof Replacements Project - Contract No. 94
Purchasing Bid No. 222140
Change Order No. 1**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management pertaining to Change Order No. 1 for the Big Sister Creek and Lackawanna Water Resource Recovery Facilities Roof Replacements project, Erie County Sewer District Nos. 2 & 6, Contract No. 94, Purchasing Bid No. 222140-002.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District Nos. 2 & 6
Roof Replacements Project – Contract No. 94
Purchasing Bid No. 222140-002
Change Order No. 1
Date: June 2, 2023

SUMMARY

Your Honorable Body is requested to approve Change Order No. 1 to the Big Sister Creek and Lackawanna Water Resource Recovery Facilities (WRRFs) Roof Replacements project, an increase in compensation for Contract No. 94 in the amount not to exceed \$217,000.00.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The funds for this change order will be from Capital Account No. C.21150 (American Rescue Plan funds).

REASONS FOR RECOMMENDATION

During the course of construction activities related to Contract No. 94, the existing roof materials on multiple buildings at the Big Sister Creek and Lackawanna WRRFs were removed to facilitate replacements. Upon removal of the old roofing materials, unforeseen damage was revealed to one building at each facility. It is the recommendation of the Division of Sewerage Management that the damages be repaired prior to the new roofing materials installed. It is further recommended that the awardee for Contract No. 94 (Progressive Roofing Inc.) complete the work to keep the warrantee of materials and services whole and secure.

BACKGROUND INFORMATION

The Big Sister Creek and Lackawanna WRRFs Roof Replacements Project – Contract No. 94 was bid by the Division of Purchase on May 20, 2022 under Bid No. 222140-002. This contract was awarded to Progressive Roofing, Inc., 331 Grote Street, Buffalo, New York 14207.

This contract consists of multiple roof replacements at various buildings within the Big Sister Creek and Lackawanna WRRFs. Upon removal of the old roof materials, unforeseen damages to the existing sand filter building structure at Big Sister Creek WRRF were revealed. Based on concerns regarding the amount of steel corrosion observed, the Division of Sewerage Management retained the services of DiDonato Associates (DiDonato) to evaluate the integrity of the roof structure. DiDonato's assessment concluded that the structural members of the building are sound; however, they recommended replacement of any corroded roofing deck panels, cleaning of the joists prior to installation of new steel panels, and welding the panels to secure them. Considering the extent of corrosion, it is advised to proceed with a full deck

replacement for this building. At the Lackawanna WRRF, upon removal of the old roof materials on the digester building it was discovered that the lightweight crickets were saturated with water. Engineers from the Division of Sewerage Management evaluated the damage and concurred with Progressive Roofing's recommendation to remove the materials and replace with a new tapered insulation system prior to completion of the roof.

The aforementioned repair work at the Big Sister Creek and Lackawanna WRRFs is above and beyond the original scope of services for Contract No. 94.

CONSEQUENCES OF NEGATIVE ACTION If the damages are not addressed, long-term issues may occur impacting either the roof or the building structures. Further, Progressive Roofing may not warranty the roof installations if the repairs are not completed. Having a contractor other than the awardee of the Formal bid complete the work would complicate the warrantee of the new roofs systems.

STEPS TO FOLLOW APPROVAL

This action would grant the Division of Purchase permission to keep the aforementioned additional scope with the Contract No. 94 awardee, Progressive Roofing Inc. The Division of Purchase will issue Change Order No. 1 for the additional scope of services.

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 5/23/23
Title Timothy Callan, Ph.D.
Deputy Comptroller

**Erie County Sewer District Nos. 2 & 6
Roof Replacements Project – Contract No. 94
Change Order No. 1
Capital Account No. C.21150**

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District Nos. 2 & 6
Roof Replacements Project – Contract No. 94
Purchasing Bid No. 222140
Change Order No. 1

WHEREAS, the Big Sister Creek and Lackawanna Water Resource Recovery Facilities Roof Replacements Project – Contract No. 94 was bid on May 20, 2022 by the Division of Purchase, under Bid No. 222140-002; and

WHEREAS, pursuant to Section 19.08 of the Erie County Administrative Code, Contract No. 94 was awarded to Progressive Roofing, Inc., (331 Grote Street, Buffalo, New York 14207), to replace certain building roofs at the Big Sister Creek and Lackawanna Water Resource Recovery Facilities in Erie County Sewer District Nos. 2 & 6; and

WHEREAS, during the demolition of the existing roofs, Progressive Roofing encountered unforeseen damages that could not be repaired by the contingency amount within the formal bid; and

WHEREAS, the Division of Sewerage Management recommends that the unforeseen damages identified by Progressive Roofing be repaired as part of Contract No. 94.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body approves of increasing the total Contract amount for Contract No. 94 between the County of Erie and Progressive Roofing, Inc., (331 Grote Street, Buffalo, NY 14207) by an amount not to exceed \$217,000.00; and be it further

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County administrative code for the purposes of securing the unforeseen roofing repairs while keeping the continuity of the current performing vendor; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the Division of Purchase to process all necessary documents to continue the roof repairs; and be it further

RESOLVED, that the Director of the Division of Purchase be authorized to execute Change Order No. 1 for Contract No. 94; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to allocate up to \$217,000.00 in Capital Account No. C.21150 (American Rescue Plan funds) to fund Change Order No. 1; 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 unused funds may 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 Office of the County Executive, the Office of the County Comptroller, the Division of Budget and Management, the County Attorney's Office, the Division of Purchase, and the Division of Sewerage Management.

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>Progressive Roofing Inc</u> |
| 2. AMOUNT OF CONTRACT | <u>\$217,000.00</u> |
| 3. PROJECT NUMBER | <u>C.21150</u> |
| 4. PROJECT TITLE | <u>Purchasing Bid No. 222140</u>
<u>Roof Replacements Project – Contract 94</u> |
| 5. DEPARTMENT CONTACT | <u>Beth Pfalzer x6144</u> |

COMPTRROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|-----------------------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$ 27,867,876.44</u> |
| 7. PERFORMED BY | <u>Elizabeth A Hall 5/23/2023</u> |
| Date Sent to Comptroller's Office: | <u>5/23/2023</u> |

[55 compt_10]

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-13	COUNTY EXECUTIVE	ECSD No. 8 - Engineering Term Contract Agreement
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Attachments

23COMM. 12E-13



EC LEG JUN 5 '23 PM 1:13

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 2, 2023

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

**RE: Erie County Sewer District No. 8
Engineering Term Contract Agreement
LaBella Associates
Work Order: LAB-1**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2022, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas

Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 8
Engineer Term Contract Agreement
LaBella Associates
Work Order: LAB-1
Date: June 2, 2023

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with LaBella Associates for Erie County Sewer District (ECSD) No. 8 in an amount not to exceed \$74,971.99.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from Capital Account No. C.00071.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order LAB-1 to LaBella Associates to provide final design documents and bidding assistance to upgrade the electrical system associated with the East Aurora Water Resource Recovery Facility (WRRF) in ECSD No. 8.

BACKGROUND INFORMATION

On November 21, 2022, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with LaBella Associates for Engineering Services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. LaBella Associates will provide final design documents and bidding assistance to upgrade various electrical components, including the backup generation system, at the East Aurora WRRF in ECSD No. 8. This is the last work order of a phased approach for this project.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed Timothy C. Callan Date 5/17/23
Title Timothy C. Callan, Ph.D.
Deputy Comptroller

Work Order: LAB-1
Capital Account No. C.00071

**ERIE COUNTY SEWER DISTRICT NO. 8
WORK ORDER NO. LAB-1**

ENGINEER: LaBella Associates

CONTRACT DATE: November 21, 2022

1. Title of Proposal:

Design Documents & Bidding Assistance – Electrical System Improvements at the East Aurora WRRF in ECSD No. 8.

2. Company/Address/Principal In-Charge:

Michael Rogalski, P.E.
LaBella Associates
300 Pearl St., Suite 130
Buffalo, NY 14202

3. Effective Dates of Proposal:

May 15, 2023

4. Brief Description of Work for Which Proposal is Submitted:

The engineer will provide final design documents & bidding assistance to upgrade the electrical system associated with the East Aurora Water Resource Recovery Facility (WRRF) in ECSD No. 8, as detailed in LaBella's letter, dated May 24, 2022.

5. Engineering Cost: \$ 74,971.99

6. Source of Funds: Capital Account No. C.00071

7. Project No: LAB-1

8. Attachments: LaBella's letter, dated 5/24/2022 (7 pages)

9. File: 0.3.2. LaBella (23-25) Eng.

DATE: May 16, 2023

Accepted By: _____

Prepared By: _____
Matt A. Salah, P.E.

Authorized By: _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|---|
| 1. CONTRACTOR'S NAME | <u>LaBella Associates</u> |
| 2. AMOUNT OF CONTRACT | <u>\$74,971.99</u> |
| 3. PROJECT NUMBER | <u>C.00071</u> |
| 4. PROJECT TITLE | <u>Engineering Term Agreement
Work Order: LAB-1</u> |
| 5. DEPARTMENT CONTACT | <u>Beth Pfalzer x6144</u> |

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|-----------------------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$ 647,920.94</u> |
| 7. PERFORMED BY | <u>Elizabeth A Hall 5/17/2023</u> |
| Date Sent to Comptroller's Office: | <u>5/17/2023</u> |

[55 compt_10]

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-14	COUNTY EXECUTIVE	ECSD No. 3 - Engineer Term Contract Agreement
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Attachments

23COMM. 12E-14



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG JUN 5 '23 PM1:13

June 2, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

**RE: Erie County Sewer District No. 3
Engineer Term Contract Agreement
JM Davidson Engineering, DPC
Work Order: JMD-2**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2022, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:ms
Enclosure

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Engineer Term Contract Agreement
JM Davidson Engineering, DPC
Work Order: JMD-2
Date: June 2, 2023

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with JM Davidson Engineering, DPC for Erie County Sewer District (ECSD) No. 3 in the amount not to exceed \$74,888.22.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from Capital Account No. C.21150 (American Rescue Plan funds).

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order JMD-2 to JM Davidson Engineering, DPC to provide construction inspection services associated with the roof and ventilation replacement project for the Southtowns Advanced Wastewater Treatment Facility (AWTF).

BACKGROUND INFORMATION

On November 21, 2022, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with JM Davidson Engineering, DPC for engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the Erie County Sewer Districts. This work order will provide construction inspection services associated with the roof and ventilation replacement project for the Southtowns AWTF.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed Timothy C. Callan Date 5/17/23
Title Timothy C. Callan, Ph.D.
Deputy Comptroller

Erie County Sewer District No. 3

Work Order: JMD-2

Capital Account No. C.21150 (American Rescue Plan Funds)

**ERIE COUNTY SEWER DISTRICT NO. 3
WORK ORDER NO. JMD-2**

ENGINEER: JM Davidson Engineering, DPC

CONTRACT DATE: November 21, 2022

1. Title of Proposal:
Construction Inspection Services for the Roof & HVU Replacement Project at the Southtowns
AWTF, ECSD No.3.

2. Name and Business Address of Proposer:

Jaime Davidson, P.E.
JM Davidson Engineering, DPC
935 Sheridan Drive
Tonawanda, NY 142150

3. Effective Dates of Proposal:

May 15, 2023

4. Brief Description of Work for Which Proposal is Submitted:

The engineer will provide construction inspection services associated with the roof and HVU
replacement project at the Southtowns AWTF in ECSD No. 3, as described in the attached JM
Davidson Engineering, DPC letter.

5. Engineering Cost: \$74,888.22

6. Source of Funds: Capital Account No. C.21150 (American Rescue Plan funds).

7. Project No: JMD-2

8. Attachments JM Davidson Engineering, DPC letter, 2 pages.

9. File: 0.3.2. JMD (23-25) Eng.

DATE: May 16, 2023

Accepted By: _____

Prepared By: _____
Matt A. Salah, P.E.

Authorized By: _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

<u>REQUESTING DEPARTMENT</u>	<u>COMPLETE ITEMS 1 THROUGH 5</u>
1. CONTRACTOR'S NAME	<u>JM Davidson Engineering DPC</u>
2. AMOUNT OF CONTRACT	<u>\$74,888.22</u>
3. PROJECT NUMBER	<u>C.21150</u>
4. PROJECT TITLE	<u>Engineering Term Agreement Work Order JMD-2</u>
5. DEPARTMENT CONTACT	<u>Beth Pfalzer x6144</u>
<u>COMPTROLLER'S OFFICE</u>	<u>COMPLETE ITEMS 6 AND 7</u>
6. AVAILABILITY OF FUNDS	<u>\$ 27,866,175.29</u>
7. PERFORMED BY	<u>Elizabeth A Hall 5/17/2023</u>
Date Sent to Comptroller's Office:	<u>5/17/2023</u>

[55 compt_10]

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-15	COUNTY EXECUTIVE	ECSD No. 3 - Engineering Term Contract Agreement
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Attachments

23COMM. 12E-15



EC LEG JUN 5 '23 PM 1:14

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 2, 2023

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

**RE: Erie County Sewer District No. 3
Engineering Term Contract Agreement
Erdman Anthony and Associates, Inc.
Work Order: EA-1**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2022, related to Engineering Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas
Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 3
Engineer Term Contract Agreement
Erdman Anthony and Associates, Inc.
Work Order: EA-1
Date: June 2, 2023

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with Erdman Anthony and Associates, Inc. (EA) for Erie County Sewer District (ECSD) No. 3 in an amount not to exceed \$73,549.00.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from ECSD No. 3 Professional Services Account 516020.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order EA-1 to provide an engineer's report related to the protection of an exposed sanitary sewer pipe crossing under 18 Mile Creek in ECSD No. 3.

BACKGROUND INFORMATION

On November 21, 2022, the Erie County Legislature passed a resolution authorizing a Term Agreement with EA to provide engineering services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the ECSDs. EA will provide an engineer's report identifying alternatives and recommendation to protect the exposed Boston Valley Interceptor sanitary sewer crossing under 18 Mile Creek in ECSD No. 3.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

**ERIE COUNTY SEWER DISTRICT NO. 3
WORK ORDER NO. EA-1**

ENGINEER: Erdman Anthony

CONTRACT DATE: November 21, 2022

1. Title of Proposal:

Provide an engineer's report related to an exposed Boston Valley Interceptor sanitary sewer crossing under 18 Mile Creek in ECSD No. 3.

2. Company/Address/Principal In-Charge:

Daniel Ziemianski, P.E.
Erdman Anthony and Associates, Inc.
8608 Main Street, Buffalo, NY 14221

3. Effective Dates of Proposal:

May 22, 2023

4. Brief Description of Work for Which Proposal is Submitted:

The engineer will provide an engineer's report related to the protection of an exposed Boston Valley Interceptor sanitary sewer crossing under 18 Mile Creek in ECSD No. 3, as detailed in Erdman Anthony's proposal, dated May 18, 2023.

5. Engineering Total Cost:

\$73,549.00

6. Source of Funds:

7. ECSD No. 3 Professional Services Account 516020

8. Project No: EA-1

9. Attachments: Erdman Anthony's proposal, dated 5/18/2023 (7 pages)

10. File: 0.3.2. Erdman Anthony (23-25) Eng.

DATE: May 22, 2023

Accepted By: _____

Prepared By: _____

Matt A. Salah, P.E.

Authorized By: _____

Joseph Fiegl, P.E., BCEE
Deputy Commissioner

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-16 DISTRICT ATTORNEY Additional Positions in GIVE Grant Budget

Attachments

23COMM. 12E-16



OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

JOHN J. FLYNN
DISTRICT ATTORNEY

MICHAEL J. KEANE
FIRST DEPUTY DISTRICT ATTORNEY

June 6, 2023

The Honorable Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: District Attorney's Office
GIVE Grant

Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum requesting authorization to accept grant funding from NYS Division of Criminal Justice Services for additional positions in the Gun Involved Violence Elimination (GIVE) Grant Budget.

Thank you for your consideration of this matter. If your Honorable Body requires any further information, kindly contact our office and we will accommodate your request.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Flynn", with a long horizontal flourish extending to the right.

JOHN J. FLYNN
DISTRICT ATTORNEY

JJF/lh

MEMORANDUM

To: Erie County Legislature
From: John J. Flynn, District Attorney
Date: June 6, 2023
Re: GIVE Grant

I. Summary of Recommended Action

The proposed resolution requests authorization to enter into a contract with NYS DCJS to accept funding in the amount of \$1,862,145 to aid in the investigation and prosecution of gun related crimes under the state's Gun Involved Violence Elimination (GIVE) program.

II. Fiscal Implications of Proposal

The District Attorney's Office is receiving \$1,089,387 in additional funding over and above our current GIVE funding of \$772,758. Funds in the approved 2023 Erie County District Attorney's GIVE Grant budget are being reallocated to properly reflect the increased funding levels awarded by the grantor. New funding is being awarded to add three additional Assistant District Attorneys to devote to the prosecution of gun related crimes in Erie County. DCJS will also continue to fund the additional Assistant District Attorney VI added to this program back in April 2023.

- Grant Duration: GIVE grant - 7/1/23 - 6/30/24
- Annualized salary for new positions:

Assistant District Attorney VII (JG 18)	\$150,570
Assistant District Attorney VII (JG 18)	\$150,570
Assistant District Attorney VI (JG 17)	\$135,555
- Prorated salary for new positions:

Assistant District Attorney VII (JG 18)	\$150,570
Assistant District Attorney VII (JG 18)	\$150,570
Assistant District Attorney VI (JG 17)	\$135,555
- Funding Source: Grant funding from NYS Division of Criminal Justice Services
- Positions are Managerial Confidential

There will be no additional cost to county taxpayers required to make the proposed changes. Overall net changes will actually result in a decrease in county share of \$100,274.

III. Reason for Recommendation and Background of Proposal

The Gun Involved Violence Elimination (GIVE) program began in 2014 and is New York's shooting and homicide reduction strategy that supports coordinated crime reduction and prevention initiatives at the county level in order to reduce firearm-related offenses. GIVE projects involve the integrated efforts of key criminal justice agencies (e.g., police departments, sheriffs' offices, district attorneys, probation offices) and various vital support and service organizations in each funded jurisdiction. These collaborative projects are designed to achieve sustained, long term gun crime reductions through the application of proven, evidence-based practices.

DCJS has significantly increased their funding levels across all jurisdictions for the 2023-2024 grant year in order to provide both continued and expanded GIVE initiative support. Additional funding was based on the analysis of crime reporting data for shootings, violent crimes and violent crime by firearms. Our award will continue to fund our current personnel and add additional prosecutors to focus more resources on gun related crimes.

IV. Consequences of Negative Action

Failure to approve this request would hinder our ability to provide resources necessary to efficiently investigate and successfully prosecute gun related shootings.

V. Steps Following Approval of Measure

The District Attorney's Office will work with the Division of Budget and Management and the Department of Personnel to implement this proposal.

RESOLUTION SUBMITTED BY THE
DISTRICT ATTORNEY

Re: District Attorney's Office
GIVE Grant

WHEREAS, the District Attorney's Office's has been awarded \$1,862,145 under the NYS Division of Criminal Justice Services (DCJS) Gun Involved Violence Elimination (GIVE) initiative to help combat gun violence in Erie County; and

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

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

NOW, THEREFORE, BE IT

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

RESOLVED, that effective July 1, 2023, authorization is hereby provided to add two positions of Assistant District Attorney VII (JG 18) and one position of Assistant District Attorney VI (JG 17) in fund 281, cost center 1140050, grant 114GIVE2324; and be it further

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

**Gun Involved Violence Elimination Grant
114GIVE2324
July 1, 2023– June 30, 2024**

	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Revenue</u>			
409000 State Aid Revenue	\$ 772,758	\$1,089,387	\$1,862,145
479000 County Share Cont.	<u>223,274</u>	<u>(200,274)</u>	<u>23,000</u>
Total Revenue	<u>\$ 996,032</u>	<u>\$ 889,113</u>	<u>\$1,885,145</u>
<u>Appropriation</u>			
500000 Full Time Salaries	\$ 668,142	\$629,184	\$1,297,326
502000 Fringe Benefits	327,390	254,845	582,235
510100 Out of Area Travel	500	2,500	3,000
516060 Professional Services	<u>- 0 -</u>	<u>2,584</u>	<u>2,584</u>
Total Appropriations	<u>\$ 996,032</u>	<u>\$889,113</u>	<u>\$1,885,145</u>

and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds in the 2023 District Attorney budget to allow for additional equipment, technology and other case related expenses, to be adjusted as follows:

Fund 110, Fund Center 11400

	<u>CHANGE</u>
516020 Professional Services	\$ 40,000
561410 Lab & Technical Equipment	60,000
559000 County Share Contribution	<u>(100,000)</u>
	<u>\$ - 0 -</u>

and be it further

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

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

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12E-17	TODARO	Constituent Concern - Civil Service Hiring Practices
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Attachments

23COMM. 12E-17

ERIE COUNTY LEGISLATURE



92 Franklin Street
Buffalo, New York 14202

June 6, 2023

Mr. Brian Bray
Commissioner, Department of Social Services
95 Franklin Street, 6th Floor
Buffalo, New York 14202

Re: Constituent Concern – Civil Service Hiring Practices

Dear Commissioner Bray:

I received a constituent concern recently relating to the hiring of General Crew Chief and Crew Chief positions at the Department of Public Works. In order to properly respond to the constituent, as well as gain a better understanding of the process, I am reaching out to you with a few questions.

As background, I was told that the titles of General Crew Chief and Crew Chief are competitive titles under civil service law. In order to fill these positions, candidates must be both qualified and eligible. In the postings for exams for these positions, it stated that candidates must meet certain minimum criteria prior to the exam.

Based on this background information, as well as further conversation with the constituent, please answer for me the following questions:

Is anything in the background information that I provided incorrect?

Who reviews the qualifications prior to allowing a candidate to take an exam?

Were any candidates disqualified prior to taking the exam for General Crew Chief or Crew Chief?

After the exam occurred, were candidates who passed the exam once again vetted? If so, who does this?

As part of the process, are resumes reviewed for accuracy and references contacted? If so, by whom?

If the Department of Public Works conducts their own review of qualifications, does anyone verify the review?

If a candidate is hired who is later found to have not been qualified at the time of hiring, what is the recourse?

Can action be taken against candidates who have since been promoted from positions that they were not qualified at the time of hiring?

Thank you very much for your assistance with securing this information.

Sincerely,

A handwritten signature in blue ink that reads "Frank J. Todaro". The signature is written in a cursive, flowing style.

Frank J. Todaro
Erie County Legislator, District 8

cc: Erie County Legislators

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12D-1	COMMISSIONER OF SOCIAL SERVICES & COUNTY ATTORNEY	Migrant Situation
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Attachments

23COMM. 12D-1



EC LEG MAY 31 '23 AM 11:37

COUNTY OF ERIE DEPARTMENT OF SOCIAL SERVICES

May 31, 2023

Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Re: Migrant Situation

Dear Honorable Members,

We are writing to provide the Legislature with an update on the migrant situation in New York City and its potential impacts on Erie County Government. There has been much speculation regarding how plans being made by the State of New York and New York City will impact upstate communities and the budget of the Department of Social Services (DSS).

As a matter of background, the City of New York has seen a surge in individuals seeking legal asylum status over the past year. For the most part, these individuals have been bused to New York City by Texas Governor Greg Abbott as “punishment” for New York City having a “Sanctuary City” law on the books. It should be noted that this law does not apply to the current influx of asylum seekers. The federal government has paroled these asylum seekers into the country based on various criteria¹. They are legally allowed to reside inside the United States while awaiting interviews and Federal immigration court hearings, including final rulings and possible appeals.

We note that data obtained by DSS² shows significant backlogs in the Federal Immigration Court system, with many asylum seekers waiting 3-4 years before they even receive their first hearing. This system is fundamentally broken, and we make no illusions about the speed of this process and final adjudication.

New York City also has a legal “right to shelter” framework that requires the City to provide shelter under the New York State Constitution and a 1979 court ruling. Half of the individuals in the New York City shelter system are asylum seekers. In addition, it has been reported that approximately half the hotel space in Manhattan has been rented to house asylum seekers due to overcrowding at local shelters. Over the past year, about 60,000 asylum seekers have traveled to New York, with 38,000 still in the City’s care³. This is the crux of the current crisis in New York City.

Plans being worked out on a state level are being watched closely by all Social Services Commissioners for potential impacts on local budgets. The proposed plan at this time is that for individuals placed in hotels, New York City will cover all costs associated with casework, shelter, and food needs for as long as the migrant household remains in the shelter, as required by New York State law. Any individuals placed in congregate settings run by New York State will similarly have all costs covered by the State of New York, not local governments. We have been told by New York State Office of Temporary Disability Assistance (OTDA) Commissioner Daniel Tietz that New York State will contract with “experienced, immigrant service providers in Erie County and expect those providers to deliver the bulk of the services.”

OTDA has already begun to award contracts for these services to local agencies in WNY for previously cleared asylum seekers who have pathways to begin working. Jewish Family Services has received a contract of \$300,000, and Jericho Road VIVE Shelter has received a contract of \$3.5 million to assist asylum seekers with connecting migrants to needed legal and housing services. Both contracts are being paid for by New York City or New York State. It is our understanding from meetings with WNY resettlement agencies that they have been able to resettle over 2,500 refugees in a single year. While significant increases over these numbers could pose a challenge, there are agencies in Erie County who are experienced in managing this process.

The movement of asylum seekers to Erie County will be conducted by New York State and New York City officials and then managed by State and City staff or contractors. NYS Homeland Security Commissioner Jackie Bray has assured local officials on multiple update calls that migrants being moved upstate have been subjected to full criminal background checks by Federal immigration agencies, including U.S. databases and databases in their country of origin, before being released from immigration detention into the United States⁴. This is a legal immigration pathway under the Immigration and Nationality Act⁵. Migrants must report any changes in their location and status to the Federal Government. In addition, all arrivals from New York City have received health screenings and first doses of needed vaccines from the New York City Department of Health.

On a positive note, asylum seekers are eligible to apply for work authorization 180 days after applying for asylum⁶. Getting asylum seekers to work will be critical in integrating these individuals while they await their court dates. We have already heard from multiple local employers eager for help who would welcome asylum seekers as new employees. Congressman Higgins and other Federal Officials have already asked the White House to issue emergency orders to expedite the work permit process and get these folks into the workforce and out of subsidized shelters even faster.

As your Honorable Body is aware, multiple counties throughout New York have issued Emergency Declarations with companion Local Emergency Orders, pursuant to New York Executive Law §24. For the most part, the local emergency orders prohibit private hotels from housing asylum seekers. These actions are the subject of federal litigation. In addition, several counties have filed suit against New York City and local hotels in state court, arguing that New York City is unlawfully exporting a housing problem to other counties. All of these matters are only in the preliminary stages of litigation, and it will take some time before any court issues a final declaration. No doubt, those orders will then be subject to appeals. At this point, however, it is our assessment that even if the possibility of several hundred asylum seekers being bussed to Erie County constitutes an “Emergency,” as contemplated by Executive Law §24, it is highly

suspect that a County has the authority to dictate who may be housed by a private hotel. We will continue to monitor these lawsuits and update you as developments occur.

This is a fluid situation, and various policy and rule changes could occur throughout this process. For instance, one recent rule change from OTDA made migrants who left the shelter eligible for Safety Net benefits. That is why a smooth process facilitated by New York State and New York City is preferential to a process where individuals move on their own, and the county would be responsible for 71% of the cost of shelter under Safety Net rules. We will continue to monitor the situation as it evolves and inform this Honorable Body of any significant changes to the plan that impact Erie County.

Sincerely,



Marie A. Cannon
Commissioner of Social Services



Jeremy Toth
Erie County Attorney

MAC/ejt

¹ New York Times, "A Guide to America's Border Rules". May 11, 2023.

<https://www.nytimes.com/interactive/2023/05/11/world/americas/mexico-border-routes.html>

² TRAC, Syracuse University. Immigration Backlog Dashboard (Data up to April 2023).

<https://trac.syr.edu/phptools/immigration/backlog/>

³ This number fluctuates daily. This number was reported by the NYS Governor's Office on May 12, 2023.

⁴ USCIS, Parole Process,

<https://www.uscis.gov/humanitarian/humanitarianpublicbenefitparoleindividualsoutsideUS>

⁵ Immigration and Nationality Act, 8 CFR §212.5 – Parole of Aliens into the United States.

⁶ USCIS, Permission to Work in the US, <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum>

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12D-2 BUDGET DEPARTMENT Capital Projects Update

Attachments

23COMM. 12D-2

2016 Capital Projects
6-1-23 Update

EC LEG JUN 5 '23 PM 4:32

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Committed	Available	Status	Estimated Completion
A.16001	Rehab of RWS 4th Year	122	\$ 4,850,031	\$ 1,917,000	\$ 2,933,031	\$ -	\$ 4,850,031	\$ -	\$ -	Closed	
A.16002	Botanical Gardens Rehab	122	1,005,610	500,000	5,610	500,000	1,005,610	-	-	Closed	
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	54,806	268,207	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	-	4,400	605,000	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
6-1-23 Update

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Committed	Available	Status	Estimated Completion
B.16007	Federal Aid Projects - Right of Way	123	87,600	18,000	69,600	-	5,7181	-	30,419	Unrealized federal aid. Confirmed Can Be Closed	Completed
B.16008	Federal Aid Projects - Construction	123	2,832,000	500,000	2,332,000	-	797,420	-	2,034,580	Unrealized federal aid. Confirmed Can Be Closed	Completed
B.16009	Federal Aid Projects - Bridges	123	150,000	150,000	-	-	150,000	-	-	Closed	Completed
B.16010	FED AID PRI BR	123	1,898,950	333,000	1,565,950	-	1,885,547	-	13,403	Unrealized federal aid. Confirmed Can Be Closed	Completed
B.16011	Road Design - Countywide	123	800,000	800,000	-	-	615,420	147,821	36,759	Design	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	Spring 2025
B.16016	Bridge & Culvert Work to Addressed Flagged	123	500,000	500,000	-	-	500,000	-	-	Closed	2024
B.16017	Bridges & 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	-	Will be combined with other PAYGO 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	Sitework - 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 Camp	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	
E.16001	Mechanical, Electrical, & Plumbing	122	250,000	250,000	-	-	250,000	-	-	Closed	
E.16002	Life Safety Improvements	122	250,000	250,000	-	-	250,000	-	-	Closed	

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Committed	Available	Status	Estimated Completion
A.17001	Rehab of New Era Stadium - 5th Year	122	\$ 4,836,349	\$ 1,888,227	\$ 2,948,122	\$ -	\$ 4,836,349	\$ -	\$ -	Closed	Completed
A.17002	Botanical Gardens Rehab	122	500,000	500,000	-	-	500,000	-	-	Closed	Completed
A.17003	Buffalo Niagara Convention Center Rehab	122	1,266,000	1,260,000	16,000	-	1,266,000	-	-	Closed	Completed
A.17004	Countywide Code & Environmental Compliance	122	1,050,575	1,000,000	50,575	-	992,745	29,000	28,833	In progress. Used for contingency of M/E Phase 5 and Liro term agreement.	Late 2023
A.17005	Countywide Roof Replacement & Waterproofing	122	650,000	650,000	-	-	650,000	-	-	Closed	Completed
A.17006	Countywide Mechanical, Electrical, Plumbing, & Misc	122	1,021,198	1,000,000	21,198	-	1,021,198	-	-	Closed	Completed
A.17007	Energy Conservation Implementation	122	327,038	250,000	77,038	-	325,298	-	1,740	Funding is being used towards ongoing EPC	Late 2023
A.17008	Preservation of Countywide Buildings	122	546,877	500,000	46,877	-	504,940	9,000	32,947	Funding tied to a new heating system at the Elliptic Creek Park Supervisor's House that will be completed this Spring.	Late 2023
A.17009	Preservation of Countywide Facilities	122	500,000	500,000	-	-	500,000	-	-	Closed	Completed
A.17010	Replacement of Fleet Pool Vehicles	107	229,000	120,000	169,000	-	181,000	-	48,000	Will be purchasing an electric vehicle with remaining funds. Determining what is the best option.	2023
A.17011	Purchase of Electric Vehicles & Charging Station	107	229,000	60,000	-	-	-	-	-	Closed	Completed
A.17012	Countywide Parks Improvements	164	800,000	800,000	-	-	800,000	-	-	Closed	Completed
A.17013	Shelter, Building, & Comfort Station Rehab	164	350,000	350,000	-	-	340,534	-	9,466	Camo Lake project in progress	Summer
A.17014	Roads, Pathways, & Parking Lot Rehab	164	375,000	375,000	-	-	329,333	-	45,647	Remaining funds will be pooled among a number of small remainders towards 2023 road and parking lot work.	Fall 2023
A.17015	Procurement of Parks Vehicles & Equipment	164	300,000	300,000	-	-	300,000	-	-	Closed	Completed
A.17016	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
A.17017	Darwin Martin House Interior Restoration	162	250,000	250,000	-	-	250,000	-	-	Closed	Completed
A.17018	Buffalo History Museum Portico Restoration	162	150,000	150,000	-	-	150,000	-	-	Can be closed	Completed
A.17019	Medical Examiner Auto Equipment Replacement	127	185,000	185,000	-	-	185,000	-	-	Closed	Completed
A.17020	Medical Examiner Autopsy Cart Replacement	127	25,000	25,000	-	-	25,000	-	-	Closed	Completed
A.17021	Replacement of Lab Equipment & Tech Upgrades	127	235,000	235,000	-	-	235,000	-	-	Closed	Completed
A.17022	Medical Mail Parking Expansion	122	50,000	50,000	-	-	50,000	-	-	Closed	Completed
A.17023	Data B/U System Replacement - Countywide	105	320,000	320,000	-	-	320,000	-	-	Closed	Completed
A.17024	Server Replacement - Countywide	105	225,000	225,000	-	-	225,000	-	-	Closed	Completed
A.17025	Disaster Recovery System - Countywide & Outside	105	400,000	400,000	-	-	400,000	-	-	Closed	Completed
A.17026	Improvements to ECHC & ECCF	122	350,000	350,000	-	-	350,000	-	-	Closed	Completed
A.17027	Purchase of Replacement Vans - Countywide	163	72,000	72,000	-	-	70,901	-	1,099	Vans Purchased can be closed	Completed
A.17028	Purchase of Police Radio Equipment	126	103,521	103,521	-	-	103,521	-	-	Closed	Completed
A.17029	Mobile Technology Project - Countywide	120	1,023,936	481,250	542,686	-	1,022,916	-	1,020	Can be closed	Completed
A.17030	Renovation of Office Space - Social Services	122	2,685,000	1,342,500	1,342,500	-	385,924	2,277,570	21,506	3rd floor Rath Building renovation	2024
A.17031	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 bidding later this year.	2024
A.17050	Park Amenities - Countywide	164	50,000	-	-	-	50,000	-	-	Can be closed	Completed
A.17075	Elliptic Creek Park - Friendship Center Renovation	122	306,935	-	-	-	298,287	-	8,648	Can be closed	Completed
A.17076	Unified Courts System Floor Improvements	122	475,000	-	475,000	-	439,181	-	35,819	Can be closed	Completed
B.17001	Preservation of Roads Construction - Lake Ave	123	2,400,000	-	-	-	2,400,000	-	-	Closed	Completed
B.17002	Preservation of Roads Construction - Goodrich Rd	123	2,500,000	2,500,000	-	-	2,499,999	-	1	Can be closed	Completed
B.17003	Preservation of Roads Design - Countywide	123	500,000	500,000	-	-	457,431	42,313	256	Design	Spring 2025
B.17004	Highway Vehicles & Equipment	123	2,000,000	2,000,000	-	-	2,000,000	-	-	Closed	Completed
B.17005	Construction for Road Projects or Turn Back	123	750,000	750,000	-	-	469,514	-	280,486	Remaining funding combined with others for Vermont Street. Out to bid now.	2024
B.17006	Capital Right of Way - Countywide	123	119,000	100,000	19,000	-	14,160	31,840	73,000	RFP out for consultant	2024
B.17007	Pointeac Rd Bridge (Evans) - Design	123	100,000	100,000	-	-	-	-	100,000	RFP out for consultant	Fall 2025
B.17008	Tonawanda Rails to Trails Extension	123	1,301,212	513,000	788,212	-	1,296,510	-	4,702	Unrealized Federal aid. Confirmed Can Be Closed	Completed

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Committed	Available	Status	Estimated Completion
B.17009	Mill St Bridge Over Catt Creek - Concord	123	1,500,000	150,000	1,350,000	-	150,000	-	1,350,000	Unrealized federal aid - Confirmed Can Be Closed	Completed
B.17010	Stony Rd Bridge - Lancaster	123	3,240,000	1,500,000	1,740,000	-	3,240,000	-	-	Closed	Completed
B.17011	Federal Aid Project Bridge Preservation - Design	123	165,000	165,000	-	-	165,000	-	-	Closed	Completed
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	-	-	-	125,000	-	Design - Multiple Projects	2024
B.17014	Road Slide Designs - Countywide	123	250,000	250,000	-	-	-	200,000	50,000	Design has begun	2024
B.17015	Road Slides Right of Way - Countywide	123	150,000	150,000	-	-	150,000	-	-	Closed	Completed
B.17016	Road Slides Construction - Belscher Rd	123	500,000	500,000	-	-	500,000	-	-	Closed	Completed
B.17017	Rehab of Flagged Bridges & Culverts	123	1,400,000	1,400,000	-	-	1,379,912	-	136,677	Construction	Fall 2023
B.17018	Mill St Bridge Replacement	123	400,000	400,000	-	-	-	-	400,000	Resolution - Catawagus County - Final Payment	Fall
B.17019	Repair & Rehab of Large Culverts - Countywide	123	750,000	750,000	-	-	726,791	-	23,209	Resolution - final payment	Fall
B.17020	Preservation of Bridge & Culverts - Leydecker Rd	123	300,000	300,000	-	-	50,000	-	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 Countywide	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	Completed
B.17025	Highway Building Security - Countywide	123	50,000	50,000	-	-	50,000	-	-	Closed	Completed
B.17026	Highway Searchable Database - Countywide	123	350,000	350,000	-	-	345,483	4,517	-	On going contract	Fall 2023
B.17050	Capital Overlay Program	123	10,550,000	-	-	10,550,000	10,475,011	-	74,989	On going contract	Winter 2023
B.17075	Culvert Amsdell Rd CR 122 Over Drain	123	525,000	-	525,000	-	516,884	-	8,106	Unrealized federal aid - Confirmed Can Be Closed	Completed
B.17076	Replacement of Pontiac Rd Over Tibb Caz Creek	123	400,000	-	399,500	500	400,000	-	-	Closed	Completed
B.17077	Replacement of Pontiac Rd Bridge Over Big Sister Creek	123	175,000	-	152,000	23,000	172,404	-	2,596	Unrealized federal aid - Confirmed Can Be Closed	Completed
B.17078	Cedar St CR361 Bridge Over Ledger Creek	123	238,800	-	212,800	26,000	216,000	-	22,800	Unrealized federal aid - Confirmed Can Be Closed	Completed
B.17079	Trevett Rd CR240 Bridge Over Clear Creek	123	190,000	-	180,500	9,500	160,445	-	29,555	Unrealized federal aid - Confirmed Can Be Closed	Completed
B.17080	Quaker St Bridge Over Clear Creek Replacement	123	180,000	-	171,000	9,000	179,166	-	834	Unrealized federal aid - Confirmed Can Be Closed	Completed
B.17081	Pedestrian & Bicycle Bridge on Elmwood Ave	123	1,673,400	-	1,673,400	-	1,623,198	-	50,202	Unrealized federal aid - Confirmed Can Be Closed	Completed
E.17001	Equipment (Collegewide)	102	1,800,000	1,800,000	-	-	1,800,000	-	-	Closed	Completed
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 underway.	Late 2023
E.17003	Collegewide Sitework	122	1,300,000	650,000	650,000	-	1,287,774	7,654	4,572	Final project paperwork remaining then can be closed	Completed
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 construction project to be bid Nov 2023.	Completed 2025
E.17005	Code Compliance (Collegewide)	122	750,000	375,000	375,000	-	701,678	-	48,322	Funds are for current North ADA construction project being closed out, and Clay Tile construction project currently being approved at legislature.	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 project with Nov 2023 completion.	Late 2023
E.17001	Mechanical, Electrical, & Plumbing BECPI	122	325,000	325,000	-	-	325,000	-	-	Closed	Completed
F.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	-	-	435,320	66,680	-	Can be closed	Completed
A.18003	Buffalo Niagara Convention Center Rehab	122	500,000	500,000	-	-	500,000	-	-	Closed	Late 2023
A.18004	Countywide Code & Environmental Compliance	122	1,000,000	1,000,000	-	-	921,883	58,102	20,015	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	-	-	1,461,817	5,500	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 contract	Late 2023
A.18007	Energy Conservation Implementation	122	250,000	250,000	-	-	250,000	-	-	Closed	Completed
A.18008	EPA Environmental Regulation Compliance - Salt Bldgs	122	750,000	750,000	-	-	750,000	-	-	Closed	Completed
A.18009	EC Toxicology/Pathology Lab Reno - Phase 5	122	1,000,000	1,000,000	-	-	889,289	109,201	1,510	Ongoing renovations at ECMEO, Morgue Phase 5 and 6	Late 2023
A.18010	Improvements to EC Health Dept Bldg 17	122	500,000	500,000	-	-	499,582	-	418	Ongoing renovations at ECMEO, Morgue Phase 5, Bldg 17 Phase 2	Late 2023
A.18011	Highway Maintenance Facility - Harlem/Lanc/Clarence	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	Completed
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 EPC phase 2 work	Late 2023
A.18015	Vehicle Replacements	107	150,000	-	-	-	-	-	-	Inactive project - not funded	2023
A.18016	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	Late 2023
A.18017	Shelter, Building, & Comfort Station Rehab	164	406,000	350,000	56,000	-	388,561	7,213	10,227	Funding used for charging station design for E-vehicles at Akron & CFP. 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	Completed
A.18019	Vehicles & Equipment (Parks)	164	400,000	400,000	-	-	400,000	-	-	Closed	Completed
A.18020	Como Lake Restoration	164	100,000	100,000	-	-	100,000	-	-	Closed	Completed
A.18021	Emercy Park Ski Lift Replacement	164	850,000	850,000	-	-	850,000	-	-	Closed	Completed
A.18022	Bethlehem Steel Redevelopment	162	1,400,000	1,400,000	-	-	1,400,000	-	-	Closed	Completed
A.18023	Explore & More Children's Museum	162	1,75,000	-	-	175,000	-	-	-	Closed	Completed
A.18024	Disaster Recovery Project Phase II	105	200,000	200,000	-	-	200,000	-	-	Closed	Completed
A.18025	Time & Attendance Project	105	800,000	800,000	-	-	-	-	800,000	Project delayed due to COVID along with other coding logistics with Personnel. Will take 14 months to complete.	Summer 2024
A.18026	EC Sheriff's Dept - Misc Renovations	122	400,000	400,000	-	-	380,959	14,429	4,612	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	Completed
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.18029	Park Amenities (Countywide)	164	75,000	-	-	75,000	-	-	-	Closed	Completed
A.18075	Polling Site Improvements (per Legislature)	122	99,640	-	-	99,640	-	-	-	Closed	Completed
A.18076	USC Tenant Work Improvements	122	550,000	-	550,000	-	455,125	30,000	94,875	Can be closed	Completed
B.18001	Scooby Doo Fish Psg 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.18002	Preservation of Roads Construction - East & West Rd	123	3,000,000	3,000,000	-	-	3,000,000	-	-	Closed	Completed
B.18003	Preservation of Roads Construction - N/S Main St. Anquia	123	2,500,000	2,500,000	-	-	2,500,000	-	-	Closed	Completed

2018 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
B.18004	Preservation of Roads Design - Countywide	123	851,400	500,000	351,400	-	708,831	127,569	15,000	Design	Completed 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	19,809	1,131	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. Confirmed Can Be Closed	Completed
B.18008	Federal Aid Project - Intersection Construction	123	1,500,663	633,888	866,775	-	1,500,663	-	-	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. Confirmed Can Be Closed	Completed
B.18010	Federal Aid Project Construction - McKinley Pkwy 5761.75	123	1,750,144	249,600	1,500,544	-	1,579,521	-	170,623	Unrealized federal aid. Confirmed Can Be Closed	Completed
B.18011	Federal Aid Project Construction - Armor Duells Rd	123	916,701	178,600	738,101	-	691,993	-	224,708	Unrealized federal aid. Confirmed Can Be Closed	Completed
B.18012	Federal Aid Project Construction - Maple Rd 5761.76	123	2,506,000	416,000	2,090,000	-	2,200,000	-	306,000	Unrealized federal aid. Confirmed Can Be Closed	Completed
B.18013	Federal Aid Project Bridge Preservation - Design	123	200,000	200,000	-	-	200,000	-	-	Closed	
B.18014	Federal Aid Project Bridge NV Program - Design	123	376,450	100,000	276,450	-	152,097	149,614	74,739	Ongoing bridge designs	2025
B.18015	Federal Aid Project Bridge NV 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 Bridge	123	937,000	272,000	665,000	-	937,000	-	-	Closed	
B.18017	Federal Aid Project Bridge Construction - Pontiac Rd Bridge	123	1,541,600	356,000	1,185,600	-	1,541,600	-	-	Closed	
B.18018	Preservation of Bridge & Culverts Construction Misc RR	123	500,000	500,000	-	-	500,000	-	-	Closed	
B.18019	Rehab of Flagged Bridges & Culverts	123	500,000	500,000	-	-	57,514	65,365	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 Repairs	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 Trevett Road project out to bid currently.	2024
B.18024	Ellicott Creek Park Pedestrian Bridge	123	300,000	300,000	-	-	264,795	-	35,205	Parts Monies for future projects	2024
B.18050	Capital Overlay Program	123	9,700,000	-	-	9,700,000	9,671,806	26,325	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	Abbott Rd Design PIN 5761.74	123	-	-	-	-	-	-	-	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	RFP 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	760,000	-	740,000	20,000	370,658	-	389,342	Unrealized federal aid. Confirmed Can Be Closed	Completed
B.18075	Pedestrian Safety Action Plan (PSAP) Improvements	123	349,650	-	349,650	-	292,340	-	57,310	Unrealized federal aid. Confirmed Can Be Closed	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	-	1,47,060	1,551,958	300,982	Funds are for construction contingency of current City Skylight Replacement project	2024
E.18003	Collegewide Stetwork	122	800,000	400,000	400,000	-	800,000	-	400,000	Unrealized State Aid. Can be Closed	Completed
E.18004	Infrastructure Improvements/Renos (Collegewide)	122	1,000,000	500,000	500,000	-	787,952	23,000	189,048	Classroom infrastructure design underway. Funds are for construction project to be bid Nov 2023.	2025
E.18005	Code Compliance (Collegewide)	122	600,000	300,000	300,000	-	565,976	32,874	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 Exterior construction project	Late 2023

2018 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
F-18001	B&E/C Main Library Aud Rehab - Phase III	122	650,000	650,000	-	-	644,861	-	5,139	Auditorium renovations.	Late 2023
F-18002	Mechanical, Electrical, & Plumbing BECP/L	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	\$ 101,422	\$ 35,958	Closed	Late 2023
A.19002	Roof Replacement & Exterior Waterproofing - Countywide	122	1,000,000	1,000,000	-	-	862,620	-	-	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 Bligs	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	-	-	1,183,854	15,528	518	Continued renovations at EMEO, Morgue Phase 5 and 6	Late 2023
A.19005	Improvements to Health Department Bldg 17	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 Warts HazMat term agreement remaining, \$12K to be used for misc Countywide building repairs as issues arise	Late 2024
A.19007	120/134 W. Eagle Rehab	122	250,000	250,000	-	-	250,000	-	-	Being used to fund ongoing elevator modernization project	Late 2023
A.19008	Rath Building Improvements	122	500,000	500,000	-	-	479,590	20,500	-	Closed	Late 2023
A.19009	Cybersecurity/Network Enhancements	105	250,000	250,000	-	-	250,000	-	-	Work is underway and will be completed this year.	Late 2023
A.19010	Cybersecurity Improvements at Central Police	105	350,000	350,000	-	-	19,746	-	330,254	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, payable each September.	Fall 2026
A.19011	E-911 Services/Hardware Refresh	165	2,000,000	2,000,000	-	-	714,715	40,761	1,244,524	Outstanding list of projects sent to complete	Late 2024
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	Funding ongoing BNCC facade project	Spring 2024
A.19013	Buffalo Niagara Convention Center Rehab	122	1,000,000	1,000,000	-	-	882,917	58,399	58,684	Funding ongoing sub-basement asbestos abatement 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	-	-	Closed	Spring 2024
A.19019	EC Home Decommissioning & Demolition	122	500,000	500,000	-	-	324,247	-	175,752	Ongoing EC Home utility separation	Spring 2024
A.19020	Countywide Park Improvements	164	950,000	950,000	-	-	939,314	6,059	4,627	Equipment hasn't been received. Remaining funds pooled with other available funds for 2023 project	Late 2023
A.19021	Shelter, Buildings, & Comfort Station Renovations	164	400,000	400,000	-	-	396,632	-	3,368	Active in-house capital project	Late 2023
A.19022	Roads, Pathways, & Parking Lot Improvements	164	250,000	250,000	-	-	234,352	-	15,648	Remainder will be pooled with other available funds for 2023 road and parking lot work	Late 2023
A.19023	County Park Exterior Signage Plan	164	664,000	400,000	-	264,000	47,404	33,548	583,048	Phase 1 currently out to bid	Spring 2024
A.19024	Parks Vehicles and Equipment	164	400,000	400,000	-	-	400,000	-	-	Can be closed	Completed
A.19025	Bethlehem Steel Redevelopment	162	1,000,000	1,000,000	-	-	-	-	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.	2026
A.19026	EC Sheriff's Department - Misc Renovations	122	500,000	500,000	-	-	500,000	-	-	Closed	Late 2024
A.19027	ECCF 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	-	529,861	1,562,468	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	-	-	Can be closed	Completed
A.19030	Youth Detention Health, Safety, & Facility Upgrades	122	2,450,000	1,249,500	1,200,500	-	613,963	568,115	1,467,922	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.19050	Equipment & Software - DPW/Highways	123	75,000	-	-	75,000	73,992	-	1,008	Equipment out to bid	2023
A.19051	Countywide Park Amenities	164	200,000	-	-	200,000	199,647	353	-	Can be closed	Completed
A.19052	Elma Meadows Tree Boxes	164	200,000	-	-	200,000	124,585	-	75,415	Initial project complete, secondary capital maintenance project planned	Completed 2025
A.19053	2 Mile Creek Multi-Use Trail Reconstruction	162	200,000	-	-	200,000	-	-	-	-	-

2019 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.19054	Roycroft Campus Copper Shop Reconstruction	162	200,000	-	-	200,000	200,000	-	-	Closed	Completed
A.19055	African-American Veterans Monument	162	100,000	-	-	100,000	23,291	76,709	-	Project complete - billing from City of Buffalo in process	2023
A.19056	Data Storage - DISS	105	200,000	-	-	200,000	200,000	-	-	Closed	Completed
A.19057	Virtualization/Server Replacement	105	175,000	-	-	175,000	175,000	-	-	Closed	Completed
A.19058	Forensic Laboratory Equipment Upgrades	165	114,800	-	-	114,800	114,800	-	-	Closed	Completed
A.19075	Shoreline Trail	162	4,288,867	-	3,219,853	1,069,014	1,384,029	1,165,056	1,739,781	Shoreline Trail Project complete 2022, Now funding Isle View Enhancement Project in design Ongoing court improvement projects	2024
A.19076	Tenant Work Improvements	122	405,000	-	405,000	-	378,588	-	26,412	Can be closed	Late 2023
B.19001	Preservation of Roads Construction - East & West Rd	123	3,000,000	-	-	-	3,000,000	-	-	Active Project	Completed
B.19002	Preservation of Roads Construction - Lake Ave CR200	123	1,500,000	-	-	-	1,092,254	361,118	46,628	Active Project	2024
B.19003	Preservation of Roads Construction - N/S Main St Angola	123	2,500,000	-	-	-	2,077,445	97,432	325,123	Active Project	2024
B.19004	Highway Vehicles & Equipment	123	2,000,000	-	-	-	2,000,000	-	-	Closed	Completed
B.19005	Federal Aid Project Construction - Abbott Rd CR4	123	310,000	-	-	-	310,000	-	-	Closed	Completed
B.19006	Federal Aid Project Construction - McKinley Pkwy	123	390,000	-	-	-	64,141	-	325,859	Phase 2 construction	2024
B.19007	Federal Aid Project Construction - Maple Rd CR192	123	300,000	-	-	-	97,211	202,788	1	Project completed but need to address consultant contract before closure	Completed
B.19008	Lakeshore Rd Drainage Rehab/Replacement	123	500,000	-	-	-	-	-	500,000	In Design & ROW	2024
B.19009	Turn Bank of Roads to Towns	123	1,000,000	-	-	-	928,165	18,103	53,732	Active Project	2024
B.19010	Hilicott Rd Bridge Replacement PIN 5761.69	123	1,440,000	-	1,040,000	-	1,188,803	-	251,197	Unrealized federal aid. Confirmed Can Be Closed	Completed
B.19011	Federal Aid Project Bridge Preservation - Construction	123	7,500,000	-	6,000,000	-	-	-	7,500,000	\$3 million allocated for N. French and Country Road Bridge Replacements	2025
B.19012	Federal Aid Bridge Maintenance & Preservation - Countywide	123	1,441,325	-	1,141,325	-	1,012,988	125,994	302,343	Construction	2025
B.19013	Vermont St (CR226) Site 9 Road Slides	123	801,000	-	501,000	-	-	-	801,000	Remaining funding combined with others for Vermont Street. Out to bid now.	2024
B.19014	Misc Culvert Repair/Replacement - Countywide	123	280,000	-	30,000	-	193,401	-	86,599	2022 culvert project is bid and construction to begin Summer 2023.	2024
B.19015	Repair/Rehab of Flagged Bridges & Culverts	123	500,000	-	-	-	-	-	500,000	Construction 2022 culvert project	2024
B.19016	Highway Safety Improvements - Countywide	123	500,000	-	-	-	500,000	-	-	Closed	Completed
B.19017	General Civil & Geotech - Construction As Directed	123	1,000,000	-	-	-	685,000	-	315,000	Design	2024
B.19018	Chestnut Ridge Park Culverts	123	300,000	-	-	-	296,705	-	3,295	Reso Final Payment	2023
B.19019	Parks Works Progress Admin Era Rehab	123	300,000	-	-	-	-	-	-	Funding will be used for rehab of Hilicott/Emery shelters per DiDonato design	Summer 2024
B.19050	Capital Overlay Program	123	14,750,000	-	-	-	-	-	-	Ongoing Construction	Spring 2024
B.19051	Capital Right of Way (Countywide)	123	150,000	-	-	-	14,601,284	-	148,716	Ongoing Large ROW project - William St.	2026
B.19052	Federal Aid Project - Design North Forest PIN 5753.74	123	180,000	-	-	-	-	-	180,000	Project not funded by Feds. Confirmed Can Be Closed	Completed
B.19053	Federal Aid Bridge Preservation - Design	123	200,000	-	-	-	199,534	466	-	Construction completed but waiting on final close out documents	Completed
B.19054	Federal Aid Project Bridge NY Program - Design	123	100,000	-	-	-	-	-	100,000	Waiting for Grant awards	2025
B.19055	Preservation of Bridge & Culverts Design - Misc Projects	123	150,000	-	-	-	33,016	113,741	3,243	Design multiple bridges	2024
B.19056	Preservation of Bridge & Culverts Design - Emergency Engineering	123	150,000	-	-	-	148,950	1,050	-	Construction completed but waiting on final close out documents	Completed
B.19057	Preservation of Dams - Design	123	100,000	-	-	-	-	-	100,000	Inspection for design	2024
B.19058	Stormwater Asset Management & Regulatory Compliance	123	100,000	-	-	-	-	-	100,000	Permit Processing - DEC	2024

2019 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAVGO	Spent	Commitment	Available	Status	Estimated Completion
E:19001	Collegewide Improvements & Renovations	122	6,800,000	3,400,000	3,400,000	-	2,406,447	3,420,082	973,471	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 Gleasner/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	-	-	Closed	
F:19001	BECPL Ext Bldg Envelope & Site Improvements	122	400,000	400,000	-	-	175,487	-	224,513	Repairs to existing granite walls on NW side near flagpole	Late 2023
F:19002	B&EC Main Library Mechanical, Electrical, & Plumbing Imp	122	500,000	500,000	-	-	312,294	126,210	61,496	Multiple ongoing projects: switchgear replacement; loading dock trench drain, emergency egress systems.	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/Clarence 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 Eagle.	Spring 2024
A.20003	Toxicology/Pathology Lab Reno Phase 6	122	1,200,000	1,200,000	-	-	1,096,167	50,730	53,103	ECWICO 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	114,990	1,007,506	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	EPC Phase 2 underway with HVAC projects	Spring 2024
A.20008	Time & Attendance Update - DISS	105	1,000,000	1,000,000	-	-	67,433	65,567	133,000	Project delayed due to COVID along with other coding logistics with Personnel. Will take 14 months to complete.	Summer 2024
A.20009	EC Agribusiness Park - E&P	162	500,000	-	-	500,000	-	-	500,000	Currently in the GIS, utilized as a match to ESD grant request, planned for design of roadway	2023
A.20010	Evans 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	141,430	359,570	-	SEQR Underway	2024
A.20012	Shear's Expansion & Accessibility Project	162	750,000	750,000	-	-	400,000	-	750,000	Shear's modified the design, need more funding to start	2026
A.20013	ROC Central For Families in Poverty	162	400,000	400,000	-	-	500,000	-	-	Closed	
A.20014	Buffalo History Museum PAN AM 120 Years	162	500,000	500,000	-	-	749,268	-	732	Can be closed	2023
A.20020	Countywide Parks Improvements & ADA Access	164	750,000	750,000	-	-	472,849	11,552	15,598	Reminder pooled with other available funds for current 2023 project	Late 2023
A.20021	Shelter, Buildings, & Comfort Station Rehab	164	500,000	500,000	-	-	-	-	32,601	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.20022	Roads, Pathways, & Parking Lot Improvements	164	200,000	200,000	-	-	125,399	42,000	-	Closed	
A.20023	Comfort Station New Builds - Parks	164	300,000	300,000	-	-	300,000	-	-	Closed	
A.20024	Parks Vehicles and Equipment	164	800,000	800,000	-	-	-	-	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 - Cyclomedia	2023
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	-	-	-	Closed	
A.20057	Virtualization/Server Replacement	105	-	-	-	-	-	-	-	Closed	
A.20058	Code & Environment Compliance - Countywide	122	250,000	-	-	250,000	166,949	28,865	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 Eagle	Late 2023
A.20061	Weights & Measures Bldg Improvements	122	100,000	-	-	100,000	398	4,552	95,050	Ongoing construction at W&M Inspection Pt	Late 2023
A.20062	Cheektowaga Senior Center Transport Van	162	50,000	-	-	50,000	50,000	-	-	Closed	
A.20063	Master 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	Ulma 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

WBS	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 to 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. DISS and CPS are engaged in a cybersecurity study with a separate vendor which will impact this project.	Completed Summer 2024
A.20069	ECSSS 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	waiting on final invoice from URS for \$1,632 commitment, \$22,266 available can be liquidated	Completed
A.20071	COVID - Fire Training-Server & Generator	122	1,108,906	-	179,481	929,425	945,528	7,195	156,183	waiting on final invoice from URS for \$37,685.17. Remainder of commitment and available can be liquidated. PO executed by HSES, need to find out from them why this is still open.	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	ECSSS 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	170,389	-	Construction is completed but waiting on final close out documents and contract closure	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 & Bullis 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	-	-	Closed	2024
B.20005	Preservation of Roads Design - Borden Road	123	350,000	-	-	-	350,000	145,190	-	Ongoing design phases 2 & 3	2024
B.20006	Preservation of Roads Design - New Road	123	350,000	-	-	-	199,666	150,230	104	Ongoing Design - 2 phases	2025
B.20007	Federal Aid Project Construction - Maple Rd CR192	123	3,000,000	-	-	-	2,725,573	-	274,427	Construction is completed but waiting on final close out documents.	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	Ongoing Design	2024
B.20010	Slide Remediation Construction of Trevett Road	123	1,250,000	-	-	-	1,250,000	-	1,250,000	Funds combined with other sources for Trevett Road project out to bid currently.	2024
B.20011	N. Ellicott Creek Rd Bridge Replacement	123	1,900,000	-	-	-	1,898,978	-	1,022	Project needs final closeout paperwork completed then can be closed	Completed
B.20012	Springville Dam Ecosystem Restoration	123	-	-	-	-	-	-	-	Closed	2026
B.20013	Capital Bridge Design	123	700,000	-	-	-	100,875	302,570	296,555	Design on going multiple bridges	2026
B.20014	Wehrle Dr. - Federal Aid Construction	123	3,351,000	-	480,000	-	3,196,724	940	153,335	Project waiting on claims from DOT before closure can happen.	Completed
B.20015	Federal Aid Construction- Elmwood Pedestrian & Bicycle Improvements	123	-	-	-	-	-	-	-	Closed	2024
B.20016	Highway Safety Improvements - Countywide	123	400,000	-	-	-	400,000	-	-	Closed	2024
B.20017	WPA Era Rehabilitation - Parks	123	300,000	-	-	-	-	300,000	-	Parks Design - Shelters	2024
B.20050	Capital Overlay Program	123	8,101,767	-	-	-	7,102,184	397,923	601,660	On going construction	2024
B.20051	Capital Right of Way (Countywide)	123	-	-	-	-	-	-	-	Closed	2024
B.20052	Federal Aid Project North Forest Rd CR 294	123	-	-	-	-	-	-	-	Closed	2023
B.20053	Federal Aid Bridge Preservation Design	123	200,000	-	-	-	-	-	200,000	Planning - Design RFP	2023
B.20054	Federal Aid Project Design William St	123	770,000	-	-	-	271,301	321,000	177,699	Design	Winter 2025
B.20055	Preservation Bridges & Culverts Misc Reeps	123	250,000	-	-	-	85,376	-	164,624	Construction	Spring 2024
B.20056	Preservation Bridges & Culverts As Directed/Emergency	123	150,000	-	-	-	836	-	149,164	On going Design	Fall 2024
B.20057	Federal Aid Preservation Beakman Creek Bridge	123	-	-	-	-	-	-	-	Closed	2024
B.20058	Preservation Dams General Maintenance & Upkeep	123	-	-	-	-	-	-	-	Closed	2024
B.20059	Preservation of Bridges & Culverts - Design Misc	123	100,000	-	-	-	-	-	100,000	RFP consultant design Summer 2023	2024

2020 Capital Projects

WBS	Project Name	Dept	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
E.20001	ECC Collegewide Improvements & Renovations	122	7,500,000	3,750,000	3,750,000	-	3,213,909	180,508	4,105,583	Funds are for current North Sidewalks construction project with Aug 2023 completion; current Burt Flickinger 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	
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	\$ -	\$ 2,496,635	\$ 480,458	\$ 2,213,142	Ongoing contractual capital 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 restarting in Spring	Summer 2023
A.21103	Code & Environmental Compliance B&G	122	21 CBR 21 BR	870,000	500,000	-	370,000	166,465	465,038	236,497	Used for on-call term HAZMAT contract through 2025, portion of elevator modernization project, and W&M Inspection Pit Rehab	2023
A.21104	Roof Replacement & Exterior Waterproofing - Countywide	122	21 CBR	1,000,000	1,000,000	-	-	815,314	184,686	-	Family Court re-roofing - project in Winter shutdown, will restart in Spring 2023	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 BR	1,462,550	1,250,000	2,550	210,000	1,023,825	239,461	199,264	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	-	-	116,174	275,765	8,060	Contingency for project is on going (ECHC hot water tank replacement).	Late 2023
A.21108	Toxicology/Pathology Lab Remo 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	-	-	499,737	-	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	90,470	1,693,959	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 RESO	1,950,000	750,000	-	1,200,000	1,808,123	78,413	63,463	In progress park renovations	Spring 2024
A.21113	Countywide Shelter Bldg Comfort Station	164	21 CBR	500,000	500,000	-	-	472,409	11,427	16,164	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	91,000	9,062	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	-	-	68,299	124,250	207,451	Design term Contract with DiDonato for Parks Rehab of existing WPA shelters. \$100,000 for Emery/Ellicott 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	40,081	254,003	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

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.21120	Buffalo Irish Festival	162	RENEW	50,000	-	-	50,000	50,000	-	-	Closed	Completed
A.21121	Bellevue FD#9 Brush Truck Apparatus	162	RENEW	50,000	-	-	50,000	50,000	-	-	Closed	Completed
A.21122	Cheekowaga Town Park Playground	162	RENEW	215,000	-	-	215,000	215,000	-	-	Executed Contract to Contractor 3/29/2023	2024
A.21123	Town of Cheekowaga Strigmeier Park	162	RENEW	788,000	-	-	788,000	788,000	-	-	Executed Contract to Contractor 3/29/2023	2024
A.21124	Cheekowaga Knox Box System Updates	100	RENEW	75,000	-	-	75,000	75,000	-	-	Closed	Completed
A.21125	Bellevue FD #9 Ambulance	100	RENEW	50,000	-	-	50,000	50,000	-	-	Closed	Completed
A.21126	Delaware Park All-Inclusive Playground	100	RENEW	200,000	-	-	200,000	200,000	-	-	Closed	Completed
A.21127	Peter St Pichl It Park - Buffalo	100	RENEW	200,000	-	-	200,000	200,000	-	-	Closed	Completed
A.21128	Julia Boyer Reinstein Center Repairs	100	RENEW	150,000	-	-	150,000	150,000	-	-	Closed	Completed
A.21129	Shakespeare Delaware Park Safety Rail	100	RENEW	40,000	-	-	40,000	40,000	-	-	Closed	Completed
A.21130	Football Concession Stand Tonawanda	162	RENEW	15,000	-	-	15,000	15,000	-	-	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	25,000	-	11,000	Contract sent, working through issues with County red	2024
A.21133	Grand Island VFW Declopper Post Memorial	162	RENEW	25,000	-	-	25,000	25,000	-	-	Closed	Completed
A.21134	VFW Post 7545 Bathroom Updates	162	RENEW	25,000	-	-	25,000	25,000	-	-	Closed	Completed
A.21135	Security Surveillance Controller Update	162	RENEW	220,716	-	-	220,716	220,711	100,000	-	50% Paid to Date	2024
A.21136	Juneteenth 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	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	Completed
A.21139	Nanny's Nook Day Care Facility Expansion	162	RENEW	70,000	-	-	70,000	70,000	-	-	Closed	Completed
A.21140	Clark Dance Academy Facility Improvements	162	RENEW	32,634	-	-	32,634	32,634	-	-	Can be closed	2023
A.21141	Northwest Buffalo Community Center	162	RENEW	350,000	-	-	350,000	175,000	175,000	-	50% Paid to Date	2024
A.21142	Restoration Food Pantry Expansion	162	RENEW	110,000	-	-	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 - 1/25/23	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	Completed
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 3/23	2025
A.21148	Greater Buffalo Italian Heritage	162	RENEW	20,000	-	-	20,000	20,000	-	-	Closed	Completed
A.21149	Town of Cheekowaga 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	47,296	411	Can be closed	Completed
A.21152	Agriculture Farmland Protection	162	21 BUD	100,000	-	-	100,000	27,704	47,296	25,000	Awarded in 2022, Town projects currently underway	2024
A.21153	EC Health Lab Improvements Bldg 17	122	RESO	1,000,000	-	-	1,000,000	989,290	-	10,710	Will be used for roofing repairs	Late 2023
A.21154	DR4472 Isle View Dock Reconstruction	164	RESO	100,179	-	87,656	12,523	98,939	-	1,240	Can be closed	Completed
A.21155	Playgrounds for Heritage Parks	164	RESO	2,325,000	-	-	2,325,000	2,053,192	270,153	1,655	Final Playgrounds at Akron/CRP being installed.	Completed Spring 2023
A.21156	Como Lake Dog Park	164	RESO	150,000	-	-	150,000	135,292	-	14,708	Project complete, remaining funds for future materials for park	Summer 2024
A.21157	Preservation of County Highway Facilities	122	RESO	2,250,000	-	-	2,250,000	20,241	11,959	2,217,801	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	Completed
A.21159	Trailblazing Women Monument	162	21 BUD RESO	706,000	-	-	706,000	152,418	303,472	250,110	In design, to be bid in 2023	2024
A.21160	Agribusiness Park Development	162	RESO	1,350,000	-	350,000	1,000,000	-	-	1,350,000	Currently in the GEIS	2025
A.21161	Parks Expanded Capital Program	164	RENEW	3,248,758	-	202,854	3,045,904	1,932,224	421,234	895,299	Ongoing RENEW Plan projects	Spring 2024
A.21162	Parks Managed by DPW Exp Cap Program	122	RENEW	8,354,096	-	-	8,354,096	259,763	980,533	7,113,800	Emergy, Como & CRP shelters in progress and in various stages, Wendt Beach Mansion (currently in design), Scherck House renovation (construction to begin Summer 23)	2025

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.21183	Convention Center Facade	122	RENEW	4,500,000	-	-	4,500,000	3,122,651	1,377,044	305	Construction in progress	Completed Summer 2023
A.21184	Botanical Gardens New Greenhouse	122	RENEW	5,000,000	-	-	5,000,000	803	285,000	4,714,197	In design phase	2025
A.21185	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.21186	Sandridge Water Tower Replacement	122	ARP	1,000,000	-	-	1,000,000	-	-	1,000,000	ECWA will be bidding this project	unknown
A.21187	25 Delaware Exterior Facade	122	RENEW	12,000,000	-	-	12,000,000	42,000	458,000	11,500,000	Design ongoing	Late 2025
A.21188	EC DPV Health Mall Improvements	122	-	-	-	-	-	-	-	-	Unfunded; Closed	-
A.21189	Agribusiness Park Water Tank	162	ARP	1,200,000	-	-	1,200,000	422,230	777,770	-	50% Paid to Date	2024
A.21190	Agribusiness Park Water Lines	162	ARP	500,000	-	-	500,000	500,000	-	-	Can be closed	Completed
A.21191	Springville Central Ave Water Main	162	ARP	485,275	-	-	485,275	457,362	27,913	-	Can be closed	2022
A.21192	Lancaster Harold Place Sewer Replacement	162	ARP	212,157	-	-	212,157	212,157	-	-	Closed	-
A.21193	Akron Skyline Dr Waterline Install	162	ARP	214,628	-	-	214,628	-	-	214,628	Executed Contract to Contractor 4/18/2022	2023
A.21194	Tonawanda Water Sewer Replacement	162	ARP	201,860	-	-	201,860	198,873	2,987	-	Final Closeout	Completed
A.21195	George Arthur Community Center Upgrade	162	RENEW	300,000	-	-	300,000	150,000	150,000	-	50 % Paid to Date	2025
A.21196	Matt Urban Hope Center Upgrades	162	RENEW	450,000	-	-	150,000	150,000	-	-	Closed	-
A.21197	City of Buffalo Filmore Ave Improvements	162	RENEW	1,000,000	-	-	1,000,000	500,000	500,000	-	Contract Executed 4/21/23, 50% paid	2025
A.21198	City of Buffalo Bailey Ave Improvements	162	RENEW	500,000	-	-	500,000	250,000	250,000	-	Contract Executed 4/21/23, 50% paid	2025
A.21199	City of Buffalo Shoshone Park Improvements	162	RENEW	100,000	-	-	100,000	50,000	50,000	-	50% Paid to Date	2025
A.21180	Kennore Fire Hall Repairs	162	RENEW	150,000	-	-	150,000	150,000	-	-	Can be closed	Completed
A.21181	Tonawanda Kenney Field Playground	162	RENEW	200,000	-	-	200,000	-	-	200,000	Executed Contract to Contractor 5/18/2022	2024
A.21182	Kennore 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 VH	2025
A.21184	JH Williams Shelterhouse Buffalo	162	RENEW	100,000	-	-	100,000	50,000	50,000	-	50% Paid to Date	2025
A.21185	Hertel Ave Streetscape Improvements	162	RENEW	200,000	-	-	200,000	-	-	200,000	Contract uploaded 4/11/23	2025
A.21186	Tonawanda Paramedic Truck	162	RENEW	100,000	-	-	100,000	-	-	100,000	Executed Contract to Contractor 5/18/2022	2025
A.21187	Miracle League (Grand Island) Facility Improvements	162	RENEW	1,105,000	-	-	1,105,000	-	-	1,105,000	Entity 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	-	150,000	Phase 1 Paid in Full 10/3/2022, Phase 2 contract is in process	2024
A.21190	Caenovia Park Playground	162	RENEW	450,000	-	-	450,000	225,000	225,000	-	50% Paid to Date	2024
A.21191	Blasdel Pickleball Courts	162	RENEW	80,000	-	-	80,000	-	-	80,000	Executed Contract to Contractor 5/16/2022	2023
A.21192	Lackawanna Ridge Road Improvements	162	RENEW	120,000	-	-	120,000	120,000	-	-	Closed	-
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	Rovercroft Campus Facility Improvements	162	RENEW	240,000	-	-	240,000	120,000	120,000	-	50% Paid to Date	2024
A.21195	Naval and Servicemen's Park Improvements	162	RENEW	300,000	-	-	300,000	300,000	-	-	Can be closed	Completed
A.21196	Olmsted Aid South Park Milk	162	RENEW	400,000	-	-	400,000	200,000	200,000	-	50% Paid to Date	2024
A.21197	Colored Musicians Club Capital Improvements	162	RENEW	600,000	-	-	600,000	300,000	300,000	-	50% Paid to Date	2024
A.21198	B&G Club Northtowns Upgrades	162	RENEW	446,775	-	-	446,775	446,775	-	-	Closed	-
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	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	-	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	-	-	-	75,400	1,028,590	396,010	Construction contract awarded - construction began 3/2023. Bidding for construction delayed due to purchase of acreage from home owner. Waiting on final delivery of remaining items	2023
B.21104	Highway Vehicles & Equipment	123	21 CBR	2,000,000	2,000,000	-	-	1,953,263	46,737	-	Construction	2023
B.21105	Federal Aid Bridge Preservation - Construction	123	21 CBR	2,153,000	500,000	1,653,000	-	762,611	1,383,242	7,146	Construction	2024

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
B.21106	Highway Safety Improvements	123	21 CBR	500,000	500,000	-	-	500,000	-	-	Closed	Completed
B.21107	Culverts & Bridges	123	21 CBR	400,000	400,000	-	-	399,170	-	830	Parks - Ward Road Bridge project- monies expended, construction completed 2022	Completed
B.21150	Capital Overlay Program	123	21 CBR RENEW RESO	17,255,047	5,000,000	300,000	11,955,047	13,955,120	582,033	2,717,894	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	-	-	100,000	RFP - Consultant/planning	2024
B.21152	Bridge Project North French Rd	123	21 BUD	625,000	-	490,000	135,000	336,750	43,250	24,000	Ongoing Design	Fall 2023
B.21153	Bridge Project Four Rod Rd	123	21 BUD	315,000	-	240,000	75,000	129,991	124,001	61,009	On Going Design	Winter 2023
B.21154	Preservation of Roads - Alden Crittenden & Bullis	123	RESO	3,500,000	-	-	3,500,000	1,083,670	349,341	2,066,899	Construction - phase 2	Winter 2024
B.21155	Culvert Bridge Inspection Program	123	RESO	500,000	-	-	500,000	273,548	10,430	216,022	RFP - Consultant - Summer 2023	2024
B.21156	Capital 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	2024
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
B.21163	Federal Aid Elmwood Rehab	123	RESO	1,200,000	-	960,000	240,000	359,169	433,106	407,726	Under Design	2025
B.21164	Parks Managed by Highways Exp Capital Program	123	RENEW	3,200,000	-	-	3,200,000	3,156,130	30	43,840	Project still active	Summer 2023
B.21165	Elmwood Avenue Improvements	123	-	-	-	-	-	-	-	-	Closed	-
B.21166	McKinley Parkway Roundabout	123	RESO	1,500,000	-	-	1,500,000	65,625	134,375	1,300,000	Bid Construction- June	Fall 2024
B.21167	Clarksburg Bridge	102	21 CBR	720,000	720,000	-	-	720,000	-	-	Closed	-
E.21150	ECC 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	EC 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 spring '23. Balance of funding to be used for the	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	switchgear replacement (See A.22007)	2025
F.21150	Bookmobile/Outreach Vehicle	420	21 BUD	140,000	-	-	140,000	103,104	-	36,896	Several projects have been completed and some funding is for on call design term contract thru 24. Libraries would like to completely remove escalators.	-

2022 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
A.22001	DPW Rath Building Improvements	122	22 CBR	\$ 750,000	\$ 750,000	\$ -	\$ -	\$ 383,700	\$ 366,300	\$ -	Rath elevator project - construction ongoing	Spring 2025
A.22002	DPW Roof Replace Waterproofing Countywide	122	22 CBR	400,000	400,000	-	-	226,687	32,962	140,351	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 Mech Bldg, OCH, PSC/Youth Detention).	2025
A.22003	DPW Buffalo Niagara Convention Center Improvements	122	22 CBR	1,750,000	1,250,000	-	500,000	129,721	217,143	1,403,436	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	91,636	64,732	2,593,632	Available money will be used to award the Phase 3 Construction bids	2025
A.22005	DPW EC Sheriff Dept Misc Renos	122	22 CBR	900,000	400,000	-	500,000	285,566	191,253	423,182	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 Morgue renovations that are currently in design. Money will be encumbered early summer after project is advertised for funding.	2025
A.22007	DPW Buffalo EC Library Improvements & Upgrades	122	22 CBR	500,000	500,000	-	-	-	-	500,000	Drawings to replace outdated switchgear at BECPL are 100% complete; Change/education 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	289,765	145,300	364,965	All funding is committed to ongoing parks projects	Spring 2024
A.22009	Countywide Shelter Bldg Comfort Stations	164	22 CBR	400,000	400,000	-	-	311,271	66,334	22,396	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	2,691	84,716	1,412,593	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 resurfacing project.	Late 2023
A.22011	Vehicles & Equipment	164	22 CBR	500,000	500,000	-	-	225,061	271,986	2,998	Waiting on delivery of remaining items	Fall 2023
A.22012	DISS & 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	-	-	400,000	-	-	Work is underway and will be completed this year.	Late 2023
A.22015	Network Replacement/Upgrade	105	22 CBR	400,000	400,000	-	-	34,192	131,882	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	
A.22017	Bethlehem Steel Redevelopment	162	22 CBR	1,000,000	1,000,000	-	-	-	-	1,000,000	Used as the match to the FAST NV grant. Anticipated to be allocated towards railroad reconstruction. Extended negotiation with landowner and railroad have delayed the project.	2026

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAYGO	Spent	Commitment	Available	Status	Estimated Completion
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.	2024
A.22019	Clarence Baseball Association Batting 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	
A.22021	City of Tonawanda - Kohler Park Splash Pad	100	21 BB	100,000	-	-	100,000	100,000	-	-	Closed	
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
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	161,339	79,290	309,371	Resolution uploaded to increase Wendel fee to work on Salt Barrns and tank replacement as well as funding rebates to W&M Inspection Pit	Spring 2024
A.22051	Mechanical, Electrical, Plumbing Improvements EC Bldgs	122	22 BUD	300,000	-	-	300,000	3,769	218,134	78,098	Resolution uploaded to increase Wendel fee to work on Salt Barrns and tank replacement as well as funding EPC Phase 2 projects	Late 2024
A.22052	Preservation of County Facilities and Bldgs	122	22 BUD	650,000	-	-	650,000	291,049	188,059	170,893	Funding ongoing electrical upgrades at 134 W Eagle	Late 2024
A.22053	Countywide Park Amenities	164	22 BUD	125,000	-	-	125,000	89,317	20,789	110,106	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	81,565	59,066	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	DL&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	Rowcroft Campus Copper Shop Restoration	162	21 BB	210,000	-	-	210,000	87,436	122,564	-	Contract executed, project started, invoices 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	15,739	74,439	26,561	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	Eriener Construction Management	162	21 BB	1,400,000	-	-	-	-	-	-	Funding moved to operating contractual line and combined with funds approved in 2022 Budget.	Completed
A.22066	Parks Showmobile Replacement	164	21 BB	225,000	-	-	225,000	-	220,530	4,470	Project can be closed	Fall 2023
A.22067	Renaissance Commerce Parks Sign	162	21 BB	150,000	-	-	150,000	-	-	150,000	Waiting for delivery	2023
A.22068	DISS Point of Presence Server Room	122	21 BB	750,000	-	-	750,000	350	-	749,650	Design is underway, construction to begin Summer 2023	Late 2024

2022 Capital Projects

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAVGO	Spent	Commitment	Available	Status	Estimated Completion
A.22069	Update to 2003 Forestry Management Plan	164	21 BB	125,000	-	-	125,000	-	-	125,000	Active RFP out	Completion Summer 2024
A.22070	DPW Rehab of Highmark Stadium - 10th Year	122	RESO	5,335,562	-	3,131,708	2,203,854	288,493	2,629,123	2,417,945	Funding ongoing contractual upgrades	Summer 2025
A.22071	FEMA Times Beach Debris Removal	164	RESO	152,552	-	104,052	48,500	126,675	-	25,877	In FEMA Aid reimbursement process. Once Aid is received, 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. Tilman 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	Elma Marilla 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 Wales-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	-	-	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 Fireman's Park Fitness Center	100	21 BB	29,000	-	-	29,000	29,000	-	-	Closed	
A.22093	Town of Clarence - Town Park Improvements	100	21 BB	150,000	-	-	150,000	150,000	-	-	Closed	
A.22094	Lou Gehrig Youth Baseball LED Lights	100	21 BB	65,000	-	-	65,000	65,000	-	-	Closed	
A.22095	Cultural Agency Capital Fund	162	21 BB	25,000,000	-	-	25,000,000	196,506	81,560	24,721,934	Phase 1 underway, 31 contracts went out in March 2023	Summer 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	Kennore Ave Sheridan Dr Grand Island	123	22 CBR	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	-	-	-	-	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	2025
B.22003	Lakeshore Rd Rehab	123	22 CBR	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	-	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 2022.	2024
B.22005	Preservation of Bridges & Culverts - Construction	123	22 CBR	400,000	-	-	-	-	-	400,000	Funds being combined with other sources for 2023 bridge work in omnibus resolution	2024

WBS	Project Name	Dept	Type	Total Project	Bonded	Other Aid	PAVGO	Spent	Commitment	Available	Status	Estimated Completion
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 be let in 2023.	2025
B.22007	Highways Vehicles & Equipment	123	22 CBR	2,000,000	2,000,000	-	-	189,205	1,810,795	-	New plow trucks received not currently funded - Ongoing design - bid 1st quarter 2024	2023
B.22008	Federal Aid Construction - Elmwood Ave	123	22 CBR	7,314,000	-	-	-	-	-	-	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, BridgeNY) to see which projects to do as Capital only, vs. those that will get aid from other sources. Just got the TIP in Feb	2025
B.22009	Federal Aid Construction - William St Construction	123	22 CBR	6,254,000	-	6,512,000	1,628,000	-	-	6,254,000	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, BridgeNY) to see which projects to do as Capital only, vs. those that will get aid from other sources. Just got the TIP in Feb	Winter 2026
B.22010	Capital Bridge Design	123	22 CBR	400,000	400,000	-	-	-	-	400,000	Contracts awarded to consultants	2024
B.22011	On Call General Civil & Geo Services	123	22 CBR	400,000	400,000	-	-	460,147	39,853	-	Remaining funds to be used.	2023
B.22012	Highway Safety Improvements	123	22 CBR	500,000	500,000	-	-	-	-	300,000	Used as needed throughout the year.	2025
B.22013	Capital Right-Of-Way	123	22 CBR	300,000	300,000	-	-	8,915,294	928,113	4,156,623	Construction - this years program	2024
B.22050	Capital Overlay Program	123	22 BUD	14,000,000	-	-	14,000,000	-	-	-	Funds combined with other sources for Trevert Road project out to bid currently.	2024
B.22051	Trevert Rd Reconstruction & Slope Stabilization	123	22 BUD	300,000	-	-	300,000	-	-	300,000	Funds being combined with other sources for 2023 bridge work in omnibus resolution	2024
B.22052	McKinley Pkwy Road Design Federal Aid	123	22 BUD	588,000	-	525,000	63,000	223,460	338,540	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	Bridgeway 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	-	Need to make final payments, then can be closed	Complete
B.22062	Abbott Rd Design Milestris - 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	Maryvale Dr Cheekwaga Design	123	RESO	500,000	-	-	500,000	356	-	499,644	Design Consultant resolution & contract negotiations	2024
E.22001	ECC Facility Master Plan - Phase 1	122	22 CBR	3,000,000	1,500,000	1,500,000	-	-	76,416	788,584	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	PAVGO	Spent	Commitment	Available	Status	Estimated Completion
A.23001	DPW (Buildings and Grounds) – Roof Replacement and Exterior Waterproofing (Countywide)	122	23 CBR	\$ 2,000,000	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ 2,000,000		
A.23002	DPW (Buildings and Grounds) – Mechanical, Electrical, Pumbing, and Miscellaneous Improvements	122	23 CBR	1,000,000	1,000,000	-	-	-	-	1,000,000		
A.23003	DPW (Buildings and Grounds) – Buffalo Niagara Convention Center (BNCC) Improvements	122	23 CBR	500,000	500,000	-	-	-	-	500,000		
A.23004	DPW (Buildings and Grounds) – Erie County Sheriff's Department – Miscellaneous Renovations	122	23 CBR	700,000	700,000	-	-	-	-	700,000		
A.23005	DPW (Buildings and Grounds) – Preservation of County Buildings and Facilities	122	23 CBR	500,000	500,000	-	-	-	-	500,000		
A.23006	Countywide Parks Improvements and ADA Accessibility	164	23 CBR	500,000	500,000	-	-	-	-	500,000		
A.23007	Vehicles and Equipment - Parks and Recreation	164	23 CBR	500,000	500,000	-	-	-	-	500,000		
A.23008	Inclusive Playgrounds (2)	164	23 CBR	500,000	500,000	-	-	-	-	500,000		
A.23009	Replacement of the Police, Fire, and Medical Computer Aided Dispatch and Record Management System	165	23 CBR	5,000,000	5,000,000	-	-	-	-	5,000,000		
A.23010	Microsoft ES Enterprise Agreement/Security Enhancements	105	23 CBR	1,000,000	1,000,000	-	-	-	-	1,000,000	Install and operate Microsoft ES Enterprise agreement	2023
A.23011	PC/Thin Client Replacements	105	23 CBR	600,000	600,000	-	-	-	-	600,000	Replace and update all out of support thin clients and PCs in the County. New units will support Windows 11	Spring 2024
A.23012	Youth Facility HVAC Replacement	122	23 CBR	1,300,000	663,000	637,000	-	-	-	1,300,000		
A.23013	Youth Facility Security Upgrades	122	23 CBR	817,000	416,670	400,330	-	-	-	817,000		
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	-	-	100,000		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	Gastoy Software Upgrades - Fleet	107	23 BUD	150,000	-	-	150,000	-	-	57,000	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	-	7,716	192,284	Projects yet 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	-	-	55,800	Items Ordered	Spring 2024
A.23061	Municipal Planning Grant Program	162	23 BUD	350,000	-	-	350,000	-	44,200	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	D&W 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	-	205,740	78,760	Bids are currently out	2023

2023 Capital Projects

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
A.23072	DPW (Buildings and Grounds) – Rath Building Improvements	122	22 8B	750,000	-	-	-	-	-	-	750,000	-	-
A.23073	EMS Ambulance Building Design and Construction	122	22 8B	1,725,000	-	-	1,725,000	-	-	-	1,725,000	For the design and construction of a new ECDOH-EMS Ambulance Division building.	-
A.23074	Countywide Roads, Pathways, and Parking Lot Improvements	164	22 8B	750,000	-	-	750,000	-	-	-	750,000	-	-
A.23075	Emery Maintenance and Out Building Exterior Improvements	164	22 8B	1,100,000	-	-	1,100,000	-	-	-	1,100,000	Design Complete. Preparing Bid Documents for fall construction	Spring 2024
A.23076	Renaissance Commerce Park	162	22 8B	3,800,000	-	-	3,800,000	-	-	-	3,800,000	Anticipated to be allocated towards railroad reconstruction. Extended negotiation with landowner and railroad have delayed the project.	2026
A.23077	Kleinmans Music Hall Capital Campaign	162	22 8B	650,000	-	-	650,000	-	-	-	650,000	Contract being written to make payment	Summer 2023
A.23078	Public Safety Needs Assessment and Feasibility Study	162	22 8B	750,000	-	-	750,000	-	-	-	750,000	Writing RFP for feasibility study	2024
B.23001	Preservation Roads Construction Kenmore Avenue	123	23 CBR	865,000	-	-	865,000	-	-	-	865,000	Contract signed and project construction is underway	2023
B.23002	Rehabilitation of Vermont Street (CR226) Construction	123	23 CBR	1,700,000	-	-	1,700,000	-	-	-	1,700,000	Out to Bid Now Project to start by June 1	2023
B.23003	Trewett Road (CR420) Reconstruction and Slope Stabilization	123	23 CBR	750,000	-	-	750,000	-	-	-	750,000	Out to Bid Now Project to start by June 1	2023
B.23004	Preservation Roads Construction Abbott & Willert Road	123	23 CBR	3,162,500	-	-	3,162,500	-	-	-	3,162,500	Bidding in November afor spring 2024 construction	2024
B.23005	2023 Federal Aid - Road Design Summary	123	23 CBR	5,750,000	-	-	1,750,000	-	-	-	5,750,000	RFPs in place and design will begin shortly	2024
B.23006	Vehicle and Equipment Replacement - Highways	123	23 CBR	6,750,000	-	-	6,750,000	-	-	-	6,750,000	Updated Quotes are being gathered for Bidding, timeline for delivery unknown.	2023
B.23007	Federal Aid Bridge Replacement - Sharp Street	123	23 CBR	2,315,000	-	-	925,000	-	-	-	2,315,000	Bidding in October for spring 2024 construction	2024
B.23008	Federal Aid Bridge Preservation - Design	123	23 CBR	1,500,000	-	-	500,000	-	-	-	1,500,000	Waiting on announcement for Bridge NY awards	2024
B.23009	Preservation of Bridges Construction - Holland	123	23 CBR	1,500,000	-	-	1,500,000	-	-	-	1,500,000	Bidding in September for spring 2024 construction	2024
B.23010	Rehabilitation of Borden Road (CR332)	123	23 CBR	3,000,000	-	-	3,000,000	-	-	-	3,000,000	Bidding in October for spring 2024 construction	2024
B.23011	Preservation of Bridges & Culverts Construction - Miscellaneous Culvert Repairs/Replacements	123	23 CBR	500,000	-	-	500,000	-	-	-	500,000	Bidding in October for spring 2024 construction	2024
B.23012	Federal Aid Bridge Replacement - Goodrich Road Bridge	123	23 CBR	1,750,000	-	-	530,000	-	-	-	1,750,000	Bidding in October for spring 2024 construction	2024
B.23050	Capital Overlay Program Countywide	123	BUD RE	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	Construction repairs 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	-	-	140,000	-	-	-	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	-	-	-	500,000	Waiting on grant	2024
E.23050	SUNY Erie Community College Facility Master Plan Phase 2	122	22 8B	5,000,000	-	-	2,500,000	-	-	-	5,000,000	-	2024
E.23051	SUNY Erie Community College Sports Field Relocation & Improvements	122	22 8B	5,000,000	-	-	4,500,000	-	-	-	5,000,000	Project in design phase. Once Amherst bonds for their portion, funding will be pooled and construction started	2024

2023 Capital Projects

F:23001	DPW (Buildings and Grounds) - Buffalo & Erie County Public Library Roof Replacement	123	23	GBR	2,000,000	2,000,000	-	-	-	-	-	-	2,000,000	
F:23050	DPW Buffalo & EC Public Library Improvements	122	23	BUD	500,000	-	250,000	250,000	-	-	-	-	500,000	unknown

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12M-1

NYSDEC

Notification of Brownfield Cleanup Program
Application from Amherst Commons, LLC

Attachments

23COMM. 12M-1

Public Notice

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application from Amherst Commons LLC for a site known as Amherst Commons LLC, site ID #C915397. This site is located in the City of Buffalo, within the County of Erie, and is located at 47 East Amherst Street.

Access the application and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915397/>. The documents also are available at the document repository located at Buffalo & Erie County Public Library, 1 Lafayette Square, Buffalo, NY 14203.

There are several ways to comment on BCP applications. Comments can be submitted to the site Project Manager Veronica Kreutzer at NYSDEC, 700 Delaware Avenue, Buffalo, NY 14209; via email at veronica.kreutzer@dec.ny.gov or by calling 716-851-7232. All comments must be submitted by June 30, 2023.

Site information can be viewed by entering the site ID noted above at:
<http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3>

We would also encourage those interested in receiving information on future activities at this site or any other site to sign up to DEC's Contaminated Sites Email List at:
<http://www.dec.ny.gov/chemical/61092.html>

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 500 contaminated sites statewide and incentivized redevelopment. There are more than 550 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:
<http://www.dec.ny.gov/chemical/8450.html>

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12M-2	VBN PRESIDENT & CEO	2023 First Quarter Reports & Financial Statements for VBN & BNCC
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Attachments

23COMM. 12M-2



PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 • Buffalo, New York 14203 • 716-961-0200 • Kaler@VisitBuffaloNiagara.com

EC LEG MAY 26 '23 PM 3:51

May 24, 2023

Mr. Robert Graber
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Mr. Graber:

Enclosed please find the 2023 first quarter reports for Visit Buffalo Niagara and the Buffalo Niagara Convention Center, Destination Performance Reports for January, February and March, and the financial statements for the period ending March 31, 2023. Also enclosed are the audited financial statements for VBN and the Convention Center.

Sincerely,

Patrick J. Kaler
President and CEO

/Enclosures





PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 ▪ Buffalo, New York 14203 ▪ 716-961-0200 ▪ Kaler@VisitBuffaloNiagara.com

May 24, 2023

I, the undersigned, do hereby certify based on my knowledge, the information provided herein:

- Is accurate, correct and does not contain any untrue statement of material fact;
- Does not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which such statements are made;
- Fairly presents, in all material respects, the financial condition and results of operations of the authority as of and for the periods presented in the financial statements.

Visit Buffalo Niagara
Buffalo Niagara Convention Center

Patrick J. Kaler
President and CEO





Buffalo Niagara Convention & Visitors Bureau, Inc.

FINANCIAL STATEMENTS

MARCH 31, 2023 AND 2022

UNAUDITED

**Approved at the Board of Directors Meeting on Wednesday
May 10, 2023**

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
BALANCE SHEET
MARCH 31, 2023 AND 2022

UNAUDITED

	2023	2022
<u>ASSETS</u>		
Current assets:		
Cash and cash equivalents	\$ 2,851,842	\$ 3,577,942
Accounts Receivable - Erie County	1,926,029	1,869,930
Accounts Receivable - Trade	12,253	(9,230)
Grants Receivable	80,000	75,000
Prepaid expenses and supplies	187,542	131,006
	5,057,666	5,644,648
Total current assets		
Property and equipment, net	47,638	40,409
	\$ 5,105,304	\$ 5,685,057
Total assets		

LIABILITIES AND NET ASSETS

Current liabilities:		
Short-term borrowings	\$ -	\$ -
Accounts payable and accrued expenses	163,835	172,290
Accounts payable - Foundation	16,837	12,869
Deferred revenue - Other	25,000	125,315
Deferred revenue - Erie County Grant	2,918,235	2,804,896
SBA - EIDL Loan	142,997	147,000
	3,266,904	3,262,370
Total current liabilities		
Net assets	1,838,400	2,422,687
	\$ 5,105,304	\$ 5,685,057
Total liabilities and net assets		

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
 STATEMENT OF ACTIVITIES
 FOR THE THREE MONTHS ENDED MARCH 31, 2023 AND 2022

	Actual 3 Month(s) 03/31/23	Budgeted 3 Month(s) 03/31/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 3 Month(s) 03/31/22
REVENUES	\$ 1,198,065	\$ 1,165,891	\$ 32,174	2.76%	\$ 4,191,536	\$ 1,104,197
MARKETING DEPARTMENT EXPENSES	\$ 467,720	\$ 432,776	\$ 34,944	8.07%	\$ 1,571,090	\$ 381,529
SALES & SERVICES DEPARTMENT EXPENSES	434,344	412,371	21,973	5.33%	1,796,905	348,474
DESTINATION DEVELOPMENT	71,980	78,641	(6,661)	-8.47%	292,780	68,221
ADMINISTRATIVE & FINANCE EXPENSES	261,990	232,898	29,092	12.49%	930,761	210,659
TOTAL EXPENSES	\$ 1,236,034	\$ 1,156,686	\$ 79,348	6.86%	\$ 4,591,536	\$ 1,008,883
INCREASE (DECREASE) IN NET ASSETS	\$ (37,969)	\$ 9,205	\$ (47,174)		\$ (400,000)	\$ 95,314
NET ASSETS - BEGINNING	1,876,369	1,876,369	-		1,876,369	2,327,373
NET ASSETS - ENDING	\$ 1,838,400	\$ 1,885,574	\$ (47,174)	-2.50%	\$ 1,476,369	\$ 2,422,687

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
 TOTAL REVENUES
 FOR THE THREE MONTHS ENDED MARCH 31, 2023 AND 2022

	Actual 3 Month(s) 03/31/23	Budgeted 3 Month(s) 03/31/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 3 Month(s) 03/31/22
Erie County Grant	\$ 963,015	\$ 963,015	\$ -	0.00%	\$ 3,852,057	\$ 934,965
BNCC Management Fee Allocation	-	-	-	-	-	-
Erie County - Theatre/ARP Act Grant	11,000	-	11,000	-	-	-
Advertising Sales	151,340	150,000	1,340	0.89%	150,000	112,718
Assessments - Convention	-	-	-	-	15,000	-
NYS Matching Funds Program	47,532	47,000	532	1.13%	47,000	48,897
Joint/Co-Op - Marketing	2,000	-	2,000	-	7,500	6,069
Joint/Co-Op - Sales	2,930	5,000	(2,070)	-41.40%	35,000	850
Joint/Co-Op - Destination Development	100	-	100	-	5,000	-
Grant Revenues	20,000	-	20,000	-	75,000	272
Interest Income	82	126	(44)	-34.92%	500	148
Miscellaneous Income	66	750	(684)	-91.20%	4,479	278
Merchandising Revenues - Conventions	-	-	-	-	-	-
Total Revenues	<u>\$ 1,198,065</u>	<u>\$ 1,165,891</u>	<u>\$ 32,174</u>	<u>2.76%</u>	<u>\$ 4,191,536</u>	<u>\$ 1,104,197</u>

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

TOTAL EXPENSES

FOR THE THREE MONTHS ENDED MARCH 31, 2023 AND 2022

	Actual 3 Month(s) 03/31/23	Budgeted 3 Month(s) 03/31/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 3 Month(s) 03/31/22
<u>Personnel Costs:</u>						
Salaries	\$ 482,329	\$ 456,185	\$ 26,144	5.73%	\$ 1,833,729	\$ 415,881
Payroll Taxes & Fringe Benefits	87,655	87,865	(210)	-0.24%	353,291	78,011
Training	10,615	10,300	315	3.06%	45,500	4,866
Total Personnel Costs	\$ 580,599	\$ 554,350	\$ 26,249	8.55%	\$ 2,232,520	\$ 498,758
<u>Sales & Marketing Expenditures:</u>						
Advertising	\$ 92,807	\$ 89,770	\$ 3,037	3.38%	\$ 605,000	\$ 98,281
Convention Commitments	44,500	45,500	(1,000)	-2.20%	150,000	28,100
Visitor Guide	150,762	152,500	(1,738)	-1.14%	160,000	97,746
Tradeshows	38,203	34,345	3,858	11.23%	148,000	30,590
Printing	100	250	(150)	-60.00%	29,500	750
Postage	1,071	721	350	48.54%	3,001	692
Sales Bids & Promotions	34,327	31,800	2,527	7.95%	130,000	20,183
Convention Sales & Services	3,249	3,801	(552)	-14.52%	35,050	2,533
Travel & Meetings	5,789	6,774	(985)	-14.54%	39,000	5,045
Receptions	3,197	4,000	(803)	-20.08%	47,500	-
Research	42,664	35,725	6,939	19.42%	160,000	69,890
Website Development/Hosting	26,282	25,374	908	3.58%	101,500	25,932
Familiarization Tours	990	225	765	340.00%	100,000	921
Professional Fees & Public/Media Relations	21,500	10,500	11,000	104.76%	42,000	10,025
Freelance/Graphic Artist	8,426	6,580	1,846	28.05%	40,000	3,378
Regional Marketing	8,031	8,040	(9)	-0.11%	8,040	8,167
Promotional Items	2,919	5,839	(2,920)	-50.01%	24,500	2,212
Destination Development	24,419	30,456	(6,037)	-19.82%	82,950	31,469
Film/Video/Photo Productions	12,000	2,000	10,000	500.00%	45,000	3,216

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

TOTAL EXPENSES

FOR THE THREE MONTHS ENDED MARCH 31, 2023 AND 2022

	Actual 3 Month(s) 03/31/23	Budgeted 3 Month(s) 03/31/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 3 Month(s) 03/31/22
Photography	1,100	1,550	(450)	-29.03%	22,500	2,200
Online Media Resource	-	-	-	-	-	-
Social Networking/Wing Trail	1,814	2,520	(706)	-28.02%	6,500	2,050
Total Sales & Marketing Expenditures	\$ 524,150	\$ 498,270	\$ 25,880	5.19%	\$ 1,980,041	\$ 443,380
Technology & Equipment	8,927	9,875	(948)	-9.60%	45,000	661
Departmental Administrative Expenses	122,358	94,191	28,167	29.90%	333,975	66,084
Total Expenses	\$ 1,236,034	\$ 1,156,686	\$ 79,348	6.86%	\$ 4,591,536	\$ 1,008,883



JANUARY 2023 DESTINATION UPDATE
A MONTHLY DASHBOARD AND QUALITATIVE REPORT
PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA BUFFALO CONVENTION CENTER BUFFALO NIAGARA SPORTS COMMISSION

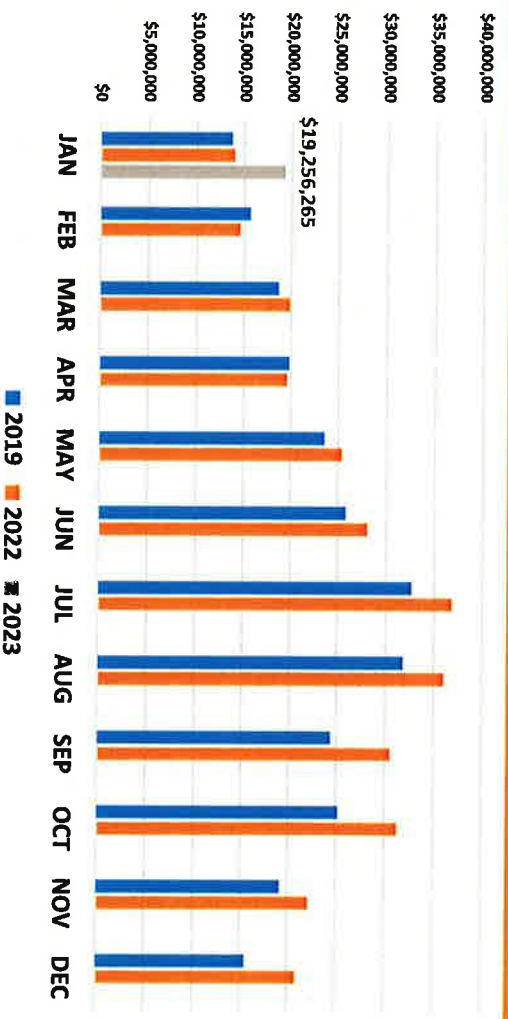


ERIE COUNTY HOTEL REVENUE – JANUARY 2023

January Hotel Revenue	
January 2022	38.3%
January 2019	40.4%
YTD Hotel Revenue	
2022	\$19,256,265
2019	38.3%
	40.4%

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month.

January 2023 hotel revenue collections totaled, **\$19,256,265** which was a **38.3%** increase over January 2022. January 2023 hotel revenue was **40.4%** higher than 2019.



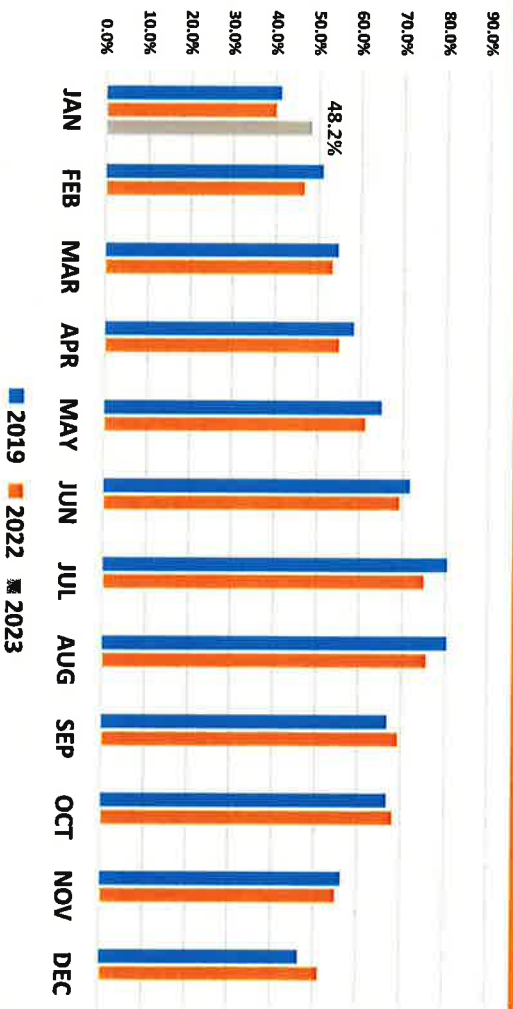
ERIE COUNTY HOTEL OCCUPANCY – JANUARY 2023

January Hotel Occupancy	
January 2022	21.1%
January 2019	17.3%
YTD Hotel Occupancy	
2022	48.2%
2019	21.1%
	17.3%

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available.

January 2023 occupancy measured **48.2%**, which was up **21.1%** compared to January 2022. January 2023 was **17.3%** higher than occupancy in 2019.

In comparison, for the U.S., January occupancy was up **10.5%** over 2022 and down **3.6%** compared to 2019. The State Of New York, was up **34.5%** in Occupancy in January 2023 compared to 2022, but down **3.1%** compared to 2019.



MONTHLY TRAVEL DATA - STR

January Hotel Average Daily Rate

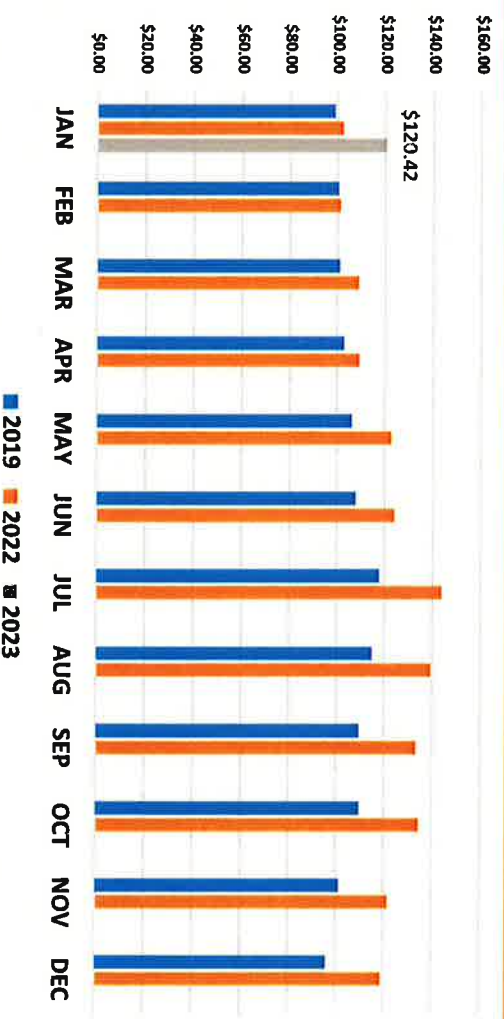
January 2022	17.7%
January 2019	21.7%
YTD Hotel Revenue	\$120.42
2022	17.7%
2019	21.7%

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the previous year. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In January, Erie County ADR was **\$120.42** an increase of **17.7%** over 2022, and a **21.7%** increase over 2019.

The U.S. ADR for January 2023 was up **24.5%** compared to 2022, as well as up **14.3%** from 2019. New York State ADR for 2023 was down **2.3%** compared to 2022 but increased **9.0%** over 2019.

ERIE COUNTY HOTEL AVERAGE DAILY RATE (ADR) – JANUARY 2023



January Hotel RevPAR

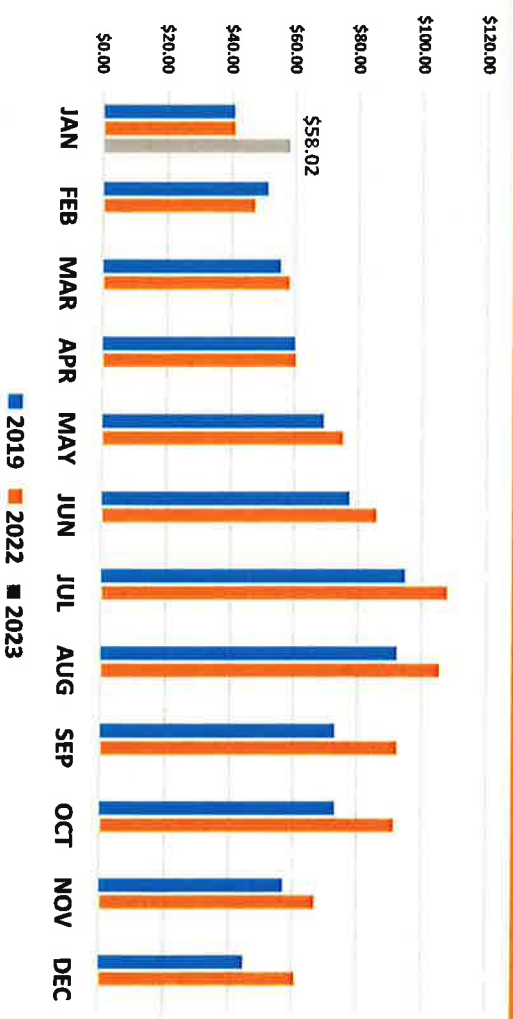
January 2022	42.4%
January 2019	42.9%
YTD Hotel RevPAR	\$58.02
2022	42.4%
2019	42.9%

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the previous year divided by the total number of available rooms.

2023 January RevPAR was **\$58.02** which was an increase of **42.2%** over 2022, and **42.9%** over 2019.

RevPAR for the U.S. was up **84.3%** for January 2023 over 2022, and up **10.1%** over 2019. The State of New York also year-over-year increases for RevPAR in 2023 with a **31.5%** increase over 2022 and **5.5%** increase over 2019.

ERIE COUNTY HOTEL REVPAR – JANUARY 2023



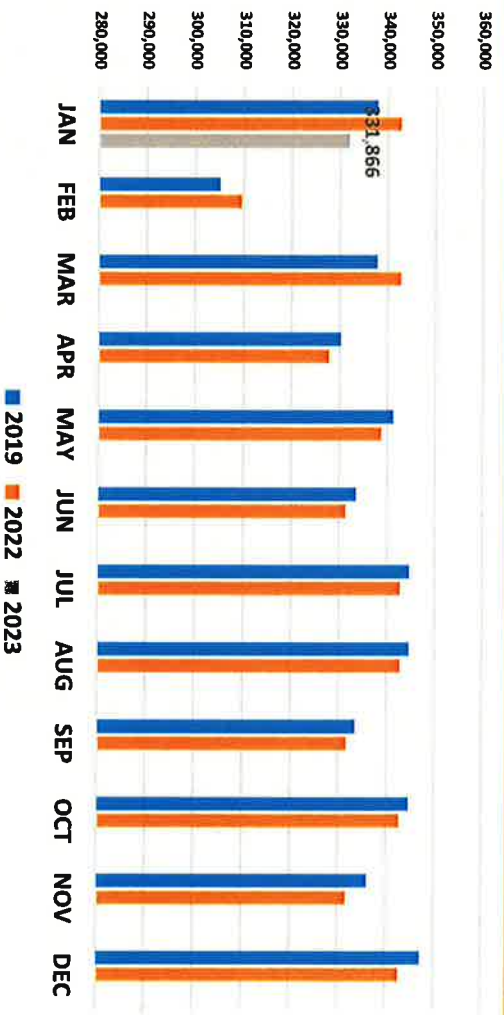
ERIE COUNTY HOTEL SUPPLY – JANUARY 2023

January Hotel Supply	
January 2022	331,866
January 2019	-1.8%
YTD Hotel Supply	
2022	331,866
2019	-1.8%

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In January 2023, Erie County's hotel supply totaled **331,866**, which was a **2.9%** decrease from 2022 and a **1.8%** decrease over 2019.

The number of Erie County available hotel rooms totaled **10,706** which is a **1.8%** decrease over 2019.

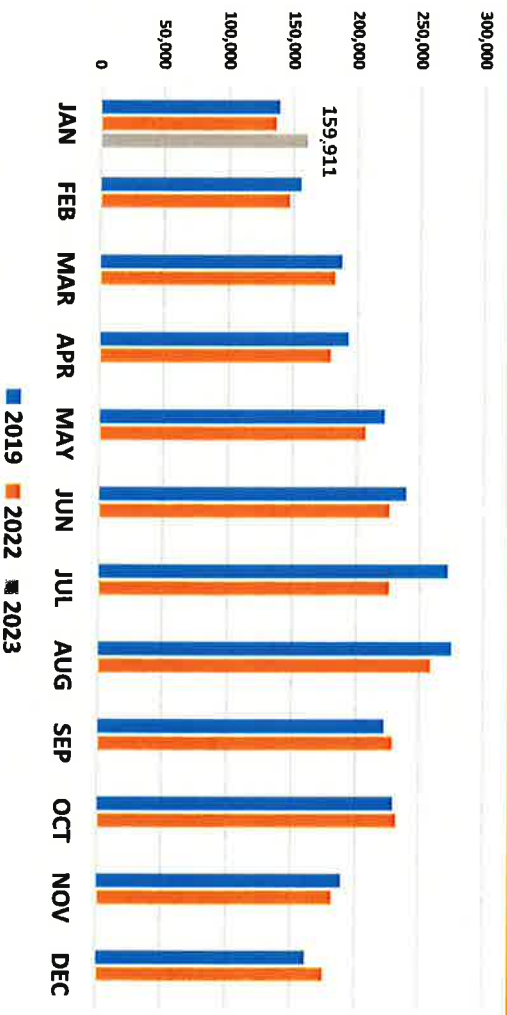


ERIE COUNTY HOTEL DEMAND – JANUARY 2023

January Hotel Demand	
January 2022	159,911
January 2019	15.3%
YTD Hotel Demand	
2022	159,911
2019	15.3%

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

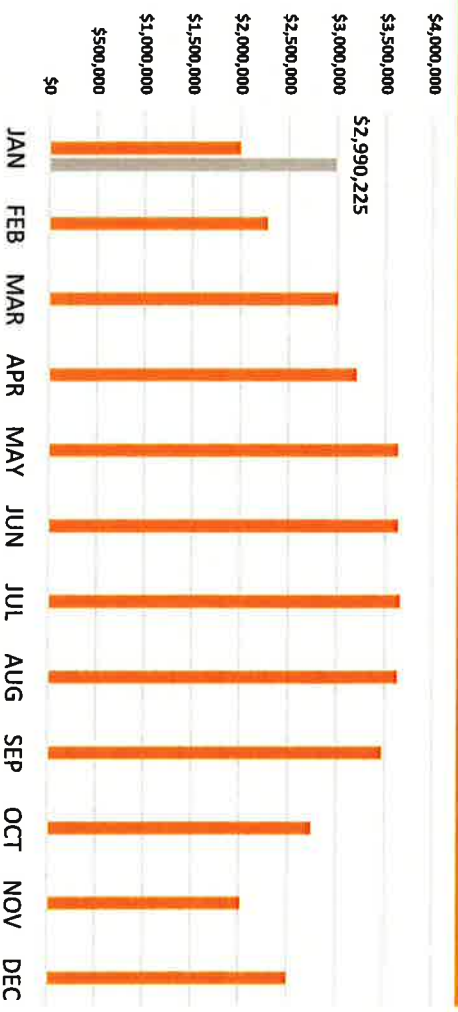
January 2023 hotel demand totaled, **159,911** which was a **17.5%** increase over 2022 and a **15.3%** increase over 2019.



January Short Term Rental Revenue	
January 2022	50.2%
January 2019	NA
YTD Short Term Rental Revenue	
January 2022	50.2%
January 2019	NA

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month. In January 2023, Erie County's short term rental revenue generated **\$2,990,225** which was **50.2%** over 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

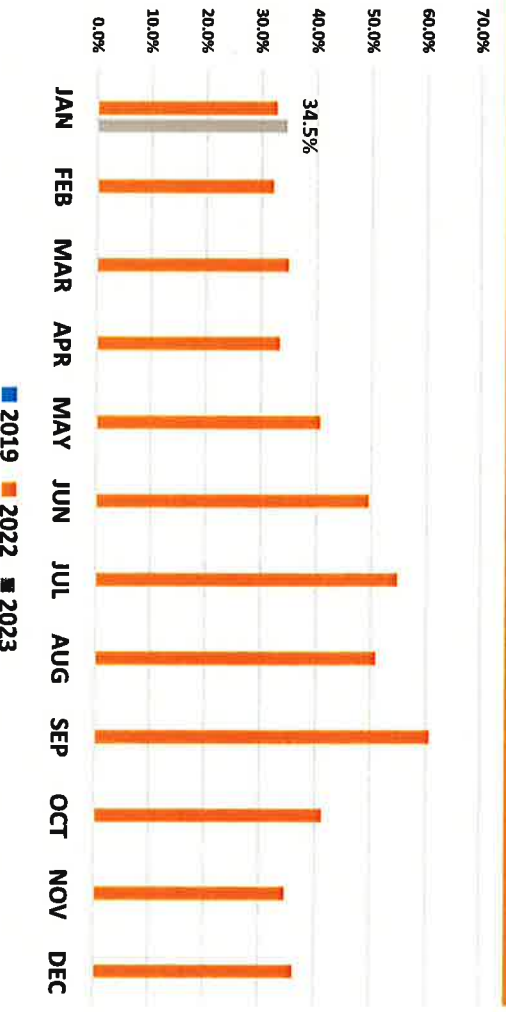


January Short Term Rental Occupancy	
January 2022	5.5%
January 2019	NA
YTD Short Term Rental Revenue	
January 2022	5.5%
January 2019	NA

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of sold by the number of units available.

January 2023 occupancy measured **34.5%**, which was up **5.5%** compared to January 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



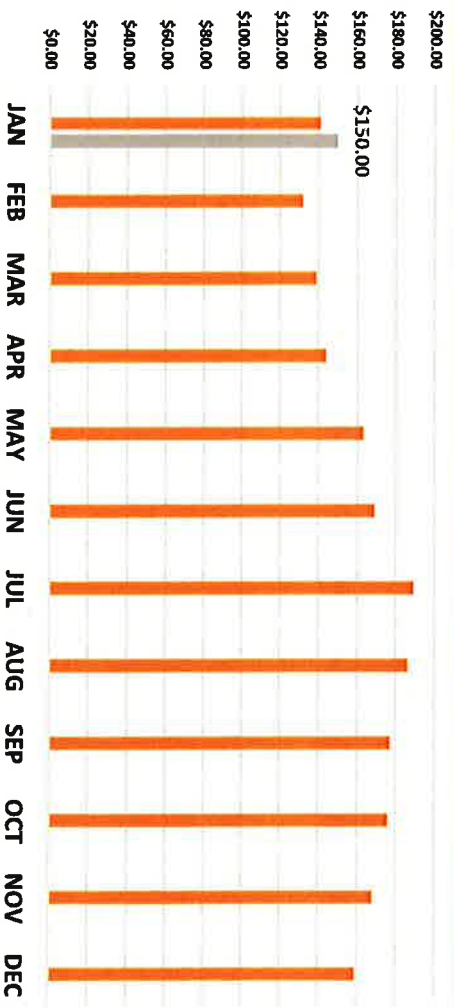
MONTHLY TRAVEL DATA- KEY DATA

January Short Term Rental ADR	
January 2022	6.4%
January 2019	NA
YTD Short Term Rental ADR	
January 2022	6.4%
January 2019	NA

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In January, Erie County Short Term Rental ADR was **\$150.00** an increase of **6.4%** over 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

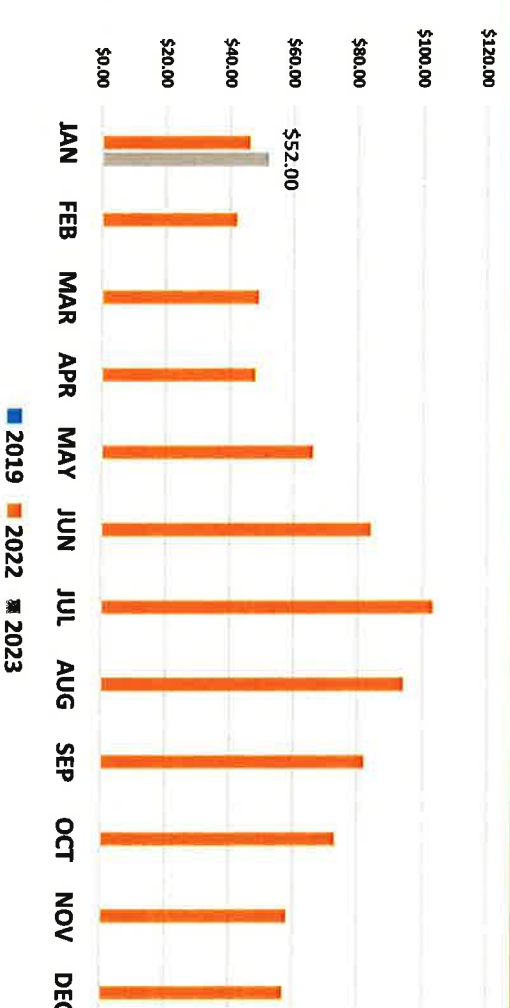


January Short Term Rental RevPAR	
January 2022	13.0%
January 2019	NA
YTD Short Term Rental RevPAR	
January 2022	13.0%
January 2019	NA

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 January RevPAR was **\$52.00** which was an increase of **13.0%** over 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



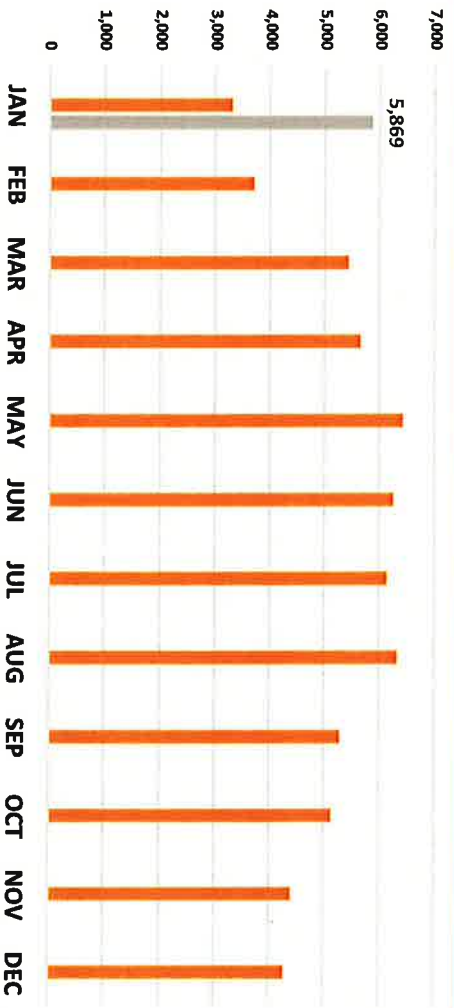
MONTHLY TRAVEL DATA- KEYDATA

January Short Term Rental Bookings	
January 2022	5,869
January 2019	77.5%
YTD Short Term Rental Bookings	
January 2022	5,869
January 2019	77.5%

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month.

In January, Erie County Short Term Rental Bookings totaled 5,869 which was a **77.5%** over 2019.

Note: VBN did not collect Short Term Rental Data in 2019.

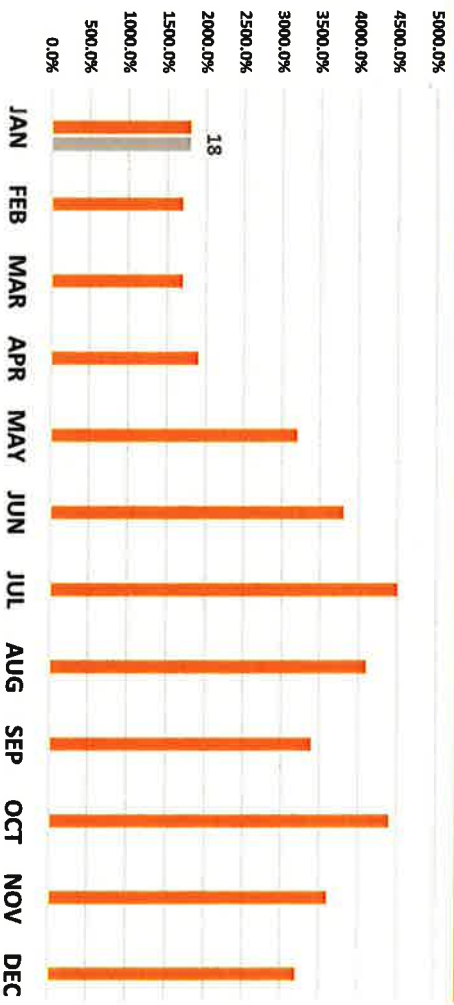


January Short Term Rental Booking Window (days)	
January 2022	18
January 2019	Null
YTD Short Term Rental Booking Window (days)	
2022	18
2019	Null

Short Term Booking Window is the number of days prior to arrival/check-in of a short term rental booking.

In January 2023 the short term rental booking window was **18 days** prior to arrival, which was the same as 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

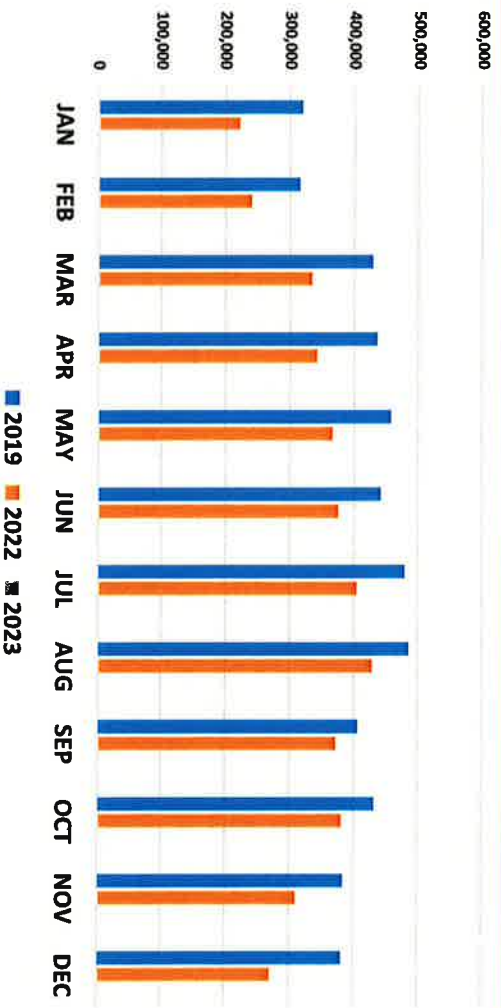




SALES DEPARTMENT DATA

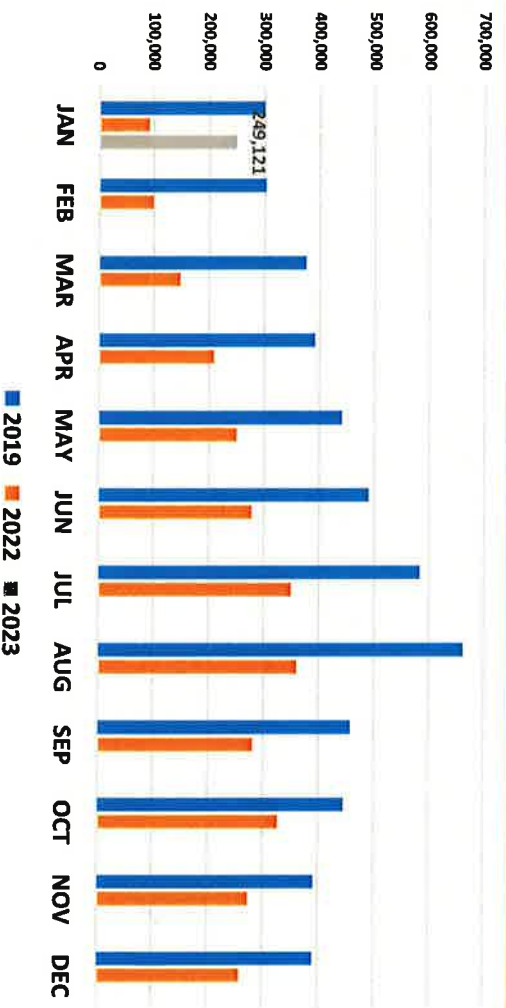
January BUF Airport Passengers	
January 2022	NA
January 2019	NA
YTD BUF Airport Passengers	
2022	NA
2019	NA

Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA.
Unfortunately, the NFTA was not able to report the January airport passengers at the time of this report.



January US/Canadian Border Traffic	
January 2022	249,121
January 2019	174,111
YTD US/Canadian Border Traffic	
2022	\$21,000,000
2019	\$17,000,000

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties.
Travel between the two countries through the Erie and Niagara County access points for the month of January 2023 totaled **249,121** which was a **174.1%** increase over 2022 and a **16.9%** decrease over 2019.



SALES & SERVICES DEPARTMENT UPDATE



MONTHLY Sales & Services Department Dashboard - January 2023 vs. January 2022 and January 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed		Sales Lead Room Nights		Lead Expected Attendance		Lead Economic Impact		Lost Business	
43		17,796		15,557		\$13,882,191		12	
January 2022	7.5%	January 2022	-17.9%	January 2022	26.6%	January 2022	-1.8%	January 2022	-45.5%
January 2019	-38.6%	January 2019	-78.2%	January 2019	-79.9%	January 2019	-66.3%	January 2019	-45.5%
Definite Events Booked		Definite Room Nights Booked		Definite Expected Attendance		Definite Event Economic Impact			
21		6,630		6,268		\$4,704,742		4	
January 2022	40.0%	January 2022	-6.0%	January 2022		January 2022	-27.5%	January 2022	33.3%
January 2019	-38.3%	January 2019	-51.3%	January 2019		January 2019	-54.1%	January 2019	-20.0%
Events Held		Events Held Room Nights		Events Held Attendance		Groups Serviced			
8		4,861		4,780		4			
January 2022	60.0%	January 2022	-4.0%	January 2022		January 2022			
January 2019	-55.2%	January 2019	-63.8%	January 2019		January 2019			

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed		YTD Sales Lead Room Nights		YTD Lead Expected Attendance		YTD Lead Economic Impact		YTD Lost Business	
43		17,796		15,557		\$13,882,191		12	
January 2022	7.5%	January 2022	-17.9%	January 2022	26.6%	January 2022	-1.8%	January 2022	-45.5%
January 2019	-38.6%	January 2019	-78.2%	January 2019	-79.9%	January 2019	-66.3%	January 2019	-45.5%
YTD Definite Events Booked		YTD Definite Room Nights Booked		YTD Definite Expected Attendance		YTD Definite Event Economic Impact			
21		6,630		6,268		\$4,704,742		4	
January 2022	40.0%	January 2022	-6.0%	January 2022		January 2022	-27.5%	January 2022	33.3%
January 2019	-38.3%	January 2019	-51.3%	January 2019		January 2019	-54.1%	January 2019	-20.0%
YTD Events Held		YTD Events Held Room Nights		YTD Events Held Attendance		YTD Groups Serviced			
8		4,861		4,780		4			
January 2022	60.0%	January 2022	-4.0%	January 2022		January 2022			
January 2019	-55.2%	January 2019	-63.8%	January 2019		January 2019			

SALES & SERVICES DEPARTMENT UPDATE



January 2023 Trade Shows/Conferences Attended		
SHOW NAME	LOCATION	ATTENDED BY
PCMA	Columbus, OH	Shannon Jenkins
RCMA	Chattanooga, TN	Mike Even and Emma Carlo
Compete Sports Diversity Summit	Las Vegas, NV	James Adler
ESPA	Pittsburgh, PA	Karen Cox and Lauran Vargo
January 2023 Site Visits / FAIMS		3



Compete Sports Diversity Summit – Las Vegas, NV
Buffalo Niagara Sports Commission's James Adler attended the January convention of **Compete Sports Diversity** in Las Vegas. Compete connects, educates, empowers, and inspires mission driven LGBTQ+ and allied sports and community leaders, sports organizations, non-profit groups, tourism partners, corporate partners, and athletes to further sports diversity through our membership, media, and event platforms.



James also went back to his alma mater, **Canisius College**, to speak to students in the Sports Management Professional Development Seminar class to share his experience working in the sports commission industry.



PCMA Convention – Columbus, OH
VBN Director of National Sales, Shannon Jenkins hosted a client dinner in cooperation with Discover Albany while at the annual **PCMA Convention** at Columbus, OH.



RCMA – EMERGE Conference – Chattanooga, TN
Visit Buffalo Niagara was represented at the annual **EMERGE Conference** of RCMA in Chattanooga, TN by VP of Sales, Mike Even and Sales Manager, Emma Carlo. In addition to attending the tradeshow, VBN hosted a client dinner. The President/CEO of RCMA, Harry Schmidt is a member of the VBN Customer Advisory Council.



ESPA Conference – Pittsburgh, PA
VBN's Director of Client Services, Karen Cox and BNSC's Services Manager, Lauran Vargo attended the Annual **ESPA Conference** in Pittsburgh, PA where they met the services team from Visit Cincy. VBN and Visit Cincy have established a stronger professional relationship since Damar Hamlin's cardiac incident in December.



SALES & SERVICES DEPARTMENT UPDATE



Buffalo Niagara Sports Commission

Q1 Meeting

The Buffalo Niagara Sports Commission Council began the year with their Q1 meeting on January 27th hosted by the Incoming BNSC Advisory Council Chair – Eric Guzdek at the Northtown Center – Amherst. VBN/BNSC staff gave an update on last year's sales activities and events held, as well as the plans for 2023.

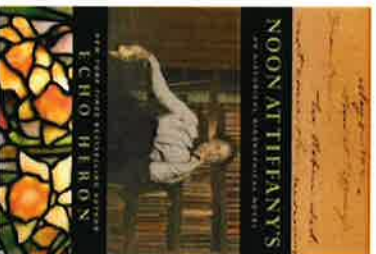
The BNSC has welcomed the following individuals to serve on the Advisory Council: Kate Braun - Buffalo Niagara Court Center, Mark DiFilippo - Section VI NYSPHSAA, Linda Groff - NYS Amateur Hockey Association, Ona Halladay – D'Youville University, Katie Jurkas - Outloud Sports, Pete Kennedy - The Monsignor Martin High School Athletic Association, Kirk Lang - West Side Rowing, Chuck Lawless - Sahlen's Sports Park, Nic Mendola - FC Buffalo, Norm Page - Greater Buffalo Adaptive Sports, Jeff Qualey - Buffalo Rugby, Chad Sleiman - West Seneca Soccer Complex, and Brad Waltz - Town of Amherst.

Visit Buffalo Niagara Book Club

Author Eco Heron's "Noon at Tiffany's" has been selected as the next selection of the Visit Buffalo Niagara Sales Department's Book Club.

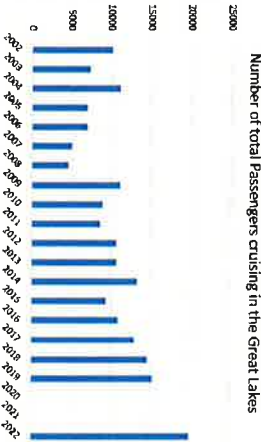
In 2022, the Stained-Glass Association of North America located their headquarters to office space in Trinity Episcopal Church in downtown Buffalo, NY. Buffalo will also serve as the host city for the association's annual conference in September of 2023. With these significant milestones, coupled with the exceptional collection of stained glass in Erie County to choose the backdrop and theme for the Book Club's next read.

The VBN staff are working to create group tours as well as tour options for meetings and events.



Virtual Business Development Co-op

Visit Buffalo Niagara's Senior Director of Travel Industry Sales, Leah Mueller, participated in a series of weekly managed sales calls with key destination management companies, receptive tour operators, and domestic tour operators based in the major gateways of the United States. The purpose of these sales calls was to develop new and continue existing relationships while growing our destination profile with tour and travel planners. A total of twelve meetings were held during the month of January. Buffalo and Erie County tour and travel products presented included: The Great Wright Road Trip, Buffalo Wing Trail, the upcoming opening of the Buffalo AKG, new hotel package opportunities and new dining opportunities.



Cruise the Great Lakes Annual Report
In anticipation of the potential of cruise ships on the Great Lakes using Buffalo as a port city in future years, Visit Buffalo Niagara has established an industry partnership with the Cruise the Great Lakes consortium through the Great Lakes St. Lawrence Governors and Premiers. In January, Cruise the Great Lakes released an annual report of the 2022 cruise impact on the region as well as expectations for the 2023 cruise season.

In 2022, eight cruise companies operated eleven different cruise ships on the Great Lakes and St. Lawrence Seaway.

- Nearly **20,000** cruise passengers visited Great Lakes ports
 - a more than **25%** increase from 2019
- Great Lakes cruises made over **700** port visits
- Total cruise passenger traffic was nearly **150,000**
- Cruising generated an economic impact of over **\$125,000,000**

Visit Buffalo Niagara will host the 2023 Great Lakes USA annual meeting in Buffalo in May 2023.



MARKETING & COMMUNICATIONS DEPARTMENT UPDATE

MONTHLY Marketing & Communications Department Dashboard January 2023 vs. January 2022 and January 2019

Website Sessions		Mobile Website Sessions		Duration On Site		Website Page Views		Social Media Posts	
January 2022	101,575	January 2022	67,667	January 2022	1:58	January 2022	194,338	January 2022	179
January 2019	16.9%	January 2019	19.1%	January 2019	-4 seconds	January 2019	23.6%	January 2019	-2.7%
January 2022	0.8%	January 2022	7.4%	January 2022	37 seconds	January 2022	0.2%	January 2022	5.3%
January 2019	0.8%	January 2019	7.4%	January 2019	37 seconds	January 2019	0.2%	January 2019	5.3%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		All Video Views	
January 2022	100,466	January 2022	29,962	January 2022	47,198	January 2022	18,303	January 2022	115,671
January 2019	2.5%	January 2019	1.9%	January 2019	9.6%	January 2019	NA	January 2019	667.7%
January 2022	8.7%	January 2022	6.9%	January 2022	32.6%	January 2022	NA	January 2022	6358.5%
January 2019	8.7%	January 2019	6.9%	January 2019	32.6%	January 2019	NA	January 2019	6358.5%
Media Placements		Media Impressions		Media Social Shares		Media Touchpoints		Media Visits	
January 2022	6	January 2022	8,825,886	January 2022	776	January 2022	28	January 2022	1
January 2019	100.0%	January 2019	-86.9%	January 2019	38.4%	January 2019	-22.2%	January 2019	Null
January 2019	NA	January 2019	NA	January 2019	NA	January 2019	NA	January 2019	NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

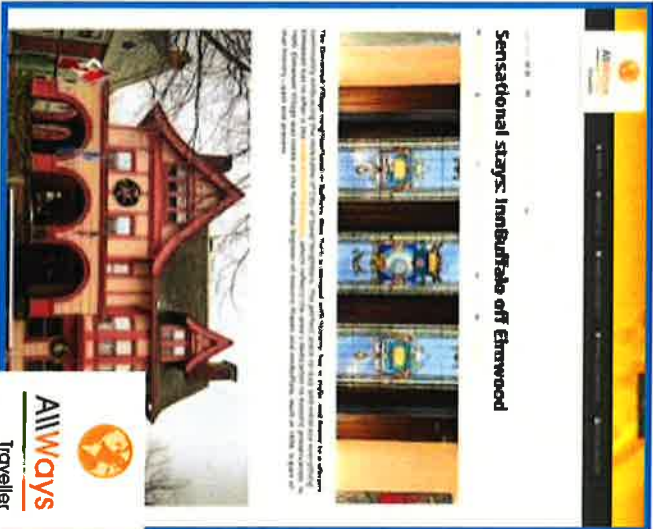
YTD Website Sessions		YTD Mobile Website Sessions		Duration On Site		YTD Website Page Views		YTD Shared Social Media Posts	
2022	101,575	2022	67,667	2022	1:58	2022	194,338	2022	179
2019	16.9%	2019	19.1%	2019	-4 seconds	2019	23.6%	2019	-2.7%
2019	0.8%	2019	7.4%	2019	37 seconds	2019	0.2%	2019	5.3%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		YTD All Video Views	
2022	100,466	2022	29,962	2022	47,198	2022	18,303	2022	115,671
2019	2.5%	2019	1.9%	2019	9.6%	2019	NA	2019	667.7%
2019	8.7%	2019	6.9%	2019	32.6%	2019	NA	2019	6358.5%
YTD Media Placements		YTD Media Impressions		YTD Media Social Shares		YTD Media Touchpoints		YTD Media Visits	
2022	6	2022	8,825,886	2022	776	2022	28	2022	1
2019	100.0%	2019	-86.9%	2019	38.4%	2019	-22.2%	2019	Null
2019	NA	2019	NA	2019	NA	2019	NA	2019	NA



2023 Visit Buffalo Niagara Visitor Guide
 The 2023 "In The BUF" visitor guide was delivered, and distribution began in January. 150,000 guides with three different covers were printed as well as a digital version that is available on the VBN website.

January 2023 Media Hits				
PUBLICATION/SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES	
I LOVE NY Blog	23 New Things to See and Do in New York State	318,546	31	
Architectural Digest	AD's 23 Places to Travel in 2023	4,927,914	192	
AllWays Traveler	"Sensational Stays" InBuffalo off Elmwood	784	0	
ArchDaily	The 23 Most Anticipated Projects of 2023	3,334,302	516	
The Architect's Newspaper	Hear are ten buildings and projects we can't wait to see in 2023	140,112	32	
bloodoop	Top 15 new museums opening in 2023	104,138	5	

Media hits in italics were not generated by Visit Buffalo Niagara and not included in monthly quantitative dashboard.



MARKETING & COMMUNICATIONS DEPARTMENT UPDATE



Most Viewed Video
January 2023

Bocce Club Pizza
43,000 views

Sample of other video content for the month:
Hello, 2023 – A Recap of 2022
Where To Find Mocktails in Buffalo
Amazing Game Shop
Park Edge Sweet Shoppe



Marketing Team Visits K Art

Michelle Kearns and Kate Scaduto were treated to a fantastic tour at K Art in downtown Buffalo. This unique space is one of the only Native-American-owned commercial art galleries and focuses on showcasing the of Native-American, First Nations and indigenous artists. Michelle and Kate enjoyed viewing The Cadence of Night: Recent Works by Duane Slick and La Garrison Mentalite by Henry Payer at this impressive gallery.



Sample January 2023 Blog Content

Buffalo Pizza & Wing Joints
Delivering Nationwide



Skating the Powderly Slopes at
Kissing Bridge



Architectural Digest Names
Buffalo Best Place to Travel in
2023



Liked by Ksarunas and 2,080 others
victorfranklinaga
victorfranklinaga W 14 for who and for who!
@victorfranklinaga



JOIN US ON 1/14/23
MILK JR.
DAY OF SERVICE

WE RECOGNIZE THE SERVICE WE RECEIVE FROM OUR MILK PRODUCERS



Liked by buffaloblog718 and 853 others
victorfranklinaga
Photo of the Eternal Run by @zacharygromada
View 27 comments





DESTINATION DEVELOPMENT DEPARTMENT UPDATE

MONTHLY Destination Development Department Dashboard – January 2023 vs. January 2022 and January 2019 (RECOVERY BENCHMARK)

Visitor Guide Requests		Weekly Lodging Dashboard Distribution		Tourism Insider Distribution	
January 2022	1,224	January 2022	488	January 2022	2,701
January 2019	308.0%	January 2019	59.0%	January 2019	6.2%
	458.9%		NA		77.0%
Number of Mobile Visitor Center Events		Mobile Visitor Center Volunteer Hours		Number of Convention/Sport Events	
January 2022	0	January 2022	0	January 2022	0
January 2019	Null	January 2019	Null	January 2019	Null
	-100.0%		-100.0%		-100.0%
Industry Meeting Attendance		Industry Event Attendance		Extranet Training Attendance	
January 2022	104	January 2022	0	January 2022	2
January 2019	100.0%	January 2019	Null	January 2019	-71.4%
	NA		-100.0%		-33.3%
					-100.0%
					Destination Customer Service Training Attend.
					0
					Null
					-100.0%

YEAR TO DATE Destination Development Department Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Visitor Guide Requests		YTD Weekly Lodging Dashboard Distribution		YTD Tourism Insider Distribution	
2022	1,224	2022	488	2022	2,701
2019	308.0%	2019	59.0%	2019	6.2%
	458.9%		NA		77.0%
YTD Number of Mobile Visitor Center Events		YTD Mobile Visitor Center Volunteer Hours		YTD Number of Convention/Sport Events	
2022	0	2022	0	2022	0
2019	Null	2019	Null	2019	Null
	-100.0%		-100.0%		-100.0%
YTD Industry Meeting Attendance		YTD Industry Event Attendance		YTD Extranet Training Attendance	
2022	104	2022	0	2022	2
2019	100.0%	2019	Null	2019	-71.4%
	NA		-100.0%		-33.3%
					-100.0%
					YTD Dest./Customer Service Training Attend.
					0
					Null
					-100.0%

DESTINATION DEVELOPMENT DEPARTMENT UPDATE



Visit Buffalo Niagara Tourism Marketing Outlook Forum

Over 100 Erie County and regional industry partners attended Visit Buffalo Niagara's inaugural Tourism Marketing Outlook Forum at 500 Pearl on January 18th. Eric Elyen with Tourism Economics, shared an economic forecast for 2023 with thoughts on a potential recession and its impacts on travel and tourism in the United States. Anna Blount with Longwoods International, shared data on three VBN commissioned research studies – 2022 Visitor Profile Study, Visitor Satisfaction Study and Resident Sentiment Study. VBN's executive staff members also presented the organization's individual departmental 2023 business plan initiatives. The Forum was extremely well received with exceptionally positive feedback. Planning has already begun for the 2024 Tourism Marketing Outlook Forum event.



Visit Buffalo Niagara Restaurant Week

Following the successful feedback from participants of the Fall 2022 Visit Buffalo Niagara Restaurant Week promotion, the Destination Development department has begun work on the 2023 promotional week which will take place April 17-23. Working in cooperation with the WNY Chapter of the NYS Restaurant Association, we hope to grow the number of Erie County dining establishments participating in both the Spring and Fall 2023 promotions. A kick-off event is planned for March 13, 2023, at Osteria 166. If your restaurant is interested in more information, please contact Renata Toney at VisitBuffaloNiagara.com.



2024 Eclipse

On Monday, April 8, 2024, there will be a total solar eclipse, and Buffalo is in the direct path of totality. In solar eclipse, people who are in the path of totality will see the Sun's bright disk covered by the moon for a short time. This event is expected to bring thousands of people to Buffalo and Erie County in the days leading up to, and the day off the eclipse. Visit

Buffalo Niagara is engaging at the County and local levels to curate events for public viewing as well as a source for public information and safety. If your venue, site or organization are planning any activations during the 2024 Eclipse, please contact Renata Toney at Toney@VisitBuffaloNiagara.com.





BUFFALO CONVENTION CENTER OPERATIONAL UPDATE

MONTHLY Buffalo Convention Center Operational Dashboard – January 2023 vs. January 2022 and January 2019 (RECOVERY BENCHMARK)											
Total Events		Event – Convention		Event – Meeting		Event - Banquet		Event – Consumer/Public Show		Event - Social	
6		1		1		3		1		0	
January 2022	200.0%	January 2022	100.0%	January 2022	100.0%	January 2022	200.0%	January 2022	Null	January 2022	Null
January 2019	-25.5%	January 2019	-50.0%	January 2019	-50.0%	January 2019	50.0%	January 2019	-50.0%	January 2019	Null
Total Event Attendance		Number of Days Occupied		Customer Service Score							
5,449		14		New survey system being developed for mid-year.							
January 2022	357.9%	January 2022	250.0%	January 2022	250.0%	January 2022	479.2%	January 2022	100.0%	January 2022	100.0%
January 2019	-63.1%	January 2019	-30.0%	January 2019	-48.2%	January 2019	15.4%	January 2019	NA	January 2019	100.0%
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$262,966		\$25,400		\$133,338		\$4,228		\$100,000			
January 2022	1860.8%	January 2022	446.8%	January 2022	1559.3%	January 2022	479.2%	January 2022	100.0%	January 2022	100.0%
January 2019	-14.7%	January 2019	-46.1%	January 2019	-48.2%	January 2019	15.4%	January 2019	100.0%	January 2019	100.0%

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)											
Total Events		Event – Convention		Event – Meeting		Event - Banquet		Event – Consumer/Public Show		Event - Social	
6		1		1		3		1		0	
2022	200.0%	2022	100.0%	2022	100.0%	2022	200.0%	2022	Null	2022	Null
2019	-25.5%	2019	-50.0%	2019	-50.0%	2019	50.0%	2019	-50.0%	2019	Null
Total Event Attendance		Number of Days Occupied		Customer Service Score							
5,449		14		New survey system being developed for mid-year.							
2022	357.9%	2022	250.0%	2022	250.0%	2022	479.2%	2022	100.0%	2022	100.0%
2019	-63.1%	2019	-30.0%	2019	-48.2%	2019	15.4%	2019	NA	2019	100.0%
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$262,966		\$25,400		\$133,338		\$4,228		\$100,000			
2022	1860.8%	2022	446.8%	2022	1559.3%	2022	479.2%	2022	100.0%	2022	100.0%
2019	-14.7%	2019	-46.1%	2019	-48.2%	2019	15.4%	2019	100.0%	2019	100.0%

BUFFALO CONVENTION CENTER

SALES UPDATE

MONTHLY Buffalo Convention Center Sales Dashboard – January 2023 vs. January 2022 and January 2019 (RECOVERY BENCHMARK)

Total Leads		BNCC Generated Leads		VBN Generated Leads		Confirmed Bookings	
16		11		5		6	
January 2022	200.0%	January 2022	100.0%	January 2022	100.0%	January 2022	Null
January 2019	-25.5%	January 2019	-50.0%	January 2019	-50.0%	January 2019	-71.4%
Total Solicitation Calls		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
45		15		32		2	
January 2022	164.7%	January 2022	114.3%	January 2022	220.0%	January 2022	NA
January 2019	NA	January 2019	NA	January 2019	NA	January 2019	NA

YEAR TO DATE Buffalo Convention Center Sales Dashboard – January 2023 vs. January 2022 and January 2019 (RECOVERY BENCHMARK)

YTD Total Leads		YTD BNCC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
15		11		4		6	
2022	200.0%	2022	100.0%	2022	100.0%	2022	Null
2019	NA	2019	NA	2019	NA	2019	-71.4%
YTD Total Solicitation Calls		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
45		15		32		2	
2022	164.79%	2022	114.3%	2022	220.0%	2022	NA
2019	NA	2019	NA	2019	NA	2019	NA

Current and Future Ongoing Buffalo Convention Center Business Booked

	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	96	72	44	29
Expected Attendance	249,975	245,547	195,672	169,797	123,262
Number of Hotel Room Nights	25,000	24,801	18,633	16,553	11,410
Expected Economic Impact	\$34,063,840	\$28,552,052	\$21,414,039	\$17,773,652	\$12,441,557

ORGANIZATION UPDATE



New Board Member
A warm welcome to Visit Buffalo Niagara's newest board member, **Melissa Brown, Executive Director of the Buffalo History Museum.** Melissa was appointed by Erie County Executive, Mark Poloncarz to serve as one of his five appointments to the VBN Board. Melissa has been with the Buffalo History Museum since February 1998 and served as co-chair of the EC2000 – Erie County Bicentennial.



Weekly Promotional Segmen
Visit Buffalo Niagara and WGRZ – Channel 2, started a weekly segment during the Friday 4 pm program “**Mos Buffalo**” hosted by Kate Welshofer. Kate and Patrick talk about five upcoming events or activities taking place in Buffalo and Erie County for that weekend and into the following week. This has proven a positive community engagement opportunity that has driven website traffic as well as social media engagement.



U.S. Travel National Plan for Vacation Day Promotion

Visit Buffalo Niagara participated in the annual U.S. Travel **National Plan for Vacation Day** which took place on January 31st. National Plan for Vacation Day is a day to encourage Americans to plan their vacation days for the whole year at the start of the year—and inspire them to use those days to explore the USA. NPVD highlights the importance of taking time off to travel—both for personal wellbeing and for the overall economic prosperity of our nation.



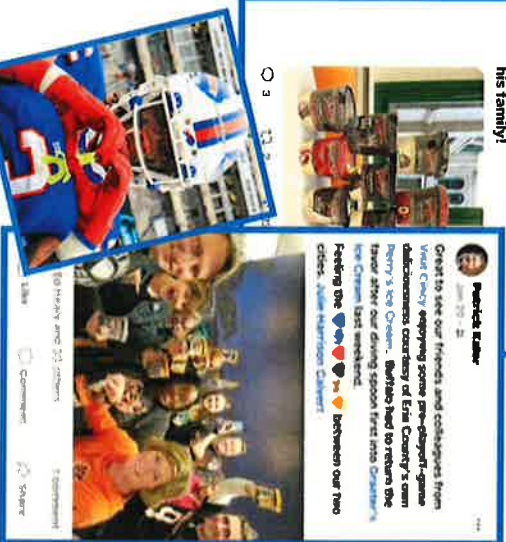
Visit Buffalo Niagara Onboards with Zartico
In January, Visit Buffalo Niagara began the onboarding process as a client of **Zartico Destination Operating System®** which takes intelligence, analytics and data visualizations and combines it with context and strategic input to support a Destination Management Organization's data-driven decisions in real-time. Once operational, VBN will be superior stewards of Erie County's tourism industry and economy through improved data intelligence to make real-time decision making for sales, marketing and promotions. As an organization, we will be better at benchmarking and providing better analytical services in our marketing, community development of the tourism product and overall sustainability efforts of the County's tourism economy.

DESTINATION DEVELOPMENT DEPARTMENT



BUF Visit Buffalo Niagara • 1/12/23
Buffalo is feeling the love from our friends at @Visit_Cincy! Their team gifted our staff many pints of delicious @Graeters Ice cream.

Thank you to Visit Cincy for this thoughtful gift & to the entire Cincinnati community for their support & care for @HamHamIsland & his family!



Visit Buffalo Niagara & Visit Cincy Partnership

Following the January 3rd cardiac arrest of Buffalo Bills, Damar Hamlin during the Bills versus Cincinnati Bengals game, Visit Buffalo Niagara found itself in a place of compassion, care, camaraderie and ultimate collaboration. While Damar was under care at University of Cincinnati Medical Center, our colleagues at Visit Cincy were providing meals and retail gift cards to Damar's family. Visit Cincy also assisted in VBN providing dinner for the healthcare workers taking care of Damar while at UCMC. As Damar's health improved, the united spirit of camaraderie between our two destination marketing organizations continued with the gift of ice cream from iconic ice cream companies in each of our cities. Cincinnati was first with a gift of several pints of Graeter's Ice Cream to the VBN office. Not to be outdone, Perry's Ice Cream reciprocated with several pints of Erie County's own tasty treats to the Visit Cincy office. A stronger bond between Patrick and Visit Cincy's CEO, July Harrison Calvert has been established with the intent to bridge the two destinations together in collaborative marketing and sales efforts. As we all celebrate the continued recovery of Damar, we also celebrate the opportunities ahead for our Visit Buffalo Niagara and Visit Cincy cross promotions.

NYSDDMO Quarterly Meeting

At the January quarterly meeting of the New York State Destination Marketing Organizations, Visit Buffalo Niagara's marketing partner, Madden Media presented several of their programs for potential statewide opportunities highlighting the success of their work with VBN and other NYS DMOs.



January CEO Meetings

World Canals Conference 2025 Steering Committee
NYSHTA Legislative Committee
ESD Cruise Infrastructure Meeting
Buffalo Niagara Sports Commission Advisory Council
BCAR Monthly Meeting
U.S. Travel Association Sustainable Travel Committee

Recent CEO Board Appointments

Explore Buffalo Board of Directors
Martin House Corporation Executive Committee
NYSHTA Executive Committee
Canals New York Board of Directors
World Canals Conference 2025 Steering Committee

Visit Buffalo Niagara Staff FUN Fact

Greg Gelinas, Buffalo Niagara Sports Commission Director of Sports Development is a former student-athlete wrestler, and now serves as a NYS Wrestling Official.

This photo is Greg officiating the Heavyweight Finals at the 2022 New York State Wrestling Tournament.



Visit Buffalo Niagara Board of Directors

Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
Kimberley A. Minkie, NFTA – Vice Chair
Huseyin Taran, Buffalo Marriott HarborCenter – Treasurer
Thomas Beauford, Buffalo Urban League - Secretary
Mary F. Roberts, Martin House - Immediate Past Chair
Mark Anunt, University of Buffalo Department of Athletics
Melissa Brown, Buffalo History Museum
Daniel Castle, Erie County Dept. of Environment & Planning
Matt Chiazza, Relkart House
Dottie Gallagher, Buffalo Niagara Partnership
Mark Glasgow, Erie County Legislature Majority Caucus Appointee
Patrick Kaler, Visit Buffalo Niagara – President & CEO
Thomas Long, The Westin Buffalo
William Paladino, Ellicott Development, Inc.
Steven Ranalli, Erie Canal Harbor Development Corporation
Don Spasiano, Trocaire College
Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens



Visit Buffalo Niagara Staff

James Adler, Sports Sales Manager
Jo Ann Blatner, Industry Relations Assistant
Drew Brown, Marketing Manager
Michele Burtak, Accounting & Benefits Manager
Emma Carlo, National Sales Manager
Karen Cox, Convention Sales & Services Manager
Mike Even, Vice President of Sales & Services
Karen Fashana, Director of Marketing
Greg Gelinas, Director Sports Development
Ed Healy, Vice President of Marketing
Patrick Kaler, President & CEO
Michelle Kearns, Communications Manager
Shannon Jenkins, National Association Sales Director
David Marzo, Chief Financial Officer
Leah Mueller, Director of Tourism Sales
Heather Nowakowski, Business Intelligence Manager
Kathryn Scaduro, Marketing and Social Media Specialist
Judy Smith, Director of Administration
Renata Toney, Vice President of Destination Experience
Marisa Urbano, Administrative Sales Assistant
Lauren Vargo, Sports Services Manager
Meaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

Melissa Burke, Senior Director of Sales
Jeff Calkins, Vice President & General Manager
Tom Christy, Controller
Lorna Cullen, Office Manager
Patrick Kaler, President & CEO
Sue Kinnins, Sales and Catering Manager
Craig Landsade, Executive Chef
Mary Ann Martin, Bookkeeper & Benefits Manager
Mark McMahon, Maintenance Supervisor
Terry O'Brien, Director of Operations
Heather Petrino, Sales & Service Coordinator
Ken Sanford, Chief Engineer
Christie Walker, Convention and Event Service Manager
Cory Watson, Food and Beverage Manager
Michael Wil, Assistant Director of Operations
Colleen Willis, Sales Manager
Danielle Winiarski, Assistant General Manager
Alisha Vega, Front Desk Receptionist



To be the most surprising destination you'll ever visit.

MISSION:

Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Report:

Cervis Technologies
Cision
Google Analytics
Key Data
Madden Media
Momentus Technologies (formerly Ungerboeck)
Sales Force Marketing Cloud
Simpleview
STR (Smith Travel Research)
Tourism Economics



FEBRUARY 2023 DESTINATION UPDATE
A MONTHLY DASHBOARD AND QUALITATIVE REPORT
PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA BUFFALO CONVENTION CENTER BUFFALO NIAGARA SPORTS COMMISSION

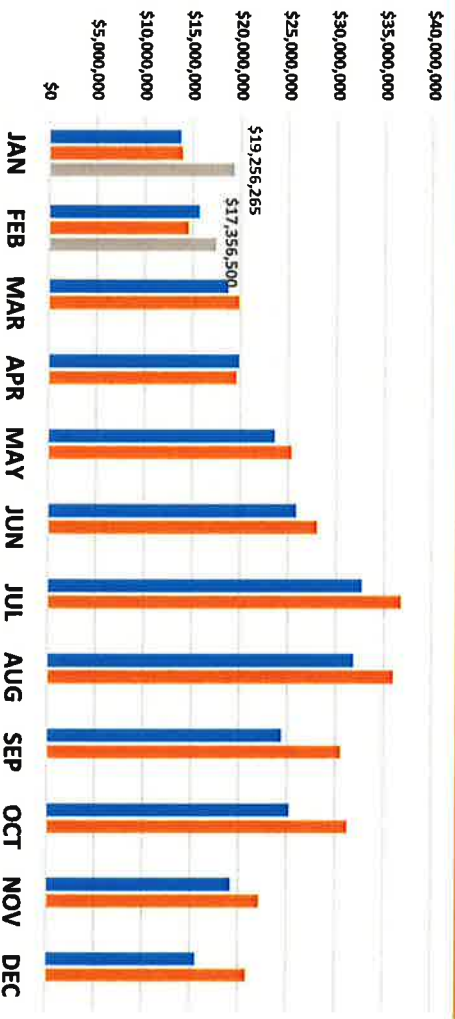


ERIE COUNTY HOTEL REVENUE – FEBRUARY 2023

February Hotel Revenue	
Feb 2022	19.2%
Feb 2019	11.1%
YTD Hotel Revenue	
2022	\$36,611,719
2019	28.0%

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month.

February 2023 hotel revenue collections totaled, **\$17,356,500** which was a **19.2%** increase over February 2022. February 2023 hotel revenue was **11.1%** higher than 2019.



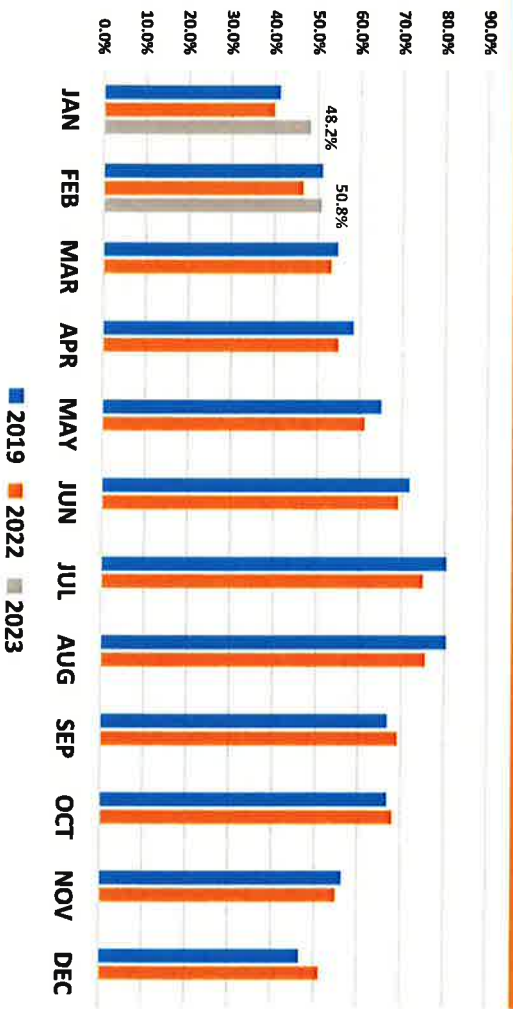
ERIE COUNTY HOTEL OCCUPANCY – FEBRUARY 2023

February Hotel Occupancy	
Feb 2022	9.0%
Feb 2019	-3.8%
YTD Hotel Occupancy	
2022	49.4%
2019	11.5%

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available.

February 2023 occupancy measured **50.8%**, which was up **9.0%** compared to February 2022. February 2023 was **3.8%** lower than occupancy in 2019.

In comparison, for the U.S., February occupancy was up **5.8%** over 2022 and up **3.7%** compared to 2019. The State Of New York, was up **17.2%** in occupancy in February 2023 compared to 2022, and down **5.1%** compared to 2019.



MONTHLY TRAVEL DATA - STR

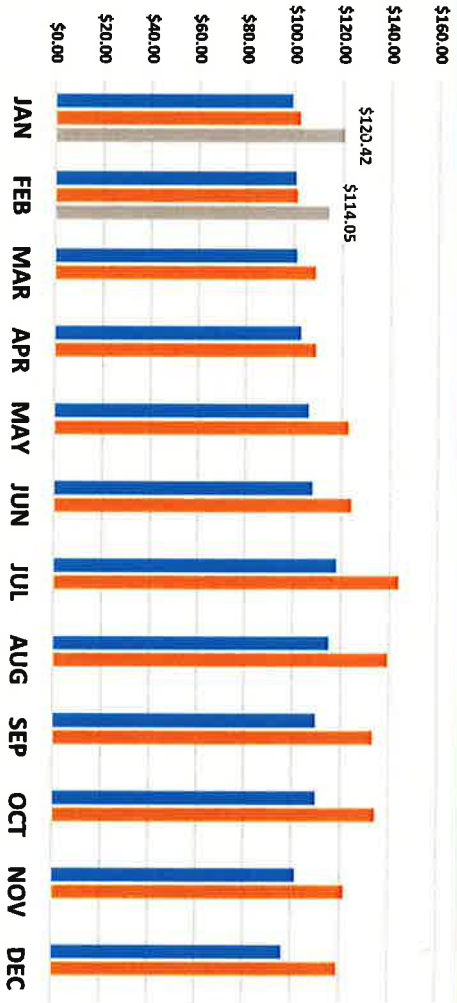
February Hotel Average Daily Rate

Feb 2022	12.6%
Feb 2019	13.5%
YTD Hotel Revenue	\$117.43
2022	15.3%
2019	17.8%

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the previous year. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In February, Erie County ADR was **\$114.05** an increase of **12.6%** over 2022, and a **13.5%** increase over 2019.

The U.S. ADR for February 2023 was up **10.3%** compared to 2022, as well as up **17.9%** from 2019. New York State ADR for 2023 was up **13.8%** compared to 2022 and up **10.1%** over 2019.



ERIE COUNTY HOTEL REVPAR - FEBRUARY 2023

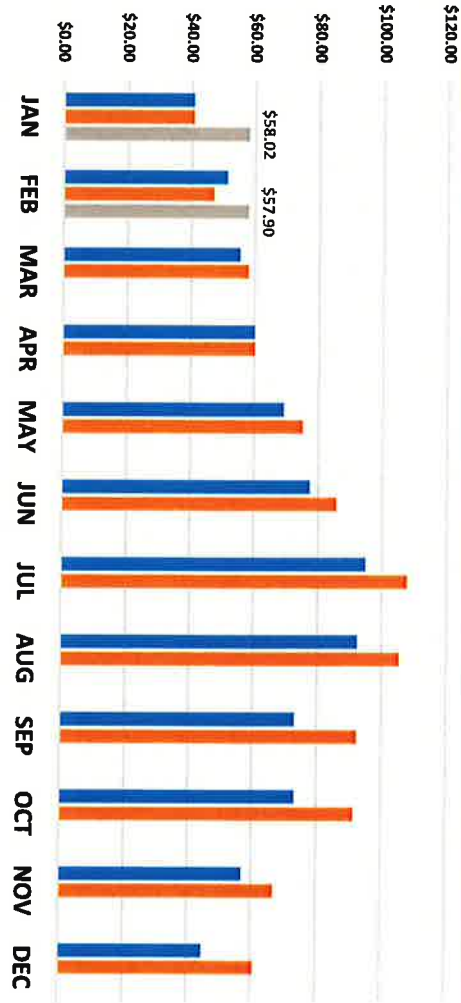
February Hotel RevPAR

Feb 2022	22.7%
Feb 2019	13.1%
YTD Hotel RevPAR	\$57.96
2022	31.7%
2019	27.0%

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the previous year divided by the total number of available rooms.

2023 February RevPAR was **\$57.96** which was an increase of **22.7%** over 2022, and **13.1%** over 2019.

RevPAR for the U.S. was up **16.6%** for February 2023 over 2022, and up **13.8%** over 2019. The State of New York also had year-over-year increases for RevPAR in 2023 with a **33.3%** increase over 2022 and **7.4%** increase over 2019.



2019 2022 2023

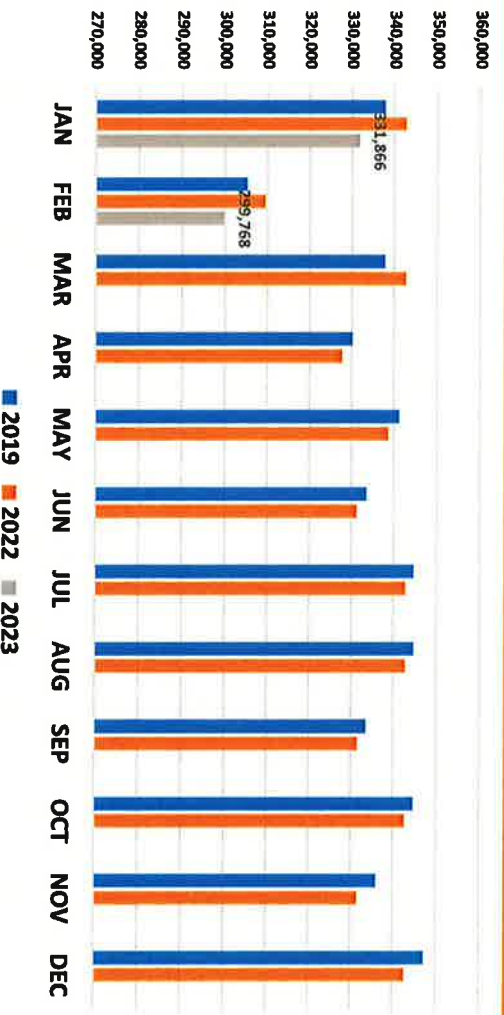
ERIE COUNTY HOTEL SUPPLY – FEBRUARY 2023

February Hotel Supply	
Feb 2022	299,768 -2.9%
Feb 2019	-1.8%
YTD Hotel Supply	
2022	631,654 -2.9%
2019	-1.8%

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In February 2023, Erie County's hotel supply totaled **299,768**, which was a **2.9%** decrease from 2022 and a **1.8%** decrease from 2019.

The number of Erie County available hotel rooms totaled **10,706** which is a **1.8%** decrease from 2019.

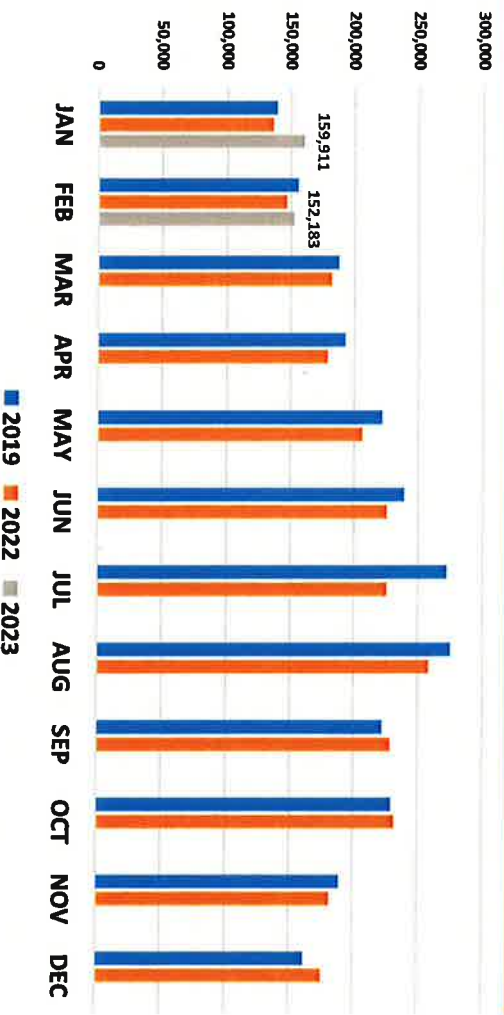


ERIE COUNTY HOTEL DEMAND – FEBRUARY 2023

February Hotel Demand	
Feb 2022	152,183 3.7%
Feb 2019	-2.2%
YTD Hotel Demand	
2022	311,782 11.0%
2019	5.9%

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

February 2023 hotel demand totaled, **152,183** which was a **3.7%** increase over 2022 and a **2.2%** decrease from +2019.



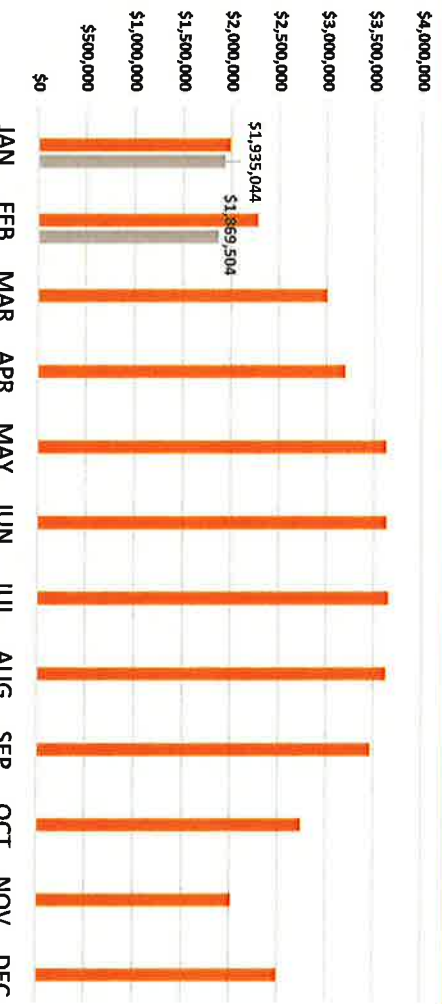
MONTHLY TRAVEL DATA - KEYDATA

February Short Term Rental Revenue	
Feb 2022	\$1,869,504
Feb 2019	NA
YTD Short Term Rental Revenue	
2022	\$4,146,642
2019	NA

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month.

In February 2023, Erie County's short term rental revenue generated **\$1,869,504** which was down **17.9%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

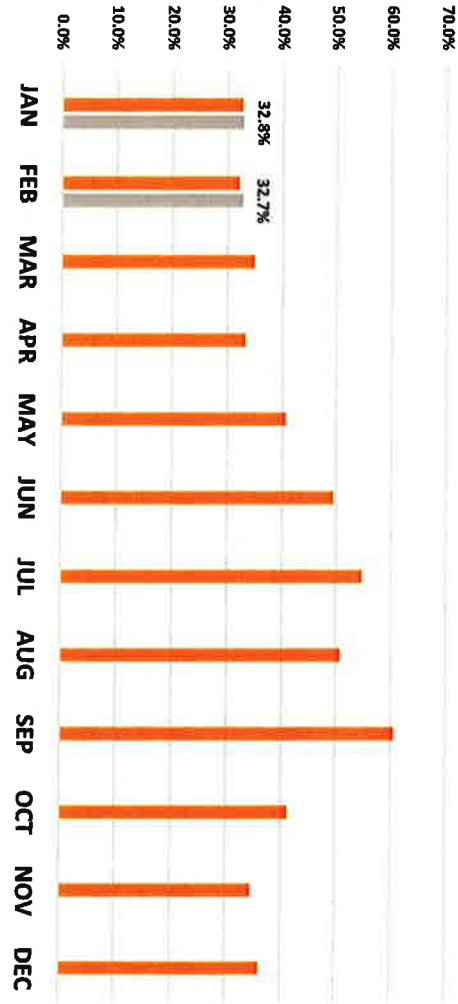


February Short Term Rental Occupancy	
Feb 2022	32.7%
Feb 2019	1.9%
YTD Short Term Rental Revenue	
2022	34.3%
2019	3.0%

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of sold units by the number of units available.

February 2023 occupancy measured **32.7%**, which was up **1.9%** compared to February 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



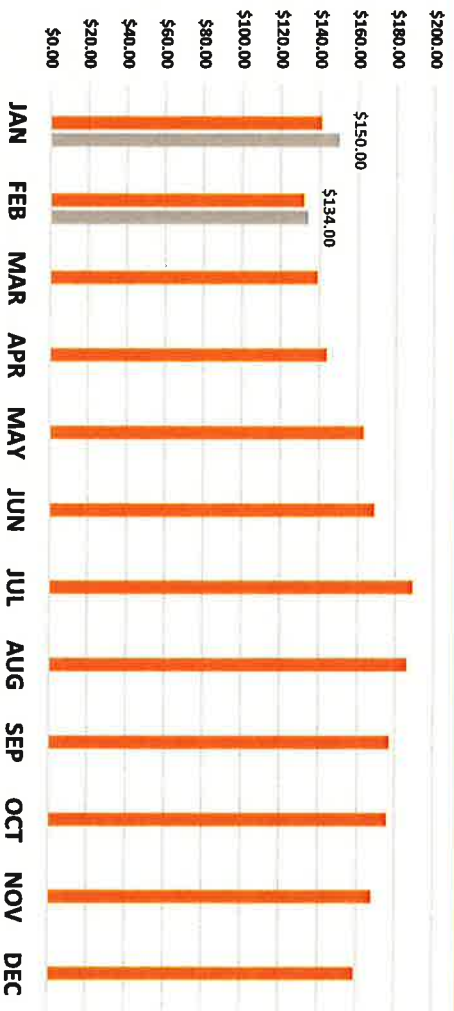
MONTHLY TRAVEL DATA- KEYDATA

February Short Term Rental ADR	
Feb 2022	\$134.00
Feb 2019	NA
YTD Short Term Rental ADR	
2022	\$138.00
2019	NA

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In February, Erie County Short Term Rental ADR was **\$134.00** an increase of **1.5%** over 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

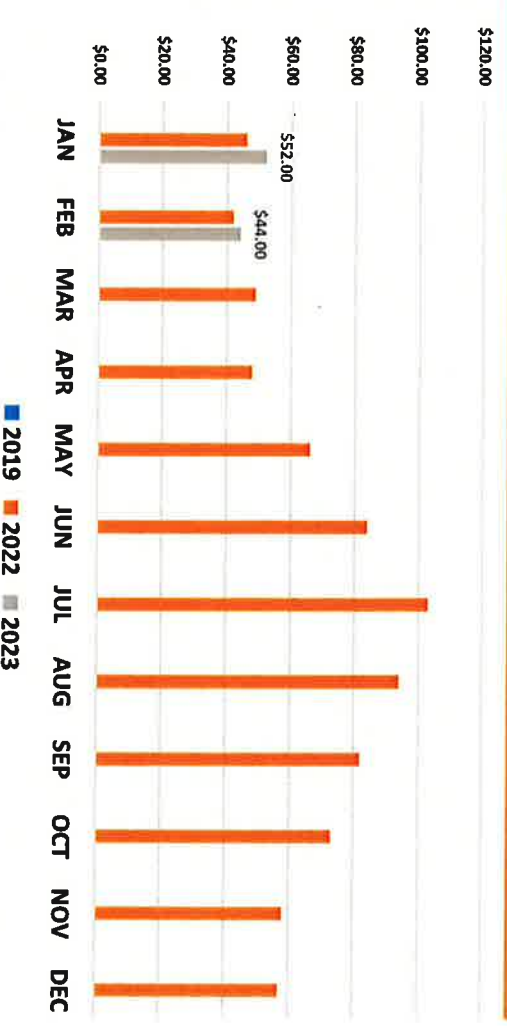


February Short Term Rental RevPAR	
Feb 2022	\$44.00
Feb 2019	NA
YTD Short Term Rental RevPAR	
2022	\$47.00
2019	NA

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 February RevPAR was **\$44.00** which was an increase of **4.8%** over 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

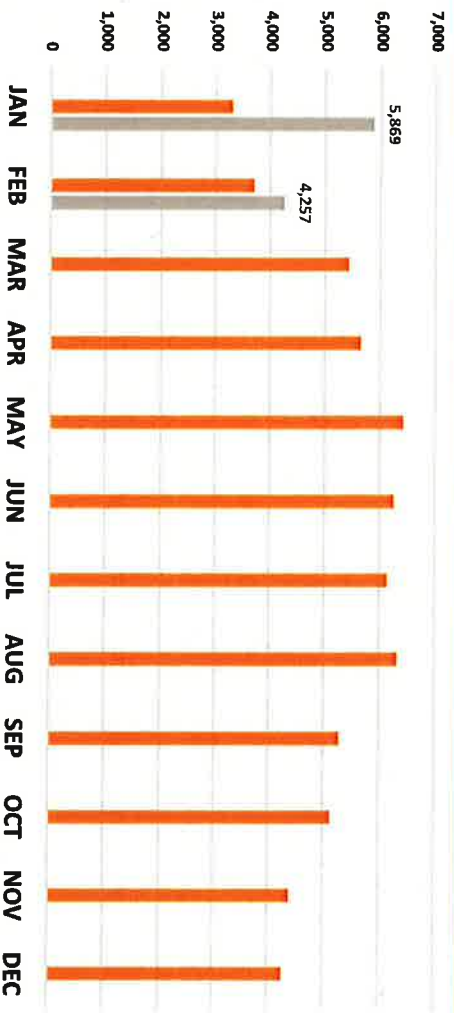


February Short Term Rental Bookings	
Feb 2022	4,257
Feb 2019	12.9%
YTD Short Term Rental Bookings	
2022	9,152
2019	30.5%
	NA

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month.

In February, Erie County Short Term Rental Bookings totaled **4,257** which was a **12.9%** over 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

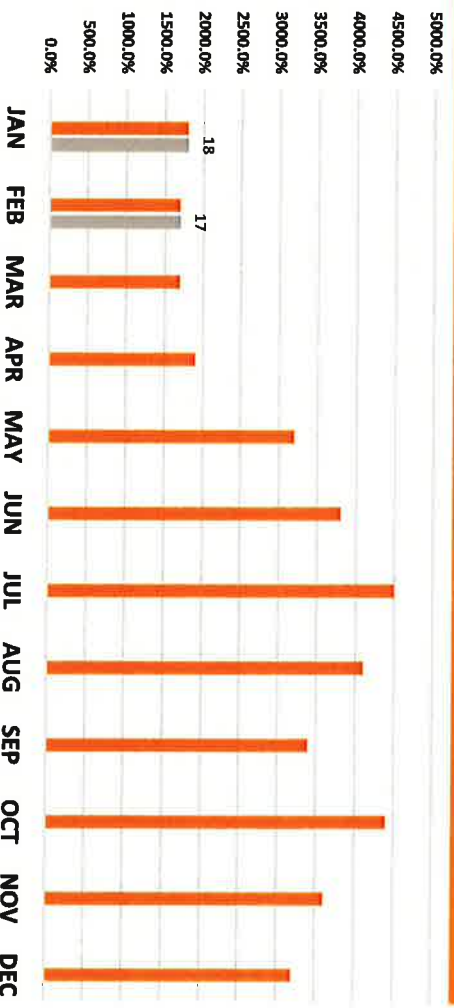


Feb Short Term Rental Booking Window (days)	
Feb 2022	17
Feb 2019	Null
YTD Short Term Rental Booking Window (days)	
2022	17
2019	-5.7
	NA

Short Term Booking Window is the number of days prior to arrival/check-in of a short term rental booking.

In February 2023 the short term rental booking window was **17 days** prior to arrival, which was the same as 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



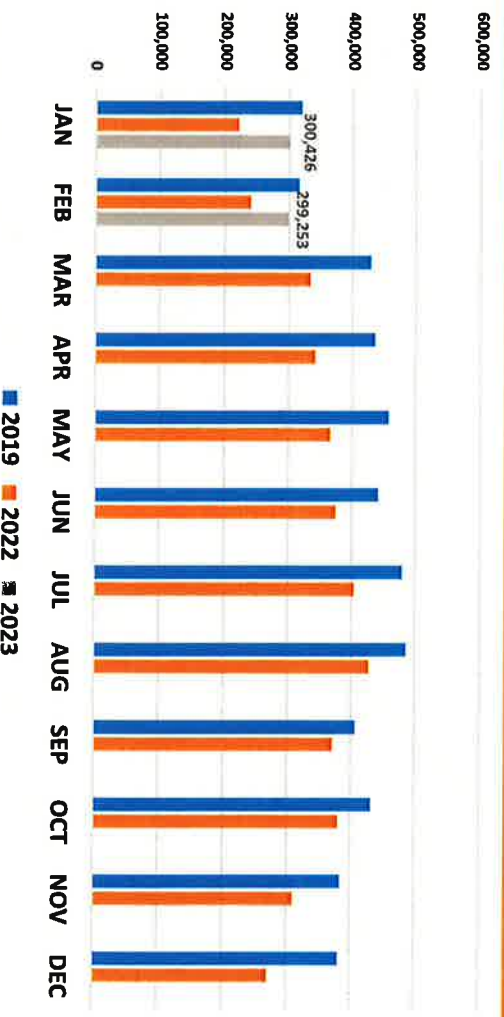


SALES DEPARTMENT DATA

BUFFALO NIAGARA INTERNATIONAL AIRPORT PASSENGERS – FEBRUARY 2023

February BUF Airport Passengers	
Feb 2022	299,253 24.2%
Feb 2019	-5.1%
YTD BUF Airport Passengers	
2022	599,679 29.6%
2019	-5.5%

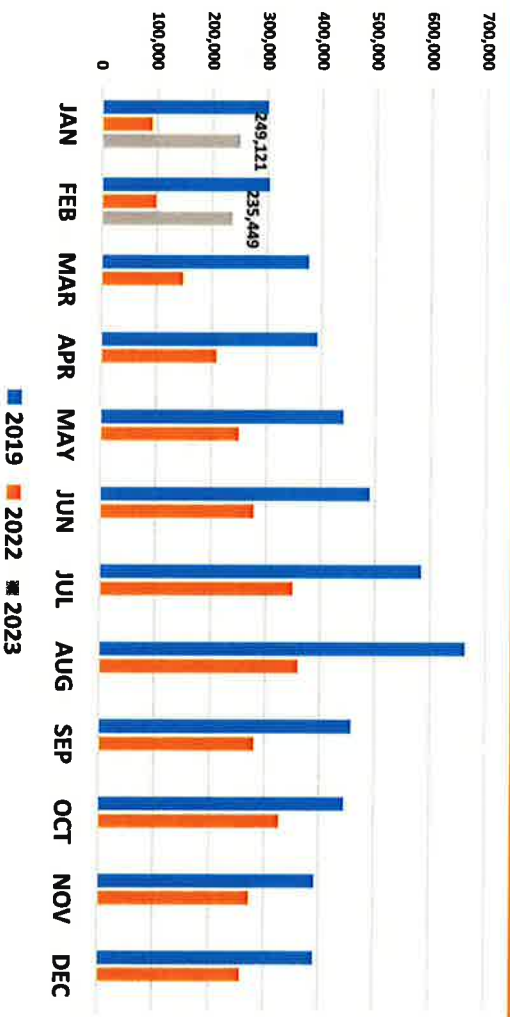
Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA. Passengers through BUF in February 2023 totaled **299,253** representing a **24.2%** increase over 2022 and a **5.1%** decrease from 2019.



U.S. / CANADIAN CROSS BORDER TRAFFIC – FEBRUARY 2023

February US/Canadian Border Traffic	
Feb 2022	235,449 138.9%
Feb 2019	-22.1%
YTD US/Canadian Border Traffic	
2022	484,570 155.8%
2019	-19.6%

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties. Travel between the two countries through the Erie and Niagara County access points for the month of February 2023 totaled **235,449** which was a **138.9%** increase over 2022 and a **22.1%** decrease from 2019.



SALES & SERVICES DEPARTMENT UPDATE



MONTH Sales & Services Department Dashboard - February 2023 vs. February 2022 and February 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed		Sales Lead Room Nights		Lead Expected Attendance		Lead Economic Impact		Lost Business	
50		19,398		10,866		\$15,533,016		21	
Feb 2022	28.5%	Feb 2022	13.4%	Feb 2022	13.5%	Feb 2022	-0.7%	Feb 2022	23.5%
Feb 2019	-28.6%	Feb 2019	-28.6%	Feb 2019	-39.0%	Feb 2019	N/A	Feb 2019	-38.3%
Definite Events Booked		Definite Room Nights Booked		Definite Expected Attendance		Definite Event Economic Impact			
39		12,281		8,110		\$8,938,321			
Feb 2022	18.2%	Feb 2022	-39.2%	Feb 2022	-57.3%	Feb 2022	-52.2%	Feb 2022	-12.9%
Feb 2019	-27.8%	Feb 2019	11.0%	Feb 2019	-22.9%	Feb 2019	-12.9%	Feb 2019	-12.9%
Events Held		Events Held Room Nights		Events Held Attendance		Groups Serviced			
12		14,903		11,206		7			
Feb 2022	-14.3%	Feb 2022	53.8%	Feb 2022	19.2%	Feb 2022	Null	Feb 2022	40.0%
Feb 2019	-47.8%	Feb 2019	10.4%	Feb 2019	-21.0%	Feb 2019	40.0%	Feb 2019	40.0%

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed		YTD Sales Lead Room Nights		YTD Lead Expected Attendance		YTD Lead Economic Impact		YTD Lost Business	
93		37,194		26,423		\$29,415,702		33	
2022	17.7%	2022	-4.1%	2022	20.9%	2022	-14.9%	2022	-15.4%
2019	-31.6%	2019	-66.9%	2019	-72.3%	2019	N/A	2019	-41.1%
YTD Definite Events Booked		YTD Definite Room Nights Booked		YTD Definite Expected Attendance		YTD Definite Event Economic Impact			
60		18,911		14,378		\$13,643,063			
2022	25.0%	2022	-31.1%	2022	-45.5%	2022	-45.9%	2022	-41.7%
2019	-31.8%	2019	-35.9%	2019	-78.0%	2019	-41.7%	2019	-41.7%
YTD Events Held		YTD Events Held Room Nights		YTD Events Held Attendance		YTD Groups Serviced			
20		19,764		15,986		11			
2022	5.3%	2022	34.0%	2022	-61.2%	2022	10.0%	2022	10.0%
2019	-54.5%	2019	-19.8%	2019	-37.5%	2019	-35.3%	2019	-35.3%

SALES & SERVICES DEPARTMENT UPDATE



2023 February over January Sales & Services KPI Comparison

Key Performance Indicator	MOM Percent Change
Leads Distributed	16.3%
Lead Room Nights	9.0%
Lead Attendance	-30.2%
Lead Economic Impact	11.2%
Definite Bookings	85.7%
Definite Room Nights	85.2%
Definite Attendance	29.4%
Definite Economic Impact	78.0%
Lost Leads	75.0%
Events Held In Month	75.0%
Events Held In Month Room Nights	206.6%
Events Held In Month Attendance	134.4%
Groups Serviced	75.0%



Niagara University's Hospitality and Tourism Association Visits VBN

Visit Buffalo Niagara's Sales Manager, Emma Carlo hosted students from her alma mater, Niagara University, at the VBN office. Emma shared how her education at NU as well as serving as VP of the Hospitality and Tourism Association and her internship with VBN prepared her to take on her successful position as a meetings/convention sales manager.

February 2023 Trade Shows/Conferences Attended

SHOW/ CONFERENCE NAME	LOCATION	ATTENDED BY
American Bus Association (ABA)	Detroit, MI	Leah Mueller
Association of Meeting Professionals	Arlington, VA	Shannon Jenkins
Sports ETA Young Professionals Retreat	New Orleans, LA	James Adler

February 2023 Site Visits / FAMs

3

GROUP TOUR MAGAZINE



Buffalo Frank Lloyd Wright Feature Article

Visit Buffalo Niagara was able to secure a feature article in the travel trade publication, Group Tour Magazine. The article highlighted all of the sites currently featured as part of the Great Wright Road Trip product that VBN created in 2022 and is gaining interest from both domestic and international tour operators.

Association of Meeting Professionals AMPS – Arlington, VA

Visit Buffalo Niagara, in cooperation with NYC&CO (New York City's, DMO) and Convene Magazine, sponsored the 2023 AMPS Annual State of the Industry Event on February 21st in Arlington, VA. VBN was represented by Shannon Jenkins, National Sales Director who was given the opportunity to address the attendees.



SALES & SERVICES DEPARTMENT UPDATE



Sports ETA Young Professionals

Buffalo Niagara Sports Commission Sales Manager, James Adler attended the Sports Events & Tourism Association Young Professionals retreat in New Orleans networking with several of his counterparts in the sports tourism industry. James utilized this opportunity for further professional development as well as furthering relationships with his peers and sports rights holders for future consideration of Buffalo and Erie County as a site for their events.



Welcome Back

SUNVAC Swimming and Diving
Buffalo and Erie Community College have hosted the SUNVAC Swimming and Diving Championships at the Burt Flickinger Aquatic Center for over twenty years. The Buffalo Niagara Sports Commission is pleased to continue its partnership with SUNVAC and ECC to host this event.

American Bus Association – Detroit, MI

Leah Mueller, Senior Director of Travel Industry Sales, attended the February annual convention of the American Bus Association in Detroit, MI. In addition to holding fifty pre-scheduled meetings with group tour operators, Visit Buffalo Niagara cohosted a breakfast with I Love New York, and other statewide DMOs and attractions. A client dine-around with several customers was also organized, giving Leah additional opportunities to promote Erie County as a group tour destination while specifically highlighting the reopening of the Buffalo AKG, the Great Wright Road Trip, and our county's hotel partners who welcome motorcoach groups.



Buffalo Niagara Sports Commission

Launches LinkedIn Presence

During the month of February, the Buffalo Niagara Sports Commission launched a presence on the social media platform, LinkedIn accumulating over 300 followers in the first month. Posts will feature the diversity of the events being held in Erie County as well as the unique venues the destination has to offer. Content will also include, profiles of staff and sports leaders who are members of the Buffalo Niagara Sports Commission.



New York State School Boards Pre-Convention Planning Meeting

In preparation for their annual convention taking place in Buffalo in October 2023, Visit Buffalo Niagara hosted New York State School Boards Association's, Heidi Longton – Director of Convention and Events and Anna O'Hara – Expo Manager for a pre-convention planning meeting in February. The meeting included finalizing contract details with the BNCC and hotels, as well as experience off-site opportunities for convention attendees.



MONTHLY Marketing & Communications Department Dashboard February 2023 vs. February 2022 and February 2019

Website Sessions		106,216		24.4%		23.2%	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Facebook Followers		100,579		2.7%		8.5%	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Media Placements		5		-37.5%		NA	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Mobile Website Sessions		67,193		22.9%		30.5%	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Twitter Followers		29,983		2.0%		6.9%	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Media Impressions		12,037,792		-95.7%		NA	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Instagram Followers		48,490		12.6%		62.0%	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Media Social Shares		1,385		14.9%		NA	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Website Page Views		199,934		25.3%		12.9%	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
TIKTok Followers		18,377		162.1%		NA	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Media Touchpoints		2		-94.9%		NA	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
All Video Views		686,840		54.7%		1755.2%	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019
Media Visits		1		Null		NA	
Feb 2022	2022	Feb 2022	2022	Feb 2019	2019	Feb 2022	2022
Feb 2019	2019	Feb 2019	2019	Feb 2019	2019	Feb 2019	2019

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions		207,791		20.6%		11.1%	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
Facebook Followers		100,579		2.7%		8.5%	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
YTD Media Placements		11		Null		NA	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
YTD Mobile Website Sessions		134,860		20.6%		17.9%	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
Twitter Followers		29,983		2.0%		6.9%	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
Instagram Followers		48,490		12.6%		62.0%	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
YTD Media Social Shares		2,161		-12.7%		NA	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
YTD Website Page Views		342,651		8.2%		-7.6%	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
TIKTok Followers		18,377		162.1%		NA	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
YTD Media Touchpoints		30		-60.0%		NA	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
YTD Shared Social Media Posts		347		-5.7%		3.6%	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
All Video Views		802,511		74.9%		1967.6%	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019
YTD Media Visits		2		Null		NA	
2022	2022	2022	2022	2019	2019	2022	2022
2019	2019	2019	2019	2019	2019	2019	2019

MARKETING & COMMUNICATIONS DEPARTMENT UPDATE



2023 February over January Marketing & Communications KPI Comparison

Key Performance Indicator	MoM Percent Change
Website Sessions	4.6%
Mobile Website Sessions	-0.7%
Duration on Site	3 seconds
Website Page Views	2.9%
Social Media Posts	-6.1%
Facebook Followers	0.1%
Twitter Followers	0.1%
Instagram Followers	2.7%
TikTok Followers	0.4%
All Video Views	493.8%
Media Placements	-16.7%
Media Impressions	36.4%
Social Media Shares	78.5%
Media Touchpoints	-92.9%
Media Visits	Null



Royal Bank of Canada
The Royal Bank of Canada featured Visit Buffalo Niagara's "Great Wright Road Trip" in a February article.

February 2023 Media Hits

PUBLICATION/SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES
The Architecture Designs	Be Ready to Visit Stunning Infrastructure Projects Opening in 2023	37,792	1
Essence	6 Unexpected Destinations To Travel To That Are Full of Black History	3,200,000	75
Fodors	14 Stunning Waterfalls Across North America	2,100,000	207
The Kansas City Star	Celebrate Black History Month By Visiting these Unexpected Travel Destinations	2,600,000	NA
Lonely Planet	10 Places To See Cherry Blossoms In the US in 2023	4,100,000	1,102

Media Hits in Italics were not generated by Visit Buffalo Niagara and not included in monthly quantitative dashboard

International Media Marketplace – New York City

Visit Buffalo Niagara's Communications Manager, Michelle Kearns, attended the 7th Annual International Media Marketplace Conference at the Javits Center in New York City in February. Michelle met with writers, broadcasters, videographers and content creators from outlets such as Fodor's Travel, Lonely Planet and outlets in our target markets including Toronto. These meetings will hopefully generate not only new articles about Buffalo and Erie County, but also media visits by travel writers for future coverage of the destination. Part of VBN's pitch to the media is the story of Stitch Buffalo and gifted a "stitched Buffalo heart" to the writers that she met with during the marketplace.



New Website Content – Corner Taverns

The Marketing Department continues to add new content to the destination's website. This month, the unique neighborhood taverns got their own section on the site. The spirit of these bars are summed up like this, "The city's corner taverns and ethnic social clubs have long been the straw that stirs Buffalo's drink – the glue of its neighborhoods and a meeting place outside of work that forge the ties that bind generations of Buffalonians together over a cold beer and a good conversation."



Most Viewed Video
February 2023

Twin Petrels Seltzer
559,130 views

Sample of other video content for the month:

- Central Rock Gym
- Park Edge Sweet Shop
- Niagara Falls Underground Railroad Heritage Center




Buffalo Wing Trail Promotion / New Logo

The Visit Buffalo Niagara Marketing team unveiled a new logo for the Buffalo Wing Trail in conjunction with the mailing of prizes for individuals who made stops at six of the twelve Wing Trail locations as part of the promotion. In February, ??? shirts were mailed to

Sample February 2023 Blog Content



- Buffalo's artisan chocolatiers brush up their palettes for Valentine's Day**
- Harold Arlen: Buffalo's Great American Songwriter**
- See The Spot Where Theodore Roosevelt Began His Presidency**
- Your 'February Break' Guide to Buffalo**

Sample February 2023 Instagram Posts



- Led by Igenmuller and 501 others**
 VisitBuffaloNiagara Happy Fat Tuesday or, as many celebrate in Buffalo, #FatCakes Day... more
 View all 12 comments
- Led by aektes and 421 others**
 VisitBuffaloNiagara The star aligns at Galsinger Park.
 andTheBuff photo by @scott_lutze
- Led by Kristiana and 233 others**
 VisitBuffaloNiagara What to do in Buffalo this weekend!
 Visit the link in our bio for more. andTheBuff
 View all 8 comments

DESTINATION DEVELOPMENT DEPARTMENT UPDATE



MONTHLY Destination Development Department Dashboard – February 2023 vs. February 2022 and February 2019 (RECOVERY BENCHMARK)

Visitor Guide Requests		Weekly Lodging Dashboard Distribution		Tourism Insider Distribution			
215		453		2,678			
Feb 2022	-47.7%	Feb 2022	39.8%	Feb 2022	0.2%		
Feb 2019	-86.7%	Feb 2019	NA	Feb 2019	77.0%		
Number of Mobile Visitor Center Events		Mobile Visitor Center Volunteer Hours		Number of Convention/Sport Events		Conventions/Sport Event Volunteer Hours	
1		47		3		3.5	
Feb 2022	Null	Feb 2022	-39.0%	Feb 2022	100.0%	Feb 2022	100.0%
Feb 2019	NA	Feb 2019	NA	Feb 2019	NA	Feb 2019	NA
Industry Meeting Attendance		Industry Event Attendance		Extranet Training Attendance		Destination Customer Service Training Attend.	
0		0		0		0	
Feb 2022	Null	Feb 2022	Null	Feb 2022	-100.0%	Feb 2022	-100.0%
Feb 2019	NA	Feb 2019	-100.0%	Feb 2019	-100.0%	Feb 2019	-100.0%

YEAR TO DATE Destination Development Department Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Visitor Guide Requests		YTD Weekly Lodging Dashboard Distribution		YTD Tourism Insider Distribution			
1,439		453		2,678			
2022	128.4%	2022	39.8%	2022	0.2%		
2019	-25.0%	2019	NA	2019	77.0%		
YTD Number of Mobile Visitor Center Events		YTD Mobile Visitor Center Volunteer Hours		YTD Number of Convention/Sport Events		YTD Conventions/Sport Event Volunteer Hours	
1		47		3		3.5	
2022	Null	2022	-39.0%	2022	100.0%	2022	100.0%
2019	NA	2019	NA	2019	NA	2019	NA
YTD Industry Meeting Attendance		YTD Industry Event Attendance		YTD Extranet Training Attendance		YTD Dest./Customer Service Training Attend.	
104		0		2		0	
2022	11.8%	2022	Null	2022	-88.2%	2022	-100.0%
2019	48.6%	2019	-100.0%	2019	-86.7%	2019	-100.0%

DESTINATION DEVELOPMENT DEPARTMENT UPDATE



Partnership With Buffalo School of Culinary Arts and Hospitality Management PS#3555
Visit Buffalo Niagara and the Buffalo Niagara Convention Center have entered a partnership with the Buffalo School of Culinary Arts and Hospitality Management PS#3555 to further expose the students to real-world experiences and mentorship in the culinary and hospitality industry. In February, students were treated to a front of house and back of house tour of the Buffalo Niagara Convention Center. The students got to speak with BNCC General Manager – Jeff Calkins, Executive Chef – Craig Landseadel, and Banquet Manager – Cory Watson. Their experience provided the opportunity to see the menu preparation and room set-up of an upcoming event being held at the facility.

The Paul Murphy Memorial Scholarship will also be providing a Buffalo School of Culinary Arts and Hospitality Management graduating senior who will be continuing their education in a culinary/hospitality program in the Fall of 2023 with a \$500 scholarship, with the recipient being announced in June.



DELLA – Destination Extranet Leads Information Listings Activities

As the destination approaches its high-season of visitation for the year, Visit Buffalo Niagara is launching an effort to encourage all businesses that welcome out-of-town visitors and residents to update their listings and upload their events for the calendar of events. The Destination Development staff will also be holding regular training for new businesses and staff on the DELLA extranet program used to populate the VBN website content.



Mobile Visitor Center Makes its 2023 Debut at Buffalo Auto Show

The 2023 Buffalo Auto Show served as the kick-off event for Visit Buffalo Niagara's mobile visitor center, Seymour Buffalo. Seymour will be out and about through the rest of the year with our staff and volunteers to inform visitors and residents on things to do and places to go in Erie County. The 2023 calendar still has openings for Seymour and our team to make an appearance.



Buffalo Eclipse Logo

Visit Buffalo Niagara has developed a Buffalo Eclipse logo when the Moon passes between the Sun and the Earth, completely blocking the face of the sun on Monday, April 8, 2024. The logo will be used for VBN's marketing and promotion of the Buffalo Eclipse on an Eclipse landing page, digital and social media marketing. Erie County's tourism industry and business community are invited and encouraged to use this logo on their websites and marketing materials.



BUFFALO CONVENTION CENTER OPERATIONAL UPDATE

MONTHLY Buffalo Convention Center Operational Dashboard – February 2023 vs. February 2022 and February 2019 (RECOVERY BENCHMARK)

Total Events		Event – Convention		Event – Meeting		Event – Banquet		Event – Consumer/Public Show		Event – Social	
5		1		0		2		2		0	
January 2022	Null	Feb 2022	-50.0%	Feb 2022	Null	Feb 2022	100.0%	Feb 2022	100.0%	Feb 2022	Null
Feb 2019	-50.0%	Feb 2019	Null	Feb 2019	-100.0%	Feb 2019	-66.7%	Feb 2019	-66.7%	Feb 2019	Null
Total Event Attendance		Number of Days Occupied		Customer Service Score							
48,544		18		New survey system being developed for mid-year.							
Feb 2022	3.5%	Feb 2022	-18.2%	Feb 2022		Feb 2022		Feb 2022		Feb 2022	NA
Feb 2019	-18.4%	Feb 2019	-41.9%	Feb 2019		Feb 2019		Feb 2019		Feb 2019	NA
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$383,914		\$116,499		\$228,455		\$31,132		\$7,828			
Feb 2022	61.3%	Feb 2022	-14.5%	Feb 2022	199.1%	Feb 2022	23.5%	Feb 2022	4451.2%		
Feb 2019	-16.6%	Feb 2019	7.1%	Feb 2019	-27.0%	Feb 2019	-19.8%	Feb 2019	14953.8%		

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

Total Events		Event – Convention		Event – Meeting		Event – Banquet		Event – Consumer/Public Show		Event – Social	
11		2		1		5		3		0	
2022	57.0%	2022	Null	2022	100.0%	2022	150.0%	2022	Null	2022	Null
2019	-38.9%	2019	-33.3%	2019	-66.7%	2019	-37.5%	2019	-25.0%	2019	Null
Total Event Attendance		Number of Days Occupied		Customer Service Score							
54,043		32		New survey system being developed for mid-year.							
2022	12.3%	2022		2022	23.1%	2022		2022		2022	NA
2019	-27.1%	2019		2019	-37.3%	2019		2019		2019	NA
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue – Other			
\$647,503		\$141,899		\$361,794		\$35,982		\$107,828			
2022	157.5%	2022	0.7%	2022	328.6%	2022	38.7%	2022	62590.7%		
2019	-15.8%	2019	-9.0%	2019	-36.9%	2019	-15.3%	2019	207262.0%		

MONTHLY Buffalo Convention Center Sales Dashboard – February 2023 vs. February 2022 and February 2019 (RECOVERY BENCHMARK)

Total Leads		BNCC Generated Leads		VBN Generated Leads		Confirmed Bookings	
11	7	4	10				
Feb 2022	120.0%	Feb 2022	250.0%	Feb 2022	33.3%	Feb 2022	11.1%
Feb 2019	266.7%	Feb 2019	133.3%	Feb 2019	-100.0%	Feb 2019	Null
Total Solicitation Calls		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
96	21	75	6				
Feb 2022	405.3%	Feb 2022	250.0%	Feb 2022	476.9%	Feb 2022	20.0%
Feb 2019	NA	Feb 2019	NA	Feb 2019	NA	Feb 2019	NA

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Total Leads		YTD BNCC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
27	18	9	16				
2022	68.8%	2022	44.4%	2022	50.0%	2022	6.7%
2019	237.5%	2019	61.1%	2019	800.0%	2019	-45.5%
YTD Total Solicitation Calls		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
45	15	32	2				
2022	297.2%	2022	200.0%	2022	365.2%	2022	22.2%
2019	NA	2019	NA	2019	NA	2019	NA

Current and Future Ongoing Buffalo Convention Center Business Booked

	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	93	84	44	29
Expected Attendance	249,975	239,857	268,182	180,897	118,762
Number of Hotel Room Nights	25,000	24,857	18,718	14,969	14,250
Expected Economic Impact	\$34,063,840	\$27,964,337	\$26,726,814	\$20,277,156	\$13,301,639

ORGANIZATION UPDATE



Thank You For Your Service
At the February Visit Buffalo Niagara / Buffalo Niagara Convention Center Annual Meeting, outgoing board member Jonathan A. Dandes was recognized for his most recent board term which included four years as Chair. Jon also served as chairman of the Buffalo Niagara Sports Commission, the VBN CEO search in 2013, and the BNCC GM search in 2021. Jon was recently announced as the Honorary Chair of the World Canals Conference taking place in Buffalo in September of 2025.



New Board Member
The Visit Buffalo Niagara / Buffalo Niagara Convention Center board of directors unanimously elected Steven Ranalli to serve as an At-Large member. Steve is currently the President of Erie Canal Harbor Development Corporation but will soon transition to be the President of the Erie County Stadium Corporation later this spring.

Election of VBN / BNCC Officers

The Visit Buffalo Niagara / Buffalo Niagara Convention Center board of directors held its election of officers at its February 2023 Annual Meeting, with the following individuals elected to hold officer positions for the next fiscal year:

Cindy Abbott-Letro
Chair



Kimberley Minkel
Vice-Chair



Huseyin Taran
Treasurer



Thomas Beauford
Secretary



Mary R. Roberts
Immediate Past-Chair



ORGANIZATION UPDATE



Erie County Legislators Tour the Convention Center
Members of the Erie County Legislature Minority Caucus and their staff members took part in a tour and meeting at the Buffalo Niagara Convention Center with CEO Patrick Kaler. The tour/meeting was to update the Legislators on the exterior facade project and interior renovation and painting projects. The Legislators were also briefed on needed upgrades to the facility's technology capabilities which were last upgraded in 2013. A conversation was held regarding the state of the County's tourism industry post-pandemic as well as the future of meetings and conventions both globally and locally.



NYSHTA Presentation to Barclay Damon
As a member of the New York State Hospitality and Travel Association, VBN's CEO, Patrick Kaler had the honor of presenting John P. Gaughan and Scott Rogoff from Barclay Damon with the NYSHTA Partner of the Year Award.



WIVB's Daytime Buffalo Appearance
Visit Buffalo Niagara's CEO Patrick Kaler made an appearance on WIVB's Daytime Buffalo program to promote 2022 end of year tourism data as well as upcoming destination developments such as the Buffalo AKG and VBN programs like Restaurant Week and the 2024 Eclipse.

February CEO Meetings

The Martin House Annual Board Meeting
NYSSBA 2023 Conference Planning Meeting
VBN/BNCC Annual Board Meeting
WCC2025 Outreach Committee Meeting
Live Well Erie Taskforce Meeting
BNCC Tour with Erie County Legislators
Explore Buffalo Board Meeting
Meeting with NYS Assemblymember Jonathan Rivera
Canal NY Board Meeting
Microenterprise Collaborative Meeting
VBN/BNCC Officers Meeting
Buffalo Niagara Partnership Board Meeting
BCAR Board Meeting

Visit Buffalo Niagara / Buffalo Niagara Convention Center Staff FUN Fact

BNCC Convention Sales Manager, Colleen Scozzafava and her husband John were married last October, and were able to enjoy a honeymoon to Thailand in February.

Congratulations Colleen and John!



Visit Buffalo Niagara Board of Directors

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Visit Buffalo Niagara Staff

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Drew Brown, Marketing Manager
Michelle Butlak, Accounting & Benefits Manager
Emma Carlo, National Sales Manager
Karen Cox, Convention Sales & Services Manager
Mike Even, Vice President of Sales & Services
Karen Fashana, Director of Marketing
Greg Gellinas, Director Sports Development
Ed Healy, Vice President of Marketing
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Leah Mueller, Director of Tourism Sales
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Meaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

Melissa Burke, Senior Director of Sales
Jeff Calkins, Vice President & General Manager
Tom Christy, Controller
Lorna Cullen, Office Manager
Patrick Kaler, President & CEO
Sue Kimmins, Sales and Catering Manager
Craig Landseadel, Executive Chef
Mary Ann Martin, Bookkeeper & Benefits Manager
Mark McMahon, Maintenance Supervisor
Terry O'Brien, Director of Operations
Heather Petriño, Sales & Service Coordinator
Ken Sanford, Chief Engineer
Christie Walker, Convention and Event Service Manager
Cory Watson, Food and Beverage Manager
Michael Will, Assistant Director of Operations
Colleen Willis, Sales Manager
Danielle Wrinarski, Assistant General Manager
Alisha Vega, Front Desk Receptionist



To be the most surprising destination you'll ever visit.

MISSION:

Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Report:

Cervis Technologies
Clision
Google Analytics
Key Data
Madden Media
Momentus Technologies (formerly Ungerboeck)
Sales Force Marketing Cloud
Simpleview
STR (Smith Travel Research)
Tourism Economics



MARCH 2023 DESTINATION UPDATE
A MONTHLY DASHBOARD AND QUALITATIVE REPORT
PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA BUFFALO CONVENTION CENTER BUFFALO NIAGARA SPORTS COMMISSION



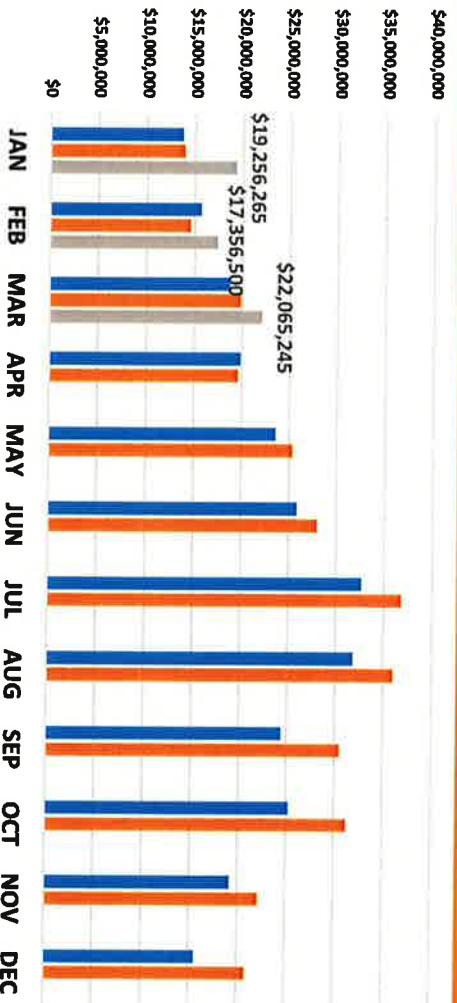
MONTHLY TRAVEL DATA - STR

ERIE COUNTY HOTEL REVENUE – MARCH 2023

March Hotel Revenue	
Mar 2022	\$22,065,245
Mar 2019	11.1%
YTD Hotel Revenue	
2022	\$58,681,957
2019	21.3%

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month.

March 2023 hotel revenue collections totaled, **\$22,065,245** which was a **11.1%** increase over March 2022. March 2023 hotel revenue was **18.1%** higher than 2019.



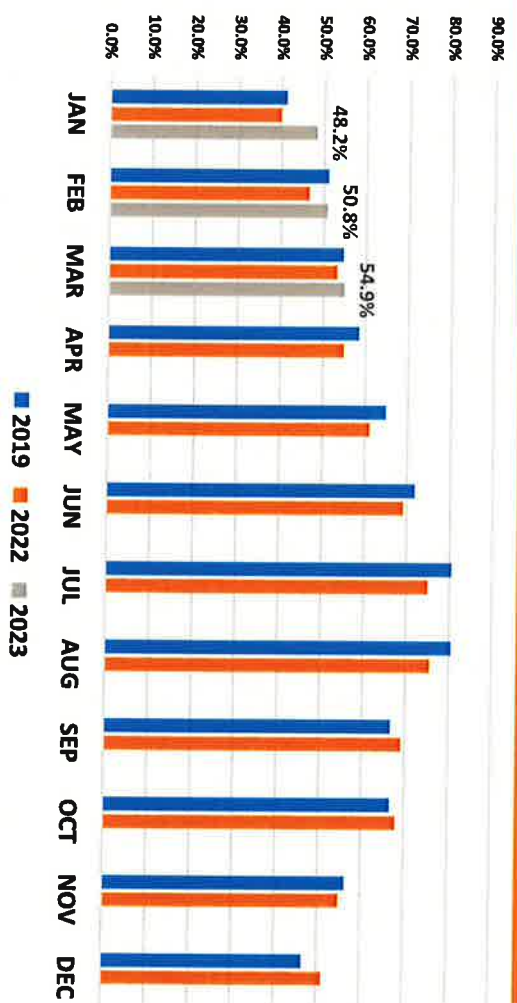
ERIE COUNTY HOTEL OCCUPANCY – MARCH 2023

March Hotel Occupancy	
Mar 2022	54.9%
Mar 2019	3.0%
YTD Hotel Occupancy	
2022	51.3%
2019	10.3%

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available.

March 2023 occupancy measured **54.9%**, which was up **3.0%** compared to March 2022. March 2023 was **0.4%** higher than occupancy in 2019.

In comparison, for the U.S., March occupancy was up **2.0%** over 2022 and up **6.4%** compared to 2019. The State Of New York, was up **9.6%** in occupancy in March 2023 compared to 2022, and down **4.4%** compared to 2019.



MONTHLY TRAVEL DATA - STR

March Hotel Average Daily Rate

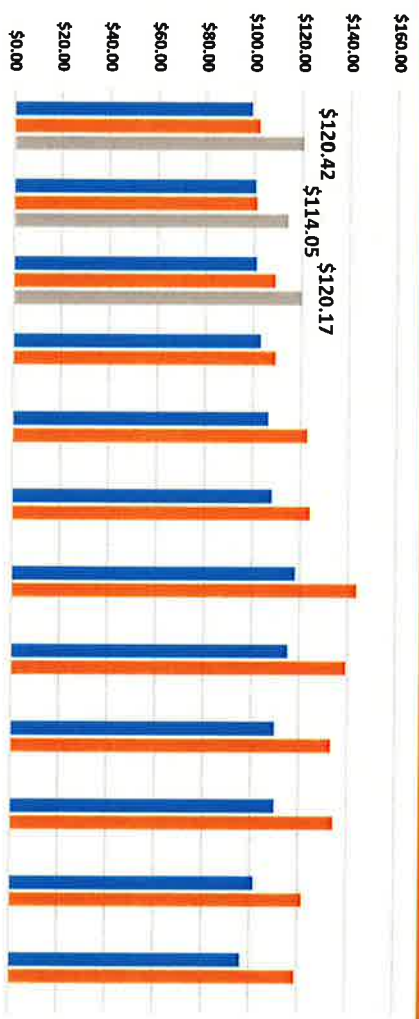
Mar 2022	10.2%
Mar 2019	18.8%
YTD Hotel Revenue	\$118.46
2022	13.1%
2019	18.2%

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the previous year. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In March, Erie County ADR was **\$120.17** an increase of **10.2%** over 2022, and a **13.1%** increase from 2019.

The U.S. ADR for March 2023 was up **7.9%** compared to 2022, as well as up **19.2%** from 2019. New York State ADR for 2023 was up **12.6%** compared to 2022 and up **10.3%** over 2019.

ERIE COUNTY HOTEL AVERAGE DAILY RATE (ADR) – MARCH 2023



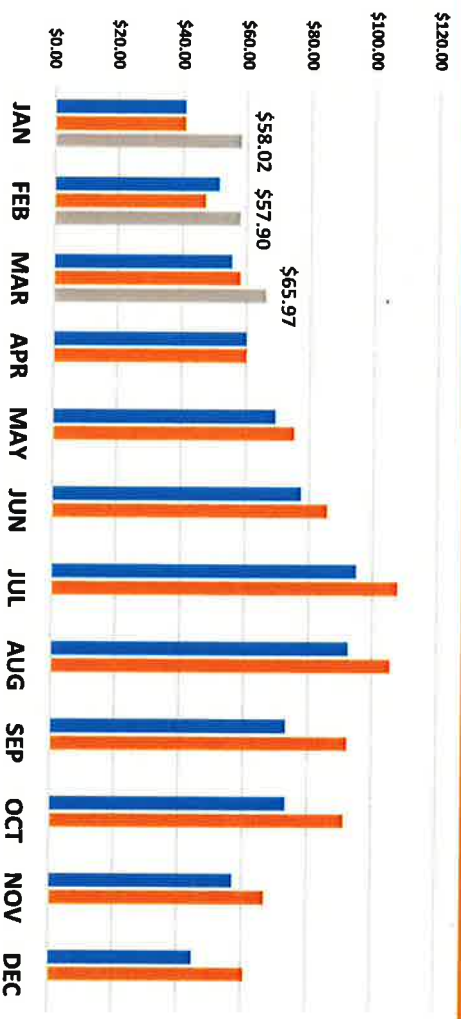
ERIE COUNTY HOTEL REVPAR – MARCH 2023

March Hotel RevPAR	
Mar 2022	12.4%
Mar 2019	22.5%
YTD Hotel RevPAR	\$60.73
2022	24.5%
2019	23.8%

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the previous year divided by the total number of available rooms.

2023 March RevPAR was **\$65.97** which was an increase of **12.4%** over 2022, and **22.5%** from 2019.

RevPAR for the U.S. was up **10.5%** for March 2023 over 2022, and up **13.8%** over 2019. The State of New York also had year-over-year increases for RevPAR in 2023 with a **23.6%** increase over 2022 and **5.5%** increase over 2019.



MONTHLY TRAVEL DATA- STR

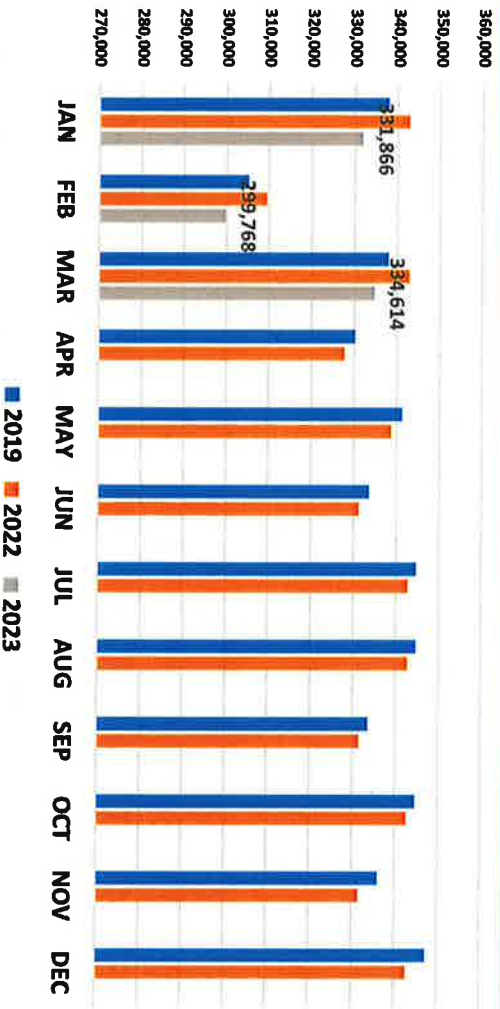
ERIE COUNTY HOTEL SUPPLY – MARCH 2023

March Hotel Supply	
Mar 2022	334,614
Mar 2019	966,258
YTD Hotel Supply	
2022	966,258
2019	966,258

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In March 2023, Erie County's hotel supply totaled **334,614**, which was a **2.1%** decrease from 2022 and a **0.9%** decrease from 2019.

The number of Erie County available hotel rooms totaled **10,794** which is a **0.9%** decrease from 2019.

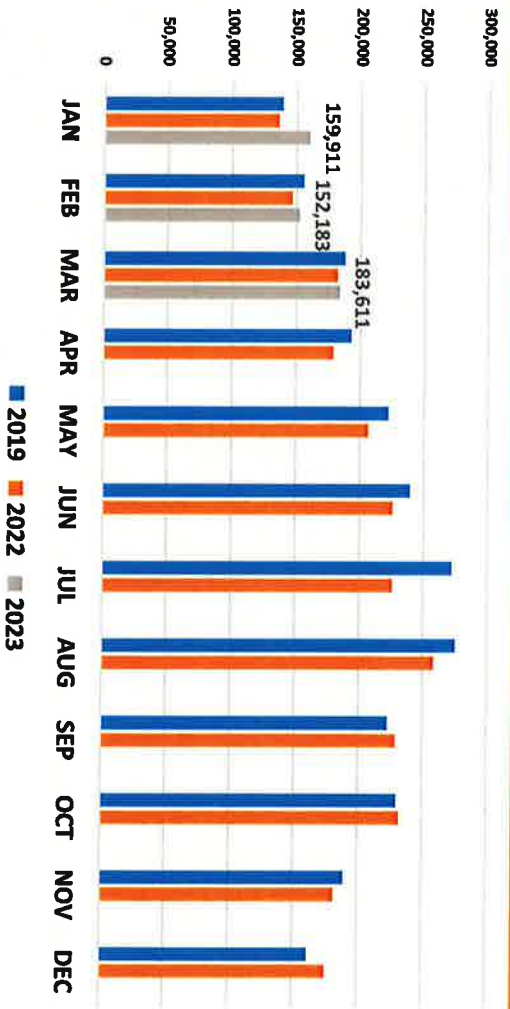


ERIE COUNTY HOTEL DEMAND – MARCH 2023

March Hotel Demand	
Mar 2022	183,611
Mar 2019	495,391
YTD Hotel Demand	
2022	495,391
2019	495,391

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

March 2023 hotel demand totaled, **183,611** which was a **0.8%** increase over 2022 and a **0.6%** decrease from 2019.

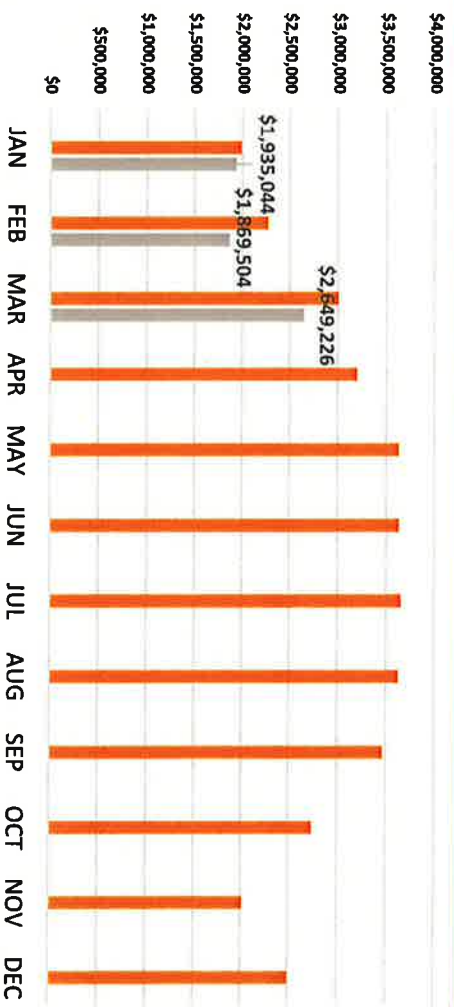


March Short Term Rental Revenue	
Mar 2022	\$2,649,226
Mar 2019	NA
-12.0%	
YTD Short Term Rental Revenue	
2022	\$6,655,413
2019	NA
-8.5%	

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month.

In March 2023, Erie County's short term rental revenue generated **\$2,649,226** which was down **12.0%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

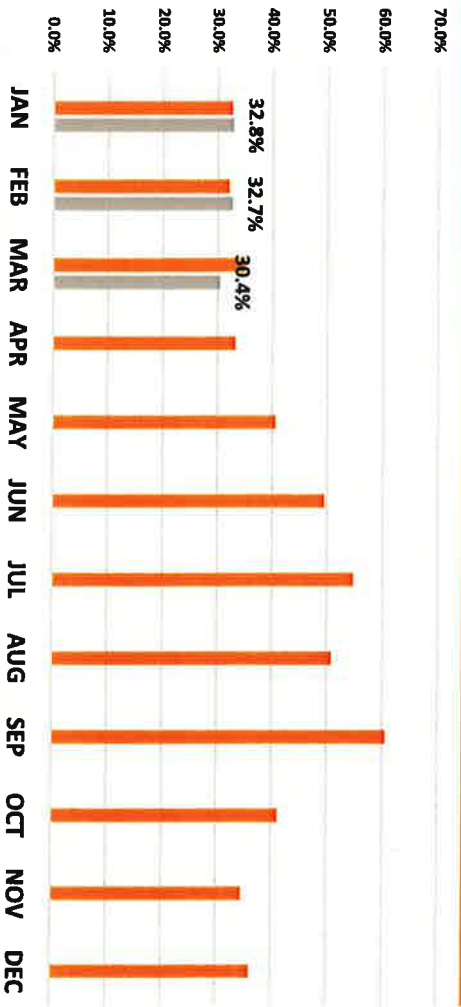


March Short Term Rental Occupancy	
Mar 2022	30.4%
Mar 2019	NA
-13.0%	
YTD Short Term Rental Occupancy	
2022	33.4%
2019	NA
-4.6%	

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of units sold by the number of units available.

March 2023 occupancy measured **30.4%**, which was up **13.0%** compared to March 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





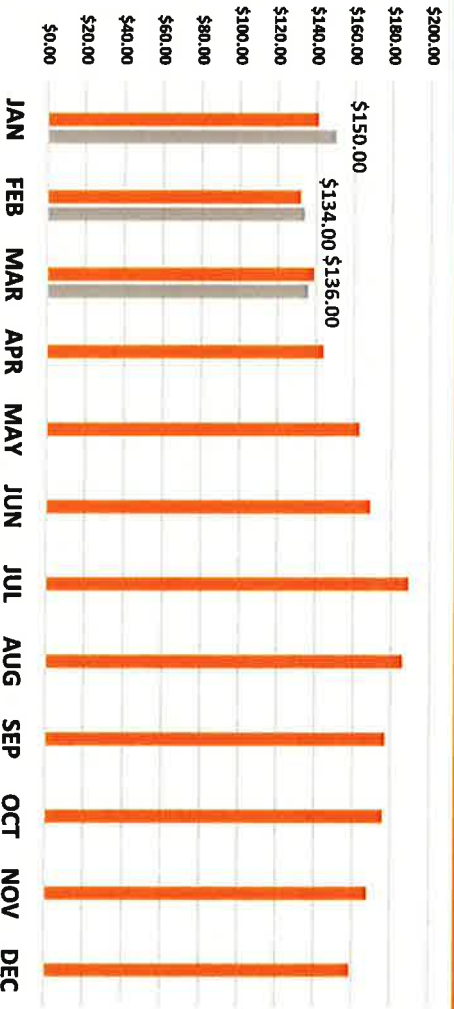
MONTHLY TRAVEL DATA- KEY DATA

March Short Term Rental ADR	
Mar 2022	\$136.00
Mar 2019	NA
-2.2%	
YTD Short Term Rental ADR	
2022	\$136.00
2019	Null
NA	

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In March, Erie County Short Term Rental ADR was **\$136.00** a decrease of **2.2%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



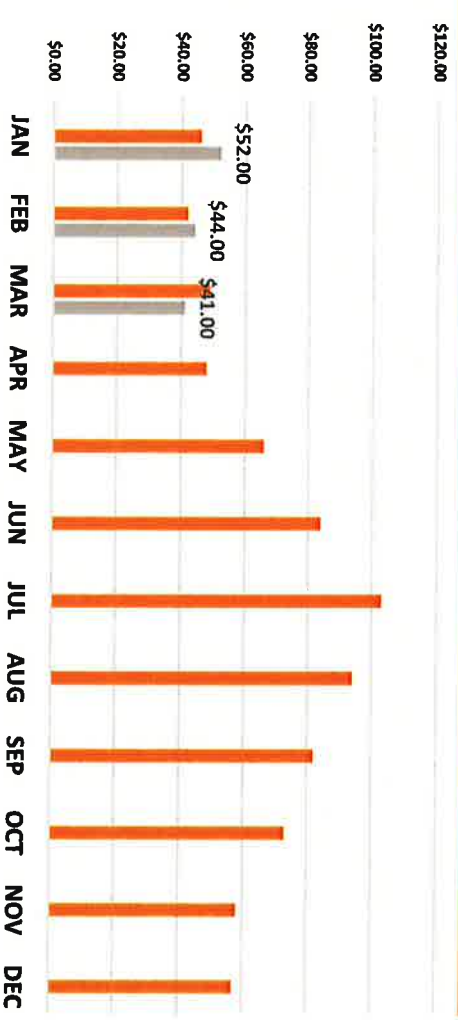
ERIE COUNTY SHORT TERM RENTAL REVPAR - MARCH 2023

March Short Term Rental RevPAR	
Mar 2022	\$41.00
Mar 2019	NA
-16.3%	
YTD Short Term Rental RevPAR	
2022	\$46.00
2019	NA
2.2%	

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 March RevPAR was **\$41.00** which was a decrease of **16.3%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



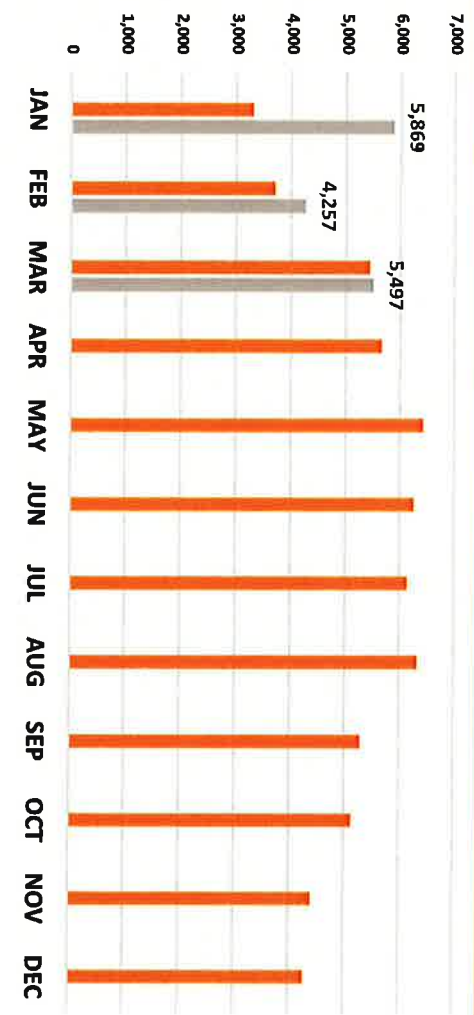
MONTHLY TRAVEL DATA- KEYDATA

March Short Term Rental Bookings	
Mar 2022	5,497 1.2%
Mar 2019	NA
YTD Short Term Rental Bookings	
2022	14,506 15.6%
2019	NA

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month.

In March, Erie County Short Term Rental Bookings totaled **5,497** which was an increase of **1.2%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

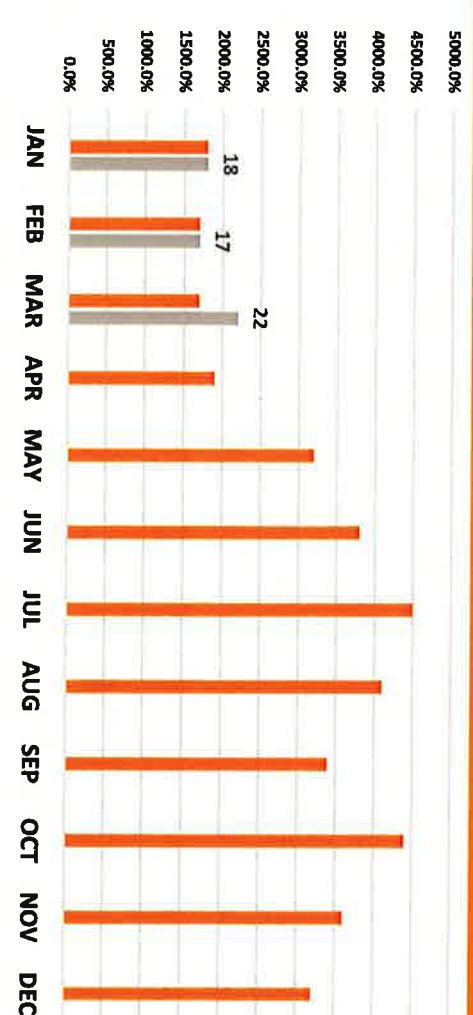


Mar Short Term Rental Booking Window (days)	
Mar 2022	22 29.4%
Mar 2019	NA
YTD Short Term Rental Booking Window (days)	
2022	19 11.8
2019	NA

Short Term Booking Window is the number of days prior to arrival/check-in of a short term rental booking.

In March 2023 the short term rental booking window was **22 days** prior to arrival, which was a **29.4%** increase from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.

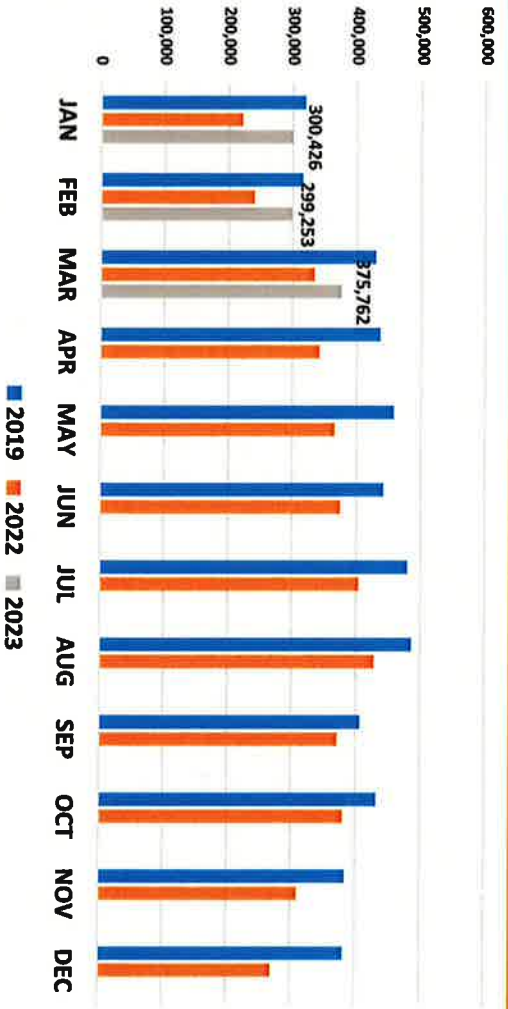


SALES DEPARTMENT DATA

BUFFALO NIAGARA INTERNATIONAL AIRPORT PASSENGERS – MARCH 2023

March BUF Airport Passengers	
Mar 2022	375,762 12.4%
Mar 2019	-12.4%
YTD BUF Airport Passengers	
2022	599,679 29.6%
2019	-5.5%

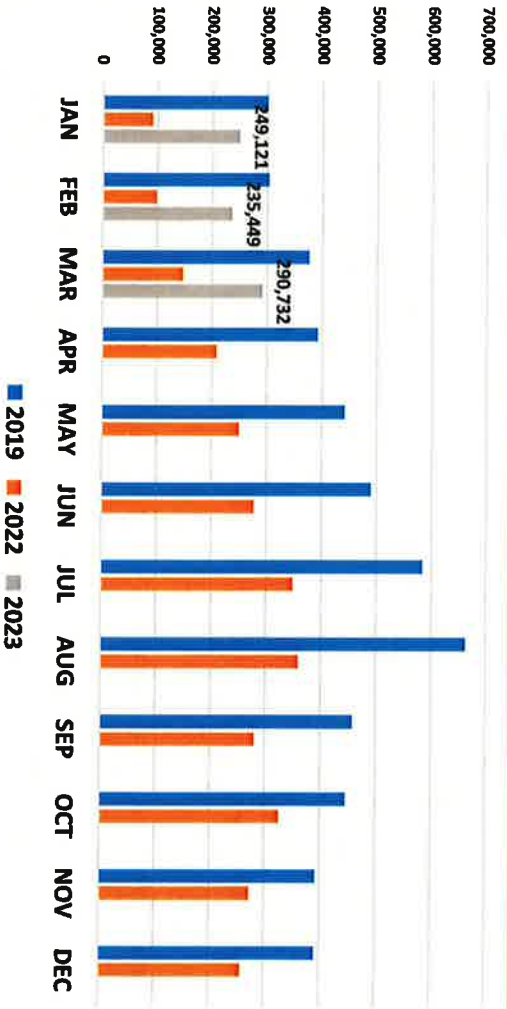
Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA. Passengers through BUF in March 2023 totaled **375,762** representing a **12.4%** increase over 2022 and a **12.4%** decrease from 2019.



U.S. / CANADIAN CROSS BORDER TRAFFIC – MARCH 2023

March US/Canadian Border Traffic	
Mar 2022	290,732 97.0%
Mar 2019	-22.6%
YTD US/Canadian Border Traffic	
2022	775,302 309.3%
2019	-20.7%

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties. Travel between the two countries through the Erie and Niagara County access points for the month of March 2023 totaled **290,732** which was a **97.0%** increase from 2022 and a **20.7%** decrease from 2019.



SALES & SERVICES DEPARTMENT UPDATE



MONTH Sales & Services Department Dashboard - March 2023 vs. March 2022 and March 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed		Sales Lead Room Nights		Lead Expected Attendance		Lead Economic Impact		Lost Business	
38		13,201		8,571		\$8,543,057		16	
March 2022	-22.4%	March 2022	-31.5%	March 2022	-27.6%	March 2022	-52.4%	March 2022	-40.7%
March 2019	-43.3%	March 2019	-35.2%	March 2019	-41.3%	March 2019	NA	March 2019	-5.9%
Definite Events Booked		Definite Room Nights Booked		Definite Expected Attendance		Definite Event Economic Impact			
27		9,383		7,365		\$6,715,584			
March 2022	-22.9%	March 2022	-39.1%	March 2022	-64.1%	March 2022	-52.1%	March 2022	-60.3%
March 2019	-22.9%	March 2019	-49.4%	March 2019	-62.5%	March 2019	-60.3%	March 2019	-60.3%
Events Held		Events Held Room Nights		Events Held Attendance		Groups Serviced			
29		25,212		29,604		18			
March 2022	Null	March 2022	3.7%	March 2022	10.9%	March 2022	28.6%	March 2022	28.6%
March 2019	-3.3%	March 2019	19.5%	March 2019	30.0%	March 2019	5.9%	March 2019	5.9%

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed		YTD Sales Lead Room Nights		YTD Lead Expected Attendance		YTD Lead Economic Impact		YTD Lost Business	
131		50,395		34,994		\$37,958,264		49	
2022	2.3%	2022	-13.2%	2022	3.9%	2022	-27.7%	2022	-25.9%
2019	-33.8%	2019	-62.0%	2019	-68.2%	2019	NA	2019	-32.9%
YTD Definite Events Booked		YTD Definite Room Nights Booked		YTD Definite Expected Attendance		YTD Definite Event Economic Impact			
87		28,294		21,743		\$20,358,647			
2022	4.8%	2022	-34.0%	2022	-52.6%	2022	-48.1%	2022	-48.1%
2019	-29.3%	2019	-41.0%	2019	-52.0%	2019	-49.5%	2019	-49.5%
YTD Events Held		YTD Events Held Room Nights		YTD Events Held Attendance		YTD Groups Serviced			
49		44,976		45,590		30			
2022	2.1%	2022	9.9%	2022	10.6%	2022	25.0%	2022	25.0%
2019	-54.5%	2019	-1.6%	2019	-5.7%	2019	-11.8%	2019	-11.8%

SALES & SERVICES DEPARTMENT UPDATE



2023 March over January Sales & Services KPI Comparison	
Key Performance Indicator	MOM Percent Change
Leads Distributed	-24.0%
Lead Room Nights	-31.9%
Lead Attendance	-21.1%
Lead Economic Impact	-45.0%
Definite Bookings	-30.8%
Definite Room Nights	-23.6%
Definite Attendance	-9.2%
Definite Economic Impact	-33.1%
Lost Leads	-23.8%
Events Held In Month	114.7%
Events Held In Month Room Nights	69.2%
Events Held In Month Attendance	164.2%
Groups Serviced	14.3%

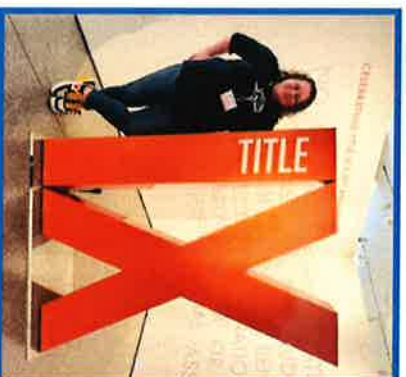
Sports ETA Women's Summit

Lauren Vargo represented the Buffalo Niagara Sports Commission at Sports ETA's Women's Summit in Dallas, TX. In addition to the educational and networking opportunities with sports rights holders, Lauren was able to experience the Title IX exhibit as well as attend the 2023 NCAA Women's Basketball Tournament semi-final games that led to LSU and Iowa competing for the National Championship.

March 2023 Trade Shows/Conferences Attended		
SHOW/ CONFERENCE NAME	LOCATION	ATTENDED BY
Destination Showcase / PCMA	Washington DC	Shannon Jenkins
Heartland Travel Showcase	Cincinnati, OH	Leah Mueller
Select Traveler Showcase	Branson, MO	Leah Mueller & Karen Cox
Sports ETA Women's Summit	Dallas, TX	Lauren Vargo
MPI Upstate NY Chapter Gala Awards	Saratoga Springs, NY	Meaghan Zimmer
March 2023 Site Visits / FAMs		4



Heartland Travel Showcase – Cincinnati, OH
VBN's Senior Director of Travel Industry Sales Leah Mueller attended, the 2023 Heartland Travel Showcase in Cincinnati, OH meeting with tour operators and planners. Leah and our regional group tour partners shared details about the 2024 solar eclipse, details on the Circle Lake Ontario tour collaboration and The Great Wright Road Trip which focuses on Erie County's Frank Lloyd Wright sites as well as those in Erie, Pennsylvania enroute to Fallingwater in the Laurel Highlands of southwest Pennsylvania.



GMID – Global Meetings Industry Day

Visit Buffalo Niagara and the Buffalo Niagara Convention Center marked the annual U.S. Travel Association Global Meetings Industry Day initiative by highlighting Erie County meetings and convention data through a robust social media campaign on LinkedIn, Twitter and Facebook.

SALES & SERVICES DEPARTMENT UPDATE



Buffalo Curling Club and Greater Buffalo Adaptive Sports

The Buffalo Niagara Sports Commission staff met with the Buffalo Curling Club and Greater Buffalo Adaptive Sports touring the indoor curling facility in the former Buffalo China Factory. This collaboration will feature various programs and events, including adaptive curling, to increase public appreciation and participation in the sport of curling.

Erie Community College and BNSC Host Events

Erie County Community College and the Buffalo Niagara Sports Commission were proud to host two NIACC National Championships in the month of March. The county's best bowlers, swimmers and divers competed at the AMF Airport Lanes, and ECC Burt Flickinger Athletic Center. BNSC and our local hospitality industry ensured that the athletes, coaches, families and fans had an enjoyable time in Buffalo.



The American Cheese Society Site Visit

The American Cheese Society is the leading organization supporting the understanding, appreciation, and promotion of farmstead, artisan, and specialty cheeses produced in the Americas. Over 2,100 members strong, ACS provides advocacy, education, business development, and networking opportunities for cheesemakers, retailers, enthusiasts, and the extended industry. In March, Visit Buffalo Niagara partnered with the Erie County Department of Environment and Planning and Invest Buffalo to showcase the County's agricultural and cheese producers at a lunch and learn presentation during the meeting planner's site visit. The planners also had the opportunity to tour several of the cheese producers manufacturing facilities, convention center, hotels and attractions.



MPI Thought Leaders Site Visit

Visit Buffalo Niagara will serve as the host destination for the 2023 MPI Thought Leaders Summit taking place in September. The MPI Foundation convenes the meeting and event industry's top leaders for it's Annual Summit to discuss, ideate and problem solve critical challenges such as safety, diversity and design.

VBN's sales team is working with the event planners to incorporate Buffalo's best into the program and itinerary, while also taking the exclusive opportunity to network with over 70 meeting and event planners.



SALES & SERVICES DEPARTMENT UPDATE



Congratulations Meaghan Zimmer
Visit Buffalo Niagara's National Sales Director, Meaghan Zimmer was honored by the Upstate New York Chapter of Meeting Planners International as the recipient of their 2023 Volunteer of the Year Award. Thanks to Meaghan for her sales work on behalf of the destination, but for also going the distance to be engaged with our clients and affiliated industry associations and partners.

Destination Showcase / PCMA – Washington DC
Shannon Jenkins, National Sales Director, represented Visit Buffalo Niagara and Buffalo Niagara Convention Center at the annual Destination Showcase/PCMA Power of Purpose Business Events Industry Week in Washington, DC. VBN partnered with locally owned and operated, Golden Cup Coffee to create a special Buffalo Blend coffee pouch as a giveaway item for planners who stopped by the booth.



The Buffalo News Q&A with Greg Gelinas

Buffalo Niagara Sports Commission's new Director of Sport Development, Greg Gelinas was featured in a Q&A in The Buffalo News. Greg shared his experience in the industry and his vision for bringing more sporting events and their economic returns to the destination.

Gelinas looks to help bring Buffalo its fair share of sports tourism.

By Greg Gelinas, Buffalo Niagara Sports Commission's new Director of Sport Development.

It's Greg Gelinas' job to make sure the Buffalo Niagara region gets its fair share of the action, and that's leading forward to that challenge.

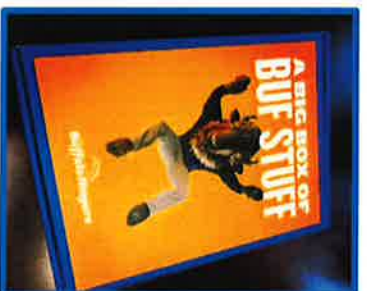
In October, Gelinas, 36, was named Director of Sports Development for the Buffalo Niagara Sports Commission, a new role that encompasses a variety of event opportunities, from leisure and entertainment to sports-related events, sports-related conventions, trade shows and conferences.

Sports tourism is projected to grow globally by nearly 50% within the next 10 years, according to Gelinas. Gelinas wants the Buffalo Niagara region to get its piece of that pie and attract additional economic impact through sports tourism.

People are also reading...

- 1. [Buffalo Niagara Sports Commission's new Director of Sport Development](#)
- 2. [Buffalo Niagara Sports Commission's new Director of Sport Development](#)
- 3. [Buffalo Niagara Sports Commission's new Director of Sport Development](#)

Visit Buffalo Niagara Sports Commission's website for more information.

A Big Box of BUF Stuff
A reimaged "Big Box of BUF Stuff" amenity has been produced for Visit Buffalo Niagara and Buffalo Niagara Sports Commission VIP clients. Prior to the pandemic, VBN/BNCC received many compliments and accolades for the innovated "box" and its contents. The box contains useful and edible items that tell the stories about the history, industries and firsts of Buffalo and Erie County. Some of the items in the box: Cheerios, Big League Chew Erie County Maple Syrup, Fisher-Price Little People, Stitch Buffalo. The invention of the kazoo and air conditioning are represented in the box, as well as representation of Buffalo's architecture. Finally, a gift from Buffalo wouldn't be complete without wing sauce and sponge candy.



Select Travel Conference – Branson, MO
The always entertaining, Joel Dombrowski with Buffalo Double Decker Bus Tours joined Visit Buffalo Niagara's Karen Cox and Leah Mueller at the 2023 Select Travel Conference in Branson, MO. Visit Buffalo Niagara will host both travel planners and suppliers at the 2024 conference which will take place at the Buffalo Hyatt Regency.

Select Traveler Conference is the nation's leading organization for Loyalty Program Directors including banks and financial institutions nationwide. Loyalty Clubs are generating a new sales market and providing great opportunities for travel companies, destinations and suppliers that want new group sales.



MARKETING & COMMUNICATIONS DEPARTMENT UPDATE



MONTHLY Marketing & Communications Department Dashboard March 2023 vs. March 2022 and March 2019

Website Sessions	Mobile Website Sessions	Duration On Site	Website Page Views	Social Media Posts
113,280	70,083	1:59	222,640	180
March 2022 0.7%	March 2022 -5.4%	March 2022 2 seconds	March 2022 10.2%	March 2022 9.1%
March 2019 -27.9%	March 2019 -32.3%	March 2019 46 seconds	March 2019 -25.3%	March 2019 -5.5%
Facebook Followers	Twitter Followers	Instagram Followers	TIKTok Followers	All Video Views
100,686	29,938	54,733	18,706	1,485,002
March 2022 2.5%	March 2022 1.0%	March 2022 23.3%	March 2022 145.7%	March 2022 350.1%
March 2019 8.4%	March 2019 6.4%	March 2019 77.7%	March 2019 NA	March 2019 732.1%
Media Placements	Media Impressions	Media Social Shares	Media Touchpoints	Media Visits
9	634,478,298	5	19	1
March 2022 28.6%	March 2022 7464.9%	March 2022 -95.3%	March 2022 58.3%	March 2022 Null
March 2019 NA	March 2019 NA	March 2019 NA	March 2019 NA	March 2019 NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions	YTD Mobile Website Sessions	Duration On Site	YTD Website Page Views	YTD Shared Social Media Posts
321,071	204,943	1:59	526,014	527
2022 12.8%	2022 10.2%	2022 2 seconds	2022 1.4%	2022 -31.5%
2019 -6.7%	2019 -6.0%	2019 46 seconds	2019 -21.4%	2019 5.4%
Facebook Followers	Twitter Followers	Instagram Followers	TIKTok Followers	YTD All Video Views
100,686	29,938	54,733	18,706	2,287,513
2022 2.5%	2022 1.0%	2022 23.3%	2022 145.7%	2022 190.0%
2019 8.4%	2019 6.4%	2019 77.7%	2019 NA	2019 952.8%
YTD Media Placements	YTD Media Impressions	YTD Media Social Shares	YTD Media Touchpoints	YTD Media Visits
20	655,341,976	2,166	49	3
2022 11.1%	2022 85.8%	2022 -16.1%	2022 -43.7%	2022 Null
2019 NA	2019 NA	2019 NA	2019 NA	2019 NA

MARKETING & COMMUNICATIONS DEPARTMENT UPDATE



2023 March over January Marketing & Communications KPI Comparison

Key Performance Indicator	MOM Percent Change
Website Sessions	6.7%
Mobile Website Sessions	4.3%
Duration on Site	2 seconds
Website Page Views	11.4%
Social Media Posts	7.1%
Facebook Followers	0.1%
Twitter Followers	-0.2%
Instagram Followers	12.9%
TikTok Followers	1.2%
All Video Views	116.2%
Media Placements	80.0%
Media Impressions	5170.7%
Social Media Shares	-99.6%
Media Touchpoints	850.0%
Media Visits	Null

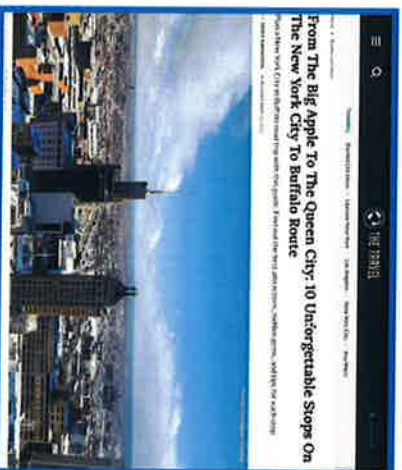


Buffalo AKG Hard Hat Tour
The Visit Buffalo Niagara marketing staff took part in a hard hat tour of the expansion project of the Buffalo AKG.

March 2023 Media Hits

PUBLICATION/SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES
IG News	Buffalo and Rochester Tour Offers Arts and Culture	97,845	NA
Toronto Star	Just Across The Border, Buffalo and Rochester Offer A Weekend Escape with Art, Culture and Community	7,752,473	NA
The Travel	From The Big Apple To the Queen City: 10 Unforgettable Stops On The New York City Route To Buffalo	184,411,589	1
Lucky Developer	Upstate Eats Trail	500	NA
Trip 101	Top 3 Extended Stay Hotels in Buffalo, NY	1,735,560	NA
The Travel	10 Best Public Art Displays To See This Spring In Upstate New York	2,175,959	4
Harpers Bazaar	Buffalo AKG Art Museum	15,737,079	NA
Travel+Leisure	New York Is Making It Easier for Black Travelers to Experience "Unparalleled" Black History and Culture	418,538,001	NA
Daily Sabah	New York Celebrates Black History With Cultural Sites	1,029,292	NA

Media Hits in italics were not generated by Visit Buffalo Niagara and not included in monthly quantitative dashboard.



Most Viewed Video
March 2023

Breakfast Sandwiches 1,057,317

Sample of other video content for the month:

- Adaptive Rock Climbing at Central Rock Gym
- Places Brewing Irish Themed Beers
- Ted's Hot Dogs
- Must Try Fish Fry




New Website Content – Spring Guide

With the welcome change of seasons from Winter to Spring, Visit Buffalo Niagara, has curated a comprehensive Spring Guide. The Spring Guide content includes information, videos and blogs showcasing hikes, icecream, bike rides, flowers at the botanical gardens and things to do on “April Shower” days.

The creation of these special guides has been an excellent way to repackge website content for seasonal and special promotions as well as unique aspects of Erie County.

Sample March 2023 Blog Content

Stores with Stories: CooCooU27

Buffalo, New York

When you think of CooCooU27, you think of the iconic, colorful, and fun-filled CooCooU27 stores. These stores are a unique blend of retail and entertainment, offering a variety of products and services that are sure to delight customers of all ages. From their vibrant, colorful storefronts to their friendly and knowledgeable staff, CooCooU27 stores are a true delight for everyone who visits.



Buffalo's Unexpectedly Amazing Barbecue

Buffalo, New York

When you think of Buffalo, you think of the iconic Buffalo Bills and the city's rich history. But there's another side to Buffalo that's just as exciting and delicious: Buffalo's barbecue. This city has a long and proud history of barbecue, and it's no surprise that the city has become a hub for some of the best barbecue in the region. From the classic pulled pork to the spicy ribs, Buffalo's barbecue is a true delight for everyone who visits.



Influential Women of Buffalo's Past at Forest Lawn Cemetery

Buffalo, New York

Buffalo's history is filled with influential women who have shaped the city's future. From the early days of settlement to the present, these women have made significant contributions to the city's growth and development. At Forest Lawn Cemetery, you can find the final resting places of many of these influential women, and it's a chance to learn more about their lives and legacies.



Sample March 2023 Instagram Posts

Label by Kristina and 1,278 others

VisitBuffaloNiagara

Label by Kristina and 1,278 others: "She dresses in color, she dresses in red. Can't find a better 'Summer'." 77 - more

View all 25 comments



Plantasia

VisitBuffaloNiagara

Label by amonoppepenny and 206 others: "Tried Plantasia at the Fabergé/Lover Center Mall during the weekend. What to do in Buffalo this weekend." 16 - more



Sugar Sap & Everything Maple

VisitBuffaloNiagara

Label by amonoppepenny and 138 others: "Tried Sugar Sap & Everything Maple at the Knowlton State Park. What to do in Buffalo this weekend." 17 - more

View the link in our bio for more... more



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DESTINATION DEVELOPMENT DEPARTMENT UPDATE



MONTHLY Destination Development Department Dashboard – March 2023 vs. March 2022 and March 2019 (RECOVERY BENCHMARK)

Visitor Guide Requests		Weekly Lodging Dashboard Distribution		Tourism Insider Distribution	
806		460		2,650	
March 2022	-47.7%	March 2022	35.7%	March 2022	-4.0%
March 2019	-32.7%	March 2019	NA	March 2019	77.0%
Number of Mobile Visitor Center Events		Mobile Visitor Center Volunteer Hours		Number of Convention/Sport Events	
2		52		3	
March 2022	-60.0%	March 2022	-71.7%	March 2022	100.0%
March 2019	NA	March 2019	NA	March 2019	NA
Industry Meeting Attendance		Industry Event Attendance		Extranet Training Attendance	
171		61		3	
March 2022	100.0%	March 2022	100.0%	March 2022	50.0%
March 2019	271.0%	March 2019	134.6%	March 2019	100.0%
				Destination Customer Service Training Attend.	
				4	
				March 2022	100.0%
				March 2019	-76.5%

YEAR TO DATE Destination Development Department Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Visitor Guide Requests		YTD Weekly Lodging Dashboard Distribution		YTD Tourism Insider Distribution	
2,245		460		2,650	
2022	-10.0%	2022	35.7%	2022	-4.0%
2019	22.8%	2019	NA	2019	77.0%
YTD Number of Mobile Visitor Center Events		YTD Mobile Visitor Center Volunteer Hours		YTD Number of Convention/Sport Events	
3		99		6	
2022	-40.0%	2022	-62.0%	2022	100.0%
2019	NA	2019	NA	2019	NA
YTD Industry Meeting Attendance		YTD Industry Event Attendance		YTD Extranet Training Attendance	
275		61		5	
2022	195.7%	2022	100.0%	2022	-73.7%
2019	957.7%	2019	-47.4%	2019	-66.7%
				YTD Dest./Customer Service Training Attend.	
				4	
				2022	-74.4%
				2019	-86.2%

DESTINATION DEVELOPMENT DEPARTMENT UPDATE



Pratchett - Erie County Emergency Services, Mark Percy and Kevin Williams - Buffalo Eclipse Task Force, Marisa Wigglesworth - Buffalo Science Museum and Patrick Kaler - Visit Buffalo Niagara. More Industry Meeting Eclipse Workshops will be scheduled throughout the next year.

Buffalo Eclipse Industry Meeting Workshop

Thirteen months before the April 2024 solar eclipse that puts Buffalo in totality, Visit Buffalo Niagara held the first Industry Meeting Eclipse Workshop to begin the community conversation about event possibilities, safety aspects and visitor preparedness. The event was kicked off with remarks by County Executive



Restaurant Industry Meeting

In cooperation with the New York State Restaurant Association, Visit Buffalo Niagara hosted an Industry Meeting event for Erie County restaurant owners and managers. The event was held a month before the launch of VBN's Spring Buffalo Restaurant Week in an effort to build excitement for the event as well as encourage more restaurants to participate. Following the success of the October 2022 Buffalo Restaurant Week, the organization has set a goal to have 100 restaurants participate in the April promotion.



Restaurant Industry Meeting

Visit Buffalo Niagara's Vice President of Destination Experience – Renata Toney, Vice President of Marketing and Communications – Ed Healy and Senior Director of Marketing – Karen Fashana presented at the University of Buffalo's Communicator's Conference. The team shared how Visit Buffalo Niagara communicates the Buffalo story for visitors and residents through our marketing initiatives locally, regionally, nationally and internationally..



Quarterly Hotel Sales Update

As the destination continues its recovery for meetings/conventions and sporting events, Visit Buffalo Niagara and the Buffalo Niagara Sports Commission held its quarterly hotel sales meeting in March. Over 20 hotel directors of sales attended the event where our team shared information on upcoming planner site inspections, sales lead distribution, and expectations on business that has been booked through the rest of the year.



Resurgence Brewing Company

Launches Brewery Tour

Visit Buffalo Niagara and the Buffalo Niagara Sports Commission staff were guests of Resurgence Brewing Company's Owner/President, Jeff Ware to experience their newly launched brewery tour. The tour adds a behind the scenes experience to their business model. VBN/BNSC staff enjoyed learning about the history of Resurgence, history of the building, general overview of the brewery equipment, demonstrations, and beer sampling.



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BUFFALO CONVENTION CENTER OPERATIONAL UPDATE

MONTHLY Buffalo Convention Center Operational Dashboard – March 2023 vs. March 2022 and March 2019 (RECOVERY BENCHMARK)											
Total Events		Event – Convention		Event – Meeting		Event - Banquet		Event – Consumer/Public Show		Event - Social	
8		2		1		3		2		0	
January 2022	100.0%	Mar 2022	100.0%	Mar 2022	Null	Mar 2022	100.0%	Mar 2022	Null	Mar 2022	Null
Mar 2019	-11.1%	Mar 2019	-33.3%	Mar 2019	Null	Mar 2019	-50.0%	Mar 2019	-33.3%	Mar 2019	Null
Total Event Attendance		Number of Days Occupied		Customer Service Score							
48,206		33		New survey system being developed for mid-year.							
Mar 2022	11.6%	Mar 2022	17.9%	Mar 2022	NA	Mar 2022	NA	Mar 2022	NA	Mar 2022	2.3%
Mar 2019	-29.8%	Mar 2019	83.3%	Mar 2019	NA	Mar 2019	NA	Mar 2019	NA	Mar 2019	-23.4%
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue - Other			
\$375,190		\$185,005		\$163,290		\$26,324		\$571			
Mar 2022	23.0%	Mar 2022	16.5%	Mar 2022	28.3%	Mar 2022	43.8%	Mar 2022	NA	Mar 2022	2.3%
Mar 2019	-11.9%	Mar 2019	-3.6%	Mar 2019	-19.3%	Mar 2019	-15.0%	Mar 2019	NA	Mar 2019	-23.4%

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)											
Total Events		Event – Convention		Event – Meeting		Event – Banquet		Event – Consumer/Public Show		Event - Social	
19		4		2		8		5		0	
2022	12.0%	2022	33.3%	2022	100.0%	2022	300.0%	2022	Null	2022	Null
2019	-28.4%	2019	-33.3%	2019	-71.4%	2019	-20.0%	2019	-44.4%	2019	Null
Total Event Attendance		Number of Days Occupied		Customer Service Score							
102,249		65		New survey system being developed for mid-year.							
2022	12.3%	2022	27.5%	2022	NA	2022	NA	2022	NA	2022	NA
2019	-27.1%	2019	-19.8%	2019	NA	2019	NA	2019	NA	2019	NA
Total Revenue		Revenue – Rent		Revenue – Food & Beverage		Revenue – Electrical Service		Revenue - Other			
\$1,022,693		\$326,904		\$525,084		\$62,306		\$108,399			
2022	83.8%	2022	9.1%	2022	148.0%	2022	40.8%	2022	14747.7%	2022	14747.7%
2019	-14.4%	2019	-960%	2019	-32.0%	2019	-15.2%	2019	13499.5%	2019	13499.5%



BUFFALO CONVENTION CENTER

SALES UPDATE

MONTHLY Buffalo Convention Center Sales Dashboard – January 2023 vs. March 2022 and March 2019 (RECOVERY BENCHMARK)

Total Leads		BMCC Generated Leads		VBN Generated Leads		Confirmed Bookings	
16		12		4		16	
Mar 2022	-20.0%	Mar 2022	-14.3%	Mar 2022	-33.3%	Mar 2022	-77.8%
Mar 2019	23.1%	Mar 2019	50.0%	Mar 2019	-20.0%	Mar 2019	-77.8%
Total Solicitation Calls		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
46		14		32		7	
Mar 2022	109.1%	Mar 2022	75.0%	Mar 2022	100.9%	Mar 2022	-12.5%
Mar 2019	NA	Mar 2019	NA	Mar 2019	NA	Mar 2019	NA

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Total Leads		YTD BMCC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
43		30		13		32	
2022	19.4%	2022	25.0%	2022	8.3%	2022	33.3%
2019	104.8%	2019	100.0%	2019	44.4%	2019	6.7%
YTD Total Solicitation Calls		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
189		50		139		18	
2022	225.9%	2022	138.1%	2022	256.4%	2022	-67.3%
2019	NA	2019	NA	2019	NA	2019	NA

Current and Future Ongoing Buffalo Convention Center Business Booked (*As of March 31, 2023)

	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	94	87	48	29
Expected Attendance	249,975	208,054	227,423	180,507	118,762
Number of Hotel Room Nights	25,000	22,696	20,978	15,519	14,250
Expected Economic Impact	\$34,063,840	\$29,855,134	\$30,136,107	\$22,768,055	\$13,301,639

ORGANIZATION UPDATE



New York State Hospitality and Travel Association Lobby Day and NYSDMO Board Meeting – Albany, NY

Visit Buffalo Niagara President & CEO, Patrick Kaler spent several days in the State Capitol, participating in NYSHTA Lobby Day activities as well as attending the quarterly NYSDMO quarterly meeting.

The 2023 Lobby Day agenda for State Legislators included; the reinstatement of NYS Tourism Matching Grant Funds to 2022 levels, legislation related to short-term rentals, website accessibility and Tourism Improvement District (TID). Buffalo's Senator Tim Kennedy is the sponsor of the TID legislation in the Senate and he participated in a panel discussion with Albany Assemblymember John McDonald, Sarah Bratko – American Hotel & Lodging Association and Scott Nowak – Hilton Hotels & Resorts.



Tourism Economics' Adam Sacks, a leading authority on measuring the economic impact of visitor activity analyzed the impacts of cruising, gaming, timeshares, hotels, attractions and destination marketing.

Take aways from Adam's presentation include

1. A mild recession is likely in 2023
 - Inflation and higher interest rates will leave a mark
 - Strong balance sheets should limit the downside
2. Travel is uniquely positioned for this downturn
 - Households are in a fiscally strong position
 - Pent-up demand is prioritizing travel
 - Business travel continues to rebuild
 - International travel is coming back

Annual Events Return To the BNCC

Over 48,000 people attended at eight separate events over the course of 33 days at the Buffalo Niagara Convention Center during the month of March. Returning in 2023 included the Buffalo Home Show and Buffalo Motorama, both long-term annual events. Community banquets also took place including the annual SAAH Awards Program and the Buffalo Niagara Partnership's Athena Awards.

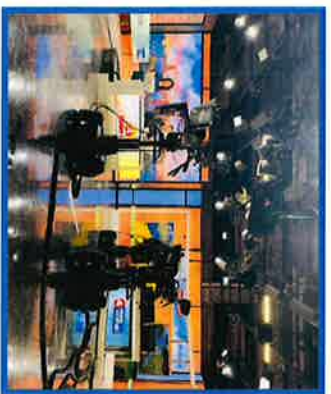
Making a return after a three-year absence was the National Association of College Admission Counseling (NACAC) College Fair that brought 5,000 students, parents, counselors and colleges and universities back to Buffalo.



ORGANIZATION UPDATE



North American Travel Journalists Association Award
 Visit Buffalo Niagara's "The Colors of Buffalo" public art/mural video has been recognized by the North American Travel Journalists Association with a Gold Award. "The Colors of Buffalo" showcases the vibrant public art that winds through all of Buffalo's neighborhoods. This highly acclaimed video would not be possible without the support of Paget Films, Albright-Knox Public Art Initiative, UB Arts Collaborative and Hertel Walls.



VBN On Local News
 President & CEO Patrick Kaler made several local media appearances during the month of March including his weekly Friday segment on WGRZ's Most Buffalo sharing five things to do over the weekend. He was also on WVB speaking about Erie County Spring Break Staycation packages.



When someone on the Visit Buffalo Niagara staff gets a thank you email like this from one of their clients, it must be shared.
"I cannot even begin to thank you enough for all your help! From the very beginning stages of my planning, in August of 2022, giving me guidance from the very start, and all along this journey, to just recently following up and checking in, just to seeing how things are going! You're always so quick and with a pleasant response - EVERY time! I so wish every city was so cooperative and helpful. It makes such a huge difference when you are planning! Is there PLEASE someone I can reach out to - or a place where I can post and let your superiors (or someone/anyone!) know what a great job you have done?"

March CEO Meetings	
NYSHTA Executive Committee Meeting	
World Canals 2025 Conference Planning Meeting	
Meeting with Riverworks Ownership and Management	
VBN Industry Meeting Buffalo Restaurant Week	
Explore Buffalo Open Doors Committee Meeting	
Art of Research Competition - Judge	
Canal NY Board Meeting	
ECIDA EDES Implementation Meeting	
VBN/BNCC Officers Meeting	
Buffalo Niagara Partnership Board Meeting	
BCAR Board Meeting	
VBN Industry Meeting 2024 Eclipse	
Martin House Strategic Planning	

Visit Buffalo Niagara Staff FUN Fact
 March is an important month for employee anniversaries at VBN. Congratulations to the following on their many years of service.
 Judy Smith – 35 Years
 David Marzo – 25 Years
 Leah Mueller – 22 years
 Karen Cox – 20 Years
 That's a combined **102** years of service to VBN.

COMM. 12M-2
Page 97 of 156

Item	Description	Quantity	Unit	Price
1
2
3
4
5
6
7
8
9
10

Visit Buffalo Niagara Board of Directors

Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
Kimberley A. Minkel, NFTA – Vice Chair
Huseyin Taran, Buffalo Marriott HarborCenter – Treasurer
Thomas Beauford, Buffalo Urban League - Secretary
Mary F. Roberts, Martin House - Immediate Past Chair
Mark Alnut, University of Buffalo Department of Athletics
Melissa Brown, Buffalo History Museum
Daniel Castle, Erie County Dept. of Environment & Planning
Matt Chiazza, Reikart House
Dottie Gallagher, Buffalo Niagara Partnership
Mark Glasgow, Erie County Legislature Majority Caucus Appointee
Patrick Kaler, Visit Buffalo Niagara – President & CEO
Thomas Long, The Westin Buffalo
William Paladino, Elicott Development, Inc.
Steven Ranalli, Erie Canal Harbor Development Corporation
Don Spasiano, Trocaire College
Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens



Visit Buffalo Niagara Staff

James Adler, Sports Sales Manager
Jo Ann Blatner, Industry Relations Assistant
Drew Brown, Marketing Manager
Michelle Butlak, Accounting & Benefits Manager
Emma Carlo, National Sales Manager
Karen Cox, Convention Sales & Services Manager
Mike Even, Vice President of Sales & Services
Karen Fashana, Director of Marketing
Greg Gellinas, Director Sports Development
Ed Healy, Vice President of Marketing
Patrick Kaler, President & CEO
Michelle Kearns, Communications Manager
Shannon Jenkins, National Association Sales Director
David Marzo, Chief Financial Officer
Leah Mueller, Director of Tourism Sales
Heather Nowakowski, Business Intelligence Manager
Kathryn Scaduto, Marketing and Social Media Specialist
Judy Smith, Director of Administration
Renata Toney, Vice President of Destination Experience
Martsa Urbano, Administrative Sales Assistant
Lauren Vargo, Sports Services Manager
Meaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

Melissa Burke, Senior Director of Sales
Jeff Galkins, Vice President & General Manager
Tom Christy, Controller
Lorna Cullen, Office Manager
Patrick Kaler, President & CEO
Sue Kimmins, Sales and Catering Manager
Craig Landseidel, Executive Chef
Mary Ann Martin, Bookkeeper & Benefits Manager
Mark McMahon, Maintenance Supervisor
Terry O'Brien, Director of Operations
Heather Petrinio, Sales & Service Coordinator
Ken Santord, Chief Engineer
Christie Walker, Convention and Event Service Manager
Cory Watson, Food and Beverage Manager
Michael Will, Assistant Director of Operations
Colleen Willis, Sales Manager
Danielle Winiarski, Assistant General Manager
Alisha Vega, Front Desk Receptionist



VISION:

To be the most surprising destination you'll ever visit.

MISSION:

Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Report:

Cervix Technologies
Cision
Google Analytics
Key Data
Madden Media
Momentus Technologies (formerly Ungerboeck)
Sales Force Marketing Cloud
Simpleview
STR (Smith Travel Research)
Tourism Economics



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**VISIT BUFFALO NIAGARA
AND AFFILIATES**

**CONSOLIDATED FINANCIAL STATEMENTS
WITH ADDITIONAL INFORMATION**

DECEMBER 31, 2022

INDEPENDENT AUDITORS' REPORT

The Board of Directors
Visit Buffalo Niagara and Affiliates

Opinion

We have audited the consolidated balance sheets of Buffalo Niagara Convention & Visitors Bureau, Inc. (d/b/a Visit Buffalo Niagara) and Affiliates (the Organization) as of December 31, 2022 and 2021, and the related consolidated statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the financial statements.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the financial position of the Organization as of December 31, 2022 and 2021, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America (GAAP).

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS). 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 the Organization, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Adoption of Accounting Standards Update (ASU) No. 2016-02

As discussed in Note 6 to the financial statements, the Organization changed its method of accounting for leases of longer than one year, and adopted ASU No. 2016-02, *Leases (Topic 842)*, effective January 1, 2022. Our opinion is not modified with respect to this matter.

Responsibility 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 the Organization's ability to continue as a going concern for one year after the date that the financial statements are issued.

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 will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than 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, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Organization's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Organization'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.

Additional Information

Our audits were conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying additional information is presented for additional analysis and is not a required part of the 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 audits 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 information is fairly stated in all material respects in relation to the financial statements as a whole.


April 28, 2023

VISIT BUFFALO NIAGARA AND AFFILIATES

Consolidated Balance Sheets

December 31,	2022	2021
Assets		
Current assets:		
Cash	\$ 2,141,243	\$ 3,076,470
Accounts receivable, net of allowance for doubtful accounts of \$15,000 in 2022 and 2021	135,014	149,988
Prepaid expenses and other	211,044	166,149
	<u>2,487,301</u>	<u>3,392,607</u>
Property and equipment, net (Note 2)	83,544	81,848
Right of use assets - leases (Note 5)	<u>174,375</u>	-
	<u>\$ 2,745,220</u>	<u>\$ 3,474,455</u>
Liabilities and Net Assets		
Current liabilities:		
Current portion of long-term debt (Note 4)	\$ 3,649	\$ 3,551
Current portion of lease liabilities (Note 6)	93,035	-
Accounts payable and accrued expenses	159,380	557,958
Refundable advances	44,499	114,622
Deferred revenue	160,600	116,425
	<u>461,163</u>	<u>792,556</u>
Long-term debt (Note 4)	140,592	144,356
Lease liabilities (Note 5)	81,340	-
Net assets:		
Without donor restrictions	2,017,910	2,489,540
With donor restrictions	44,215	48,003
	<u>2,062,125</u>	<u>2,537,543</u>
	<u>\$ 2,745,220</u>	<u>\$ 3,474,455</u>

See accompanying notes.

VISIT BUFFALO NIAGARA AND AFFILIATES

Consolidated Statements of Activities

For the years ended December 31,	2022	2021
Net assets without donor restrictions:		
Revenues and support:		
Contributions:		
Governmental support (Note 6)	\$ 3,908,838	\$ 6,070,224
Private sector participation	98,090	115,671
Advertising	118,311	7,228
Interest and other	5,401	17,753
Net assets released from restrictions	7,000	-
Total revenues and support	4,137,640	6,210,876
Expenses:		
Program services:		
Convention	1,800,699	1,455,145
Marketing	1,915,147	3,613,101
Industry relations	297,361	303,990
	4,013,207	5,372,236
Management and general	596,063	627,805
Total expenses	4,609,270	6,000,041
Change in net assets without donor restrictions	(471,630)	210,835
Net assets with donor restrictions:		
Contributions	3,212	48,003
Net assets released from restrictions	(7,000)	-
Change in net assets with donor restrictions	(3,788)	48,003
Change in net assets	(475,418)	258,838
Net assets - beginning	2,537,543	2,278,705
Net assets - ending	\$ 2,062,125	\$ 2,537,543

See accompanying notes.

VISIT BUFFALO NIAGARA AND AFFILIATES

Consolidated Statements of Functional Expenses

For the years ended December 31,

2022	Program Services			Management and General	Total
	Convention	Marketing	Industry Relations		
Salaries and related benefits	\$ 903,477	\$ 513,123	\$ 209,964	\$ 350,294	\$ 1,976,858
Advertising, marketing and promotion	391,275	1,086,229	1,275	1,860	1,480,639
Visitors' Guide	-	97,996	-	-	97,996
Occupancy	33,876	29,406	10,688	67,537	141,507
Convention services and commitments	147,571	-	-	-	147,571
Trade shows	182,759	9,242	1,216	2,616	195,833
Market research	49,651	142,307	-	-	191,958
Postage, printing, and supplies	5,931	12,448	34,441	4,998	57,818
Depreciation	5,231	3,632	429	14,777	24,069
Other	80,928	20,764	39,348	153,981	295,021
Total	\$ 1,800,699	\$ 1,915,147	\$ 297,361	\$ 596,063	\$ 4,609,270
2021					
Salaries and related benefits	\$ 809,039	\$ 401,497	\$ 175,422	\$ 265,339	\$ 1,651,297
Advertising, marketing and promotion	359,987	3,060,197	2,229	663	3,423,076
Occupancy	41,576	22,625	10,848	50,851	125,900
Convention services and commitments	49,892	-	-	-	49,892
Trade shows	61,847	181	-	11,439	73,467
Market research	53,915	99,893	-	7,800	161,608
Postage, printing, and supplies	5,514	9,694	31,770	8,518	55,496
Depreciation	3,769	5,629	419	4,879	14,696
Other	69,606	13,385	83,302	278,316	444,609
Total	\$ 1,455,145	\$ 3,613,101	\$ 303,990	\$ 627,805	\$ 6,000,041

See accompanying notes.

VISIT BUFFALO NIAGARA AND AFFILIATES

Consolidated Statements of Cash Flows

For the years ended December 31,	2022	2021
Operating activities:		
Change in net assets	\$ (475,418)	\$ 258,838
Adjustments to reconcile change in net assets to net cash flows from operating activities:		
Depreciation	24,069	14,696
Changes in other current assets and current liabilities:		
Accounts receivable	14,974	3,500
Prepaid expenses and other	(44,895)	(83,732)
Accounts payable and accrued expenses	(398,578)	(99,911)
Refundable advances	(70,123)	78,232
Deferred revenue	44,175	105,411
Net operating activities	(905,796)	277,034
Investing activities:		
Property and equipment expenditures	(25,765)	(64,017)
Financing activities:		
Principal payments on long-term debt	(3,666)	(2,093)
Net change in cash	(935,227)	210,924
Cash - beginning	3,076,470	2,865,546
Cash - ending	\$ 2,141,243	\$ 3,076,470

See accompanying notes.

Notes to Consolidated Financial Statements

1. Summary of Significant Accounting Policies:

Organization:

The consolidated financial statements of Buffalo Niagara Convention & Visitors Bureau, Inc. (d/b/a Visit Buffalo Niagara (VBN)) and Affiliates (the Organization) include the accounts of VBN and its controlled affiliated entities, Buffalo Niagara Convention & Visitors Bureau Foundation (the Foundation) and Buffalo Niagara Sports Development Company, Inc. (the Sports Commission).

VBN is a business league, nonprofit corporation organized to promote conventions and tourism in the Buffalo-Niagara region.

The Foundation was formed to solicit charitable contributions for the benefit of educating the public on the cultural activities and resources in the Buffalo-Niagara region. In addition, the Foundation can receive, administer and disburse funds for its approved charitable purposes pursuant to Section 501(c)(3) of the Internal Revenue Code.

The Sports Commission is a nonprofit corporation formed to promote sports competition in the Western New York region to strengthen the local economy and enhance the community.

All significant intercompany accounts and transactions have been eliminated in the accompanying financial statements.

Buffalo Niagara Convention Center Management Corporation (the Convention Center) is related to the Organization through common governance.

Governmental Support:

Under the terms of annual public benefit services contract (service contract) with the County of Erie, New York (the County), the Organization received subsidies for operations and other purposes in 2022 and 2021 totaling \$3,739,861 and \$3,630,933, which represents approximately 90% and 58% of total revenue and support for each respective year. The service contract also requires the Organization to repay the County any surplus funds at the end of the contract year, calculated as the excess of net assets over the 6 month average of operating expenses, based on actual expenses for the 36 months immediately preceding the current year. The Organization had no calculated surplus funds for 2022 or 2021.

Funding by the County for the year ending December 31, 2023 will continue in the form of a subsidy to VBN totaling \$3,852,057 under terms of an agreement executed on March 2, 2023. Funding beyond December 31, 2023 is contingent upon actions to be taken by the County. The Board and management of VBN believe the funding arrangements will be made timely so uninterrupted operations will continue beyond that time.

Use of Estimates:

The preparation of financial statements in accordance 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.

Subsequent Events:

Management has evaluated events and transactions for potential recognition or disclosure through April 28, 2023, the date the financial statements were available to be issued.

Cash:

At various times, cash in financial institutions may exceed federally insured limits and subject the Organization to concentrations of credit risk.

Accounts Receivable:

Accounts receivable is stated at the amount management expects to collect from balances outstanding at year-end. Management provides for probable uncollectible amounts through a charge to bad debts expense and a credit to allowance for doubtful accounts based on its assessment of the current status of individual accounts and historical trends. Balances still outstanding after management has used reasonable collection efforts are written off through a charge to allowance for doubtful accounts and a credit to accounts receivable.

Property and Equipment:

Property and equipment is stated at cost or fair market value at the date of donation, net of accumulated depreciation. Depreciation is computed using the straight-line method over estimated service lives. Maintenance and repairs are charged to operations as incurred; significant improvements are capitalized.

Net Assets:

The Organization’s financial position and activities are reported according to two classes of net assets: net assets without donor restrictions and net assets with donor restrictions. Net assets with donor restrictions are those whose use has been limited by donors for a specific time period, purpose, or to be maintained by the Organization in perpetuity. Net assets with donor restrictions at December 31, 2022 and 2021 are restricted to provide scholarships for students pursuing a hospitality or tourism degree.

Revenue Recognition:

The Organization generates advertising revenue from local entities purchasing ad space in the annual Visitors’ Guide published at the beginning of each year. Customer payment is due within thirty days of entering into the contract for ad space. Deferred revenue consists primarily of contracts for ad space relating to the next year’s Visitors’ Guide.

Contributions:

Contributions (primarily governmental support and private sector participation) are recorded at fair value at the date the contribution is made. Contributions are recorded as restricted support if they are received with donor stipulations that limit their use. When a donor restriction expires, net assets with donor restrictions are reclassified to net assets without donor restrictions and reported in the statement of activities as net assets released from restrictions. Contributions received with donor-imposed restrictions that are met in the same reporting period are shown as revenue without donor restrictions.

Advertising Expense:

Advertising costs are generally expensed as incurred and amounted to \$787,797 and \$2,956,158 for the years ended December 31, 2022 and 2021.

Functional Expense Allocation:

The Organization’s costs of providing its services have been summarized on a functional basis in the statements of activities and the statements of functional expenses. Accordingly, certain costs have been allocated among programs and supporting services benefited. These costs include salaries and related benefits and occupancy which are allocated on the basis of time and effort and estimated square footage, respectively.

Tax Status:

VBN is a 501(c)(6) organization exempt from taxation under Section 501(a) of the Internal Revenue Code. The Foundation and Sports Commission are 501(c)(3) organizations exempt from taxation under Section 501(a) of the Internal Revenue Code.

Reclassifications:

The 2021 financial statements have been reclassified to conform to the presentation adopted for 2022.

2. Property and Equipment:

	2022	2021
Office furniture and equipment	\$ 684,791	\$ 669,713
Leasehold improvements	21,843	27,815
Vehicles	44,338	41,438
	<u>750,972</u>	<u>738,966</u>
Less accumulated depreciation	667,428	657,118
	<u>\$ 83,544</u>	<u>\$ 81,848</u>

3. Short-Term Borrowings:

VBN has available a \$500,000 bank demand line of credit with interest payable at prime plus 2%. The line is secured by essentially all VBN assets and an assignment of VBN’s rights under its service contract with the County, and is subject to annual review and renewal. There were no amounts outstanding under the line at December 31, 2022 and 2021.

4. Long-Term Debt:

	2022	2021
U.S. Small Business Administration (SBA) Economic Injury Disaster Loan (EIDL), secured by essentially all of VBN's assets, monthly payments of \$641 including interest at 2.75% beginning May 2021, \$3,360 balloon payment due May 2050.	\$ 144,241	\$ 147,907
Less current portion	<u>3,649</u>	3,551
	<u>\$ 140,592</u>	<u>\$ 144,356</u>

Aggregate annual maturities on long-term debt subsequent to December 31, 2022 are:

2023	\$ 3,649
2024	3,751
2025	3,856
2026	3,963
2027	4,073
Thereafter	<u>124,949</u>
	<u>\$ 144,241</u>

5. Lease Liabilities:

The Organization leases office space under the terms of a noncancellable operating lease.

Effective January 1, 2022, the Organization adopted Financial Accounting Standards Board (FASB) Accounting Standards Update (ASU) 2016-02, *Leases*, that requires for leases longer than one year, a lessee to recognize on the balance sheets a right of use asset (ROU), representing the right to use the underlying asset for the lease term, and a lease liability, representing the present value of future lease payments. This ASU was adopted using the cumulative effect method. As of December 31, 2022, ROU assets and lease liabilities of \$174,375 were recognized and prior year financial statements were not recast. Implementation of this standard did not impact the Organization's statements of activities.

At inception of arrangements with vendors, the Organization determines whether the contract is or contains a lease based on each party's rights and obligations under the arrangement. At inception, any new additional operating lease liabilities and corresponding ROU assets are based on the present value of the remaining minimum rental payments. If the lease arrangement also contains non-lease components, the Organization elected the practical expedient not to separate any combined lease and non-lease components for all lease contracts. For office leases, the remaining fixed minimum rental payments used in the calculation of the new lease liability include fixed payments and variable payments (if the variable payments are based on an index) over the remaining lease term.

The present value of the Organization's lease liability at transition was calculated using an estimated incremental borrowing rate of 5.25%. In determining the incremental borrowing rate, the Organization considered estimated borrowing data for similar arrangements as of the transition date. As of December 31, 2022, the Organization recognized an operating ROU asset and lease liabilities of \$174,375 (the amounts as of January 1, 2022 were \$253,483).

When applicable and as permitted by guidance, leases with expected durations of less than 12 months from inception (i.e. short-term leases) were excluded from the Organization's calculation of its lease liability and ROU asset. Furthermore, as permitted by guidance, the Organization elected to apply the package of practical expedients, which allows entities not to reassess: (a) whether its expired or existing contracts are or contain leases, (b) the lease classification for any expired or existing leases, and (c) initial direct costs for any existing leases.

The following is a summary of the Organization's total lease costs, which approximates cash paid:

	2022	2021
Operating lease costs	<u>\$ 97,372</u>	\$ 105,000

The following is a summary of the Organization's maturity of the operating lease liability:

2023	\$ 99,972
2024	<u>83,310</u>
Total lease payments	183,282
Less Interest	<u>8,907</u>
Total lease liability	<u>\$ 174,375</u>

6. Governmental Support:

	2022	2021
County of Erie Subsidy	\$ 3,739,861	\$ 3,630,933
County of Erie – Theatre Program	59,808	-
County of Erie – CARES Act (Note 10)	-	1,969,685
SBA Paycheck Protection Program (Note 10)	-	363,190
New York State – FLW Market New York	-	75,000
New York State – Tourism Matching Funds Program	48,897	29,052
New York State – Upstate Eats Program	60,000	-
ECIDA Personal Protective Equipment	272	2,364
	<u>\$ 3,908,838</u>	<u>\$ 6,070,224</u>

7. Commitments:

In the normal course of business, VBN enters into agreements with organizations to bring conventions to the Buffalo Niagara region. Future minimum cash commitments, which are often reduced by various revenue sources at the time of the convention, are:

2023	\$ 146,190
2024	159,250
2025	55,250
	<u>\$ 360,690</u>

8. Retirement Plan:

VBN maintains a 401(k) profit sharing plan covering substantially all VBN employees. The plan requires certain minimum VBN contributions based on salaries and employee deferrals. VBN funds all required contributions currently. Total expense pertaining to the plan was \$21,000 for each of the years ended December 31, 2022 and 2021.

9. Financial Resources Available for Operations:

The Organization obtains financial assets generally through governmental support, private sector participation, and advertising revenues. The financial assets are acquired throughout the year to help meet the Organization’s cash needs for general expenditures. If necessary, VBN also has access to a \$500,000 bank demand line of credit (Note 3).

The Organization’s financial assets available within one year of the balance sheet date to meet cash needs for general expenditures consist of the following at December 31:

	<u>2022</u>	<u>2021</u>
Cash without donor restrictions	\$ 2,097,028	\$ 3,028,467
Accounts receivable	135,014	149,988
	<u>\$ 2,232,042</u>	<u>\$ 3,178,455</u>

10. Risks and Uncertainties Due to COVID-19:

On January 31, 2020, the United States Secretary of Health and Human Services (HHS) declared a public health emergency related to the global spread of coronavirus COVID-19, and a pandemic was declared by the World Health Organization in February 2020. Efforts to fight the widespread disease included limiting or closing many businesses and resulted in a severe disruption of operations for most organizations.

In March 2021, VBN received a \$363,190 loan from the Small Business Administration (SBA) under the Paycheck Protection Program (PPP) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act in response to the pandemic. The loan was forgiven by the SBA in December 2021 and has been recognized as governmental support in the accompanying 2021 statement of activities.

The Organization also received \$1,969,685 in CARES Act funding (Note 6) during the year ended December 31, 2021. This funding was used to fund a local advertising campaign pursuant to grant requirements. The Organization also applied for and received a \$150,000 EIDL (Note 4).

In March 2023, the Organization determined it was eligible for Employee Retention Credits (ERCs) of approximately \$390,000 and plans to file amended payroll tax returns for applicable periods.

VISIT BUFFALO NIAGARA AND AFFILIATES

Additional Information
Consolidating Balance Sheets Schedules

December 31,	2022					2021				
	VBN	Foundation	Sports Commission	Eliminations	Consolidated Totals	VBN	Foundation	Sports Commission	Eliminations	Consolidated Totals
Assets										
Current assets:										
Cash	\$ 2,002,914	\$ 69,421	\$ 68,908	\$ -	\$ 2,141,243	\$ 2,915,473	\$ 79,898	\$ 81,099	\$ -	\$ 3,076,470
Accounts receivable, net	252,598	109,270	-	(226,854)	135,014	271,649	109,195	-	(230,856)	149,988
Prepaid expenses and other	211,798	-	-	(754)	211,044	166,903	-	-	(754)	166,149
	<u>2,467,310</u>	<u>178,691</u>	<u>68,908</u>	<u>(227,608)</u>	<u>2,487,301</u>	<u>3,354,025</u>	<u>189,093</u>	<u>81,099</u>	<u>(231,610)</u>	<u>3,392,607</u>
Property and equipment, net	47,639	35,905	-	-	83,544	40,410	41,438	-	-	81,848
Right of use assets - leases	174,375	-	-	-	174,375	253,483	-	-	-	253,483
	<u>\$ 2,689,324</u>	<u>\$ 214,596</u>	<u>\$ 68,908</u>	<u>\$ (227,608)</u>	<u>\$ 2,745,220</u>	<u>\$ 3,647,918</u>	<u>\$ 230,531</u>	<u>\$ 81,099</u>	<u>\$ (231,610)</u>	<u>\$ 3,474,455</u>
Liabilities and Net Assets										
Current liabilities:										
Current portion of long-term debt	\$ 3,649	\$ -	\$ -	\$ -	\$ 3,649	\$ 3,551	\$ -	\$ -	\$ -	\$ 3,551
Current portion of lease liabilities	93,035	-	-	-	93,035	-	-	-	-	-
Accounts payable and accrued expenses	293,547	93,441	-	(227,608)	159,380	692,413	97,155	-	(231,610)	557,958
Refundable advances	40,192	4,307	-	-	44,499	110,315	4,307	-	-	114,622
Deferred revenue	160,600	-	-	-	160,600	116,425	-	-	-	116,425
	<u>591,023</u>	<u>97,748</u>	<u>-</u>	<u>(227,608)</u>	<u>461,163</u>	<u>922,704</u>	<u>101,462</u>	<u>-</u>	<u>(231,610)</u>	<u>792,556</u>
Long-term debt	140,592	-	-	-	140,592	144,356	-	-	-	144,356
Lease liabilities	81,340	-	-	-	81,340	-	-	-	-	-
Net Assets										
Without donor restrictions	1,876,369	72,633	68,908	-	2,017,910	2,327,375	81,066	81,099	-	2,489,540
With donor restrictions	-	44,215	-	-	44,215	-	48,003	-	-	48,003
	<u>1,876,369</u>	<u>116,848</u>	<u>68,908</u>	<u>-</u>	<u>2,062,125</u>	<u>2,327,375</u>	<u>129,069</u>	<u>81,099</u>	<u>-</u>	<u>2,537,543</u>
	<u>\$ 2,689,324</u>	<u>\$ 214,596</u>	<u>\$ 68,908</u>	<u>\$ (227,608)</u>	<u>\$ 2,745,220</u>	<u>\$ 3,394,435</u>	<u>\$ 230,531</u>	<u>\$ 81,099</u>	<u>\$ (231,610)</u>	<u>\$ 3,474,455</u>

VISIT BUFFALO NIAGARA AND AFFILIATES

Additional Information
Consolidating Statements of Activities Schedules

	2022					2021				
	VBN	Foundation	Sports Commission	Eliminations	Consolidated Totals	VBN	Foundation	Sports Commssion	Eliminations	Consolidated Totals
Net assets without donor restrictions:										
Revenues and support:										
Governmental support	\$ 3,908,838	\$ 75	\$ -	\$ (75)	\$ 3,908,838	\$ 6,070,224	\$ 22,884	\$ -	\$ (22,884)	\$ 6,070,224
Private sector participation	98,090	-	-	-	98,090	83,939	20,719	11,013	-	115,671
Advertising	118,311	-	-	-	118,311	7,228	-	-	-	7,228
Interest and other	5,401	-	-	-	5,401	17,753	765	-	(765)	17,753
Net assets released from restrictions	-	7,000	-	-	7,000	-	-	-	-	-
Total revenues and support	4,130,640	7,075	-	(75)	4,137,640	6,179,144	44,368	11,013	(23,649)	6,210,876
Expenses:										
Salaries and related benefits	1,976,858	-	-	-	1,976,858	1,651,297	-	-	-	1,651,297
Advertising, marketing and promotion	1,480,639	-	-	-	1,480,639	3,443,795	-	-	(20,719)	3,423,076
Visitors' Guide	97,996	-	-	-	97,996	-	-	-	-	-
Occupancy	141,507	-	-	-	141,507	124,255	2,906	-	(1,261)	125,900
Convention services and commitments	135,430	-	12,141	-	147,571	49,892	-	-	-	49,892
Trade shows	195,833	-	-	-	195,833	75,111	-	-	(1,644)	73,467
Market research	191,958	-	-	-	191,958	161,608	-	-	-	161,608
Postage, printing, and supplies	57,818	-	-	-	57,818	55,496	-	-	-	55,496
Depreciation	15,636	8,433	-	-	24,069	14,696	-	-	-	14,696
Other	287,971	7,075	50	(75)	295,021	444,559	25	50	(25)	444,609
Total expenses	4,581,646	15,508	12,191	(75)	4,609,270	6,020,709	2,931	50	(23,649)	6,000,041
Change in net assets without donor restrictions	(451,006)	(8,433)	(12,191)	-	(471,630)	158,435	41,437	10,963	-	210,835
Net assets with donor restrictions:										
Contributions	-	3,212	-	-	3,212	-	48,003	-	-	48,003
Net assets released from restrictions	-	(7,000)	-	-	(7,000)	-	-	-	-	-
Change in net assets with donor restrictions	-	(3,788)	-	-	(3,788)	-	48,003	-	-	48,003
Change in net assets	(451,006)	(12,221)	(12,191)	-	(475,418)	158,435	89,440	10,963	-	258,838
Net assets - beginning	2,327,375	129,069	81,099	-	2,537,543	2,168,940	39,629	70,136	-	2,278,705
Net assets - ending	\$ 1,876,369	\$ 116,848	\$ 68,908	\$ -	\$ 2,062,125	\$ 2,327,375	\$ 129,069	\$ 81,099	\$ -	\$ 2,537,543

VISIT BUFFALO NIAGARA AND AFFILIATES

**Additional Information
Schedule of Contracted Surplus**

For the year ended December 31, 2022

Net assets	\$ 1,876,369
Working capital, as defined in agreement with County of Erie dated March 4, 2022	<u>2,632,092</u>
Contractual surplus (deficit)	<u>\$ (755,723)</u>

MANAGEMENT LETTER

April 28, 2023

The Board of Directors
Buffalo Niagara Convention & Visitors Bureau, Inc. (d/b/a Visit Buffalo Niagara)
and Affiliates

In planning and performing our audit of the consolidated financial statements of Buffalo Niagara Convention & Visitors Bureau, Inc. (d/b/a Visit Buffalo Niagara (VBN)), Buffalo Niagara Convention & Visitors Bureau Foundation (the Foundation) and Buffalo Niagara Sports Development Company, Inc. (the Sports Commission), collectively, the Organization, as of and for the year ended December 31, 2022, in accordance with auditing standards generally accepted in the United States of America, we considered the Organization'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 the Organization's internal control. Accordingly, we do not express an opinion on the effectiveness of the Organization'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 Organization's financial statements will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. In addition, because of the inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls. 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 may exist that have not been identified.

PRIOR YEAR RECOMMENDATION

Internal Control

Segregation of duties requires that no one employee have access to both physical assets and the related accounting records or to all phases of a transaction. The small size of the Organization's staff limits its ability to fully establish proper segregation of duties. We recognize that the hiring of additional personnel to achieve full separation of compatible duties is not cost effective and therefore believe the Organization has mitigating controls that segregate duties to the extent possible.

We have discussed these comments with Organization personnel, would be pleased to discuss them in further detail, perform any additional study of these matters, or assist in implementing the recommendations.

This communication is intended solely for the information and use of the Board of Directors and management of the Organization, and is not intended to be, and should not be, used by anyone other than these specified parties.



COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE

April 28, 2023

The Board of Directors
Buffalo Niagara Convention & Visitors Bureau, Inc. (d/b/a Visit Buffalo Niagara)
and Affiliates

We have audited the consolidated financial statements of Buffalo Niagara Convention & Visitors Bureau, Inc. (d/b/a Visit Buffalo Niagara (VBN)), Buffalo Niagara Convention & Visitors Bureau Foundation (the Foundation) and Buffalo Niagara Sports Development Company, Inc. (the Sports Commission), collectively the Organization, for the year ended December 31, 2022, and have issued our report thereon dated April 28, 2023. Professional standards require that we advise you of the following matters related to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated February 7, 2023, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (GAAP). Our audit of the financial statements does not relieve you or management of its respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Organization's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the Organization solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible to communicate significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our comments regarding internal controls and other matters noted during our audit in a separate letter to you.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you in the engagement letter.

Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, and our firm have complied with all relevant ethical requirements regarding independence.

Significant Risks Identified

Our audit planning and risk assessment identified management override of controls and improper revenue recognition as significant audit risks, both of which are presumptive risks in financial statement audits.

Qualitative Aspects of the Organization's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Organization is included in Note 1 to the financial statements. In 2022, the Organization adopted Financial Accounting Standards Board (FASB) Accounting Standards Update (ASU) No. 2016-02, *Leases* (Topic 842). Other than the adoption of this standard, no new accounting policies were adopted and the application of existing policies was not changed in 2022. No matters have come to our attention that would require us, under professional standards, to inform you about the methods used to account for significant unusual transactions and the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. The most sensitive accounting estimates affecting the financial statements are:

- Collectability of accounts receivable
- Useful lives of property and equipment
- Functional expense allocations

Management's estimates of the above are based on management's knowledge and experience about past and current events and assumptions about future events. We evaluated the key factors and assumptions used to develop the estimates above and determined that it is reasonable in relation to the basic financial statements taken as a whole.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. We evaluated all disclosures in relation to the financial statements as a whole and determined that they are reasonable.

Significant Difficulties Encountered During the Audit

We encountered no difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards also require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. Uncorrected misstatements or matters underlying those uncorrected misstatements could potentially cause future-period financial statements to be materially misstated, even though the uncorrected misstatements are immaterial to the financial statements currently under audit.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. No material corrected or uncorrected misstatements were identified as a result of our audit procedures. We assisted management with the implementation of ASU 2016-02.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the Organization's financial statements or the auditors' report. No such disagreements arose during the course of the audit.

Circumstances that Affect the Form and Content of the Auditors' Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditors' report. There were no modifications to the audit opinion.

Representations Requested from Management

We have requested certain written representations from management, which are included in the management representation letter dated consistent with the financial statement audit report date.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the Organization, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, business conditions affecting the Organization, and business plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the Organization's auditors.

Additional Information

With respect to the additional information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with GAAP, the method of preparing the information has not changed from the prior period, and the information is appropriate and complete in relation to the audits of the financial statements. We compared and reconciled the additional information to the underlying accounting records used to prepare each of the financial statements or to each of the financial statements themselves.

This information is intended solely for the use of the Board of Directors and management of the Organization. It is not intended to be and should not be used by anyone other than these specified parties.



**BUFFALO NIAGARA CONVENTION CENTER
MANAGEMENT CORPORATION**

**FINANCIAL STATEMENTS
WITH ADDITIONAL INFORMATION**

December 31, 2022

INDEPENDENT AUDITORS' REPORT

The Board of Directors
Buffalo Niagara Convention Center Management Corporation

Opinion

We have audited the balance sheets of Buffalo Niagara Convention Center Management Corporation (the Center) as of December 31, 2022 and 2021, and the related statements of activities, functional expenses, and cash flows for the years then ended, and the related notes to the financial statements.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Center as of December 31, 2022 and 2021, and the changes in its net assets and cash flows for the years then ended, in accordance with accounting principles generally accepted in the United States of America (GAAP).

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. 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 the Center and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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 the Center's ability to continue as a going concern for one year after the date that the financial statements are issued.

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 the Center's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Center'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.

Additional Information

Our audits were conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying additional information is presented for purposes of additional analysis and is not a required part of the 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 information is fairly stated, in all material respects, in relation to the financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated April 28, 2023 on our consideration of the Center's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Center's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Center's internal control over financial reporting and compliance.



April 28, 2023

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION

Balance Sheets

December 31,	2022	2021
Assets		
Current assets:		
Cash	\$ 958,809	\$ 1,326,840
Accounts receivable	477,417	42,091
Inventory (Note 2)	44,753	44,798
Prepaid expenses	57,842	27,939
	<u>\$ 1,538,821</u>	<u>\$ 1,441,668</u>
Liabilities and Net Assets		
Current liabilities:		
Accounts payable	\$ 441,680	\$ 115,098
Accrued expenses	94,208	70,804
Deferred revenue	73,364	107,837
	<u>609,252</u>	<u>293,739</u>
Net assets	<u>929,569</u>	<u>1,147,929</u>
	<u>\$ 1,538,821</u>	<u>\$ 1,441,668</u>

See accompanying notes.

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION

Statements of Activities

For the years ended December 31,	2022	2021
Revenue and support:		
Contributions:		
Erie County grant (Note 1)	\$ 1,923,578	\$ 1,867,551
Government stimulus (Note 7)	345,977	375,215
Revenue from in-house catering service	2,157,788	305,658
Rentals	824,299	112,126
Miscellaneous	278,733	36,020
Total revenue and support	5,530,375	2,696,570
Expenses:		
Program services	4,694,530	2,234,552
General and administrative	1,054,205	661,973
Total expenses	5,748,735	2,896,525
Change in net assets	(218,360)	(199,955)
Net assets - beginning	1,147,929	1,347,884
Net assets - ending	\$ 929,569	\$ 1,147,929

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION

Statements of Functional Expenses

For the years ended December 31,

	2022			2021		
	Program and Services	General and Administrative	Total	Program and Services	General and Administrative	Total
Salaries and wages	\$ 1,983,376	\$ 531,210	\$ 2,514,586	\$ 848,546	\$ 316,017	\$ 1,164,563
Payroll taxes	193,227	52,614	245,841	105,664	34,275	139,939
Employee benefits	260,668	83,169	343,837	151,365	56,916	208,281
	<u>2,437,271</u>	<u>666,993</u>	<u>3,104,264</u>	<u>1,105,575</u>	<u>407,208</u>	<u>1,512,783</u>
Cost of goods sold	833,152	-	833,152	96,990	-	96,990
Professional and contracted services	-	162,846	162,846	-	128,442	128,442
Property and equipment purchases	86,170	9,574	95,744	181,309	20,145	201,454
Supplies	279,650	29,983	309,633	94,762	11,317	106,079
Telephone	112,745	19,896	132,641	53,303	9,406	62,709
Postage	2,344	414	2,758	451	80	531
Occupancy	708,528	68,252	776,780	556,816	50,933	607,749
Rental and maintenance of equipment	144,011	15,194	159,205	116,477	12,813	129,290
Travel and entertainment	-	14,865	14,865	-	1,588	1,588
Promotion, printing and publications	49,549	7,853	57,402	23,941	6,134	30,075
Dues and subscriptions	-	19,842	19,842	-	5,323	5,323
Laundry, uniforms and cleaning	4,592	1,531	6,123	1,385	462	1,847
Interest	-	-	-	-	579	579
Miscellaneous	36,518	36,962	73,480	3,543	7,543	11,086
Total non-personnel expenses	<u>2,257,259</u>	<u>387,212</u>	<u>2,644,471</u>	<u>1,128,977</u>	<u>254,765</u>	<u>1,383,742</u>
Total	\$ 4,694,530	\$ 1,054,205	\$ 5,748,735	\$ 2,234,552	\$ 661,973	\$ 2,896,525

See accompanying notes.

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION

Statements of Cash Flows

For the years ended December 31,	2022	2021
Operating activities:		
Change in net assets	\$ (218,360)	\$ (199,955)
Adjustments to reconcile change in net assets to net operating activities:		
Changes in other current assets and current liabilities:		
Accounts receivable	(435,326)	(42,091)
Inventory	45	(15,488)
Prepaid expenses	(29,903)	(6,151)
Accounts payable	326,582	52,114
Accrued expenses	23,404	27,718
Deferred revenue	(34,473)	12,710
Net operating activities	(368,031)	(171,143)
Cash - beginning	1,326,840	1,497,983
Cash - ending	\$ 958,809	\$ 1,326,840

Notes to Financial Statements

1. Summary of Significant Accounting Policies:

Organization:

Buffalo Niagara Convention Center Management Corporation (the Center) is a nonprofit corporation organized to operate, manage and promote a convention center facility located in the City of Buffalo, New York (the City) pursuant to an agreement with Erie County, New York (the County). The Corporation has one class of members which consists of the City and the County.

The Center grants credit to individuals, businesses and nonprofit organizations located throughout the United States.

Buffalo Niagara Convention and Visitors Bureau, Inc. (d/b/a Visit Buffalo Niagara (VBN)) and its affiliated entities are related to the Center through shared administration and common board members. The Center reimbursed VBN \$19,400 and \$7,500 in fees for shared administrative services in 2022 and 2021.

Governmental Support:

Under the terms of an annual public benefit services contract (service contract) with the County, the Center received subsidies for operations in 2022 and 2021 totaling \$1,923,578 and \$1,867,551, representing 35% and 69% of total revenue and support for each year. The service contract also requires the Center to repay the County any surplus funds at the end of the contract year, calculated as the excess of net assets over the 6 months average of operating expenses, based on actual expenses for the 36 months immediately preceding the current year. The Center had no calculated surplus funds for 2022 or 2021.

Funding by the County for the year ending December 31, 2023 will continue in the form of a subsidy to the Center totaling \$1,981,286 under the terms of an agreement executed on March 8, 2023. Funding beyond December 31, 2023 is contingent upon actions taken by the County. The Board and management of the Center believe the funding arrangements will be made timely, so uninterrupted operations will continue beyond that time.

Use of Estimates:

The preparation of financial statements in accordance 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.

Subsequent Events:

Management has evaluated events and transactions for potential recognition or disclosure through April 28, 2023, the date the financial statements were available to be issued.

Cash:

At various times, cash in financial institutions may exceed federally insured limits and subject the Center to concentrations of credit risk.

Accounts Receivable:

Accounts receivable, consisting of trade receivables, are stated at the amount management expects to collect from balances outstanding at year-end. Management provides for probable uncollectible amounts through a charge to bad debts expense and a credit to the allowance for doubtful accounts based on its assessment of the current status of individual accounts and historical trends. Balances still outstanding after management has used reasonable collection efforts are written off through a charge to the allowance for doubtful accounts and a credit to accounts receivable. An allowance for doubtful accounts is considered unnecessary by management for 2022 and 2021.

Inventory:

Inventory consists primarily of food and beverage products and is valued at the lower of first-in, first-out cost or net realizable value.

Property and Equipment:

The Center is operated for the County under a service concession arrangement, defined as an arrangement between a public sector entity grantor and an operating entity under which the operating entity operates the grantor’s infrastructure. Consequently, property and equipment purchases are generally expensed as incurred. Property and equipment purchases expensed in 2022 and 2021 totaled \$95,744 and \$201,454.

Revenue Recognition:

Revenue is recognized when related events occur. Customer payment is generally due within 30 days of an event. Deferred revenue consists of deposits received in advance of scheduled events when required by contract terms.

Sales Tax:

Certain jurisdictions impose a sales tax on the Center’s sales to nonexempt customers. The Center collects these taxes from customers and remits the entire amount accordingly. Taxes collected and remitted are excluded from revenues and expenses in the accompanying financial statements.

Functional Allocation of Expenses:

The costs of providing program and supporting services have been summarized on a functional basis in the statements of functional expenses. Accordingly, certain costs have been allocated among the programs and supporting services benefited. These costs include salaries and benefits, which are allocated on the basis of estimates of time and effort.

Income Taxes:

The Center is a 501(c)(3) organization exempt from income taxes under Section 501(a) of the Internal Revenue Code.

2. Inventory:

	2022	2021
Food	\$ 21,809	\$ 23,256
Beverage	19,449	19,664
Catering service supplies	2,997	1,183
Vending machine merchandise	498	695
	<u>\$ 44,753</u>	<u>\$ 44,798</u>

3. Short-Term Borrowings:

The Center has available a \$400,000 bank demand line of credit for working capital financing with interest payable at prime plus 1½%. The line is secured by essentially all assets of the Center. There were no outstanding borrowings under this line at December 31, 2022 and 2021.

4. Retirement Plans:

The Center maintains a noncontributory, defined contribution profit sharing plan covering essentially all nonunion employees. The Center can make discretionary contributions to the plan. Total expense under this plan was \$13,300 for 2022 and \$9,700 for 2021.

The Center also contributes to a defined contribution pension plan covering eligible employees of one union group. Contributions are determined pursuant to the collective bargaining agreement between the Center and the union. Total expense under this plan was \$3,024 for 2022 and \$672 for 2021.

The Center’s other union employees are covered by defined benefit multi-employer plans pursuant to the terms of collective bargaining agreements. The risks of participating in these multiemployer plans are different from single-employer plans in the following aspects:

- a. Assets contributed to the multiemployer plans by one employer may be used to provide benefits to employees of other participating employers.
- b. If a participating employer stops contributing to a plan, the unfunded obligations of the plan may be borne by the remaining participating employers.
- c. If the Center chooses to stop participating in a multi-employer plan, the Center may be required to pay the plan an amount based on the underfunded status of the plan, referred to as a withdrawal liability.

The Center's participation in the plans for the years ended December 31, 2022 and 2021 is outlined in the table below. The "EIN/Pension Plan Number" column provides the Employer Identification Number (EIN) and the three-digit plan number. The most recent Pension Protection Act (PPA) zone statuses available in 2022 and 2021 are for the following plan year ends: December 31, 2021 and 2020 for Plan 1, and January 31, 2022 and 2021 for Plan 2. The zone status is based on information that the Center received from the plans and is certified by the plans' actuaries. Among other factors, plans in the red zone are generally less than 65 percent funded, plans in the yellow zone are less than 80 percent funded, and plans in the green zone are at least 80 percent funded. The "FIP/RP Status Pending/Implemented" column indicates whether a financial improvement plan (FIP) or a rehabilitation plan (RP) is either pending or has been implemented. The last column lists the expiration date of the collective bargaining agreement to which the plan is subject.

Pension Plan	EIN/Pension Plan Number	PPA Zone Status		FIP/RP Status Pending/Implemented	Center Contributions		Surcharge Imposed	Expiration Date of Participation Agreement
		2022	2021		2022	2021		
Plan 1	16-0908576/001	Green	Green	No	\$ 48,600	\$ 20,600	No	December 31, 2024
Plan 2	36-6052390/001	Green	Green	No	28,700	23,000	No	December 31, 2024
					<u>\$ 77,300</u>	<u>\$ 43,600</u>		

The Center was not listed in any of the Forms 5500 as providing more than 5 percent of the total contributions for the plan years ended December 31, 2021 and 2020 and January 31, 2022 and 2021. At the date the financial statements were issued, Form 5500 was not available for Plan 1's year ended December 31, 2022.

5. Contingencies:

The Center is involved in legal proceedings, which in the opinion of management, will not have a material adverse impact on the financial position of the Center.

6. Financial Resources Available for Operations:

The Center obtains financial assets generally through a government grant, in-house catering services and rentals. The financial assets are acquired throughout the year to help meet the Center's cash needs for general expenditures. If necessary, the Center also has access to a \$400,000 bank demand line of credit (Note 3).

The Center's financial assets available within one year of the balance sheet date to meet cash needs for general expenditures consist of the following at December 31, 2022 and 2021:

	2022	2021
Cash	\$ 958,809	\$ 1,326,840
Accounts receivable	477,417	42,091
	<u>\$ 1,436,226</u>	<u>\$ 1,368,931</u>

7. Risks and Uncertainties:

On January 31, 2020, the United States Secretary of Health and Human Services (HHS) declared a public health emergency related to the global spread of coronavirus COVID-19, and a pandemic was declared by the World Health Organization in February 2020. Efforts to fight the widespread disease included limiting or closing many businesses and resulted in a severe disruption of operations for organizations.

In March 2021, the Center received a \$375,215 loan from the Small Business Administration (SBA) under the Paycheck Protection Program (PPP) of the Coronavirus Aid, Relief and Economic Security (CARES) Act in response to the pandemic. The loan was forgiven in November 2021, and the proceeds have been recognized as revenue in the accompanying 2021 statements of activities.

The Center recognized \$345,977 of refundable credits under the Employee Retention Credit program of the CARES Act during the year ended December 31, 2022. These credits, which were received in December 2022, are included in revenue on the 2022 statement of activities.

BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION

**Additional Information
Schedule of Contracted Surplus**

For the year ended December 31, 2022

Net assets	\$ 929,569
Working capital, as defined in agreement with County of Erie dated March 17, 2022	<u>2,064,938</u>
Contractual deficit	<u>\$ (1,135,369)</u>

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
Buffalo Niagara Convention Center Management Corporation

We have audited, in accordance with 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 Buffalo Niagara Convention Center Management Corporation (the Center), as of December 31, 2022, and the related statements of activities, functional expenses, and cash flows for the year then ended, and the related notes to the financial statements, and have issued our report thereon dated April 28, 2023.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Center's internal control over financial reporting (internal control) as a basis for designing the 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 the Center's internal control. Accordingly, we do not express an opinion on the effectiveness of the Center'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, and therefore, material weaknesses or significant deficiencies may exist that have not been identified. However, as described below, we did identify certain deficiencies in internal control over financial reporting that we consider to be material weaknesses.

Financial Reporting

Our audit of the Center's 2022 financial statements revealed that key general ledger accounts, including cash, were not reconciled timely, which resulted in significant additional analysis and adjustments subsequent to year end. Additionally, we noted the Center did not timely record transactions to the general ledger during the year.

We recommend management implement additional procedures to ensure accounts are reconciled to the general ledger and activity of the Center is recorded in a timely manner.

Management Response

In April 2022, the long-time controller for the Center retired and a new controller was hired. However, it became apparent that the new controller was not suited for the position. As a result, subsequent to year end, the Center has replaced the controller. Additional policies and procedures will also be implemented, including regular meetings between the controller and General Manager of the Center, specific training for the individual on the accounting software, and specific monthly closing procedures will be established, including reconciliation of key accounts.

Management's Response to Findings

Government Auditing Standards require the auditor to perform limited procedures on the Center's response to the findings identified in our audit, and is described above. The Center's response was not subjected to the other auditing procedures applied in the audit of the financial statements, and accordingly, we express no opinion on the response.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Center's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Center's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Center's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



April 28, 2023

THE STATE OF TEXAS,
COUNTY OF _____

I, _____, County Clerk of the County of _____, State of Texas, do hereby certify that _____ is the true and correct copy of the _____ as the same appears from the _____ of the County of _____, State of Texas.

Given under my hand and the seal of said County, this _____ day of _____, 20____.

County Clerk

MANAGEMENT LETTER

April 28, 2022

The Board of Directors and Management
Buffalo Niagara Convention Center Management Corporation

In planning and performing our audit of the financial statements of Buffalo Niagara Convention Center Management Corporation (the Center) as of and for the year ended December 31, 2022, in accordance with auditing standards generally accepted in the United States of America, we considered the Center'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 the Center's internal control. Accordingly, we do not express an opinion on the effectiveness of the Center's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses and, therefore, material weaknesses may exist that were not identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be a material weakness.

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 reasonable possibility exists when the likelihood of an event occurring is either reasonably possible or probable as defined as follows:

- *Reasonably possible.* The chance of the future event or events occurring is more than remote but less than likely.
- *Probable.* The future event or events are likely to occur.

We consider the following deficiency in the entity's internal control to be a material weakness:

Financial Reporting

Our audit of the Center's 2022 financial statements revealed that key general ledger accounts, including cash, were not reconciled timely, which resulted in significant additional analysis and adjustments subsequent to year end. Additionally, we noted the Center did not timely record transactions to the general ledger during the year.

The following are the significant items identified:

- Bank reconciliations were not accurately and timely completed. We noted many transactions were recorded multiple times or not at all.
- Inventory balances were not updated to reflect cost of goods sold. Food and beverage items used for events were not properly recorded and actual inventory counts were not reconciled to the general ledger.

- Cash receipts related to the Employee Retention Credits (ERCs) incorrectly reduced the accounts receivable balance. The receipts should have been recognized as revenue.
- There is a significant delay in recording revenue from events held at the Center. The average delay (between the date of the event and recognition) was 22 days for events tested in the audit sample.
- Event deposits were not applied to the customer's final invoices when the events were held. Additionally, deposits for cancelled events have not been refunded or written off.
- Adjustments were not made to properly reflect earned vacation and bonus amounts.

We recommend management implement additional procedures to ensure accounts are reconciled to the general ledger and activity of the Center is recorded in a timely manner.

OTHER COMMENTS AND RECOMMENDATIONS

Policies and Procedures Manual

While significant progress has been made, we continue to recommend the Center complete a formal accounting policies and procedures manual. A comprehensive manual is a fundamental component of an effective internal control, accounting and financial reporting system. Formalized, documented procedures offer employees a clear picture of the Center's controls, accounting procedures and practices, provide the Center with a source of information that will not be lost if key personnel leave, and are helpful in training new employees. The manual would serve as formal documentation of the existing monthly closing and reporting procedures, formal policies for preparing weekly payroll, preparing and reviewing general journal entries, and approving invoices for payment and billing customers for services performed.

Local Authority

On January 23, 2013 the Center received notification from the State of New York Authorities Budget Office (ABO) that the organization meets the definition of a local authority pursuant to the Public Authorities Law. Accordingly, the Center is now required to comply with regulations established by the Public Authorities Accountability Act (PAAA).

Although the Center has complied with certain aspects of PAAA, it has been notified by the ABO that it is not in full compliance. Management has advised us that resolution of this matter is pending certain actions to be taken by the Center's Members, the County of Erie and the City of Buffalo. Since the ABO has the authority to take enforcement action, we continue to recommend the Center's Members take the necessary actions to be in full compliance with PAAA.

This report is intended solely for the information and use of the Board of Directors and management of the Center. It is not intended to be, and should not be, used by anyone other than these specified parties.

Symon & McCormick, LLP

COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE

April 28, 2023

The Board of Directors
Buffalo Niagara Convention Center Management Corporation

We have audited the financial statements of Buffalo Niagara Convention Center Management Corporation (the Center) for the year ended December 31, 2022, and have issued our report thereon dated April 28, 2023. Professional standards also require that we advise you of the following information related to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated January 30, 2023 our responsibility, as described by professional standards, is to form and express opinions about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (GAAP). Our audit of the financial statements does not relieve you or management of its respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Center's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the Center solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible to communicate significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our comments regarding internal controls and other matters noted during our audit in a separate letter to you.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope previously communicated to you in the engagement letter; however, delays were encountered during the performance of the audit.

Compliance with All Ethics Requirements Regarding Independence

The engagement team, others in our firm, as appropriate, and our firm have complied with all relevant ethical requirements regarding independence.

Significant Risks Identified

Our audit planning and risk assessment identified management override of controls and improper revenue recognition as significant audit risks, both of which are presumptive risks in financial statement audits.

Qualitative Aspects of the Center's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the Center are included in Note 1 to each of the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2022. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates and Audit Risk Items

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. The most sensitive and significant accounting estimates and audit risk items affecting the financial statements and our audits include:

- Collectability of accounts receivable
- Functional expense allocations

Management's estimates of the above are based on management's knowledge and experience about past and current events and assumptions about future events. We evaluated the key factors and assumptions used to develop the estimates above and determined they are reasonable in relation to the basic financial statements taken as a whole.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. We evaluated all disclosures in relation to the financial statements as a whole and determined they are reasonable.

Significant Difficulties Encountered During the Audit

Key general ledger accounts were not reconciled timely which resulted in significant audit difficulties.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audits, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. Uncorrected misstatements or matters underlying those uncorrected misstatements could potentially cause future-period financial statements to be materially misstated, even though the uncorrected misstatements are immaterial to the financial statements currently under audit. We discovered no uncorrected misstatements during our audit.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures. The following material misstatements that we identified as a result of our audit procedures were brought to the attention of, and corrected by, management:

- Adjustments to reconcile operating and payroll cash accounts.
- Adjustment to properly recognize Employee Retention Credits (ERCs) transactions.
- Adjustment to increase expenses and decrease inventory for cost of goods sold.
- Adjustment to increase salary expense and related accruals.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the Center's financial statements or the auditors' reports. No such disagreements arose during the course of the audit.

Circumstances that Affect the Form and Content of the Auditors' Report

For purposes of this letter, professional standards require that we communicate any circumstances that affect the form and content of our auditors' report. There were no modifications to the audit opinion.

Representations Requested from Management

We have requested certain written representations from management, which are included in the management representation letter dated consistent with the financial statement audit report date.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the Center, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, significant events or transactions that occurred during the year, business conditions affecting the Center, and business plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the Center's auditors.

Additional Information

With respect to the additional information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with GAAP, the method of preparing the information has not changed from the prior period, and the information is appropriate and complete in relation to the audits of the financial statements. We compared and reconciled the additional information to the underlying accounting records used to prepare each of the financial statements or to each of the financial statements themselves.

This information is intended solely for the use of the Board of Directors and management of the Center. It is not intended to be, and should not be, used by anyone other than these specified parties.

Lumidon & McCormick, LLP

BUFFALO NIAGARA CONVENTION CENTER			
Q1 Revenue	Goal	Actual	Variance
Rent Revenue	\$320,581	\$326,904	1.97%
F&B Revenue	\$660,400	\$525,083	-20.49%
Electrical Service	\$47,500	\$61,684	29.86%
Other Revenue	\$15,549	\$108,399	597.14%
TOTAL REVENUE	\$1,044,030	\$1,022,070	-2.10%
YTD Revenue	2023	2022	Variance
Rent Revenue	\$326,904	\$299,746	9.06%
F&B Revenue	\$525,083	\$212,809	146.74%
Electrical Service	\$61,684	\$44,238	39.44%
Other Revenue	\$108,399	\$18,358	490.47%
TOTAL REVENUE	\$1,022,070	\$575,151	77.70%
Q1 YTD Events	2023	2022	Variance
Number of Events	19	11	72.7%
Attendance	102,199	91,292	11.9%
F&B Profit Margin	27.2%	26.4%	.8%
Guest Satisfaction Survey	N/A	N/A	%
Comments Q1			
The increase in revenues is due to the return of Moog Inc, Kaleida Ball moving from September '22 to January '23 and the penalty clause initiated upon the Ingram Micro cancellation in January. Also, our events have seen an increase in attendance over 2022 Q1. While not quite 2019 attendance levels, an uptick from Q1 2022 attendance.			

Q1 Major Events Hosted			
Month	Event Name	Number of Attendees	Revenue
Jan	Varsity Brands – 2023 Varsity Spirit Aloha Buffalo	2,249	\$25,217
Jan	Brian Lilly – Buffalo Wine Festival	1,700	\$10,758
Jan	Kaleida Health Foundation – Kaleida Ball	780	\$87,190
Feb	Niagara Frontier Automobile Dealers Association – Buffalo Auto Show	40,000	\$131,139
Feb	Town Square Media of Buffalo – Buffalo on Tap	4,600	\$17,069
Feb	MOOG Incorporated – Mid-Winter Bash	2,384	\$156,925
Feb	New York State Board of Law Examiners – February Bar Exam	1,170	\$53,451
March	Marketplace Events – Buffalo Home Show	31,500	\$210,782
March	Buffalo Motorama – 2023 Buffalo Motorama	8,400	\$66,248
March	National Association for College Admission Counseling – 2023 College Fair	5,000	\$16,742
March	NYC Dance Alliance – 2023 Regional Convention	1,236	\$37,762
March	Buffalo Niagara Partnership – Athena Awards	512	\$13,792

Q1 Major Events Booked		
Year	Event Name	Expected Revenue
2023	Foundation for Manufacturing Excellence - MEP National Network Meeting	\$140,000
2023	Kaleida Health Foundation – Kaleida Health Foundation 2023 Festival of Trees	\$129,000
2023	ECMC Foundation – ECMC Foundation Gala	\$120,500
2023	Russell’s Steakhouse – The Russell Salvatore Celebration	\$58,000
2023	Roswell Park Alliance Foundation – All Star Gala	\$60,000
2023	Trading Card Game Con Inc. – Trading Card Game Con 2023	\$24,180
2024	Insurance Club of Buffalo – Buffalo I-Day	\$65,500
2024	Kaleida Health Foundation – 2024 Kaleida Ball	\$65,000
2024	Break The Floor Productions – 2024 Jump Dance Convention	\$25,365
2024	Church of God International Offices – Northeast Winterfest 2024	\$25,295
2025	New York School Nutrition Association – NYSNA 74 th Annual Conference	\$35,000

Q1 Notable BNCC Activities	
Date	Program
Jan	Attended VBN Tourism Marketing Forum
Jan	Attended Convention Services Meeting with VBN and Hyatt
Jan	Site with Miami Dolphins
Feb	Participated in ESSAE’s Virtual Annual Meeting and Membership Committee Meetings
Feb	Site inspection with Association of Floodplain Managers
Feb	Site inspection with NYS School Boards Association and hosted pre-planning meeting with client, VBN and Hyatt
Feb	Site inspection with National Institute of Standards and Technology
March	Hosted and participated in VBN Industry Meeting
March	Site inspection with Retail Confectioners International
March	Site inspection with American Cheese Society including lunch with industry partners
Ongoing	Regular and ongoing client outreach. Assist with securing future dates and provide updated facility information
Ongoing	Paychex Integration completed. All departments now on Time and Attendance System.
Ongoing	Engage with Ungerboeck to finalize electronic document upgrade (including lease agreements) and initiate and streamline greater financial and sales forecasting report capabilities.
Ongoing	Initiated the use of social media specialist from VBN to increase social media presence and showcase the Center’s service, cuisine and staff..

Erie County Legislature
Meeting Date: 06/08/2023

SUBJECT

COMM. 12M-3	CHAIR, SUNY ERIE BOARD OF TRUSTEES	2023-2024 SUNY Erie Operating Budget
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Attachments

23COMM. 12M-3



Memo

EC LEG MAY 26 '23 PM3:53

To: The Honorable Mark Poloncarz

From: Jeffrey Stone, Chairman, Board of Trustees

Date: May 25, 2023

Re: 2023-2024 SUNY Erie Operating Budget

On May 25, 2023, the SUNY Erie Community College Board of Trustees approved the SUNY Erie Community College 2023-2024 Operating Budget. As required by the Erie County Legislative resolution, we are pleased to submit the attached budget and authorizing resolutions, which can be found on pages 10 through 13 of the budget document.

If there are any questions or if additional information is necessary, please contact Adiam Tsegai, the SUNY Erie Officer in Charge, at 851-1500 or at tsegai@ecc.edu.

Thank you in advance for your continued and anticipated future support.

Attachments:

SUNY Erie 2023-2024 Operating Budget

Jeffrey Stone, Chairman, Board of Trustees (716) 851-1500

SUNY Erie Community College 2023-2024 Approved Budget

SUNY ERIE BOARD OF TRUSTEES MAY 25, 2023

SUNY Erie Board of Trustees

Jeffrey Stone

Chair

Melodie Baker

Vice Chair

Carrie Phillips

Secretary

Leonard Lenihan

Kenneth Kruly

Candace Morrison

Amanda Lowe

Marcell Soares Pinheiro

Student Trustee

**SUNY ERIE COMMUNITY COLLEGE
2023-2024 BUDGET
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SUNY Erie Community College 2023 - 2024 Budget Message *Committed to Student Success*

College and County Commitment

The 2023-24 SUNY Erie Community College (the “College”) budget represents and supports our commitment to ensuring access to a quality, affordable, education to all students.

The College has a vast impact on the communities of Erie County and has been continuously focused on improving the quality and delivery of both academic curriculum and services to students, all while working to achieve and maintain fiscal health and transparency. The College also continues to seek out new programs, partnerships, and opportunities to ensure the relevance and value of a SUNY Erie Community College education. We greatly appreciate the support from Erie County and look forward to continued collaboration in the future.

2022-2023 in Review

Recent years have brought unprecedented challenges for SUNY Erie Community College, including the unforeseen impact of the pandemic. This global crisis has significantly affected all aspects of our operations, compelling us to quickly adjust and discover innovative methods to provide our students with a quality education. Additionally, we have faced declining enrollments, retirements, layoffs, questions surrounding south campus, and even encountered rare winter storms.

It is crucial to recognize that we are not the only institution grappling with these difficulties. Educational organizations worldwide have also been influenced to varying degrees, highlighting the collective nature of these shared challenges. We are united in our efforts to overcome obstacles and navigate this evolving landscape together.

One significant factor impacting the College’s financial position and operations is student enrollment. In the fall of 2022, 7,849 credit-bearing students attended SUNY Erie Community College and in spring 2023 enrollment was 8,065 credit-bearing students (*unofficial, local data*). Actual projected year-end credit Full-Time Equivalents (FTEs) for 2022-23 are expected to relatively break even over the enacted 2022-2023 budget, which assumed a -1.5% credit-bearing FTE reduction compared to 2021-2022. This downward enrollment trend is expected to continue into the 2023-2024 academic year, given the continued decline in continuing/returning student enrollment and anticipated reduction in WNY 2023 graduation numbers.

Snapshot of our Student Body:

- 90.2% of all students attending SUNY Erie Community College are Erie County residents, and 98% are residents of New York State.
- 53.7% of our non-high school concurrent enrolled students are 21 years old or younger. The remaining 46.2% of our non-high school concurrent enrolled population are nontraditional students coming from a variety of backgrounds and have different needs – such as childcare, flexible class schedules that fit into their work requirements, access to internet and technology, and food insecurity among other challenges – all of which impact their ability to focus fully on their studies.
- 50% of NYS full-time resident undergraduate SUNY Erie students attend tuition free due to a combination of Federal and Institutional Aid, the Excelsior Scholarships, and the Tuition Assistance Program (TAP).
- 66.2% of our students are full-time and of these full-time students approximately 57% receive Federal Pell grants, 31% receive assistance from New York State’s Tuition Assistance Program (TAP), and 27% percent receive both. The remaining 33.7% attend part-time, and 37.4% of these students are recipients of the federal Pell program.
- 91.4% of our population is matriculated into a degree or certification seeking program, with the remaining 8.6% not in a matriculated program.
- The College’s “Advanced Studies program”; a program which is open to all high school juniors or seniors of average or better academic ability interested in beginning their postsecondary career while still in high school has grown by +22.9% FTE in Fall 2022 (SUNY SIRIS EOT), and +21.7% FTE in Spring 2023 (local, unofficial data) compared to prior semesters.
- Finally, for the most recently completed Academic Year, SUNY Erie's Female Population was 53.5 percent Female, with the remainder Male (IPEDS, Fall 2021).

Enrollment Decline

SUNY Erie is the fifth largest of 30 community colleges operating under the program of the State University of New York (SUNY) system in terms of FTE enrollment and operates in one of the most postsecondary education option dense areas in the state, with competition from more than 20 other institutions of higher education within an hour’s drive.

The College has experienced continuous enrollment declines since hitting its highest point of enrollment in 2010. This is partially due to demographics, competition within higher education, and a strong economy. While community college enrollment has historically been inversely related to the strength of the local economy, such relationships tend to be lagged in nature and not uniform across recession periods.

While enrollment was down this academic year, we observed increased enrollment for Fall 2022 compared to the previous year in first-time student FTEs. Caution is needed when attempting to identify enrollment projections for 2023-2024 due to continued declines in continuing/returning students, which is the largest category of students at the institution.

SUNY Erie recognizes the difficulties it faces with declining enrollment and increased competition but remains committed to providing accessible and affordable education to the community.

Strategic Plan Update:

The college has extended its SUNY Erie Excels Strategic Plan by two years. Originally expected to be replaced in 2021, the college now plans to replace it in August of 2023.

The team is currently working on developing a two-year bridge plan. This plan will serve as a transition period for the college's new administration, providing them with the necessary foundation to familiarize themselves with the college before developing a longer-term plan.

The bridge plan will encompass four key pillars: Student Success, Diversity, Equity and Belonging, Economic Development and Upward Mobility for Students, and Institutional Stability. Throughout May, a series of eight focus group sessions will take place to define the metrics that the college will utilize. In June, during the Summer Institute, the college will share the information gathered from the focus groups and work on refining the metrics for inclusion in the final new Strategic Plan. The completed plan will then be presented to the Board of Trustees in August 2023.

South Campus

The SUNY Erie South Campus covers an expansive area of 160 acres, providing ample space for various campus facilities and activities. However, in September 2023, the Board of Trustees made a significant decision to transfer approximately 57 acres of the South Campus back to the county. This transfer was prompted by the County's negotiation of a Community Benefits Agreement with the Buffalo Bills as part of the construction of their new stadium. It is important to note that this transaction did not have any impact on our academic buildings or the delivery of education to our students.

This strategic move aligns with our ongoing efforts to reduce expenses and enhance operational efficiencies. By reducing the footprint of our South Campus by more than one third, we can effectively decrease maintenance expenses. Moreover, the financial resources generated from this transfer enable us to construct new and improved turf fields on unused land at our North Campus. This development will yield greater cost efficiencies throughout our athletics department. The funding for these field projects is shared between the town of Amherst, the county, and the state, which offers matching funds for the College's capital initiatives.

While we remain committed to maintaining a presence in the South Campus area to serve our community in the south towns, we have taken steps to achieve fiscal stability. This includes rightsizing our workforce by eliminating redundancy in services and realigning programs with lower demand. These measures are essential to ensure the College's financial health while still fulfilling our mission of providing quality education and community outreach.

College Staffing

SUNY Erie strives to hire qualified individuals who are committed to serving students and the community.

During the past decade, our college has encountered a decline in student enrollment and the subsequent decrease in revenue, while our staffing levels have remained relatively steady. To address this new reality and align our workforce with the current enrollment, the college made the difficult decision to eliminate 210 positions as of August 31, 2022.

To facilitate this transition and with the assistance of the County, retirement incentives were offered to eligible members across all Collective Bargaining Unions. As a result, 46 individuals chose to retire. Additionally, a total of 164 individuals either left the college voluntarily or were terminated as they pursued alternative opportunities. These measures have generated significant cost savings for the year 2023-24 and beyond.

These staffing adjustments were crucial to ensure the college's operational efficiency and effectiveness, considering the decline in student enrollment and the imperative to maintain financial stability. Although these decisions posed challenges, they were necessary to reallocate resources in line with the current demands of our institution. Through these adjustments, we can now move forward with a more sustainable staffing structure that better serves our students and supports the long-term objectives of the college.

Furthermore, the college has implemented a strategy to monitor and control institutional spending. This includes the establishment of a Vacancy Reserve Fund, which serves as a budgetary reserve specifically designated for hiring purposes. All proposed and actual spending related to positions funded from this budget line is meticulously tracked through weekly reporting. As vacancies are filled or become available, funds are accordingly added or subtracted from the Vacancy Reserve Fund, enabling ongoing monitoring of salary costs.

By implementing these strategies and maintaining a vigilant approach to spending, the college aims to ensure responsible financial management while optimizing the utilization of resources to benefit our institution and its mission.

Workday Implementation

The College recognizes the vital role played by the Workday Enterprise Resource Planning (ERP) System in effectively tracking, managing, and reporting student and financial data. In order to ensure responsible decision-making and meet the needs of students, faculty, staff, and county taxpayers, the College conducted a comprehensive analysis of the existing ERP system and explored the possibility of migrating to a different system. However, after careful evaluation, it has been determined that optimizing the current ERP investment is a more sustainable approach.

To execute this optimization, a three-year project has been initiated, estimated to cost between \$2,000,000 and \$4,000,000 in professional services from 2023 to 2026. It is important to note that

much of the funding for this project has been allocated from the budgeted use of the fund balance reserve.

By leveraging the existing ERP system and enhancing its capabilities, the College aims to improve efficiency, streamline processes, and better serve its stakeholders. This decision reflects a prudent approach to maximize the value of the College's resources while ensuring the continued effective functioning of critical systems.

Fund Balance Reserve

The College has set a financial goal to maintain a reserve fund balance at the end of each fiscal year that is not less than two months' worth of operating expenditures, but no more than three months. As of August 31, 2022, the audited financial statements showed that the College had a fund balance of \$14.6 million, which is equivalent to approximately 15% of its annual operating costs. While this is just below the Erie Community College's approved policy on available fund balance, it still represents just under two months of operational funding.

Initially, for the 2022-23 year, the College had budgeted an unrestricted fund balance of \$5 million, which fell short of the board's target of maintaining two months' worth of operating costs. To address this, the College made the difficult decision to lay off some experienced and dedicated staff members, but the move resulted in a positive outcome for the community as it helped right-size the staff in line with the student enrollment.

Looking ahead, the College is estimated to exceed its goal of maintaining a reserve fund balance of two to three months' worth of operating expenditures for the current fiscal year, ending on August 31, 2023. The unrestricted fund balance is expected to surpass \$21 million, which is a significant increase from the initial budget of \$5 million and represents a positive financial outcome for the College.

2023-2024 Proposed Budget

SUNY Erie Community College's proposed budget for the 2023-24 fiscal year demonstrates our commitment to prioritizing student experiences and success across all campuses. With an Operating Budget of \$87,948,753, we aim to address the needs and aspirations of our students while benefiting the community at large.

One of the significant advantages of this budget is the absence of planned tuition increases for the upcoming year. Fees will be modestly revised to align with market standards. By keeping education affordable and accessible, we ensure that students can pursue their academic goals without financial burden. Additionally, to effectively manage any funding shortages, we have allocated a portion of \$1.2 million from the unrestricted fund balance. This demonstrates our dedication to supporting students through enhanced services and resources that contribute to their overall well-being.

Furthermore, it is crucial to highlight that the projected Unrestricted Fund Balance surpasses the policy requirement, amounting to approximately \$20.3 million (23.1%) of total operating expenses. This robust fund balance serves as a financial safeguard, enabling us to invest in student resources, improve facilities, and create an optimal learning environment. With a solid financial position,

SUNY Erie Community College can continue delivering high-quality education and support services that foster student success and well-being.

In terms of revenue, the projected Operating Revenue for the upcoming year is \$86.8 million, reflecting a decrease of \$1.9 million (2%) compared to the previous year's projections. This decline is primarily attributed to a decrease in enrollment. The actual projected Full-Time Equivalents (FTEs) for the 2022-23 academic year are expected to be approximately 2.5% lower than the budgeted amount and 5% lower than the previous year. This downward trend in enrollment is anticipated to continue into the 2023-2024 academic year, with a projected decline of 3% in total FTEs.

As the College's financial position is also closely tied to that of the state and local sponsor as well as student enrollment, it is subject to the ups and downs of these economies. The 2023-24 Enacted State Budget does not include direct reductions to the College's State Support levels, and the College is eligible to receive funding based on 100% of the previous year's funding. The College is also eligible to receive a portion of the non-recurring \$75M Transformational Innovation Fund, one-time initiative with no direct impact on operating budget. Sponsor contributions will remain at the approved maintenance level, while the chargeback rate is expected to decrease to \$3,460 from \$4,330 in the previous year.

Regarding spending, the Operating Expenses total \$88 million, reflecting a \$10.8 million (11%) decrease compared to the College's adopted budget for 2022-23. Significant savings have been achieved through layoffs and retirements that occurred at the end of August 2022.

Budgeted personal services spending for the fiscal year 2023-24 has decreased by \$8.2 million (14.6%) compared to the prior year's approved budget. Salaries for this year will primarily cover 529 full-time positions, with an estimated total of \$48.3 million. Employee benefits costs are expected to decrease by \$3.4 million (14.6%) compared to the prior year's budget figure.

Contractual expenses, including equipment, supplies, and services, are mostly fixed costs and projected to increase by \$1.8 million (-9.7%) compared to the previous year's budget, primarily due to Workday Optimization costs, network switches, and general inflation.

Despite inflation over time, current College spending is nearly \$21.4 million, 19.5% lower than it was in 2019/20, demonstrating significant efforts to realign SUNY Erie's resources.

SUNY Erie Community College is taking proactive measures to overcome challenges and achieve long-term sustainability. By streamlining campus operations, we aim to maximize resources and enhance student success. Our dedication to enhancing curriculum and services for a diverse student body goes hand in hand with maintaining fiscal health and transparency. These efforts align with SUNY Excels' goals and regulatory requirements, guaranteeing a valuable educational experience.

Summary

The SUNY Erie Community College is committed to providing quality and affordable education to all students. The college has focused on improving academic curriculum and services while maintaining fiscal health and transparency. The recent years have posed challenges, including the impact of the pandemic and declining enrollments. The college serves a diverse student body, with a majority of students being residents of Erie County and New York State. A significant portion of students receive financial aid, and the college has seen growth in its Advanced Studies program. Enrollment decline has been a concern, but the college remains committed to accessible education.

The college has extended its strategic plan, with a focus on student success, diversity, equity, economic development, and institutional stability. There has been a transfer of land at the South Campus to reduce expenses and enhance operational efficiencies. Staffing adjustments have been made to align with the declining enrollment. The college is optimizing its ERP system and maintaining a fund balance reserve. The proposed budget for 2023-24 prioritizes student experiences and keeps education affordable. The projected revenue reflects a decrease due to enrollment decline, while expenses have been reduced through layoffs and retirements. Despite challenges, the college remains dedicated to providing quality education and supporting student success.

We look forward to our continued collaboration and thank you for your commitment to advancing SUNY Erie's mission of meeting the needs of a diverse student body and contributing to regional economic vitality by providing high-quality, flexible, affordable, and accessible educational programs to our students.

Jeffrey Stone

Chairman, Board of Trustees, SUNY Erie Community College

RESOLUTION

SUNY ERIE COMMUNITY
COLLEGE BOARD OF
TRUSTEES

RE: 2023-2024 SUNY Erie Community College Budget

- Whereas:** SUNY Erie Community College (SUNY Erie) has attempted to manage itself in a fiscally responsible manner despite demographic challenges, increased competition, and the implementation of a new Enterprise Resource Planning (ERP) system; and
- Whereas:** 90.2% of SUNY Erie's student population is comprised of residents from Erie County making SUNY Erie, truly Erie County's College; and
- Whereas:** SUNY Erie, along with all community colleges in New York State, has experienced unprecedented enrollment declines; and
- Whereas:** Approximately 80% of SUNY Erie's budget revenue is historically derived from student enrollment; and
- Whereas:** Continued enrollment challenges and the resultant impact on revenues, present significant financial pressures that continue; and
- Whereas:** the College is dedicated to addressing the needs of its diverse student body, which includes Erie County residents, nontraditional students, and individuals with various financial needs, ensuring that they have the support and resources necessary to succeed academically; and
- Whereas:** the College has embarked on a strategic plan update, focusing on student success, diversity, equity and belonging, economic development, upward mobility for students, and institutional stability, with input from various stakeholders through focus group sessions; and
- Whereas:** the College has made strategic decisions, such as the transfer of a portion of the South Campus, to enhance operational efficiency and fiscal stability, while still maintaining a presence in the south towns to serve the community; and
- Whereas:** the College is committed to maintaining a reserve fund balance within the recommended range to ensure financial stability and has taken measures to achieve this goal; and
- Whereas:** the College has implemented staffing adjustments to align with current enrollment levels, resulting in cost savings and a more sustainable staffing structure; and
- Whereas:** SUNY Erie continues to expand its co-enrollment presence in the local high schools, providing cost effective college courses to Erie County students; and
- Whereas:** SUNY Erie continues to expand and improve its online programming to provide flexible education options to its student population; and
- Whereas:** SUNY Erie has increased its efforts in building community partnerships; and

Whereas: These efforts have allowed SUNY Erie to provide significant educational opportunities to thousands of individuals in Erie County and Western New York at reasonable cost compared to other public and private colleges and universities in New York State; and

Whereas: SUNY Erie's student population is derived mainly from Erie County residents, resulting in the College having the fifth highest percentage of any community college in New York State in serving its community; and

Whereas: Studies demonstrate a community college student is much more likely to remain in the local region, thereby being employed, raising families, paying taxes, and contributing in a positive economic fashion to the vitality of the region; and

NOW, THEREFORE, BE IT

Resolved: Although policy states that SUNY Erie's undesignated fund balance shall not be expended, earmarked, utilized, or otherwise designated without the approval of the Board of Trustees consistent with autonomy and fiscal standards identified through Middle States accreditation and SUNY regulations, the current financial uncertainties have over the past several years caused the College to utilize its undesignated fund balance to balance its operational budget; and

BE IT FURTHER

Resolved: That the SUNY Erie Board of Trustees and SUNY Erie will continue to review and analyze its fiscal operations, seeking opportunities to increase revenues and reduce expenses; and

BE IT FURTHER

Resolved: That the SUNY Erie Board of Trustees and SUNY Erie seek to work with Erie County, New York State, and the local business community to identify opportunities to better utilize SUNY Erie as the recognized leader in Workforce Development; and

BE IT FINALLY

Resolved: That upon approval by the SUNY Erie Board of Trustees, a copy of this Resolution, along with SUNY Erie's 2023-2024 budget, be forwarded to the Erie County Executive and to the Erie County Legislature.

ATTEST:



Jeffrey Stone
Chairman, Board of Trustees
SUNY Erie Community College

ERIE COMMUNITY COLLEGE

Board of Trustees

Buffalo, N.Y., May 25, 2023

To Whom It May Concern:

I hereby certify that the Erie Community College Board of Trustees adopted the following resolution on the 25th day of May A.D., 2023 of which the following is a true copy:

Resolved, that the Erie Community College Operating Budget for the fiscal year commencing September 1, 2023 and ending August 31, 2024 of \$87,948,753 is approved.

ATTEST:



Jeffrey Stone
Chairman, Board of Trustees
SUNY Erie Community College

ERIE COMMUNITY COLLEGE

Board of Trustees

Buffalo, N.Y., May 25, 2023

To Whom It May Concern:

I hereby certify that the Erie Community College Board of Trustees adopted the following resolution on the 25th day of May A.D., 2023 of which the following is a true copy:

Resolved, that the Board of Trustees of Erie Community College hereby approves the Tuition & Fee Schedule for the fiscal year commencing September 1, 2023 and ending August 31, 2024, as attached.

ATTEST:



Jeffrey Stone
Chairman, Board of Trustees
SUNY Erie Community College

STATE UNIVERSITY OF NEW YORK

Erie Community College

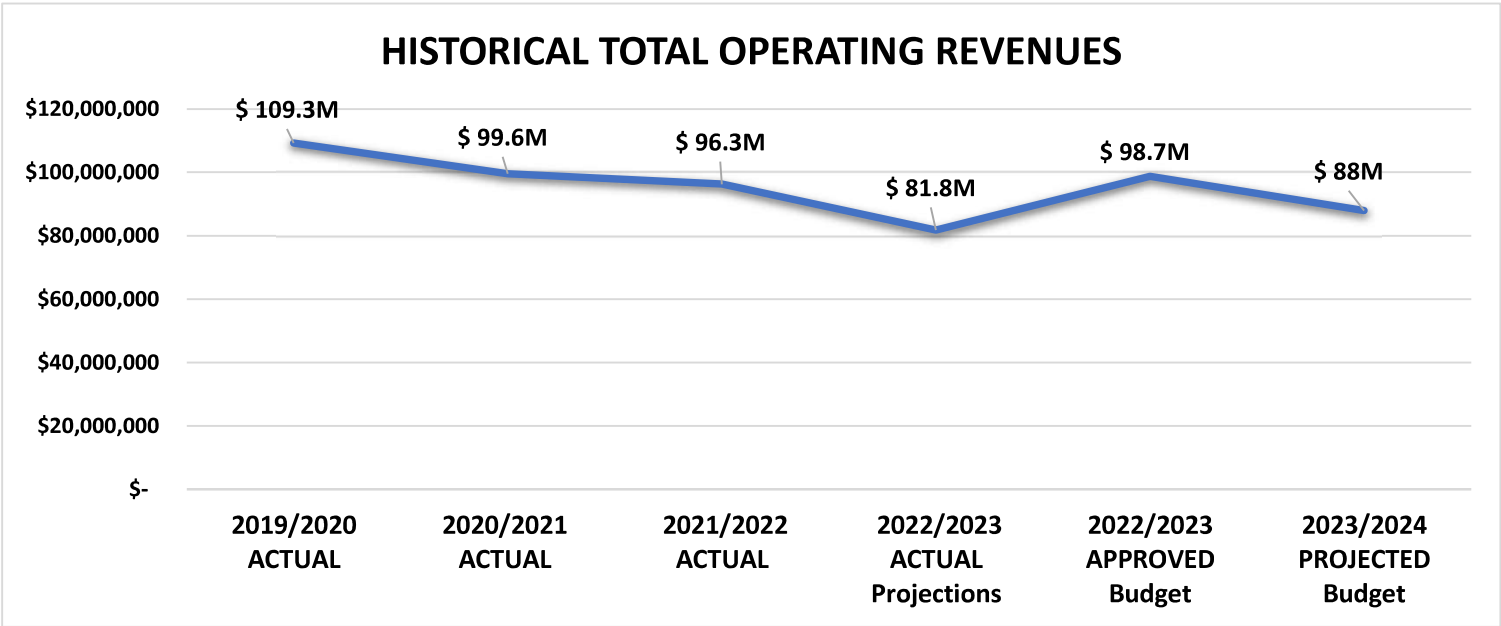
2023- 2024 Budget

TUITION & FEE SCHEDULE

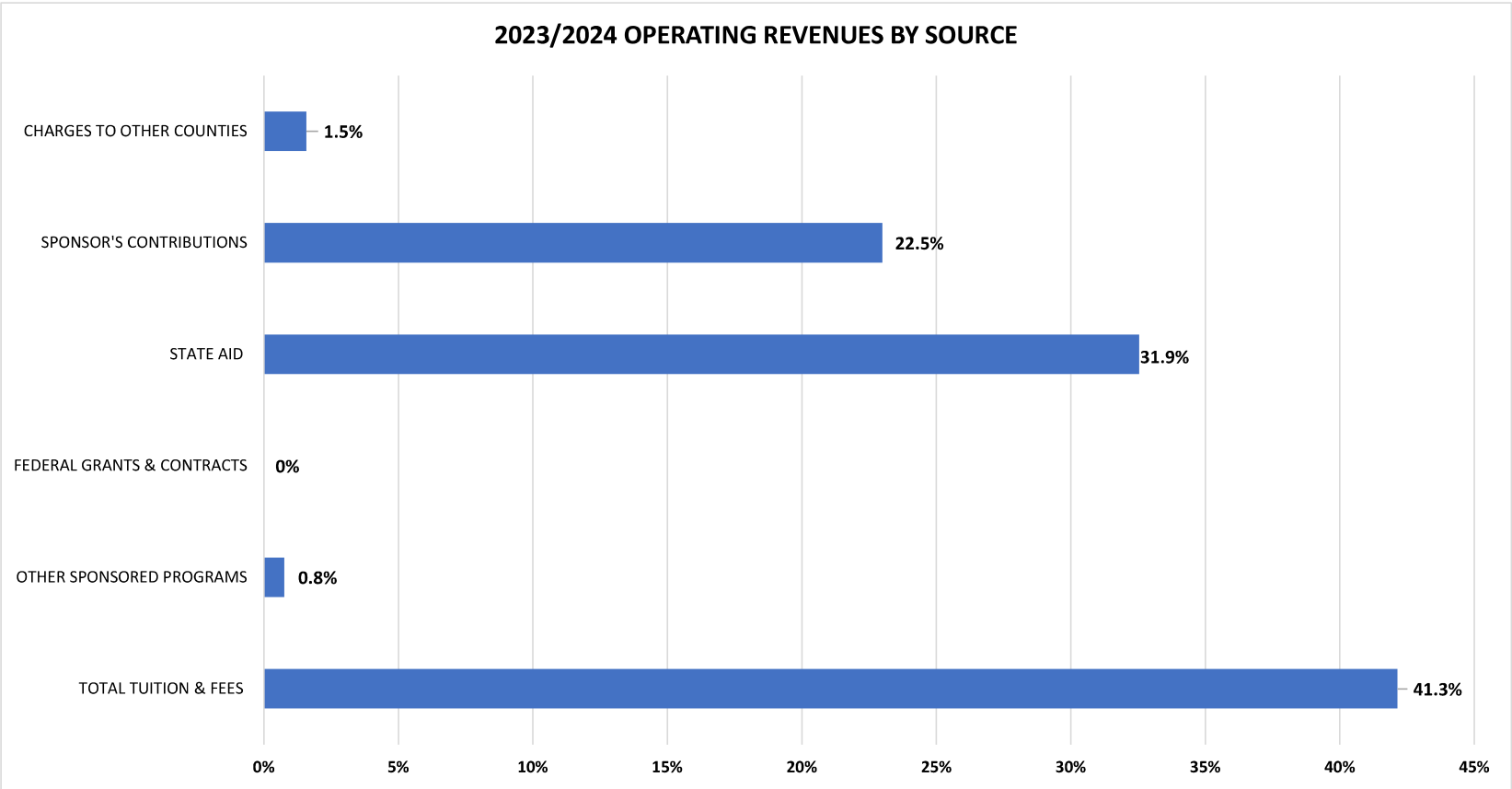
	2022/2023	2023/2024	\$ Change from P/Y	% Change from P/Y
TUITION				
New York State residents who are residents of the Sponsorship area, or non-residents of the sponsorship area who present a Certificate(s) of Residence:				
Full Time (per academic year)	\$ 5,200.00	\$ 5,200.00	\$ -	0.00%
Part Time (per credit hour)	\$ 217.00	\$ 217.00	\$ -	0.00%
New York State residents who are not residents of the Sponsorship area and do not present a Certificate(s) of Residence:				
Full Time (per academic year)	\$ 10,400.00	\$ 10,400.00	\$ -	0.00%
Part Time (per credit hour)	\$ 434.00	\$ 434.00	\$ -	0.00%
Non-New York State Residents:				
Full Time (per academic year)	\$ 10,400.00	\$ 10,400.00	\$ -	0.00%
Part Time (per credit hour)	\$ 434.00	\$ 434.00	\$ -	0.00%
PTECH/Advance Study High School Program				
Part Time (per credit hour)	\$ 73.00	\$ 73.00	\$ -	0.00%
STUDENT SERVICE FEES				
Mandatory Fees				
¹ Student Life Fee (per semester)(12 + credit hours)	\$ 60.00	\$ 60.00	\$ -	0.00%
¹ Student Life Fee (per credit hour)(1-11 credit hours)	\$ 4.00	\$ 4.00	\$ -	0.00%
Technology Fee (per credit hour)	\$ 25.00	\$ 25.00	\$ -	0.00%
² Transportation Fee (per semester)	\$ 80.00	\$ 80.00	\$ -	0.00%
² Transportation Fee (summer - per semester)	\$ 40.00	\$ 40.00	\$ -	0.00%
³ Student Activity Fee (per semester)(12 + credit hours)	\$ 40.00	\$ 40.00	\$ -	0.00%
³ Student Activity Fee (per credit hour)(1-11 credit hours)	\$ 3.00	\$ 3.00	\$ -	0.00%
¹ Programming for Health/Wellness, Diversity & Equity, Life Skills, Financial Literacy, Student Success, Student Leadership, Athletics, Commencement				
² Campus Parking, NFTA Pass, Campus Shuttles				
³ Student Government, Student Clubs, Student Planned Events (i.e. winter ball, speakers, voter registration, etc)				
Course Related Fees				
Clinical Rotation Fee (per clinical class)	\$ 25.00	\$ 25.00	\$ -	0.00%
Dental Hygiene Professional Development Fee (per year)	\$ 75.00	\$ 75.00	\$ -	0.00%
Distance Learning Fee (per credit hour)	\$ -	\$ -	\$ -	0.00%
EVOC Defensive Driving Fee	\$ 400.00	\$ 400.00	\$ -	0.00%
I-Car Auto Body Fee	\$ 200.00	\$ 200.00	\$ -	0.00%
Independent Study Fee	\$ 30.00	\$ 30.00	\$ -	0.00%
Industrial Refrigeration Fee	\$ 130.00	\$ 130.00	\$ -	0.00%
Lab Fee (per lab)	\$ 80.00	\$ 80.00	\$ -	0.00%
Malpractice Insurance (not to exceed/year)*	\$ 75.00	\$ 75.00	\$ -	0.00%
Nursing Test/Evaluation Fee (per semester)	\$ 191.00	\$ 204.00	\$ 13.00	6.81%
Pole-Climbing Safety Gear Fee	\$ 300.00	\$ -	\$ (300.00)	-100.00%
Refrigeration Handling Certification Fee	\$ 25.00	\$ 25.00	\$ -	0.00%
Registration Fee (per semester)	\$ 30.00	\$ 55.00	\$ 25.00	83.33%
Other Fees				
Application Fee	\$ 25.00	\$ -	\$ (25.00)	-100.00%
Collection Fee (% of amount owed)	30%	30%	\$ -	0.00%
Copy Fee per page	\$ 0.15	\$ 0.15	\$ -	0.00%
I.D. Card Replacement Fee (per card)	\$ 10.00	\$ -	\$ (10.00)	-100.00%
International Students - Administration Fee - Full Time (Part-Time \$75)	\$ 150.00	\$ 150.00	\$ -	0.00%
International Students Health Insurance *	\$ 600.00	\$ 600.00	\$ -	0.00%
Late Payment Fee (not to exceed 2x per semester)	\$ 50/100.00	\$ 50/100.00	\$ -	0.00%
Life Experience Assessment Program over 6 credit hours (per credit hour)	\$ 25.00	\$ 25.00	\$ -	0.00%
Life Experience Assessment Program up to 6 credit hours	\$ 70.00	\$ 70.00	\$ -	0.00%
Re-registration Fee (per semester if cancelled due to late payment)	\$ 50.00	\$ 50.00	\$ -	0.00%
Returned Check Fee	\$ 35.00	\$ 35.00	\$ -	0.00%
Student Orientation Fee	\$ 50.00	\$ 50.00	\$ -	0.00%
Transcript Fee (per instance, may be add'l processor charge)	\$ 5.00	\$ 7.00	\$ 2.00	40.00%
I.D. Card / Transportation CRAM Pass Replacement Fee	\$ 20.00	\$ 20.00	\$ -	0.00%
Nelnet Tuition Payment Plan Fee	\$ 75.00	\$ 75.00	\$ -	0.00%
Printing Overage Black/White Fee per page	\$ 0.05	\$ 0.05	\$ -	0.00%
Printing Overage Color Fee per page	\$ 0.25	\$ 0.25	\$ -	0.00%
* Dependent upon premium charged to SUNY Erie - varies based upon age and semester attended				

**ERIE COMMUNITY COLLEGE
2023/2024 PROPOSED BUDGET
R E V E N U E S**

	2019/2020 ACTUAL	2020/2021 ACTUAL	2021/2022 ACTUAL	2022/2023 ACTUAL Projections	2022/2023 APPROVED Budget	% OF TOTAL BUDGET	2023/2024 PROJECTED Budget	% OF TOTAL BUDGET
<u>TUITION & FEES</u>								
TOTAL STUDENT TUITION	\$ 35,243,773	\$ 31,529,673	\$ 28,411,760	\$ 27,268,709	\$ 27,608,397	28.0%	\$ 26,638,852	30.3%
CHARGES TO NON-RESIDENTS	\$ 1,239,216	\$ 1,236,693	\$ 1,259,852	\$ 1,532,008	\$ 2,251,450	2.3%	\$ 1,706,175	1.9%
STUDENT SERVICE FEES	\$ 8,016,550	\$ 7,888,831	\$ 7,972,683	\$ 8,278,724	\$ 8,202,151	8.3%	\$ 7,950,106	9.0%
TOTAL TUITION & FEES	\$ 44,499,539	\$ 40,655,197	\$ 37,644,295	\$ 37,079,441	\$ 38,061,998	38.6%	\$ 36,295,133	41.3%
<u>OTHER SPONSORED PROGRAMS</u>	\$ 1,325,932	\$ 299,491	\$ 474,609	\$ 368,629	\$ 1,324,718	1.3%	\$ 646,295	0.7%
<u>FEDERAL GRANTS & CONTRACTS</u>	\$ 3,997,922	\$ 10,613,416	\$ 12,977,602	\$ -	\$ -	0%	\$ -	0%
<u>STATE AID</u>	\$ 29,104,302	\$ 28,814,327	\$ 27,884,538	\$ 28,060,768	\$ 28,056,247	28.4%	\$ 28,025,123	31.9%
<u>SPONSOR'S CONTRIBUTIONS</u>	\$ 18,804,317	\$ 18,804,317	\$ 19,804,317	\$ 20,104,317	\$ 19,804,317	20.1%	\$ 19,804,317	22.5%
<u>LOCAL GRANTS & CONTRACTS</u>	\$ 634,683	\$ 211,815	\$ 1,625,656	\$ 493,445	\$ -	0%	\$ -	0%
<u>CHARGES TO OTHER COUNTIES</u>	\$ 1,381,954	\$ 1,162,770	\$ 1,318,315	\$ 1,598,513	\$ 1,911,680	1.9%	\$ 1,355,413	1.5%
<u>OTHER SOURCES</u>								
INTEREST	\$ 100,433	\$ 10,948	\$ 11,288	\$ 250,000	\$ 150,000	0.2%	\$ 100,000	0.1%
RENTAL INCOME	\$ 525,399	\$ 463,576	\$ 773,372	\$ 554,155	\$ 350,000	0.4%	\$ 500,000	0.6%
MISCELLANEOUS	\$ 274,216	\$ 229,194	\$ 266,797	\$ 150,000	\$ 75,000	0.1%	\$ 75,000	0.1%
TOTAL OTHER SOURCES	\$ 900,048	\$ 703,718	\$ 1,051,457	\$ 954,155	\$ 575,000	0.6%	\$ 675,000	0.8%
TOTAL ANNUAL OPERATING REVENUE	\$ 100,648,697	\$ 101,265,051	\$ 102,780,789	\$ 88,659,268	\$ 89,733,960	90.9%	\$ 86,801,281	98.7%
<u>FUND BALANCE USE / (SURPLUS)</u>	\$ 8,648,238	\$ (1,696,669)	\$ (6,511,367)	\$ (6,885,572)	\$ 8,961,389	9.1%	1,147,472	1.3%
TOTAL REVENUES	\$ 109,296,935	\$ 99,568,382	\$ 96,269,422	\$ 81,773,696	\$ 98,695,349	100.0%	\$ 87,948,753	100.0%



From 2019 to 2022, SUNY Erie Community College received \$27.6 million in federal stimulus funds, which helped address financial challenges caused by declining enrollments. These funds were crucial in stabilizing the college's finances and supporting its operations. Similar funds are not available for the fiscal years 2022 to 2024.



Tuition and Fees
 SUNY Erie values open access and remains one of the most affordable community colleges in the NYS system.

Sponsor Support
 SUNY Erie Community College is experiencing the effects of a sponsor support level that is lower than the average among our peers. Additionally, the chargeback rate, which is influenced by local support, places SUNY Erie towards the lower end when compared to other community colleges.

State Aid
 The state budget appropriated 100% of 2022-2023 approved base aid.

Other Revenue
 Includes rental aid, interest and overhead payments from grants.

ERIE COMMUNITY COLLEGE

2023/2024 BUDGET

APPROPRIATIONS

	2019/2020 ACTUAL	2020/2021 ACTUAL	2021/2022 ACTUAL	2022/2023 Projected ACTUAL	2022/2023 APPROVED BUDGET	AS % OF TOTAL BUDGET	2023/2024 APPROVED BUDGET	AS % OF TOTAL BUDGET
<u>TOTAL INSTRUCTION</u>								
Personal Services	\$ 35,116,317	\$ 33,025,789	\$ 31,157,154	\$ 25,453,984	\$ 31,899,298	32.3%	\$ 28,235,684	32.1%
Equipment	\$ 167,667	\$ 27,668	\$ 32,193	\$ -	\$ -	0%	\$ 108,750	0.1%
Contractual Expenses	\$ 3,540,106	\$ 2,958,240	\$ 3,862,021	\$ 3,681,631	\$ 3,681,631	3.7%	\$ 3,987,610	4.5%
Employee Benefits	\$ 11,972,700	\$ 11,186,623	\$ 11,408,476	\$ 10,690,673	\$ 13,078,712	13.3%	\$ 11,576,631	13.2%
TOTAL	\$ 50,796,790	\$ 47,198,320	\$ 46,459,844	\$ 39,826,288	\$ 48,659,641	49.3%	\$ 43,908,675	49.9%
<u>NON-CREDIT & NON-STATE AIDABLE</u>								
Personal Services	\$ 376,826	\$ 526,639	\$ 332,462	\$ 346,265	\$ 388,506	0.4%	\$ 374,261	0.4%
Equipment	\$ 2,299	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
Contractual Expenses	\$ 559,560	\$ 248,256	\$ 171,399	\$ 363,995	\$ 363,995	0.4%	\$ 472,985	0.5%
Employee Benefits	\$ 132,334	\$ 184,913	\$ 102,432	\$ 145,431	\$ 159,287	0.2%	\$ 153,447	0.2%
TOTAL	\$ 1,071,019	\$ 959,808	\$ 606,293	\$ 855,691	\$ 911,788	0.9%	\$ 1,000,693	1.1%
<u>ACADEMIC SUPPORT</u>								
Personal Services	\$ 2,849,270	\$ 2,354,381	\$ 1,895,927	\$ 1,397,031	\$ 1,801,492	1.8%	\$ 1,280,723	1.5%
Equipment	\$ 20,131	\$ -	\$ 7,967	\$ -	\$ -	0%	\$ -	0%
Contractual Expenses	\$ 76,319	\$ 104,112	\$ 278,875	\$ 100,650	\$ 100,650	0.1%	\$ 183,000	0.2%
Employee Benefits	\$ 1,067,738	\$ 892,540	\$ 825,162	\$ 586,753	\$ 738,612	0.7%	\$ 525,097	0.6%
TOTAL	\$ 4,013,458	\$ 3,351,033	\$ 3,007,931	\$ 2,084,434	\$ 2,640,754	2.7%	\$ 1,988,820	2.3%
<u>LIBRARIES</u>								
Personal Services	\$ 1,477,836	\$ 1,246,422	\$ 976,673	\$ 667,507	\$ 1,231,793	1.2%	\$ 1,020,924	1.2%
Equipment	\$ 1,546	\$ -	\$ 116,271	\$ -	\$ -	0%	\$ -	0%
Contractual Expenses	\$ 238,620	\$ 230,643	\$ 251,770	\$ 326,982	\$ 326,982	0.3%	\$ 326,861	0.4%
Employee Benefits	\$ 563,913	\$ 505,009	\$ 422,326	\$ 280,353	\$ 505,035	0.5%	\$ 418,579	0.5%
TOTAL	\$ 2,281,915	\$ 1,982,074	\$ 1,767,040	\$ 1,274,842	\$ 2,063,810	2.1%	\$ 1,766,363	2.0%
<u>STUDENT SERVICES</u>								
Personal Services	\$ 8,663,959	\$ 7,901,729	\$ 7,503,350	\$ 5,465,386	\$ 7,843,548	7.9%	\$ 5,341,731	6.1%
Equipment	\$ 11,294	\$ 1,357	\$ 10,798	\$ -	\$ -	0%	\$ -	0%
Contractual Expenses	\$ 1,518,852	\$ 1,000,732	\$ 1,175,610	\$ 1,624,874	\$ 1,624,874	1.6%	\$ 1,390,169	1.6%
Employee Benefits	\$ 3,300,734	\$ 3,150,996	\$ 3,051,175	\$ 2,295,462	\$ 3,215,855	3.3%	\$ 2,190,110	2.5%
TOTAL	\$ 13,494,839	\$ 12,054,814	\$ 11,740,933	\$ 9,385,722	\$ 12,684,277	12.9%	\$ 8,922,009	10.1%
<u>MAINTENANCE & OPERATION OF PLANT</u>								
Personal Services	\$ 7,044,472	\$ 6,033,010	\$ 5,653,566	\$ 4,984,708	\$ 6,614,145	6.7%	\$ 6,344,848	7.2%
Equipment	\$ 89,164	\$ 127,154	\$ 399,225	\$ 334,400	\$ 334,400	0.3%	\$ 300,000	0.3%
Contractual Expenses	\$ 3,723,097	\$ 2,705,592	\$ 3,806,161	\$ 5,107,160	\$ 5,107,160	5.2%	\$ 4,409,725	5.0%
Employee Benefits	\$ 2,729,460	\$ 2,451,024	\$ 2,438,187	\$ 2,093,577	\$ 2,711,799	2.7%	\$ 2,601,388	3.0%
TOTAL	\$ 13,586,193	\$ 11,316,780	\$ 12,297,139	\$ 12,519,845	\$ 14,767,504	15.0%	\$ 13,655,961	15.5%

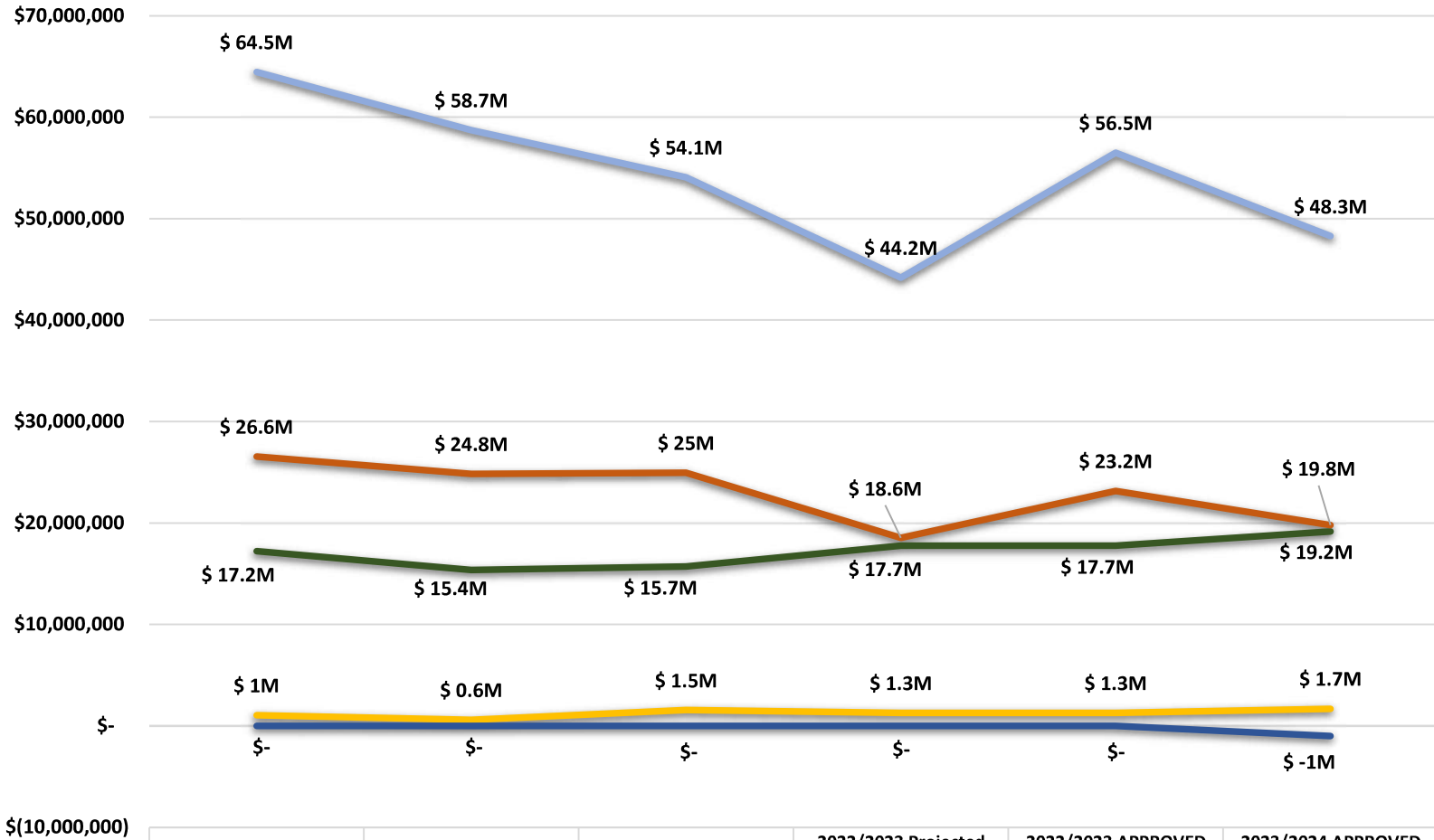
ERIE COMMUNITY COLLEGE

2023/2024 BUDGET

APPROPRIATIONS

	2019/2020 ACTUAL	2020/2021 ACTUAL	2021/2022 ACTUAL	2022/2023 Projected ACTUAL	2022/2023 APPROVED BUDGET	AS % OF TOTAL BUDGET	2023/2024 APPROVED BUDGET	AS % OF TOTAL BUDGET
<u>GENERAL ADMINISTRATION</u>								
Personal Services	\$ 3,904,225	\$ 3,009,689	\$ 2,850,517	\$ 2,694,905	\$ 3,024,704	3.1%	\$ 2,703,059	3.1%
Equipment	\$ 88,887	\$ -	\$ 2,032	\$ -	\$ -	0%	\$ -	0%
Contractual Expenses	\$ 1,331,845	\$ 2,514,695	\$ 750,417	\$ 1,146,715	\$ 1,146,715	1.2%	\$ 708,000	0.8%
Employee Benefits	\$ 1,302,618	\$ 1,141,666	\$ 1,167,832	\$ 1,131,860	\$ 1,240,129	1.3%	\$ 1,108,254	1.3%
TOTAL	\$ 6,627,575	\$ 6,666,050	\$ 4,770,798	\$ 4,973,480	\$ 5,411,548	5.5%	\$ 4,519,313	5.1%
<u>GENERAL INSTITUTIONAL</u>								
Personal Services	\$ 5,030,132	\$ 4,636,431	\$ 3,700,643	\$ 3,174,780	\$ 3,695,618	3.7%	\$ 2,973,015	3.4%
Equipment	\$ 676,767	\$ 439,232	\$ 981,185	\$ 945,000	\$ 945,000	1.0%	\$ 1,290,000	1.5%
Contractual Expenses	\$ 6,230,245	\$ 5,633,772	\$ 5,403,966	\$ 5,400,205	\$ 5,400,205	5.5%	\$ 7,704,968	8.8%
Employee Benefits	\$ 5,488,002	\$ 5,330,070	\$ 5,533,649	\$ 1,333,408	\$ 1,515,203	1.5%	\$ 1,218,936	1.4%
TOTAL	\$ 17,425,146	\$ 16,039,505	\$ 15,619,443	\$ 10,853,393	\$ 11,556,026	11.7%	\$ 13,186,919	15.0%
<u>TOTAL COSTS</u>								
Personal Services	\$ 64,463,037	\$ 58,734,090	\$ 54,070,292	\$ 44,184,566	\$ 56,499,104	57.2%	\$ 48,274,245	54.9%
Equipment	\$ 1,057,755	\$ 595,411	\$ 1,549,671	\$ 1,279,400	\$ 1,279,400	1.3%	\$ 1,698,750	1.9%
Contractual Expenses	\$ 17,218,644	\$ 15,396,042	\$ 15,700,219	\$ 17,752,212	\$ 17,752,212	18.0%	\$ 19,183,318	21.8%
Employee Benefits	\$ 26,557,499	\$ 24,842,841	\$ 24,949,239	\$ 18,557,518	\$ 23,164,633	23.5%	\$ 19,792,440	22.5%
Spending Constraints Target	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%	\$ (1,000,000)	0%
GRAND TOTAL	\$ 109,296,935	\$ 99,568,384	\$ 96,269,421	\$ 81,773,696	\$ 98,695,349	100.0%	\$ 87,948,753	100.0%

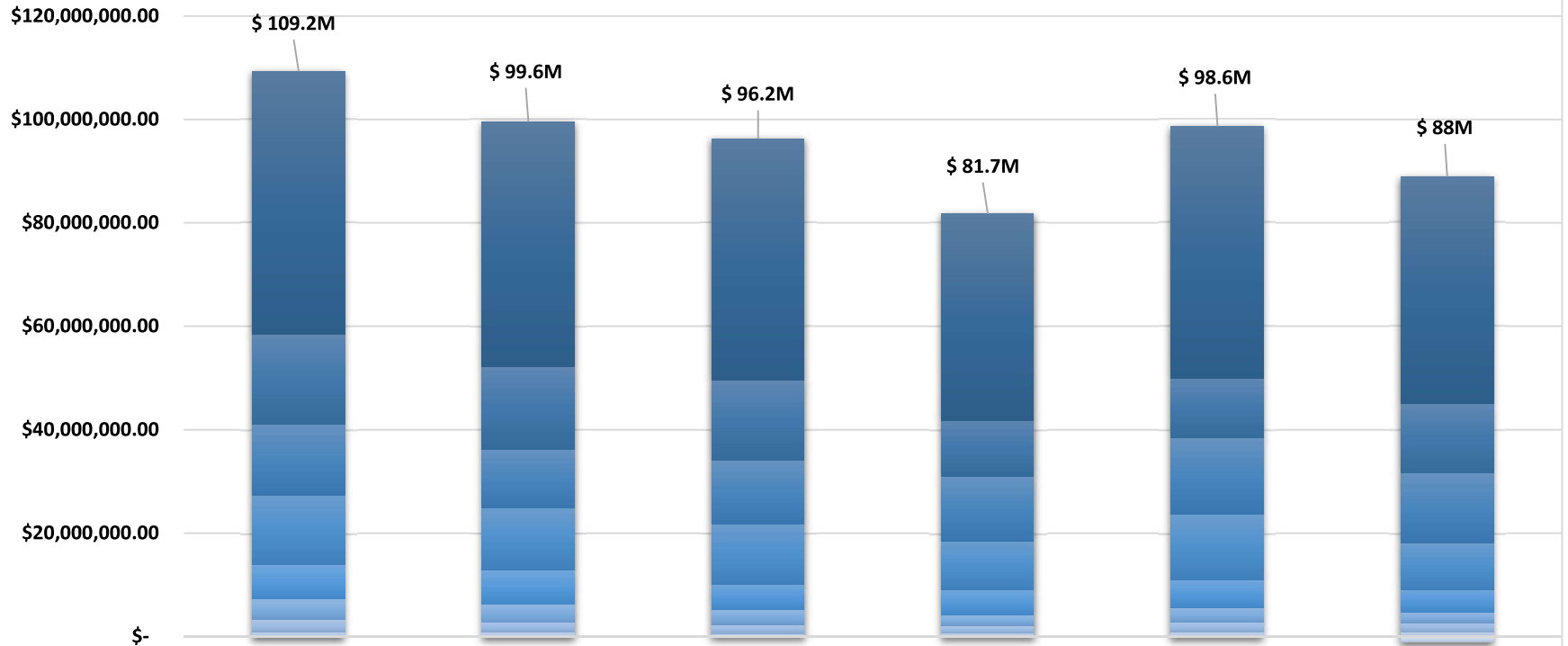
APPROPRIATIONS BY OBJECT



	2019/2020 ACTUAL	2020/2021 ACTUAL	2021/2022 ACTUAL	2022/2023 Projected ACTUAL	2022/2023 APPROVED BUDGET	2023/2024 APPROVED BUDGET
Personal Services	\$64,463,037	\$58,734,090	\$54,070,292	\$44,184,566	\$56,499,104	\$48,274,245
Equipment	\$1,057,755	\$595,411	\$1,549,671	\$1,279,400	\$1,279,400	\$1,698,750
Contractual Expenses	\$17,218,644	\$15,396,042	\$15,700,219	\$17,752,212	\$17,752,212	\$19,183,318
Employee Benefits	\$26,557,499	\$24,842,841	\$24,949,239	\$18,557,518	\$23,164,633	\$19,792,440
Spending Constraints Target	\$-	\$-	\$-	\$-	\$-	\$(1,000,000)

— Personal Services
 — Equipment
 — Contractual Expenses
 — Employee Benefits
 — Spending Constraints Target

APPROPRIATIONS BY FUNCTION



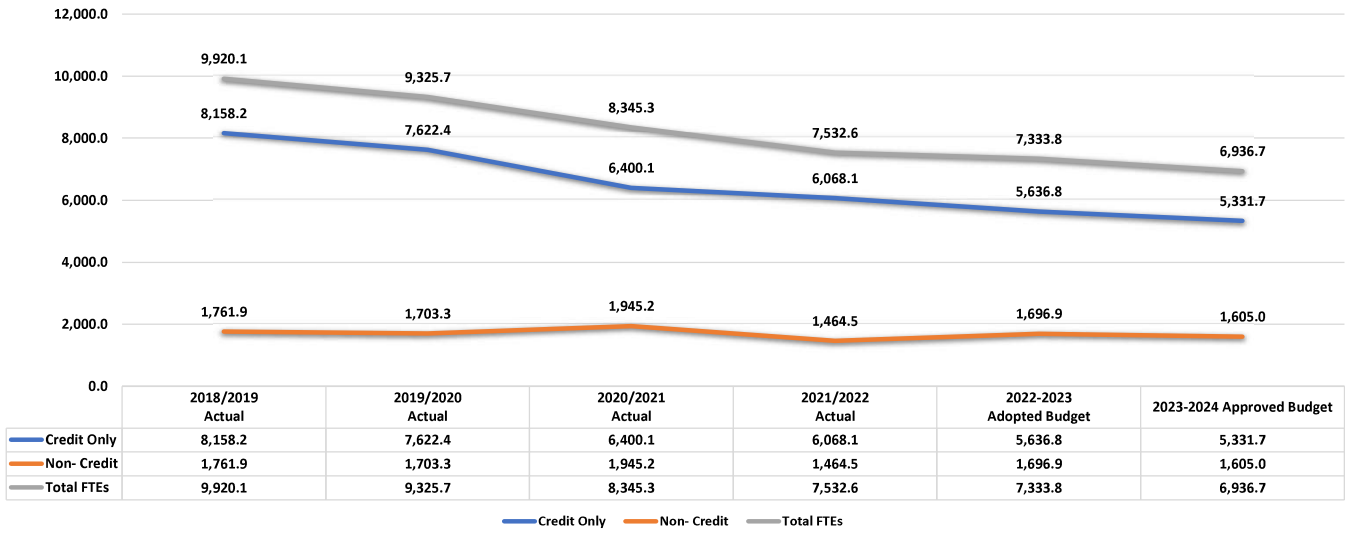
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	2019/2020 ACTUAL	2020/2021 ACTUAL	2021/2022 ACTUAL	2022/2023 Projected ACTUAL	2022/2023 APPROVED BUDGET	2023/2024 APPROVED BUDGET
■ INSTRUCTION	\$50,796,790.00	\$47,198,320.00	\$46,459,844.00	\$39,826,288.28	\$48,659,641.18	\$43,908,675.06
■ GENERAL INSTITUTIONAL	\$17,425,146.00	\$16,039,505.00	\$15,619,443.00	\$10,853,392.60	\$11,556,026.38	\$13,186,919.03
■ MAINTENANCE & OPERATION OF PLANT	\$13,586,193.00	\$11,316,780.00	\$12,297,139.00	\$12,519,845.36	\$14,767,504.45	\$13,655,960.82
■ STUDENT SERVICES	\$13,494,839.00	\$12,054,814.00	\$11,740,933.00	\$9,385,722.12	\$12,684,276.68	\$8,922,009.38
■ GENERAL ADMINISTRATION	\$6,627,575.00	\$6,666,050.00	\$4,770,798.00	\$4,973,480.10	\$5,411,547.64	\$4,519,312.78
■ ACADEMIC SUPPORT	\$4,013,458.00	\$3,351,033.00	\$3,007,931.00	\$2,084,434.02	\$2,640,753.72	\$1,988,819.76
■ LIBRARIES	\$2,281,915.00	\$1,982,074.00	\$1,767,040.00	\$1,274,841.94	\$2,063,810.13	\$1,766,363.30
■ NON-CREDIT & NON-STATE AIDABLE	\$1,071,019.00	\$959,808.00	\$606,293.00	\$855,691.30	\$911,788.46	\$1,000,693.32
■ SPENDING CONSTRAINTS TARGET	\$-	\$-	\$-	\$-	\$-	\$(1,000,000.00)

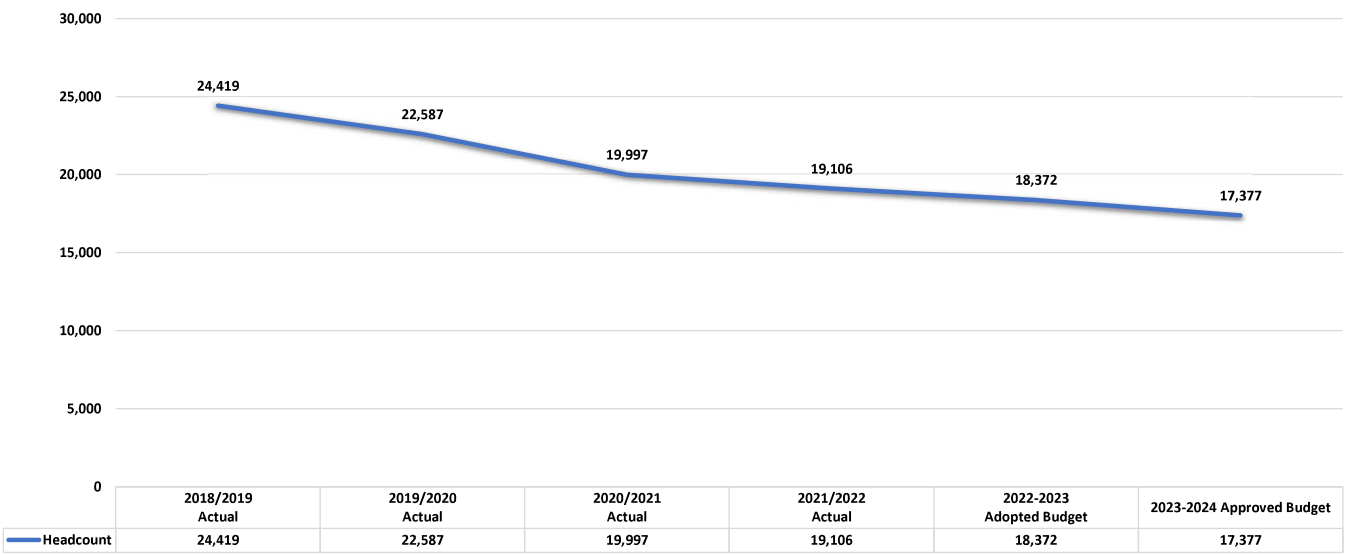
ENROLLMENT TRENDS

	2018/2019 Actual	2019/2020 Actual	2020/2021 Actual	2021/2022 Actual	2022-2023 Adopted Budget	2023-2024 Approved Budget
Fall Term - Credit Hours						
Fall Full-Time	97,236.0	90,507.0	73,398.5	68,451.0	59,893.6	56,650.9
Fall Part-Time	22,140.3	21,881.0	19,701.8	19,060.5	19,940.9	18,861.3
Fall Non-Credit	17,610.5	16,604.0	17,784.1	15,079.4	17,357.5	16,417.8
Fall	136,986.8	128,992.0	110,884.3	102,590.9	97,192.0	91,930.0
Winter Term - Credit Hours						
Winter Part-Time	1,441.5	1,263.0	1,536.0	1,986.0	1,512.0	1,430.1
Winter	1,441.5	1,263.0	1,536.0	1,986.0	1,512.0	1,430.1
Spring Term - Credit Hours						
Spring Full-Time	82,622.0	77,470.0	60,489.2	57,372.1	51,095.0	48,328.7
Spring Part-Time	26,443.5	25,302.0	23,426.5	23,713.3	24,131.8	22,825.3
Spring Non-Credit	20,967.9	20,517.0	22,121.0	17,605.6	21,911.6	20,725.3
Spring	130,033.4	123,289.0	106,036.7	98,691.0	97,138.4	91,879.3
Summer Term - Credit Hours						
Summer Part-Time/Full-Time	14,861.5	12,248.0	13,451.0	11,459.2	12,531.8	11,853.4
Summer Non-Credit	14,279.6	13,979.0	18,451.4	11,251.6	11,638.2	11,008.1
Summer	29,141.1	26,227.0	31,902.4	22,710.8	24,170.1	22,861.5
Total Credit Hours	297,602.8	279,771.0	250,359.4	225,978.6	220,012.5	208,101.0
FTEs						
Fall	3,979.2	3,746.3	3,105.5	2,917.1	2,661.2	2,517.1
Winter	48.1	42.1	51.2	66.2	50.4	47.7
Spring	3,635.5	3,425.7	2,795.0	2,702.8	2,507.6	2,371.8
Summer	495.4	408.3	448.4	382.0	417.7	395.1
Subtotal - Credit	8,158.2	7,622.4	6,400.1	6,068.1	5,636.8	5,331.7
Non-Credit	1,761.9	1,703.3	1,945.2	1,464.5	1,696.9	1,605.0
Total FTEs	9,920.1	9,325.7	8,345.3	7,532.6	7,333.8	6,936.7
Headcount						
Fall	10,538	10,031	8,545	8,237	7,731	7,312.1
Winter	423	328	400	422	391	369.4
Spring	10,397	9,942	8,450	8,278	8,041	7,605.9
Summer	3,061	2,286	2,602	2,169	2,209	2,089.7
Total Headcount	24,419	22,587	19,997	19,106	18,372	17,377.2

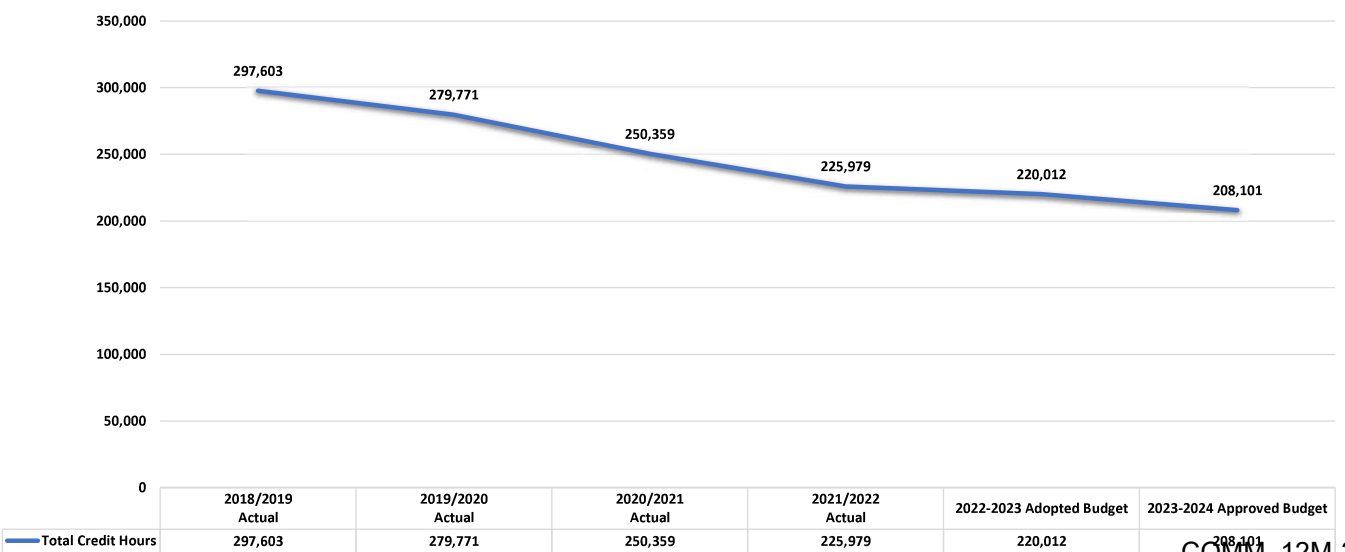
SUNY Erie: FTEs



SUNY Erie: Headcounts



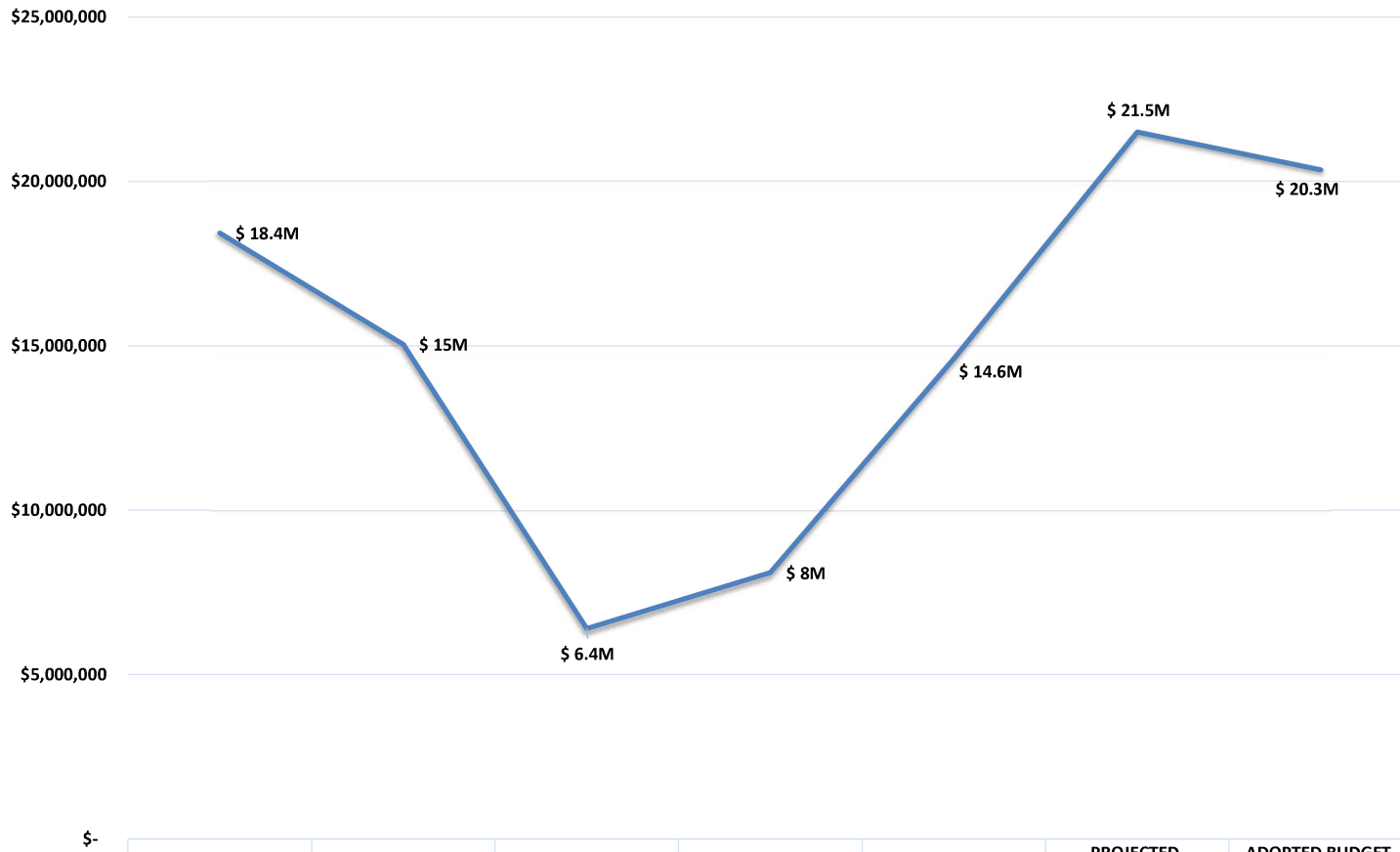
SUNY Erie: Credit Hours



Erie Community College - Year Fund Balance Summary

	<u>FY 17-18</u>	<u>FY 18-19</u>	<u>FY 19-20</u>	<u>FY 20-21</u>	<u>FY 21-22</u>	<u>PROJECTED FY 22-23</u>	<u>ADOPTED BUDGET FY 23-24</u>
Beginning Fund Balance	\$ 17,669,067	\$ 18,432,497	\$ 15,048,929	\$ 6,400,691	\$ 8,097,360	\$ 14,608,727	\$ 21,494,299
Fund Balance Added/(Used)	\$ 763,430	\$ (3,383,568)	\$ (8,648,238)	\$ 1,696,669	\$ 6,511,367	\$ 6,885,572	\$ (1,147,472)
Fund Balance at end of FY	\$ 18,432,497	\$ 15,048,929	\$ 6,400,691	\$ 8,097,360	\$ 14,608,727	\$ 21,494,299	\$ 20,346,826

Fund Balance Trends



	<u>FY 17-18</u>	<u>FY 18-19</u>	<u>FY 19-20</u>	<u>FY 20-21</u>	<u>FY 21-22</u>	<u>PROJECTED FY 22-23</u>	<u>ADOPTED BUDGET FY 23-24</u>
— Fund Balance at end of FY	\$18,432,497	\$15,048,929	\$6,400,691	\$8,097,360	\$14,608,727	\$21,494,299	\$20,346,826

State University of New York (SUNY)															
10 Year Historical Community College Enrollment - FTEs															
Total FTE															
Actual											Budget				
College	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	Change from 19/20	% Change from 19/20	Change from 13/14	% Change from 13/14	Rank: 1 Highest
Adirondack	3,092	3,007	2,770	2,682	2,696	2,593	2,430	2,029	1,886	1,910	\$ (520)	-21.4%	\$ (1,182)	-38.2%	21
Broome	4,863	5,114	5,050	4,985	4,944	4,597	4,268	3,624	3,193	3,035	\$ (1,233)	-28.9%	\$ (1,828)	-37.6%	14
Cayuga County	3,029	2,854	2,660	2,526	2,624	2,446	2,311	1,779	1,680	1,530	\$ (781)	-33.8%	\$ (1,499)	-49.5%	23
Clinton	1,303	1,193	1,103	959	894	802	731	579	494	494	\$ (237)	-32.4%	\$ (809)	-62.1%	30
Columbia-Greene	1,404	1,287	1,110	1,037	1,006	996	905	804	789	810	\$ (96)	-10.6%	\$ (595)	-42.4%	29
Corning	3,091	2,800	2,616	2,450	2,528	2,334	2,352	2,189	1,938	1,991	\$ (361)	-15.3%	\$ (1,100)	-35.6%	19
Dutchess	7,244	6,868	6,711	6,345	6,141	5,699	5,526	5,102	4,782	4,068	\$ (1,458)	-26.4%	\$ (3,176)	-43.8%	9
Erie	12,151	11,389	10,658	10,799	10,405	9,920	9,341	8,345	7,533	7,334	\$ (2,007)	-21.5%	\$ (4,817)	-39.6%	5
Fashion Institute	9,089	9,193	8,988	8,633	8,383	8,300	8,428	8,002	7,814	7,632	\$ (797)	-9.5%	\$ (1,457)	-16.0%	3
Finger Lakes	4,638	4,692	4,475	4,147	4,124	3,862	3,760	3,688	3,633	3,533	\$ (227)	-6.0%	\$ (1,105)	-23.8%	11
Fulton-Montgomery	2,122	1,887	1,768	1,718	1,625	1,479	1,328	1,093	980	1,030	\$ (298)	-22.5%	\$ (1,092)	-51.5%	26
Genesee	4,291	4,266	3,922	3,645	3,446	3,154	2,980	2,667	2,404	2,420	\$ (560)	-18.8%	\$ (1,871)	-43.6%	17
Herkimer County	2,563	2,420	2,334	2,097	2,052	1,808	1,752	1,521	1,445	1,600	\$ (152)	-8.7%	\$ (963)	-37.6%	22
Hudson Valley	9,193	8,580	8,299	7,909	7,707	7,555	7,373	6,434	6,164	6,401	\$ (972)	-13.2%	\$ (2,792)	-30.4%	7
Jamestown	3,473	3,317	3,038	2,919	2,795	2,700	2,701	2,298	2,136	2,100	\$ (601)	-22.2%	\$ (1,373)	-39.5%	18
Jefferson	2,830	2,764	2,661	2,600	2,491	2,283	2,108	1,872	1,580	1,520	\$ (588)	-27.9%	\$ (1,310)	-46.3%	24
Mohawk Valley	5,688	5,186	4,806	4,704	4,616	4,471	4,350	4,025	3,687	3,421	\$ (930)	-21.4%	\$ (2,268)	-39.9%	12
Monroe	13,869	12,944	12,306	11,814	11,068	10,752	9,885	8,273	7,554	7,200	\$ (2,685)	-27.2%	\$ (6,669)	-48.1%	6
Nassau	18,382	17,862	16,725	15,521	14,516	13,256	12,515	10,406	9,312	8,598	\$ (3,917)	-31.3%	\$ (9,784)	-53.2%	2
Niagara County	4,862	4,674	4,419	4,146	3,898	3,663	3,444	2,960	2,774	2,794	\$ (650)	-18.9%	\$ (2,068)	-42.5%	15
North Country	1,160	1,101	1,044	1,090	1,187	1,105	1,044	976	876	945	\$ (99)	-9.5%	\$ (215)	-18.5%	28
Onondaga	8,649	8,226	7,641	7,541	6,496	6,091	5,687	4,914	4,175	4,366	\$ (1,320)	-23.2%	\$ (4,283)	-49.5%	8
Orange County	4,924	4,786	4,745	4,602	4,531	4,546	4,202	3,857	3,337	3,280	\$ (922)	-21.9%	\$ (1,644)	-33.4%	13
Rockland	6,395	6,198	5,903	5,794	5,632	5,336	4,808	4,129	3,800	4,000	\$ (808)	-16.8%	\$ (2,395)	-37.4%	10
Schenectady County	3,826	3,579	3,336	3,281	3,155	2,670	2,400	1,961	1,824	1,964	\$ (436)	-18.2%	\$ (1,862)	-48.7%	20
Suffolk County	19,405	19,310	18,832	18,606	18,273	17,328	16,614	14,366	12,849	12,979	\$ (3,635)	-21.9%	\$ (6,426)	-33.1%	1
Sullivan County	1,234	1,168	1,080	1,070	1,053	1,032	1,078	937	867	985	\$ (93)	-8.6%	\$ (249)	-20.1%	27
Tompkins-Cortland	3,758	3,634	3,693	3,477	3,470	3,183	3,074	2,721	2,607	2,633	\$ (441)	-14.3%	\$ (1,125)	-29.9%	16
Ulster County	2,269	2,167	2,076	2,048	2,116	2,092	2,083	1,739	1,576	1,440	\$ (643)	-30.9%	\$ (829)	-36.5%	25
Westchester	13,112	12,999	11,375	11,367	10,910	10,256	9,569	8,192	7,538	7,561	\$ (2,007)	-21.0%	\$ (5,551)	-42.3%	4
Total	181,907	175,464	166,143	160,511	154,781	146,307	139,044	121,479	111,225	109,572	\$ (29,472)	-21.2%	(72,335)	-39.8%	

**State University of New York (SUNY)
10 Year Historical Community College Enrollment - FTEs**

Credit FTE

Actual

Budget

College	Actual										Budget	Change from 19/20	% Change from 19/20	Change from 13/14	% Change from 13/14	Rank: 1 Highest
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23						
Adirondack	3,092	3,007	2,770	2,682	2,692	2,588	2,427	2,027	1,884	1,910	\$ (517)	-21.3%	\$ (1,182)	-38.2%	20	
Broome	4,860	5,111	5,049	4,984	4,916	4,576	4,250	3,618	3,186	3,017	\$ (1,233)	-29.0%	\$ (1,843)	-37.9%	14	
Cayuga County	3,029	2,848	2,641	2,526	2,624	2,446	2,305	1,777	1,679	1,530	\$ (775)	-33.6%	\$ (1,499)	-49.5%	23	
Clinton	1,298	1,188	1,097	954	890	798	728	578	493	494	\$ (234)	-32.2%	\$ (804)	-61.9%	30	
Columbia-Greene	1,356	1,254	1,082	1,009	978	974	898	803	783	809	\$ (89)	-9.9%	\$ (547)	-40.3%	29	
Corning	3,091	2,800	2,616	2,450	2,517	2,326	2,346	2,186	1,935	1,988	\$ (359)	-15.3%	\$ (1,103)	-35.7%	19	
Dutchess	6,471	6,156	5,860	5,572	5,339	5,137	5,023	4,507	4,159	3,625	\$ (1,397)	-27.8%	\$ (2,846)	-44.0%	10	
Erie	10,617	9,852	9,359	9,002	8,686	7,934	7,615	6,400	6,069	5,816	\$ (1,800)	-23.6%	\$ (4,801)	-45.2%	7	
Fashion Institute	8,865	8,978	8,797	8,463	8,247	8,155	8,288	7,874	7,670	7,350	\$ (938)	-11.3%	\$ (1,515)	-17.1%	3	
Finger Lakes	4,505	4,581	4,375	4,070	4,049	3,784	3,654	3,553	3,556	3,316	\$ (338)	-9.3%	\$ (1,189)	-26.4%	12	
Fulton-Montgomery	2,083	1,863	1,748	1,707	1,612	1,470	1,322	1,091	975	1,029	\$ (293)	-22.2%	\$ (1,054)	-50.6%	26	
Genesee	4,186	4,186	3,843	3,576	3,381	3,103	2,950	2,665	2,396	2,410	\$ (540)	-18.3%	\$ (1,776)	-42.4%	17	
Herkimer County	2,558	2,370	2,331	2,093	2,049	1,805	1,750	1,495	1,443	1,600	\$ (150)	-8.6%	\$ (958)	-37.4%	22	
Hudson Valley	8,915	8,496	8,194	7,836	7,655	7,506	7,337	6,411	6,140	6,336	\$ (1,001)	-13.6%	\$ (2,579)	-28.9%	6	
Jamestown	3,452	3,308	2,996	2,908	2,730	2,650	2,673	2,279	2,114	2,091	\$ (582)	-21.8%	\$ (1,361)	-39.4%	18	
Jefferson	2,826	2,761	2,661	2,600	2,298	2,116	2,005	1,789	1,523	1,520	\$ (484)	-24.2%	\$ (1,306)	-46.2%	24	
Mohawk Valley	5,455	4,960	4,604	4,537	4,443	4,332	4,143	3,874	3,479	3,401	\$ (742)	-17.9%	\$ (2,054)	-37.7%	11	
Monroe	13,663	12,753	12,149	11,644	10,958	10,628	9,812	8,233	7,455	7,159	\$ (2,654)	-27.0%	\$ (6,504)	-47.6%	4	
Nassau	18,121	17,518	16,530	15,048	12,759	11,815	11,285	9,634	8,590	7,960	\$ (3,325)	-29.5%	\$ (10,160)	-56.1%	2	
Niagara County	4,681	4,477	4,200	3,968	3,723	3,472	3,322	2,847	2,714	2,698	\$ (624)	-18.8%	\$ (1,983)	-42.4%	15	
North Country	1,114	1,098	1,044	1,090	1,187	1,105	1,044	976	876	945	\$ (99)	-9.5%	\$ (169)	-15.1%	28	
Onondaga	8,264	7,879	7,605	7,504	6,466	6,060	5,659	4,879	4,160	4,337	\$ (1,322)	-23.4%	\$ (3,927)	-47.5%	8	
Orange County	4,580	4,441	4,386	4,286	4,200	4,255	4,009	3,692	3,218	3,280	\$ (729)	-18.2%	\$ (1,300)	-28.4%	13	
Rockland	5,625	5,432	5,193	5,038	4,988	4,818	4,588	4,097	3,748	3,970	\$ (618)	-13.5%	\$ (1,655)	-29.4%	9	
Schenectady County	3,675	3,480	3,230	3,189	3,082	2,598	2,361	1,942	1,803	1,889	\$ (472)	-20.0%	\$ (1,786)	-48.6%	21	
Suffolk County	18,535	18,431	18,037	17,805	16,647	15,809	15,090	13,460	12,297	12,160	\$ (2,930)	-19.4%	\$ (6,375)	-34.4%	1	
Sullivan County	1,229	1,166	1,079	1,069	1,052	1,029	1,072	935	866	985	\$ (87)	-8.1%	\$ (244)	-19.8%	27	
Tompkins-Cortland	3,747	3,589	3,671	3,454	3,454	3,166	3,055	2,715	2,599	2,613	\$ (442)	-14.5%	\$ (1,134)	-30.3%	16	
Ulster County	2,253	2,153	2,069	2,030	2,089	2,057	2,054	1,701	1,545	1,440	\$ (614)	-29.9%	\$ (814)	-36.1%	25	
Westchester	10,150	10,156	9,683	9,647	9,356	9,001	8,587	7,664	6,693	6,746	\$ (1,840)	-21.4%	\$ (3,404)	-33.5%	5	
Total	172,294	166,291	158,897	152,742	145,066	137,513	131,650	115,702	106,049	104,424	\$ (27,226)	-20.7%	(67,870)	-39.4%		

State University of New York (SUNY)

10 Year Historical Community College Enrollment - FTEs

Non-Credit FTE

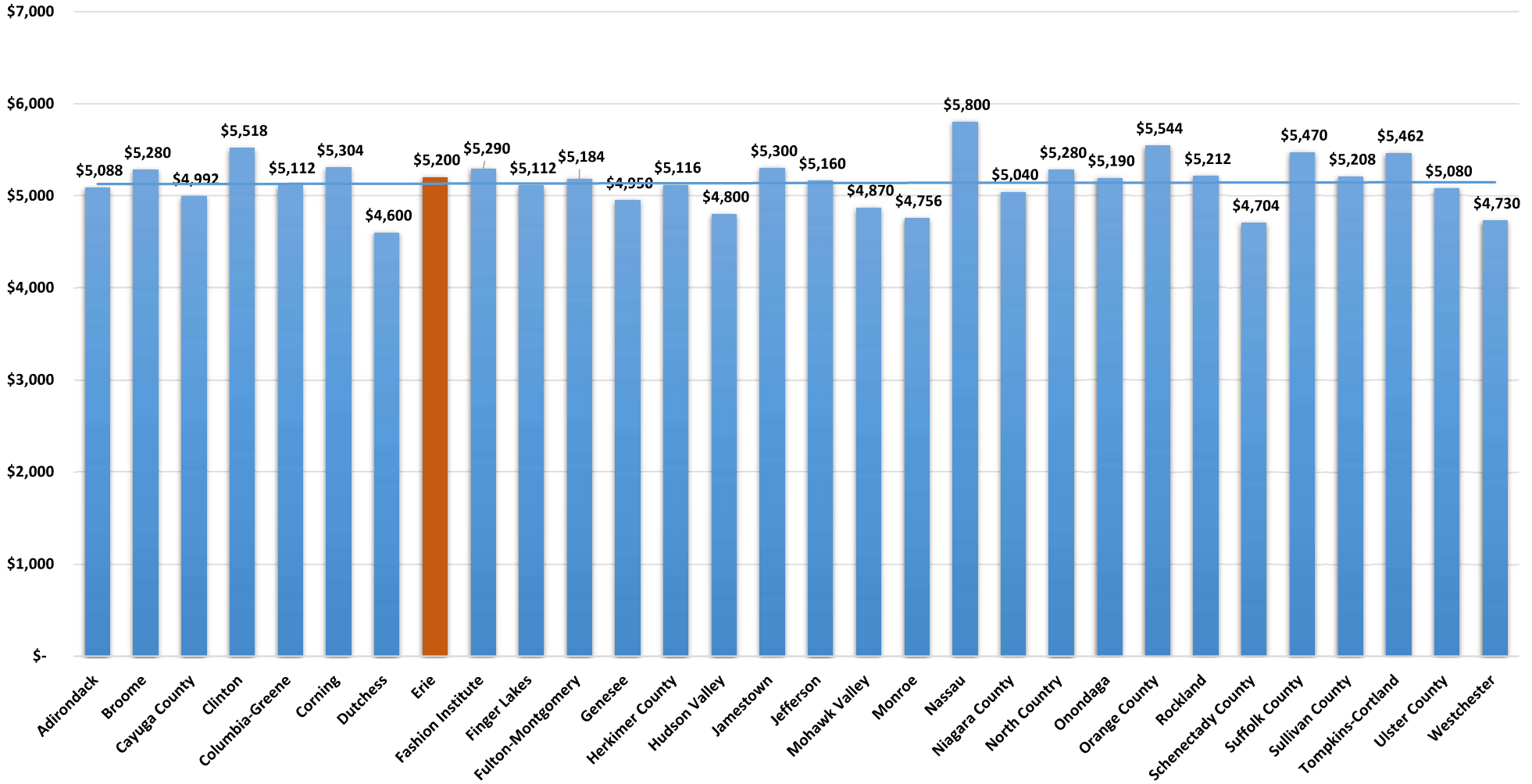
Actual

Budget

College	Non-Credit FTE										Rank: 1 Highest
	Actual										
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	
Adirondack	-	-	-	-	-	-	-	-	-	-	18
Broome	3	3	1	1	-	-	-	1	-	5	16
Cayuga County	-	7	19	-	-	-	-	0	0	-	18
Clinton	5	5	6	5	-	0	-	0	-	-	18
Columbia-Greene	48	33	28	28	0	-	6	1	5	-	18
Corning	-	-	-	-	-	-	-	-	-	-	18
Dutchess	773	712	852	773	748	510	460	582	606	442	5
Erie	1,534	1,537	1,300	1,797	1,703	1,957	1,711	1,941	1,438	1,504	1
Fashion Institute	224	215	192	170	136	145	141	129	144	282	6
Finger Lakes	134	111	100	77	75	77	106	135	78	217	7
Fulton-Montgomery	39	24	19	12	-	0	-	-	-	-	18
Genesee	105	80	79	69	0	-	-	-	-	-	18
Herkimer County	5	50	2	3	0	-	-	25	-	-	18
Hudson Valley	278	84	105	73	-	-	-	12	5	25	11
Jamestown	21	10	42	12	-	-	-	-	-	2	17
Jefferson	4	3	-	-	187	162	101	83	57	-	18
Mohawk Valley	234	226	202	168	158	121	194	143	200	20	12
Monroe	206	191	157	170	31	27	12	19	64	6	15
Nassau	261	343	195	472	1,591	1,296	1,143	764	702	631	4
Niagara County	181	197	219	177	128	112	73	81	38	68	8
North Country	46	3	-	-	-	-	-	-	-	-	18
Onondaga	385	346	37	37	15	15	18	23	-	17	13
Orange County	344	345	359	315	232	178	141	152	68	-	18
Rockland	770	766	710	755	625	503	211	31	50	30	10
Schenectady County	151	99	106	92	62	62	30	17	18	53	9
Suffolk County	870	879	795	800	1,408	1,308	1,400	892	541	806	2
Sullivan County	5	3	1	1	0	-	-	-	-	-	18
Tompkins-Cortland	11	44	22	23	0	0	10	3	3	10	14
Ulster County	16	14	7	18	16	21	20	37	28	-	18
Westchester	2,961	2,844	1,693	1,721	1,451	1,160	927	517	831	736	3
Total	9,613	9,173	7,247	7,769	8,567	7,654	6,703	5,587	4,877	4,856	

State University of New York (SUNY)															
10 Year Historical Community College Resident Tuition Rates															
College	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	Change from 19/20	% Change from 19/20	Change from 13/14	% Change from 13/14	Rank: 1 Highest
Adirondack	\$ 3,774	\$ 3,870	\$ 3,984	\$ 4,176	\$ 4,392	\$ 4,560	\$ 4,800	\$ 4,944	\$ 4,944	\$ 5,088	\$ 288	6.0%	\$ 1,314	34.8%	20
Broome	3,954	4,108	4,212	4,418	4,592	4,728	4,944	5,088	5,088	\$ 5,280	\$ 336	6.8%	\$ 1,326	33.5%	9
Cayuga County	4,090	4,200	4,326	4,499	4,544	4,658	4,844	4,992	4,992	\$ 4,992	\$ 148	3.1%	\$ 902	22.1%	23
Clinton	3,960	4,060	4,200	4,300	4,644	5,062	5,518	5,518	5,518	\$ 5,518	\$ -	0.0%	\$ 1,558	39.3%	3
Columbia-Greene	3,960	4,080	4,100	4,392	4,536	4,680	4,824	4,968	4,968	\$ 5,112	\$ 288	6.0%	\$ 1,152	29.1%	18
Corning	4,070	4,150	4,230	4,314	4,518	4,710	4,874	5,068	5,170	\$ 5,304	\$ 430	8.8%	\$ 1,234	30.3%	6
Dutchess	3,200	3,200	3,360	3,528	3,696	3,864	4,150	4,350	4,450	\$ 4,600	\$ 450	10.8%	\$ 1,400	43.8%	30
Erie	3,995	4,295	4,595	4,733	4,900	4,900	4,900	5,047	5,047	\$ 5,200	\$ 300	6.1%	\$ 1,205	30.2%	13
Fashion Institute	4,425	4,500	4,500	4,590	4,690	4,890	5,190	5,290	5,290	\$ 5,290	\$ 100	1.9%	\$ 865	19.5%	8
Finger Lakes	3,834	4,022	4,180	4,368	4,522	4,584	4,722	4,864	4,968	\$ 5,112	\$ 390	8.3%	\$ 1,278	33.3%	18
Fulton-Montgomery	3,598	3,648	3,900	4,200	4,450	4,600	4,900	5,040	5,040	\$ 5,184	\$ 284	5.8%	\$ 1,586	44.1%	15
Genesee	3,700	3,850	3,900	3,950	4,050	4,150	4,350	4,550	4,750	\$ 4,950	\$ 600	13.8%	\$ 1,250	33.8%	24
Herkimer County	3,740	3,840	3,940	4,270	4,470	4,670	4,870	5,016	5,116	\$ 5,116	\$ 246	5.1%	\$ 1,376	36.8%	17
Hudson Valley	3,980	3,980	4,100	4,300	4,500	4,650	4,800	4,800	4,800	\$ 4,800	\$ -	0.0%	\$ 820	20.6%	26
Jamestown	4,220	4,410	4,520	4,630	4,750	4,870	5,040	5,200	5,200	\$ 5,300	\$ 260	5.2%	\$ 1,080	25.6%	7
Jefferson	3,864	3,984	4,176	4,392	4,584	4,752	4,920	5,016	5,016	\$ 5,160	\$ 240	4.9%	\$ 1,296	33.5%	16
Mohawk Valley	3,710	3,810	3,960	4,084	4,250	4,370	4,594	4,594	4,594	\$ 4,870	\$ 276	6.0%	\$ 1,160	31.3%	25
Monroe	3,240	3,416	3,800	4,100	4,280	4,380	4,380	4,706	4,706	\$ 4,756	\$ 376	8.6%	\$ 1,516	46.8%	27
Nassau	4,088	4,234	4,534	4,868	5,102	5,350	5,600	5,800	5,800	\$ 5,800	\$ 200	3.6%	\$ 1,712	41.9%	1
Niagara County	3,792	3,888	3,960	4,080	4,224	4,392	4,560	4,752	4,944	\$ 5,040	\$ 480	10.5%	\$ 1,248	32.9%	22
North Country	4,050	4,250	4,426	4,600	4,692	4,880	5,076	5,280	5,280	\$ 5,280	\$ 204	4.0%	\$ 1,230	30.4%	9
Onondaga	4,172	4,300	4,430	4,570	4,570	4,900	4,990	5,090	5,090	\$ 5,190	\$ 200	4.0%	\$ 1,018	24.4%	14
Orange County	4,400	4,400	4,486	4,636	4,776	4,976	5,184	5,376	5,376	\$ 5,544	\$ 360	6.9%	\$ 1,144	26.0%	2
Rockland	4,175	4,300	4,300	4,429	4,586	4,746	4,912	5,110	5,212	\$ 5,212	\$ 300	6.1%	\$ 1,037	24.8%	11
Schenectady County	3,384	3,456	3,528	3,720	3,936	4,176	4,392	4,608	4,608	\$ 4,704	\$ 312	7.1%	\$ 1,320	39.0%	29
Suffolk County	4,140	4,390	4,570	4,770	4,870	5,220	5,470	5,470	5,470	\$ 5,470	\$ -	0.0%	\$ 1,330	32.1%	4
Sullivan County	4,474	4,474	4,674	4,674	4,814	4,814	5,016	5,208	5,208	\$ 5,208	\$ 192	3.8%	\$ 734	16.4%	12
Tompkins-Cortland	4,300	4,500	4,650	4,790	4,950	4,950	5,100	5,355	5,355	\$ 5,462	\$ 362	7.1%	\$ 1,162	27.0%	5
Ulster County	4,230	4,230	4,230	4,330	4,480	4,480	4,680	4,880	4,880	\$ 5,080	\$ 400	8.5%	\$ 850	20.1%	21
Westchester	4,280	4,280	4,280	4,280	4,280	4,380	4,580	4,655	4,730	\$ 4,730	\$ 150	3.3%	\$ 450	10.5%	28
Average	3,960	4,071	4,202	4,366	4,522	4,678	4,873	5,021	5,054	5,145	\$ 272	5.6%	1,185	29.9%	

SUNY Community College Tuition Rates 2022-2023



Erie County Community College
Multi-Year Financial Projection: Primarily Budget

	Actual		Projected				
	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Starting Fund Balance	\$ 6,400,691	\$ 8,097,360	\$ 14,608,727	\$ 21,494,299	\$ 20,346,827	\$ 17,189,946	\$ 16,349,558
Revenues							
Tuition and Fees	\$ 40,655,197	\$ 37,644,296	\$ 37,079,441	\$ 36,295,133	\$ 36,658,084	\$ 37,024,665	\$ 37,394,912
State Support	30,293,610	27,884,538	28,060,768	28,025,123	28,025,123	28,025,123	28,025,123
State Deficit Reduction Plan Impact: State Aid	(1,479,283)	-	-	-	-	-	-
Sponsor Support	18,804,317	19,804,317	20,104,317	19,804,317	19,804,317	19,804,317	19,804,317
Chargeback Revenue	1,162,770	1,318,315	1,598,513	1,355,413	1,355,413	1,355,413	1,355,413
Other	1,003,209	1,526,065	1,322,784	1,321,295	1,990,935	2,010,845	2,010,845
Extraordinary County Aid	-	1,625,656	-	-	-	-	-
Extraordinary County Stimulus Aid	211,815	-	-	-	-	-	-
Federal Stimulus Act Funds: Institutional	10,613,416	12,977,602	493,445	-	-	-	-
Total Revenues	\$ 101,265,051	\$ 102,780,789	\$ 88,659,268	\$ 86,801,281	\$ 87,833,873	\$ 88,220,363	\$ 88,590,609
Expenses							
Salary	\$ 58,734,089	\$ 52,444,636	\$ 44,184,566	\$ 48,274,245	\$ 49,722,472	\$ 50,716,922	\$ 50,716,922
Incentive Costs	-	1,625,656	-	-	-	-	-
Salary Savings	-	-	-	-	-	-	-
Employee Benefits	24,842,841	24,949,239	18,557,518	19,792,440	20,386,214	20,793,938	20,793,938
Other	15,991,452	17,249,891	19,031,612	20,882,068	21,382,068	17,549,891	17,549,891
Spending Constraints Target	-	-	-	(1,000,000)	(500,000)	-	-
Total Expenses	\$ 99,568,382	\$ 96,269,422	\$ 81,773,696	\$ 87,948,753	\$ 90,990,754	\$ 89,060,751	\$ 89,060,751
Revenue Less Expense	\$ 1,696,669	\$ 6,511,367	\$ 6,885,572	\$ (1,147,472)	\$ (3,156,881)	\$ (840,388)	\$ (470,141)
Total Unrestricted Fund Balance	\$ 8,097,360	\$ 14,608,727	\$ 21,494,299	\$ 20,346,827	\$ 17,189,946	\$ 16,349,558	\$ 15,879,416
% Percent in Unrestricted Fund Balance	8.1%	15.2%	26.3%	23.1%	18.9%	18.4%	17.8%
FTE Students	8,345.3	7,532.6	7,148.1	6,936.9	6,872.8	6,847.7	6,768.4
Tuition Rate Increases	0.0%	0.0%	3.0%	0.0%	1.0%	1.0%	1.0%
State Aid Changes	~5% Reduction	+\$50 / 98% Floor	100% Floor	100% Floor	100% Floor	100% Floor	100% Floor

ERIE COMMUNITY COLLEGE PERSONNEL SUMMARY		2022 - 2023	# OF FT	2023 - 2024	# OF FT	#
	JG	SALARY	EMPLOYEES	SALARY	EMPLOYEES	Diff
2401 - INSTRUCTION FALL & SPRING						
EXECUTIVE DEAN OF NURSING	16	\$ 126,324	1	\$ 126,324	1	-
PROFESSOR DEPARTMENT HEAD II	15	\$ 478,396	4	\$ 355,612	3	(1)
PROFESSOR DEPARTMENT HEAD	14	\$ 318,500	4	\$ 318,500	4	-
DIRECTOR TEACHER PREP PROGRAM	14	\$ 72,936	1	\$ 74,458	1	-
PROFESSOR	14	\$ 8,564,849	102	\$ 8,153,793	95	(7)
PRIN POLICE TRAINING PROF-NORTH	14	\$ 74,233	1	\$ 77,863	1	-
COORDINATOR OF GENERAL STUDIES II	13	\$ 96,710	1	\$ -	-	(1)
DIR PATHWAYS & PRE-COLL STU-PAT-CENTRAL II	13	\$ 91,711	1	\$ 94,180	1	-
ASSOCIATE PROFESSOR	13	\$ 2,416,589	32	\$ 1,063,837	14	(18)
ASST. PROF/DEPT HEAD II	13	\$ 89,316	1	\$ 89,316	1	-
SENIOR POLICE TRAINING PROF-GRT-POL	13	\$ 78,082	1	\$ 78,082	1	-
ED SUPPORT PROFESSIONAL	13	\$ 153,238	2	\$ 226,441	3	1
MASTER TECH SUPPORT SPECIALIST II	12	\$ 76,619	1	\$ 78,802	1	-
ASSISTANT DIRECTOR	12	\$ 59,664	1	\$ -	-	(1)
ASST PROJECT DIRECTOR II	12	\$ 86,039	1	\$ -	-	(1)
INTERIM COORD NURSING	12	\$ -	-	\$ 60,052	1	1
ASSISTANT PROFESSOR	11	\$ 2,303,945	37	\$ 2,802,281	44	7
MASTER TECHNICAL ASSISTANT	11	\$ 143,160	2	\$ 73,203	1	(1)
CASE MANGER II-PAT-CENTRAL	10	\$ 280,665	4	\$ 211,903	3	(1)
ASST PROJ COORD-PAT-CENTRAL	9	\$ 57,790	1	\$ -	-	(1)
CASE MANAGER	9	\$ 181,928	4	\$ -	-	(4)
INSTRUCTOR	9	\$ 4,038,639	78	\$ 3,131,951	60	(18)
MENTOR	9	\$ 46,416	1	\$ -	-	(1)
SENIOR TECHNICAL ASSISTANT	9	\$ 268,575	5	\$ 217,457	4	(1)
COLLEGE ADMINISTRATIVE ASSISTANT II	7	\$ 114,722	2	\$ 57,146	1	(1)
TECHNICAL ASSISTANT	6	\$ 460,728	11	\$ 436,645	10	(1)
SECRETARIAL TYPIST	6	\$ 50,656	1	\$ 59,833	1	-
ADMINISTRATIVE AIDE-COLLEGE	6	\$ 46,821	1	\$ 55,723	1	-
SENIOR CLERK TYPIST	4	\$ 595,947	14	\$ 349,554	7	(7)
DATA ENTRY OPERATOR	4	\$ 41,221	1	\$ -	-	(1)
VACANCY RESERVE		\$ -	-	\$ -	-	-
2401 - SUBTOTAL INSTRUCTION FULL-TIME		\$ 21,414,419	316	\$ 18,192,956	259	(57)
OVERTIME REG FT		\$ 19,482		\$ 19,482		-
ASSISTANT PROFESSOR PT		\$ 4,199,819		\$ 4,199,819		-
ASSISTANT PROFESSOR PT - SUBSTITUTION		\$ -		\$ -		-
OVERLOAD		\$ 2,437,536		\$ 2,437,536		-
MEDICAL DIRECTOR PT		\$ 22,547		\$ 30,000		-
DEPARTMENT CHAIR STIPENDS		\$ 426,679		\$ 426,679		-
INDIVIDUALIZED INSTRUCTION		\$ 64,744		\$ 64,744		-
INSTRUCTION SUPPORT SPECIALIST PT		\$ 408,334		\$ 408,334		-
STUDENT ADVISEMENT		\$ -		\$ -		-
PLACEMENT TESTING		\$ -		\$ -		-
PRACTICAL WORK INSTRUCTOR PT		\$ 8,788		\$ 8,788		-
RESCUE INSTRUCTOR PT		\$ -		\$ -		-
POLICE TRAINING PROF PT		\$ 186,555		\$ 186,555		-
STIPEND COACH		\$ 140,448		\$ 140,448		-
TUTOR PT		\$ 398,147		\$ 422,036		-
COLLEGE ADMINISTRATIVE ASSISTANT RPT		\$ 51,998		\$ -		-
SENIOR CLERK TYPIST PT		\$ 178,864		\$ -		-
TECHNICAL ASSIST PT		\$ 114,599		\$ -		-
MENTOR PT		\$ 36,635		\$ 18,318		-
PROF/DEPT HEAD PT		\$ 35,459		\$ -		-
SR TUTOR PT		\$ 42,830		\$ 30,134		-
STUDENT ASST PT-ATHLETICS-CITY		\$ 14,030		\$ -		-
VACANCY RESERVE		\$ -		\$ -		-
SUBTOTAL-RPT, PT, OTHER		\$ 8,787,491		\$ 8,392,871		-
2401 - TOTAL INSTRUCTION FALL & SPRING		\$ 30,201,911	316	\$ 26,585,828	259	(57)
2403 - WINTER INTERSESSION		\$ 54,600		\$ 54,600		-
2404 - SUMMER INTERSESSION		\$ 729,283		\$ 729,283		-
Seasonal Lifeguard PT		\$ 8,783		\$ 8,783		-
2404 - TOTAL SUMMER INTERSESSION		\$ 738,066		\$ 738,066		-
2405 - TOTAL NON-CREDIT AIDABLE						
SENIOR EXEXECUTIVE STAFF	SES	\$ -	-	\$ 112,200	1	1
DIRECTOR	13	\$ 121,126	2	\$ -	-	(2)
ASST PROJECT DIRECTOR - DRIVING PROGRAMS	11	\$ 62,061	1	\$ 63,846	1	-
ADMISSIONS RECRUITER II	10	\$ -	-	\$ 55,300	1	1
RECEPTIONIST	3	\$ 40,140	1	\$ -	-	(1)
VACANCY RESERVE		\$ -	-	\$ -	-	-
2405 - SUBTOTAL NON-CREDIT AIDABLE FULL TIME		\$ 223,327	4	\$ 231,346	3	(1)
ASSISTANT PROFESSOR PT		\$ 58,487		\$ 58,487		-
INSTRUCTION SUPPORT SPECIALIST PT		\$ 49,197		\$ 49,197		-
TUTOR PT		\$ 22,266		\$ 23,602		-

ERIE COMMUNITY COLLEGE PERSONNEL SUMMARY		2022 - 2023	# OF FT	2023 - 2024	# OF FT	#
	JG	SALARY	EMPLOYEES	SALARY	EMPLOYEES	Diff
COLLEGE ADMINISTRATIVE ASSISTANT PT II		\$ 24,209		\$ -		-
VACANCY RESERVE		\$ -		\$ -		-
SUBTOTAL-RPT, PT, OTHER		\$ 154,160		\$ 131,286		-
2405 - TOTAL NON-CREDIT AIDABLE		\$ 377,487	4	\$ 362,632	3	(1)
2408 - ACADEMIC SUPPORT						
SENIOR EXECUTIVE STAFF	SES	\$ 96,900	1	\$ -	-	(1)
EXECUTIVE DEAN OF HEALTH SCIENCES	16	\$ 133,295	1	\$ 133,295	1	-
DEAN OF BUSINESS & PUB SERVICE	14	\$ -	-	\$ 72,936	1	1
DEAN OF ENGINEERING AND TECHNOLOGIES	14	\$ 117,184	1	\$ 63,913	1	-
DIRECTOR DIS LEARN. & ALT COURSE DEL II	14	\$ 96,060	1	\$ 96,060	1	-
PRINCIPLE COUNSELOR	14	\$ 42,377	-	\$ 42,377	-	-
MASTER TECH SUPPORT SPECIALIST II	13	\$ 156,200	2	\$ -	-	(2)
INSTRUCTIONAL DESIGNER	11	\$ 130,578	2	\$ 137,162	2	-
MASTER TECH SUPPORT SPECIALIST I	11	\$ 69,957	1	\$ 69,957	1	-
ASST PROJECT COORDINATOR II	10	\$ 68,802	1	\$ 68,802	1	-
ERP BASIS ADMINISTRATOR	10	\$ 69,938	1	\$ -	-	(1)
CASEMANAGER	9	\$ 63,818	1	\$ 64,061	1	-
TECH SUPPORT SPEC	9	\$ 225,909	4	\$ 173,698	3	(1)
TECHNICAL ASSISTANT	6	\$ 38,716	1	\$ 40,127	1	-
SENIOR CLERK TYPIST	4	\$ 121,177	3	\$ 98,134	2	(1)
VACANCY RESERVE		\$ -	-	\$ -	-	-
2408 - SUBTOTAL ACADEMIC SUPPORT FULL-TIME		\$ 1,430,911	20	\$ 1,060,521	15	(5)
OVERTIME		\$ 15,948		\$ 15,948		-
ASSISTANT PROFESSOR PT		\$ 6,604		\$ 6,604		-
INSTRUCTIONAL SUPPORT SPECIALIST PT		\$ 3,947		\$ 3,947		-
SENIOR CLERK TYPIST		\$ 35,534		\$ -		-
TECHNICAL ASSISTANT RPT		\$ 85,708		\$ 47,465		-
SENIOR TECHNICAL ASSISTANT PT		\$ 19,894		\$ -		-
TECHNICAL ASSISTANT PT		\$ 16,371		\$ -		-
MENTOR PT		\$ 54,953		\$ -		-
MENTOR RPT		\$ 57,689		\$ 57,689		-
SENIOR TUTOR PT		\$ 14,277		\$ 15,067		-
SENIOR MENTOR RPT		\$ -		\$ 25,124		-
VACANCY RESERVE		\$ -		\$ -		-
2408 - SUBTOTAL-RPT, PT, OTHER		\$ 310,924		\$ 171,843		-
2408 - TOTAL ACADEMIC SUPPORT		\$ 1,741,834	20	\$ 1,232,364	15	(5)
2415 - SCHOLARSHIPS AND FELLOWSHIPS		\$ 8,564		\$ 8,564		-
2440 - LIBRARY						
PROFESSOR-LIBRARIAN	14	\$ 81,260	1	\$ 82,782	1	-
PRINCIPAL COLLEGE LIBRARIAN	13	\$ 69,861	1	\$ -	-	(1)
SENIOR COLLEGE LIBRARIAN	11	\$ 124,246	2	\$ 130,121	2	-
COLLEGE LIBRARIAN	9	\$ 211,868	4	\$ 145,165	3	(1)
PRINCIPAL LIBRARY CLERK	6	\$ 149,079	3	\$ 58,804	1	(2)
SENIOR LIBRARY CLERK	4	\$ 159,860	4	\$ 147,865	3	(1)
ACCOUNT CLERK TYPIST	4	\$ 39,965	1	\$ 44,283	1	-
LIBRARY TECHNOLOGY CLERK	3	\$ 37,128	1	\$ -	-	(1)
VACANCY RESERVE		\$ -	-	\$ -	-	-
2440 -SUBTOTAL LIBRARY FULL-TIME		\$ 873,267	17	\$ 609,020	11	(6)
OVERTIME		\$ 17,250		\$ 17,250		-
LIBRARIAN PT		\$ 230,646		\$ 230,646		-
TUTOR PT		\$ -		\$ 14,820		-
STUDENT ASSITANT		\$ 75,694		\$ 80,236		-
VACANCY RESERVE		\$ -		\$ -		-
SUBTOTAL-RPT, PT, OTHER		\$ 323,591		\$ 342,952		-
2440 - TOTAL LIBRARY		\$ 1,196,858	17	\$ 951,972	11	(6)
2450 - STUDENT AFFAIRS						
SENIOR EXECUTIVE STAFF	SES	\$ 96,900	1	\$ 102,000	1	-
DEAN OF STUDENTS II	15	\$ 120,373	1	\$ -	-	(1)
DIRECTOR OF ATHLETIC EVENT OPERATIONS II	15	\$ 114,100	1	\$ 114,100	1	-
DEAN OF STUDENTS	14	\$ 141,361	2	\$ 144,369	2	-
DIRECTOR FINANCIAL AID II	14	\$ 108,250	1	\$ 102,635	1	-
DIRECTOR ATHLETICS II	15	\$ 111,075	1	\$ 111,075	1	-
PRINCIPLE COUNSELOR	14	\$ 1,022,222	13	\$ 942,619	12	(1)
DIRECTOR ADMISSIONS II	15	\$ 87,688	1	\$ 89,368	1	-
COORDINATOR OF CAREER SERVICES II	13	\$ 94,180	1	\$ -	-	(1)
COORDINATOR OF FINANCIAL AID II	13	\$ 94,180	1	\$ -	-	(1)
DIRECTOR OF STUDENT ACCESS AND VETERAN SERVICES	13	\$ 94,815	1	\$ 99,941	1	-
DIRECTOR OF CAREER SERVICES II	14	\$ 99,941	1	\$ 99,941	1	-
DIRECTOR OF APPLIED LEARNING AND GLOBAL ENGAGEMENT	14	\$ 99,941	1	\$ 99,941	1	-
REGISTRAR II	13	\$ 178,632	2	\$ 91,711	1	(1)

ERIE COMMUNITY COLLEGE PERSONNEL SUMMARY		2022 - 2023	# OF FT	2023 - 2024	# OF FT	#
	JG	SALARY	EMPLOYEES	SALARY	EMPLOYEES	Diff
COORDINATOR OF ADVANCED STUFIES II	13	\$ -	-	\$ 89,316	1	1
ASSOCIATE DIRECTOR OF REGISTRATION	13	\$ 63,910	1	\$ 65,249	1	-
SENIOR COUNSELOR	13	\$ 69,957	1	\$ 143,160	2	1
PROJECT COORDINATOR II	12	\$ 84,763	1	\$ -	-	(1)
NURSE II	12	\$ 81,614	1	\$ 81,614	1	-
DIR OF EDU OPPORTUNITY PRG I	12	\$ 53,565	1	\$ -	-	(1)
COORDINATOR OF TESTING SERVICES	12	\$ 86,039	1	\$ -	-	(1)
DIRECTOR OF NEW STUDENT ORIENTATION	12	\$ 59,664	1	\$ 60,884	1	-
ASSISTANT COORDINATOR FINANCIAL AID II	11	\$ 160,930	2	\$ 81,497	1	(1)
PROJECT COORDINATOR - STUDENT LIFE AND COMMUNITY RESO	11	\$ 62,061	1	\$ -	-	(1)
PROJECT COORDINATOR	11	\$ 77,470	1	\$ -	-	(1)
NURSE COLLEGE	11	\$ 130,747	2	\$ -	-	(2)
COUNSELOR	11	\$ 242,506	4	\$ 127,603	2	(2)
MASTER TECHNICAL ASSISTANT	11	\$ 76,619	1	\$ 76,619	1	-
SENIOR ATHLETIC TRAINER	11	\$ 143,527	2	\$ 143,527	2	-
ASST COORDINATOR OF RECRUITMENT & OUTREACH II	10	\$ 66,131	1	\$ 66,131	1	-
ADMISSIONS RECRUITER II	10	\$ 74,400	1	\$ -	-	(1)
ATHLETIC FACILITY COORDINATOR II	10	\$ 74,400	1	\$ 74,400	1	-
ASSISTANT COORDINATOR OF ADMISSIONS II	10	\$ 68,802	1	\$ 68,802	1	-
ATHLETIC RECRUITER COACH II	10	\$ 143,101	2	\$ 144,960	2	-
JOB DEVELOPER	9	\$ 13,069	1	\$ 13,760	1	-
ASST COORD OF ADMISSIONS	9	\$ 65,343	1	\$ 68,802	1	-
ADMISSIONS RECRUITER	9	\$ 45,949	1	\$ -	-	(1)
MENTOR FULL TIME	9	\$ 48,682	1	\$ 50,956	1	-
SR TECHNICAL ASSISTANT	9	\$ 57,265	1	\$ -	-	(1)
SENIOR ADMINISTRATIVE CLERK	9	\$ 58,471	1	\$ 68,203	1	-
NATATORIUM MANAGER	8	\$ 60,648	1	\$ 63,818	1	-
CASE MANAGER-SAY YES	9	\$ 110,702	2	\$ 113,161	2	-
RECRUITMENT SPECIALIST II	8	\$ 63,162	1	\$ 63,162	1	-
COLL ADMIN ASST II	7	\$ 320,451	6	\$ 220,881	4	(2)
COLLEGE ADMINISTRATIVE ASSISTANT	6	\$ 177,135	4	\$ 46,721	1	(3)
TECHNICAL ASSISTANT	6	\$ 83,248	2	\$ 91,136	2	-
PRINCIPAL CLERK	6	\$ 50,656	1	\$ 60,913	1	-
ADMINISTRATIVE AIDE-COLLEGE	6	\$ 46,821	1	\$ 56,757	1	-
DATA ENTRY OPERATOR	4	\$ 123,048	3	\$ -	-	(3)
SENIOR CLERK TYPIST	4	\$ 501,449	13	\$ 248,054	5	(8)
RECEPTIONIST	3	\$ 118,024	3	\$ 191,051	4	1
VACANCY RESERVE		\$ -	-	\$ -	-	-
2450 - SUBTOTAL STUDENT AFFAIRS FULL-TIME		\$ 6,227,986	97	\$ 4,578,836	66	(31)
OVERTIME		\$ 76,673		\$ 76,673		-
COLLEGE ADMINISTRATIVE ASSISTANT RPT II		\$ 105,209		\$ 51,998		-
SENIOR CLERK TYPIST RPT		\$ 39,591		\$ 47,841		-
SENIOR MENTOR RPT		\$ 13,373		\$ -		-
PROJECT DIRECTOR II RPT-GRT-IB/YES		\$ 19,489		\$ 19,489		-
TECHNICAL ASSISTANT RPT		\$ 78,311		\$ -		-
CLERK PT		\$ 16,191		\$ -		-
CLERK TYPIST PT		\$ 64,765		\$ -		-
COLLEGE ADMINISTRATIVE ASSISTANT PT		\$ 36,388		\$ -		-
COUNSELOR PT		\$ 148,200		\$ -		-
INSTRUCTIONAL SUPPORT SPECIALIST PT		\$ 40,733		\$ 40,733		-
LIFE GUARD PT		\$ 102,952		\$ 102,952		-
MENTOR PT		\$ 128,223		\$ -		-
NURSE PT		\$ 60,013		\$ -		-
SENIOR CLERK TYPIST PT		\$ 285,312		\$ -		-
ATHLETIC COACH PT		\$ 53,352		\$ 35,568		-
STIPEND COACH		\$ 2,500		\$ 2,500		-
STUDENT ASSISTANT		\$ 123,227		\$ 139,629		-
TUTOR PT		\$ -		\$ 14,820		-
TECHNICAL ASSISTANT SEASONAL PT		\$ 16,371		\$ -		-
WELLNESS CENTER ATTENDANT		\$ 29,640		\$ 14,820		-
VACANCY RESERVE		\$ -		\$ -		-
SUBTOTAL-RPT, PT, OTHER		\$ 1,440,513		\$ 547,021		-
2450 - TOTAL STUDENT AFFAIRS		\$ 7,668,499	97	\$ 5,125,857	66	(31)
2460 - MAINTENANCE						
DIR OF ENVIR HEALTH & SAFETY	13	\$ 62,571	1	\$ 63,910	1	-
CUSTODIAN BUILDINGS & GROUNDS	12	\$ 80,536	1	\$ 93,995	1	-
SUPERVISING MAINTENANCE MECHANIC	11	\$ 206,181	3	\$ 79,192	1	(2)
ASST MAINTENANCE MECHANIC	10	\$ -	-	\$ 156,288	2	2
ASSISTANT COORDINATOR OF FACILITIES	10	\$ 65,343	1	\$ 68,802	1	-
BUILDING MAINTENANCE MECHANIC	9	\$ 205,704	4	\$ 201,546	3	(1)
BUILDING MAINTENANCE MECHANIC - ELEC	9	\$ 424,775	8	\$ 337,185	5	(3)
BUILDING MAINTENANCE MECHANIC - HVAC	9	\$ 256,625	5	\$ 264,805	4	(1)
BLDG MAINT MECHANIC PLUMBER	9	\$ 51,426	1	\$ 135,639	2	1
STATIONARY ENGINEER	9	\$ 119,006	2	\$ 200,715	3	1
HEAD GARDENER	9	\$ 55,717	1	\$ 69,896	1	-
SIGN SHOP FABRICATOR - ECC	8	\$ 51,426	1	\$ -	-	(1)
ADMINISTRATIVE AIDE-COLLEGE	6	\$ 50,656	1	\$ 59,833	1	-
HEAD HOUSEKEEPER	4	\$ 125,112	3	\$ -	-	(3)

ERIE COMMUNITY COLLEGE PERSONNEL SUMMARY		2022 - 2023		2023 - 2024		#	
	JG	SALARY	EMPLOYEES	SALARY	EMPLOYEES	Diff	
TRUCK DRIVER	6	\$ 181,367	5	\$ 46,122	1		(4)
LABORER	3	\$ 1,304,561	35	\$ 1,347,789	31		(4)
RECEPTIONIST	3	\$ 38,345	1	\$ 44,445	1		-
PRIN CAMPUS PUBLIC SAFETY OFFICER	11	\$ 207,744	3	\$ 242,587	3		-
CAMPUS PUB SAFETY OFF	8	\$ 691,138	14	\$ 806,653	13		(1)
ADMINISTRATIVE AIDE-COLLEGE	6	\$ 50,656	1	\$ -	-		(1)
DISPATCHER	4	\$ 72,704	2	\$ 89,921	2		-
BLDG GUARD	4	\$ 162,232	4	\$ 93,142	2		(2)
RECEPTIONIST	3	\$ 38,345	1	\$ -	-		(1)
VACANCY RESERVE		\$ -	-	\$ -	-		-
2460 - SUBTOTAL MAINTENANCE FULL-TIME		\$ 4,502,170	98	\$ 4,402,465	78		(20)
OVERTIME		\$ 629,108		\$ 629,108			-
BUILDING MAINTENANCE MECHANIC ELECTRIC PT		\$ 22,746		\$ -			-
BUILDING MAINTENANCE MECHANIC PT		\$ 75,437		\$ -			-
LABORER PT		\$ 207,489		\$ -			-
SR ACCT CLERK PT		\$ 20,207		\$ 24,291			-
SENIOR CLERK TYPIST PT		\$ 17,767		\$ -			-
STATIONARY ENGINEER PT		\$ 43,812		\$ 82,486			-
TRUCK DRIVER PT		\$ 15,946		\$ 21,252			-
SHIFT DIFF 2ND		\$ 47,286		\$ 47,286			-
SHIFT DIFF 3RD		\$ 8,720		\$ 8,720			-
BLDG GUARD PT		\$ 168,007		\$ 197,105			-
CAMPUS PUB SAFETY OFF PT		\$ 205,555		\$ 258,363			-
COLL SAFETY OFFICER PT		\$ 378,933		\$ 415,901			-
DISPATCHER PT		\$ 83,373		\$ 60,721			-
VACANCY RESERVE		\$ -		\$ -			-
SUBTOTAL-RPT, PT, OTHER		\$ 1,924,387		\$ 1,745,233			-
2460 - TOTAL MAINTENANCE		\$ 6,426,557	98	\$ 6,147,698	78		(20)
2470 - ADMINISTRATION							
PRESIDENT & SENIOR EXECUTIVE STAFF	PRES	\$ 936,767	9	\$ 796,735	9		-
CHIEF ACCOUNTANT	13	\$ 58,555	1	\$ 59,894	1		-
BURSAR	13	\$ 59,894	1	\$ 84,763	1		-
PAYROLL MANAGER	13	\$ 61,232	1	\$ 62,571	1		-
DIRECTOR OF ERP-HCM	14	\$ 99,941	1	\$ 102,635	1		-
CAMPUS COORDINATOR OF ADMINISTRATION	12	\$ 89,316	1	\$ 91,711	1		-
ASSISTANT BURSAR II	11	\$ 154,828	2	\$ 154,828	2		-
PAYROLL SPECIALIST	10	\$ 65,343	1	\$ 68,802	1		-
CHIEF PERSONNEL CLERK	10	\$ 122,572	2	\$ 145,508	2		-
COLLEGE ACCOUNTANT AUDITOR	9	\$ 72,480	1	\$ 72,480	1		-
RECRUITER-HUMAN RESOURCES	9	\$ 55,062	1	\$ 57,790	1		-
ASSISTANT COORDINATOR OF HUMAN RESOURCES	9	\$ 60,648	1	\$ 63,818	1		-
PRINCIPAL PAYROLL AND ROSTER CLERK	8	\$ 55,428	1	\$ 129,871	2		1
PRIN PERSONNEL CLERK	8	\$ 54,209	1	\$ -	-		(1)
EQUAL EMPLOYMENT OPPORTUNITY INVESTIGATOR	8	\$ 54,209	1	\$ -	-		(1)
COLL ADMIN ASST II	7	\$ 54,576	1	\$ 54,576	1		-
SENIOR ACCOUNT CLERK	6	\$ 134,531	3	\$ 49,375	1		(2)
SENIOR PAYROLL CLERK ECC	6	\$ 190,150	4	\$ 172,359	3		(1)
ACCOUNT CLERK	4	\$ 43,129	1	\$ -	-		(1)
SENIOR CLERK TYPIST	4	\$ 41,866	1	\$ 100,834	2		1
DISPATCHER	4	\$ 35,312	1	\$ 39,670	1		-
RECEPTIONIST	3	\$ 75,473	2	\$ -	-		(2)
OFFSET MACHINE OPERATOR	3	\$ 37,118	1	\$ -	-		(1)
VACANCY RESERVE		\$ -	-	\$ -	-		-
2470 - SUBTOTAL ADMINISTRATION FULL-TIME		\$ 2,612,639	39	\$ 2,308,220	32		(7)
OVERTIME		\$ 64,720		\$ 64,720			-
SENIOR EXECUTIVE STAFF		\$ 25,332		\$ 97,500			-
CASHIER PT		\$ 216,020		\$ 121,451			-
BURSAR PT		\$ -		\$ 27,178			-
SENIOR ACCOUNT CLERK PT		\$ 20,207		\$ -			-
VACANCY RESERVE		\$ -		\$ -			-
SUBTOTAL-RPT, PT, OTHER		\$ 326,279		\$ 310,848			-
2470 - TOTAL ADMINISTRATION		\$ 2,938,918	39	\$ 2,619,068	32		(7)
2480 - INSTITUTIONAL SERVICE							
SENIOR EXECUTIVE STAFF	SES	\$ 99,960	1	\$ 105,060	1		-
DIRECTOR OF NETWORK AND SYSTEMS ADMINISTRATION II	16	\$ 126,324	1	\$ -	-		(1)
BUSINESS MANAGER II RISK ASSESSMENT	16	\$ 133,295	1	\$ 133,295	1		-
DIRECTOR OF ERP SYSTEMS & INFORMATION SERVICES II	15	\$ 114,100	1	\$ 114,100	1		-
DIR OF ACAD & USER TECH SERV	15	\$ 117,184	1	\$ 117,184	1		-
INTERIM EXEC DIR OF ERP	16	\$ 122,974	1	\$ -	-		(1)
EXEC DIR OF MARKING & COMMUNICATIONS	15	\$ 82,648	1	\$ -	-		(1)
DIRECTOR RESEARCH II	14	\$ 108,250	1	\$ -	-		(1)
ITS COORDINATOR LEAD II	14	\$ 99,941	1	\$ 102,635	1		-
COORDINATOR INSTITUTIONAL SERVICES II	14	\$ 96,710	1	\$ -	-		(1)
BUSINESS MANAGER II	13	\$ -	-	\$ 108,250	1		1

ERIE COMMUNITY COLLEGE PERSONNEL SUMMARY		2022 - 2023		2023 - 2024		#	
	JG	SALARY	EMPLOYEES	SALARY	EMPLOYEES	Diff	
ITS COORDINATOR LEAD	13	\$ 89,316	1	\$ 94,815	1	-	-
COORD OF ASSESSMENT II	13	\$ 89,316	1	\$ -	-	-	(1)
ITS COORDINATOR AND PROJECT LEAD	14	\$ 99,941	1	\$ 99,941	1	-	-
DIRECTOR OF INSTITUTIONAL GRANTS	13	\$ 84,763	1	\$ 84,763	1	-	-
ED SUPPORT PROFESSIONAL	13	\$ 73,203	1	\$ 76,619	1	-	-
PRINCIPAL SYSTEMS ANALYST-ECC	13	\$ 88,263	1	\$ 100,090	1	-	-
MASTER TECH SUPPORT SPECIALIST II	13	\$ 307,939	4	\$ 310,901	4	-	-
INFORMATION SECURITY OFFICER	12	\$ 58,444	1	\$ 59,664	1	-	-
PROGRAMMER ANALYST	12	\$ 80,818	1	\$ -	-	-	(1)
NETWORK OPERATIONS SPECIALIST ECC II	11	\$ 234,356	3	\$ 238,344	3	-	-
MASTER TECH SUPP SPEC 1	11	\$ 68,581	1	\$ 196,024	3	2	2
BUYER	11	\$ 134,339	2	\$ 158,384	2	-	-
END USER SUPPORT SPECIALIST II	10	\$ 72,480	1	\$ 74,400	1	-	-
WEB COORDINATOR-MARKETING -CITY	10	\$ 48,356	1	\$ -	-	-	(1)
ASST COORD STRATEGIC PLANNING	10	\$ 49,375	1	\$ -	-	-	(1)
TECH SUPPORT SPEC	9	\$ 207,564	4	\$ 105,694	2	2	(2)
SUPERVISOR OF ACCOUNTS PAYABLE	9	\$ 58,471	1	\$ 68,203	1	-	-
COMPUTER PROGRAMMER	8	\$ 55,428	1	\$ -	-	-	(1)
COLLEGE ADMINISTRATIVE ASSISTANT II	7	\$ 53,331	1	\$ -	-	-	(1)
GRAPHIC ARTIST	7	\$ 55,478	1	\$ 64,998	1	-	-
TECHNICAL ASSISTANT	6	\$ 38,716	1	\$ 40,127	1	-	-
SR ACCT CLERK	6	\$ 49,695	1	\$ 58,804	1	-	-
COLLEGE ADMINISTRATIVE ASSISTANT	6	\$ -	-	\$ 42,052	1	1	1
MAILROOM OPERATION CLERK - ECC	5	\$ 44,591	1	\$ 53,337	1	-	-
SENIOR OFFSET MACHINE OPERATOR	5	\$ 40,855	1	\$ 47,755	1	-	-
RECEPTIONIST	3	\$ -	-	\$ 42,798	1	1	1
VACANCY RESERVE		\$ -	-	\$ -	-	-	-
2480 - SUBTOTAL INSTITUTIONAL SERVICE FULL-TIME		\$ 3,285,005	43	\$ 2,698,237	35		(8)
OVERTIME		\$ 71,700		\$ 71,700			-
SENIOR ACCOUNT CLERK PT		\$ 61,399		\$ 25,127			-
SENIOR TECHNICAL ASSISTANT PT		\$ 19,894		\$ -			-
TECHNICAL ASSISTANT PT		\$ 32,743		\$ -			-
DOCUMENT CLERK PT		\$ 18,766		\$ -			-
INSTRUCTIONAL SUPPORT SPECIALIST PT		\$ -		\$ -			-
STUDENT ASSISTANT PT		\$ -		\$ -			-
LABORER PT		\$ 35,090		\$ -			-
CLERK PT		\$ 48,574		\$ 39,980			-
SENIOR EXECUTIVE STAFF		\$ -		\$ 93,860			-
TUTOR PT		\$ 17,633		\$ 18,691			-
SHIFT DIFF 2ND		\$ -		\$ -			-
SHIFT DIFF3RD		\$ -		\$ -			-
VACANCY RESERVE		\$ -		\$ -			-
SUBTOTAL-RPT, PT, OTHER		\$ 305,799		\$ 249,358			-
2480 - TOTAL INSTITUTIONAL SERVICES		\$ 3,590,804	43	\$ 2,947,596	35		(8)
TOTAL ALL FUNCTIONS							-
2401 - INSTRUCTION FALL & SPRING		\$ 30,304,325	316	\$ 26,585,828	259		(57)
2403 - WINTER INTERSESSION		\$ 54,600		\$ 54,600			-
2404 - SUMMER INTERSESSION		\$ 738,066		\$ 738,066			-
2405 - NON-CREDIT AIDABLE		\$ 377,487	4	\$ 362,632	3		(1)
2408 - ACADEMIC SUPPORT		\$ 1,741,834	20	\$ 1,232,364	15		(5)
2415 - SCHOLARSHIPS AND FELLOWSHIPS		\$ 8,564	-	\$ 8,564	-		-
2440 - LIBRARY		\$ 1,196,858	17	\$ 951,972	11		(6)
2450 - STUDENT AFFAIRS		\$ 7,668,499	97	\$ 5,125,857	66		(31)
2460 - MAINTENANCE		\$ 6,426,557	98	\$ 6,147,698	78		(20)
2470 - ADMINISTRATION		\$ 2,938,918	39	\$ 2,619,068	32		(7)
2480 - INSTITUTIONAL SERVICE		\$ 3,590,804	43	\$ 2,947,596	35		(8)
VACANCY RESERVE		\$ 1,500,000	29	\$ 1,500,000	30		1
TOTAL		\$ 56,546,511	663	\$ 48,274,245	529		(134)

**SUMMARY OF ECC GRANTS
APPROPRIATIONS AND REVENUES FY 2023-2024**

Unit Code	Student Aid	Grant Fiscal Year	Total Revenue	Total Appropriation	Federal	State	County	Local/Private
					Share	Share	Share	Share
013	Federal Work Study Program (FWS) - Yearly	07/01/23 - 06/30/24	375,533	375,533	375,533			
014	Federal Supplemental Education Opportunity Grant (SEOG) - Yearly	07/01/23 - 06/30/24	463,546	463,546	463,546			
015*	Federal PELL Grant Program - Yearly	07/01/23 - 06/30/24	14,235,165	14,235,165	14,235,165			
028	Educational Opportunity Program (EOP) - Yearly	07/01/23 - 06/30/24	175,000	175,000		175,000		
078	SUNY Foster Youth College Success Initiative (FYCSI) (EOP)	09/01/23 - 08/31/24	-	-				
088	CARES ACT Higher Education Student	05/02/23 - 05/01/24	-	-				
089	CARES ACT Institutional	05/06/23 - 05/05/24	-	-				
092	CARES ACT Title 3	05/29/23 - 05/28/24	-	-				
101	Pathway Scholars Award	07/01/23 - 06/30/24	-	-				
115	Aid for PT Students - APTS		196,000	196,000		196,000		
116	Excelsior Award		500,000	500,000		500,000		
117	TAP/NYS Scholarships		5,700,000	5,700,000		5,700,000		
	Total Student Aid Grants		21,645,244	21,645,244	15,074,244	6,571,000	-	-
	Institutional							
033	Readers Aid - Yearly	09/01/23 - 08/31/24	4,000	4,000		4,000		
042*	Coordinated Collection Dev. Fund - Library Collection Aid - Yearly	07/01/23 - 06/30/24	11,496	11,496		11,496		
044	P-Tech - BPS - BeSolar - South Park	07/01/23 - 06/30/24	35,000	35,000				35,000
047	SUNY Child Care Grant - Yearly	10/01/23 - 09/30/24	150,811	150,811		150,811		
056*	Central Police Academy - Yearly	09/01/23 - 08/31/24	850,000	850,000				850,000
065*	Emergency Medical Tech - Yearly	09/01/23 - 08/31/24	90,000	90,000		90,000		
066*	Wellness Center - Yearly	09/01/23 - 08/31/24	-	-				-
069	P-Tech - RACE - BOCES - Lackawanna	07/01/23 - 06/30/24	8,000	8,000				8,000
073	P-Tech - BPS - Smart Scholars - Hutch Tech	07/01/23 - 06/30/24	13,000	13,000				13,000
090	P-Tech - Race - Tuition & Fee (Coser Account)	07/01/23 - 06/30/24	307,350	307,350				307,350
093	Nano Technology Applications and Career Knowledge (NACK)	09/01/23 - 08/31/24	3,000	3,000				3,000
102	P-Tech - Build - BOCES - Cheektowaga	07/01/23 - 06/30/24	6,500	6,500				6,500
103	P-Tech - BPS - BIT - Bennet	07/01/23 - 06/30/24	12,000	12,000				12,000
105	PathStone Corporation	10/01/23 - 09/30/24	86,666	86,666				86,666
118	Child Care Access Means Parents in School (CCAMPIS) Yr 2 of 4	10/01/23 - 09/30/24	68,900	68,900	68,900			
123	P-Tech - BUILD -Tuition & Fee (Coser Account)	07/01/23 - 06/30/24	153,500	153,500				153,500
124	NSF-ATE Expand the Curve	09/01/23 - 08/31/24	6,500	6,500	6,500			
128	SUNY Ideas Grant	09/01/23 - 08/31/24	9,000	9,000		9,000		
129	Perkins - Yearly	07/01/23 - 06/30/24	1,038,742	1,038,742		1,038,742		
130	Workforce Investment Act - Yearly	07/01/23 - 06/30/24	595,042	595,042	595,042			
135	DSS - Youth Engagement Services (YES) - Yearly	01/01/23 - 12/31/23	190,000	190,000			190,000	
136	Department of Social Services-Career and Success Training (CAST) - Yearly	01/01/23 - 12/31/23	375,000	375,000			375,000	
137	SUNY Enrollment Initiative	09/01/23 - 08/31/24	2,825,884	2,825,884		2,825,884		
	Total Institutional Grants		6,840,391	6,840,391	670,442	4,129,933	565,000	1,475,016
	Workforce Development/Corporate Training							
067*	Ford Resources - Yearly	01/01/23 - 12/31/23	139,524	139,524				139,524
134	SUNY Apprenticeship Program	09/01/23 - 08/31/24	1,000	1,000		1,000		
138	Cannabis Workforce Development	09/01/23 - 08/31/24	19,000	19,000		19,000		
	Total Workforce Development/Corporate Training Grants		159,524	159,524	-	20,000	-	139,524
	Total Grants		28,645,159	28,645,159	15,744,686	10,720,933	565,000	1,614,540
	Rolled over revenue		1,573,995					
	Total Grants and rolled over revenue		30,219,155					

PLEASE MAKE NOTE

026	SUNY Minority Transfer Grant	\$	34,170.15	Roll-over balance-No new income-Project was stalled when Nora Clark left, Erik maniging
027	Culinary Medicine (Statler Foundation)	\$	9,736.32	Roll-over balance-No new income-I informed Kristen Goss of funds that are available for spending
077	SUNY PIF Clean Energy WFD Program	\$	787.19	Roll-over balance-No new income-Still Current Project
125	SUNY-PIF - Renewable Energy (Buffalo State)	\$	6,224.68	Remaing funds
132	SUNY High Needs Grant	\$	1,516,856.00	Remaing funds
133	PRODIG Program	\$	6,221.07	Remaing funds
		\$	1,573,995.41	

*015 Federal PELL Grant Program - Yearly Funds listed is what was awarded in 22/23--Tentative amount, they process Pell through 23/Summer

*042 Coordinated Collection Dev. Fund - Library Collection Aid - Yearly Funds listed is what was awarded in 22/23, 23/24 application had not been awarded yet

*056 Central Police Academy - Yearly Everything moved to Operational except Tuition

*065 Emergency Medical Tech - Yearly Students sponsors (i.e. Fire Dept) pay tuition up front, we submit billing to the State, the State issues us funds, sponsors are reimbursed the tuition they paid, any overpayments from the State stays in the grant for the purpose of purchasing equipment-this is allowable.

*066 Wellness Center - Yearly Funds deposited in this account come from Gym Memberships - we are no longer accepting payments

*067 Ford Resources - Yearly Covers cost of Kyle Volk salary and Fringe \$80,478.92--overpayments are not returned but moved to operational budget

SUNY ERIE Community College

2024 Capital Budget Request

Rank 1 of 4: SUNY Erie Campus Security Camera Replacement: \$2,000,000

Rank 2 of 4: SUNY Erie North Sports Field Improvements – Phase 2: \$5,000,000

Rank 3 of 4: SUNY Erie Facility Master Plan – Phase 3: \$10,000,000

Rank 4 of 4: SUNY Erie College-wide Network Infrastructure Replacement: \$5,000,000

Total 2024 Capital Budget Request: \$22,000,000

2024 Capital Budget Request

Note: All responses must be limited to 250 characters in OnBase

Department: Erie Community College Business Area: 122

Contact : Paul Danieu, Business Mgr - Risk Assessment

Phone: 716.851.1856 Email: danieu@ecc.edu

Project Name: SUNY ERIE CAMPUS SECURITY CAMERA REPLACEMENT

Project Address: College wide

Rank: 1 of 4 Business Area in which Project will be Budgeted: 122

Project Description (include project timeline) (250 Characters max)

NOTE: Construction for the 2024 phase of a project must be complete within three years. You must also be ready to commence your project in 2024.

This project would replace the College's 20 year old camera system and software. The new system would expand coverage of hallways & add stairwells, sidewalks, parking lots, alarm and watchbox functions. The project would begin in May 2024.

Statement of Need: (250 Characters max)

The current system is 20 years old and failing. It is beyond its operational lifespan but still relied on as a critical part of protecting the our campus community as well as the financial well being of the College and County.

Project Status Design Construction

Design provide overall project schedule. If Construction, describe construction activities for the 2024 Phase of the project. (250 project. (250 Characters max)

Design work for North Campus has been started and a rough draft presented and attached. City and South Campus design work have yet to begin. If approved the North Campus design would be reviewed again and implemented by late 2024 or early 2025.

Has NEPA or SEQR review been completed? (if yes, provide upload)

N/A

Does the project involve restoration of an existing facility or interior work only?

No

Does the project involve physical land disturbance through building expansion or new bldg.?

No

Anticipated size of new construction:

N/A

Anticipated land disturbance:

None

Anticipated right-of-way to be acquired: (acres)

N/A

Status of Plans and Site Control:

Indicate below whether the project is ready to go (construction plans, etc.) and if applicable, are there any "site control" issues, i.e. does the County own the land, is it under some kind of lease, etc.

North is ready to go upon a final review and no site control issues.

Financial Overview

Funding request: Indicate in the chart below, Phase 1 of the project (2024 budget) and any additional cost that may be required for additional phases of

Capital Project	Phase 1 2024	Phase 2 2025	Phase 3 2026	Phase 4 2027	Phase 5 2028	Phase 6 2029	Total Project
Total Project Cost	2,000,000						2,000,000
Revenue							
State	1,000,000						1,000,000
Federal							-
Other							-
Total Non County Revenue	1,000,000	-	-	-	-	-	1,000,000
County Share	1,000,000	-	-	-	-	-	1,000,000

Impact on the Operating Budget: Summarize below, in general categories, how completion of the project will have either a positive or negative impact on the operating budget. Describe the nature of the item and provide cost estimates if reasonable.

2024 Capital Budget Request

Note: All responses must be limited to 250 characters in OnBase

Department: Erie Community College Business Area: 122

Contact : Paul Danieu, Business Mgr - Risk Assessment

Phone: 716.803.4754 Email: danieu@ecc.edu

Project Name: SUNY ERIE NORTH SPORTS FIELD IMPROVEMENTS - PHASE 2

Project Address: North Campus

Rank: 2 of 4 Business Area in which Project will be Budgeted: 122

Project Description (include project timeline) (250 Characters max)

NOTE: Construction for the 2024 phase of a project must be complete within three years. You must also be ready to commence your project in 2024.

Erie County and Town of Amherst are providing a series of sports fields at ECC North to be used by both the College and the general public. Phase 1 work include a conceptual masterplan and 5 new playing fields for baseball, soccer and multi-use.

Statement of Need: (250 Characters max)

Phase 2 work will include expansion of sports playing fields for the 116-acre site to include a softball diamond, permanent bleachers, concession building, parking lot, ADA accessible sidewalks and sports field lighting.

Project Status Design Construction

Design provide overall project schedule. If Construction, describe construction activities for the 2024 Phase of the project. (250 project. (250 Characters max)

Phase 1 is under design and will proceed to construction. Phase 2 can commence in 2024 provided adequate resources are made available.

Has NEPA or SEQR review been completed? (if yes, provide upload)

No

Does the project involve restoration of an existing facility or interior work only?

Yes

Does the project involve physical land disturbance through building expansion or new bldg.?

Yes

Anticipated size of new construction:

N/A

Anticipated land disturbance:

116-acres

Anticipated right-of-way to be acquired: (acres)

N/A

Status of Plans and Site Control: Indicate below whether the project is ready to go (construction plans, etc.) and if applicable, are there any "site control" issues, i.e. does the County own the land, is it under some kind of lease, etc.

No construction work has been started, and there are no site control issues.

Financial Overview

Funding request: Indicate in the chart below, Phase 1 of the project (2024 budget) and any additional cost that may be required for additional phases of

Capital Project	Phase 1 2024	Phase 2 2025	Phase 3 2026	Phase 4 2027	Phase 5 2028	Phase 6 2029	Total Project
Total Project Cost	5,000,000	5,000,000	5,000,000	5,000,000	-	-	20,000,000
Revenue							
State	2,500,000	2,500,000	2,500,000	2,500,000			10,000,000
Federal							-
Other	2,000,000	-	-	-			2,000,000
							-
Total Non County Revenue	4,500,000	2,500,000	2,500,000	2,500,000	-	-	12,000,000
County Share	500,000	2,500,000	2,500,000	2,500,000	-	-	8,000,000

Impact on the Operating Budget: Summarize below, in general categories, how completion of the project will have either a positive or negative impact on the operating budget. Describe the nature of the item and provide cost estimates if reasonable.

2024 Capital Budget Request

Note: All responses must be limited to 250 characters in OnBase

Department: Erie Community College Business Area: 122

Contact : Paul Danieu, Business Mgr - Risk Assessment

Phone: 716.803.4754 Email: danieu@ecc.edu

Project Name: SUNY ERIE FACILITY MASTER PLAN - PHASE 3

Project Address: All 3 campuses

Rank: 3 of 4 Business Area in which Project will be Budgeted: 122

Project Description (include project timeline) (250 Characters max)

NOTE: Construction for the 2024 phase of a project must be complete within three years. You must also be ready to commence your project in 2024.

SUNY Erie finalized a facility masterplan which includes a condition assessment and strategic facilities, site, and infrastructure upgrades alongside with discussion with ECDPW. Continue multi-year phased capital improvements at all 3 campuses.

Statement of Need: (250 Characters max)

Significant deferred maintenance: Power distribution & wiring, MEP upgrades; Roof Repairs, ADA Upgrades , Window & Door Replacement, Classroom Infrastructure, Site infrastructure & wayfinding. Needed at all 3 campuses.

Project Status Design Construction

Design provide overall project schedule. If Construction, describe construction activities for the 2024 Phase of the project. (250 project. (250 Characters max)

The projects have had some planning and or design completed to date, but cannot proceed to construction due to lack of funds available. Projects that have had design work can commence in 2024 provided adequate resources are made available.

Has NEPA or SEQR review been completed? (if yes, provide upload) N/A

Does the project involve restoration of an existing facility or interior work only? Yes

Does the project involve physical land disturbance through building expansion or new bldg.? No

Anticipated size of new construction: N/A

Anticipated land disturbance: N/A

Anticipated right-of-way to be acquired: (acres) N/A

Status of Plans and Site Control: Indicate below whether the project is ready to go (construction plans, etc.) and if applicable, are there any "site control" issues, i.e. does the County own the land, is it under some kind of lease, etc.

No construction work has been started, and there are no site control issues.

Financial Overview

Funding request: Indicate in the chart below, Phase 1 of the project (2024 budget) and any additional cost that may be required for additional phases of

Capital Project	Phase 1 2024	Phase 2 2025	Phase 3 2026	Phase 4 2027	Phase 5 2028	Phase 6 2029	Total Project
Total Project Cost	9,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	59,000,000
Revenue							
State	4,500,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	29,500,000
Federal							-
Other							-
Total Non County Revenue	4,500,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	29,500,000
County Share	4,500,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	29,500,000

Impact on the Operating Budget: Summarize below, in general categories, how completion of the project will have either a positive or negative impact on the operating budget. Describe the nature of the item and provide cost estimates if reasonable.

2024 Capital Budget Request

Note: All responses must be limited to 250 characters in OnBase

Department: Erie Community College Business Area: 122

Contact : Katherine Callesto, SUNY Erie Interim CIO

Phone: 716.851.1765 Email: callestok@ecc.edu

Project Name: SUNY ERIE COLLEGE-WIDE NETWORK INFRASTRUCTURE REPLACEMENT

Project Address:

Rank: 4 of 4 Business Area in which Project will be Budgeted: 122

Project Description (include project timeline) (250 Characters max)

NOTE: Construction for the 2024 phase of a project must be complete within three years. You must also be ready to commence your project in 2024.

The work will consist of procuring and installing network switching replacing equipment purchased in 2013, located in the College's three data centers, replacing the 66 closet switches, and replacing the virtual server infrastructure at North Campus.

Statement of Need: (250 Characters max)

The network is critical to operations including student learning, administration, fire and safety, telephony, network security, client management and HVAC controls. Existing equipment will no longer be supported by the vendor in October 2023.

Project Status Design Construction

Design provide overall project schedule. If Construction, describe construction activities for the 2024 Phase of the project. (250 project. (250 Characters max)

Network design with the vendor has started. Network Design completion is expected by August 1, 2023.

Has NEPA or SEQR review been completed? (if yes, provide upload)

N/A

Does the project involve restoration of an existing facility or interior work only?

N/A

Does the project involve physical land disturbance through building expansion or new bldg.?

No

Anticipated size of new construction:

N/A

Anticipated land disturbance:

N/A

Anticipated right-of-way to be acquired: (acres)

N/A

Status of Plans and Site Control:

Indicate below whether the project is ready to go (construction plans, etc.) and if applicable, are there any "site control" issues, i.e. does the County own the land, is it under some kind of lease, etc.

None

Financial Overview

Funding request: Indicate in the chart below, Phase 1 of the project (2024 budget) and any additional cost that may be required for additional phases of

Capital Project	Phase 1 2024	Phase 2 2025	Phase 3 2026	Phase 4 2027	Phase 5 2028	Phase 6 2029	Total Project
Total Project Cost	5,000,000						5,000,000
Revenue							
State	2,500,000						2,500,000
Federal							-
Other							-
Total Non County Revenue	2,500,000	-	-	-	-	-	2,500,000
County Share	2,500,000	-	-	-	-	-	2,500,000

Impact on the Operating Budget: Summarize below, in general categories, how completion of the project will have either a positive or negative impact on the operating budget. Describe the nature of the item and provide cost estimates if reasonable.