

ERIE COUNTY LEGISLATURE
MEETING NO. 15
JULY 20, 2023

The Legislature was called to order by Chair Baskin.

All members present.

An Invocation was held, led by Ms. Vinal, who offered a prayer.

The Pledge of Allegiance was led by Mr. Todaro.

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 14 from 2023. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – Miscellaneous Resolutions were offered, as follows:

JOHNSON & BASKIN	Acknowledging and Honoring National Buffalo Soldiers Day
JOHNSON	In Remembrance of Maggie Clark
BASKIN	Acknowledging and Honoring 716 Day
KOOSHOIAN	Recognizing Isabelle Pezdek – All Western New York First Team Selection – Girls Softball, Grand Island High School
VINAL	Recognizing Gia Gangi - All Western New York First Team Selection - Girls Softball, Williamsville South
GILMOUR	Recognizing Jillian Locher - All Western New York First Team Selection - Girls Softball, Frontier High School
VINAL	Acknowledging Geoffrey Brown - Celebrating His 106th Birthday
KOOSHOIAN	Honoring Parkinson's Boxing for the Amherst Chamber of

	Commerce's Key Bank Sponsor Award
MINORITY CAUCUS	Recognizing Kenneth H. Stone on His Retirement from the Erie County Library System
MINORITY CAUCUS	Proclaiming August 6-12, 2023 as Farmers Market Week in Erie County
MILLS	Recognizing National Fishing Month in Erie County
MILLS	Proclaiming July 27, 2023 as Thomas Flyer Day in Erie County
MILLS	Honoring Sully O'Brien as the 2023 All-Bee Lacrosse Player of the Year
MILLS	Recognizing FeedMore WNY on National Food Bank Day in Erie County
MILLS	Recognizing August 8, 2023 as National Pickleball Day
MALCZEWSKI	Recognizing the Marilla Fire Company on Its 100th Anniversary
MALCZEWSKI	Recognizing Barn Dog Craft Distilling on National Rum Day
MALCZEWSKI	Celebrating the Grand Opening of 49 Coffee House & Market
GREENE	Recognizing Public Safety Dispatcher William Richter as Recipient of the 2023 Support Services Award
GREENE	Recognizing Public Safety Dispatcher Corrine Yard as Recipient of the 2023 Support Services Award
GREENE	Recognizing the Clarence Community Food Pantry on National Food Bank Day
GREENE	Recognizing Public Safety Dispatcher Molly Rosowski as Recipient of the 2023 Support Services Award
GREENE	Recognizing Public Safety Dispatcher Elizabeth Henry as Recipient of the 2023 Support Services Award
GREENE	Recognizing Carmine Tiso on National Pickleball Day
TODARO	Proclaiming August 31, 2023 as International Overdose Awareness Day in Erie County

TODARO Celebrating the Grand Opening of Mary Alice Ubal Insurance Agency Inc.

TODARO Proclaiming August 7, 2023 as Purple Heart Day in Erie County

TODARO Honoring Walczak's Auto Service as 2023 Depew Founder's Day Outstanding Business

TODARO Recognizing William Cansdale for His Service to the Town of Lancaster

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MR. MEYERS moved for approval of the above twenty-nine 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. 6 (Print #1) 2023 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 10 – CHAIR BASKIN directed that Local Law No. 3 (Print #2) 2023 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

July 13, 2023	PUBLIC SAFETY COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS GILMOUR & GREENE.

1. RESOLVED, the following item is hereby received, filed and printed:
 - a. COMM. 14E-6 (2023)
COUNTY EXECUTIVE: “EC Emergency Medical Services Advisory Board”
(Chair’s Ruling)

June 29, 2023

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

Re: Erie County Emergency Medical Services Advisory Board

Dear Honorable Members:

Pursuant to the power vested in me by Section 1407.1 of the Erie County Code, I hereby appoint the following individuals to the Erie County Emergency Medical Services Advisory Board. Their term will expire December 31, 2024.

Appointees:

Keith Mondschein
139 Colony Court
Amherst, NY 14226

Matthew J. DeRose
111 Kettering Drive
Tonawanda, NY 14223

Joshua Lembke
55 Claremont Avenue
Tonawanda, NY 14223

Joseph M. Trzepacz
3704 Walden Avenue
Apartment C
Lancaster, NY 14086

Bryan J. Goyette
5626 Seneca Street
West Seneca, NY 14224

Dennis M. Robinson
8440 Stanfield Road
Colden, NY 14033

If you have any questions about this or any other matter, please feel free to contact my office at 858-8500.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

2. COMM. 14E-1 (2023)
SHERIFF

WHEREAS, the Erie County Sheriff's Division of Correctional Health provides daily care to the incarcerated population at the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the division has conducted a search for optometry providers through a Request for Proposals; and

WHEREAS, after publishing the RFP and contacting eye care providers, National Eye Care was the only provider to submit a proposal; and

WHEREAS, the Division of Correctional Health has negotiated with National Eye Care, 2264 Saranac Lake, Lake Placid, New York, 12946, to provide on-site optometry services; and

WHEREAS, National Eye Care currently provides optometry services to the New York State Department of Corrections (Northern Hubs) and New York County/City Departments of Corrections, as well as multiple other correctional facilities across the country; and

WHEREAS, the agreement will commence upon the necessary County signatures; and

WHEREAS, it is a two-year contract, and it allows for three (3) one-year extensions with National Eye Care for up to \$10,000.00 per year; and

WHEREAS, the Sheriff's Office and the Division of Budget and Management have identified funds in the 2023 County Budget to fund the agreement; and

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

516020 Professional Services \$10,000.00

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive and the Sheriff to enter into an agreement with National Eye Care, 2264 Saranac Lake, Lake Placid, New York, 12946, for optometry services at the Erie County Holding Center and the Erie County Correctional Facility; and be it further

RESOLVED, this is a two (2) year agreement, and it may be terminated by either party at any time with 90-day written notice; and be it further

RESOLVED, the contract allows for three (3) one-year extensions; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that certified copies shall be forwarded to the County Executive's Office, the County Attorney, the Division of Budget and Management, the Purchasing Division, the Office of the Comptroller, and the Office of the Sheriff.

(5-0)

3. COMM. 14E-2 (2023)
SHERIFF

WHEREAS, the Erie County Sheriff's Office is seeking to expand re-entry programs further offered to the incarcerated populations of the Erie County Holding Center and the Erie County Correctional Facility; and

WHEREAS, the Sheriff's Community Reintegration office has been meeting with various community-based organizations and companies to discover new programs that can aid an individual's pre and post-release and reduce recidivism; and

WHEREAS, the Sheriff's Office seeks to enter into an agreement with the Community Music School of Buffalo to offer therapeutic music services, which a board-certified music therapist provides; and

WHEREAS, music therapy is a clinical and evidence-based use of music intervention to accomplish individualized goals within a therapeutic relationship used to assist people of all ages, abilities, and circumstances; and

WHEREAS, many strategies are implemented to support and aid in mental health, problem-solving, collaboration, self-expression, emotional intelligence, and goal setting while using music to motivate and engage the person; and

WHEREAS, music therapy has been implemented in correctional facilities around the United States for almost a century; and

WHEREAS, the agreement is for a one year with a minimum of 40-weekly sessions with costs not to cost \$4,940.00 for the term of the contract; and

WHEREAS, the Sheriff's Office desires to enter into a contract with Top Youth Speakers to offer a 90-minute learning seminar to aid in developing resilience and unleashing one's potential; and

WHEREAS, the learning outcomes of the program include learning to let go of the past and focus on the future, develop personal fortitude, and understanding resilience to enhance mental; and

WHEREAS, the agreement is for one seminar with a cost not to exceed \$4,980.00; and

WHEREAS, Emerge Careers and the Sheriff's Office have developed a pilot program to train individuals to receive their Commercial Driver's License; and

WHEREAS, the pilot program will enroll five individuals for a cost not to exceed \$4,999.00; and

WHEREAS, Emerge Career focuses exclusively on pre and post-release training programs designed to prepare individuals for entry-level commercial driver training and commercial driver's license training; and

WHEREAS, because commissary funds are used, there is no impact on the 2023 County Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Sheriff's Office and the County Executive to enter into an agreement with Community Music School of Buffalo, 217 East Delavan Avenue, Buffalo, New York 14208, for one year where the organization will provide a minimum of 40-weekly sessions with costs not to exceed \$4,940.00 for the term of the contract; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Sheriff's Office and the County Executive to enter into an agreement with Top Youth Speakers, 16600 Monterey Road 852, Morgan Hill, California 95037, to provide one ninety-minute seminar with costs not to exceed \$4980.00; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the Erie County Sheriff's Office and the County Executive to enter into an agreement with Ameelio Emerge Public Benefit Corporation (d/b/a Emerge Career), New Haven, Connecticut, for one year with costs not to exceed \$4,999.00 for the term of the contract; and be it further

RESOLVED, the parties can terminate at any time, by the mutual consent of the parties or by written notice; and be it further

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

(5-0)

4. COMM. 14E-23 (2023)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services (NYS ILS) will provide a three-year grant totaling \$650,225.63 to the County to implement an early-intervention, multi-disciplinary model for the representation of parents in child welfare matters appearing in Erie County Family Court; and

WHEREAS, this funding will specifically provide the salary and fringe benefit for a full-time Deputy for Litigation and Appellate Support to provide mentoring and litigation support to Assigned Counsel Program (ACP) panel attorneys; and

WHEREAS, Erie County will contract with the Erie County Bar Association's Aid to Indigent Prisoners Society to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$650,225.63 over three years from January 1, 2023 to December 31, 2025 to fund an attorney position to aid in the representation of parents in child welfare matters; and be it further

RESOLVED, that authorization is hereby given to establish grant funding in the Department of Law (Fund 281, Funds Center 160) as follows:

Erie County Department of Law
ILS 2nd Upstate Family Defense (Child Welfare)
Quality Improvement & Caseload Reduction
Grant Fund 281, 160UFD2ILS2325
January 1, 2023 to December 31, 2025

Revenue	Budget
Account 409000 - State Aid Revenue	\$650,225.63

Appropriation	Budget
Account 516602 - EC Bar Association	\$650,225.63

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a three-year subcontract with the Erie County Bar Association Aid to Indigent Prisoners Society to deliver said services from January 1, 2023 to December 31, 2025; and be it further

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

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0)

5. COMM. 14E-26 (2023)
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Indigent Legal Services will provide a three-year grant totaling \$750,000 to the County for the provision of indigent defense services at first appearance; and

WHEREAS, Erie County will contract with the Erie County Bar Association's Aid to Indigent Prisoners Society to deliver the services required through the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the State of New York Office of Indigent Legal Services in the amount of \$750,000 over three years from January 1, 2023 to December 31, 2025 to provide enhanced representation to indigent defendants at first appearance; and be it further

RESOLVED, that authorization is hereby given to establish grant funding in the Department of Law (Fund 281, Funds Center 160) as follows:

Erie County Department of Law
ILS Counsel at First Appearance #4 Grant
Grant Fund 281 160CAFA4ILS2325
January 1, 2023 to December 31, 2025

Revenue	Budget
Account 409000 - State Aid Revenue	\$750,000

Appropriation	Budget
Account 516602 - EC Bar Association	\$750,000

and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into a three-

year subcontract with the Erie County Bar Association Aid to Indigent Prisoners Society to deliver said services from January 1, 2023 to December 31, 2025; and be it further

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

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(5-0)

6. COMM. 14E-27 (2023)
COUNTY EXECUTIVE

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the State of New York Office of Indigent Legal Services, in the amount of \$300,000 over three years to provide from July 1, 2020 to June 30, 2023 to improve the quality of representation to indigent defendants and reduce caseloads in indigent legal service provider programs; and be it further

RESOLVED, that authorization is hereby given to establish grant funding in the Department of Law (Fund 281, Funds Center 160) as follows:

Erie County Department of Law
Third Upstate Quality Improvement and Caseload Reduction Grant
Grant Fund 281, 160QID12ILS2325
July 1, 2020 to June 30, 2023

Revenue	Increase
Account 409000 - State Aid Revenue	\$300,000
Appropriation	Increase
Account 516601 - Legal Aid Bureau of Buffalo	\$300,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into three-year subcontract with the Legal Aid Bureau of Buffalo, Inc. to deliver said services from July, 1 2020 to June 30, 2023; and be it further

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

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to authorized personnel levels and county share amounts; and be it further

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

(4-0-1) Legislator Greene abstained.

**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. 107

July 13, 2023	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 14E-11 (2023)
COUNTY EXECUTIVE

WHEREAS, the Department of Information and Support Services (DISS) requires a Point of Presence server room to be installed on the 15th floor of the Erie County Rath Building in preparation of ErieNet; and

WHEREAS, construction for the abatement scope of work for this Project was previously approved per COMM. 10E-9 (2023); and

WHEREAS, the Rath Building – ErieNet POP Server Rm 15th Floor renovation project includes the required scope of work to house the future Point of Presence to support ErieNet; and

WHEREAS, the Department of Public Works (DPW) received bids for the Rath Building 15th Floor Abatement Project on June 20, 2023; and

WHEREAS, the lowest bidder on the General Construction Contract was not an acceptable bid as the responsibility questionnaire was not included as required per Local Law 2-2021; and

WHEREAS, the lowest responsible bidder for the General Construction Contract was Rodriguez Construction; and

WHEREAS, no bids for the Mechanical Construction and the Electrical Construction Contracts were received and these contracts will have to be publicly re-bid; and

WHEREAS, the Department of Public Works and C&S Engineers are recommending award of the contract to the lowest responsible bidder for the Rath Building – ErieNet POP Server Rm 15th Floor 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 for the Rath Building – ErieNet POP Server Rm 15th Floor Renovation project for an amount not to exceed as follows:

<u>Abatement Construction Work</u>	
Rodriguez Construction	Base Bid: \$ 639,000.00
<hr/>	
Total Award of General Construction Contract:	\$ 639,000.00

and be it further

RESOLVED, that authorization is hereby given that the sum of \$33,000.00 will 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 authorization is hereby given for \$37,000 of Construction Contingency Funds previously designated for the ErieNet POP Room Project per COMM. 10E-9 (2023) be used for all contracts associated with the ErieNet POP Server Room Projects; 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 to the Comptroller’s Office to make payment from the following capital project in Funds Center 122, Fund 410:

A.23005 – DPW (Bldgs and Grounds) Prevention of County Buildings and Facilities \$351,000

A.22068 – 2022 DISS Point of Presence Server Room	\$321,000
Total:	\$672,000

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) Chair Baskin not present for vote.

2. COMM. 14E-12 (2023)
COUNTY EXECUTIVE

WHEREAS, the County of Erie received bids for the Erie County Medical Examiner’s Office Renovations Phase 7 project on June 13, 2023; and

WHEREAS, the Department of Public Works, along with Trautman Associates is recommending award of the contract to the lowest responsible bidders; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to the firm of Trautman Associates for providing additional design and construction administration for Phase 7; and

WHEREAS, the Medical Examiner’s Office added additional staff during the Phase 5 construction requiring additional design services by Trautman Associates; and

WHEREAS, the County Executive is requesting authorization to issue an agreement amendment to the firm of Watts Architecture & Engineering for providing asbestos, air monitoring and testing services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidders for the Erie County Medical Examiner’s Office Renovations – Phase 7 project for an amount not to exceed as follows:

General Construction Work:		
Resetarits Construction	Base Bid	\$1,688,000
Hazardous Materials:		
Oneida Sales & Service	Base Bid	\$81,400
Mechanical Work:		
John W. Danforth Company	Base Bid	\$636,000
Electrical Construction Work		
CIR Electric & Construction Corp.	Base Bid	\$342,100
Plumbing Work		

MKS Plumbing Corp.	Base Bid	\$248,000
Roofing Work		
Progressive Roofing	Base Bid	\$380,000
Total Award of Construction Contracts		\$3,375,500

and be it further

RESOLVED, that authorization is hereby given for the sum of \$330,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute an Agreement Amendment with the firm of Trautman Associates, for additional design services for the Phase 5 Renovations and additional design and construction administration for Phase 7 project for an amount not to exceed \$230,000.00; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute an Agreement Amendment with Watts Architecture and Engineering for additional abatement air monitoring and testing fee in an amount not to exceed \$12,000.00 for this project; and be it further

RESOLVED, that authorization is hereby given to Comptroller’s Office to make payment for all the above from the following Capital Projects in Fund 410, Funds Center 122 as follows:

A.21108	2021 Medical Examiners Toxicology/Pathology Renovations	\$2,933,861.00
A.22006	2022 Medical Examiner’s Toxicology/Pathology Renovations	\$1,013,639.00
Total Payments not to exceed		\$3,947,500.00

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) Chair Baskin not present for vote.

3. COMM. 14E-13 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature previously authorized the 2021-2022 Large Culvert/Small Bridge and Pedestrian Bridge Condition Inspection Contract with Popli Design Group in COMM 12E-19 (2021) on June 24, 2021; and

WHEREAS, the resolution includes the provisions to extend the contract for an additional 2-year period, covering 2023-2024, subject to renegotiated costs and Legislative approval; and

WHEREAS, Popli Design Group has performed the inspections in a timely and efficient manner in the previous 2-year period, covering 2021-2022; and

WHEREAS, there is a need for structural inspections, including large culvert/small bridges and pedestrian bridges, to be performed by an engineering firm specializing in such services; and

WHEREAS, Legislative approval is required for the County Executive to extend the contract with Popli Design Group for the 2023-2024 period.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract extension with Popli Design Group for the 2021-2022 Large Culvert/Small Bridge and Pedestrian Bridge Condition Inspection Services project for a 2-year period covering 2023-2024 in an amount not to exceed \$497,150; and be it further

RESOLVED, that funds be made available for the Project from the following Projects in Fund 420, Funds Center 123:

B.21155 – 2021 Culvert Bridge Inspection Program	\$212,601.95
B.22060 – 2022 Large Culvert, Small Bridge, Ped. Bridge Insp.	\$200,000.00
<u>B.23055 – 2023 Culvert Bridge & Ped Bridge Inspect</u>	<u>\$ 84,548.05</u>
TOTAL PROJECT	\$497,150.00

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

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

WHEREAS, the 2021 year-end Budget Balancing resolution, Comm. 8E-1 (2022) was approved on May 12, 2022 allocating funding to a variety of community development and County projects in the interest of fostering tourism and supporting arts and cultural organizations, including \$25,000,000 to the “Cultural Agency Capital Fund”; and

WHEREAS, the nonprofit arts and culture sector is a significant industry in the Western New York economy generating over \$352 million in direct and indirect economic activity according to Arts Services Initiative; and

WHEREAS, the aforementioned Fund seeks to provide capital improvement grants to defray the cost of capital improvements at art and cultural institution’s facilities; and

WHEREAS, a competitive application process was facilitated by the Department of Environment and Planning and the Erie County Capital Projects Committee reviewed applications and selected a list of awardees representing arts and cultural organizations throughout the County; and

WHEREAS; additional legislation is needed to enter into contracts with awarded arts and cultural organizations to facilitate the projects; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.1 which implements the State Environmental Quality Review Act requires the consideration of environmental factors into decision making processes of local governments prior to the Legislature undertaking, approving or funding an action; and

WHEREAS, the proposed cultural capital project is considered an Unlisted action pursuant to SEQR; and

WHEREAS, the Hispanic Heritage Cultural Institute was among those selected for grant awards.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature concurs with the City of Buffalo's negative declaration dated May 8, 2023, as set forth in 6 N.Y.C.R.R. § 617.7(c) denoting a de minimis environmental impact; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a contract with the Hispanic Heritage Council of Western New York in the amount of \$500,000, from the capital account A.22095.1.3; and be it further

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

RESOLVED, the authorization is hereby given to the County Executive and the Department of Law to execute easements, deed restrictions, intermunicipal agreements and/or place additional requirements on the aforementioned contracting entity and associated real property (project location) as necessary to implement the project; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the Erie County Executive's Office, Comptroller's Office, Division of Budget and Management, Department of Law, and Department of Environment and Planning.
(5-0) Chair Baskin not present for vote.

5. COMM. 14E-16 (2023) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the November 2022 Winter Storm and December 2022 Blizzard required extensive snow removal operations in order to allow for roads to be opened for travel; and

WHEREAS, during the snow removal operations for both of these storms, damage was caused to items such as curbs, sidewalk, drainage inlets, landscaping, and other county-maintained infrastructure and appurtenances within the County right-of-way; and

WHEREAS, the Erie County Department of Public Works desires to restore these items to their pre-storm conditions as part of the 2022 Storm Damage Restoration Project (CAP-STORM2022), (the “Project”); and

WHEREAS, the design of the 2022 Storm Damage Restoration is complete and will be publicly bid in June 2023; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary to execute the construction contract with the lowest responsible bidder, McLaughlin Construction Corp. dba. Edbauer Construction, and establish a construction contingency, for a total project construction phase allowance of \$1,750,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the utilization of \$1,750,000 within the November 2022 Storm Fund (Fund 254) to create a new capital project in Fund 420, Funds Center 123 for the 2022 Storm Damage Restoration Project as follows:

Project B.23XXX
2022 Storm Damage Restoration Project
Fund 420, Funds Center 123

REVENUES

486000 Interfund Revenue Subsidy	<u>\$1,750,000</u>
TOTAL	\$1,750,000

APPROPRIATIONS

CAPITAL PROJECT EXPENSE	<u>\$1,750,000</u>
TOTAL	\$1,750,000

and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute a contract for ECDPW Project CAP-STORM2022 with the lowest responsible bidder, McLaughlin Construction Corp. dba. Edbauer Construction in an amount not to exceed \$1,685,000; and be it further

RESOLVED, that authorization is hereby given for the sum of \$65,000 to be allocated to a construction contingency fund with authorization for the County Executive to execute 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 to the Division of Budget and Management to make any budget adjustments necessary to effectuate the transfer of funds for this project; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, and the Department of Law. (5-0) Chair Baskin not present for vote.

6. COMM. 14E-20 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie Community College currently does not have the proper athletic fields in accordance with NCAA regulations to support their athletic teams; and

WHEREAS, the Erie County Department of Public Works (DPW) received professional Architectural/Engineering design qualifications and proposals for the SUNY Erie Community College North Campus ECC North Campus Sports Playing Fields – Term Agreement project on April 19, 2023; and

WHEREAS, a review of qualifications evaluated each firm, it was deemed, via the County's consultant selection process, that Wendel WD, Architects, Engineering, Surveying, and Landscape Architects, PC (Wendel) had the necessary expertise, experience, and manpower to provide the required architectural and engineering services to support the project; and

WHEREAS, it has been determined that it was appropriate to award the term contract to one design firm; and

WHEREAS, the qualifications and proposals were solicited by DPW as a term agreement with an initial scope of providing a new NCAA compliant multi-use field with supporting amenities as the initial (Phase 1) lump sum proposal; and

WHEREAS, the Phase 1 scope of work includes design of the initial scope of work as well as a masterplan for planning purposes of the open grass area apart of the campus north of the campus buildings bound by Arrow Drive, Main Street, Youngs Road and Tech Drive; and

WHEREAS, the County Executive is requesting authorization to enter into a three (3) year Term Agreement with Wendel for a lump sum proposal as submitted for Phase 1 providing professional architectural/engineering services for SUNY Erie Community College North Campus ECC North Campus Sports Playing Fields – Term Agreement project, with the possibility of two (2) one (1) year extensions at the discretion of DPW; and

WHEREAS, the design fee for the professional services described herein is being requested for the initial scope titled 'Phase 1' as future scopes of work to further develop the fields at the Erie

Community College North Campus based on the needs of the facility and available construction funds; and

WHEREAS, proposals for design services for future scopes of work not included in 'Phase 1' will be negotiated with the County, ECC and the consultant and all future work will be proposed before your Honorable Body for approval based on available funds; and

WHEREAS, the County of Erie will receive 50% reimbursement from New York State for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into one three (3) year Term Agreement with the firm of Wendel, with the possibility of two (2) one (1) year extensions, for providing professional engineering services on a lump sum basis for the SUNY Erie Community College North Campus ECC North Campus Sports Playing Fields – Term Agreement project for an amount not to exceed \$500,000, including architectural and design services, site investigations and field work to support the project, and reimbursables; and be it further

RESOLVED, the initial design services as part of the term agreement includes design of the Phase 1 work as initial lump sum in the amount of \$391,955 inclusive of base design fee, and reimbursables, with future work to be determined in coordination with the Consultant, ECC, and DPW as a negotiated lump sum fee for the scope of work at hand as agreed upon by all parties; and be it further

RESOLVED, authorization is hereby given for a design contingency to be included as part of the Phase 1 work in the amount of \$108,045; and be it further

RESOLVED, that sufficient funding exists for this contract in the Buildings and Grounds Capital Project (Fund 480, Funds Center 122) E.20001 - 2000 Collegewide Improvements and Renovations; and be it further

RESOLVED, authorization is hereby given for any unused design contingency may be used for future phases of work; and be it further

RESOLVED, that such contract extensions are at the discretion of DPW as agreed upon by Wendel; 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 SUNY Erie Financial Officer. (5-0) Chair Baskin not present for vote.

7. COMM. 14E-21 (2023)
COUNTY EXECUTIVE

WHEREAS, frequent repairs and limited to no availability on replacement parts make the electrical switchgear increasingly less reliable and more dangerous to maintenance staff to preform repairs; and

WHEREAS, the Buffalo Erie County Central Library seeks to upgrade the equipment for the well-being of the facility and safety of their staff as the current switchgear is beyond its useful life being original to the building; and

WHEREAS, completion of the Project will ensure the library will continue to perform efficiently for all staff and patrons; and

WHEREAS, the County of Erie received electrical construction bids for the Buffalo and Erie County Central Library Electrical Switchgear Replacement Project on June 14, 2023; and

WHEREAS, the Department of Public Works along with its consultant, Trautman Associates, are recommending award of the contracts to the lowest responsible bidder.

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:

<u>Electrical Construction Work</u>	
Frey Electric Construction Co., Inc.	Base Bid: \$ 757,000.00
<hr/>	
Total Award of Electrical Construction Contract:	\$ 757,000.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$76,000 be allocated to a Construction Contingency Fund with authorization for the County Executive to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that change order reductions will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that authorization is hereby given for the Comptroller's Office to make payment for all the above from the following Capital Project, Fund 410, Funds Center 122 and Library State Aid Grant, Funds 821, Funds Center 420 and Grant 420NYSCONSTCTR2124 – NYS Construction Grant – Central, Account 516020 - Professional Services, Contracts and Fees as follows:

A.22007 – DPW (Buildings and Grounds) – Buffalo & Erie County Public Library – Various Improvements and Upgrades	\$246,451
<u>Grant 420NYSCONSTCTR2124 – NYS Construction Grant – Central</u>	<u>\$586,549</u>

Total payment not to exceed \$833,000

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, the Buffalo & Erie County Central Library, Kenneth Stone.

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

8. COMM. 14E-24 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County has received funding through the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) to respond to negative impacts resulting from the COVID-19 pandemic and meet local needs within eligible use categories; and

WHEREAS, more than \$89 million SLFRF was appropriated as part of a newly created American Rescue Plan Fund (Fund 253) in the 2022 Adopted Erie County Budget; and

WHEREAS, \$24 million of which was appropriated to the Department of Health to support urgent COVID-19 response efforts necessary to decrease the spread of the virus and bring the pandemic under control; and

WHEREAS, with the end of the local COVID-19 State of Emergency, previously appropriated funding remained that was eligible for reallocation; and

WHEREAS, the County seeks to address vacant property in communities disproportionately impacted by the pandemic, while simultaneously addressing the ongoing lack of affordable housing that has been exacerbated by the pandemic; and

WHEREAS, \$13.5 million in remaining SLFRF will be re-appropriated to increase the supply, quality, and diversity of housing while also addressing socioeconomic inequities amongst some of the lowest income residents of our community; and

WHEREAS, development of affordable housing is an enumerated eligible use within SLFRF to respond to the negative economic impacts of the pandemic; and

WHEREAS, Erie County's localized response to the pandemic seeks to address a shortage in housing supply while also providing opportunities for wealth-building via homeownership opportunities to low- and moderate-income families; and

WHEREAS, the County of Erie seeks to establish a relationship with a development partner to assist with the above stated goals and therefore requests approval to contract with the Buffalo Erie Niagara Land Improvement Corporation (BENLIC) for the development of approximately 40 single-family, new construction, homeownership units for sale to low- and moderate-income income buyers whose incomes do not exceed 300% of the federal poverty level; and

WHEREAS, said units will be infill housing, constructed on vacant lots to be conveyed to or already owned by BENLIC for this purpose; and

WHEREAS, BENLIC will be responsible for securing financing and overseeing construction of said parcels, as well as marketing said homes, securing income-eligible homebuyers, and providing homebuyer counseling; and

WHEREAS, ARPA SLFRF guidelines mandate that funds must be committed by December 31, 2024, and expended by December 31, 2026.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the re-appropriation and transfer of \$13,500,000 of remaining ARPA SLFRF from direct COVID-19 mitigation to affordable housing development within the American Rescue Plan Fund (Fund 253) as follows:

Health Division
Fund 253, Funds Center 12700

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
414027	Federal Aid – American Rescue Plan	<u>\$(13,500,000)</u>
	TOTAL	<u>\$(13,500,000)</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516044	COVID 19 Mitigation – American Rescue	<u>\$(13,500,000)</u>
	TOTAL	<u>\$(13,500,000)</u>

Environment and Planning
Fund 253, Funds Center 16200

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
414027	Federal Aid – American Rescue Plan	<u>\$ 13,500,000</u>
	TOTAL	<u>\$ 13,500,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516046	Affordable Housing – American Rescue Plan	<u>\$ 13,500,000</u>
	TOTAL	<u>\$ 13,500,000</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute an agreement with BENLIC for development of single-family infill homes within Erie County for sale to eligible low/moderate income buyers; 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 and re-appropriation of funds within the American Rescue Plan Fund (Fund 253) to effectuate the full utilization of ARPA SLFRF in advance of programmatic obligation and expenditure deadlines set by the U.S. Department of Treasury; and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive’s Office; the Director of the Division of Budget and Management; the Comptroller’s Office; Commissioner of the Department of Environment and Planning, and the County Attorney.
(6-0)

HOWARD J. JOHNSON, JR.
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

July 13, 2023	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 14M-1 (2023)
NYS AGRICULTURE & MARKETS: “EC Agricultural District No. C8 – Eight-Year Review Notice”
(Chair’s Ruling)
2. COMM. 14E-9 (2023)
COUNTY EXECUTIVE
WHEREAS, the Erie County Parks System contains 2,923 acres of forests on 12 sites throughout Erie County; and

WHEREAS, currently Erie County Parks, Recreation and Forestry and the Department of Environment and Planning utilize the 2003 Erie County Forestry Management Plan to guide the management and policies related to forestry parcels; and

WHEREAS, the environmental setting, species, invasive species and forestry principles and priorities have changed significantly in the last 20 years; and

WHEREAS, the 2019 Erie County Parks Master Plan recommended the County perform a comprehensive update to the 2003 Erie County Forest Management Plan, including an extensive forest inventory; and

WHEREAS, Erie County is desirous of engaging landscape architecture, planning, and forestry services to update the Erie County Forest Management Plan; and

WHEREAS, in compliance with Section 26.08 of the Erie County Administrative Code a consultant selection process was undertaken to evaluate responses to Request for Proposal #2023-026VF; and

WHEREAS, Erie County desires to select CC Environment & Planning to update the Erie County Forest Management Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute Contracts for Consultant services in an amount not to exceed \$141,870 with CC Environment & Planning to update the Erie County Forest Management Plan; and be it further

RESOLVED, that authorization is hereby given for an amount of \$7,500 to be allocated for contingency fund with authorization from the County Executive to approve contract amendments with CC Environment & Planning; and be it further

RESOLVED, that the source of funds shall be as follows:

<u>Capital Account</u>	<u>Amount</u>	<u>Description</u>
A.22069.1	\$113,400	
<u>A.23006.3</u>	<u>\$28,470</u>	
	\$141,870	Contract with CC Environment & Planning
<u>A.22069.1.1</u>	<u>\$7,500</u>	Contingency
Total	\$149,370	Contract with Contingency

and be it further

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

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

(6-0)

3. COMM. 14E-18 (2023)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature established the Erie County Agricultural and Farmland Protection Board on March 18, 1993 in accordance with AML Article-25AA, Section 302(a); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board is an advisory board on agricultural matters to the Erie County Legislature; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board and the Department of Environment and Planning utilize the current Agricultural and Farmland Protection Plan to guide decision making on agricultural matters; and

WHEREAS, the Erie County Agricultural and Farmland Protection Plan was last updated in 2012 and accepted by the Erie County Legislature on March 21, 2013; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board desires to update the 2013 Erie County Agricultural and Farmland Protection Plan to address changes in the last ten years and address emerging issues; and

WHEREAS, Article 25-AA of the New York State Agriculture and Markets Law (“AML”) authorizes the New York State Department of Agriculture and Markets (“AGM”) to maintain a state agricultural and farmland protection program to provide financial assistance to assist counties in developing and updating agricultural and farmland protection plans; and

WHEREAS, AGM has released a Request for Applications for State Assistance Payments for County Agricultural and Farmland Protection Planning Grants with applications accepted on a rolling basis; and

WHEREAS, any county that has established an agricultural and farmland protection board and has not had an agricultural and farmland protection plan approved by the Commissioner of AGM in the last ten years is eligible for funding; and

WHEREAS, the AGM County Agricultural and Farmland Protection Planning Grants program requires counties to provide a fifty percent local match; and

WHEREAS, Erie County desires to apply for said grant funding program and has allocated \$50,000 within the 2023 Environment and Planning budget to pursue the AGM Planning Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to apply to the AGM County Agricultural and Farmland Protection Planning Grant program; and be it further

RESOLVED, that if awarded, the County will provide the local match in the amount of \$50,000 from the following source: Fund 110, Cost Center 16200, GL Account 559000; and be it further

RESOLVED, that the Clerk of the Legislature is directed to send certified copies of this resolution to the Erie County Executive's Office, Division of Budget, Management, Comptroller's Office, Department of Environment and Planning, and New York State Department of Agriculture and Markets.

(6-0)

4. COMM. 14E-25 (2023)
COUNTY EXECUTIVE

WHEREAS, Erie County's agricultural industry is valued at \$130 million dollars; and

WHEREAS, Erie County's agricultural industry is primarily comprised of family farms; and

WHEREAS, the preservation of agricultural land, protection of tax base, and soil and water resources is recommended by multiple County planning documents accepted by the Legislature including the Erie County Agriculture and Farmland Protection Plan and Erie-Niagara Framework for Regional Growth; and

WHEREAS, the financial viability of agricultural operations is necessary to preserve agricultural land, protect the tax base and preserve soil and water resources; and

WHEREAS, the November 2022 Lake Effect Snowstorm significantly impacted Erie County, resulting in total snowfall measurements in some areas of 81.2 inches; and

WHEREAS, a Federal Emergency Management Agency (FEMA) declared an emergency declaration for Erie County on November 19; and

WHEREAS, multiple businesses suffered damage by the heavy snow loads and high wind, including at least fifteen structures, ten of which are greenhouses owned by family farms; and

WHEREAS, data from a post-storm survey of agricultural operations administered by Cornell Cooperative Extension of Erie County indicated physical property damage to agribusinesses was estimated to be over \$2 million dollars; and

WHEREAS, the survey also indicated that in many cases damage incurred to agricultural structures exceeded the owner's insurance coverage; and

WHEREAS, in furtherance of its governmental functions to protect air and water resources, protect the tax base and preserve soil and water resources, the County desires to support the viability of the agricultural industry by offering grant funding to agribusinesses for damages incurred during the November Lake Effect Storm; and

WHEREAS, the mission of the Erie County Soil and Water Conservation District is to protect and promote the health, safety, and general welfare of the present and future generations of Erie County residents through the conservation of soil, water, air, plant, and animal resources; and

WHEREAS, Erie County Soil and Water Conservation District is the County's designated public benefit corporation for agricultural, soil and water resource management and assistance; and

WHEREAS, there is an existing Public Benefit Contract between Erie County and the Erie County Soil and Water Conservation District in place; and

WHEREAS, the current agreement stipulates that the Erie County Soil and Water Conservation District will provide public benefits to the residents of Erie County by working with landowners, land managers, local government agencies, and other local interest groups to address a broad spectrum of resource concerns; and

WHEREAS, Erie County desires to engage with Erie County Soil and Water Conservation District to administer the proposed November Lake Effect Storm Assistance Program; and

WHEREAS, funding was allocated for this purpose in the 2022 Year-End Budget Balancing Amendments and Designations resolution, Comm. 8E.-1 (2023) approved on April 23, 2023.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts for grant administration services and issuing of grants in relation to the November 2022 Storm Damage Fund with Erie County Soil and Water Conservation District in an amount to not to exceed \$2,000,000; and be it further

RESOLVED, that sufficient funding exists for this contract in the 2023 Budget, Fund 110, Funds Center 1332010, Account 518087 – Nov 22 Storm Damage Fund; and be it further

RESOLVED, that authorization is hereby given to the County Executive to execute all other agreements necessary to administer a November 2022 Storm Damage Fund Program; and be it further

RESOLVED, that Erie County funding shall be distributed to qualifying businesses that incurred damage directly as a result of the November 2022 Lake Effect Snow Storm in accordance with the guidelines developed by Erie County; 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 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 Division of Budget and Management, the Department of Law, and the Department of Environment and Planning.

(6-0)

TIMOTHY J. MEYERS
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

July 13, 2023	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOOSHOIAN.
CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-3 (2023)
COMPTROLLER: “Appointment & Distribution Report – Sales & Compensating Use Tax”
(Chair’s Ruling)
 - b. COMM. 14E-4 (2023)
COMPTROLLER: “Report on Audit of the EC Department of Law Contract Expenditures for Indigent Services – 1/1/2022-12/31/2022”
(Chair’s Ruling)
 - c. COMM. 14E-5 (2023)
COMPTROLLER: “Annual Comprehensive Financial Report - 2022”
(Chair’s Ruling)
 - d. COMM. 14D-2 (2023)
DIRECTOR OF BUDGET & MANAGEMENT: “2023 Mid-Year Budget Hearings Data”
(Chair’s Ruling)
2. COMM. 14E-22 (2023)
COUNTY EXECUTIVE
WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly-elected employee organizations; and

WHEREAS, the Teamsters Local 264 – Civilian (“Teamsters” or “Unit”) represents the employees who work at the Erie County Holding Center; and

WHEREAS, the existing collective bargaining agreement between Erie County and the Unit is set to expire on December 31, 2023; and

WHEREAS, Erie County and the Unit negotiated a collective bargaining agreement, covering the period between January 1, 2024 and December 31, 2026; and

WHEREAS, Unit membership recently ratified the agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the agreement between Erie County and Teamsters Local 264 – Civilian for the period January 1, 2024-December 31, 2026; and be it further

RESOLVED, that authorization is hereby given that all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, that authorization is provided to appropriate up to \$900,000 from Fund 110, Funds Center 14010, Account 504998 – Net Impact Teamsters to cover the 2023 costs of the successor agreement; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments to properly fund the increased costs associated with the Unit agreement and the Commissioner of Personnel is authorized to make any necessary personnel adjustments to implement the terms of the agreement for County employees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive’s Office, the Sheriff’s Office, the Comptroller’s Office, the Division of Budget and Management, Department of Labor Relations, Department of Personnel, and the Erie County Fiscal Stability Authority.

(5-0)

**TIMOTHY J. MEYERS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

July 13, 2023	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

CHAIR BASKIN PRESENT AS EX-OFFICIO MEMBER.

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

RESOLVED, the Erie County Legislature hereby confirms the following named individuals to the Erie County Youth Services Board, for a term ending July 1, 2025:

Appointees:

Maria Marinucci
394 Rosedale Boulevard
Amherst, NY 14226
New Appointment

Liza Acanfora
4890 Morgan Parkway
Hamburg, NY 14075
Re-Appointment

Nichelle Brown
19 Roehrer Avenue
Buffalo, NY 14208
Re-Appointment

David Caywood
124 Morris Avenue
Buffalo, NY 14214
Re-Appointment

Joshua Daniels
184 Northington Drive
East Amherst, NY 14051
Re-Appointment

Melissa Jones
108 Indian Church Road
Buffalo, NY 14210
Re-Appointment

Charity Lulas
10788 Gowanda State Road
North Collins, NY 14111
Re-Appointment

Brian Rochford
104 Devonshire Road
Buffalo, NY 14223
Re-Appointment

Susan Lumadue
148 Sterling Avenue
Buffalo, NY 14216
Re-Appointment

Le Shawn Davis, LMSW
279 Minnesota Avenue
Buffalo, NY 14215
New Appointment

(6-0)

2. COMM. 14E-8 (2023)
COUNTY EXECUTIVE

WHEREAS, the mission of the Erie County Department of Health (ECDOH) is to promote and protect the health, safety, and well-being of Erie County residents through active prevention, education, enforcement, advocacy and partnerships; and

WHEREAS, the ECDOH operates the Jesse Nash Health Center at 608 William Street in Buffalo that provides family planning, sexual health, immunizations, tuberculosis and other services; and

WHEREAS, the ECDOH is always looking for new opportunities to better engage with residents and community partners; and

WHEREAS, the Buffalo Fine Arts Academy d/b/a Buffalo AKG Art Museum presented the opportunity to collaborate on reaching residents and neighbors around the Health Center by leading an outreach campaign and installation of a new mural on the south faced of the Health Center through its Public Art Initiative; and

WHEREAS, Buffalo AKG not only has the experience of producing more than 40 murals, installations, residencies, and works of sculpture with community engagement, but has generously offered to cover more than 50% of the total budget, and

WHEREAS, when complete, this mural will have strengthened community bonds and increased the presence of the Health Center for decades to come.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Buffalo Fine Arts Academy d/b/a Buffalo AKG Art Museum for the community engagement and mural installation project for the Jesse Nash Health Center at 608 William Street in the amount of \$50,000, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that sufficient funding for this project is located within the Department of Health's 2023 Operating Budget (Fund 110, Funds Center 12710) Account 516020 – Professional Services, Contracts & Fees; and be it further

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

RESOLVED, the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive's Office, the Comptroller's Office, the Director of the Division of Budget and Management, the Department of Public Works, and the Department of Health.

(6-0)

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

WHEREAS, the Erie County Department of Health's Children with Special Needs Division currently contracts with many Special Education programs providing Related Services; and

WHEREAS, according to the New York State Education Department (NYSED), if a Committee on Preschool Special Education mandates Related Services, the county must contract with agencies who can provide those services; and

WHEREAS, the Erie is experiencing capacity issues and children are waiting to receive mandated services; and

WHEREAS, Optimal Therapy Associates Services, Red Barn Occupational Therapy, PLLC and Learning Ladder Therapeutic Associates are able to provide Related Services to some children on waiting lists.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with Optimal Therapy Associates Services, Red Barn Occupational Therapy

PLC, and Learning Ladder Therapeutic Associates, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that sufficient funding to cover the cost of these contracts is located in the Department of Health's Division of Children with Special Needs 2023 Operating Budget (Fund 110, Funds Center 12750) Account 528000 – Services to Handicapped Children; and be it further

RESOLVED, that authorizes is hereby given to the Division of Budget and Management to make any other technical adjustments necessary to properly execute the terms of the agreement; and be it further

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

(6-0)

4. COMM. 14E-15 (2023) AS AMENDED
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health's Office of Health Equity's (OHE) mission is to evaluate a wide variety of specific health outcomes among diverse populations to fully understand the depth of health disparities in Erie County; and

WHEREAS, OHE works to partner with community members, healthcare providers, faith and philanthropic leaders, and organizations to enact programs that help disadvantaged, marginalized, and diverse populations in Erie County achieve maximum health and wellness; and

WHEREAS, on May 14th, 2022, the mass shooting that took place at Tops Friendly Markets on the East Side of Buffalo left 10 dead, 3 wounded, and an entire community traumatized; and

WHEREAS, OHE has received a grant from New York State's Office of Minority Health and Health Disparities to contract with local agencies and nonprofits to provide holistic mental health interventions to Buffalo's East Side residents in response to the mass shooting; and

WHEREAS, these interventions will be tailored and culturally specific to those impacted by the mass shooting in addition to traditional intervention methods provided by local mental health agencies and providers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the New York State Office of Minority Health and Health Disparities Prevention to accept \$50,000 to be made available as a grant to the Erie County Office of Health Equity in Grant Fund 281, Funds Center 12713 as follows:

Department of Health Office of Health Equity
Holistic Health Healing Grant
127HH2324

6/1/2023-2/15/2024

<u>ACCOUNT</u>	<u>REVENUES</u>	<u>INCREASE (DECREASE)</u>
409000	State Aid Revenues	<u>\$50,000</u>
	TOTAL	<u>\$50,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATIONS</u>	<u>INCREASE (DECREASE)</u>
505000	Office Supplies	\$ 1,060
516020	Professional Services, Contracts & Fees	37,050
530000	Other Expenses	11,000
912700	ID Health Services	<u>\$ 890</u>
	TOTAL	<u>\$50,000</u>

and be it further

RESOLVED, that authorization is hereby given for the Director of Budget and Management to adjust grant appropriations and revenues based on grantor approved funding levels provided there are no changes to authorized personnel levels or county share amounts; and be it further

RESOLVED, that authorization is hereby given for a no-cost extension of this grant for up to 6 additional months based on grantor approval; and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into contract with Erie County Restorative Justice Coalition, Bend Well LLC, Krazi Yogi/Bending Buffalo, Yoga Me Blac, Eat Off Art, The Healing Station, Anything Arts LLC, AfroChick Yoga LLC, Dr. Latise Hairston, and John Baker, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that authorization is hereby given for the Department of Budget and Management to make any other technical adjustments necessary to properly execute the terms of the agreement; and be it further

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

(6-0)

5. COMM. 14E-17 (2023)
COUNTY EXECUTIVE

WHEREAS, in the past 18 months, Erie County residents have faced multiple challenges that have greatly increased the demand for mental health services including the COVID-19 pandemic, 5/14 mass shooting, November storm, Christmas Blizzard, and tragic deaths of community members through various fire related events; and

WHEREAS, Erie County, like many communities across the United States, is still battling an opioid epidemic that continues to take loved ones away from families; and

WHEREAS, there are currently no mental health or substance use services offered at the Jesse Nash Health Center located at 608 William Street in Buffalo; and

WHEREAS, in accordance with N.Y County Law §215, a request for proposals was issued seeking qualified respondents to lease space at the Jesse Nash Health Clinic related to mental health or substance abuse services and Endeavor Health Services was the only qualified respondent to meet all the needs of the site; and

WHEREAS, Endeavor Health Services provides wellness and recovery through an array of mental health, substance use, education, and support services to Erie County residents of all ages; and

WHEREAS, a partnership between Erie County and Endeavor Health Services to bring mental health, substance use, education, and support services to the Jesse Nash Health Center will provide access to residents for these services to address their needs and challenges.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a 5-year lease agreement with Endeavor Health Services at the Jesse Nash Health Center located at 608 William Street, Buffalo; and be it further

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

**JOHN J. GILMOUR
CHAIR**

LEGISLATOR RESOLUTIONS

Item 16 – MR. MEYERS presented the following resolution and moved for immediate consideration. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

RE: New Buffalo Bills Stadium
Project MWBE Local Outreach
& Recruitment Analysis
(INTRO. 15-1)

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

WHEREAS, New York State Executive Law, Article 15-A §§ 310-317 (“Article 15-A”) governs the requirements for the participation of Minority and Women Enterprises (MWBES) in New York State subcontracting on state funded public works projects; and

WHEREAS, the utilization goal of MWBEs is 30% of state funded public works projects; and

WHEREAS, on May 4, 2023, this honorable body passed the New Stadium Master Lease Agreement “New Stadium Project”, a \$1.5 billion-dollar construction project, which invested \$250 million from Erie County and \$600 Million from New York State dollar for a total of \$850 million in public funds; and

WHEREAS, the New Stadium Master Lease Agreement is a legally binding agreement between Erie County and the State of New York with Bills Stadium and Events Company, LLC; and

WHEREAS, the legally binding New Master Lease Agreement’s Construction Coordinating Agreement (CCA) Affirmative Action Plan states:

“D. The Contractor must document ‘good faith efforts,’ pursuant to 5 NYCRR § 142.8, to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Funded Contracts. Such documentation shall include, but not necessarily be limited to:

1. Evidence of outreach to MWBEs
2. Any responses by MWBEs to the Contractor’s outreach;
3. Copies of advertisements for participation by MWBEs in appropriate general circulation, trade, and minority or women-oriented publications;
4. The dates of attendance at any pre-bid, pre-award, or other meetings, if any, scheduled by ESD with MWBEs; and,
5. Information describing specific steps undertaken by the Contractor to reasonably structure the Contract scope of work to maximize opportunities for MWBE participation”; and

WHEREAS, the legally binding Master Lease Agreement’s Construction Coordinating Agreement (CCA) Affirmative Action Plan states:

”IV. MWBE UTILIZATION PLAN (A.) The Contractor will submit an MWBE Utilization Plan, for any Funded Contract by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that the Contractor may arrange to provide such evidence via a non-electronic method (Form OCSD-4) to ESD, either prior to, or at the time of, the execution of the contract.

B. The Contractor agrees to use such MWBE Utilization Plan for the performance of MWBEs on the Funded Contract(s).

C. The Contractor further agrees that a failure to submit and/or use such MWBE Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, ESD shall be entitled to any remedy provided herein, including but not limited to, a finding of the Contractor non-responsiveness; and

WHEREAS, the legally binding Community Benefits Agreement (CBA) states:

“(d) MWBE and DBE Participation. Construction Manager and the Architect, to implement initiatives for maximizing participation in the design and construction of the Project, including:

(i) Developing and maintaining an easily accessible Project website where contractors and vendors can access all Project documents and sign up to receive notifications;

(ii) Collaborating with local small, women, and minority business organizations to identify firms that may be interested in participating in the Project, for example: Latin Chamber of Commerce, National Association of Minority Contractors, Women Business Enterprise Council, New York Contractor’s Association, Buffalo Urban League, Independent Contractors Guild of WNY, Buffalo Employment Training Center (BETC), Center for Employment Opportunities (CEO) Buffalo and the Northland Workforce Training Center (collectively, the “Local Chambers”) to ensure bid packages and other stadium-related contracting information are readily available to the Local Chambers, so they may circulate the same to their respective members;

(iii) Engaging and providing opportunities to MWBE firms consistent with the availability of MWBE firms in the marketplace;

(iv) The Construction Manager hosting pre-job conferences for contractors, suppliers, and subcontractors at every tier performing work on the Project, which shall address items such as manpower, key employees work dates, work hours, Project rules, employee transportation to and from the Project site, safety, employee absenteeism, and other relevant information.

(v) Encouraging partnerships between MWBE firms and other vendors, including encouraging vendors to partner with MWBE firms, encouraging larger vendors to subcontract work to MWBE firms, and encouraging business mentorship programs that might provide professional development opportunities for MWBE firms.

(vi) Encouraging the Construction Manager for the Project to develop a program that encourages long-term relationships with MWBE firms; that provides meaningful feedback to contractors, subcontractors and vendors relative to performance-related issues and encourages continued development of skills and abilities; that puts systems into place to ensure larger contractors and vendors are aware of MWBE firms that have successfully undertaken stadium related work.”; and

WHEREAS, whereas failure to comply with the MWBE inclusionary requirements outlined in New Lease Agreement’s Affirmative Action Plan, CCA and CBA could result in hundreds of millions of dollars in liquidated damages; and

WHEREAS, a transparent action plan of local MWBE engagement and recruitment should be prioritized by the Managing Contractor, Gilbane|Turner, has a history of total reliability on prime contractors to meet MWBE utilization goals has resulted in loopholes that further exclude and prohibit inclusion practices such as “pass through” or “staged entities” that give a false perception of the prime contractor truly partnering with a certified MWBE; and

WHEREAS, to date more than \$400 Million in construction bid packages have been awarded on the New Buffalo Bills Stadium Project; and

WHEREAS, on last month, Empire State Development issued a letter to the Buffalo Bills noting that the project is “well below their expected performance” in meeting their 30% MWBE Utilization Goals; and

WHEREAS, this Honorable Body has intentions to review all “good faith efforts” to achieve the 30% MWBE Utilization Goals for the purposes of ensuring fair, effective, accessible, and equitable outreach to local MWBE subcontractors,

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature directs the Erie County Office of Equal Employment Opportunity to issue a survey to Erie County MWBE construction-related contractors, suppliers and vendors, as well as New York State MWBEs construction-related contractors, suppliers and vendors who operate in the Western New York region; and be it further

RESOLVED, the survey shall seek to assess local certified MWBEs knowledge and understanding of bidding package opportunities published by the New Stadium Project’s Managing Contractors, and be it further; and be it further

RESOLVED, that the survey list questions that identify local MWBE’s comfort level with navigating the New Stadium Project’s bid package announcement website and their awareness and accessibility to bid package outreach events; and be it further

RESOLVED, the results of the survey be submitted to the Erie County Legislature within 30 days of the passage of this resolution; and be it further

RESOLVED, copies of this resolution be sent to The Buffalo Bills Chief Operating Officer, Gilbane Construction Chief Executive Officer, Turner Construction Chief Executive Officer, New York State Governor, Empire State Development President, Empire State Development’s Division of Minority and Women’s Business Development Executive Vice President, Erie County Stadium Corporation Board of Directors, Erie County Stadium Corporation President, Erie County Executive, and Erie County Division of Equal Employment, Opportunity, and Inclusion Director.

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

CARRIED UNANIMOUSLY.

Amend the First Resolve Clause as Follows:

RESOLVED, The Erie County Legislature directs the Erie County Office of Equal Employment Opportunity to issue a survey to Erie County MWBE construction-related contractors, suppliers and vendors, as well as New York State MWBEs construction-related contractors, suppliers and vendors who operate in the Western New York region, including contractors with pending or denied MWBE applications over the last 3 years; and

Add the Final Resolve Clause as Follows:

RESOLVED, the survey requirements mentioned in the above resolves shall be waive if, within three weeks of this resolution being approved, the Buffalo Bills and their general contractor, Gilbane|Turner, publicly notice and hold MWBE procurement opportunity outreach sessions. The sessions must specifically discuss bid packages on the New Stadium Project that will be within the

capacity of smaller MWBEs, so that the project scopes of bid packages are “right-sized” to meet the capacity of our local, small MWBEs in Western New York. MWBE procurement opportunity outreach sessions shall be held in the late afternoon or evenings to accommodate contractors who primarily work during daytime hours. There shall be a minimum of 3 outreach sessions, with one session each held in the City of Buffalo, the City of Tonawanda, and the City of Lackawanna.

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

CARRIED UNANIMOUSLY.

Item 17 – MS. VINAL moved to send the following resolution to committee. MR. JOHNSON seconded.

INTRO. 15-2 from TODARO. Calling for the Comptroller to Examine Hotel Occupancy Tax for Certain Hotels.

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

AYES: MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MS. VINAL. NOES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO and MR. MEYERS. (AYES: 6; NOES: 5)

CARRIED.

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

GRANTED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 18 – MR. MEYERS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 7E-24 (2023). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

RE: ECSD No. 3 - Proposed Increase and Improvement of Facilities (2022)
(COMM. 7E-24, 2023)

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

CARRIED UNANIMOUSLY.

Insert the Following:

RESOLUTION NO. _____, 2023

BOND RESOLUTION DATED _____, 2023

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

(Introduced _____, 2023

(Adopted) _____, 2023

WHEREAS, the County Legislature (the “Legislature”) of the County of Erie (the “County”), a municipal corporation of the State of New York (the “State”) has been in the process of undertaking the increase and improvement of the facilities Erie County Sewer District No. 3 (the “District”) (the “Project”); and

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

WHEREAS, the Legislature, in accordance with the recommendations of the Department, has determined: (A) that the Project is in the public interest of the County and should be undertaken, and (B) that there should be issued up to \$100,000,000 of bonds, notes, or other obligations of the County (collectively, the “Obligations”), to finance the estimated maximum cost of the Project; and

WHEREAS, after a thorough review, the New York State Comptroller has issued an Order (on July 6, 2023) granting permission for the increase and improvement of the District; and

WHEREAS, it is now desired to adopt a resolution (in accordance with County Law § 259) authorizing the Project and further describes the plan of financing for the Project;

NOW, THEREFORE, BE IT

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

SECTION 1. Following from the approval of the Project application by the New York State Comptroller, the County hereby authorizes the Project and states that the Project generally consists of improvements to the Southtowns Advanced Wastewater Treatment Facility, improvements to the existing pump stations and the sanitary sewer collection system; all as more fully described in the report and estimate of cost approved by the Board of Managers of the District on April 6, 2022 and filed with the County Legislature pursuant to Section 268 of the County Law. The total estimated maximum cost of said objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$100,000,000 and said amount is hereby appropriated therefor pursuant to the duly adopted 2023 Capital Budget for the County.

SECTION 2. The plan of financing for the Project includes the issuance of up to \$100,000,000 of Obligations to finance the estimated maximum cost of the Project, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of such Obligations and the interest thereon as the same shall become due and payable. The said principal and interest to be reimbursed to the County by the assessment and levy on the real property in the District, all in accordance with their respective proportionate shares of equalized assessed value in the District. Any amounts received by the County from the United States of America and/or from the State of New York or other sources for the Project are hereby authorized to be expended towards the cost of the Project or the redemption of any Obligations issued therefor, or to be budgeted as an offset to the taxes for payment of the principal of and interest on such Obligations.

SECTION 3. The period of probable usefulness for the class of objects or purposes, for which the \$100,000,000 of Obligations herein authorized are to be issued, within the limitations of subdivision 4 of paragraph (a) of Section §11.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), is forty (40) years.

SECTION 4. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized and (to the extent that such use has already occurred) is hereby ratified, pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution. The County intends to finance, and the County Comptroller, as the chief fiscal officer of the County (the "Comptroller") is hereby authorized to advance, such amounts as are necessary to pay the costs of the respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the Obligations, out of any available funds of the County on an interim basis. The County reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the earlier of (A) the date hereof or (B) any earlier expression by the County of its intent to reimburse expenditures for the applicable Project(s) or any earlier iteration thereof) with the proceeds of the Obligations, to the extent consistent with the financing plan for such Project(s) as stated herein. This

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

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

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

SECTION 7. When this resolution takes effect, the Clerk of the Legislature shall cause the same (or a summary thereof) to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Law, in the Buffalo Challenger, Lancaster Bee and the Hamburg Sun, which are newspapers having general circulation in the County and published in the County. The validity of the Obligations may thereafter be contested only if the Obligations are authorized for an object or purpose for which the County is not authorized to expend money, or the provisions of law which should have been complied with at the date of the publication of this resolution (or a summary thereof) are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or if the Obligations are authorized in violation of the provisions of the Constitution of the State of New York.

SECTION 8. Prior to the issuance of any Obligations, the County (acting through the Department and, to the extent necessary or appropriate, the Legislature) has or will have complied (to the extent not accomplished already) with any applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable federal laws and regulations in connection with the environmental quality review process relating to the Project (collectively, the

“Environmental Compliance Proceedings”). In the event that any of such Environmental Compliance Proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this resolution, the Legislature will re-adopt, amend or modify this resolution prior to the issuance of the relevant Obligations, to the extent required and acting upon the advice of counsel. It is hereby determined by the Legislature, on the basis of the Environmental Compliance Proceedings and the findings of the Department, that to the extent that the Environmental Compliance Proceedings may apply to the Project, the Project will not result in a significant adverse impact on the environment.

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

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

the County. The Comptroller, acting in the name and on behalf of the County, shall be entitled to rely upon any legal advice provided by the County Attorney or such bond counsel or other special counsel in determining whether a filing should be made.

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

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

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

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

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 19 – MR. MEYERS moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of INTRO. 12-2 (2023). MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

RE: Calling for the Department of Public Works - Division of Highways to Provide a Preventative Maintenance Plan to the Legislature (INTRO. 12-2, 2023)

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

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, due to these factors and related unknowns, a 12-year maintenance plan would be difficult and likely unreliable; and

WHEREAS, providing the Legislature with a 5-year preventative maintenance plan which specifically lists roadways and the type of preventative maintenance and/or other 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 five-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 be it further

RESOLVED, that a copy of this resolution be transmitted to the Erie County Executive and the Commissioner of the Department of Public Works.

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

CARRIED UNANIMOUSLY.

Replace the Final Whereas with the Following:

WHEREAS, due to these factors and related unknowns, a 12-year maintenance plan would be difficult and likely unreliable; and

WHEREAS, providing the Legislature with a 5-year preventative maintenance plan which specifically lists roadways and the type of preventative maintenance and/or other 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.

Replace the First Resolve with the Following:

RESOLVED, that the Erie County Legislature directs the Erie County Department of Public Works, Division of Highways to provide a five-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 be it further

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

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

Item 20 – MR. TODARO moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 11E-35 (2023). MR. MALCZEWSKI seconded.

CHAIR BASKIN entered the Legislature into recess at 1:30 P.M.

CHAIR BASKIN reconvened the Legislature at 1:35 P.M.

All members present.

CHAIR BASKIN moved the previous question and directed that a roll-call vote be taken.

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MR. MEYERS. NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

RESOLUTION NO. 114

RE: Lease Space at 10 Centre Dr., Orchard
Park
(COMM. 11E-35, 2023)

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 lights 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 manpower 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

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 buildouts; 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 buildouts; 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 buildouts; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, 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.

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

CHAIR BASKIN entered the Legislature into recess at 1:42 P.M.

CHAIR BASKIN reconvened the Legislature at 1:54 P.M.

All members present.

MR. TODARO rescinded the amendment.

MR. TODARO moved to amend the item. MR. MALCZEWSKI seconded. MS. VINAL voted in the negative.

CARRIED. (10-1)

Delete All Resolve Clauses 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, 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 402520, 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 525160, DSH Expense to Fund 110, Funds Center 11510, Account 545000 to facilitate these leases and buildouts; 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 be it further

RESOLVED, that approval of this item is contingent upon the contractual \$750,000 allotment from the landlord for necessary buildout of the leased space; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, 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.

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

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

AYES: MR. GREENE, MR. MALCZEWSKI, MR. MILLS, MR. TODARO, MR. BARGNESI, CHAIR BASKIN, MR. GILMOUR, MR. JOHNSON, MR. KOOSHOIAN and MR. MEYERS. NOES: MS. VINAL. (AYES: 10; NOES: 1)

CARRIED.

SUSPENSION OF THE RULES

Item 21 - MR. MEYERS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-35 from CLERK Re: Letter to State Comptroller – Audit Request of EC Comptroller & EC Clerk

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 22 – (COMM. 15E-1) Notification of Forthcoming 2023 Bond Sale

Received and filed.

Item 23 – (COMM. 15E-2) Department of Law Risk Retention Fund Spending - March, April & May 2023

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK

Item 24 – (COMM. 15E-3) ZOMBIE Initiative - 6 Month Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Continued Imposition of Additional 1%
& Additional 0.75% Sales &
Compensating Use Tax for Period
Ending November 30, 2025
(COMM. 15E-4)

RESOLUTION
of the

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

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

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

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

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

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

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

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

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

SECTION 4. Imposition of compensating use tax.

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

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

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

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

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

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

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

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

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes. In addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2009 and ending November 30, two thousand [twenty0-three] ~~twenty-five~~. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section; provided that net collections from such additional rate shall be set aside for county purposes as provided in subdivision (f) of section 14 of this resolution.

Section 5. Subdivisions (D) and (E) of clause (1) of section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are amended to read as follows:

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

(E) With respect to the additional tax of three-quarters of one percent imposed by section 4-A of this resolution, for the period beginning December 1, 2009 and ending November 30, two thousand [twenty-three] twenty-five, in respect to the use of property used by the purchaser in this county prior to January 15, 2006.

Section 6. Subdivision (f) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(f) Net collections from the additional three-quarters of one percent rate of taxes imposed during the period commencing December 1, 2009 and ending November 30, two thousand [twenty three] twenty-five, by section 4-A of this resolution received by the county shall be used by the county solely for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law.

Section 7. Subdivision (g) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(g) The County shall allocate each calendar year the first twelve million five hundred thousand dollars (\$12,500,000) of the net collections from the additional one percent rate of sales and compensating use taxes imposed during the period commencing December 1, [2020] 2023, and ending November 30, [2023] 2025, by sections 2 and 4 of this resolution to the cities of the County and the area in the County outside the cities and such net collections shall be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law in effect on January 1, 2006, and shall be subject to all provisions of such agreement governing the net collections for such cities and area, and the County shall retain the remainder of net collections from such additional one percent rate which shall be used by the County for any County purpose and such remainder shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law.

Section 9. This enactment shall take effect December first, two thousand twenty-three.

NOTE: ADDITIONS IN TEXT ARE INDICATED BY UNDERLINE; DELETIONS BY [BRACKETS]

FROM THE COUNTY EXECUTIVE

Item 26 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded. MR. MALCZEWSKI voted in the negative.

CARRIED. (10-1)

RESOLUTION NO. 116

RE: Trailblazing Women Monument Projects
- Contract for Site Preparation
(COMM. 15E-5)

WHEREAS, Erie County wishes to honor and memorialize the contributions of trailblazing women for the Western New York Community; and

WHEREAS, a Trailblazing Women Monument Steering Committee led by the Executive Director of the Erie County Commission on the Status of Women was established to honor pioneering women from Western New York; and

WHEREAS, the Steering Committee determined that the front of Old County Hall is the appropriate location for the monuments; and, site preparation is necessary to be able to install the monuments approved under COMM. 2E-30(2023); and

WHEREAS, bids for the site preparation were received by June 26, 2023, the deadline as advertised, and the lowest responsible bidder was identified as Scott Lawn Yard, Inc.; and

WHEREAS, Scott Lawn Yard Inc.'s bid exceeded the estimated cost for the project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the transfer of \$68,500 in excess budget from Fund 110, Funds Center 120, Account #525160 – Indigent Care Adjustment - DSH into the Department of Environment and Planning 2023 Budget, Fund 110, Funds Center 16200 Account #570050 Interfund Transfer Capital as follows:

Department of Social Services
Fund 110, Funds Center 120

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
525160	Indigent Care Adjustment -DSH	<u>\$(68,500)</u>
	TOTAL	<u>\$(68,500)</u>

Department of Environment and Planning
 Fund 110, Funds Center 16200

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
570050	Interfund Transfer Capital	<u>\$ 68,500</u>
	TOTAL	<u>\$ 68,500</u>

and be it further

RESOLVED, that authorization is hereby given to increase existing capital project A.21159 – 2021 Trailblazing Women Monument in the amount of \$68,500 as follows:

Project A.21159
 2021 Trailblazing Women Monument
 Fund 410, Funds Center 162

<u>REVENUES</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>REVISED</u>
486000 Interfund Revenue Subsidy	<u>\$706,000</u>	<u>\$68,500</u>	<u>\$774,500</u>
TOTAL:	<u>\$706,000</u>	<u>\$68,500</u>	<u>\$774,500</u>

<u>APPROPRIATIONS</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>REVISED</u>
CAPITALPROJECTS	\$706,000	\$38,500	\$744,500
UNALLOCATED	\$ 0	\$30,000	\$ 30,000
TOTAL:	<u>\$706,000</u>	<u>\$68,500</u>	<u>\$774,500</u>

and be it further

RESOLVED, authorization is hereby given for a sum of \$30,000 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 authorization is hereby given for any remaining funds upon completion of this project be returned to the General Fund; and be it further

RESOLVED, authorization is hereby given to the County Executive to enter into contract with lowest responsible bidder for the Trailblazing Women Monument Project, Scotts Lawn Yard, Inc. for amount not to exceed \$288,500; 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 furnished to the Office of the

County Executive, Division of Budget and Management, Department of Law, Office of the County Comptroller, Office of Public Advocacy, and Department of Environment and Planning.

****MR. GILMOUR left the Legislature meeting at 2:07 P.M.

Item 27 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

RE: Authorization to Contract with a Part-Time Firearms Examiner
(COMM. 15E-6)

WHEREAS, the Erie County Legislature has the Department of Central Police Services Gun Involved Violence Elimination (“GIVE”) Grant Adopted Budget Book B; and

WHEREAS, the contract received from the New York State Division of Criminal Justice Services authorizes a part-time contract position for Central Police Services; and

WHEREAS, there is a need to perform firearms analysis to meet the objectives of the GIVE Grant partners.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the County Executive to contract with a Firearms Examiner in the Department of Central Police Services in an amount not to exceed \$35,000 for the period of July 1, 2023 to June 30, 2024; and be it further

RESOLVED, that sufficient funding exists to cover the cost of the Firearms Examiner in Fund 281, Funds Center 16500, Grant 165GIVE2324, Account 516020 – Professional Services, Contracts & Fees; and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive’s Office, Division of Budget and Management, Office of the Comptroller, Department of Personnel, Department of Labor Relations, Department of Purchasing, and Department of Central Police Services.

Item 28 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

RE: Authorization to Enter Intro Contract for
Training Services & Learning
Management System Contract
(COMM. 15E-7)

WHEREAS, Erie County is required to provide specific legally mandated training courses to all county employees; and

WHEREAS, this mandated training includes employee workplace violence and harassment prevention, privacy and safety courses; and

WHEREAS, the County Legislature last authorized a three (3) year contract for this service in 2020, and

WHEREAS, the request for proposal provision of Section 26.08 of the Erie County Administrative Code was complied with, and a summary of the process is included as Attachment A to this resolution; and

WHEREAS, the selection process has determined that Skillsoft is the most appropriate and cost-effective firm to provide content for web-based (online) training and learning management system services; and

WHEREAS, the Departments of Personnel and Social Services share in the costs of the web-based training and learning management system services; and

WHEREAS, the Departments of Personnel and Social Services want to continue contracting with Skillsoft for an additional three (3) year contract period; and

WHEREAS, the Departments of Personnel and Social Services have funds within their 2023 Budget to pay for the remaining 2023 portion of the employee training contract.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract for three (3) years with Skillsoft for the provision of web-based (online) training content and access to a learning management system in an amount not to exceed \$45,000 total per year; and be it further

RESOLVED, that funding in an amount not to exceed \$45,000 already exists within the 2023 Adopted Budget, Funds Center 16110 Personnel, Account 516020 Professional Services Contracts & Fees and Funds Center 120, Social Services, Account 516020 Professional Services Contracts & Fees; and be it further

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



PERSONNEL DEPARTMENT

Recommendation for RFP 2020-023VF: Training Services and Learning Management System Contract (RFP # 2023-033VF)

The review panel has completed its task of evaluating the proposals for the above-named RFP. The proposals were graded by each panel member based on the following factors:

1. A complete and responsive proposal as required by this RFP
2. Demonstrated capability to provide the services.
3. Evaluation of the professional qualifications, personal background and resume(s) of individuals involved in providing services.
4. Experience to perform the proposed services.
5. Financial ability to provide the services.
6. Projected approach and plans to meet the requirements of the Pricing and Contract Terms

Proposer	Cost	Panel Score	Ranking
Percipio – Skill Soft	41,711	178.5	1
Learnsoft	283,000	165	2
Auzimur	430,000	159	3
Cornerstone on Demand	580,000	147	4
Reflection Software	125,000	127	5
Latitude Learning	347,290	97	6
Learning Alliance	839,000	0	7
Phoenix Business Consultants	900,000	0	8
			9

It is recommended that Skillssoft provide Training Services and Learning Management System Contract. Supporting documentation is included in this packet.

The Department of Personnel has complied with all applicable provisions of Section 26.08 of the Erie County Administrative Code.

Commissioner of Personnel Signature 	Printed Name Lisa M. Chimera	Date 6/29/23
Erie County Executive Signature 	Printed Name Shawn Levin	Date 7/6/23

Item 29 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

RE: Authorization of Request for Approval of SUNY Erie Community College Workforce Development Training Provider (COMM. 15E-8)

WHEREAS, Arc Training and Consultation Services is approved to provide hourly training to corporate training clients at an hourly rate not to exceed \$200.00 per hour for consultation and training services, \$80.00 per hour for rental of a Welding Booth Station: Four Hour Block (per student, per session), or \$160.00 for rental of a Welding Booth Station: Eight Hour Block (per student, per session), based on the needs of corporate clients of the SUNY Erie Community College Workforce Development Department; and

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

WHEREAS, Arc Training and Consultation Services will develop, customize and deliver training programs in all areas and disciplines of Welding and Pipefitting, for Corporate Training clients of the ECC Workforce Development Department; and

WHEREAS, Arc Training and Consultation Service was chosen in response to the RFP “Skilled Trades Training and Related Services” based upon its experience and expertise as a provider of custom welding, pipefitter, and technical training; and

WHEREAS, the SUNY Erie Community College Workforce Development department generates a significant amount of revenue directly from advanced technical training programs, including Apprenticeship training. In order to maintain and expand the depth, scope, and availability of advanced training services, partnerships with such organizations as Arc Training and Consultation Service are necessary, when SUNY Erie Community College faculty members are unavailable to provide such training.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves awarding a contract to Arc Training and Consultation Services to provide Welding and Pipefitter training for the purpose of providing technical training to the corporate clients of the SUNY Erie Workforce Development department; and be it further

RESOLVED, that upon approval of this expenditure by the Erie County Legislature, the Officer in Charge of SUNY Erie Community College or his/her designee is authorized to enter into a contract with Arc Consultation and Training Services for the above mentioned services; and be it further

RESOLVED, that copies of this Resolution will be forwarded to the County Executive’s Office, the Division of Budget and Management, the SUNY Erie Officer in Charge, and the Chairman of the SUNY Erie Board of Trustees.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

RE: Authorization to Enter Intro Inter-Municipal Agreements to Implement the Municipal Planning Grant Program (COMM. 15E-9)

WHEREAS, zoning is a municipal law which governs how pieces of land may or may not be developed within a municipal division of government; and

WHEREAS, every Town, Village and City in Erie County possesses a zoning code; and

WHEREAS, New York State's zoning enabling statutes require that zoning laws be adopted in accordance with a comprehensive plan; and

WHEREAS, updated zoning codes in accordance with updated Comprehensive Plans are necessary to reflect the current conditions and legal standards, and the community's desired development; and

WHEREAS, additional planning efforts such as parks and recreation plans provide information which informs comprehensive plans and zoning codes; and

WHEREAS, many Erie County municipal planning documents do not adequately address planning for agriculture and renewable energy; and

WHEREAS, Erie County desires to aid the Towns of Aurora, Brant, Clarence, Grand Island, North Collins, West Seneca and Villages of Angola, Hamburg and North Collins in the updating of municipal planning documents.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Town of Aurora in the amount of \$54,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Town of Brant in the amount of \$30,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Town of Clarence in the amount of \$35,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Town of Grand Island in the amount of \$30,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Town of North Collins in the amount of \$22,500, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Town of West Seneca in the

amount of \$20,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Angola in the amount of \$38,800, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of Hamburg in the amount of \$30,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that authorization is hereby given to the County Executive to enter into intermunicipal agreements, contracts, agreements as necessary with the Village of North Collins in the amount of \$27,000, for the purpose of administration of planning document updates; and be it further

RESOLVED, that the source of these funds shall be as follows:

Municipality	Amount	Source of Funds
Town of Aurora	\$54,000	A.20064
Town of Brant	\$30,000	A.20064
Town of Clarence	\$35,000	Fund 110, Cost Center 16200, GL Account 516020
Town of Grand Island	\$30,000	Fund 110, Cost Center 16200, GL Account 516020
Town of North Collins	\$22,500	A.20064 - \$16,000 and A.21152 - \$6,500
Town of West Seneca	\$20,000	Fund 110, Cost Center 16200, GL Account 516020
Village of Angola	\$38,800	Fund 110, Cost Center 16200, GL Account 516020
Village of Hamburg	\$30,000	Fund 110, Cost Center 16200, GL Account 516020
Village of North Collins	\$27,000	Fund 110, Cost Center 16200, GL Account 516020

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 funding requirements; and be it further

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

Item 31 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

RE: Grover Cleveland Golf Course
Concessionaire Contract Amendment
(COMM. 15E-10)

WHEREAS, the Department of Parks, Recreation and Forestry (“Department of Parks”) advertised a Request for Proposals (“RFP”) for concessionaire services at the Grover Cleveland Golf Course and previously selected a vendor known as the “19th at Grover Grill;” (see, Comm. 6E-6 (2023)); and

WHEREAS, concession service at Erie County public golf courses is in high demand and ensures the highest level of service for public patrons; and

WHEREAS, effective July 10, 2023 the Elma Meadows Golf Course is without a concessionaire to provide food and beverage service to patrons; and

WHEREAS, the “19th at Grover Grill” is willing and able to add services at Elma Meadows Golf Course to ensure continuity of service at that course; and

WHEREAS, the services allowed by this amendment would be limited to the remainder of the 2023 golf season.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to amend the current contract with the “19th at Grover Grill” to add concession services at Elma Meadows Golf Course for the 2023 golf season; and be it further

RESOLVED, that the Erie County Department of Parks will advertise a new RFP for a concessionaire vendor at Elma Meadows Golf Course with services commencing in 2024; and be it further

RESOLVED, that the provisions of section 26.08 of the Erie County Code are hereby waived for these limited purposes; 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 local funding requirements; and be it further

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

Item 32 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: Authorization to Accept Unified Court System Reimbursement for Court Cleaning & Minor Repair (COMM. 15E-11)

WHEREAS, the Unified Court System (UCS) has entered into a new five-year contract agreement with municipalities to establish the terms and conditions for cleaning and minor repair of court-occupied space, pursuant to Chapter 686, Laws of 1996, beginning in the State Fiscal Year 2023-2024 (April 1, 2023-March 31, 2024) through State Fiscal Year 2027-2028 (April 1, 2027-March 31, 2028); and

WHEREAS, the UCS seeks authorization to enter into an agreement with Erie County to provide reimbursements to the County for expenses incurred for cleaning and minor repairs of court-occupied space up to 100% of the State approved budget throughout the new five-year contract period, with annual renewal letters provided with updated budgets; and

WHEREAS, Legislative authorization is required for the Erie County Department of Public Works to accept reimbursements from the UCS for cleaning and minor repairs of court-occupied space.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the Department of Public Works to enter into an agreement to accept reimbursements from the Unified Court System (UCS) for up to 100% of the State approved budget for cleaning and minor repairs of court-occupied space, pursuant to Chapter 686, laws of 1996 for the new five-year contract period beginning April 1, 2023-March 31, 2024 through April 1, 2027-March 31, 2028, with annual renewal letters provided with updated budgets; and be it further

RESOLVED, that authorization is hereby given to deposit the reimbursements into the Division of Building and Ground's annual Operating Budgets, Fund 110, Funds Center 122, Account 405170 – State Aid-Court Facility Incentive Aid through the contract period; 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 the Department of Public Works.

Item 33 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

RE: Imposition of a Sales Tax Exemption on
Residential Energy Sources
(COMM. 15E-12)

Resolution

of the

County of Erie, exempting residential energy sources and
services from sales and compensating use taxes pursuant to
the authority of Article 29 of the Tax Law of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. Section six of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended by adding a new subdivision (e) to read as follows:

(e) Receipts from the sale of energy sources and services and the use of such sources and services shall be exempt from the taxes imposed by this resolution, as authorized by paragraph three of subdivision (a) of section 1210 of the New York Tax Law.

SECTION 2. This act shall take effect December 1, 2023, and shall expire and be deemed repealed on March 1, 2024.

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to seal and certify five copies of the resolution and provide the certified resolutions to the Department of Law for filing with the Secretary of State, the State Comptroller, the Erie County Clerk, and the State Tax Commissioner within five days of enactment, pursuant to section 1210(e) of the Tax Law; and be it further

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

Item 34 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

RE: Public Auction of Surplus County
Owned Parcels
(COMM. 15E-13)

WHEREAS, the Director of Real Property Tax Services recommended the transfer of the surplus county owned properties described below; and

WHEREAS, the County Lands Advisory Review Committee reviewed the proposed sale under SEQR and classified the action as Unlisted and issued negative declaration(s) acknowledging the minimal environmental impact; and

WHEREAS, the parcels were reviewed and deemed surplus by the County Lands Advisory Review Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby concurs with the SEQR classification and findings of the County Lands Advisory Review Committee of a minimal environmental impact; and be it further

RESOLVED, that authorization is hereby given for the surplus county owned parcels listed in the attached exhibit be sold at public auction; and be it further

RESOLVED, that authorization is hereby given to the Erie County Executive to execute quit claim deed(s) conveying any and all interest of the County of Erie in said properties to purchasers at public auction; and be it further

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

Item 35 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

RE: Authorization to Enter Intro
Agreement(s) for Online Auctioneer
Services
(COMM. 15E-14)

WHEREAS, via a separate resolution, the County Legislature is considering declaring surplus county owned parcels; and

WHEREAS, a Request for Proposals was issued to Provide Online Auctioneer Services for Sale of County Property; and

WHEREAS, an online auction may help maximize dollars received by the County per parcel.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute all agreements necessary to implement the providing of online auctioneer services; and be it further

RESOLVED, that the online auctioneer services will be paid for out of the proceeds obtained at each sale by the winning bidder; and be it further

RESOLVED, that authorization is hereby given to the Erie County Executive to enter into agreements for online auctioneer services with Auctions International, Inc. and Monahan Real Estate & Development, LLC dba Cash Auctions; and be it further

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

Item 36 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: Appointment to the EC Health Equity
Advisory Board
(COMM. 15E-15)

RESOLVED, the Erie County Legislature hereby confirms the appointment of Chandra Redferm to the Erie County Health Equity Advisory Board, upon the recommendation of the Buffalo Federation of Neighborhood Centers, for a term expiring on July 1, 2026.

Item 37 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

RE: Appointment to the EC Health Equity
Advisory Board
(COMM. 15E-16)

RESOLVED, the Erie County Legislature hereby confirms the appointment of Willie Underwood, III, MD, MSc, MPH to the Erie County Health Equity Advisory Board, upon the recommendation of the National Medical Association – Buffalo Chapter, for a term expiring on July 1, 2026.

Item 38 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Appointment to the EC Health Equity
Advisory Board
(COMM. 15E-17)

RESOLVED, the Erie County Legislature hereby confirms the appointment of Heather Orom, Ph.D. to the Erie County Health Equity Advisory Board, upon the recommendation of the University at Buffalo’s School of Public Health and Health Professions, for a term expiring on July 1, 2026.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Authorization to Extend Contract
Periods to Current Grants
(COMM. 15E-18)

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for supporting the efforts of promoting public safety through comprehensive emergency management planning, preparedness, training, response and coordination of emergency services in Erie County during actual or potential disaster events through the use of several grants; and

WHEREAS, the New York State Department of Homeland Security & Emergency Services has the following six (6) grants that need to have a contract period that is extended six (6) months past their current contract end date which is August 31st, 2024:

- Hazmat Grant – HS167HAZMAT1922
- Rescue Grant Program – HS167TECHRESCUE1922
- State Homeland Security Grant Program – HS167SHSP2023
- Critical Infrastructure Grant Program – HS167CIGP2223
- Hazmat Grant – HS167HAZMAT2023
- Regional Catastrophic Preparedness Gant – HS167RCPG2023

and

WHEREAS, the Department of Homeland Security & Emergency Services requires legislative approval to extend the grant contract periods; and

WHEREAS, no financial impact will be incurred by Erie County to authorize the extension of these grant contract periods; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to extend grant contract periods.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to extend the grant contract per the grantor requirements to February 29th, 2024 (02/29/2024) for the following grants:

- Hazmat Grant – HS167HAZMAT1922
- Technical Rescue Grant Program – HS167TECHRESCUE1922
- State Homeland Security Grant Program – HS167SHSP2023
- Critical Infrastructure Grant Program – HS167CIGP2223
- Hazmat Grant – HS167HAZMAT2023
- Regional Catastrophic Preparedness Gant – HS167RCPG2023;

and be it further

RESOLVED, that these grants, under the Department of Homeland Security & Emergency Services will meet the goals and objectives; and be it further

RESOLVED, that authorization is hereby given for the Division of Budget and Management to make any technical adjustments necessary to effectuate this resolution as well as approve no-cost grant extensions without additional legislative approval; and be it further

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

Item 40 – 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. MILLS, MR. BARGNESI, CHAIR BASKIN, MR. JOHNSON, MR. KOOSHOIAN, MR. MEYERS and MS. VINAL. NOES: MR. GREENE, MR. MALCZEWSKI and MR. TODARO. (AYES: 7; NOES: 3)

CARRIED.

15th Floor - Mechanical & Electrical
Contracts
(COMM. 15E-19)

WHEREAS, the Department of Information and Support Services (DISS) requires a Point of Presence server room to be installed on the 15th floor of the Erie County Rath Building in preparation of ErieNet; and

WHEREAS, construction for the abatement scope of work related to this Project was previously approved per COMM. 10E-9 (2023); and

WHEREAS, the Rath Building – ErieNet POP Server Rm 15th Floor renovation project includes the required scope of work to house the future Point of Presence to support ErieNet; and

WHEREAS, the County of Erie received General Construction bids for the Project on June 20, 2023, but did not receive any Mechanical or Electrical Construction bids at that time; and

WHEREAS, a resolution was uploaded on June 23, 2023 for approval to award to the lowest responsible bidder on the General Construction Contract; and

WHEREAS, the Electrical and Mechanical Construction portions of work were promptly re-bid, but the County of Erie did not receive any bids on July 5, 2023; and

WHEREAS, in conformance with General Municipal Law (GML) 103, the Department of Public Works is permitted to negotiate directly with contractors to award the work since no bids were received for two consecutive publicly advertised bids for the Electrical and Mechanical Construction scopes of work; and

WHEREAS, the Department of Public Works has already initiated early discussions with contractors per GML 103 as noted above and preliminary estimates for these contracts are \$400,000 and \$1,100,000 for the Electrical as well as Mechanical contracts respectively; and

WHEREAS, there are no additional resolution upload dates to get approval prior to legislative recess and therefore will not allow for the prompt award of the Mechanical and Electrical contracts to allow the project to proceed in a timely manner; and

WHEREAS, the Department of Public Works and its respective design consultants will review the scope of work for the Electrical and Mechanical scope of work related Rath Building – ErieNet POP Server Rm 15th Floor Project in detail with prospective bidders to ensure all requirements of the projects are met.

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 Electrical and Mechanical contracts related to the Rath Building – ErieNet POP Server Rm 15th Floor Renovation project for an amount not to exceed \$1,500,000; and it be further

RESOLVED, that authorization is hereby given for the ErieNet POP Server Room Project Construction Contingency Fund \$70,000 previously designated per COMM. 10E-9 (2023) and COMM 14E-11 (2023) be used for all contracts associated with the ErieNet POP Server Room Project and 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 authorization is hereby given for additional monies to be added to the overall Construction Contingency Fund for the Project under the Not To Exceed \$1,500,000 requested within this resolution with the exact amount to be determined after final Mechanical and Electrical bid proposals are received; 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 to the Comptroller's Office to make payment from the following capital project in Funds Center 122, Fund 410:

A.21105 - DPW (B&G) – Preservation of County Buildings and Facilities	\$ 200,000
A.23002 - DPW (B&G) – Mechanical, Electrical, Plumbing, and Misc Imp	\$ 550,000
A.23072 - DPW Rath Improvements	\$ 750,000
<hr/> TOTAL	<hr/> \$ 1,500,000

and be it further

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

RESOLVED, that 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 Division of Budget and Management.

Item 41 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

RE: Reconstruction of Colvin Ave. & Eggert Rd. at NYS 290 & Twin Cities Highway - Contract Amendment for Engineering Design Services (COMM. 15E-20)

WHEREAS, it is desired to continue with the Colvin Boulevard from Eggert Road to the Twin Cities Highway project and CHA Consulting Inc. contract which was originally approved by the Legislature in COMM 3E-25(2022); and

WHEREAS, the deterioration of these roads is to such an extent, that replacement is needed as opposed to rehabilitation, thus requiring a contract amendment for final design; and

WHEREAS, the total cost of the final design engineering phase of this Project is \$533,368, and is available in Capital Project B.21150, 2021 Capital Overlay, and B. 22053, 2022 General Road Design, Fund 420, Funds Center 123.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature hereby authorizes the County Executive to execute an amendment to CHA Consulting, Inc. agreement, for engineering design services in an amount not to exceed \$533,368 and execute any necessary Change Orders; and be it further

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

B.21150	2021 Capital Overlay	\$33,368
B.22053	2022 General Road Design	\$500,000
<u>TOTAL PROJECT</u>		<u>\$533,368</u>

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.

Item 42 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

RE: ECSD No. 8 - East Aurora Water Resource Recovery Facility (WRRF) Control Building Improvements, Contract No. 21-A (COMM. 15E-21)

WHEREAS, pursuant to Legislative Comm. 25E-3 (2021), Contract No. 21-A was awarded to Willett Builders, Inc. for General Construction associated with the East Aurora WRRF Control Building Improvements Project in Erie County Sewer District No. 8; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 21-A, in the final contract amount of \$367,724.37 which includes Change Order No. 1 (Final), a decrease of \$10,275.63, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 21-A between the County of Erie and Willett Builders, Inc. (180 Genesee Street, Corfu, NY 14036) is accepted in the final contract amount of \$367,724.37, which includes Change Order No. 1 (final), a decrease of \$10,275.63; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 21-A, to Willett Builders, Inc. for a total contract amount of \$367,724.37; 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, Division of Budget and Management, Department of Law, and Division of Sewerage Management.

Item 43 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

RE: ECSD No. 8 - East Aurora Water
Resource Recovery Facility (WRRF)
Control Building Improvements,
Contract No. 21-C
(COMM. 15E-22)

WHEREAS, pursuant to Legislative Comm. 25E-3 (2021), Contract No. 21-C was awarded to Willett Builders, Inc. for Plumbing Construction associated with the East Aurora WRRF Control Building Improvements Project in Erie County Sewer District No. 8; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 21-C, in the final contract amount of \$112,038.59, which includes Change Order No. 2 (Final), a decrease of \$1,214.87, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 21-C between the County of Erie and Willett Builders, Inc. (180 Genesee Street, Corfu, NY 14036) is accepted in the final contract amount of \$112,038.59, which includes Change Order No. 2 (final), a decrease of \$1,214.87; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 21-C to Willett Builders, Inc. for a total contract amount of \$112,038.59; 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, Division of Budget and Management, Department of Law, and Division of Sewerage Management.

Item 44 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

RE: ECSD No. 3 - Southtowns Advanced Wastewater Treatment Facility (AWTF) - Clarifier No. 1 Concrete Repair Project, Contract No. 77 (COMM. 15E-23)

WHEREAS, pursuant to Legislative Comm. 22E-2 (2022), Contract No. 77 was awarded to Hunting Valley Construction, Inc. for general construction associated with the Southtowns AWTF Clarifier No. 1 Concrete Repair Project in Erie County Sewer District No. 3; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No.77, in the final contract amount of \$110,000.00 which includes Change Order No. 1 (Final), a decrease of \$37,500.00, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 77 between the County of Erie and Hunting Valley Construction, Inc. (825 Rein Road, Cheektowaga, New York, 14225) is accepted in the final contract amount of \$110,000.00 which includes Change Order No. 1 (final), a decrease of \$37,500.00; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 77 to Hunting Valley Construction, Inc. for a total contract amount of \$110,000.00; and be it further

RESOLVED, that the unused funds, in the amount of \$37,500.00, be returned to the Erie County Sewer District No. 3 Capital Reserve Account C.00007 and the budget for the Capital Reserve Account be adjusted accordingly; and be it further

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

Item 45 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

RE: ECSD No. 8 - East Aurora Water
Resource Recovery Facility (WRRF) –
Driveway Installation Project, Contract
No. 2
(COMM. 15E-24)

WHEREAS, pursuant to Legislative Comm. 22E-1 (2022), Contract No. 26 was awarded to Thomann Asphalt Paving Corp. for the East Aurora WRRF Driveway Installation Project in Erie County Sewer District No. 8; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 26, in the final contract amount of \$169,625.00 which includes Change Order No. 1 (Final), a decrease of \$150.00, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 26 between the County of Erie and Thomann Asphalt Paving Corp. (56 Gunville Road, Lancaster, NY 14086) is accepted in the final contract amount of \$169,625.00, which includes Change Order No. 1 (final), a decrease of \$150.00; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract No. 26 to Thomann Asphalt Paving Corp. for a total contract amount of \$169,625.00; and be it further

RESOLVED, that the unused funds, in the amount of \$150.00, be returned to the Erie County Sewer District No. 8 Capital Reserve Account C.11801 and the budget for the Capital Reserve Account be adjusted accordingly; and be it further

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

Item 46 – (COMM. 15E-25) ECSD Nos. 1-6 & 8 - Board of Managers Resolutions

Item 47 – (COMM. 15E-26) ECSD No. 3 - Engineering Term Contract Agreement

Item 48 – (COMM. 15E-27) ECSD No. 4 - Warner Rd. & Bowmansville Pump Stations Valve Installations

Item 49 – (COMM. 15E-28) ECSD No. 4 - Engineering Term Contract Agreement

The above four items were received and filed.

Item 50 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

RE: Notification to the Legislature on the Appointment of Commissioner of Probation (COMM. 15E-29)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Richard B. Robillard to the position of Commissioner of Probation effective August 12, 2023.

FROM LEGISLATOR MILLS

Item 51 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

RE: Minority Leader's Recommended Appointment to the Corrections Specialist Advisory Board (COMM. 15E-30)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Kevin Ryan to the Erie County Corrections Specialist Advisory Board.

FROM LEGISLATOR GREENE

Item 52 – (COMM. 15E-31) Abstention on COMM. 13E-6 (2023)

Received, filed and printed.

July 18, 2023

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor

Buffalo, NY 14202

RE: Abstention on Comm. 13E-6 (2023)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the 2023 Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 2 - 2018, I abstain from voting on the above referenced item. The reason for my abstention is based on potential conflicts created by my private sector employment.

Sincerely,

Christopher D. Greene
Erie County Legislature
District 6

Item 53 – (COMM. 15E-32) Abstention on COMM. 14E-27 (2023)

Received, filed and printed.

July 18, 2023

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

RE: Abstention on Comm. 14E-27 (2023)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the 2023 Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 2 - 2018, I abstain from voting on the above referenced item. The reason for my abstention is based on potential conflicts created by my private sector employment.

Sincerely,

Christopher D. Greene
Erie County Legislature
District 6

FROM THE CLERK

Item 54 – (COMM. 15E-33) EC Comptroller's Office Audit of the County Clerk's Office,
Registrar Division

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 55 – MR. MEYERS presented the following resolution and moved for immediate consideration and approval. MR. JOHNSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RE: Amended Resolution to Authorize Entry
Into Lease with Bella Vista Group for
Cheektowaga Satellite Auto Bureau
Office
(COMM. 15E-34)

WHEREAS, pursuant to New York State Vehicle and Traffic Law §205, the County Clerk shall act as an agent of the Commissioner of the Department of Motor Vehicles and in such capacity the Erie County Clerk operates the Erie County Auto Bureau; and

WHEREAS, the Erie County Auto Bureau, at full operations, maintains six (6) branch locations and one (1) mobile unit throughout the County of Erie to provide convenient services to County residents; and

WHEREAS, the Erie County Clerk, recognizing a need to provide updated Auto Bureau services in the Town of Cheektowaga region, issued a request for proposals for a new facility to serve those customers and (2) responses were received; and

WHEREAS, those responses were evaluated by a team in the Erie County Clerk's Office and they determined the submission by Bella Vista Group proposing to lease space in the Urbandale Shopping Center, located at 2122 George Urban Boulevard, Depew, New York 14043 to be the best proposal; and

WHEREAS, the Erie County Clerk's Office is requesting authorization to enter into a lease agreement with Bella Vista Group for the purpose of locating the Erie County Auto Bureau in the Urbandale Shopping Center.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to enter into an Agreement with Bella Vista Group for the purpose of keeping the Erie County Auto Bureau in Cheektowaga at the Urbandale Shopping Center; and be it further

RESOLVED, that said Lease Agreement shall be for a term of sixty (60) months and include 7,000 square feet, with a monthly Gross Rent not to exceed \$23.00 per square foot; with such Gross Rent to include a Base Rent of \$15.00 per square foot; and an estimated Additional Rent of \$8.00 per square foot which covers the financing over five (5) years of landlord improvements of approximately \$267,646.00, estimated lease spaced taxes, and estimated costs of common area

maintenance and taxes, with the County to be responsible for maintenance of repairs of the interior space of the leased premises and utilities; and be it further

RESOLVED, that the County Executive, or the Deputy County Executive, is authorized to authorize the said Lease Agreement with the fundamental terms set forth above, subject to a form of the final Lease Agreement being approved by the County Attorney; and be it further

RESOLVED, that provided the County is not in default of the terms of the Lease Agreement, and subject to authorization by the County Legislature, the County shall be entitled to renew the lease for two (2) consecutive five (5) year terms, in an annual amount not to exceed a two percent (2%) annual increase in the base rent, at the County's sole discretion upon written notice to the landlord; and be it further

RESOLVED, that the account from which the said Lease Agreement may be paid is identified herein as: General Account 1132015 (Auto Bureau); with the general ledger being GL 545000; and be it further

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

COMMUNICATIONS FROM THE DEPARTMENTS

**FROM THE DIRECTOR OF
BUDGET & MANAGEMENT**

Item 56 – (COMM. 15D-1) July Capital Projects Update

Item 57 – (COMM. 15D-2) Budget Monitoring Report for Period Ending May 2023

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ASSIGNED COUNSEL PROGRAM

Item 58 – (COMM. 15M-1) Quarterly Report of the Assigned Counsel Program - 2nd Quarter of 2023

Item 59 – (COMM. 15M-2) Reports Designated by Resolution 233 of May 6, 1975

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF LOCKPORT

Item 60 – (COMM. 15M-3) Public Hearing Notice Concerning Zoning Code - Solar Energy Systems

Received and filed.

FROM ASSEMBLYMAN GOODELL

Item 61 – (COMM. 15M-4) Acknowledgment of Receipt of Certified Resolution

Received and filed.

FROM GREG RAMSDELL

Item 62 – (COMM. 15M-5) Email Request to Serve on Advisor Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE PARTNERSHIP
FOR THE PUBLIC GOOD

Item 62 – (COMM. 15M-6) Letter Concerning LL INTRO. 3-2

Received and referred to the FINANCE & MANAGEMENT COMMITTEE..

ANNOUNCEMENTS

Item 63 – Chair Baskin announced that the next session of the Legislature will be held on Thursday, September 7, 2023, and as the Legislature enters recess, Chair Baskin wished everyone a happy and safe summer.

MEMORIAL RESOLUTIONS

Item 64 – Chair Baskin requested that when the Legislature adjourns, it do so in memory of Sydney C. Lohr.

Item 65 – Legislator Todaro requested that when the Legislature adjourns, it do so in memory of Robert S. Mycek, and Edward J. Myszka.

ADJOURNMENT

Item 66 – At this time, there being no further business to transact, CHAIR BASKIN announced that the Chair would entertain a Motion to Adjourn.

MR. JOHNSON moved that the Legislature adjourn until Thursday, September 7, 2023 at 12:00 Noon. MR. MEYERS seconded.

CARRIED UNANIMOUSLY.

CHAIR BASKIN declared the Legislature adjourned until Thursday, September 7, 2023 at 12:00 Noon.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE