



THE ERIE COUNTY LEGISLATURE

Session No. 16
SEPTEMBER 7, 2023

April N.M. Baskin
Chair

Timothy J. Meyers
Majority Leader

John J. Mills
Minority Leader

Robert M. Graber
Clerk of the Legislature

ROLL CALL

INVOCATION: Mr. Greene

PLEDGE OF ALLEGIANCE: Mr. Gilmour

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING - Meeting No. 15

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

KOOSHOIAN	Congratulating and Honoring Elizabeth Kooshoian Named Buffalo Public School Softball Co-Player of the Year - 2023 (City Honors)
KOOSHOIAN	Congratulating and Honoring Genevieve Mucitelli Names Buffalo Public School Softball Co-Player of the Year - 2023 (City Honors)
MAJORITY CAUCUS	Acknowledging Veterans for Peace
KOOSHOIAN & BARGNESI	Congratulating and Honoring Tyler Smart Named The Monsignor Martin Player of the Year Softball - 2023 (St. Joes)
KOOSHOIAN & BARGNESI	Congratulating and Honoring Levi Roest Named First Team All-Western New York, Lacrosse - 2023 (St. Joes)
KOOSHOIAN & BARGNESI	Congratulating and Honoring Sebastian Latorre Named First Team All-Western New York, Lacrosse - 2023 (St. Joes)
BASKIN & JOHNSON	Acknowledging and Honoring National Senior Citizens Day
BASKIN & JOHNSON	Honoring National Black Business Month (August 2023)
VINAL	In Remembrance of John "Jay" A. Loughran Sr.

VINAL

Congratulating and Recognizing Msgr. Pat Keleher on a Phenomenal Career

KOOSHOIAN & BARGNESI

Acknowledging Royal Academy of Ballet and Dance - Celebrating 77 Years in Western New York

GILMOUR

Acknowledging Performance Arts Dance Academy - Celebrating 34 Years of Business in Western New York

MEYERS

Acknowledging Center Stage Dance Celebrating Its 42nd Season in Western New York

JOHNSON

In Remembrance of Russell W. Hayes

JOHNSON

Acknowledging the Randy Coates Sr. Charity Basketball Game - Celebrating the Life of Randy Coates Sr.

JOHNSON

In Remembrance of Tiffany Lynn Caver-Pugh

KOOSHOIAN & BARGNESI

Congratulating and Honoring Evan Gallo Named The First Team All-Western New York, Lacrosse - 2023 (St. Joes)

JOHNSON

In Remembrance of LaVonnia Marie Norman-Green

GREENE

Honoring and Congratulating Detective Mark Pitirri on His Retirement

MILLS

Congratulations to Yiannis Corner Nook Cafe on Its Grand Opening

MILLS

Celebrating Springville Pediatrics 50th Anniversary

MILLS

Recognizing Operation Good Neighbor on National Food Bank Day

GREENE

Honoring and Congratulating Detective James Doane on His Retirement

MILLS

Recognizing Dylan Evans as 2022-2023 Orchard Park Bee Male Athlete of the Year

TODARO

Recognizing Aaron Gasiewicz as the 2023 Lancaster Depew Bee Male Athlete of the Year

GREENE Honoring and Congratulating K9 Officer
Richard Caito on His Retirement

GREENE Honoring and Congratulating K9 Officer
Nicholas Scioli on His Retirement

TODARO Recognizing and Honoring Diane Trzaska as
Recipient of the President's Volunteer Service
Award

TODARO Remembering the Life of Judge Timothy Dwan

TODARO Recognizing Kaylee Krysztof as the 2023
Lancaster Depew Bee Female Athlete of the Year

MAJORITY & MINORITY
CAUCUSES Proclaiming September 17-23, 2023 as Sheriffs'
Week in Erie County

MAJORITY & MINORITY
CAUCUSES Proclaiming September 2, 2023, as Mark
Aichinger Day in Erie County

MAJORITY & MINORITY
CAUCUSES Recognizing Mike Randall on His Retirement
from WKBW

MALCZEWSKI Recognizing National Bread of Life Outreach
Center on National Food Bank Day in Erie
County

MALCZEWSKI Celebrating the Grand Opening of South Wales
Brewing Company

LOCAL LAWS:

LL INTRO. 1-1 (2022)	TODARO, GREENE, LORIGO & MILLS	A Local Law Authorizing Twelve and Thirteen-Year-Old Licensed Hunters to Hunt Deer with a Firearm or Crossbow During Hunting Season with the Supervision of a Licensed Adult	Energy & Environment
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LL INTRO. 3-1 (2022)	BASKIN, MEYERS, JOHNSON, VINAL & GILMOUR	The Erie County Language Access Act	Health & Human Services
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LL INTRO. 3-1 (2023)	JOHNSON	The Occupancy Tax Modernization Act	Finance & Management
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LL INTRO. 6-1 (2023)	BARGNESI, MEYERS, GILMOUR & KOOSHOIAN	A Local Law Providing for the Extended Lease of Real Property Located at 13 Centre Drive, Orchard Park, NY, 14127	Public Safety
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LL INTRO. 3-2 (2023)	JOHNSON	The Occupancy Tax Modernization Act	Finance & Management
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COMMITTEE REPORTS:

LEGISLATOR RESOLUTIONS:

INTRO. 16-1	BARGNESI	Re-Appropriation of Public Benefit Funding
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COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

COMM. 16E-1	COMPTROLLER	Certificate of Determination - Sewer Bond Sale	Finance & Management
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COMM. 16E-2	COMPTROLLER	WROTB 2022 Financial Statements Inquiry	Government Affairs
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COMM. 16E-3	COMPTROLLER	2023 Bond Sale	Finance & Management
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COMM. 16E-4	COMPTROLLER	Department of Law Risk Retention Fund Spending - June 2023	Finance & Management
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COMM. 16E-5	COMPTROLLER	Second Quarter 2023 - Interim Financial Report	Finance & Management
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COMM. 16E-6	TODARO	Request for Further Information Regarding any Incidents Involving Asylum Seekers in Cheektowaga	Government Affairs
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COMM. 16E-7	COUNTY EXECUTIVE	Letter to Mayor Eric Adams Regarding NYC's Migrant Transport Program	Government Affairs
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COMM. 16E-8	COMPTROLLER	Development of Corrective Action Plans Following Audits	Government Affairs
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COMM. 16E-9	COMPTROLLER	WROTB Hotel at Batavia Downs	Government Affairs
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COMM. 16E-10	GREENE	FOIL Request for the EC Post- Blizzard Analysis	Government Affairs
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COMM. 16E-11	TODARO	Request for Further Information Regarding Any Incidents Involving Asylum Seekers in Cheektowaga	Government Affairs
COMM. 16E-12	CLERK	Recording Fees	Finance & Management
COMM. 16E-13	COMPTROLLER	Analysis of the Concentration Account & Deposit Activity in the EC Clerk's Office	Finance & Management
COMM. 16E-14	SHERIFF	Letter from Sheriff to Comptroller	Finance & Management
COMM. 16E-15	COMPTROLLER	Department of Law Risk Retention Fund Spending - July 2023	Finance & Management
COMM. 16E-16	COUNTY EXECUTIVE	New Buffalo Bills Stadium Project MWBE Local Outreach & Recruitment Analysis	M/WBE
COMM. 16E-17	COUNTY EXECUTIVE	Overview of County Efforts on Stadium Utilization	M/WBE
COMM. 16E-18	COUNTY EXECUTIVE	ECSD Nos. 1-6 & 8, User Charges - 2024	Energy & Environment
COMM. 16E-19	COUNTY EXECUTIVE	ECSD No. 4 - Depew Pumping Station Forcemain Replacement at Cayuga Creek	Energy & Environment
COMM. 16E-20	COUNTY EXECUTIVE	ECSD No. 3 - Southtowns Advanced Wastewater Treatment Facility Phase 1 Expansion	Energy & Environment
COMM. 16E-21	COUNTY EXECUTIVE	ECSD No. 3 - Southtowns Influent Screening Replacement Project	Energy & Environment
COMM. 16E-22	COUNTY EXECUTIVE	ECSD Nos. 1 & 4 - Order on Consent Compliance Schedule Assistance	Energy & Environment
COMM. 16E-23	COUNTY EXECUTIVE	ECSD No. 6 - Lackawanna WRRF Digestion & Solids Management Upgrades	Energy & Environment
COMM. 16E-24	COUNTY EXECUTIVE	ECSD No. 8 - Engineering Term Contract Agreement	Energy & Environment
COMM. 16E-25	COUNTY EXECUTIVE	Transfer of Funds - Operating Budget	Finance & Management
COMM. 16E-26	COUNTY	Authorization to Accept Funding &	Health &

	EXECUTIVE	Enter Into Contract	Human Services
COMM. 16E-27	COUNTY EXECUTIVE	Department of Social Services - Non TA Residential Domestic Violence Adjustments	Health & Human Services
COMM. 16E-28	COUNTY EXECUTIVE	Authorization to Enter Into Contract with The Shomette Group	Public Safety
COMM. 16E-29	COUNTY EXECUTIVE	Authorization to Enter Into Contract with WNY Law Enforcement Helpline	Economic Development
COMM. 16E-30	COUNTY EXECUTIVE	Authorization to Enter Into Contract with the ATV Safety Institute	Public Safety
COMM. 16E-31	COUNTY EXECUTIVE	NFTA - MOU Greater Buffalo Niagara Regional Transportation Council Planning Grant - "Safe Streets & Roads for All"	Economic Development
COMM. 16E-32	COUNTY EXECUTIVE	Authorization to Amend Bergmann Associates Professional Services Agreement	Economic Development
COMM. 16E-33	COUNTY EXECUTIVE	Emery Maintenance & Sheriff Outbuilding Roof Replacements & Building Enhancement Project	Economic Development
COMM. 16E-34	COUNTY EXECUTIVE	Notice of Public Hearing for EC Sewer Districts 2023 Assessment Rolls	Energy & Environment
COMM. 16E-35	COUNTY EXECUTIVE	ECSD No. 1 - Contract Close Out	Energy & Environment
COMM. 16E-36	COUNTY EXECUTIVE	Amendment to Waste Reduction & Recycling Coordination Grant	Energy & Environment
COMM. 16E-37	COUNTY EXECUTIVE	Contract for Capital Improvements to Buffalo Southern Railroad	Economic Development
COMM. 16E-38	COUNTY EXECUTIVE	Authorization to Re-Appropriate ARPA Funding for Multi-Family Affordable Housing Development	Health & Human Services
COMM. 16E-39	COUNTY EXECUTIVE	Authorization to Amend Contract with EC Bar Association	Immediate Consideration Requested
COMM. 16E-40	COUNTY EXECUTIVE	Teamsters Local 264, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America - 2024-2026 Collective Bargaining Agreement	Immediate Consideration Requested

COMM. 16E-41	TODARO	Letter to the District Attorney Regarding Domestic Violence Incident	Government Affairs
COMM. 16E-42	SHERIFF	Law Enforcement Policy & Procedure Consulting Services	Public Safety
COMM. 16E-43	SHERIFF	Correctional Facility Cable Installation	Public Safety
COMM. 16E-44	DISTRICT ATTORNEY	District Attorney's Office - Authorization for Professional Services	Economic Development
COMMUNICATIONS FROM THE DEPARTMENTS:			Economic Development
COMM. 16D-1	COUNTY ATTORNEY	Local Law No. 4 - A Local Law Providing for Public Financial Support for Public Art in the County of Erie Filing	R&F
COMM. 16D-2	DEPARTMENT OF PROBATION	Probation Survey Results	Public Safety
COMM. 16D-3	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 16D-4	DIRECTOR OF BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending June 2023	Finance & Management
COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:			
COMM. 16M-1	NYS DEC	Public Notice Fact Sheet - Brownfield Cleanup Program	Energy & Environment
COMM. 16M-2	BRADY & SWENSON, P.C.	Town of East Otto's Proposed Local Law 1 - 2023	Government Affairs
COMM. 16M-3	NYS DEPARTMENT OF AUDIT & CONTROL	Certificate of the State Comptroller - Consent to Increase & Improve ECSD No. 3 Facilities	Energy & Environment
COMM. 16M-4	TOWN OF AMHERST	Legal Ruling on Extension of Town of Amherst Consolidated Lighting District to Evergreen Landing Subdivision	Government Affairs
COMM. 16M-5	NYS DEPARTMENT OF	List of Certified 2023 Class Equalization Rates	Finance & Management

TAXATION &
FINANCE

COMM. 16M-6	NYS DEC	Adoption Notice for Rule-Makings - Petroleum Bulk Storage & Chemical Bulk Storage	Energy & Environment
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COMM. 16M-7	NFTA	2023 NFTA Metro Annual Performance Report	Economic Development
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COMM. 16M-8	EC AGRICULTURE & FARMLAND PROTECTION BOARD	Letter Regarding Concerns Over Sky Lanterns	Energy & Environment
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COMM. 16M-9	VBN PRESIDENT & CEO	2023 Second Quarter Reports	Economic Development
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COMM. 16M-10	EC AGRICULTURE & FARMLAND PROTECTION BOARD	EC Southwest Agricultural District #8 Eight-Year Review	Energy & Environment
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COMM. 16M-11	NYS DEC	DEC Invites Public Comment About Proposal to Address Contamination at Brownfield Site on Military Rd., Tonawanda	Energy & Environment
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COMM. 16M-12	NYS DEC	DEC Announces Cleanup of Contamination - Will Begin at Brownfield Site on Lake Ave., Lancaster	Energy & Environment
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COMM. 16M-13	NYS DEC	DEC Announces that Cleanup of Contamination is Complete at Brownfield Site on Hertel Ave. & Foundry St., Buffalo	Energy & Environment
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COMM. 16M-14	ASSIGNED COUNSEL PROGRAM	2022 Financial Statements & Explanation from Auditor	Government Affairs
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ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT:

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MINUTES OF PREVIOUS MEETING - Meeting No. 15

Attachments

Meeting No. 15 Minutes

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. MILLS 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	<u>\$ 0</u>	<u>\$30,000</u>	<u>\$ 30,000</u>
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 Shawn Kevin	Date 6/29/22
Erie County Executive Signature 	Printed Name Lisa H. Chimera	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 Gunnville 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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

KOOSHOIAN	Congratulating and Honoring Elizabeth Kooshoian Named Buffalo Public School Softball Co-Player of the Year - 2023 (City Honors)
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Elizabeth Kooshoian	Attachments
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STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, JULY 20, 2023

EC LEG JUL 20 '23 AM 10:53

*Congratulating and Honoring Elizabeth Kooshoian
Named Buffalo Public School Softball Co-Player of the Year - 2023 (City Honors)*

WHEREAS, the City Honors softball program has been recognized throughout Western New York for their dominance in softball; and

WHEREAS, *Elizabeth “Lizzy” Kooshoian*, a North Buffalo resident, received another accolade in her softball career, being named Co-Player of the Year by the Buffalo Public Schools Sports Division of Western New York Girls Softball, along with being a part of the first team roster of all Buffalo Schools; and

WHEREAS, Elizabeth’s softball career at City Honors began as a 7th grader; and

WHEREAS, Elizabeth has been a long-time standout player from her days with Hertel North Park Youth Baseball and Softball League as a member of the Wildcat Travel Program, playing many years at Shoshone Park; and

WHEREAS, as a result of her exceptional hitting and skill set, Elizabeth received an invitation to play in the second annual Gerry Gentner Senior All-Star Game, a game that will feature the top senior softball players in the area; and

WHEREAS, as a result of her exceptional skill, this Honorable Body acknowledges individuals such as Elizabeth in earning the honors of being named the Co-Player of the Year, a well-deserved recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations to *Elizabeth Kooshoian* on being named the 2023 Buffalo Public Schools Sports Division of Western New York Girls Softball Co-Player of the Year and best wishes on her future athletic career and many more accolades to come.

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

KOOSHOIAN

Congratulating and Honoring Genevieve Mucitelli Names
Buffalo Public School Softball Co-Player of the Year - 2023
(City Honors)

Attachments

Genevieve Mucitelli

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, JULY 20, 2023

EC LEG JUL 20 '23 AM10:53

*Congratulating and Honoring Genevieve Mucitelli
Named Buffalo Public School Softball Co-Player of the Year - 2023 (City Honors)*

WHEREAS, the City Honors softball program has been recognized throughout Western New York for their dominance in softball; and

WHEREAS, *Genevieve Mucitelli*, a North Buffalo resident, received another accolade in her softball career, being named Co-Player of the Year by the Buffalo Public Schools Sports Division of Western New York Girls Softball, along with being a part of the first team roster of all Buffalo Schools; and

WHEREAS, Genevieve's softball career at City Honors began as a 7th grader; and

WHEREAS, Genevieve has been a long-time standout player from her days with Hertel North Park Youth Baseball and Softball League as a member of the Wildcat Travel Program, playing many years at Shoshone Park; and

WHEREAS, as a result of her exceptional hitting and skill set, Genevieve received an invitation to play in the second annual Gerry Genter Senior All-Star Game, a game that will feature the top senior softball players in the area; and

WHEREAS, as a result of her exceptional skill, Genevieve earned the honors of being named the Co-Player of the Year, a well-deserved recognition.

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations to *Genevieve Mucitelli* on being named the 2023 Buffalo Public Schools Sports Division of Western New York Girls Softball Co-Player of the Year and best wishes on her future athletic career and many more accolades to come.

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MAJORITY CAUCUS

Acknowledging Veterans for Peace

Attachments

Veterans for Peace

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, JULY 30 – AUGUST 2, 2023

Acknowledging Veterans for Peace

WHEREAS, the Golden Rule, a 34-foot wooden ketch, is on an educational mission to eliminate nuclear weapons, a 11,000-mile voyage that began on the West Coast including Hawaii, and now is traveling the “Great Loop” of the Mississippi, Gulf of Mexico, Atlantic Coast and Great Lakes; and

WHEREAS, in February 1958, four Quaker activists sailed the Golden Rule from California towards the Marshall Islands; and

WHEREAS, their voyage was an attempt to stop nuclear bomb tests in the Pacific and the activists were arrested, prompting worldwide protest – which helped convince President John F. Kennedy to sign the Limited Nuclear Test Ban Treaty of 1963; and

WHEREAS, work was done to restore the boat, which is now manned by Veterans for Peace, some of whose members are embarking on a mission to abolish nuclear weapons and war, and to work for an environmentally sustainable future; and

WHEREAS, today, if even a portion of the remaining 15,000 nuclear war heads, the majority of which are under the control of Russia and the United States were detonated, it would end life on our Mother Earth, and

WHEREAS, the United States has suspended its compliance with the Intermediate-Range Nuclear Forces Treaty and other nuclear arms limitation treaties and plans to spend nearly \$2 trillion on its nuclear arsenal; and

WHEREAS, the Golden Rule has been restored by Veterans For Peace and will be in Buffalo from July 30 to August 2, 2023, to support the United Nations Treaty on the Prohibition of Nuclear Weapons, raise awareness about the environmental and human costs of military and nuclear activities, and to support efforts to stop the possibility of nuclear war; and

WHEREAS, the *Golden Rule* is voyaging once more, to show that a nuclear peace is possible, and that bravery and tenacity can overcome militarism; and

WHEREAS, on this Honorable Body welcomes the Golden Rule to Western New York and honors the brave and loyal service of these heroes and sheroes veterans and their families.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby honor and recognizes all veterans and recognize July 30 through August 2, 2023, as Golden Rule Days.

Hon. April N.M. Baskin
Chair of the Legislature
Erie County Legislator, 2nd District

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

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

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

Hon. John A. Bargnesi Jr.
Erie County Legislator, 4th District

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

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

Robert M. Graber
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

KOOSHOIAN & BARGNESI

Congratulating and Honoring Tyler Smart Named The
Monsignor Martin Player of the Year Softball - 2023 (St. Joes)

Attachments

Tyler Smart

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, JULY 26, 2023

EC LEG AUG 1 '23 PM 5:38

*Congratulating and Honoring Tyler Smart
Named The Monsignor Martin Player of the Year Softball- 2023 (St. Joes)*

WHEREAS, the St. Joes athletic program has been recognized throughout Western New York for their dominance in athletics; and

WHEREAS, *Tyler Smart*, senior lacrosse star, received another accolade in his lacrosse career, being named the Monsignor Martin Player of the Year; and

WHEREAS, Tyler leaves St. Joe's as the career leader in points (300), assists (123) and also holds the single season record for points (111); and

WHEREAS, Tyler has been a long-time standout player, tallying 65 goals and 45 assists as a senior as the Marauders won their seventh consecutive league title; and

WHEREAS, as a result of his exceptional skill set, Tyler was a Three-time All-WNY and All-Catholic first-team selection; and

WHEREAS, Tyler earned the honors of being named a U.S. Lacrosse All-American, a well-deserved recognition.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations to *Tyler Smart* on being named the Monsignor Martin Player of the Year and best wishes on his future athletic career and many more accolades to come.

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

Hon. John A. Bargnesi Jr.
Erie County Legislator, 4th District

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

KOOSHOIAN & BARGNESI

Congratulating and Honoring Levi Roest Named First Team
All-Western New York, Lacrosse - 2023 (St. Joes)

Attachments

Levi Roest

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

EC LEG AUG 1 '23 PM 5:38

BUFFALO, NY, JULY 26, 2023

*Congratulating and Honoring Levi Roest
Named First Team All-Western New York, Lacrosse- 2023 (St. Joes)*

WHEREAS, the St. Joes athletic program has been recognized throughout Western New York for their dominance in athletics; and

WHEREAS, *Levi Roest*, senior lacrosse star, received another accolade in his lacrosse career, being named the First Team All-Western New York (Lacrosse); and

WHEREAS, with 29 goals, 23 assists and 23 groundballs, Levi helped the Marauders to a 16-5 record, 12-0 in Monsignor Martin, and another league championship; and

WHEREAS, as a result of his exceptional skill set, Levi was also selected to the All-Catholic first team and won the team's Perseverance Award; and

WHEREAS, Levi will continue his athletic career at Lander University in South Carolina.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations to *Levi Roest* on being named First Team All-Western New York and best wishes on his future athletic career and many more accolades to come.

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

Hon. John A. Bargnesi Jr.
Erie County Legislator, 4th District

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

KOOSHOIAN & BARGNESI

Congratulating and Honoring Sebastian Latorre Named First
Team All-Western New York, Lacrosse - 2023 (St. Joes)

Attachments

Sebastian Latorre

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, JULY 26, 2023

EC LEG AUG 1 '23 PM 5:38

*Congratulating and Honoring Sebastian Latorre
Named First Team All-Western New York, Lacrosse- 2023 (St. Joes)*

WHEREAS, the St. Joes athletic program has been recognized throughout Western New York for their dominance in athletics; and

WHEREAS, *Sebastian Latorre*, junior lacrosse star, received another accolade in his lacrosse career, being named the First Team All-Western New York (Lacrosse); and

WHEREAS, 67 ground balls, caused 28 turnovers and added six assists, Sebastian helped the Marauders to a 16-5 record, 12-0 in Monsignor Martin, and another league championship; and

WHEREAS, his favorite moment from the season was beating Canisius to win the program's seventh straight Monsignor Martin championship; and

WHEREAS, Sebastian will continue to take his talents to new heights next season as a senior for the Marauders with the goal of leading St. Joes to an 8th consecutive Monsignor Martin Championship.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations to *Sebastian Latorre* on being named First Team All-Western New York and best wishes on his future athletic career and many more accolades to come.

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

Hon. John A. Bargnesi Jr.
Erie County Legislator, 4th District

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

BASKIN & JOHNSON

Acknowledging and Honoring National Senior Citizens Day

Attachments

National Senior Citizens Day

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 21, 2023

EC LEG AUG 2 '23 PM12:37

Acknowledging and Honoring National Senior Citizens Day

WHEREAS, August 21st is *National Senior Citizens Day*, a day that recognizes seniors who have spent their lives contributing to society and have impacted everyone's lives for the better; and

WHEREAS, this day provides an opportunity to show our appreciation for their dedication, accomplishments, and services they have given throughout their lives; and

WHEREAS, regardless of their careers, these elders played an essential role in our childhood; and

WHEREAS, this day is also created to bring awareness of social, health, and economic issues that affect senior citizens; and

WHEREAS, moving forward, we must ensure that older Americans have the appropriate resources to maintain their independence and stay connected to their communities; and

WHEREAS, this Honorable Body will forever remember and respect senior citizens as noble and remarkable individuals who we honor today for their advice, knowledge and wisdom.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby acknowledges *National Senior Citizens Day* and sends much love and support to all programs, celebrate their achievements, recommit to providing our elders with the support and services they need to thrive and age with dignity.

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

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

BASKIN & JOHNSON

Honoring National Black Business Month (August 2023)

Attachments

Black Business Month

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 1, 2023

EC LEG AUG 2 '23 PM 12:37

Honoring National Black Business Month (August 2023)

WHEREAS, every August commemorates and celebrates *National Black Business Month*, a time to acknowledge and appreciate black-owned businesses across the nation and all that they represent in the country's continual striving for diversity and equality; and

WHEREAS, when we celebrate the contribution of black business owners and entrepreneurs, it pays homage to them and their legacies, especially since celebrating this month recognizes the importance of black-owned businesses when it comes to contributing to the nation's economy as well; and

WHEREAS, the primary sectors in which black-owned businesses operate include health care, social work, repair and maintenance, beauty salons, restaurants, and more; and

WHEREAS, Black-owned businesses provide family-supporting jobs and careers to folks across our state, and are essential to the flourishing of local communities and culture; and

WHEREAS, Black-owned businesses have been a steady rise in recent years, which means it's imperative to continue to boost that momentum and lift up the Black-owned businesses that are operating; and

WHEREAS, this month and year-round, we need to recognize the importance of *National Black Business Month* and encourage local government officials and community leaders to continue to focus efforts on supporting Black-owned businesses and create a more hospitable environment in which Black-owned businesses can grow.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body hereby recognize August 2023 as *National Black Business Month* and encourage all individuals to understand the importance of celebrating and shed light on Black ownership and encourage others to support Black-owned businesses.

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

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

VINAL

In Remembrance of John "Jay" A. Loughran Sr.

Attachments

John "Jay" A. Loughran Sr.

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 12, 2023

In Remembrance of John "Jay" A. Loughran Sr.

WHEREAS, Almighty God, in His infinite wisdom, on August 1, 2023, removed from our midst **John "Jay" A. Loughran Sr.**, in whose death we have lost a loving brother, uncle, a valued and respected citizen, and whose family has lost a kind and devoted member; and

WHEREAS, **John "Jay" A. Loughran Sr.**, 4th oldest of 9 children, was born on June 9th, 1950; and

WHEREAS, Jay was a retired plumber for the City of Buffalo; and

WHEREAS, **Jay** truly lived his life to the fullest as a genuine human and a huge fan of the New York Yankees; and

WHEREAS, the love and presence **John Sr.** bestowed upon our community will continue to live on through surviving family members, including his siblings: Marita (Gary) Ronald, Katie (Bernie) Dolan, James (Laura) Loughran, Thomas (Angela) Loughran, Nancy Loughran, Elaine (Bob) Vespucci, Robert (Jeanie) Loughran, Debbie (Jeff) Herman, and many nieces and nephews; and

WHEREAS, through the extensive work he did during his career as a plumber and the love for family, **John** will forever be admired and appreciated as a fine role model to his entire family.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby mourn the passing of **John "Jay" A. Loughran Sr.**, and pauses in its deliberations to recognize his praiseworthy life and his commitment and devotion to the betterment of our community; and be it further

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

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

VINAL

Congratulating and Recognizing Msgr. Pat Keleher on a
Phenomenal Career

Attachments

Msgr. Pat Keleher

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 17, 2023

EC LEG AUG 10 '23 PM 3:39

Congratulating and Recognizing Msgr. Pat Keleher on a Phenomenal Career

WHEREAS, The Newman Center has remained a vital entity, offer students at the University at Buffalo a permanent sacred place for the celebration of the Word, Sacraments, prayer, community building and so much more; and

WHEREAS, for over three decades, *Pat Keleher* has devoted himself to guide and support students throughout the University at Buffalo as the Director and Campus Minister at the Newman Center; and

WHEREAS, also under his tenure, Pat established the Friends of Newman North, an organization committed to advance John Cardinal Newman's vision, which has been so beautifully nurtured and grown by his inspired leadership; and

WHEREAS, respected by many, Pat was known as "the rock star of the Diocese"; and

WHEREAS, through Pats efforts, the Friends of Newman North remains a strong and vibrant Catholic campus ministry community around UB; and

WHEREAS, Pat loves literature, the arts, poetry, and travel when not busy here presiding masses, running events, and driving the Newman Center bus; and

WHEREAS, after 35 years leading UB's Catholic Campus Ministry, Father Pat officially retired as Director of the UB Newman Center; and

WHEREAS, this Honorable Body desires to acknowledge and recognize individuals such as *Pat Keleher*, who enhance, represent, and serve their community.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body thanks *Pat Keleher* for his exceptional work ethic, the dedication to the students at the University at Buffalo and his impact as the Director of the Newman Center and wishes him the very best wishes on his retirement and commends him on a career well-served.

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

KOOSHOIAN & BARGNESI

Acknowledging Royal Academy of Ballet and Dance -
Celebrating 77 Years in Western New York

Attachments

Royal Academy of Ballet and Dance

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 15, 2023

*Acknowledging Royal Academy of Ballet and Dance
Celebrating 77 Years in Western New York*

WHEREAS, The *Royal Academy of Ballet*, currently located at 949 Englewood Avenue, was founded by Ginger Burke, Buffalo's Grand Dame of Ballet; and

WHEREAS, for 77 years, The Royal Academy of Ballet and Dance has been teaching dance excellence to WNY since 1947; and

WHEREAS, many of the Royal Academy of Ballet and Dance's students have gone on to dance professionally both nationally and internationally; and

WHEREAS, current Director and owner of the Royal Academy of Ballet, Elizabeth DiStasio-Waddell brings a well-rounded dance education and professional performance experience to her students; and

WHEREAS, for 77 years, *Royal Academy of Ballet and Dance* has been thoroughly working to take advantage of every available opportunity for the purpose of continually advancing the Royal Academy of Ballet and Dance to the next level to ensure that individuals from our community are provided with the chance to experience a culture of exceptional teaching and create their own dancing experience.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations and best wishes to *Royal Academy of Ballet and Dance* as they embark on 77 years of blessing our community; and be it further

RESOLVED, that this Honorable Body extends our appreciation to the instructors and staff of the *Royal Academy of Ballet and Dance* for their hard work and their impact in the City of Buffalo and touching countless individuals throughout Erie County.

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

Hon. John A. Bargnesi Jr.
Erie County Legislator, 4th District

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

GILMOUR

Acknowledging Performance Arts Dance Academy -
Celebrating 34 Years of Business in Western New York

Attachments

Performance Arts Dance Academy

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 15, 2023

*Acknowledging Performance Arts Dance Academy
Celebrating 34 Years of Business in Western New York*

WHEREAS, The *Performance Arts Dance Academy*, currently located at the Lake Street Plaza Street, Hamburg, is a family-owned and operated business and the premier dance school in Hamburg for more than 30 years; and

WHEREAS, after co-owning Fine Arts Academy for four years, Suzanne (Bernas) Mall officially opened Performing Arts Dance Academy in Hamburg Village in the spring of 1994; and

WHEREAS, this dance academy offers a strong curriculum of classical ballet, up-to-date hip-hop and modern classes, and facilities that are clean, secure and accommodating for dancers and parents; and

WHEREAS, in 2004, Performing Arts underwent a major renovation from raising the ceiling to add a mezzanine for viewing classes to adding a large dressing room and a lounge and even added a soundproof music room; and

WHEREAS, this fall, Performing Arts will be offering adult classes for the first time in tap, jazz, ballet and hip-hop; and

WHEREAS, *Performance Arts Dance Academy* has been thoroughly working to take advantage of every available opportunity for the purpose of continually advancing to the next level to ensure that individuals from our community are provided with the chance to experience a culture of exceptional teaching and create their own dancing experience.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations and best wishes to *Performance Arts Dance Academy* as they embark on their 34th year of blessing the Hamburg community and proudly representing Western New York.

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MEYERS

Acknowledging Center Stage Dance Celebrating Its 42nd
Season in Western New York

Attachments

Center Stage Dance

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, AUGUST 15, 2023

EC LEG AUG 30 '23 PM12:35

*Acknowledging Center Stage Dance
Celebrating 42nd Dance Season in Western New York*

WHEREAS, The *Center Stage Dance Studio (CSDS)*, currently located at 4837 Union Road, Cheektowaga, was established in 1982; and

WHEREAS, *Center Stage Dance Studio* prides themselves on giving personal attention to every student; and

WHEREAS, this Dance Studio offers a variety of dance lessons and dance classes including Tap, Jazz, Ballet, Pointe, Contemporary, Hip Hop, Acro and Mommy and Me; and

WHEREAS, in addition, this dance studio has a highly successful, competitive dance team which competes on the Regional and National level; and

WHEREAS, under the leadership on artistic director Annette Iannello – Osinski, students at Center Stage Dance are presented opportunities to perform at Old Home Days, Miss Canal Fest Pageant and many other local events to improve their performance level; and

WHEREAS, *Center Stage Dance Studio* has been thoroughly working to take advantage of every available opportunity for the purpose of continually advancing to the next level to ensure that individuals from our community are provided with the chance to experience a culture of exceptional teaching and create their own dancing experience.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations and best wishes to *Center Stage Dance Studio* as they embark on their 42nd season of blessing our community.

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

JOHNSON

In Remembrance of Russell W. Hayes

Attachments

Russell W. Hayes

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, NY, SEPTEMBER 1, 2023

EC LEG AUG 31 '23 PM4:14

In Remembrance of Russell W. Hayes

WHEREAS, Almighty God, in His infinite wisdom, on August 20, 2023, removed from our midst *Russell W. Hayes* in whose death we have lost a loving father, son, brother, grandson, valued and respected citizen, and whose family has lost a leader, kind and devoted member; and

WHEREAS, *Russell W. Hayes* was born on May 3, 1983 in Buffalo, New York to Russell V. Hayes and the late Cecilia Glover (Price); and

WHEREAS, Russell was well educated in the Buffalo Public School System as a student at Hutchinson Central Technical High School, informally known as "Hutch Tech" and concluded his education at Rochester Institute of Technology (RIT).; and

WHEREAS, growing up, Russell "Russ" Hayes was an accomplished athlete and scholar; and

WHEREAS, Russell served as an active and avid member of Believers International Church (TX), Infinite House of Praise (TX) and Compassion Church (NC); and

WHEREAS, this young man possessed a strong work ethic and dedication that led him to many successful business ventures which allowed him to bless countless friends, family and those in need; and

WHEREAS, his selflessness and generosity were the features of his warm personality; and

WHEREAS, Russell had an unassuming and disarming smile that put anyone at ease; and

WHEREAS, Russell filled each room he walked into with laughter, loyalty and kind words; and

WHEREAS, as a young man who blessed this Earth for 40 fruitful years, Russell cherished and valued his family and the countless friendships made throughout high school, work and throughout our community; and

WHEREAS, Russell was special and represented the good that we all need every day in our lives; and

WHEREAS, his love blessed the hearts of many, especially his children, his parents, grandparents and many others with his respect, infectious personality, a lovable sense of humor, and he never hesitated to let people know that he loved them, which left those feeling an immeasurable warmth in their soul; and

WHEREAS, as a man of God and father of four, Russell was a devoted protector and wonderful provider of his children and truly adored his siblings, which will continue to remain a love that will live on; and

WHEREAS, Russell's life and legacy will continue to prosper on Earth through his loving children, Neveah, Sincere, Kevin, Selah and Semaj; his father, Russell V. Hayes; his devoted siblings, Petrina Price, Angela Dawn Carbajal, Darcel Martinez, Matthew (Andrea), Gissentanna, Christina Kimble and Noal Daniel; his grandfather, Theodore Price, his aunts, uncles, cousins and many, many friends who loved him dearly; and

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

NOW, THEREFORE, BE IT

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

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

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

JOHNSON

Acknowledging the Randy Coates Sr. Charity Basketball
Game - Celebrating the Life of Randy Coates Sr.

Attachments

Randy Coates Sr.

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

EC LEG AUG 31 '23 PM 4:15

*Acknowledging the Randy Coates Sr. Charity Basketball Game
Celebrating the Life of Randy Coates Sr.*

WHEREAS, *Randy Coates Sr.* was born and raised in the City of Buffalo, a city where he developed a love for sports; and

WHEREAS, he achieved tremendous success in football and track at East High School in the late 1960's, early 1970's; and

WHEREAS, once Randy graduated, he joined the Army in 1975 and was stationed at Fort Huachuca, Arizona and

WHEREAS, after his stint in the Army, Randy grew a deep passion for coaching basketball and started his basketball coaching journey by coaching in the Randy Smith Summer Basketball League; and

WHEREAS, having the ability to teach the game of basketball to youth created a very joyous experience for Randy, not only in teaching the game of basketball to the youth, but he also taught life lessons that these players would carry with them later in life, and

WHEREAS, his next journey would take Randy into coaching women's college basketball in becoming the Head Coach at Daemen College and continued his journey coaching at Hilbert College as an Assistant Coach; and

WHEREAS, in 1989, Randy Coates Sr. started working at the Westside Community Center where he continued to coach basketball; and

WHEREAS, in 1990, Randy began his career at the Boys & Girls Clubs Bailey-Doat and during his tenure, Randy formed great relationships with the youth to create a basketball team that won several Randy Smith Summer Basketball League Championships; and

WHEREAS, in 1992, Randy Coates Sr. worked at the Masten Boys & Girls Club as the Program Director and later promoted to Director; and

WHEREAS, at Masten, Randy continued using effective interactions with the youth by creating in house basketball and football leagues, introducing video games to the youth by bringing his own games to the facility for kids to play, and so much more; and

WHEREAS, Mr. Coates coached basketball for more than 30 years, and had been appointed the freshmen boys basketball coach at Cardinal O'Hara High School; and

WHEREAS, Randy has encouraged these young men and women to achieve success in their youth and many have continued this success through adulthood; and

WHEREAS, today, we also honor, remember the life and impact Randy Sr. bestowed upon our community with his unwavering support in coaching and mentoring youth; and

WHEREAS, today, September 2, 2023, this Honorable Body would like to celebrate the life of Randy Coates Sr. and acknowledge the Randy Coates Sr. Charity Basketball Game in appreciation for his devotion in blessing generations of youth, commitment to the community, and for the betterment of the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby honor the life and legacy of Randy Coates Sr. and extend a well-deserved acknowledgment to Ronnell, his children, family members and those community leaders who contributed their time to provide our community with an exceptional event for such an icon that Randy Sr. was to the City of Buffalo and Erie County.

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

JOHNSON

In Remembrance of Tiffany Lynn Caver-Pugh

Attachments

Tiffany Lynn Caver-Pugh

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

EC LEG SEP 2 '23 AM 11:42

In Remembrance of Tiffany L. Caver - Pugh

WHEREAS, Almighty God, in His infinite wisdom, on August 25, 2023, removed from our midst, *Tiffany Lynn Caver - Pugh*, in whose death we have lost a loving mother, daughter grandmother, sister, valued and respected citizen, and whose family has lost a leader, and a kind and devoted member; and

WHEREAS, *Tiffany Lynn Caver - Pugh*, a Buffalo native and youngest of four children, was born on March 11, 1978 to the lovely Karen McCullough-Caver and the late Isaac B. Caver; and

WHEREAS, Tiffany was educated in the Buffalo Public School system, attending BPS #17, BPS #74 and graduated from Bennett High School in 1996; and

WHEREAS, at a very young age, Tiffany was baptized at the first Shiloh Missionary Baptist under Reverend Elijah J. Echols Jr; and

WHEREAS, her journey in life and strong relationship with Jesus allowed Tiffany to find the right in any situation; and

WHEREAS, Tiffany, along with her family would become founding members of Free Spirit Missionary Baptist Church and remained a very active member until her passing; and

WHEREAS, her favorite saying to her mother was always "what would Jesus do"; and

WHEREAS, for almost two decades, Tiffany demonstrated a sincere commitment and strong work ethic as a an employee at Aspire of Western New York (since 2006), and advanced to management in 2021; and

WHEREAS, in addition, Tiffany also held managerial positions with Lady Footlocker and The Nike Outlet in Niagara Falls, New York; and

WHEREAS, Tiffany was a no-nonsense person and wise beyond her years; and

WHEREAS, Tiffany was as a loving, caring and compassionate person; and

WHEREAS, Tiffany possessed a beautiful smile and would light up the room with her dance moves and her delicious cooking; and

WHEREAS, she found her greatest joy in her new granddaughter whom she affectionately called "P" or her "CinnaBun", "Honey Bun"; and

WHEREAS, Tiffany would debate with her siblings very and as the youngest, she did not back down in what she believed was right; and

WHEREAS, through her warmth, kind spirit and pleasant personality, Tiffany was loved by many and made a lifelong transformation in the lives of others; and

WHEREAS, after forty-five fruitful and joyous years on this Earth, Tiffany now rests peacefully, and was preceded in death by father, Issac B. Caver Sr.; stepfather, Roosevelt Dudley; grandmother, Evelyn Moss-Motley and two grandfathers; and

WHEREAS, Tiffany's beautiful life and rich legacy will forever be cherished in the lives of her beloved daughter, Teondra M. Barclay (Shaheed Battles); devoted mother, Karen Dudley; her precious granddaughter, Princess Zhara Delaine Battles; one sister, Felicia N. Williams; two brothers, Eric Shegog (Ginger) of Jacksonville, Florida and Isaac B. Caver Jr.; aunts, Deborah Ejimifor of Winston Salem, North Carolina; great aunts, Teresa Johnson and Candy Hayne; uncle, Dexter Moss; nieces and nephews, Kayla Shegog (Jacksonville, Florida), Brandon Caver, Keyon Shegog (Jacksonville, Florida) and Tomareia Degree; one great niece, Aurora Nguyen (Jacksonville, Florida); cousins, Dexter Moss, Jason Moss, and Lauris Robinson (Gezelle); a host of Caver family members; three bonus aunts, Adriane Fisher, Regina McFadden (Colorado Springs, Colorado), Kattie Lipscomb and a host of other cousins, more relatives and many friends; and

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of *Tiffany Lynn Caver - Pugh* whose lifelong dedication to God, family and community are an inspiration to be admired, emulated and honored.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby mourn the passing of *Tiffany Lynn Caver - Pugh* and pause in its deliberations to recognize her praiseworthy life, her love for the Lord, her family and for her commitment and devotion to the betterment of our community; and be it further

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



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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

KOOSHOIAN & BARGNESI

Congratulating and Honoring Evan Gallo Named The First
Team All-Western New York, Lacrosse - 2023 (St. Joes)

Attachments

Evan Gallo

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY

BUFFALO, NY, AUGUST 1, 2023

EC LEG SEP 5 '23 AM 9:54

*Congratulating and Honoring Evan Gallo
Named First Team All-Western New York, Lacrosse- 2023 (St. Joes)*

WHEREAS, the St. Joes athletic program has been recognized throughout Western New York for their dominance in athletics; and

WHEREAS, *Evan Gallo*, senior lacrosse star, received another accolade in his lacrosse career, being named the First Team All-Western New York (Lacrosse); and

WHEREAS, the Marauders' last line of defense and more often than not, Evan was making crucial plays, ending his career by saving 67% of shots and having 600 career saves; and

WHEREAS, Evan has won virtually every honor, selected three times as a U.S. Lacrosse All-American, All-Catholic first teamer and All-WNY first team; and

WHEREAS, Evan will continue his lacrosse career as an incoming freshman at St. Bonaventure.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and extend our congratulations to *Evan Gallo* on being named First Team All-Western New York and best wishes on his future athletic career and many more accolades to come.

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

Hon. John A. Bargnesi Jr.
Erie County Legislator, 4th District

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

JOHNSON

In Remembrance of LaVonia Marie Norman-Green

Attachments

LaVonia Marie Norman-Green

EC LEG SEP 5 '23 AM 9:54

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

In Remembrance of LaVonia Marie Norman-Green

WHEREAS, Almighty God, in His infinite wisdom, on August 29, 2023, removed from our midst *LaVonia Marie Norman-Green* in whose death we have lost a loving mother, grandmother, sister, valued and respected citizen, and whose family has lost a leader, kind and devoted member; and

WHEREAS, Lavonia Marie Norman-Green, affectionately known as “Bonnie”, was born on December 26, 1962 in Tucson, Arizona to the late La Marr Norman and Marion Jones; and

WHEREAS, early on, LaVonia spent her formative and adolescent years in Buffalo, New York; and

WHEREAS, LaVonia accepted Christ at an early age as and was baptized at the Emmanuel Temple Seventh-Day Adventist Church in Buffalo, New York, under the leadership of Pastor Harold Kibble; and

WHEREAS, during her high school years, she participated in track and field; and

WHEREAS, LaVonia developed a passionate interest in furthering her education, which led her to attend Oakwood University, enrolled and completed medical courses of study at BOCES School of Practical Nursing and Brookdale Community College (Phlebotomy Technician); and

WHEREAS, her extensive work resume includes employment at Old Bridge Regional Hospital, Bayada Nurses, Raritan Bay Medical Center, Trinitas Hospital, Elizabeth Nursing Rehabilitation, Plaza Nursing Rehabilitation and Aspire Nursing and Rehabilitation of Western New York; and

WHEREAS, on December 30, 1988, LaVonia married the love of her life, Pastor Kenneth L. Green and from their union in marriage, one son and three daughters were born and loved unconditionally; and

WHEREAS, LaVonia enjoyed cooking healthy meals, sewing, traveling, interior decorating, loved the smell of perfume, colognes and scented candles; and

WHEREAS, she had such a passionate love for animals, that her husband endeared her with the title, ‘St. Francis of Assisi’ (lover of animals); and

WHEREAS, through her warmth, kind spirit and pleasant personality, LaVonia was loved by many and made a lifelong transformation in the lives of others; and

WHEREAS, her pets (especially “Dandy” and “Kobe”) became very important members of the family; and

WHEREAS, after sixty fruitful and joyous years on this Earth, LaVonia now rests peacefully, and was preceded in death by father, La Marr Norman and daughter, Aletheia Green Maddox; and

WHEREAS, LaVonia’s beautiful life and rich legacy will forever be cherished in the lives of her devoted husband, Kenneth Green; her mother, Marion Fletcher; two daughters, Di-Shon Gibson and Andrea (Eric) Bennett; one son, Kenneth Green Jr. ;five sisters, Ta Marra (Joy) Norman, Brenda Stubblefield, Danis Gehl (Scott), Virginia Hoopengartner, and Rebekah Mingo; two brothers, Ken (Gwen) Norman and La Marr (Pamela) Norman Jr.; one uncle, Thomas Jones; nine grandchildren, Darly Richardson, Elijah Green, Kaleb Green, Saleia Maddox, Wesley Maddox, Di-Liyah Gibson, Ari Bennett, Ashlen Bennett, Eric Bennett Jr, and a host of relatives and friends; and

WHEREAS, it is the sense of this Legislative Body to honor and pay tribute to the life of *LaVonia Marie Norman-Green* whose lifelong dedication to God, family and community are an inspiration to be admired, emulated and honored.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby mourn the passing of *LaVonia Marie Norman-Green* and pause in its deliberations to recognize her praiseworthy life, her love for the Lord , her family and for her commitment and devotion to the betterment of our community; and be it further

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

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

GREENE

Honoring and Congratulating Detective Mark Pitirri on His Retirement

Attachments

Detective Mark Pitirri

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring and Congratulating Detective Mark Pitirri on his Retirement

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

WHEREAS, for 29 years, *Detective Mark Pitirri* has provided distinguished service to the Amherst Police Department, the residents of the Village of Williamsville, the Town of Amherst, and the many businesses and organizations located in our community; and

WHEREAS, *Detective Mark Pitirri* began his law enforcement career as a police officer in 1994, was assigned to the Family Offence Unit in 2008, and in 2010 promoted to Detective working in the Special Victims Unit and the General Crimes Unit; and

WHEREAS, *Detective Mark Pitirri* was a member of the Crisis Negotiation Unit and a founding member of the Western New York Law Enforcement Hotline; and

WHEREAS, *Detective Mark Pitirri* received the Lieutenant Joseph Adamy Officer of the Year Honorable Mention, the Distinguished Service Award, and the Captain Donald Wright Sr. Award; and

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

WHEREAS, *Detective Mark Pitirri's* leadership and communication skills inspired the more than 150 sworn officers and 35 employees of the Amherst Police Department who ensure the Town of Amherst remains one of the safest communities in the United States.

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

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MILLS

Congratulations to Yiannis Corner Nook Cafe on Its Grand
Opening

Attachments

Yiannis Corner Nook Caf©

STATE OF NEW YORK EC LEG SEP 1 '23 PM 1:15

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., SEPTEMBER 7, 2023, A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

Congratulations to Yiannis Corner Nook Café on its Grand Opening

WHEREAS, The Erie County Legislature seeks to honor individuals and institutions of Erie County who enhance the quality of life in the community through their efforts by thinking big, taking risks, and working hard; and

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

WHEREAS, when we support small businesses, jobs are created and local communities preserve their unique culture and heritage; and

WHEREAS, **John and Sue Ananiadis**, the friendly faces behind the beloved Custard Lite in Orchard Park for over twenty years, are now embarking on a brand-new adventure with **Yiannis Corner Nook Café**, located at 5407 South Abbott Road in Orchard Park, New York; and

WHEREAS, **John and Sue Ananiadis** celebrated the Grand Opening of "**Yiannis Corner Nook Café**" on August 16, 2023; and

WHEREAS, **Sue and John Ananiadis** realized their dream by creating a cozy café, where they are cooking up family recipes that have been passed down through generations, like mouth-watering souvlakis and creamy rice pudding; and

WHEREAS, **Sue and John** pride themselves on providing the community with quality service and a friendly place to gather with friends.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to congratulate **Sue and John Ananiadis**, owners of **Yiannis Corner Nook Cafe**, for their entrepreneurial spirit and commitment to excellence and wish them many years of success.

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MILLS

Celebrating Springville Pediatrics 50th Anniversary

Attachments

Springville Pediatrics

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in the Old County Hall, in the City of Buffalo, on the 7th day of September 2023, a resolution was adopted, of which the following is a true copy:*

Celebrating Springville Pediatrics 50th Anniversary

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

WHEREAS, **Springville Pediatrics** has been a cornerstone of care for children in Springville and surrounding communities, providing vital services for five decades; and

WHEREAS, founded in 1973 by Dr. Gerald E. Daigler, **Springville Pediatrics** has grown from its humble beginnings to become a model of dedication and innovation in pediatric medicine; and

WHEREAS, throughout the years, **Springville Pediatrics** has remained committed to comprehensive care, preventive medicine, and community engagement, forging a healthier future for our children; and

WHEREAS, **Springville Pediatrics** embodies the spirit of community partnership through its active collaboration with schools and organizations to extend its touch far beyond its office walls; and

WHEREAS, **Springville Pediatrics'** exceptional team of doctors, nurses, and professional staff have demonstrated unwavering compassion and excellence in patient care; and

WHEREAS, **Springville Pediatrics'** dedication transcends geography, with a satellite office in Arcade and affiliations that benefit patients throughout Southern Erie County; and

WHEREAS, **Springville Pediatrics'** resilience in the face of challenges is a testament to their commitment to our children's health.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to celebrate **Springville Pediatrics'** fifty years of committed service and commend the founders, doctors, nurses, and staff for their tireless dedication, compassionate care, and lasting impact.

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MILLS

Recognizing Operation Good Neighbor on National Food
Bank Day

Attachments

Operation Good Neighbor

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Operation Good Neighbor on National Food Bank Day

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

WHEREAS, the first Friday of September is recognized as **National Food Bank Day** in the United States and is a day to observe the outstanding service that local food banks provide to help end hunger across America; and

WHEREAS, **Operation Good Neighbor** has served Western New York communities, including Evans, Angola, Derby, North Evans, Brant, Farnham, Eden, and Lake View, for over forty years, providing essential support to those in need; and

WHEREAS, with Executive Director William Bateman and Business Manager Claudette Abshire, **Operation Good Neighbor's** leadership is dedicated to its mission of compassion and care; and

WHEREAS, **Operation Good Neighbor's** tireless efforts distribute over nine meals per family member weekly, benefiting three hundred thirty individuals and one hundred thirty-five families, with an average food distribution value of \$26,700; and

WHEREAS, **Operation Good Neighbor's** partnership with FeedMore WNY enhances its reach and amplifies its impact; and

WHEREAS, operated by dedicated volunteers, **Operation Good Neighbors** embodies the spirit of service and compassion.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to proclaim **September 1, 2023**, as **National Food Bank Day in Erie County** and recognize **Operation Good Neighbor's** significant contributions and impact in the community.

JOHN J. MILLS

Minority Leader

Erie County Legislator, 11th District

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

GREENE

Honoring and Congratulating Detective James Doane on His Retirement

Attachments

Detective James Doane

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring and Congratulating Detective James Doane on his Retirement

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

WHEREAS, for 28 years, *Detective James Doane* has provided distinguished service to the Amherst Police Department, the residents of the Village of Williamsville, the Town of Amherst, and the many businesses and organizations located in our community; and

WHEREAS, *Detective James Doane* began his law enforcement career as a police officer in 1995, was promoted to Investigator in the Accident Investigation Unit in 2009, and Detective in 2010; and

WHEREAS, *Detective James Doane* served as a member of the Honor Guard and a Field Training Officer; and

WHEREAS, *Detective James Doane* received the Muck Officer of the Year Honorable Mention Award and the department's Merit Award; and

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

WHEREAS, *Detective James Doane's* leadership and communication skills inspired the more than 150 sworn officers and 35 employees of the Amherst Police Department who ensure the Town of Amherst remains one of the safest communities in the United States.

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

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MILLS

Recognizing Dylan Evans as 2022-2023 Orchard Park Bee
Male Athlete of the Year

Attachments

Dylan Evans

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

Recognizing Dylan Evans
2022-2023 Orchard Park Bee Male Athlete of the Year

WHEREAS, the Erie County Legislature is pleased to honor exceptional individuals in our community who excel in their athletic and academic endeavors; and

WHEREAS, Dylan Evans has been named **The Orchard Park Bee 2022- 2023 Male Athlete of the Year**; and

WHEREAS, Dylan Evans graduated this past June from Orchard Park High School and was a member of both the Orchard Park Quakers Varsity Football and Basketball Teams; and

WHEREAS, Dylan's exceptional athleticism, leadership, and dedication have left an indelible mark on his school's sports program; and

WHEREAS, Dylan Evans contributions to the Orchard Park Quakers Varsity Football Team are highlighted by his remarkable achievements on the field, including holding nearly every receiving record in the Orchard Park record book; and

WHEREAS, Dylan Evans demonstrated exceptional leadership as captain of the Orchard Park Quakers Basketball Team during his senior year, guiding his team to an outstanding season and setting a commendable example for his teammates and peers; and

WHEREAS, Dylan Evans will continue his career playing college football for the University of New Hampshire, where his dedication and skills will undoubtedly contribute to the Wildcats' success.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Dylan Evans** and recognize him as being named the **2022-2023 Orchard Park Bee Male Athlete of the Year**.

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

TODARO

Recognizing Aaron Gasiewicz as the 2023 Lancaster Depew
Bee Male Athlete of the Year

Attachments

Aaron Gasiewicz

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

Recognizing Aaron Gasiewicz
2023 Lancaster Depew Bee Male Athlete of the Year

WHEREAS, the Erie County Legislature is pleased to honor exceptional individuals in our community who excel in their athletic and academic endeavors; and

WHEREAS, Aaron Gasiewicz has been named the Lancaster Depew Bee 2023 Male Athlete of the Year; and

WHEREAS, Aaron Gasiewicz graduated this past June from Lancaster Central High School and was a member of the Lancaster Legends Mens Varsity Swim Team; and

WHEREAS, Aaron Gasiewicz was a key player in setting the tone for not only his season but the Legends, as well; and

WHEREAS, at this year's state championship, Mr. Gasiewicz was at the top of his game, becoming Section VI's first double-winner since 2010; and

WHEREAS, in addition to this year's success, Aaron Gasiewicz won three state titles in his career as a swimmer for the Legends, including back-to-back 200-yard individual medley titles in both 2022 and 2023; and

WHEREAS, Aaron Gasiewicz is currently attending University of Kentucky on a swimming scholarship.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor Aaron Gasiewicz's career, recognize him as being named the **2023 Lancaster Depew Bee Male Athlete of the Year**, and wish him continued success in his academic and athletic endeavors.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

GREENE

Honoring and Congratulating K9 Officer Richard Caito on His Retirement

Attachments

Richard Caito

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September, 2023 A.D., a resolution was adopted, of which the following is a true copy:

Honoring and Congratulating K9 Officer Richard Caito on his Retirement

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

WHEREAS, for 20 years, **K9 Officer Richard Caito** has provided distinguished service to the Amherst Police Department, the residents of the Village of Williamsville, the Town of Amherst, and the public and private entities located in our community; and

WHEREAS, **K9 Officer Richard Caito** began his law enforcement career with the Buffalo Municipal Housing Authority Police Department before being hired with the Amherst Police Department in 2003, was assigned as a K9 Officer in 2018 and partnered with K9 Harley; and

WHEREAS, **K9 Officer Richard Caito** served as a Student Liaison Officer, Field Training Officer and was a member of the Honor Guard and Crisis Intervention Team; and

WHEREAS, **K9 Officer Richard Caito** received the Departmental Merit Award; and

WHEREAS, throughout each step of his career, **K9 Officer Richard Caito** exhibited honesty, creativity, confidence, resilience, accountability, and decisiveness, all characteristics that contributed to his success as a law enforcement leader; and

WHEREAS, **K9 Officer Richard Caito's** leadership and communication skills inspired the more than 150 sworn officers and 35 employees of the Amherst Police Department who ensure the Town of Amherst remains one of the safest communities in the United States.

NOW, THEREFORE BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and congratulate **K9 Officer Richard Caito** on his retirement and wish him all the best in his future endeavors.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

GREENE

Honoring and Congratulating K9 Officer Nicholas Scioli on
His Retirement

Attachments

Nicholas Scioli

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September, 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Honoring and Congratulating K9 Officer Nicholas Scioli on his Retirement

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

WHEREAS, for 20 years, *K9 Officer Nicholas Scioli* has provided distinguished service to the Amherst Police Department, the residents of the Village of Williamsville, the Town of Amherst, and the public and private entities located in our community; and

WHEREAS, *K9 Officer Nicholas Scioli* began his career in the patrol division with the Amherst Police Department in 2003, was assigned as a K9 Officer in 2018 and partnered with K9 Droopy; and

WHEREAS, *K9 Officer Nicholas Scioli* served as a field training officer during his time with the department; and

WHEREAS, *K9 Officer Nicholas Scioli* received the Amherst Bee Officer of the Year, Chief Evans Officer of the Year Runner-up, and several Meritorious Service Awards; and

WHEREAS, throughout each step of his career, *K9 Officer Nicholas Scioli* exhibited honesty, creativity, confidence, resilience, accountability, and decisiveness, all characteristics that contributed to his success as a law enforcement leader; and

WHEREAS, *K9 Officer Nicholas Scioli's* leadership and communication skills inspired the more than 150 sworn officers and 35 employees of the Amherst Police Department who ensure the Town of Amherst remains one of the safest communities in the United States.

NOW, THEREFORE BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor and congratulate *K9 Officer Nicholas Scioli* on his retirement and wish him all the best in his future endeavors.

CHRISTOPHER D. GREENE
Erie County Legislator, District 6

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

TODARO

Recognizing and Honoring Diane Trzaska as Recipient of the
President's Volunteer Service Award

Attachments

Diane Trzaska

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023, A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Recognizing and Honoring Diane Trzaska as Recipient
of the President's Volunteer Service Award**

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

WHEREAS, the American Association of Retired Persons hosted its annual meeting this past June 2023 in Washington D.C. and honored this year's recipients of the President's Volunteer Service Award; and

WHEREAS, the President's Council on Service and Civic Participation founded the President's Volunteer Service Award in 2003 to recognize the important role of volunteers in America's strength and national identity; and

WHEREAS, this award honors individuals whose service positively impacts communities in every corner of the nation and inspires those around them to act, too; and

WHEREAS, it is with great pleasure and excitement that we recognize **Diane Trzaska** of Lancaster, New York as the recipient of the 2023 President's Volunteer Service Award; and

WHEREAS, in addition to this year's President's Award, **Diane Trzaska** was previously honored with the Bronze Award for volunteering between 100 and 249 hours during the 2021-22 school year with the Experience Corps Buffalo literacy tutor/mentor program, administered by Read to Succeed Buffalo (RTSB) in partnership with the Buffalo Public Schools.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor **Diane Trzaska** on receiving the **American Association of Retired Persons' 2023 President's Volunteer Service Award** and thank her for her service to the community.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

TODARO

Remembering the Life of Judge Timothy Dwan

Attachments

Judge Timothy Dwan

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023 A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Remembering the Life of Judge Timothy Dwan

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

WHEREAS, **Judge Timothy Dwan** was a decorated combat veteran, distinguished lawyer, college professor, swimming instructor and town justice for over three decades; and

WHEREAS, he was a native of Connecticut and he moved to Lancaster in 1964; and

WHEREAS, he attended Niagara University on a swimming scholarship while earning his undergraduate degree, he received his master's degree from the University of Pennsylvania in 1965; and

WHEREAS, after earning his degree **Judge Dwan** served in the military as a first lieutenant of an infantry platoon during the Vietnam War from 1965 to 1967 earning the Bronze Star, Combat Infantryman Badge and two Army Commendation Medals; and

WHEREAS, following his active duty military service, **Judge Dwan** continued his education and earned his law degree from the UB School of Law in 1970 and began serving as Deputy Town Attorney in Lancaster from 1972 to 1975; Town Justice from 1975 to 2007 and a Depew Village Justice for over fifteen years, earning a reputation as a firm, yet fair jurist; and

WHEREAS, in addition to his service as an attorney and justice, **Judge Dwan** spent 33 years as a professor at Erie Community College, teaching criminal law and criminal procedure, while preparing the next generation of young legal professionals.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to remember the life of **Judge Timothy Dwan** and recognize his many years of service and dedication to the residents of Erie County.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

TODARO

Recognizing Kaylee Krysztof as the 2023 Lancaster Depew
Bee Female Athlete of the Year

Attachments

Kaylee Krysztof

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023 A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

Recognizing Kaylee Kryzstof
2023 Lancaster Depew Bee Female Athlete of the Year

WHEREAS, the Erie County Legislature is pleased to honor exceptional individuals in our community who excel in their athletic and academic endeavors; and

WHEREAS, Kaylee Kryzstof is the Lancaster Depew Bee 2023 Female Athlete of the Year; and

WHEREAS, Kaylee Kryzstof graduated this past June from Depew High School and was a six-year member of the Lady Wildcats Varsity basketball team; and

WHEREAS, she was a three-time ECIC Division III Player of the Year, a McDonald's All-American, and a member of the First Team Class B New York State Sportswriter Association All-State Selection; and

WHEREAS, Kaylee Kryzstof was a key player helping lead the Lady Wildcats to their first-ever Class B Title; and

WHEREAS, last December Kaylee Kryzstof became the first player in Depew history and the sixteenth player in Western New York to reach 2,000 points.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to honor Kaylee Kryzstof's career, recognize her as being named the **2023 Lancaster Depew Bee Female Athlete of the Year**, and wish her continued success in her academic and athletic endeavors.

FRANK J. TODARO
Erie County Legislator, District 8

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MAJORITY & MINORITY CAUCUSES Proclaiming September 17-23, 2023 as Sheriffs' Week in Erie
County

Sheriffs'™ Week Attachments

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023, A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Proclaiming September 17-23, 2023 as
Sheriffs' Week in Erie County**

WHEREAS, the Office of Sheriff has been an integral part of the criminal justice system in New York State and Erie County throughout our history, having been established in the State's first Constitution in 1777 and continued in every succeeding Constitution, and has been one of the original Constitutional offices guaranteed to the People upon the founding of our county; and

WHEREAS, the Erie County Sheriff's Office has been serving the people of Erie County since 1821 and recently celebrated its Bicentennial; and

WHEREAS, the sworn and civilian employees of the Erie County Sheriff's Office work each day to protect and serve the people of Erie County; and

WHEREAS, despite changes in its function, status, and powers during its long history, the Office of Sheriff has maintained a continuous existence, preserved its distinguishing heritage, and continued to be an essential component of our criminal justice community; and

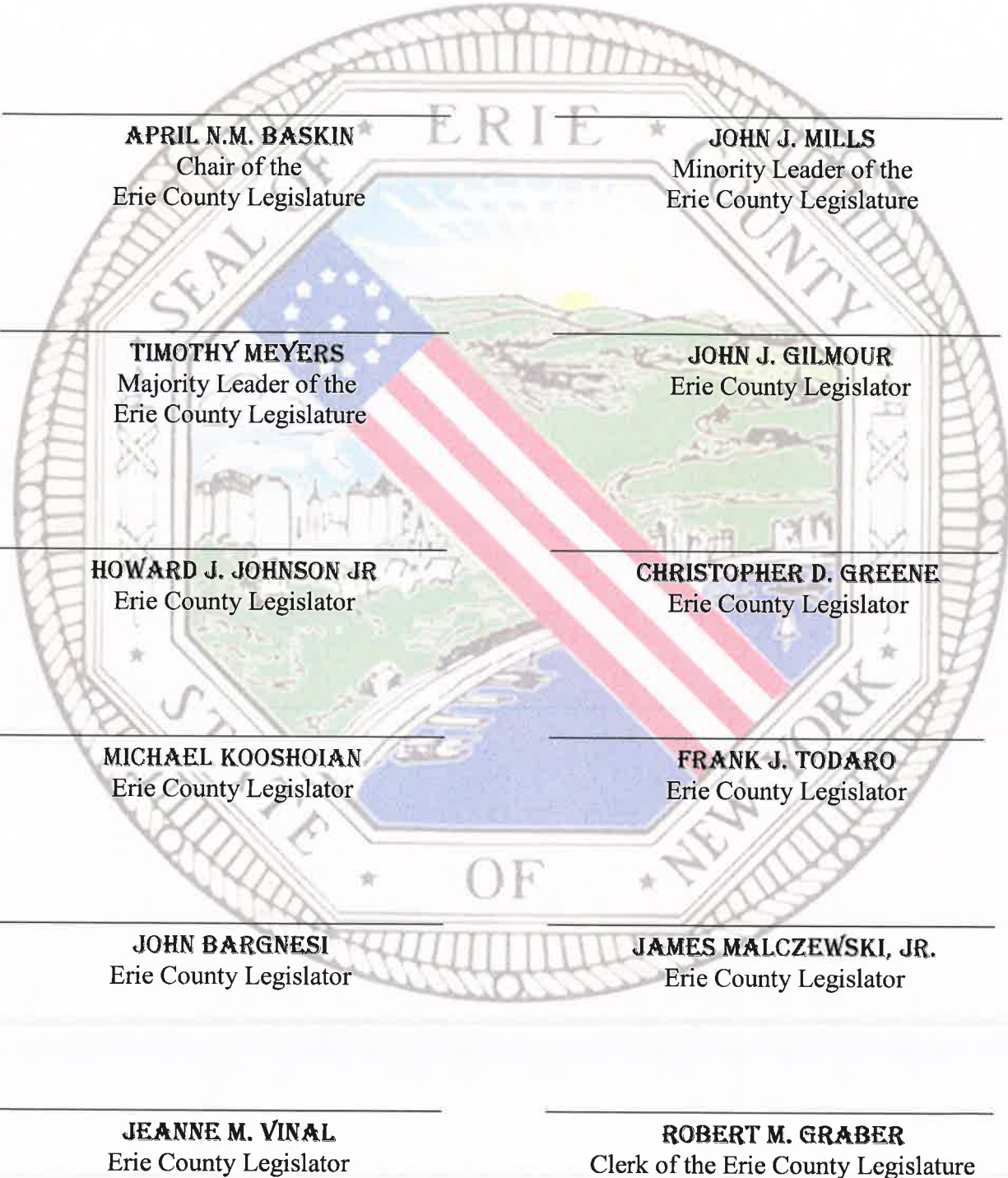
WHEREAS, the Office of Sheriff has evolved into a modern, professional, full-service law enforcement agency, manned by fully trained police officers, using state-of-the-art technology and applying the latest and most advanced theories and practices in the criminal justice field; and

WHEREAS, the Office of Sheriff is unique in the community, and the duties of the Office go far beyond the traditional role of "Keeper of the Peace" and extend into many facets of public service, including maintaining the county jail, providing security in our courts, dispatching emergency services, and serving and executing civil process for our courts; and

WHEREAS, as a Constitutionally empowered Office directly responsible to the People, the ancient Office of Sheriff remains, even today, responsive and accountable to the public it serves; and

WHEREAS, it is fitting to celebrate the historical contributions of the Office of Sheriff and the significant role that the Sheriffs play in our modern criminal justice system,

NOW, THEREFORE BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize the essential services provided to the citizens of this county by Sheriff Garcia and the members of the Erie County Sheriff's Office and proclaim **September 17 to 23, 2023, to be Sheriffs' Week in Erie County.**



APRIL N.M. BASKIN
Chair of the
Erie County Legislature

JOHN J. MILLS
Minority Leader of the
Erie County Legislature

TIMOTHY MEYERS
Majority Leader of the
Erie County Legislature

JOHN J. GILMOUR
Erie County Legislator

HOWARD J. JOHNSON JR
Erie County Legislator

CHRISTOPHER D. GREENE
Erie County Legislator

MICHAEL KOOSHOIAN
Erie County Legislator

FRANK J. TODARO
Erie County Legislator

JOHN BARGNESI
Erie County Legislator

JAMES MALCZEWSKI, JR.
Erie County Legislator

JEANNE M. VINAL
Erie County Legislator

ROBERT M. GRABER
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MAJORITY & MINORITY CAUCUSES Proclaiming September 2, 2023, as Mark Aichinger Day in
Erie County

Mark Aichinger Day Attachments

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., SEPTEMBER 7, 2023, A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

Proclaiming September 2, 2023, as Mark Aichinger Day in Erie County

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

WHEREAS, **Mark Aichinger** is an avid baseball fan and specifically a Buffalo Bisons Baseball fan; and

WHEREAS, **Mark Aichinger** has been a Buffalo Bison season ticket holder since the ballpark opened in 1988 and has become a fan favorite for over twenty-five years as he endears fans, players, and staff to his cheers and jeers; and

WHEREAS, **Mark Aichinger** was named the Bisons' Joe Byron Fan of the Year in 1997 and is a beloved member of the Buffalo Bison community; and

WHEREAS, **Mark Aichinger** was honored by the Buffalo Bison organization because of his super fan status with a ballpark night of celebration that included a bobblehead specially created in his image and given to over two thousand fans, displaying his trademark "You Stink" expression; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature pauses in its deliberations to proclaim **September 2, 2023, as Mark Aichinger Day in Erie County.**

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

APRIL N.M. BASKIN
Chair of the
Erie County Legislature

JOHN J. MILLS
Minority Leader of the
Erie County Legislature

TIMOTHY MEYERS
Majority Leader of the
Erie County Legislature

JOHN J. GILMOUR
Erie County Legislator

HOWARD J. JOHNSON JR
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JOHN BARGNESI
Erie County Legislator

JAMES MALCZEWSKI, JR.
Erie County Legislator

JEANNE M. VINAL
Erie County Legislator

ROBERT M. GRABER
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MAJORITY & MINORITY CAUCUSES Recognizing Mike Randall on His Retirement from WKBW

Attachments

Mike Randall

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023, A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in the County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

Recognizing Mike Randall on His Retirement from WKBW

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

WHEREAS, **Mike Randall** is a native of Western New York, graduated from Kenmore West High School, and after college, became a professional actor performing in dinner theaters across the country; and

WHEREAS, **Mike Randall** performed many roles in his acting career but is best known for his solo performances of Mark Twain Live! And Charles Dickens Presents: A Christmas Carol; and

WHEREAS, **Mike Randall's** broadcasting career began in Roanoke, Virginia, as host of PM Magazine, where he met his wife, Kathy. They have three sons and three grandchildren; and

WHEREAS, **Mike Randall** moved from Roanoke, Virginia, to continue as broadcast host in Hartford, Connecticut, before seeking an opportunity to return to Western New York; and

WHEREAS, **Mike Randall** began his career at WKBW in 1983 as a feature reporter and remained in that role until 1989, when he was asked to fill the position of weekend weather reporter; and

WHEREAS, **Mike Randall** received his Certificate in Broadcast Meteorology from Mississippi State University, earned the Seal of Approval from The American Meteorological Society and the National Weather Association, and enjoyed an opportunity to fill in on ABC's "Good Morning America"; and

WHEREAS, **Mike Randall** became the co-host of Channel 7's first morning show in 1989 and is the longest-tenured on-air personality in the station's history; and

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature pauses in its deliberations to honor and recognize **Mike Randall** on his retirement after forty years of broadcast excellence to the Western New York community.

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

APRIL N.M. BASKIN
Chair of the
Erie County Legislature

JOHN J. MILLS
Minority Leader of the
Erie County Legislature

TIMOTHY MEYERS
Majority Leader of the
Erie County Legislature

JOHN J. GILMOUR
Erie County Legislator

HOWARD J. JOHNSON JR
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FRANK J. TODARO
Erie County Legislator

JOHN BARGNESI
Erie County Legislator

JAMES MALCZEWSKI, JR.
Erie County Legislator

JEANNE M. VINAL
Erie County Legislator

ROBERT M. GRABER
Clerk of the Erie County Legislature

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MALCZEWSKI

Recognizing National Bread of Life Outreach Center on
National Food Bank Day in Erie County

Attachments

National Bread of Life Outreach Center

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY

BUFFALO, N.Y., SEPTEMBER 7, 2023, A.D.

I HEREBY CERTIFY THAT *at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:*

Recognizing Bread of Life Outreach Center on National Food Bank Day in Erie County

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

WHEREAS, the first Friday of September is recognized as **National Food Bank Day** in the United States and is a day to observe the outstanding service that local food banks provide and to recommit to ending hunger across America; and

WHEREAS, St. Mary's Food Bank Alliance, the first organization to operate using the food bank model, was founded by John van Hengel in 1967 as a way to prevent the wastage of groceries through the idea of redistributing unused food to the hungry; and

WHEREAS, in the United States alone, it is estimated that over forty-two million people struggle with food insecurity, and food banks are critical safety nets for these people; and

WHEREAS, the **Bread of Life Outreach Center** was founded in 2009, located in the Town of Colden, and also serves the neighboring communities of Aurora, Boston, Concord, and Holland; and

WHEREAS, the **Bread of Life Food Pantry** is a member of the Food Bank of WNY and is conjoined with Gabe's on the Hill Thrift Shoppe, serving hundreds of families throughout the region to spread generosity, compassion, support, and comfort to anyone who may be in need.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize **September 1, 2023**, as **National Food Bank Day in Erie County** and recognize the men and women who give back every day to feed their neighbors and tackle hunger in our community.

HON. JAMES MALCZEWSKI
Erie County Legislator

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

MALCZEWSKI

Celebrating the Grand Opening of South Wales Brewing
Company

Attachments

South Wales Brewing Company

STATE OF NEW YORK
LEGISLATURE OF ERIE COUNTY
BUFFALO, N.Y., SEPTEMBER 7, 2023, A.D.

I HEREBY CERTIFY THAT at a regular session of the Legislature of Erie County held in Old County Hall, in the City of Buffalo, on the 7th day of September 2023 A.D., a resolution was adopted, of which the following is a true copy:

**Celebrating the Grand Opening of
South Wales Brewing Company**

WHEREAS, the Erie County Legislature wishes to recognize small businesses as a cornerstone of the Western New York economy and the fabric of our community; and

WHEREAS, craft breweries have a unique way of bringing people together, from locals gathering with friends, to strangers connecting over a shared love of their favorite beer or other beverage in an atmosphere that promotes community connection; and

WHEREAS, **South Wales Brewing Company** is currently operated at NateMeg Farm by owners Lloyd DeMario and Amy Graves-DeMario, who have been brewing beer and bottling wine for about ten years on their eighty-acre farm; and

WHEREAS, **South Wales Brewing Company** currently offers four types of beer and a few different wine options in serving sizes from a glass up to a keg to take home; and

WHEREAS, despite being home to numerous craft beers and homemade wines that they make on the premises, one of the most unique options is special event beer brewing, where Lloyd and Amy will create custom beers to your taste for any special occasion; and

WHEREAS, **South Wales Brewing Company** operates on a property that has existed as a farm for over two hundred years and is destined to produce many enjoyable years of retirement for Lloyd and Amy as they produce delicious craft beers and wines that our whole region will come to enjoy.

NOW, THEREFORE, BE IT RESOLVED, the Erie County Legislature pauses in its deliberations to recognize and celebrate the Grand Opening of **South Wales Brewing Company** and wish them many years of success.

HON. JAMES MALCZEWSKI
Erie County Legislator, District 10

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

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

LL INTRO. 1-1 (2022)

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

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

SECTION 1. Legislative Intent

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

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

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

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

A 2021 version of this law was passed by this honorable body and vetoed by County Executive Poloncarz. Executive Poloncarz cited the “many unfortunate firearm hunting accidents across the state and county, especially those involving youth hunters¹” as the reason for the law’s veto. The first year of the pilot program has ended and the Department of Environmental Conservation has

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

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

SECTION 2. Pilot Program Authorization

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

SECTION 3. State Requirements to Adhere Once Authorized

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

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

SECTION 4. Effective Date

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

SECTION 5. Severability

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

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



Department of
Environmental
Conservation

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

A Report to the New York State Senate and Assembly

February 22, 2022



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

www.dec.ny.gov

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

- Prepared by -

Jeremy Hurst, NYSDEC Big Game Unit Leader

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

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

Preliminary Results from the 2021-22 Deer Hunting Seasons

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

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

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

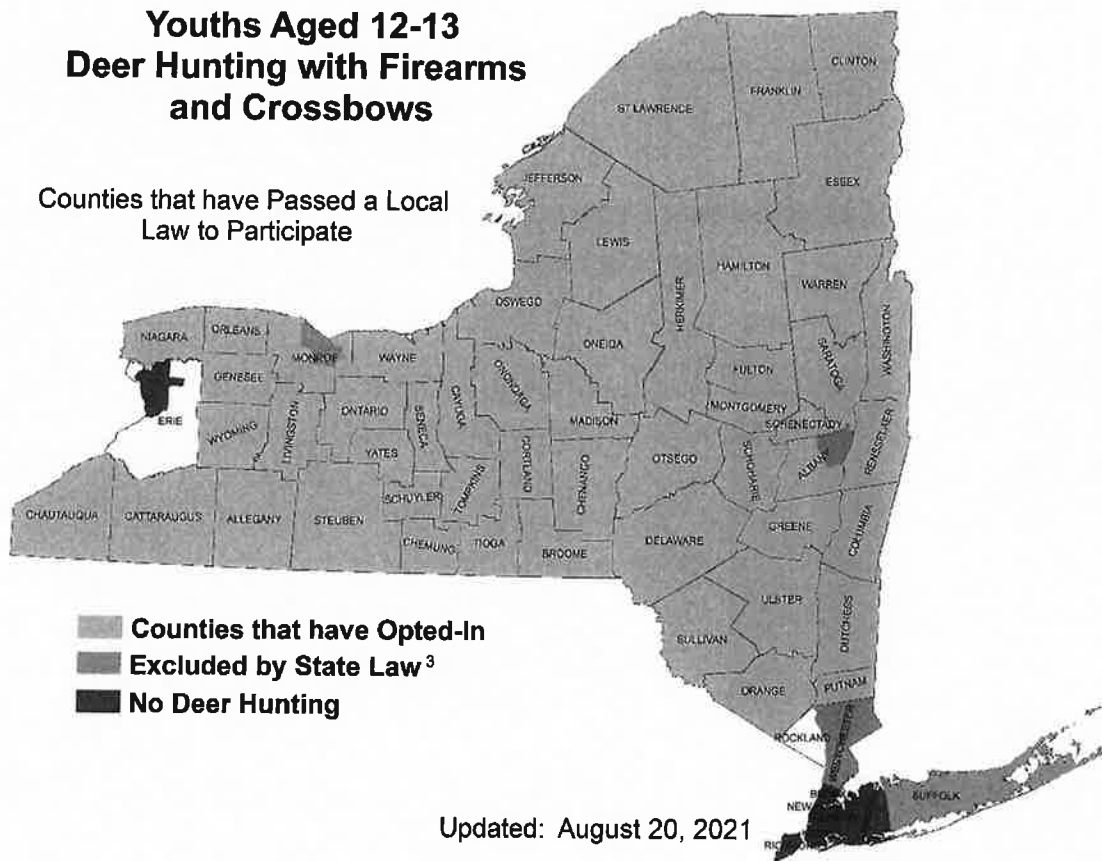
² Reported take value represents raw harvest reports with date of harvest between September 12, 2021 and January 1, 2022. This includes 173 deer reported taken with a bow. Calculated deer harvest was not available at the time of this report, as deer hunting seasons continued in portions of New York until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

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

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

County Participation

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



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

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

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

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

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

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

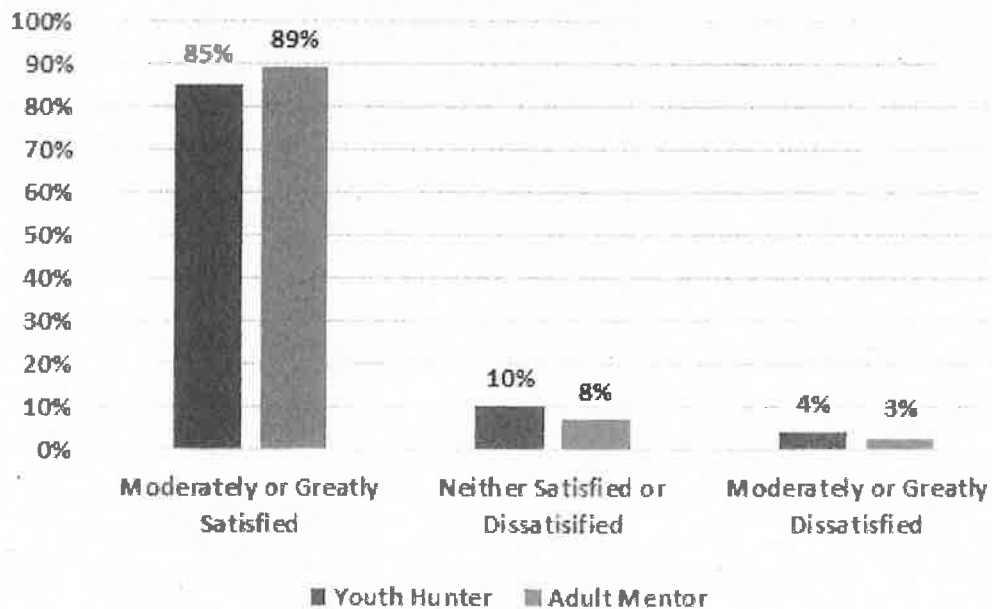
"The youth hunt is great...I think it builds a great trust and cooperation between DEC officers, young hunters and their parents, that extends well beyond the weekend. Great experience."

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



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

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



Recommendations

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

- 1- **Make permanent the authorization for 12- and 13-year-old hunters to hunt deer with a firearm and crossbow.** We assessed participation and harvest by junior big game hunters through a post-season survey and asked about their level of satisfaction with their big game hunting opportunities in 2021. More than 9,800 young hunters (aged 12 and 13), representing approximately 9,500 families were eligible to hunt deer with a firearm or crossbow in 2021. These hunters were safe and successful, and satisfaction levels were extremely high. 85% of these young hunters and 89% of their adult mentors reported being moderately or greatly satisfied with their youth big game hunting experience this past year. Existing state law permanently allows hunters aged 12 and 13 to hunt small game with a firearm or long bow and big game with a long bow, when properly supervised. Establishing the same permanent provisions for 12- and 13-year-old hunters to hunt big game with a firearm will ensure that 12-year-olds can continue to hunt big game when they are 13 and that younger siblings have the same opportunity when they turn 12.
- 2- **Allow 12- and 13-year-old hunters to also hunt black bear with a firearm and crossbow.** Youths aged 12 and 13 have been legally able to hunt black bears with a longbow in New York since 2011 and have done so without incident. Hunting black bear with a longbow is unquestionably more challenging than hunting black bear with a firearm. Nonetheless, 12- and 13-year-old hunters have routinely demonstrated that they can safely and successfully harvest a black bear with a longbow. These same hunters, and all 12- and 13-year-old hunters, should be given the opportunity to also hunt black bear with firearms and crossbows.
- 3- **Extend the authorization for 12- and 13-year-old hunters to hunt deer with a firearm or crossbow to all of New York State (subject to other provisions of ECL) and remove the requirement for counties to pass a local law opting-in.** Of all the eligible counties in New York, only Erie and Rockland Counties did not pass a local law authorizing participation in the pilot program as required by 11-0935. However, in both of these counties, hunters aged 14-years or older can hunt deer and bear with firearms and crossbows. Similarly, Westchester and Suffolk Counties were specifically excluded from the provisions of 11-0935 despite an existing firearms season for deer in January in Suffolk County and provisions in 11-0903(7) authorizing the same potential opportunity in Westchester County. Young hunters in Erie, Rockland, Suffolk, and Westchester counties should not be forced to hunt elsewhere and should be given opportunity to hunt in the same locations and in the same manner as their peers, older siblings, and other family members.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

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

LL INTRO. 3-1 (2022)

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 3-1 -2022

LOCAL LAW NO. _____-2022

THE ERIE COUNTY LANGUAGE ACCESS ACT

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

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

Section 1. Legislative Intent and Findings

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

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

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

Section 2. Definitions

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

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

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

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

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

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

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

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

Section 3. Language Access Requirements

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

1. Providing competent and timely interpretation services to individuals in their primary or preferred language. Competent interpretation shall mean a spoken or signed, real-time communication in which the qualified human interpreter is fluent in both the source and target language and is trained as an interpreter. The interpreter shall know relevant terminology and provide accurate interpretations by choosing equivalent expressions that convey the best matching and meaning to the source language and capture, to the greatest extent possible, all nuances intended in the source material;
2. Identifying and translating vital documents provided to the public, including but not limited to, forms and instructions provided to or completed by program participants and beneficiaries in each designated countywide language;
 - a. Existing vital documents must be translated within 365 days of the effective date of this law.
 - b. New vital documents, produced after the effective date, must be translated as soon as is practicable but no later than 120 days after the English version is released to the public, except for emergency communications which must be translated immediately, or at most up to 5 days following the release of the English version.
3. Translation of pre-recorded informational messages on agency phone lines that provide vital public information in English, including emergency alerts and public service announcements;

4. Translated copies of vital documents which are already made available to the public in English must be made available to the public in the same way as the current English version. Translated vital documents must be published alongside any English documents that may be available online through the County website;
5. Online applications or machine interpretation or translation software shall not be used;
6. Family members, other clients, and any other member of the public who is not a qualified interpreter, shall not be used for interpretation with respect to the provision of services or benefits;
7. Posting of multilingual signage in conspicuous locations about the availability of free interpretation services. Where practicable, the same information should be communicated via pre-recorded announcements in each designated countywide language on the public address system in public waiting areas;
8. Accommodations for communication access shall be available upon request including American Sign Language Interpretation via an on-site interpreter, Video Remote Interpreter (VRI), or Communication Access Realtime Translation for individuals who are deaf, hard of hearing or have hearing loss.
9. All language access services must be provided at no cost to the person seeking services from the Department.

Section 4. Language Access Plans

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

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

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

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

1. Designate a language access coordinator to oversee the creation and execution of an agency language access implementation plan, collect language data, and issue an annual report. The name, title and contact information of such language access coordinator is to be posted in a conspicuous place on such agency's website;
2. Describe how such agency will provide the language access service required by Section 3, including the titles of all available translated documents and the languages into which they have been translated and the number of fully bilingual employees in public contact positions and the languages they speak;
3. Incorporate a uniform training plan for agency employees, including annual training on the language access policies and the provision of language assistance services as well as providing a procedure that allows employees to report issues and problems implementing the language access plan;
4. Incorporate a process for tracking and reporting agency language access data including the number and type of requests for language access services, what languages service requests are for, how each request was fulfilled, the number of complaints received by the agency regarding language access, and how complaints were resolved.
5. Determine the methods such agencies will employ with regard to providing language access services, both through agency staffing and contracts with third parties. Whenever possible, County Agencies should prioritize hiring local interpreters.
6. Consider the following factors in developing such implementation plan:
 - a. the number or proportion of LEP persons in the eligible service population;
 - b. the frequency with which LEP individuals come into contact with the agency, if such data exists. If no relevant data has been collected, such agency must exclude this factor from consideration;
 - c. the importance of the benefit, service, information, or encounter to the LEP person (including the consequences of lack of language services or inadequate interpretation or translation); and
 - d. the resources available to the agency and the costs of providing various types of language services
7. When a member of the public states they are deaf, hard of hearing, or have hearing loss, the County Agency's designated language access coordinator shall submit notice and keep record of notice made to The Erie County Office for People with Disabilities on behalf of the member of the public in need of language access services. The Office for People with Disabilities will support the members of the public with communication services.

Section 5. Amending Article 17 of the Erie County Charter

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

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

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

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

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

The Board shall:

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

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

Section 6. Right to Privacy

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

Section 7. Effective Date

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

Section 8. Severability

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

Sponsors:

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

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

LL INTRO. 3-1 (2023)

COUNTY OF ERIE

LOCAL LAW INTRO NO. 3-1-2023

EC LEG MAR 21 '23 08:39

LOCAL LAW NO. ____-2023

A LOCAL LAW Titled: The Occupancy Tax Modernization Act

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

Section 1. Legislative Intent.

- a. The Erie County occupancy tax was established via local law by the Erie County Legislature in September 1974 and was amended via local law in 1975, 1983, 1987, and 2007. There has not been a comprehensive review of the various local laws governing the occupancy tax nor an effort to modernize and update the law in decades.
- b. The Erie County Legislature (“Legislature”) hereby finds and declares that short-term and vacation rental properties are in widespread use in Erie County, whether via hosting platforms such as Airbnb, VRBO, Homestay, or by other means.
- c. Unlike other counties in New York State that maintain occupancy tax collection agreements with hosting or “home-sharing” platforms such as Airbnb, Erie County does not have any such agreements with such platforms and/or operators that provide short term and vacation rental properties.
- d. The Legislature finds that there are unjustified variances and inconsistencies with this state of affairs, as hotels are required to collect taxes from guests pursuant to the County of Erie’s hotel occupancy tax law, but operators and platforms for short term and vacation rentals have not been collecting such tax, are not readily subject to any health and safety regulations, and are not registered with the County, despite offering identical or substantially similar services.
- e. The Legislature finds that the law should apply equally to all individuals and entities engaged in the rental of temporary accommodations, and that the current state of affairs has resulted in an unequal “playing field” for traditional hotels and motels compared to other types of short term and vacation rental properties. The Legislature further finds that this discrepancy also results in a loss of occupancy tax revenue to Erie County and its taxpayers.
- f. The Legislature finds that, pursuant to Chapter 614 of the Laws of 1974 of the State of New York, operators of these transient lodging facilities should be subject to the same occupancy taxes as their counterparts in the traditional lodging industry to help ensure fairness across the lodging sector in Erie County.

- g. The Erie County Legislature hereby finds that there is a need to bring the definition and administration of occupancy tax into the 21st Century by updating the various functions of the tax to meet the demands of the modern short-term rental industry within the parameters of the taxing authority delegated by the State of New York.
- h. The Legislature hereby intends this that this Local Law will perform the following functions and beneficial purposes:
 - 1. Clarify the reach of the tax to include non-traditional short-term and vacation rentals within Erie County;
 - 2. Require all operators of properties used for short-term and vacation rentals to register with the County for the collection of the tax;
 - 3. Bring all manner of short-term rental properties above ground to better ensure the safety of occupants and quality of life for the broader community;
 - 4. Modernize and enhance enforcement capabilities of the County to pursue scofflaws who fail to collect and remit the tax or misappropriate the same;
 - 5. Allow hosting platforms that have executed voluntary collection agreements with the County to collect and remit the tax on the operator's behalf;
 - 6. Establish the methodology used to determine taxable rent for all properties used for transient lodging. Accordingly, collection and remittance of the tax for short-term and vacation rentals will be principally placed on the corporate hosting platform through a voluntary collection agreement and secondarily placed on individual operators opting not to enter into any such agreement; and
 - 7. Reinvest in the continued development of the tourism to maintain and enhance infrastructure, create economic opportunity for residents, and increase the recreational appeal of Erie County.
- i. Therefore, except for the limited purposes provided by Section 25 of this Local Law, Erie County Local Law No. 12-1974, Erie County Local Law No. 8-1975, Erie County Local Law No. 5-1983, Erie County Local Law No. 1-1987, and Erie County Local Law No. 4-2007 are hereby repealed in their entirety and replaced with this Local Law.

Section 2. Definitions.

- a. Charter. The Charter of Erie County as established by Local Law 1-1959 and amended thereafter.
- b. Clerk. The elected Clerk of Erie County.
- c. Comptroller. The elected Comptroller of Erie County.

- d. Exempt Entity. A government, corporation, or association exempt from taxation under Section 4 of this local law.
- e. Hosting Platform. An application, technology, and/or similarly based service through which a third party desiring to offer an accommodation (a “host”) and a third party desiring to book an accommodation (a “guest”) have the opportunity to communicate, negotiate, and consummate a booking transaction for transient lodging accommodations pursuant to a direct agreement between a host and guest to which the hosting platform is not a party but still facilitates payments for rent on behalf of or for the host, and/or otherwise acts as intermediary between the host and the guest. Merely publishing an advertisement for transient accommodations does not make the publisher a hosting platform.
- f. Operator. Any person or entity operating premises where short-term rental occupancy transactions are conducted in Erie County, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such premises.
- g. Occupancy. The use or possession, or the right to the use or possession of any room in a premises that is the subject of short-term rental occupancy transactions.
- h. Permanent Resident. A person occupying any room or rooms in a premises that is the subject of a short-term rental occupancy transaction for at least thirty consecutive days.
- i. Person. An individual, partnership, society, association, joint stock company, corporation, limited liability company, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- j. Rent. The consideration received for occupancy valued in money, whether received in monetary form or otherwise.
- k. Room. Any room or rooms of any kind in any part or portion of a premises that is the subject of a short-term rental occupancy transaction, which is available for or let out for any purpose other than a place of assembly.
- l. Return. Any return filed or required to be filed as herein provided.
- m. Sheriff. The elected Sheriff of Erie County.
- n. Short-Term Rental. A building or portion of it which is regularly used and kept open as such for lodging on an overnight basis. The term ‘short-term rental’ includes a hotel, motel, hostel, apartment hotel, motor court or inn, boardinghouse or club, campground with cabins, home-sharing property or vacation rental, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served, and

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

Section 3. Imposition of Tax.

- a. Except as otherwise provided by this Section, on and after the first day of June, 2023, there is hereby imposed and there shall be paid a tax of three percent upon the rent for every occupancy of a room or rooms in the County.
- b. For all short-term rental transactions where rental capacity of the premises exceeds thirty (30) rooms, the rate of tax on occupancy shall be five percent.
- c. If the charge for occupancy of a room includes only the cost of the room, board, and cleaning fees, any other charges that are separately stated and are only incurred at the option of the occupant and/or charged by a hosting platform shall not be included in the calculation of the occupancy tax imposed by this Local Law.
- d. If the operator does not separate the charge for room and board from other charges, excluding cleaning fees but including those added by a hosting platform, the entire charge to the occupant is taxable until the occupant becomes a permanent resident as defined by this Local Law.
- e. No tax shall be imposed upon a permanent resident as defined by this Local Law.

Section 4. Exempt Organizations

- a. Except as otherwise provided in this Local Law, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law.
 - (1) The State of New York, or any of its agencies, instrumentalities, public corporations (including public corporations created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the State;
 - (2) The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;
 - (3) The United Nations or other world-wide international organizations of which the United States is a member; and
 - (4) Any corporation, association, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable or education purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which

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

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

Section 5. Territorial Limitations

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

Section 6. Registration

- a. Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every owner and/or operator shall file with the Comptroller a Certification of Registration in a form prescribed by the Comptroller.
- b. The Comptroller shall, within five business days after such registration issue without charge to each operator a Certificate of Authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional short-term rental of such operator. Each certificate or duplicate shall be certified, bear the seal of Erie County, and state the short-term rental to which it is applicable. Such Certificate of Authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy.
- c. Where a host or operator uses a hosting platform that has executed a voluntary collection agreement with the County, such host or operator shall submit an application for a Certificate of Authority clearly stating all information required under applicable law but may otherwise designate such hosting platform as primarily and solely liable for collection and remittance of the tax.
- d. If a Certificate of Authority is lost, stolen, or otherwise misplaced by an operator, such operator may apply, in a form prescribed by the Comptroller, for a replacement Certificate of Authority. Replacements shall be certified and issued to the operator at a cost of \$50.00.

- e. Failure to register a short-term rental with the Comptroller as required by this Section shall result in the imposition of a penalty amounting to one hundred dollars per day of non-registration. The Comptroller may, upon a showing of good cause by an owner or operator, waive up to 75% of the total amount of penalties incurred under this Subsection.
- f. Such certificates shall be non-assignable and non-transferrable and shall be surrendered immediately to the Comptroller upon:
 - (1) the cessation of business at the short-term rental;
 - (2) the sale, lease, assignment, or other transfer to another host or operator; or
 - (3) the designated hosting platform service named as designee on the certificate provided by this Section is sold, renamed, or otherwise transferred.

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

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

Section 7. Administration and Collection

- a. The tax imposed by this local law shall be administered and collected by the Comptroller of the County of Erie or the Comptroller's designee by such means and in such manner as are other taxes which are now collected and administered by such officers in accordance with the Charter or as otherwise are provided by this Local Law.
- b. The tax to be collected pursuant to this Local Law shall be stated, charged, and shown separately from the rent. At the time when the occupancy is arranged, contracted for or charged for, and upon any and all evidence of occupancy, any charge made shall be paid by the occupant to the operator as trustee for and on behalf of the County.
- c. The operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant. In respect to non-payment of the tax by the occupant payable at the time such tax shall become due and owing, the operator retains all applicable rights including, but not limited to, rights of eviction, repossession, and enforcement of any innkeeper's lien that the operator may have in the event of non-payment of rent by the occupant. An operator shall join the Comptroller as a party in any action or proceeding brought by the operator against an occupant under this Local Law.

- d. The tax imposed by this Local Law shall be paid upon any occupancy on and after the effective date of this Local Law except for any such occupancy reserved pursuant to a contract, lease or other arrangement made prior to such date. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Comptroller may by regulation provide for credit and/or refund of the amount of such tax upon application therefore as provided by this Local Law.
- e. For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, the following presumptions and burdens shall apply:
 - 1. It shall be presumed that all rents are subject to tax until the contrary is established.
 - 2. The burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant.
 - 3. Where an occupant claims exemptions from the tax under the provisions of Section 4 of this Local Law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the Comptroller certifying that the named entity is exempt from taxation under Section 4 of this Local Law, together with a writing duly executed by the exempt entity named in the certificate issued by the Comptroller certifying that the occupant is its agent, representative or employee and that the occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said exempt entity.
- f. A hosting platform may enter into a voluntary collection agreement with the County containing and specifying the following:
 - 1. The hosting platform shall be solely responsible and liable for collecting and remitting the applicable tax to the County for booking transactions completed through the respective hosting platform for short-term rentals as defined by Subsection 2(1) of this local law.
 - 2. The host or operator of the short-term rental who is not the hosting platform shall not be responsible for collecting and remitting the tax to the County on any transaction for which it has received confirmation that the hosting platform has collected the aforementioned tax and remitted it back to the County pursuant to a voluntary collection agreement.
 - 3. Neither the County, its officers, agents, and employees, or a hosting platform, its officers, agents, and employees, shall be required or made to furnish a copy or any portion of a voluntary collection agreement entered into between the County and a hosting platform. The hosting platform shall furnish to any operator using the hosting platform, a certificate, in a form to be determined by the Comptroller, confirming the existence and enforceability of such agreement.

- g. Where an operator of a short-term rental uses a hosting platform that has voluntarily entered into and executed a voluntary collection agreement with the County pursuant to Subsection 7(f) of this Local Law, such hosting platform, for the purposes of tax registration, collection, and remittance under this Local Law, shall only be liable for transactions completed through the respective hosting platform pursuant to the terms of such agreement.
- h. If the operator of a short-term rental uses a hosting platform that has not entered into and executed an agreement with the County pursuant to Subsection 7(f) of this Local Law, such operator shall be liable for the collection and remittance of the tax.

Section 8. Records.

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

Section 9. Returns.

- a. Every operator or, in the case where a hosting platform has entered into voluntary collection agreement pursuant to Section 7(f) of this Local Law, such hosting platform, shall file with the Comptroller a return of occupancy and of rents, and of the taxes payable thereon for quarterly periods ending the last day of February, May, August, and November of each year, on and after the effective date of this Local Law subject to the limitations prescribed by Section 7(d) of this Local Law.
- b. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The Comptroller may permit or require returns to be made by other periods and upon such dates as the Comptroller or his duly authorized designee may specify. If the Comptroller deems it necessary in order to ensure the payment of the tax imposed by this Local Law, the Comptroller may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this Section and upon such dates as the Comptroller may specify.
- c. Where a hosting platform has entered into a voluntary collection agreement with the County pursuant to Section 7(f) of this Local Law, the mechanism for increasing the number of return dates per calendar year must be included in such voluntary collection agreement.
- d. The form of returns shall be prescribed by the Comptroller and shall contain such information as the Comptroller may deem necessary for the proper administration of this Local Law. The Comptroller may require amended returns to be filed. Such returns shall be delivered not later than twenty days following notice of the operator or hosting platform by the Comptroller and shall contain the information specified in the notice.

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

Section 10. Payment of Tax.

- a. At the time of the filing a return of occupancy and of rents, each operator, or, in the case where a hosting platform has entered into voluntary collection agreement pursuant to Section 7(f) of this Local Law, such hosting platform shall pay to the Comptroller the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator or hosting platform acting or purporting to act under the provisions of this Local Law.
- b. Where the Comptroller, as a matter of discretion, deems it necessary to protect revenues to be obtained under this Local Law, the Comptroller may require any operator or hosting platform required to collect the tax imposed by this Local Law to file a bond with the Office of Comptroller, issued by a surety company authorized to transact business in the State of New York and approved by the Superintendent of the New York State Department of Financial Services as to the solvency and responsibility, in such amount as the Comptroller may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator or hosting platform.
- c. In the event that the Comptroller determines that an operator or hosting platform is to file such bond, the Comptroller shall give notice to such operator or hosting platform to that effect. The Comptroller shall specify the amount of the bond required in writing and send it to such operator or hosting platform by certified mail at the address provided by such operator or hosting platform. Evidence of such mailing shall create a presumption that such operator or hosting platform has been notified.
- d. Where an operator or hosting platform has been notified by the Comptroller that a bond shall be required pursuant to this Section, such operator or hosting platform shall file such bond within ten business days.
- e. An operator or hosting platform may, within ten business days, request in writing a hearing before the Comptroller or the Comptroller's designee at which the necessity, propriety, and amount of the bond shall be determined by the Comptroller, notice of which shall be sent by certified mail to the address provided by such operator or hosting platform. Such determination shall be final and shall be complied with within ten business days after the Comptroller notifies such operator or hosting platform.
- f. In lieu of the bond described in Subsection 10(b) of this Local Law, securities approved by the Comptroller or cash in such amount as the Comptroller may prescribe may be deposited. Such deposit shall be kept in the custody of the Comptroller who may at any time and without notice to the depositor, apply such deposit to any tax, interest, and/or

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

Section 11. Determination of Tax.

- a. If a return required by this Local Law is not filed, or if a return when filed is incorrect or facially insufficient, the amount of the tax due shall be determined by the Comptroller from such information as may be obtainable.
- b. If necessary, the tax may be estimated on the basis of external indices, including but not limited to, the number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and publicly reported earnings.
- c. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days following receipt of notice from the Comptroller of such determination shall apply to the Comptroller for a hearing. The Comptroller may redetermine the same *sua sponte*.
- d. After such hearing, the Comptroller shall give notice of such determination to the person against whom the tax is assessed. The determination of the Comptroller shall be reviewable by the Supreme Court of Erie County for error, illegality, unconstitutionality, or abuse of discretion pursuant to Article Seventy-Eight of the Civil Practice Law and Rules.
- e. No party aggrieved by the determination of the Comptroller shall have standing to bring an action under Article 78 of the Civil Practice Law and Rules challenging the Comptroller's determination unless the amount of any tax sought to be reviewed, with any and all penalties and interest thereon, shall be first deposited with the Comptroller.
- f. In addition to the requirements of Section 11(e) of this Local Law, any party challenging the determination of the Comptroller pursuant to Article 78 of the Civil Practice Law and Rules shall first file with the Comptroller an undertaking, issued by a surety company authorized to transact business in the State of New York and approved by the Superintendent of the New York State Department of Financial Services as to solvency and responsibility, in such amount as a Justice of the Supreme Court of Erie County shall approve to the effect that if such proceeding is dismissed or the tax confirmed, the petitioner shall pay all costs and charges which may accrue in the prosecution of the proceeding.
- g. At the option of the petitioner, such undertaking filed with the Comptroller may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties, and interest as a condition precedent to the application.

Section 12. Disposition of Revenues.

- a. All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County.
- b. Within sixty days of the effective date of this Local Law, the Comptroller shall create a special fund, the sole purpose of which shall be the distribution of revenues to not-for-profit corporations and public benefit corporations dedicated to the promotion and facilitation of tourism in Erie County.
- c. Notwithstanding any provision of law to the contrary, with respect to tax imposed by this Local Law on and after January 1, 2024, all revenue resulting from such tax, including any interest and/or penalties thereon, shall be credited to and deposited in the fund created by the Comptroller pursuant to Subsection 12(b) of this Local Law.
- d. On and after January 1, 2024, all amounts deposited in the fund created pursuant to Subsection 12(b) of this Local Law shall be made available and distributed to Buffalo Niagara Convention & Visitors Bureau, Inc. pursuant to a lawfully executed agreement between Buffalo Niagara Convention & Visitors Bureau, Inc. and the County of Erie. Such agreement shall include a requirement that Buffalo Niagara Convention & Visitors Bureau, Inc. shall submit an annual report to the County Executive, County Legislature, and County Comptroller concerning the expenditure of distributions received from the County, the annual budget and business plan, and any additional information as may be required pursuant to such agreement.
- e. An agreement entered into pursuant to Subsection 12(d) of this Local Law shall be approved as to form by the County Attorney, approved by the County Legislature, for a period of three years. The County Executive shall, no later than January 1 of each year of the agreement term, execute a renewal of such agreement and shall file such renewal with the Clerk of the Legislature on or before the date of the first meeting of the Legislature for that year.
- f. In the event that Buffalo Niagara Convention & Visitors Bureau, Inc. to cease operations, lose or alter its 501(c)(6) status, or alter its purpose so that its mission and/or significant activities no longer fulfills the legislative intent of this Local Law, distributions pursuant to Subsection 12(c) of this Local Law shall immediately cease. Thereafter, all revenues received by the County pursuant to this Local Law shall be credited to and deposited in the general fund of the County until such time as an agreement is lawfully executed between the County and a qualifying entity to fulfill the legislative intent of this Local Law.
- g. All entities receiving distributions under this Section are subject to oversight by the Comptroller.

Section 13. Refunds.

- a. In the matter provided by this Section, the Comptroller shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Comptroller for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Comptroller, the reasons therefore shall be stated in writing. Such application may be made by the occupant, operator, or hosting platform who has actually paid the tax.
- b. Such application may be made by an operator who has collected and paid over such tax to the Comptroller provided that the application is made within one year of the payment by the occupant to the operator, but not actual refund of moneys shall be made to such operator until it shall first be established to the satisfaction of the Comptroller, under such regulations as the Comptroller may prescribe, that the occupant has been repaid in the amount for which the application was made. The Comptroller may, in lieu of any refund, allow credit therefore on payments due from the applicant.
- c. An application for a refund or credit made as provided herein shall be deemed an application for a revision of any tax, penalty, or interest complained of and the Comptroller may receive evidence with respect thereto. After making a determination, the Comptroller shall notify the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within thirty days following final notice of such determination and a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Comptroller in such amount and with such sureties as a Justice of the Supreme County of Erie County shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner shall pay all costs and charges which may accrue in the prosecution of such proceeding.
- d. A person or entity shall not be entitled to a revision, refund or credit under this Section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 13 of this Local Law where such person or entity has had a hearing or an opportunity for a hearing, as provided by this Section, or has failed to avail himself or herself of the remedies therein provided.
- e. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Comptroller made pursuant to Section 11 of this Local Law unless it is found that such determination was erroneous, illegal or unconstitutional, either by the Comptroller after a hearing pursuant to this Section, or by a Court under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of this Local Law.

Section 14. Reserves.

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

Section 15. Remedies Exclusive.

- a. The remedies provided by Section 11 and Section 13 of this Local Law shall be the exclusive remedies available to any entity for the review of tax liability imposed by this Local Law.
- b. No determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, or any other action not brought under Article 78 of the Civil Practice Law and Rules.

Section 16. Proceedings for Recover Tax.

- a. Whenever any operator, hosting platform or other person or entity required to collect and remit occupancy tax pursuant to this Local Law fails to collect and remit and tax, penalty or interest imposed by this Local Law, the Erie County Attorney shall, upon the request of the Comptroller bring or cause to be brought an action to enforce the payment of the same on behalf of Erie County in the Supreme Court of Erie County within sixty days of such request. Should the County Attorney fail to bring such action within sixty days of the Comptroller's request, the Comptroller may bring or cause to be brought such action on behalf of Erie County.
- b. If the Comptroller believes that any such operator, hosting platform, or any other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Comptroller may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- c. As an additional or alternate remedy, the Comptroller may issue a warrant, directed to the Sheriff commanding the Sheriff or the Sheriff's duly authorized designee, to levy upon and sell the real and personal property of the operator, hosting platform, or any person liable for the tax as described by this Local Law which may be found within Erie County for payment of the amount thereof with any penalties, interest, and the cost of executing the warrant.
- d. The Sheriff shall, within five business days following the receipt of the warrant, file a copy of such warrant with the Clerk. In the discretion of the Comptroller, a warrant of like terms, force and effect may be issued and directed to any officer or employee who shall have all the powers conferred by law upon the Sheriff under this Local Law, provided that such designee shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty.
- e. The Clerk shall, within five business days after a warrant has been filed by the Sheriff or the Comptroller's designee, enter in the judgment docket the name of the person or entity named in the warrant and the amount of the tax penalties, penalties, and interest for which the warrant is issued and the date when such copy is filed. If the Clerk fails to

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

- f. The Sheriff or the Comptroller's designee shall proceed upon the warrant, in the same manner and with like effect, as provided by law in respect to executions issued against property upon judgments of a court of record.
- g. If a warrant is returned not satisfied in full, the Comptroller may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefore and execution thereon had been returned unsatisfied.

Section 17. Notice Upon Sale.

- a. Whenever an operator shall make a sale, transfer or assignment in bulk or in part or the whole of a short-term rental operation or a lease, license or other agreement or right to possess or operate such short-term rental operation, the seller, transferor or assignor shall notify the Comptroller by registered mail of the proposed sale and of the price, terms and conditions thereof. Failure to do so shall result in a fine not to exceed ten thousand dollars imposed against the seller, transferor, assignor, and, in the case of a corporate entity, the officers, partners, members, or owners of such entity.
- b. Whenever an operator shall make a sale, transfer or assignment in bulk or in part or the whole of such operator's operation, lease, license or other agreement or right to possess or operate such short-term rental operation, otherwise than in the ordinary and regular course of business, the purchaser, transferee or assignee, shall at least ten days before taking possession of the subject of said sale, transfer or assignment or paying therefor, notify the Comptroller by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferor or assignee that it owes any tax pursuant to this Local Law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.
- c. Whenever the purchaser, transferee or assignee shall fail to give notice to the Comptroller as required by the Subsection 17(a), or whenever the Comptroller shall inform the purchaser, transferee or assignee that a possible claim for such tax exists, any sums of money, property, causes of action, or other consideration which the purchaser, transferee or assignee is required to remit to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County.

- d. The purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property, causes of action, or other consideration to the extent of the amount of the County's claim.
- e. Where a purchaser, transferee or assignee fails to comply with the provisions of this Section, the purchaser, transferee or assignee shall be liable for the payment to the County of all taxes, penalties, and interest theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor.
- f. All such liability imposed by this Section may be assessed and enforced in the same manner as the liability for the tax under this Local Law.

Section 18. General Powers of the Comptroller.

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

- a. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
- b. To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit penalties but not interest computed at the rate of six percent per annum; and to compromise disputed claims in connection with the taxes hereby imposed;
- c. To request information from the New York State Department of Taxation and Finance or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, notwithstanding any other provision of this Local Law to the contrary;
- d. To delegate any functions hereunder to the Deputy Comptroller or any officer or employee of the Office of Comptroller;
- e. To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;
- f. To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the Comptroller;
- g. To require any operator within the County to maintain any and all records required by this Local Law for a concrete length of time in excess of the five-year period required under Section 8 of this Local Law not to exceed five additional years;

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

Section 19. Administration of Oaths.

- a. The Comptroller or the Comptroller's duly authorized employees or agents shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The Comptroller shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of this duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of state or unable to attend in person or excused from attendance.
- b. A Justice of the Supreme Court of Erie County either in court or at chambers shall have power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Comptroller under this Local Law.
- c. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Comptroller under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than five thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.
- d. The officers who serve the summons or subpoena of the Comptroller and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the Sheriff of Erie County, the Sheriff's duly appointed deputies or any officers or employees of the Comptroller who have been designated by the Comptroller to serve such process.

Section 20. Reference to Tax.

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

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

Section 21. Penalties and Interest.

- a. Any person failing to file a return or to pay over any tax to the Comptroller within the time required by this Local Law shall be subject to a penalty of five percent of the amount of tax due, plus interest at the rate of one percent of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due.
- b. The Comptroller may, if satisfied that the delay was excusable, waive all or any part of a penalty imposed by this Section. The Comptroller may not waive interest accrued at the rate of six percent annually. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.
- c. Any operator, occupant, or hosting platform failing to file a return required by this Local Law, or filing or causing to be filed any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false shall be subject to a fine not to exceed ten thousand dollars. The individual who engages in such conduct while acting as the agent of such operator, occupant or hosting platform shall be guilty of a misdemeanor. The Comptroller may, in his discretion, refer such violations to the Erie County District Attorney.
- d. Any occupant, operator, or hosting platform who violates the provisions of this local law, in addition to any other penalties so specified by this Local Law, shall be subject to a fine not to exceed ten thousand dollars. Such violations include, but are not limited to:
 - 1. Failing to file a bond required to be filed pursuant to Section 11 of this Local Law;
 - 2. Failing to file a registration certificate and such data in connection therewith as the Comptroller may by regulation or otherwise require;
 - 3. Failure to display or surrender the Certificate of Authority as required by this Local Law or assigning or transferring such Certificate of Authority;
 - 4. Failing to charge the tax imposed by this Local Law altogether or separately from the rent;
 - 5. Failing to keep the records required by Section 8 of this Local Law or otherwise required by the Comptroller by regulation.
- e. In addition to the penalties imposed by this Section and otherwise imposed elsewhere by this Local Law, entities in violation thereof shall be subject to daily fines not to exceed

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

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

Section 22. Returns to be Secret.

- a. Within 120 days of the effective date of this Local Law, the County shall establish a confidential mechanism permitting owners and operators to submit returns, pay amounts owed, and transmit all other information required by this Local Law in electronic form.
- b. Except as provided by a proper judicial order, or as otherwise provided by law, it shall be unlawful for the Comptroller or any officer or employee of the Office of Comptroller to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under the Local Law. The officers charged with the custody of such returns shall not be required to produce any return required by this Local Law or evidence of any information contained in them in any action or proceeding in any court or administrative proceeding except on behalf of the Comptroller in an action or proceeding brought under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit into evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.
- c. Nothing herein shall be construed to prohibit the following:
 - (1) delivery to a taxpayer or a taxpayer's duly authorized representative of a certified copy of any return filed in connection with such taxpayer's obligation under this Local Law; or
 - (2) the publication of statistics so classified as to prevent the identification of particular returns and the items thereof;
 - (3) the inspection of the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty; or
 - (4) confirming for any person or entity that a named operator does not have any undue outstanding tax liabilities, interest and/or penalties pursuant to this Local Law.

- d. Returns shall be preserved for five years and thereafter until the Comptroller permits them to be destroyed.
- e. Any violation of subdivision (a) of this Section shall be punishable by a fine not exceeding \$1,000. Any willful violation of subdivision (a) of this Section by an officer or employee of the County shall result in that officer or employee's immediate dismissal from office and prohibition from holding any public office for a period of five years thereafter.
- f. In the event that any person or operator fails to timely and accurately file a return and/or collect and remit the tax due and owing to the County, and/or fails to adhere to the terms and conditions of any agreement said party enters into with the County for the payment of taxes due hereunder, the restriction contained in subdivision (a) of this Section shall be lifted. Only authorized officers and employees of the Office of Comptroller, Division of Budget and Management, and Department of Law are permitted to release limited identifying information regarding the delinquency, including, but not limited to, an operator, person or taxpayer's name, names of the principals of said owner and/or operator, and the amount of the delinquency.

Section 23. Notices and Limitations of Time.

- a. Any notice authorized or required under the provisions of this local law may be given by sending the same by certified mail:
 - 1. In the case of an operator or hosting platform, to the address provided on the last return filed pursuant to the provisions of this Local Law; or
 - 2. In the case of an occupant, to the address provided by such occupant on the most recent application made to the Comptroller pursuant to Section 11 or Section 13 of this Local Law.
- b. The mailing of such notice shall be presumptive evidence of receipt by the entity to which the notice is addressed. Any time period which is determined according to the notice provisions of this Local Law shall commence to run from the date of mailing of such notice.
- c. The provisions of the Civil Practice Law and Rules or any other law conflicting with Chapter 614 of the Laws of 1974 relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax, interest, or penalty provided by this Local Law.
- d. Where an operator or hosting platform files a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return.

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

Section 24. Effective Date.

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

Section 25. Completion of Unfinished Business.

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

Section 26. Severability.

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

Sponsor:

HOWARD J. JOHNSON, JR.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

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

LL INTRO. 6-1 (2023)

COUNTY OF ERIE

LOCAL LAW INTRO – NO. 6-1 - 2023

LOCAL LAW – NO. _____ - 2023

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

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

Section 1 – Intent

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

Section 2 – Authorization of Extended Lease Length

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

Section 3 - Severability

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

Section 4 – Effective Date

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

Sponsors:

John Bargnesi
Timothy Meyers
John Gilmour
Michael Kooshoian

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

LL INTRO. 3-2
(2023)

JOHNSON

The Occupancy Tax Modernization Act

Attachments

LL INTRO. 3-2 (2023)

COUNTY OF ERIE

EC LEG JUL 10 '23 AM 11:44

LOCAL LAW INTRO NO. 3-2-2023

LOCAL LAW NO. ____-2023

A LOCAL LAW entitled: The Occupancy Tax Modernization Act

BE IT ENACTED BY THE COUNTY OF ERIE AS FOLLOWS:

Section 1. Legislative Intent.

- a. In 1974, Erie County, through the passage of Chapter 664 of the New York Sessions Law of the same year was granted the power to impose an occupancy tax on per diem rentals of rooms for persons renting those rooms for limited periods of time. The Erie County occupancy tax was established via local law by the Erie County Legislature in September 1974 and was amended via local law in 1975, 1983, 1987, and 2007. There has not been a comprehensive review of the various local laws governing the occupancy tax nor an effort to modernize and update the law in decades.
- b. The Erie County Legislature (“Legislature”) hereby finds that the forums and mechanisms for renting rooms to non-permanent residents has evolved over the past half century with the widespread per diem rental of short-term and vacation rental properties in Erie County and elsewhere, via various online hosting platforms such as Airbnb, VRBO, Homestay, or by other means.
- c. Unlike other counties in New York State that maintain occupancy tax collection agreements with hosting or “home-sharing” platforms such as Airbnb, Erie County does not have any such agreements with such platforms and/or operators that provide short term and vacation rental properties.
- d. The Legislature finds that there are unjustified variances and inconsistencies with this state of affairs, as hotels are required to collect taxes from guests pursuant to the County of Erie’s hotel occupancy tax law, but owners of other per diem rented rooms for occupancy, and operators and platforms for short term and vacation rentals have not been collecting such tax, are not readily subject to any health and safety regulations, and are not registered with the County, despite offering services which are identical or substantially similar to traditional hotels and motels.
- e. The Legislature finds that the law should apply equally to all individuals and entities engaged in the rental of temporary accommodations, and that the current state of affairs has resulted in an unequal “playing field” for traditional hotels and motels compared to other types of short term and vacation rental properties. The Legislature further finds that this discrepancy also results in a loss of occupancy tax revenue to Erie County and its taxpayers.

- f. The Legislature finds that, pursuant to Chapter 614 of the Laws of 1974 of the State of New York, operators of these transient lodging facilities should be subject to the same occupancy taxes as their counterparts in the traditional lodging industry to help ensure fairness across the lodging sector in Erie County.
- g. The Erie County Legislature hereby finds that there is a need to bring the definition and administration of occupancy tax into the 21st Century by updating the various functions of the tax to meet the demands of the modern short-term rental industry within the parameters of the taxing authority delegated by the State of New York.
- h. The Legislature hereby intends this that this Local Law will perform the following functions and beneficial purposes:
 - 1. Clarify the reach of the tax to include non-traditional short-term and vacation rentals within Erie County;
 - 2. Require all operators of properties used for non-permanent occupancy, or short-term and vacation rentals to register with the County for the collection of the tax;
 - 3. Bring all manner of short-term rental properties above ground to better ensure the safety of occupants and quality of life for the broader community;
 - 4. Modernize and enhance enforcement capabilities of the County to pursue scofflaws who fail to collect and remit the tax or misappropriate the same;
 - 5. Allow hosting platforms that have executed voluntary collection agreements with the County to collect and remit the tax on the operator's behalf;
 - 6. Establish the methodology used to determine taxable rent for all properties used for transient lodging. Accordingly, collection and remittance of the tax for short-term and vacation rentals will be principally placed on the corporate hosting platform through a voluntary collection agreement and secondarily placed on individual operators opting not to enter into any such agreement;
 - 7. Reinvest in the continued development of the tourism to maintain and enhance infrastructure, create economic opportunity for residents, and increase the recreational appeal of Erie County; and
- i. Therefore, except for the limited purposes provided by Section 25 of this Local Law, Erie County Local Law No. 12-1974, Erie County Local Law No. 8-1975, Erie County Local Law No. 5-1983, Erie County Local Law No. 1-1987, and Erie County Local Law No. 4-2007 are hereby repealed in their entirety and replaced with this Local Law.

Section 2. Definitions.

- a. Charter. The Charter of Erie County as established by Local Law 1-1959 and amended thereafter.
- b. Clerk. The elected Clerk of Erie County.
- c. Comptroller. The elected Comptroller of Erie County.
- d. Exempt Entity. A government, corporation, or association exempt from taxation under Section 4 of this local law.
- e. Hosting Platform. An application, technology, and/or similarly based service through which a third party desiring to offer an accommodation (a “host”) and a third party desiring to book an accommodation (a “guest”) have the opportunity to communicate, negotiate, and consummate a booking transaction for transient lodging accommodations pursuant to a direct agreement between a host and guest to which the hosting platform is not a party but still facilitates payments for rent on behalf of or for the host, and/or otherwise acts as intermediary between the host and the guest. Merely publishing an advertisement for transient accommodations does not make the publisher a hosting platform.
- f. Hotel. “Hotel” or “motel” shall mean and include any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as per diem rentals, “bed and breakfast” and “tourist” facilities. For the purposes of this Local Law, the terms “hotel” and “short-term rental” shall be interchangeable.
- g. Operator. Any person or entity operating premises where short-term rental occupancy transactions are conducted in Erie County, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such premises.
- h. Occupancy. The use or possession, or the right to the use or possession of any room in a premises that is the subject of short-term rental occupancy transactions.
- i. Permanent Resident. A person occupying any room or rooms in a premises that is the subject of a short-term rental occupancy transaction for at least thirty consecutive days.
- j. Permanent Occupancy. The rental of a room for longing for a period of greater than thirty days.
- k. Person. An individual, partnership, society, association, joint stock company, corporation, limited liability company, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

- l. Rent. The consideration received for occupancy valued in money, whether received in monetary form or otherwise.
- m. Room. Any room or rooms of any kind in any part or portion of a premises that is the subject of a short-term rental occupancy transaction, which is available for or let out for any purpose other than a place of assembly.
- n. Return. Any return filed or required to be filed as herein provided.
- o. Sheriff. The elected Sheriff of Erie County.
- p. Short-Term Rental. A building or portion of it which is regularly used, advertised for use, or kept open as such for lodging on an overnight basis. Such use, advertisement, public availability need not be continuous to be considered regular. The term 'short-term rental' includes a hotel, motel, hostel, apartment hotel, motor court or inn, boardinghouse or club, campground with cabins, home-sharing property or vacation rental, or similar hotel or motel type of accommodations by whatever name designated, whether or not meals are served, and shall include those facilities commonly known as 'bed-and-breakfast' and 'tourist' facilities. "Short-term" and "vacation rentals" shall mean and include those units rented or leased to occupants – other than permanent residents – that are furnished apartments or living units in or consisting of a dwelling place ordinarily occupied for residential purposes or location that is otherwise made available for sleeping accommodations, directly by the owner or through an owner's agent or hosting platform. A 'short-term rental' shall not include month-to-month residential lease agreements where the tenant occupies a unit as his or her primary residence.

Section 3. Imposition of Tax.

- a. Except as otherwise provided by this Section, on and after the first day of June, 2023, there is hereby imposed and there shall be paid a tax of three percent upon the rent for every occupancy of a room or rooms in the County.
- b. For all short-term rental transactions where rental capacity of the premises exceeds thirty (30) rooms, the rate of tax on occupancy shall be five percent.
- c. If the charge for occupancy of a room includes only the cost of the room, board, and cleaning fees, any other charges that are separately stated and are only incurred at the option of the occupant and/or charged by a hosting platform shall not be included in the calculation of the occupancy tax imposed by this Local Law.
- d. If the operator does not separate the charge for room and board from other charges, excluding cleaning fees but including those added by a hosting platform, the entire charge to the occupant is taxable until the occupant becomes a permanent resident as defined by this Local Law.
- e. No tax shall be imposed upon a permanent resident as defined by this Local Law.

Section 4. Exempt Organizations

- a. Except as otherwise provided in this Local Law, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law.
 1. The State of New York, or any of its agencies, instrumentalities, public corporations (including public corporations created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the State;
 2. The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;
 3. The United Nations or other world-wide international organizations of which the United States is a member; and
 4. Any corporation, association, trust or community chest, fund or foundation, organized and operated exclusively for religious, charitable or education purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no part of the activities of which is carrying out propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.
- b. Where any organization described in paragraph three (3) of subdivision (a) of this Section conducts its activities in furtherance of the purposes for which it was organized, and, as part of said activities, it engages in short-term rental transactions on the premises in which such not-for-profit activities are conducted, occupancy of rooms in the premises and rent therefrom received by such corporation or association shall not be subject to tax hereunder.

Section 5. Territorial Limitations

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

Section 6. Registration

- a. Within ten days after the effective date of this local law, or in the case of operators commencing business after such effective date, within three days after such commencement or opening, every owner and/or operator shall file with the Comptroller a Certification of Registration in a form prescribed by the Comptroller.
- b. The Comptroller shall, within five business days after such registration issue without charge to each operator a Certificate of Authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional short-term rental of such

operator. Each certificate or duplicate shall be certified, bear the seal of Erie County, and state the short-term rental to which it is applicable. Such Certificate of Authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy.

- c. Where a host or operator uses a hosting platform that has executed a voluntary collection agreement with the County, such host or operator shall submit an application for a Certificate of Authority clearly stating all information required under applicable law but may otherwise designate such hosting platform as primarily and solely liable for collection and remittance of the tax.
- d. If a Certificate of Authority is lost, stolen, or otherwise misplaced by an operator, such operator may apply, in a form prescribed by the Comptroller, for a replacement Certificate of Authority. Replacements shall be certified and issued to the operator at a cost of \$50.00.
- e. Failure to register a short-term rental with the Comptroller as required by this Section shall result in the imposition of a penalty amounting to one hundred dollars per day of non-registration. The Comptroller may, upon a showing of good cause by an owner or operator, waive up to 75% of the total amount of penalties incurred under this Subsection. Good cause shall be determined by the Comptroller on a case-by-case basis and shall require, at minimum, a demonstration that the owner or operator lacked intent to violate the provisions of this Section and exercised reasonable diligence.
- f. Such certificates shall be non-assignable and non-transferrable and shall be surrendered immediately to the Comptroller upon:
 - 1. the cessation of business at the short-term rental;
 - 2. the sale, lease, assignment, or other transfer to another host or operator; or
 - 3. the designated hosting platform service named as designee on the certificate provided by this Section is sold, renamed, or otherwise transferred.
 - a. For the purposes of this Subsection, a change in ownership of the owner, hosting platform, operator, or the parent company of the same greater than or equal to 50% shall be considered a transfer.
- g. Violation of Subsection (e) of this Section shall immediately void any Certificate of Authority previously issued, in addition to any additional penalties otherwise imposed by this Local Law.

Section 7. Administration and Collection

- a. The tax imposed by this local law shall be administered and collected by the Comptroller of the County of Erie or the Comptroller's designee by such means and in such manner as

are other taxes which are now collected and administered by such officers in accordance with the Charter or as otherwise are provided by this Local Law.

- b. The tax to be collected pursuant to this Local Law shall be stated, charged, and shown separately from the rent. At the time when the occupancy is arranged, contracted for or charged for, and upon any and all evidence of occupancy, any charge made shall be paid by the occupant to the operator as trustee for and on behalf of the County.
- c. The operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this Local Law, and the operator shall have the same right in respect to collecting the tax from the occupant. In respect to non-payment of the tax by the occupant payable at the time such tax shall become due and owing, the operator retains all applicable rights including, but not limited to, rights of eviction, repossession, and enforcement of any innkeeper's lien that the operator may have in the event of non-payment of rent by the occupant. An operator shall join the Comptroller as a party in any action or proceeding brought by the operator against an occupant under this Local Law.
- d. The tax imposed by this Local Law shall be paid upon any occupancy on and after the effective date of this Local Law except for any such occupancy reserved pursuant to a contract, lease or other arrangement made prior to such date. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Comptroller may by regulation provide for credit and/or refund of the amount of such tax upon application therefore as provided by this Local Law.
- e. For the purpose of the proper administration of this Local Law and to prevent evasion of the tax hereby imposed, the following presumptions and burdens shall apply:
 - 1. It shall be presumed that all rents are subject to tax until the contrary is established.
 - 2. The burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator or the occupant.
 - 3. Where an occupant claims exemptions from the tax under the provisions of Section 4 of this Local Law, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a copy of a certificate issued by the Comptroller certifying that the named entity is exempt from taxation under Section 4 of this Local Law, together with a writing duly executed by the exempt entity named in the certificate issued by the Comptroller certifying that the occupant is its agent, representative or employee and that the occupancy is paid or to be paid by, and is necessary or required in the course of or in connection with the affairs of said exempt entity.
- f. A hosting platform may enter into a voluntary collection agreement with the County containing and specifying the following:

1. The hosting platform shall be solely responsible and liable for collecting and remitting the applicable tax to the County for booking transactions completed through the respective hosting platform for short-term rentals as defined by Subsection 2(l) of this local law.
 2. The host or operator of the short-term rental who is not the hosting platform shall not be responsible for collecting and remitting the tax to the County on any transaction for which it has received confirmation that the hosting platform has collected the aforementioned tax and remitted it back to the County pursuant to a voluntary collection agreement.
 3. Neither the County, its officers, agents, and employees, or a hosting platform, its officers, agents, and employees, shall be required or made to furnish a copy or any portion of a voluntary collection agreement entered into between the County and a hosting platform. The hosting platform shall furnish to any operator using the hosting platform, a certificate, in a form to be determined by the Comptroller, confirming the existence and enforceability of such agreement.
- g. Where an operator of a short-term rental uses a hosting platform that has voluntarily entered into and executed a voluntary collection agreement with the County pursuant to Subsection 7(f) of this Local Law, such hosting platform, for the purposes of tax registration, collection, and remittance under this Local Law, shall only be liable for transactions completed through the respective hosting platform pursuant to the terms of such agreement.
- h. If the operator of a short-term rental uses a hosting platform that has not entered into and executed an agreement with the County pursuant to Subsection 7(f) of this Local Law, such operator shall be liable for the collection and remittance of the tax.

Section 8. Records.

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

Section 9. Returns.

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

- b. Such returns shall be filed within twenty days from the expiration of the period covered thereby. The Comptroller may permit or require returns to be made by other periods and upon such dates as the Comptroller or his duly authorized designee may specify. If the Comptroller deems it necessary in order to ensure the payment of the tax imposed by this Local Law, the Comptroller may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this Section and upon such dates as the Comptroller may specify.
- c. Where a hosting platform has entered into a voluntary collection agreement with the County pursuant to Section 7(f) of this Local Law, the mechanism for increasing the number of return dates per calendar year must be included in such voluntary collection agreement.
- d. The form of returns shall be prescribed by the Comptroller and shall contain such information as the Comptroller may deem necessary for the proper administration of this Local Law. The Comptroller may require amended returns to be filed. Such returns shall be delivered not later than twenty days following notice of the operator or hosting platform by the Comptroller and shall contain the information specified in the notice.
- e. If the return required by this Section is not filed, or if a return as filed is incorrect or facially insufficient, the Comptroller shall take all necessary steps to enforce the filing of such return or a corrected return. The Comptroller shall not waive tax liability or suspend collection of tax imposed by this Local Law.

Section 10. Payment of Tax.

- a. At the time of the filing a return of occupancy and of rents, each operator, or, in the case where a hosting platform has entered into voluntary collection agreement pursuant to Section 7(f) of this Local Law, such hosting platform shall pay to the Comptroller the taxes imposed by this Local Law upon the rents required to be included in such return, as well as all other moneys collected by the operator or hosting platform acting or purporting to act under the provisions of this Local Law.
- b. Where the Comptroller, as a matter of discretion, deems it necessary to protect revenues to be obtained under this Local Law, the Comptroller may require any operator or hosting platform required to collect the tax imposed by this Local Law to file a bond with the Office of Comptroller, issued by a surety company authorized to transact business in the State of New York and approved by the Superintendent of the New York State Department of Financial Services as to the solvency and responsibility, in such amount as the Comptroller may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator or hosting platform.
- c. In the event that the Comptroller determines that an operator or hosting platform is to file such bond, the Comptroller shall give notice to such operator or hosting platform to that effect. The Comptroller shall specify the amount of the bond required in writing and send it to such operator or hosting platform by certified mail at the address provided by such

operator or hosting platform. Evidence of such mailing shall create a presumption that such operator or hosting platform has been notified.

- d. Where an operator or hosting platform has been notified by the Comptroller that a bond shall be required pursuant to this Section, such operator or hosting platform shall file such bond within ten business days.
- e. An operator or hosting platform may, within ten business days, request in writing a hearing before the Comptroller or the Comptroller's designee at which the necessity, propriety, and amount of the bond shall be determined by the Comptroller, notice of which shall be sent by certified mail to the address provided by such operator or hosting platform. Such determination shall be final and shall be complied with within ten business days after the Comptroller notifies such operator or hosting platform.
- f. In lieu of the bond described in Subsection 10(b) of this Local Law, securities approved by the Comptroller or cash in such amount as the Comptroller may prescribe may be deposited. Such deposit shall be kept in the custody of the Comptroller who may at any time and without notice to the depositor, apply such deposit to any tax, interest, and/or penalties due. For that purpose, any securities may be sold by the Comptroller at public or private sale without notice to the depositor.

Section 11. Determination of Tax.

- a. If a return required by this Local Law is not filed, or if a return when filed is incorrect or facially insufficient, the amount of the tax due shall be determined by the Comptroller from such information as may be obtainable.
- b. If necessary, the tax may be estimated on the basis of external indices, including but not limited to, the number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and publicly reported earnings.
- c. Notice of such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within thirty days following receipt of notice from the Comptroller of such determination shall apply to the Comptroller for a hearing. The Comptroller may redetermine the same *sua sponte*.
- d. After such hearing, the Comptroller shall give notice of such determination to the person against whom the tax is assessed. The determination of the Comptroller shall be reviewable by the Supreme Court of Erie County for error, illegality, unconstitutionality, or abuse of discretion pursuant to Article Seventy-Eight of the Civil Practice Law and Rules.
- e. No party aggrieved by the determination of the Comptroller shall have standing to bring an action under Article 78 of the Civil Practice Law and Rules challenging the Comptroller's determination unless the amount of any tax sought to be reviewed, with any and all penalties and interest thereon, shall be first deposited with the Comptroller.

- f. In addition to the requirements of Section 11(e) of this Local Law, any party challenging the determination of the Comptroller pursuant to Article 78 of the Civil Practice Law and Rules shall first file with the Comptroller an undertaking, issued by a surety company authorized to transact business in the State of New York and approved by the Superintendent of the New York State Department of Financial Services as to solvency and responsibility, in such amount as a Justice of the Supreme Court of Erie County shall approve to the effect that if such proceeding is dismissed or the tax confirmed, the petitioner shall pay all costs and charges which may accrue in the prosecution of the proceeding.
- g. At the option of the petitioner, such undertaking filed with the Comptroller may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties, and interest as a condition precedent to the application.

Section 12. Disposition of Revenues.

- a. All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County.
- b. Within sixty days of the effective date of this Local Law, the Comptroller shall create a special account, the sole purpose of which shall be the distribution of revenues to not-for-profit corporations and public benefit corporations dedicated to the promotion and facilitation of tourism in Erie County.
- c. Notwithstanding any provision of law to the contrary, with respect to tax imposed by this Local Law on and after January 1, 2024, all revenue resulting from such tax, including any interest and/or penalties thereon, shall be credited to and deposited in the account created by the Comptroller pursuant to Subsection 12(b) of this Local Law.
- d. On and after January 1, 2024, all amounts deposited in the account created pursuant to Subsection 12(b) of this Local Law shall be made available and distributed to Buffalo Niagara Convention & Visitors Bureau, Inc. pursuant to a lawfully executed agreement between Buffalo Niagara Convention & Visitors Bureau, Inc. and the County of Erie. Such agreement shall include a requirement that Buffalo Niagara Convention & Visitors Bureau, Inc. shall submit an annual report to the County Executive, County Legislature, and County Comptroller concerning the expenditure of distributions received from the County, the annual budget and business plan, and any additional information as may be required pursuant to such agreement.
- e. An agreement entered into pursuant to Subsection 12(d) of this Local Law shall be approved as to form by the County Attorney, approved by the County Legislature, for a period of three years. The County Executive shall, no later than January 1 of each year of the agreement term, execute a renewal of such agreement and shall file such

renewal with the Clerk of the Legislature on or before the date of the first meeting of the Legislature for that year.

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

Section 13. Refunds.

- a. In the matter provided by this Section, the Comptroller shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the Comptroller for such refund shall be made within one year from the payment thereof. Whenever a refund is made by the Comptroller, the reasons therefore shall be stated in writing. Such application may be made by the occupant, operator, or hosting platform who has actually paid the tax.
- b. Such application may be made by an operator who has collected and paid over such tax to the Comptroller provided that the application is made within one year of the payment by the occupant to the operator, but not actual refund of moneys shall be made to such operator until it shall first be established to the satisfaction of the Comptroller, under such regulations as the Comptroller may prescribe, that the occupant has been repaid in the amount for which the application was made. The Comptroller may, in lieu of any refund, allow credit therefore on payments due from the applicant.
- c. An application for a refund or credit made as provided herein shall be deemed an application for a revision of any tax, penalty, or interest complained of and the Comptroller may receive evidence with respect thereto. After making a determination, the Comptroller shall notify the applicant who shall be entitled to review such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within thirty days following final notice of such determination and a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Comptroller in such amount and with such sureties as a Justice of the Supreme County of Erie County shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner shall pay all costs and charges which may accrue in the prosecution of such proceeding.
- d. A person or entity shall not be entitled to a revision, refund or credit under this Section of a tax, interest or penalty which has been determined to be due pursuant to the provisions

of Section 13 of this Local Law where such person or entity has had a hearing or an opportunity for a hearing, as provided by this Section, or has failed to avail himself or herself of the remedies therein provided.

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

Section 14. Reserves.

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

Section 15. Remedies Exclusive.

- a. The remedies provided by Section 11 and Section 13 of this Local Law shall be the exclusive remedies available to any entity for the review of tax liability imposed by this Local Law.
- b. No determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, or any other action not brought under Article 78 of the Civil Practice Law and Rules.

Section 16. Proceedings for Recover Tax.

- a. Whenever any operator, hosting platform or other person or entity required to collect and remit occupancy tax pursuant to this Local Law fails to collect and remit and tax, penalty or interest imposed by this Local Law, the Erie County Attorney shall, upon the request of the Comptroller bring or cause to be brought an action to enforce the payment of the same on behalf of Erie County in the Supreme Court of Erie County within sixty days of such request. Should the County Attorney fail to bring such action within sixty days of the Comptroller's request, the Comptroller may bring or cause to be brought such action on behalf of Erie County.
- b. If the Comptroller believes that any such operator, hosting platform, or any other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, the Comptroller may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- c. As an additional or alternate remedy, the Comptroller may issue a warrant, directed to the Sheriff commanding the Sheriff or the Sheriff's duly authorized designee, to levy upon and

sell the real and personal property of the operator, hosting platform, or any person liable for the tax as described by this Local Law which may be found within Erie County for payment of the amount thereof with any penalties, interest, and the cost of executing the warrant.

- d. The Sheriff shall, within five business days following the receipt of the warrant, file a copy of such warrant with the Clerk. In the discretion of the Comptroller, a warrant of like terms, force and effect may be issued and directed to any officer or employee who shall have all the powers conferred by law upon the Sheriff under this Local Law, provided that such designee shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty.
- e. The Clerk shall, within five business days after a warrant has been filed by the Sheriff or the Comptroller's designee, enter in the judgment docket the name of the person or entity named in the warrant and the amount of the tax penalties, penalties, and interest for which the warrant is issued and the date when such copy is filed. For the purposes of this subsection, electronic recording of such information into the public-facing records database maintained by the Clerk shall constitute entry into the judgment docket. If the Clerk fails to enter such information onto the judgment docket within five days, the Comptroller may cause such information to be entered on his or her own accord. At such time as warrant information specified by this Subsection is entered onto the judgment docket, the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the operator, hosting platform, or persons liable for the tax pursuant to this Local Law against which the warrant is issued.
- f. The Sheriff or the Comptroller's designee shall proceed upon the warrant, in the same manner and with like effect, as provided by law in respect to executions issued against property upon judgments of a court of record.
- g. If a warrant is returned not satisfied in full, the Comptroller may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County had recovered judgment therefore and execution thereon had been returned unsatisfied.

Section 17. Notice Upon Sale.

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

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

- c. Whenever the purchaser, transferee or assignee shall fail to give notice to the Comptroller as required by the Subsection 17(a), or whenever the Comptroller shall inform the purchaser, transferee or assignee that a possible claim for such tax exists, any sums of money, property, causes of action, or other consideration which the purchaser, transferee or assignee is required to remit to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County.
- d. The purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property, causes of action, or other consideration to the extent of the amount of the County's claim.
- e. Where a purchaser, transferee or assignee fails to comply with the provisions of this Section, the purchaser, transferee or assignee shall be liable for the payment to the County of all taxes, penalties, and interest theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor.
- f. All such liability imposed by this Section may be assessed and enforced in the same manner as the liability for the tax under this Local Law.

Section 18. General Powers of the Comptroller.

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

- a. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
- b. To extend for cause shown, the time of filing any return for a period not exceeding thirty days; and for cause shown, to remit penalties but not interest computed at the rate of six percent per annum; and to compromise disputed claims in connection with the taxes hereby imposed;
- c. To request information from the New York State Department of Taxation and Finance or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, notwithstanding any other provision of this Local Law to the contrary;

- d. To delegate any functions hereunder to the Deputy Comptroller or any officer or employee of the Office of Comptroller;
- e. To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;
- f. To require any operator within the County to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this Local Law, and to furnish such information upon request to the Comptroller;
- g. To require any operator within the County to maintain any and all records required by this Local Law for a concrete length of time in excess of the five-year period required under Section 8 of this Local Law not to exceed five additional years;
- h. To permit an operator or hosting platform, upon a showing of good cause, to enter into an agreement with the County allowing the operator or hosting platform to make periodic payments in a manner and at such intervals to be prescribed by the Comptroller, provided that no such payment plan exceeds two years following the date that the return was due pursuant to Section 9 of this Local Law;
- i. To assess and determine the taxes imposed under this Local Law.

Section 19. Administration of Oaths.

- a. The Comptroller or the Comptroller's duly authorized employees or agents shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this Local Law. The Comptroller shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of this duties hereunder and of the enforcement of this Local Law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of state or unable to attend in person or excused from attendance.
- b. A Justice of the Supreme Court of Erie County either in court or at chambers shall have power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Comptroller under this Local Law.
- c. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Comptroller under this Local Law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than five

thousand dollars or imprisonment for not more than one year, or both such fine and imprisonment.

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

Section 20. Reference to Tax.

- a. Whenever reference is made in placards, promotion, publication or other form of public-facing signage or advertisement to the tax imposed by this Local Law, such reference shall be substantially in the following form: "Tax on occupancy of rooms for short-term accommodation."
- b. Whenever reference is made in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator or hosting platform to the tax imposed by this Local Law, the phrase "occupancy tax" will suffice.

Section 21. Penalties and Interest.

- a. Any person failing to file a return or to pay over any tax to the Comptroller within the time required by this Local Law shall be subject to a penalty of five percent of the amount of tax due, plus interest at the rate of one percent of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due.
- b. The Comptroller may, if satisfied that the delay was excusable, waive all or any part of a penalty imposed by this Section. The Comptroller may not waive interest accrued at the rate of six percent annually. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this Local Law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this Local Law.
- c. Any operator, occupant, or hosting platform failing to file a return required by this Local Law, or filing or causing to be filed any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this Local Law, which is willfully false shall be subject to a fine not to exceed ten thousand dollars. The individual who engages in such conduct while acting as the agent of such operator, occupant or hosting platform shall be guilty of a misdemeanor. The Comptroller may, in his discretion, refer such violations to the Erie County District Attorney.
- d. Any occupant, operator, or hosting platform who violates the provisions of this local law, in addition to any other penalties so specified by this Local Law, shall be subject to a fine not to exceed ten thousand dollars. Such violations include, but are not limited to:

1. Failing to file a bond required to be filed pursuant to Section 11 of this Local Law;
 2. Failing to file a registration certificate and such data in connection therewith as the Comptroller may by regulation or otherwise require;
 3. Failure to display or surrender the Certificate of Authority as required by this Local Law or assigning or transferring such Certificate of Authority;
 4. Failing to charge the tax imposed by this Local Law altogether or separately from the rent;
 5. Failing to keep the records required by Section 8 of this Local Law or otherwise required by the Comptroller by regulation.
- e. In addition to the penalties imposed by this Section and otherwise imposed elsewhere by this Local Law, entities in violation thereof shall be subject to daily fines not to exceed five hundred dollars per day for each day such entity remains in violation of this Local Law. Such penalties shall be collected in the same manner as otherwise prescribed elsewhere in this Local Law.
- f. The certificate of the Comptroller, to the effect that a tax has not been paid, that a return bond or registration certificate has not been filed or that information has not been supplied pursuant to the provisions of this Local Law, shall be presumptive evidence thereof.

Section 22. Returns to be Secret.

- a. Within 120 days of the effective date of this Local Law, the County shall establish a confidential mechanism permitting owners and operators to submit returns, pay amounts owed, and transmit all other information required by this Local Law in electronic form.
- b. Except as provided by a proper judicial order, or as otherwise provided by law, it shall be unlawful for the Comptroller or any officer or employee of the Office of Comptroller to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under the Local Law. The officers charged with the custody of such returns shall not be required to produce any return required by this Local Law or evidence of any information contained in them in any action or proceeding in any court or administrative proceeding except on behalf of the Comptroller in an action or proceeding brought under the provisions of this Local Law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit into evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.
- c. Nothing herein shall be construed to prohibit the following:

1. delivery to a taxpayer or a taxpayer's duly authorized representative of a certified copy of any return filed in connection with such taxpayer's obligation under this Local Law; or
 2. the publication of statistics so classified as to prevent the identification of particular returns and the items thereof;
 3. the inspection of the County Attorney or other legal representatives of the County of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty; or
 4. confirming for any person or entity that a named operator does not have any undue outstanding tax liabilities, interest and/or penalties pursuant to this Local Law.
- d. Returns shall be preserved for five years and thereafter until the Comptroller permits them to be destroyed.
- e. Any violation of subdivision (b) of this Section shall be punishable by a fine not exceeding \$1,000. Any willful violation of subdivision (b) of this Section by an officer or employee of the County shall result in that officer or employee's immediate dismissal from office and prohibition from holding any public office for a period of five years thereafter.
- f. In the event that any person or operator fails to timely and accurately file a return and/or collect and remit the tax due and owing to the County, and/or fails to adhere to the terms and conditions of any agreement said party enters into with the County for the payment of taxes due hereunder, the restriction contained in subdivision (b) of this Section shall be lifted. Only authorized officers and employees of the Office of Comptroller, Division of Budget and Management, and Department of Law are permitted to release limited identifying information regarding the delinquency, including, but not limited to, an operator, person or taxpayer's name, names of the principals of said owner and/or operator, and the amount of the delinquency.

Section 23. Notices and Limitations of Time.

- a. Any notice authorized or required under the provisions of this local law may be given by sending the same by certified mail:
1. In the case of an operator or hosting platform, to the address provided on the last return filed pursuant to the provisions of this Local Law; or
 2. In the case of an occupant, to the address provided by such occupant on the most recent application made to the Comptroller pursuant to Section 11 or Section 13 of this Local Law.

- b. The mailing of such notice shall be presumptive evidence of receipt by the entity to which the notice is addressed. Any time period which is determined according to the notice provisions of this Local Law shall commence to run from the date of mailing of such notice.
- c. The provisions of the Civil Practice Law and Rules or any other law conflicting with Chapter 614 of the Laws of 1974 relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine, or enforce the collection of any tax, interest, or penalty provided by this Local Law.
- d. Where an operator or hosting platform files a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return.
- e. Where no return has been filed by an operator or hosting platform as provided by Section 9 of this Local Law, the tax may be assessed at any time.
- f. Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period. No extension authorized by this subsection shall, by itself or cumulatively, exceed two years past the original date of the return required by Section 9 of this Local Law.

Section 24. Effective Date.

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

Section 25. Completion of Unfinished Business.

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

Section 26. Severability.

If any clause, sentence, paragraph, section, subsection, subdivision, or any part of this Local Law or the application therefore to any person, individual, corporation, firm, partnership, entity or

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

Sponsor:

Howard J. Johnson, Jr.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

INTRO. 16-1

BARGNESI

Re-Appropriation of Public Benefit Funding

Attachments

23INTRO. 16-1

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

Re: Re-Appropriation of Public Benefit Funding

WHEREAS, Young Life was awarded \$40,000 in public benefit funding by the Erie County Legislature in COMM. 8E-1 (2022) – 2021 Year-End Budget Balancing Amendments & Designations and \$10,000 in the adopted 2023 Budget in Fund Center 1332010 - Community/Neighborhood Development, Account 518695; and

WHEREAS, The Town of Tonawanda Paramedics were awarded \$20,000 in public benefit funding by the Erie County Legislature in COMM. 8E-1 (2023) 2022 Year-End Budget Balancing Amendments & Designations; and

WHEREAS, the organizations are not able to accept the funds, and the funding should be transferred to an alternative organization; and

WHEREAS, as in similar 2020, 2021 and 2022 situations, it is the intention of this Honorable Body to transfer such funding to community organizations serving the public.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to transfer \$40,000 of 2021 Year-End Budget Balancing Amendments & Designations to the Town of Tonawanda; and be it further

RESOLVED, that authorization is provided to transfer \$10,000 of 2023 public benefit funding to Brighton Place; and be it further

RESOLVED, that authorization is provided to transfer \$20,000 of 2022 Year-End Budget Balancing Amendments & Designations to James V and Fay P Ryan Paramedic Foundation; and be it further

RESOLVED, that while the agency names are changing the overall budget line amount is to remain the same; and, be it further

RESOLVED, that the Director of the Division of Budget and Management is authorized to make any adjustments necessary to effectuate the intent of this resolution or any other changes identified by the Office of the Erie County Comptroller; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Executive, the Erie County Comptroller, the Director of Budget and Management, and any other party deemed necessary and proper.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-1

COMPTROLLER

Certificate of Determination - Sewer Bond Sale

Attachments

23COMM. 16E-1

CERTIFICATE OF DETERMINATION OF THE COUNTY COMPTROLLER RELATIVE TO THE TERMS, FORM AND DETAILS OF THE SALE AND ISSUANCE OF \$29,020,000 PUBLIC IMPROVEMENT SERIAL BONDS, SERIES 2023A AND \$360,000 SEWER DISTRICT SERIAL BONDS, SERIES 2023B OF THE COUNTY OF ERIE, NEW YORK, AGGREGATING \$29,380,000, AND PROVIDING FOR THEIR PRIVATE SALE.

I, KEVIN R. HARDWICK, the County Comptroller of the County of Erie, New York (the "County"), HEREBY CERTIFY that pursuant to the powers and duties delegated to me as the chief fiscal officer of the County pursuant to the Bond Resolutions that were duly adopted and amended by the County Legislature and are referred to in the attached Appendices A and B which are hereby made a part hereof, and subject to the limitations prescribed in those Bond Resolutions, I have made the following determinations:

1. Authorization, Principal Amount, Maturity Schedule, Issue Date and Designation: (a) Bonds of the County (the "Bonds") in the respective principal amounts as set forth in the attached Appendices A and B, for each purpose as set forth in row A of such Appendices, shall be issued pursuant to the bond resolutions that were duly adopted and amended by the County Legislature on their respective dates as set forth in such Appendices, and shall mature in the respective principal amounts on September 15 in each of the years as set forth in such Appendices.

(b) All of the serial bonds hereinabove referred to in Appendix A (the "2023A Bonds") shall be combined for the purpose of sale into a single issue of serial bonds in the aggregate principal amount of \$29,020,000, and shall be designated "PUBLIC IMPROVEMENT SERIAL BONDS, SERIES 2023A." The 2023A Bonds shall be dated July 27, 2023 and shall mature, with substantially level or declining annual debt service, on September 15 in the aggregate principal amounts and in each of the years as reflected in the total column set forth in Appendix A.

(c) All of the serial bonds hereinabove referred to in Appendix B (the “2023B Bonds”) shall be combined, for the purpose of sale, into a single issue of serial bonds in the aggregate principal amount of \$360,000, and shall be designated “SEWER DISTRICT SERIAL BONDS, SERIES 2023B.” The 2023B Bonds shall be dated July 27, 2023 and shall mature, with substantially level or declining annual debt service, on September 15 in the aggregate principal amounts and in each of the years as reflected in the total column set forth in Appendix B.

2. Issue Date. The Bonds shall be dated their date of delivery. The date of each Bond shall appear on the face thereof under the caption “Date of Original Issue,” and each Bond shall bear interest from such date.

3. Interest Rate, Dates and Medium of Payment. The Bonds shall bear interest from their date at the rate(s) per annum as set forth in Section 1 hereof, payable March 15, 2024, September 15, 2024 and semi-annually thereafter on each March 15 and September 15 to maturity (or earlier redemption, if applicable), payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest thereon will be payable by wire transfer or in clearinghouse funds by the Fiscal Agent, on each interest payment date, to the registered owners thereof (at their addresses as they appear on the registration books of the County maintained by the Fiscal Agent or at such other address as may be furnished in writing by any of such registered owners to the Fiscal Agent) at the record date/time for the Bonds, which is the last business day of the month preceding each interest payment date, at the close of business.

4. Bonds Subject to Prior Redemption. The Bonds maturing on or before September 15, 2033 will not be subject to redemption prior to maturity. The Bonds maturing on

or after September 15, 2034 will be subject to redemption prior to maturity at the option of the County on any date on or after September 15, 2033, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at the price equal to 100% of the par amount of the Bonds to be redeemed, plus accrued interest to the date of redemption. The County may select the maturities of the Bonds to be redeemed prior to maturity and the amount to be redeemed of each maturity selected, as the County shall determine to be in the best interest of the County at the time of such redemption. If less than all of the Bonds of any maturity are to be redeemed prior to maturity, the selection of the book-entry interests within each Bond maturity to be redeemed will be done in accordance with procedures established by The Depository Trust Company (“DTC”) which will act as securities depository for the Bonds. If the Bonds are not registered in book-entry form, any redemption of less than all of a maturity of the Bonds shall be allocated (in the amounts of \$5,000 or any whole multiple) among the registered owners of such maturity of the Bonds then outstanding as nearly as practicable in proportion to the principal amounts of such maturity of the Bonds owned by each registered owner. This will be calculated based on the following formula:

$$\frac{\text{(principal to be redeemed)} \times \text{(principal amount owned by owner)}}{\text{(principal amount outstanding)}}$$

So long as DTC or a successor securities depository is the sole registered owner of the Bonds, the County will cause notice of redemption to be given only to DTC as registered owner. Notice of such call for redemption shall be given by mailing such notice to the registered owner not less than thirty (30) days, nor more than sixty (60) days, prior to such date. Notice of redemption having been given as aforesaid, the Bonds so called for redemption shall, on the date of redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

5. Denominations, Numbers and Letters. The Bonds maturing in each year shall be issued as fully registered bonds in denominations of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount of Bonds of each series maturing in such year.

The 2023A Bonds shall be lettered AR, and shall be numbered separately from one (1) consecutively upward in the order of their issuance; the 2023B Bonds shall be lettered BR, and shall be numbered separately from one (1) consecutively upward in order of their issuance. All of the Bonds shall be transferable and exchangeable as provided herein.

6. Book Entry System. The Bonds when issued shall be (i) registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), and (ii) deposited with DTC to be held in trust until maturity. Only one Bond will be initially issued for each maturity of each series in the aggregate principal amount of such maturity. DTC is an automated depository for securities and clearinghouse for securities transactions, and will be responsible for establishing and maintaining a book-entry system for recording the ownership interests of its participants, which include certain banks, trust companies and securities dealers, and the transfers of the interests among its participants. The DTC participants will be responsible for establishing and maintaining records with respect to the beneficial ownership interests of individual purchasers in the Bonds. Individual purchases of beneficial ownership interests in the Bonds may only be made through book entries (without certificates issued by the County) made on the books and records of DTC (or a successor depository) and its participants, in the denominations of \$5,000 or integral multiples thereof. Beneficial owners of the Bonds will not receive certificates representing their interest in the Bonds. Principal of and interest on the Bonds will be payable by the County or its agent by wire transfer or in clearinghouse funds to DTC or its nominee as registered owner of the Bonds pursuant to the Blanket Letter of Representations between the County and DTC . Transfer

of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The County will not be responsible or liable for payments by DTC to its participants or by DTC participants to beneficial owners or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

7. Discontinuance of Book Entry System. In the event that (a) DTC determines to discontinue providing its service with respect to the Bonds by giving notice to the County and discharging its responsibilities with respect thereto under applicable law, and the County fails to appoint a successor securities depository for the Bonds, or (b) the County determines to discontinue the system of book-entry transfers through DTC (or a successor securities depository), then bond certificates shall be delivered to each of the beneficial owners upon registration of the Bonds held in such beneficial owners' names. After such registration the beneficial owners shall become the registered owners of the Bonds. In such event, the County Comptroller of the County shall execute a Supplemental Certificate of Determination which will set forth the terms, form and details of issuance of such bond certificates.

8. Fiscal Agent. U.S. Bank Trust Company, National Association, New York, New York is hereby appointed as the Fiscal Agent for the Bonds pursuant to, and to act in accordance with, applicable provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

9. Execution of Bonds. The Bonds shall be executed in the name of the County by the manual signature of the County Comptroller, and shall have the corporate seal of the County, or a facsimile thereof, affixed, impressed, imprinted, engraved or otherwise reproduced thereon.

10. Transfer of Bonds. Each Bond shall be transferable only upon the books of the County which shall be kept for such purpose at the office of the Fiscal Agent, by the registered owner thereof in person or by its attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer or exchange satisfactory to the Fiscal Agent duly executed by the registered owner or its duly authorized attorney. Upon transfer of any such Bond, the County shall issue in the name of the transferee or the registered owner a new Bond or Bonds of the same aggregate principal amount and maturity as the surrendered Bond. The Fiscal Agent may deem and treat the person in whose name any Bond shall be registered upon the books of the County as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon its order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Fiscal Agent shall be affected by any notice to the contrary.

11. Regulations With Respect to the Exchanges and Transfers. In all cases in which the privilege of exchanging or transferring Bonds is exercised, the County shall execute and deliver Bonds in accordance with the provisions hereof. All Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Fiscal Agent. For every such exchange or transfer of bonds, the Fiscal Agent may make a charge sufficient to reimburse the County for any tax, fee or other governmental charge required to be paid with respect to such exchange or

transfer, and may charge a sum sufficient to pay the cost of preparing each new bond issued upon such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The County shall not be obliged to make any such exchange or transfer of Bonds between the close of business on the last business day of the month preceding an interest payment date and such interest payment date.

12. Sale of Bonds. The Bonds are hereby sold at private sale to Ramirez & Co., Inc., as the book-running senior manager, along with FHN Financial Capital Markets and Jefferies LLC as co-managers, all of New York, New York, as the Underwriters listed in the Contract of Purchase dated July 18, 2023 between the Underwriters and the County, for the purchase price of \$33,680,115.07 plus accrued interest, if any, from the date of the Bonds (July 27, 2023) to the date of delivery of and payment for the Bonds. The aggregate initial offering price for the Bonds will be \$33,764,242.40 plus accrued interest, if any. Pursuant to Section 54.50 of the Local Finance Law, constituting Chapter 33-A of the Consolidated Laws for the State of New York, as amended, the terms and conditions of such sale are subject to the approval of the State Comptroller. Delivery of the Bonds to the purchasers thereof shall be effected on or about July 27, 2023, upon (i) receipt by the County of the purchase price of the Bonds and (ii) deposit of the Bonds with DTC to be held in trust until maturity.

13. Form of Bonds. The Bonds shall be in substantially the form set forth in Appendix C hereto.

14. SEC Rule 15c2-12. In order to assist the Underwriters of the Bonds in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission, and as

part of the County's contractual obligation arising from its acceptance of the Underwriters' proposal, at the time of the delivery of the Bonds the County will provide an executed copy of its "Undertaking to Provide Continuing Disclosure" in substantially the form set forth in Exhibit D hereto. The Undertaking will constitute a written agreement or contract of the County for the benefit of holders of and owners of beneficial interests in the Bonds, to provide to the Electronic Municipal Market Access ("EMMA") System implemented by the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of such Board contemplated by the Undertaking, the annual financial information and timely notice of the occurrence of certain events, as enumerated in the Rule 15c2-12.

[Remainder of this page intentionally left blank]

(Signature Page for Certificate of Determination)

I HEREBY FURTHER CERTIFY that the powers and duties delegated to me to issue and sell the Bonds hereinabove described and referred to are in full force and effect and have not been modified, amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand as of 18th day of July, 2023.



County Comptroller

APPENDIX A

Public Improvement Serial Bonds, Series 2023A

Debt Service Schedule

APPENDIX B

Sewer District Serial Bonds, Series 2023B

Debt Service Schedule

© GOS 340

REGISTERED
NO. AR-1

PRINCIPAL SUM
\$1,650,000

UNITED STATES OF AMERICA
STATE OF NEW YORK
COUNTY OF ERIE

PUBLIC IMPROVEMENT SERIAL BOND, SERIES 2023A

MATURITY DATE
September 15, 2024

INTEREST RATE
5.00%

DATE OF ORIGINAL ISSUE
July 27, 2023

REGISTERED OWNER: CEDE & CO.

CUSIP: 295084 WB9

PRINCIPAL SUM: ONE MILLION SIX HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$1,650,000)

The County of Erie, a municipal corporation of the State of New York (the "County"), hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER (named above), or registered assigns, on the MATURITY DATE (stated above), the PRINCIPAL SUM (stated above) upon presentation and surrender of this bond at the corporate trust office of U.S. Bank Trust Company, National Association, New York, New York, New York, as fiscal agent ("Fiscal Agent"), or any successor thereto, and to pay interest on such principal sum from July 27, 2023 or from the most recent interest payment date to which interest has been paid, or unless interest on this bond shall be in default, in which event this bond shall bear interest from the date to which interest has been paid in full, at the INTEREST RATE (stated above), payable on March 15, 2024, September 15, 2024 and semi-annually thereafter on March 15 and September 15 in each year until maturity (or earlier redemption). Interest hereon will be payable by wire transfer or in clearinghouse funds by the Fiscal Agent, on each interest payment date, to the registered owners thereof (at their addresses as they appear on the registration books of the County maintained by the Fiscal Agent or at such other address as may be furnished in writing by any of such registered owners to the Fiscal Agent) at the record date/time for the Bonds, which is the last business day of the month preceding each interest payment date, at the close of business. The principal of and interest on this bond are payable in any coin or currency of the United States of America which, at the date of payment, is legal tender for the payment of public and private debts; provided, however, that interest on this fully-registered bond shall be paid by wire transfer or clearinghouse funds as set forth above.

The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on this bond according to its terms.

Litho in U.S.A.

County of Erie, New York
Public Improvement Serial Bond, Series 2023A

This bond is one of an authorized issue, the principal amount of which is \$29,020,000, and is issued pursuant to (i) the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), (ii) a consolidated bond resolution that was duly adopted by the Legislature of the County on April 13, 2023, authorizing the issuance of bonds of the County to provide funds required to finance various capital improvements in the County and (iii) a Certificate of Determination executed by the County Comptroller as of July 18, 2023 determining the terms, form and details of issuance of the bonds (the "Bonds") and providing for their private sale (the "Certificate of Determination").

The Bonds are issuable in the form of registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof, not exceeding the aggregate principal amount of the Bonds maturing in any year.

This bond is transferable or exchangeable, as provided in the Certificate of Determination, only upon the books of the County which shall be kept for that purpose at the office of the Fiscal Agent, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer or exchange satisfactory to the County duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new bond or bonds, in the same aggregate principal amount and of the same maturity, shall be issued to the transferee or the registered owner in exchange therefor as provided in the Certificate of Determination and upon the payment of the charges, if any, therein prescribed.

The Bonds maturing on or before September 15, 2033 will not be subject to redemption prior to maturity. The Bonds maturing on September 15, 2034 and thereafter will be subject to redemption prior to maturity, at the option of the County, on September 15, 2033 and thereafter on any date, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at a price equal to the par amount, plus accrued interest to the date of redemption.

The County may select the maturities of the Bonds to be redeemed and the amount to be redeemed of each such maturity selected, as the County shall determine to be in the best interests of the County at the time of such redemption. If less than all of the Bonds of any maturity are to be redeemed prior to maturity, the selection of the book-entry interests within each Bond maturity to be redeemed will be done in accordance with procedures established by The Depository Trust Company ("DTC") which will act as securities depository for the Bonds. If the Bonds are not registered in book-entry form, any redemption of less than all of a maturity of the Bonds shall be allocated (in the amounts of \$5,000 or any whole multiple) among the registered owners of such maturity of the Bonds then outstanding as nearly as practicable in proportion to the principal amounts of such maturity of the Bonds owned by each registered owner. This will be calculated based on the following formula:

$$\frac{(\text{principal to be redeemed}) \times (\text{principal amount owned by owner})}{(\text{principal amount outstanding})}$$

County of Erie, New York
Public Improvement Serial Bond, Series 2023A

So long as DTC or a successor securities depository is the sole registered owner of the Bonds, the County will cause notice of redemption to be given only to DTC as registered owner. Notice of such call for redemption shall be given by mailing such notice to the registered owner not less than thirty (30) days, nor more than sixty (60) days, prior to such date. Notice of redemption having been given as aforesaid, the Bonds so called for redemption shall, on the date of redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

[SIGNATURE PAGE FOLLOWS]

County of Erie, New York
Public Improvement Serial Bond, Series 2023A

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this bond, exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of such State.

IN WITNESS WHEREOF, the County has caused this bond to be executed in its name by the manual signature of its County Comptroller and its corporate seal (or a facsimile thereof) to be affixed, impressed, imprinted, engraved, or otherwise reproduced hereon.

COUNTY OF ERIE

By: SPECIMEN
County Comptroller

(Seal)

ASSIGNMENT

FOR VALUE RECEIVED the Undersigned hereby sells,
assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS INCLUDING POSTAL ZIP CODE
OF ASSIGNEE

the within bond and does hereby irrevocably constitutes and appoint

_____, Attorney
to transfer the bond on the books kept for registration of the bond, with full power of substitution
in the premises.

Dated: _____

Signature Guaranteed: _____

NOTICE: Signature(s) must be acknowledged or
proved, or in the alternative, certified by an
officer of a bank or trust company located and
authorized to do business in New York State.

NOTICE: The signature to this assignment
must correspond with the name as it
appears upon the face of the within bond in
every particular, without alteration or
enlargement or any change whatsoever.

REGISTERED
NO. BR-1

PRINCIPAL SUM
\$20,000

UNITED STATES OF AMERICA
STATE OF NEW YORK
COUNTY OF ERIE

SEWER DISTRICT SERIAL BOND, SERIES 2023B

MATURITY DATE
September 15, 2024

INTEREST RATE
5.00%

DATE OF ORIGINAL ISSUE
July 27, 2023

REGISTERED OWNER: CEDE & CO.

CUSIP: 295084 WP8

PRINCIPAL SUM: TWENTY THOUSAND DOLLARS AND NO CENTS (\$20,000)

The County of Erie, a municipal corporation of the State of New York (the "County"), hereby acknowledges itself indebted and for value received promises to pay to the REGISTERED OWNER (named above), or registered assigns, on the MATURITY DATE (stated above), the PRINCIPAL SUM (stated above) upon presentation and surrender of this bond at the corporate trust office of U.S. Bank Trust Company, National Association, New York, New York, New York, as fiscal agent ("Fiscal Agent"), or any successor thereto, and to pay interest on such principal sum from July 27, 2023 or from the most recent interest payment date to which interest has been paid, or unless interest on this bond shall be in default, in which event this bond shall bear interest from the date to which interest has been paid in full, at the INTEREST RATE (stated above), payable on March 15, 2024, September 15, 2024 and semi-annually thereafter on March 15 and September 15 in each year until maturity (or earlier redemption). Interest hereon will be payable by wire transfer or in clearinghouse funds by the Fiscal Agent, on each interest payment date, to the registered owners thereof (at their addresses as they appear on the registration books of the County maintained by the Fiscal Agent or at such other address as may be furnished in writing by any of such registered owners to the Fiscal Agent) at the record date/time for the Bonds, which is the last business day of the month preceding each interest payment date, at the close of business. The principal of and interest on this bond are payable in any coin or currency of the United States of America which, at the date of payment, is legal tender for the payment of public and private debts; provided, however, that interest on this fully-registered bond shall be paid by wire transfer or clearinghouse funds as set forth above.

The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on this bond according to its terms.

County of Erie, New York
Sewer District Serial Bond, Series 2023B

This bond is one of an authorized issue, the principal amount of which is \$360,000, and is issued pursuant to (i) the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), (ii) various bond resolutions that were duly adopted and amended by the Legislature of the County on their respective dates, authorizing the issuance of bonds of the County to provide funds required to finance various capital improvements in the County and (iii) a Certificate of Determination executed by the County Comptroller as of July 18, 2023 determining the terms, form and details of issuance of the bonds (the "Bonds") and providing for their private sale (the "Certificate of Determination").

The Bonds are issuable in the form of registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof, not exceeding the aggregate principal amount of the Bonds maturing in any year.

This bond is transferable or exchangeable, as provided in the Certificate of Determination, only upon the books of the County which shall be kept for that purpose at the office of the Fiscal Agent, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer or exchange satisfactory to the County duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new bond or bonds, in the same aggregate principal amount and of the same maturity, shall be issued to the transferee or the registered owner in exchange therefor as provided in the Certificate of Determination and upon the payment of the charges, if any, therein prescribed.

The Bonds maturing on or before September 15, 2033 will not be subject to redemption prior to maturity. The Bonds maturing on September 15, 2034 and thereafter will be subject to redemption prior to maturity, at the option of the County, on September 15, 2033 and thereafter on any date, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at a price equal to the par amount, plus accrued interest to the date of redemption.

The County may select the maturities of the Bonds to be redeemed and the amount to be redeemed of each such maturity selected, as the County shall determine to be in the best interests of the County at the time of such redemption. If less than all of the Bonds of any maturity are to be redeemed prior to maturity, the selection of the book-entry interests within each Bond maturity to be redeemed will be done in accordance with procedures established by The Depository Trust Company ("DTC") which will act as securities depository for the Bonds. If the Bonds are not registered in book-entry form, any redemption of less than all of a maturity of the Bonds shall be allocated (in the amounts of \$5,000 or any whole multiple) among the registered owners of such maturity of the Bonds then outstanding as nearly as practicable in proportion to the principal amounts of such maturity of the Bonds owned by each registered owner. This will be calculated based on the following formula:

$$\frac{(\text{principal to be redeemed}) \times (\text{principal amount owned by owner})}{(\text{principal amount outstanding})}$$

County of Erie, New York
Sewer District Serial Bond, Series 2023B

So long as DTC or a successor securities depository is the sole registered owner of the Bonds, the County will cause notice of redemption to be given only to DTC as registered owner. Notice of such call for redemption shall be given by mailing such notice to the registered owner not less than thirty (30) days, nor more than sixty (60) days, prior to such date. Notice of redemption having been given as aforesaid, the Bonds so called for redemption shall, on the date of redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

[SIGNATURE PAGE FOLLOWS]

County of Erie, New York
Sewer District Serial Bond, Series 2023B

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this bond, exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of such State.

IN WITNESS WHEREOF, the County has caused this bond to be executed in its name by the manual signature of its County Comptroller and its corporate seal (or a facsimile thereof) to be affixed, impressed, imprinted, engraved, or otherwise reproduced hereon.

COUNTY OF ERIE

By: _____
County Comptroller

SPECIMEN

(Seal)

ASSIGNMENT

FOR VALUE RECEIVED the Undersigned hereby sells,
assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS INCLUDING POSTAL ZIP CODE
OF ASSIGNEE

the within bond and does hereby irrevocably constitutes and appoint

_____, Attorney
to transfer the bond on the books kept for registration of the bond, with full power of substitution
in the premises.

Dated: _____

Signature Guaranteed: _____

NOTICE: Signature(s) must be acknowledged or
proved, or in the alternative, certified by an
officer of a bank or trust company located and
authorized to do business in New York State.

NOTICE: The signature to this assignment
must correspond with the name as it
appears upon the face of the within bond in
every particular, without alteration or
enlargement or any change whatsoever.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-2

COMPTROLLER

WROTB 2022 Financial Statements Inquiry

Attachments

23COMM. 16E-2



ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

July 24, 2023

Henry Wojtaszek
President and Chief Executive Officer
Western Regional Off-Track Betting Corporation
8315 Park Road
Batavia, New York 14020

Re: WROTB 2022 Financial Statements Inquiry

Dear Mr. Wojtaszek:

My office has been reviewing Western Regional Off Track Betting Corporation's ("WROTB") audited financial statements. As you know, WROTB asserts in its marketing and audited 2022 financial statements that record revenues were generated by Batavia Downs Gaming and distributed to New York State and to member governments.

In the 2022 financial statements, WROTB reported \$1,099,588,502 in racing and gaming revenues from the net handle in corporate and branch operations unit (\$53,557,120) and the Batavia Downs Gaming unit (\$1,046,031,382). After paying out winnings to customers, WROTB reported total racing and gaming revenue of \$87,796,332. The gross revenue of \$87.7 million excludes the additional \$24,367,102 that is itemized on page 23 but fails to identify \$9.3 million of "other" revenue netting \$57,474,366 from racing and gaming operations after making statutory payments, post-employment health benefits, pension payments, and other operating expenses. As such, our question is what amounts does WROTB consider "other" revenue? What does this \$9.3 million consist of?

In the racing and gaming revenue category, Batavia Downs Gaming allocated \$10,644,420 in revenue to a category called "marketing allowance and capital awards." This has the effect of substantially reducing the amount of revenue available for distribution to member governments.

I am writing to request a detailed breakdown from WROTB on the category called "marketing allowance and capital awards," a similar breakdown of "other" revenue. What does WROTB allocate into this category? Why is WROTB retaining these funds which appear to be 14% of the video gaming machine ("VGM") drop (see pages 19, 20 and 26 of the financial statements concerning the VGM drop and the "Capital Awards Fund")?

Given WROTB's net revenue available in 2022 for distribution to member governments, the corporation's allocation of \$10.6 million to marketing and capital accounts/purposes represents a large amount of funds held back. How much are you spending annually on marketing, television and radio advertising, and public relations? How are you spending that (how much is on television advertising, how

much for radio, how much for print, and how much for online/social media advertising)? Are you employing outside media/public relations consultants through this category?

In addition, on page 14 of your financial statements, in the section entitled "Statement of Changes in Undistributed Net Revenue for the Year Ended December 31, 2022", WROTB details a schedule acknowledging the balance of revenue ostensibly available on January 1, 2022 to the member governments, the payments made in 2022 to them by WROTB and a balance remaining on December 31, 2022.

If we are reading this correctly, the schedule shows that WROTB made payments to members in 2022 totaling \$8,075,334 while at year-end, \$16,556,503 in revenue remained undistributed. Is this interpretation accurate? If so, please explain why revenues are held back and not remitted to the member governments. If our understanding is not accurate, please explain why WROTB's audited statements would show that roughly half of distribution revenue was not paid out, given that the New York Racing, Pari-Mutuel Wagering and Breeding Law Section 516(2-a) requires WROTB to distribute the full amount each quarter.

We look forward to your anticipated cooperation and assistance. Thank you in advance.

Sincerely,



Kevin R. Hardwick, Ph.D.
Erie County Comptroller

cc: Erie County Legislature
Erie County Executive Mark C. Poloncarz
Jennifer Hibit, Erie County Director, WROTB

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-3 COMPTROLLER 2023 Bond Sale

Attachments

23COMM. 16E-3



ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

August 1, 2023

Honorable Members
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: 2023 Bond Sale

Dear Honorable Members:

Pursuant to Section 1802(k) of the Erie County Charter, please find attached the cost of issuance, debt service and bond pricing information for the County's 2023 capital borrowing for Series A (general projects) and Series B (sewer projects). The sale closed on July 27, 2023.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "K. R. Hardwick", is written over a light blue horizontal line.

Kevin R. Hardwick, Ph.D.
Erie County Comptroller

Attachment – 2023 Bond Sale Final Structure

cc: Mark C. Poloncarz, Erie County Executive
Robert Keating, Director of Budget and Management
Erie County Fiscal Stability Authority
Jeffrey Stone, Hodgson Russ, LLP

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SOURCES AND USES OF FUNDS

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Sources:	Public Improvement Serial Bonds, Series 2023A	Sewer District Serial Bonds, Series 2023B	Total
Bond Proceeds:			
Par Amount	29,020,000.00	360,000.00	29,380,000.00
Premium	4,330,660.85	53,581.55	4,384,242.40
	33,350,660.85	413,581.55	33,764,242.40
Uses:			
Project Fund Deposits:			
Project Fund	33,112,170.00	410,746.31	33,522,916.31
Delivery Date Expenses:			
Cost of Issuance	153,100.75	1,899.25	155,000.00
Underwriter's Discount	83,096.51	1,030.82	84,127.33
	236,197.26	2,930.07	239,127.33
Other Uses of Funds:			
Additional Proceeds	2,293.59	-94.83	2,198.76
	33,350,660.85	413,581.55	33,764,242.40

BOND SUMMARY STATISTICS

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Dated Date	07/27/2023
Delivery Date	07/27/2023
Last Maturity	09/15/2035
Arbitrage Yield	2.595128%
True Interest Cost (TIC)	2.716627%
Net Interest Cost (NIC)	2.981236%
All-In TIC	2.791653%
Average Coupon	5.000000%
Average Life (years)	7.250
Duration of Issue (years)	6.237
Par Amount	29,380,000.00
Bond Proceeds	33,764,242.40
Total Interest	10,650,366.67
Net Interest	6,350,251.60
Bond Years from Dated Date	213,007,333.33
Bond Years from Delivery Date	213,007,333.33
Total Debt Service	40,030,366.67
Maximum Annual Debt Service	3,339,000.00
Average Annual Debt Service	3,299,206.04
Underwriter's Fees (per \$1000)	
Average Takedown	1.950000
Other Fee	0.913422
Total Underwriter's Discount	2.863422
Bid Price	114.636198

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bond	29,380,000.00	114.923	5.000%	7.250
	29,380,000.00			7.250

	TIC	All-In TIC	Arbitrage Yield
Par Value	29,380,000.00	29,380,000.00	29,380,000.00
+ Accrued Interest			
+ Premium (Discount)	4,384,242.40	4,384,242.40	4,384,242.40
- Underwriter's Discount	-84,127.33	-84,127.33	
- Cost of Issuance Expense		-155,000.00	
- Other Amounts			
Target Value	33,680,115.07	33,525,115.07	33,764,242.40
Target Date	07/27/2023	07/27/2023	07/27/2023
Yield	2.716627%	2.791653%	2.595128%

BOND DEBT SERVICE BREAKDOWN

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Date	Public Improvement Serial Bonds, Series 2023A	Sewer District Serial Bonds, Series 2023B	Total	Annual Total
03/15/2024	918,966.67	11,400	930,366.67	
09/15/2024	2,375,500.00	29,000	2,404,500.00	
12/31/2024				3,334,866.67
03/15/2025	684,250.00	8,500	692,750.00	
09/15/2025	2,609,250.00	33,500	2,642,750.00	
12/31/2025				3,335,500.00
03/15/2026	636,125.00	7,875	644,000.00	
09/15/2026	2,661,125.00	32,875	2,694,000.00	
12/31/2026				3,338,000.00
03/15/2027	585,500.00	7,250	592,750.00	
09/15/2027	2,710,500.00	32,250	2,742,750.00	
12/31/2027				3,335,500.00
03/15/2028	532,375.00	6,625	539,000.00	
09/15/2028	2,762,375.00	36,625	2,799,000.00	
12/31/2028				3,338,000.00
03/15/2029	476,625.00	5,875	482,500.00	
09/15/2029	2,816,625.00	35,875	2,852,500.00	
12/31/2029				3,335,000.00
03/15/2030	418,125.00	5,125	423,250.00	
09/15/2030	2,878,125.00	35,125	2,913,250.00	
12/31/2030				3,336,500.00
03/15/2031	356,625.00	4,375	361,000.00	
09/15/2031	2,936,625.00	34,375	2,971,000.00	
12/31/2031				3,332,000.00
03/15/2032	292,125.00	3,625	295,750.00	
09/15/2032	3,002,125.00	38,625	3,040,750.00	
12/31/2032				3,336,500.00
03/15/2033	224,375.00	2,750	227,125.00	
09/15/2033	3,069,375.00	37,750	3,107,125.00	
12/31/2033				3,334,250.00
03/15/2034	153,250.00	1,875	155,125.00	
09/15/2034	3,143,250.00	36,875	3,180,125.00	
12/31/2034				3,335,250.00
03/15/2035	78,500.00	1,000	79,500.00	
09/15/2035	3,218,500.00	41,000	3,259,500.00	
12/31/2035				3,339,000.00
	39,540,216.67	490,150	40,030,366.67	40,030,366.67

BOND DEBT SERVICE

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Period Ending	Principal	Coupon	Interest	Debt Service
12/31/2024	1,670,000	5.000%	1,664,866.67	3,334,866.67
12/31/2025	1,950,000	5.000%	1,385,500.00	3,335,500.00
12/31/2026	2,050,000	5.000%	1,288,000.00	3,338,000.00
12/31/2027	2,150,000	5.000%	1,185,500.00	3,335,500.00
12/31/2028	2,260,000	5.000%	1,078,000.00	3,338,000.00
12/31/2029	2,370,000	5.000%	965,000.00	3,335,000.00
12/31/2030	2,490,000	5.000%	846,500.00	3,336,500.00
12/31/2031	2,610,000	5.000%	722,000.00	3,332,000.00
12/31/2032	2,745,000	5.000%	591,500.00	3,336,500.00
12/31/2033	2,880,000	5.000%	454,250.00	3,334,250.00
12/31/2034	3,025,000	5.000%	310,250.00	3,335,250.00
12/31/2035	3,180,000	5.000%	159,000.00	3,339,000.00
	29,380,000		10,650,366.67	40,030,366.67

BOND DEBT SERVICE

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
03/15/2024			930,366.67	930,366.67	
09/15/2024	1,670,000	5.000%	734,500.00	2,404,500.00	
12/31/2024					3,334,866.67
03/15/2025			692,750.00	692,750.00	
09/15/2025	1,950,000	5.000%	692,750.00	2,642,750.00	
12/31/2025					3,335,500.00
03/15/2026			644,000.00	644,000.00	
09/15/2026	2,050,000	5.000%	644,000.00	2,694,000.00	
12/31/2026					3,338,000.00
03/15/2027			592,750.00	592,750.00	
09/15/2027	2,150,000	5.000%	592,750.00	2,742,750.00	
12/31/2027					3,335,500.00
03/15/2028			539,000.00	539,000.00	
09/15/2028	2,260,000	5.000%	539,000.00	2,799,000.00	
12/31/2028					3,338,000.00
03/15/2029			482,500.00	482,500.00	
09/15/2029	2,370,000	5.000%	482,500.00	2,852,500.00	
12/31/2029					3,335,000.00
03/15/2030			423,250.00	423,250.00	
09/15/2030	2,490,000	5.000%	423,250.00	2,913,250.00	
12/31/2030					3,336,500.00
03/15/2031			361,000.00	361,000.00	
09/15/2031	2,610,000	5.000%	361,000.00	2,971,000.00	
12/31/2031					3,332,000.00
03/15/2032			295,750.00	295,750.00	
09/15/2032	2,745,000	5.000%	295,750.00	3,040,750.00	
12/31/2032					3,336,500.00
03/15/2033			227,125.00	227,125.00	
09/15/2033	2,880,000	5.000%	227,125.00	3,107,125.00	
12/31/2033					3,334,250.00
03/15/2034			155,125.00	155,125.00	
09/15/2034	3,025,000	5.000%	155,125.00	3,180,125.00	
12/31/2034					3,335,250.00
03/15/2035			79,500.00	79,500.00	
09/15/2035	3,180,000	5.000%	79,500.00	3,259,500.00	
12/31/2035					3,339,000.00
	29,380,000		10,650,366.67	40,030,366.67	40,030,366.67

BOND PRICING

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Yield to Maturity	Call Date	Call Price	Premium (-Discount)	Takedown
Public Improvement Serial Bonds, Series 2023A, Serial Bond:										
	09/15/2024	1,650,000	5.000%	2.900%	102.321				38,296.50	1.950
	09/15/2025	1,925,000	5.000%	2.780%	104.564				87,857.00	1.950
	09/15/2026	2,025,000	5.000%	2.660%	106.987				141,486.75	1.950
	09/15/2027	2,125,000	5.000%	2.550%	109.550				202,937.50	1.950
	09/15/2028	2,230,000	5.000%	2.510%	111.919				265,793.70	1.950
	09/15/2029	2,340,000	5.000%	2.520%	114.008				327,787.20	1.950
	09/15/2030	2,460,000	5.000%	2.490%	116.309				401,201.40	1.950
	09/15/2031	2,580,000	5.000%	2.490%	118.374				474,049.20	1.950
	09/15/2032	2,710,000	5.000%	2.510%	120.207				547,609.70	1.950
	09/15/2033	2,845,000	5.000%	2.600%	121.256				604,733.20	1.950
	09/15/2034	2,990,000	5.000%	2.670%	120.563 C	2.833%	09/15/2033	100.000	614,833.70	1.950
	09/15/2035	<u>3,140,000</u>	5.000%	2.740%	119.875 C	3.030%	09/15/2033	100.000	<u>624,075.00</u>	1.950
		29,020,000							4,330,660.85	
Sewer District Serial Bonds, Series 2023B, Serial Bond:										
	09/15/2024	20,000	5.000%	2.900%	102.321				464.20	1.950
	09/15/2025	25,000	5.000%	2.780%	104.564				1,141.00	1.950
	09/15/2026	25,000	5.000%	2.660%	106.987				1,746.75	1.950
	09/15/2027	25,000	5.000%	2.550%	109.550				2,387.50	1.950
	09/15/2028	30,000	5.000%	2.510%	111.919				3,575.70	1.950
	09/15/2029	30,000	5.000%	2.520%	114.008				4,202.40	1.950
	09/15/2030	30,000	5.000%	2.490%	116.309				4,892.70	1.950
	09/15/2031	30,000	5.000%	2.490%	118.374				5,512.20	1.950
	09/15/2032	35,000	5.000%	2.510%	120.207				7,072.45	1.950
	09/15/2033	35,000	5.000%	2.600%	121.256				7,439.60	1.950
	09/15/2034	35,000	5.000%	2.670%	120.563 C	2.833%	09/15/2033	100.000	7,197.05	1.950
	09/15/2035	<u>40,000</u>	5.000%	2.740%	119.875 C	3.030%	09/15/2033	100.000	<u>7,950.00</u>	1.950
		360,000							53,581.55	
		29,380,000							4,384,242.40	

Dated Date	07/27/2023	
Delivery Date	07/27/2023	
First Coupon	03/15/2024	
Par Amount	29,380,000.00	
Premium	4,384,242.40	
Production	33,764,242.40	114.922541%
Underwriter's Discount	-84,127.33	-0.286342%
Purchase Price	33,680,115.07	114.636198%
Accrued Interest		
Net Proceeds	33,680,115.07	

COST OF ISSUANCE

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Cost of Issuance	\$/1000	Amount
Transaction Counsel (Hodgson Russ LLP)	1.71358	50,345.00
Financial Advisor (Masterson Advisors LLC)	1.19129	35,000.00
S&P Rating	0.92155	27,075.00
Kroll Rating	0.88496	26,000.00
Fiscal Agent	0.02723	800.00
Printing & Roadshow	0.14602	4,290.00
Auditor (Drescher & Malecki)	0.25528	7,500.00
Contingency	0.13581	3,990.00
	5.27570	155,000.00

UNDERWRITER'S DISCOUNT

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Underwriter's Discount	\$/1000	Amount
Average Takedown	1.95000	57,291.00
Counsel Fees	0.68074	20,000.00
Day Loan	0.03192	937.90
IPREO Bookrunning Expense for Bonds	0.06728	1,976.83
IPREO Game Day Real-Time Order Viewing	0.03266	959.62
IPREO Wire	0.00500	146.98
DTC	0.03404	1,000.00
CUSIPs	0.03285	965.00
Lumesis (CDU)	0.02893	850.00
	2.86342	84,127.33

FORM 8038 STATISTICS

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Dated Date 07/27/2023
 Delivery Date 07/27/2023

Bond Component	Date	Principal	Coupon	Price	Issue Price	Redemption at Maturity
Serial Bond:						
	09/15/2024	1,670,000.00	5.000%	102.321	1,708,760.70	1,670,000.00
	09/15/2025	1,950,000.00	5.000%	104.564	2,038,998.00	1,950,000.00
	09/15/2026	2,050,000.00	5.000%	106.987	2,193,233.50	2,050,000.00
	09/15/2027	2,150,000.00	5.000%	109.550	2,355,325.00	2,150,000.00
	09/15/2028	2,260,000.00	5.000%	111.919	2,529,369.40	2,260,000.00
	09/15/2029	2,370,000.00	5.000%	114.008	2,701,989.60	2,370,000.00
	09/15/2030	2,490,000.00	5.000%	116.309	2,896,094.10	2,490,000.00
	09/15/2031	2,610,000.00	5.000%	118.374	3,089,561.40	2,610,000.00
	09/15/2032	2,745,000.00	5.000%	120.207	3,299,682.15	2,745,000.00
	09/15/2033	2,880,000.00	5.000%	121.256	3,492,172.80	2,880,000.00
	09/15/2034	3,025,000.00	5.000%	120.563	3,647,030.75	3,025,000.00
	09/15/2035	3,180,000.00	5.000%	119.875	3,812,025.00	3,180,000.00
		29,380,000.00			33,764,242.40	29,380,000.00

	Maturity Date	Interest Rate	Issue Price	Stated Redemption at Maturity	Weighted Average Maturity	Yield
Final Maturity	09/15/2035	5.000%	3,812,025.00	3,180,000.00		
Entire Issue			33,764,242.40	29,380,000.00	7.4226	2.5951%

Proceeds used for accrued interest	0.00
Proceeds used for bond issuance costs (including underwriters' discount)	239,127.33
Proceeds used for credit enhancement	0.00
Proceeds allocated to reasonably required reserve or replacement fund	0.00

PROOF OF ARBITRAGE YIELD

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Date	Debt Service	Total	Present Value to 07/27/2023 @ 2.5951278764%
03/15/2024	930,366.67	930,366.67	915,297.08
09/15/2024	2,404,500.00	2,404,500.00	2,335,251.78
03/15/2025	692,750.00	692,750.00	664,181.02
09/15/2025	2,642,750.00	2,642,750.00	2,501,307.06
03/15/2026	644,000.00	644,000.00	601,724.64
09/15/2026	2,694,000.00	2,694,000.00	2,484,909.16
03/15/2027	592,750.00	592,750.00	539,741.10
09/15/2027	2,742,750.00	2,742,750.00	2,465,478.08
03/15/2028	539,000.00	539,000.00	478,304.74
09/15/2028	2,799,000.00	2,799,000.00	2,451,996.34
03/15/2029	482,500.00	482,500.00	417,268.15
09/15/2029	2,852,500.00	2,852,500.00	2,435,255.71
03/15/2030	423,250.00	423,250.00	356,711.31
09/15/2030	2,913,250.00	2,913,250.00	2,423,810.54
03/15/2031	361,000.00	361,000.00	296,503.02
09/15/2031	2,971,000.00	2,971,000.00	2,408,937.67
03/15/2032	295,750.00	295,750.00	236,727.47
09/15/2032	3,040,750.00	3,040,750.00	2,402,733.62
03/15/2033	227,125.00	227,125.00	177,170.27
09/15/2033	9,312,125.00	9,312,125.00	7,170,933.64
	39,561,116.67	39,561,116.67	33,764,242.40

Proceeds Summary

Delivery date	07/27/2023
Par Value	29,380,000.00
Premium (Discount)	4,384,242.40
	33,764,242.40
Target for yield calculation	33,764,242.40

PROOF OF ARBITRAGE YIELD

County of Erie, New York
General Obligation Bonds
Public Improvement Serial Bonds, Series 2023A
Sewer District Serial Bonds, Series 2023B
Final Structure

Assumed Call/Computation Dates for Premium Bonds

Bond Component	Maturity Date	Rate	Yield	Call Date	Call Price	Yield To Call/Maturity
SERIAL	09/15/2034	5.000%	2.670%	09/15/2033	100.000	2.6698364%
SERIAL	09/15/2035	5.000%	2.740%	09/15/2033	100.000	2.7398347%

Rejected Call/Computation Dates for Premium Bonds

Bond Component	Maturity Date	Rate	Yield	Call Date	Call Price	Yield To Call/Maturity	Increase to Yield
SERIAL	09/15/2034	5.000%	2.670%			2.8329125%	0.1630761%
SERIAL	09/15/2035	5.000%	2.740%			3.0296204%	0.2897857%

SOURCES AND USES OF FUNDS
**Public Improvement Serial Bonds, Series 2023A
 Final Structure**
Sources:

<hr/>	
Bond Proceeds:	
Par Amount	29,020,000.00
Premium	4,330,660.85
	<hr/>
	33,350,660.85
	<hr/> <hr/>

Uses:

<hr/>	
Project Fund Deposits:	
Project Fund	33,112,170.00
Delivery Date Expenses:	
Cost of Issuance	153,100.75
Underwriter's Discount	<u>83,096.51</u>
	236,197.26
Other Uses of Funds:	
Additional Proceeds	2,293.59
	<hr/>
	33,350,660.85
	<hr/> <hr/>

BOND SUMMARY STATISTICS
**Public Improvement Serial Bonds, Series 2023A
 Final Structure**

Dated Date	07/27/2023
Delivery Date	07/27/2023
Last Maturity	09/15/2035
Arbitrage Yield	2.595128%
True Interest Cost (TIC)	2.716623%
Net Interest Cost (NIC)	2.981237%
All-In TIC	2.791647%
Average Coupon	5.000000%
Average Life (years)	7.250
Duration of Issue (years)	6.238
Par Amount	29,020,000.00
Bond Proceeds	33,350,660.85
Total Interest	10,520,216.67
Net Interest	6,272,652.33
Bond Years from Dated Date	210,404,333.33
Bond Years from Delivery Date	210,404,333.33
Total Debt Service	39,540,216.67
Maximum Annual Debt Service	3,297,250.00
Average Annual Debt Service	3,258,809.07
Underwriter's Fees (per \$1000)	
Average Takedown	1.950000
Other Fee	0.913422
Total Underwriter's Discount	2.863422
Bid Price	114.636679

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bond	29,020,000.00	114.923	5.000%	7.250
	29,020,000.00			7.250

	TIC	All-In TIC	Arbitrage Yield
Par Value	29,020,000.00	29,020,000.00	29,020,000.00
+ Accrued Interest			
+ Premium (Discount)	4,330,660.85	4,330,660.85	4,330,660.85
- Underwriter's Discount	-83,096.51	-83,096.51	
- Cost of Issuance Expense		-153,100.75	
- Other Amounts			
Target Value	33,267,564.34	33,114,463.59	33,350,660.85
Target Date	07/27/2023	07/27/2023	07/27/2023
Yield	2.716623%	2.791647%	2.595128%

BOND PRICING
**Public Improvement Serial Bonds, Series 2023A
 Final Structure**

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Yield to Maturity	Call Date	Call Price	Premium (-Discount)	Takedown
Serial Bond:										
	09/15/2024	1,650,000	5.000%	2.900%	102.321				38,296.50	1.950
	09/15/2025	1,925,000	5.000%	2.780%	104.564				87,857.00	1.950
	09/15/2026	2,025,000	5.000%	2.660%	106.987				141,486.75	1.950
	09/15/2027	2,125,000	5.000%	2.550%	109.550				202,937.50	1.950
	09/15/2028	2,230,000	5.000%	2.510%	111.919				265,793.70	1.950
	09/15/2029	2,340,000	5.000%	2.520%	114.008				327,787.20	1.950
	09/15/2030	2,460,000	5.000%	2.490%	116.309				401,201.40	1.950
	09/15/2031	2,580,000	5.000%	2.490%	118.374				474,049.20	1.950
	09/15/2032	2,710,000	5.000%	2.510%	120.207				547,609.70	1.950
	09/15/2033	2,845,000	5.000%	2.600%	121.256				604,733.20	1.950
	09/15/2034	2,990,000	5.000%	2.670%	120.563 C	2.833%	09/15/2033	100.000	614,833.70	1.950
	09/15/2035	3,140,000	5.000%	2.740%	119.875 C	3.030%	09/15/2033	100.000	624,075.00	1.950
		29,020,000							4,330,660.85	

Dated Date	07/27/2023	
Delivery Date	07/27/2023	
First Coupon	03/15/2024	
Par Amount	29,020,000.00	
Premium	4,330,660.85	
Production	33,350,660.85	114.923022%
Underwriter's Discount	-83,096.51	-0.286342%
Purchase Price	33,267,564.34	114.636679%
Accrued Interest		
Net Proceeds	33,267,564.34	

BOND DEBT SERVICE
**Public Improvement Serial Bonds, Series 2023A
 Final Structure**

Period Ending	Principal	Coupon	Interest	Debt Service
12/31/2024	1,650,000	5.000%	1,644,466.67	3,294,466.67
12/31/2025	1,925,000	5.000%	1,368,500.00	3,293,500.00
12/31/2026	2,025,000	5.000%	1,272,250.00	3,297,250.00
12/31/2027	2,125,000	5.000%	1,171,000.00	3,296,000.00
12/31/2028	2,230,000	5.000%	1,064,750.00	3,294,750.00
12/31/2029	2,340,000	5.000%	953,250.00	3,293,250.00
12/31/2030	2,460,000	5.000%	836,250.00	3,296,250.00
12/31/2031	2,580,000	5.000%	713,250.00	3,293,250.00
12/31/2032	2,710,000	5.000%	584,250.00	3,294,250.00
12/31/2033	2,845,000	5.000%	448,750.00	3,293,750.00
12/31/2034	2,990,000	5.000%	306,500.00	3,296,500.00
12/31/2035	3,140,000	5.000%	157,000.00	3,297,000.00
	29,020,000		10,520,216.67	39,540,216.67

SOURCES AND USES OF FUNDS
Sewer District Serial Bonds, Series 2023B
Final Structure
Sources:

Bond Proceeds:	
Par Amount	360,000.00
Premium	53,581.55
	413,581.55
	413,581.55

Uses:

Project Fund Deposits:	
Project Fund	410,746.31
Delivery Date Expenses:	
Cost of Issuance	1,899.25
Underwriter's Discount	1,030.82
	2,930.07
Other Uses of Funds:	
Additional Proceeds	-94.83
	413,581.55
	413,581.55

BOND SUMMARY STATISTICS
**Sewer District Serial Bonds, Series 2023B
 Final Structure**

Dated Date	07/27/2023
Delivery Date	07/27/2023
Last Maturity	09/15/2035
Arbitrage Yield	2.595128%
True Interest Cost (TIC)	2.716936%
Net Interest Cost (NIC)	2.981148%
All-In TIC	2.792163%
Average Coupon	5.000000%
Average Life (years)	7.231
Duration of Issue (years)	6.223
Par Amount	360,000.00
Bond Proceeds	413,581.55
Total Interest	130,150.00
Net Interest	77,599.27
Bond Years from Dated Date	2,603,000.00
Bond Years from Delivery Date	2,603,000.00
Total Debt Service	490,150.00
Maximum Annual Debt Service	43,250.00
Average Annual Debt Service	40,396.98
Underwriter's Fees (per \$1000)	
Average Takedown	1.950000
Other Fee	0.913389
Total Underwriter's Discount	2.863389
Bid Price	114.597425

Bond Component	Par Value	Price	Average Coupon	Average Life
Serial Bond	360,000.00	114.884	5.000%	7.231
	360,000.00			7.231

	TIC	All-In TIC	Arbitrage Yield
Par Value	360,000.00	360,000.00	360,000.00
+ Accrued Interest			
+ Premium (Discount)	53,581.55	53,581.55	53,581.55
- Underwriter's Discount	-1,030.82	-1,030.82	
- Cost of Issuance Expense		-1,899.25	
- Other Amounts			
Target Value	412,550.73	410,651.48	413,581.55
Target Date	07/27/2023	07/27/2023	07/27/2023
Yield	2.716936%	2.792163%	2.595128%

BOND PRICING
**Sewer District Serial Bonds, Series 2023B
 Final Structure**

Bond Component	Maturity Date	Amount	Rate	Yield	Price	Yield to Maturity	Call Date	Call Price	Premium (-Discount)	Takedown
Serial Bond:										
	09/15/2024	20,000	5.000%	2.900%	102.321				464.20	1.950
	09/15/2025	25,000	5.000%	2.780%	104.564				1,141.00	1.950
	09/15/2026	25,000	5.000%	2.660%	106.987				1,746.75	1.950
	09/15/2027	25,000	5.000%	2.550%	109.550				2,387.50	1.950
	09/15/2028	30,000	5.000%	2.510%	111.919				3,575.70	1.950
	09/15/2029	30,000	5.000%	2.520%	114.008				4,202.40	1.950
	09/15/2030	30,000	5.000%	2.490%	116.309				4,892.70	1.950
	09/15/2031	30,000	5.000%	2.490%	118.374				5,512.20	1.950
	09/15/2032	35,000	5.000%	2.510%	120.207				7,072.45	1.950
	09/15/2033	35,000	5.000%	2.600%	121.256				7,439.60	1.950
	09/15/2034	35,000	5.000%	2.670%	120.563 C	2.833%	09/15/2033	100.000	7,197.05	1.950
	09/15/2035	40,000	5.000%	2.740%	119.875 C	3.030%	09/15/2033	100.000	7,950.00	1.950
		360,000							53,581.55	

Dated Date	07/27/2023	
Delivery Date	07/27/2023	
First Coupon	03/15/2024	
Par Amount	360,000.00	
Premium	53,581.55	
Production	413,581.55	114.883764%
Underwriter's Discount	-1,030.82	-0.286339%
Purchase Price	412,550.73	114.597425%
Accrued Interest		
Net Proceeds	412,550.73	

BOND DEBT SERVICE
**Sewer District Serial Bonds, Series 2023B
 Final Structure**

Period Ending	Principal	Coupon	Interest	Debt Service
12/31/2024	20,000	5.000%	20,400	40,400
12/31/2025	25,000	5.000%	17,000	42,000
12/31/2026	25,000	5.000%	15,750	40,750
12/31/2027	25,000	5.000%	14,500	39,500
12/31/2028	30,000	5.000%	13,250	43,250
12/31/2029	30,000	5.000%	11,750	41,750
12/31/2030	30,000	5.000%	10,250	40,250
12/31/2031	30,000	5.000%	8,750	38,750
12/31/2032	35,000	5.000%	7,250	42,250
12/31/2033	35,000	5.000%	5,500	40,500
12/31/2034	35,000	5.000%	3,750	38,750
12/31/2035	40,000	5.000%	2,000	42,000
	360,000		130,150	490,150

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-4

COMPTROLLER

Department of Law Risk Retention Fund
Spending - June 2023

Attachments

23COMM. 16E-4



EC LEG AUG 3 '23 PM12:26

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

August 3, 2023

Honorable Members
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Department of Law Risk Retention Fund Spending – June 2023

Dear Honorable Members:

Pursuant to Resolution Intro. 3-2 (2016), as amended, please find attached an accounting of expenses from the County's Risk Retention Fund for June 2023.

Sincerely,

A handwritten signature in black ink that reads "Kevin R. Hardwick".

Kevin R. Hardwick, Ph.D.
Erie County Comptroller

Attachment

County of Erie
Law Department Spending
Risk Retention
June, 2023

Run Date: 08/02/2023

<u>Vendor Number</u>	<u>Vendor Name</u>	<u>Expenditures</u>
1	Carrie Fix and The Barnes Firm, PC	40,000.00
1	Corey Bailey and Shaw & Shaw,	10,000.00
1	James Fix and The Barnes Firm, PC	90,000.00
1	Robert Karlis and William K. Mattar	25,000.00
101109	BOND, SCHOENECK & KING, PLLC	1,658.28
103442	Hodgson Russ	58,588.35
104457	LAWLEY SERVICE INSURANCE GROUP	14,270.00
108120	Walsh Roberts & Grace	20,590.00
1100055	M & T BANK PURCHASING CARD	35.99
116145	HURWITZ & FINE PC	65.10
118314	JEREMY C TOTH AS CUSTODIAN	40,202.43
135888	PERSONIUS MELBER LLP	27,347.49
143279	BENGART & DEMARCO LLP	15,351.00
143544	THOMAS E WEBB JR ESQ	4,897.50
148572	ALISA LUKASIEWICZ, PLLC	4,870.97
		<u>352,877.11</u>

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-5

COMPTROLLER

Second Quarter 2023 - Interim Financial
Report

Attachments

23COMM. 16E-5



EC LEG AUG 3 '23 PM2:20

ERIE COUNTY COMPTROLLER

KEVIN R. HARDWICK

August 3, 2023

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

Mark C. Poloncarz, Esq.
Erie County Executive
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Dear Honorable Members and County Executive Poloncarz:

My office has prepared an Interim Financial Report ("Report") of the County of Erie, New York ("County") as of and for the six-month period ended June 30, 2023 (second quarter 2023). The Report, enclosed for your review, consists of the following elements:

- Financial Statements
- Investment Report
- Cash Flow Statement
- Property Tax and Sales Tax Summary
- Debt Schedules
- Miscellaneous Financial Data (including data on short and long-term bonded indebtedness, property tax rates and constitutional taxing power)

Our office provides the following observations and comments for your consideration:

Sales Tax

Actual sales tax revenues in 2023 have continued to exceed budget, but at lower growth levels than 2021 and 2022. This requires close vigilance due to the reduction in the growth. The County's 2023 Budget is predicated on a 1% growth in sales tax revenue, which is very conservative. The 2023 Budget assumes the local 4.75% County share sales tax revenue will be \$583,527,694 (with a County share of \$545,061,427 after the County's \$25,966,267 distribution to the NFTA and \$12.5 million of the 1% sales tax is distributed to towns and cities).

Based on second quarter 2023 sales tax revenue trends, the County is on pace to meet the 2023 budgeted revenue. The County share sales tax revenue for the County's second quarter 2023 was \$153,616,250 – up from \$147,313,096 in the first quarter. The second quarter 2023 County share sales tax of \$153,616,250 compares to \$150,082,715 for the second quarter of 2022.

In the second quarter of 2023, the County experienced a large positive reconciliation from New York State which saw the State increase the County's sales tax revenue. Other counties across the state experienced a similar positive adjustment.

Because this revenue is subject to consumer spending and consumer confidence (and inflation) and is the County's largest revenue source, this office will continue to monitor this account closely throughout the year and will report as necessary.

Real Property Taxes

Through the six-month period ended June 30, 2023, the County received 90.9% of the \$417,572,963 in property tax that was levied and is collectible for County purposes. This contrasts with 92.2% at the same point in 2022. Taxes remaining to be collected are at \$37,851,528 for 2023, compared to \$31,325,945 for the second quarter of 2022.

Borrowing

Due to our cash position, our office projects that the County will not need to issue a Revenue Anticipation Note (RAN) in 2023 (similar to 2021 and 2022). The County closed our 2023 bond sale on July 27, 2023.

Credit Rating Upgrades

Kroll Bond Rating Agency upgraded the County's credit rating from AA- to AA on July 10, 2023. The mirrors a similar upgrade from Standard and Poor's in August 2022. Fitch Ratings upgraded the County's bond ratings from A+ to AA- in April 2023.

Conclusion

The financial statements and other information contained in this Report have been compiled largely from the official accounting records maintained in the County's SAP system. The Financial Statements from Erie County Medical Center Corporation, Erie Community College, the Erie County Tobacco Securitization Corporation, the Buffalo and Erie County Industrial Land Development Corporation, Inc. and the Erie County Fiscal Stability Authority are not included because financial information for the aforementioned entities is maintained separately from the County.

Information contained in this Report has not been reviewed by the County's independent auditor; therefore, no opinion on this Report is expressed.

If you have any questions, please contact me at (716) 858-8400.

Sincerely yours,



Kevin R. Hardwick, Ph.D.
Erie County Comptroller

Enclosure

cc: Erie County Fiscal Stability Authority
Robert W. Keating, Director of Budget and Management

COUNTY OF ERIE, NEW YORK
INTERIM FINANCIAL REPORT

FOR THE SIX MONTHS ENDED JUNE 30, 2023



Erie County Comptroller's Office

KEVIN R. HARDWICK
Erie County Comptroller

AUGUST 3, 2023

COUNTY OF ERIE, NEW YORK

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For the six months ended June 30, 2023

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FUND FINANCIAL STATEMENTS

COUNTY OF ERIE, NEW YORK

COUNTY OF ERIE, NEW YORK

Balance Sheet

Governmental Funds

June 30 2023

(amounts expressed in thousands)

	General	Emergency Response	Other Governmental Funds	Total Governmental Funds
ASSETS:				
Cash and cash equivalents	\$ 365,027	\$ 67,730	\$ 272,947	\$ 705,704
Investments	-	-	200	200
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	85,849	-	696	86,545
Leases	277	-	-	277
Other	9,800	33	31,749	41,582
Due from other funds	39,728	52,038	24,310	116,076
Due from other governments	272,934	5	33,803	306,742
Prepaid items	1,819	-	2,317	4,136
Restricted cash	155	-	113,105	113,260
Total assets	\$ 775,589	\$ 119,806	\$ 479,127	\$ 1,374,522
LIABILITIES:				
Accounts payable	\$ 1,342	\$ 1	\$ 2,283	\$ 3,626
Accrued liabilities	120,162	154	10,332	130,648
Due to other funds	7,191	-	81,497	88,688
Due to component unit	2,564	75	-	2,639
Due to other governments	9,360	-	29	9,389
Retained percentages payable	-	104,268	2,167	106,435
Unearned revenue	32,158	-	3,023	35,181
Total liabilities	172,777	104,498	99,331	376,606
DEFERRED INFLOWS OF RESOURCES:				
Unavailable revenue – property taxes	58,135	-	-	58,135
Deferred inflows – relating to leases	285	-	-	285
Total deferred inflows of resources	58,420	-	-	58,420
FUND BALANCES:				
Nonspendable:				
Community development loans	-	-	27,585	27,585
Prepaid items	1,819	-	2,317	4,136
Restricted for:				
Handicapped parking	155	-	-	155
E-911 system costs	-	-	2,399	2,399
Opioid prevention	-	-	16,124	16,124
Debt service	-	-	23,183	23,183
Capital expenditures	-	-	207,129	207,129
Assigned:				
Other purposes	111,645	15,308	101,059	228,012
Unassigned	430,773	-	-	430,773
Total fund balances	544,392	15,308	379,796	939,496
Total liabilities, deferred inflows of resources and fund balances	\$ 775,589	\$ 119,806	\$ 479,127	\$ 1,374,522

COUNTY OF ERIE, NEW YORK

Statement of Revenues, Expenditures and Changes in Fund Balances

Governmental Funds

For the six months ended June 30, 2023

(amounts expressed in thousands)

	General	Emergency Response	Other Governmental Funds	Total Governmental Funds
REVENUES:				
Real property taxes and tax items	\$ 307,204	\$ -	\$ 24,716	\$ 331,920
Sales and use taxes	516,276	-	1,994	518,270
Transfer taxes	91	-	7,883	7,974
Intergovernmental	200,470	(24)	27,484	227,930
Departmental	32,717	-	48,344	81,061
Interest	12,263	999	5,732	18,994
Miscellaneous	3,733	-	5,241	8,974
Total revenues	1,072,754	975	121,394	1,195,123
EXPENDITURES:				
Current:				
General government support	282,851	268	5,379	288,498
Public safety	91,081	112	8,883	100,076
Health	48,160	366	7,684	56,210
Transportation	15,220	148	17,567	32,935
Economic assistance and opportunity	333,198	29	9,700	342,927
Culture and recreation	16,161	-	64	16,225
Education	46,064	-	-	46,064
Home and community service	2,940	-	27,665	30,605
Capital outlay	-	-	77,764	77,764
Debt service:				
Principal retirement	-	-	27,003	27,003
Interest and fiscal charges	-	-	10,799	10,799
Total expenditures	835,675	923	192,508	1,029,106
Excess (deficiency) of revenues over expenditures	237,079	52	(71,114)	166,017
OTHER FINANCING SOURCES (USES):				
Sale of property	289	-	-	289
Transfers in	729	-	98,766	99,495
Transfers out	(107,808)	-	(11,670)	(119,478)
Total other financing sources (uses)	(106,790)	-	87,096	(19,694)
Net change in fund balances	130,289	52	15,982	146,323
Fund balances at beginning of year	414,103	15,256	363,814	793,173
Fund balances at end of six months	\$ 544,392	\$ 15,308	\$ 379,796	\$ 939,496

Statement of Net Position

Proprietary Fund

June 30 2023

(amounts expressed in thousands)

	Business - Type Activity Enterprise Fund Utilities Aggregation Fund
ASSETS:	
Current Assets:	
Cash	\$ 2,576
Due from other funds	76
Due from other governments	11,717
Total current assets	14,369
Total assets	14,369
LIABILITIES	
Current Liabilities:	
Accounts payable	573
Accrued liabilities	58
Due to other funds	12,809
Due to other governments	76
Total current liabilities	13,516
Total liabilities	13,516
NET POSITION:	
Unrestricted	853
Total net position	\$ 853

Statement of Revenues, Expenses and Changes in Net Position

Proprietary Fund

For the six months ended June 30, 2023

(amounts expressed in thousands)

	Business - Type Activity Enterprise Fund
	Utilities Aggregation Fund
OPERATING REVENUES:	
Interfund revenues	\$ 3,682
Other operating revenue	7,531
Total operating revenue	11,213
OPERATING EXPENSES:	
Employee wages	101
Employee benefits	51
Utilities and telephone	10,562
Total operating expenses	10,714
Change in net position	499
Total net position - beginning	354
Total net position at end of six months	\$ 853

Statement of Agency Net Position

Agency Fund

June 30 2023

(amounts expressed in thousands)

	<u>Agency Fund</u>
ASSETS:	
Cash and cash equivalents	\$ 33,886
Other	660
Due from other governments	2
Bonds and securities held in custody	20
Total assets	<u>\$ 34,568</u>
LIABILITIES:	
Held in custody for others	34,568
Total liabilities	<u>\$ 34,568</u>

**COMBINING & INDIVIDUAL
FUND STATEMENTS & SCHEDULES**

NONMAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

These funds are used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specific purposes. These funds include the Road, Sewer, Downtown Mall, E-911, Grants, Community Development, and Pharmaceutical Litigation Settlements Fund.

- **Road Fund**
Used to account for all revenues and expenditures related to the maintenance of County roads and bridges, snow removal, construction and reconstruction of County roads not required to be recorded in a Capital Projects Fund.
- **Sewer Fund**
Used to account for the activities of the various sewer districts currently in operation within the County.
- **Downtown Fund**
Used to account for revenues raised through a special district charge levy and the subsequent expenditure of these monies for the operation and maintenance of a downtown pedestrian/transit mall.
- **E-911 Fund**
Used to account for revenues raised through a telephone access line surcharge and the subsequent expenditure of these monies for the establishment and maintenance of an enhanced 911 emergency telephone system.
- **Grants Fund**
Used to account for federal and state operating grants (except the Community Development Block Grant) earmarked for specific programs, so that grantor accounting and reporting requirements can be satisfied.
- **Community Development Fund**
Used to assist participating municipalities in the development of locally approved community or economic development activities that are eligible under federal program regulations.
- **Pharmaceutical Litigation Settlements Fund**
Used to account for the County's receipt and spending of pharmaceutical litigation settlement funds from national, state and County litigation against pharmaceutical companies. The County started receiving revenue from the Office of the New York State Attorney General in 2022. Much of the settlement funding is restricted and has to be spent on specific public health measures to combat opioid abuse. The Fund reports separate breakdowns for the usages of restricted funds and unrestricted funds.

DEBT SERVICE FUND

The Debt Service Fund is used to account for current payments of principal and interest on general obligation long-term debt, and for financial resources that have been accumulated to make future principal and interest payments on general long term indebtedness.

NONMAJOR GOVERNMENTAL FUNDS (Continued)

CAPITAL PROJECTS FUNDS

Capital Projects Funds are used to account for financial resources to be used for the acquisition or construction of major capital facilities.

- **General Government Buildings, Equipment and Improvements Fund**
Used to account for capital projects administered by the Department of Public Works involving the acquisition, construction, or reconstruction of major or permanent facilities having a relatively long useful life and equipment purchased from the proceeds of long-term debt.
- **Highways, Roads, Bridges and Equipment Fund**
Utilized to account for capital projects administered by the Department of Public Works for the construction or reconstruction of County roads and bridges and the acquisition of equipment not accounted for in the Road Fund.
- **Sewers, Facilities, Equipment and Improvements Fund**
Used to account for capital projects relating to the construction and acquisition of sewer facilities and equipment by the operating sewer districts.
- **Tobacco Proceeds Fund**
Used to account for the net proceeds from the County's securitization of its share of the 1998 Master Settlement Agreement with the tobacco industry that will be used to fund capital projects that otherwise would have been supported by operating funds or the issuance of bonds.
- **Special Capital Projects Fund**
Utilized to account for capital projects administered by departments other than Public Works that are primarily for the acquisition or construction of buildings, improvements and equipment.

Combining Balance Sheet

Nonmajor Governmental Funds

June 30 2023

(amounts expressed in thousands)

Special Revenue

	Road	Sewer	Downtown Mall	E-911
ASSETS:				
Cash and cash equivalents	\$ 27,991	\$ 57,270	\$ 48	\$ 1,708
Investments	-	-	-	-
Receivables (net of allowances)				
Real property taxes, interest, penalties and liens	-	-	696	-
Other	-	-	-	95
Due from other funds	-	10,750	-	-
Due from other governments	4,422	1,884	-	985
Prepaid items	-	2,291	-	26
Restricted cash	-	-	-	-
Total assets	\$ 32,413	\$ 72,195	\$ 744	\$ 2,814
LIABILITIES:				
Accounts payable	\$ 62	\$ 46	\$ -	\$ 2
Accrued liabilities	805	1,116	25	387
Due to other funds	-	-	-	-
Due to other governments	-	-	-	-
Retained percentages payable	-	52	-	-
Unearned revenue	-	-	-	-
Total liabilities	867	1,214	25	389
FUND BALANCES:				
Nonspendable:				
Community development loans	-	-	-	-
Prepaid items	-	2,291	-	26
Restricted for:				
E-911 system costs	-	-	-	2,399
Opioid prevention	-	-	-	-
Debt service	-	-	-	-
Capital expenditures	-	-	-	-
Assigned:				
Other purposes	31,546	68,690	719	-
Total fund balances	31,546	70,981	719	2,425
Total liabilities, deferred inflows of resources and fund balances	\$ 32,413	\$ 72,195	\$ 744	\$ 2,814

Combining Balance Sheet

Nonmajor Governmental Funds

June 30 2023

(amounts expressed in thousands)

Special Revenue

	Grants	Community Development	Pharmaceutical Litigation Settlements	Total
ASSETS:				
Cash and cash equivalents	\$ 389	\$ -	\$ -	\$ 87,406
Investments	-	-	-	-
Receivables (net of allowances)	-	-	-	-
Real property taxes, interest, penalties and liens	-	-	-	696
Other	5	27,600	-	27,700
Due from other funds	-	-	-	10,750
Due from other governments	23,107	1,055	-	31,453
Prepaid items	-	-	-	2,317
Restricted cash	-	-	16,151	16,151
Total assets	\$ 23,501	\$ 28,655	\$ 16,151	\$ 176,473
LIABILITIES:				
Accounts payable	\$ 378	\$ 16	\$ -	\$ 504
Accrued liabilities	1,098	153	27	3,611
Due to other funds	18,875	895	-	19,770
Due to other governments	23	6	-	29
Retained percentages payable	-	-	-	52
Unearned revenue	3,023	-	-	3,023
Total liabilities	23,397	1,070	27	26,989
FUND BALANCES:				
Nonspendable:				
Community development loans	-	27,585	-	27,585
Prepaid items	-	-	-	2,317
Restricted for:				
E-911 system costs	-	-	-	2,399
Opioid prevention	-	-	16,124	16,124
Debt service	-	-	-	-
Capital expenditures	-	-	-	-
Assigned:				
Other purposes	104	-	-	101,059
Total fund balances	104	27,585	16,124	149,484
Total liabilities, deferred inflows of resources and fund balances	\$ 23,501	\$ 28,655	\$ 16,151	\$ 176,473

Combining Balance Sheet

Nonmajor Governmental Funds

June 30 2023

(amounts expressed in thousands)

	Capital Projects				
	Debt Service	General Government Buildings, Equipment and Improvements	Highways, Roads, Bridges and Equipment	Sewers, Facilities Equipment and Improvements	Tobacco Proceeds
ASSETS:					
Cash and cash equivalents	\$ 13,793	\$ 141,947	\$ 3,305	\$ 24,315	\$ 3
Investments	-	-	-	-	200
Receivables (net of allowances)					
Real property taxes, interest, penalties and liens	-	-	-	-	-
Other	-	4,049	-	-	-
Due from other funds	13,559	-	-	-	-
Due from other governments	-	329	346	1,529	-
Prepaid items	-	-	-	-	-
Restricted cash	-	-	58,099	29,280	16
Total assets	\$ 27,352	\$ 146,325	\$ 61,750	\$ 55,124	\$ 219
LIABILITIES:					
Accounts payable	\$ -	\$ 117	\$ 48	\$ 813	\$ -
Accrued liabilities	71	1,661	1,420	3,529	-
Due to other funds	4,098	33,713	1,681	21,232	3
Due to other governments	-	-	-	-	-
Retained percentages payable	-	859	502	270	-
Unearned revenue	-	-	-	-	-
Total liabilities	4,169	36,350	3,651	25,844	3
FUND BALANCES:					
Nonspendable:					
Community development loans	-	-	-	-	-
Prepaid items	-	-	-	-	-
Restricted for:					
E-911 system costs	-	-	-	-	-
Opioid prevention	-	-	-	-	-
Debt service	23,183	-	-	-	-
Capital expenditures	-	109,975	58,099	29,280	216
Assigned:					
Other purposes	-	-	-	-	-
Total fund balances	23,183	109,975	58,099	29,280	216
Total liabilities, deferred inflows of resources and fund balances	\$ 27,352	\$ 146,325	\$ 61,750	\$ 55,124	\$ 219

Combining Balance Sheet

Nonmajor Governmental Funds

June 30 2023

(amounts expressed in thousands)

	Capital Projects		
	Special Capital Projects	Total	Total Nonmajor Governmental Funds
ASSETS:			
Cash and cash equivalents	\$ 2,178	\$ 171,748	\$ 272,947
Investments	-	200	200
Receivables (net of allowances)			
Real property taxes, interest, penalties and liens	-	-	696
Other	-	4,049	31,749
Due from other funds	1	1	24,310
Due from other governments	146	2,350	33,803
Prepaid items	-	-	2,317
Restricted cash	9,559	96,954	113,105
Total assets	\$ 11,884	\$ 275,302	\$ 479,127
LIABILITIES:			
Accounts payable	\$ 801	\$ 1,779	\$ 2,283
Accrued liabilities	40	6,650	10,332
Due to other funds	1,000	57,629	81,497
Due to other governments	-	-	29
Retained percentages payable	484	2,115	2,167
Unearned revenue	-	-	3,023
Total liabilities	2,325	68,173	99,331
FUND BALANCES:			
Nonspendable:			
Community development loans	-	-	27,585
Prepaid items	-	-	2,317
Restricted for:			
E-911 system costs	-	-	2,399
Opioid prevention	-	-	16,124
Debt service	-	-	23,183
Capital expenditures	9,559	207,129	207,129
Assigned:			
Other purposes	-	-	101,059
Total fund balances	9,559	207,129	379,796
Total liabilities, deferred inflows of resources and fund balances	\$ 11,884	\$ 275,302	\$ 479,127

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the six months ended June 30, 2023
(amounts expressed in thousands)

	Special Revenue			
	Road	Sewer	Downtown Mall	E-911
REVENUES:				
Real property taxes and tax items	\$ -	\$ 22,919	\$ 1,797	\$ -
Sales and use taxes	-	-	-	1,994
Transfer taxes	7,883	-	-	-
Intergovernmental	4,076	-	-	18
Departmental	99	34,042	-	-
Interest	-	650	-	-
Miscellaneous	-	1,136	-	-
Total revenues	12,058	58,747	1,797	2,012
EXPENDITURES:				
Current:				
General government support	-	-	1,078	-
Public safety	-	-	-	4,068
Health	-	-	-	793
Transportation	17,567	-	-	-
Economic assistance and opportunity	-	-	-	-
Culture and recreation	-	-	-	-
Home and community service	-	24,314	-	-
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	17,567	24,314	1,078	4,861
(Deficiency) excess of revenues over expenditures	(5,509)	34,433	719	(2,849)
OTHER FINANCING SOURCES (USES) :				
Transfers in	8,231	-	-	2,849
Transfers out	(1,000)	(7,938)	-	-
Total other financing sources (uses)	7,231	(7,938)	-	2,849
Net change in fund balances	1,722	26,495	719	-
Fund balances at beginning of year	29,824	44,486	-	2,425
Fund balances at end of six months	\$ 31,546	\$ 70,981	\$ 719	\$ 2,425

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the six months ended June 30, 2023
(amounts expressed in thousands)

	Special Revenue			Total
	Grants	Community Development	Pharmaceutical Litigation Settlements	
REVENUES:				
Real property taxes and tax items	\$ -	\$ -	\$ -	\$ 24,716
Sales and use taxes	-	-	-	1,994
Transfer taxes	-	-	-	7,883
Intergovernmental	22,340	308	4	26,746
Departmental	1,756	2,641	9,280	47,818
Interest	-	-	145	795
Miscellaneous	549	-	-	1,685
Total revenues	24,645	2,949	9,429	111,637
EXPENDITURES:				
Current:				
General government support	4,277	-	-	5,355
Public safety	4,684	-	131	8,883
Health	6,599	-	292	7,684
Transportation	-	-	-	17,567
Economic assistance and opportunity	9,484	130	86	9,700
Culture and recreation	64	-	-	64
Home and community service	678	2,673	-	27,665
Capital outlay	-	-	-	-
Debt service:				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Total expenditures	25,786	2,803	509	76,918
(Deficiency) excess of revenues over expenditures	(1,141)	146	8,920	34,719
OTHER FINANCING SOURCES (USES) :				
Transfers in	1,245	88	-	12,413
Transfers out	-	-	-	(8,938)
Total other financing sources (uses)	1,245	88	-	3,475
Net change in fund balances	104	234	8,920	38,194
Fund balances at beginning of year	-	27,351	7,204	111,290
Fund balances at end of six months	\$ 104	\$ 27,585	\$ 16,124	\$ 149,484

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the six months ended June 30, 2023
(amounts expressed in thousands)

	Capital Projects				
	Debt Service	General Government Buildings, Equipment and Improvements	Highways, Roads, Bridges and Equipment	Sewers, Facilities Equipment and Improvements	Tobacco Proceeds
REVENUES:					
Real property taxes and tax items	\$ -	\$ -	\$ -	\$ -	\$ -
Sales and use taxes	-	-	-	-	-
Transfer taxes	-	-	-	-	-
Intergovernmental	77	124	-	-	-
Departmental	-	-	501	25	-
Interest	4,443	-	-	494	-
Miscellaneous	3,555	1	-	-	-
Total revenues	8,075	125	501	519	-
EXPENDITURES:					
Current:					
General government support	24	-	-	-	-
Public safety	-	-	-	-	-
Health	-	-	-	-	-
Transportation	-	-	-	-	-
Economic assistance and opportunity	-	-	-	-	-
Culture and recreation	-	-	-	-	-
Home and community service	-	-	-	-	-
Capital outlay	-	59,407	5,897	10,514	-
Debt service:					
Principal retirement	27,003	-	-	-	-
Interest and fiscal charges	10,799	-	-	-	-
Total expenditures	37,826	59,407	5,897	10,514	-
(Deficiency) excess of revenues over expenditures	(29,751)	(59,282)	(5,396)	(9,995)	-
OTHER FINANCING SOURCES (USES) :					
Transfers in	34,234	45,294	1,000	5,825	-
Transfers out	-	(1,561)	(768)	(400)	-
Total other financing sources (uses)	34,234	43,733	232	5,425	-
Net change in fund balances	4,483	(15,549)	(5,164)	(4,570)	-
Fund balances at beginning of year	18,700	125,524	63,263	33,850	216
Fund balances at end of six months	\$ 23,183	\$ 109,975	\$ 58,099	\$ 29,280	\$ 216

(Continued)

Combining Statement of Revenues, Expenditures and Changes in Fund Balances

Nonmajor Governmental Funds
For the six months ended June 30, 2023
(amounts expressed in thousands)

	Capital Projects		
	Special Capital Projects	Total	Total Nonmajor Governmental Funds
REVENUES:			
Real property taxes and tax items	\$ -	\$ -	\$ 24,716
Sales and use taxes	-	-	1,994
Transfer taxes	-	-	7,883
Intergovernmental	537	661	27,484
Departmental	-	526	48,344
Interest	-	494	5,732
Miscellaneous	-	1	5,241
Total revenues	537	1,682	121,394
EXPENDITURES:			
Current:			
General government support	-	-	5,379
Public safety	-	-	8,883
Health	-	-	7,684
Transportation	-	-	17,567
Economic assistance and opportunity	-	-	9,700
Culture and recreation	-	-	64
Home and community service	-	-	27,665
Capital outlay	1,946	77,764	77,764
Debt service:			
Principal retirement	-	-	27,003
Interest and fiscal charges	-	-	10,799
Total expenditures	1,946	77,764	192,508
(Deficiency) excess of revenues over expenditures	(1,409)	(76,082)	(71,114)
OTHER FINANCING SOURCES (USES) :			
Transfers in	-	52,119	98,766
Transfers out	(3)	(2,732)	(11,670)
Total other financing sources (uses)	(3)	49,387	87,096
Net change in fund balances	(1,412)	(26,695)	15,982
Fund balances at beginning of year	10,971	233,824	363,814
Fund balances at end of six months	\$ 9,559	\$ 207,129	\$ 379,796

(Concluded)

LIBRARY COMPONENT UNIT

The financial data shown for the Buffalo and Erie County Public Library is derived from records maintained on its behalf by the County. The Library does not issue separate financial statements. The inclusion of the Library as a component unit in the County's financial statements reflects the County's financial accountability for this legally separate entity.

Balance Sheet

Library Component Unit

June 30 2023

(amounts expressed in thousands)

	Library
ASSETS:	
Cash and cash equivalents	\$ 29,379
Other	88
Due from primary government	2,564
Due from other governments	693
Prepaid items	50
Total assets	\$ 32,774
LIABILITIES:	
Accounts payable	\$ 180
Accrued liabilities	1,059
Retained percentages payable	24
Unearned revenue	1,710
Total liabilities	2,973
FUND BALANCES:	
Nonspendable	50
Committed	3,597
Assigned	2,627
Unassigned	23,527
Total fund balances	29,801
Total liabilities and fund balances	\$ 32,774

Statement of Revenues, Expenditures and Changes in Fund Balances

Library Component Unit

For the six months ended June 30, 2023

(amounts expressed in thousands)

	Library
REVENUES:	
Real property taxes and tax items	\$ 28,285
Intergovernmental	1,793
Departmental	47
Interest	86
Miscellaneous	807
Total revenues	31,018
EXPENDITURES:	
Current:	
Culture and recreation	16,674
Total expenditures	16,674
Net change in fund balances	14,344
Fund balances at beginning of year	15,457
Fund balances at end of six months	\$ 29,801

INVESTMENT REPORT

Investment Report

January 1, 2023 through June 30, 2023

In accordance with the Comptroller's Investment Guidelines, the Investment Report for the first six months of 2023 is hereby submitted. The primary objectives of the investment program, as set out in established guidelines, are as follows in order of importance:

- compliance with legal requirements
- safeguarding of principal
- ensuring sufficient liquidity
- obtaining a reasonable rate of return

Our cash management program offers the County a good return on its investments without assuming unnecessary risks. A total of 810 investments were made during the first six months, resulting in \$14,714,184 in total interest earnings for all funds. The average yield for the first six months was 3.32%. For comparison, during the first six months of 2022, 756 investments were effectuated which generated \$308,853 in total interest earnings for all funds at an average yield of .18%.

SUMMARY OF INVESTMENTS PURCHASED

	Number of Investments Jan - June		Average Investment (in millions) Jan - June		Average Length of Investment (days) Jan - June	
	2023	2022	2023	2022	2023	2022
	Manufacturers & Traders	781	756	61.4	61.4	8
Citizens	7	N/A	20.2	N/A	28	N/A
JP Morgan Chase	7	N/A	20.3	N/A	27	N/A
NYCLASS	13	N/A	92.3	N/A	22	N/A
Key	2	N/A	25.0	N/A	30	N/A
Totals	810	756				

Investment Report

January 1, 2023 through June 30, 2023

SUMMARY OF INTEREST EARNINGS BY FUND

	General Fund	Trust Fund	Capital Fund	Sewer Fund	Total
1 st Quarter	\$3,528,813	\$114,510	\$1,900,235	\$196,419	\$5,739,977
2 nd Quarter	\$5,942,169	\$250,738	\$2,328,713	\$452,587	\$8,974,207
Year to date	\$9,470,982	\$365,248	\$4,228,948	\$649,006	\$14,714,184

Please note the 2023 Adopted Budget General Fund interest earnings is \$1,200,000. The actual year to date earnings for the General Fund as of June 30, 2023 is \$9,470,982. For comparison, as of June 30, 2022, the General Fund interest earnings were \$276,758.

**SUMMARY OF WEIGHTED
AVERAGE YIELD (ALL FUNDS)**

Month	Average Yield	
	2023	2022
January	2.67%	.02%
February	3.13%	.02%
March	3.21%	.04%
April	3.80%	.09%
May	3.38%	.28%
June	3.71%	.63%
Weighted Average Jan. - Jun.	3.32%	.18%

CASH FLOW STATEMENT

As a matter of procedure, the Erie County Comptroller's Office does not report public projections regarding future cash flows or other results. However, the Comptroller's Office has prepared projected cash flow information, set forth in the following schedule, to present the projected cumulative cash flow of Erie County for the year ending December 31, 2023.

The projected financial information is subject to change based on various intervening factors, and was not produced to comply with guidelines established by the American Institute of Certified Public Accountants with respect to prospective financial information. Rather, it was prepared by the Comptroller's Office based on data provided by the Division of Budget, Management and Finance and other sources to reflect the best and currently available estimates and judgments, and presents, to the best of the Comptroller's Office's knowledge, the expected future cash flow of the County.

This information is not static or audited, and should not be relied upon as indicative of future results.

NEITHER THE COUNTY'S INDEPENDENT AUDITORS NOR ANY OTHER INDEPENDENT ACCOUNTANTS HAVE COMPILED, EXAMINED OR PERFORMED ANY PROCEDURES WITH RESPECT TO THE PROSPECTIVE CASH FLOW INFORMATION CONTAINED HEREIN. IN ADDITION, THEY HAVE NOT EXPRESSED ANY OPINION OR ANY OTHER FORM OF ASSURANCE ON SUCH INFORMATION OR ITS ACHIEVABILITY, AND ASSUME NO RESPONSIBILITY FOR, AND DISCLAIM ANY ASSOCIATION WITH, THE PROSPECTIVE FINANCIAL INFORMATION.

COUNTY OF ERIE, NEW YORK

County Of Erie

Cash Flow Statement

January-June Actual, July-December Projected
2023

Description	Actual January	Actual February	Actual March	Actual April	Actual May
Opening Balance	\$ 310,125,726				
RECEIPTS:					
DSS	\$ 3,994,479	30,506,133	\$ 49,251,026	\$ 14,103,928	\$ 21,843,417
Sales Tax	55,332,706	73,789,845	65,871,786	73,216,515	65,198,322
Real Property Tax	14,150,573	62,029,244	267,267,027	27,173,215	18,779,365
Other	32,406,858	26,403,002	55,337,433	24,183,429	19,395,547
EFSCA Set Aside Release	242,875	109,875	3,106,500	-	16,798,597
Total Receipts	106,127,492	192,838,099	440,833,772	138,677,087	142,015,248
DISBURSEMENTS:					
DSH/IGT	-	-	52,046,839	-	1,513,350
DSS Expense	15,066,046	14,385,629.00	15,718,576	14,134,113	14,600,166
MMIS	16,708,205	13,366,564	13,366,564	13,366,564	16,708,205
Payroll	41,402,718	40,490,357	53,462,300	37,374,854	36,073,624
Vendor	32,130,132	57,880,828	130,937,115	56,163,305	26,778,979
Debt Service	18,503	540,203	4,998,590	2,288,620	740,700
Capital Subsidy/Stadium	206,000	-	70,000	-	44,268,000
Sewer Property Tax	-	-	-	36,086,623	8,291,595
Stadium Set Asides	-	-	-	-	-
ECFSA Bond Set Asides	2,535,610	2,535,797	2,535,797	1,176,922	1,176,943
ECFSA Debt Service	242,875	109,875	3,106,500	-	16,798,597
Total Disbursements	108,310,090	129,309,253	276,242,281	160,591,001	166,950,159
Monthly Cash Flow	\$ (2,182,599)	\$ 63,528,846	\$ 164,591,490	\$ (21,913,915)	\$ (24,934,911)
Cumulative Cash Flow	\$ 307,943,127	\$ 371,471,973	\$ 536,063,463	\$ 514,149,549	\$ 489,214,638

(Continued)

COUNTY OF ERIE, NEW YORK

County Of Erie

Cash Flow Statement

January-June Actual, July-December Projected
2023

Description	Actual June	Projected July	Projected August	Projected September	Projected October
RECEIPTS:					
DSS	\$ 12,106,294	\$ 14,503,470	\$ 36,323,949	\$ 15,312,591	\$ 17,807,308
Sales Tax	95,806,883	54,925,159	82,144,702	78,977,433	87,102,053
Real Property Tax	11,115,423	7,799,288	5,358,961	5,359,453	2,795,612
Other	27,583,657	31,993,920	30,895,713	45,541,925	21,807,589
EFSCA Set Aside Release	2,847,625	2,000	4,504,875	77,625	-
Total Receipts	149,459,882	109,223,836	159,228,200	145,269,028	129,512,562
DISBURSEMENTS:					
DSH/IGT	-	-	-	1,472,994	-
DSS Expense	16,439,330	12,176,709	16,025,647	15,257,070	14,275,571
MMIS	13,366,564	14,818,552	18,523,190	14,818,552	18,523,190
Payroll	35,612,088	40,490,357	40,490,357	53,462,418	40,490,357
Vendor	108,849,988	43,166,625	49,515,986	116,523,206	27,553,265
Debt Service	2,390,976	573,577	16,498	23,017,994	505,303
Capital Subsidy/Stadium	750,000	171,265	228,070	-	41,960
Sewer Property Tax	1,222,918	679,985	664,171	363,713	337,357
Stadium Set Asides	-	17,091,000	-	-	17,498,000
ECFSA Bond Set Asides	1,176,943	2,131,947	2,130,239	1,763,989	1,764,427
ECFSA Debt Service	2,847,625	2,000	4,504,875	77,625	-
Total Disbursements	182,656,432	131,302,016	132,097,033	226,757,559	120,989,428
Monthly Cash Flow	\$ (33,196,550)	\$ (22,078,181)	\$ 27,131,167	\$ (81,488,532)	\$ 8,523,134
Cumulative Cash Flow	\$ 456,018,088	\$ 433,939,907	\$ 461,071,074	\$ 379,582,542	\$ 388,105,676

(Continued)

COUNTY OF ERIE, NEW YORK

County Of Erie

Cash Flow Statement

January-June Actual, July-December Projected
2023

Description	Projected November	Projected December	TOTAL
RECEIPTS:			
DSS	10,349,668.59	28,804,364.70	\$ 285,412,762
Sales Tax	65,280,004.21	92,687,730.27	964,122,983
Real Property Tax	4,194,544	8,158,043	496,209,991
Other	31,254,851	33,135,698	379,939,623
EFSCA Set Aside Release	684,409	2,387,750	30,762,131
Total Receipts	111,763,477	165,173,586	2,156,447,491
DISBURSEMENTS:			
DSH/IGT	-	50,041,686	105,074,869
DSS Expense	13,128,455	9,917,767	171,125,079
MMIS	14,818,552	14,818,552	183,203,254
Payroll / Pension	40,490,357	82,519,411	542,359,199
Vendor	30,017,207	101,928,875	781,445,511
Debt Service	633,295	784,639	36,508,897
Capital Gubsidy/Stadium	010,505	8,400,808	54,750,740
Sew er Property Tax	5,065,621	-	52,711,982
Stadium Set Asides	-	17,957,000	52,546,000
ECFSA Bond Set Asides	1,607,802	1,607,802	22,144,219
ECFSA Debt Service	684,409	2,387,750	30,762,131
Total Disbursements	107,062,263	290,364,369	2,032,631,888
Monthly Cash Flow	\$ 4,701,214	\$ (125,190,783)	\$ 123,815,603
Cumulative Cash Flow	\$ 392,806,890	\$ 267,616,107	

(Concluded)

PROPERTY AND SALES TAX SUMMARY

Property Tax Collections

Six Months Ended June 30, 2023 and 2022

	<u>2023</u>	<u>2022</u>
Gross Levy	\$ 845,306,073	\$818,250,077
Less: Amount Retained by Towns	(427,733,110)	(415,677,429)
Net Collectible by County	417,572,963	402,572,648
Less: January - June Collections	(379,721,435)	(371,246,703)
Net Outstanding at June 30	<u>\$ 37,851,528</u>	<u>\$31,325,945</u>
Percentage Collected through June 30	<u>90.9%</u>	<u>92.2%</u>

Source: Erie County Govern Tax Collection System.

COUNTY OF ERIE, NEW YORK

Sales Tax Revenue

Six Months Ended June 30, 2023 and 2022

	2023 Adopted Budget	June 2023 Y-T-D Revenue (1) (2)	% of Budget Realized	2022 Adopted Budget	June 2022 Y-T-D Revenue (1) (2)	% of Budget Realized
Sales And Use Tax	\$ 220,020,488	\$ 113,473,088	51.6%	\$207,035,059	\$108,904,768	52.6%
1% Sales Tax - Erie County Purposes	207,730,136	107,125,376	51.6%	195,470,064	102,820,838	52.6%
0.25% Sales Tax	51,925,690	26,776,961	51.6%	48,967,342	25,700,310	52.5%
0.50% Sales Tax	103,851,380	53,553,921	51.6%	97,701,854	51,400,619	52.6%
Totals	\$ 583,527,694	\$ 300,929,346	51.6%	\$549,174,319	\$288,826,535	52.6%

Source: Erie County Comptroller's Office.

Notes:

(1) Through June 30, 2023 year to date, \$207,927,570 was recorded as both a revenue and an expenditure in the County's General Fund for sales tax shared with local municipalities. This revenue amount is excluded from the table above.

(2) Includes accrual estimate for portion to be received in August 2023.

DEBT SCHEDULES

Annual Debt Service Requirements for Long-Term General Obligation Indebtedness of the County (1)

As of June 30, 2023

Fiscal Year Ending December 31	Principal Payments	Interest Payments	Total Debt Service
2023	26,718,699.00	6,918,939.50	33,637,638.50
2024	32,578,781.00	12,302,104.15	44,880,885.15
2025	30,315,024.00	10,874,245.31	41,189,269.31
2026	29,282,267.00	9,482,716.36	38,764,983.36
2027	25,594,510.00	8,268,533.84	33,863,043.84
2028	26,750,752.00	7,032,509.42	33,783,261.42
2029	24,122,995.00	5,738,722.86	29,861,717.86
2030	20,925,238.00	4,582,392.74	25,507,630.74
2031	21,926,481.00	3,565,531.69	25,492,012.69
2032	14,861,336.00	2,589,530.32	17,450,866.32
2033	11,118,839.00	1,887,824.18	13,006,663.18
2034	7,598,839.00	1,392,634.84	8,991,473.84
2035	7,522,839.00	1,075,086.33	8,597,925.33
2036	4,432,839.00	757,891.23	5,190,730.23
2037	4,027,839.00	553,200.59	4,581,039.59
2038	1,462,839.00	362,931.18	1,825,770.18
2039	1,497,839.00	300,592.17	1,798,431.17
2040	1,272,839.00	237,115.97	1,509,954.97
2041	1,285,000.00	183,118.02	1,468,118.02
2042	760,000.00	140,783.35	900,783.35
2043	605,000.00	113,813.00	718,813.00
2044	615,000.00	89,559.40	704,559.40
2045	635,000.00	64,709.40	699,709.40
2046	645,000.00	39,263.00	684,263.00
2047	665,000.00	13,220.20	678,220.20
Totals	<u>\$297,220,795.00</u>	<u>\$ 78,566,969.05</u>	<u>\$375,787,764.05</u>

Source: Erie County Comptroller's Office

Note:

(1) Amount is net of debt service payments of \$34,617,213.30 made from January 1, 2023 to June 30, 2023.

COUNTY OF ERIE, NEW YORK

Direct General Obligation Indebtedness Outstanding

As of June 30, 2023

Bonds:		
Highway Improvements	\$ 95,374,647.82	
Buildings and other Improvements	78,830,238.47	
Sewer District Facilities	64,040,795.00	
Community College	22,131,327.85	
Highmark Stadium	15,126,673.90	
Computer System	7,470,859.29	
Court House Facilities	4,135,000.00	
Convention Center	3,579,209.78	
Prison Facilities	2,995,853.64	
Key Bank Center	2,780,000.00	
Buffalo Zoo	756,189.25	
Total Long-Term Debt	\$ 297,220,795.00	(1) (2)
Exclusions :		
Sewer District Debt	64,040,795.00	
Budgeted Appropriations	23,255,429.00	
Total Deductions	87,296,224.00	
Net Direct Debt	\$ 209,924,571.00	

Source: Erie County Comptroller's Office

Notes:

(1) Pursuant to the agreement governing the sale of the County hospital and nursing home to Erie County Medical Center Corporation, the County continues to be directly responsible for the payment of certain bonded debt for these facilities. Bonded debt, in the amount of \$61,135,000 of Erie County Medical Center Corporation for which the County has indirect responsibility as guarantor, is not included above.

(2) This schedule reflects remaining principal for bonds issued from 2001 to 2022 by the County.

COUNTY OF ERIE, NEW YORK

Calculation of Constitutional Debt Limit

As of June 30, 2023

<u>For Fiscal Year Ended December 31</u>	<u>Equalized Full Valuation of Taxable Real Property</u>
2019	60,970,410,994.00
2020	64,771,315,474.00
2021	70,645,602,048.00
2022	74,148,294,674.00
2023	83,955,196,847.00
Total five year full valuation	<u>\$ 354,490,820,037.00</u>
5 Year Average full valuation	<u>\$ 70,898,164,007.00</u>
Debt limit - 7% of average full valuation	<u>\$ 4,962,871,480.49</u>

Source: NYS Office of the State Comptroller - Data Management Unit

COUNTY OF ERIE, NEW YORK

COUNTY OF ERIE, NEW YORK

Calculation of Total Net Indebtedness

As of June 30, 2023

Five year average full valuation (2018-2022)		<u>\$ 70,898,164,007.00</u>
Debt Limit - 7% of average full valuation		<u>\$ 4,962,871,480.49</u>
Outstanding Indebtedness:		
Bonds - General	\$ 233,180,000.00	
Bonds - Sewer	64,040,795.00	
Bond Guaranty - ECMCC (1)	61,135,000.00	
Total Indebtedness	<u>358,355,795.00</u>	
Less Exclusions:		
Sewer Exclusion	64,040,795.00	
Budgeted Appropriations	23,255,429.00	
Total Exclusions	<u>87,296,224.00</u>	
Total Net Indebtedness		<u>271,059,571.00</u>
Net Debt Contracting Margin		<u>\$ 4,691,811,909.49</u>
Percentage of Debt Contracting Power Exhausted		<u>5.46%</u>

Sources:

Property Value - NYS Office of the State Comptroller - Data Management Unit
Indebtedness and exclusions - Erie County Comptroller's Office

Note:

(1) Erie County Medical Center Corporation

MISCELLANEOUS FINANCIAL DATA

Property Tax Collection History

Last Ten Fiscal Years

Fiscal Year	County Property Taxes Levied (1)	All Other Property Taxes Levied (2)	Total Property Taxes Levied for the Fiscal Year	Collected within the Fiscal Year of the Levy	
				Amount	Percentage of Levy
2013	237,270,828	418,170,150	655,440,978	637,052,431	97.19%
2014	241,721,087	420,052,940	661,774,027	644,024,505	97.32%
2015	245,876,811	428,290,819	674,167,630	655,940,466	97.30%
2016	257,638,097	437,982,920	695,621,017	677,125,859	97.34%
2017	272,002,597	447,195,930	719,198,527	700,924,354	97.46%
2018	287,386,093	457,147,623	744,533,716	725,368,656	97.43%
2019	295,096,353	469,825,980	764,922,333	745,093,535	97.41%
2020	305,272,912	481,191,141	786,464,053	765,776,625	97.37%
2021	312,095,683	492,768,043	804,863,726	785,705,523	97.62%
2022	319,959,718	498,290,359	818,250,077	800,581,184	97.84%

Sources:

*Erie County Department of Real Property Tax Services
Erie County Govern Tax Collection System*

Notes:

(1) Totals shown exclude amounts levied in accordance with State law to recover election expenditures from the municipalities that were incurred by the County.

(2) Totals shown are primarily comprised of taxes levied for the benefit of County towns, re-levy of uncollected school and village taxes, and sewer district taxes and user charges.

Short-Term Borrowing History (1)

2002-2023

Year	Amount	Type	Issue Date	Maturity Date
2002	43,000,000	RAN (2)	09/18/02	09/17/03
2003	90,000,000	RAN	06/24/03	06/23/04
2004	82,500,000	RAN	07/14/04	07/13/05
2005	80,000,000	RAN	03/11/05	03/10/06
2005	80,000,000	RAN	07/14/05	07/13/06
2006	110,000,000	RAN	06/13/06	06/13/07
2007	75,000,000	RAN	06/27/07	06/27/08
2008	75,000,000	RAN	09/30/08	06/30/09
2009	103,534,867	BAN (3)	05/20/09	05/18/10
2009	65,000,000	RAN	10/27/09	06/30/10
2010	45,000,000	RAN	08/12/10	06/30/11
2010	20,000,000	RAN	12/14/10	04/14/11
2011	88,000,000	RAN	10/06/11	06/29/12
2012	75,000,000	RAN	10/11/12	06/28/13
2013	109,440,000	RAN	08/27/13	06/30/14
2014	110,000,000	RAN	09/18/14	06/30/15
2015	89,560,000	RAN	12/14/15	06/30/16
2016	89,580,000	RAN	12/07/16	06/30/17
2017	111,225,000	RAN	09/28/17	06/30/18
2018	79,255,000	RAN	09/26/18	06/30/19
2019	-	N/A	N/A	N/A
2020	125,000,000	RAN	06/25/20	06/24/21
2021	-	N/A	N/A	N/A
2022	-	N/A	N/A	N/A
2023	-	N/A	N/A	N/A

Source: Erie County Comptroller's Office

Notes:

(1) Excludes all Bond Anticipation Notes ("BANs") issued by the Environmental Facilities Corporation.

(2) Revenue Anticipation Notes ("RANs") may be issued in any fiscal year in anticipation of the collection or receipt of taxes (other than real property taxes) and certain other types of revenue which are due and payable in such fiscal year and moneys to be received from the State or Federal government which are due in such fiscal year. Pursuant to State law, such notes must mature within one year after the date of issuance, and may be renewed from time to time for periods of up to one year; however, the maturity of such notes, including renewals, may not extend beyond the end of the second fiscal year following the fiscal year in which such notes were originally issued.

The issuance of RANs has been necessitated, in part, by the State's practice of requiring local governments to pay 100% of the expenditures for various programs in advance, and then providing subsequent, often delayed, reimbursement for the non-local share.

(3) BANs may be issued in anticipation of bond proceeds to be received at a later date. On May 17, 2010, the BANs were paid by the issuance of long-term general obligation bonds by the ECFSA pursuant to an agreement entered into by the parties.

Outstanding Long-Term Direct Indebtedness (1)

Last Ten Fiscal Years

As of December 31

Fiscal Year	Amount (2)
2012	392,619,957 (3)
2013	412,285,000 (3)
2014	391,605,000 (3)
2015	368,175,000 (3)
2016	348,165,000 (3)
2017	327,405,000 (3)
2018	318,235,000 (3)
2019	310,830,000 (3)
2020	291,805,000 (3)
2021	257,477,929 (3)
2022	262,188,634 (3)

Source: Erie County Comptroller's Office

Notes:

(1) Excludes all sewer debt payable from special assessments.

(2) Excludes ECMCC bond guaranty of \$99,305,000 for 2009, \$97,150,000 for 2010, \$94,900,000 for 2011, \$92,550,000 for 2012, \$90,085,000 for 2013, \$87,500,000 for 2014, \$84,790,000 for 2015, \$81,930,000 for 2016, \$78,910,000 for 2017, \$72,365,000 for 2019, \$68,820,000 for 2020, \$65,080,000 for 2021, and \$61,135,000 for 2022.

COUNTY OF ERIE, NEW YORK

Valuations, Tax Levies and Rates

Last Five Fiscal Years

	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
Assessed Valuation \$	54,700,637,199	\$ 53,820,516,518	\$ 50,811,242,811	\$ 43,964,519,282	\$ 43,811,239,534
Equalized Full Valuation	83,955,196,847	74,148,294,674	70,645,602,048	64,771,315,474	60,970,410,994
Levied for County Purposes ⁽¹⁾	329,709,718	319,959,718	312,095,683	305,272,912	295,096,353
Rates for \$1,000 of Equalized Full Valuation	\$3.93	\$4.32	\$4.42	\$4.71	\$4.84

Source: Division of Real Property Tax Annual Reports

Note:

(1) Includes County and Library property taxes.

Computation of Constitutional Taxing Power for 2023

Tax Year	Full Valuation
2019	60,970,410,994
2020	64,771,315,474
2021	70,645,602,048
2022	74,148,294,674
2023	83,955,196,847
Total	\$ 354,490,820,037
Five-Year Average Full Valuation	\$ 70,898,164,007
Tax Limit (1.5%) (1)	\$ 1,063,472,460
Total Exclusions	60,776,541
Total Taxing Power	1,124,249,001
Total Levy for 2022 (2)	367,397,108
Tax Margin (1)	\$ 756,851,893

Source: Data excerpted from the County's Constitutional Tax Limit Report, filed with the New York State Comptroller

Notes:

(1) New York State Constitutional Tax Limit equals 1.5% of Five-Year Average Full Valuation. By Amendment to the County Charter, the County has limited its annual property tax levy to one per centum (1.0%) of the five year average of full valuation. The County's 2022 total taxing power under this local law is \$769,758,181 leaving a tax margin of \$402,361,073

(2) Includes County and Library property taxes, taxes for election expenses and Community College chargebacks.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-6	TODARO	Request for Further Information Regarding any Incidents Involving Asylum Seekers in Cheektowaga
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Attachments

23COMM. 16E-6



ERIE COUNTY LEGISLATURE

HON. FRANK J. TODARO

LEGISLATOR

8TH DISTRICT

John Garcia
Erie County Sheriff
10 Delaware Ave,
Buffalo, NY 14202

Re: Request for further information regarding any incidents involving asylum seekers in the Town of Cheektowaga

Sheriff Garcia,

Following the announcement on Saturday, August 12th of sexual abuse and unlawful imprisonment charges against an asylum seeker, and considering the reporting on previous criminal charges made against asylum seekers I respectfully request the following:

- Any, and all official or unofficial police reports filed since June 15th with your department relating to incidents involving asylum seekers being housed in Cheektowaga.
- The total number of calls made to the Erie County Sheriff's Office reporting incidents related to the asylum seekers. Please include calls made by hotel personnel at the housing locations, any staff on site offering services to the asylum seekers, as well as any calls made by residents.
- Information on the total number of visits the Erie County Sheriff's Office have had to make to the three hotels housing asylum seekers and the details of those visits.
- Information on the total number of times Erie County Sheriff's Office have had to respond to incidents regarding asylum seekers away from the hotel properties and details of those incidents.
- The estimated additional cost to the Erie County Sheriff's Office because of the need for increased patrols, overtime for officers, or any other expenditure of resources to date you have had to incur.

I believe the information I have asked for in this communication and any other information you deem relevant would go a long way to helping the residents and elected officials of Erie County understand this issue better.

As public officials we must provide full transparency and accountability. Again, thank you to your department and the officers in your department for their efforts in protecting the public's safety.

Sincerely,

A handwritten signature in blue ink that reads "Frank J. Todaro". The signature is written in a cursive style with a large, stylized "F" and "T".

Legislator Frank Todaro

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-7

COUNTY EXECUTIVE

Letter to Mayor Eric Adams Regarding NYC's
Migrant Transport Program

Attachments

23COMM. 16E-7



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

August 12, 2023

The Honorable Eric Adams
City Hall
New York, NY 10007

Dear Mayor Adams

I write to you today to memorialize our conversation last evening on August 11th, 2023, regarding the serious safety and security risks associated with New York City's migrant transport program, operated by your contractor DocGo.

As you are aware, there have now been two serious and violent crimes perpetrated by migrants bused into Erie County by New York City, one against a fellow migrant and now one against a Buffalo resident employed by a DocGo subsidiary at one of the hotels housing migrants. First, thank you for agreeing to pause all further transport of migrants into Erie County. Even our local resettlement agencies have indicated they are at capacity and cannot process any more asylum seekers. This is an essential first step, but as we discussed, more needs to be done.

DocGo needs a complete review and overhaul of its security protocols to ensure the safety of individuals inside the migrant hotels and in the greater community. They must be held accountable for lapses in security that led to these horrific incidents. Second, the Best Western Plus Galleria Inn & Suites located at 601 Dingens Street needs to be closed. The residential nature of the neighborhood makes it an improper place to house migrants in a congregate setting, and I fully support Cheektowaga Police Chief Brian Gould's call to end the use of that facility. I also support Chief Gould's call for funding from New York City to subsidize his limited overtime budget, which is now needed to increase foot and vehicle patrols around each of the migrant hotels to protect and reassure Erie County residents.

I thank Governor Hochul for authorizing the deployment of National Guard troops to the existing migrant hotels to provide increased security through their presence. Additional actions to improve the security situation would be transporting single male asylum seekers to a secure congregate facility such as the ones currently being constructed by New York State, leaving families, women, and children. Future transports should include families with non-school-aged children and women if they occur.

Erie County has a long history of welcoming and integrating refugees. Our New American neighbors have been a key part of Erie County's resurgence over this past decade. Unfortunately, the current program, as administered by DocGo, is not working, nor is it sustainable. Erie County opened its arms, but that trust has been rapidly eroded. Protecting the people of Erie County is my top priority, and I call on New York City as the creator of this program to take swift action.

As always, if you have any questions, please feel free to call me at your convenience on my personal cell phone number, which you have.

Sincerely yours,

A handwritten signature in black ink that reads "Mark C. Poloncarz". The signature is written in a cursive, flowing style.

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/bqs

cc: Hon. Kathy Hochul, Governor
Hon. Timothy Kennedy, Senator
Hon. Monica Wallace, Assemblywoman
Hon. Diane Benczkowski, Supervisor
Honorable Erie County Legislature
Brian Gould, Cheektowaga Police Chief

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-8

COMPTROLLER

Development of Corrective Action Plans
Following Audits

Attachments

23COMM. 16E-8



EC LEG AUG 15 '23 AM 10:21

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

August 15, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Development of Corrective Action Plans Following Audits

Dear Honorable Members:

As Erie County's Chief Auditing Officer, I am writing today to encourage your consideration and passage of a resolution calling for the implementation of Corrective Action Plans by auditees in response to audits conducted by my office's Division of Audit and Control. I believe that such a mechanism is crucial to ensure transparency, accountability, and the efficient management of public funds in Erie County.

The Office of the Comptroller's management and performance audits play a critical role in evaluating the financial practices, performance, and structure of County departments, agencies, and programs. These reports often highlight deficiencies, irregularities, or areas of concern which require improvement in financial management, oversight, and resource allocation. While audits provide valuable insights into potential issues, they may not always be followed by a clear framework to rectify the identified problems.

The step of issuing a formal Corrective Action Plan following an audit is not without precedent. For instance, the New York State Comptroller's Office routinely requests audited local entities to create Corrective Action Plans following the publication of an audit report. See <https://www.osc.state.ny.us/files/local-government/audits/pdf/respondaudit.pdf> for additional information.

The recent audit of the Registrar's Division in the Erie County Clerk's Office is a clear example of the various issues which can plague any of Erie County's administrative components. While the Office of Comptroller has the responsibility to bring these issues to light, we have no authority to enforce the recommendations an audit report contains or to compel an auditee to make changes, reforms or to act on the audit findings. To put it more bluntly, **an auditee can ignore the audit findings and refuse to engage in corrective action after an audit is completed without penalty.**

By resolving to require a Corrective Action Plan, Erie County can establish a systematic approach to address the findings of future Comptroller audits. This will facilitate a structured process for identifying responsible parties, setting realistic timelines for implementation, and monitoring progress toward resolution. Moreover, a resolution of this nature will underscore the County's commitment to fiscal responsibility and judicious use of taxpayer funds. It will demonstrate to residents and businesses that their interests are safeguarded through a proactive and accountable approach to resolving financial discrepancies.

A Corrective Action Plan will enhance deliberative discussion and active collaboration between your Honorable Body, the executive branch, and other independently elected officials in working towards the common goal of ensuring proper financial stewardship and promoting transparency. It will empower County government to address its most pressing challenges head-on, thereby fortifying public trust and confidence in the governmental process.

Thank you for your consideration of this request. If you accept the premise of such a process, my office will be pleased to draft an appropriate resolution for your review and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin R. Hardwick".

Kevin R. Hardwick, Ph.D.
Erie County Comptroller

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-9

COMPTROLLER

WROTB Hotel at Batavia Downs

Attachments

23COMM. 16E-9



EC LEG AUG 15 '23 AM 10:21

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

August 15, 2023

Henry Wojtaszek
President and Chief Executive Officer
Western Regional Off-Track Betting Corporation
8315 Park Road
Batavia, New York 14020

Re: WROTB Hotel at Batavia Downs

Dear Mr. Wojtaszek:

I am writing to follow up on some questions concerning the Hotel at Batavia Downs.

I understand from media accounts that the Western Regional Off-Track Betting Corporation (WROTB) board of directors took steps in March-April 2023 to create a new committee to examine the possibility of expanding the hotel and adding new rooms.

The *Batavia Daily News* reported on April 29, 2023 that a special hotel expansion committee met on April 26th and planned to meet again in May 2023 to possibly allocate \$50,000-\$100,000 of funding to hire a consultant and architect to conduct a feasibility study and drawings for building new space. *The Batavian* also reported on this on March 23, 2023.

My office has questions as follows:

- Who was or is on this committee? Does it include non-WROTB Board Members? Please provide the names of the persons on the committee and their titles/affiliations.
- Has the board – either the board in place on April 26-27, 2023, or the new board – taken any steps to approve the spending of WROTB funds or to hire consultants? If so, please provide the appropriate board resolutions.
- If action has been taken, which consultants were retained and at what cost?
- What has happened since late April 2023 regarding any of this process? Has WROTB held meetings or discussions or issued any requests for proposals to hire consultants? *The Daily News* quoted you as saying WROTB might contact the architect who drafted the drawings for the initial construction of the hotel and engage that entity. Did WROTB do so?
- Who proposed the concept of expanding the hotel and who generated the idea?

In addition, during our office's review of WROTB's financial statements, we found a reference stating that WROTB, via the bond refinancing process, agreed to pay the former owners of the Hotel at Batavia Downs \$500,000 on March 31, 2027 if cumulative gross revenues from the hotel between January 1, 2022-December 31, 2026 exceed \$9 million. This reveals that WROTB may have obligated itself to pay

even more to the hotel's previous owners than previously known or reported. Who proposed this provision – the former owners of the hotel, WROTB management, WROTB board members, or a WROTB consultant (i.e. WROTB's bond counsel law firm, for which an attorney also served as a special advisor for the hotel's acquisition)? Why did WROTB agree to this provision? Would a hotel expansion trigger additional payments to the former owners of the hotel? Are there other payment provisions concerning the hotel and its former owners?

We look forward to your anticipated cooperation and assistance. Thank you in advance.

Sincerely,



Kevin R. Hardwick, Ph.D.
Erie County Comptroller

cc: Erie County Legislature
Erie County Executive Mark C. Poloncarz
Jennifer Hibit, Erie County Director, WROTB

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-10

GREENE

FOIL Request for the EC Post-Blizzard
Analysis

Attachments

23COMM. 16E-10



ERIE COUNTY LEGISLATURE

HON. CHRISTOPHER D. GREENE

LEGISLATOR
6TH DISTRICT

August 14, 2023

Jeremy Toth
Erie County Executive's Office FOIL Officer
95 Franklin Street, 16th Floor
Buffalo, NY 14202

Re: FOIL request for the Erie County Post-Blizzard Analysis

Dear County Attorney Toth,

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, I hereby request a copy of the 2022 Erie County Post-Blizzard Analysis and/or each departmental 2022 post-blizzard report submitted to the County Executive.

The December blizzard was an unimaginable tragedy in our community with 47 of our neighbors dying. We must do everything in our power to make sure the failures of the past do not present themselves in the future. Erie County must be transparent and accountable for their mistakes. Both the State of New York and the City of Buffalo have already released to the public their analysis of the 2022 blizzard. Erie County must follow suit.

As you know, the Freedom of Information Law requires that an agency respond to a request within five business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,

A handwritten signature in blue ink that reads "Christopher D. Greene".

Legislator Christopher Greene

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-11	TODARO	Request for Further Information Regarding Any Incidents Involving Asylum Seekers in Cheektowaga
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Attachments

23COMM. 16E-11



ERIE COUNTY LEGISLATURE

HON. FRANK J. TODARO
8TH DISTRICT LEGISLATOR

Brian Gould
Chief of Police, Town of Cheektowaga
3223 Union Road
Cheektowaga, NY 14227

Re: Request for further information regarding any incidents involving asylum seekers in the Town of Cheektowaga

Chief Gould,

It's been reported over 540 asylum seekers are being housed in three Cheektowaga hotels. At least one of these hotels is directly next to a residential neighborhood. I appreciate all the work you and your department have done in addressing security and public safety concerns throughout this process. This is not something your department asked for.

Since day one legitimate concerns have been raised. The transparency and communication to residents has been nonexistent and much of the information we did receive has proven to be incorrect. After visiting the hotels and speaking with residents in surrounding neighborhoods I raised concerns immediately about public safety. I have raised concerns about the screening process of the asylum seekers. I have raised concerns about the cost and utilization of resources to deal with this. In response we were told New York City is paying for everything, this has proven to be false (as any reasonable person could have assumed). It turns out the concerns of much of the community were valid. We were misled and lied to.

Following the announcement on Saturday, August 12th of sexual abuse and unlawful imprisonment charges against an asylum seeker, and considering the reporting on previous criminal charges made against asylum seekers I respectfully request the following:

- Any, and all official or unofficial police reports filed since June 15th with your department relating to incidents involving asylum seekers being housed in Cheektowaga.
- The total number of calls made to the Cheektowaga Police Department reporting incidents related to the asylum seekers. Please include calls made by hotel

personnel at the housing locations, any staff on site offering services to the asylum seekers, as well as any calls made by residents.

- Information on the total number of visits Town of Cheektowaga Police have had to make to the three hotels housing asylum seekers and the details of those visits.
- Information on the total number of times the Town of Cheektowaga Police have had to respond to incidents regarding asylum seekers away from the hotel properties and details of those incidents.
- The estimated additional cost to the Town of Cheektowaga because of the need for increased patrols, overtime for officers, or any other expenditure of resources to date you have had to incur.

Right now, Cheektowaga is the epicenter of this issue locally. Surrounding communities in Erie County and their police departments will be the next ones having to deal with this as New York City has shown ZERO regard for us.

I believe the information I have asked for in this communication and any other information you deem relevant would go a long way to helping the residents and elected officials of Erie County understand this issue better.

As public officials we must provide full transparency and accountability. That has not happened to date. The residents of Erie County have not been prioritized. We have let New York City shift their problems to us. We must take a stand now so the problems don't worsen.

Again, thank you to your department and the officers in your department for their efforts in protecting the public's safety.

Sincerely,



Legislator Frank Todaro – District 8

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-12

CLERK

Recording Fees

Attachments

23COMM. 16E-12



EC LEG AUG 21 '23 PM 4:29

COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

August 21, 2023

The Honorable Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Recording Fees

Dear Honorable Members:

The enclosed correspondence to the Director of Budget and Management is being filed with this Honorable Body to alert you to the recording fee revenue deficit in the Erie County Clerk's Office in light of the dire outlook in the current real estate market.

I intend to write to every city, town, and village in Erie County concerning the deficit and the expected impact.

Very truly yours,

MICHAEL P. KEARNS
Erie County Clerk

MPK/wal



EC LEG AUG 21 '23 PM 4:29

COUNTY OF ERIE

MICHAEL P. KEARNS
COUNTY CLERK

August 21, 2023

Robert W. Keating, Director
Erie County Division of Budget and Management
95 Franklin Street, 16th Floor
Buffalo, New York 14202

Re: Recording Fees

Dear Director Keating:

This correspondence is to follow up on my recent meeting with you and your team concerning mid-year revenue projections for the Erie County Clerk's Office. Unfortunately, the current recording fee revenue deficit is worse than reported during our meeting, and as such I am compelled to alert Budget and Management of the dire outlook in the current real estate market.

As a reminder, the projected 2023 budget for the Clerk's Office was \$7,365,400.00. As previously reported, the Clerk's Office collected \$2,543,095.00 in fees by the end of June 2023, lowering our year-end projection to \$6,072,229.00.

We were hopeful that July would be a more fruitful month based on prior history of summer real estate sales. However, by July 31, 2023, the total amount of fees only increased to \$2,971,574.00. Assuming revenue remains steady using the July receipts, the current year-end projection is now \$5,113,969.00.

Subtracting our current, optimistic projection of \$5,113,969.00 from our budget of \$7,365,400.00 produces a staggering shortfall of \$2,251,431.00. It is not unreasonable to call this shortfall distressing.

Due to the current data and factors in the real estate market such as low inventory and spiking interest rates (most recently reported on by Jonathan Epstein in The Buffalo News on August 18, 2023), the Clerk's Office recording fees projection of \$4.5 Million for 2024 is the lowest it has ever been since I became Erie County Clerk. I strongly advise against any upward revision of this number in the final budget for fiscal year 2024.

Very truly yours,

MICHAEL P. KEARNS
Erie County Clerk

MPK/wal

Cc: Hon. Mark C. Poloncarz, Erie County Executive
Hon. Kevin R. Hardwick, Erie County Comptroller
Erie County Legislature

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-13

COMPTROLLER

Analysis of the Concentration Account &
Deposit Activity in the EC Clerk's Office

Attachments

23COMM. 16E-13

August 2023

**Analysis of the Concentration Account and Deposit
Activity in the Erie County Clerk's Office, Registrar's
Division, January 1, 2022 - June 30, 2023.**



**KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER**

**HON. KEVIN R. HARDWICK
ERIE COUNTY COMPTROLLER'S OFFICE
DIVISION OF AUDIT & CONTROL
95 FRANKLIN STREET
BUFFALO, NEW YORK 14202**



August 24, 2023

Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Honorable Members:

The Erie County Comptroller's Office has completed an analysis of the Erie County Clerk's Office, Concentration Account held at M&T Bank for the period January 1, 2022 through June 30, 2023.

The audit objectives were to reconcile the deposits made by the Clerk's Office that represented the check and cash transactions from the daily activity performed by individual cashiers in the Registrar's Division, which includes the Pistol Permit Department. The months of January and December of 2022 were included in the testing of a previous audit (report filed June 30, 2023). However, newly disclosed reports with a greater amount of detail were provided by the Clerk's Office following the issuance of the audit report. This analysis by the Audit Division includes records covering the full time period described above. This will allow us to re-confirm our original findings as it relates to the cash discrepancies for those months and reconcile the remaining months of 2022 along with January through June of 2023. The original cash discrepancies included twenty-nine (29) transactions totaling \$13,670.15 for the months of January and December of 2022.

The objectives of this analysis are to:

- Restate previous cash discrepancies of \$13,670.15 for January and December of 2022 and reconcile the cash and check deposits recorded on the M&T bank statements using the NewVision Daily Fee Deposit reports for the period of February 1, 2022 through November 30, 2022 and January 1, 2023 through June 30, 2023. Reports provided to the Sheriff's Office were forwarded to the Audit Division to use in the confirmation and reconciliation process.
- Verify individual cashier totals using the NewVision Daily Recap with ACH Report, to ensure cash total was correct.
- Review Voided/Revised report to verify if any cash discrepancies were caused by voided or revised transactions.
- Offer recommendations.

Note that corrective actions and recommendations were provided in the original audit report.

Link to Audit Report: [Final Clerk Performance Audit.pdf](#)

REPORT DESCRIPTIONS

The Registrar's Division uses a number of reports as part of its standard operating procedures. The reports most relevant to this analysis are briefly described herein.

Daily Fee Deposit Report - the daily fee deposit report (DFD) was used by the Second Deputy County Clerk to prepare the daily deposits for the bank. The report lists each individual cashier along with the Net Cash, Check and Check + Cash Total for each day. Each cashier prepares and signs their own deposit ticket, listing their cash and check amounts for the day.

Daily Fee Deposit- Erie County, New York				
From 01/06/2022 To 01/06/2022		Report Date: 01/06/2022 03:14:37 PM		Page: 1 of 1
ALL LOCATIONS				
ALL USERS				
CRNY2010407				
User ID	Count	Net Cash	Check	Check + Cash
3	3	0.00	3,948.45	3,948.45
10	10	0.00	16,074.00	16,074.00
38	38	0.00	0.00	0.00
2	2	0.00	0.00	0.00
1	1	0.00	0.00	0.00
19	19	0.00	2,110.00	2,110.00
19	19	0.00	13,234.50	13,234.50
14	14	88.00	15.00	103.00
17	17	45.00	30.00	75.00
9	9	0.00	320.00	320.00
8	8	0.00	20.00	20.00
4	4	0.00	0.00	0.00
8	8	0.00	0.00	0.00
19	19	190.00	45,896.25	46,086.25
36	36	0.00	0.00	0.00
117	117	0.00	0.00	0.00
5	5	3.00	5.00	8.00
16	16	10.00	24,748.00	24,758.00
1	1	0.00	0.00	0.00
16	16	0.00	25,845.00	25,845.00
24	24	0.00	398.85	398.85
138	138	0.00	0.00	0.00
Total Receipts	522	338.00	132,443.05	132,779.05

Close-Out Report - the close-out report (COR) is run at the end of each day for each cashier that processed transactions. This is used to verify their Cash and Check totals.

Close-Out- Erie County, New York			
Report Date: 01/04/2022 04:47:52 PM		Rev: 08/28/2013	
User ID: _____			
Date Range: From 01/04/2022 To 01/04/2022			
System Counts			
Receipt Count:	18		
Void Count:	0		
System Receipts			
Paid Cash:	\$305.00	Escrow Amt.:	\$18.65
Paid Check:	\$0.00	Charge Amt.:	\$0.00
Total Cash And Checks:	\$305.00		
Cash Drawer Receipts			
Total Cash:	\$305.00		
Total Check:	\$0.00		
- Open Till:	\$0.00		
+ Till Withdraws:	0.00		
Total Receipts:	\$305.00		
Over Short			
Cash Over Short:	\$0.00		
Approved By: _____			

Daily Recap with ACH Report – the daily recap with ACH report was run by a supervisor if the cashier did not balance to their check and cash total at the end of any day. The cashier compares their work to the report to find the difference; no deposit is made until the difference is found as per Clerk’s Office staff.

Daily Recap With ACH- Erie County, New York												Page: 1 of 1	
From 01/04/2022 To 01/04/2022												Report Date: 07/10/2023 03:38:49 PM	
Recording												All LOCATIONS	
												USER	
												Rev 04/16/2013	
Receipt	Name	Ami. Due	Ami. Rec.	Net Cash	Check	Excess Draw	Excess Deposit	Charge	Spkts Refund	Over Short	Credit Card	JV	ACH
22000731		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000732		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000739		15.55	15.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15.55	0.00	0.00
22000868		1.30	1.30	0.00	0.00	1.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000913		10.55	10.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10.55	0.00	0.00
22000973		5.00	5.00	0.00	0.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000984		5.00	40.00	35.00	0.00	0.00	0.00	0.00	0.00	5.00	0.00	0.00	0.00
22001022		35.00	35.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	35.00	0.00	0.00
22001024		35.00	35.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	35.00	0.00	0.00
22001058		35.00	35.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	35.00	0.00	0.00
22001065		30.00	40.00	30.00	0.00	0.00	0.00	0.00	0.00	10.00	0.00	0.00	0.00
22001075		35.00	40.00	35.00	0.00	0.00	0.00	0.00	0.00	5.00	0.00	0.00	0.00
22001086		12.35	12.35	0.00	0.00	12.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22001105		1.95	1.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.95	0.00	0.00
22001107		05.00	110.00	105.00	0.00	0.00	0.00	0.00	0.00	5.00	0.00	0.00	0.00
22001119		30.00	30.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.00	0.00	0.00
22001136		30.00	30.00	30.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22001260		70.00	70.00	70.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Receipts	16	486.70	511.70	305.00	0.00	18.65	0.00	0.00	0.00	25.00	163.05	0.00	0.00
Voided Receipts	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Adjusted Total	16	486.70	511.70	305.00	0.00	18.65	0.00	0.00	0.00	25.00	163.05	0.00	0.00
Total Cash And Checks			\$305.00										
Refunds - Checks			\$0.00										
Daily Cash Receipts			\$305.00										

METHODOLOGY

The methodology employed to achieve these objectives started by reconciling the bank deposits recorded on the M&T bank statement with the DFD Report and the Daily Recap Report for each day that transactions were recorded. If a discrepancy was found, the next step is to verify whether the discrepancy translated to missing money. To do this, the Audit Division used the Void/Revised report to ensure there were no voids and/or revisions to cashier’s transactions that could have created the difference between the deposit recorded on the bank statement and the DFD Report. Finally, the bank statement was reviewed for any deposit correction(s) that was equal to the amount of the cash discrepancy, otherwise explaining the discrepancy as an error rather than funds unaccounted for.

REPORTING

In the wake of the initial audit of the Registrar Division, and due to the issues discovered during the course of that audit, this analysis was conducted at the request of the Erie County Clerk and the Erie County Sheriff’s Office. Following the Comptroller’s initial audit, the Sheriff’s Office commenced a criminal investigation of the Clerk’s Office pertaining to cash discrepancies and funds that could not be accounted for.

A copy of this analysis was provided to the Erie County Clerk’s Office, Erie County Sheriff’s Office, and the Office of the New York State Comptroller.

SUMMARY

The objective of this analysis was to restate the original cash discrepancies of \$13,670.15 found in the Clerk’s audit report filed on June 30, 2023, and reconcile the bank deposits for the remainder of 2022 and the first six (6) months of 2023 using additional reports provided by the Clerk’s Office. These reports consisted of the DFD, Daily Recap and Void/Revision Report and the M&T bank statements. In addition, CORs (See example

in Report Description section) for the deposits in question were provided for the months of January and December of 2022. These reports were not made available to the Division of Audit at any point during the process of conducting the audit. Therefore, for the months covered in the initial review, the Audit Division reconciled the COR cash amount to the DFD Report and Daily Recap Report to re-confirm the amounts of the original cash discrepancies found for this time period.

The Division of Audit noted the following:

The Audit Division replicated the process executed during the audit, thus confirming the cash discrepancies using the cashier's close-out. That report indicated that cash was received, processed, and should have been included in the deposit, but was unaccounted for. Amounts totaling to **\$13,670.15** was confirmed to be missing from the bank deposits.

In addition, during the original audit, the Audit Division found reports for January, 2022 and December, 2022 that had been manipulated. However, during the analysis, the Audit Division was able to confirm that at least 83 official government documents were tampered with in some form during that period. The Audit Division found that the original DFD Report for each day in question was altered – the original amount was manually removed, and a new amount was typed in its place using a similar, but not exact font. (See Example No. 2). Moreover, the Audit Division found that 29 Deposit Tickets, which are used to confirm the amounts actually deposited into the bank, had been swapped out and replaced. The cashiers in the Clerk's Office follow a process wherein each cashier signs, dates, marks or imprints some combination of the three on each ticket. 29 Deposit Tickets lacked these unique notations, which corresponded directly to the altered reports and cash discrepancies. In those two months, a total of fifty-four (54) DFD Reports were altered, and twenty-nine (29) deposit tickets were tampered with.

Finally, we confirmed the reports given to the auditor during the original audit were tampered with by either altering the data in NewVision or altering the report. (See Example No. 1). This was confirmed by comparing the CORs to the Daily Recap Report. The comparison indicated that cash was received, and the same amounts were recorded on both reports. This amount should have been reported on the [Daily Fee Deposit] DFD Report. It is facially apparent that both reports, example #1 and example #2, were run on different dates but were submitted for the same day of the month. Moreover, it is also apparent that the input on line seven (7) between Example 1 and Example 2 are not the same. Net Cash is zero, but the totals are different. The difference is the cash amount of \$975.00. This is a telltale indication that money is unaccounted for.

EXAMPLE #1 – Report given to auditor during fieldwork of original audit, run date of 5/12/2023.

Daily Fee Deposit- Erie County, New York #1

From 01/03/2022 To 01/03/2022 Report Date: 06/12/2023 02:21:20 PM

Page : 1 of 1
ALL LOCATIONS
ALL USERS
ORNY:20116407

User ID	Count	Net Cash	Check	Check + Cash
[REDACTED]	41	182.00	51.00	233.00
[REDACTED]	10	0.00	8,365.00	8,365.00
[REDACTED]	20	26.95	255.00	281.95
[REDACTED]	7	0.00	0.00	0.00
[REDACTED]	73	125.00	2,236.25	2,361.25
[REDACTED]	23	0.00	40,873.00	40,873.00
[REDACTED]	22	0.00	305.10	1,280.10
[REDACTED]	10	0.00	0.00	0.00
[REDACTED]	15	140.00	227.60	367.60
[REDACTED]	20	0.00	24,939.50	24,939.50
[REDACTED]	16	510.00	9,593.50	10,103.50
[REDACTED]	21	108.25	45.55	153.80
[REDACTED]	7	0.00	0.00	0.00
[REDACTED]	16	0.00	0.00	0.00
[REDACTED]	2	0.00	2,989.00	2,989.00
[REDACTED]	26	464.00	37,079.25	37,543.25
[REDACTED]	141	0.00	0.00	0.00
[REDACTED]	8	1.30	0.00	1.30
[REDACTED]	20	15.00	44,673.75	44,688.75
[REDACTED]	3	0.00	0.00	0.00
[REDACTED]	2	0.00	0.00	0.00
[REDACTED]	141	0.00	0.00	0.00
Total Receipts	644	1,572.50	171,633.60	173,206.00

Check & Cash total of \$1,280.10 includes the \$975.00 (\$1280.10 - 305.10 = \$975) in cash but does not show on the report. Document was altered in some way to exclude the actual cash received by the cashier but by removing it did not change the total which enabled us to discover the cash discrepancy.

EXAMPLE #2 - Original Daily Fee Deposit Report run date 1/3/22 – was not given to auditor until after our fieldwork was complete. Notable alteration of Check + Cash total for all deposits in question except when entire deposit is missing.

Daily Fee Deposit- Erie County, New York

From 01/03/2022 To 01/03/2022 Report Date: 01/03/2022 04:52:18 PM

Page : 1 of 1
ALL LOCATIONS
ALL USERS
ORNY:20116407

User ID	Count	Net Cash	Check	Check + Cash
[REDACTED]	41	182.00	51.00	233.00
[REDACTED]	10	0.00	8,365.00	8,365.00
[REDACTED]	20	26.95	255.00	281.95
[REDACTED]	7	0.00	0.00	0.00
[REDACTED]	73	125.00	2,236.25	2,361.25
[REDACTED]	23	0.00	40,873.00	40,873.00
[REDACTED]	22	0.00	305.10	305.10
[REDACTED]	10	0.00	0.00	0.00
[REDACTED]	15	140.00	227.60	367.60
[REDACTED]	20	0.00	24,939.50	24,939.50
[REDACTED]	16	510.00	9,593.50	10,103.50
[REDACTED]	21	108.25	45.55	153.80
[REDACTED]	7	0.00	0.00	0.00
[REDACTED]	16	0.00	0.00	0.00
[REDACTED]	2	0.00	2,989.00	2,989.00
[REDACTED]	26	464.00	37,079.25	37,543.25
[REDACTED]	141	0.00	0.00	0.00
[REDACTED]	8	1.30	0.00	1.30
[REDACTED]	20	15.00	44,673.75	44,688.75
[REDACTED]	3	0.00	0.00	0.00
[REDACTED]	2	0.00	0.00	0.00
[REDACTED]	141	0.00	0.00	0.00
Total Receipts	644	1,572.50	171,633.60	173,206.00

Original Report as noted by the run date as compared in the transaction day.

Altered font, 3,5 and 1 is noticeably different.

Altered Amount - Report is indicating there is no cash when it should show \$975.00.

Close-Out Summary Report

Close-Out- Erie County, New York
 Report Date: 01/03/2022 04:50:22 PM Rev 06/28/2013
 User ID: ██████████
 Date Range: From 01/03/2022 To 01/03/2022

System Counts

Receipt Count:	22
Void Count:	0

System Receipts

Paid Cash:	\$975.00	Escrow Amt.:	\$0.00
Paid Check:	\$305.10	Charge Amt.:	\$2,290.00
Total Cash And Checks:	\$1,280.10		

Cash Drawer Receipts

Total Cash:	\$975.00
Total Check:	\$305.10
- Open Till:	\$0.00
+ Till Withdraws:	0.00
Total Receipts:	\$1,280.10

Over Short

Cash Over Short:	\$0.00
------------------	--------

Approved By: _____

Cashier close-out report is indicating \$975.00 was received in cash.

Daily Recap Report

Daily Recap With ACH- Erie County, New York Page: 1 of 1
 From 01/03/2022 To 01/03/2022 Report Date: 07/10/2023 03:37:39 PM
 All LOCATIONS
 USER - freemad2
 Rev 04/16/2013

Receipt	Name	Amt. Due	Amt. Recd	Net Cash	Check	Escrow Draw	Escrow Deposit	Charge	Check Return	Over Short	Credit Card	JV	ACH
22000110	WAIVER	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000120		45.00	50.00	45.00	0.00	0.00	0.00	0.00	0.00	0.00	5.00	0.00	0.00
22000191		5.00	5.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.00	0.00	0.00
22000199	COURT EFILE CHARGE	104.00	104.00	0.00	0.00	0.00	0.00	104.00	0.00	0.00	0.00	0.00	0.00
22000205		920.00	920.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000343	COURT EFILE CHARGE	115.00	115.00	0.00	0.00	0.00	0.00	115.00	0.00	0.00	0.00	0.00	0.00
22000347		420.00	420.00	0.00	0.00	0.00	0.00	420.00	0.00	0.00	0.00	0.00	0.00
22000511	COURT EFILE CHARGE	210.00	210.00	0.00	0.00	0.00	0.00	210.00	0.00	0.00	0.00	0.00	0.00
22000544		15.00	15.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15.00	0.00	0.00
22000544	COURT EFILE CHARGE	35.00	35.00	0.00	0.00	0.00	0.00	35.00	0.00	0.00	0.00	0.00	0.00
22000536		15.00	15.00	0.00	0.00	0.00	0.00	15.00	0.00	0.00	0.00	0.00	0.00
22000536	COURT EFILE CHARGE	15.00	15.00	0.00	0.00	0.00	0.00	15.00	0.00	0.00	0.00	0.00	0.00
22000528		1,075.00	1,075.00	0.00	0.00	0.00	0.00	1,075.00	0.00	0.00	0.00	0.00	0.00
22000528	COURT EFILE CHARGE	135.00	135.00	0.00	135.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000538		10.00	20.00	10.00	0.00	0.00	0.00	0.00	0.00	10.00	0.00	0.00	0.00
22000608		125.00	125.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	125.00	0.00	0.00
22000687	COURT EFILE CHARGE	290.00	290.00	0.00	0.00	0.00	0.00	290.00	0.00	0.00	0.00	0.00	0.00
22000689		45.00	45.00	0.00	0.00	0.00	0.00	6.00	0.00	0.00	45.00	0.00	0.00
22000690		10.00	10.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000708		35.10	35.10	0.00	35.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000718		125.00	125.00	0.00	125.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22000723	COURT EFILE CHARGE	10.00	10.00	0.00	0.00	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
Total Receipts	22	3,760.10	3,775.10	975.00	305.10	0.00	0.00	2,290.00	0.00	15.00	190.00	0.00	0.00
Voided Receipts	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Adjusted Total	22	3,760.10	3,775.10	975.00	305.10	0.00	0.00	2,290.00	0.00	15.00	190.00	0.00	0.00
Total Cash And Checks				\$1,280.10									
Returns - Checks				\$0.00									
Daily Cash Receipts				\$1,280.10									

Daily Recap Report is confirming \$975.00 was taken in cash. The money was not deposited into the bank.

Summary of Findings – Continued

In conducting this analysis, and after the Clerk’s Office provided the Audit Division with additional records covering the expanded timeframe, the Audit Division discovered hundreds of additional cash discrepancies recorded in 2022 and 2023.

February through November 2022 – additional cash discrepancies of **\$67,931.50** were discovered.

January through June 2023 – additional cash discrepancies of **\$33,114.10** were discovered.

Time Period	Cash Discrepancy Total
January and December 2022	\$13,670.15
February – November 2022	\$67,931.50
January – June 2023	\$33,114.10
Total Cash Discrepancies	\$114,715.75

RESULTS

1. Confirmed Cash Discrepancies for Totaling \$114,715.75

The cash discrepancies described in the audit report of the Registrar's Division filed on June 30, 2023 were confirmed and restated. The total amount of cash discrepancies of **\$13,670.15** are currently under investigation by the Sheriff's Department and Office of the State Comptroller. This portion of the review was performed pursuant to a request by the Sheriff's Office for assistance to review additional reports and information given to them by the Clerk's Office that would confirm original cash discrepancies.

Additional cash discrepancies were discovered for the remaining months of 2022 and the first six (6) months of 2023 in the amount of **\$101,045.60**.

There were no voids, revisions or vault differences pertaining to any of the original twenty-nine (29) transactions or the newly discovered cash discrepancies. Thus, the Audit Division was unable to eliminate the possibility of theft for any of the reviewed transactions.

The Erie County Comptroller's Office, Division of Audit and Control strongly recommends that the Sheriff's Office investigate the additional cash discrepancies discovered during the analysis of the months of February through November not covered by the audit and January through June of 2023.

2. Documents received from the Clerk's Office indicated that original and re-run Daily Fee Deposit Reports were very likely altered.

Entries on the NewVision reports appear altered on fifty-four (54) separate occasions. These alterations correspond directly to amounts that were ultimately found to be missing from the DFD report.

This raises the possibility that one or more individuals within the Erie County Clerk's Office altered or attempted to alter official government records after the initial audit had commenced.

RECOMMENDATION

The recommendation of the Audit Division is for the Sheriff's Department and State Comptroller's Office to continue, respectively, it's criminal investigation and forensic audit of the Clerk's Office, Registrar Division.

The Audit Division recommends that the Sheriff's Office include the additional cash discrepancies discovered during the analysis of the months of February through November not covered by the audit and January

through June of 2023 to their investigation of the cash discrepancies in the Registrar's Division and Pistol Permit Department of the Clerk's Office.

The Audit Division further recommends that, in addition to potential theft of government funds, the investigation be expanded to include the intentional tampering with official government documents, including, but not limited to potential violations of New York Penal Law §§ 175.20, 175.25, 195.00, and 195.20.

While the Audit Division only reviewed DFD Reports and Deposit Tickets for evidence of tampering for the months of January and December of 2022, the alteration of DFD Reports and swapping of Deposit Tickets correspond directly to cash discrepancies. Given the number of cash discrepancies that the Audit Division discovered in the additional sixteen (16) months commencing in January 2022 and ending in June 2023, it is exceedingly likely that other official government documents were tampered with during that time. Therefore, the Audit Division strongly recommends that the investigation review DFD Reports and Deposit Tickets covering this time period for additional evidence of tampering.

CONCLUSION

The objective of this analysis was to determine the true extent to which money received by the Clerk's Office since the beginning of 2022 had gone missing. The Division of Audit was able to confirm the original cash discrepancies of \$13,670.15 found in the Clerk's audit report filed on June 30, 2023. The Division of Audit was further able to confirm that \$101,045.60 in additional cash discrepancies during the 18 months covered by this analysis were similarly unaccounted for.

This is based on recently disclosed bank deposits for the remainder of the 2022 and the first six (6) months of 2023 using additional reports provided by the Clerk's Office. These reports consisted of the Daily Fee Deposit (DFD), Daily Recap and Void/Revision Report and the M&T bank statements. In addition, Close-Out Reports (COR) (*See example in Report Description section*) for the deposits in question were provided for the months of January and December of 2022. These reports were not available during the fieldwork of the original audit. Therefore, the Audit Division verified the Close-out Report cash amount to the Daily Fee Deposit Report and Daily Recap Report for those months in order to re-state the amounts of the original cash discrepancies found for this time period.

Finally, the Audit Division was able to determine that at least 83 official government documents were tampered with during the months of January and December of 2022.

CC: Hon. Mark C. Poloncarz, Erie County Executive
Robert Keating, Director, Division of Budget and Management
Hon. Michael Kearns, Erie County Clerk
Hon. John C. Garcia, Erie County Sheriff
Erie County Fiscal Stability Board



APPENDIX A

CASH DISCREPANCIES RELATED TO DEPOSITS IN THE CLERK'S CONCENTRATION ACCOUNT

Period: January 1, 2022 through December 31, 2022

Period: January 1, 2023 through June 30, 2023

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
1/3/2022	1/5/2022		\$ 1,280.10	\$ 305.10	\$ (975.00)	\$ 975.00		\$ 975.00
1/4/2022	1/6/2022		\$ 305.00	Deposit missing from bank statement	\$ (305.00)	\$ 305.00		\$ 305.00
1/5/2022	1/10/2022		\$ 888.55	\$ 288.55	\$ (600.00)	\$ 600.00		\$ 600.00
1/7/2022	1/11/2022		\$ 210.00	Deposit missing from bank statement	\$ (210.00)	\$ 210.00		\$ 210.00
1/10/2022	1/14/2022		\$ 1,436.60	\$ 384.00	\$ (1,052.60)	\$ 1,052.60		\$ 1,052.60
1/11/2022	1/13/2022		\$ 651.00	\$ 303.00	\$ (348.00)	\$ 348.00		\$ 348.00
1/13/2022	1/18/2022		\$ 489.50	\$ 184.50	\$ (305.00)	\$ 305.00		\$ 305.00
1/13/2022	1/18/2022		\$ 132.70	Deposit missing from bank statement	\$ (132.70)	\$ 132.70		\$ 132.70
1/18/2023	1/20/2022		\$ 554.20	\$ 129.20	\$ (425.00)	\$ 425.00		\$ 425.00
1/19/2022	1/24/2022		\$ 1,342.35	\$ 1,042.35	\$ (300.00)	\$ 300.00		\$ 300.00
1/20/2022	1/24/2022		\$ 515.00	\$ 300.00	\$ (215.00)	\$ 215.00		\$ 215.00
1/24/2022	1/26/2022		\$ 1,172.00	\$ 871.00	\$ (301.00)	\$ 301.00		\$ 301.00
1/25/2022	1/27/2022		\$ 1,225.60	\$ 890.60	\$ (335.00)	\$ 335.00		\$ 335.00
1/27/2022	1/31/2022		\$ 738.00	\$ 233.00	\$ (505.00)	\$ 505.00		\$ 505.00
1/28/2022	2/1/2022		\$ 394.00	\$ 89.00	\$ (305.00)	\$ 305.00		\$ 305.00
Total Cash & Check Differences for January 2022					\$ (6,314.30)	\$ 6,314.30	\$ -	\$ 6,314.30

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
2/1/2022	2/4/2022		\$ 417.05	\$ 175.00	\$ (242.05)	\$ 242.05	\$ -	\$ 242.05
2/2/2022	2/4/2022		\$ 1,526.25	Deposit missing from bank statement	\$ (1,526.25)	\$ 795.00	\$ 731.05	\$ 1,526.05
2/3/2022	2/8/2022		\$ 900.00	Deposit missing from bank statement	\$ (900.00)	\$ 900.00	\$ -	\$ 900.00
2/7/2022	2/9/2022		\$ 946.25	\$ 406.25	\$ (540.00)	\$ 540.00	\$ -	\$ 540.00
2/8/2022	2/9/2022		\$ 276.40	\$ 126.40	\$ (150.00)	\$ 150.00	\$ -	\$ 150.00
2/9/2022	2/11/2022		\$ 225.00	Deposit missing from bank statement	\$ (225.00)	\$ 220.00	\$ 5.00	\$ 225.00
2/14/2022	2/16/2022		\$ 181.30	Deposit missing from bank statement	\$ (181.30)	\$ 181.30	\$ -	\$ 181.30
2/16/2022	2/18/2022		\$ 712.50	\$ 300.00	\$ (412.50)	\$ 412.50	\$ -	\$ 412.50
2/18/2022	2/23/2022		\$ 380.00	Deposit missing from bank statement	\$ (380.00)	\$ 320.00	\$ 60.00	\$ 380.00
2/18/2022	2/23/2022		\$ 572.15	Deposit missing from bank statement	\$ (572.15)	\$ 71.50	\$ 500.65	\$ 572.15
2/23/2022	2/25/2022		\$ 655.00	\$ 225.00	\$ (430.00)	\$ 430.00	\$ -	\$ 430.00
2/24/2022	2/28/2022		\$ 1,798.00	\$ 1,608.00	\$ (190.00)	\$ 190.00	\$ -	\$ 190.00
2/25/2022	3/1/2022		\$ 1,126.30	\$ 821.30	\$ (305.00)	\$ 305.00	\$ -	\$ 305.00
Total Cash & Check Differences - February 2022					\$ (6,054.25)	\$ 4,757.35	\$ 1,296.70	\$ 6,054.05

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
3/2/2022	3/4/2022		\$ 954.40	\$ 630.40	\$ (324.00)	\$ 324.00	\$ -	\$ 324.00
3/3/2022	3/7/2022		\$ 1,074.00	\$ 469.00	\$ (605.00)	\$ 605.00	\$ -	\$ 605.00
3/7/2022	3/9/2022		\$ 768.80	\$ 300.00	\$ (468.80)	\$ 468.80	\$ -	\$ 468.80
3/8/2022	3/10/2022		\$ 161.00	\$ -	\$ (161.00)	\$ 161.00	\$ -	\$ 161.00
3/8/2022	3/10/2022		\$ 430.00	\$ 220.00	\$ (210.00)	\$ 210.00	\$ -	\$ 210.00
3/11/2022	3/15/2022		\$ 1,253.00	\$ 443.00	\$ (810.00)	\$ 810.00	\$ -	\$ 810.00
3/14/2022	3/16/2022		\$ 554.05	\$ 244.05	\$ (310.00)	\$ 310.00	\$ -	\$ 310.00
3/16/2022	3/18/2022		\$ 1,300.00	\$ -	\$ (1,300.00)	\$ 1,020.00	\$ 280.00	\$ 1,300.00
3/17/2022	3/21/2022		\$ -	\$ 280.00	\$ 280.00	Possible checks from missing deposit 3/16/22	\$ -	\$ -
3/25/2022	3/29/2022		\$ 6,462.00	\$ 6,178.00	\$ (284.00)	\$ 284.00	\$ -	\$ 284.00
3/29/2022	3/31/2022		\$ 845.00	\$ 315.00	\$ (530.00)	\$ 530.00	\$ -	\$ 530.00
3/31/2022	4/4/2022		\$ 3,380.00	\$ -	\$ (3,380.00)	\$ 2,645.00	\$ 735.00	\$ 3,380.00
Total Cash & Check Differences - March 2022					\$ (8,382.80)	\$ 7,367.80	\$ 1,015.00	\$ 8,882.80

CASH DISCREPANCIES RELATED TO DEPOSITS IN THE CLERK'S CONCENTRATION ACCOUNT

Period: January 1, 2022 through December 31, 2022

Period: January 1, 2023 through June 30, 2023

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
4/1/2022	4/5/2022		\$ 540.00	\$ -	\$ (540.00)	\$ 240.00	\$ 300.00	\$ 540.00
4/1/2022	4/5/2022			\$ 735.00	\$ 735.00	Possible checks from missing deposit 3/31/22		\$ -
4/5/2022	4/7/2022			\$ 300.00	\$ 300.00	Possible checks from missing deposit 4/1/22		\$ -
4/5/2022	4/7/2022		\$ 4,897.45	Deposit missing from bank statement \$	(4,897.45)	\$ 430.00	\$ 4,467.45	\$ 4,897.45
4/6/2022	4/8/2022			\$ 4,467.45	\$ 4,467.45	Possible checks from missing deposit 4/5/22		\$ -
4/6/2022	4/8/2022		\$ 750.00	Deposit missing from bank statement \$	(750.00)	\$ 275.00	\$ 475.00	\$ 750.00
4/11/2022	4/13/2022		\$ 1,461.50	Deposit missing from bank statement \$	(1,461.50)	\$ 420.00	\$ 1,041.50	\$ 1,461.50
4/11/2022	4/13/2022			\$ 475.00	\$ 475.00	Possible checks from missing deposit 4/6/22		\$ -
4/13/2022	4/15/2022		\$ 170.00	\$ (170.00)	\$ (170.00)	\$ 125.00	\$ 45.00	\$ 170.00
4/13/2022	4/15/2022			\$ 1,041.50	\$ 1,041.50	Possible checks from missing deposit 4/11/22		\$ -
4/14/2022			\$ 55.00	Deposit missing from bank statement \$	(55.00)	\$ 50.00	\$ 5.00	\$ 55.00
4/14/2022			\$ 2,181.90	Deposit missing from bank statement \$	(2,181.90)	\$ 960.00	\$ 1,221.90	\$ 2,181.90
4/14/2022				\$ 61.00	\$ 61.00			\$ -
4/22/2022	4/26/2022			\$ 1,221.90	\$ 1,221.90	Possible checks from missing deposit 4/14/22		\$ -
4/22/2022	4/26/2022		\$ 70,114.00	\$ 69,059.00	\$ (1,055.00)	\$ 1,055.00		\$ 1,055.00
4/25/2022	4/27/2022		\$ 993.00	\$ 450.00	\$ (543.00)	\$ 543.00		\$ 543.00
4/26/2022	4/28/2022		\$ 750.00	Deposit missing from bank statement \$	(750.00)	\$ 750.00		\$ 750.00
4/27/2022	4/29/2022		\$ 1,005.00	\$ 255.00	\$ (750.00)	\$ 750.00		\$ 750.00
4/29/2022	5/3/2022		\$ 315.00	Deposit missing from bank statement \$	(315.00)	\$ 310.00	\$ 5.00	\$ 315.00
Total Cash & Check Differences - April 2022					\$ (5,228.00)	\$ 5,908.00	\$ (680.00)	\$ 5,228.00

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
5/2/2022	5/4/2022		\$ 796.25	\$ 500.00	\$ (296.25)	\$ 296.25		\$ 296.25
5/3/2022	5/5/2022		\$ 1,191.15	\$ 526.15	\$ (665.00)	\$ 665.00		\$ 665.00
5/3/2022	5/5/2022			\$ 5.00	\$ 5.00	Possible checks from missing deposit 4/14/22		\$ -
5/11/2022	5/13/2022		\$ 709.10	Deposit missing from bank statement \$	(709.10)	\$ 519.10	\$ 190.00	\$ 709.10
5/13/2022	5/17/2022		\$ 745.50	\$ 525.50	\$ (220.00)	\$ 220.00		\$ 220.00
5/16/2022	5/18/2022		\$ 840.00	Deposit missing from bank statement \$	(840.00)	\$ 840.00		\$ 840.00
5/18/2022	5/20/2022		\$ 545.00	Deposit missing from bank statement \$	(545.00)	\$ 475.00	\$ 70.00	\$ 545.00
5/20/2022	5/24/2022		\$ 574.40	\$ 164.40	\$ (410.00)	\$ 410.00		\$ 410.00
5/23/2022	5/25/2022		\$ 875.00	\$ 35.00	\$ (840.00)	\$ 840.00		\$ 840.00
5/31/2022	6/2/2022		\$ 250.00	\$ 45.00	\$ (205.00)	\$ 205.00		\$ 205.00
Total Cash & Check Differences - May 2022					\$ (4,730.35)	\$ 4,470.35	\$ 260.00	\$ 4,730.35

CASH DISCREPANCIES RELATED TO DEPOSITS IN THE CLERK'S CONCENTRATION ACCOUNT

Period: January 1, 2022 through December 31, 2022

Period: January 1, 2023 through June 30, 2023

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
6/1/2022	6/7/2022		\$ 375.00	Deposit missing from bank statement	\$ (375.00)	\$ 375.00		\$ 375.00
6/2/2022	6/6/2022		\$ 424.00	Deposit missing from bank statement	\$ (424.00)	\$ 424.00		\$ 424.00
6/2/2022	6/6/2022		\$ 46,478.13	\$ 46,025.13	\$ (453.00)	\$ 453.00		\$ 453.00
6/3/2022	6/7/2022		\$ 4,281.50	\$ 3,476.50	\$ (805.00)	\$ 805.00		\$ 805.00
6/7/2022	6/9/2022		\$ 1,460.00	\$ 1,300.00	\$ (160.00)	\$ 160.00		\$ 160.00
6/8/2022	6/10/2022		\$ 1,108.75	\$ 848.75	\$ (260.00)	\$ 260.00		\$ 260.00
6/9/2022	6/13/2022		\$ 1,265.00	Deposit missing from bank statement	\$ (1,265.00)	\$ 1,185.00	\$ 80.00	\$ 1,265.00
6/10/2022	6/14/2022		\$ 730.40	\$ 10.40	\$ (720.00)	\$ 720.00		\$ 720.00
6/10/2022	6/14/2022			\$ 190.00	\$ 190.00	Possible checks from missing deposit 5/11/22		\$ -
6/13/2022	6/15/2022		\$ 5.00	Deposit missing from bank statement	\$ (5.00)	\$ 5.00		\$ 5.00
6/14/2022	6/15/2022		\$ 1,560.00	\$ 295.00	\$ (1,265.00)	\$ 1,265.00		\$ 1,265.00
6/16/2022	6/21/2022		\$ 6,781.51	\$ 6,421.51	\$ (360.00)	\$ 360.00		\$ 360.00
6/17/2022	6/22/2022		\$ 365.40	\$ 20.40	\$ (345.00)	\$ 345.00		\$ 345.00
6/21/2022	6/23/2022		\$ 715.20	Deposit missing from bank statement	\$ (715.20)	\$ 710.00	\$ 5.20	\$ 715.20
6/23/2022	6/27/2022		\$ 631.60	\$ 390.60	\$ (241.00)	\$ 241.00		\$ 241.00
6/29/2022	7/1/2022		\$ 53,850.00	\$ 52,845.00	\$ (1,005.00)	\$ 1,005.00		\$ 1,005.00
6/30/2022	7/5/2022		\$ 70,125.00	\$ 69,500.00	\$ (625.00)	\$ 625.00		\$ 625.00
Total Cash & Check Differences - June 2022					\$ (9,023.20)	\$ 8,938.00	\$ 85.20	\$ 9,023.20

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
7/1/2022	7/6/2022		\$ 665.00	Deposit missing from bank statement	\$ (665.00)	\$ 605.00	\$ 60.00	665
7/5/2022	7/6/2022		\$ 355.00	Deposit missing from bank statement	\$ (355.00)	\$ 320.00	\$ 35.00	\$ 355.00
7/6/2022	7/11/2022		\$ 27,741.00	\$ 26,711.00	\$ (1,030.00)	\$ 1,030.00		\$ 1,030.00
7/7/2022	7/11/2022		\$ 11,009.00	\$ 9,748.50	\$ (1,260.50)	\$ 1,260.50		\$ 1,260.50
7/8/2022	7/12/2022		\$ 965.00	\$ 295.00	\$ (670.00)	\$ 670.00		\$ 670.00
7/12/2022	7/14/2022		\$ 543.60	\$ 278.60	\$ (265.00)	\$ 265.00		\$ 265.00
7/13/2022	7/15/2022		\$ 146,753.65	\$ 145,928.15	\$ (825.50)	\$ 825.50		\$ 825.50
7/14/2022	7/18/2022		\$ 1,180.00	\$ 280.00	\$ (900.00)	\$ 900.00		\$ 900.00
7/18/2022	7/20/2022		\$ 210.00	Deposit missing from bank statement	\$ (210.00)	\$ 210.00		\$ 210.00
7/19/2022	7/21/2022		\$ 530.00	\$ 90.00	\$ (440.00)	\$ 440.00		\$ 440.00
7/21/2022	7/26/2022		\$ 2,062.00	\$ 1,090.00	\$ (972.00)	\$ 972.00		\$ 972.00
7/22/2022	7/26/2022		\$ 610.00	\$ 275.00	\$ (335.00)	\$ 335.00		\$ 335.00
7/26/2022	7/28/2022		\$ 965.00	\$ 475.00	\$ (490.00)	\$ 490.00		\$ 490.00
7/27/2022			\$ 380.00	\$ 160.00	\$ (220.00)	\$ 220.00		\$ 220.00
Total Cash & Check Differences - July 2022					\$ (8,638.00)	\$ 8,543.00	\$ 95.00	\$ 8,638.00

CASH DISCREPANCIES RELATED TO DEPOSITS IN THE CLERK'S CONCENTRATION ACCOUNT

Period: January 1, 2022 through December 31, 2022

Period: January 1, 2023 through June 30, 2023

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
8/3/2022	8/4/2022		\$ 396.00	\$ 161.00	\$ (235.00)	\$ 235.00		\$ 235.00
8/4/2022	8/8/2022		\$ 6,534.55	\$ 6,039.55	\$ (495.00)	\$ 495.00		\$ 495.00
8/5/2022	8/9/2022		\$ 942.00	\$ 710.00	\$ (232.00)	\$ 232.00		\$ 232.00
8/9/2022	8/11/2022		\$ 512.00	Deposit missing from bank statement	\$ (512.00)	\$ 512.00		\$ 512.00
8/10/2022	8/12/2022		\$ 414.00	Deposit missing from bank statement	\$ (414.00)	\$ 369.00	\$ 45.00	\$ 414.00
8/11/2022	8/15/2022		\$ 928.84	\$ 463.84	\$ (465.00)	\$ 465.00		\$ 465.00
8/23/2022	8/25/2022		\$ 1,410.75	\$ 992.50	\$ (418.25)	\$ 418.25		\$ 418.25
8/24/2022	8/26/2022		\$ 64,341.50	\$ 62,747.50	\$ (1,594.00)	\$ 1,594.00		\$ 1,594.00
8/25/2022	8/29/2022		\$ 1,053.00	\$ 658.00	\$ (395.00)	\$ 395.00		\$ 395.00
8/30/2022	9/1/2022		\$ 2,685.00	\$ 2,295.00	\$ (390.00)	\$ 390.00		\$ 390.00
8/31/2022	9/2/2022		\$ 815.00	\$ 195.00	\$ (620.00)	\$ 620.00		\$ 620.00
Total Cash & Check Differences - August 2022					\$ (5,770.25)	\$ 5,725.25	\$ 45.00	\$ 5,770.25

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
9/6/2022	9/8/2022		\$ 1,286.00	\$ 526.00	\$ (760.00)	\$ 760.00		\$ 760.00
9/9/2022	9/13/2022		\$ 646.25	\$ 236.25	\$ (410.00)	\$ 410.00		\$ 410.00
9/12/2022	9/13/2022		\$ 2,793.00	Deposit missing from bank statement	\$ (2,793.00)	\$ 2,713.00	\$ 80.00	\$ 2,793.00
9/13/2022	9/15/2022		\$ 415.20	\$ 165.20	\$ (250.00)	\$ 250.00		\$ 250.00
9/13/2022	9/15/2022			\$ 80.00	\$ 80.00	Possible checks from missing deposit 9/13/22		\$ -
9/14/2022	9/16/2022		\$ 2,339.55	\$ 1,989.55	\$ (350.00)	\$ 350.00		\$ 350.00
9/15/2022	9/19/2022		\$ 914.00	\$ 570.00	\$ (344.00)	\$ 344.00		\$ 344.00
9/19/2022	9/21/2022		\$ 1,179.00	Deposit missing from bank statement	\$ (1,179.00)	\$ 1,109.00	\$ 70.00	\$ 1,179.00
9/21/2022	9/23/2022		\$ 1,085.00	\$ 95.00	\$ (990.00)	\$ 990.00		\$ 990.00
9/23/2022	9/27/2022		\$ 425.00	Deposit missing from bank statement	\$ (425.00)	\$ 420.00	\$ 5.00	\$ 425.00
9/27/2022	9/29/2022		\$ 6,275.50	\$ 4,250.50	\$ (2,025.00)	\$ 2,025.00		\$ 2,025.00
9/30/2022	10/4/2022		\$ 1,147.00	\$ 425.00	\$ (722.00)	\$ 722.00		\$ 722.00
Total Cash & Check Differences - September 2022					\$ (10,248.00)	\$ 10,093.00	\$ 155.00	\$ 10,248.00

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
10/5/2022	10/7/2022		\$ 1,127.00	\$ 710.00	\$ (417.00)	\$ 417.00		\$ 417.00
10/11/2022	10/13/2022		\$ 1,173.00	\$ 595.00	\$ (578.00)	\$ 578.00		\$ 578.00
10/12/2022	10/17/2022		\$ 3,463.00	\$ 1,780.00	\$ (1,683.00)	\$ 1,683.00		\$ 1,683.00
10/18/2022	10/20/2022		\$ 1,390.60	\$ 765.00	\$ (625.60)	\$ 625.60		\$ 625.60
10/21/2022	10/25/2022		\$ 446.85	\$ 60.00	\$ (386.85)	\$ 386.85		\$ 386.85
10/24/2022	10/26/2022		\$ 462.60	\$ 32.60	\$ (430.00)	\$ 430.00		\$ 430.00
10/25/2022	10/27/2022		\$ 742.50	\$ 672.50	\$ (70.00)	\$ 70.00		\$ 70.00
10/26/2022	10/27/2022		\$ 785.00	\$ 410.00	\$ (375.00)	\$ 375.00		\$ 375.00
10/27/2022	10/31/2022		\$ 822.00	\$ 207.00	\$ (615.00)	\$ 615.00		\$ 615.00
Total Cash & Check Differences - October 2022					\$ (5,180.45)	\$ 5,180.45	\$ -	\$ 5,180.45

CASH DISCREPANCIES RELATED TO DEPOSITS IN THE CLERK'S CONCENTRATION ACCOUNT

Period: January 1, 2022 through December 31, 2022

Period: January 1, 2023 through June 30, 2023

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
11/2/2022	11/7/2022		\$ 649.40	\$ 140.40	\$ (509.00)	\$ 509.00		\$ 509.00
11/3/2022	11/7/2022		\$ 705.00	Deposit missing from bank statement	\$ (705.00)	\$ 705.00		\$ 705.00
11/3/2022	11/7/2022		\$ 1,110.00	Deposit missing from bank statement	\$ (1,110.00)	\$ 900.00	\$ 210.00	\$ 1,110.00
11/4/2022	11/8/2022		\$ 1,839.00	\$ 1,313.00	\$ (526.00)	\$ 526.00		\$ 526.00
11/4/2022	11/8/2022			\$ 210.00	\$ 210.00			\$ -
11/7/2022	11/10/2022		\$ 1,651.00	\$ 927.00	\$ (724.00)	\$ 724.00		\$ 724.00
11/10/2022	11/15/2022		\$ 3,308.50	\$ 3,115.50	\$ (193.00)	\$ 193.00		\$ 193.00
11/14/2022	11/16/2022		\$ 2,480.00	\$ 1,874.00	\$ (606.00)	\$ 606.00		\$ 606.00
11/15/2022	11/17/2022		\$ 682.00	\$ 168.00	\$ (514.00)	\$ 514.00		\$ 514.00
11/16/2022	11/22/2022		\$ 295.00	\$ 73.00	\$ (222.00)	\$ 222.00		\$ 222.00
11/17/2022	11/23/2022		\$ 1,019.30	\$ 636.00	\$ (383.30)	\$ 383.30		\$ 383.30
11/22/2022	11/28/2022		\$ 1,234.00	Deposit missing from bank statement	\$ (1,234.00)	\$ 1,044.00	\$ 190.00	\$ 1,234.00
11/28/2022	11/30/2022		\$ 1,915.35	\$ 1,503.35	\$ (412.00)	\$ 412.00		\$ 412.00
11/30/2022	12/2/2022		\$ 324.00	\$ 114.00	\$ (210.00)	\$ 210.00		\$ 210.00
Total Cash & Check Differences - November 2022					\$ (7,348.30)	\$ 6,948.30	\$ 400.00	\$ 7,348.30

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
12/1/2022	12/5/2022		\$ 720.85	\$ 500.00	\$ (220.85)	\$ 220.85		\$ 220.85
12/1/2022	12/5/2022			\$ 190.00	\$ 190.00			\$ -
12/2/2022	12/6/2022		\$ 442.00	Deposit missing from bank statement	\$ (442.00)	\$ 437.00	\$ 5.00	\$ 442.00
12/7/2022	12/9/2022		\$ 735.00	Deposit missing from bank statement	\$ (735.00)	\$ 730.00	\$ 5.00	\$ 735.00
12/8/2022	12/12/2022		\$ 559.00	\$ 298.00	\$ (261.00)	\$ 261.00		\$ 261.00
12/9/2022	12/13/2022		\$ 381.00	Deposit missing from bank statement	\$ (381.00)	\$ 381.00		\$ 381.00
12/12/2022	12/15/2022		\$ 467.50	\$ 230.50	\$ (237.00)	\$ 237.00		\$ 237.00
12/13/2022			\$ 1,265.00	\$ 120.00	\$ (1,145.00)	\$ 1,145.00		\$ 1,145.00
12/15/2022	12/19/2022		\$ 400.45	\$ 183.45	\$ (217.00)	\$ 217.00		\$ 217.00
12/16/2022	12/20/2022		\$ 246.00	\$ 18.00	\$ (228.00)	\$ 228.00		\$ 228.00
12/19/2022	12/21/2022		\$ 1,400.00	Deposit missing from bank statement	\$ (1,400.00)	\$ 1,400.00		\$ 1,400.00
12/21/2022	12/30/2022		\$ 704.85	\$ 59.85	\$ (645.00)	\$ 645.00		\$ 645.00
12/20/2021	12/30/2022		\$ 1,181.00	\$ 290.00	\$ (891.00)	\$ 891.00		\$ 891.00
12/29/2022	1/3/2022		\$ 269.00	Deposit missing from bank statement	\$ (269.00)	\$ 269.00		\$ 269.00
12/30/2022	1/4/2022		\$ 425.60	\$ 131.60	\$ (294.00)	\$ 294.00		\$ 294.00
Total Cash & Check Differences - December 2022					\$ (7,365.85)	\$ 7,355.85	\$ 10.00	\$ 7,365.85

CASH DISCREPANCIES RELATED TO DEPOSITS IN THE CLERK'S CONCENTRATION ACCOUNT

Period: January 1, 2022 through December 31, 2022

Period: January 1, 2023 through June 30, 2023

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
1/3/2023	1/6/2023		\$ 1,151.00	\$ 535.00	\$ (616.00)	\$ 616.00		\$ 616.00
1/5/2023	1/9/2023		\$ 1,176.00	\$ 890.00	\$ (286.00)	\$ 286.00		\$ 286.00
1/6/2023	1/10/2023		\$ 552.30	\$ 308.00	\$ (244.30)	\$ 244.30		\$ 244.30
1/6/2023	1/10/2023			\$ 5.00	\$ 5.00		Possible checks from missing deposit 12/2/22	\$ -
1/9/2023	1/11/2023		\$ 772.00	\$ 513.00	\$ (259.00)	\$ 259.00		\$ 259.00
1/9/2023	1/11/2023		\$ 246.00	Deposit missing from bank statement	\$ (246.00)	\$ 241.00	\$ 5.00	\$ 246.00
1/10/2023	1/12/2023		\$ 4,553.00	\$ 4,177.00	\$ (376.00)	\$ 376.00		\$ 376.00
1/11/2023	1/13/2023		\$ 462.80	\$ 164.80	\$ (298.00)	\$ 298.00		\$ 298.00
1/12/2023	1/17/2023		\$ 362.00	\$ 144.00	\$ (218.00)	\$ 218.00		\$ 218.00
1/13/2023	1/19/2023		\$ 359.00	\$ 108.00	\$ (251.00)	\$ 251.00		\$ 251.00
1/17/2023	1/19/2023		\$ 365.00	Deposit missing from bank statement	\$ (365.00)	\$ 345.00	\$ 20.00	\$ 365.00
1/19/2023	1/24/2023		\$ 630.60	Deposit missing from bank statement	\$ (630.60)	\$ 630.60		\$ 630.60
1/23/2023	1/27/2023		\$ 814.00	\$ 375.00	\$ (439.00)	\$ 439.00		\$ 439.00
1/24/2023	1/30/2023		\$ 1,099.00	\$ 574.00	\$ (525.00)	\$ 525.00		\$ 525.00
1/25/2023	1/30/2023		\$ 1,308.25	\$ 835.00	\$ (473.25)	\$ 473.25		\$ 473.25
1/27/2023	1/31/2023			\$ 5.00	\$ 5.00		Possible checks from missing deposit 12/7/22	\$ -
Total Cash & Check Differences - January 2023					\$ (5,227.15)	\$ 5,202.15	\$ 25.00	\$ 5,227.15

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
2/1/2023	2/3/2023		\$ 3,055.40	\$ 2,220.40	\$ (835.00)	\$ 835.00		\$ 835.00
2/2/2023	2/6/2023		\$ 2,120.00	\$ 1,700.00	\$ (420.00)	\$ 420.00		\$ 420.00
2/3/2023	2/7/2023		\$ 8,643.00	\$ 7,363.00	\$ (1,280.00)	\$ 1,280.00		\$ 1,280.00
2/8/2023	2/10/2023		\$ 440.00	\$ 90.00	\$ (350.00)	\$ 350.00		\$ 350.00
2/9/2023	2/13/2023		\$ 1,401.65	\$ 1,120.65	\$ (281.00)	\$ 281.00		\$ 281.00
2/13/2023	2/15/2023		\$ 775.00	\$ 555.00	\$ (220.00)	\$ 220.00		\$ 220.00
2/14/2023	2/16/2023		\$ 195.00	Deposit missing from bank statement	\$ (195.00)	\$ 195.00		\$ 195.00
2/15/2023	2/17/2023		\$ 1,230.00	\$ 930.00	\$ (300.00)	\$ 300.00		\$ 300.00
2/15/2023	2/17/2023		\$ 5.00	Deposit missing from bank statement	\$ (5.00)	\$ 5.00		\$ 5.00
2/16/2023	2/21/2023		\$ 1,384.50	\$ 972.50	\$ (412.00)	\$ 412.00		\$ 412.00
2/17/2023	2/22/2023		\$ 5,470.00	\$ 3,110.00	\$ (2,360.00)	\$ 2,360.00		\$ 2,360.00
2/21/2023	2/23/2023		\$ 432.00	Deposit missing from bank statement	\$ (432.00)	\$ 432.00		\$ 432.00
2/22/2023	2/24/2023		\$ 43,461.00	\$ 43,031.00	\$ (430.00)	\$ 430.00		\$ 430.00
2/24/2023	3/1/2023		\$ 700.00	Deposit missing from bank statement	\$ (700.00)	\$ 670.00	\$ 30.00	\$ 700.00
2/27/2023	3/1/2023		\$ 352.00	Deposit missing from bank statement	\$ (352.00)	\$ 285.00	\$ 67.00	\$ 352.00
2/27/2023	3/1/2023			\$ 347.00	\$ 347.00		Deposit not on report, need to review deposit ticket	\$ -
2/27/2023	3/1/2023			\$ 130.50	\$ 130.50		Deposit not on report, need to review deposit ticket	\$ -
2/28/2023	3/3/2023		\$ 847.10	\$ 193.20	\$ (653.90)	\$ 653.90		\$ 653.90
Total Cash & Check Differences - February 2023					\$ (9,225.90)	\$ 9,128.90	\$ 97.00	\$ 9,225.90

CASH DISCREPANCIES RELATED TO DEPOSITS IN THE CLERK'S CONCENTRATION ACCOUNT

Period: January 1, 2022 through December 31, 2022

Period: January 1, 2023 through June 30, 2023

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
3/1/2023	3/3/2023		\$ 940.00	Deposit missing from bank statement	\$ (940.00)	\$ 885.00	\$ 55.00	\$ 940.00
3/7/2023	3/9/23q		\$ 595.00	\$ 290.00	\$ (305.00)	\$ 305.00		\$ 305.00
3/8/2023	3/10/2023		\$ 230.00	Deposit missing from bank statement	\$ (230.00)	\$ 230.00		\$ 230.00
3/9/2023	3/13/2023		\$ 643.00	\$ 218.00	\$ (425.00)	\$ 425.00		\$ 425.00
3/10/2023	3/14/2023		\$ 725.00	\$ 50.00	\$ (675.00)	\$ 675.00		\$ 675.00
3/13/2023	3/15/2023		\$ 2,326.45	\$ 1,901.45	\$ (425.00)	\$ 425.00		\$ 425.00
3/16/2023	3/21/2023		\$ 1,114.25	\$ 680.50	\$ (433.75)	\$ 433.75		\$ 433.75
3/17/2023	3/21/2023		\$ 679.00	\$ 434.00	\$ (245.00)	\$ 245.00		\$ 245.00
3/23/2023	3/28/2023		\$ 501.30	\$ 270.00	\$ (231.30)	\$ 231.30		\$ 231.30
3/24/2023	3/28/2023		\$ 1,265.95	\$ 110.40	\$ (1,155.55)	\$ 1,155.55		\$ 1,155.55
3/30/2023	4/23/2023		\$ 791.10	\$ 786.10	\$ (5.00)	\$ 5.00		\$ 5.00
Total Cash & Check Differences - March 2023					\$ (5,070.60)	\$ 5,015.60	\$ 55.00	\$ 5,070.60

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
4/3/2023	4/6/2023		\$ 905.20	\$ 275.20	\$ (630.00)	\$ 630.00		\$ 630.00
4/4/2023	4/7/2023		\$ 4,151.45	\$ 4,091.45	\$ (60.00)	\$ 60.00		\$ 60.00
4/4/2023	4/7/2023		\$ 1,973.90	\$ 1,574.90	\$ (399.00)	\$ 399.00		\$ 399.00
4/6/2023	4/12/2023		\$ 2,020.00	\$ 1,585.00	\$ (435.00)	\$ 435.00		\$ 435.00
4/10/2023	4/13/2023		\$ 762.40	\$ 194.40	\$ (568.00)	\$ 568.00		\$ 568.00
4/11/2023	4/13/2023		\$ 1,210.00	\$ 822.00	\$ (388.00)	\$ 388.00		\$ 388.00
4/13/2023	4/18/2023		\$ 1,605.50	\$ 55.40	\$ (1,550.10)	\$ 1,550.10		\$ 1,550.10
4/14/2023	4/19/2023		\$ 1,069.70	\$ 814.70	\$ (255.00)	\$ 255.00		\$ 255.00
4/21/2023	4/25/2023		\$ 2,443.90	\$ 1,663.90	\$ (780.00)	\$ 780.00		\$ 780.00
4/24/2023	4/26/2023		\$ 2,544.80	\$ 879.80	\$ (1,665.00)	\$ 1,665.00		\$ 1,665.00
4/28/2023	5/2/2023		\$ 514.50	\$ 261.50	\$ (253.00)	\$ 253.00		\$ 253.00
Total Cash & Check Differences - April 2023					\$ (6,983.10)	\$ 6,983.10		\$ 6,983.10

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
5/2/2023	5/4/2023		\$ 1,036.90	\$ 181.90	\$ (855.00)	\$ 855.00		\$ 855.00
5/4/2023	5/8/2023		\$ 276.30	\$ 75.85	\$ (200.45)	\$ 200.45		\$ 200.45
5/9/2023	5/11/2023		\$ 608.00	\$ 345.00	\$ (263.00)	\$ 263.00		\$ 263.00
5/10/2023	5/12/2023		\$ 1,071.25	\$ 230.00	\$ (841.25)	\$ 841.25		\$ 841.25
5/15/2023	5/17/2023		\$ 436.00	\$ 221.00	\$ (215.00)	\$ 215.00		\$ 215.00
5/16/2023	5/18/2023		\$ 755.80	\$ 455.80	\$ (300.00)	\$ 300.00		\$ 300.00
5/17/2023	5/19/2023		\$ 742.95	\$ 442.95	\$ (300.00)	\$ 300.00		\$ 300.00
5/24/2023	5/30/2023		\$ 213.00	Deposit missing from bank statement	\$ (213.00)	\$ 213.00		\$ 213.00
5/25/2023	5/30/2023		\$ 321.00	Deposit missing from bank statement	\$ (321.00)	\$ 321.00		\$ 321.00
5/26/2023	5/31/2023		\$ 652.25	Deposit missing from bank statement	\$ (652.25)	\$ 652.25		\$ 652.25
Total Cash & Check Differences - May 2023					\$ (4,160.95)	\$ 4,160.95		\$ 4,160.95

CASH DISCREPANCIES RELATED TO DEPOSITS IN THE CLERK'S CONCENTRATION ACCOUNT

Period: January 1, 2022 through December 31, 2022

Period: January 1, 2023 through June 30, 2023

Date	Date of Deposit	USER ID	Original Deposit Amount	Bank Deposit	Deposit Difference	Amount of Cash Differences	Amount of Check Differences	Total Difference (Cash & Checks)
6/6/2023	6/8/2023		\$ 1,003.00	\$ 363.00	\$ (640.00)	\$ 640.00		\$ 640.00
6/7/2023	6/9/2023		\$ 1,516.45	\$ 247.35	\$ (1,269.10)	\$ 1,269.10		\$ 1,269.10
6/8/2023	6/12/2023		\$ 769.30	\$ 485.00	\$ (284.30)	\$ 284.30		\$ 284.30
6/12/2023	6/14/2023		\$ 430.95	\$ -	\$ (430.95)	\$ 430.00	\$ 0.95	\$ 430.95
Total Cash & Check Differences - June 2022					\$ (2,624.35)	\$ 2,623.40	\$ 0.95	\$ 2,624.35

Cash Variances for the months reviewed in 2022 & 2023			
2022	January and December (audited)		\$ 114,715.75
2022	February through November		\$ 13,670.15
2023	January through June only		\$ 67,931.50
54	Potentially altered Daily Fee Deposit Reports		\$ 33,114.10
29	Potentially altered deposit tickets		

Notes: There were no cash discrepancies eliminated due to voids, revisions or deposit corrections equal to the amount of an individual cash discrepancies on this report

Key (shaded cells indicate the following):	
	- Potentially altered Daily Fee Deposit Reports
	- Cash discrepancy totals for each month
	- Possible checks deposited from a missing deposit

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-14

SHERIFF

Letter from Sheriff to Comptroller

Attachments

23COMM. 16E-14

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF



ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7882
WEBSITE: <http://www.erie.gov/sheriff>

SHERIFF OF ERIE COUNTY

August 28, 2023

Honorable Kevin R. Hardwick
Erie County Comptroller
95 Franklin Street, Room 1100
Buffalo, NY 14202

Dear Comptroller Hardwick:


EC LEG AUG 28 '23 PM 2:56

Your decision to release the audit findings of the Erie County Clerk's Office to the media is problematic. This is a complex investigation involving multiple government agencies which include your office, the Erie County Sheriff's Office, the Erie County District Attorney's Office, the Erie County Clerk's Office, and the New York State Comptroller's Office. Financial crime investigations are time consuming and the Erie County Sheriff's Office is committed to a professional, thorough investigation, irrespective of how long it takes.

The District Attorney will decide if and when this case will be presented to a grand jury. Grand jury proceedings are, by their intended nature, a secret process. As a reminder, members of the Erie County Comptroller's Office who have participated in this audit will be considered witnesses in any forthcoming legal proceedings, including potential grand jury testimony. The results of this audit are evidentiary and your decision to publish them to the news media makes our job more difficult as this is an active, on-going matter with more work to be done.

Please understand that exposing evidence in the public realm in an obvious attempt to divert the news cycle is unacceptable. Refrain from releasing additional information regarding this investigation to the media as it makes our job more challenging and risks compromising the investigative process.

Sincerely,



JOHN C. GARCIA
SHERIFF OF ERIE COUNTY

JCG/smt

Cc: The Honorable Legislative Body

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-15

COMPTROLLER

Department of Law Risk Retention Fund
Spending - July 2023

Attachments

23COMM. 16E-15



EC LEG SEP 1 '23 AM11:27

ERIE COUNTY COMPTROLLER
KEVIN R. HARDWICK

August 31, 2023

Honorable Members
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Department of Law Risk Retention Fund Spending – July 2023

Dear Honorable Members:

Pursuant to Resolution Intro. 3-2 (2016), as amended, please find attached an accounting of expenses from the County's Risk Retention Fund for July 2023.

Sincerely,

A handwritten signature in black ink that reads "K. R. Hardwick".

Kevin R. Hardwick, Ph.D.
Erie County Comptroller

Attachment

**County of Erie
Law Department Spending
Risk Retention
July, 2023**

Run Date: 08/30/2023

<u>Vendor Number</u>	<u>Vendor Name</u>	<u>Expenditures</u>
1	James E. Harmon	30,000.00
101109	BOND, SCHOENECK & KING, PLLC	875.00
103442	Hodgson Russ	29,294.47
104457	LAWLEY SERVICE INSURANCE GROUP	220,562.50
106065	PHILLIPS LYTLE HITCHCOCK	97.50
116145	HURWITZ & FINE PC	390.60
120447	LIPPES MATHIAS WEXLER FRIEDMAN LLP	220,493.50
171983	ANTHONY CALLISTO, JR	4,974.00
174717	ARCINA RISK GROUP	52,822.60
		<u>559,510.17</u>

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-16	COUNTY EXECUTIVE	New Buffalo Bills Stadium Project MWBE Local Outreach & Recruitment Analysis
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Attachments

23COMM. 16E-16



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EE LBS SEP 1 '23 13:45

September 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: New Buffalo Bills Stadium Project MWBE Local Outreach & Recruitment Analysis

Dear Honorable Members:

Pursuant to the directive of the Erie County Legislature, the Erie County Office of Equal Employment Opportunity (EEO) issued a survey to Erie County MWBE construction-related contractors, suppliers and vendors, as well as New York State MWBEs in the same areas that have committed to providing services or supplies to Western New York projects. The Survey related to the Buffalo Bills construction of its new stadium and sought to assess the MWBEs' knowledge and understanding of bidding package opportunities published by the New Stadium Project's Managing Contractors. On behalf of the County, I submit the enclosed Survey Results.

Should your Honorable Body require further information, I encourage you to contact James Blackwell in the Division of Equal Employment Opportunity. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: J. Blackwell – Director, Equal Employment Opportunity



NEW BUFFALO BILLS STADIUM PROJECT MWBE Local Outreach & Recruitment Survey Analysis

New Buffalo Bills Stadium Project

Erie County EEO

8/30/2023

EXECUTIVE SUMMARY

Pursuant to the directive of the Erie County Legislature, the Erie County Office of Equal Employment Opportunity (EEO) issued 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 that operate in the Western New York region, seeking to assess local certified MWBEs' knowledge and understanding of bidding package opportunities published by the New Stadium Project's Managing Contractors, their comfort level with navigating the New Stadium Project's bid package announcement website, and their awareness and accessibility to bid package outreach events.

The survey, conducted using a questionnaire form on the County's website, was sent via email to just under 3,000 businesses, of which 127 participants responded. The MWBE Survey is provided below with responses received. Comparable open-ended responses were consolidated for brevity.

Overview of Responses

- On advertisements, the majority of respondents shared they saw a published advertisement for the New Stadium Construction Project Bids/RFPs in news publications such as *The Buffalo News*, *Niagara Gazette*, and *Challenger Community News*, through New York State Contract Reporter and Construction Exchange, and in emails from Gilbane|Turner, Erie County, and others.
- On emailed notices, respondents listed having received email notices pertaining to Bid/RFP package opportunities for the New Stadium Construction Project mostly from Gilbane |Turner, Erie County, other interested contractors, and Empire State Development.
- On bidding opportunities, 74% of respondents shared that they did understand the bidding opportunities available for the New Stadium Construction Project from the advertisement, email, or posted notice.
- On the website, a majority of respondents went to the website because of an ad or notice and found the site easy to navigate. The highest number of respondents (43) visited the Stadium Construction website for the first time in August 2023.
- On Events, the majority of respondents reported that Gilbane|Turner, Erie County, and Empire State Development encouraged them to pursue a Bid/RFP opportunity or attend an Outreach Event/Meet the Primes.

- The Survey also provides responses of whether the company attended an Event, reached out to a Prime, submitted a bid, and will continue to seek opportunities.

SURVEY RESULTS

1. Please provide your company name as it appears on your State or County MWBE Certification.

2. Please provide the construction related service or supplies that your company provides.

3. Are you a certified MWBE with the State, County or both?

State - 70

County - 7

Both - 50

4. Have you seen a published advertisement for the New Stadium Construction Project Bids/RFPs?

Yes - 60

No - 67

5. If yes, what publication did you see it in? (Answers listed in order of the most prevalent response to the least.)

Niagara Gazette

The Buffalo News

Emails from Gilbane |Turner, Erie County, and from Other Sources

Buffalo Construction Exchange

New York State Contract Reporter

NYS Division of Minority and Women's Business Development (DMWBD)

Prime Contractor Direct Outreach/Bid Solicitation

Challenger Community News

Dodge Reports

6. Have you received emails containing notices pertaining to Bid/RFP package opportunities for the New Stadium Construction Project?

Yes - 91

No - 36

7. If yes, what agency or group sent that email? (Answers listed in order of the most prevalent response to the least.)

Erie County

Gilbane Turner
Interested/Bidding Contractors and Subcontractors
New York State Contract Reporter
City of Buffalo
Empire State Development
Anchin
Landon & Rian
Buffalo State Small Business Association

8. From that advertisement, email, or posted notice, did you seek additional information on the Bid/RFP package opportunities for the New Stadium Construction Project?

Yes - 59

No - 68

9. If you did not seek additional information, why not (Responses grouped by topics, shown in underlined text below)?

Uncertainty with How to Proceed

"I didn't look at it. The RFP process is too cumbersome."

"Not sure how"

"It was very broad and not specific on needs that was required for MWBEs to assist and support. Website is unclear"

"I did NOT know which decision maker to reach out to"

"As a supplier, not sure if I contact construction companies directly?"

Project Scope Too Large

"We are likely not a big enough operation to participate in a project of this size."

"I am a sole proprietor - seems like these scopes are too large."

"Project Scopes are too large at this point"

"I am unsure if there will be projects of a reasonable size that we can handle timely and receive payment timely."

Too Busy at The Moment

"Backlog at present and starting a large project for City of Buffalo."

"I work on city schools, colleges and universities; This is my very busy season; I cannot start bidding again until September 14th; I don't have time"

"Busy, but intend to get back to the bidding contractors"

Insufficient Response Time

"The email for Community Engagement came out on August 8 and the proposal was due August 14. They gave us no time to propose... so the day they issued the email, which was the first time I was notified about this opportunity, questions were already due. If the state and county want to engage in local MWBEs, you have to give us appropriate amount of time to review materials, collect our thoughts, and put forward solid questions and a good proposal."

Unable to Comply with PLA Requirements

"I put together pricing for the tieback anchors. I understand this work was awarded to a large union contractor. With the project labor agreement and large political involvement in this project, it is very difficult for small businesses to even have a chance at participating."

Location

"Services requested in group 1 and 2 packages that the firm offers include public engagement. We do not feel the organization would consider GM2 because we do not have an office located in the region."

"We don't travel to Erie County"

Other

"Would be in a much better position if we were approved to be a subcontractor for the erection and dismantle of scaffold as applied for."

"We prefer not to work on Turner related projects. Many of their PM's and support staff are inexperienced and very difficult to work with."

"Well, we are certified as GC/CM and we self-perform our management duties. However, when I attempted the ECC subcontractors, meet and greet with the Prime, it was difficult and chaotic. I didn't feel like it was really set up in a fair and inclusive environment. In fact, the way that it set up, The Primes and the subcontractors were not engaging at all. In a sea of mostly white men, it appeared obvious that they were there just for the show and the camera, so they appeared to be making a good faith effort"

"yes and no - there is limited information available for subcontractors other than notification of which packages are released and when "Meet the Prime" events will be. As far as necessary info for the subcontractors from various bid packages we have had to chase the primes and get as much info as possible in order to market our services (which is on-site Safety Managers). "Meet the Primes" events are set up in a way that devalue MWBEs - MWBEs should be in a position that Primes are seeking us out, not the other way around. Just like in all State and Local outreach attempts where we are vying for the attention; we should be in the booths with Primes seeking us out. It's 100% a check the block attempt at outreach."

"Note they said that Erie County WBE isn't good enough. I find that unfair."

10. From the advertisement, email, or posted notice, did you understand the bidding opportunities available for the New Stadium Construction Project?

Yes - 93

No - 34

11. From the advertisement, email, or posted notice, did you go to the Stadium Construction Website (<https://www.buffalobillsnewstadium.com>) to view the Bid/RFP package opportunities?

Yes - 73

No - 54

12. If no, do you plan to continue to seek opportunities and information?

Yes - 69

No - 11

13. When did you first visit the Stadium Construction website?

April - 23

May - 7

June - 9

July - 7

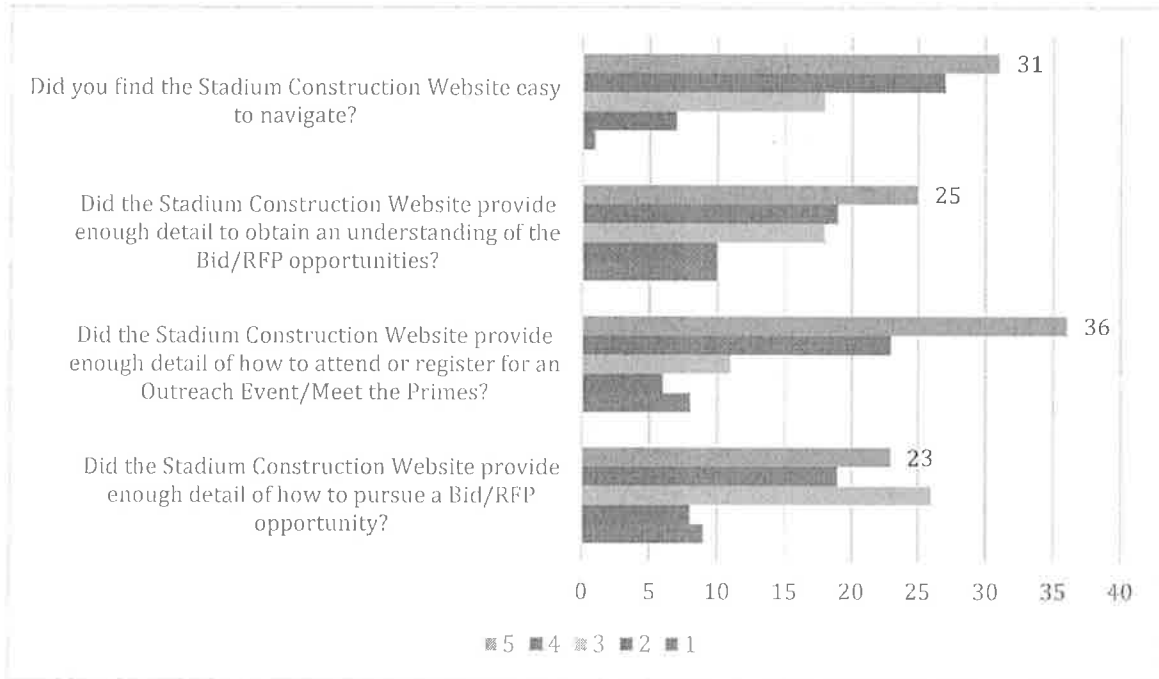
August - 12

Today - 31

N/A - 38

MWBE LOCAL OUTREACH & RECRUITMENT ANALYSIS

14. If you did visit the Stadium Construction Website, on a Scale from 1-5 (with 5 being the highest), please answer the following questions:



15. If you did visit the Stadium Construction Website, did you do any of the following? (select all that apply)

- View full bid/RFP descriptions - 54
- Pre-Qualify as a Prime - 12
- Register for an Outreach Event/Meet the Primes - 29
- Attend an Outreach Event/Meet the Primes - 36
- Reach out to other companies that might bid on a package - 52

16. If you reached out to other companies that might bid on a package, was it the result of an Outreach Event/Meet the Primes?

- Yes - 36
- No - 47

17. If you chose not to attend an Outreach Event/Meet the Primes, why not? (Check all that apply)

- Did not know of event - 31
- Bid/RFP opportunity not relevant to your company - 21
- Time - 17
- Location - 9

Did not understand process – 7

Cannot meet Prevailing Wage/PLA – 2

Other...

“Last minute outreach (emailed one day before/same day)”

“I’m very selective who I work for”

“Backlog at present and a large project starting.”

“Company not able to successful bid and process is/can be expensive”

“No general contractors have the time to do our job. The lack of ability to read blue prints prevents us from completing a take-off, even with knowing our numbers.”

“The truth is, I know how it is, and I am very concerned about the flawed process. The Primes should have been mandated by the MWBE regulations to work/collaborate with existing MWBEs in order to ensure that MWBEs have an equal opportunity to be apart, required invitation to register based on what they felt was relevant to the company”

“I would prefer to bid prime. The prequalification process and letting process for each bid package has positioned me where I can only provide proposals to my competitors. My competitors shop my price and break it apart from theirs as an added owner cost.”

18. If the Bid/RFP opportunities available at that time were not relevant to your company, do you plan to stay informed or check back?

Yes - 115

No - 12

19. If yes, where do you plan to check? (Check all that apply)

Ads - 13

Organizations - 29

The Stadium Construction Website - 68

Emails - 8

I’m Not Sure Yet

Other Contractors

Construction Exchange

20. Did you pursue a Bid/RFP opportunity from the ad, email, posted notice, or website?

Yes - 53

No - 74

21. If yes, select all that apply.

Registered as a Prime Contractor/1st Tier - 14

Contacted a Prime Contractor - 30

Received/responded to a call from a Prime Contractor - 30

Other...

“Obtained Proposed Contractor List”

"I looked at the plans, sent them to my assistant and neither of us could break it down or figure out the plans."

"Since we are certified as GC/CM's, we can manage any portion of the project. However, the millionaires at the top, didn't really appear to be interested."

"We have been to every meet and greet, but that has not helped. Primes will not connect. We can't force them."

"Prime contractors are breaking out MWBE proposals as a separate add item to Gilbane/Turner. Prime bidders are likely able to complete work cheaper than if they carry a subcontractor (MWBE) in their pricing (Doubles up overhead/indirect costs, adds mobilization costs, plus additional markup primes add on top of subcontractors). I am potentially missing out on opportunity to perform work at the stadium because pricing is less competitive when bidding through a prime (competitor of mine). Also, with the design evolving simultaneously with the bidding process, it is very difficult for a subcontractor to bid to a prime and provide a clear and competitive scope."

22. If no, select all that apply.

Did not receive ad or notice of opportunity - 15

Type or scale of work not relevant or workable for my company - 7

Couldn't attend Outreach Event/Meet the Primes - 7

Could not understand next step - 13

Other...

"Issues with Turner"

"Prevailing Wage"

"Don't Have Time"

"Project Too Large for Company"

23. Did any other group, company, training center, chamber of commerce, contractor's association or other organization encourage you to pursue a Bid/RFP opportunity or attend an Outreach Event/Meet the Primes?

Yes -41

No - 86

24. If yes, what was the name of the organization? (Answers listed in order of the most prevalent response to the least.)

Gilbane|Turner

Erie County

Empire State Development

New York Small Business Development Center

The National Association of Minority Contractors (NAMC) - Tri State

Interested/Bidding Contractors and Subcontractors

Central New York Business Growth Accelerator

City of Buffalo
Local 41 IBEW
Construction Exchange
Gerald Sentz
Iron Workers Local 6, 9
Independent Contractors Guild (ICG)
Landon & Rian
Joe Benedict
Buffalo State SBA

25. Do you plan to continue to look for future Bid/RFP opportunities?

Yes - 122

No - 5

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-17	COUNTY EXECUTIVE	Overview of County Efforts on Stadium Utilization
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Attachments

23COMM. 16E-17



EC LEG SEP 1 '23 PM 3:45

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Overview of County Efforts on Stadium Utilization

Dear Honorable Members:

As you are aware, the Stadium Development & Construction Coordination Agreement (CCA) for the new Buffalo Bills stadium construction commits to the utilization of Minority-Owned and Women-Owned Businesses Enterprises (MWBE) and Service-Disabled Veteran-Owned Businesses (SDVOB) as well as hiring local companies and the Workforce Utilization goals set in its Project Labor Agreement.

On behalf of the County, I submit the enclosed memorandum, which outlines the County's efforts thus far to advocate for steps that the Buffalo Bills could adopt to increase compliance with the CCA. This memo highlights the extensive efforts taken by our Equal Employment Opportunity Office and other government partners to ensure compliance.

Should your Honorable Body require further information, I encourage you to contact James Blackwell in the Division of Equal Employment Opportunity. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

cc: J. Blackwell – Director, Equal Employment Opportunity



MEMORANDUM COUNTY OF ERIE DIVISION OF EEO

TO: Mark C. Poloncarz, Erie County Executive
Ben Swanekamp, Chief of Staff

FROM: James Blackwell, Division of EEO Director

DATE: August 31, 2023

RE: Overview of County Efforts on Stadium Utilization

As you know, the Stadium Development & Construction Coordination Agreement (CCA) sets the utilization goals for the stadium's construction contracts at 15% for Minority-Owned Business Enterprises (MBE), 15% for Woman-Owned Business Enterprises (WBE), and 6% for Service-Disabled Veteran-Owned Businesses (SDVOB). CCA, Ex. B., II.A. Citing to Article 15-A of the New York State Executive Law, the CCA also rests the responsibility of ensuring compliance with the utilization goals with Empire State Development and the Erie County Stadium Corporation (collectively referred to as "the State"). CCA, Ex. B. Nonetheless, Erie County has taken a significant role in ensuring compliance with the Utilization goals as well as the hiring of local companies and commitments to Workforce Utilization in the Project Labor Agreement.

Erie County expressed concerns over the potential for low participation of MWBEs, SDVOBs and local Western New York companies before release of the first Request for Proposals (RFP). As a number of the initial RFP responses went to award with utilization under the stated goals, Erie County, in collaboration with the State, initiated meetings directed towards making improvements to the RFP process established by the Bills and the Project Construction Manager, Gilbane Turner (collectively, the Developer).

This memo outlines the County's advocacy and the impact of that advocacy thus far. Notably, the County's efforts have effectuated broader notice of the construction opportunities; required ads, notices, and the project website to clarify how certified and local sub-tier companies can participate; expanded the Developer's participation in MWBE events; and made Utilization and Workforce Compliance a clearer priority in the RFP specifications, the presentations to the Prime bidders, and within the listed criteria for awards and the project notices.

I. Significant Initial Steps

State & County Ongoing Compliance & Outreach Meetings - Prior to the first RFP release, the State and County established bi-weekly Compliance and Outreach meetings with the Developer to outline best practices to reach utilization goals.

June 15, 2023 Meeting on the Bills RFD1

At the insistence of the County's and State's request, all parties to the CCA met to discuss the Developer's submissions related to its Request for Disbursement (RFD) 1. As part of that meeting, the County flagged its significant concerns with the utilization numbers within the first set of awarded contracts and emphasized the importance of strong efforts to achieve participation on all packages to aim to reach the CCA's requirements. The parties agreed to set a utilization review meeting for June 29th to review the process, concerns, suggestions and reach alignment on the plan for utilization efforts moving forward in advance of funding RFD1.

June 23, 2023 Letter from the State

The County was instrumental in facilitating the State's issuance of a letter to the Developer, days before the June 29th utilization meeting, which raised that utilization in the first set of awarded contracts were below the required 15%/15%/6% and offered suggestions on areas of improvement. The County was also invited to co-sign.

The Developer Retained Additional Resources to Focus on Utilization

Following the RFD1 Meeting, the Bills and Gilbane Turner both added resources to their teams to assist in Utilization Compliance. Gilbane Turner added Anchin, an accounting firm with a division focused on regulatory compliance and investigations. In August, the Bills added a new VP of Stadium Relations, Penny Semaia, to their team to assist with community outreach and communications. Gilbane Turner also recently sent out an RFP for a Compliance Consultant as well as for a Community Engagement Coordinator.

The Developer Followed-up With Each Awarded Prime to Increase Utilization.

The Developer scheduled additional meetings with each awarded Prime from RFP Package 1 that had failed to meet the utilization goals to provide suggestions developed by the Developer and Anchin on how each Prime could potentially increase utilization.

II. Utilization Working Meetings - June 29th & July 18th

As discussed above, the first working meeting on utilization was scheduled per the County's request in the RFD1 meeting. This first meeting was an essential first step. It provided the County and the State a forum to obtain clarity on the outreach and procurement process thus far and enabled the State and the County to provide the Developer with numerous changes to the process in an effort to reach the utilization goals, which the Developer embraced.

In the first meeting, the County presented changes to various steps in the RFP process to facilitate improvements in the utilization numbers, starting with the clarity and distribution of its messaging on its website and in ad notices, to the location and priorities set at its Meet the Primes events, the utilization language in its bid specifications and award criteria, to the method used in the leveling process. The second meeting provided an opportunity for the State to discuss each improvement it suggested in the June 23rd letter.

Items discussed at both meetings are provided below.

A. Website, Advertisements & Events Improvements

The County suggested that the Developer broaden distribution of ads and notices announcing its RFP releases. Also, both initial notices and the project's website needed to state in simple terms that involvement by second-tier certified subs involvement in a RFP submission or attendance at the Meet the Primes did not require sub-tiers to pre-qualify through the Developer's website. The County suggested adding a simple flow chart or FAQs to its notices and site that walk potential subs through the process. Smaller certified MWBE and SDVOB subs might be daunted by the pre-qualification process and decide to forego an attempt to be involved in the Project's construction.

With Events, the County advocated that the Developer should meet the community *in* their community and move the Developer's Meet the Primes Event from a weekday morning in Orchard Park to an evening in Buffalo's east or west side or in Lackawanna.

The County raised that if a misunderstanding of the Project's pre-qualification requirements hindered certified sub-tiers from participating or if the companies could not attend the Meet the Primes event, this could create a barrier for certified sub-tier companies from participating. The County also asked how MWBEs/SDVOBs would

know the Primes that the Developer had invited to bid on each package if they did not attend the Meet the Primes and requested that all invited Primes be listed on the Project's website.

Improvements thus far include:

Website Improvements

- Search Engine Optimization - Searches on Google or other sites were not easily reaching the Project's Website. At the County's request, the Developer improved the search engine optimization of the Project's Website.
- Clarified No Pre-Qualification Needed for Sub-Tiers- The Project Website now explicitly states that "2nd Tier subcontractors and suppliers are not required to submit prequalification information."
- Utilization Efforts Highlighted for Meet the Primes - The website's Meet the Primes registration link now states that MWBEs, SDVOBs, and Erie County companies are "encouraged to attend, network and engage with trade partners pursuing this project."
- Invited Primes Listed on Website - On July 27, five days prior to the August 1st Meet the Primes, the Developer added the Invited Primes to the Project website. The listings did not provide a contact person/number. County requested the Developer add it when they attended the Meet the Primes Event on August 1st and 2nd.
- Process Flow Chart/FAQ to be Added to Website - In its 7/30 Action Items Matrix, the Developer committed to add a simple process flow chart to the project's website and have also agreed to add FAQs.
- Workforce Opportunities to be Added to Website - Also through the 7/30 Action Items Matrix, the Developer committed to add a Workforce Opportunities "Resource Center" to the project website that will provide information on the Workforce opportunities.

Ad & Awareness Improvements

- Ad Distribution Broadened & Run Extended -At the recommendation of the County the Developer expanded advertisements to Panorama Hispano and has run the RFP3 ads for a longer period of days. Additionally, Developer has recently advertised on an MBE radio station and expanded project awareness.
- Clarity that Sub-Tiers Not Required to Pre-Qualify
Initial ads encouraged MWBEs, SDVOBs, and local businesses "to participate" and referred those "interested in participating at a lower-tier level to apply in 'Contracting Opportunities' section on the project website." On the website, it was unclear whether interested sub-tiers were required to pre-qualify through the pre-qualification process.

Recent ads for Proposal Release #3 make it clear that Primes/Tier 1 contractors must pre-qualify and, for sub-tiers, the ads state that if “you are interested in participating at a lower-tier level, apply to participate in the Meet the Primes session via ‘Contracting Opportunities’ section of the project website.”

Event Improvements

- Utilization & GFEs Added to the Developer’s Presentation to Primes - The Developer agreed to expand the presentation on utilization at its Meet the Primes Events to further highlight and emphasize the importance of the utilization goals and outline the Primes’ obligations to contract eligible certified MWBEs, SDVOBs and Western New York companies. At the August 1st and 2nd Meet the Primes, the Developer’s presentation included 6+ slides that detailed the MWBE/SDVOB Goals and Good Faith Efforts information.
- Workforce Goals Added to the Bills’ Presentation to Primes - At the August 1st and 2nd Meet the Primes, GT added the Workforce utilization project goals to its slide deck, emphasizing that it is a requirement of the Project.
- Prime Live & Virtual Events in other Western NY Locations Planned - At the 6/29 meeting, the Developer agreed to attend in-person meetings in other locations/times throughout the community and discuss Primes attending virtually, if in-person meetings were too difficult. This commitment was reiterated in the 7/30 Action Item Matrix.
- Developer Attended MWBE Conferences - At the County’s recommendation, the Bills and Gilbane Turner participated in and discussed the project’s construction and utilization goals at the 7/13 MWBE Expo in Western NY and also attended the 8/1 MWBE Conference at Buffalo State.
- Developer hosting Community Information Sessions -Recently, the Developer has engaged in hosting their own informational sessions throughout all areas of Erie County. These sessions serve to provide individuals from the community the opportunity to learn about what is currently happening on the project and how they can get involved.

B. RFP Process, Specification, & Leveling

In both working meetings, the County raised that RFP specifications need to clearly state that factors heavily considered in awarding contracts included meeting or exceeding the utilization percentages. The County recommended that the RFP specifications include a scoring evaluation, providing higher consideration for a submission that met or exceeded the utilization goals.

Noting that, in the first set of submissions, some Primes submitted Good Faith Effort documentation after their bid submissions and, in some cases, after their award, the County raised that it is customary for this documentation to be included at bid

submission; the State reiterated that all OCSD forms should be submitted with the bid and updated as utilization is finalized during the leveling process.

Bid Specification Improvements

- MWBE & Workforce Language Strengthened in Bid Specifications - On July 19, 2023, the Developer reissued the RFP specifications for Proposal Release #3 that amended the MWBE language. The RFP specifications originally stated that the Primes were “obligated to participate” in the Project’s utilization goals. The 7/19 change to the RFP specifications state that the Prime is obligated to provide the minimum MBE, WBE and SDVOB participation and then it of 15%/15% and 6%.
- OCSD Filings Required with Bid Specifications - The 7/19 amendments to the RFP Specifications also state that the bidders “must submit all relevant OCSD forms with the bid and shall, when requested, provide its Good Faith Effort Documentation to meet the goals set by the bid”.
- Developer’s Presentation to Primes Further Stressed Priority to Meet/Exceed Goals - The Developer committed in the 7/30 Action Item Matrix to further stress to all Primes that submissions meeting or exceeding the utilization project goals would be evaluated more favorably. At the Meet the Primes events in August, the Developer did repeatedly stress the priority to be given to bid submissions with higher utilization.

Utilization Improvements

- Recent Awards Show Utilization Improvements - Recent awards have exceeded the utilization goals and included a significant amount of local vendors.

C. Primes Responsibilities

At the 6/29 utilization meeting, the County emphasized that the responsibility to meet the utilization requirements rested with the Developer, not only with the Primes. The Developer was encouraged to set clear guidance and establish strict protocols that encourage the Primes to submit compliant RFP responses.

Improvements to Oversight of Primes

- Primes Required to Initiate & Document Contact with Subs - Following the 6/29 utilization meeting, the Developer prepared and presented a proposed “Good Faith Efforts Template” that it planned to require of all Primes. The Template requires Invited Primes to document contact made with certified sub-tier companies; it also outlines what would fail to qualify as an effort to obtain a certified sub’s involvement.

- GFE Template Review at Meet the Primes - The Developer reviewed the Good Faith Efforts Template at both the August 1st and 2nd Meet the Primes Events, which highlighted the importance of engaging with certified subs early in the process.
- Primes Must Place Ad in NYS Contract Reporter - Per the Developer's 7/31 Action Item Matrix, the Developer will require all Primes to advertise the need for certified subs in the NYS Contract Reporter.
- Primes Must Accept Hard Copy Bids from Subs - GT's slide deck at the August Meet the Primes Events specifically emphasized and reinforced that all Primes must accept hard copy submissions from subs, which the County had flagged on 6/29 a potential problem to smaller certified and local subs.

D. Workforce Tracking

At the 6/29 Utilization Working Meeting, the County also emphasized that without reliable and consistent workforce tracking there would be no data to counter a perception that the Project was not complying with its workforce utilization goals of a 15% minority and 5% women workforce.

- Developer installed eMars Workforce Tracking - The Developer agreed to use the eMars system to track the minority and women staff and their hours on the site. The Developer estimated that it would be setup by 8/11 and had it up by that date.
- Workforce Tracking Report to Match County's Needs - The Developer also asked how to set up its reporting to match what the County needed and then issued a revised Workforce Tracking Report on 8/9 that matched the County's request.

III. Meet The Primes

Several members of the County team attended the Meet the Primes Events on August 1st and August 2nd and had several one-on-one discussions with GT about additional issues they were hearing from MWBEs attending the conference. From this meeting, the County has developed an additional list of suggested changes to the process.

- Presentation to Primes had Significant Coverage of Goals - GT emphasized the utilization goals, reviewed the Good Faith Efforts Template, and highlighted the August 1st and 2nd Meet the Primes Events.
- Primes Contact Name/Numbers to be Added to Website - MWBEs at the conference mentioned to the County that they had difficulty reaching a point person at the Primes that were listed on the website. The Developer agreed and added contact names and numbers to the Project Website on August 14th.

IV. Developer Project Procurement Process Document

The Developer will provide a set of agreed upon procurement procedures to Erie County for its review and comment. Through its comments to the procurement procedure process, , the County added in notice, workforce, utilization, and oversight requirements as reflected in the CCA, the Project Labor Agreement, and the Community Benefits Agreement. The edits also included changes to the RFP process that the County suggested in two utilization meetings.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-18 COUNTY EXECUTIVE ECSD Nos. 1-6 & 8, User Charges - 2024

Attachments

23COMM. 16E-18



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG SEP 1 '23 PM 3:44

September 1, 2023

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

**RE: Erie County Sewer District Nos. 1-6 & 8
User Charges - 2024**

Dear Honorable Members:

The Department of Environment and Planning's Division of Sewerage Management is in the process of developing the Erie County Sewer District 2024 user charge rates for Erie County Sewer Districts.

In order to adopt these rates after completion of the required procedures, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. The Department will provide the necessary suggested resolution for your review and approval after completion of the necessary steps.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark Poloncarz, Esq.
Erie County Executive

MCP:mas

Cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-19	COUNTY EXECUTIVE	ECSD No. 4 - Depew Pumping Station Forcemain Replacement at Cayuga Creek
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Attachments

23COMM. 16E-19



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG SEP 1 '23 PM 3:44

September 1, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

**Re: Erie County Sewer District No. 4
Depew Pumping Station Forcemain Replacement at Cayuga Creek
Bid Opening – Contract No. 60**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 4 Contract No. 60 Depew Pumping Station Forcemain Replacement at Cayuga Creek.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: nw

cc: J. Fiegl – Division of Sewerage Management

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-20	COUNTY EXECUTIVE	ECSD No. 3 - Southtowns Advanced Wastewater Treatment Facility Phase 1 Expansion
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Attachments

23COMM. 16E-20



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG SEP 1 '23 PM 3:44

September 1, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

**Re: Erie County Sewer District No. 3
Southtowns Advanced Wastewater Treatment Facility Phase 1 Expansion
Bid Opening – Contract No. 74C**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage Management will be opening bids for a construction project titled Erie County Sewer District No. 3 Contract No. 74C Southtowns Advanced Wastewater Treatment Facility Phase 1 Expansion Project.

In order to award said contract in the required forty-five (45) day time period, we respectfully request this item be placed on the agenda of the Energy and Environment Committee. After receipt of bids, the Department will provide the necessary bid tabulations, engineer's recommendation to award, and a suggested resolution.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: mp

cc: J. Fiegl – Division of Sewerage Management

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-21	COUNTY EXECUTIVE	ECSD No. 3 - Southtowns Influent Screening Replacement Project
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Attachments

23COMM. 16E-21



EC LEG SEP 1 '23 PM3:44

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

**RE: Erie County Sewer District No. 3
Southtowns Influent Screening Replacement Project
Construction Inspection Services
Request for Proposals**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage is in the process of reviewing responses to a Request For Proposals for the Southtowns Influent Screening Replacement Project - Construction Inspection Services.

We respectfully request this item be placed on the agenda of the Energy and Environment Committee. After final selections are made, the Department will provide the necessary ranking tabulations, recommendations to award, and a suggested resolution for review and consideration.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E., BCEE in the Division of Sewerage Management. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mp

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-22	COUNTY EXECUTIVE	ECSD Nos. 1 & 4 - Order on Consent Compliance Schedule Assistance
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Attachments

23COMM. 16E-22



EC LEG SEP 1 '23

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

**RE: Erie County Sewer District Nos. 1 and 4
Order on Consent Compliance Schedule Assistance
Request for Proposals**

Dear Honorable Members:

The Department of Environment and Planning, Division of Sewerage will be reviewing responses to a Request For Proposals for the Erie County Sewer District Nos. 1 and 4 Order on Consent Compliance Schedule Assistance.

We respectfully request this item be placed on the agenda of the Energy and Environment Committee. After final selections are made, the Department will provide the necessary ranking tabulations, recommendations to award, and a suggested resolution for review and consideration.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E., BCEE in the Division of Sewerage Management. Thank you for your consideration in this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.

Erie County Executive

MCP:ms

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-23	COUNTY EXECUTIVE	ECSD No. 6 - Lackawanna WRRF Digestion & Solids Management Upgrades
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Attachments

23COMM. 16E-23



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG SEP 1 '23 PM 3:44

September 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

**RE: Erie County Sewer District No. 6
Lackawanna WRRF Digestion and Solids Management Upgrades
Contract No. 64, Change Order No. 1**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning pertaining to Change Order No. 1 for the Lackawanna WRRF Digestion and Solids Management Upgrades, Erie County Sewer District No. 6, Contract No. 64 dated August 4, 2023.

Should your Honorable Body require further information, I encourage you to contact the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: mp
Enclosure

cc: Joseph Fiegl, Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 6
Lackawanna WRRF Digestion and Solids Management Upgrades
Contract No. 64, Change Order No. 1
Date: September 1, 2023

SUMMARY

Your Honorable Body is requested to receive and file this communication pertaining to Change Order No. 1 to H&K Services, Inc. for the Lackawanna WRRF Digestion and Solids Management Upgrades Project, Erie County Sewer District No. 6, Contract No. 64, dated June 30, 2023. The no cost Change Order, moves \$60,000 of unused funds from an Allowance for Specific Material Cost Increases to the Contingency Allowance to help facilitate the replacement of an energy recovery unit on the roof of the solids handling building.

FISCAL IMPLICATIONS

There will be no fiscal impact on the County's General Fund. This is a no cost change order.

REASONS FOR RECOMMENDATION

The energy recovery unit at the solids handling building is no longer in service and must be replaced. The energy recovery unit recovers energy from the airstream which reduces heating or cooling costs and improves humidity control. This work was not anticipated at the time of design and bid of this project. It is directly applicable and beneficial to the work being performed under this contract. Immediate replacement under this Contract will allow for the benefits of the improved energy efficiency and cost savings to be realized as soon as possible.

The \$60,000 Allowance for Specific Material Cost Increases was included and approved for this project to account for market fluctuation of materials at time of bid, but was ultimately not necessary. Transfer of these funds to the Contingency Allowance will allow for unit replacement without additional funding to the project.

BACKGROUND INFORMATION

This Lackawanna WRRF Digestion and Solids Management Upgrades Project was awarded to H&K Services, Inc. under Legislative Comm. 10E-21 (2022) and involves the replacement of anaerobic digesters and improvements to the solids handling process and building. After award of Contract No. 64, work on this project revealed that the energy recovery unit was inoperable.

CONSEQUENCES OF NEGATIVE ACTION

The energy recovery unit would remain inoperable and costs for heating, cooling and humidity control would continue to remain elevated. Energy efficiency and conservation would not be realized. Humidity in the process areas may increase, impacting the service life of equipment.

STEPS FOLLOWING APPROVAL

This is a receive and file item.



DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF SEWERAGE MANAGEMENT
CONSTRUCTION CONTRACT CHANGE FORM

Date: 8/4/2023

Change Order No. 1 Amount \$0.00 Bond Account C.21150

District No. 6 Contract No. 64-A General/Mechanical File No. 6.3.3.64-A

Project Lackawanna WRRF Digestion and Solids Management Upgrades Project

Contractor's Name H&K Services, Inc.

Contractor's Address 12025 Leon-New Albion Road, Leon, NY 14751

Description of Change to Contract:

An energy recovery unit on the roof of the solids handling building will be replaced. To help facilitate the replacement, \$60,000 in unutilized funding from Bid Item G6 (Allowance for Specific Material Cost Increases) will be transferred to Bid Item G5 (Contingency Allowance) for a new amount of \$260,000 therein. There is no change to the total Contract cost.

Reason for Modification:

The energy recovery unit at the solids handling building is no longer in service and must be replaced. This work was not anticipated at the time of design and bid of this project. It is directly applicable and beneficial to the work being performed under this contract. Immediate replacement under this Contract will allow for the benefits of the improved energy efficiency and cost savings to be realized as soon as possible.

Time Extension:

No additional time is associated with this change order.

Indirect Costs:

There are no indirect costs associated with the change order.

Additional Engineering Costs:

There are no additional engineering costs associated with this change order.

Contract Cost Summary:

Original Contract	\$5,220,625.00
Change Order No. 1	\$ 0.00
Revised Contract Amount	\$5,220,625.00

Authorization:

Contractor _____ Date _____
H&K Services, Inc.

Engineer _____ Date _____
AECOM

County of Erie _____ Date _____
MLP Joseph Fiegl, P.E, BCEE. – Deputy Commissioner DSM

Erie County Legislature Comm # E- (2023) Date R&F

Erie County Sewer District No. 6 Board of Managers Date R&F

CC: ECSD No. 6 BOM
G. Pecak/ M. Plesh/ D. Skowronski/ File 6.3.3.64
M. Dembski – Lackawanna WRRF
K. Kaminski / C. Horne – Southtowns AWTF

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-24	COUNTY EXECUTIVE	ECSD No. 8 - Engineering Term Contract Agreement
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Attachments

23COMM. 16E-24



ED LEG SEP 1 '23 PM 3:44

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

**RE: Erie County Sewer District No. 8
Engineering Term Contract Agreement
AECOM USA Inc.
Work Order: AECOM-1**

Dear Honorable Members:

Enclosed please find a memorandum from the Department of Environment and Planning, Division of Sewerage Management, for the issuance of a work order as authorized by the resolution passed by the Erie County Legislature on November 21, 2022, related to 3-year Term Agreements.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E., BCEE in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:mas
Enclosure

cc: J. Fiegl – Deputy Commissioner, Division of Sewerage Management

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 8
Engineer Term Contract Agreement
AECOM USA, Inc.
Work Order: AECOM-1
Date: September 1, 2023

SUMMARY

The Erie County Legislature is requested to receive and file this communication pertaining to the Department of Environment and Planning's issuance of a work order with AECOM USA, Inc. for Erie County Sewer District (ECSD) No. 8 in an amount not to exceed \$70,407.00.

FISCAL IMPLICATIONS

There will be no impact to the County's General Fund. The cost of the engineering work related to this communication will be paid from ECSD No. 8 Capital Account No. C.00071.

REASONS FOR RECOMMENDATION

The Division of Sewerage Management has issued work order AECOM-1 to AECOM USA, Inc. to provide Engineering Services associated with the sand filter and building evaluation at the East Aurora Water Resource Recovery Facility (WRRF) in ECSD No. 8.

BACKGROUND INFORMATION

On November 17, 2022, the Erie County Legislature passed a resolution authorizing a 3-year Term Agreement with Arcadis of New York, Inc. for Engineering Services for small and/or time critical projects. At the time of the contract award, the Division of Sewerage Management committed to notifying the Honorable Legislature of each work order issued.

The Term Agreement was approved to provide the Division of Sewerage Management with engineering services required to complete various initiatives throughout the Erie County Sewer Districts. AECOM USA, Inc., will provide a technical memorandum for a process and physical condition evaluation of the sand filtration system and associated building at the East Aurora WRRF in ECSD No. 8.

CONSEQUENCES OF NEGATIVE ACTION

This is a receive and file item.

STEPS TO FOLLOW APPROVAL

This is a receive and file item.

COMPTROLLER'S OFFICE REVIEW

The proposed action has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations for the action proposed.

Signed Timothy C. Callan Date 7/20/23
Title Timothy C. Callan, Ph.D.
Deputy Comptroller

Work Order: AECOM-1
Capital Account No. C.00071

**ERIE COUNTY SEWER DISTRICT NO. 8
WORK ORDER NO. AECOM-1**

ENGINEER: AECOM USA, Inc.

CONTRACT DATE: November 17, 2022

1. Title of Proposal:

AECOM USA, Inc. to provide Engineering Services associated with the sand filter and building evaluation at the East Aurora Water Resource Recovery Facility (WRRF) in ECSD No. 8.

2. Company/Address/Principal In-Charge:

Jeffrey Tudini, P.E.
AECOM USA, Inc.
50 Lakefront Blvd
Suite 111
Buffalo, NY 14202

3. Effective Dates of Proposal:

July 12, 2023

4. Brief Description of Work for Which Proposal is Submitted:

AECOM USA, Inc., will provide a process and physical condition evaluation of the sand filtration system and associated building at the East Aurora WRRF in ECSD No. 8, and as detailed in their letter, dated July 11, 2023.

5. Engineering Cost:

\$70,407.00

Source of Funds: ECSD No. 8 - Capital Account No. C.00071..

6. Project No: AECOM-1

7. Attachments: AECOM letter dated 7/11/2023 (11 pages)

8. File: 0.3.2. AECOM (23-25) Eng

DATE: July 12, 2023

Accepted By: _____

Prepared By: _____
Matt A. Salah, P.E.

Authorized By: _____
Joseph Fiegl, P.E., BCEE
Deputy Commissioner

TO: COMPTRROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-----------------------|---|
| 1. CONTRACTOR'S NAME | <u>AECOM USA Inc.</u> |
| 2. AMOUNT OF CONTRACT | <u>\$70,407.00</u> |
| 3. PROJECT NUMBER | <u>C.00071</u> |
| 4. PROJECT TITLE | <u>Engineering Term Agreement
Work Order: AECOM-1</u> |
| 5. DEPARTMENT CONTACT | <u>Beth Pfalzer x6144</u> |

COMPTRROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|-----------------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$ 726,966.74</u> |
| 7. PERFORMED BY | <u>Herich Pusch 7/20/23</u> |
| Date Sent to Comptroller's Office: | <u>7/19/23</u> |

[55 compt_10]

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-25 COUNTY EXECUTIVE Transfer of Funds - Operating Budget

Attachments

23COMM. 16E-25



EC LEG SEP 1 '23 PM 3:44

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

RE: Transfer of Funds – Operating Budget

Dear Honorable Members:

Enclosed please find a memorandum and proposed resolution from the Department of Parks, Recreation & Forestry requesting authorization to transfer funds between accounts within the 2023 Operating Budget for the Department of Parks, Recreation & Forestry. We are requesting this transfer due to the increase in the cost of repair parts, service of vehicles and equipment, as well as materials and supplies for in-house projects.

Should your Honorable Body require further information, I encourage you to contact Troy P. Schinzel, Commissioner of the Department of Parks, Recreation & Forestry. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/kc
Enclosure

cc: Troy P. Schinzel, Commissioner, Department of Parks, Recreation and Forestry

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Parks, Recreation and Forestry
Re: Transfer of Funds – Operating Budget
Date: September 1, 2023

SUMMARY

The Department of Parks, Recreation and Forestry (Parks) requests authorization to transfer funds between accounts within the 2023 Operating Budget for the Division of Budget and Management in order to meet the increase in the cost of repair parts and service of vehicles/equipment, as well as materials and supplies for in-house projects.

FISCAL IMPLICATIONS

This resolution results in no increase to the Budget. Funds are available in the adopted 2023 Department of Parks, Recreation and Forestry Operating Budget in GL 561430 – Building, Grounds & Heavy Equipment, Funds Center 16410, Fund 110.

REASON/BACKGROUND INFORMATION

The transfer of funds is going to allow the Department of Parks, Recreation and Forestry to be able to continue our current projects, with the increase in the cost for the repair parts, as well as getting materials and supplies for in-house projects.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Parks, Recreation and Forestry will be unable to complete current and new projects due to the increase in the cost for repair parts and service of vehicles and equipment

STEPS FOLLOWING APPROVAL

The Department of Parks, Recreation and Forestry will initiate the transfer of funds in coordination with the Division of Budget and Management.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PARKS, RECREATION AND FORESTRY

RE: Transfer of Funds – Operating Budget

WHEREAS, the Department of Parks, Recreation and Forestry intends to continue various projects for the County of Erie; and

WHEREAS, in order to effectuate the completion of the projects, as well as any new ones, it is necessary to transfer funds due to the increase in the cost of repair parts, service of vehicles and equipment, as well as materials and supplies for in-house projects, to the appropriate budget line; and

WHEREAS, funding for the needed transfer is available in Funds Center 16410, Fund 110, Account 561430, Building, Grounds & Heavy Equipment, 2023 operating budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the following transfer of funds within the Department of Parks, Recreation and Forestry’s 2023 Operating Budget (Fund 110, Funds Center 164):

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
561430	Building, Grounds & Heavy Eq	(\$70,000)
506200	Maintenance & Repair	<u>\$70,000</u>
	TOTAL	<u>\$0</u>

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 Parks, Recreation & Forestry and Division of Budget and Management.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-26

COUNTY EXECUTIVE

Authorization to Accept Funding & Enter Into
Contract

Attachments

23COMM. 16E-26



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG SEP 1 '23 PM 3:44

September 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Authorization to Accept Funding and Enter into Contract to provide Outreach and Application Assistance for the New York State Rental Supplement Program

Dear Honorable Members:

Please find attached a resolution requesting legislative authorization to accept funding from the New York State Office of Temporary and Disability Assistance (OTDA) and to enter into contract with Buffalo Federation of Neighborhood Center for the New York State Rental Supplement Program for residents of Erie County.

If your Honorable Body requires any further information, please contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk

Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Authorization to Accept Funding and Enter into Contract to provide Outreach and Application Assistance for the New York State Rental Supplement Program
Date: September 1, 2023

SUMMARY

Legislative authorization is requested to accept \$3,874,658 in funding from the New York State Office of Temporary and Disability Assistance (OTDA), to provide outreach and application assistance to Erie County Residents for the New York State Rental Supplement Program.

FISCAL IMPLICATIONS

The funding for this action is derived entirely from 100% State Aid dollars. No County tax dollars are necessary to support this request.

REASONS FOR RECOMMENDATION/BACKGROUND

INFORMATION

The Erie County Department of Social Services, through the New York State Office of Temporary and Disability Assistance (OTDA), has been awarded \$3,874,658 to provide outreach and application assistance to residents of Erie County for the New York State Rental Supplement Program. Based on the results of a Request for Proposal (RFP), The Department of Social Services seeks to enter into contract with Buffalo Federation of Neighborhood Centers to provide Rental Supplements and in-person case management. The funds have been established to provide vital rental assistance to individuals and families, regardless of immigration status, who are experiencing homelessness or are facing an imminent loss of housing. Erie County Department of Social Services wishes to partner with Buffalo Federation of Neighborhood Centers to determine eligibility, substantiate claims, and issue supplements for referred eligible individuals and families.

CONSEQUENCES OF NEGATIVE ACTION

We would be unable to provide outreach and application assistance to residents of Erie County for the New York State Rental Supplement Program.

STEPS FOLLOWING APPROVAL

The Department of Social Services will work with the Division of Budget and Management to amend the existing 2023 Adopted Budget amounts and will then enter into contract with Buffalo Federation of Neighborhood Centers to provide services that will determine eligibility, substantiate claims, and issue supplements for referred eligible individuals and families.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Authorization to Accept Funding and Enter into Contract to provide Outreach and Application Assistance for the New York State Rental Supplement Program

WHEREAS, the Erie County Department of Social Services has been awarded an amount of \$3,874,658 in 100% state share funds to provide Outreach and Application Assistance for the New York State Rental Supplement Program; and

WHEREAS, the Erie County Department of Social Services issued a Request for Proposal (RFP) on February 14, 2022 to qualified agencies interested in providing Outreach and Application Assistance Services to customers in Erie County applying for New York State Rental Supplement Program funding; and

WHEREAS, based on the results of the RFP the Erie County Department of Social Services has identified Buffalo Federation of Neighborhood Centers as the recipient of this funding to provide administrative services in the amount of \$569,575 and rental supplements in the amount of \$3,227,590 to the residents of Erie County; and

WHEREAS, the Department of Social Services requires legislative approval to accept the State funds and to amend the Adopted 2023 Budget; and

WHEREAS, no County funds will be necessary for Erie County to accept this federal aid to serve individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept State funds for the Outreach and Application Assistance for the New York State Rental Supplement Program in the amount of \$3,874,658 and authorizes the Division of Budget and Management to amend the 2023 Adopted Budget as follows:

Erie County Department of Social Services
Fund 110, Fund Center 120

Revenue	Increase
Account 409010 - State Aid Revenue	\$3,874,658
<hr/>	
Appropriation	Increase
Account 516010 – Contract Payments Nonprofit Purch Serv	\$3,874,658

and be it further

RESOLVED, that the Commissioner of Social Services and the County Executive are hereby authorized to enter into contract with Buffalo Federation of Neighborhood Centers in the

amount of \$3,797,165 to provide administrative services in the amount of \$569,575 and rental supplements in the amount of \$3,227,590 to residents of Erie County; 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 award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Social Services, the Office of the Comptroller, and the Division of Budget and Management.



Department of Social Services

RECEIVED
SEP 19 2022

County Executive's Office

Recommendation for RFP #2022-002VF: Rental Support

Program (RSP) Date: September 15, 2022

The review panel has completed its task of evaluating the proposals for the above-named RFP. The proposals were graded individually by each panel member as well by Administration as to compliance with the RFP requirements and fiscal compliance/soundness.

Agency	TOTAL SCORE	RANKING by Score	Requested Amount*	Recommended Award	RANKING by Vote
BUFFALO FEDERATION OF NEIGHBORHOOD CENTERS	80.33	1	\$ 569,575.00	\$ 569,575.00	1
COMPASS HOUSE	65.33	3	\$ 227,244.49	0	3
GEOCKO, INC.	76.00	2	\$387,487.00	0	2

*Plus \$3,293.637 to be distributed to eligible individuals

It is recommended that Buffalo Federation of Neighborhood Centers provide Rental Support Program (RSP) Services in Erie County in 2022. Supporting documentation is included in this packet.

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

Program Director Signature <i>Daniel Szewc</i>	Printed Name Dan Szewc	Date 9/15/22
1 st Deputy Commissioner Signature <i>Karen R. Bicki</i>	Printed Name Karen R. Bicki	Date 9/15/2022
Deputy County Executive Signature <i>Maria White</i>	Printed Name Maria White	Date 9/20/22

Once reviewed and approved, please return to Carrie Godfrey, Assistant Social Services Program Director at Carrie.Godfrey@erie.gov or Room 867 for processing. Thank you.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-27

COUNTY EXECUTIVE

Department of Social Services - Non TA
Residential Domestic Violence Adjustments

Attachments

23COMM. 16E-27



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Department of Social Services – Non - TA Residential Domestic Violence Adjustments

Dear Honorable Members:

The Department of Social Services is seeking approval of a resolution to increase funding for the non-TA Residential Domestic Violence Program that is administered by Child and Family Services and Various State Certified Out of County Shelters. This adjustment is necessary to cover unfunded mandates of New York State.

Should your Honorable Body require further information, I encourage you to contact Commissioner Marie Cannon at the Department of Social Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mmk

Enclosure

cc: Commissioner of Social Services Marie Cannon

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Social Services
Re: Department of Social Services - Non -TA Residential Domestic Violence Adjustments
Date: September 1, 2023

SUMMARY

This proposed resolution authorizes the Department of Social Services to increase funding for the non-TA Residential Domestic Violence Program that is administered by Child and Family Services and various State Certified Out of County Shelters. In June of 2019 the Office of Children and Families Services (OCFS) issued guidance to social services districts which required them to offer and provide emergency shelter and services at a licensed residential program for victims of domestic violence (DV). The federal Family Violence Prevention Services Act requires that states provide DV services and residential shelter to victims in need regardless of the victim's ability to pay for such shelter or services and institute procedures to protect the confidentiality of victims. At the time of the issuance of this guidance New York State's laws were found to be inconsistent with the Family Violence Prevention Services Act in that victims were required to pay a portion of their shelter costs. This amendment articulated that a district fiscally responsible for a victim of DV must reimburse a DV residential program at the per diem rate established by OCFS reduced by any other reimbursement available for such costs. These changes also eliminated the requirement that a DV victim must apply for TA.

The COVID-19 outbreak and the followed confinement measures caused significant increases in domestic violence and decreased instances of reporting. Economic issues also exacerbated factors associated with domestic violence, such as unemployment, financial security, and stress from child care and homeschooling.

FISCAL IMPLICATIONS

This resolution authorizes the Department of Social Services to increase funding for the non-TA Residential Domestic Violence Program that is administered by Child and Family Services and various State certified out of county Shelters in the amount of \$305,000. Of this amount 51% is considered local share which amounts to \$155,550.

REASONS FOR RECOMMENDATION

The Department of Social Services is mandated by both the Federal and State governments to provide residential shelter and services to victims of domestic violence.

CONSEQUENCES OF NEGATIVE ACTION

The department will not have the ability to pay the contractors for their services and will be in violation of federal and state mandates.

STEPS FOLLOWING APPROVAL

The Department of Social Services will amend the contract with Child and Family Services and enter into contracts with various State certified out of County Shelters for the non-TA Residential Domestic Violence Program.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF SOCIAL SERVICES

Re: Department of Social Services - Non -TA Residential Domestic Violence Adjustments

WHEREAS, the Department of Social Services is mandated by Federal and State governments to provide residential shelter and services to domestic violence victims; and

WHEREAS, the Department of Social Services currently contracts with Child and Family Services in Erie County and various State certified out of county shelters, upon need, to provide residential shelter and services to victims of domestic violence; and

WHEREAS, in order to stay in compliance with Federal and State guidelines additional funding in the amount of \$305,000 is necessary to pay the contractors for services provided; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Social Services to accept \$149,450 in additional State Aid and amend the 2023 General Fund Budget (Fund 110, Fund Center 1209010) as follows:

Department of Social Services
Fund 110, Fund Center 1209010

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
407680	Services for Recipients	<u>\$149,450</u>
	TOTAL	<u>\$149,450</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516400	Title XX Preventative & Protective Svcs	(\$155,550)
516410	Title XX Domestic Violence Contracts	\$305,000
	TOTAL	<u>\$149,450</u>

and be it further

RESOLVED, that authorization is hereby given for the County Executive and the Commissioner of Social Services to amend the contract with Child and Family Services to increase funding by \$305,000; and be it further

RESOLVED, that authorization is hereby given for the County Executive to enter into contracts with various State-certified out-of-county shelters to provide services to domestic violence victims at State-prescribed per diem rates, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

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

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-28	COUNTY EXECUTIVE	Authorization to Enter Into Contract with The Shomette Group
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Attachments

23COMM. 16E-28



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG SEP 1 '23 PM3:43

September 1, 2023

Erie County Legislature
92 Franklin Street — Fourth Floor
Buffalo, New York 14202

Re: Authorization to Enter into Contract with The Shomette Group

Dear Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum from the Erie County Department of Homeland Security & Emergency Services requesting legislative authorization to enter into contract with the Shomette Group, not to exceed the amount of \$110,000.

if your Honorable Body requires any further information, please contact Commissioner Daniel Neaverth Jr., at the Department of Homeland Security & Emergency Services. Thank you for your consideration of this request.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C, Poloncarz, Esq.
Erie County Executive

MCP/sb

Enclosure

CC: Daniel Neaverth Jr., Commissioner of Department of Homeland Security & Emergency Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Homeland Security & Emergency Services
Re: Authorization to Enter into Contract with the Shomette Group
Date: September 1, 2023

SUMMARY

See the attached resolution that if approved will allow the Department of Homeland Security and Emergency Services to enter into contract with the Schomette Group to provide a tailored and comprehensive threat assessment training for local Erie Boces and component school as well as law enforcement agencies. In addition, the project seeks to provide the local educational sector with the resources needed to effectively identify and manage various levels of threat. The Schomette Group was chosen after a request for public proposals was advertised.

FISCAL IMPLICATIONS

No additional County Funds are required as existing appropriations are available in departmental grants, specifically the FY22 Domestic Terrorism Prevention Grant Program.

REASONS FOR RECOMMENDATION/BACKGROUND INFORMATION

These funds are made available through the Domestic Terrorism Prevention Grant Program and through the partnership with the Erie County Sheriffs, Buffalo Police Department, ErielBoces and the Department of Homeland Security and Emergency Services, the Shomette Group is the chosen vendor. The Shomette Group provides nationally recognized school violence prevention training and student safety assessments in addition to a strong history of working with schools in Erie County.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Homeland Security and Emergency Services will be unable to fill the gap that currently exists within the educational sector around threat assessment leaving schools vulnerable to targeted violence.

STEPS FOLLOWING APPROVAL

The Department of Homeland Security and Emergency Services will complete the contractual process with the Shomette Group and execute trainings.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HOMELAND SECURITY &
EMERGENCY SERVICES

Re: Authorization to Enter into Contract with the Shomette Group

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through planning, preparedness, training in Erie County during actual or potential disaster events; and

WHEREAS, the Shomette Group is the chosen vendor after a request for public proposals was issued; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact with the Shomette group to execute the project; and

WHEREAS, funding is available in the Department of Homeland Security and Emergency Services within the FY 22 Domestic Terrorism Prevention Grant; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the Shomette Group for domestic terrorism prevention training in an amount not to exceed \$110,000; and be it further

RESOLVED, that sufficient funding exists within the Department of Homeland Security & Emergency Services FY 2022 Domestic Terrorism Prevention Grant (Fund 281, Funds Center 16700, Grant HS167DTPG2224) Account 516020 – Professional Services, Contracts & Fees; and be it further

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



FIRE COUNTY DEPARTMENT OF HOMELAND SECURITY & EMERGENCY SERVICES
RIP Number 2021-035V
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY

Proposals	Understanding of Work by the Bids				Small Experience / Qualifications				Fire Experience with Similar Projects, and Quality of Fire Fall Experiences with County				Organization and Scheduling				Reputation in working with multiphase teams				Weighted Average Grade Factors Scale (0-100)	Qualified for Bidding
	Weight = 20%				Weight = 20%				Weight = 20%				Weight = 20%									
	0	1	2	3	0	1	2	3	0	1	2	3	0	1	2	3	0	1	2	3		
1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
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17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1
20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	1

If a reviewer has indicated that they are not qualified to review a proposal, the reviewer's name should be listed in the "Qualified for Bidding" column. Reviewers should indicate their name in the "Qualified for Bidding" column only if they are qualified to review the proposal.

[Signature]
 Date: 7/13/23

[Signature]
 Date: 7/14/23

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-29	COUNTY EXECUTIVE	Authorization to Enter Into Contract with WNY Law Enforcement Helpline
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Attachments

23COMM. 16E-29



EC LEG SEP 1 '23 PM3:43

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

Re: Authorization to enter into contract with WNY Law Enforcement Helpline

Dear Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum from the Erie County Department of Homeland Security & Emergency Services requesting legislative authorization to enter into contract with the Western New York Law Enforcement Helpline, not to exceed the amount of \$95,950.00

If your Honorable Body requires any further information, please contact Commissioner Daniel Neaverth Jr. at the Department of Homeland Security & Emergency Services. Thank you for your consideration of this request.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/sb

Enclosure

CC: Daniel Neaverth Jr., Commissioner of Department of Homeland Security & Emergency Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Homeland Security & Emergency Services
Re: Authorization to enter into contract with WNY Law Enforcement Helpline
Date: September 1, 2023

SUMMARY

See the attached resolution that if approved will allow the Department of Homeland Security and Emergency Services to enter into contract with the Western New York Law Enforcement Helpline to provide a tailored and comprehensive peer-based support service for all first responders as well as their families. The goal of this project is to provide an evidence-based model of peer intervention that is inclusive of pre-crisis exposure training and provides direct access to services for all first responders and their families. The Western New York Law Enforcement Helpline was chosen after a request for public proposals was advertised.

FISCAL IMPLICATIONS

No additional County Funds are required as existing appropriations are available in Department of Homeland Security & Emergency Services' General Fund 110, Funds Center 16700, Account 516080 – Life and Safety Contracts.

REASONS FOR RECOMMENDATION/BACKGROUND

INFORMATION

Through the Erie County Department of Homeland Security and Emergency Services there is a strong focus on the mission to promote first responder wellness and support mental health. Embedded within this mission is need that currently exists within our current first response community to provide disaster related mental health training to the first responder community. The goal of this project is to use an evidence-based model of peer intervention that is inclusive of pre-crisis exposure training and provides direct access to services for all first responders and their families is to assist in reduction of negative outcomes associated with poor first responder behavioral health.

CONSEQUENCES OF NEGATIVE ACTION

The Department of Homeland Security and Emergency Services will be unable to fill the gap that currently exists within the first responder community to address the emotional health needs of both responders and their families.

STEPS FOLLOWING APPROVAL

The Department of Homeland Security and Emergency Services will complete the contractual process with the Western New York Law Enforcement Helpline and execute program goals.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HOMELAND SECURITY &
EMERGENCY SERVICES

Re: Authorization to Enter into Contract with the WNY Law Enforcement Helpline

WHEREAS, the Erie County Department of Homeland Security & Emergency Services is responsible for providing public safety through planning, preparedness, training in Erie County during actual or potential disaster events; and

WHEREAS, The Western New York Law Enforcement Helpline is the chosen vendor after a request for public proposals was issued; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact with the Western New York Law Enforcement Helpline group to execute the project; and

WHEREAS, funding is available in the Department of Homeland Security and Emergency Services General 110 fund in Account 516080 – Life and Safety Contracts; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorize the County Executive to enter into contract with the Western New York Law Enforcement Helpline Group in an amount not to exceed \$95,950 to provide first responder support services; and be it further

RESOLVED, that sufficient funds exist within the Department of Homeland Security & Emergency Services' 2023 General Fund Budget (Fund 110, Funds Center 16700) Account 516080 – Life and Safety Contracts; and be it further

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

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



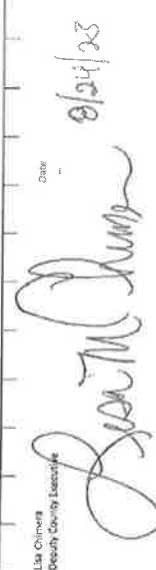
**ERIE COUNTY DEPARTMENT OF HOMELAND SECURITY & EMERGENCY SERVICES
FIRST RESPONDER WELLNESS PROGRAM MITIGATION PLAN UPDATE
PROPOSAL REVIEW COMMITTEE RATINGS - SUMMARY**

Proposer	Evaluation Criteria																				Weighted Average Qualifications Score (0 - 10)	Qualifications Ranking																
	Understanding of Work to be Done					Staff Experience / Qualifications					Firm Experience with Similar Projects, and Quality of Any Past Experience with County					Organization and Scheduling							Percentage of M/WBE Participation															
	Weight = 20%					Weight = 20%					Weight = 20%					Weight = 15%																						
	Committee Member Raw Score (0 - 10)					Committee Member Raw Score (0 - 10)					Committee Member Raw Score (0 - 10)					Committee Member Raw Score (0 - 10)																						
#1	#2	#3	#4	#5	#1	#2	#3	#4	#5	#1	#2	#3	#4	#5	#1	#2	#3	#4	#5	Avg. Score																		
WH/EN	5	0	10	10	0	5.66	9	0	10	10	0	3.80	9	0	10	10	0	3.80	8	0	8	10	0	5.33	5	0	10	0	0	3.60	5	0	0	0	0	2.80	5.47	1
Work Partners	5	0	5	7	0	3.60	6	0	6	5	0	3.40	7	0	4	10	0	4.20	5	0	2	9	0	3.40	5	0	0	0	0	2.80	5	0	0	0	0	2.80	3.33	2

It is the opinion of the undersigned that the proposals submitted by the above-named proposer(s) are in compliance with all applicable provisions of Sections 10.09 of the Erie County Administrative Code. Scoring sheets and other materials included to this matrix are available for review at the Department of Public Works' office during 12:00 p.m. to 4:00 p.m. on business days.


 Daniel Novosycki Jr.
 Commissioner of Homeland Security & Emergency Services

Date: 08/21/23


 Lisa Cimino
 Deputy County Executive

Date: 08/24/23

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-30	COUNTY EXECUTIVE	Authorization to Enter Into Contract with the ATV Safety Institute
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Attachments

23COMM. 16E-30



EC LEG SEP 1

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

RE: Authorization to Enter into Contract with the ATV Safety Institute

Dear Honorable Members:

Enclosed please find a proposed resolution and accompanying memorandum from the Department of Homeland Security & Emergency Services requesting authorization to contract with the ATV Safety Institute to conduct training that will allow the Department of Homeland Security to train other local first responders and add as a force multiplier to the existing first responders.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Neaverth Jr. at the Department of Homeland Security & Emergency Services. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq. Erie
County Executive

MCP/sb
Enclosure

CC: Daniel Neaverth Jr., Commissioner of Department of Homeland Security & Emergency Services

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Homeland Security & Emergency Services
Re: Authorization to Enter into Contract with the ATV Safety Institute
Date: September 1, 2023

SUMMARY

It is recommended that the Erie County Legislature approve the attached resolution authorizing the Division of Purchase to contract with the ATV Safety Institute to conduct training for the Erie County Department of Homeland Security and Emergency Services with the capability to train other local first responders and add as a force multiplier to the existing first responders.

FISCAL IMPLICATIONS

The New York State Department of Homeland Security and Emergency Services provided The County of Erie with \$8,000 in the FY2020 State Homeland Security Program to be utilized for training of personnel. The training from the ATV Safety Institute will be consistent with the guidance and approval from New York State and cost \$8,000.00, which will be paid in full by the grant funds.

REASONS FOR RECOMMENDATION

The Erie County Department of Homeland Security & Emergency Services as the fiduciary agency has determined that ATV Safety Institute will be able to provide trainings and certify trainers a timely and efficient manner. ATV Safety Institute has been nationally used to provide trainings and certify trainers for this specialty area of response.

BACKGROUND INFORMATION

The Erie County Department of Homeland Security & Emergency Services has determined that a gap in our first responder community preparedness, specifically certified ATV training exists and became clear during the recent storms. The goal of this training is to provide the Department of Homeland Security and Emergency Services with the capability to train other local first responders as a force multiplier to the existing responders. The ability to provide comprehensive ATV Train the Trainer programs for Erie County preemptively prepares and strengthens community response in the event there is the need to respond during a snow or other related weather events and off-road rescues. ATV Safety Institute has a proven competency in training individuals in the necessary skills and techniques to safely and effectively operate a variety of ATVs.

CONSEQUENCES OF NEGATIVE ACTION

Without this Legislation, the training will not occur and the gap in emergency response capability will not be addressed.

STEPS FOLLOWING APPROVAL

The Department of Homeland Security and Emergency Services will work with Erie County

Bureau of Purchase to issue a purchase order, followed by the department to schedule with ATV Safety institute for training in 2023.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF HOMELAND SECURITY &
EMERGENCY SERVICES

RE: Authorization to Enter into Contract with the ATV Safety Institute

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

WHEREAS, ATV Safety Institute has been identified as an appropriate and competent provider of the requested training; and

WHEREAS, authorization is required from the Erie County Legislature for the Division of Purchase to contract ATV Safety Institute to conduct the training for emergency response with the use of an all-terrain vehicle; and

WHEREAS, funding is available in the FY 20 State Homeland Security Program Grant to cover the costs incurred for this training; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Division of Purchase to create all necessary documents in an amount not to exceed \$8,000 to conduct training for emergency response, waiving the procedures in Section 26.08 of the Erie County Administrative Code; and be it further

RESOLVED, that sufficient funds to cover the cost of this training already exist within the Department of Homeland Security and Emergency Services HS167SHSP2023 Grant in account 510200 – Training and Education; and be it further

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

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-31	COUNTY EXECUTIVE	NFTA - MOU Greater Buffalo Niagara Regional Transportation Council Planning Grant - "Safe Streets & Roads for All"
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Attachments

23COMM. 16E-31



EC LEG SEP 1 '23 PM 3:43

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

**RE: Niagara Frontier Transportation Authority – Memorandum of Understanding
Greater Buffalo Niagara Regional Transportation Council (GBNRTC) Planning
Grant – “Safe Streets and Roads for All”**

Dear Honorable Members:

The Department of Public Works, Division of Highways is requesting authorization for the County Executive to execute a Memorandum of Understanding with the Niagara Frontier Transportation Authority (NFTA). This agreement allows the Dept. of Public Works to advance funds to NFTA for the non-federal portion of a planning grant which develops a Roadway Safety Action Plan for all roadways in Erie and Niagara Counties. The completed Roadway Safety Action Plan will make all roadway owners in Erie County eligible for implementation funds in future rounds of “Safe Streets and Roads for All” funding opportunities. These funding opportunities are a part of the infrastructure bill.

Should your Honorable Body require further information, I encourage you to contact William E. Geary, Jr., Commissioner of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark Poloncarz, Esq.
Erie County Executive

MCP/dms
Enclosure
Cc: William E. Geary, Jr., Commissioner, Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works/Division of Highways
Re: Niagara Frontier Transportation Authority – Memorandum of Understanding
Greater Buffalo Niagara Regional Transportation Council (GBNRTC)
Planning Grant – “Safe Streets and Roads for All”
Date: September 1, 2023

SUMMARY

The Erie County Department of Public Works (“DPW”) wishes to enter a Memorandum of Understanding (MOU) with the Niagara Frontier Transportation Authority (NFTA). NFTA, serves as the Administrative Host Agency for Greater Buffalo-Niagara Regional Transportation Council (“GBNRTC”) and was awarded a grant from the “Safe Streets and Roads for All” Grant Program (“Grant”) through the Federal Highway Administration (“FHWA”).

There is a non-federal portion of this grant which needs to be funded by the members of GBNRTC. This MOU allows DPW to advance funds to NFTA for Erie County’s portion of the planning grant. The grant develops a Roadway Safety Action Plan for all roadways in Erie and Niagara Counties. The completed Roadway Safety Action Plan will make all roadway owners in Erie County eligible for implementation funds in future rounds of “Safe Streets and Roads for All” funding opportunities.

FISCAL IMPLICATIONS

The grant from the ‘Safe Streets and Roads for All’ program is \$562,500. Twenty percent of this funding must be supplied by the members of GBNRTC. Erie County’s share of this non-federal portion is \$25,000, which equates to 4.44% of the total grant. These funds are available in:

B.21150.1 – 2021 Capital Overlay Program - \$25,000

REASONS FOR RECOMMENDATION

The completion of this study associated with the grant from FHWA makes Erie County eligible to apply for Federal funds from the “Safe Streets and Roads for All” program.

BACKGROUND INFORMATION

The “Safe Streets and Roads for All” grant program is part of the federal infrastructure bill passed in 2021. As Erie County is a member in GBNRTC, the transportation planning organization for the greater Buffalo Niagara region, the grant program requires completion of a planning study identifying regional projects/areas which could benefit from this program. Once the study is complete, Erie County can apply for funding of projects identified in the study. There is approximately one billion dollars per year available in this federal funding source.

CONSEQUENCES OF NEGATIVE ACTION

If this study is not completed Erie County will not be eligible to apply for federal grants from the "Safe Streets and Roads for All" program. This program could possibly deliver millions of dollars to Erie County.

STEPS FOLLOWING APPROVAL

The County Executive will execute the MOU, and DPW, in accordance with the MOU, will arrange to advance the non-local share to NFTA to complete the study.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to authorized capital projects for which there are sufficient appropriations for the action proposed.



Timothy C. Callan
Deputy Comptroller
Comptroller's Office

John Solecki
Director of Accounting Services & Cash Management

File Copy
B.21150.1 – 2021 Capital Budget

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Niagara Frontier Transportation Authority– Memorandum of Understanding Greater Buffalo Niagara Regional Transportation Council (GBNRTC) Planning Grant – “Safe Streets and Roads for All”

WHEREAS, the Erie County Department of Public Works – Highway Division wishes to enter a Memorandum of Understanding (MOU) with the Niagara Frontier Transportation Authority (NFTA). NFTA, serves as the Administrative Host Agency for GBNRTC and was awarded a grant from the “Safe Streets and Roads for All” Grant Program (“Grant”) through the Federal Highway Administration (“FHWA”); and

WHEREAS, Erie County is a member agency of GBNRTC and will directly benefit from this grant; and

WHEREAS, the Grant’s scope of the work will provide GBNRTC the ability to develop a Roadway Safety Action Plan for all roadways in Erie and Niagara Counties. The completed Roadway Safety Action Plan will in turn make all roadway owners in Erie County eligible for implementation funds in future rounds of “Safe Streets and Roads for All” funding opportunities; and

WHEREAS, the grant administered by GBNRTC has a non-federal share requirement in the amount of \$25,000. for participating member agencies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute a Memorandum of Understanding between the County of Erie and Niagara Frontier Transportation Authority (NFTA) to participate in the “Safe Streets and Roads for All” Grant Program; and be it further

RESOLVED, that authorization is hereby given for \$25,000 in funding for Erie County’s portion of non-federal local share, in accordance with the MOU, to be made available in Fund 420, Fund Center 123, Capital Project B.21150.1 – 2021 Capital Overlay Program; and be it further

RESOLVED, the Clerk of the Legislature is directed to send three (3) certified copies of this resolution to the Department of Public Works; Commissioner’s Office and sends one certified copy of the resolution to the County Executive’s Office, the Comptroller’s Office, the Division of Budget and Management and the Department of Law.

TO: TIM CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME Niagara Frontier Transportation Authority (NFTA)
2. AMOUNT OF CONTRACT \$ 25,000
3. PROJECT NUMBER B.21150.1 - 2021 Capital Budge
4. PROJECT TITLE Memorandum of Understanding with NFTA – Safe Streets and Roads for All Grant
5. DEPARTMENT CONTACT Funding questions: William E. Geary, Jr. at 8301
Letter pickup: Christy Weber at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$ 2,456,057.05
 7. PERFORMED BY *NFTA*
- Date Sent to Comptroller's Office: August 22, 2023

[55 compt_10]

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-32	COUNTY EXECUTIVE	Authorization to Amend Bergmann Associates Professional Services Agreement
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Attachments

23COMM. 16E-32



EC LEG SEP 1 '23 PM 3:43

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Authorization to Amend Bergmann Associates Professional Services Agreement for Trevett Rd (CR420) Slope and Slide Remediation

Dear Honorable Members:

Please see the attached resolution seeking authorization for the County Executive to execute an amendment to the existing Engineering Design Services Agreement with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.

Should your Honorable Body require further information, I encourage you to contact William E. Geary, Jr., Commissioner of the Department of Public Works. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/kwr/cw
Enclosure

cc: William E. Geary, Jr. Department of Public Works

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Public Works / Division of Highways
Re: Authorization to Amendment Bergmann Associates Professional Services Agreement for Trevett Rd (CR420) Slope and Slide Remediation
Date: September 1, 2023

SUMMARY

The accompanying resolution requests authority for the County Executive to execute an amendment to the Professional Services Agreement for the Trevett Road (CR420) Slope and Slide Remediation (the "Project"). This agreement was authorized under the 2018-2021 On Call Civil & Geotechnical Engineering Term Agreement, which was extended to the end of 2022. Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C. (Bergmann Associates) performed additional and alternative design engineering services during this phase of the project as well as Right-of-Way (R.O.W.) acquisition services.

FISCAL IMPLICATIONS

Funding for this Amendment is not to exceed \$61,798 and is available in Fund 420, Funds Center 123, as follows:

B.16011 – 2016 Road Design (Countywide)	\$19,500.00
B.16012 – 2016 Road Slides R.O.W. (Countywide)	\$23,382.00
B.17014 – 2017 Road Slide Designs Countywide	\$18,916.00

REASONS FOR RECOMMENDATION

Bergmann Associates performed additional design work and designed alternate during the engineering phase of the project, as well as Right-of-Way (R.O.W.) acquisition services required to construct the project.

BACKGROUND INFORMATION


This project aims to stabilize the slope and reconstruct the road including a closed drainage system. Project limits on Trevett Road begin approximately 1,500 feet north of Zoar Valley Road and extend another 1,300 feet north. Bergmann's additional work was completed during their 2018-2022 On Call Civil & Geotechnical Engineering Term Agreement.

STEPS FOLLOWING APPROVAL

The County Executive will execute an amendment to the Professional Services Agreement with Bergmann Associates. Upon full execution, payment for services provided will be made.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to authorized capital projects for which there are sufficient appropriations for the action proposed.

 8/7/22

Timothy C. Callan
Deputy Comptroller
Comptroller's Office

Project B.16011 – 2016 Road Design (Countywide)
Project B.16012 – 2016 Road Slides R.O.W. (Countywide)
Project B.17014 – 2017 Road Slide Designs Countywide

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS
DIVISION OF HIGHWAYS

RE: Authorization to Amendment Bergmann Associates Professional Services Agreement for Trevett Rd (CR420) Slope and Slide Remediation

WHEREAS, authorization is being requested for the County Executive to execute an amendment for additional engineering services and right of way services to the Professional Services Agreement for the Trevett Road (CR420) Slope and Slide Remediation (the "Agreement"), authorized by COMM. 5E-13 on March 21, 2019 with Bergmann Associates, Architects, Engineers, Landscape Architects & Surveyors, D.P.C.; and

WHEREAS, the total cost of the amendment shall not exceed \$61,798.00 and funds are available in Fund 420, Funds Center 123, Capital Projects B.1601-12016 Road Design, B.16012-2016 Road Slides Right of Way and B.17014- 2107 Road Slide Designs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute an amendment to the Professional Services Agreement with Bergman Associates for the Trevett Road Slope and Slide Remediation Project in an amount not to exceed \$61,798.00; and be it further

RESOLVED, that sufficient funding for this contract amendment is available in Fund 420, Funds Center 123, as follows:

B.16011	2016 Road Design (Countywide)	\$19,500.00
B.16012	2016 Road Slides R.O.W. (Countywide)	\$23,382.00
B.17014	2017 Road Slide Designs Countywide	<u>\$18,916.00</u>
		\$61,798.00

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Division of Highways, and one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE
RE: PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME Bergmann Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C.
2. AMOUNT OF CONTRACT \$61,798.00
3. PROJECT NUMBER B.16011 - \$19,500.00
B.16012 - \$23,382.00
B.17014 - \$18,916.00
4. PROJECT TITLE Professional Services Agreement for
Trevett Rd (CR420)
Slope and Slide Remediation
5. DEPARTMENT CONTACT Funding questions: Darlene Svilokos at 7801

Letter pickup: Christy Weber at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS B.16011 - \$ 19,664.14 } \$138,204.87
B.16012 - \$ 99,624.24 }
S B.17014 - \$ 18,916.49 }
 7. PERFORMED BY Heidi Fuchs 8/7/23
- Date Sent to Comptroller's Office: 8/7/23

[55 compt_10]

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-33	COUNTY EXECUTIVE	Emery Maintenance & Sheriff Outbuilding Roof Replacements & Building Enhancement Project
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Attachments

23COMM. 16E-33



EC LEG SEP 1 '23 PM 3:44

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project

Dear Honorable Members:

This resolution is requesting your Honorable Body's authorization for the County Executive to enter into a contract with the lowest responsible bidder for the Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project. Bids were received by the Department of Public Works on August 8, 2023 and a copy of the bid tabulation for the project is attached for your reference.

Should your Honorable Body require further information, I encourage you to contact Troy P. Schinzel, Commissioner of Parks, Recreation & Forestry. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/maa
Enclosure

cc: William E. Geary, Jr., Commissioner of Department of Public Works
Troy P. Schinzel, Commissioner of Parks, Recreation & Forestry

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Public Works, Department of Parks, Recreation & Forestry, and the Sheriff's Office
Re: Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project
Date: September 1, 2023

SUMMARY

This resolution is seeking authorization for the County Executive to enter into a contract with the lowest responsible bidder for the Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project.

This project involves the removal and replacement of the Maintenance and the Sheriff's Outbuilding Roofs along with other building envelope enhancements (asbestos abatement, electrical and HVAC upgrades, new windows, doors, insulation, masonry work, etc.).

FISCAL IMPLICATIONS

Funds for the project are currently available from Funds Center 164, Fund 410:

A.23075 – 2023 Emery Maint & Out Bldg Ext Improve - \$1,099,000.00

REASONS FOR RECOMMENDATION

The existing roofs are in poor condition and have exceeded their life expectancy. If the roofs are not replaced, they will continue to degrade and will lead to further deterioration of the building structure and potential damage to the materials and equipment stored in these buildings.

This project involves the removal and replacement of the Maintenance and the Sheriff's Outbuilding Roofs along with other building envelope enhancements (asbestos abatement, electrical and HVAC upgrades, new windows, doors, insulation, masonry work, etc.). The replacement of the roof is necessary to preserve the building for a longer useful life.

BACKGROUND INFORMATION

The Erie County Sheriff's Office Special Operations Division entered into an informal agreement with the Erie County Department of Parks, Recreation & Forestry in 2019 that permitted the Sheriff's Department to occupy and utilize a building in Emery Park, referred to as the "Sheriff's Storage Building" as a headquarters for their ATV/Snowmobile Unit.

It is the desire of the Sheriff's Department to enter into a long-term formal agreement with the Department of Parks, Recreation & Forestry to occupy, utilize and maintain the building for at least the next ten years.

The Maintenance Roof was replaced in 2004 while the Sheriff's Outbuilding roof was replaced at a significant period prior to 2004 and has exceeded the life expectancy of the roof. Furthermore, asbestos was found in the Sheriff's Outbuilding and is also expected to be found at the Maintenance Facility. Along with the new roofs, electrical and HVAC upgrades, new doors and windows need to be replaced, new insulation needs to be installed along with removing any chimneys that are no longer necessary and performing any necessary masonry repairs, to name a few of the design elements.

CONSEQUENCES OF NEGATIVE ACTION

If no action is taken, the roof will continue to degrade and will lead to further deterioration of the building and potential damage to the materials and equipment stored in these buildings along with further deterioration of the building structure.

STEPS FOLLOWING APPROVAL

Upon Legislative approval, the County Executive will enter into a contract with the lowest responsible bidder, Titan Roofing, Inc. so work can proceed for the Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Office of the Comptroller and is related to an authorized capital project for which there will be sufficient funding.



~~TIMOTHY C. CALLAN~~

~~Deputy Comptroller~~

~~Comptroller's Office~~

John Solecki

Director of Accounting Services & Cash Management

Fund 410, Fund Center 164

A.23075

Emery Park Maintenance and Sheriff Out-Building Roof Replacement

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF PUBLIC WORKS &
DEPARTMENT OF PARKS, RECREATION, & FORESTRY

RE: Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project

WHEREAS, the Erie County Sheriff's Office Special Operations Division entered into an informal agreement with the Erie County Department of Parks, Recreation & Forestry in 2019 that permitted the Sheriff's Department to occupy and utilize a building in Emery Park, referred to as the "Sheriff's Storage Building" as a headquarters for their ATV/Snowmobile Unit; and

WHEREAS, it is the desire of the Sheriff's Department to enter into a long-term formal agreement with the Department of Parks, Recreation & Forestry to occupy, utilize, and maintain the building for at least the next ten years; and

WHEREAS, the existing roof systems at the Emery Maintenance Facility and the Sheriff's Outbuilding at Emery Park have significantly deteriorated, and full roof system replacement, along with building enhancements are warranted to avoid any further damage to the integrity of the building; and

WHEREAS, Your Honorable Body previously approved the funding for the design of this project per Comm. 22E-15 (2022), and

WHEREAS, the Erie County Department of Public Works received bids for the Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project on August 8, 2023; and

WHEREAS, the lowest responsible bidder for the Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project, in accordance with General Municipal Law, is Titan Roofing, Inc.; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the lowest responsible bidder for Emery Maintenance and Sheriff Outbuilding Roof Replacements and Building Enhancement Project for an amount not to exceed as follows:

General Construction Work

Titan Roofing, Inc.	Base Bid:	\$ 705,920.00
	Alternate 1	\$ 190,000.00
Total Award of Construction Contract:		\$ 895,920.00

and be it further

RESOLVED, that authorization is hereby given for the sum of \$203,080 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 give to the Comptroller's Office to make payment for the project from Fund 410, Funds Center 164, Project A.23075 – 2023 Emery Maint & Out Bldg Ext Improve - \$1,099,000.00; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward two (2) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, Department of Parks, Recreation & Forestry, and the Erie County Sheriff's Office and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

TO: TIMOTHY C. CALLAN, COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55
CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME

Titan Roofing, Inc.

2. AMOUNT OF CONTRACT

Base Bid - \$705,920
Alternate 1 - \$190,000
Construction Contingency - \$203,080
Total NOT to Exceed - \$1,099,000

3. PROJECT NUMBER

A.23075

4. PROJECT TITLE

Emery Maintenance and Sheriff Outbuilding
Roof Replacements and Building Enhancement
Project

5. DEPARTMENT CONTACT

Funding questions: William Geary at 7555
Letter pickup: Christy Weber at 8301

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS

\$1,099,613.80

7. PERFORMED BY

Handwritten signature

Date Sent to Comptroller's Office

August 24, 2023



DEPARTMENT OF PUBLIC WORKS
DIVISION OF BUILDINGS AND GROUNDS
Unofficial Bid Results

Project Name: Emery Park Maintenance Buildings Roof Replacement Bid Date: 08/08/2023

Project No.: 2023-910-02 Bid Time, Local: 10:30 A.M.

Bidder	Base Bid	Alt. Bid A-1
Arrow Sheet Metal Works, Inc.	\$ 833,400.00	\$ 215,000.00
Titan Roofing, Inc.	\$ 705,920.00	\$ 190,000.00

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-34

COUNTY EXECUTIVE

Notice of Public Hearing for EC Sewer
Districts 2023 Assessment Rolls

Attachments

23COMM. 16E-34



EC LEG SEP 1 '23 PM 3:43

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

**RE: Notice of Public Hearing for Erie County Sewer Districts 2023 Assessment Rolls
(2024 Levy)**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning pertaining to a Notice of Public Hearing for the 2023 Assessment Rolls that have been prepared for the Erie County Sewer Districts.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Division of Sewerage Management. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP:bp

Encl.

CC: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Notice of Public Hearing for Erie County Sewer Districts 2023 Assessment Rolls
(2024 Levy)
Date: September 1, 2023

SUMMARY

It is requested that the Erie County Legislature call for a Public Hearing on the 2023 Assessment Rolls (2024 Levy) as prepared by the Division of Sewerage Management at 2:00 p.m., local time, on November 1, 2023 in the Legislature Chambers. It is also requested that the Clerk of the Legislature be directed to have the attached Public Notice published in the official County newspapers and the Buffalo News.

The Notice of Public Hearing must be published in the official newspapers prior to the Public Hearing. Since the official newspapers are published only once during the week, it is requested that notice be published the week of October 16, 2023.

FISCAL IMPLICATIONS

There is no cost to the County's General Fund associated with holding the Public Hearing on the 2023 Assessment Rolls. However, if the Public Hearing is not held, then the County will not have the legal authority to levy sewer charges against the lots and parcels of land within the Erie County Sewer Districts.

REASON FOR RECOMMENDATIONS

Sections 270 and 271 of Article 5A, County Law, require the Erie County Legislature to annually hold a Public Hearing on the Assessment Rolls.

BACKGROUND INFORMATION

Pursuant to Article 5A, Sections 270 and 271 of the County Law of New York, the Erie County Legislature has annually held a Public Hearing on the Assessment Rolls for the Erie County Sewer Districts. In order for the Sewer Districts to raise the sewer tax levies against the lots and parcels of properties within the Sewer Districts, it is first necessary to hold a Public Hearing on the Assessment Rolls. The purpose of the Public Hearing is to allow the public an opportunity to voice their objections, if any, in the manner in which various lots and parcels have been assessed. Then, once the Public Hearing has been held, the Legislature may adopt and affirm the Assessment Rolls, or they can request the Assessment Rolls be revised.

CONSEQUENCES OF NEGATIVE ACTION

If the Public Hearing on the Assessment Rolls is not held, the Erie County Legislature, and

therefore, the Erie County Sewer Districts, will not have the legal authority to raise the sewer district tax levies. As a result, funds would not be available in 2024 to carry out Sewer District operations, nor to pay annual principal and interest due on Sewer District Bonds.

STEPS FOLLOWING APPROVAL

1. The Clerk of the Legislature must have the Public Hearing Notice published in the official County newspapers and the Buffalo News no later than the week of October 16, 2023.
2. A Public Hearing will be held by the Erie County Legislature on November 1, 2023 at 2:00 p.m. local time.
3. The Legislature will be requested to adopt and affirm the Assessment Rolls.
4. The Sewer Districts Budgets must be approved in conjunction with the Erie County Budget.
5. The Sewer District levies must be approved in conjunction with the 2024 Budget.
6. After approval of the Budget, the Sewer District levies must be raised from the various lots and parcels of land within the Erie County Sewer Districts.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT & PLANNING

RE: Notice of Public Hearing for Erie County Sewer Districts (2024 Levy) 2023 Assessment Rolls

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE BE IT

RESOLVED, that the Sewer District assessment rolls be open for public inspection after October 1, 2023 in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 2:00 p.m., local time, on November 1, 2023 for the purpose of meeting to hear and consider any objections which may be made to the 2023 Sewer District Assessment Rolls (2024 Levy) for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of October 16, 2023; and be it further

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

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Assessment Rolls for 2023 (2024 Levy) have been completed for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8 and will be on file in the Office of the Division of Sewerage Management, Department of Environment & Planning, 95 Franklin Street, Buffalo, NY 14202, and open for public inspection during business hours on and after the first of October, 2023.

The County Legislature will hold a Public Hearing on the Assessment Rolls at 2:00 p.m., local time, on November 1, 2023, in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, to hear all persons interested in the subject, including any objections concerning the same.

DATED: October 16, 2023

Buffalo, New York

Robert M. Graber
CLERK
Erie County Legislature

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-35 COUNTY EXECUTIVE ECSD No. 1 - Contract Close Out

Attachments

23COMM. 16E-35



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

EC LEG SEP 1 '23 PM 3:43

September 1, 2023

Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

**RE: Erie County Sewer District No. 1
Contract No. 44
Contract Close Out – 4th Generation Construction Inc.**

Dear Honorable Members:

Enclosed please find an accompanying memorandum and proposed resolution from the Department of Environment and Planning, Division of Sewerage Management, pertaining to the close out of Contract No. 44 with 4th Generation Construction Inc.

Should your Honorable Body require further information, I encourage you to contact Joseph Fiegl, P.E. in the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP: nw
Enclosure

Cc: J. Fiegl – Environment and Planning

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Erie County Sewer District No. 1
Contract No. 44
Contract Close Out – 4th Generation Construction Inc.
Date: September 1, 2023

SUMMARY

Acceptance and approval of Contract No. 44 in the final contract amount of \$299,795.29 together with Change Order No. 1 and Change Order No. 2 (final) as well as authorization to issue final payment to the contractor, 4th Generation Construction Inc. is requested.

FISCAL IMPLICATIONS

There will be no impact on the County's General Fund. The funds for this contract were allocated from Capital Account C.21150 (American Rescue Plan).

REASONS FOR RECOMMENDATION

All scheduled improvements required by the contract documents have been completed. As a result, it is the Department's recommendation to finalize this contract.

BACKGROUND INFORMATION

Contract No. 44 was bid on September 9, 2021 and awarded by the Erie County Legislature on October 13, 2021 pursuant to Legislative Comm. 14E-22 (2021). This contract constructed the Slate Bottom Creek Sanitary Sewer Replacement Project in Erie County Sewer District No. 1. Change Order No. 1 was issued by the Division of Sewerage Management (DSM) due conditions discovered during construction that were not reflected on the contract plans, including needed modifications to downstream chamber connection and the magnitude of soft / unstable soils when compared to soil boring information provided at bid. This resulted in additional materials, labor hours, and equipment costs. Parallel estimates completed by the DSM substantiated the additional \$36,395.29 cost to the contract. Change Order No.2 (final) is a no-cost time extension necessary to complete final restoration, punch list work, and to process the contract close-out paperwork.

CONSEQUENCES OF NEGATIVE ACTION

Contract default on the part of the County of Erie could be claimed by the Contactor.

STEPS FOLLOWING APPROVAL

The County of Erie will execute the final change order and make a final payment to 4th Generation Construction Inc.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient capital appropriations for the action proposed.

Signed Timothy C. Callan Date 8/8/23
Title Timothy C. Callan
Deputy Comptroller

Erie County Sewer District No. 1
Contract No. 44
Contract Closeout – 4th Generation Construction Inc.
Capital Account No. C.21150 (American Rescue Plan)

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Erie County Sewer District No. 1
Contract No. 44
Contract Close Out – 4th Generation Construction, Inc.

WHEREAS, pursuant to Legislative Comm. 14E-22 (2021), Contract No. 44 was awarded to 4th Generation Construction, Inc. to construct the Slate Bottom Creek Sanitary Sewer Replacement Project, in Erie County Sewer District No. 1; 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. 44, in the final contract amount of \$299,795.29 which includes Change Order No. 1, an increase of \$36,395.29, and Change Order No. 2 (final), and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes Contract No. 44 between the County of Erie and 4th Generation Construction, Inc. (5650 Simmons Avenue, Niagara Falls, NY 14304) to be accepted in the final contract amount of \$299,795.29 which includes Change Order No. 1, an increase of \$36,395.29 to be allocated in Capital Account C.21150 (American Rescue Plan funds) and Change Order No. 2 (final), a no-cost time extension; and be it further

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

RESOLVED, that authorization is hereby given to the Erie County Comptroller to make the final payment for Contract No. 44, to 4th Generation Construction, Inc. for a total contract amount of \$299,795.29; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and the Division of Sewerage Management.

APPROVAL TO DISBURSE CAPITAL PROJECT CASH
(use a separate form for each capital project)

SEWER CAPITAL C. 21150 TITLE Erie County Sewer District No. 1

PROJECT PURPOSE: The construction of the Slate Bottom Creek Sanitary Sewer Replacement Project.

PROJ. AUTHORIZATION: BUDGET YEAR _____ OR DATE OF LEGISLATION _____

BOND RESOLUTION(S) AUTHORIZING PROJECT: TOTAL \$ _____
 DATE(S) _____
 AMT(S) _____ \$ _____

CONTRACT PURPOSE: To replace an existing 10-inch diameter sewer crossing under Slate Bottom Creek with an 18-inch diameter sewer and related restoration activities in Erie County Sewer District No. 1.

<u>CONTRACTOR</u>	<u>\$ AMOUNT</u>	<u>W.B.S.#</u>	<u>TOTAL AVAILABLE APPROPRIATION</u>
<u>CO#1 4th Generation Construction</u>	<u>\$36,395.29</u>	<u>C.21150</u>	<u>\$ 299,795.29</u>
<u>CO #2 4th Generation Construction</u>	<u>\$0.00</u>	<u>C.21150</u>	<u>\$ 299,795.29</u>
Total	<u>\$36,395.29</u>		

CHANGE ORDERS: PROJECT LEGISLATIVE HISTORY FOR THIS CONTRACT

<u>DATE</u>	<u>DESCRIPTION (Orig. Enc. Inc., Dec)</u>	<u>Amount</u>	<u>SFG Doc#</u>
_____	<u>Original Contract 4th Generation Construction</u>	<u>\$263,400.00</u>	_____

REQUESTED BY: Nadine R. Wetzels, P.E.

	<u>Initials</u>	<u>Date</u>	
Amount Allocated _____	_____	_____	Deputy Commission
Amount Available _____	_____	_____	Accountant

TO: COMPTROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

1. CONTRACTOR'S NAME 4th Generation Construction Inc

2. AMOUNT OF CONTRACT \$299,795.29

3. PROJECT NUMBER C.21150

4. PROJECT TITLE Slate Bottom Creek Sanitary Sewer Replacement

5. DEPARTMENT CONTACT Beth Pfalzer x6144

COMPTROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

6. AVAILABILITY OF FUNDS \$12,776,935.30

7. PERFORMED BY Elizabeth A Hall

- Date Sent to Comptroller's Office: 8/7/2023

[55 compt_10]

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-36

COUNTY EXECUTIVE

Amendment to Waste Reduction & Recycling
Coordination Grant

Attachments

23COMM. 16E-36



EC LEG SEP 1 '23 PM3:42

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

RE: Amendment to Waste Reduction and Recycling Coordination Grant (WRRCG)

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution from the Erie County Department of Environment and Planning authorizing the Erie County Purchasing Director to execute a contract with an MBE contractor, Monarch of Infinite Possibilities LLC., to provide professional services for activities outlined in the Waste Reduction and Recycling Coordination Grant. This contract's value is less than \$10,000 and this request is in accordance with Erie County Administrative Code Section 26.08.

Should your Honorable Body require further information, I encourage you to contact Deputy Commissioner Bonnie L. Lawrence at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosure

cc: Daniel Castle, Commissioner, Environment and Planning
Bonnie Lawrence, Deputy Commissioner, Environment and Planning
Vallie Ferraraccio, Purchasing Director

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Amendment to Waste Reduction and Recycling Coordination Grant (WRRCG)
Date: September 1, 2023

SUMMARY

It is recommended that the Legislature approve the attached resolution prepared by the Erie County Department of Environment and Planning (ECDEP) amending the Waste Reduction and Recycling Coordination Grant (WRRCG) authorized in 2023 Erie County Budget Adopted Book B – Special Funds (pages 69-70). The resolution will authorize the Erie County Purchasing Director to enter into an agreement with an MBE contractor, Monarch of Infinite Possibilities LLC, to provide professional services to assist in implementing activities outlined in the Waste Reduction and Recycling Coordination Grant. This contract's value is less than \$10,000, and in accordance with Erie County Administrative Code Section 26.08, except where 26.08 specifies that action shall be taken by the county executive, the action of the Purchasing Director shall be substituted as sufficient.

The purpose of these activities is to better connect with diverse communities to raise awareness about reuse and recycling opportunities and develop projects that meet the community's needs. This contract will be funded through grant funding provided by the New York State Department of Environmental Conservation to support the Waste Reduction and Recycling Program.

There will be no additional impact on County resources. The program expenses will be funded by the NYS Department of Environmental Conservation grant and the required match has been met by Erie County.

REASONS FOR RECOMMENDATION

Approval of this resolution will enable the ECDEP to work with Monarch of Infinite Possibilities LLC, to develop new messages, projects and activities to raise awareness about waste reduction and recycling in diverse communities. The Monarch of Infinite Possibilities LLC connects decision makers that want to engage with black, brown and indigenous people of color (BIPOC) and the faith-based community around the environment and arts.

CONSEQUENCES OF NEGATIVE ACTION

Without the requested authorization, Erie County will be unable to engage this contractor to assist in implementing activities outlined in the Waste Reduction and Recycling Coordination Grant.

STEPS FOLLOWING APPROVAL

An agreement with the Monarch of Infinite Possibilities LLC will be executed by the Director of Purchasing and the project will commence.

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Amendment to Waste Reduction and Recycling Coordination Grant (WRRCG)

WHEREAS, The Erie County Department of Environment and Planning (DEP) annually receives a grant from the New York State Department of Conservation to provide waste reduction and recycling education and outreach programs for county residents and administrative, logistical and technical services support services to assist regulated municipalities in Erie County through two local solid waste management boards; and

WHEREAS, the DEP secured \$84,861 in grant funding from New York State Department of Environmental Conservation (DEC) for the 2023 Waste Reduction and Recycling Coordination Grant; and

WHEREAS, Erie County authorized execution of a DEC contract and the adoption of a grant budget in 2023 Erie County Budget Adopted Book B (pages 69-70); and

WHEREAS, the DEP selected the MBE contractor, Monarch of Infinite Possibilities LLC, to provide professional services for the Waste Reduction and Recycling Coordination Grant, as per the scope of work they mutually agreed upon; and

WHEREAS, the contracted amount is less than \$10,000 and as per Erie County Administrative Code 26.08, except where sections specify that action may be taken by the county executive, the Purchasing Director will be substituted as sufficient.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with Monarch of Infinite Possibilities LLC for \$6,000; 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, Division of Budget and Management, Department of Purchasing, Department of Law, Office of the Comptroller, and Department of Environment.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-37	COUNTY EXECUTIVE	Contract for Capital Improvements to Buffalo Southern Railroad
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Attachments

23COMM. 16E-37



EC LEG SEP 1 '23 PM3:42

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

RE: Contract for Capital Improvements to Buffalo Southern Railroad

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution from the Department of Environment and Planning authorizing the execution of contracts for capital improvements to the Buffalo Southern Railroad.

Should your Honorable Body require further information, I encourage you to contact Daniel Castle at the Department of Environment and Planning. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/nb
Enclosures

cc: Daniel R. Castle A.I.C.P, Commissioner
Mark P. Rountree, Chief Planner

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Environment and Planning
Re: Contract for Capital Improvements to Buffalo Southern Railroad
Date: September 1, 2023

SUMMARY

It is recommended that the Erie County Legislature authorize the County Executive to enter into contracts for the purpose of capital improvements to the Buffalo Southern Railroad.

FISCAL IMPLICATIONS

The proposed funding of not-to-exceed \$400,000 will come from the approved 2023 Erie County Capital Budget. Funding in the amount of \$400,000 is available in A.23062 (pay as you go).

REASONS FOR RECOMMENDATION

The County owned rail line includes five bridges in need of repairs. The bridge structures would receive new deck timbers, as well as new safety walkways and various approach adjustments. The proposed funding would also address multiple road crossings, improving the surface for vehicles crossing the rail. The proposed improvements will greatly improve the quality of this corridor and allow for safe and efficient rail service for all customers.

BACKGROUND INFORMATION

The Buffalo Southern Railroad is a County-owned shortline railroad operating between the City of Buffalo and Village of Gowanda. It traverses Hamburg, Eden, North Collins and Collins. The rail right-of-way is leased to the rail operator through the Erie County Industrial Development Agency. The railroad supports commercial and industrial customers by providing heavy bulk transportation of products including animal feed, fertilizer, fuel, and lumber.

CONSEQUENCES OF NEGATIVE ACTION

If a resolution to enter into a contract is not approved, the Railroad improvements will not be completed. The needed improvements will be delayed until additional funding is secured, and the timeline of this project will be extended until such time that additional funds can be raised.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, a contract will be prepared and bidding will occur.

COMPTROLLER'S OFFICE REVIEW

The proposed legislation has been reviewed by the Comptroller's Office and is related to an authorized capital project for which there are sufficient appropriations located in A.23062 (pay as you go) for the action proposed.



Comptroller's Office

A.23062

A RESOLUTION SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Contract for Capital Improvements to Buffalo Southern Railroad

WHEREAS, the County is interested in the fostering of business growth and job retention within the County; and

WHEREAS, the County is the owner of a short line railroad, namely, Rail Line 1246, running from South Buffalo to Gowanda and passing over several waterbodies and public roadways throughout its route (the "Hamburg Line"); and

WHEREAS, the County leases the Hamburg Line to the Erie County Industrial Development Agency (the "Organization"), and the Organization manages the lease with the Hamburg Line operator; and

WHEREAS, portions of the Hamburg Line consisting of five bridge structures need repairs and the County desires to rehabilitate such crossings; and

WHEREAS, multiple rail crossings of roads are also in need of repair; and

WHEREAS, the Organization has experience in contracting for construction projects on behalf of the County; and

WHEREAS, the County has allocated \$400,000 for rehabilitation of the Buffalo Southern Railroad (the "Buffalo Southern Railroad Capital Improvement Project") in its 2023 Capital Budget; and

WHEREAS, the source of the aforementioned funds is A.23062 (pay as you go); and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to execute contracts as necessary with the Erie County Industrial Development Agency and Buffalo Southern in amounts not to exceed \$400,000 from Capital Account A.23062 (pay as you go) to implement the Project; and be it further

RESOLVED, that authorization is hereby given to effectuate payments for the Buffalo Southern Railroad Capital Improvement Project with the Organization and its contractors in an amount not to exceed \$400,000 from A.23062 (pay as you go); and be it further

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

TO: COMPTRROLLER'S OFFICE

PROPOSED RESOLUTIONS REQUIRING RULE 55

CONTRACT APPROVAL CHECKLIST
CONFIRMATION OF AVAILABILITY OF FUNDS IN CAPITAL PROJECTS

REQUESTING DEPARTMENT

COMPLETE ITEMS 1 THROUGH 5

- | | |
|-------------------------|--|
| 1. CONTRACTOR'S NAME | <u>Erie County Industrial Development Agency & Buffalo Southern Railroad</u> |
| 2. AMOUNT OF CONTRACT | <u>\$ 400,000.00</u> |
| 3. PROJECT NUMBER | <u>A.23062 (pay as you go)</u> |
| 4. PROJECT TITLE | <u>Buffalo Southern Railroad Capital Improvement Project</u> |
| | <u>Funding questions: Mark Rountree</u> |
| 5. DEPARTMENT CONTACT | <u>Letter pickup: Nancy Brown</u> |

COMPTRROLLER'S OFFICE

COMPLETE ITEMS 6 AND 7

- | | |
|------------------------------------|-----------------------------|
| 6. AVAILABILITY OF FUNDS | <u>\$ 400,000.00</u> |
| 7. PERFORMED BY | <u><i>Mark Rountree</i></u> |
| Date Sent to Comptroller's Office: | <u>August 24, 2023</u> |

[55 compt_10]

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-38	COUNTY EXECUTIVE	Authorization to Re-Appropriate ARPA Funding for Multi-Family Affordable Housing Development
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Attachments

23COMM. 16E-38



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

RE: Authorization to Re-Appropriate ARPA Funding for Multi-Family Affordable Housing Development

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution authorizing the re-appropriation and transfer of \$6,500,000 in American Rescue Plan funding from Covid-19 mitigation efforts to multi-family affordable housing development.

Should your Honorable Body require further information, I encourage you to contact Commissioner Daniel Castle, AICP. Thank you for your consideration on this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Mark C. Poloncarz".

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mt
Enclosure

cc: Commissioner of Environment and Planning Daniel Castle, AICP
Deputy Commissioner Thomas E. Baines, Esq.
Principal Contract Monitor Paul D'Orlando

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Environment and Planning
Re: Authorization to Re-Appropriate ARPA Funding for Multi-Family Affordable Housing Development
Date: September 1, 2023

SUMMARY

It is recommended that the Erie County Legislature authorizes the transfer of \$6,500,000 in American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) from the Erie County Health Department to the Erie County Department of Environment and Planning for the purpose of multi-family affordable housing development.

FISCAL IMPLICATIONS

More than \$89 million in SLFRF was previously appropriated within the American Rescue Plan Fund (Fund 253) across several departments in the 2022 Adopted Erie County Budget. \$6,500,000 in funds no longer needed for COVID-19 mitigation will be re-appropriated for affordable housing development.

REASONS FOR RECOMMENDATION

Many activities with funding for Covid-19 mitigation have been completed through the Erie County Health Department but there are still unspent ARPA SLFRF allocated to Erie County that should be re-appropriated to certain eligible uses as to avoid the possibility of being required to return unspent federal funds to the U.S. Treasury Department. ARPA SLFRF must be committed by Erie County by December 31, 2024 and expended by December 31, 2026.

BACKGROUND INFORMATION

Erie County received more than \$178 million in funding through ARPA SLFRF to respond to negative impacts resulting from the COVID-19 pandemic and meet local needs within eligible use categories. \$89 million was appropriated as part of a newly created American Rescue Plan Fund (Fund 253) in the 2022 Adopted Erie County Budget. \$24 million of this funding 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. With the end of the local COVID-19 State of Emergency, previously appropriated funding remains that is eligible for reallocation.

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. The need for creation of more affordable housing units across the nation, and more specifically within Erie County, has been well documented. Erie County's localized response to the pandemic seeks to address a shortage in housing supply while also providing opportunities for low- and moderate-income people and families with affordable

housing options. The County of Erie issued an RFP (#2023-052VF) on August 11, 2023 with responses due back by December 31, 2023 for developers and non-profit agencies to apply for ARPA-SLFRF funds for the creation of new units of affordable rental housing and/or new units of multi-unit home buyer projects.

CONSEQUENCES OF NEGATIVE ACTION

If authorization is not granted, the County will not be able to expend these ARPA SLFRF funds and will be required to return any uncommitted funds as of December 31, 2024 to the U.S. Treasury Department. There would also be a result of Erie County not being able to assist and fill a void in the creation of new units of affordable housing.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, a transfer of \$6,500,000 in ARPA SLFRF from Fund 253, Fund Center 12700 - Erie County Health Department to Fund 253, Fund Center 16200 - Erie County Department of Environment and Planning will occur. A second resolution will be before this Honorable Body seeking authorization to award these funds for the development of multi-family affordable housing pending the scoring of RFP respondents.

A RESOLUTION TO BE SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Authorization to Re-Appropriate ARPA Funding for Multi-Family Affordable Housing Development

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, \$6.5 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 low- and moderate-income people and families with affordable housing options; and

WHEREAS, the County of Erie has issued an RFP with responses due by December 31, 2023 which seeks to establish a relationship with development partners to assist with the above stated goals of increasing affordable housing in Erie County with the construction of new units for rent or sale to low- and moderate-income income renters and/or buyers whose incomes do not exceed 80% of the Area Median Income (AMI); 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 \$6,500,000 of remaining ARPA SLFRF from direct COVID-19 mitigation to multi-

family 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>\$(6,500,000)</u>
	TOTAL	<u>\$(6,500,000)</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516044	COVID 19 Mitigation – American Rescue	<u>\$(6,500,000)</u>
	TOTAL	<u>\$(6,500,000)</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>\$ 6,500,000</u>
	TOTAL	<u>\$ 6,500,000</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516048	Affordable Housing Multi-Fam – American Rescue Plan	<u>\$ 6,500,000</u>
	TOTAL	<u>\$ 6,500,000</u>

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.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-39	COUNTY EXECUTIVE	Authorization to Amend Contract with EC Bar Association
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Attachments

23COMM. 16E-39



EC LEG SEP 1 '23 PM3:42

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

RE: Authorization to Amend Contract with EC Bar Association as a Result of County Law Article 18-B Assigned Counsel Rate Increase
IMMEDIATE CONSIDERATION REQUESTED

Dear Honorable Members:

Please find enclosed a memorandum and proposed resolution requesting authorization to amend the 2023 contract with the Erie County Bar Association in the amount of \$8,136,286 as a result of the County Law Article 18-B Assigned Counsel rate increase approved as part of the SYF 2023-24 Budget. Additional authorization is requested to transfer Medicaid savings and recognize ILS Aid to Localities reimbursement to cover the increased cost for 2023.

Should your Honorable Body require further information, I encourage you to contact County Attorney Jeremy Toth or Budget Director Robert Keating. Thank you for your consideration on this matter.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/mc
Enclosure

cc: Jeremy Toth, Esq. County Attorney
Robert Keating, Budget Director

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Department of Law
Re: Authorization to Amend Contract with EC Bar Association as a Result of County Law Article 18-B Assigned Counsel Rate Increase
Date: September 1, 2023

SUMMARY

The Erie County Department of Law (Law) contracts with the Erie County Bar Association on an annual basis to provide legal representation through the Assigned Counsel program. The County helps fund this program through yearly budget allocations, in addition to grant funding received from New York State. After the 2023 County budget was approved by the Erie County Legislature, New York State increased the rate in which attorneys are to be paid who provide services through the Assigned Counsel program. As a result, the Department of Law is seeking authorization to amend its contract with the Erie County Bar Association to account for the County Law Article 18-B Assigned Counsel rate increase that was included in the State Fiscal Year 2023-24 Budget. The County will be responsible for 50% of the rate increase and New York State will be responsible for the other 50% of the rate increase on a reimbursement basis to the County. Law is also seeking authorization to amend its 2023 General Fund Budget to recognize the anticipated revenue as well as to transfer Medicaid savings to cover the local share costs of this new mandated expense.

FISCAL IMPLICATIONS

The new assigned counsel hourly rate is \$158 per hour for all types of legal representation under County Law Article 18-B. This is an increase of \$98/hour for misdemeanors and other lesser offenses (formerly the rate was \$60/hour), and \$83/hour for felonies, appeals, and Family Court matters (formerly the rate was \$75/hour). The rate increase is retroactive to all assigned counsel hourly fees retroactive to April 1, 2023. It is estimated that this will result in an increase cost of \$8,136,286 to Erie County for the provision of Assigned Counsel for the remainder of 2023 with 50% of that cost (4,068,143) reimbursed by the State. The local share cost of this increase will be covered by unanticipated Medicaid savings realized through the continuation of eFMAP credits through the end of 2023.

It is anticipated that this rate increase will increase the cost of the Assigned Counsel program more than \$11 million to approximately \$20.5 million after the ILS Aid to Localities reimbursement expires as of March 1, 2024.

REASONS FOR RECOMMENDATION

The U.S. Constitution and New York State Constitution provide for the provision of legal representation to all persons requiring it. Under County Law Section 722-e, counties are required to pay for assigned counsel hourly fees and the rate for those fees was increased as part of the SFY 2023-24 Budget. Erie County, thus has a legal and contractual obligation to

reimburse the EC Bar Association for eligible costs, including the rate increase, associated with the provision of the Assigned Counsel program.

BACKGROUND INFORMATION

The SFY 2023-24 Budget increased the assigned counsel hourly rate to \$158 per hour for all types of legal representation under County Law Article 18-B. This is an increase of \$98/hour for misdemeanors and other lesser offenses (formerly the rate was \$60/hour), and \$83/hour for felonies, appeals, and Family Court matters (formerly the rate was \$75/hour). The rate increase is retroactive to all assigned counsel hourly fees retroactive to April 1, 2023. While the State has appropriated \$92 million to the ILS Aid to Localities budget to reimburse counties for 50% of the rate increase, this funding is only available through March 1, 2024 and counties will then be responsible for the entire cost associated with the increased rate. Erie County contracts with the Erie County Bar Association for the specific provision of indigent defense services associated with the Assigned Counsel program. In 2023 Erie County budgeted \$9,444,952 for the Assigned Counsel program.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this resolution would be a violation of the County's contractual obligations and commitments under New York State County Law.

STEPS FOLLOWING APPROVAL

Upon approval of the resolution, the Department of Law's budget will be increased by \$8,136,286 and the Comptroller's Office will immediately remit payment for both the 4th Quarter distribution and this new supplemental payment so that the EC Bar Association can begin paying assigned counsel at the increased hourly rate, retractive to April 1, 2023 without an imminent cash flow crisis.

A RESOLUTION TO BE SUBMITTED BY:
DEPARTMENT OF ENVIRONMENT AND PLANNING

RE: Authorization to Amend Contract with EC Bar Association as a Result of County Law Article 18-B Assigned Counsel Rate Increase

WHEREAS, the U.S. Constitution and New York State Constitution provide for the provision of legal representation to all persons requiring it; and

WHEREAS, under County Law Article 18-B, counties are required to pay for assigned counsel hourly fees; and

WHEREAS, the State Fiscal Year 2023-24 Budget increased the assigned counsel hourly rate to \$158 per hour for all types of legal representation under County Law Article 18-B, retroactive to April 1, 2023. This is an increase of \$98/hour for misdemeanors and other lesser offenses (formerly the rate was \$60/hour), and \$83/hour for felonies, appeals, and Family Court matters (formerly the rate was \$75/hour); and

WHEREAS, Erie County contracts with the Erie County Bar Association for the specific provision of the Assigned Counsel program and budgeted \$9,444,952 for the program in 2023; and

WHEREAS, it is estimated that this will result in an increase cost of \$8,136,286 to Erie County for the provision of Assigned Counsel for the remainder of 2023 with 50% of that cost (4,068,143) reimbursed by the State.; and

WHEREAS, the local share cost of this increase will be covered by unanticipated Medicaid savings realized through the continuation of eFMAP credits through the end of 2023; and

WHEREAS, it is anticipated that this rate increase will increase the cost of the Assigned Counsel program more than \$9.4 million in 2024 after the ILS Aid to Localities reimbursement expires as of March 1, 2024.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the transfer of \$4,068,143 in unanticipated Medicaid cost savings from Fund 110, Funds Center 120, Account 525000 – MMIS Medicaid Local Share to Fund 110, Funds Center 16010, Account 516602 – EC Bar Association Indigent Defense to cover the local share costs of the County Law Article 18-B rate increase as follows:

Department of Social Services
Fund 110, Funds Center 120

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
525000	MMIS – Medicaid Local Share	<u>\$(4,068,143.00)</u>

TOTAL \$(4,068,143.00)

Department of Law
Fund 110, Funds Center 16010

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516602	EC Bar Association Indigent Defense	<u>\$ 4,068,143.00</u>
	TOTAL	<u>\$ 4,068,143.00</u>

and be it further

RESOLVED, that authorization is hereby given to modify the Department of Law's 2023 General Fund Budget (Fund 110, Funds Center 16010) to accept \$4,068,143 in New York State ILS Aid to Localities revenue as a 50% reimbursement for the Article 18-B rate increase as follows:

Department of Law
Fund 110, Funds Center 16010

<u>ACCOUNT</u>	<u>REVENUE</u>	<u>CHANGE</u>
409000	State Aid Revenues	<u>\$ 4,068,143.00</u>
	TOTAL	<u>\$ 4,068,143.00</u>

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>CHANGE</u>
516602	EC Bar Association Indigent Defense	<u>\$ 4,068,143.00</u>
	TOTAL	<u>\$ 4,068,143.00</u>

and be it further

RESOLVED, that the Department of Law's 2023 General Fund expense (Fund 110, Funds Center 16010) in Account 516602 – EC Bar Association Indigent Defense has increased to recognize the above actions as follows:

Department of Law
Fund 110, Funds Center 16010

<u>ACCOUNT</u>	<u>APPROPRIATION</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>NEW</u>
516602	EC Bar Association Indigent Defense	<u>\$9,444,952.00</u>	<u>\$8,136,286.00</u>	<u>\$17,581,238.00</u>
	TOTAL	<u>\$9,444,952.00</u>	<u>\$8,136,286.00</u>	<u>\$17,581,238.00</u>

and be it further

RESOLVED, that authorization is hereby given to the County Executive to amend the contract with the Erie County Bar Association in the amount of \$8,136,286 for the provision of the Assigned Counsel Program for calendar year 2023; and be it further

RESOLVED, that the Erie County Comptroller is hereby directed to immediately make the regular 4th quarter payment of \$2,361,238 in advance of the standard due date of October 1, 2023 as well as issuing supplemental payments of \$8,136,286 in cumulative to the Erie County Bar Association in order to implement the Article 18-B hourly rate increase retroactive to April 1, 2023; 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 Michelle Parker of the Erie County Bar Association.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-40	COUNTY EXECUTIVE	Teamsters Local 264, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America - 2024- 2026 Collective Bargaining Agreement
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Attachments

23COMM. 16E-40



11.11.23 SEP 1 23 PM 3:42

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

September 1, 2023

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

**RE: Teamsters Local 264, International Brotherhood of Teamsters, Chauffeurs,
Warehousemen, & Helpers of America, 2024-2026 Collective Bargaining
Agreement (Sworn Unit)
Immediate Consideration Requested**

Dear Honorable Members:

Please find enclosed for your consideration a memorandum and proposed resolution for approval expressing legislative assent and directing the implementation of a successor collective bargaining agreement between Erie County and the Erie County Sheriff's Office (collectively referred to as "Employer") and the Teamsters Local 264 ("Teamsters" or "Unit").

The proposed agreement covers the period between January 1, 2024 and December 31, 2026, and provides Unit members with wage increases and work rule changes that provide benefit to both parties regarding retention and recruitment. Erie County and the Unit have negotiated in good faith and are pleased to have reached this accord.

Should your Honorable Body require further information, I encourage you to contact Commissioner Josh Pennel at the Department of Labor Relations.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

MCP/jp

cc: Commissioner Josh Pennel, Department of Labor Relations

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Departments of Labor Relations and Personnel
Re: Teamsters Local 264
Date: September 1, 2023

SUMMARY

The Departments of Labor Relations and Personnel request Legislative approval of a newly-created collective bargaining agreement between Erie County and the Erie County Sheriff's Office (collectively referred to as "Employer") and the Teamsters Local 264 ("Teamsters" or "Unit") representing the sworn employees at the Erie County Holding Center. The agreement will cover the period January 1, 2024 to December 31, 2026.

FISCAL IMPLICATIONS

Under the contract, employees covered by the agreement will receive a one-time \$2.75 increase in their hourly rate in June 2023. All employees will receive a 4% annual wage increase in 2024, and 3% annual wage increases in 2025 and 2026.

Additionally, members of the unit will receive additional benefits such as the addition of the Juneteenth holiday and an increase in shift differential.

There are other provisions contained in the contract, a copy of which is attached for your review.

The County will fund the estimated net 2023 local share costs associated with this agreement through the remainder of a \$900,000 funds reservation set aside as part of the 2022 Year-End Budget Balancing Amendments and Designations resolution COMM 8E-1 (2023) not utilized for the Teamsters Civilian Unit Contract costs as well as vacancy savings within the Division of Jail Management. Future year costs will be budgeted for annually.

Projected net new expenses for the contract are as follows:

Year	Provision	Estimated Cost
2023	\$2.75 an hour	\$1,465,464
2024	4%	\$2,684,049
2025	3%	\$2,698,166
2026	3%	\$2,779,111

REASONS FOR RECOMMENDATION

The collective bargaining agreement between the county and Teamster will expire December 31, 2023.

The agreement provides Unit members with wage increases and work rule changes that provide benefit to both parties. Further, this agreement provides stability for both the County and members of the Unit. It will also allow for Erie County to attract and retain employees at a greater rate.

CONSEQUENCES OF NEGATIVE ACTION

The proposed agreement would be deemed null and void and Erie County and the Unit would declare impasse and proceed to the Public Employment Relations Board for action.

STEPS FOLLOWING APPROVAL

Unit members will work under the new collective bargaining agreement in full beginning in January 2024 and the Division of Budget and Management will take the necessary budgetary actions to fund the agreement.

A RESOLUTION SUBMITTED BY:
DEPARTMENTS OF PERSONNEL AND LABOR RELATIONS

RE: Teamsters Local 264, 2024-2026 Collective Bargaining Agreement

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 ("Teamsters" or "Unit") represents the sworn employees who work at the Erie County Holding Center; and

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

WHEREAS, Employer 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 -Sworn 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 hereby given to appropriate the remainder of \$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 remaining additional costs associated with this contract for 2023 will be covered by vacancy savings within the Sheriff's Office's Division of Jail Management's Operating Budget; 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 Erie County Executive, Erie County Comptroller, Division of Budget and Management, Department of Labor Relations, Department of Personnel, Erie County Sheriff's Office, and the Erie County Fiscal Stability Authority.



TEAMSTERS LOCAL UNION NO. 264

Affiliated with the International Brotherhood of Teamsters

35 Tyrol Drive

Checktowaga, NY 14227

Phone: (716) 668-8007 Toll Free: (800) 773-9115 Fax: (716) 668-8122

**THE COUNTY OF ERIE AND
THE ERIE COUNTY SHERIFF'S DEPARTMENT
AND
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL #264
SWORN
Ratification Document
July 12, 2023**

1. Article 10.3 Overtime:
 - b. All overtime worked shall be paid promptly and no later than the next payroll check, except that employees wishing to receive compensatory time off in lieu of overtime shall be allowed to accrue and maintain a compensatory time bank, calculated at one (1) and one-half (1/2) times their regular rate of pay for each hour of overtime worked up to a maximum of ~~three~~ ~~two-hundred~~ (300~~200~~) hours. This compensatory time benefit is to be in lieu of all other compensatory time benefits.
2. Article 10.4
 1. Work in progress shall be completed by the employee performing the work at the time the determination was made that overtime was necessary, regardless of such employee's seniority or amount of previous overtime. It is understood that such overtime is mandatory and may not be refused. Overtime over one and a half (1 ½) hours will be considered a force. This language does not allow for refusal of overtime.
 6. If an employee is skipped or denied an opportunity for overtime work in violation of this Agreement, upon giving formal notice of same in writing and upon verification, he shall be given preference to elect overtime regardless of seniority or amount of overtime previously worked when it becomes available to his shift. Any employee forced out of turn will receive an extra pass per Article 10.4 (7). This will not apply if caused by Union error.

JZP

7. Should any sworn employee refuse overtime work when it "may not be refused" (Section 10.4, #1 or #5) he shall subject himself to disciplinary action. Employees mandated are allowed ~~six~~ ~~four~~ ~~(6+)~~ passes every calendar year. Passes will count as a force. Sworn employees wishing to use a pass must notify the Watch Commander no less than 4 hours before the beginning of the forced overtime if your name is on the original force list. If names are added, they will be able to use a pass when notified. Passes are not cumulative and do not roll over into the following calendar year. In the event an employee is mandated after exhaustion of the wheel the same day as an attempted pass, such employee shall not be charged for the pass. Any full time employee hired after July 1st will be allowed three passes for the remainder of the calendar year.

10. Employees required to seek medical treatment as a result of an injury while on the job, will be paid for the duration of time they seek initial, emergency care for their injury or they are admitted into the hospital, whichever is less, up to a maximum of four (4) hours. If said medical treatment goes beyond the completion of their tour of duty.

3. Article 11.2: Command Assignment Procedure

a. <u>Effective Date:</u>	<u>6/30/2023</u>	<u>Hired Prior to 6/30/2023</u>
	<u>Time in Grade</u>	<u>Time in Service</u>
RDO's (regular day off)	<u>X</u>	<u>X</u>
ASSIGNMENT (shift)	<u>X</u>	<u>X</u>
OVERTIME (preference)	<u>X</u>	<u>X</u>
VACATION (preference)	<u>X</u>	<u>X</u>
LAYOFF (Subject to civil service law)		
RETRENCHMENT (Subject to civil service law)		

Note: 1. Provisional status time may be in aggregate.
2. Section 80 & 81 New York State Civil Service Law applies.

4. Article 11.10 Assignment Preference:

g. ~~Any medical vacancies may be filled on a temporary basis during any given year by management. Any permanent vacancies shall be filled immediately in accordance with c and d above. Only the initial vacancy will be filled and "collateral" vacancies will be filled according to c and d above. If such vacancy occurs within one month of the annual posting, this section shall not apply.~~

h. It is understood that the bids for the Booking/Classification Area are for a minimum of four years. The union acknowledges the "booking area" requires personnel assigned to this "bid" to possess skills and training that exceed most other assignments. It is understood that the Sheriff and/or his

designee have the exclusive right to immediately remove any deputy or supervisor assigned to the "booking area" if they fail to adequately perform their duties and responsibilities. The Sheriff and/or his designee will provide the union with written notification for any removal. Objection to the removal may be subject to the grievance procedure.

4. Article 12.1 Holidays

Holidays Recognized and Observed - The following days shall be recognized and observed as paid holidays:

New Year's Day
Martin Luther King Day
President's Day
Good Friday
Memorial Day
Juneteenth
Independence Day
Labor Day
Columbus Day
General Election Day
Veteran's Day
Thanksgiving Day
Christmas Day

5. Article 13.1:

Vacation credits will accrue and be available for use on a bi-weekly pay period basis for full-time employees after the first pay period of employment providing they are on a compensable pay status for 40 or more hours (6 or more working days) each pay period. An employee on paid leave status (ie: bereavement day(s), personal leave day(s), jury duty, union leave, sick leave day(s), 207c/LDI, and vacation day(s)) or full pay status will be considered as time worked in determining vacation credits. - Housekeeping

6. Article 13.8

An employee who fails to utilize vacation credits in the year he is eligible to take them, shall be permitted to accumulate all up to a maximum of thirty (30) vacation days in a vacation bank.

7. Article 13.15 Vacation Buy-Back (Optional)

Commencing January 1, 2012 and annually on such date, thereafter, employees shall be permitted to sell back ~~sixty (60)~~ up to eighty (80) one hundred (100) hours of ~~accrued and unused vacation each year~~, in as little as one (1) hour blocks. Such employees must have the hours of vacation leave in their bank and notify their supervisor by March 1st and September 1st each year that they wish to sell vacation hours. Payment for such sell back shall be made in payroll period 5 and 24.

8. Article 14.1 Bereavement Pay

An employee who has a death in the immediate family (parent, spouse, domestic partner, brother, sister, step-sibling, children, grandparents, grandchildren, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepchildren, foster child, stepparent, great grandparent -or other relative who is an actual member of the employee's household) shall be given time off without loss of pay up to a maximum of four five (45) consecutive calendar-scheduled consecutive working days commencing with from and including the date of death or date of the memorial service, at the option of the affected employee. However, if the death occurs after the employee reports to work, that day will not be counted as one of the four five (45) consecutive working -calendar-days and upon giving appropriate notice, such employee will be allowed to leave for the remainder of the shift without loss of pay. An employee may hold on day of bereavement to be used for a memorial or funeral service taking place within one year of the commencement of the bereavement leave. Proof of services being held at a later date may be required. New York State/City of Buffalo certificate must be submitted for domestic partners.

9. Article 15: SUBJECT: LEAVE TIME DONATION FOR TEAMSTER MEMBERS AND MANAGERIAL/CONFIDENTIAL EMPLOYEES
EFFECTIVE DATE: JUNE 15, 2023

Policy:

Erie County recognizes the needs of employees and the ability of others to assist in meeting those needs during difficult times. In order to assist other employees suffering a serious medical condition or other emergency need, Erie County allows Teamster and Managerial/Confidential employees to directly donate accrued vacation time to assist a recipient employee. Both the donating employee and recipient employee must meet the criteria established by this policy. This policy applies to employees (both leave time donors and leave time recipients) who are covered by the Teamster collective bargaining agreement or are designated managerial/confidential.

Guidelines:

"Leave time" that is eligible to be donated is defined as accrued vacation time.

To be eligible to receive donated Leave Time, the employee must first use all his/her existing sick, vacation, personal, compensatory, and meal time hours, as applicable, and have a documented serious medical condition or other approved (FMLA or Leave Without Pay) emergency need for time off. The employee may already be qualified under Workers' Compensation, FMLA, or personal leave of absence.

Donated leave time hours shall be deducted in the increments needed by the receiving employee per payroll period. These leave time hours will be utilized

according to a "first in/first out" tracking system, that is, they will be deducted in the order in which they were donated.

Employees may donate vacation time by providing Personnel with a signed donor form indicating who the hours are to be donated to, and how many hours are to be donated. The Personnel Department is responsible for coordinating donations between the donating individual, Personnel, and the receiving individual. Forms for this purpose may be obtained from the Personnel Department or the Erie County intranet ("Ernie") online site. Use the Leave Time Donation form.

In order to be eligible to donate vacation time, the donating employee must have accrued hours available. An employee who makes a donation to another employee may later make further donations to the same employee, however, the maximum individual donation from a qualified donor to a qualified recipient is 240 hours of vacation time.

Donated hours utilized will be at the receiving employee's current rate of pay. Employees receiving donated leave time will be paid only up to the maximum budgeted hours per pay period for that employee. Receiving employees will not be paid holiday pay or shift differential.

Teamster employee members and Managerial/Confidential employees may donate vacation time to other employees in their own or each other's groups (for example, a managerial/ confidential employee may donate vacation time to an employee belonging to the Teamster bargaining unit).

Leave time donated to an employee who is in Leave Without Pay status will be paid to that employee as described above, however, such donation of leave time will not constitute a restart of the maximum allowable time an employee may be in leave without pay status and/or receive employer-paid health and/or dental insurance benefits.

Leave time donated to the recipient will not be cashed out for the recipient upon the recipient's separation from employment for any reason. Unused leave time will revert to the donor.

Erie County provides this benefit as a courtesy for eligible employees and offers no legal or other advice or guidance as to tax implications to employees who donate and/or receive accrued leave time. Employees are encouraged to seek tax implication advice prior to donating and/or accepting time.

Reference: Teamster Collective Bargaining Agreement, Federal Law, New York State Law, FMLA

Form: Donation of Leave Time form

10. Art. 15.5:

SECTION 15.5: Sick Leave Bonus — Eliminate effective 1/1/2024

- a) Effective January 1, 2019, there will be a \$500.00 bonus for any employee who reaches the maximum of 225 days of accumulated sick leave, Thereafter, an additional bonus of five hundred (\$500.00) dollars will be paid in any year in which two hundred and twenty-five (225) days of sick leave is maintained, and five or less sick days are used— Eliminate effective 1/1/2024
- b) Payment of the initial bonus will be in the first pay check after the 225 days is reached. Payment of the yearly bonus will be in the first pay period of February in subsequent years. — Eliminate effective 1/1/2024
- c) Employees who retire from County service with 15 (fifteen) years of County service shall be eligible for the following: (Eliminate effective 12/31/2026)
 1. Employees who have a minimum of 100 days of accumulated sick leave as of the date of retirement shall receive \$3,000.00 cash.
 2. Employees who have a minimum of 150 days of accumulated sick leave as of the date of retirement shall receive \$5,000.00 cash.
 3. Employees who have a minimum of 225 days of accumulated sick leave as of the date of retirement shall receive \$7,000.00 cash.

Sick Leave Bonus:

Any Employee who does not use more than 8 hours of sick leave per year shall receive a non-cumulative sick leave bonus of five-hundred (\$500.00) on a calendar year basis or any employee who does not use any sick leave shall receive a non-cumulative sick leave bonus of seven hundred fifty (\$750.00) on a calendar year basis. — Eliminate effective 1/1/2024

11. Article 17.2 Wages:

2023	\$2.75 increase effective 6/30/2023.
<u>1/1/2024</u>	<u>4%</u>
<u>1/1/2025</u>	<u>3%</u>
<u>1/1/2026</u>	<u>3%</u>

12. Article 17.4: Shift Differential (Effective 1/1/2024)

- a. Shift differential for all Deputy and Sergeant shall be as follows:

\$2.50 - 3:00pm to 11:00pm shift

\$2.50 - 11:00pm to 7:00am shift

13. SECTION 17.6: Longevity Payments

- a. An employee shall be eligible for the first longevity increment after completing a total of nine (9) years of continuous service with the County and a minimum of five (5) years actual service at the maximum increment

step of the job group. The above formula shall be increased by one (1) year to include the training steps for purposes of "completing a total" for sworn personnel effective 1-1-96 and for non-sworn personnel effective 5-24-01.

- b. All employees receiving the first longevity increment and who serve an additional period for three (3) years actual service ~~in the same job group~~ will receive a second longevity increment.
- c. Again, on the completion of another three (3) years of actual service, ~~in the same job group~~, the employee will receive a third longevity increment.
- d. Again, on the completion of another three (3) years of actual service, ~~in the same job group~~, the employee will receive a fourth longevity increment.
- e. Effective January 1, 2000, the County shall create a fifth longevity step (Step E). Any employee who has been on the fourth longevity step for three years or more shall be moved to the fifth step. Any employee who has been on the fourth longevity step less than three years will move to the fifth step after three years on longevity step four.
- f. Effective January 1, 2024, the County shall create a sixth longevity step (Step F) for any employee who has 25 years of continuous service.
- g. In computing longevity increment eligibility, when appointments are made on January 1, or July 1, and the day falls on a holiday or non-scheduled work day, the increment period will include these days.
- h. Because of the payroll procedures that enable the County to have a regular pay day throughout the year, the increment eligibility period and payroll periods may not at all times coincide. In such cases, the increment date is the first day of the respective pay period during which January 1, or July 1 falls.

14. Article 19.4: Payment for Health Insurance (Sworn)

- a. The following shall be the formula for the payment of Health Insurance Effective January 1, 2019 all sworn employees shall pay 15% of the Value Plan premium, capped at:

	Single	Family
1/1/2023	\$2,810	\$2,810
1/1/2024	\$1,680	\$4,525
1/1/2025	\$1,760	\$4,750
1/1/2026	\$1,840	\$4,975

The parties agree that in the event that the Erie County Fiscal Control Board suspends or nullifies pay increases, or step/increment increases

contained in the Collective Bargaining Agreement the premium amounts employees contribute toward their Health Insurance shall immediately freeze at the amount in effect at the time of such action and remain frozen until such time that the pay increases, or step/increment increases have been restored.

- k. The employer will make available a health insurance plan that out-of-state retirees may obtain at an additional cost (PBA language)
- Effective 1/1/2024 Employer will no longer provide health insurance for employees who have been terminated from employment. This includes employees who have outstanding grievances concerning their termination.

15. Article 20.1:

Joint Employers and the Union agree to engage in 25 year retirement negotiations immediately following CBA ratification.

16. Article 21.8:

b. The Arbitrator shall be selected as follows: A panel of permanent Arbitrators is hereby established in the following order:

1. Howard Foster
2. Ronald Kowalski
3. Michael Lewandowski
4. Dennis Campagna
5. Jeffrey Selchick
6. Tim Taylor
7. Richard Chapman
8. John Trela
9. Jay Siegel
10. Lise Gelernter

17. Article 23.4:

a. Uniform Allowance:

1. All employees who are normally required to wear uniforms, excluding Kitchen Personnel, but including the Internal Affairs Personnel, Civil Division Personnel, and those Deputies on recognized managerial assignments will be granted an annual allowance each year of the agreement. Effective 1/1/2024 ~~Sworn employees will receive a \$1,500.00~~ ~~\$1,000.00~~ one-time salary adjustment in lieu of uniform allowance.
2. ~~Effective 1-1-01, a \$250.00 voucher to be added to current allowance, to include Kitchen Personnel in voucher only, when the current allowance check is issued. It is understood that if the Sheriff decides to change the hats, such change will be paid for by the uniform allowance voucher~~

18. SECTION 23.12: Personnel Records -

- c) Any material in the official personnel history folder of an adverse nature over three years eighteen months (183) old shall not be referred to in any disciplinary proceedings. All disciplines in existence prior to 6/30/2023 will be governed by the language of the previous CBA as it pertains to this article. All discipline that occur after 6/30/2023 will be governed by the language in this article.


19. Schedule E:

8. It is understood that the minimum number of Officers that can be scheduled off in any one (1) week shall not be less than 15%18% of the number of Officers on a given shift.

Note: It is understood that the vacation time off, ~~either by week or single days,~~ are not included in the above computation.

All other proposals deemed withdrawn. All terms not changed, modified, suspended hereby remain in full force and effect. This Tentative Agreement is subject to Membership Ratification and Legislative Approval.


Joshua Penner 7/12/2023
Date:


John Garcia 7/1/2023
Date:


Brian Dickman 7/17/2023
Date:

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-41

TODARO

Letter to the District Attorney Regarding
Domestic Violence Incident

Attachments

23COMM. 16E-41

ERIE COUNTY LEGISLATURE



92 Franklin Street
Buffalo, New York 14202

September 5, 2023

Hon. John J. Flynn
Erie County District Attorney
25 Delaware Avenue
Buffalo, New York 14202

Dear District Attorney Flynn:

Thank you for your recent work regarding a domestic violence incident that occurred on August 19, 2023 and was reported to the Buffalo Police. The incident involved allegations about abusive behavior by County Executive Mark Poloncarz toward a woman with whom he was in a relationship at the time.

It has been reported that the complainant is not at this time interested in cooperating with charges against County Executive Poloncarz. This is her right as a victim and her decision should be respected if made freely. However, if this decision was made as the result of coercion or other improper means, it would be morally repugnant not to protect and advocate for this victim. People in Erie County have expressed their concerns to me that the victim may be acting out of fear of an individual in a powerful role who she has already reported for his angry and violent actions toward her.

As such, I am asking that a neighboring county District Attorney investigate the circumstances behind the victim's decision not to pursue a case against the County Executive. I ask that a neighboring county District Attorney handle the matter, due to the potential conflict of interest in investigating the individual who will be making the budget recommendations for your department in about a month.

Thank you for your consideration of this request. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Frank J. Todaro".

Frank J. Todaro
Erie County Legislator, District 8

cc: Erie County Legislature

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-42

SHERIFF

Law Enforcement Policy & Procedure
Consulting Services

Attachments

23COMM. 16E-42

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF



ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7882
WEBSITE: <http://www.erie.gov/sheriff>

SHERIFF OF ERIE COUNTY

August 31, 2023

EC LEG SEP 5 '23 AM 9:17

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: LAWENFORCEMENT POLICY AND PROCEDURE CONSULTING SERVICES

Dear Honorable Members:

The Erie County Sheriff's Office is requesting authorization to enter into an agreement with Daigle Law Group, LLC for consulting services for the review of all ECSO policy and procedures.

Should your Honorable Body require further information, please contact my office. Thank you for your consideration on this matter.

Very truly yours,

A handwritten signature in black ink that reads 'John C. Garcia'. The signature is written in a cursive, flowing style.

John C. Garcia
Sheriff of Erie County

Attachments

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Law Enforcement Policy and Procedure Consulting Services
Date: August 31, 2023

Summary of Recommended Action

The Erie County Sheriff's Office is requesting authorization to enter into an agreement with Daigle Law Group LLC to review all ECSO policies and procedures to ensure that they meet all statutory requirements and they represent best industry standards. This resolution would authorize the expenditure of up to \$70,000 of budgeted funds for this purpose. The Erie County Attorney has authorized the selection of this firm for professional legal services.

Fiscal Implications of the Proposal

The Erie County Sheriff has existing funds budgeted in the 2023 budget for these purposes.

Reasons for Recommendation

Properly written and administered policies and procedures provide police agencies with core liability protection. With the ever-changing requirements for law enforcement agencies it is near impossible for police agencies adequately track all necessary changes. Daigle Law Group LLC specializes in reviewing and updating law enforcement agency policy and procedures to insure compliance with all state and federal legal mandates. This review will also ensure that the ECSO remains an officially accredited agency.

Background Information

A comprehensive review of all Erie County Sheriff's Office policies and procedures has not been undertaken in over a decade. The ever-changing landscape of law enforcement as well as newly enacted legislative mandates requires that we review our policies and procedures to ensure legal compliance. Contracting with a legal firm that specializes in the review of law enforcement policy and procedure will provide Erie County with important liability protection and will insure that the ECSO is a state-of-the-art professional agency.

Consequences of Negative Action

The Erie County Sheriff's Office will operate without the benefit of a legally reviewed best practices policy and procedure manual.

Steps Following Approval of Measure

Certified copies shall be forwarded to the County Executive's Office, the Erie County Attorney, the Office of the Comptroller, and the Office of the Sheriff for implementation.

**A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE**

Re: Law Enforcement Policy and Procedure Consulting Services

WHEREAS, the Erie County Sheriff's Office policies and procedures should reflect the Office's core values and priorities, while providing clear direction to ensure that Deputies lawfully, effectively and ethically carry out their law enforcement responsibilities; and

WHEREAS, it has been nearly a decade since a full and update of all ECSO policies has been performed, and

WHEREAS, the ECSO has identified a law firm that specializes in the review of law enforcement policies and procedures, and

WHEREAS, The Erie County Attorney has been consulted regarding the selection of this firm, and

WHEREAS, the ECSO has budgeted funds specifically for these purposes in the 2023 budget,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office is hereby authorized enter into an agreement with Daigle Law Group, LLC in an amount not to exceed \$70,00 for services to review and update all ECSO policies and procedures; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Attorney, Erie County Sheriff and Erie County Comptroller.

FISCAL IMPACT: Funds were budget for in 2023.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-43

SHERIFF

Correctional Facility Cable Installation

Attachments

23COMM. 16E-43

JOHN C. GARCIA
SHERIFF
WILLIAM J. COOLEY
UNDERSHERIFF



ADMINISTRATIVE OFFICES
10 DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716)858-7882
WEBSITE: <http://www.erie.gov/sheriff>

SHERIFF OF ERIE COUNTY

August 29, 2023

EC LEG SEP 5 '23 AM 9:17

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: CORRECTIONAL FACILITY CABLE INSTALLATION

Dear Honorable Members:

The Erie County Sheriff's Office is requesting authorization to expend Commissary funds for the installation of fiberoptic cable necessary to provide television and Wi-Fi at the Erie County Correctional Facility.

Should your Honorable Body require further information, please contact my office. Thank you for your consideration on this matter.

Very truly yours,

John C. Garcia
Sheriff of Erie County

Attachments

**A RESOLUTION SUBMITTED BY:
ERIE COUNTY SHERIFF'S OFFICE**

Re: Erie County Correctional Facility Fiberoptic Cable Installation

WHEREAS, current cabling at the Erie County Correctional Facility is outdated and will not support internet, Wi-Fi and television services; and

WHEREAS, the Erie County Sheriff's Office has contracted with Spectrum Enterprises to update fiberoptic cabling throughout the facility to provide internet, Wi-Fi and television services for incarcerated individuals, and

WHEREAS, necessary funds exist in the Sheriff's Office Commissary Account to pay for the installation of the necessary cable,

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Sheriff's Office is hereby authorized to expend up to \$128,828 with Spectrum Enterprise from Commissary Funds for the installation of fiberoptic cable at the Erie County Correctional Facility to provide for television and tablet educational services; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, Erie County Sheriff and Erie County Comptroller.

FISCAL IMPACT: No impact to county funds.

ACCOMPANYING MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Erie County Sheriff's Office
Re: Correctional Facility Cable Installation
Date: August 29, 2023

Summary of Recommended Action

The Erie County Sheriff's Office is requesting authorization to expend Commissary funds for the installation of fiberoptic cable necessary to provide television and WIFI services at the Erie County Correctional Facilities. This is necessary to continue to provide televisions and tablet educational services to incarcerated individuals at the facility.

Fiscal Implications of the Proposal

The Erie County Sheriff will expend up to \$128,828 in Commissary funds for the necessary cable service. There is no direct cost to the County as the funds are from the Inmate Commissary Fund.

Reasons for Recommendation

The current cable at the Correctional Facility is outdated and will no longer be able to be utilized to provide cable services. Failure to replace it will result in the loss of television and tablet services to the incarcerated individuals.

Background Information

The Erie County Sheriff's Office has been informed by Spectrum Enterprises that the current cable located throughout the Correctional Facility is outdated and needs to be replaced if they are to continue to provide services. Inmate Commissary Funds are specifically reserved to pay for services for incarcerated individuals.

Consequences of Negative Action

The Erie County Sheriff's Office will be unable to provide televisions and tablet educational services to incarcerated individuals at the Erie County Correctional Facility.

Steps Following Approval of Measure

Certified copies shall be forwarded to the County Executive's Office, the Office of the Comptroller, and the Office of the Sheriff for implementation.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16E-44	DISTRICT ATTORNEY	District Attorney's Office - Authorization for Professional Services
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Attachments

23COMM. 16E-44



OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

JOHN J. FLYNN
DISTRICT ATTORNEY

MICHAEL J. KEANE
FIRST DEPUTY DISTRICT ATTORNEY

September 5, 2023

The Honorable Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

EC LEG SEP 5 '23 AM 9:42

Re: District Attorney's Office – Authorization for Professional Services

Honorable Members:

Please find an enclosed resolution requesting authorization to engage the professional services of the Prosecutor's Center for Excellence to perform a cyber-security assessment of the District Attorney's Office. This assessment is specific to DA offices. The Division of Information and Support Services has been notified and we will collaborate with them on the timeline for this initiative.

Thank you for your consideration of this matter. If your Honorable Body requires any further information, kindly contact our office and we will be happy to accommodate your requests.

Very truly yours,

A handwritten signature in blue ink, appearing to read "JJF", written over a printed name and title.

JOHN J. FLYNN
DISTRICT ATTORNEY

JJF/lh

MEMORANDUM

To: Erie County Legislature
From: John J. Flynn, District Attorney
Date: September 5, 2023
Re: District Attorney's Office –Professional Services

I. Summary of Recommended Action

The proposed resolution requests authorization for the County to engage the services of the Prosecutor's Center for Excellence in order to perform a cyber-security assessment of the District Attorney's Office.

II. Fiscal Implication of Proposal

The cost for the evaluation and assessment is not expected to exceed \$2,000, which is available within our 2023 appropriations.

III. Reasons for Recommendation and Background of Proposal

Cyberattacks can be a critical threat to prosecutors' offices. Our office maintains highly sensitive data that can be stolen and exposed, and a cyber-attack can derail the functioning of our office in an instant. Prosecutors must also be mindful that we have legal and ethical obligations to protect our data. Our office has asked Prosecutors' Center for Excellence (PCE) to assist us in our efforts to address these concerns.

PCE is a national organization that works with prosecutors, in offices of all sizes, to improve the criminal justice system. PCE provides consulting services to prosecutors on a wide variety of issues from full-office assessments to best practices for innovative initiatives. We would like to engage PCE in assessing our technologies and procedures to determine if there may be vulnerabilities in our systems and provide suggestions for improving our cybersecurity and meeting our ethical obligations as they relate to data security.

As PCE is a leader in providing these services and the projected fee for these services amounts to approximately \$2,000, we are respectfully requesting authorization for the waiving of the Administrative Code procedures and allowing for the subsequent issuance of a purchase order for these services.

IV. Consequences of Negative Action

Failure to approve this request will inhibit our ability to unmask potential cyber security vulnerabilities within our office and maintain secure data.

V. Steps Following Approval of Measure

The District Attorney's Office will work with the Division of Budget and Management, Purchasing, Division of Information and Support Services and the Comptroller's Office to implement this proposal.

**RESOLUTION SUBMITTED BY THE
DISTRICT ATTORNEY**

Re: District Attorney's Office – Professional Services

WHEREAS, the District Attorney's Office desires to secure the services of Prosecutors' Center for Excellence to aid our office in assessing our cyber security; and

WHEREAS, the District Attorney's Office seeks authorization to waive Section 19.08 of the Erie County Administrative Code due to impracticality; and

WHEREAS, there are sufficient funds in the 2023 appropriations of the District Attorney's Office;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby waives the procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of performing an assessment of cyber security measures within the District Attorney's Office; and be it further

RESOLVED, that the County Executive is hereby authorized to engage Prosecutors' Center for Excellence for a cyber security assessment of the District Attorney's Office in an amount not to exceed \$2,000; and be it further

RESOLVED, the Erie County Legislature hereby authorizes the Division of Purchase to create all necessary documents to engage the services of Prosecutors' Center for Excellence; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Division of Purchase, and the Erie County Comptroller.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16D-1	COUNTY ATTORNEY	Local Law No. 4 - A Local Law Providing for Public Financial Support for Public Art in the County of Erie Filing
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Attachments

23COMM. 16D-1



EC LEG JUL 18 '23 PM10:30

COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 18, 2023

Via Hand-Delivery

Hon. Robert Graber
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

**Re: Local Law No. 4 A Local Law providing for public financial support for
public art in the County of Erie.
Our File No.: 22-20230010**

Dear Hon. Robert Graber:

Enclosed please find an original of the above-referenced Local Law for filing in your office.

Thank you.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

By: 

Gregory P. Kammer
Assistant County Attorney

GPK/lda
Enclosure

A Public Hearing was held on the foregoing **Local Law Intro. No. 2-2-2023** on **July 5, 2023** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 14th day of **July, 2023**.


Mark C. Poloncarz

A Public Hearing was held on the foregoing **Local Law Intro. No. 2-2-2023** on **July 5, 2023** due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, MARK C. POLONCARZ, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this _____ day of **July, 2023**.

Mark C. Poloncarz

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Erie

Local Law No. 4 of the year 20 23

A local law providing for public financial support for public art in the County of Erie.
(Insert Title)

Be it enacted by the Erie County Legislature of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Erie as follows:

Section 1. Legislative Findings and Intent

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

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

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

(If additional space is needed, attach pages the same size as this sheet, and number each.)

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

Section 2. Funding

Capital projects on buildings that are \$250,000 or greater, whether funded by capital (bonded) funds or operating funds, shall include the appropriation of funds equal to 1% of the cost of the project, with said funds to be appropriated for the acquisition, maintenance and management of public art, except where the appropriating resolution, bond resolution or budget may provide otherwise; provided, however, that, where applicable, such amount shall be reduced to the extent that state funds, federal government funds, and funding derived from water rates, water quality treatment charges, sewer rents and sewage, wastewater and refuse collection charges in the County, are not authorized to be used for such purpose. The maximum allocated for public art shall be \$10,000 from each eligible capital project.

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

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

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

Section 3. Definitions

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

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

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

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

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

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

“Committee” refers to the Arts in Public Places Committee.

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

Section 4. The Arts in Public Places Committee

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

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

C. In addition to the five (5) voting members of the Committee, The County Executive, the Chairperson of the Legislature, the Chairperson of the Legislature’s Community Enrichment

Committee, the Legislature Minority Leader, and the Commissioner of Public Works or their designees, shall serve as ex officio non-voting members of the Committee.

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

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

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

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

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

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

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

Section 5. Master Public Art Plan

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

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

2. The Plan shall make affirmative efforts to be equitable and diverse and to include artists selected for public art projects who are racially and ethnically diverse. The siting of such art projects shall be throughout the County, but with efforts undertaken to place art in areas of diversity.
3. The Plan shall strive to use artists that are County residents.
4. The Plan shall emphasize the importance of adequate compensation of artists.
5. The Plan shall be voted on by the Legislature and presented to the Department of Environment and Planning by May 1st annually.
6. The Committee shall, through the Plan and its acquisition efforts, make efforts to call for artist submissions and publicize the intention to find appropriate art within thirty (30) days of the Plan's approval annually.
7. Final contracts for authorizing public art contracts and hiring of artists are subject to approval by the Erie County Legislature.

Section 6. Effective Date

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

Section 7. Severability

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

Sponsors:

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20_23_ of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on June 22 2023, and was (approved)(~~not approved~~) (repassed after disapproval) by the Erie County Executive and was deemed duly adopted on July 14 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

[Handwritten signature]
7/18/23

(Seal)

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16D-2	DEPARTMENT OF PROBATION	Probation Survey Results
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Attachments

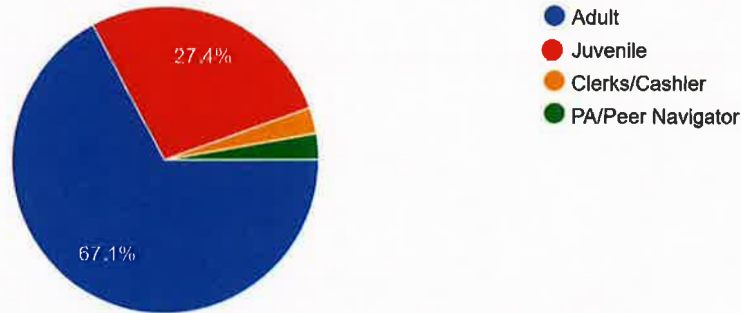
23COMM. 16D-2

Erie County Probation Department

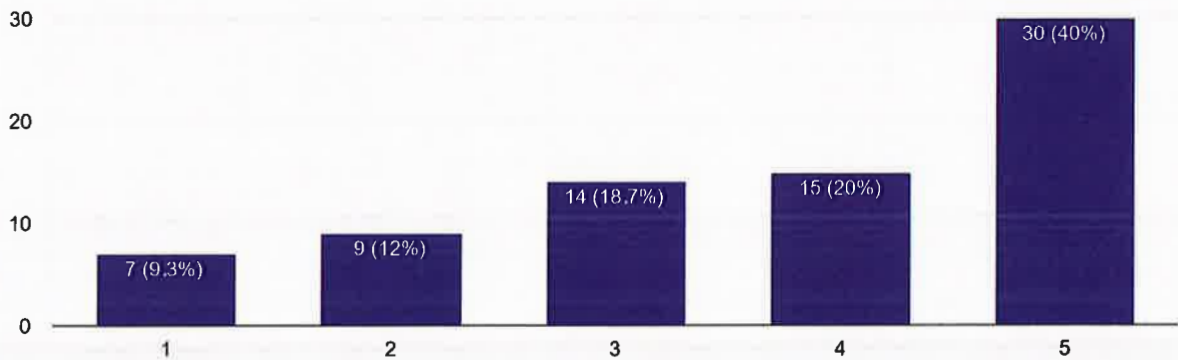
Probation Survey results

please rate your answer with 1 being the worst rating and 5 being the best.

Division
73 responses

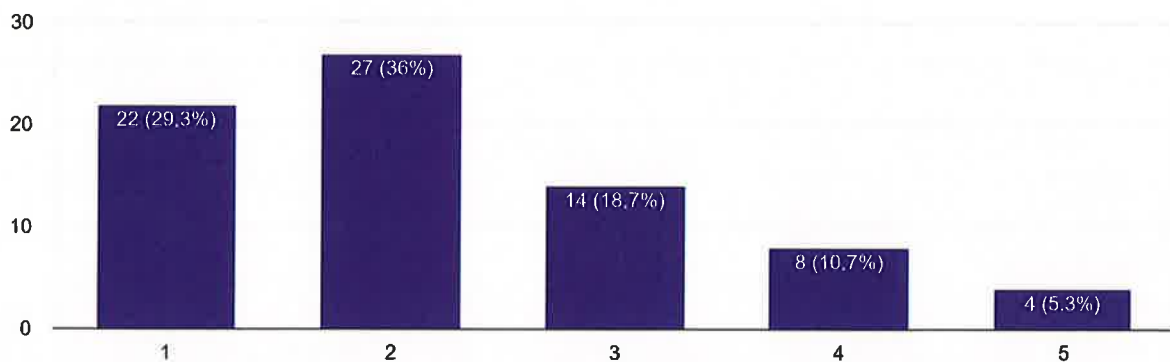


Do you feel that you are supported by your supervisor?
75 responses



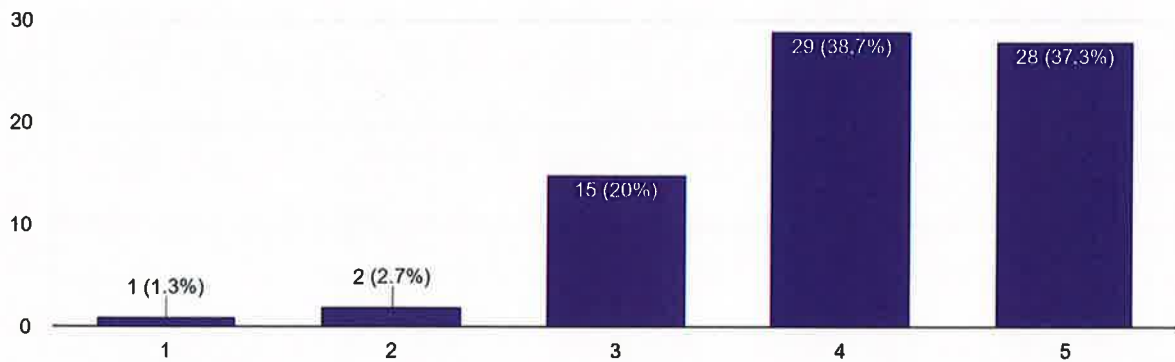
Do you feel that you are supported by probation administration?

75 responses



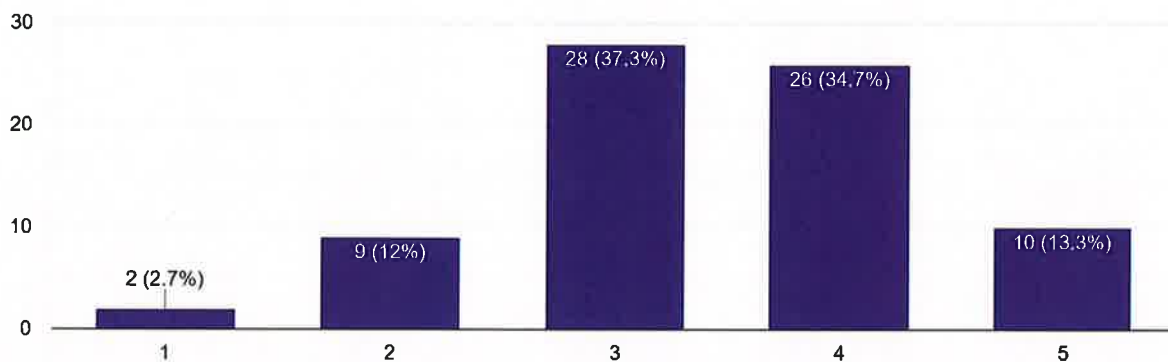
Do you feel that you are supported by your coworkers?

75 responses



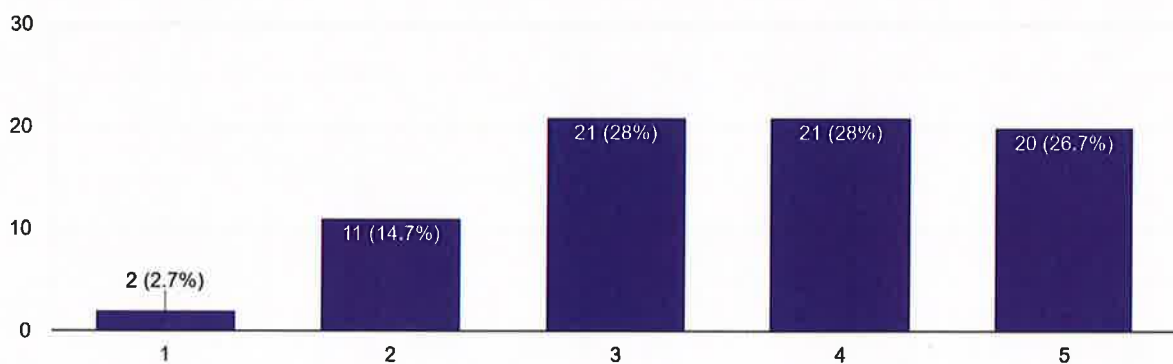
When it comes to performing your job, how confident are you in the tools, trainings and resources you are given to complete the expectation of the job?

75 responses



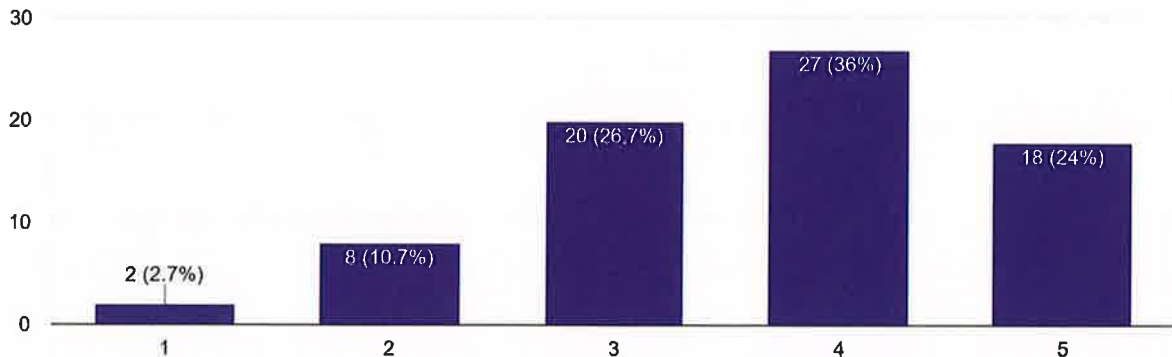
When you are unsure of the next action to be taken, and you seek input from your supervisor or someone at the level of supervisor how satisfied are you with (1) the answer itself?

75 responses



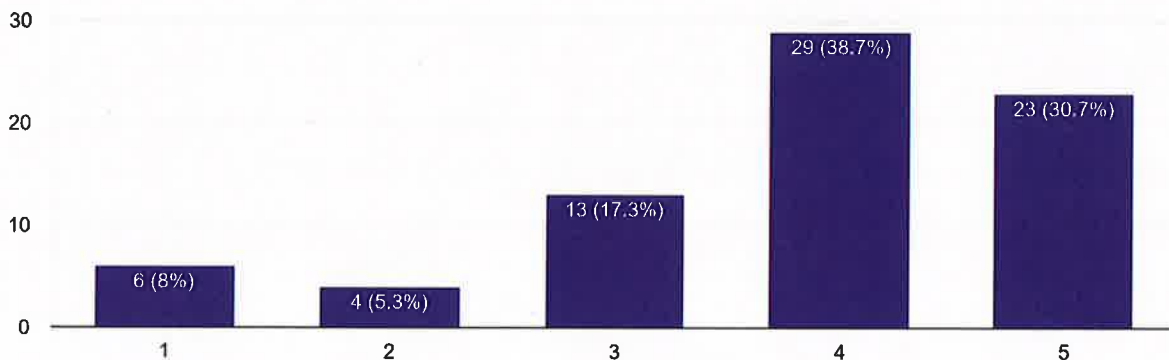
When you are unsure of the next action to be taken, and you seek input from your supervisor or someone at the level of supervisor how satisfied are you with (2) the response time?

75 responses



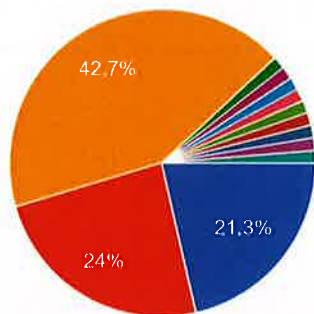
When you are unsure of the next action to be taken, and you seek input from your supervisor or someone at the level of supervisor how satisfied are you with (3) availability of supervisor?

75 responses



Does management clearly communicate performance expectations?

75 responses



- Yes
- No
- Sometimes
- Supervisor does not admin
- Sometimes after an incident, yes!
- I have had ONE performance review i...
- No admin is not specific. Not supervis...
- Yes - direct supervisors, no - admin

▲ 1/2 ▼

-I have had ONE performance review in all my time here (10+ years). I don't care, I don't necessarily want them, but then there's ZERO accountability by higher ups. IT should absolutely be mandatory -- then they can't keep passing over people for supervisory positions based on personal umbrage, esp. in the face of a track history of GOOD performance reviews, etc. If we want to act like "We're a union, we're all one. /No employee is better than another" then we need to be ALL ON THE SAME PAGE when it comes to performance reviews, etc.

-Procedures will often come out with corrections, addendums and corrections through an email which creates confusion.

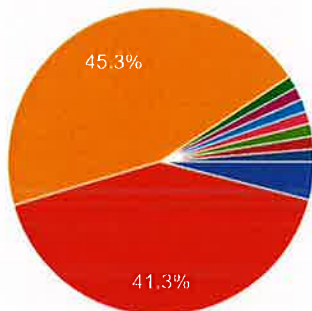
-Supervisor yes the best they can, administration no - better transparency and communication

-Depending on the supervisor expectations are micromanaged just like admin wants.

-supervisor does a good job, admin is inconsistent.

Does management explain the reasons behind decisions made?

75 responses



- Yes
- No
- Sometimes
- Supervisor does not admin
- Many times yes. It is not always any o...
- yeah, it's typically "because michelle s...
- No based on direction from admin
- Yes - direct supervisors, no - admin

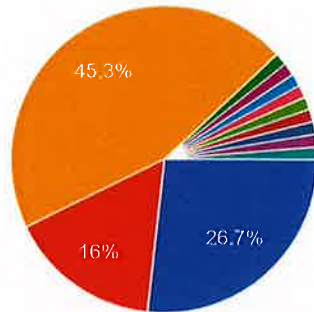
▲ 1/2 ▼

-When they should

-Supervisor do best they can to pass down information even if not clear, somemes admin. does not communicate cleay or provide explanations for decesions.

Do managers handle disagreements professionally?

75 responses



- Yes
 - No
 - Sometimes
 - I'm not sure
 - Some managers handle professionally...
 - Supervisor does not admin
 - Not all do. But some do.
 - Rarely.
- ▲ 1/2 ▼

--no, specifically admin.

-no based on direction from admin.

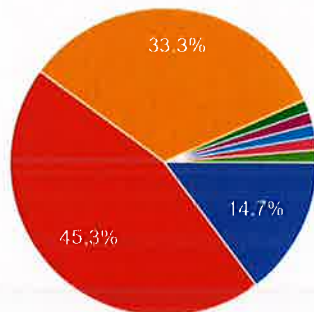
-heck no. The pettiness and backstabbing and rumor mill here is disgusting. And some staff get away w/ HORRIBLE things, yet others are disciplined for "stupid" things.

-have not had any disagreements to base answer on.

-some supervisors complain about employees not being properly trained.

Does your manager explain how the organization's future plans affect you?

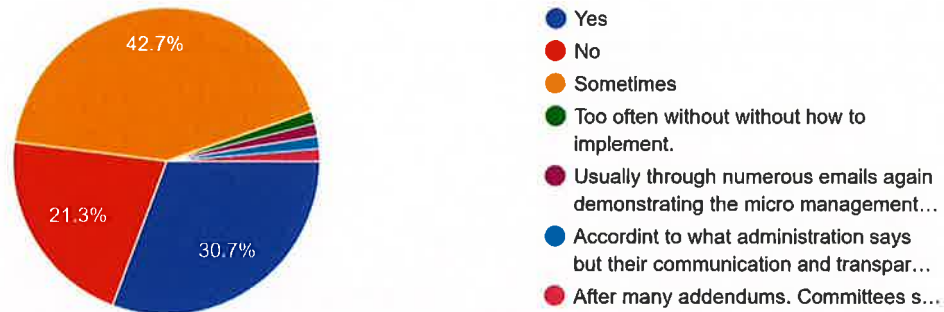
75 responses



- Yes
- No
- Sometimes
- Supervisor does not admin
- No based on direction from admin
- When they can
- According to what administration says but that is usually lacking
- More no than a yes, but not enough for sometimes (middle ground)

Does your manager clearly communicate changes to company policies or benefit?

75 responses



--after many addendums, committees should be handling necessary policies, not admin by themselves.

-usually through numerous emails again demonstrating the micro management of our admin to make changes that make no sense to the staff performing the actual task at hand.

IN THIS SECTION, I REMOVED NAMES & PRONOUNS, I *ITALIZED* WHAT I CHANGED.

What are the three things you would like to improve in this organization?

1. Better communication, being asked for input on development of policy, being supported by administration.
2. Organization, training, administrative support
3. Morale, Support, Consistency
4. Morale. Less time developing policies & more time actually supporting staff (ie actually have our backs w EC, BPD, actually making POSITIVE statements about us in the press etc). More vehicles.
5. More support for workers and less implementation of training courses and policies that serve no purpose than, for lack of a better term, "to cover our asses"- in case the state investigates or audits. Implement a mechanism whereby officers who want to complain about the performance of other officers may do so- anonymously, as ultimately some of these deficiencies are safety issues.
6. More department vehicles, more OT, officers dedicated solely to training.
7. Support from administration, fair job duties, morale
8. Morale, administration support, consistency
9. Training Transparency Fairness

10. An attempt to make job responsibilities more equal/ a realistic evaluation of job duties/ clear expectations of positions and if they are posted or not.
11. Morale, gossip, support
12. Recognition of what you do and you are working out of title, paid for grade level of work, a union that moves quicker to responses
13. Administration's backing and support
14. Consistency and thorough training for new employees. Bring back and train with adequate leadership the warrant squad. A real defensive tactics program.
15. More vehicles, tasers for all officers, less micromanagement from admin where everyone can be trusted.
16. Administration having our backs. Less emails from Michelle, delegate more. More OT
17. morale, supervisor/admin being tough when state makes us do stupid things, not being denied overtime on purpose when others in the same Civil Service class/job title are granted overtime.
18. reasons for constant trainings and why is everything always seem so secretive
19. 1. Training for new office IT products.. like micro soft 360, Webex features, software gets updated and deployed. we are left to figure it out. As result we don't get the benefit of all the things that can make our work easier. 2. Safety for field work... equipment and training. 3. Improved communication across the department...too many rumors, gossip, when it's not necessary.
20. 1. No more being "voluntold" to do something. 2. Morale. There should be more positivity by staff and administrators. That can happen if staff feel like they're backed by administration. 3. Staff really need to look at themselves as well. There seems to be a lack of work ethic in some.
21. Administration support, minus the micromanaging, trust that I can handle my caseload unless I've shown you otherwise. Supervisors who are not afraid to rock the boat, I know it's the right thing to do, they know it's the right thing but afraid it won't be supported by administrators, bring it to the administrators attention maybe it's something they overlooked.
22. More training, while I love knowing about community agencies, training should include daily task we complete as probation officers.: 1. Knowledge of basic supervision for those in administrative staff, they seem out of touch 2. Employee morale needs to be increased because it's in the toilet 3. Chain of command needs to be adhered to
23. Set job performance standards for ALL, supervisor availability, workload size.
24. Morale. Confidence in Administration. Support from Administration.
25. Lack of communication. All the supervisors being on the same page in regard to expectations. Feeling more support from administration.
26. Morale and professionalism
27. Learn how to utilize all the benefits available to me Pay Make Flex Time available
28. Need more staff, more training
29. Cross training, supervisor assistance and to work as a team
30. Teamwork, equity/balance of cases, overtime
31. Consistency
32. Feeling of administration not having our back, lack of advice when needed in regard to cases from supervisors, slow response time to grade PRCRs

33. 1) Communication - that we are being heard and positive changes are made; 2) Support - to know that we as officers have the full support of our supervisors and administrative staff 3) To be valued and appreciated for the work we do - we are constantly expected to do more and more, there is a new policy with 10 revisions seemingly every day. When was the last time we were asked to do less? Trick question, the answer is never.

34. morale

35. 1. Technology, 2. delegation of responsibility/duties: specifically more help from support staff, 3. morale/support of staff by administration
allow a work from home situation based on MERIT - not a system wide 1-day-per-week, but why not evaluate each INDIVIDUAL employee based on their work load, turnaround time, dependability, etc --- let our own personal professional history play a part in whether we can be "trusted" to work from home more than one day per week. We get so few "rewards" here, so it would be nice if FINALLY there was something for trustworthy, dependable workers to have something to WORK towards and get a "perk" for once. nothing in the union policy says it has to be a universal, department-wide decision and there is ZERO REASON I have to be physically in this god forsaken office 4 days a week and commuting through winter weather. UGH. -----
----- I think supervisors hands are tied with how much they can manage their own staff, b/c they are themselves micromanaged and hesitate to give firm , confident answers about tricky questions b/c there's always the ACCOUNTABILTY that comes in from the top of the organization. ----- when people screw up, even supervisors, they need to be held to action . *Supervisor* behaves inappropriately with coworkers, has a relationship with a probationer, skips town, leaves the office without notice, leaves *their* staff hanging --- *supervisor* is supposed to be a backup supervisor for other staff too and STILL leaves them hanging and no-shows or doesn't respond back to staff in a timely manner. It's laughable that supervisor is in their position and still HOLDS *their* position despite having MULTIPLE issues in the short time they been supervisor. The rest of us see this, see how STUPID issues are micromanaged by administration , and yet major issues like the one plaguing supervisor are completely unaddressed (or so it seems to the majority of us)

36. Morale, more training, SUPPORT OF ADMINISTRATION!!!

37. Communication, reliability, designated mentors

38. Consistency in the way work (paperwork) gets done. Staff attitudes/appearance.

Professionalism.

39. communication, being used adequately in my position

40. Support from admin, cohesion across the dept

41. Nothing at this time

42. More transparency. Trainers that are QUALIFIED (not talking about firearms either) overtime for PSI people

43. Administration should listen to employees versus always siding with supervisors. Administration needs to be trained in trauma informed care and implement trauma informed strategies with employees. Yearly performance reviews for all employees.

44. the micromanaging needs to stop, not listening to us and blowing off our concerns, and the desire to find fault with everything we do.

45. Proper equipment issued (cells, computers, radios, phone system, email, etc...)and actually working, Administration to consider Officer's opinions on matters(Officers are the ones with real time knowledge ie: issues with dispatch, more staff as caseloads are to large considering all the requirements.

46. Communication between admin and non admin, morale, less micro management from admin

47. Having more vehicles- more grants for free equipment could be utilized-more overtime

48. More communication with administration, Morale within the department, 4 day work weeks. Administration support, to not punish officers for the probationers actions when they don't want to follow up with conditions of probation, not making officers responsible for the decisions the probationers make.

49. 1. Written procedures for responsibilities for officers in "specialized" units. Not relying on unwritten directives or expectations as those change depending upon the supervisor. 2. Individual Supervision - especially for new officers. 3. More opportunities for more overtime/flexibility. Especially for specialized units that cover the entire county and are involved with collaborating with other entities or carrying out additional responsibilities/job duties due to being in a specialized unit or tasked with additional duties.

50. Communication. Request information from the staff that performs the task in question rather than just make rules and changes that ultimately make our job way more difficult and leave us to wonder "who and what the hell are they thinking". Administration to support PO 's and stop being so negative. The current administration is perceived to be "out to get everyone". They are reactive as opposed to proactive. They micro manage everything while making us feel like our hands are tied. They appear so far removed from the actual day to day dealings with probationers and seem to forget that we are not social workers. Yes, we are there to attempt to guide people and offer suggestions/solutions, but the Court has handed them conditions and ultimately the probationer abides by them or they don't. Those that don't will have a VOP filed and let the Judge determine the outcome. Having to give a file to a supervisor for review before a VOP can be filed is yet another way the Administration is micro managing and viewed by PO's as ridiculous. Administration and supervisors should be confident in the PO's decision process when determining if a VOP should or should not be filed. Supervision needs to stop documenting on CE events derogatory comments about the way a case is being handled and discuss with PO directly. The lack of support by Supervisors and Administration leaves the PO's second guessing themselves and their performance which in this line of work should not be happening.

51. Communication, respect, autonomy

52. Better training which would include being assigned a mentor when assigned to a position or a new position. Consistency across supervisors regarding job expectations. Supervisors should be trained on leadership skills and the need to adjust their style according to the needs of those they supervise.

53. Morale - i.e. support from administration and communication; more flexibility with work shift/location and more OT - hard to do our job 9-5 and 2 hrs ot - better work/life balance; better tools/training - more range time, heart plates for everyone, more vehicles, etc.

54. Support from administration, having a supervisor that works in our field and has the knowledge of the duties, therefore they are able to assist when needed. Stronger communication from administrators.

55. Hold quarterly (at least) full staff meetings for better communication Have a senior probation officer position and/or have a pay differential when tasked to train new staff. And have a committed group of staff as a training team. Have an annual full day staff retreat/conference

56. 1. Please stop inundating us with new and updated policies. If that is not possible, please be sure that we are given proper workload reductions in order to have sufficient time to properly learn and execute the new policies. Feedback from Probation Officers and Supervisors should be sought out prior to the establishment of a new policy. Requesting and LISTENING to feedback would eliminate the numerous addendums of policy that are an inefficient use of staff time. 2. Have administration trained in the use of Principled Policing and Trauma Informed Care. It seems that staff is expected to follow the aforementioned principles, but administration is not. Staff should be treated with the same fairness and compassion that Officers are expected to use with their caseloads, however, the staff is consistently treated harshly. This disjuncture is a significant cause of the poor morale in the department, as the current administration seems to function as a "do as I say, not what I do" policy. For example, instead of addressing issues with the proper execution of policy, this administration seems to focus on disciplinary actions. This needs to change as it is not addressing the cause of the problem (see #1 for one possible cause). Inconsistencies in discipline are also concerning. For example, a PO was suspended for violating the Covid policy (*ADMINISTRATION* did not believe the PO when that PO said they were asymptomatic and took the test as a precaution). However, some time later that *SAME PERSON C* came to work with Covid! Ironically the *SAME PERSON* taught "Ethics" at Fundamentals a few weeks later. Another example of inconsistent discipline is that a Supervisor and a PO was suspended after a use of force incident. Weeks later a similar incident occurred and the Supervisor of that PO was barely questioned. These examples demonstrate that the level of communication between administration and line staff is extremely poor. This administration is not approachable, has never requested feedback, and is hostile to any opinion that differs from theirs. This self-righteous behavior is toxic as it appears that the administration does not have any respect for its' staff. 3. In an effort to improve communication with staff, more transparency is needed regarding what is expected for staff to be promoted. This administration has hired a PPO and Supervisors who had little or no experience for the promotional job. They were hired despite qualified and more experienced candidates being available. Possibly these candidates were hired because they were more agreeable than other candidates, since this administration does not tolerate opinions that are different from their own. Or perhaps because they do not have school aged children, as work/life balance is not a priority for this administration, as evidenced by the lack of shift flexibility, denial of the 10 days shift, and the aggressive removal of the work from home days. It is clear that doing extra for the department does not seem to help one get promoted.

57. New management that does things to support us, improve our ability to do our jobs, create more job satisfaction. POs feel like management is out to get them. We don't get enough support to do our jobs. Giving us a policy to read and send back our signature is not adequate training, and clearly only serves to give management a "gotcha" opportunity if there's an issue with a case. There is not enough time to meet expectations and the culture is for everyone to do their best to "cover your ass". POs used to enjoy their work, many are stressed and hate our jobs now.

58. Supervisors who are leaders, problem solvers, and who support their staff. My supervisor is not an advocate for me nor a support. Almost every issue that arises is either put on me, or someone else, my supervisor does not handle issues that seem out of my scope unless directed by their superior. I bring issues to supervisors and am told that it's simply how things have always been and will always be. My coworkers are infinitely more helpful than any supervisor, I don't really know what the point of having supervisors here is except to sign certain documents. Focusing on actually achieving goals and implementing trainings we are directed to participate in - why do I have to sit through trauma informed care training, collaborative case works training, training related to LGBTQ+ issues, interactive journaling training when the department does not operate in a way that allows me to effectively implement these (no time/appropriate setting to implement cognitive behavioral interventions), supervisors use slurs commonly used against LGBTQ individuals and developmentally disabled people, supervisors say things about kids like "oh well they'll be dead in 6 months anyway". Officers are given unrealistic expectations that are not supported by supervisors or management. These trainings I mentioned are important, research supported, and would be useful if we were actually supported in utilizing them properly - instead, it seems like we're just checking boxes to say we do something we don't actually do the right or effective way. Probation's participation and implementation with these matters is only performative at this point, they're not being implemented due to lack of support from management.

60. Supervisors providing clear and decisive guidance. Training on how to engage with probationers when they are in crisis. Expansion of work from home days.

61. Dept issued cell phones

62. A bit more training/attention by supervisors or designated mentors when transitioning to new roles/positions.

63. Providing answers to concerns

64. Real life training for DT and Firearms; a better way than email to communicate policy changes; less micromanaging

65. Rapport

66. I always thought it would be a good idea to have a peer review of things before they are decided upon in admin. Such as where new hires are placed or who might be picked for established positions. We know our coworkers, we know who we think would do well in those positions, often we hear of a position posted and no one who put in for it gets it and they plunk in a new hire instead. Why put it out there and then not give it to someone that wanted it? There is also never an explanation for things. More transparency would certainly help with morale, we may not like why admin does something but at least we'd know why they did it.

67. 1. Officer Safety 2. Morale 3. Department organization We need: • less concern for how we can save/make the county money and more concern on getting what we need to effectively meet department and dcjs requirements • acknowledgement of the impossible workloads created by an abundance of new requirements across the board and action from administration to address and correct the issue. • more inter agency cooperation and collaboration • for concerns to actually be taken seriously and appropriately addressed • Transparency

68. More OT; Basic supplies; Access to sites that document addresses or income Communication, Unrealistic expectations,

69. 1) More consideration given to provide POs and staff with a more manageable/positive workplace, in contrast with a what appears to be a singular focus of passing down directives and mandates from DCJS. 2) When addressing mistakes by staff/shortfalls in work productivity it would be better for organization morale to provide staff with the benefit of the doubt or approach with a neutral position instead of an accusatory mindset of guilt. 3) There seems to be new policies being sent down fairly often from administration, it is not unnoticed by staff and with so many new policies being sent down on a consistent basis it simply is not realistic that staff are paying full attention to them any longer. In addition, when so many things are labeled "important", it tends weaken the desired effect of attracting attention to something that is actually important.

70. I will state four things; favoritism shown amongst certain staff, the level of communication, support from supervisors and administration, and training and proper preparation to carry out daily duties along with new task/duties.

1. Direct communication if issues/concerns arises with work performance. 2. Employee Appreciation Events- Schedule mandatory sign up events (bowling, Escape Room, Laser Tron, Canvas Painting, etc....) hosted by Probation. 3. Relaxing Area- an area is needed for employees to go to relax/recharge before tackling another task. Snacks Vending Machine is needed in building (1 Niagara) to help with stressful days.

71. Leadership should have Empathy. Leadership should not show favoritism to any person, unit, or division. Performance evaluations so that individuals know what they are doing well and what needs to be improved upon - plus it is county policy so it shouldn't be ignored (that would not be a good precedent)

72. Trust from Administration,

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16D-3	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County
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Attachments

23COMM. 16D-3



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

MEMORANDUM

JCT/dld

TO: Robert M. Graber, Clerk, Erie County Legislature

FROM: Jeremy C. Toth, Erie County Attorney

DATE: August 1, 2023

RE: Transmittal of New Claims Against Erie County

Mr. Graber:

In accordance with the Resolution passed by the Erie County Legislature on June 25, 1987 (Int. 13-14), attached please find eleven (11) new claims brought against the County of Erie. The claims are as follows:

Claim Name

1. Taina Betancourt v. County of Erie, et al.;
2. Zakkiyya Carter v. ECDSS, et al.;
3. Elderwood at Grand Island v. Marie Cannon;
4. Eugene Boice v. County of Erie, et al.;
5. Daniel & Maureen Fink v. County of Erie, et al.;
6. Vonda Moore v. County of Erie;
7. LouVerna Woods/Ronald Lawson, Jr. v. Marie Cannon, et al.;
8. Virginia Nowicki v. County of Erie, et al.;
9. Kia Walker v. County of Erie, et al.;
10. Sana Ansari v. County of Erie, et al.; and
11. Virginia Roberts v. County of Erie, et al.

JCT:dld
Attachments



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 14, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

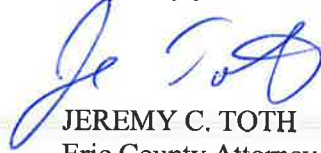
Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Betancourt, Taina S. v. Town of Amherst, County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Taina S. Betancourt 22 Claremont Avenue Tonawanda, New York 14223
Claimant's attorney:	Thomas M. Mercure, Esq. Lipsitz Green Scime Cambria LLP 42 Delaware Avenue, Suite 120 Buffalo, New York 14202-3924

Should you have any questions, please call.

Very truly yours,


JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

In the Matter of the Claim of

TAINA S. BETANCOURT

Claimant,

-against-

TOWN OF AMHERST,
TOWN OF AMHERST
HIGHWAY DEPARTMENT,
COUNTY OF ERIE and
ERIE COUNTY DEPARTMENT
OF PUBLIC WORKS DIVISION
OF HIGHWAYS

Respondents

TO: TOWN OF AMHERST
Amherst Municipal Building
5583 Main Street
Williamsville, NY 14221

TOWN OF AMHERST
HIGHWAY DEPARTMENT
1042 North Forest Road
Williamsville, NY 14221

COUNTY OF ERIE
Edward A. Rath County Office Building
95 Franklin Street, 16th Floor
Buffalo, NY 14202

ERIE COUNTY DEPARTMENT OF
PUBLIC WORKS DIVISION OF HIGHWAYS
95 Franklin Street, 14th Floor
Buffalo, NY 14202

PLEASE TAKE NOTICE, that TAINA S. BETANCOURT, has and hereby makes claim against TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT, COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, and in support of said claim states the following:

1. The Post Office address of the claimant is 22 Claremont Avenue, Tonawanda, NY 14223.

This paper received at the
Erie County Attorney's Office
from Giamy Bevilacqua
the 13th day of May, 2023
at 2:45 a.m./p.m.
[Signature]
Assistant County Attorney

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from _____ on
the _____ day of _____, 20____
at _____ a.m./p.m.

Assistant County Attorney

2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.

3. The claim of TAINA S. BETANCOURT is for personal injuries, including without limitation, loss of income, medical expenses and for consequential damages generally.

4. The claim arose at or near 1590 Sweet Home Road, approximately 665 feet south of Chestnut Ridge Road, both highways and thoroughfares located in the Town of Amherst, County of Erie and State of New York.

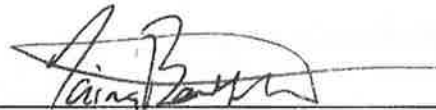
5. The claim arose in substance as follows: On the 2nd day of March, 2023 at approximately 3:30 a.m., the claimant, TAINA S. BETANCOURT, while traveling on her skateboard in a northly direction on Sweet Home Road, was caused to be struck by a motor vehicle, resulting in serious injuries to the claimant, including, but not limited to, critical head injuries, subdural hematomas, loss of consciousness and multiple abrasions. A copy of the Police Accident Report is attached as Exhibit A.

6. Upon information and belief, the incident herein described and the resultant injuries and damages sustained were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of the agents, servants and/or employees of TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY DEPARTMENT, COUNTY OF ERIE and ERIE COUNTY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS, and more particularly, among other things, in failing and omitting to install proper street lighting on the east side of Sweet Home Road near the aforesaid location for the northbound lanes and failing to properly remove snow and ice from the designated northbound bicycle lane along the east shoulder of Sweet Home Road, furthermore, the incident and resultant injuries and damages were caused by those and other acts and omissions of the agents, and/or employees of TOWN OF AMHERST, TOWN OF AMHERST HIGHWAY

sustained injuries in the nature of critical head injuries. Upon information and belief, these injuries will result in permanent defects.

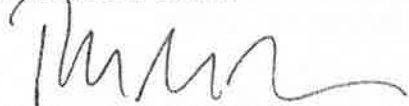
WHEREFORE, claimant requests that TOWN OF AMHERST and TOWN OF AMHERST HIGHWAY DEPARTMENT honor and pay the claim on behalf of TAINA S. BETANCOURT.

DATED: Buffalo, New York
April 19, 2023



TAINA S. BETANCOURT

LIPSITZ GREEN SCIME CAMBRIA LLP



By: _____
THOMAS M. MERCURE, ESQ.

Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[TMM: #72250.0001]

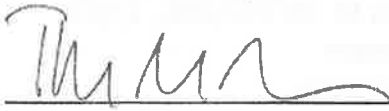
STATE OF NEW YORK)
) SS.:
COUNTY OF ERIE)

TAINA S. BETANCOURT, being duly sworn deposes and says that she is the claimant above named; and makes this claim on behalf of self; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.



TAINA S. BETANCOURT

Sworn to before me on this
19th day of April, 2023.



Notary Public

THOMAS M. MERCURE
Notary Public State of New York
License No. 021-ES074150
Qualified in Erie County
My Commission Expires March 17, 2027



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 22, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Carter, Zakkiyya v. Erie County Department of Social Services, et al.</i>
Document Received:	Summons and Complaint
Name of Claimant:	Zakkiyya Carter 45 Ward Park Grand Island, New York 14072
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

Supreme Court COURT OF THE STATE OF NEW YORK
Insert name of Court
COUNTY OF ERIE

CERTIFIED

ZAKKIYYA CARTER

(Names of Plaintiff(s)/Petitioner(s))

VS

DEPARTMENT OF SOCIAL SERVICES

(Names of Defendant(s)/Respondent(s))

Summons

Index No. 807328/2023

To the Person(s) Named as Defendant(s) Above:

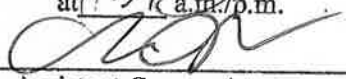
PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint of the plaintiff(s) herein and to serve a copy of your answer on the plaintiff(s) at the address indicated below within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

Dated: 15 ~~JUNE 2ND~~ 20 23
(Date of Summons)

ZAKKIYYA CARTER
(Plaintiff(s) name - person bringing on lawsuit)
45 WARD PARK
(Plaintiff(s) street address)
GRAND ISLAND NY 14072
(Plaintiff(s) city, state, zip)
716-866-4856
(Plaintiff(s) telephone no.)

DEPARTMENT OF SOCIAL SERVICES
(Defendant(s) name - person(s) sued)
158 PEARL STREET
(Defendant(s) street address)
BUFFALO, NY 14202
(Defendant(s) city, state, zip)

This paper received at the
Erie County Attorney's Office
from Debra Brenner on
the 21 day of June, 2023
at 1:57 a.m./p.m.

Assistant County Attorney

Venue: Plaintiff(s) designate(s) ERIE County as the place of trial. The basis of this designation is: (Enter County above; then select one category below, listing specific County)

- Plaintiff(s)' Residence in _____ County.
- Defendant(s)' Residence in ERIE County.
- Other -- Describe: _____

NOTE: THIS FORM OF SUMMONS MUST BE SERVED WITH A COMPLAINT

SUPREME COURT OF THE STATE OF NEW YORK
Insert Name of Court
COUNTY OF ERIE

Reset Form

-----X

Zakkiyya Carter

Plaintiff,

Index No. _____/20__

- against -

COMPLAINT

Erie County Department of Social Services

Defendant.

-----X

TO THE SUPREME COURT OF THE STATE OF NEW YORK
Insert Name of Court

The complaint of the plaintiff, Zakkiyya Carter, respectfully
Insert Your Name

shows and alleges as follows:

1. At all herein mentioned, Plaintiff Carter is and was a resident of the County of Erie and the State of New York.
2. At all relevant times herein, Defendant, Erie County Department of Social Services was a governmental agency, organized and existing pursuant to the laws of the State of New York. Defendant, DSS has a prinipal place of business at 158 Pearl Street, Buffalo New York 14202.
3. Plaintiff Carter was qualifying resident to obtain services provided by the Defendant, DSS and their agents, servants, repretatives and or/employees. Beginning in the month of July 2022 until October 17, 2022, Plaintiff Carter had made several attempts to have services rendered from the Defendants, DSS and their agents, servants, repretatives and or/employees.
4. Upon information and belief, Defendants and their agents, servants, representatives and or/employees had a duty and obligation to abide the New York State Social Service law and the State Laws of New York.
5. As a result of their negligence, Plaintiff Carter sustained mental anguish, pain and suffering, emotional distress and punitive damages which exceed the

jurisdictional limits of all lower courts which would otherwise have jurisdiction of this action.

6. On or about April 25, 2023, Plaintiff Carter won a Fair Hearing Decision that was conducted on April 20, 2023 against the Defendants, DSS and their agents, servants representatives and or/employees. Plaintiff Carter was scheduled for an extension in reference to her Shelter Placement where she believes acts of retaliation have commenced. Plaintiff Carter had a change in her Shelter Placement agreement that conflicted the Fair Hearing Decision.

7. Upon information and belief, the Defendants and their servants, agents, representatives and or/employees had a duty and obligation to abide the outlines of the Fair Hearing Decision.

8. As a result of the foregoing negligence and unlawful acts of the Defendants and their agents, servants, and or/employees, Plaintiff Carter sustained Seperation anxiety, mental anguish, emotional distress and punitive damages which exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this action.

9. On May 15, 2023 a Notice Of Claim was duly and properly served upon the above named Defendants, pursuant to an Order of Erie County Supreme Court.

10. The Plaintiff, Carter, has in all respects, complied with the relevant provisions of the General Municipal Law and the Order of Erie County Supreme Court.

WHEREFORE, Plaintiff Carter, does hereby demand judgment against Defendant, DSS in an amount to be determined by a jury, upon trial of this action: together with the costs and disbursements of this action.

STOP DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY

Dated: June 15, 2023

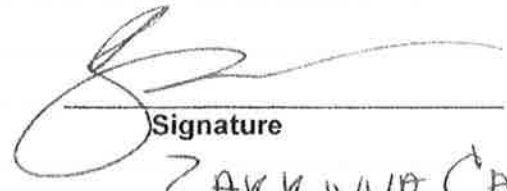


Plaintiff

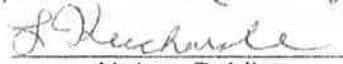
VERIFICATION

Zakkiya Carter, being duly sworn, deposes and says:

I am the plaintiff in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true.



Signature
ZAKKIYA CARTER
Print Name

Sworn to before me this
15th day of June 2023


Notary Public

LISA KUCHARSKI
COMMISSIONER OF DEEDS
IN & FOR THE CITY OF BUFFALO,
COUNTY OF ERIE, STATE OF NEW YORK
TERM EXPIRES 12/31/2024



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 23, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

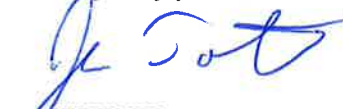
Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Elderwood at Grand Island v. Marie Cannon, Commissioner of ECDSS</i>
Document Received:	Summons and Complaint
Name of Claimant:	Elderwood at Grand Island
Claimant's attorney:	Mark Yosef, Esq. Schwartz Sladkus Reich Greenberg Atlas LLP 444 Madison Avenue, 6th Floor New York, New York 10022

Should you have any questions, please call.

Very truly yours,


JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE**

ELDERWOOD AT CHEEKTOWAGA,

Plaintiff,
-against-

MARIE CANNON, AS COMMISSIONER OF THE
ERIE COUNTY DEPARTMENT OF SOCIAL
SERVICES,

Defendant.

Index No:

SUMMONS

The basis of venue:
County of Defendant Agency

TO THE ABOVE-NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED TO ANSWER THE COMPLAINT IN THIS ACTION AND TO SERVE A COPY OF YOUR ANSWER ON PLAINTIFF'S ATTORNEYS. IF THIS SUMMONS IS SERVED BY ITS DELIVERY TO YOU PERSONALLY WITHIN THE COUNTY SHOWN ABOVE, YOU MUST ANSWER WITHIN TWENTY (20) DAYS AFTER SUCH SERVICE; OR IF THIS SUMMONS IS SERVED BY DELIVERY TO ANY PERSON OTHER THAN YOU PERSONALLY OR IS SERVED OUTSIDE THE COUNTY SHOWN ABOVE, OR BY PUBLICATION, OR BY ANY MEANS OTHER THAN PERSONAL DELIVERY TO YOU WITHIN THE COUNTY SHOWN ABOVE, YOU ARE ALLOWED THIRTY (30) DAYS AFTER THE PROOF OF SERVICE THEREOF IS FILED WITH THE CLERK OF THIS COURT TO ANSWER. UPON YOUR FAILURE TO ANSWER, JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT, TOGETHER WITH COSTS OF THIS ACTION.

DATED: New York, New York
November 28, 2022

SCHWARTZ SLADKUS REICH
GREENBERG ATLAS LLP



By: _____
Mark Yosef
Attorneys for Plaintiff
444 Madison Avenue, 6th Floor
New York, New York 10022
(212) 743-7054

TO:
Marie Cannon, Commissioner
Erie County Department of Social Services
95 Franklin Street
Buffalo, New York 14202

Michael Siragusa
Erie County Attorney
Department of Law
Edward A. Rath County Office Building
95 Franklin Street, Rm 1634
Buffalo, New York 14202

Erie County Department of Social Services
Office of Counsel
95 Franklin Street
Buffalo, New York 14202

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

ELDERWOOD AT CHEEKTOWAGA,

Plaintiff,

-against-

MARIE CANNON, AS COMMISSIONER OF THE
ERIE COUNTY DEPARTMENT OF SOCIAL
SERVICES,

Defendant.

Index No.

VERIFIED COMPLAINT

Plaintiff ELDERWOOD AT CHEEKTOWAGA (“ELDERWOOD”), by its attorneys Schwartz Sladkus Reich Greenberg Atlas LLP, as and for its complaint, alleges as follows:

NATURE OF PROCEEDING AND PARTIES

1. This is an action for a declaratory judgment under CPLR § 3001 that one of Elderwood’s former nursing home residents, Mary Ann Gasiiecki, was eligible for nursing home (chronic care) medical assistance under the Social Services Law (“Medicaid”) for amounts owed to Elderwood for the period from February 1, 2018 through May 26, 2019.

2. Plaintiff Elderwood at Cheektowaga is a corporation organized under the laws of the state of New York having its principal offices at 225 Bennett Road, Cheektowaga, NY 14227. Elderwood is a nursing home facility that operated under the name “ELDERWOOD AT CHEEKTOWAGA” serving a largely elderly population in Erie County.

3. Defendant Marie Cannon is the Commissioner of the Erie County Department of Social Services (the “ECDSS” or “the Agency”), which is the agency responsible for determining Mary Ann Gasiiecki’s eligibility for Medicaid.

FACTS

4. Mary Ann Gasiiecki was admitted to Elderwood on February 1, 2018.
5. A Medicaid application dated May 22, 2018 was submitted to ECDSS on Mary Ann Gasiiecki's behalf, by her son, Daniel Gasiiecki with the assistance of Cheektowaga Senior Services seeking a Medicaid pickup date of February 1, 2018
6. On June 25, 2018, ECDSS determined Mary Gasiiecki's application was not completed and stated certain documents were to be provided by July 10, 2018.
7. On September 25, 2018 ECDSS determined Mary Gasiiecki's application was not completed and certain documents must be provided by October 18, 2018.
8. On October 18, 2018, ECDSS issued a denial for failure to submit personal needs account with facility, a certain financial transaction from Citizens bank and Life insurance policy.
9. Upon information and belief, ECDSS did not make reasonable efforts to obtain the information on its own.
10. The Erie County Department of Social Services improperly denied Mary Ann Gasiiecki's May 22, 2018 Medicaid application on October 18, 2018 in its Notice of Decision on Ms. Gasiiecki's Medicaid application.
11. A fair hearing was requested by Mary Ann Gasiiecki's son and power of attorney Daniel Gasiiecki.
12. On December 11, 2018, a fair hearing was requested by Daniel Gasiiecki NYS Fair Hearing (FH # 7877497Z) to contest the Notice Of Denial dated October 18, 2018. The decision after Fair Hearing dated July 5, 2019 determined that the Agency's decision was correct. The hearing concluded that Daniel Gasiiecki did not have good cause for failure to provide requested

documentation. Nothing in the fair hearing decision address the underlying financial eligibility of Ms. Gasiiecki. Rather, the decision hinged on whether Daniel Gasiiecki provided documentation timely. See Exhibit "A" Fair Hearing Decision.

13. Plaintiff never appeared on Ms. Gasiiecki's behalf administratively as her son and POA Daniel Gasiiecki was the representative.

14. Mary Ann Gasiiecki died on May 27, 2019.

15. After Mary Ann Gasiiecki died, Plaintiff filed an estate proceeding to be able to obtain authorization to gather documentation to prove Ms. Gasiiecki's eligibility.

16. On March 6, 2020, the Public Administrator of Erie County was granted Letters of Administration for Ms. Gasiiecki's estate. Thereafter, Plaintiff's attorneys obtained authorization to obtain documentation.

17. Plaintiff's law firm has obtained the requisite documentation to prove Ms. Gasiiecki's Medicaid eligibility and she was and should be declared eligible for Medicaid. However, ECDSS has refused to reopen the case.

18. Despite this decision, the fact remains that Mary Ann Gasiiecki was and is eligible for Medicaid Nursing Home Chronic Care Services.

CAUSE OF ACTION

19. Elderwood has standing to bring this plenary action in its own right against defendant, as Commissioner of the Department of Social Services, as Elderwood will receive the Medicaid payments to which Mary Ann Gasiiecki was and is legally entitled, but which were denied to her.

20. Elderwood requires and is entitled to a declaratory judgment that Mary Ann Gasiiecki was eligible for Chronic Care nursing home Medicaid eligibility for the period from

February 1, 2018 through May 26, 2019 with respect to the care, treatment, room and board that Elderwood provided to Ms. Gasiiecki during that period, as her eligibility is established; and that Medicaid shall pay the amount due for the eligibility as Elderwood has been left with an outstanding balance for a former resident who was Medicaid eligible.

WHEREFORE, Elderwood demands judgment declaring that Mary Ann Gasiiecki is eligible for Chronic Care nursing home Medicaid coverage for the period from February 1, 2018 through May 26, 2019, with respect to the care, treatment, room and board that Elderwood provided to Ms. Gasiiecki during that period, such other and further relief as shall appear just and proper.

Dated: New York, New York
November 28, 2022

SCHWARTZSLADKUSREICH
GREENBERGATLASLLP

By: 

Mark Yosef
Attorneys for Plaintiff
444 Madison Avenue
New York, New York 10022
(212) 743-7054

ATTORNEY'S AFFIRMATION

The undersigned, an attorney duly admitted to practice before the Courts of the State of New York, affirms the truth of the following under the penalties of perjury:

1. I am an associate of the firm of Schwartz Sladkus Reich Greenberg Atlas LLP, attorneys for the plaintiff.

2. I have read the foregoing complaint and know the contents thereof.

3. To the best of my knowledge, the contents of the complaint are true except as to those matters alleged on information and belief, as to those matters I believe them to be true.

4. The grounds of my belief as to all matters not stated upon my knowledge are review of documents and records in possession of plaintiff, and conversations and communications with employees, agents and servants of plaintiff.

5. The reason I make this affirmation instead of plaintiff is that, plaintiff is not in the county in which its attorneys have their office, or in the event plaintiff is in the county in which its attorneys have their office, that I am fully familiar with the facts and circumstances herein.

Dated: New York, New York
November 28, 2022



MARK YOSEF

CHAPTER 10

The Commission has studied the various proposals for the reorganization of the federal courts in Texas. It has found that the present system is inefficient and costly. It has recommended that the federal courts be reorganized to improve efficiency and reduce costs. The Commission has proposed that the federal courts be reorganized into a single court system for each district. This would eliminate the duplication of functions and reduce the number of judges. The Commission has also proposed that the federal courts be reorganized into a single court system for each district. This would eliminate the duplication of functions and reduce the number of judges. The Commission has also proposed that the federal courts be reorganized into a single court system for each district. This would eliminate the duplication of functions and reduce the number of judges.

Very truly yours,
[Signature]





COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 26, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Boice, Eugene T. v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Eugene T. Boice 923 Oliver Street, Apt. 1 North Tonawanda, New York 14120
Claimant's attorney:	Peter Mattar, Esq. William Mattar, P.C. 6720 Main Street, Suite 100 Williamsville, NY 14221

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

R E C E I V E D
JUN 16 2023

ERIE COUNTY
DEPARTMENT OF LAW

IN THE MATTER OF THE CLAIM OF:

EUGENE T. BOICE
923 Oliver Street
Apt. 1
North Tonawanda, NY 14120

Claimant,

-against-

NOTICE OF CLAIM

CITY OF TONAWANDA
200 Niagara St.
Tonawanda, NY 14150

ERIE COUNTY
95 Franklin Street
Buffalo, NY 14202

Respondents.

PLEASE TAKE NOTICE that **EUGENE T. BOICE**, hereby makes claim against **CITY OF TONAWANDA** and **ERIE COUNTY** and in support thereof Claimant alleges:

1. That the undersigned Claimant, **EUGENE T. BOICE**, residing at 923 Oliver Street, Apt. 1, North Tonawanda, NY 14120, by and through his attorney, **PETER K. MATTAR**, 6720 Main Street, Suite 100, Williamsville, NY 14221-5986, claims damages against the **CITY OF TONAWANDA** and **ERIE COUNTY** for personal injuries, pain and suffering, general and special damages, medical expenses, and property damages sustained by him.
2. That the said injuries were sustained by **EUGENE T. BOICE** on April 16, 2023 at approximately 7:00 PM when the tires of his mobility electric scooter hit debris on the sidewalk along with a defect in the sidewalk which caused the mobility scooter violently turn and fall. This

violent motion threw the Claimant to the ground, and his scooter landed on top of him. The relevant sidewalk is owned and operated by CITY OF TONAWANDA and ERIE COUNTY, their servants, agents and/or employees. The relevant sidewalk is located in front of 78 Seymour Street, Tonawanda, NY 14150. Pictures of the sidewalk are attached.


3. That the Claimant's damages and injuries occurred as a result of the negligence, carelessness, and reckless disregard for the safety of others including Claimant, EUGENE T. BOICE, by CITY OF TONAWANDA and ERIE COUNTY their servants, agents or employees in failing to provide a safe location to transit, along with the other acts of negligence, carelessness and recklessness. Their acts of carelessness and negligence include but are not limited to: creating the relevant debris, allowing the debris to remain on the sidewalk, and allowing the sidewalk to fall into dangerous disrepair.

4. That the aforesaid CITY OF TONAWANDA and ERIE COUNTY by and through his agents, servants and employees had actual or constructive notice of the dangerous condition and hazard caused by said activity.

5. That as a result of the foregoing, the Claimant, EUGENE T. BOICE, sustained very serious injuries to his hip, head, neck, back, upper extremities and lower extremities. These injuries required a multi-day hospital stay, surgery, residence in a live-in rehab facility, and an at home nursing aid. Some of these injuries will be of a permanent or indefinite duration, and Claimant, EUGENE T. BOICE, has and will, in the future be forced to expend sums of money for hospitals, doctors and other medical expenses.

6. That the said injuries were occasioned solely and wholly as a result of the negligence of the CITY OF TONAWANDA and ERIE COUNTY and through their agents, servants and employees and without any negligence on the part of the Claimant contributing thereto.

DATED: Williamsville, New York
 June 12, 2023



WILLIAM MATTAR, P.C.
Peter Mattar, Esq.
Attorney for Claimant
Office and P.O. Address
6720 Main Street
Suite 100
Williamsville, NY 14221-5986
(716)633-3535





COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

June 26, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Fink, Daniel and Maureen v. County of Erie, et al</i>
Document Received:	Notice of Claim
Name of Claimant:	Daniel and Maureen Fink 6272 Walkers Corner Road Byron, New York 14422
Claimant's attorney:	John A. Falk, Esq. Faraci Lange, LLP 1882 South Winton Road, Suite 1 Rochester, New York 14618

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

R E C E I V E D
JUN 07 2021
ERIE COUNTY
DEPARTMENT OF CLERK & REC'D

**STATE OF NEW YORK
COUNTY OF MONROE**

DANIEL FINK AND MAUREEN FINK

NOTICE OF CLAIM

-against-

**THE TOWN OF BRANT, NY; THE VILLAGE OF
FARNHAM, NY; and ERIE COUNTY.**

**TO: THE TOWN OF BRANT, NEW YORK
1272 Brant-North Collins Road
P.O. Box 14027
Brant, New York 14027**

**THE VILLAGE OF FARNHAM, NEW YORK
526 Commercial Street
P.O. Box A16
Farnham, NY 14061**

**JEREMY C. TOTH, ESQ.
Erie County Attorney
Erie County Department of Law
Edward A. Rath County Office Bldg.
95 Franklin Street, Rm. 1634
Buffalo, NY 14202**

PLEASE TAKE NOTICE, that the undersigned, Daniel Fink and Maureen Fink,
intends to file a claim or claims against the above-listed parties as follows:

1. The post office address of the claimants are:

Daniel and Maureen Fink
6272 Walkers Corner Road
Byron, NY 14422

And of their attorneys:

Faraci Lange, LLP
1882 South Winton Road
Rochester, NY 14618

**NATURE OF CLAIM TOGETHER WITH
THE TIME, PLACE AND MANNER**

2. This claim is against the Town of Brant, New York; The Village of Farnham, New York; and Erie County, New York. It is founded upon the personal injuries of Daniel and Maureen Fink, resulting from a motor vehicle collision at the intersection of NYS Route 5 and Ramp Street in Brant, New York, at approximately 4:09PM on March 10, 2023. It is claimed the “Y” intersection at Route 5 and Ramp Street in Brant, New York is an unreasonably dangerous intersection due to the geometrics of the intersection and that this intersection was a cause of the collision.

3. The claims arose, and injuries and damages were sustained, when Joshua Mullett lost control of his 2015 Ford pickup truck while rounding a bend on westbound Route 5, driving off the road and directly into the driver’s side of the Fink’s 2017 Toyota pickup truck waiting at a “Y” intersection of Ramp Street and Route 5. (See Police Accident Report, attached as Exhibit A and video of the collision attached as Exhibit B).

4. The claims arose, and injuries and damages were sustained, in part, as a result of the dangerous condition of the aforementioned roadway, which upon information and belief is owned and/or maintained by Respondents. More specifically, the incident resulted when Mullett came around a sharp curve with late warning signs, causing him to

lose control of the vehicle, ultimately driving straight off the bend and into the Fink vehicle waiting at the “Y” intersection of Ramp Street and Route 5.

5. It is claimed that Respondents were negligent at all relevant times in that it, its employees and/or agents knew or should have known of the dangerous condition caused by this “Y” intersection which unreasonably placed vehicles waiting on Ramp Street to turn left exposed to vehicles approaching from their left on NYS Route 5. Respondents employees and/or agents knew or should have known of the above-described hazardous conditions, and/or had notice (written or otherwise) of the above-described hazardous condition, and/or failed to maintain and/or repair the road(s) in question, and/or failed to warn the public of the hazardous condition, and/or failed to properly sign and mark the area warning of the upcoming curve, and/or were otherwise careless and negligent.

6. In addition to the above allegations, Claimants also allege, upon information and belief, the negligence of the Respondents, was a cause of the injuries to the Claimants, through their officers, employees, servants and/or agents, including, but not limited to the following:

7. Upon information and belief; at the time of the subject collision, and for some time prior thereto, the Respondents, by its agents, servants, and employees knew or should have known that the roadway in the area of the subject collision was unsafe. The negligence and/or reckless actions or omissions of the Respondents includes but is not limited to:

- a. Designing a “Y” intersection with geometrics in such a manner that placed vehicles who were stopped in the left turn lane on Ramp Street in unreasonable danger of being struck by vehicles traveling west on Route 5.
- b. Allowing the “Y” intersection with geometrics in such a manner that placed vehicles who were stopped in the left turn lane on Ramp Street in unreasonable danger of being struck by vehicles traveling west on Route 5 to remain in a dangerous condition despite having notice that it posed an unreasonable risk to users.
- c. Failing to modify the “Y” intersection with geometrics in such a manner that placed vehicles who were stopped in the left turn lane on Ramp Street in unreasonable danger of being struck by vehicles traveling west on Route 5 despite having notice that it posed an unreasonable risk to users.
- d. Constructing a “Y” intersection with geometrics in such a manner that placed vehicles who were stopped in the left turn lane on Ramp Street in unreasonable danger of being struck by vehicles traveling west on Route 5.
- e. Failing to warn motorists of the sharp curve through the placement of appropriate traffic control devices;
- f. Improperly constructing, repairing, designing, maintaining, and/or inspecting the roadway;
- g. Failing to correct the unsafe conditions of the roadway;
- h. Failing to properly conduct and evaluate traffic studies of the roadway;

- i. Failing to take appropriate measures in response to learning of prior similar crashed on the roadway area;
- j. Failing to design, construct, and mark the roadway with proper signage and lane demarcation resulting in insufficient sight distance for motorists;
- k. Failing to properly sign the roadway;
- l. Improperly engineering, constructing, designing, maintaining and inspecting the roadway such that it created a dangerous condition; and
- m. Failing to keep and maintain the public roadway in a reasonably safe and proper condition.

DAMAGES AND INJURIES

8. By reason of the above, Daniel and Maureen Fink suffered serious and painful injuries. Daniel Fink sustained a subarachnoid hemorrhage, with loss of consciousness, bilateral anterior tubercle fractures at C6, thickening of the posterior longitudinal ligament most prominent at C4-C5 with severe spinal canal narrowing, dissection of the carotid artery at C1, left scapular body fracture, fractures of the right first through ninth and twelfth ribs, fractures of the left fifth through eleventh ribs posterolaterally as well as the left sixth through ninth ribs anterolaterally, left sided hydropneumothorax and right sided pleural fluid, pulmonary contusion/lacerations along the posterior margin of the left upper and lower lobes with adjacent compressive atelectasis, fracture of right sacral ala at the coccygeal junction, fractures of the left transverse processes of T3 and L1-L4 as well as the right transverse process of L5. He required a

chest tube. Mr. Fink was hospitalized at Erie County Medical Center from March 10, 2023 to March 20, 2023. Maureen Fink sustained a head injury with loss of consciousness, subcapsular splenic hematoma with active extravasation and blood noted in left paracolic gutter. Left retroperitoneal stranding at the region of the left adrenal gland, left anterior kidney subcapsular hematoma, comminuted left ninth and tenth rib fractures, displaced eleventh rib fracture at the costotransverse junction, non-displaced fifth rib fracture, possible right C5 fracture, bilateral C6 anterior tubercle fracture and vision issues. Mrs. Fink underwent splenic embolization on March 10, 2023. The femoral sheath was removed on March 11, 2023. She was hospitalized at Erie County Medica Center from March 10, 2023 to March 14, 2023. Both Mr. and Mrs. Fink continue to treat for and recover from their injuries.

9. This claim is for the pain and suffering, loss of enjoyment of life, medical expenses, loss of earnings, and loss of consortium, past and future for both Mr. and Mrs. Fink.

DEMAND

10. The undersigned presents these claims and demand for adjustment of payment and notifies you that unless adjusted and paid within 90 days from this date of presentation, it is the intention of the undersigned to commence an action in New York Supreme Court.

11. This Notice of Claim is timely filed under General Municipal Law §50-(e)(1)(a), having been served within 90 days of the date of the motor vehicle collision, which was March 10, 2023.

WHEREFORE, Claimants respectfully remand that this claim be allowed and paid by the Town of Brant, The Village of Farnham, and Erie County.

Dated: June 5, 2023

FARACI LANGE, LLP



John A. Falk, Esq.
Faraci Lange, LLP
Attorney for the Claimant
1882 South Winton Road, Suite 1
Rochester, NY 14618

VERIFICATION

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

JOHN A. FALK, being duly sworn, deposes and says that he is attorney for the claimants in the within matter; that he has read the within Notice of Claim and knows the contents thereof; and that the same is true to deponent's own knowledge or belief. Deponent further says that this verification is being made by deponent, because plaintiffs live outside of the county where deponent maintains his office.



JOHN A. FALK, ESQ.

Sworn to before me this

5 day of June, 2023



Notary Public

Leigh A. Paine
Notary Public, State of New York
Qualified in Wayne County
Commission Expires Dec. 29, 2025



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 11, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Moore, Vonda v. County of Erie</i>
Document Received:	EEOC Charge of Discrimination
Name of Claimant:	Vonda Moore 2216 Weston Avenue Niagara Falls, New York 14305
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

<p>CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p style="text-align: center;">EEOC 525-2023-00547</p> <p style="text-align: center;">FEPA</p>
<p>New York State Division Of Human Rights and EEOC</p> <p style="text-align: center;"><i>State or local Agency, if any</i></p>	

I Name <i>(indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.)</i>	Home Phone	Year of Birth
Ms. Vonda Moore	716-245-3426	

Street Address

2216 Weston Avenue

NIAGARA FALLS, NY 14305

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. *(If more than two, list under PARTICULARS below.)*

Name	No. Employees, Members	Phone No.
Erie County Sheriff's Office	501+ Employees	

Street Address

10 Delaware Ave

BUFFALO, NY 14202

Name	No. Employees, Members	Phone No.

Street Address City, State and ZIP Code

DISCRIMINATION BASED ON	DATE(S) DISCRIMINATION TOOK PLACE
	Earliest Latest
Race	12/16/2022 12/16/2022

THE PARTICULARS ARE *(If additional paper is needed, attach extra sheet(s))*:

I worked for Respondent for one year between December 2021 and December 2022. My position was Contracted Nurse Educator.

On or about November 30, 2022, Superintendent Amoia said that the permanent Nurse Educator position was posted in the break room, and I could apply if I was interested in the position. I found this odd considering at the beginning stages as well as throughout the year of my employment with ECSO, I was told multiple times by Crystal Quinn, Chief James Balys, and Superintendent Amoia that MY position was going to legislation for approval to be included in the 2023 budget, which would make me a permanent county employee. I also found it odd having to interview for a position that I already held, and I helped create/implement some of the current programs with both ECSO jail management facilities.

On Friday December 16, 2022, at 1:06pm, I received an email from Superintendent Amoia informing me that they had decided to go with another candidate to fill the position. Per information and belief, the candidate selected for the position is a Caucasian with inferior experience.

I believe I was not hired for the position because of my race, African American, in violation of the Civil Rights Act of 1964, as amended.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p> <p style="text-align: center;">Digitally Signed By: Ms. Vonda Moore</p> <p style="text-align: center;">06/22/2023</p> <p style="text-align: center;"><i>Charging Party Signature</i></p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p> <hr/> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <hr/> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i></p>
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COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 14, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Lawson, Ronald Jr. by LouVerna Woods v. Marie A. Cannon, et al.</i>
Document Received:	Verified Petition
Name of Claimant:	LouVerna Woods for Ronald Lawson, Jr. 41 Dempster Street Buffalo, New York 14206
Claimant's attorney:	Benjamin David Burge Rupp Baase Pfalzgraf Cunningham LLC 1600 Liberty Building 424 Main Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of

LOUVERNA WOODS, as the attorney in fact
for **RONALD LAWSON, JR.**

Petitioner,

Index No.:

For Judgment Pursuant to Article 78; and

JAMES V. MCDONALD, as Acting Commissioner of the
New York State Department of Health,

DANIEL W. TIETZ, as Commissioner of the New York
State Office of Temporary and Disability Assistance;

MARIE A. CANNON as Commissioner of the
Erie County Department of Social Services; and

ANDRA BERLINSKI as Fair Hearing Representative
for the Erie County Department of Social Services.

Respondents.

NOTICE OF PETITION
PURSUANT TO CPLR ARTICLE 78

Nature of Proceeding: Special proceeding, pursuant to CPLR Article 78, for a review of the Respondents' denial of Ronald Lawson's Medicaid Application.

Petitioner: LouVerna Woods, as power of attorney for, Ronald Lawson Jr.

Respondents: James V. Mcdonald as Acting Commissioner of the New York State Department of Health; Daniel W. Tietz as Commissioner of the New York State Office of Temporary and Disability Assistance; Marie A. Cannon as Commissioner of the Erie County Department of Social Services; and Andra Berlinski as Fair Hearing Representative for the Erie County Department of Social Services.

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Date and Time: _____ at _____ a.m./p.m.
Place:

Supporting Papers: Verified Petition of LouVerna Woods, as the attorney in fact for Ronald Lawson Jr., dated June 27, 2023, with exhibits.

Answering Papers: An answer and supporting affidavits, if any, shall be served at least five days before the return date, pursuant to CPLR § 7804(c). Petitioner will serve reply papers, if needed, one day before the return date pursuant to CPLR § 7804(c)

Dated: June 28, 2023
Buffalo, New York

RUPP PFALZGRAF LLC
Attorney for Petitioner,

By: BDF
Benjamin D. Burge, Esq.
1600 Liberty Building
Buffalo, New York 14202
(716) 854-3400

MEMORANDUM FOR THE BOARD
SUBJECT: [Illegible Title]
DATE: [Illegible Date]

TO: [Illegible Name]

FROM: [Illegible Name]
[Illegible Content]



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 18, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Nowicki, Virginia M. v. Town of Evans and County of Erie</i>
Document Received:	Notice of Claim
Name of Claimant:	Virginia M. Nowicki 174 North Main Street Angola, New York 14006
Claimant's attorney:	Michael G. Cooper, Esq. 6101 South Park Avenue Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

VIRGINIA M. NOWICKI,

Claimant,

-vs-

NOTICE OF CLAIM

TOWN OF EVANS, NEW YORK

and

COUNTY OF ERIE, NEW YORK,

Respondents/Defendants.

This paper received at the
Erie County Attorney's Office
from Richard Friedberg on
the 12th day of June, 2023
at 11:50 a.m./p.m.
G W M
Assistant County Attorney

1) The post office address of the Claimant is 174 North Main Street, Angola, New York 14006. Claimant is represented by Michael G. Cooper, Esq., post office address is 6101 South Park Avenue, Hamburg, New York 14075.

2) This claim is for personal injuries sustained by Virginia M. Nowicki arising from the negligent acts and omissions of Defendant Town of Evans and County of Erie's agents, servants and employees in the operation of a wheel chair van service and the wheel chair van. The vehicle being operated was owned by the Town of Evans, NY and/or Erie County.

3) This claim arose on March 16, 2023 at approximately 10:00 am on California Road in the Town of Orchard Park. Defendants' agents, servants and employees failed to properly secure claimant in the wheel chair van they were operating causing her to be thrown forward with great force and sustaining serious injuries as the vehicle was unexpectedly and abruptly operated negligently and erratically.

4) Claimant Virginia M. Nowicki, sustained serious personal injuries as defined in Insurance law Article 51, as a result of the negligent acts and omissions of the agents, servants

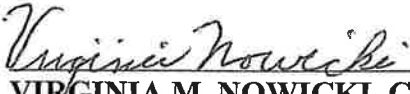
and employees of Defendants, to wit:

Head injuries including injuries to the nose and numerous facial lacerations; injury to the lower extremities including a significant laceration to the left leg requiring extensive suturing and resulting in a large and deep disfiguring indentation and scarring.

All of the foregoing have resulted in significant pain and suffering, loss of enjoyment of life, emotional and psychological pain and suffering, disability, chronic aching, difficulty ambulating and disfiguring scarring and special pecuniary damages including the costs of hospital and rehabilitation and medical care and expenses. The costs of medical and rehabilitative care are continuing in nature.

Upon information and belief all of the foregoing injuries are permanent in nature.

5) The Claimant certifies that all information contained in this notice is true and correct to the best of my knowledge and belief.




VIRGINIA M. NOWICKI, Claimant

VERIFICATION

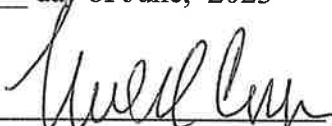
STATE OF NEW YORK)
COUNTY OF ERIE) ss:

VIRGINIA M. NOWICKI, being duly sworn, deposes and says that she is the Claimant in the within action; that she has read the foregoing **Notice of Claim** and knows the contents thereof; that the same is true to her own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.



VIRGINIA M. NOWICKI

Sworn to before me this
9th day of June, 2023



Notary Public

MICHAEL G. COOPER
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 04/03/27



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 25, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Walker, Kia v. County of Erie, et al.</i>
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Kia P. Walker 304 Highland Parkway, 1st Floor Buffalo, New York 14223
Claimant's attorney:	Claimant is proceeding <i>pro se</i> .

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

KIA P. WALKER,

Complainant,

v.

COUNTY OF ERIE, PAUL KUBALA, JOSEPH
LUCARELLI, WILLIAM LONG, MARY ELLEN
BROCKMYRE,

Respondents.

COMPLAINT

Pursuant to Executive Law,
Article 15

Case No.

10226391

Federal Charge No. 16GC304230

I, Kia P. Walker, residing at 304 Highland Pkwy 1st Fl, Buffalo, NY, 14223, charge the above named respondents, whose address is Attn: Jeremy C. Toth, Esq.
First Assistant County Attorney
95 Franklin St., Rm. 1634, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color, sex.

Date most recent or continuing discrimination took place is 1/4/2023.

The allegations are:

SEE ATTACHED

Based on the foregoing, I charge respondents with an unlawful discriminatory practice relating to employment because of race/color, sex, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondents with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

RECEIVED

FEB 23 2023

Buffalo EFAX/INBOX

New York State Division of Human Rights Employment Complaint Form

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:			
First Name <u>Kia</u>		Middle Initial/Name <u>P.</u>	
Last Name <u>Walker</u>			
Street Address/ PO Box <u>304 Highland Parkway</u>		Apt or Floor #: <u>1</u>	
City <u>Buffalo</u>		State <u>NY</u>	Zip Code <u>14223</u>
If you are filing on behalf of another, provide the name of that person:		Date of birth:	Relationship:
2. Regulated Areas: Check the area where the discrimination occurred:			
(If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.)			
<input checked="" type="checkbox"/> Employment (including paid internship)		<input type="checkbox"/> by a Labor Organization	
<input type="checkbox"/> Internship (unpaid)		<input type="checkbox"/> Apprenticeship Training	
<input type="checkbox"/> Contract Work (independent contractor, or work for a contractor)		<input type="checkbox"/> by a Temp or Employment Agency	
<input type="checkbox"/> Volunteer Position		<input type="checkbox"/> Licensing	
3. You are filing a complaint against:			
Employer, Worksite, Agency or Union Name			
<u>Erie Specialized & Secure Detention aka East Ferry Detention</u>			
Street Address/ PO Box			
<u>810 E. Ferry Street</u>			
City <u>Buffalo</u>		State <u>NY</u>	Zip Code <u>14211</u>
Telephone Number:			
<u>716-923-4062</u>			
In what county or borough did the violation take place?			
<u>Erie</u>			
Individual people who discriminated against you:			
Name: <u>MaryEllen Brockmyre</u>		Title: <u>Will Long</u>	
Name: <u>Paul Kubala</u>		Title: <u>Joseph Lucarelli</u>	
If you need more space, please list them on a separate piece of paper.			
4. Date of alleged discrimination (must be within one year of filing):			
The most recent act of discrimination happened on: <u>01</u> <u>04</u> <u>2023</u>			
month day year			
5. For employment and internships, how many employees does this company have?			
<input type="checkbox"/> 1-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know			

6. Are you currently working for this company?	
<input checked="" type="checkbox"/> Yes. Date of hire: <u>08</u> <u>28</u> <u>2014</u> month day year	What is your position? Detention Home Intake Worker
<input type="checkbox"/> No. Last day of work: _____ _____ _____ month day year	What was your position?
<input type="checkbox"/> I was never hired. Date of application: _____ _____ _____ month day year	What position did you apply for?
7. Basis of alleged discrimination:	
Check ONLY the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.	
<input type="checkbox"/> Age: Date of Birth: _____	<input type="checkbox"/> Familial Status:
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed
<input type="checkbox"/> Creed/ Religion: Please specify: _____	<input type="checkbox"/> National Origin: Please specify: _____
<input type="checkbox"/> Disability: Please specify: _____	<input type="checkbox"/> Predisposing Genetic Characteristic:
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify: _____
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify: _____
<input checked="" type="checkbox"/> Race/Color or Ethnicity: Please specify: <u>African American</u> <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input checked="" type="checkbox"/> Sex: Please specify: <u>Female</u> Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog	
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:	
<input type="checkbox"/> Retaliation: How did you oppose discrimination: _____	
If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.	
<input type="checkbox"/> Relationship or association	

8. Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

<input type="checkbox"/> Refused to hire me	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input type="checkbox"/> Sexual harassment
<input type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input checked="" type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input checked="" type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input type="checkbox"/> Denied me training	<input type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input type="checkbox"/> Other:

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

The laws enforced by the U.S. EEOC (Equal Employment Opportunity Commission) prohibits an employer from using neutral employment policies and practices that have a disproportionately negative effect on employee of race, color, religion, sex, age, national origin, and disability. My protected class in which my rights were discriminated towards is race which I am African American and sex a female. My qualifications are as follows: I obtained a Bachelor of Arts in Criminal Justice in May 2005 and a Master ' s in Education in School Counseling in February 2022. In August 2014, I began working at East Ferry Detention as a part-time Detention Home Intake Worker then became a full-time employee in June 2016. The opportunity for provisional promotion for Detention Shift Supervisor had been presented me in January 2021. The qualifications are as follows: Candidates must be permanently employed in the competitive class and must be serving and have served continuously on a permanent or contingent permanent basis in the competitive class for 12 months immediately preceding the date of the written test in a youth-related position of Job Group VI, VII, VIII or IX; plus, the following:

A.) Graduation from a regionally accredited or New York State registered college or university with a master ' s degree and two (2) years of experience working with defiant and aggressive juvenile children in a public or private institution; or:

B.) Graduation from a regionally accredited or New York State registered four (4) year college or university with a bachelor ' s degree and four (4) years of experience working with defiant and aggressive juvenile children in a public or private institution.

Present in my initial interview were Deputy Commissioner Paul Kubala and Facility Supervisor William Long. I was hired to Detention Shift Supervisor on February 20th, 2021. The exam for the permanent position was offered on March 5th, 2022. On March 4, 2022, I was asked my supervisor, William Long, if I would work the overnight 12a-8a Detention Intake shift due to the two previous Intake Workers being on double shifts. I declined stating that I had to take the Civil Service Exam the next morning, but Mr. Long advised me that he would come to relieve me at 7am instead of the 8am. I agreed to do so. Article XXI Time off for Civil Service Examinations states:

Section 21.1:

Provisional and part time employees will be allowed time off with pay to take promotional and open competitive County Civil Service examinations.

When an employee is assigned to the second shift on the day, he/she takes a civil service examination he/she is to be excused with pay for second shift assignment on that day.

When an employee is scheduled to work the third shift on the day, he/she takes a civil service test such employee is to be excused with pay for the calendar day of the examination.

An employee will not be mandated to work overtime on the calendar day he/she is scheduled to take a civil service exam.

I was told that I would have to report back to work after my exam for 2p-10p because my shift was later in the day. The Caucasian male who received the position was on the Detention Intake Workers who was allowed to go and receive a full nights rest before the exam.

I received my score of 90 on September 23rd, 2022. I received the highest score on the exam followed by 3 other employees who were applying for the position. There scores were 85, 75, and 70. I scored highest on the exam, I was already in the position for almost two years which meant I was reachable, and I should have received one of the two permanent positions. Erie County can take one candidate from the top 3 highest scores and one candidate from the bottom 3 lowest scores.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

The Adverse Action is that I was not hired as a permanent Detention Shift Supervisor even though I met all the qualifications as well as scored the highest on the exam and was reachable. I was replaced by someone who is not in my protected class, a Caucasian white male. Prior to the process this person was told by another Detention Shift Supervisor, Joseph Lucarelli, that he was guaranteed the position, which was witnessed by another employee whom would like to remain anonymous. On October 19th, 2022, I received an email from Tina Hetrick on behalf of Deputy Commissioner Paul Kubala inviting me to be a part of the interview panel for the permanent position of Detention Shift Supervisor. There were only two candidates listed for the one open position. Interviews were to be held October 27th, 2022. For reasons unknown interviews were halted. During this time, on December 13th, 2022, I was approached by my supervisor, William Long, stating that he and Deputy Commissioner Paul Kubala had to speak with me regarding pictures on my personal Instagram page. I received a Record of Counseling for posts that were made in November 2014, May 2015, and June 2018. On the advice of my supervisor I signed the Record of Counseling. I was offered union representation but declined. When speaking with my supervisor afterwards to inquire how the situation came about, I was told that an investigation was being conducted on another employee then my name had come up. There was no need for an investigation to be done on my page as I wasn't the initial subject nor was I given any notice for reasoning of an investigation on myself. CSL 75.2, 75.4 states that, charges of misconduct or incompetency must be brought within 18 months of the act or omission unless the charge would constitute a crime if proved in a court of competent jurisdiction. These pictures were 6-8 years old. I contacted my union representative, Michele Weaver, for grievance and she responded stating that, "it wasn't a discipline and would stay in my file for 18 months." Michele had conversations with Maryellen Brockmyre, with whom she is close friends with and Paul Kubala concerning my grievance without me being present. There were also derogatory comments spoken about me to Joseph Lucarelli about my personal life, work performance, and character. On August 23rd, 2022, Joseph Lucarelli advised me that staff in the building were coming to him and speaking negatively about me & spreading rumors about me. Joseph Lucarelli advised that certain staff were "watching me" and reporting everything to him and he is not my direct supervisor. Joseph Lucarelli also had a conversation with my co-worker, Katie Brown, who is also employed in the same building as a Juvenile Justice Counselor, about staff speaking negatively about the both of us. One staff, YDW Valerie Allen, received an Informal meeting due to my concerns, but she continues to be disrespectful and failure to follow my directives. She continues to be blatantly disrespectful after her actions have been witnessed and reported to Joseph Lucarelli as well as William Long. On December 13th, 2022, I was told that I would have to now interview for the Detention Shift Supervisor position. During the second interview, present were Facility Supervisor William Long, Shift Supervisors, Joseph Lucarelli and Chrissy Calixte, as well as Assistant Deputy Commissioner of Social Services, Maryellen Brockmyre. CSL 61.3 states that, "selection is made from among the three highest rankings eligibles willing to accept appointment. The agency interviewed all 4 candidates on the eligible list thus making it so the candidate reachable on the list. After interviews were completed, I was demoted from the position, but was told that the decision wasn't performance based. While in the provisional position there were never any performance evaluations nor did I receive any disciplinary write ups/hearings. The other candidate who received the position is in my protected class, but had been improperly demoted from the provisional position and was in the process of filing a lawsuit against the county. This person scored the lowest on the Civil Service exam, has had multiple disciplinary infractions, and has been previously terminated from the job. It was said that upper management didn't want to have 3 African American females in that position, and they wanted to hire a male. I held the position for almost 2 years, passed the Civil Service exam with the highest score, had already interviewed, and was reachable. No one can give me a direct and/or clear answer as to why I didn't receive the job. I was passed over for a Caucasian male that they were going to reach by any means necessary.

When demoted back to my permanent Detention Home Intake Supervisor position, I was not returned to my regular permanent shift. I was told that shift was unavailable due to it being taken by another male co-worker during a shift bid that I was not included in due to my provisional position of Detention Shift Supervisor. Rules for the Classified Civil Service state that Rule XIII Probationary Term:

3. Restoration to Permanent Position

When a permanent employee is promoted to a position in which s(he) is required to serve a probationary term, the position thus vacated by him/her shall not be filled, except on a temporary basis, during such probationary term. At any time during such probationary term the employee shall have the right to return to his/her previous position at his/her own election. If conduct or performance of the probationer is not satisfactory s(he) shall be restored to his/her former permanent position at the end of his/her probationary period.

As well as Rule XXIV Layoff of Competitive Class Employees:

4c. Retreat

An employee may also displace by retreat to a position in a title in which s(he) last served on a permanent basis although s(he) had intervening service in other titles as long as his/her service in each of the intervening titles was on other than a permanent basis. S(he) may also displace by retreat to a position which does not count in computation of his/her continuous service

Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL *LN*

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." **You must complete either the "declaration" or "oath" sections below.** The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION

I affirm this 22 day of February (month), 2023 (year) at Buffalo (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Kio Walkee LN
[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF) SS:

_____, being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.

Complainant signature

Subscribed and sworn to
before me this day
of , 20

Signature of Notary Public

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 26, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Ansari, Sana v. County of Erie, et al.</i>
Document Received:	Notice of Claim
Name of Claimant:	Sana Ansari 920 Sycamore Buffalo, New York 14211
Claimant's attorney:	Lisa M. Yaeger, Esq. Tiveron Law PLLC 2410 North Forest Road, Suite 301 Amherst, New York 14068

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
COUNTY OF ERIE

In the Matter of the Claim of

SANA ANSARI

Claimant,

NOTICE OF CLAIM

v.

CITY OF BUFFALO,
CITY OF BUFFALO POLICE DEPARTMENT,
ERIE COUNTY SHERIFF'S DEPARTMENT,
COUNTY OF ERIE

Respondent.

TO: City of Buffalo
65 Niagara Square
Buffalo, New York 14202

City of Buffalo Police Department
68 Court Street
Buffalo, New York 14202

County of Erie
95 Franklin Street
Buffalo, New York 14202

Erie County Sheriff's Department
10 Delaware Avenue
Buffalo, New York

Cc: Erie County Attorney's Office
95 Franklin Street
Buffalo, New York 14202

City of Buffalo Corporation Counsel
65 Niagara Square, Rm.1100
Buffalo, New York 14202

COUNTY SHERIFF'S DEPARTMENT and COUNTY OF ERIE pursuant to section 50-e of the General Municipal Law, as follows:

1. **The names and post office addresses of the claimant and her attorneys are:**

CLAIMANT

Sana Ansari
920 Sycamore
Buffalo, New York 14211

ATTORNEYS

Tiveron Law, PLLC
Lisa M. Yaeger, Esq.
2410 North Forest Rd., Ste. 301
Amherst, New York 14068

2. **The nature if this claim:** This is an action for recovery for damages arising out of injuries sustained by claimant caused solely by the tortious and unconstitutional conduct of the **CITY OF BUFFALO, CITY OF BUFFALO POLICE DEPARTMENT, ERIE COUNTY SHERIFF'S DEPARTMENT and COUNTY OF ERIE** including but not limited to abuse of process, deprivation of liberty without due process, harassment, negligence, false arrest, malicious prosecution negligent infliction of emotional distress, intentional infliction of emotional distress, negligent hiring, training and supervision of police officers employed by Respondents, employer breach of employee manual, employer liability for employee acts, and otherwise tortious acts by the **CITY OF BUFFALO, CITY OF BUFFALO POLICE DEPARTMENT, COUNTY OF ERIE and ERIE COUNTY SHERIFF'S DEPARTMENT**, their agents, servants and/or employees, causing emotional injury and depriving Claimant of her Constitutional and Civil rights without basis and/or reason.

The Respondents did, through the instrumentality of law enforcement, violate Claimants' state and federal constitutional rights, and committed torts including, but not limited to abuse of process, deprivation of liberty without due process, harassment, negligence, negligent infliction of emotional distress, intentional infliction of emotional distress, false arrest, malicious prosecution, and otherwise tortious acts stated previously herein.

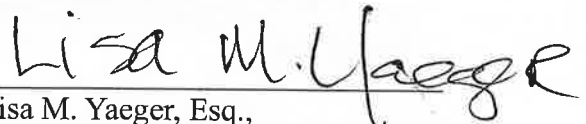
On or about the 17th day of April, 2023, Respondents' officers did force Claimant to remove all of her clothing and submit to a strip search in the presence of male officers, forced Claimant to remove her Hijab and never returned it to her until the time of her release, forced Claimant to remove her undergarments and never returned them to her until the time of her release the next day.

3. **Date, time and place of tortious contact:** On or about April 17, 2023 through and including April 18, 2023.

4. **The items of damages or injuries claimed are:** Claimant suffered injuries, including but not limited to, mental anguish, anxiety, depression, stress and post-traumatic stress, humiliation, embarrassment, intimidation, punitive damages and all associated damages. Said claim and demand in the amount of FIVE MILLION DOLLARS (\$5,000,000) is hereby presented for adjustment.

Dated: July 14, 2023
Amherst, New York

TIVERON LAW, PLLC

By: 
Lisa M. Yaeger, Esq.,
Attorneys for Claimant
2410 North Forest, Suite 301
Amherst, New York 14068
Telephone: (716) 636-7600
Email: lyaeger@tiveronlaw.com

VERIFICATION

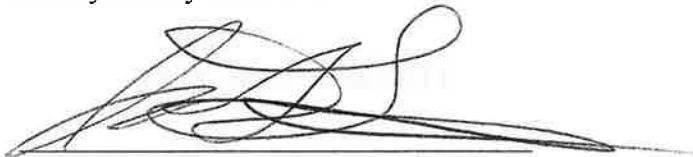
STATE OF NEW YORK)
COUNTY OF ERIE) SS.:

SANA ANSARI, being duly sworn, deposes and says that she is the Claimant in the within action; that she has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to her knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true.



SANA ANSARI

Sworn to before me this
14 day of July 2023



Notary Public

JOSHUA F. SCRIVANI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02SC6376375
Qualified in Erie County
Commission Expires June 11, 20 26



COUNTY OF ERIE

JEREMY C. TOTH
COUNTY ATTORNEY

KRISTEN M. WALDER
DEPUTY COUNTY ATTORNEY

DEPARTMENT OF LAW

July 31, 2023

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution No. 306 passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	<i>Roberts, Virginia v. County of Erie and Village of Alden</i>
Document Received:	Notice of Claim
Name of Claimant:	Virginia Roberts 1465 Kellogg Street Alden, New York 14004
Claimant's attorney:	Andrew T. Gill, Esq. LoTempio P.C. Law Group 181 Franklin Street Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

JEREMY C. TOTH
Erie County Attorney

JCT:dld
Enc.

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

VIRGINIA ROBERTS
1465 Kellogg Street
Alden, New York 14004

Claimant,

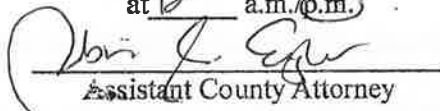
-v-

VILLAGE OF ALDEN
13336 Broadway
Alden, New York 14004

THE COUNTY OF ERIE
95 Franklin Street
Buffalo, New York
14202

NOTICE OF CLAIM

This paper received at the
Erie County Attorney's Office
from Andrew Gill on
the 21st day of July, 2023
at 12³⁰ a.m./p.m.


Assistant County Attorney

Respondents.

TO: County Attorney, County of Erie
County Executive, County of Erie

Pursuant to General Municipal Law §§50-e and 50-i, please take notice that the Claimant, VIRGINIA ROBERTS, by her attorneys LoTEMPIO P.C. LAW GROUP, assert a claim against the Respondents VILLAGE OF ALDEN and THE COUNTY OF ERIE as follows:

1. That the name and post office address of the Claimant is 1465 Kellogg Street, Alden, New York 14004. The Claimant is represented by LoTempio P.C. Law Group, 181 Franklin Street, Buffalo, New York 14202.
2. The nature of the claim is for negligence.

3. On or about July 21, 2022, the Claimant was walking on the sidewalk in front of 1561 Crittenden Road, Alden, New York 14004 in the County of Erie when she was caused to fall as a result of a raised concrete slab.

4. As a result of the incident, the Claimant sustained injuries to her right shoulder, ribs, head, neck, back and arms, along with pain and suffering and loss of enjoyment of life. The Claimant also incurred medical expenses.

5. The Claimant hereby demands payment for the above-referenced injuries and damages.

6. In the event the Respondents fail to make payment for the above-referenced injuries and damages within the timeframe provided by law, the Claimant intends to commence a lawsuit with respect to this claim.

DATED: July 20, 2023

LoTEMPIO P.C. LAW GROUP



ANDREW T. GILL, ESQ.
Attorneys for Claimant
181 Franklin Street
Buffalo, New York 14202
716-855-3761
agill@lotempiopc.com

VERIFICATION


STATE OF NEW YORK)
COUNTY OF ERIE) SS:

ANDREW T. GILL, ESQ., being duly sworn, deposes and says that he is a member of LoTempio P.C. Law Group, attorneys for the Claimant, VIRGINIA ROBERTS, herein; that he has read the foregoing Notice of Claim and knows the contents thereof; that the same is true to deponent's own knowledge, except to the matters therein stated to be alleged upon information and belief, and that to those, deponent believes same to be true.

The sources of deponent's information and the grounds for his belief are reports and correspondence from representatives of the Claimant presently in the file of this case in deponent's office.


ANDREW T. GILL, ESQ.

Sworn to before me this
20th day of July, 2023


Notary Public

CLAUDIA M. RODR
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02RO6425626
Qualified in Erie County
Commission Expires November 22, 2025

COMM. 16D-3
Page 78 of 78

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Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16D-4	DIRECTOR OF BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending June 2023
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Attachments

23COMM. 16D-4



EC LEG AUG 15 '23 PM 12:51

COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

August 15, 2023

Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Budget Monitoring Report for Period Ending June 2023

Dear Honorable Legislators:

Please find attached the Budget Monitoring Report ("BMR") for the period ending June 30, 2023, as well as a vacancy report from the County's SAP system also as of June 30, 2023.

The BMR shows that for the first six months of 2023 the County has a \$ 26,419,430 positive variance. This variance is largely related to the impact from three positive factors and one negative factor.

First, is sales tax which has a net \$ 12.1 million positive variance and growth of 4.00 % for 2023-related payments received to-date as compared to 2022. Second, is Interest Earnings revenue which through June is \$ 11.4 million over budget. Third, is the MMIS-Medicaid weekly shares cost, which through June has a \$ 3.4 million positive variance. The timing of changes to Medicaid weekly share payments enacted within the New York State SFY 23-24 Budget will generate an overall 2023 Medicaid weekly shares positive budget variance of \$ 7.2 million but will negatively impact Erie County for 2024 and future years. The key negative factor is due to the State Budget action to double the Assigned Council rate to \$158 per hour. The expected increase to 2023 net County costs is \$ 4.1 million. All other items through June have generated a net \$ 3,491,967 positive variance.

I am available to attend a meeting of your Honorable Body's Finance and Management Committee to discuss this report and other fiscal matters.

Sincerely yours,

Robert W. Keating
Director of Budget and Management

Attachment

cc: Erie County Executive Mark C. Poloncarz
Erie County Fiscal Stability Authority

January-June 2023 Budget Monitoring Report (BMR)

Account Type	Annual Budget		Period Budget January-June		Actuals January-June		Period Available Budget		% of Period Budget Consumed		Annual Available Budget		% of Annual Budget Consumed	
Revenue														
** Property Tax	301,424,356-	301,424,356-	301,424,356-	301,424,356-	301,424,356-	0-	0-	0-	100%	100%	0-	0-	100%	100%
** Property Tax Related	15,978,966-	6,088,165-	5,779,477-	5,779,477-	308,688-	308,688-	308,688-	308,688-	95%	95%	10,199,489-	10,199,489-	36%	36%
** Sales Tax	583,527,694-	288,222,227-	300,929,346-	300,929,346-	12,707,119	12,707,119	12,707,119	12,707,119	104%	104%	282,598,348-	282,598,348-	52%	52%
** Sales Tax to Local Govt.	403,187,071-	198,497,013-	207,927,570-	207,927,570-	9,430,557	9,430,557	9,430,557	9,430,557	105%	105%	195,259,501-	195,259,501-	52%	52%
** Other Sources	40,306,162-	23,136,009-	36,616,554-	36,616,554-	13,480,544	13,480,544	13,480,544	13,480,544	158%	158%	3,689,608-	3,689,608-	91%	91%
** Fees, Fines or Charges	35,403,927-	21,781,737-	21,209,831-	21,209,831-	571,906-	571,906-	571,906-	571,906-	97%	97%	14,194,096-	14,194,096-	60%	60%
*** Local Source Revenue	1,379,828,176-	839,149,507-	873,887,134-	873,887,134-	34,737,627	34,737,627	34,737,627	34,737,627	104%	104%	505,941,041-	505,941,041-	63%	63%
*** Federal Revenue	190,727,636-	108,314,321-	102,273,841-	102,273,841-	6,040,480-	6,040,480-	6,040,480-	6,040,480-	94%	94%	88,453,795-	88,453,795-	54%	54%
*** State Revenue	216,725,182-	105,439,110-	96,881,286-	96,881,286-	8,557,824-	8,557,824-	8,557,824-	8,557,824-	92%	92%	119,843,896-	119,843,896-	45%	45%
*** Interfund Revenue	729,966-	729,966-	728,801-	728,801-	1,165-	1,165-	1,165-	1,165-	100%	100%	1,165-	1,165-	100%	100%
**** County Revenue	1,788,010,960-	1,053,632,904-	1,073,771,062-	1,073,771,062-	20,138,158	20,138,158	20,138,158	20,138,158	102%	102%	714,239,898-	714,239,898-	60%	60%
Expense														
** Salaries	273,231,778	132,153,895	123,088,865	123,088,865	9,065,030	9,065,030	9,065,030	9,065,030	93%	93%	150,142,913	150,142,913	45%	45%
** Non-Salaries	30,126,185	14,586,210	19,969,850	19,969,850	5,383,640-	5,383,640-	5,383,640-	5,383,640-	137%	137%	10,156,335	10,156,335	66%	66%
** Countywide Adjustments	114,874	489,532-	489,532-	489,532-	489,532-	489,532-	489,532-	489,532-	0%	0%	114,874	114,874	0%	0%
*** Personnel Related Expense	303,472,837	146,250,574	143,058,715	143,058,715	3,191,859	3,191,859	3,191,859	3,191,859	98%	98%	160,414,122	160,414,122	47%	47%
*** Fringe Benefit Total	146,031,259	70,130,212	67,512,622	67,512,622	2,617,590	2,617,590	2,617,590	2,617,590	96%	96%	78,518,637	78,518,637	46%	46%
** Supplies and Repairs	12,771,942	5,681,782	3,972,406	3,972,406	1,709,376	1,709,376	1,709,376	1,709,376	70%	70%	8,799,536	8,799,536	31%	31%
** Other	39,726,730	18,527,078	15,517,217	15,517,217	3,009,862	3,009,862	3,009,862	3,009,862	84%	84%	24,209,514	24,209,514	39%	39%
** Contractual	677,667,802	324,230,127	330,658,651	330,658,651	6,428,524-	6,428,524-	6,428,524-	6,428,524-	102%	102%	347,009,151	347,009,151	49%	49%
** Equipment	11,658,342	2,874,046	1,967,675	1,967,675	906,372	906,372	906,372	906,372	68%	68%	9,690,667	9,690,667	17%	17%
** Allocations	215,679,718	77,495,854	77,976,706	77,976,706	480,852-	480,852-	480,852-	480,852-	101%	101%	137,703,013	137,703,013	36%	36%
** Program Specific	579,076,276	274,709,510	272,953,919	272,953,919	1,755,591	1,755,591	1,755,591	1,755,591	99%	99%	306,122,357	306,122,357	47%	47%
** Debt Services	62,414,953	29,993,037	29,993,037	29,993,037	471,825	471,825	471,825	471,825	100%	100%	32,421,916	32,421,916	48%	48%
*** All Other Operating Expense	1,598,995,763	733,511,434	733,039,609	733,039,609	471,825	471,825	471,825	471,825	100%	100%	865,956,154	865,956,154	46%	46%
**** County Expense	2,048,499,859	949,892,220	943,610,947	943,610,947	6,281,273	6,281,273	6,281,273	6,281,273	99%	99%	1,104,888,912	1,104,888,912	46%	46%
***** Net	260,488,900	103,740,684-	130,160,115-	130,160,115-	26,419,430	26,419,430	26,419,430	26,419,430			390,649,014	390,649,014		

Note on the BMR:
 The BMR helps the Budget Office identify, understand and resolve financial issues that may emerge during the year. The positive period variance indicated should not be interpreted as a projection of a year-end positive balance

**January-June 2023 Budget Monitoring Report
Detail by Account**

Account Type	Annual Budget	Period Budget January-June	Actuals January-June	Period Available Budget	% of Period Budget Consumed	Annual Available Budget	% of Annual Budget Consumed	Comments/Key Items
Revenue								
400000 Real Property Taxes	(301,424,356)	(301,424,356)	(301,424,356)	(0)	100.00%	(0)	100.00%	
** Property Tax	(301,424,356)	(301,424,356)	(301,424,356)	(0)	100.00%	(0)	100.00%	
400010 Exemption Removal	(935,212)	(922,173)	(980,630)	58,457	106.34%	45,419	104.86%	
400030 Gn/Sale-Tax Acq Prop	(5,000)	0	0	0	0.00%	(5,000)	0.00%	
400040 Other Pay/Lieu-Tax	(5,100,000)	(4,990,000)	(4,624,707)	(365,293)	92.68%	(475,293)	90.68%	
400050 Int&Pen on R P Taxes	(13,485,555)	(295,659)	(295,659)	0	100.00%	(13,189,896)	2.19%	
400060 Omitted Taxes	(6,000)	(6,000)	(4,148)	(1,852)	69.13%	(1,852)	69.13%	
466060 Prop Tax Rev Adjust	3,552,801	125,668	125,668	0	100.00%	3,427,133	3.54%	
** Property Tax Related	(15,978,966)	(6,088,165)	(5,779,477)	(308,688)	94.93%	(10,199,489)	36.17%	
402000 Sales Tax EC Purp	(220,020,488)	(108,677,721)	(113,473,088)	4,795,368	104.41%	(106,547,400)	51.57%	
402100 1% Sales Tax-EC Purp	(207,730,136)	(102,603,053)	(107,125,376)	4,522,323	104.41%	(100,604,760)	51.57%	
402120 .25% Sales Tax	(5,925,690)	(25,647,151)	(26,776,961)	1,129,809	104.41%	(25,148,729)	51.57%	Sales Tax The gross County Share of Sales Tax is showing a positive variance of \$12.7 Million after 50% of the year. The 2023 growth rate is 4.16%.
402130 .5% Sales Tax	(103,851,380)	(51,294,302)	(53,553,921)	2,259,619	104.41%	(50,297,459)	51.57%	
** Sales Tax	(583,527,694)	(288,222,227)	(300,929,346)	12,707,119	104.41%	(282,598,348)	51.57%	
402140 Sales Tax to Loc Gov	(403,187,071)	(198,497,013)	(207,927,570)	9,430,557	104.75%	(195,259,501)	51.57%	
** Sales Tax to Local Govt.	(403,187,071)	(198,497,013)	(207,927,570)	9,430,557	104.75%	(195,259,501)	51.57%	
402300 Hotel Occupancy Tax	(11,200,000)	(6,014,455)	(6,193,496)	179,041	102.98%	(5,006,504)	55.80%	
402500 OTB Betting & Gaming	(2,140,000)	(1,136,287)	(1,225,958)	89,671	107.89%	(914,042)	57.29%	
402510 Video Lottery Aid	(288,560)	(288,560)	(288,560)	0	100.00%	0	100.00%	
402520 Gaming Facilities Aid	(786,001)	(786,001)	(786,002)	1	100.00%	1	100.00%	
402620 Medical Marj Exc Tax	(280,000)	(140,000)	(90,828)	(49,172)	64.88%	(189,172)	32.44%	Gaming Facilities revenue received in May for \$786,002. An additional payment of \$ 890,985 was received on July 31st.
415010 Post Mortem Toxicol	(72,932)	(36,466)	(71,178)	34,712	195.19%	(1,754)	97.60%	
415100 Real Property Trans	(228,045)	(114,023)	(88,470)	(25,553)	77.59%	(139,575)	38.80%	
415160 Mortgage Tax	(589,268)	(294,634)	(286,053)	(8,581)	97.09%	(303,215)	48.54%	
415360 Legal Settlements	0	0	(27,748)	27,748	0.00%	27,748	0.00%	
415500 Prisoner Transport	(21,000)	(10,500)	(13,157)	2,657	125.30%	(7,843)	62.65%	
415620 Commissary Reimb	(172,933)	(86,467)	(86,467)	0	100.00%	(86,466)	50.00%	
415622 Jail Phone Revenue	(361,389)	(283,014)	(361,389)	78,375	127.69%	0	100.00%	
416540 Insurance	0	0	0	0	0.00%	0	0.00%	
416570 Post Exposure Rabies	(133,048)	(66,524)	(66,523)	(1)	100.00%	(66,525)	50.00%	
416920 Medica-Early Interve	(180,000)	(90,000)	(105,118)	15,118	116.80%	(74,882)	58.40%	
417200 Day Care Repay Recov	(55,234)	(27,617)	(26,441)	(1,176)	95.74%	(28,793)	47.87%	
417500 Repay Em Ast/Adults	(175,668)	(87,834)	(144,301)	56,467	164.29%	(31,367)	82.14%	
417510 Repay Medical Asst	(2,715,828)	(1,357,914)	(874,105)	(483,809)	64.37%	(1,841,723)	32.19%	
417520 Repay-Family AsslSt	(244,932)	(122,466)	(189,361)	66,895	154.62%	(55,571)	77.31%	
417530 Repay-Foster Care/Ad	(1,099,910)	(549,955)	(670,950)	120,995	122.00%	(428,960)	61.00%	
417550 Repay-SafetyNetAsst	(3,241,416)	(1,620,708)	(2,064,210)	443,502	127.36%	(1,177,706)	63.68%	
417560 Repay-Serv For Recip	(3,173)	(1,587)	(11,648)	10,061	734.18%	8,475	367.09%	
417570 SNAP Fraud Incentives	(57,233)	(28,617)	(25,720)	(2,896)	89.88%	(31,513)	44.94%	
417580 Repaymts-Handi Child	(326,885)	(168,443)	(72,513)	(95,929)	43.05%	(264,372)	21.52%	
418025 Recov-SafetyNet Bur	0	0	(43,756)	43,756	0.00%	43,756	0.00%	
418030 Repayments-IV D Adm	(4,423,828)	(2,211,914)	(2,141,793)	(70,121)	96.83%	(2,282,035)	48.41%	
418110 Comm Coll Respreads	(8,017,437)	(8,017,437)	(3,617,437)	(4,400,000)	45.12%	(4,400,000)	45.12%	
418112 Comm Coll Resp. Adj.	4,400,000	4,400,000	0	4,400,000	0.00%	4,400,000	0.00%	
418130 Comm Coll Reimb	(66,750)	(33,375)	(28,940)	(4,435)	86.71%	(37,810)	43.36%	
418410 OCSE Medical Payments	(1,253,652)	(626,826)	(599,221)	(27,605)	95.60%	(654,431)	47.80%	
418430 Donated Funds	(628,275)	(314,138)	(22,917)	(291,221)	7.30%	(605,358)	3.65%	
420020 ECC Cap Cons-Otr Gvt	(95,000)	(95,000)	(95,000)	0	100.00%	0	100.00%	
420490 OthLocal Source Rev	(94,404)	(47,247)	(47,247)	0	100.00%	(47,247)	50.00%	
420500 Rent-RI Prop-Concess	(44,285)	(22,143)	(39,320)	17,178	177.58%	(4,965)	88.79%	
420520 Rent-RI Prop-RW-Eas	(2,500)	(1,250)	(704)	(546)	56.35%	(1,796)	28.17%	
420550 Rent-663 Kensington	(14,292)	(7,146)	(7,146)	0	100.00%	(7,146)	50.00%	
420560 Rent-1500 Broadway	(258,936)	(129,468)	(129,334)	(134)	99.90%	(129,602)	49.95%	
421550 Forft Crime Proceed	(305,453)	(10,000)	(64,440)	54,440	64.40%	(241,014)	21.10%	
422000 Copies	(4,500)	(2,250)	(3,460)	1,210	153.78%	(1,040)	76.89%	
422040 Gas Well Drill Rents	(1,500)	(750)	(500)	(250)	66.67%	(1,000)	33.33%	
422050 E-Payable Rebates	(150,000)	(75,000)	31,768	(106,768)	-42.36%	(181,768)	-21.18%	
423000 Refunds P/Y Expend	(1,000)	(500)	92,608	(93,108)	-18521.62%	(93,608)	-9260.81%	
445000 Recovery Int - SID	(302,126)	(151,063)	(143,364)	(7,699)	94.90%	(158,762)	47.45%	
445030 Int & Earn - Gen Inv	(1,200,400)	(600,200)	(10,483,694)	9,883,494	1746.70%	9,283,294	873.35%	
445040 Int & Earn-3rd Party	(175,000)	(87,500)	(1,635,991)	1,548,491	1869.70%	1,460,991	934.85%	
466000 Misc Receipts	(388,240)	(114,120)	(13,518)	(100,602)	11.85%	(374,722)	3.48%	
466020 Minor Sale - Other	(26,500)	(13,250)	(10,452)	(2,798)	78.88%	(16,048)	39.44%	
466070 Refunds P/Y Expenses	(980,000)	(490,000)	(1,876,427)	1,386,427	382.94%	896,427	191.47%	
466090 Misc Trust Fd Rev	(497,698)	(497,698)	(497,698)	0	100.00%	0	100.00%	
466120 Other Misc DISS Rev	(3,400)	(1,700)	(1,879)	179	110.54%	(1,521)	55.27%	
466130 Oth Unclass Rev	0	0	(36,959)	36,959	0.00%	36,959	0.00%	
466150 Chlamydia Study Forms	(8,000)	(4,000)	(2,500)	(1,500)	62.50%	(5,500)	31.25%	
466180 Unanticp P/Y Rev	0	0	(646,362)	646,362	0.00%	646,362	0.00%	
466260 Intercept-LocalShare	(78,378)	(39,189)	(90,471)	51,282	230.86%	12,093	115.43%	
466280 Local Srce - ECMCC	(20,000)	(10,000)	(13,816)	3,816	138.16%	(6,184)	69.08%	
466360 Stadium Reimbursement	(790,000)	(395,000)	(210,098)	(184,902)	53.19%	(579,902)	26.59%	
466370 Key Bnk Ctr Reimb	0	0	(120,000)	120,000	0.00%	120,000	0.00%	
467000 Misc Depart Income	(8,503)	(4,252)	(1,791)	(2,460)	42.13%	(6,712)	21.06%	
479100 Other Contributions	(61,510)	(11,000)	(55,682)	44,682	506.20%	(5,828)	90.53%	Through 50% of the year, the County has achieved 91% of the annual Other Sources revenue budget
480020 Sale-Excess Material	(387,000)	(193,500)	(261,792)	68,292	135.29%	(125,208)	67.65%	
480030 Recycling Revenue	(34,050)	(17,025)	(27,023)	9,998	158.73%	(7,027)	79.36%	
** Other Sources	(40,306,162)	(23,136,009)	(36,616,554)	13,480,544	158.27%	(3,689,608)	90.85%	
406610 STD Clinic Fees	(222,470)	(111,235)	(135,067)	23,832	121.43%	(87,403)	60.71%	
415000 Medical Exam Fees	(779,750)	(389,875)	(405,469)	15,594	104.00%	(374,281)	52.00%	
415050 Treasurer Fees	(125,000)	(62,500)	(177,976)	115,476	284.76%	52,976	142.38%	
415105 Passport Fees	(27,625)	(13,813)	(28,315)	14,503	205.00%	690	102.50%	
415110 Court Fees	(368,755)	(184,378)	(172,300)	(12,078)	93.45%	(196,455)	46.72%	
415120 Small Claims AR Fees	(600)	(300)	(5)	(295)	1.67%	(595)	0.83%	
415130 Auto Fees	(4,005,783)	(2,002,892)	(2,404,322)	401,430	120.04%	(1,601,461)	60.02%	
415140 Comm of Educ Fees	(129,463)	(64,732)	(46,652)	(18,080)	72.07%	(82,811)	36.04%	
415150 Recording Fees	(7,365,400)	(3,682,700)	(2,535,877)	(1,146,823)	68.86%	(4,829,523)	34.43%	
415170 Summary Page Fees	0	0	0	0	0.00%	0	0.00%	

415180	Vehicle Use Tax	(5,995,431)	(2,997,716)	(3,130,806)	133,090	104.44%	(2,864,625)	52.22%
415185	E-Z Pass Tag Sales	(8,750)	(4,375)	(3,800)	(575)	86.86%	(4,950)	43.43%
415200	Civil Serv Exam Fees	(55,000)	0	0	0	0.00%	(55,000)	0.00%
415210	3rd Party Deduct Fee	(17,000)	(8,500)	(2,500)	(6,000)	29.41%	(14,500)	14.71%
415510	Civil Proc Fees-Sher	(1,020,000)	(510,000)	(554,917)	44,917	108.81%	(465,083)	54.40%
415520	Sheriff Fees	(45,000)	(22,500)	(18,035)	(4,465)	80.16%	(26,965)	40.08%
415600	Inmate Discip Surch	(15,000)	(7,500)	(11,137)	3,637	148.49%	(3,863)	74.24%
415605	Drug Testing Charge	(35,000)	(17,500)	(13,513)	(3,987)	77.22%	(21,487)	38.61%
415610	Restitution Surcharge	(20,000)	(10,000)	(6,649)	(3,351)	66.49%	(13,351)	33.25%
415630	Bail Fee-Alt / Incar	(3,000)	(1,500)	(2,379)	879	158.63%	(621)	79.32%
415640	Probation Fees	(475,000)	(237,500)	(179,220)	(58,280)	75.46%	(295,780)	37.73%
415650	DWI Program	(624,742)	0	0	0	0.00%	(624,742)	0.00%
415670	Elec Monitoring Ch	(6,000)	(3,000)	(4,087)	1,087	136.23%	(1,913)	68.12%
415680	Pmt-Home Care Review	(10,000)	(5,000)	(112)	(4,888)	2.24%	(9,888)	1.12%
416020	Comm Sanitat & Food	(1,175,000)	(587,500)	(569,111)	(18,389)	96.87%	(605,889)	48.44%
416030	Realty Subdivisions	(12,000)	(6,000)	(2,714)	(3,286)	45.23%	(9,286)	22.62%
416040	Individ Sewr Sys Opt	(425,000)	(212,500)	(197,852)	(14,648)	93.11%	(227,148)	46.55%
416050	Lead Saf RRP Train	0	0	0	0	0.00%	0	0.00%
416090	Pen & Fines-Health	(20,000)	(10,000)	(4,620)	(5,380)	46.20%	(15,380)	23.10%
416150	PPD Tests	(8,580)	(4,290)	(50)	(4,240)	1.17%	(8,530)	0.58%
416160	TB Outreach	(47,380)	(23,690)	(17,747)	(5,943)	74.92%	(29,633)	37.48%
416190	ImmunizationsService	(8,283)	(4,142)	20	(4,162)	-0.48%	(8,303)	-0.24%
416580	Training Course Fees	(63,910)	(31,955)	(41,825)	9,870	130.89%	(22,085)	65.44%
416610	Pub Health Lab Fees	(200,000)	(100,000)	(123,609)	23,609	123.61%	(76,391)	61.60%
418040	Inspe Fee Wght/Meas	(167,642)	(83,821)	(106,161)	22,340	126.65%	(61,481)	63.33%
418050	Item Price Walvr Fee	(256,364)	(128,182)	(125,332)	(2,850)	97.78%	(131,032)	48.89%
418400	Subpoena Fees	(4,572)	(2,286)	(3,134)	848	137.10%	(1,438)	68.55%
418500	Park & Rec Chgs-Camp	(280,000)	(140,000)	(130,312)	(9,688)	93.08%	(149,688)	46.54%
418510	Park & Rec Chgs-Shel	(495,000)	(409,573)	(378,911)	(30,662)	92.51%	(116,090)	76.55%
418520	Chgs-Park Emp Subsis	(16,200)	(8,100)	(8,100)	0	100.00%	(8,100)	50.00%
418530	Golf Chg-Other Fees	(335,000)	(107,635)	(144,441)	36,806	134.20%	(190,559)	43.12%
418540	Golf Chg-Greens Fees	(795,000)	(475,731)	(540,424)	64,693	113.60%	(254,576)	67.98%
418550	Sale of Forest Prod	(9,000)	(4,500)	(4,855)	325	107.22%	(4,175)	53.61%
418590	Spec Events Receipts	(8,100)	(4,050)	(1,650)	(2,400)	40.74%	(6,450)	20.37%
420000	Tx&Assm Svs-Oth Govt	(169,000)	(169,000)	(169,777)	777	100.46%	777	100.46%
420010	Elec Exp Other Govt	(8,369,412)	(8,369,412)	(8,369,412)	0	100.00%	0	100.00%
420030	Police Svcs-Oth Govt	(307,550)	(153,775)	(154,315)	540	100.35%	(153,235)	50.18%
420190	Gen Svc-Oth Gov	(960)	(480)	(480)	0	100.00%	(480)	50.00%
420271	CFESQG Charges	(60,000)	0	0	0	0.00%	(60,000)	0.00%
421000	Pistol Permits	(225,645)	(112,823)	(124,617)	11,795	110.45%	(101,028)	55.23%
421500	Fines&Forfeited Bail	(10,000)	(5,000)	(1,909)	(3,091)	38.19%	(8,091)	19.09%
421510	Fines and Penalties	(4,600)	(2,300)	(450)	(1,850)	19.57%	(4,150)	9.78%
466010	NSF Check Fees	(2,920)	(1,460)	(2,672)	1,212	182.98%	(248)	91.49%
466190	Item Pricing Penalty	(557,040)	(278,520)	(146,290)	(132,230)	52.52%	(410,750)	26.26%
466340	STOPDWI VIP Prs Fees	(15,000)	(7,500)	(5,975)	(1,525)	79.67%	(9,025)	39.83%
**	Fees, Fines or Charges	(35,403,927)	(21,781,737)	(21,209,831)	(571,906)	97.37%	(14,194,096)	59.91%
***	Local Source Revenue	(1,379,828,176)	(839,149,507)	(873,887,134)	34,737,627	104.14%	(505,941,041)	63.33%
405570	ME 50% Fed Presch	(3,199,680)	(2,199,840)	(2,623,496)	423,656	119.26%	(576,184)	81.99%
410070	FA-IV-B Preventive	(1,035,686)	(517,843)	(71,874)	(445,969)	13.88%	(963,812)	6.94%
410080	FA-Admin Chargeback	1,835,629	917,815	917,815	(1)	100.00%	917,814	50.00%
410120	FA-SNAP ET 100%	(344,497)	(172,249)	(155,251)	(16,998)	90.13%	(189,246)	45.07%
410150	SSA-SSI Pri Inc Prg	(17,600)	(8,800)	(12,200)	3,400	138.64%	(5,400)	69.32%
410240	HUD Rev D14.267 CoC	(6,477,277)	(3,207,525)	(971,273)	(2,236,252)	30.28%	(5,506,004)	15.00%
410500	FA-Civil Defense	(342,777)	(171,389)	(171,389)	1	100.00%	(171,388)	50.00%
410510	Fed Drug Enforcement	(38,744)	(19,372)	(5,329)	(14,043)	27.51%	(33,415)	13.75%
410520	Fr Ci Bflo Pol Dept	(29,250)	(14,625)	(14,502)	(123)	99.16%	(14,748)	49.58%
411000	Mli Fed Medi Sal Sh	(969,177)	(474,205)	(514,732)	40,527	108.55%	(454,445)	54.11%
411490	Fed Aid - TANF FFFS	(39,223,148)	(26,611,574)	(31,198,692)	4,587,118	117.24%	(8,024,456)	79.54%
411495	FA - SYEP	(1,737,068)	(868,534)	(696,116)	(172,418)	80.15%	(1,040,952)	40.07%
411500	Fed Aid - MA In House	1,965,117	982,559	659,684	322,875	67.14%	1,305,433	33.57%
411520	FA-Family Assistance	(37,682,769)	(18,841,385)	(13,980,431)	(4,860,954)	74.20%	(23,702,338)	37.10%
411540	FA-Social Serv Admin	(29,746,461)	(14,873,231)	(11,227,442)	(3,645,788)	75.49%	(18,519,019)	37.74%
411550	FA-Soc Serv Adm A-87	(1,275,590)	(637,795)	(334,203)	(303,592)	52.40%	(941,387)	26.20%
411570	Fed Aid - SNAP Admin	(15,194,264)	(7,597,132)	(6,838,430)	(758,702)	90.01%	(8,355,834)	45.01%
411580	Fed Aid - SNAP ET 50%	(4,141,052)	(2,070,526)	(1,426,597)	(643,929)	68.90%	(2,714,455)	34.45%
411590	FA-HEAP	(4,561,210)	(2,280,605)	(4,647,894)	2,367,289	203.80%	86,684	101.90%
411610	FA-Serv/Recipients	(4,866,010)	(2,433,005)	(2,839,420)	406,415	116.70%	(2,026,590)	58.35%
411640	FA-Daycare Block Grt	(19,339,794)	(15,069,897)	(18,289,297)	3,219,400	121.36%	(1,050,497)	94.57%
411670	FA-Refugee&Entrants	(126,706)	(63,353)	(50,131)	(13,222)	79.13%	(76,575)	39.56%
411680	FA-Foster Care/Adopt	(23,126,797)	(11,563,399)	(6,564,825)	(4,998,574)	56.77%	(16,561,972)	28.39%
411690	FA-IV-D Incentives	(341,203)	(170,602)	(226,128)	55,527	132.55%	(115,075)	66.27%
411700	FA-TANF Safety Net	(360,963)	(180,482)	(151,251)	(29,231)	83.80%	(209,712)	41.90%
411780	Fed Aid-Medicaid Adm	(116,171)	(58,086)	(75,000)	16,915	129.12%	(41,171)	64.56%
414000	Federal Aid	(157,000)	(70,500)	(212,104)	141,604	300.86%	55,104	135.10%
414010	Federal Aid - Other	0	0	(30,173)	30,173	0.00%	30,173	0.00%
414020	Misc Federal Aid	(77,488)	(38,744)	(67,044)	28,300	173.04%	(10,444)	86.52%
414030	FMAP Revenue	0	0	(406,115)	406,115	0.00%	406,115	0.00%
414035	FED LATCF Revenue	0	0	(50,000)	50,000	0.00%	50,000	0.00%
***	Federal Revenue	(190,727,636)	(108,314,321)	(102,273,841)	(6,040,480)	94.42%	(88,453,795)	53.62%
405000	State Aid Fr Da Sal	(77,682)	0	0	0	0.00%	(77,682)	0.00%
405010	St Re Indigent Care	(30,000)	(15,000)	(15,000)	0	100.00%	(15,000)	50.00%
405170	SA-Crt Fac Incen Aid	(2,167,000)	(1,083,500)	(1,259,758)	176,258	116.27%	(907,242)	58.13%
405190	SA-Aid-Octane Testing	(25,885)	(12,943)	(7,847)	(5,096)	60.63%	(18,038)	30.31%
405500	SA-Spec Need Presch	(37,057,308)	(18,378,654)	(20,080,342)	1,701,688	109.26%	(16,976,966)	54.19%
405520	SA-NYS DOH EI Serv	(4,259,038)	(2,129,519)	(1,981,576)	(147,943)	93.05%	(2,277,462)	46.53%
405530	SA-Admin Preschool	(379,134)	(189,567)	(411,150)	221,583	216.89%	32,016	108.44%
405540	SA-Art Vi-P H Work	(3,712,202)	(1,856,101)	(1,670,490)	(185,611)	90.00%	(2,041,712)	45.00%
405560	SA-NYS DOH EI Admin	(546,948)	(273,474)	(273,474)	0	100.00%	(273,474)	50.00%
405590	SA-Medicaid EI Admin	(116,171)	(58,086)	(75,000)	16,915	129.12%	(41,171)	64.56%
405595	SA-Med Anti Fraud	(471,085)	(235,543)	(120,747)	(114,796)	51.26%	(350,338)	25.63%
406000	SA-Fr Prob Serv	(1,429,470)	(714,735)	(714,735)	0	100.00%	(714,735)	50.00%
406010	SA-Fr Nav Law Enforc	(80,500)	(40,250)	0	(40,250)	0.00%	(80,500)	0.00%
406020	SA-Snomob Lw Enforc	(20,000)	(10,000)	(6,991)	(3,009)	69.91%	(13,009)	34.96%
406500	Refugee Hlth Assment	(91,041)	(45,521)	(68,875)	23,354	151.30%	(22,166)	75.65%
406550	Emerg Med Training	(435,395)	(217,698)	(129,975)	(87,723)	59.70%	(305,420)	29.85%

After 50% of the year, the County has achieved 60% of the annual Fees, Fines, or Charges revenue budget.

Federal Aid
Formula-driven Federal Aid appears under budget, mainly in Health and Human Service Departments, is offset by savings in associated expenditures.

After 50% of the year, the County has achieved 54% of the budgeted Federal revenue.

State Aid
Formula-driven State Aid appears under budget, mainly in Health and Human Service Departments, is offset by savings in associated expenditures.

406560 SA-Art VI-PubHlthLab	(4,405,561)	(2,202,781)	(1,982,502)	(220,279)	90.00%	(2,423,059)	45.00%
406810 SA-Foren Mntl Hea Sr	(2,901,411)	(1,450,706)	(1,282,331)	(168,375)	88.89%	(1,619,080)	44.20%
406830 SA-Mental Health II	(36,796,355)	(17,346,291)	(17,028,770)	(317,521)	98.17%	(19,767,585)	46.28%
406860 State Aid - OASAS	(16,963,186)	(8,281,445)	(8,174,608)	(106,837)	98.71%	(8,788,578)	48.19%
406880 State Aid - OPWDD	(568,261)	(268,551)	(269,768)	1,217	100.45%	(298,493)	47.47%
406890 Handpd Park Surch	(14,000)	(7,000)	(2,700)	(4,300)	38.57%	(11,300)	19.29%
407500 SA-MA In House	1,965,117	982,559	94,052	888,507	9.57%	1,871,065	4.79%
407510 SA-Spec Need Adult	(2,310)	(1,155)	0	(1,155)	0.00%	(2,310)	0.00%
407520 SA-Family Assistance	0	0	(18,337)	18,337	0.00%	18,337	0.00%
407540 SA-Soc Serv Admin	(30,554,134)	(15,277,067)	(14,956,880)	(320,187)	97.90%	(15,597,254)	48.95%
407600 SA-Sec Det Other Co	(802,307)	(401,154)	(191,406)	(209,748)	47.71%	(610,901)	23.86%
407610 SA-Sec Det Loc Yth	(2,258,810)	(1,531,405)	(1,429,309)	(102,096)	93.33%	(829,501)	63.28%
407625 SA-Raise the Age	(8,650,476)	(4,575,238)	(4,275,612)	(299,626)	93.45%	(4,374,864)	49.43%
407630 SA-Safety Net Assist	(10,411,479)	(5,205,740)	(4,710,963)	(494,777)	90.50%	(5,700,516)	45.25%
407640 SA-Emrg Assist/Adult	(429,184)	(214,592)	(147,899)	(66,693)	68.92%	(281,285)	34.44%
407650 SA-Foster Care/Adopt	(28,331,826)	(14,165,913)	(8,763,941)	(5,401,972)	61.87%	(19,567,885)	30.93%
407670 SA-EAF Prev POS	(6,725,218)	(3,362,609)	(973,920)	(2,388,689)	28.96%	(5,751,298)	14.48%
407680 SA-Serv Fr Recipients	(5,997,122)	(2,998,561)	(5,264,861)	2,266,300	175.58%	(732,261)	87.79%
407710 SA-Legal Serv/Disab	(162,242)	(81,121)	0	(81,121)	0.00%	(162,242)	0.00%
407730 State Aid - Burials	(1,034)	(517)	(70)	(447)	13.54%	(964)	6.77%
407740 SA-Veterns Srv Agenc	(70,000)	0	0	0	0.00%	(70,000)	0.00%
407780 SA-Daycare Block Grt	(3,899,715)	(1,949,858)	(947,769)	(1,002,089)	48.61%	(2,951,946)	24.30%
407785 SA-WDI Enrollment	0	0	(204,750)	204,750	0.00%	204,750	0.00%
407795 State Aid - Code Blue	(427,812)	(263,906)	(346,194)	82,288	131.18%	(81,618)	80.92%
408000 SA-Youth Progs	(25,181)	(12,591)	(12,590)	(1)	100.00%	(12,591)	50.00%
408020 Youth-Reimb Programs	(996,576)	(498,288)	(478,509)	(19,779)	96.03%	(518,067)	48.02%
408030 Homeless/Run NR RHY1	(117,000)	(58,500)	(40,000)	(18,500)	68.38%	(77,000)	34.19%
408040 Homeless/Run Re RHY2	(84,000)	(42,000)	(23,000)	(19,000)	54.76%	(61,000)	27.38%
408050 Youth - Homeless Adv	0	0	0	0	0.00%	0	0.00%
408055 Youth Sports/Edu Opp	(100,000)	(50,000)	(50,000)	0	100.00%	(50,000)	50.00%
408061 STSJP - RTA	(450,000)	(225,000)	(175,982)	(49,018)	78.21%	(274,018)	39.11%
408065 Yth-Supervision	(310,000)	(155,000)	(121,116)	(33,884)	78.14%	(188,884)	39.07%
408530 SA-Crim Justice Prog	(711,517)	(323,197)	(377,462)	54,265	116.79%	(334,055)	53.05%
409000 State Aid Revenues	(86,755)	(9,378)	(66,462)	57,085	708.74%	(20,293)	76.61%
409010 State Aid - Other	(4,217,610)	(79,839)	2,256,654	(2,336,492)	-2826.52%	(6,474,264)	-53.51%
409020 SA-Misc	(63,386)	(31,693)	(19,532)	(12,161)	61.63%	(43,854)	30.81%
409030 SA-Main-Lieu of Rent	(157,578)	(78,789)	(78,789)	0	100.00%	(78,789)	50.00%
409060 SA-Prob Pretrial Ser	(99,394)	(11,199)	0	(11,199)	0.00%	(99,394)	0.00%
*** State Revenue	(216,725,182)	(105,439,110)	(96,881,286)	(8,557,824)	91.88%	(119,843,896)	44.70%
486010 Resid Equity Tran-in	(729,966)	(729,966)	(728,801)	(1,165)	99.84%	(1,165)	99.84%
*** Interfund Revenue	(729,966)	(729,966)	(728,801)	(1,165)	99.84%	(1,165)	99.84%
*** County Revenue	(1,788,010,960)	(1,053,632,904)	(1,073,771,062)	20,138,158	101.91%	(714,239,898)	60.05%

Expenses

500000 Full Time - Salaries	266,000,391	128,912,967	120,873,600	8,039,367	93.76%	145,126,791	45.44%		
500010 Part Time - Wages	4,398,923	1,975,721	1,231,862	743,859	62.35%	3,167,061	28.00%	Through 50% of the year, the County has spent 45% of budgeted salaries.	
500020 Regular PT - Wages	1,825,798	865,071	699,837	165,234	80.90%	1,125,961	38.33%		
500030 Seasonal - Wages	1,006,666	400,136	283,566	116,569	70.87%	723,100	28.17%		
** Salaries	273,231,778	132,153,895	123,088,865	9,065,030	93.14%	150,142,913	45.05%		
500300 Shift Differential	2,220,501	1,087,298	1,056,565	30,733	97.17%	1,163,936	47.58%		
500320 Uniform Allowance	1,131,050	244,500	244,500	0	100.00%	886,550	21.62%		
500330 Holiday Worked	2,482,406	1,215,652	1,155,486	60,166	95.05%	1,326,920	46.55%		
500340 Line-up Pay	2,946,478	1,436,408	1,302,502	133,906	90.68%	1,643,976	44.21%		
500350 Other Employee Pymts	2,532,210	1,209,415	1,043,865	165,549	86.31%	1,488,345	41.22%	After 50% of the year, overtime is showing a unfavorable variance of \$5.7 Million	
501000 Overtime	18,813,540	9,392,939	15,166,932	(5,773,994)	161.47%	3,646,608	80.62%		
** Non-Salaries	30,126,185	14,586,210	19,969,850	(5,383,640)	158.91%	10,156,335	66.29%		
504990 Reductions Per Srv	(2,700,000)	(1,316,250)	0	(1,316,250)	0.00%	(2,700,000)	0.00%		
504992 Salary Reserves	1,914,874	826,719	0	826,719	0.00%	1,914,874	0.00%		
504998 Net Impact Teamsters	900,000	0	0	0	0.00%	900,000	0.00%		
** Countywide Adjustments	114,874	(489,532)	0	(489,532)	0.00%	114,874	0.00%		
** Personnel Related Expense	303,472,837	146,250,574	143,058,715	3,191,859	97.82%	160,414,122	47.14%		
502000 Fringe Benefits	143,402,888	68,998,604	0	68,998,604	0.00%	143,402,888	0.00%		
502010 Employer FICA	0	0	8,621,588	(8,621,588)	0.00%	(8,621,588)	0.00%	All departmental Fringe Benefit expense is budgeted in account 502000. Actual expense is recorded at the detailed level indicated. The exception is the budget for Workers Compensation and ECMC Legacy related expense.	
502020 Empler FICA-Medicare	0	0	2,004,292	(2,004,292)	0.00%	(2,004,292)	0.00%		
502030 Employee Health Ins	0	0	22,077,789	(22,077,789)	0.00%	(22,077,789)	0.00%		
502040 Dental Plan	0	0	774,300	(774,300)	0.00%	(774,300)	0.00%		
502050 Workers' Compensation	11,496,779	5,432,680	5,791,913	(359,233)	106.61%	5,704,866	50.38%		
502060 Unemployment Ins	0	0	135,686	(135,686)	0.00%	(135,686)	0.00%		
502070 Hosp & Med-Retirees'	1,782,192	891,096	16,463,439	(15,572,343)	1847.55%	(14,681,247)	923.77%		
502090 Hlth Ins Waiver	0	0	1,352,692	(1,352,692)	0.00%	(1,352,692)	0.00%		
502100 Retirement	0	0	13,983,880	(13,983,880)	0.00%	(13,983,880)	0.00%	After 50% of the year, the County has spent 46% of the total budgeted Fringe Benefit expense.	
502130 WkrsCmp OtherFd Reim	[9,408,053]	(4,586,426)	(2,984,640)	(1,601,785)	65.08%	(6,423,413)	31.72%		
502140 3rd Party Recoveries	[1,242,547]	(605,742)	(708,318)	102,576	116.83%	(534,229)	57.01%		
** Fringe Benefit Total	146,031,259	70,130,212	67,512,622	2,617,590	96.27%	78,518,637	46.23%		
505000 Office Supplies	1,148,160	532,898	308,819	224,079	57.95%	839,341	26.90%		
505200 Clothing Supplies	822,379	323,150	202,935	120,215	62.80%	619,444	24.68%		
505400 Food & Kltchen Supp	1,922,314	960,189	884,597	75,592	92.13%	1,037,717	46.02%		
505600 Auto Tr & Hvy Eq Sup	3,127,974	1,582,186	893,676	688,510	56.48%	2,234,298	28.57%		
505800 Medical & Hlth Supp	2,285,626	764,850	648,479	116,371	84.79%	1,637,147	28.37%		
506200 Maintenance & Repair	3,450,789	1,511,158	1,033,900	477,259	68.42%	2,416,889	29.96%		
507000 E-Z Pass Supplies	14,700	7,350	0	7,350	0.00%	14,700	0.00%		
** Supplies and Repairs	12,771,942	5,681,782	3,972,406	1,709,376	69.91%	8,799,536	31.10%		
555000 General Liability	8,520,262	3,146,000	(6,974)	3,152,974	-0.22%	8,527,236	-0.08%		
555010 Settlmnts/Jdgmnts-Lit	0	0	1,885,400	(1,885,400)	0.00%	(1,885,400)	0.00%		
555020 Travel & Mileage-Lit	0	0	526	(526)	0.00%	(526)	0.00%		
555030 Litig & Rel Disburs.	0	0	75,790	(75,790)	0.00%	(75,790)	0.00%		
555040 Expert/Cons Fees-Lit	0	0	631,389	(631,389)	0.00%	(631,389)	0.00%		
555050 Insurance Premiums	0	0	556,458	(556,458)	0.00%	(556,458)	0.00%		
* Risk Retention	8,520,262	3,146,000	3,142,590	3,410	99.89%	5,377,672	36.88%		
510000 Local Mileage Reimb	1,809,465	879,610	733,453	146,157	83.38%	1,076,012	40.53%		
510100 Out Of Area Travel	674,796	286,281	160,223	126,058	55.97%	514,574	23.74%		
510200 Training And Educat	757,230	334,565	222,590	111,975	66.53%	534,640	29.40%		
511000 Control Board Expense	490,000	490,000	533,228	(43,228)	108.82%	(43,228)	108.82%	Risk Retention expense is budgeted in account 555000 while actual expense is recorded at a detailed level in the accounts indicated. In total Risk Retention is on budget for the period.	
515000 Utility Charges	3,708,150	1,655,004	1,508,012	146,992	91.12%	2,200,138	40.67%		
516040 DSS Trng & Edu Pro	1,759,781	1,114,905	634,498	480,407	56.91%	1,125,283	36.06%		
530000 Other Expenses	4,327,611	2,129,332	629,373	1,499,960	29.56%	3,698,238	14.54%		
530010 Chargebacks	1,636,212	818,106	811,077	7,029	99.14%	825,135	49.57%		
530030 Pivot Wage Subsidies	2,582,049	1,334,968	1,247,080	87,888	93.42%	1,334,969	48.30%		
545000 Rental Charges	13,461,174	6,338,308	5,895,094	443,214	93.01%	7,566,081	43.75%		
** Other	39,726,730	18,527,078	15,517,217	3,009,862	83.75%	24,209,514	39.06%		
* Non Profit Agency Subsidy	26,289,314	14,466,151	14,466,151	0	100.00%	11,823,164	55.03%		
* Non Profit Purchase of Servic	146,922,057	59,678,462	58,512,461	1,166,000	98.05%	88,409,596	39.83%		
516020 Pro Ser Cnt and Fees	26,420,193	7,881,506	4,301,053	3,580,453	54.57%	22,119,140	16.28%		
516021 Indep Procead Review	50,000	25,000	25,000	0	100.00%	25,000	50.00%		
516030 Maintenance Contracts	9,147,460	6,201,930	6,617,335	(415,405)	106.70%	2,530,125	72.34%		
516042 Foreclosure Action	1,752,754	1,752,754	1,752,754	0	100.00%	0	100.00%		
516080 Life Safety Contract	1,477,468	515,801	602,331	(86,530)	116.78%	875,137	40.77%		
516045 Prog Start-Up Costs	0	(738,685)	0	(738,685)	0.00%	0	0.00%		
520000 Muncipal Assoc Fees	118,427	118,427	118,426	1	100.00%	1	100.00%		
516047 Warehouse Build-Out	950,000	0	0	0	0.00%	950,000	0.00%		
520010 Txs&Asses-Co Ownd Pr	600	300	229	71	76.32%	371	38.16%		
520020 Co Res Enrl Comm Col	8,305,275	3,705,138	3,704,413	724	99.98%	4,600,862	44.60%		
520040 Curr Pymts Mass Tran	3,657,200	1,828,600	1,828,600	0	100.00%	1,828,600	50.00%		
520050 Garbage Disposal	115,000	57,500	53,412	4,088	92.89%	61,588	46.45%		
520070 Buffalo Bills Maint	3,048,714	947,173	947,173	0	100.00%	2,101,541	31.07%		
520072 Working Capital Asst	1,933,237	0	0	0	0.00%	1,933,237	0.00%		
* Professional Svcs Contracts a	56,976,329	22,295,444	19,950,726	2,344,718	89.48%	37,025,603	35.02%		
516050 Dept Payments-ECMCC	5,429,271	3,768,439	3,711,532	56,908	98.49%	1,717,739	68.36%		
516051 ECMCC Drug & Alcohol	397,493	198,747	198,747	0	100.00%	198,747	50.00%		
* ECMCC Payments	5,826,764	3,967,186	3,910,278	56,908	98.57%	1,916,486	67.11%		
516060 Sales Tax Loc Gov 3%	403,187,071	198,497,013	207,927,570	(9,430,557)	104.75%	195,259,501	51.57%		
516070 Flat Dist from 1%	12,500,000	12,500,000	12,500,000	0	100.00%	0	100.00%		
520030 NFTA-Share Sales Tax	25,966,267	12,825,872	13,391,464	(565,592)	104.41%	12,574,803	51.57%		
* Sales Tax to Local Government	441,653,338	223,822,885	233,819,034	(9,996,149)	104.47%	207,834,304	52.94%		
** Contractual	677,667,802	324,230,127	330,658,651	(6,428,524)	101.98%	347,009,151	48.79%		
561410 Lab & Tech Eq	8,640,410	2,236,266	1,704,190	532,076	76.21%	6,936,220	19.72%		
561420 Office Furn & Fxkt	852,273	259,625	128,250	131,374	49.40%	724,023	15.05%		
561430 Bldg Grs & Hvy Eq	928,088	28,600	74,121	(45,522)	259.17%	853,967	7.99%		
561440 Motor Vehicles	1,237,571	349,556	61,113	288,443	17.48%	1,176,458	4.94%		
** Equipment	11,658,342	2,874,046	1,967,675	906,372	88.46%	9,690,667	16.88%		
559000 County Share - Grants	15,328,919	1,079,862	1,511,173	(431,311)	139.94%	13,817,746	9.86%		
570000 InterFund Trans-Subs	125,000	125,000	125,000	0	100.00%	0	100.00%		
570020 Interfund - Road	17,237,687	8,230,562	8,230,562	0	100.00%	9,007,125	47.75%		
570025 InterFd Co Share 911	5,505,969	2,849,419	2,849,419	0	100.00%	2,656,550	51.75%		
570028 InterFd Co Share Lib	769,976	769,976	769,976	0	100.00%	0	100.00%		
570030 Interfund-ECC Sub	19,804,317	19,804,317	19,804,317	0	100.00%	0	100.00%		
570050 InterFund Trans-Cap	152,562,523	45,294,000	45,294,000	0	100.00%	107,268,523	29.69%		
575000 Interfnd Exp Non-Sub	4,354,310	0	0	0	0.00%	4,354,310	0.00%		

575040 I/F Expense-Utility	5,724,468	2,267,234	1,690,963	576,271	74.58%	4,033,505	29.54%
* Interfund Expense	221,413,168	80,420,371	80,275,411	144,959	99.82%	141,137,757	36.26%
910200 ID Budget Services	0	0	0	0	0.00%	0	0.00%
910600 ID Purchasing Srv	(286,309)	(143,155)	(130,994)	(12,161)	91.51%	(155,315)	45.75%
910700 ID Fleet Services	(3,087,181)	(1,552,950)	(889,090)	(663,860)	57.25%	(2,198,091)	28.80%
911200 ID Comptroller's Srv	0	0	0	0	0.00%	0	0.00%
911400 ID District Atty Srv	0	0	0	0	0.00%	0	0.00%
911500 ID Sheriff Div. Srvs	(194,907)	(97,454)	(116,298)	18,844	119.34%	(78,609)	59.67%
911600 ID Jail Mgt. Service	0	0	0	0	0.00%	0	0.00%
911630 ID Correctional Fac	(45,000)	(22,500)	0	(22,500)	0.00%	(45,000)	0.00%
912000 ID DSS Service	(167,814)	(83,907)	0	(83,907)	0.00%	(167,814)	0.00%
912100 ID Utility Fund Srv	4,966	2,483	0	2,483	0.00%	4,966	0.00%
912215 ID DPW Mail Srvs	(13,561)	(6,781)	(3,939)	(2,841)	58.10%	(9,622)	29.05%
912220 ID Build&Grounds Srv	0	0	0	0	0.00%	0	0.00%
912300 ID Highways Services	32,000	16,000	3,459	12,541	21.62%	28,541	10.01%
912400 ID Mental Health Srv	0	0	0	0	0.00%	0	0.00%
912520 ID Youth Deten Srvs	0	0	0	0	0.00%	0	0.00%
912530 ID Youth Bureau Srvs	0	0	0	0	0.00%	0	0.00%
912600 ID Probation Services	0	0	0	0	0.00%	0	0.00%
912700 ID Health Services	(3,427)	(1,714)	(149,559)	147,846	8728.30%	146,132	4364.15%
912730 ID Health Lab Srv	7,187	3,594	3,154	440	87.76%	4,033	43.88%
912740 ID Med Ex Services	0	0	0	0	0.00%	0	0.00%
913000 ID Veterans Services	0	0	0	0	0.00%	0	0.00%
914000 ID CW Accts Budget	84,610	(7,800)	(7,800)	0	100.00%	92,410	-9.22%
916000 ID County Atty Srv	(153,032)	(74,808)	(8,201)	(66,607)	10.96%	(144,831)	5.36%
916200 ID Env & Plan Srv	57,182	28,591	25,100	3,491	87.79%	32,082	43.89%
916300 ID Senior Services	0	0	0	0	0.00%	0	0.00%
916990 ID Senior Srvs Grant	24,906	12,453	10,466	1,987	84.05%	14,440	42.02%
916400 ID Parks Services	(70,986)	(35,493)	(16,697)	(18,796)	47.04%	(54,289)	23.52%
916500 ID CPS Services	0	0	0	0	0.00%	0	0.00%
916700 ID Emergency Services	0	0	0	0	0.00%	0	0.00%
916790 ID Emerg Srvs Grant	115,445	57,723	45,493	12,229	78.81%	69,952	39.41%
942000 ID Library Services	153,143	76,572	71,767	4,805	93.73%	81,376	46.86%
980000 ID DISS Services	(2,190,672)	(1,095,371)	(1,135,567)	40,196	103.67%	(1,055,105)	51.84%
* Interdepartmental Billings	(5,733,450)	(2,924,517)	(2,298,706)	(625,811)	78.60%	(3,434,744)	40.09%
** Allocations	215,679,718	77,495,854	77,976,706	(480,852)	100.62%	137,703,013	36.15%
525000 MMIS-Medicaid Loc Sh	190,454,017	90,321,282	86,882,666	3,438,616	96.19%	103,571,351	45.62%
525020 UPL Expense	6,786,138	-	-	-	0%	6,786,138	0.00%
525030 MA - Gross Loc Pymts	39247	19623.5	6408.2	13215.3	33%	32,839	16%
525040 Family Assistance-FA	38,780,099	19,390,050	14,242,025	5,148,024	73%	24,538,074	37%
525050 CWS - Foster Care	99,177,933	38,088,967	31,889,560	6,199,406	84%	67,288,373	32%
525060 Safety Net Assist	39,665,565	19,832,783	17,967,687	1,865,096	91%	21,697,878	45%
525070 Emer Assist To Adlts	1,034,035	517,018	436,512	80,505	84%	597,523	42%
525080 Ed Handicapped Child	592,608	296,304	114,350	181,954	39%	478,258	19%
525091 Child Care - Title XX	1,580,796	790,398	1,095,952	(305,554)	139%	484,844	69%
525092 Child Care - CCBG	21,720,590	11,060,295	21,969,678	(10,909,383)	198.64%	(249,088)	101.15%
525100 Housekeeping - DSS	36,486	18,243	-	18,243	0.00%	36,486	0.00%
525110 Meals On Wheels WNY	70,000	35,000	35,000	-	100.00%	35,000	50.00%
525120 Adult Special Needs	2,310	1,155	-	1,155	0.00%	2,310	0.00%
525130 OCFS Yth Fac Charges	7,979,770	3,989,885	4,003,255	(13,370)	100%	3,976,515	50%
525140 HEAP Program Costs	570,000	285,000	688,039	(403,039)	241%	(118,039)	121%
525150 DSH Expense	90,977,571	50,573,845	50,573,845	-	100%	40,403,726	56%
525160 Indigent Care DSH	6,458,791	3,113,146	2,985,344	126,802	95.93%	3,472,447	46.24%
528000 Svcs Spec Need Child	64,569,406	32,185,703	36,018,564	(3,832,861)	111.91%	28,550,842	55.78%
528010 Srvs Early Inv Prog	8,570,914	4,185,814	4,044,033	141,782	96.61%	4,526,881	47.18%
530020 Independent Living	10,000	5,000	-	5,000	0.00%	10,000	0.00%
** Program Specific	579,076,276	274,709,510	274,954,919	1,755,591	99.36%	306,127,357	47.14%
570040 I/F Subsidy Debt Srv	62,414,953	29,993,037	29,993,037	0	100.00%	32,421,916	48.05%
** Debt Services	62,414,953	29,993,037	29,993,037	0	100.00%	32,421,916	48.05%
*** All Other Operating Expense	1,598,995,763	733,511,434	733,039,609	471,825	99.94%	865,956,154	45.84%
**** County Expense	7,048,499,859	949,892,220	943,610,947	6,281,273	99.34%	1,104,888,912	46.06%
**** Net	260,488,900	(103,740,684)	(130,160,115)	26,419,430		390,649,014	

Through 50% of the year Medicaid has a positive variance of \$ 3.4M. An overall \$ 7.3M is expected for all of 2023.

The UPL Expense payment expected for December 2022 has been delayed and is expected sometime in 2023.

Savings due to enhanced rMAP

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ADM CL LEG	51008245	GRP 08	FT	P	03/26/2023	DISTRICT OFFICE STAFF	110		51,967.00		05	100.000
51,967.00 Perm Budget Amt							0.00	0	Temp Vac	1		
FIR AD AS LE	51011829	GRP 10	FT	P	04/18/2023	LEGISLATURE MAJORITY STAFF	110		58,644.00		05	100.000
58,644.00 Perm Budget Amt							0.00	0	Temp Vac	1		

Totals for Legislative Branch

110,611.00	Perm Budget Amt	2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
BUS IN SY AN	51017021	GRP 12	FT	P	01/01/2022	APPLICATION SERVICES	110		67,914.00	1	01	100.000
67,914.00		Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1
COMP OPR	51016668	GRP 07	FT	P	08/13/2022	CLIENT SERVICES	110		48,978.00	1	01	100.000
48,978.00		Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1
ERP SUP AN	00003395	GRP 13	FT	T	02/11/2023	APPLICATION SERVICES	110		73,524.00	1	01	100.000
0.00		Perm Budget Amt		0	Perm Vac	73,524.00	Temp Budget Amt		1	Temp Vac		1
SR COMP OP	51016753	GRP 08	FT	P	01/30/2023	CLIENT SERVICES	110		51,967.00	1	01	100.000
51,967.00		Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1
SR TCH SS SP	51016756	GRP 13	FT	P	04/07/2023	APPLICATION SERVICES	110		73,524.00	1	01	100.000
73,524.00		Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1
SUP PRT GRPH	51016457	GRP 10	FT	P	04/12/2023	PRINT, COPY & GRAPHICS	110		58,644.00	1	02	100.000
58,644.00		Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac		1
TCH SP COMP	51011229	GRP 10	FT	T	02/26/2022	APPLICATION SERVICES	110		58,644.00	1	02	100.000
0.00		Perm Budget Amt		0	Perm Vac	58,644.00	Temp Budget Amt		1	Temp Vac		1
TCH SUP SR S	00010262	GRP 12	FT	T	09/24/2022	INFRASTRUCTURE SERVICES	110		67,914.00	1	01	100.000
0.00		Perm Budget Amt		0	Perm Vac	67,914.00	Temp Budget Amt		1	Temp Vac		1
Totals for Information & Support Services												
301,027.00		Perm Budget Amt		5	Perm Vac	200,082.00	Temp Budget Amt		3	Temp Vac		8

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
MIN WO OB EC	51017023	GRP 11	FT	P	12/03/2022	EQUAL EMP OPPORTUNITY, DIVERSITY & INCLUSION	110		63,929.00		07	100.000
63,929.00 Perm Budget Amt										1		
MIN WO OB ES	51017025	GRP 03	FT	P	11/01/2022	EQUAL EMP OPPORTUNITY, DIVERSITY & INCLUSION	110		51,967.00		01	100.000
51,967.00 Perm Budget Amt										1		

Totals for Equal Employment Opportunity

115,896.00	Perm Budget Amt	2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2
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SHORT DESC	POSITION NUMBER	JOB GRP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
TAX MAP TCH	51012601	GRP 06	FT	T	04/15/2023	DEPARTMENT OF REAL PROPERTY TAX	110		46,209.00	01	10C	.0000
	0.00	Perm Budget Amt		0	Perm Vac		Temp Budget Amt		46,209.00	1	Temp Vac	

Totals for Real Property Tax Services

0.00	Perm Budget Amt	0	Perm Vac	46,209.00	Temp Budget Amt	1	Temp Vac
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Report: ZHR_VACANT_POS_RPT
 System: FRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 112 Comptroller

Erie County
 POSITION CONTROL
 BENEFIT EAEN VACANCY BY DEPARTMENT, JOB

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 Time: 11:40:00
 As of: 06/30/2023

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACCOUNTANT	51011177	GRP 09	FT	T	04/22/2023	ACCOUNTING	110		55,216.00		01	10C.000
	51011179	GRP 09	FT	T	01/30/2023	ACCOUNTING	110		55,216.00		01	10C.000
	0.00	Perm Budget Amt			0	Perm Vac	110,432.00			2	Temp Vac	
ACCT AUDITOR	51009174	GRP 09	FT	T	02/18/2023	AUDIT & CONTROL	110		55,216.00		01	10C.000
	0.00	Perm Budget Amt			0	Perm Vac	55,216.00			1	Temp Vac	
ASC DECO XIV	51014369	GRP 14	FT	P	11/20/2021	ADMINISTRATION	110		81,199.00		04	100.000
	81,199.00	Perm Budget Amt			1	Perm Vac	0.00			1	Temp Vac	
DIR ACT SRV	00003006	GRP 15	FT	P	04/10/2023	AUDIT & CONTROL	110		89,220.00		01	100.000
	89,220.00	Perm Budget Amt			1	Perm Vac	0.00			1	Temp Vac	
STAFF AUD	51012879	GRP 11	FT	P	10/03/2022	AUDIT & CONTROL	110		63,929.00		01	100.000
	63,929.00	Perm Budget Amt			1	Perm Vac	0.00			1	Temp Vac	
PUBARCON C R	51017992	GRP 16	RPT	P	06/03/2023	ADMINISTRATION	110		73,389.00		07	100.000
	73,389.00	Perm Budget Amt			1	Perm Vac	0.00			1	Temp Vac	
Totals for Comptroller												
	307,737.00	Perm Budget Amt			4	Perm Vac	165,648.00			3	Temp Vac	

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 113 County Clerk

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

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 Date: 08/15/2023
 Time: 11:40:00
 As of: 06/30/2023

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DOC CLK	00003099	GRP 05	FT	P	01/24/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		43,605.00	01	100.000	
	00003103	GRP 05	FT	P	10/15/2022	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		43,605.00	01	100.000	
	51001417	GRP 05	FT	P	05/20/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		43,605.00	01	100.000	
	51013776	GRP 05	FT	P	06/05/2023	RECORDING	110		43,605.00	01	100.000	
174,420.00		Perm Budget Amt		4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	4		
MESSENGER	51016039	GRP 03	FT	P	04/10/2021	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		36,637.00	03	100.000	
36,637.00		Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
MOT VEH REP	00006595	GRP 05	FT	T	06/13/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00	01	100.000	
	51016762	GRP 05	FT	T	06/03/2023	AUTO BUREAU BRANCH OFFICES	110		43,605.00	01	100.000	
0.00		Perm Budget Amt		0	Perm Vac	87,210.00	Temp Budget Amt	2	Temp Vac	2		
MV REP 55A	51005054	GRP 05	FT	P	07/13/2022	AUTO BUREAU BRANCH OFFICES	110		43,605.00	02	100.000	
43,605.00		Perm Budget Amt		1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1		
SR DOC CLK	00008741	GRP 06	FT	T	04/15/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		46,209.00	01	100.000	
	51001597	GRP 06	FT	T	04/15/2023	RECORDING	110		46,209.00	01	100.000	
	51008346	GRP 06	FT	T	01/28/2023	ACTIONS AND PROCEEDINGS/PISTOL PERMITS	110		46,209.00	01	100.000	
0.00		Perm Budget Amt		0	Perm Vac	138,627.00	Temp Budget Amt	3	Temp Vac	3		
254,662.00		Perm Budget Amt		6	Perm Vac	225,837.00	Temp Budget Amt	5	Temp Vac	11		
Totals for County Clerk												

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ASST DA III	00000433	GRP 14	FT	P	04/22/2023	LOWER COURTS	110		81,199.00		04	100.000
	00000443	GRP 14	FT	P	06/03/2023	LOWER COURTS	110		81,199.00		04	100.000
	00000454	GRP 14	FT	P	04/22/2023	SUPERIOR COURTS	110		81,199.00		04	106.000
	51005669	GRP 14	FT	P	06/22/2023	LOWER COURTS	110		81,199.00		04	106.000
	324,796.00	Perm Budget Amt			4	Perm Vac		0.00	Temp Budget Amt	0	Temp Vac	
ASST DIS A V	51007251	GRP 16	FT	P	07/17/2023	LOWER COURTS	110		97,852.00		07	100.000
	97,852.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt	0	Temp Vac	
DATA ENT OPR	51013119	GRP 04	FT	T	02/11/2023	LOWER COURTS	110		41,689.00		01	100.000
	51013121	GRP 04	FT	T	03/11/2023	ADMINISTRATION	110		41,689.00		01	100.000
	0.00	Perm Budget Amt			0	Perm Vac		83,378.00	Temp Budget Amt	2	Temp Vac	
PARALEGAL	51008252	GRP 05	FT	T	09/20/2022	SUPERIOR COURTS	110		43,605.00		01	100.000
	51016770	GRP 05	FT	P	03/25/2022	SUPERIOR COURTS	110		43,605.00		01	100.000
	51016771	GRP 05	FT	P	02/25/2023	SUPERIOR COURTS	110		43,605.00		01	100.000
	51017046	GRP 05	FT	P	06/22/2023	SUPERIOR COURTS	110		43,605.00		01	100.000
	130,815.00	Perm Budget Amt			3	Perm Vac		43,605.00	Temp Budget Amt	1	Temp Vac	
SR CASWKE DV	51016773	GRP 10	FT	P	04/22/2023	SPECIAL PROGRAMS	110		58,644.00		01	100.000
	58,644.00	Perm Budget Amt			1	Perm Vac		0.00	Temp Budget Amt	0	Temp Vac	
SR CL TYP	51016231	GRP 04	FT	T	04/09/2022	LOWER COURTS	110		41,689.00		01	100.000
	51016234	GRP 04	FT	T	04/09/2022	LOWER COURTS	110		41,689.00		01	100.000
	0.00	Perm Budget Amt			0	Perm Vac		83,378.00	Temp Budget Amt	2	Temp Vac	
Totals for District Attorney												
	612,107.00	Perm Budget Amt			9	Perm Vac		210,361.00	Temp Budget Amt	5	Temp Vac	14

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACCT CLK SH	51013478	GRP 04	FT	P	05/15/2023	CIVIL PROCESS	110		37,380.00		01	100.000
37,380.00 Perm Budget Amt										1	0	Temp Vac
CON AID SHER	51012812	GRP 06	FT	P	06/08/2023	PROFESSIONAL STANDARDS	110		41,956.00		02	100.000
41,956.00 Perm Budget Amt										1	0	Temp Vac
COR OFF CF	51017960	GRP 11	FT	P	05/31/2023	PROFESSIONAL STANDARDS	110		56,139.00		01	100.000
56,139.00 Perm Budget Amt										1	0	Temp Vac
DAT EN OP SH	51016429	GRP 04	FT	T	12/31/2022	CIVIL PROCESS	110		37,380.00		01	100.000
0.00 Perm Budget Amt										1	1	Temp Vac
DEP SH CRIM	00002428	GRP 08	FT	T	05/21/2023	POLICE/PATROL SERVICES	110		66,857.00		01	100.000
00002475 GRP 08 FT										1	0	Temp Vac
00002478 GRP 08 FT										1	0	Temp Vac
00002481 GRP 08 FT										1	0	Temp Vac
00002511 GRP 08 FT										1	0	Temp Vac
51016917 GRP 08 FT										1	0	Temp Vac
66,857.00 Perm Budget Amt										6	5	Temp Vac
DEP SH OF	00002522	GRP 08	FT	T	01/07/2023	PROFESSIONAL STANDARDS	110		54,993.00		01	100.000
0.00 Perm Budget Amt										1	1	Temp Vac
REC CLK HC	51004832	GRP 06	FT	T	04/08/2023	ADMINISTRATION AND PROFESSIONAL SERVICES	110		41,956.00		01	100.000
0.00 Perm Budget Amt										1	1	Temp Vac
RECEPTIONIST	51009202	GRP 03	FT	T	05/20/2023	COMMUNITY PROGRAMS	110		36,001.00		02	100.000
0.00 Perm Budget Amt										1	1	Temp Vac

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 115 Office of the Sheriff

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
Totals for Office of the Sheriff												
									202,332.00	4	Perm Vac	
									504,615.00	9	Temp Vac	13

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGET	Temp	Budget	Amt	Temp	Budget	Amt	FUND	GRANT	BUDGET	Temp	Budget	Amt	TOT VAC	CS CD	COUNTY SHARE																							
ASST COOK HC	00000329	GRP 04	FT	P	12/05/2021	FOOD SERVICES HC	110		37,380.00	0	0.00	37,380.00	0	0.00	37,380.00	110		37,380.00	0	0.00	37,380.00	02	02	100.000																							
37,380.00 Perm Budget Amt																							1	Temp Vac	1																						
COM REIN CRD	51018018	GRP 10	FT	P	01/01/2023	COMMUNITY RE-INTEGRATION PROGRAM	110		54,488.00	0	0.00	54,488.00	0	0.00	54,488.00	110		54,488.00	0	0.00	54,488.00	01	01	100.000																							
54,488.00 Perm Budget Amt																							1	Temp Vac	1																						
COR OFF CF	51011258	GRP 11	FT	P	07/07/2023	SECURITY CF	110		56,139.00	0	0.00	56,139.00	0	0.00	56,139.00	110		56,139.00	0	0.00	56,139.00	01	01	100.000																							
56,139.00 Perm Budget Amt																							1	Temp Vac	1																						
DEP SH OF	00002567	GRP 08	FT	P	06/26/2023	SECURITY HC	110		54,993.00	0	0.00	54,993.00	0	0.00	54,993.00	110		54,993.00	0	0.00	54,993.00	01	01	100.000																							
54,993.00 Perm Budget Amt																							6	Temp Vac	6																						
KIT HLP HC	00005425	GRP 03	FT	P	07/14/2022	FOOD SERVICES HC	110		36,001.00	0	0.00	36,001.00	0	0.00	36,001.00	110		36,001.00	0	0.00	36,001.00	03	03	100.000																							
72,002.00 Perm Budget Amt																							2	Temp Vac	2																						
LABOR SHER	51009878	GRP 04	FT	T	03/06/2023	PROGRAMS HC	110		37,380.00	0	0.00	37,380.00	0	0.00	37,380.00	110		37,380.00	0	0.00	37,380.00	03	03	100.000																							
37,380.00 Perm Budget Amt																							2	Temp Vac	2																						

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NURSE ED CHD	51018020	GRP 11	FT	P	01/01/2023	JAIL MEDICAL SERVICES ADMINISTRATION	110	110	110	0	1	73,572.00	1	01	100.000
	73,572.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	110	0	Temp Vac	42,989.00	1	01	100.000
PRINCLK (CF)	51011704	GRP 08	FT	P	06/01/2023	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	41,956.00	1	01	100.000
	42,989.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	110	0	Temp Vac	61,676.00	1	02	100.000
REC CLK HC	00007797	GRP 06	FT	P	01/09/2023	SECURITY HC	110	110	110	0	Temp Vac	61,676.00	1	02	100.000
	41,956.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	110	0	Temp Vac	61,676.00	1	02	100.000
REG NURS HC	51007848	GRP 08	FT	P	09/10/2022	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	61,676.00	1	02	100.000
	51010471	GRP 08	FT	T	09/10/2022	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	61,676.00	1	02	100.000
	51010472	GRP 08	FT	T	05/21/2022	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	61,676.00	1	02	100.000
	51010473	GRP 08	FT	P	07/27/2022	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	61,676.00	1	02	100.000
	51010474	GRP 08	FT	P	08/04/2022	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	61,676.00	1	02	100.000
	51010475	GRP 08	FT	P	05/04/2022	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	61,676.00	1	02	100.000
	51016085	GRP 08	FT	T	10/22/2022	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	61,676.00	1	02	100.000
	51016088	GRP 08	FT	P	03/10/2023	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	61,676.00	1	02	100.000
	308,380.00	Perm Budget Amt			5	Perm Vac	185,028.00	Temp Budget Amt	110	3	Temp Vac	58,564.00	8	02	100.000
REG NURSE CH	51013385	GRP 08	FT	P	03/25/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110	110	110	0	Temp Vac	58,564.00	1	02	100.000
	51013386	GRP 08	FT	P	06/17/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110	110	110	0	Temp Vac	58,564.00	1	02	100.000
	51013387	GRP 08	FT	P	08/11/2023	CORRECTIONAL FACILITY MEDICAL SERVICES	110	110	110	0	Temp Vac	58,564.00	1	02	100.000
	175,692.00	Perm Budget Amt			3	Perm Vac	0.00	Temp Budget Amt	110	0	Temp Vac	37,380.00	3	01	100.000
SR MD SC SH	51016919	GRP 04	FT	P	04/13/2022	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	37,380.00	1	07	100.000
	37,380.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	110	0	Temp Vac	99,578.00	1	07	100.000
SR NUR PR CH	51018061	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	99,578.00	1	07	100.000
	51018062	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	99,578.00	1	07	100.000
	51018063	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	99,578.00	1	07	100.000
	51018064	GRP 16	FT	P	06/08/2023	HOLDING CENTER MEDICAL SERVICES	110	110	110	0	Temp Vac	99,578.00	1	07	100.000

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	398,312.00	Perm Budget Amt			4	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac			4

Totals for Jail Management

1,908,943.00	Perm Budget Amt	32	Perm Vac	554,658.00	Temp Budget Amt	10	Temp Vac	42
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
ACC CLK	00000010	GRP 04	FT	T	05/06/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00	01	49.200	01 49.200
	00000017	GRP 04	FT	T	03/11/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00	01	49.200	01 49.200
	00000020	GRP 04	FT	T	04/08/2023	SUPPORT COLLECTION UNIT	110		41,689.00	01	37.770	01 37.770
	51016977	GRP 04	FT	T	07/05/2023	SUPPORT COLLECTION UNIT	110		41,689.00	01	37.770	01 37.770
	51017001	GRP 04	FT	T	09/10/2022	PERSONNEL/PAYROLL	110		41,689.00	01	47.220	01 47.220
ADMIN ASST	51016669	GRP 09	FT	P	03/25/2023	FINANCIAL RECORDS & SERVICES	110		55,216.00	01	49.020	01 49.020
AST DP CM SS	00000368	GRP 15	FT	T	01/29/2023	DSS COMMISS. OFFICE & COMM RELATIONS	110		89,220.00	01	47.220	01 47.220
AST SP INV	00000530	GRP 07	FT	T	06/04/2023	INVESTIGATIONS AND COLLECTIONS	110		48,978.00	01	37.700	01 37.700
CASE ASST SS	51009711	GRP 06	FT	P	03/30/2023	ADOPTION	110		46,209.00	01	49.020	01 49.020
	51014358	GRP 06	FT	T	05/07/2023	ADOPTION	110		46,209.00	01	49.020	01 49.020
	51017758	GRP 06	FT	T	05/07/2023	SERVICES DIVISION ADMINISTRATION	110		46,209.00	01	49.020	01 49.020
	51018057	GRP 06	FT	P	06/22/2023	ADULT & FAMILY SERVICES	110		46,209.00	01	49.020	01 49.020
CASEASTSSSFS	51017741	GRP 06	FT	P	01/01/2023	SERVICES DIVISION ADMINISTRATION	110		46,209.00	01	49.020	01 49.020
CASEWORKER	00000886	GRP 09	FT	P	06/17/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	49.020	01 49.020
	00000900	GRP 09	FT	P	06/16/2023	ADOPTION	110		55,216.00	01	49.020	01 49.020
	00000916	GRP 09	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	49.020	01 49.020
	00000951	GRP 09	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	49.020	01 49.020
	00000973	GRP 09	FT	P	04/17/2023	CPS AFTER HOURS PROGRAM	110		55,216.00	01	49.020	01 49.020
	00000978	GRP 09	FT	T	04/09/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	49.020	01 49.020
	51009135	GRP 09	FT	T	10/01/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	49.020	01 49.020
	51009577	GRP 09	FT	T	11/06/2022	ADULT & FAMILY SERVICES	110		55,216.00	01	49.020	01 49.020
	51009578	GRP 09	FT	P	06/17/2023	CHILD PROTECTIVE SERVICES	110		55,216.00	01	49.020	01 49.020
	51009593	GRP 09	FT	T	03/11/2023	CHILD PROTECTIVE SERVICES	110		55,216.00	01	49.020	01 49.020
	51009599	GRP 09	FT	T	04/09/2023	CHILD PROTECTIVE SERVICES	110		55,216.00	01	49.020	01 49.020
	51009723	GRP 09	FT	P	04/04/2023	ADULT & FAMILY SERVICES	110		55,216.00	01	49.020	01 49.020
	51009726	GRP 09	FT	T	06/18/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00	01	49.020	01 49.020
	51011926	GRP 09	FT	T	03/11/2023	CHILD PROTECTIVE SERVICES	110		55,216.00	01	49.020	01 49.020
	51011927	GRP 09	FT	T	06/18/2023	CHILD PROTECTIVE SERVICES	110		55,216.00	01	49.020	01 49.020

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	51011952	GRP 09	FT	T	02/28/2022	CPS AFTER HOURS PROGRAM	110		55,216.00		01	49.020
	51011953	GRP 09	FT	P	12/29/2022	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51012064	GRP 09	FT	T	06/18/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51012513	GRP 09	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		55,216.00		01	49.020
	51013364	GRP 09	FT	P	06/17/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51013365	GRP 09	FT	P	07/26/2022	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	51016480	GRP 09	FT	P	06/03/2023	ADULT & FAMILY SERVICES	110		55,216.00		01	49.020
	51016666	GRP 09	FT	P	06/02/2023	CHILD PROTECTIVE SERVICES	110		55,216.00		01	49.020
	552,160.00	Perm Budget Amt			1.0	Perm Vac	717,808.00	Temp Budget Amt		13	Temp Vac	
CH SUP IN SP	51012359	GRP 07	FT	T	12/17/2022	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		48,978.00		01	37.770
	0.00	Perm Budget Amt			0	Perm Vac	48,978.00	Temp Budget Amt		1	Temp Vac	
CH SUP INV	00001360	GRP 07	FT	T	05/21/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		48,978.00		01	37.770
	00001379	GRP 07	FT	T	05/20/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		48,978.00		01	37.770
	0.00	Perm Budget Amt			0	Perm Vac	97,956.00	Temp Budget Amt		2	Temp Vac	
CHFCASAST SS	51017892	GRP 10	FT	P	01/01/2023	SERVICES DIVISION ADMINISTRATION	110		58,644.00		01	49.020
	58,644.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
CLERK	00001470	GRP 01	FT	T	05/06/2023	CHILD PROTECTIVE SERVICES	110		38,590.00		01	49.020
	51009639	GRP 01	FT	T	05/21/2023	EC WORKS CENTER	110		38,590.00		01	38.490
	51009640	GRP 01	FT	T	06/17/2023	EC WORKS CENTER	110		38,590.00		01	38.490
	51009641	GRP 01	FT	T	03/11/2023	EC WORKS CENTER	110		38,590.00		01	38.490
	51009645	GRP 01	FT	T	06/17/2023	EC WORKS CENTER	110		38,590.00		01	38.490
	0.00	Perm Budget Amt			0	Perm Vac	192,950.00	Temp Budget Amt		5	Temp Vac	
CLERK TYPIST	00001629	GRP 01	FT	T	12/04/2021	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		38,590.00		01	0.000
	00001633	GRP 01	FT	T	05/21/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51003542	GRP 01	FT	T	05/27/2023	CHILD SUPPORT ESTABLISHMENT/ENFORCEMENT	110		38,590.00		01	37.770
	51004218	GRP 01	FT	T	02/12/2023	EC WORKS CENTER	110		38,590.00		01	38.490
	51004220	GRP 01	FT	P	06/17/2023	CHILD PROTECTIVE SERVICES	110		38,590.00		01	49.200
	51009661	GRP 01	FT	T	05/20/2023	ADOPTION	110		38,590.00		01	49.020
	51009663	GRP 01	FT	T	01/14/2023	EMPLOYMENT ASSESSMENT	110		38,590.00		01	32.690
	51009665	GRP 01	FT	T	04/17/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51009667	GRP 01	FT	T	03/25/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51009668	GRP 01	FT	T	01/15/2022	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51009690	GRP 01	FT	T	04/22/2023	FINANCIAL RECORDS & SERVICES	110		38,590.00		01	47.220
	51010582	GRP 01	FT	T	03/26/2023	ADULT & FAMILY SERVICES	110		38,590.00		01	47.220
	51017978	GRP 01	FT	T	03/26/2023	INVESTIGATIONS AND COLLECTIONS	110		38,590.00		01	37.700

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	38,590.00	Perm Budget Amt			1	Perm Vac			463,080.00	Temp Budget Amt			13		
CLK SS 55A	00001532	GRP 01	FT	T	07/02/2022	FINANCIAL RECORDS & SERVICES	110					38,590.00		02	47.220
	0.00	Perm Budget Amt			0	Perm Vac			38,590.00	Temp Budget Amt	1		1		
COOR QUAL AS	51017355	GRP 11	FT	P	05/16/2022	SERVICES DIVISION ADMINISTRATION	110					63,929.00		01	49.020
	63,929.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0		1		
COUN SS	00002140	GRP 14	FT	T	03/22/2023	CHILDREN'S SERVICES	110					81,199.00		01	49.200
	00002142	GRP 14	FT	T	06/18/2023	LEGAL SERVICES - IVD	110					81,199.00		01	37.770
	00002151	GRP 14	FT	T	07/05/2023	CHILDREN'S SERVICES	110					81,199.00		01	49.200
	51002110	GRP 14	FT	T	03/12/2023	CHILDREN'S SERVICES	110					81,199.00		01	49.200
	51012901	GRP 14	FT	T	05/11/2023	CHILDREN'S SERVICES	110					81,199.00		01	49.200
	0.00	Perm Budget Amt			0	Perm Vac			405,995.00	Temp Budget Amt	5		5		
CSWK ARAB SP	51017991	GRP 09	FT	P	05/01/2023	CHILD PROTECTIVE SERVICES	110					55,216.00		01	49.020
	55,216.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0		1		
CSWK BENG SP	51017990	GRP 09	FT	P	05/01/2023	CHILD PROTECTIVE SERVICES	110					55,216.00		01	49.020
	55,216.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0		1		
CSWK KARE SP	51017989	GRP 09	FT	P	05/01/2023	CHILD PROTECTIVE SERVICES	110					55,216.00		01	49.020
	55,216.00	Perm Budget Amt			1	Perm Vac			0.00	Temp Budget Amt	0		1		
CSWK SPAN SP	00000985	GRP 09	FT	P	08/17/2023	ADOPTION	110					55,216.00		01	49.020
	00001327	GRP 09	FT	P	10/20/2021	CHILD PROTECTIVE SERVICES	110					55,216.00		01	49.020
	51006969	GRP 09	FT	P	02/22/2022	CHILD PROTECTIVE SERVICES	110					55,216.00		01	49.020
	51009738	GRP 09	FT	P	03/30/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110					55,216.00		01	49.020
	51012377	GRP 09	FT	T	11/05/2022	ADULT & FAMILY SERVICES	110					55,216.00		01	49.020
	51017351	GRP 09	FT	P	04/27/2022	CHILD PROTECTIVE SERVICES	110					55,216.00		01	49.020

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276,080.00	51010451	GRP 09	FT	P	06/22/2023	EMPLOYMENT ASSESSMENT	110		0	Temp Vac	55,216.00	01	32.690	
55,216.00						EMPLOYMENT ASSESSMENT	110		0	Temp Vac	55,216.00	1		
00003228	GRP 09	FT	P	02/13/2023	EMPLOYMENT ASSESSMENT	110			0	Temp Vac	55,216.00	01	32.690	
00003264	GRP 09	FT	P	04/08/2023	EMPLOYMENT ASSESSMENT	110			0	Temp Vac	55,216.00	01	32.690	
00003270	GRP 09	FT	T	12/04/2022	EMPLOYMENT ASSESSMENT	110			0	Temp Vac	55,216.00	01	32.690	
51013181	GRP 09	FT	P	04/08/2023	EMPLOYMENT ASSESSMENT	110			0	Temp Vac	55,216.00	01	32.690	
51016884	GRP 09	FT	T	04/22/2023	EMPLOYMENT ASSESSMENT	110			0	Temp Vac	55,216.00	01	32.690	
165,648.00						EMPLOYMENT ASSESSMENT	110		2	Temp Vac	55,216.00	5		
51006753	GRP 08	FT	P	06/29/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110			0	Temp Vac	51,967.00	02	0.000	
51,967.00						HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		0	Temp Vac	51,967.00	1		
00003308	GRP 02	FT	T	06/17/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110			0	Temp Vac	39,171.00	02	0.000	
00003315	GRP 02	FT	T	05/20/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110			0	Temp Vac	39,171.00	02	0.000	
0.00						HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		2	Temp Vac	39,171.00	2		
00004322	GRP 03	FT	P	11/14/2022	ADOPTION	110			0	Temp Vac	36,637.00	02	49.020	
00004330	GRP 03	FT	P	06/01/2023	ADOPTION	110			0	Temp Vac	36,637.00	02	49.020	
73,274.00						ADOPTION	110		2	Temp Vac	36,637.00	2		
00006997	GRP 05	FT	T	04/23/2023	CHILDREN'S SERVICES	110			0	Temp Vac	43,605.00	01	49.020	
0.00						CHILDREN'S SERVICES	110		1	Temp Vac	43,605.00	1		
51018025	GRP 06	FT	P	06/23/2023	PERSONNEL/PAYROLL	110			0	Temp Vac	46,209.00	01	47.220	
46,209.00						PERSONNEL/PAYROLL	110		0	Temp Vac	46,209.00	1		
00007389	GRP 06	FT	T	06/04/2023	EMPLOYMENT ASSESSMENT	110			0	Temp Vac	46,209.00	01	32.690	
51004281	GRP 06	FT	T	06/03/2023	EC WORKS CENTER	110			0	Temp Vac	46,209.00	01	38.490	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	Temp Budget Amt	Perm Budget Amt	FUND	GRANT	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
SOC W EX ARA	51017454	GRP 06	FT	P	12/05/2022	TEMPORARY ASSISTANCE SERVICE TEAMS	110	0.00	110		2	46,209.00	01	01	38.490
46,209.00 Perm Budget Amt													1		
SOC WEL EX	00009762	GRP 06	FT	T	02/25/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		110			46,209.00	01	01	0.000
	00009770	GRP 06	FT	T	06/18/2023	LONG TERM CARE ELIGIBILITY	110		110			46,209.00	01	01	0.000
	00009812	GRP 06	FT	T	02/25/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	00009817	GRP 06	FT	P	06/17/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	00009822	GRP 06	FT	T	06/18/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	00009834	GRP 06	FT	P	06/13/2023	LONG TERM CARE ELIGIBILITY	110		110			46,209.00	01	01	0.000
	00009837	GRP 06	FT	P	06/29/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		110			46,209.00	01	01	38.490
	00009888	GRP 06	FT	P	06/17/2023	LONG TERM CARE ELIGIBILITY	110		110			46,209.00	01	01	0.000
	00009908	GRP 06	FT	P	04/14/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	00009917	GRP 06	FT	T	02/26/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51002107	GRP 06	FT	P	04/27/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51002537	GRP 06	FT	T	10/08/2022	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	0.000
	51003944	GRP 06	FT	T	06/18/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51005503	GRP 06	FT	T	06/01/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51005508	GRP 06	FT	T	01/15/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	0.000
	51009796	GRP 06	FT	P	06/03/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	0.000
	51009804	GRP 06	FT	P	04/08/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51009807	GRP 06	FT	P	03/16/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		110			46,209.00	01	01	0.000
	51009812	GRP 06	FT	T	06/18/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51009813	GRP 06	FT	T	06/18/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51009819	GRP 06	FT	T	01/15/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	49.200
	51009820	GRP 06	FT	T	10/09/2022	LONG TERM CARE ELIGIBILITY	110		110			46,209.00	01	01	0.000
	51009824	GRP 06	FT	P	06/17/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51009828	GRP 06	FT	T	10/09/2022	LONG TERM CARE ELIGIBILITY	110		110			46,209.00	01	01	0.000
	51009832	GRP 06	FT	T	10/08/2022	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51009843	GRP 06	FT	P	06/17/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51009846	GRP 06	FT	T	06/17/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		110			46,209.00	01	01	38.490
	51009847	GRP 06	FT	T	04/22/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		110			46,209.00	01	01	38.490
	51011710	GRP 06	FT	T	02/25/2023	SNAP ELIGIBILITY TEAMS	110		110			46,209.00	01	01	50.000
	51016694	GRP 06	FT	T	02/26/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		110			46,209.00	01	01	0.000
	51018024	GRP 06	FT	P	06/23/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		110			46,209.00	01	01	0.000

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600,717.00	Perm Budget Amt				13	Perm Vac	831,762.00	Temp Budget Amt		18	Temp Vac	31
SOC WEL EX S	00009956	GRP 06	FT	T	06/17/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		46,209.00		01	38.490
	0.00	Perm Budget Amt			0	Perm Vac	46,209.00	Temp Budget Amt		1	Temp Vac	1
SPE AS MA SS	51010454	GRP 05	FT	T	07/02/2022	ADMIN. SUPPORT SERVICES ADMIN.	110		43,605.00		01	47.220
	0.00	Perm Budget Amt			0	Perm Vac	43,605.00	Temp Budget Amt		1	Temp Vac	1
SR ACCT CLK	00008111	GRP 06	FT	T	05/20/2023	FINANCIAL RECORDS & SERVICES	110		46,209.00		01	47.220
	0.00	Perm Budget Amt			0	Perm Vac	46,209.00	Temp Budget Amt		1	Temp Vac	1
SR CASWRKR	00008194	GRP 10	FT	P	06/12/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		58,644.00		01	49.020
	00008196	GRP 10	FT	T	05/20/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		58,644.00		01	49.020
	00008258	GRP 10	FT	T	05/20/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	00008272	GRP 10	FT	T	05/20/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		58,644.00		01	49.020
	00008292	GRP 10	FT	T	05/20/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	51013363	GRP 10	FT	T	05/07/2023	CHILD PROTECTIVE SERVICES	110		58,644.00		01	49.020
	58,644.00	Perm Budget Amt			1	Perm Vac	293,220.00	Temp Budget Amt		5	Temp Vac	6
SR CL TYP	00008578	GRP 04	FT	T	12/04/2022	EC WORKS CENTER	110		41,689.00		01	38.490
	00008614	GRP 04	FT	T	05/06/2023	EC WORKS CENTER	110		41,689.00		01	38.490
	00008629	GRP 04	FT	T	05/21/2023	EMPLOYMENT ASSESSMENT	110		41,689.00		01	32.690
	00008655	GRP 04	FT	P	04/15/2023	LEGAL SERVICES - IVD	110		41,689.00		01	37.770
	00008677	GRP 04	FT	T	04/23/2023	EMPLOYMENT ASSESSMENT	110		41,689.00		01	32.690
	00008687	GRP 04	FT	T	01/01/2023	INVESTIGATIONS AND COLLECTIONS	110		41,689.00		01	37.700
	51003659	GRP 04	FT	T	02/11/2023	EC WORKS CENTER	110		41,689.00		01	38.490
	51005509	GRP 04	FT	T	01/15/2023	FINANCIAL RECORDS & SERVICES	110		41,689.00		01	47.220
	51012480	GRP 04	FT	P	06/03/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		41,689.00		01	0.000
	51016154	GRP 04	FT	T	06/04/2023	ADULT & FAMILY SERVICES	110		41,689.00		01	49.020
	51017014	GRP 04	FT	T	05/24/2023	EMPLOYMENT ASSESSMENT	110		41,689.00		01	32.690
	83,378.00	Perm Budget Amt			2	Perm Vac	375,201.00	Temp Budget Amt		9	Temp Vac	11
CLERK	00008380	GRP 03	FT	P	06/03/2023	CHILD DAY CARE	110		40,312.00		01	49.200
	00008397	GRP 03	FT	P	04/22/2023	FINANCIAL RECORDS & SERVICES	110		40,312.00		01	47.220
	00008407	GRP 03	FT	P	05/20/2023	INVESTIGATIONS AND COLLECTIONS	110		40,312.00		01	37.700

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120,936.00	Perm Budget Amt				3	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		
SR EMP COUNS	00008766	GRP 10	FT	T	05/20/2023	EMPLOYMENT ASSESSMENT	110		58,644.00	01	32.690	
	0.00	Perm Budget Amt			0	Perm Vac	58,644.00	Temp Budget Amt	1	Temp Vac		
SR SUP ACCTS	51017754	GRP 10	FT	P	11/14/2022	FINANCIAL RECORDS & SERVICES	110		58,644.00	01	47.220	
	58,644.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		
SR SUP CL AD	51010053	GRP 11	FT	P	05/18/2023	FISCAL MANAGEMENT	110		63,929.00	01	47.220	
	63,929.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		
SR SWE	00009348	GRP 07	FT	P	02/25/2023	LONG TERM CARE ELIGIBILITY	110		48,978.00	01	0.000	
	00009375	GRP 07	FT	P	02/11/2023	LONG TERM CARE ELIGIBILITY	110		48,978.00	01	0.000	
	00009413	GRP 07	FT	P	05/29/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00	01	0.000	
	00009426	GRP 07	FT	T	02/26/2023	LONG TERM CARE ELIGIBILITY	110		48,978.00	01	50.000	
	00009459	GRP 07	FT	T	06/18/2023	TEMPORARY ASSISTANCE SERVICE TEAMS	110		48,978.00	01	38.490	
	00009463	GRP 07	FT	P	06/17/2023	SNAP ELIGIBILITY TEAMS	110		48,978.00	01	50.000	
	00009513	GRP 07	FT	P	04/11/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00	01	0.000	
	00009516	GRP 07	FT	T	06/18/2023	SNAP ELIGIBILITY TEAMS	110		48,978.00	01	50.000	
	51002862	GRP 07	FT	P	07/18/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00	01	0.000	
	51003933	GRP 07	FT	T	07/30/2022	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00	01	0.000	
	51005467	GRP 07	FT	P	04/22/2023	LONG TERM CARE ELIGIBILITY	110		48,978.00	01	0.000	
	51016153	GRP 07	FT	P	02/10/2023	SERVICES DIV SUPPORT SERVICES	110		48,978.00	01	49.020	
	51017453	GRP 07	FT	T	06/18/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		48,978.00	01	0.000	
	391,824.00	Perm Budget Amt			8	Perm Vac	244,890.00	Temp Budget Amt	5	Temp Vac		
SS CLIN SP	51017757	GRP 11	FT	P	01/01/2023	SERVICES DIVISION ADMINISTRATION	110		63,929.00	01	49.020	
	63,929.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		
SS TM WKR	00009736	GRP 05	FT	P	06/17/2023	EC WORKS CENTER	110		43,605.00	01	38.490	
	00009738	GRP 05	FT	T	06/18/2023	COMMUNITY MEDICAID ELIGIBILITY TEAMS	110		43,605.00	01	0.000	
	00009746	GRP 05	FT	P	04/03/2023	HOMEFINDING/RECRUITMENT	110		43,605.00	01	49.200	
	00009759	GRP 05	FT	T	04/23/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		43,605.00	01	49.200	
	51004216	GRP 05	FT	T	03/04/2023	CHILD PROTECTIVE SERVICES	110		43,605.00	01	49.200	
	51009753	GRP 05	FT	T	04/08/2023	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		43,605.00	01	49.020	
	51012085	GRP 05	FT	T	12/03/2022	CHILDREN'S SERVICES - DIRECT/INDIRECT	110		43,605.00	01	49.200	

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	87,210.00				2	Perm Vac	218,025.00										
Totals for Department of Social Services																	
											3,316,628.00	66	Perm Vac	4,942,196.00	102	Temp Vac	168

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Budget Amt	Temp	Budget Amt	0	Temp	Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE	
ELE ENG DEW	51017993	GRP 13	FT	P	06/03/2023	OPERATIONS	110		73,524.00	0	73,524.00	0	0	1	73,524.00	01	01	100.000	
73,524.00 Perm Budget Amt										0	0 Temp Budget Amt		0	Temp Vac		1			
HEAD JANITOR	00004183	GRP 06	FT	T	06/17/2023	UNIFIED COURT SYSTEM	110		42,301.00	1	42,301.00	1	1	1	42,301.00	01	01	11.000	
0.00 Perm Budget Amt										0	42,301.00 Temp Budget Amt		1	Temp Vac		1			
JANITOR	51014330	GRP 03	FT	P	09/07/2022	CUSTODIAL SERVICES	110		36,637.00	0	36,637.00	0	0	0	36,637.00	01	01	100.000	
JANITOR	51014337	GRP 03	FT	P	02/10/2023	UNIFIED COURT SYSTEM	110		36,637.00	0	36,637.00	0	0	0	36,637.00	01	01	11.000	
73,274.00 Perm Budget Amt										0	0 Temp Budget Amt		0	Temp Vac		2			
LABORER	00005525	GRP 03	FT	P	06/06/2023	UNIFIED COURT SYSTEM	110		36,637.00	0	36,637.00	0	0	0	36,637.00	03	03	11.000	
LABORER	51001136	GRP 03	FT	T	06/03/2023	UNIFIED COURT SYSTEM	110		36,637.00	0	36,637.00	0	0	0	36,637.00	03	03	11.000	
LABORER	51001158	GRP 03	FT	P	04/17/2023	UNIFIED COURT SYSTEM	110		36,637.00	0	36,637.00	0	0	0	36,637.00	03	03	11.000	
LABORER	51016604	GRP 03	FT	T	09/10/2022	CUSTODIAL SERVICES	110		36,637.00	0	36,637.00	0	0	0	36,637.00	03	03	100.000	
73,274.00 Perm Budget Amt										2	73,274.00 Temp Budget Amt		2	Temp Vac		4			
STATION ENG	00010063	GRP 09	FT	P	04/17/2023	CORR FAC/HOLDING CTR MAINT & REPAIRS	110		51,717.00	0	51,717.00	0	0	0	51,717.00	01	01	100.000	
51,717.00 Perm Budget Amt										0	0 Temp Budget Amt		0	Temp Vac		1			
Totals for Dept of Public Works																			
271,789.00 Perm Budget Amt										6	115,575.00 Temp Budget Amt		3	Temp Vac		9			

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ACCOUNTANT	00000102	GRP 09	FT	P	12/12/2022	ADMINISTRATION & MANAGEMENT	110		0.00	0	Temp Vac	55,216.00	01	01	0.000
	55,216.00								Temp Budget Amt	1					
FOR MH S I A	51016621	GRP 11	FT	T	06/03/2023	ADULT MENTAL HEALTH SERVICES	110					63,929.00	01	50.000	
	51016623	GRP 11	FT	T	03/21/2023	ADULT MENTAL HEALTH SERVICES	110					63,929.00	01	50.000	
	51016624	GRP 11	FT	P	06/13/2023	ADULT MENTAL HEALTH SERVICES	110					63,929.00	01	50.000	
	63,929.00								Temp Budget Amt	2	Temp Vac		3		
SR CL TYP	00008507	GRP 04	FT	P	04/22/2023	ADULT MENTAL HEALTH SERVICES	110					41,689.00	01	30.000	
	51011356	GRP 04	FT	P	05/20/2023	ADMINISTRATION & MANAGEMENT	110					41,689.00	01	0.000	
	51017155	GRP 04	FT	P	06/30/2023	CHILDREN'S MENTAL HEALTH SERVICES	110					41,689.00	01	0.000	
	125,067.00								Temp Budget Amt	3	Temp Vac		3		
Totals for Dept of Mental Health															
	244,212.00								Temp Budget Amt	5	Temp Vac		7		
									Temp Budget Amt	2	Temp Vac				

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DEP COM YS	51009980	GRP 16	FT	P	04/08/2023	ADMINISTRATION - DETENTION	110		110	0	0.00	0	Temp	1	97,852.00		02	51.000	
97,852.00 Perm Budget Amt																1			
DET HM IN WK	00002973	GRP 09	FT	T	06/03/2023	INTAKE	110		110	1	55,216.00	1	Temp	1	55,216.00		01	51.000	
0.00 Perm Budget Amt																1			
DET SEC GD	00002962	GRP 05	FT	T	05/06/2023	BUILDING SERVICES	110		110	0		0	Temp	0	39,589.00		01	51.000	
00002964 GRP 05 FT P 04/23/2022 BUILDING SERVICES																01	51.000		
00002965 GRP 05 FT T 06/17/2023 BUILDING SERVICES																01	51.000		
51016805 GRP 05 FT P 08/27/2022 BUILDING SERVICES																01	51.000		
79,178.00 Perm Budget Amt																4			
JR YDW	51017894	GRP 06	FT	P	01/01/2023	SECURE DIRECT CARE SUPPORT	110		110	0		0	Temp	0	42,301.00		07	51.000	
51017895 GRP 06 FT P 01/01/2023 SECURE DIRECT CARE SUPPORT																07	51.000		
51017896 GRP 06 FT P 01/01/2023 SECURE DIRECT CARE SUPPORT																07	51.000		
51017897 GRP 06 FT P 01/01/2023 SECURE DIRECT CARE SUPPORT																07	51.000		
169,204.00 Perm Budget Amt																4			
JUVE JUS CON	51010682	GRP 10	FT	T	05/06/2023	NON-SECURE CHILD CARE	110		110	0		0	Temp	0	58,644.00		01	0.000	
51015088 GRP 10 FT T 05/06/2023 JUVENILE DELINQUENCY SERVICES TEAM																01	51.000		
0.00 Perm Budget Amt																2			
SR YTH DT WK	51017666	GRP 08	FT	P	10/22/2022	YOUTH DETENTION - RAISE THE AGE	110		110	2	117,288.00	2	Temp	2	48,372.00		01	51.000	
48,372.00 Perm Budget Amt																1			
SS TM WKR	51017900	GRP 05	FT	P	01/01/2023	NON-SECURE CHILD CARE	110		110	0		0	Temp	0	43,605.00		01	0.000	
43,605.00 Perm Budget Amt																1			
YTH DET WK	00010495	GRP 07	FT	P	05/23/2023	SECURE CHILD CARE	110		110	0		0	Temp	0	45,234.00		01	51.000	
00010496 GRP 07 FT T 12/03/2022 SECURE CHILD CARE																01	51.000		
00010509 GRP 07 FT P 01/12/2023 SECURE CHILD CARE																01	51.000		
00010510 GRP 07 FT P 06/15/2023 SECURE CHILD CARE																01	51.000		
00010515 GRP 07 FT T 01/28/2023 SECURE CHILD CARE																01	51.000		
00010516 GRP 07 FT P 06/01/2023 SECURE CHILD CARE																01	51.000		
00010524 GRP 07 FT P 07/21/2022 SECURE CHILD CARE																01	51.000		
51010478 GRP 07 FT P 06/20/2023 SECURE CHILD CARE																01	51.000		
51010480 GRP 07 FT T 06/04/2023 SECURE CHILD CARE																01	51.000		
51015086 GRP 07 FT T 09/24/2022 SECURE CHILD CARE																01	51.000		
51016391 GRP 07 FT T 02/11/2023 SECURE CHILD CARE																01	51.000		

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	51016803	GRP 07	FT	T	05/02/2023	SECURE CHILDD CARE	110		45,234.00		01	51.000
	271,404.00	Perm Budget Amt			6	Perm Vac						
							271,404.00	Temp Budget Amt		6		Temp Vac
												12

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709,615.00	Perm Budget Amt	15	Perm Vac	523,086.00	Temp Budget Amt	11	Temp Vac	26
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
PROB OFFICER	51018056	GRP 11	FT	P	06/03/2023	PROBATION SPECIAL PROGRAMS	110		63,929.00	01	88.000	
									63,929.00	1	0	1
Totals for Probation												
									63,929.00	1	0	1

Report: ZHR_VACANT_POS_RPT
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ACC CLK	51017987	GRP 04	FT	P	04/13/2023	CHILDREN WITH SPECIAL NEEDS ADMIN.	110		41,689.00		01	47.000
41,689.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
ADV EM ME TE	51018038	GRP 08	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		51,967.00		01	91.000
51018039	GRP 08	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		51,967.00		01	91.000	
51018040	GRP 08	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		51,967.00		01	91.000	
51018041	GRP 08	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		51,967.00		01	91.000	
207,868.00	Perm Budget Amt				4	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
AUTOPSY TECH	51017887	GRP 08	FT	P	06/05/2023	MEDICAL EXAMINER'S OFFICE	110		51,967.00		01	100.000
51,967.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
DIR AMB SVCS	51017994	GRP 13	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		73,524.00		01	91.000
73,524.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
EMER COM NUR	51018050	GRP 11	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		73,572.00		01	91.000
51018051	GRP 11	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		73,572.00		01	91.000	
147,144.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
INV PH SAN	00005220	GRP 08	FT	T	06/03/2023	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		51,967.00		01	64.000
00005231	GRP 08	FT	P	05/25/2023	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		51,967.00		01	64.000	
51013157	GRP 08	FT	P	05/15/2023	LEAD POISONING PREVENTION	110		51,967.00		01	64.000	
51016531	GRP 08	FT	P	05/09/2023	ENVIRONMENTAL HEALTH ADM& ASSESSMENT-PHL	110		51,967.00		01	64.000	
155,901.00	Perm Budget Amt				3	Perm Vac	51,967.00	Temp Budget Amt		1	Temp Vac	
JR ADM ASST	51018052	GRP 07	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		48,978.00		01	91.000
48,978.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	
JR CPID	51016615	GRP 09	FT	P	09/11/2021	SURVEILLANCE & EPIDEMIOLOGY	110		55,216.00		01	64.000

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MED CARE ADM	00006365	GRP 13	FT	P	07/24/2023	TB OUTREACH		110				1	73,524.00	01	01	64.000
	73,524.00	Perm Budget Amt														
MED OFF ASST	00006375	GRP 04	FT	T	04/22/2023	IMMUNIZATIONS		110				1	41,689.00	01	01	64.000
	0.00	Perm Budget Amt														
PAR PROG DIR	51017995	GRP 13	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	41,689.00	110			1	1	73,524.00	01	01	91.000
	73,524.00	Perm Budget Amt														
PARAMEDIC I	51018027	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110				1	55,216.00	01	01	91.000
	51018028	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110					55,216.00	01	01	91.000
	51018029	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110					55,216.00	01	01	91.000
	51018030	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110					55,216.00	01	01	91.000
	51018031	GRP 09	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110					55,216.00	01	01	91.000
	276,080.00	Perm Budget Amt														
PARAMEDIC II	51017997	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110				5	58,644.00	01	01	91.000
	51017998	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110					58,644.00	01	01	91.000
	51017999	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110					58,644.00	01	01	91.000
	51018000	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110					58,644.00	01	01	91.000
	51018026	GRP 10	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS		110					58,644.00	01	01	91.000
	293,220.00	Perm Budget Amt														
PEER NAV SUD	51015730	GRP 03	FT	P	02/13/2023	OPIOID OVERDOSE PREVENTION		110					40,312.00	01	01	64.000
	40,312.00	Perm Budget Amt														
PRIN CLERK	00007363	GRP 06	FT	T	06/17/2023	OPERATIONS		110				1	46,209.00	01	01	64.000
	0.00	Perm Budget Amt														
ENR INV	51009116	GRP 08	FT	T	03/04/2023	MEDICAL EXAMINER'S OFFICE		110			1	1	51,967.00	01	01	100.000
	51013929	GRP 08	FT	P	02/09/2023	MEDICAL EXAMINER'S OFFICE		110					51,967.00	01	01	100.000
	51017888	GRP 08	FT	P	01/01/2023	MEDICAL EXAMINER'S OFFICE		110					51,967.00	01	01	100.000

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103,934.00	Perm Budget Amt				2	Perm Vac	51,967.00	Temp Budget Amt		1	Temp Vac	3
SUP ACCT	00010107	GRP 11	FT	T	01/29/2022	ACCOUNTING AND FISCAL MANAGEMENT	110		63,929.00		01	64.000
	0.00	Perm Budget Amt			0	Perm Vac	63,929.00	Temp Budget Amt		1	Temp Vac	1
SUPV PARAMED	51017996	GRP 11	FT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		63,929.00		01	91.000
	63,929.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	1
EM MED TEC R	51018042	GRP 07	RPT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		47,753.00		01	91.000
	51018043	GRP 07	RPT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		47,753.00		01	91.000
	51018044	GRP 07	RPT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		47,753.00		01	91.000
	51018045	GRP 07	RPT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		47,753.00		01	91.000
	191,012.00	Perm Budget Amt			4	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	4
REG NURS RPT	51001122	GRP 08	RPT	P	06/07/2023	YOUTH DETENTION HEALTH SERVICES	110		46,852.00		02	50.000
	51015205	GRP 08	RPT	P	06/13/2023	YOUTH DETENTION HEALTH SERVICES	110		46,852.00		02	0.000
	93,704.00	Perm Budget Amt			2	Perm Vac	0.00	Temp Budget Amt		0	Temp Vac	2
Totals for Health												
	1,991,526.00	Perm Budget Amt			36	Perm Vac	255,761.00	Temp Budget Amt		5	Temp Vac	41

Report: ZHR_VACANT_POS_RPT
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OUTR WKR VS	51016921	GRP 07	FT	P	11/05/2022	OFFICE OF VETERANS' AFFAIRS	110		0.00	0	1	48,978.00	01		100.000			
Totals for Office of Veterans' Services																		
											48,978.00	1	Perm Vac	0.00	0	Temp Budget Amt	1	Temp Vac

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
AS VO MA TE	51010511	GRP 06	FT	P	06/24/2022	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
46,209.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
CHF EL CL CU	51017706	GRP 09	FT	P	04/22/2023	ADMINISTRATION-BOE - REP.	110		55,216.00		05	100.000
55,216.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
COM OP BD EL	51004171	GRP 07	FT	P	01/17/2020	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
51006950	GRP 07	FT	P	P	01/20/2018	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
97,956.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2	
DAT MAN SUP	51010603	GRP 12	FT	P	04/22/2023	ADMINISTRATION-BOE - DEM.	110		67,914.00		05	100.000
67,914.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ELECT CLK	00003133	GRP 06	FT	P	01/12/2023	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
51004927	GRP 06	FT	P	P	02/06/2021	ADMINISTRATION-BOE - DEM.	110		46,209.00		05	100.000
51004928	GRP 06	FT	P	P	01/28/2023	ADMINISTRATION-BOE - DEM.	110		46,209.00		05	100.000
51004934	GRP 06	FT	P	P	01/01/2022	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
51007031	GRP 06	FT	P	P	09/28/2020	ADMINISTRATION-BOE - DEM.	110		46,209.00		05	100.000
51008969	GRP 06	FT	P	P	02/11/2023	ADMINISTRATION-BOE - DEM.	110		46,209.00		05	100.000
51009356	GRP 06	FT	P	P	01/09/2021	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
51010510	GRP 06	FT	P	P	08/02/2019	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
51013177	GRP 06	FT	P	P	02/22/2021	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
51014311	GRP 06	FT	P	P	01/01/2020	ADMINISTRATION-BOE - REP.	110		46,209.00		05	100.000
462,090.00	Perm Budget Amt				10	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	10	
JR ELECT CLK	51003564	GRP 04	FT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		41,689.00		05	100.000
51004714	GRP 04	FT	P	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		41,689.00		05	100.000
51010548	GRP 04	FT	P	P	03/22/2021	ADMINISTRATION-BOE - DEM.	110		41,689.00		05	100.000
51010579	GRP 04	FT	P	P	11/06/2021	ADMINISTRATION-BOE - DEM.	110		41,689.00		05	100.000
51012039	GRP 04	FT	P	P	05/27/2023	ADMINISTRATION-BOE - DEM.	110		41,689.00		05	100.000
208,445.00	Perm Budget Amt				5	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	5	
CTE TEC BOE	51007132	GRP 07	FT	P	05/28/2016	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
51007756	GRP 07	FT	P	P	12/09/2014	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000

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97,956.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2	
PRIN EL CLK	00007410	GRP 08	FT	P	04/25/2016	ADMINISTRATION-BOE - REP.	110		51,967.00		05	100.000
51,967.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
SEC COM ELEC	51011881	GRP 08	FT	P	01/09/2014	ADMINISTRATION-BOE - REP.	110		51,967.00		05	100.000
51,967.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
SR ELEC CLK	51003560	GRP 07	FT	P	05/27/2023	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
51003562	GRP 07	FT	P		01/03/2023	ADMINISTRATION-BOE - DEM.	110		48,978.00		05	100.000
97,956.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2	
SUPV BA DES	51009102	GRP 12	FT	P	01/01/2020	ADMINISTRATION-BOE - DEM.	110		67,914.00		05	100.000
67,914.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
VOT MAC TECH	51008243	GRP 07	FT	P	03/28/2015	ADMINISTRATION-BOE - REP.	110		48,978.00		05	100.000
48,978.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
VOT SYS COOR	51014426	GRP 08	FT	P	05/02/2018	ADMINISTRATION-BOE - REP.	110		51,967.00		05	100.000
51,967.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
WEB COM BOE	51014952	GRP 10	FT	P	09/05/2019	ADMINISTRATION-BOE - REP.	110		58,644.00		05	100.000
58,644.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ADM AS BOE R	51003727	GRP 09	RPT	P	05/17/2014	ADMINISTRATION-BOE - REP.	110		50,597.00		05	100.000
50,597.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
COMM-BOE-RPT	51012853	GRP 14	RPT	P	02/10/2023	ADMINISTRATION-BOE - DEM.	110		79,169.00		05	100.000
51012977	GRP 14	RPT	P		03/19/2016	ADMINISTRATION-BOE - REP.	110		79,169.00		05	100.000

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158,338.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2											
ELEC CLK RPT	51005612	GRP 06	RPT	P	12/22/2018	ADMINISTRATION-BO3 - DEM.	110												23,105.00	05	100.000	
	51008525	GRP 06	RPT	P	06/09/2023	ADMINISTRATION-BO3 - REP.	110												45,054.00	05	100.000	
	51013452	GRP 06	RPT	P	01/01/2018	ADMINISTRATION-BO3 - REP.	110												45,054.00	05	100.000	
	51013453	GRP 06	RPT	P	01/20/2018	ADMINISTRATION-BO3 - REP.	110												45,054.00	05	100.000	
158,267.00	Perm Budget Amt				4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	4											
JR EL CL RPT	51004555	GRP 04	RPT	P	05/27/2023	ADMINISTRATION-BOE - DEM.	110												20,845.00	05	100.000	
	51007554	GRP 04	RPT	P	12/15/2020	ADMINISTRATION-BOE - REP.	110												40,647.00	05	100.000	
61,492.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2											
SR EL CL RPT	51004642	GRP 07	RPT	P	05/20/2023	ADMINISTRATION-BOE - REP.	110												24,489.00	05	100.000	
	51006647	GRP 07	RPT	P	09/04/2018	ADMINISTRATION-BOE - REP.	110												47,753.00	05	100.000	
72,242.00	Perm Budget Amt				2	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	2											
VO MA TE RPT	51010013	GRP 07	RPT	P	08/17/2020	ADMINISTRATION-BOE - REP.	110												47,753.00	05	100.000	
47,753.00	Perm Budget Amt				1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1											
Totals for Board of Elections																						
2,013,868.00	Perm Budget Amt				42	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	42											

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LEGAL SEC	00005846	GRP 07	FT	T	06/04/2023	CIVIL LITIGATION	110		48,978.00		01	100.000
	0.00	Perm Budget Amt		0	Perm Vac		48,978.00	Temp Budget Amt		1	Temp Vac	

Totals for County Attorney - Dept of Law

0.00	Perm Budget Amt		0	Perm Vac		48,978.00	Temp Budget Amt		1	Temp Vac		
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JR PERS SP	51017952	GRP 10	FT	P	01/01/2023	CIVIL SERVICE ADMINISTRATION	1-0		58,644.00		01	100.000
										1		
CH ETH OF RP	51017953	GRP 15	RPT	P	01/01/2023	OFFICE OF ETHICS	110		66,915.00		07	100.000
										1		

Totals for Personnel

125,559.00 Perm Budget Amt

2 Perm Vac

0.00 Temp Budget Amt

0 Temp Vac

2

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ASST PLANNER	51017903	GRP 08	FT	P	01/01/2023	PLANNING	110		51,967.00		01	100.000
	51,967.00	Perm Budget Amt			1	Perm Vac				1		
SM BUS RE CO	51018003	GRP 13	FT	P	01/01/2023	ECONOMIC DEVELOPMENT	110		73,524.00		01	100.000
	73,524.00	Perm Budget Amt			1	Perm Vac				1		
SR PLANNER	51016417	GRP 12	FT	P	03/26/2022	OFFICE OF AGRICULTURE	110		67,914.00		01	100.000
	67,914.00	Perm Budget Amt			1	Perm Vac				1		
Totals for Environment & Planning Divis'n												
	193,405.00	Perm Budget Amt			3	Perm Vac				3		

Report: ZHR_VACANT_POS_RPT
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 Department: 164 Parks

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 As of: 06/30/2023

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
GEN CR CH PK	51009126	GRP 11	FT	T	06/17/2023	ELLIOTT CREEK PARK	110		53,364.00		02	100.000
	0.00	Perm Budget Amt			0	Perm Vac	Temp Budget Amt			1		Temp Vac
PARK RANGER	51016940	GRP 07	FT	P	04/22/2023	CHESTNUT RIDGE PARK	110		46,172.00		07	100.000
	46,172.00	Perm Budget Amt			1	Perm Vac	Temp Budget Amt			1		Temp Vac
PK MN WK I	51011828	GRP 03	FT	T	06/05/2023	CHESTNUT RIDGE PARK	110		40,776.00		03	100.000
	0.00	Perm Budget Amt			0	Perm Vac	Temp Budget Amt			1		Temp Vac
PK MN WK II	51001383	GRP 05	FT	P	05/13/2023	FORESTRY	110		43,064.00		03	100.000
	51001387	GRP 05	FT	P	06/03/2023	COMO LAKE PARK	110		43,064.00		03	100.000
	86,128.00	Perm Budget Amt			2	Perm Vac	Temp Budget Amt			2		Temp Vac
Totals for Parks												
	132,300.00	Perm Budget Amt			3	Perm Vac	Temp Budget Amt		94,140.00		2	Temp Vac
											5	

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 165 Central Police Services

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
FOR BIO I	51017063	GRP 11	FT	P	06/03/2023	FORENSIC LABORATORY	110		63,929.00	02	02	100.0000
									63,929.00	1		
Totals for Central Police Services												
									63,929.00	1		
										0		
										0		
										0		
										0		
										1		

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 167 Emergency Services

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
BLDG GD	51016856	GRP 06	FT	T	06/17/2023	BUILDING SECURITY	110		42,301.00	01	01	100.000
	51018053	GRP 06	FT	P	06/03/2023	BUILDING SECURITY	110		42,301.00	01	01	100.000
	51018054	GRP 06	FT	P	06/03/2023	BUILDING SECURITY	110		42,301.00	01	01	100.000
	84,602.00	Perm Budget Amt			2	Perm Vac			42,301.00	Temp Budget Amt	1	Temp Vac
Totals for Emergency Services												3

84,602.00	Perm Budget Amt				2	Perm Vac			42,301.00	Temp Budget Amt	1	Temp Vac
Totals for Emergency Services												3

Report: ZHR_VACANT_POS_RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 167 Emergency Services

Erie County
 POSITION CONTROL
 BENEFIT EARN VACANCY BY DEPARTMENT, JOB

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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
Totals for FUND 110												

13,073,655.00	Perm Fund Amt	247	Perm Vac	8,057,305.00	Temp Fund Amt	163	Temp Vac	410				
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Run Totals: Total Perm Vac	247	Total Temp Vac	163	Total Vacancies	410	Total Positions	4,016	Percent	10%
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
INTERN CE SE	51017940	GRP 01	SeasonP		06/01/2023	ERIE COUNTY EXECUTIVE'S OFFICE	110		14,100.00		07	100.000
									14,100.00	1		

Totals for County Executive Department

14,100.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	14,100.00				
14,100.00	Perm Budget Amt	1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac					

SHORT DESC	POSITION NUMBER	JOB GRP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CHF PRCL(PT)	51016090	GRP 09	PT	P	10/08/2022	BUDGET & MANAGEMENT DIVISION	110		26,227.00	01	01	100.000
										0	Temp Vac	1
										0.00	Temp Budget Amt	
Totals for Budget & Management												
										0	Temp Vac	1
										0.00	Temp Budget Amt	

SHORT DESC	POSITION NUMBER	JOB GRP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
LARESTUIN SE	51016728	GRP 01	SeasonP		07/08/2021	DEPARTMENT OF LABOR RELATIONS	110		14,100.00		07	100.000
										1		

14,100.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 14,100.00 BUDGETED AMOUNT 07 100.000

Totals for Labor Relations

14,100.00 Perm Budget Amt 1 Perm Vac 0.00 Temp Budget Amt 0 Temp Vac 1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
TAX ACCT PT	51015554	GRP 10	PT	P	01/01/2022	DEPARTMENT OF REAL PROPERTY TAX	110		27,856.00		01	100.000

TOTALS	PERM BUDGET AMT	PERM VAC	TEMP BUDGET AMT	TEMP VAC
27,856.00	1	0.00	0	1
Totals for Real Property Tax Services				
27,856.00	1	0.00	0	1

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	Temp Budget Amt	Temp Vac	1	Temp Vac	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE	
CLERK PT	51004348	GRP 01	PT	T	05/06/2023	RECORDING	110		18,330.00	1	Temp Vac	1	18,330.00		02	100.000	
JR MT V CS P	51002289	GRP 05	PT	T	09/25/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
	51002294	GRP 05	PT	T	06/04/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
	51002296	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
	51002326	GRP 05	PT	T	12/18/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
	51002331	GRP 05	PT	P	11/06/2021	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
	51002332	GRP 05	PT	P	11/12/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
	51002338	GRP 05	PT	P	08/18/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
	51002341	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
	51008178	GRP 05	PT	P	05/30/2023	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
	51008179	GRP 05	PT	T	06/04/2022	AUTO BUREAU BRANCH OFFICES	110		20,712.00				20,712.00		02	100.000	
82,848.00 Perm Budget Amt										4	Perm Vac	6	Temp Vac	10			
Totals for County Clerk																	
82,848.00 Perm Budget Amt										4	Perm Vac	7	Temp Vac	11			

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
10,533.00	Perm Budget Amt				3	Perm Vac				0	Temp Vac	
DS SEC RES S	51011471	GRP 50	SeasonP		12/04/2021	STADIUM DETAIL	110		2,200.00	07	0.000	
	51011472	GRP 50	SeasonP		09/25/2021	STADIUM DETAIL	110		2,200.00	07	0.000	
	51011474	GRP 50	SeasonP		07/24/2021	STADIUM DETAIL	110		2,200.00	07	0.000	
	51011504	GRP 50	SeasonP		02/26/2022	STADIUM DETAIL	110		2,200.00	07	0.000	
	51011579	GRP 50	SeasonP		07/02/2022	STADIUM DETAIL	110		2,200.00	07	0.000	
	51011599	GRP 50	SeasonP		09/19/2022	STADIUM DETAIL	110		2,200.00	07	0.000	
	51017493	GRP 50	SeasonP		06/17/2023	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017508	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017509	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017510	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017511	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017512	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017514	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017515	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017516	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017519	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017520	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017521	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017522	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017523	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017524	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017525	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017526	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017527	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017528	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017529	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017530	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017531	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017532	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017533	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017534	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017535	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017536	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017537	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017538	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017539	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017540	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017541	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017542	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	
	51017543	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00	07	0.000	

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	51017544	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
	51017545	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
	51017546	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
	51017547	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
	51017548	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
	51017549	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
	51017550	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
	51017551	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
	51017552	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
	51017553	GRP 50	SeasonP		06/23/2022	STADIUM DETAIL	110		1,100.00		07	0.000
61,600.00 Perm Budget Amt							0.00	Temp Budget Amt	0	Temp Vac	07	0.000
72,133.00 Perm Budget Amt							0.00	Temp Budget Amt	0	Temp Vac	07	0.000

Totals for Office of the Sheriff

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE	
HC GD PT	51016613	GRP 08	PT	P	02/13/2023	SECURITY HC	110		19,149.00		02	100.000	
	51016747	GRP 08	PT	P	02/13/2023	SECURITY HC	110		19,149.00		02	100.000	
	51017849	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000	
	51017850	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000	
	51017851	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000	
	51017852	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000	
	51017853	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000	
	51017854	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000	
	51017855	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000	
	51017856	GRP 08	PT	P	01/01/2023	SECURITY HC	110		19,149.00		02	100.000	
191,490.00 Perm Budget Amt										10	0	Temp Vac	10

Totals for Jail Management

191,490.00 Perm Budget Amt

10 Perm Vac

0 Temp Vac

0 Temp Budget Amt

0 Temp Vac

10

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
EN CR 1 SEA	00003290	GRP 02	SeasonP		06/24/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		13,418.00		02	0.000
	51012143	GRP 02	SeasonP		01/28/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		13,418.00		02	0.000
26,836.00 Perm Budget Amt 2 Perm Vac 0 Temp Vac 0 Temp Budget Amt 2												
CASEWKR PT	51011888	GRP 09	PT	P	05/06/2023	CHILD PROTECTIVE SERVICES	110		26,227.00		02	49.020
	51011889	GRP 09	PT	P	04/24/2023	CHILD PROTECTIVE SERVICES	110		26,227.00		02	49.020
52,454.00 Perm Budget Amt 2 Perm Vac 0 Temp Vac 0 Temp Budget Amt 2												
EN CR 1 PT	51002087	GRP 02	PT	P	05/03/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		18,606.00		02	0.000
18,606.00 Perm Budget Amt 1 Perm Vac 0 Temp Vac 1												
EN CR 2 PT	51002103	GRP 05	PT	P	05/19/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00		02	0.000
	51017076	GRP 05	PT	P	05/20/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00		02	0.000
	51017082	GRP 05	PT	P	05/23/2023	HEAP - HOME ENERGY ASSISTANCE PROGRAM	110		20,712.00		02	0.000
62,136.00 Perm Budget Amt 3 Perm Vac 0 Temp Vac 3												

Totals for Department of Social Services

160,032.00	Perm Budget Amt	8	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	8
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SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
DET HM IN PT	00002980	GRP 09	PT	P	03/11/2022	INTAKE	110		21,237.00		02	51.000
	00002982	GRP 09	PT	P	05/02/2022	INTAKE	110		21,237.00		02	51.000
	42,474.00	Perm Budget Amt			2	Perm Vac		0	Temp Vac	2		
DET SEC GD P	00002970	GRP 05	PT	P	07/09/2021	BUILDING SERVICES	110		12,562.00		01	51.000
	12,562.00	Perm Budget Amt			1	Perm Vac		0	Temp Vac	1		
YTH DET WK P	51006935	GRP 07	PT	P	04/22/2023	SECURE PART TIME YDW CHILDCARE	110		14,353.00		02	51.000
	51006936	GRP 07	PT	T	02/25/2023	SECURE PART TIME YDW CHILDCARE	110		14,353.00		02	51.000
	51016801	GRP 07	PT	T	02/10/2023	SECURE PART TIME YDW CHILDCARE	110		14,353.00		02	51.000
	51016802	GRP 07	PT	P	05/21/2023	SECURE PART TIME YDW CHILDCARE	110		14,353.00		02	51.000
	28,706.00	Perm Budget Amt			2	Perm Vac		28,706.00	Temp Budget Amt	4		
Totals for Youth Services Division												
	83,742.00	Perm Budget Amt			5	Perm Vac		28,706.00	Temp Budget Amt	7		

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
C IN C EMS P	51005153	GRP 15	PT	P	05/20/2023	EMS TRAINING	110		7,206.00		07	100.000
	51005154	GRP 15	PT	P	07/16/2020	EMS TRAINING	110		7,721.00		07	100.000
	51005155	GRP 15	PT	P	05/20/2023	EMS TRAINING	110		7,206.00		07	100.000
	51005158	GRP 15	PT	P	01/06/2020	EMS TRAINING	110		1,716.00		07	100.000
	51005164	GRP 15	PT	P	01/06/2020	EMS TRAINING	110		3,217.00		07	100.000
	51005165	GRP 15	PT	P	01/06/2020	EMS TRAINING	110		6,348.00		07	100.000
	51005168	GRP 15	PT	P	05/19/2023	EMS TRAINING	110		4,933.00		07	100.000
	51005169	GRP 15	PT	P	01/06/2020	EMS TRAINING	110		6,866.00		07	100.000
	51005173	GRP 15	PT	P	05/09/2020	EMS TRAINING	110		6,863.00		07	100.000
	51006156	GRP 15	PT	P	05/09/2020	EMS TRAINING	110		3,432.00		07	100.000
	51008194	GRP 15	PT	P	05/20/2023	EMS TRAINING	110		4,289.00		07	100.000
59,797.00 Perm Budget Amt										11		
					1.1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		
C L IN EMS P	51005203	GRP 08	PT	P	05/19/2023	EMS TRAINING	110		3,298.00		07	100.000
	51005231	GRP 08	PT	P	05/20/2023	EMS TRAINING	110		3,298.00		07	100.000
	51005243	GRP 08	PT	P	05/20/2023	EMS TRAINING	110		2,648.00		07	100.000
	51005246	GRP -08	PT	P	05/19/2023	EMS TRAINING	110		2,648.00		07	100.000
	51005248	GRP 08	PT	P	02/15/2023	EMS TRAINING	110		3,298.00		07	100.000
	51005252	GRP 08	PT	P	05/19/2023	EMS TRAINING	110		3,298.00		07	100.000
	51005257	GRP 08	PT	P	05/20/2023	EMS TRAINING	110		375.00		07	100.000
	51005260	GRP 08	PT	P	05/19/2023	EMS TRAINING	110		999.00		07	100.000
	51005272	GRP 08	PT	P	03/11/2023	EMS TRAINING	110		3,298.00		07	100.000
	51005275	GRP 08	PT	P	05/20/2023	EMS TRAINING	110		3,298.00		07	100.000
	51011947	GRP 08	PT	P	05/19/2023	EMS TRAINING	110		999.00		07	100.000
27,457.00 Perm Budget Amt										11		
					1.1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		
EM MED TEC P	51018046	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		23,264.00		01	91.000
	51018047	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		23,264.00		01	91.000
	51018048	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		23,264.00		01	91.000
	51018049	GRP 07	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		23,264.00		01	91.000
93,056.00 Perm Budget Amt										4		
					4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac		
PRNAMED I PT	51018032	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00		01	91.000
	51018033	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00		01	91.000
	51018034	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00		01	91.000
	51018035	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00		01	91.000
	51018036	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00		01	91.000
	51018037	GRP 09	PT	P	06/03/2023	EMS AMBULANCE OPERATIONS	110		26,227.00		01	91.000

SHORT DESC	PR WK IN	PT	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
	157,362.00			Perm Budget Amt			6	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	0	6
PR WK IN PT	51005276	GRP 01	PT	05/19/2023	EMS TRAINING	110					1,117.00	07	100.000	
	51005278	GRP 01	PT	05/22/2021	EMS TRAINING	110					1,855.00	07	100.000	
	51005279	GRP 01	PT	05/19/2023	EMS TRAINING	110					1,132.00	07	100.000	
	51005280	GRP 01	PT	05/19/2023	EMS TRAINING	110					1,132.00	07	100.000	
	51005284	GRP 01	PT	08/01/2020	EMS TRAINING	110					1,132.00	07	100.000	
	51005286	GRP 01	PT	04/28/2023	EMS TRAINING	110					1,132.00	07	100.000	
	51005287	GRP 01	PT	09/25/2021	EMS TRAINING	110					1,132.00	07	100.000	
	51005289	GRP 01	PT	05/26/2021	EMS TRAINING	110				779.00	779.00	07	100.000	
	51005291	GRP 01	PT	05/20/2023	EMS TRAINING	110				779.00	779.00	07	100.000	
	51005293	GRP 01	PT	01/15/2022	EMS TRAINING	110				1,132.00	1,132.00	07	100.000	
	51005297	GRP 01	PT	05/19/2023	EMS TRAINING	110				1,317.00	1,317.00	07	100.000	
	51006149	GRP 01	PT	05/19/2023	EMS TRAINING	110				2,783.00	2,783.00	07	100.000	
	51006177	GRP 01	PT	05/19/2023	EMS TRAINING	110				557.00	557.00	07	100.000	
	51006178	GRP 01	PT	05/19/2023	EMS TRAINING	110				557.00	557.00	07	100.000	
	51006183	GRP 01	PT	05/19/2023	EMS TRAINING	110				278.00	278.00	07	100.000	
	51011943	GRP 01	PT	05/19/2023	EMS TRAINING	110				278.00	278.00	07	100.000	
	51011945	GRP 01	PT	05/19/2023	EMS TRAINING	110				278.00	278.00	07	100.000	
	51011946	GRP 01	PT	05/19/2023	EMS TRAINING	110				186.00	186.00	07	100.000	
	17,835.00			Perm Budget Amt			18	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	0	18
REG NRS PT	51012177	GRP 08	PT	08/05/2022	YOUTH DETENTION HEALTH SERVICES	110					27,818.00	02	50.000	
	27,818.00			Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	0	1
Totals for Health														
	383,325.00			Perm Budget Amt			51	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	0	51

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
CH EL CL C P	51003576	GRP 09	PT	P	01/08/2016	ADMINISTRATION-BOE - DEM.	110		26,227.00		05	100.000
	26,227.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
DABAFCOPBOE	51014951	GRP 13	PT	P	06/20/2020	ADMINISTRATION-BOE - REP.	110		9,897.00		05	100.000
	9,897.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ELC FIN CL P	51007156	GRP 06	PT	P	01/01/2020	ADMINISTRATION-BOE - REP.	110		21,949.00		05	100.000
	21,949.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ELC IN S S P	51007157	GRP 11	PT	P	03/19/2020	ADMINISTRATION-BOE - REP.	110		30,366.00		05	100.000
	30,366.00	Perm Budget Amt			1	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	1	
ELE WKR PTNB	00003139	GRP 01	PT	P	03/13/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003141	GRP 01	PT	P	08/20/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003145	GRP 01	PT	P	07/30/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003146	GRP 01	PT	P	11/13/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003147	GRP 01	PT	P	08/20/2021	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003150	GRP 01	PT	P	07/24/2020	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003153	GRP 01	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.	110		3,673.00		05	100.000
	00003157	GRP 01	PT	P	01/18/2020	ADMINISTRATION-BOE - REP.	110		10,093.00		05	100.000
	00003159	GRP 01	PT	P	12/03/2022	ADMINISTRATION-BOE - DEM.	110		6,456.00		05	100.000
	00003161	GRP 01	PT	P	05/01/2021	ADMINISTRATION-BOE - REP.	110		3,673.00		05	100.000
	00003165	GRP 01	PT	P	11/05/2022	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000
	51012654	GRP 01	PT	P	12/16/2022	ADMINISTRATION-BOE - DEM.	110		18,330.00		05	100.000
	51016027	GRP 01	PT	P	08/21/2021	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000
	51016029	GRP 01	PT	P	08/16/2019	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000
	51016030	GRP 01	PT	P	08/27/2022	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000
	51016105	GRP 01	PT	P	08/27/2022	ADMINISTRATION-BOE - REP.	110		18,330.00		05	100.000
	186,196.00	Perm Budget Amt			16	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	16	
JUL CL FT	51004176	GRP 04	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.	110		19,802.00		05	100.000
	51005585	GRP 04	PT	P	08/27/2011	ADMINISTRATION-BOE - REP.	110		19,802.00		05	100.000
	51008264	GRP 04	PT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		19,802.00		05	100.000
	51012979	GRP 04	PT	P	01/01/2016	ADMINISTRATION-BOE - REP.	110		19,802.00		05	100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
MATEBOE PT	51007110	GRP 07	PT	P	12/17/2022	ADMINISTRATION-BOE - DEM.	110		23,264.00	4	05	100.000
	51008695	GRP 07	PT	P	09/15/2020	ADMINISTRATION-BOE - DEM.	110		23,264.00		05	100.000
	46,528.00	Perm Budget Amt			2	Perm Vac	0	0.00	Temp Budget Amt	0	Temp Vac	
PR EL C A PT	51016471	GRP 08	PT	P	01/01/2022	ADMINISTRATION-BOE - REP.	110		24,684.00	2	05	100.000
	24,684.00	Perm Budget Amt			1	Perm Vac	0	0.00	Temp Budget Amt	0	Temp Vac	
PR SUVP EL P	51005970	GRP 09	PT	P	04/26/2021	ADMINISTRATION-BOE - DEM.	110		26,227.00	1	05	100.000
	26,227.00	Perm Budget Amt			1	Perm Vac	0	0.00	Temp Budget Amt	0	Temp Vac	
SR EL CL PT	51004839	GRP 07	PT	P	05/07/2022	ADMINISTRATION-BOE - DEM.	110		23,264.00	1	05	100.000
	51014079	GRP 07	PT	P	09/02/2017	ADMINISTRATION-BOE - REP.	110		23,264.00		05	100.000
	46,528.00	Perm Budget Amt			2	Perm Vac	0	0.00	Temp Budget Amt	0	Temp Vac	

Totals for Board of Elections:

497,810.00 Perm Budget Amt, 30 Perm Vac, 0.00 Temp Budget Amt, 0 Temp Vac, 30

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
INTERN SEAS	51016418	GRP 01	SeasonP	SeasonP	08/05/2022	ENVIRONMENTAL COMPLIANCE	110		14,100.00		07	100.000
	51016419	GRP 01	SeasonP	SeasonP	01/01/2020	PLANNING	110		14,100.00		07	100.000
	51016836	GRP 01	SeasonP	SeasonP	07/08/2021	PLANNING	110		14,100.00		07	100.000
	51016837	GRP 01	SeasonP	SeasonP	07/08/2021	PLANNING	110		14,100.00		07	100.000
	51017359	GRP 01	SeasonP	SeasonP	05/20/2023	ENVIRONMENTAL COMPLIANCE	110		8,905.00		07	32.400
	51017360	GRP 01	SeasonP	SeasonP	11/05/2022	ENVIRONMENTAL COMPLIANCE	110		8,905.00		07	32.400
	51017363	GRP 01	SeasonP	SeasonP	05/20/2023	ENVIRONMENTAL COMPLIANCE	110		8,905.00		07	32.400
83,115.00 Perm Budget Amt							7	0.00	Temp Budget Amt	0	Temp Vac	7

Totals for Environment & Planning Divis'n

83,115.00 Perm Budget Amt

7 Perm Vac

0.00 Temp Budget Amt

0 Temp Vac

7

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
LIFEGD SEAS	5105657	GRP 45	SeasonP		09/04/2022	WENDT/BENNETT BEACH PARK	110		8,000.00		02	100.000
	51013372	GRP 45	SeasonP		09/17/2022	WENDT/BENNETT BEACH PARK	110		4,000.00		02	100.000
				2	Perm Vac					0		
				2	Temp Budget Amt							
PARK ATT SEA	51011823	GRP 33	SeasonP		12/15/2022	COMO LAKE PARK	110		5,376.00		03	100.000
				1	Perm Vac					0		
				1	Temp Budget Amt							
				3	Perm Vac					0		
				3	Temp Budget Amt							

Totals for Parks

17,376.00 Perm Budget Amt

3 Perm Vac

0 Temp Budget Amt

0 Temp Vac

0 Temp Budget Amt

0 Temp Vac

5,376.00

1

03 100.000

SHORT DESC	POSITION NUMBER	JOB GROUP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND	GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
FIRE INST PT	51002955	GRP 11	PT	P	01/31/2022	FIRE SAFETY	110		2,397.00	1	02	100.000
2,397.00 Perm Budget Amt											1	
HS INSTR PT	51017929	GRP 11	PT	P	01/01/2023	DISASTER PREPAREDNESS	110		3,074.00		07	100.000
51017930 GRP 11 PT P 01/01/2023 DISASTER PREPAREDNESS												
51017931 GRP 11 PT P 01/01/2023 DISASTER PREPAREDNESS												
9,222.00 Perm Budget Amt											3	

Totals for Emergency Services

11,619.00	Perm Budget Amt	4	Perm Vac	0.00	Temp Budget Amt	0	Temp Vac	4
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Erie County
 POSITION CONTROL
 PART TIME VACANCY BY DEPARTMENT, JOB

Report: ZHR_VACANT_POS RPT
 System: PRD/100/ZHR_VACANT_RPT
 User: SCHLOSSK
 Department: 167 Emergency Services

SHORT DESC	POSITION NUMBER	JCB GRP	EE GRP	FILL STAT	REFILL DATE	FUNCTION	FUND GRANT	BUDGETED AMOUNT	TOT VAC	CS CD	COUNTY SHARE
Totals for FUND 110											
					179	Perm Vac	171,308.00	Temp Fund Amt	9	Temp Vac	188

Run Totals: Total Perm Vac 179 Total Temp Vac 9 Total Vacancies 188 Total Positions 647 Percent 29%

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-1

NYS DEC

Public Notice Fact Sheet - Brownfield Cleanup
Program

Attachments

23COMM. 16M-1

Public Notice Fact Sheet

The New York State Department of Environmental Conservation (DEC) has received a Brownfield Cleanup Program (BCP) application and Draft Remedial Investigation/Interim Remedial Measures Work Plan from 1395 Group, LLC for a site known as 1395 Delaware Avenue Site, site ID #C915343. This site is located in the City of Buffalo within the County of Erie, and is located at 1395 Delaware Avenue.

Access the application, work plan and other relevant documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915343/>. The documents also are available at the document repository located at Buffalo and Erie County Public Library, 1 Lafayette Square, Buffalo, NY 14203.

There are several ways to comment on BCP applications and work plans. Comments can be submitted to the site Project Manager Michael Keller at NYSDEC, 700 Delaware Avenue, Buffalo, NY 14209; via email at michael.keller@dec.ny.gov or by calling 716-851-7220. All comments must be submitted by **August 18, 2023**.

Site information can be viewed by entering the site ID noted above at:
<http://www.dec.ny.gov/cfm/external/index.cfm?pageid=3>

We would also encourage those interested in receiving information on future activities at this site or any other site to sign up to DEC's Contaminated Sites Email List at:
<http://www.dec.ny.gov/chemical/61092.html>

What is the Brownfield Cleanup Program?

New York's Brownfield Cleanup Program (BCP) is designed to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to "greenfield" (land not previously developed or contaminated) development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of brownfields. Since its inception (2003), the BCP has catalyzed the cleanup of more than 500 contaminated sites statewide and incentivized redevelopment. There are more than 550 active sites in the BCP.

Additional information on the State's Brownfield program is available at DEC's website:
<http://www.dec.ny.gov/chemical/8450.html>

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-2	BRADY & SWENSON, P.C.	Town of East Otto's Proposed Local Law 1 - 2023
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Attachments

23COMM. 16M-2



**BRADY &
SWENSON, P.C.**

MATTHEW RAY SWENSON, ESQ. (NY & PA)
ERIN M. BRADY SWENSON, ESQ. (NY & PA)

41 MAIN STREET
SALAMANCA, NEW YORK 14779

TEL: (716) 945-2000
FAX: (716) 945-3566
SERVICE NOT ACCEPTED VIA FAX OR EMAIL

July 13, 2023

FILED JUL 18 '23 12:27

Robert M. Graber
Clerk of the Erie County Legislature
County of Erie
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Town of East Otto's Proposed Local Law 1-2023

Dear Mr. Graber:

We represent the Town of East Otto. On behalf of the Town, enclosed please find the following documents served in accordance with Town Law §264:

- 1) Proposed Local Law 1-2023, entitled "A Local Law Further Extending a Moratorium on Solar Energy, Wind Energy, and Battery Energy Storage Systems in the Town of East Otto"; and
- 2) Notice of the Public Hearing on proposed Local Law 1-2023, which is scheduled for July 25, 2023 at 6:00 p.m. at the Town Hall, 9014 East Otto Springville Road in East Otto, New York.

Please do not hesitate to contact us with any questions.

Very truly yours,

Erin M. Brady Swenson

Enclosures

(1) Proposed Local Law 1-2023

TOWN OF EAST OTTO

LOCAL LAW NO. 1 of 2023

A LOCAL LAW FURTHER EXTENDING THE MORATORIUM ON SOLAR ENERGY, WIND ENERGY, AND BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF EAST OTTO

Pursuant to the Municipal Home Rule Law Section 10 and Town Law Sections 264 and 265

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF EAST OTTO AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT.

This local law is intended to further extend for a period of six months the moratorium prohibiting the approval, permitting, siting, construction, implementation, and establishment of solar energy, wind energy, and battery energy storage systems within the Town, as set forth in Town of East Otto Local Law 4 -2021, entitled "A LOCAL LAW IMPOSING A MORATORIUM ON SOLAR ENERGY, WIND ENERGY, AND BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF EAST OTTO" and Town of East Otto Local Law 1-2022, entitled "A LOCAL LAW EXTENDING THE MORATORIUM ON SOLAR ENERGY, WIND ENERGY, AND BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF EAST OTTO."

The Town Board has determined that this further extension of the moratorium is necessary. Revising and updating the Town's comprehensive plan, which is nearly twenty-five years old, is a substantial, time-consuming undertaking,

as is drafting suitable additional legislation to allow for proper siting and development of the solar, wind, and battery energy storage industries within the Town. Delays resulting from the COVID-19 pandemic initially affected the Town's schedules and plans. Further delays have resulted from multiple challenges that the Town faces as a small, rural municipality, including but not limited to challenges in locating and securing the assistance of a qualified planner to guide the Town's comprehensive planning process. During the initial and extended moratorium, the Town made considerable progress toward revising its comprehensive plan. However, the Town needs additional time to complete the process. During the further extension of the moratorium, the Town intends to finish the process of adopting its updated comprehensive plan and revisions to its land use law and regulatory processes to provide for the benefit, health, and general welfare of the residents of the Town.

The objective of this extended moratorium is to enable the Town to continue to stay any and all of the activities prohibited by Section 4 of Local Law 4-2021, and all Town-level approvals relating to those activities, for a further period of six months in order to provide the Town time to work with a planner, to further study the impacts, effects, and proper regulation of such activities, to consider amendments to the Town's Zoning Ordinance to appropriately regulate these activities within the confines of New York State law, and to complete the comprehensive planning process and necessary amendments to the Zoning Ordinance. The Town Board believes that a six-month after the effective date of this Local Law, coupled with the mechanisms for use variances already contained in

the Town Zoning Ordinance, will achieve an appropriate balancing of interests between the need to safeguard the character and other resources of the Town, the health, safety, and general welfare of its residents, and the rights of individual property owners or businesses desiring to conduct such activities during that period.

During the pendency of the extended moratorium, the Town Board will consider how best to permit such installations to harmoniously integrate them with the existing agricultural community and landscape. If the community allows such development during that time, the goals of the newly amended Town Comprehensive Plan and its related legislation favoring the successful continuity of agricultural operations could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that a further six-month extension of its temporary moratorium legislation is both advisable and necessary to further develop and adopt necessary zoning and land use changes, thus protecting and furthering the public interest, health and safety.

SECTION 2. TEMPORARY MORATORIUM.

A. There is hereby adopted in the Town of East Otto a six-month extension of the existing moratorium on the approval, permitting, siting, construction, implementation, and establishment of solar energy, wind energy, and battery energy storage systems within the Town that was enacted by Local Law 4-2021, entitled "A LOCAL LAW IMPOSING A MORATORIUM ON SOLAR ENERGY,

WIND ENERGY, AND BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF EAST OTTO,” effective August 18, 2021 and extended by Local Law 1-2022, entitled “A LOCAL LAW EXTENDING THE MORATORIUM ON SOLAR ENERGY, WIND ENERGY, AND BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN OF EAST OTTO,” effective August 30, 2022. This further extension shall commence on the date on which this Local Law is filed in the office of the Secretary of State.

B. Local Law 4-2021 and Local Law 1-2022 are incorporated herein by reference as if fully set forth herein, and their provisions shall remain fully effective during the extension of the moratorium thereby established.

C. While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Town of East Otto for the approval, permitting, siting, construction, implementation, and establishment of solar energy, wind energy, and battery energy storage systems within the Town.

SECTION 3. APPLICABILITY.

The provisions of this local law shall apply to all real property within the Town of East Otto, and all land use applications for the siting or creation of Commercial Solar Energy Systems, Commercial Energy Storage Systems, and Commercial Wind Generation Systems within the Town of East Otto.

SECTION 4. STATUTORY AUTHORITY; SUPERSESSION.

This local law is promulgated and adopted pursuant to Municipal Home Rule Law and the State Environmental Quality Review Act, and its implementing

regulations. It expressly supersedes sections 267, 267-a, 267-b, 267-c, 274-a, 274-b and 276 of the Town Law of the State of New York.

This local law shall supersede and suspend those provisions of New York state law which require the Planning Board and the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

SECTION 5. SEQRA DETERMINATION

The Town Board hereby determines that the adoption of this local law is a Type II action under 6 NYCRR 617.5(c)(36) and that environmental review under the NYS Environmental Quality Review Act (SEQRA) is not required.

SECTION 6. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, or regulation, including Local Law No. 1-2021, entitled "LOCAL LAW ESTABLISHING SOLAR ENERGY REGULATIONS IN THE TOWN OF EAST OTTO."

SECTION 7. SEVERABILITY.

The invalidity of any word, section, clause, sentence, paragraph, part, or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

SECTION 8. EFFECTIVE DATE.

The effective date of this local law shall be immediate upon its filing with the

Secretary of State, or upon actual submission of a copy of the adopted local law to any individual, person or applicant.

Adopted this ____ day of August, 2023.

By Order of the East Otto Town Board

_____, Town Clerk

I, _____, Town Clerk of the Town of East Otto, Cattaraugus County, New York, DO HEREBY CERTIFY that the foregoing local law was approved by the Town Board of the Town of East Otto on August ____, 2023 and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of the Town Board had due notice of the said Town Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of East Otto this ____ day of _____, 2023.

_____, Town Clerk

TOWN SEAL

2) Notice of Public Hearing

NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW 1 OF 2023
OF THE TOWN OF EAST OTTO

ENTITLED:

**“A LOCAL LAW FURTHER EXTENDING A MORATORIUM ON
SOLAR ENERGY, WIND ENERGY, AND BATTERY ENERGY
STORAGE SYSTEMS IN THE TOWN OF EAST OTTO”**

NOTICE IS HEREBY GIVEN that, pursuant to a resolution of the Town Board of the Town of East Otto, adopted on the 11th day of July, 2023, the Town Board has scheduled a public hearing and will hold it:

When: The 25th day of July, 2023 at 6:00 p.m.

Where: The Town Hall, 9014 East Otto Springville Rd., East Otto, NY

Why: To hear all interested persons for or against the adoption of proposed Local Law 1-2023, which further extends a moratorium on projects involving solar energy, wind energy, and battery energy storage systems in the Town of East Otto

Copies of the proposed Local Law are available for public view at the office of the Town Clerk during normal business hours.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF EAST OTTO

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-3	NYS DEPARTMENT OF AUDIT & CONTROL	Certificate of the State Comptroller - Consent to Increase & Improve ECSD No. 3 Facilities
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Attachments

23COMM. 16M-3

STATE OF NEW YORK

DEPARTMENT OF AUDIT AND CONTROL

In the Matter
of the

Application of the County Legislature of Erie County, New York, for a Certificate of the State Comptroller consenting to an increase and improvement of facilities in Erie County Sewer District No. 3, in said county

WHEREAS, on the 11th day of March, 1963, the Comptroller of the State of New York, upon the application of the County Legislature of Erie County, New York, did grant permission to establish Erie County Sewer District No. 3 in said county; and

WHEREAS, a final order establishing Erie County Sewer District No. 3 was adopted by the Board of Supervisors of Erie County on April 9, 1963; and

WHEREAS, application has been duly made to the undersigned by the County Legislature of Erie County for a certificate of the State Comptroller consenting to an expenditure of \$100,000,000, for construction constituting an increase and improvement of facilities, in Erie County Sewer District No. 3; and

WHEREAS, we are informed that the County has applied for financial assistance through the Clean Water State Revolving Loan fund, which is administered by the Environmental Facilities Corporation (EFC), and this improvement area is listed on the EFC Intended Use Plan as eligible to receive financing; and

WHEREAS, the undersigned has duly examined such application,

NOW, THEREFORE, pursuant to such examination and upon such application of the County Legislature of Erie County, the undersigned does hereby find and determine, after due deliberation:

- (1) That the public interest will be served by the improvements to be

constructed in Erie County Sewer District No. 3.

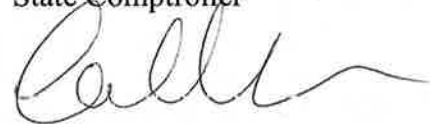
- (2) That the additional amount to be expended for such purposes will not be an undue burden upon the property that is to bear the cost of the improvement.

I, THOMAS P. DiNAPOLI, Comptroller of the State of New York, do hereby order that such application of the County Legislature of Erie County for permission to increase and improve the facilities in Erie County Sewer District No. 3 as described in a resolution dated December 15, 2022, be, and the same hereby is granted, at a maximum cost of \$100,000,000, including any applicable aid.

Executed in duplicate by the Comptroller of the State of New York, this 6th day of July, 2023.

THOMAS P. DiNAPOLI
State Comptroller

By



Andrea C. Miller
Executive Deputy Comptroller

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-4	TOWN OF AMHERST	Legal Ruling on Extension of Town of Amherst Consolidated Lighting District to Evergreen Landing Subdivision
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Attachments

23COMM. 16M-4

In the Matter

of the

Extension of the Town of Amherst Consolidated Lighting District to Evergreen Landing Subdivision and improvements in connection therewith

PART 85 APPLICATION

Sirs/Madams:

The following is a petition of the Town Board of the Town of Amherst, New York (the "Town"), for permission for the extension of the Town's Consolidated Lighting District (the "District") to include the Evergreen Landing Subdivision (the "Extension") and to make improvements to the District in connection therewith.

Pursuant to Article 12 of the Town Law of the State of New York, NYCRR, title 2, Part 85 respectfully shows:

85.3(b)(1) a. This petition is made pursuant to the resolution of the Town Board of the Town of Amherst (the "Board"), adopted at a meeting thereof held in said Town on April 11, 2022, a certified copy of which is hereto annexed as Exhibit A and made part hereof, wherein your petitioner was duly authorized and directed to make this application for permission to extend said District in compliance with the statutes in such cases made and provided.

b. The Board believes the contents of this application to be accurate.

c. The Board has determined in the attached resolution adopted at a regular meeting thereof held in said Town on April 11, 2022, a certified copy of which is hereto annexed as Exhibit B and made a part hereof, that:

1.) The Extension, for which the permission is sought, is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.

2.) The cost of the proposed improvements is to be assessed in whole or in part against the benefited area, that all real property to be so assessed will be benefited by the proposed improvements, and that no benefited property has been excluded.

85.3(b)(2) The legal opinion in accordance with Section 85.5 is attached hereto as Exhibit C.

85.4(a) The documents and information required by the provisions of the Town Law pursuant to which this application is being made are as follows:

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Exhibit D. Map, Plan and Report, dated February, 2022.

Exhibit E. Order of the Town Board Calling a Public Hearing dated March 14, 2022.

Exhibit F. Affidavit of Publication from the Amherst Bee verifying the publication of the Order Calling a Public Hearing in that official newspaper of the Town of Amherst.

Exhibit G. Affidavit of Posting of the said Order of the Town Board Calling a Public Hearing.

Exhibit H. Minutes of the Public Hearing held on the April 11, 2022, pursuant to said Order.

Exhibit I. Resolution of the Town Board following the Public Hearing on the April 11, 2022, for the extension of the Consolidated Lighting District and improvements in connection therewith.

Exhibit J. Resolution, dated April 11, 2022, of the Town Board declaring itself as Lead Agency to conduct proceedings pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law) and finding no significant environmental impact and issuing a Negative Declaration; with a copy of the Short Environmental Assessment Form with Determination of Significance.

Exhibit K. Resolution of Town Board pursuant to NYCRR Part 85 Section 85.3(b)(1) dated April 11, 2022.

85.4(b) The proposed improvements consists of:

The installation of 73 light poles and LED luminaires on both sides of six (6) existing residential roadways, staggered, at an approximate spacing of 100-150 feet. The lighting system will consist of aluminum poles, post top luminaire heads, hand holes, electrical wiring, and electrical connections to existing pad-mount transformers. Additionally, each luminaire will be fitted with an Asset Management Control note. Restoration of disturbed areas is also included within the project.

85.4(c) The total estimated maximum cost is One Million Three Hundred Fifty-Thousand Dollars (\$1,350,000).

85.4(d) The Town Board, as the governing board of the applicant, considered the following factors in making its determination that the proposed improvements are in the public interest: 1) That the extension of the Consolidated Lighting District into the Evergreen Subdivision would in likelihood maintain, if not improve, the value of the real property owned by the residents. 2) All non-exempt vacant parcels will be assessed a portion of the debt service.

85.4(e) The proposed manner of financing the cost of the improvements will be through the issuance of bonds and/or bond anticipation notes issued on behalf of the Town through a competitive or private sale.

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85.4(f) The estimated cost of operating and maintaining the proposed improvements is \$3,005.41 annually. The estimate is based on an annual cost of \$19.17 per street light for energy (cost from National Grid), and \$22.00 per street light for maintenance (cost from NY Power Authority maintenance contract);

85.4(g) The Town will raise the costs of debt service, operation and maintenance by raising taxes based on the assessed value of each property within the Consolidated Lighting District.

85.4(h) The aggregated assessed valuation of all taxable real property in the Consolidated Lighting District is estimated to be \$5,436,561,064. This is based on the existing Consolidated Lighting District assessed valuation of \$5,367,369,978, plus an estimated value of \$69,191,086 for the Evergreen Landing subdivision once all homes are built. It is anticipated that the subdivision will be fully built out prior to additional taxes being raised for the purpose of the project.

85.4(i) This is not an application under section 54 or 209-q of the Town Law or to increase the maximum amount to be expended.

85.4(j) This is not an application pursuant to the County Law.

85.4(k) The average full valuation of the taxable real property in the Town of Amherst computed pursuant to subdivision 7-a of section 2.00 of the Local Finance Law is \$11,193,197,428.

85.4(l) The outstanding indebtedness as of the date hereof of the Town of Amherst is \$127,986,023, as per the Schedule of Indebtedness. (See Exhibit L). The Town has \$36,771,700 in authorized, but unissued debt. This includes \$31,000,000 authorized for the purchase of the Town-wide streetlight asset from National Grid, and its conversion to LED.

85.4(m)

1) A total of \$11,556,345.85 is appropriated in the 2022 Town budget for repayment of debt principal. This includes \$8,121,500.00 for bond principal and \$3,434,845.85 for BANs principal

2) There is no State or Federal aid available for the payment of debt principal on any debt.

3) The amount of debt excludable for computing the Town's debt limit under Article VIII of the New York State Constitution is \$27,571,655, bringing the Town's Net Indebtedness to \$100,414,368.

85.4(n) Not applicable.

85.4(o) The current tax rates and assessments application to the taxable real property which will bear the cost of the proposed improvement per \$1,000 assessment are as follows:

County	N/A
Town, including highway	\$0.641759 per \$1000 AV; total AV \$5,367,369,978 _____
School,	N/A

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Fire	N/A
Other	N/A

85.4(p) The assessed value of a typical residential property in the Town of Amherst is \$220,000 and in the extended Consolidated Lighting District is \$235,000.

85.4(q) It is estimated that the owner of a typical property in the Consolidated Lighting District will be required to pay an additional \$4.4238 in the first year following approval of the application, if granted. This includes \$4.2939 for bond payments related to the improvements, \$0.0605 for the annual street light energy charge, and \$0.0694 for the estimated annual maintenance charge. The estimated cost for the energy charge was obtained from National Grid, and the estimated cost for the maintenance was obtained from the New York Power Authority.

85.4(r) The maximum amount any real property owner will be required to pay in the first year following approval of an application, if granted, for debt service, operation and maintenance and other charges related to the proposed improvements, is anticipated to be \$4.4238, as outlined in 85.4(q) above.

85.4(s) No state lands are included in the area which will bear the cost of the improvements.

85.4(t) The area which will bear the cost of the proposed improvements is only partially within an existing agricultural district. The assessment base for the proposed improvement will be affected as described above in Section 85.4(r). All parcels within the consolidated lighting district are affected in the same manner.

85.4(u) There are 22,813 parcels which will bear the cost of the improvements, including 20,959 single-family homes, 767 two-family homes, 124 vacant land parcels, and the remaining 963 parcels being made up of a variety of commercial buildings. The assessed value of the typical one- or two-family home is \$235,000. Non-residential areas include vacant land, and various commercial buildings. The assessed value of those properties, which only make up a small portion of the district, varies widely between parcels.

85.4(v) The proposed extension and improvement will not benefit vacant land. The only potential vacant land being affected are lots that are currently vacant, but in the process of development. Once the development is fully built out, no vacant land will be affected.

85.4(w) None.

85.4(x) There is no order of any court or agency, State or Federal relating to the proposed District and no pending or threatened judicial or administrative proceedings which relate to the improvements.

85.4(y) The Town has published notice of a public hearing, to be held on April 11, 2022, in the official newspaper of record (the Amherst Bee). All public hearing notices are published in the same location.

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85.4(z) No written objection expressing opposition to the undertaking of the improvements has been received by the Town from any of the owners of real property that will bear the burden of the costs of the proposed improvement.

WHEREFORE, the Town Board of the Town of Amherst, County of Erie, New York, through its Supervisor respectfully prays and requests permission to extend said "Consolidated Lighting District" of the Town of Amherst, Erie County, New York.

TOWN OF AMHERST

By:  _____
Brian J. Kulpa, Supervisor

VERIFICATION

STATE OF NEW YORK)

COUNTY OF ERIE) SS.:

Brian J. Kulpa, being duly sworn, deposes and says that he is the Town Supervisor of the Town named in the within entitled action; that he has read the foregoing application and knows the contents thereof; and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.



Brian J. Kulpa, Supervisor

Sworn to before me this

21st day of April, 2022



Francina J. Spoth, Town Clerk

MEMORANDUM

TO : [Illegible]

FROM : [Illegible]

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EXHIBIT A

At a meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 11th day of April, 2022.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilwoman
Deborah Bruch Bucki, Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Extension of the Town of Amherst Consolidated Lighting District to Evergreen Landing Subdivision and improvements in connection therewith

Offered by: Brian J. Kulpa, Supervisor

Seconded By: Jacqueline Berger, Deputy Supervisor/Councilwoman

RESOLUTION OF THE TOWN OF BOARD OF THE TOWN OF AMHERST PURSUANT TO PART 85 OF THE RULES AND REGULATIONS OF THE STATE COMPTROLLER REGARDING THE EXTENTION OF THE TOWN OF AMHERST'S CONSOLIDATED LIGHTING DISTRICT TO EVERGREEN LANDING SUBDIVISION AND IMPROVEMENTS IN CONNECTION THEREWITH

WHEREAS, the Town of Amherst, located in the County of Erie, New York (the "Town") passed a resolution on April 11, 2022 authorizing the extension of the Town's Consolidated Lighting District to Evergreen Landing Subdivision and improvements in connection therewith, consisting of the acquisition and installation of street lighting for the extension, and further authorized the filing of an application with the Office of the State Comptroller, and

WHEREAS, Section 85.3 of Part 85 of Title 2, Chapter 3 of the N.Y.C.R.R. requires an enabling resolution of the Town Board regarding the contents of such application and certain determinations made with respect to the application;

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NOW THEREFORE,

BE IT RESOLVED, that the Town Board has reviewed the application prepared at the direction of the Town Board and believes the contents thereof to be accurate, and

BE IT FURTHER RESOLVED AND DETERMINED, that the Extension and the improvements for which permission of the State Comptroller is sought is in the public interest and will not constitute an undue burden on the property that will bear the cost thereof, and

BE IT FURTHER RESOLVED AND DETERMINED, that all real property to be assessed for such cost will be benefitted by the proposed extension and improvements, and

BE IT FURTHER RESOLVED, that the Town Supervisor be, and hereby is, authorized and directed to execute the application and submit the same in duplicate to the Comptroller of the State of New York.

The adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting	Yes
Councilwoman Jacqueline Berger	voting	Yes
Councilwoman Deborah Bruch Bucki	voting	Yes
Councilman Shawn Lavin	voting	Yes
Councilman Michael R. Szukala	voting	Yes

The Resolution was declared adopted.

The following information is provided for your information. The information is provided for your information and is not intended to be used for any other purpose. The information is provided for your information and is not intended to be used for any other purpose. The information is provided for your information and is not intended to be used for any other purpose.

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CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed Resolution of the Town Board of said Town adopted at a meeting duly called and held on April 11, 2022, has been compared by me with the original order as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate

seal of said Town of Amherst this 20th day of April, 2022.

(SEAL)



Francina J. Spoth, Town Clerk
Town of Amherst

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EXHIBIT B

At a meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 11th day of April, 2022.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilwoman
Deborah Bruch Bucki, Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Extension of the Town of Amherst Consolidated Lighting District to Evergreen Landing Subdivision and improvements in connection therewith

Offered by: Brian J. Kulpa, Supervisor
Seconded By: Jacqueline Berger, Deputy Supervisor/Councilwoman

PUBLIC INTEREST ORDER

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of Consolidated Lighting District (herein referred to as the "District"), has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare a map, plan and report dated February, 2022, to consider the extension of the Town's Consolidated Lighting District (the "District") to include the Evergreen Landing Subdivision and to make improvements to the District in connection therewith, consisting of the acquisition and installation of street lighting for the extension, at the estimated

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maximum cost of \$1,350,000 (CIP Project No. H0-16) required in connection therewith as described in said report (the “Extension”); and

WHEREAS, the Engineer has estimated that the cost of such Extension shall be \$1,350,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order Calling for a Public Hearing describing in general terms the proposed Extension, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said Extension on April 11, 2022 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12-A of the Town Law, and a copy of which was sent to the Office of the State Comptroller; and

WHEREAS, such public hearing was duly held by the Town Board on the 11th day of April, 2022 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said Extension; and

WHEREAS, the Town Board, as lead agency, has reviewed the Short Form Environmental Assessment Form and has determined that the project is an “unlisted action”, will not have a significant effect on the environment and has issued a negative declaration in connection therewith pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617;

Now, therefore, be it

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DETERMINED, that it is in the public interest to extend the District and make improvements in connection therewith as hereinabove described, at the estimated total cost of \$1,350,000; and it is hereby

ORDERED, that the Extension shall be approved and that the Engineer shall prepare plans and specifications of the Extension and, with the assistance of the Town Attorney, shall prepare a proposed contract for the Extension, which plans and specifications and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the Extension shall be financed by the issuance of \$1,350,000 bonds of the Town, and the cost of the Extension, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, in the matter provided by law, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes, subject to certain applicable statutory limitations, sufficient to pay the principal of and interest on said bonds as the same shall become due; and it is hereby

FURTHER ORDERED, that this Public Interest Order is subject to permissive referendum; and it is hereby

FURTHER ORDERED, that the Town Clerk is directed to publish at least once in The Amherst Bee, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication, post on the Town's website at www.amherst.ny.us, on the front entrance door and rear doors of Town Hall, and post on the sign board of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this Public Interest Order, certified by said Town Clerk, the first publication thereof and said posting to be not more than ten (10) days after the date of adoption of this Public Interest Order, and it is hereby

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FURTHER ORDERED, that the Town Clerk send a certified copy of this Public Interest Order to the Office of the State Comptroller along with an application for approval for the Extension as required under Section 209-f of the Town Law within ten (10) days after adoption thereof.

DATED: April 11, 2022

(SEAL)

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TOWN BOARD OF THE TOWN OF
AMHERST

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The adoption of the foregoing Public Interest Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting	Yes
Councilwoman Jacqueline Berger	voting	Yes
Councilwoman Deborah Bruch Bucki	voting	Yes
Councilman Shawn Lavin	voting	Yes
Councilman Michael R. Szukala	voting	Yes

The Public Interest Order was declared adopted.

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed Public Interest Order of the Town Board of said Town adopted at a meeting duly called and held on April 11, 2022, has been compared by me with the original order as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 20th day of April, 2022.



Francina J. Spoth
Francina J. Spoth, Town Clerk
Town of Amherst

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EXHIBIT C

December 27, 2022

Town Board of the Town of Amherst
Attn: Brian J. Kulpa, Town Supervisor
5583 Main Street
Williamsville, New York 14221

Office of the State Comptroller
Division of Legal Services, 14th Floor
110 State Street
Albany, New York 12236

Re: Extension of Town's Consolidated Lighting District
(Evergreen Landing Subdivision)

Ladies and Gentlemen:

This opinion is being furnished to you in connection with the submission by the Town of Amherst, Erie County, New York (the "Town"), of a Part 85 application (the "Application") seeking consent in connection with the extension of the Town's Consolidated Lighting District and improvements in connection therewith (the "Extension").

We have acted as special counsel to the Town and have examined originals or true and complete copies of all records, documents and other instruments necessary to render our opinion, including, but not limited to: (i) the Constitution of the State and relevant statutes, including but not limited to, the New York Town Law, Article 12-A and the State Environmental Quality Review Act; (ii) all orders and resolutions of the Town Board of the Town pertaining to the Application; (iii) proof of any posting and publication of required notices; (iv) the map, plan and report prepared by the Town dated February, 2022; (v) all proposed contracts referred to in the Application; and (vi) the Application, a copy of which is submitted herewith.

Based upon the foregoing and upon such other information and documents and such investigation of fact and law as we believe necessary to enable us to render this opinion, we are of the opinion that:

- (1) The Application contains all information required by the applicable statutes and regulations;
- (2) In connection with the Extension, the Town has undertaken all actions and proceedings required by applicable provisions of law.
- (3) The Extension has been duly authorized by the Town except for:
 - (i) obtaining the permission or consent of the Comptroller;

(ii) the adoption of any order or resolution required to be adopted after the Comptroller has granted such consent or permission; and

(iii) any publication of any notice required to be published after receipt of such consent or permission;

(4) the Town is not aware of any material pending or threatened lawsuits or claims relating to the Extension; and

(5) any assessments, charges or taxes to be levied or imposed to finance the Extension are authorized by statute and all necessary action has been taken by the Town to authorize the imposition or levy of such assessments, charges or taxes.

The foregoing opinions are limited to the laws of the State, and we express no opinion as to the effect on the matters covered by this letter of the laws of any other jurisdiction and their effect on the matters covered by this letter.

Very truly yours,

HARRIS BEACH PLLC

A handwritten signature in black ink, appearing to read "Jeffrey E. Storch", with a long horizontal flourish extending to the right.

Jeffrey E. Storch

EXHIBIT D



**Town of Amherst
Engineering Department**

EVERGREEN LANDING SUBDIVISION STREET LIGHTING

2022 – 2027 Capital Improvement Project H-16
TOA Project # 2016.054A

**MAP, PLAN & REPORT
FEBRUARY 2022**

Contents:

- Background
- Location
- Project Description
- Project Purpose
- Anticipated Project Schedule
- Financial Summary
- Project Cost Estimate
- Taxation Summary
- SEQR Negative Declaration
- Certificate as to Useful Life of Project
 - Appendix A: Evergreen Subdivision Plat Map
 - Appendix B: Preliminary Design Plan

Prepared by:
Town of Amherst Engineering Department
1100 North Forest Rd., Williamsville, NY 14221
(716) 631 – 7154 / (716) 631 – 7222

Town of Amherst
Engineering Department
Evergreen Landing Subdivision Street Lighting

BACKGROUND:

Evergreen Landing Subdivision is a residential neighborhood consisting of 195 lots and six (6) local roadways. Residents are requesting that street lighting be installed throughout the subdivision.

LOCATION:

This project is located in Evergreen Landing Subdivision located in Amherst, New York. Evergreen Landing is located between Tonawanda Creek Road and Tonawanda Creek, just east of Niagara Falls Boulevard. The Subdivision Plat Map is found in Appendix A.

PROJECT DESCRIPTION:

In 2019, the Town of Amherst entered into a contract with an energy consultant to conduct a Comprehensive Energy Audit of the Town's existing street lighting systems. This Energy Audit identified that the Town would benefit from the procurement of the utility-owned/maintained street light system and an LED conversion project. During this time, new subdivision street lighting installations by the utility company were put on hold until the energy audit was complete. These utility-owned street lights would have had to be purchased at a higher cost if installed by the utility company in new subdivisions. After acquisition, a new non-LED luminaire would have been replaced with an LED luminaire. As such, there are subdivisions constructed in the Town of Amherst during the period of the energy audit that are in need of street lighting.

The residents of Evergreen Landing Subdivision have emphatically requested that the street lights be installed throughout its neighborhood. Evergreen Landing Subdivision was made a priority by the Amherst Town Board and the Town is moving forward with a design-bid-build project. The project includes the installation of 73+/- light poles and LED luminaires on both sides of roadways, staggered, at an approximate spacing of 100 – 150 feet. The light system will consist of aluminum poles, post-top luminaire heads, hand holes, electrical wiring, and electrical connections to existing pad-mount transformers. Additionally, each luminaire will be fitted with an Asset Management Control node. Restoration of the disturbed areas are also included within the project. Preliminary design plans are attached as Appendix 'B'.

PROJECT PURPOSE:

The purpose of residential street lighting has a number of benefits. Street lights have been found to deter crime while increasing quality of life. Street lighting has also been shown to improve safety for drivers, bicyclists, and pedestrians.

Town of Amherst
Engineering Department
Evergreen Landing Subdivision Street Lighting

STREET LIGHT DISTRICT EXTENSION:

The consolidated street light district must be extended to include the Evergreen Landing Subdivision as filed in the Erie County Clerk's Office under map cover number 3533, dated 11/30/12 in its entirety. A subdivision plat map is located in Appendix 'A' which is representative of the boundary for the lighting district extension.

OTHER LIGHTING:

Any remaining funds may be used to design and/or install other new lighting in the existing Lighting District, or within areas where the Town of Amherst extends the lighting district.

ANTICIPATED PROJECT SCHEDULE:

- Call for Public Hearing: March 14, 2022
- Public Hearing April 11, 2022
- Bond Action: April 11, 2022
- Design Completion: June 2022
- Construction: August – December 2022

FINANCIAL SUMMARY:

At the February 7, 2022 Town Board meeting, the 2022-2027 Capital Improvement Program was amended by Resolution 2022-156 allocating additional funding towards H-16, "Adding LED streetlights in various neighborhoods in Town and along Sweet Home Road" to account for the Evergreen Landing street lighting project.

The funding is identified as a Lighting District Bond. This project has a minimum useful life of 30 years.

PROJECT COST ESTIMATE:

○ Design & Construction Administration	\$ 43,000
○ Construction	\$ 1,215,000
○ Contingency	\$ 85,000
○ <u>Legal / Administrative / Interest</u>	<u>\$ 7,000</u>
Total Amount to be bonded	\$ 1,350,000

TAXATION SUMMARY:

○ Current Bond Request:	\$ 1,350,000
○ Bond Term:	20 years (Lighting District Bond)
○ Annual Tax Impacts:	
▪ Lighting District:	\$0.0183 per year, per \$1,000 AV
○ Typical Property Taxation Impacts:	
▪ Lighting District:	\$3.65 per year, per \$200,000 property



Transmitted electronically

MEMORANDUM

February 3, 2022

TO: Christopher Schregel, Project Manager
Engineering Department

FROM: Daniel J. Ulatowski, AICP, Assistant Planning Director/~~ZEO~~ ~~1514~~

RE: SEQR Determination – Evergreen Landing Subdivision – Street Lighting
2022-2027 C.I.P Project H-16, TOA Project # 2016.054A

The Planning Department has reviewed the Map, Plan & Report for the subject project and has determined it to be an Unlisted action under the provisions of SEQR according to Part 617.6(a). A Negative Declaration is required to be issued by the Town Board prior to taking an affirmative vote on the bond for this project. Attached is a draft Negative Declaration for the Town Board's review and consideration.

Please contact our office if you have any questions.

DU/du

X:\Special_Projects\SEQR_Engineering & Other TOA\Type_I_Unlisted_Other_Actions (PJ-2015-001A)\Neg Dec_ Evergreen Landing Street Lighting_CIP_2022_2027_H16.docx

cc: Jeffrey Burroughs, PE, Town Engineer
Stanley J. Sliwa, Esq., Town Attorney
Daryl Bramer, Comptroller
Daniel Howard, Planning Director

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency: Town of Amherst
Town Board

Project: Evergreen Landing
Subdivision
Street Lighting
2022 - 2027 C.I.P.
Project H-16

Address: 5583 Main Street
Williamsville, NY 14221
(716) 631-7051

Date:

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Evergreen Landing Subdivision Street Lighting

SEQR Status: Unlisted action

Description of Action:

The project includes the installation of 173 light poles and LED luminaires on both sides of six (6) existing residential roadways, staggered, at an approximate spacing of 100 – 150 feet. The light system will consist of aluminum poles, post top luminaire heads, hand holes, electrical wiring, and electrical connections to existing pad-mount transformers. Additionally, each luminaire will be fitted with an Asset Management Control node. Restoration of the disturbed areas are also included within the project.

Location: Evergreen Landing Subdivision, Town of Amherst, Erie County,
New York

Petitioner: Amherst Engineering Department

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Map, Plan and Report, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed project will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The project area does contain floodplain and contains protected wetland areas.
2. The project will not result in the removal or destruction of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. All disturbances will occur within the developed street right of ways.
3. The project is not expected to create any material conflict with the Town Comprehensive Plan or the regulations of the Town Zoning Ordinance. The project is consistent with Section 9.0 Community Facilities and Services in the Comprehensive Plan which promotes an ongoing system to identify and prioritize community facility and service needs throughout the Town.
4. The project is within an area identified by the State as potentially containing significant cultural or archeological resources, however the project will occur within previously disturbed areas currently improved with roadways. The action will not impair the character or quality of important cultural resources.
5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The improvements will provide street lighting for an existing developed residential subdivision.
6. The proposed project will cause a change in the use of electrical energy, since the current subdivision is not served with street lighting, however, the proposed lighting will be new LED energy efficient technology.
7. The proposed project will not create any hazard to human health.
8. The proposed project will not cause a change in land use.
9. The project will not increase the number of people using this site over its current level of use as a residential subdivision.

Negative Declaration – Evergreen Landing Subdivision Street Lighting
Page 3

10. The project will not create a material demand for other actions resulting in a negative impact or consequence.

Signature & title of preparer

date

Brian J. Kulpa, Supervisor

date

cc: Amherst Engineering Department
Amherst Building Department
ECDEP

CERTIFICATE AS TO USEFUL LIFE OF PROJECT

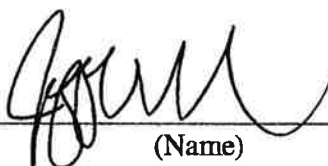
I, the undersigned, HEREBY CERTIFY as follows:

That I am the Town Engineer [Engineer] and I am familiar with the Town of Amherst Street Light Acquisition & Upgrades project, as described in the map, plan and report dated January 2022, prepared by the Town Engineering Department (2022-2027 CIP Project H-15)(Project #2016.054).

That said project is classified as a capital asset under generally accepted accounting principles for municipalities and that the useful life thereof is at least thirty (30) years.

That this certification is being delivered pursuant to the Local Finance Law Section 11.00 a. 35, constituting Chapter 33-a of the Consolidated Laws of the State of New York, in connection with the issuance of bonds or notes of the Town to finance such project, for the purpose of determining the maximum maturity of such bonds or notes.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of
January, 2022.

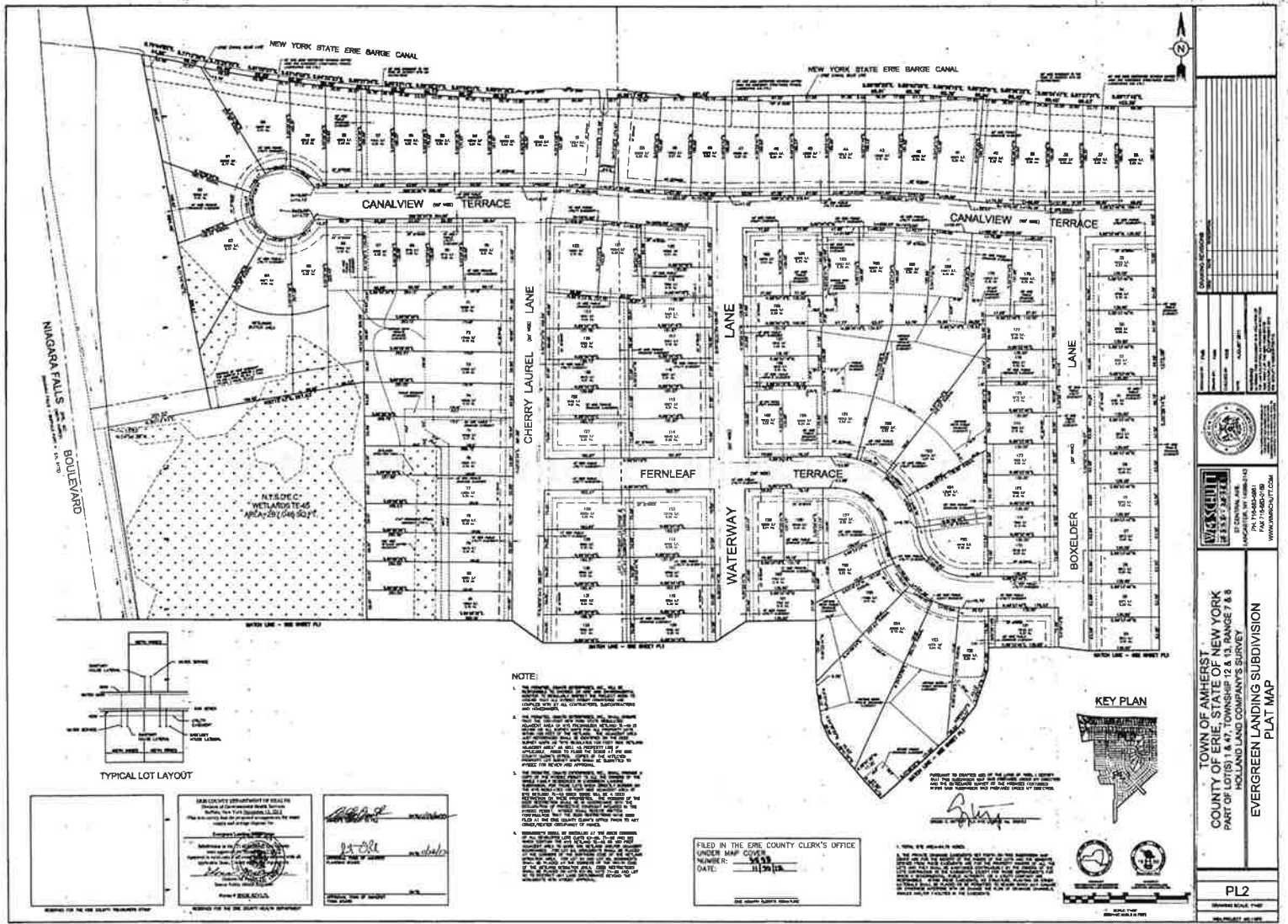


(Name)

Town Engineer

(Title/Position)

Appendix A
Evergreen Landing Subdivision Plat Map

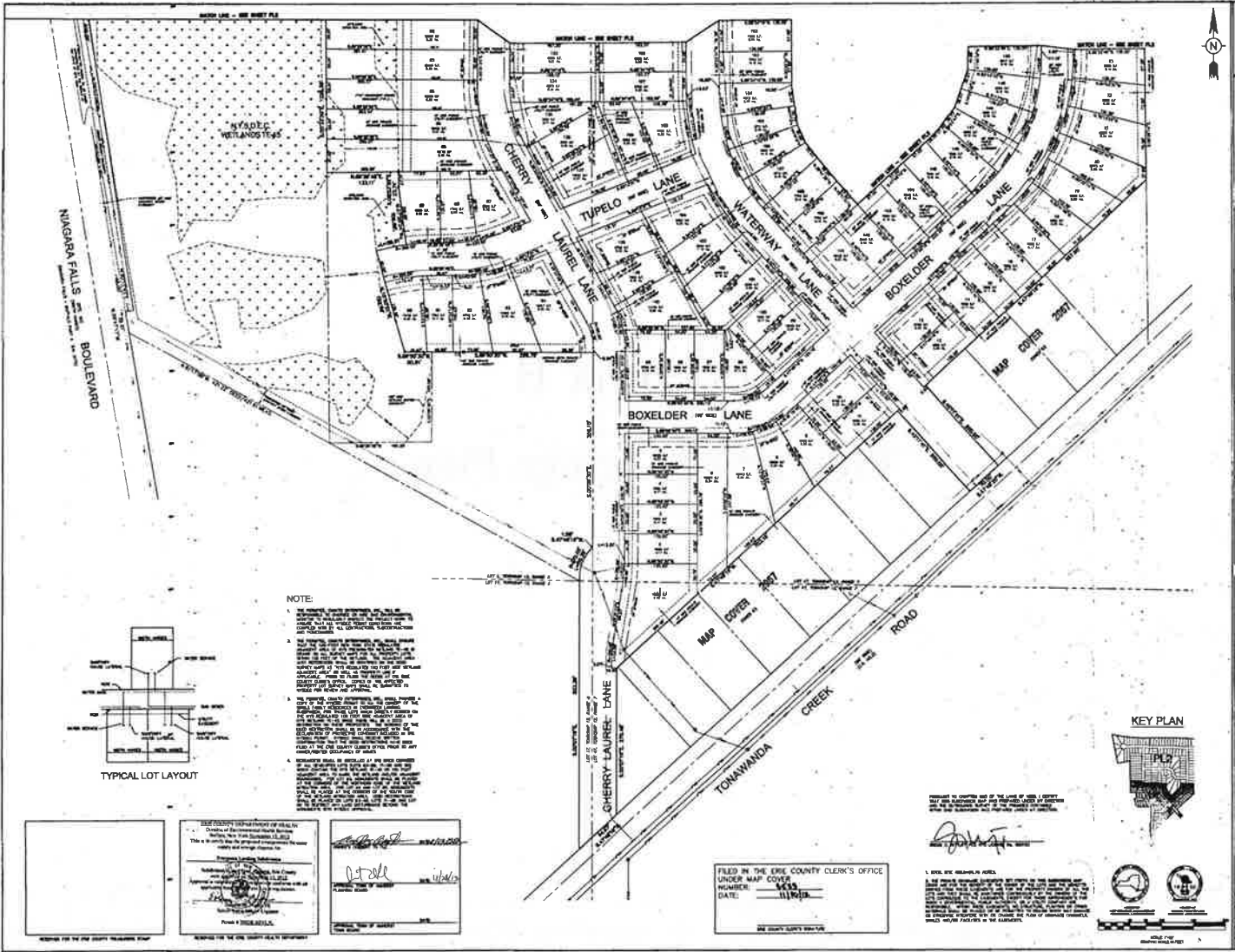



 TOWN OF AMHERST
 COUNTY OF ERIE, STATE OF NEW YORK
 PART OF LOT 141, IN RANGE 7 & 8
 HOLLAND LAND COMPANY'S SURVEY
 EVERGREEN LANDINGS SUBDIVISION
 PLAT MAP

WICKS & COMPANY
 25 E. CHRYSLER AVE.
 LAURELTON, NY 14090
 TEL: 716-860-0100
 FAX: 716-860-0100
 WWW.WICKS077.COM

FILED IN THE ERIE COUNTY CLERK'S OFFICE
 UNDER MAP COVER
 NUMBER: 1633
 DATE: 11/29/13

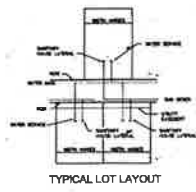
PL2



WICKS & SUTHERLAND 2 CENTRAL AVE. CHESTER, NY 14024 PH: 716-862-0861 WWW.WICKS-SUT.COM	
TOWN OF AMHERST COUNTY OF ERIE, STATE OF NEW YORK PART OF LOTS 1, 4, 7, 12 & 13, RANGES 7 & 8 HOLLAND LAND COMPANY'S SURVEY EVERGREEN LANDING SUBDIVISION PLAT MAP	
PL1	SHEET NO. 1 OF 1 PREPARED BY: [Signature]

NOTE:

1. THE PROPERTY LINES SHOWN ON THIS MAP WERE DETERMINED BY MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION.
2. THE PROPERTY LINES SHOWN ON THIS MAP WERE DETERMINED BY MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION.
3. THE PROPERTY LINES SHOWN ON THIS MAP WERE DETERMINED BY MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION.
4. THE PROPERTY LINES SHOWN ON THIS MAP WERE DETERMINED BY MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION.



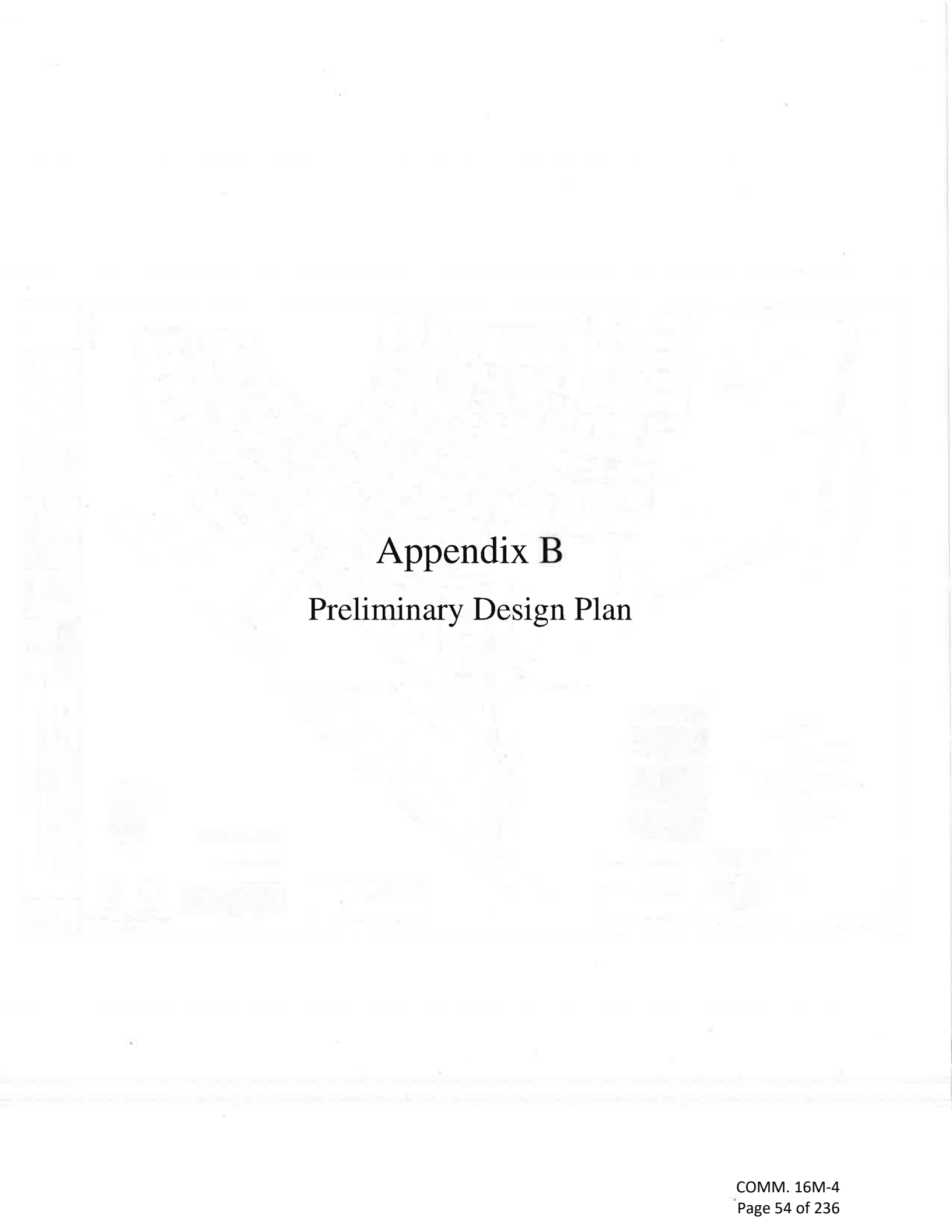
TYPICAL LOT LAYOUT

FILED IN THE ERIE COUNTY CLERK'S OFFICE
 UNDER MAP COVER
 NUMBER: 1613
 DATE: 11/19/19



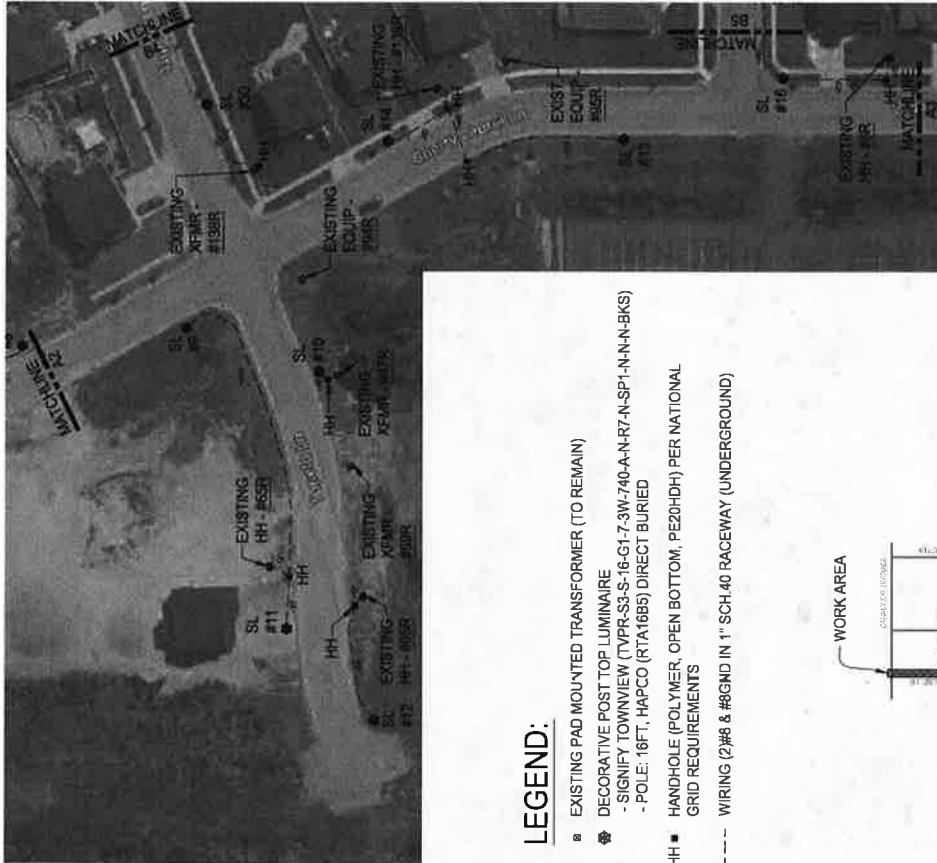
KEY PLAN

THESE LOTS ARE SUBJECT TO THE ERIE COUNTY ZONING ORDINANCES AND THE ERIE COUNTY SUBDIVISION MAP ACT. THE PROPERTY LINES SHOWN ON THIS MAP WERE DETERMINED BY MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION. THE PROPERTY LINES SHOWN ON THIS MAP ARE BASED ON THE MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND BY THE USE OF A TOTAL STATION.



Appendix B

Preliminary Design Plan



LEGEND:

- EXISTING PAD MOUNTED TRANSFORMER (TO REMAIN)
- ⊛ DECORATIVE POST TOP LUMINAIRE
 - SIGNIFY TOWNVIEW (TVPR-S3-S-16-G1-7-3W-740-A-N-R7-N-SP1-N-N-N-BKS)
 - POLE: 16FT. HAPCO (RTA16B5) DIRECT BURIED
- HH EXISTING HANDHOLE (POLYMER, OPEN BOTTOM, PE20HDH) PER NATIONAL GRID REQUIREMENTS
- WIRING (2;#8 & #8GND IN 1" SCH 40 RACEWAY (UNDERGROUND))

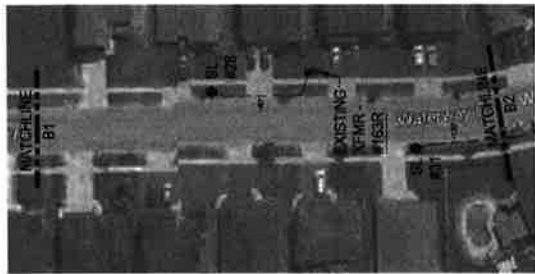


KEY PLAN
SCALE: NO SCALE

TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

Proj No. 261343
Date 06/18/21
Dwg E-1

www.wendelcompanies.com

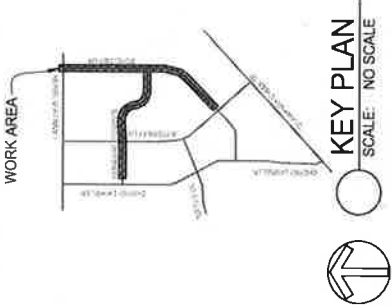
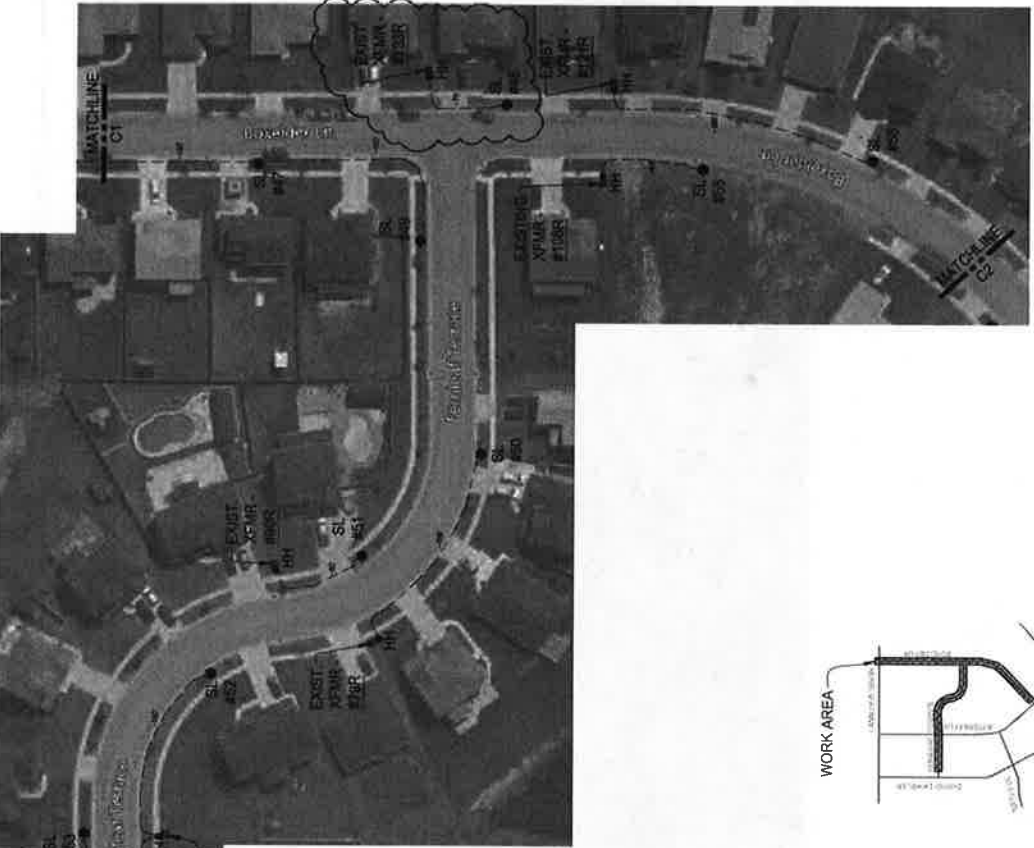


KEY PLAN
SCALE: NO SCALE

LEGEND:

- ⊗ EXISTING PAD MOUNTED TRANSFORMER (TO REMAIN)
- ⊙ DECORATIVE POST TOP LUMINAIRE
- SIGNIFY TOWNVIEW (TYPR-S3-S-16-G1-7-3W-740-A-N-R7-N-SP1-N-N-N-B(KS))
- POLE: 16FT, HAPCO (RTA1685) DIRECT BURIED
- HH ■ HANDHOLE (POLYMER, OPEN BOTTOM, PE20HDH) PER NATIONAL GRID REQUIREMENTS
- WIRING (2#6 & #6GND IN 1" SCH.40 RACEWAY (UNDERGROUND))

 www.wendelcompanies.com	TOWN OF AMHERST EVERGREEN LANDING STREET LIGHTING	Proj No. 261343 Date 06/18/21 Dwg E-2
	(Empty space for additional project information)	



LEGEND:

- ◻ EXISTING PAD MOUNTED TRANSFORMER (TO REMAIN)
- ⬢ DECORATIVE POST TOP LUMINAIRE
- SIGNIFY TOWNVIEW (TVPR-S3-S-16-G1-7-3W-740-A-N-R7-N-SF1-N-N-BKS)
- POLE: 16FT, HAPCO (RTA16B5) DIRECT BURIED
- HANDHOLE (POLYMER, OPEN BOTTOM, PE20HDH) PER NATIONAL GRID REQUIREMENTS
- WIRING (2#8 & #8GND IN 1" SCH 40 RACEWAY (UNDERGROUND))

Proj No	261343
Date	06/18/21
Drawn	E-3

TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING



KEY PLAN
SCALE: NO SCALE

GENERAL NOTES:

ALL POST TOP LUMINAIRES AND SERVICE POINTS ON THIS PLAN ARE CURRENTLY IN AN AREA THAT IS UNDER CONSTRUCTION. FINAL POST TOP LUMINAIRE LOCATION AND SERVICE POINTS SHALL BE VERIFIED IN THE FIELD PRIOR TO INSTALLATION.

TYPICAL PROPERTY LINE SHOWN FOR APPROXIMATE LOCATION



LEGEND:

- EXISTING PAD MOUNTED TRANSFORMER (TO REMAIN)
- ◆ DECORATIVE POST TOP LUMINAIRE
- SIGNIFY TOWNVIEW (TVPR-S3-S-16-G1-7-3W-740-A-N-R7-N-SP1-N-N-N-BKS)
- POLE: 16FT; HAPCO (RTA16B5) DIRECT BURIED
- HANDHOLE (POLYMER, OPEN BOTTOM, PE20HDH) PER NATIONAL GRID REQUIREMENTS
- WIRING (2#8 & #8GND IN 1" SCH-40 RACEWAY (UNDERGROUND))



KEY PLAN
SCALE: NO SCALE

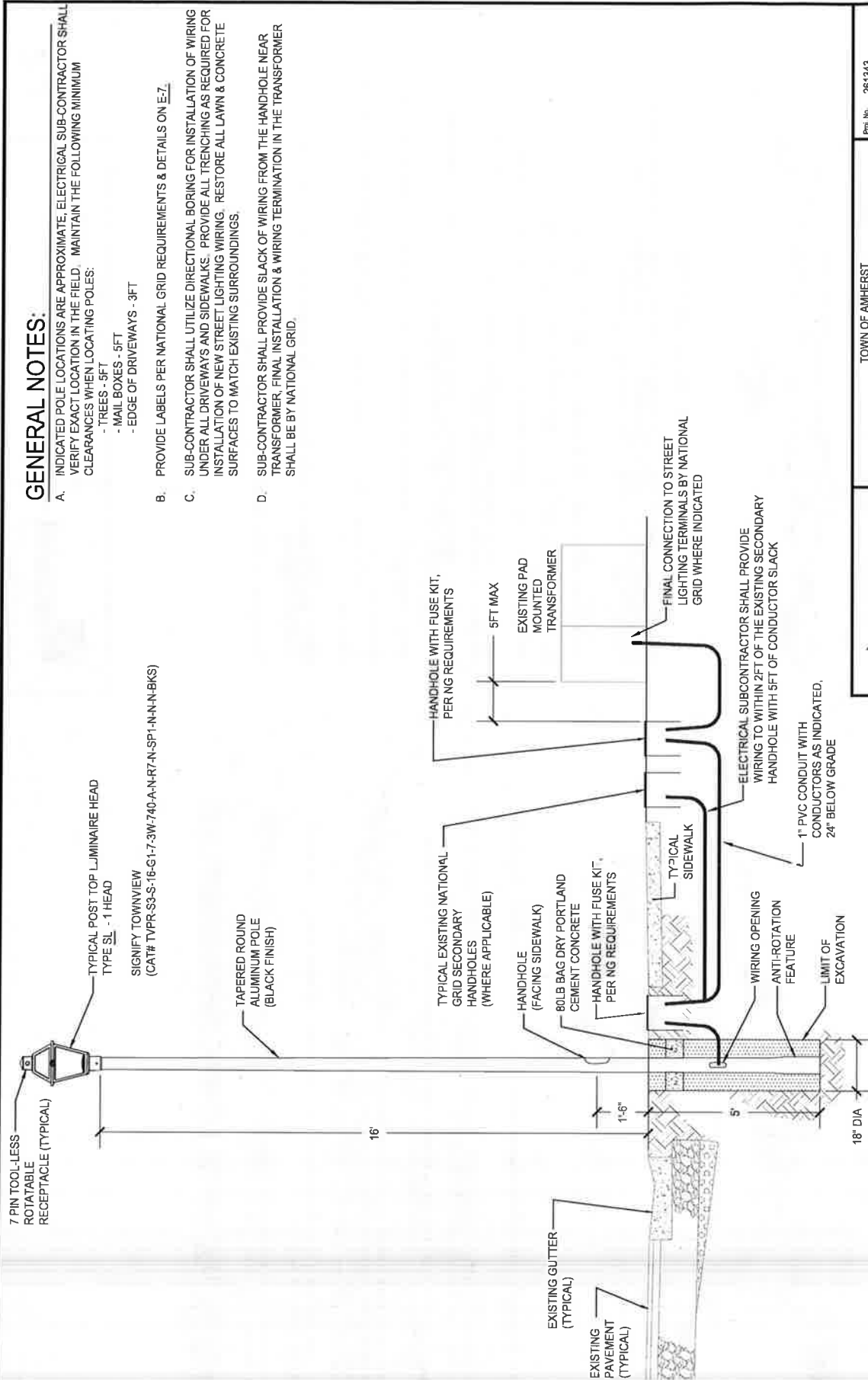


TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

Proj. No. 261343

Date 06/18/21

Dwg E-4



GENERAL NOTES:

- A. INDICATED POLE LOCATIONS ARE APPROXIMATE, ELECTRICAL SUB-CONTRACTOR SHALL VERIFY EXACT LOCATION IN THE FIELD. MAINTAIN THE FOLLOWING MINIMUM CLEARANCES WHEN LOCATING POLES:
 - TREES - 5FT
 - MAIL BOXES - 5FT
 - EDGE OF DRIVEWAYS - 3FT
- B. PROVIDE LABELS PER NATIONAL GRID REQUIREMENTS & DETAILS ON E-Z.
- C. SUB-CONTRACTOR SHALL UTILIZE DIRECTIONAL BORING FOR INSTALLATION OF WIRING UNDER ALL DRIVEWAYS AND SIDEWALKS. PROVIDE ALL TRENCHING AS REQUIRED FOR INSTALLATION OF NEW STREET LIGHTING WIRING. RESTORE ALL LAWN & CONCRETE SURFACES TO MATCH EXISTING SURROUNDINGS.
- D. SUB-CONTRACTOR SHALL PROVIDE SLACK OF WIRING FROM THE HAND-HOLE NEAR TRANSFORMER, FINAL INSTALLATION & WIRING TERMINATION IN THE TRANSFORMER SHALL BE BY NATIONAL GRID.

 www.wendelcompanies.com	TOWN OF AMHERST EVERGREEN LANDING STREET LIGHTING	Proj No. 261343
		Date 06/18/21
		Dwg E-5

1 TYPICAL POST TOP LUMINAIRE POLE INSTALLATION DETAIL
SCALE: NO SCALE

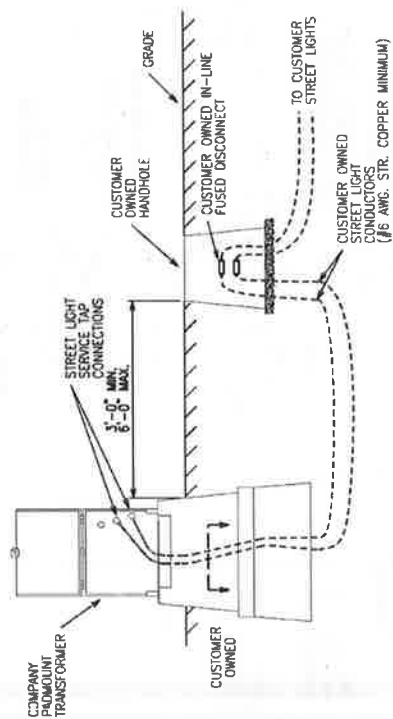


Figure 67 – Connection of Underground Supplied Street Light to National Grid Padmount Transformer

1. Install customer owned handhole as shown in Figure 67. Customer owned handhole shall house the in-line fused disconnect. See page 46-817 for details on the in-line fused disconnect.
2. Underground supply conductors shall be #6 AWG 7-strand copper (minimum) with RHH/RHW/USE-2 insulation. Conductors shall be color coded BLACK = Hot lead, WHITE = Neutral.
3. In cases where a new customer conduit is to be installed into a National Grid padmount transformer, National Grid shall determine the conduit entrance location at the padmount transformer foundation. The customer shall install the conduit to just outside this location. National Grid shall then create the opening in the padmount foundation and extend the customer conduit into the padmount foundation.
4. All electrical connections or disconnections to the secondary supply shall be performed by National Grid personnel and/or their designee.
5. In all cases where customer access to National Grid equipment is necessary, National Grid personnel shall be present to provide safety supervision and to unlock and relock the padmount transformer.

1 UNDERGROUND STREET LIGHTING WIRING CONNECTION
SCALE: NO SCALE

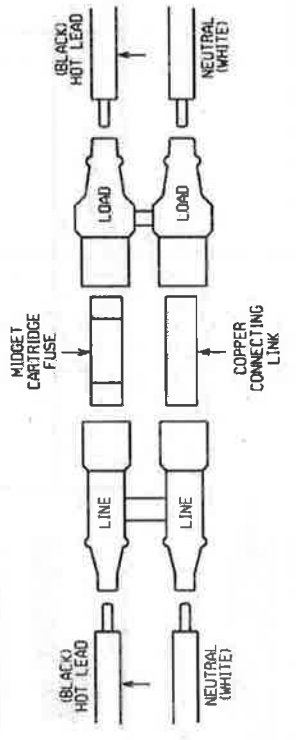



Figure 12 – In-Line Fused Disconnect Details

1. All customer owned outdoor lighting equipment shall be fused using a dual pole, watertight, in-line fuse holder and cartridge style fuse. This fuse, in addition to providing electrical protection, shall serve as a disconnection point for the customer owned outdoor lighting equipment.
2. **Fuse Holder**
The fuse holder shall be a watertight device suitable for use in an outdoor environment.
The fuse holder shall be totally insulated, thus having no exposed energized parts.
The fuse holder shall accept #14 AWG - #6 AWG stranded copper conductors on both ends.
The fuse holder shall be a dual pole device allowing simultaneous disconnection of both the 120 VAC hot lead (black wire) and the neutral conductor (white wire).
The fuse holder shall be designed such that, when separated, the midget cartridge fuse and copper connecting link shall be held captive in the load end of the fuse holder.
The fuse holder shall be polarized to prevent accidental reversal of the live leg and neutral connections.
3. **Cartridge Fuse**
The fuse shall be a non-glass type, midget style cartridge fuse. Fuse dimensions shall be 1/32" diameter x 1 1/2" length.
4. **Neutral Connection**
The neutral conductor shall not be fused. Install a 1/32" diameter x 1 1/2" length copper connecting link in place of a cartridge fuse.
Always provide sufficient slack in wiring to facilitate fuse replacement.

2 FUSE KIT
SCALE: NO SCALE

 www.wendelcompanies.com	TOWN OF AMHERST EVERGREEN LANDING STREET LIGHTING	Proj. No. 261343
		Date 06/18/21
		Chg E-6

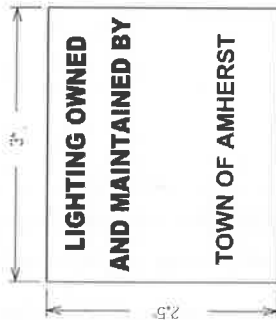


Figure 1 – Ownership Identification Label for Customer-Owned Outdoor Luminaires

1. All customer owned outdoor light luminaires shall be identified with a label to clearly define ownership and maintenance responsibilities.
2. Ownership identification labels shall be reflective white with black lettering. See Figure 1.

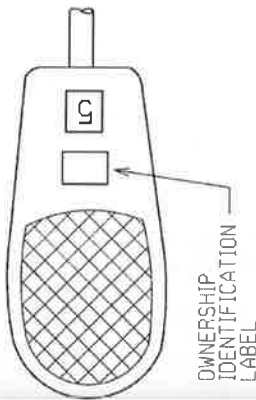


Figure 2 – Installation of Ownership Identification Label

1. Ownership identification label shall be installed on the lower door of a horizontal roadway luminaire such that it is clearly visible from the ground. See Figure 2.
2. For post top, floodlight, and other luminaires, the ownership identification label shall be installed on the luminaire housing in a location such that it is clearly visible from the ground.

1 LUMINAIRE LABELING
SCALE: NO SCALE

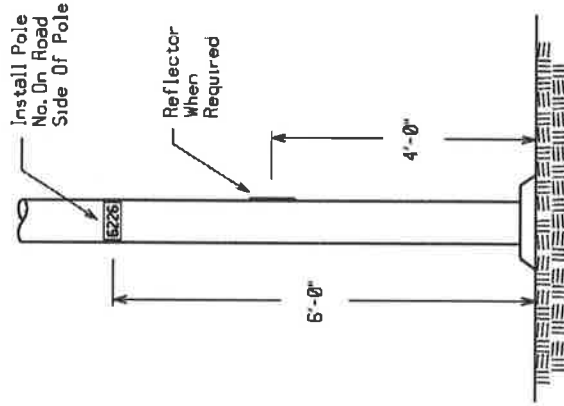


Figure 70 – Pole Numbering - Underground Supplied Customer Owned Lighting

1. Every underground supplied customer lighting pole shall be numbered in accordance with Figure 70.
2. Always use 1-3/4-inch x 3-inch, high intensity white reflective pole number decals.
3. Pole number decals shall be installed horizontal to each other as shown in Figure 70 – not vertical.

2 POLE LABELING
SCALE: NO SCALE



TOWN OF AMHERST
EVERGREEN LANDING STREET LIGHTING

Proj. No. 261343

Date 06/18/21

Drwg

E-7

EXHIBIT E



Amherst Town Board

5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25520

RESOLUTION 2022-273

ROLL CALL VOTE (ADOPTED)

**Evergreen Landing Subdivision Streetlighting (Bond
Resolution - \$1,350,000)**

AGENDA ITEM : MARCH 14th, 2022

TO: Town Board

FROM: Stanley J. Sliwa, Esq., Town Attorney

DATE: March 8, 2022

**RE: Evergreen Landing Subdivision Streetlighting
2022-2027 C.I.P. - Project No. H-16
TOA Job No. 2016.054A
Request For Public Hearing - Bond Resolution - \$1,350,000**

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on April 11th, 2022 at 7:00 p.m.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

SJS:nmb

Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller (w/attachment)
Lynda Juul, Director of Finance (w/attachment)
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (w/attachment)
Dan Howard, Director of Planning (w/attachment)
Jeffrey S. Burroughs, PE, Town Engineer (w/attachment)
Christopher P. Schregel, Project Manager (w/attachment)

3/14/2022

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call vote 4-0.

FINANCIAL IMPACT:

Bond Resolution - \$1,350,000

RESULT: **ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER: Brian J. Kulpa, Supervisor
SECONDER: Jacqueline Berger, Deputy Supervisor
AYES: Kulpa, Berger, Bucki, Lavin
ABSENT: Szukala



At a regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 14th day of March, 2022.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilwoman,
Deborah Bruch Bucki, Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Extension of the Town of Amherst Consolidated Lighting District
To Evergreen Landing Subdivision and improvements in connection therewith

Offered by:

Seconded by:

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
APRIL 11, 2022

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of the Consolidated Lighting District in the Town (herein referred to as the "District"), pursuant to Town Law Section 12-A, has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer") to prepare the map, plan and report dated February, 2022 (the "Map, Plan and Report") for the extension of the District to include the Evergreen Landing Subdivision (the "Extension") and to make improvements to the District in connection therewith, consisting of the acquisition and

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installation of street lighting for Extension, at the estimated maximum cost of \$1,350,000 (CIP Project No. H-16); and

WHEREAS, the total cost thereof has been estimated to be a maximum amount of \$1,350,000; such cost to be assessed against the properties in the District at the same time and in the same manner as other Town charges; and

WHEREAS, the Town Board, as lead agency, has reviewed the Short Form Environmental Assessment Form and has determined that the project is an “unlisted action”, will not have a significant effect on the environment and has issued a negative declaration in connection therewith pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617;

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 11th day of April, 2022 at 7:00 o'clock P.M. (Prevailing Time) to consider said extension and improvement to the District and to hear all persons interested in the subject thereof concerning the same

FURTHER ORDERED, that the Town Clerk publish at least once in the “*Amherst Bee*,” hereby designated as the official newspaper of the Town for such publication, and post on the Town’s website at www.amherst.ny.us, on the front entrance door and rear doors of Town Hall and on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: March 14, 2022

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Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amherst, in the County of Erie, State of New York, will meet at the Town Hall, 5583 Main Street, Williamsville, New York, on April 11, 2022, at 7 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to extension of the Town of Amherst Consolidated Lighting District to include the Evergreen Landing Subdivision (the "Extension") and to make improvements to the District in connection therewith, consisting of the acquisition and installation of street lighting for Extension (CIP Project No. H-16); all as more particularly described in a map, plan and report dated February, 2022. The current approved estimated maximum cost of the project is \$1,350,000, which is proposed to be financed through issuance of bonds by the Town of Amherst on behalf of the District, payable by levy and collections of assessments on real property in the District. Therefore, the project cost burden is expected to be borne by District property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town of Amherst and in the event the amount of assessments collected within the Consolidated Lighting District is insufficient to pay the cost of the project and/or the debt service related to the project, such costs and/or debt service shall be paid from the general Town taxes.

Further details concerning such proposed extension and improvements and the estimated costs thereof are set forth in the above-mentioned map, plan and report prepared by the Town's Engineering Department. Copies of the map, plan and report are available for review in the office of the Town Clerk, Town Hall, 5583 Main Street, Williamsville, New York

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF AMHERST

Dated: March 14, 2022
Williamsville, New York

Francina J. Spoth .
Town Clerk

Continuation of Case No. 11-00000

The undersigned, Clerk of the Court, do hereby certify that the within and foregoing is a true and correct copy of the original as filed in the Court's records. This certification is made under the penalty of perjury.

Witness my hand and the seal of the Court at the City of New York, New York, this 1st day of October, 2011.

Clerk of the Court

I, the undersigned, Clerk of the Court, do hereby certify that the within and foregoing is a true and correct copy of the original as filed in the Court's records. This certification is made under the penalty of perjury.

Witness my hand and the seal of the Court at the City of New York, New York, this 1st day of October, 2011.

Clerk of the Court

Page 4 of 4
10/1/2011

EXHIBIT F



Bee Group Newspapers

WNY's Leading Suburban Newspapers

STATE OF NEW YORK) ss.

COUNTY OF ERIE)

Valerie Luksch being duly sworn, deposes and says that (s)he is the Legal Coordinator of the AMHERST BEE, a weekly newspaper published at Williamsville, New York, that the text of a notice as published in said newspaper is in the annexed exhibit, was inserted and published therein once a week for one weeks, the first insertion being on the 23rd day of March, 2022 and the last insertion being on the 23rd day of March, 2022

Subscribed and sworn to before me this 1st day of July, 2022

Keli L. Wesolowski

Keli L. Wesolowski
Notary Public, State of New York
Qualified in Erie County
No. 01WE6350628
My Commission Expires November 14, 2024

Valerie Luksch

Valerie Luksch
Authorized Designee of George J Measer, III
Publisher of the AMHERST BEE



Bee Publications Inc.

Amherst Bee • Clarence Bee • Ken-Ton Bee • Lancaster Bee

Depew Bee • Cheektowaga Bee • West Seneca Bee • Orchard Park Bee • East Aurora Bee

5564 Main Street • Buffalo, NY 14221-5410 • 716/632-4700 • FAX 716/633-8601 • www.BeeNews.com

— LEGAL NOTICE —

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amherst, in the County of Erie, State of New York, will meet at the Town Hall, 5583 Main Street, Williamsville, New York, on April 11, 2022, at 7 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to extension of the Town of Amherst Consolidated Lighting District to include the Evergreen Landing Subdivision (the "Extension") and to make improvements to the District in connection therewith, consisting of the acquisition and installation of street lighting for Extension (CIP Project No. H-16); all as more particularly described in a map, plan and report dated February, 2022. The current approved estimated maximum cost of the project is \$1,350,000, which is proposed to be financed through issuance of bonds by the Town of Amherst on behalf of the District, payable by levy and collections of assessments on real property in the District. Therefore, the project cost burden is expected to be borne by District property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town of Amherst and in the event the amount of assessments collected within the Consolidated Lighting District is insufficient to pay the cost of the project and/or the debt service related to the project, such costs and/or debt service shall be paid from the general Town taxes.

Further details concerning such proposed extension and improvements and the estimated costs thereof are set forth in the above-mentioned map, plan and report prepared by the Town's Engineering Department. Copies of the map, plan and report are available for review in the office of the Town Clerk, Town Hall, 5583 Main Street, Williamsville, New York
BY ORDER OF THE TOWN BOARD
OF THE TOWN OF AMHERST
Dated: March 14, 2022
Williamsville, New York
Francina J. Spoth, Town Clerk
Mar. 23

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EXHIBIT G

STATE OF NEW YORK)
 : ss.
COUNTY OF ERIE)

AFFIDAVIT OF POSTING

FRANCINA J. SPOTH, being duly sworn upon her oath deposes and says:

That she is and at all the times hereinafter mentioned she was the duly elected, qualified and acting Town Clerk of the Town of Amherst, in the County of Erie, State of New York, and that on the 23rd day of March, 2022, she caused to be conspicuously posted and fastened up a certified copy of the Notice of Public Hearing, a true copy of which is annexed hereto and made a part hereof, on the sign board of said Town maintained pursuant to Section 30, subdivision 6, of the Town Law.

Francina J. Spoth
Town Clerk

Subscribed and sworn to before me
this 22 day of NOVEMBER, 2022.

[Signature]
Notary Public, State of New York

TIMOTHY J. KOLLER
No. 01KO6263885
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 06/11/2024

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My Commission Expires 08/1/20
Erie County
New York
019083882
TIMOTHY J. KOLLER

EXHIBIT H

EXTRACT OF MINUTES
Meeting of the Town Board of the
Town of Amherst, in the County of Erie, New York
April 11, 2022

A regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, was held at the Town Hall, 5583 Main Street, Williamsville, New York, on April 11, 2022.

There were present:	Hon. Brian J. Kulpa, Supervisor; and
Board Members:	Jacqueline Berger, Councilwoman Deborah Bruch Bucki Councilwoman Shawn Lavin, Councilman Michael R. Szukala, Councilman
There were absent:	None.
Also present:	Francina J. Spoth, Town Clerk

* * *

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 5583 Main Street, Williamsville, New York, at 7 o'clock P.M. (Prevailing Time) to consider the extension of the Town's Consolidated Lighting District (the "District") to include the Evergreen Landing Subdivision (the "Extension") and to make improvements to the District in connection therewith, consisting of acquisition and installation of street lighting for Extension, at the estimated maximum cost of \$1,350,000 (CIP Project No. H0-16), as described in the map, plan and report dated February, 2022 prepared by the Town Engineering Department; and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law. The Town Clerk presented

MEMORANDUM FOR THE RECORD

DATE: 10/15/2013

TO: SAC, [Redacted]

FROM: [Redacted]

SUBJECT: [Redacted]

[Redacted]

[Redacted]

[Redacted]

affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law.

The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such extension of said District and the improvements in connection therewith:

Jeffrey S. Burroughs, PE, Town Engineer

The following persons appeared neither in opposition or in favor to such extension and improvement: Tom Weisbeck, 48 Drawbridge Court

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

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CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed Extract of Minutes of a meeting of the Town Board of said Town of Amherst duly called and held on April 11, 2022, has been compared by me with the original minutes as officially recorded in my office as Town Clerk, and is a true, complete and correct copy thereof and of the whole of said original minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 20th day of April, 2022.





Francina J. Spoth, Town Clerk
Town of Amherst

Section 101

1. The purpose of this section is to provide for the orderly and efficient administration of the affairs of the State of New York.

2. It is the policy of the State to maintain a high standard of efficiency and economy in the operation of its government.

3. To this end, it is the duty of every public officer and employee to perform his or her duties in a fair, impartial and economical manner.

4. The State shall not be bound to employ any person who is not a resident of this State.

5. The State shall not be bound to employ any person who is not a citizen of this State.

6. The State shall not be bound to employ any person who is not a native-born citizen of this State.

7. The State shall not be bound to employ any person who is not a white person.

8. The State shall not be bound to employ any person who is not a male person.

9. The State shall not be bound to employ any person who is not a single person.

10. The State shall not be bound to employ any person who is not a person of legal age.

11. The State shall not be bound to employ any person who is not a person of sound mind and body.

12. The State shall not be bound to employ any person who is not a person of good character.

13. The State shall not be bound to employ any person who is not a person of good reputation.

14. The State shall not be bound to employ any person who is not a person of good moral character.

15. The State shall not be bound to employ any person who is not a person of good conduct.

16. The State shall not be bound to employ any person who is not a person of good habits.

17. The State shall not be bound to employ any person who is not a person of good manners.

18. The State shall not be bound to employ any person who is not a person of good social standing.

19. The State shall not be bound to employ any person who is not a person of good family.

20. The State shall not be bound to employ any person who is not a person of good education.

21. The State shall not be bound to employ any person who is not a person of good intelligence.

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27. The State shall not be bound to employ any person who is not a person of good prudence.

28. The State shall not be bound to employ any person who is not a person of good moderation.

29. The State shall not be bound to employ any person who is not a person of good temperance.

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37. The State shall not be bound to employ any person who is not a person of good fortitude.

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45. The State shall not be bound to employ any person who is not a person of good liberality.

46. The State shall not be bound to employ any person who is not a person of good largeness of soul.

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100. The State shall not be bound to employ any person who is not a person of good honor.

EXHIBIT I

At a meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 11th day of April, 2022.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilwoman
Deborah Bruch Bucki, Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Extension of the Town of Amherst Consolidated Lighting District to Evergreen Landing Subdivision and improvements in connection therewith

Offered by: Brian J. Kulpa, Supervisor

Seconded By: Jacqueline Berger, Deputy Supervisor/Councilwoman

PUBLIC INTEREST ORDER

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of Consolidated Lighting District (herein referred to as the "District"), has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare a map, plan and report dated February, 2022, to consider the extension of the Town's Consolidated Lighting District (the "District") to include the Evergreen Landing Subdivision and to make improvements to the District in connection therewith, consisting of the acquisition and installation of street lighting for the extension, at the estimated

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maximum cost of \$1,350,000 (CIP Project No. H0-16) required in connection therewith as described in said report (the “Extension”); and

WHEREAS, the Engineer has estimated that the cost of such Extension shall be \$1,350,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order Calling for a Public Hearing describing in general terms the proposed Extension, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said Extension on April 11, 2022 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12-A of the Town Law, and a copy of which was sent to the Office of the State Comptroller; and

WHEREAS, such public hearing was duly held by the Town Board on the 11th day of April, 2022 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said Extension; and

WHEREAS, the Town Board, as lead agency, has reviewed the Short Form Environmental Assessment Form and has determined that the project is an “unlisted action”, will not have a significant effect on the environment and has issued a negative declaration in connection therewith pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617;

Now, therefore, be it

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DETERMINED, that it is in the public interest to extend the District and make improvements in connection therewith as hereinabove described, at the estimated total cost of \$1,350,000; and it is hereby

ORDERED, that the Extension shall be approved and that the Engineer shall prepare plans and specifications of the Extension and, with the assistance of the Town Attorney, shall prepare a proposed contract for the Extension, which plans and specifications and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the Extension shall be financed by the issuance of \$1,350,000 bonds of the Town, and the cost of the Extension, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District, in the matter provided by law, but if not paid from such source, all the taxable real property in the Town shall be subject to the levy of ad valorem taxes, subject to certain applicable statutory limitations, sufficient to pay the principal of and interest on said bonds as the same shall become due; and it is hereby

FURTHER ORDERED, that this Public Interest Order is subject to permissive referendum; and it is hereby

FURTHER ORDERED, that the Town Clerk is directed to publish at least once in The Amherst Bee, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication, post on the Town's website at www.amherst.ny.us, on the front entrance door and rear doors of Town Hall, and post on the sign board of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this Public Interest Order, certified by said Town Clerk, the first publication thereof and said posting to be not more than ten (10) days after the date of adoption of this Public Interest Order, and it is hereby

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FURTHER ORDERED, that the Town Clerk send a certified copy of this Public Interest Order to the Office of the State Comptroller along with an application for approval for the Extension as required under Section 209-f of the Town Law within ten (10) days after adoption thereof.

DATED: April 11, 2022

(SEAL)

TOWN BOARD OF THE TOWN OF
AMHERST

The adoption of the foregoing Public Interest Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting	Yes
Councilwoman Jacqueline Berger	voting	Yes
Councilwoman Deborah Bruch Bucki	voting	Yes
Councilman Shawn Lavin	voting	Yes
Councilman Michael R. Szukala	voting	Yes

The Public Interest Order was declared adopted.

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed Public Interest Order of the Town Board of said Town adopted at a meeting duly called and held on April 11, 2022, has been compared by me with the original order as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 20th day of April, 2022.

(SEAL)


Francina J. Spoth
Francina J. Spoth, Town Clerk
Town of Amherst

MEMORANDUM

TO : [Illegible]

FROM : [Illegible]

SUBJECT : [Illegible]

[Illegible signature block]

EXHIBIT J



Brian J. Kulpa
Supervisor

Daniel C. Howard, AICP
Planning Director

Daniel J. Ulatowski, AICP
Assistant Planning Director

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:	Town of Amherst Town Board	Project:	Evergreen Landing Subdivision Street Lighting 2022 - 2027 C.I.P. Project H-16
---------------------	-------------------------------	-----------------	---

Address:	5583 Main Street Williamsville, NY 14221 (716) 631-7051	Date:	February 7, 2022
-----------------	---	--------------	------------------

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action: Evergreen Landing Subdivision Street Lighting

SEQR Status: Unlisted action

Description of Action:

The project includes the installation of 173 light poles and LED luminaires on both sides of six (6) existing residential roadways, staggered, at an approximate spacing of 100 – 150 feet. The light system will consist of aluminum poles, post top luminaire heads, hand holes, electrical wiring, and electrical connections to existing pad-mount transformers. Additionally, each luminaire will be fitted with an Asset Management Control node. Restoration of the disturbed areas are also included within the project.

Location: Evergreen Landing Subdivision, Town of Amherst, Erie County, New York

Petitioner: Amherst Engineering Department



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Reasons Supporting This Determination

Based on information submitted by the applicant, including a Map, Plan and Report, a preliminary staff analysis was undertaken. Compared to the criteria listed in Section 617.7, all indications are that the proposed project will not have a significant impact on the environment, as follows:

1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The project area does contain floodplain and contains protected wetland areas.
2. The project will not result in the removal or destruction of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. All disturbances will occur within the developed street right of ways.
3. The project is not expected to create any material conflict with the Town Comprehensive Plan or the regulations of the Town Zoning Ordinance. The project is consistent with Section 9.0 Community Facilities and Services in the Comprehensive Plan which promotes an ongoing system to identify and prioritize community facility and service needs throughout the Town.
4. The project is within an area identified by the State as potentially containing significant cultural or archeological resources, however the project will occur within previously disturbed areas currently improved with roadways. The action will not impair the character or quality of important cultural resources.
5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The improvements will provide street lighting for an existing developed residential subdivision.
6. The proposed project will cause a change in the use of electrical energy, since the current subdivision is not served with street lighting, however, the proposed lighting will be new LED energy efficient technology.
7. The proposed project will not create any hazard to human health.
8. The proposed project will not cause a change in land use.

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- 9. The project will not increase the number of people using this site over its current level of use as a residential subdivision.
- 10. The project will not create a material demand for other actions resulting in a negative impact or consequence.

 Permit Planner 4/25/2022
Signature & title of preparer date

 _____ 11/4/22
Brian J. Kulpa, Supervisor date

DU/ac
X:\Special_Projects\SEQR_Engineering & Other TOA\Type 1_Unlisted_Other_Actions (PJ-2015-001A)\Neg Dec_Evergreen Landing Street Lighting_020722_H16.docx
cc: Amherst Engineering Department
Amherst Building Department
ECDEP

EXHIBIT K

SEE EXHIBIT A

1. February

2. 1994

EXHIBIT L

Moody's Bond Rating 10/25/2021 - Aa3

Tax Levy Year	Assessed Value*
2008	6,967,397,872
2009	7,679,316,113
2010	8,214,942,850
2011	8,167,555,196
2012	8,175,921,481
2013	8,233,714,858
2014	8,379,761,547
2015	8,571,621,809
2016	8,669,420,426
2017	8,800,764,227
2018	10,451,685,382
2019	10,535,468,340
2020	10,557,965,764
2021	10,649,110,379
2022	10,649,110,379

Assessed Valuation Table 5	Assessed Valuation Table 5 @ Full Value
8,177,578,321.00	8,177,578,321.00
8,175,921,481.00	8,175,921,481.00
8,379,761,547.00	8,379,761,547.00
8,571,662,809.00	8,571,662,809.00
8,937,467,939.18	8,937,467,939.18
9,671,103,546.15	9,671,103,546.15
10,451,685,382.00	10,451,685,382.00
10,535,468,340.00	10,535,468,340.00
11,113,648,172.63	11,113,648,172.63
11,702,319,097.80	11,702,319,097.80
12,162,866,146.59	12,162,866,146.59

5 year Avg.	10,579,510,415	11,193,197,428
	7.00%	7.00%
	740,565,729	783,523,820

*Source: Final Approved Budget General Fund Assessed Value

Statutory Debt Limit and Net Indebtedness

	as of 12/31/2021	2022 Payments	as of 4/5/2022
Debt Contracting Limitation (Debt Limit - 7% of average full valuation)	\$ 783,523,820	\$ -	\$ 783,523,820
Gross Direct Indebtedness	\$ -	\$ -	\$ 34,295,023
Bond Anticipation Notes	\$ -	\$ -	\$ 93,691,000
Serial Bonds	\$ -	\$ -	\$ 127,986,023
Total Gross Direct Indebtedness -	\$ -	\$ -	\$ 127,986,023
Exclusions and Deductions			
Water Bonds, 12/31/2021 outstanding balance	15,413,947	-	\$ 15,413,947
Water BANs, 12/31/2021 outstanding balance	1,700,000	-	\$ 1,700,000
2022 Appropriation for Bonds, excluding Water	7,178,125	-	\$ 7,178,125
2022 Appropriation for BANs, excluding Water	3,279,583	-	\$ 3,279,583
Gross Exclusions and Deductions	27,571,655	-	\$ 27,571,655
Total Net Indebtedness	\$ 100,414,368	\$ -	\$ 100,414,368
Net Debt - Contracting Margin	\$ 683,109,452	\$ -	\$ 683,109,452

Percentage of Debt - Contracting Margin Exhausted 12.82% 12.82%



TOWN OF AMHERST

Department of Finance

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7067
www.amherst.ny.us

Lynda L. Juul
Director of Finance
ljuul@amherst.ny.us

February 15, 2023

Office of the State Comptroller
Attn: Jennifer Wade
Division of Legal Services, 14th Floor
110 State Street
Albany, New York 12236

RECEIVED
GENERAL COUNSEL

FEB 16 2023

OFFICE OF THE STATE COMPTROLLER
ALBANY

Re: Town of Amherst's Expansion of its Consolidated Lighting District (the "District").

Ms. Wade:

In connection with your preliminary review of the Town of Amherst's (the "Town") Part 85 Application to expand the Town's Consolidated Lighting District, below are our responses to your request for additional information or clarification.

1. §85.3(a) - Attached is the additional documentation requested. This includes the following:
 - Two (2) certified copies of the order calling the public hearing
 - Two (2) original affidavit of publication of the notice of the public hearing
 - Two (2) original affidavits of posting of the notice of public hearing by the Town Clerk
 - Confirmation from the Town Clerk that the notice remained posted through the date of the public hearing
 - An original duplicate of the accompanying documents to the application
2. §85.2(e) – Attached is the additional documentation requested. This includes the following:
 - A statement confirming the anticipated interest rate of the proposed bond issuance
 - A letter from the Town's financial advisor stating that under the current market conditions, it is reasonable to expect that the Town can borrow at that rate for 20 years
3. §85.4(f) – Attached is the additional documentation requested. This includes the following:
 - A statement confirming the basis of the annual cost of energy and operation and maintenance per street light as set forth in paragraph 85.4(f)
4. §85.4(g) – Please allow this to serve as confirmation that the cost of the proposed improvements will be paid by the entire district as extended.
5. §85.4(h) – The estimated assessed valuation of the taxable real property in the proposed extension is \$68,794,847 at 74% equalization rate (\$92,966,009, at 100% equalization rate),



RECEIVED

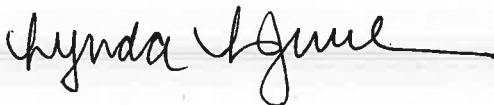
once all homes are built. It is anticipated that the subdivision will be fully built out prior to additional taxes being raised for the purpose of this project. The subdivision is currently under development. Approximately 84% of the lots are currently fully assessed.

6. §85.4(p) – The assessed value of the typical property within the proposed extension is \$349,212 at 74% equalization rate (\$471,909 at 100% equalization rate). The reference to \$235,000 in the initial letter sent to OSC is the assessed value of a typical property in the existing lighting district. The reference to \$200,000 is the AV that was used in 2022 for purposes of the tax impact statement in the map plan report, which is completed prior to bond authorization. The current AV of a property in the existing lighting district is \$236,298 at 74% equalization (\$319,321 at 100% equalization).
7. §85.4(q) – Since the Town is proposing to extend the district and spread the cost of improvements over the entire district, the application is based on a property with an assessed value of \$235,000, as that is the assessed value of a typical property in the lighting district at 74% (rounded from #6 above). The estimate of \$4.4238 for a \$235,000 home, is comprised of \$4.2939 for debt service, \$0.0605 for energy, and \$0.0694 for annual maintenance.
8. §85.4(r) – The parcel that would pay the highest amount in the first year is an apartment complex located at 195-335 Shoreline Parkway. The AV of the parcel is \$21,760,300 at 74% equalization. This would result in a payment of \$409.09. The residential parcel with the highest AV is located at 726 LeBrun Road. The parcel is a multi-family dwelling with an AV of \$1,700,000 at 74% equalization. This parcel would pay \$31.96.
9. §85.4(t) – We have reviewed the entire parcel listing of the lighting district, and no parcels are coded as agricultural (Class Codes are in the 100's). Therefore, no agricultural parcels will be charged.
10. §85.4(u) – There are 197 residential parcels in the proposed extension. The population is estimated at 2.33 persons per household, which would bring the total population to approximately 459. Population information was obtained from the US Census Bureau website, which shows the number of persons per household from 2017-2021.
11. §85.5 – Opinion of Legal Counsel (see attached).

Please feel free to contact me should you require any additional information.

Sincerely,

TOWN OF AMHERST



Lynda L. Juul
Director of Finance

Enclosures

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**TOWN OF AMHERST
COUNTY OF ERIE, STATE OF NEW YORK
AFFIDAVIT AS TO POSTING**

STATE OF NEW YORK)
) ss.:
COUNTY OF ERIE)

FRANCINA J. SPOTH, being duly sworn, **DEPOSES AND SAYS:**

1. That she is the Town Clerk of the Town of Amherst (the "Town"), located in the County of Erie, State of New York.

2. On the 11th day of May, 2022, she posted a Public Interest Order in connection with the extension of the Town's Consolidated Lighting District to Evergreen Landing Subdivision and improvements in connection therewith, adopted by the Town Board on April 11, 2022, a true copy of which is annexed hereto and made a part hereof.



FRANCINA J. SPOTH
Town Clerk
Town of Amherst, New York

Sworn to before me this 11
day of MAY, 2022

NOTARY PUBLIC
TIMOTHY J. KOLLER
No. 01KO6263885
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 06/11/2024

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
OFFICE OF THE ASSISTANT ATTORNEY GENERAL

January 15, 2014

Dear Mr. [Name]:

Reference is made to your letter dated [Date] regarding [Subject].

The information provided in your letter has been reviewed, and it is noted that [Details].

It is requested that you provide the following information to complete the review: [List of items].

Sincerely,
[Signature]

[Signature]
[Title]
[Address]



Bee Group Newspapers

WNY's Leading Suburban Newspapers

STATE OF NEW YORK) ss.

COUNTY OF ERIE)

Valerie Luksch being duly sworn, deposes and says that (s)he is the Legal Coordinator of the AMHERST BEE, a weekly newspaper published at Williamsville, New York, that the text of a notice as published in said newspaper is in the annexed exhibit, was inserted and published therein once a week for one weeks, the first insertion being on the 20th day of April, 2022 and the last insertion being on the 20th day of April, 2022

Subscribed and sworn to before me this 22nd day of April, 2022

Keli L. Wesolowski

Keli L. Wesolowski
Notary Public, State of New York
Qualified in Erie County
No. 01WE6350628
My Commission Expires November 14, 2024

Valerie Luksch

Valerie Luksch
Authorized Designee of George J Measer, III
Publisher of the AMHERST BEE



Amherst Bee • Clarence Bee • Ken-Ton Bee • Lancaster Bee
Depew Bee • Cheektowaga Bee • West Seneca Bee • Orchard Park Bee • East Aurora Bee
5564 Main Street • Buffalo, NY 14221-5410 • 716/632-4700 • FAX 716/633-8601 • www.BeeNews.com



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— LEGAL NOTICE —

At a meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 11th day of April, 2022.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqueline Berger, Councilwoman
Deborah Bruch Buckl, Councilwoman

Shawn Lavln, Councilman
Michael R. Szukala, Councilman
In the Matter of the Extension of the Town of Amherst Consolidated Lighting District to Evergreen Landing Subdivision and Improvements in connection therewith
Offered by: Brian J. Kulpa, Supervisor

Seconded By: Jacqueline Berger, Deputy Supervisor/Councilwoman

PUBLIC INTEREST ORDER

WHEREAS, the Town Board of the Town of Amherst (herein called the "Town"), in the County of Erie, New York, on behalf of Consolidated Lighting District (herein referred to as the "District"), has caused the Town Engineering Department, engineers duly licensed by the State of New York (the "Engineer"), to prepare a map, plan and report dated February, 2022, to consider the extension of the Town's Consolidated Lighting District (the "District") to include the Evergreen Landing Subdivision and to make improvements to the District in connection therewith, consisting of the acquisition and installation of street lighting for the extension, at the estimated maximum cost of \$1,350,000 (CIP Project No. H0-16) required in connection therewith as described in said report (the "Extension"); and

WHEREAS, the Engineer has estimated that the cost of such Extension shall be \$1,350,000 and said map, plan and report have been filed with the Town Board; and

WHEREAS, the Town Board adopted an Order Calling for a Public Hearing describing in general terms the proposed Extension, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said Extension on April 11, 2022 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12-A of the Town Law, and a copy of which was sent to the Office of the State Comptroller; and

WHEREAS, such public hearing was duly held by the Town Board on the 11th day of April, 2022 at 7 o'clock P.M. (Prevailing Time) at the Town Hall, 5583 Main Street, Williamsville, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said Extension; and

WHEREAS, the Town Board, as lead agency, has reviewed the Short Form Environmental Assessment Form and has determined that the project is an "unlisted action", will not have a significant effect on the environment and has issued a negative declaration in connection therewith pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617;

Now, therefore, be it

DETERMINED, that it is in the public interest to extend the District and make improvements in connection therewith as hereinabove described, at the estimated total cost of \$1,350,000; and it is hereby

ORDERED, that the Extension shall be approved and that the Engineer shall prepare plans and specifications of the Extension and, with the

TOWN OF AMHERST, NEW YORK
CERTIFICATE OF NO PROTEST


I, **FRANCINA J. SPOTH**, Clerk of the Town of Amherst (the "Town"), located in County of Erie, State of New York, **HEREBY CERTIFY** as follows:

1. The Town Board at a regular meeting thereof duly called and held on April 11, 2022, adopted a "PUBLIC INTEREST ORDER" in connection with the extension of the Town's Consolidated Lighting District to Evergreen Landing Subdivision and improvements in connection therewith.

2. On and prior to the date hereof, no petition or petitions protesting such "PUBLIC INTEREST ORDER" and requesting that it be submitted to the electors of the Town for their approval or disapproval have been filed with the Town Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Amherst, this 11th day of May, 2022.





FRANCINA J. SPOTH
Town Clerk
Town of Amherst, New York

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STATE OF NEW YORK)
: ss.
COUNTY OF ERIE)

AFFIDAVIT OF POSTING

FRANCINA J. SPOTH, being duly sworn upon her oath deposes and says:

That she is and at all the times hereinafter mentioned she was the duly elected, qualified and acting Town Clerk of the Town of Amherst, in the County of Erie, State of New York, and that on the 23rd day of March, 2022, she caused to be conspicuously posted and fastened up a certified copy of the Notice of Public Hearing, a true copy of which is annexed hereto and made a part hereof, on the sign board of said Town maintained pursuant to Section 30, subdivision 6, of the Town Law.

Francina J. Spoth
Town Clerk

Subscribed and sworn to before me

this 4th day of January, 2023.

[Signature]
Notary Public, State of New York

TIMOTHY J. KOLLER
No. 01K06263885
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 06/11/2024

I hereby certify that the notice of public hearing remained posted through the date of the public hearing.

Francina J. Spoth
Town Clerk



TOWN OF AMHERST

Department of Finance

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7067
www.amherst.ny.us

Lynda L. Juul
Director of Finance
ljuul@amherst.ny.us

October 31, 2022

Office of the State Comptroller
Division of Legal Services, 14th Floor
110 State Street
Albany, New York 12236

To Whom it May Concern:

This letter is to confirm that the anticipated interest rate of the proposed bond issuance related to the expansion of the lighting district and associated improvements for the Evergreen neighborhood is 4%.

Sincerely,

Lynda L. Juul
Director of Finance



1995



Capital Markets Advisors, LLC
www.capmark.org

October 31, 2022

4211 North Buffalo Road/Suite 19
Orchard Park, New York 14127
Phone 716-662-3910 / Fax 716-662-6684

Office of the State Comptroller
Division of Legal Services, 14th Floor
110 State Street
Albany, New York 12236

To Whom it May Concern:

As the Town's Independent Municipal Advisor, this letter is to confirm that based on municipal bond market rates as of October 28, 2022 the true interest cost (TIC) of the proposed 20-year bond issuance related to the expansion of the lighting district and associated improvements for the Evergreen neighborhood is 4.00%. Should the Town decide to issue over a 30-year term as permitted under the period of probable usefulness (PPU), we would estimate that the true interest cost would be 4.20%

Sincerely,

Rick Ganci

Executive Vice President and Principal

11/11/2016

11/11/2016

11/11/2016

11/11/2016



TOWN OF AMHERST

Department of Finance

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7067
www.amherst.ny.us

Lynda L. Juul
Director of Finance
ljuul@amherst.ny.us

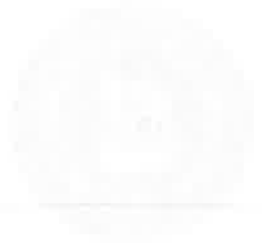
STATEMENT OF BASIS OF ANNUAL COST OF ENERGY AND OPERATION AND MAINTENANCE PER STREETLIGHT AS SET FOR IN 85.4(F)

October 31, 2022

The estimated cost of operating and maintaining the proposed improvements is \$3,005.41 annually. The estimate is based on an annual cost of \$19.17 per street light for energy (cost from National Grid), and \$22.00 per street light for maintenance (based on NY Power Authority maintenance contract). The Town anticipates the installation of 73 street lights in the Evergreen neighborhood.

Please note that the Town does not currently have a maintenance contract with NYPA, but is eligible to contract with NYPA when necessary. The Town is in the process of purchasing the street light asset from National Grid. National Grid currently provides maintenance for the system. The NYPA rates are being used as an estimate. It is yet to be determined whether the Town will contract with NYPA or bid the maintenance work out under a separate contract. Once the Town purchases the street light asset, and while we are in the process of converting the existing lights to LED, the contract for the conversion covers any maintenance that may be required. Once the lighting conversion is complete, and the system in the expanded area has been installed, we will contract for maintenance.

1. INTRODUCTION



Page 1 of 1

CONFIDENTIAL

1.1. Purpose of the document

1.2. Scope of the document

1.3. Definitions

Estimate of Annual Street Light Energy Charge

Town of Amherst

Evergreen Landing Unit Based

2/3/2022

<u>Unit</u>	<u>Description</u>	<u>kWh/ Yr/Unit</u>	<u>Annual Charge / kWh</u>	<u>Total (\$)</u>
1	40W LED Lamp SC-3 Delivery Charge*	167	\$0.063400	\$10.59
1	40W LED Lamp Supply Charge**	167	\$0.030217	\$5.05
1	Systems Benefit Charge*	167	\$0.005203	\$0.87
1	Legacy Transition Charge*	167	\$0.000946	\$0.16
1	Revenue Decoupling Mechanism*	167	\$0.015110	\$2.52
1	Transmission Revenue Adjustment*	167	(\$0.000080)	-\$0.01
<i>Total Estimated Annual Cost Per Unit:</i>				\$19.17
<i>Quantity of Units:</i>				53
<i>Total Estimated Annual Cost:</i>				\$1,016.06
<p>*Charges stated are in effect on the date of this estimate and are subject to change based on the PSC No: 214 National Grid Schedule for street, highway, roadway and other outdoor lighting tariff rate changes.</p> <p>**Supply Charge stated is an average of one years' worth of Fluent Energy supply bills dated 12/2018 – 12/2019 and are subject to change.</p>				

This information was provided by our streetlight consultant, Wendel Energy.

Case No.	Case Name	Case Type	Case Status	Case Date
1	Case 1	Case Type 1	Case Status 1	Case Date 1
2	Case 2	Case Type 2	Case Status 2	Case Date 2
3	Case 3	Case Type 3	Case Status 3	Case Date 3
4	Case 4	Case Type 4	Case Status 4	Case Date 4
5	Case 5	Case Type 5	Case Status 5	Case Date 5
6	Case 6	Case Type 6	Case Status 6	Case Date 6
7	Case 7	Case Type 7	Case Status 7	Case Date 7
8	Case 8	Case Type 8	Case Status 8	Case Date 8
9	Case 9	Case Type 9	Case Status 9	Case Date 9
10	Case 10	Case Type 10	Case Status 10	Case Date 10



Amherst Town Board

5583 Main Street
Williamsville, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

Meeting: 03/14/22 07:00 PM
Department: Town Attorney
Initiated by: **Stanley J. Sliwa**
Co-Sponsored by:

DOC ID: 25520

RESOLUTION 2022-273

ROLL CALL VOTE (ADOPTED)

**Evergreen Landing Subdivision Streetlighting (Bond
Resolution - \$1,350,000)**

AGENDA ITEM : MARCH 14th, 2022

TO: Town Board

FROM: Stanley J. Sliwa, Esq., Town Attorney

DATE: March 8, 2022

**RE: Evergreen Landing Subdivision Streetlighting
2022-2027 C.I.P. - Project No. H-16
TOA Job No. 2016.054A
Request For Public Hearing - Bond Resolution - \$1,350,000**

Kindly adopt the attached Order Calling Public Hearing regarding the above matter by scheduling a Public Hearing for the project on April 11th, 2022 at 7:00 p.m.

Also attached is the Map Plan and Report which provides further detail on the scope of the project.

Thank you.

SJS:nmb
Attachment

c: Tim Koller, Deputy Town Clerk
(w/attachment, **Agenda Item - March 14, 2022**)
Daryl C. Bramer, Comptroller (w/attachment)
Lynda Juul, Director of Finance (w/attachment)
Dale Ulatowski, AICP, Assistant Planning Director/ZEO (w/attachment)
Dan Howard, Director of Planning (w/attachment)
Jeffrey S. Burroughs, PE, Town Engineer (w/attachment)
Christopher P. Schregel, Project Manager (w/attachment)

3/14/2022

A motion to approve was made by Supervisor Kulpa, seconded by Deputy Supervisor Berger and unanimously approved via Roll Call vote 4-0.

FINANCIAL IMPACT:

Bond Resolution - \$1,350,000



STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
OFFICE OF THE ASSISTANT ATTORNEY GENERAL
1500 MARKET STREET, SUITE 1400
SAN FRANCISCO, CALIFORNIA 94102

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
OFFICE OF THE ASSISTANT ATTORNEY GENERAL
1500 MARKET STREET, SUITE 1400
SAN FRANCISCO, CALIFORNIA 94102

STATE OF CALIFORNIA
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DEPARTMENT OF REVENUE
OFFICE OF THE ASSISTANT ATTORNEY GENERAL
1500 MARKET STREET, SUITE 1400
SAN FRANCISCO, CALIFORNIA 94102

RESULT: **ROLL CALL VOTE (ADOPTED) [UNANIMOUS]**
MOVER: Brian J. Kulpa, Supervisor
SECONDER: Jacqueline Berger, Deputy Supervisor
AYES: Kulpa, Berger, Bucki, Lavin
ABSENT: Szukala

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At a regular meeting of the Town Board of the Town of Amherst, in the County of Erie, New York, held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 14th day of March, 2022.

PRESENT:

Hon. Brian J. Kulpa, Supervisor
Jacqualine Berger, Councilwoman,
Deborah Bruch Bucki, Councilwoman
Shawn Lavin, Councilman
Michael R. Szukala, Councilman

In the Matter

of the

Extension of the Town of Amherst Consolidated Lighting District
To Evergreen Landing Subdivision and improvements in connection therewith

Offered by: Brian J. Kulpa, Supervisor

Seconded by: Jacqualine Berger, Deputy Supervisor/Councilwoman

ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
APRIL 11, 2022

WHEREAS, the Town Board of the Town of Amherst (herein called the “Town”), in the County of Erie, New York, on behalf of the Consolidated Lighting District in the Town (herein referred to as the “District”), pursuant to Town Law Section 12-A, has caused the Town Engineering Department, engineers duly licensed by the State of New York (the “Engineer”) to prepare the map, plan and report dated February, 2022 (the “Map, Plan and Report”) for the extension of the District to include the Evergreen Landing Subdivision (the “Extension”) and to make improvements to the District in connection therewith, consisting of the acquisition and

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installation of street lighting for Extension, at the estimated maximum cost of \$1,350,000 (CIP Project No. H-16); and

WHEREAS, the total cost thereof has been estimated to be a maximum amount of \$1,350,000; such cost to be assessed against the properties in the District at the same time and in the same manner as other Town charges; and

WHEREAS, the Town Board, as lead agency, has reviewed the Short Form Environmental Assessment Form and has determined that the project is an “unlisted action”, will not have a significant effect on the environment and has issued a negative declaration in connection therewith pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617;

NOW, THEREFORE, BE IT

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 5583 Main Street, Williamsville, New York, on the 11th day of April, 2022 at 7:00 o'clock P.M. (Prevailing Time) to consider said extension and improvement to the District and to hear all persons interested in the subject thereof concerning the same

FURTHER ORDERED, that the Town Clerk publish at least once in the “*Amherst Bee*,” hereby designated as the official newspaper of the Town for such publication, and post on the Town’s website at www.amherst.ny.us, on the front entrance door and rear doors of Town Hall and on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as Exhibit A, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: March 14, 2022

TOWN BOARD OF THE TOWN OF AMHERST

(SEAL)

The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Brian J. Kulpa	voting	Yes
Councilwoman Jacqueline Berger	voting	Yes
Councilwoman Deborah Bruch Bucki	voting	Yes
Councilman Shawn Lavin	voting	Yes
Councilman Michael R. Szukala	voting	ABSENT

The Order was declared adopted.


* * * * *

CERTIFICATE

I, FRANCINA J. SPOTH, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling for a Public Hearing with the original thereof filed in the office of the Town Clerk on the 14th day of March, 2022, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town on this 4th day of January, 2023.

(SEAL)


Francina J. Spoth
Francina J. Spoth, Town Clerk
Town of Amherst

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Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amherst, in the County of Erie, State of New York, will meet at the Town Hall, 5583 Main Street, Williamsville, New York, on April 11, 2022, at 7 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to extension of the Town of Amherst Consolidated Lighting District to include the Evergreen Landing Subdivision (the "Extension") and to make improvements to the District in connection therewith, consisting of the acquisition and installation of street lighting for Extension (CIP Project No. H-16); all as more particularly described in a map, plan and report dated February, 2022. The current approved estimated maximum cost of the project is \$1,350,000, which is proposed to be financed through issuance of bonds by the Town of Amherst on behalf of the District, payable by levy and collections of assessments on real property in the District. Therefore, the project cost burden is expected to be borne by District property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town of Amherst and in the event the amount of assessments collected within the Consolidated Lighting District is insufficient to pay the cost of the project and/or the debt service related to the project, such costs and/or debt service shall be paid from the general Town taxes.

Further details concerning such proposed extension and improvements and the estimated costs thereof are set forth in the above-mentioned map, plan and report prepared by the Town's Engineering Department. Copies of the map, plan and report are available for review in the office of the Town Clerk, Town Hall, 5583 Main Street, Williamsville, New York

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF AMHERST

Dated: March 14, 2022
Williamsville, New York

Francina J. Spoth .
Town Clerk

STATE OF NEW YORK

COMMISSION ON THE JUDICIAL BRANCH

MEMORANDUM FOR THE COMMISSION

On July 22, 2011, the Commission received a letter from the Honorable Justice J. Robert Casarola, dated July 20, 2011, regarding the proposed changes to the Rules of the Court of Appeals. The letter stated that the proposed changes would be a significant improvement to the Rules and would be a welcome addition to the Court's procedures. The Commission is pleased to receive this feedback and will continue to work with the Court on these changes.

Very truly yours,
 [Signature]

[Signature]
 TIMOTHY J. KOEHLER
 No. 01K0252882
 History Public State of New York
 Downloaded from the Court
 My Commission Expires 06/15/12

Proposed changes to the Rules of the Court of Appeals are a significant improvement to the Court's procedures and will be a welcome addition to the Court's procedures.

Very truly yours,
 [Signature]



Bee Group Newspapers

WNY's Leading Suburban Newspapers

STATE OF NEW YORK) ss.

COUNTY OF ERIE)

Valerie Luksch being duly sworn, deposes and says that (s)he is the Legal Coordinator of the AMHERST BEE, a weekly newspaper published at Williamsville, New York, that the text of a notice as published in said newspaper is in the annexed exhibit, was inserted and published therein once a week for one weeks, the first insertion being on the 23rd day of March, 2022 and the last insertion being on the 23rd day of March, 2022

Subscribed and sworn to before me this 25th day of March, 2022

Keli L. Wesolowski

Keli L. Wesolowski
Notary Public, State of New York
Qualified in Erie County
No. C1WE6350628
My Commission Expires November 14, 2024

Valerie Luksch

Valerie Luksch
Authorized Designee of George J Measer, III
Publisher of the AMHERST BEE



Bee Publications Inc.

Amherst Bee • Clarence Bee • Ken-Ton Bee • Lancaster Bee

Depew Bee • Cheektowaga Bee • West Seneca Bee • Orchard Park Bee • East Aurora Bee

5564 Main Street • Buffalo, NY 14221-5410 • 716/632-4700 • FAX 716/633-8601 • www.BeeNews.com

— LEGAL NOTICE —

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Amherst, in the County of Erie, State of New York, will meet at the Town Hall, 5583 Main Street, Williamsville, New York, on April 11, 2022, at 7 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to extension of the Town of Amherst Consolidated Lighting District to include the Evergreen Landing Subdivision (the "Extension") and to make improvements to the District in connection therewith, consisting of the acquisition and installation of street lighting for Extension (CIP Project No. H-16); all as more particularly described in a map, plan and report dated February, 2022. The current approved estimated maximum cost of the project is \$1,350,000, which is proposed to be financed through issuance of bonds by the Town of Amherst on behalf of the District, payable by levy and collections of assessments on real property in the District. Therefore, the project cost burden is expected to be borne by District property owners throughout the expected term of the bonds. However, the bonds to be issued shall be general obligation bonds of the Town of Amherst and in the event the amount of assessments collected within the Consolidated Lighting District is insufficient to pay the cost of the project and/or the debt service related to the project, such costs and/or debt service shall be paid from the general Town taxes.

Further details concerning such proposed extension and improvements and the estimated costs thereof are set forth in the above-mentioned map, plan and report prepared by the Town's Engineering Department. Copies of the map, plan and report are available for review in the office of the Town Clerk, Town Hall, 5583 Main Street, Williamsville, New York
BY ORDER OF THE TOWN BOARD
OF THE TOWN OF AMHERST
Dated: March 14, 2022
Williamsville, New York
Francina J. Spoth, Town Clerk
Mar. 23

1. The first part of the document discusses the importance of maintaining accurate records for all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice to ensure transparency and accountability.

2. The second part outlines the procedures for handling discrepancies between the recorded amounts and the actual cash flow. It states that any variance must be investigated immediately and the reasons documented in detail.

3. The third part covers the requirements for monthly reconciliations. It mandates that the general ledger must be reconciled with the bank statements by the 10th day of the following month to identify any errors or unauthorized transactions.

4. The fourth part details the process for auditing the financial records. It requires an independent audit firm to be engaged annually to review the company's financial statements and provide an opinion on their fairness and accuracy.

5. The fifth part discusses the internal controls that should be implemented to prevent fraud and misappropriation of assets. This includes segregation of duties, regular rotation of staff, and the use of secure systems for financial data storage.

6. The sixth part addresses the reporting requirements to the board of directors. It specifies that a comprehensive financial report, including the balance sheet, income statement, and cash flow statement, must be presented at each quarterly meeting.

7. The seventh part covers the tax compliance obligations. It highlights the need to file all tax returns on time and pay any taxes due to avoid penalties and interest charges.

8. The eighth part discusses the importance of maintaining up-to-date financial records for legal and regulatory purposes. It notes that these records are essential for defending the company in the event of a lawsuit or regulatory investigation.

9. The ninth part outlines the process for archiving old records. It requires that records older than seven years be securely stored in a fireproof safe or a secure off-site location to ensure their long-term preservation.

10. The tenth part concludes by emphasizing the overall goal of the financial management process: to provide accurate and timely information to management and stakeholders to support the company's strategic objectives.

April 19, 2023

Town Board of the Town of Amherst
Attn: Brian J. Kulpa, Town Supervisor
5583 Main Street
Williamsville, New York 14221

Office of the State Comptroller
Division of Legal Services, 14th Floor
110 State Street
Albany, New York 12236

Re: Extension of Town's Consolidated Lighting District
(Evergreen Landing Subdivision)

Ladies and Gentlemen:

This opinion is being furnished to you in connection with the submission by the Town of Amherst, Erie County, New York (the "Town"), of a Part 85 application (the "Application") seeking consent in connection with the extension of the Town's Consolidated Lighting District and improvements in connection therewith (the "Extension").

We have acted as special counsel to the Town and have examined originals or true and complete copies of all records, documents and other instruments necessary to render our opinion, including, but not limited to: (i) the Constitution of the State and relevant statutes, including but not limited to, the New York Town Law, Article 12-A and the State Environmental Quality Review Act; (ii) all orders and resolutions of the Town Board of the Town pertaining to the Application; (iii) proof of any posting and publication of required notices; (iv) the map, plan and report prepared by the Town dated February, 2022; (v) all proposed contracts referred to in the Application; and (vi) the Application, a copy of which is submitted herewith.

Based upon the foregoing and upon such other information and documents and such investigation of fact and law as we believe necessary to enable us to render this opinion, we are of the opinion that:

- (1) The Application contains all information required by the applicable statutes and regulations;
- (2) In connection with the Extension, the Town has undertaken all actions and proceedings required by applicable provisions of law.
- (3) The Extension has been duly authorized by the Town except for:
 - (i) obtaining the permission or consent of the Comptroller;

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(ii) the adoption of any order or resolution required to be adopted after the Comptroller has granted such consent or permission; and

(iii) any publication of any notice required to be published after receipt of such consent or permission;

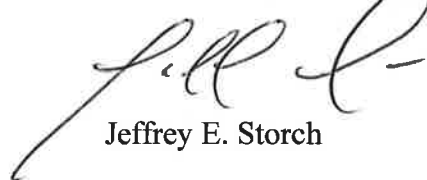
(4) the Town is not aware of any material pending or threatened lawsuits or claims relating to the Extension; and

(5) any assessments, charges or taxes to be levied or imposed to finance the Extension are authorized by statute and all necessary action has been taken by the Town to authorize the imposition or levy of such assessments, charges or taxes.

The foregoing opinions are limited to the laws of the State, and we express no opinion as to the effect on the matters covered by this letter of the laws of any other jurisdiction and their effect on the matters covered by this letter.

Very truly yours,

HARRIS BEACH PLLC

A handwritten signature in black ink, appearing to read "J. E. Storch", is written over the printed name of Jeffrey E. Storch.

Jeffrey E. Storch

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TOWN OF AMHERST

Department of Finance

5583 Main Street
Williamsville, New York 14221
Phone: (716) 631-7067
www.amherst.ny.us

Lynda L. Juul
Director of Finance
ljuul@amherst.ny.us

April 20, 2023

Office of the State Comptroller
Attn: Jennifer Wade
Division of Legal Services, 14th Floor
110 State Street
Albany, New York 12236

Re: Town of Amherst Expansion the Consolidated Lighting District (the "District")
File No. 2022-18

Ms. Wade:

In response to your recent email and the telephone conversation between our bond counsel, Jeffrey Storch of Harris Beach, and Kyra Lazzaro from your office, regarding the above referenced application, please see our responses below.

1. §85.4(f) - Attached please find supporting documentation for both the annual cost of energy and operation and maintenance per street light. I have provided the rates that were in effect in 2022, as well as the current rates. Please note that the Town is a member of the energy cooperative with Erie County, and Fluent Energy is the administrator and provided the energy supply charges.
2. §85.4(o) - Attached is a statement of the tax and assessment rates that currently apply to the taxable real property within the district. This applies to the both the extension area and the entire district. Please note that there are numerous Fire District tax rates and three (3) School District tax rates. The Evergreen extension area is in the Sweet Home School District.
3. §85.4(u) - The entire area of the district expansion is residential.
4. §85.5 - Attached is the opinion of legal counsel. Please note that this is a photocopy; originals were mailed under separate cover by Jeffrey Storch's office.

Please feel free to contact me should you require any additional information.

Sincerely,

Lynda L. Juul
Director of Finance

Enclosures

THE STATE OF TEXAS

COMMISSIONERS OF THE GENERAL LAND OFFICE

LAND OFFICE

HOUSTON, TEXAS



Know all men by these presents, that the undersigned, the State of Texas, do hereby certify that the following is a true and correct copy of the original as the same appears on the records of the General Land Office, to-wit:

Section 16, Township 33N, Range 12E, County of [Name], State of Texas, containing [Area] acres, more or less, as shown on the plat of [Name] filed for record in the office of the General Land Office on [Date], and as shown on the plat of [Name] filed for record in the office of the General Land Office on [Date].

Witness my hand and the seal of the General Land Office at the City of Houston, Texas, this [Date] day of [Month], 19[Year].

COMMISSIONER OF THE GENERAL LAND OFFICE

By _____, Secretary of the General Land Office

Approved: _____, Commissioner of the General Land Office

Estimate of Annual Street Light Energy Charge

Town of Amherst
Evergreen Landing Unit Based
2/3/2022

<u>Unit</u>	<u>Description</u>	<u>kWh/ Yr/Unit</u>	<u>Annual Charge / kWh</u>	<u>Total (\$)</u>
1	40W LED Lamp SC-3 Delivery Charge*	167	\$0.063400	\$10.59
1	40W LED Lamp Supply Charge**	167	\$0.030217	\$5.05
1	Systems Benefit Charge*	167	\$0.005203	\$0.87
1	Legacy Transition Charge*	167	\$0.000946	\$0.16
1	Revenue Decoupling Mechanism*	167	\$0.015110	\$2.52
1	Transmission Revenue Adjustment*	167	(\$0.000080)	-\$0.01
<i>Total Estimated Annual Cost Per Unit:</i>				\$19.17
<i>Quantity of Units:</i>				53
<i>Total Estimated Annual Cost:</i>				\$1,016.06

*Charges stated are in effect on the date of this estimate and are subject to change based on the PSC No: 214 National Grid Schedule for street, highway, roadway and other outdoor lighting tariff rate changes.

**Supply Charge stated is an average of one years' worth of Fluent Energy supply bills dated 12/2018 – 12/2019 and are subject to change.

TABLE 1. Summary of the results of the 2016-2017 survey				
TABLE 1. Summary of the results of the 2016-2017 survey				
TABLE 1. Summary of the results of the 2016-2017 survey				
Year	Number of respondents	Number of respondents who are currently employed	Number of respondents who are currently unemployed	Number of respondents who are currently on leave
2016	100	75	25	0
2017	100	75	25	0
2018	100	75	25	0
2019	100	75	25	0
2020	100	75	25	0
2021	100	75	25	0
2022	100	75	25	0
2023	100	75	25	0
2024	100	75	25	0
2025	100	75	25	0
2026	100	75	25	0
2027	100	75	25	0
2028	100	75	25	0
2029	100	75	25	0
2030	100	75	25	0

SERVICE CLASSIFICATION NO. 3 (Continued)

3. Hours of Operation

The monthly assignment of equivalent operating hours specific to the referenced operation schedule is presented in Table 2, below. The adaptive schedule titles provide a reference only to a general operating schedule which provides illumination performance similar to the presented Equivalent Hours of operation. These titles depict the designated adaptive operation occurring after mid-night for a period of approximately 5 hours. The Company is not responsible for any damages, claims or other liabilities associated with the customer's selection and/or implementation of an adaptive schedule, including but not limited to whether the adaptive schedule provides adequate illumination. Reference General Information, Section V.

Table 2 - Hours of Operation

Monthly Hours of Operation Schedules (Equivalent Hours)

<u>Months</u>	<u>Schedule:</u>	<u>Adaptive Schedules</u>					
		<u>Continuous</u>	<u>Normal</u>	<u>Dim-70</u>	<u>Dim-50</u>	<u>Dim-30</u>	<u>Part-Night</u>
January		744	444	398	367	336	289
February*		672	368	326	298	270	228
March		744	362	316	285	254	207
April		720	305	261	231	201	157
May		744	275	234	207	179	138
June		720	246	209	185	160	123
July		744	264	225	198	172	132
August		744	301	257	226	196	151
September		720	334	289	259	229	184
October		744	393	347	316	285	238
November		720	421	376	346	316	271
December		744	457	411	380	349	302
Total		8760	4170	3648	3298	2947	2420
*Leap Year Adjustment							
February		696	381	338	309	280	236
Adjusted Leap Year Total		8784	4183	3661	3309	2957	2428

4. Distribution Delivery Charge for all Load Zones, per kWh \$0.06340

5. Company Supplied Electricity Supply Service Charges, per kWh
 Reference General Information, Section IV.

B. Adjustment to Volumetric Charges

Reference General Information, Section IV.

SALES TAX REPORT FOR THE QUARTER ENDING 3/31/2018

SALES TAX REPORT FOR THE QUARTER ENDING 3/31/2018
This report provides a summary of the sales tax collected and remitted for the quarter ending 3/31/2018. The report is organized by county and includes the following information:

SALES TAX REPORT FOR THE QUARTER ENDING 3/31/2018

County	Statewide	Local	Total	Statewide	Local	Total	Rate
Alameda	1000000	1000000	2000000	1000000	1000000	2000000	100%
Albany	1000000	1000000	2000000	1000000	1000000	2000000	100%
Alameda	1000000	1000000	2000000	1000000	1000000	2000000	100%
Alameda	1000000	1000000	2000000	1000000	1000000	2000000	100%
Alameda	1000000	1000000	2000000	1000000	1000000	2000000	100%
Alameda	1000000	1000000	2000000	1000000	1000000	2000000	100%
Alameda	1000000	1000000	2000000	1000000	1000000	2000000	100%
Alameda	1000000	1000000	2000000	1000000	1000000	2000000	100%
Alameda	1000000	1000000	2000000	1000000	1000000	2000000	100%
Alameda	1000000	1000000	2000000	1000000	1000000	2000000	100%

SALES TAX REPORT FOR THE QUARTER ENDING 3/31/2018
Total Statewide: 10000000
Total Local: 10000000
Total: 20000000

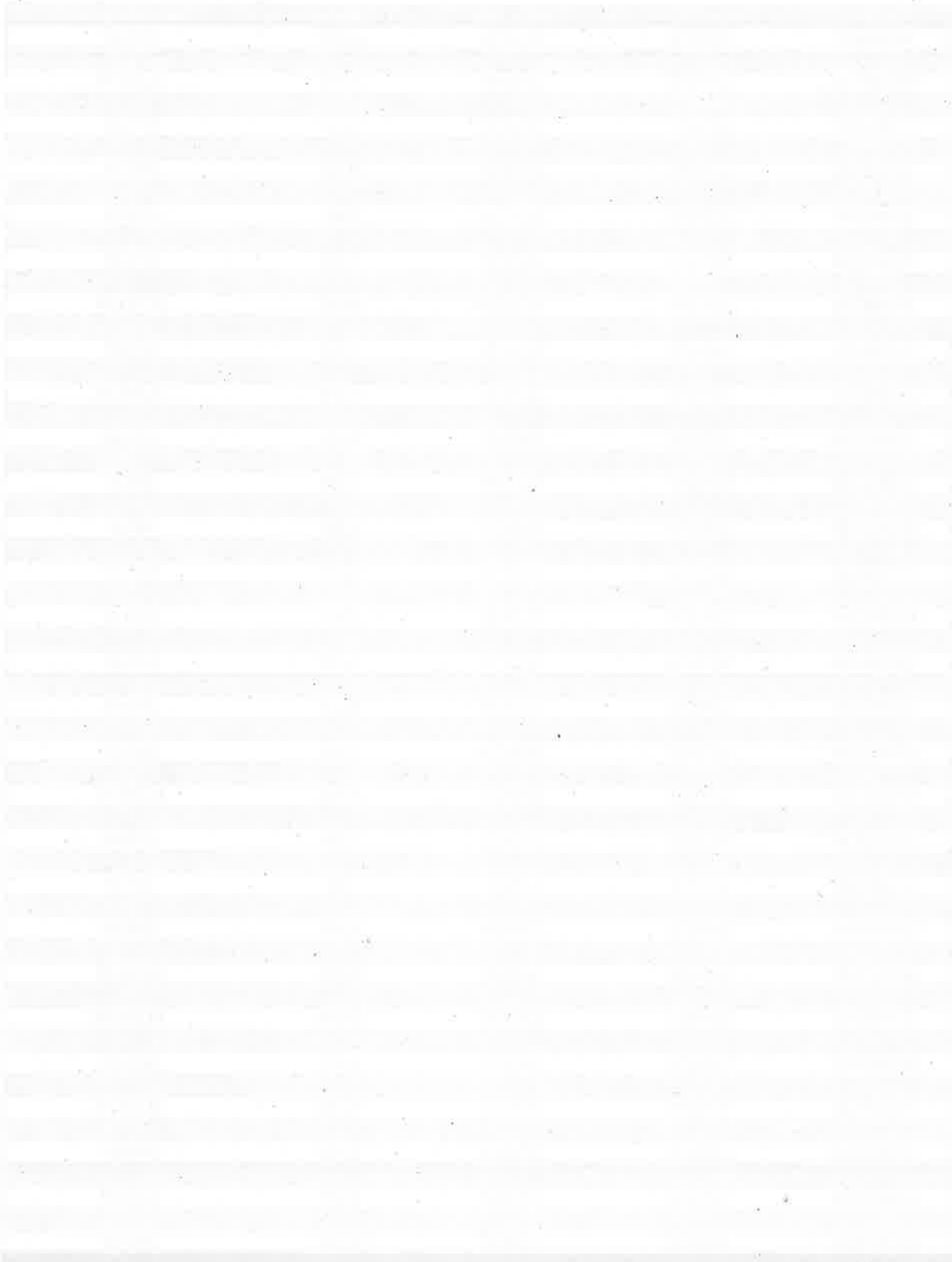
SALES TAX REPORT FOR THE QUARTER ENDING 3/31/2018

SALES TAX REPORT FOR THE QUARTER ENDING 3/31/2018
This report provides a summary of the sales tax collected and remitted for the quarter ending 3/31/2018. The report is organized by county and includes the following information:

Account	Billing Start	Billing End	Total kWh	Total Supply Cost
0233663106	12/19/18	12/19/19	21,984	\$843.19
0273663102	12/19/18	12/19/19	27,910	\$843.19
0293663108	12/19/18	12/19/19	10,893	\$329.06
0313663106	12/19/18	12/19/19	6,095	\$184.12
0333663102	12/19/18	12/19/19	12,091	\$385.25
0353663108	12/19/18	12/19/19	8,607	\$260.06
0373663104	12/19/18	12/19/19	4,889	\$192.51
0393663100	12/19/18	12/19/19	15,748	\$475.77
0413663108	12/19/18	12/19/19	26,905	\$1,110.88
0433663104	12/19/18	12/19/19	10,333	\$312.11
0453663100	12/19/18	12/19/19	7,873	\$237.84
0473663106	12/19/18	12/19/19	10,042	\$303.34
0493663102	12/19/18	12/19/19	15,253	\$460.78
0513663100	12/19/18	12/19/19	59,405	\$1,794.66
0533663106	12/19/18	12/19/19	5,280	\$159.49
0553663102	12/19/18	12/19/19	7,889	\$238.30
0573663108	12/19/18	12/19/19	8,365	\$252.58
0593663104	12/19/18	12/19/19	10,042	\$303.34
0613663102	12/19/18	12/19/19	5,021	\$151.89
0633663108	12/19/18	12/19/19	10,893	\$329.06
0653663104	12/19/18	12/19/19	10,826	\$328.98
0673663100	12/19/18	12/19/19	718	\$21.73
0693663106	12/19/18	12/19/19	10,826	\$328.98
0713663104	12/19/18	12/19/19	15,253	\$460.78
0733663100	12/19/18	12/19/19	24,186	\$730.67
0753663106	12/19/18	12/19/19	8,965	\$270.83
0773663102	12/19/18	12/19/19	8,247	\$249.16
0793663108	12/19/18	12/19/19	4,922	\$148.65
0813663106	12/19/18	12/19/19	7,381	\$222.45
0833663102	12/19/18	12/19/19	4,922	\$148.65
0853663108	12/19/18	12/19/19	2,460	\$74.96
0873663104	12/19/18	12/19/19	13,629	\$411.69
0893663100	12/19/18	12/19/19	19,606	\$592.31
0913663108	12/19/18	12/19/19	21,518	\$650.02
0933663104	12/19/18	12/19/19	8,858	\$267.89
0953663100	12/19/18	12/19/19	6,814	\$205.89
0973663106	12/19/18	12/19/19	6,095	\$184.12
1283070003	12/19/18	12/19/19	12,678	\$383.00
1473879105	12/19/18	12/19/19	25,588	\$773.03
1493879101	12/19/18	12/19/19	7,531	\$227.47
1513879109	12/19/18	12/19/19	5,513	\$165.96
1533879105	12/19/18	12/19/19	8,965	\$270.83
1553879101	12/19/18	12/19/19	15,063	\$455.06
1573879107	12/19/18	12/19/19	32,768	\$989.91
1593879103	12/19/18	12/19/19	32,983	\$995.45
1613879101	12/19/18	12/19/19	6,405	\$193.53
1633879107	12/19/18	12/19/19	1,793	\$54.18
1653879103	12/19/18	12/19/19	15,588	\$470.92
1673879109	12/19/18	12/19/19	28,741	\$868.30
1693879105	12/19/18	12/19/19	59,385	\$1,794.10
1713879103	12/19/18	12/19/19	19,190	\$579.73
1733879109	12/19/18	12/19/19	3,496	\$105.62
1753879105	12/19/18	12/19/19	57,163	\$1,726.91
1773879101	12/19/18	12/19/19	66,787	\$2,017.64
1793879107	12/19/18	12/19/19	14,830	\$448.00
1793881107	12/19/18	12/19/19	1,919,458	\$57,988.06
1813879105	12/19/18	12/19/19	8,555	\$258.43



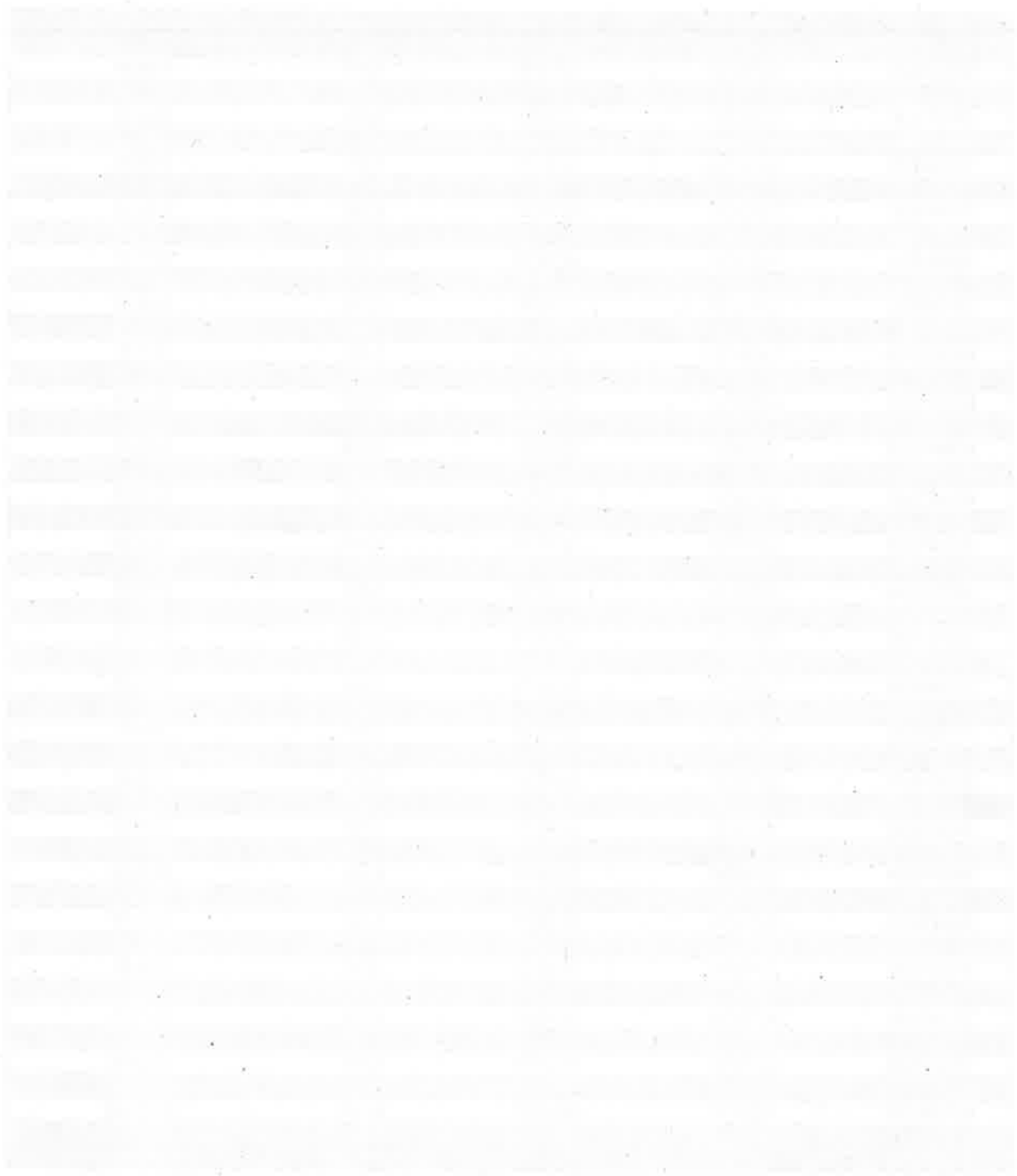
Account	Billing Start	Billing End	Total kWh	Total Supply Cost
1833879101	12/19/18	12/19/19	17,222	\$520.23
1853879107	12/19/18	12/19/19	97,270	\$2,938.56
1873881103	12/19/18	12/19/19	37,582	\$1,135.40
1893881109	12/19/18	12/19/19	63,042	\$1,802.44
1913881107	12/19/18	12/19/19	11,317	\$341.96
1933881103	12/19/18	12/19/19	9,814	\$296.45
1953881109	12/19/18	12/19/19	15,421	\$465.85
1973881105	12/19/18	12/19/19	64,578	\$1,950.86
1993881101	12/19/18	12/19/19	7,889	\$238.30
2013881100	12/19/18	12/19/19	19,349	\$583.49
2033881106	12/19/18	12/19/19	5,738	\$173.31
2053881102	12/19/18	12/19/19	27,421	\$828.42
2073881108	12/19/18	12/19/19	89,863	\$2,714.76
2093881104	12/19/18	12/19/19	29,898	\$903.22
2113881102	12/19/18	12/19/19	9,724	\$293.83
2133881108	12/19/18	12/19/19	66,011	\$1,994.19
2153881104	12/19/18	12/19/19	61,200	\$1,848.89
2173881100	12/19/18	12/19/19	6,489	\$196.05
2193881106	12/19/18	12/19/19	3,935	\$118.90
2213881104	12/19/18	12/19/19	9,841	\$297.33
2233881100	12/19/18	12/19/19	2,869	\$86.65
2253881106	12/19/18	12/19/19	8,291	\$250.48
4273016009	12/19/18	12/19/19	3,227	\$97.47
8004895109	12/6/18	12/6/19	3,492	\$137.15
6073881102	12/19/18	12/19/19	28,825	\$870.79
6093881108	12/19/18	12/19/19	1,435	\$43.33
6113881106	12/19/18	12/19/19	5,415	\$163.62
6133881102	12/19/18	12/19/19	70,289	\$2,128.42
6153881108	12/19/18	12/19/19	23,687	\$715.61
6173878107	12/19/18	12/19/19	5,905	\$178.40
6173881104	12/19/18	12/19/19	20,174	\$609.48
6193878103	12/19/18	12/19/19	7,080	\$213.93
6193881100	12/19/18	12/19/19	5,415	\$163.62
6213878101	12/19/18	12/19/19	13,286	\$401.36
6213881108	12/19/18	12/19/19	41,332	\$1,248.70
6233878107	12/19/18	12/19/19	14,136	\$427.07
6233879104	12/19/18	12/19/19	5,280	\$159.49
6233881104	12/19/18	12/19/19	2,869	\$86.65
6244895105	12/6/18	12/6/19	696	\$27.42
6253878103	12/19/18	12/19/19	3,443	\$104.02
6253879100	12/19/18	12/19/19	4,664	\$140.86
6253881100	12/19/18	12/19/19	76,561	\$2,312.95
6273878109	12/19/18	12/19/19	84,784	\$2,561.34
6273879106	12/19/18	12/19/19	9,349	\$282.43
6273881106	12/19/18	12/19/19	66,679	\$2,014.36
6293878105	12/19/18	12/19/19	60,447	\$1,826.15
6293879102	12/19/18	12/19/19	3,443	\$104.02
6293881102	12/19/18	12/19/19	59,914	\$1,810.03
6313878103	12/19/18	12/19/19	79,568	\$2,403.73
6313879100	12/19/18	12/19/19	11,027	\$333.10
6313881100	12/19/18	12/19/19	11,476	\$346.65
6333878109	12/19/18	12/19/19	4,664	\$140.86
6333879106	12/19/18	12/19/19	4,429	\$133.83
6333881106	12/19/18	12/19/19	6,363	\$192.26
6353878105	12/19/18	12/19/19	21,651	\$654.09
6353879102	12/19/18	12/19/19	2,954	\$89.26
6353881102	12/19/18	12/19/19	52,223	\$1,577.65



Account	Billing Start	Billing End	Total kWh	Total Supply Cost
6373879101	12/19/18	12/19/19	5,024	\$151.69
6373879108	12/19/18	12/19/19	3,935	\$118.90
6373881108	12/19/18	12/19/19	10,534	\$319.22
6393878107	12/19/18	12/19/19	3,935	\$118.90
6393879104	12/19/18	12/19/19	11,808	\$356.69
6393881104	12/19/18	12/19/19	4,253	\$128.42
6413878105	12/19/18	12/19/19	8,858	\$267.59
6413879102	12/19/18	12/19/19	6,095	\$184.12
6413881102	12/19/18	12/19/19	10,126	\$305.90
6433879108	12/19/18	12/19/19	6,395	\$193.23
6433881108	12/19/18	12/19/19	5,738	\$173.81
6453879104	12/19/18	12/19/19	12,792	\$386.41
6453881104	12/19/18	12/19/19	60,515	\$1,828.14
6473879100	12/19/18	12/19/19	2,460	\$74.36
6473881100	12/19/18	12/19/19	8,247	\$249.16
6493879106	12/19/18	12/19/19	10,333	\$312.11
6513879104	12/19/18	12/19/19	4,922	\$148.65
6533879100	12/19/18	12/19/19	13,778	\$416.17
6553879106	12/19/18	12/19/19	12,792	\$386.41
6573879102	12/19/18	12/19/19	18,206	\$549.95
6593879108	12/19/18	12/19/19	3,449	\$104.02
6613879106	12/19/18	12/19/19	11,808	\$356.69
6633879102	12/19/18	12/19/19	2,460	\$74.36
6653879108	12/19/18	12/19/19	5,415	\$163.62
6673879104	12/19/18	12/19/19	3,935	\$118.90
6693879100	12/19/18	12/19/19	19,190	\$579.73
6713879108	12/19/18	12/19/19	7,873	\$237.84
6733879104	12/19/18	12/19/19	7,080	\$213.93
6753879100	12/19/18	12/19/19	9,349	\$282.43
6773879106	12/19/18	12/19/19	1,477	\$44.60
6793879102	12/19/18	12/19/19	2,869	\$86.65
6813879100	12/19/18	12/19/19	5,923	\$177.31
6833879106	12/19/18	12/19/19	2,954	\$89.26
6853879102	12/19/18	12/19/19	6,890	\$208.18
6873879108	12/19/18	12/19/19	7,873	\$237.84
6893879104	12/19/18	12/19/19	6,395	\$193.23
6913879102	12/19/18	12/19/19	5,905	\$178.40
6933879108	12/19/18	12/19/19	5,415	\$163.62
6953879104	12/19/18	12/19/19	11,317	\$341.96
6993879106	12/19/18	12/19/19	12,911	\$390.01
7013879105	12/19/18	12/19/19	9,841	\$297.38
7033879101	12/19/18	12/19/19	5,781	\$174.61
7053879107	12/19/18	12/19/19	25,588	\$773.03
7073879103	12/19/18	12/19/19	4,429	\$133.83
7093879109	12/19/18	12/19/19	21,651	\$654.09
9273882106	12/19/18	12/19/19	40,349	\$1,218.94
9393882104	12/19/18	12/19/19	228,231	\$6,894.93
Grand Total			5,095,025	\$153,958.60

Supply \$/kWh

\$0.030217



PSC NO: 214 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: 01/01/2022

STATEMENT TYPE: SBC
STATEMENT NO: 38
PAGE 1 OF 1

STAMP: Issued in Compliance with orders issued September 9, 2021 in Case 14-M-0094, and February 11, 2021 in Case 20-M-0082.

NIAGARA MOHAWK POWER CORPORATION
STATEMENT OF SYSTEM BENEFITS CHARGE
(RULE NO. 41)
APPLICABLE TO BILLINGS UNDER P.S.C. NO. 214 ELECTRICITY

	<u>SBC CEF</u>	<u>IEDR</u>	<u>Total Factor</u>
	<u>per kWh</u>	<u>per kWh</u>	<u>per kWh</u>
<u>EFFECTIVE RATE OF ADJUSTMENT:</u>	\$0.005147	\$0.000056	\$0.005203

- (1) SBC CEF covers the cost of energy efficiency programs and clean energy activities conducted by NYSERDA.
- (2) IEDR covers the cost of NYSERDA's Phase 1 development of the Integrated Energy Data Resource Plan.

Service Classifications subject to the the SBC are defined in Rule 41
of PSC No. 220 Electricity, General Information

Rate of Adjustment shown is exclusive of Gross Receipt Taxes

Issued by: Rudolph L. Wynter, President, Syracuse, New York
December 17, 2021

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA, CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA, CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA, CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA, CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA, CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA, CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA, CALIFORNIA

Received: 01/25/2022
P.S.C. 214 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: JANUARY 28, 2022

Status: CANCELLED
Effective Date: 01/28/2022
STATEMENT TYPE: SC
STATEMENT NO. 125

NIAGARA MOHAWK POWER CORPORATION
STATEMENT OF SUPPLY SERVICE CHARGES

FOR THE BILLING MONTH OF FEBRUARY 2022

Applicable to Billings Under P.S.C. No. 214 Outdoor Lighting

EFFECTIVE: JANUARY 28, 2022 FOR BATCH BILLINGS

EFFECTIVE: FEBRUARY 1, 2022 FOR CALENDAR MONTH BILLINGS

All rates are dollars/kWh

Commodity Rates

Rule 46.3 Electricity Supply Reconciliation Mechanism (ESRM)

Service Classification	New Hedge Adjustment	Balance of the ESRM	Zone	Billed Rate ESRM
All Outdoor Lighting service classifications		0.005897	All Zones	0.005897

Delivery Rates

Rule 46.2 Legacy Transition Charge

Service Classification	Rule 46.2.6 NYPA Benefit			Billed Rate
	Rule 46.2 LTC	NYPA R&D Contracts	Recharge NY RCD Payment	LTC
All Outdoor Lighting service classifications	0.000946			0.000946

Rates shown above are exclusive of gross receipts taxes.

Cancelled by Doc. Num. 126 effective 02/28/2022

Issued by: Rudolph L. Wynter, President, Syracuse, New York

Dated: January 25, 2022

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA

STATE OF CALIFORNIA
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SANTA ANA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE
SANTA ANA

PSC NO. 214 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: APRIL 30, 2021

STATEMENT TYPE: RDM
STATEMENT NO. 5
PAGE 1 of 1

**NIAGARA MOHAWK POWER CORPORATION
REVENUE DECOUPLING MECHANISM ("RDM") STATEMENT NO. 5**

**EFFECTIVE: BILLING CYCLE 1, APRIL 30, 2021 THROUGH
BILLING CYCLE 20, JUNE 28, 2022 FOR BATCH BILLINGS**

**EFFECTIVE: MAY 1, 2021 – JUNE 30, 2022 FOR CALENDAR MONTH
BILLINGS**

PSC No. 214

RDM Adjustment/kWh

All Classes

\$0.01511

Rate of Adjustment shown is exclusive of Gross Receipt Taxes.

Issued by: Rudolph L. Wynter, President, Syracuse, New York

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PSC No. 214 Electricity
Niagara Mohawk Power Corporation
Initial Effective Date: JANUARY 28, 2022

Statement Type: TRAS
Statement No. 245

**NIAGARA MOHAWK POWER CORPORATION
STATEMENT OF TRANSMISSION REVENUE ADJUSTMENT**

**EFFECTIVE: JANUARY 28, 2022 FOR BATCH BILLINGS
EFFECTIVE: FEBRUARY 1, 2022 FOR CALENDAR MONTH BILLINGS**

**APPLICABLE TO BILLINGS SET FORTH BELOW
UNDER P.S.C. NO. 214 ELECTRICITY
(PSC No. 220 - Rule No. 43)**

PSC No. 214

\$/kWh

SC1	(\$0.00008)
SC2/3	(\$0.00008)
SC4/6	(\$0.00008)

*Rates shown above are exclusive of gross receipts taxes.

Issued by Rudolph L. Wynter, President, Syracuse, New York
January 21, 2022

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

IN SENATE
January 11, 2016

REPORT OF THE
COMMISSIONER OF THE
CALIFORNIA DEPARTMENT OF
INDUSTRIAL RELATIONS
ON THE
STATE OF CALIFORNIA
FOR THE YEAR ENDING
DECEMBER 31, 2015

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Estimate of Annual Street Light Energy Charge

Town of Amherst

Evergreen Landing Unit Based

4/14/2023

<u>Unit</u>	<u>Description</u>	<u>kWh/ Yr/Unit</u>	<u>Annual Charge / kWh</u>	<u>Total (\$)</u>
1	40W LED Lamp SC-3 Delivery Charge*	167	\$0.062870	\$10.50
1	40W LED Lamp Supply Charge**	167	\$0.063429	\$10.59
1	Systems Benefit Charge*	167	\$0.005725	\$0.96
1	Legacy Transition Charge*	167	\$0.004541	\$0.76
1	Revenue Decoupling Mechanism*	167	\$0.015340	\$2.56
1	Transmission Revenue Adjustment*	167	(\$0.000070)	-\$0.01
<i>Total Estimated Annual Cost Per Unit:</i>				\$25.36
<i>Quantity of Units:</i>				73
<i>Total Estimated Annual Cost:</i>				\$1,851.02

*Charges stated are in effect on the date of this estimate and are subject to change based on the PSC No: 214 National Grid Schedule for street, highway, roadway and other outdoor lighting tariff rate changes.

**Supply Charge stated is an average of one years' worth of Fluent Energy supply bills dated 12/2021 – 12/2022 and are subject to change.

Case No.	Case Name	Case Type	Case Status	Case Date	Case Location
1	Case 1	Case Type 1	Case Status 1	Case Date 1	Case Location 1
2	Case 2	Case Type 2	Case Status 2	Case Date 2	Case Location 2
3	Case 3	Case Type 3	Case Status 3	Case Date 3	Case Location 3
4	Case 4	Case Type 4	Case Status 4	Case Date 4	Case Location 4
5	Case 5	Case Type 5	Case Status 5	Case Date 5	Case Location 5
6	Case 6	Case Type 6	Case Status 6	Case Date 6	Case Location 6
7	Case 7	Case Type 7	Case Status 7	Case Date 7	Case Location 7
8	Case 8	Case Type 8	Case Status 8	Case Date 8	Case Location 8
9	Case 9	Case Type 9	Case Status 9	Case Date 9	Case Location 9
10	Case 10	Case Type 10	Case Status 10	Case Date 10	Case Location 10

SERVICE CLASSIFICATION NO. 3 (Continued)

3. Hours of Operation

The monthly assignment of equivalent operating hours specific to the referenced operation schedule is presented in Table 2, below. The adaptive schedule titles provide a reference only to a general operating schedule which provides illumination performance similar to the presented Equivalent Hours of operation. These titles depict the designated adaptive operation occurring after mid-night for a period of approximately 5 hours. The Company is not responsible for any damages, claims or other liabilities associated with the customer's selection and/or implementation of an adaptive schedule, including but not limited to whether the adaptive schedule provides adequate illumination. Reference General Information, Section V.

Table 2 - Hours of Operation

Monthly Hours of Operation Schedules (Equivalent Hours)

Months	Schedule:	Adaptive Schedules					
		Continuous	Normal	Dim-70	Dim-50	Dim-30	Part-Night
January		744	444	398	367	336	289
February*		672	368	326	298	270	228
March		744	362	316	285	254	207
April		720	305	261	231	201	157
May		744	275	234	207	179	138
June		720	246	209	185	160	123
July		744	264	225	198	172	132
August		744	301	257	226	196	151
September		720	334	289	259	229	184
October		744	393	347	316	285	238
November		720	421	376	346	316	271
December		744	457	411	380	349	302
Total		8760	4170	3648	3298	2947	2420
*Leap Year Adjustment							
February		696	381	338	309	280	236
Adjusted Leap Year Total		8784	4183	3661	3309	2957	2428

4. Distribution Delivery Charge for all Load Zones, per kWh \$0.06287

5. Company Supplied Electricity Supply Service Charges, per kWh
 Reference General Information, Section IV.

B. Adjustment to Volumetric Charges

Reference General Information, Section IV.

Account	Billing Start	Billing End	Total kWh	Total Supply Cost
0253663106	12/20/2021	12/20/2022	21,381	\$1,355.90
0273663102	12/20/2021	12/20/2022	27,909	\$1,770.00
0293663108	12/20/2021	12/20/2022	10,893	\$690.84
0313663106	12/20/2021	12/20/2022	6,095	\$386.60
0333663102	12/20/2021	12/20/2022	126,952	\$8,051.06
0353663108	12/20/2021	12/20/2022	8,607	\$545.86
0373663104	12/20/2021	12/20/2022	4,389	\$278.32
0393663100	12/20/2021	12/20/2022	15,746	\$998.64
0413663108	12/20/2021	12/20/2022	36,905	\$2,340.46
0433663104	12/20/2021	12/20/2022	10,332	\$655.22
0453663100	12/20/2021	12/20/2022	7,874	\$499.34
0473663106	12/20/2021	12/20/2022	10,041	\$636.75
0493663102	12/20/2021	12/20/2022	14,763	\$936.22
0513663100	12/20/2021	12/20/2022	59,405	\$3,767.42
0533663106	12/20/2021	12/20/2022	5,280	\$334.87
0553663102	12/20/2021	12/20/2022	7,889	\$500.31
0573663108	12/20/2021	12/20/2022	8,364	\$530.47
0593663104	12/20/2021	12/20/2022	10,041	\$636.75
0613663102	12/20/2021	12/20/2022	5,021	\$318.38
0633663108	12/20/2021	12/20/2022	10,893	\$690.84
0653663104	12/20/2021	12/20/2022	10,826	\$686.59
0673663100	12/20/2021	12/20/2022	716	\$45.37
0693663106	12/20/2021	12/20/2022	10,826	\$686.59
0713663104	12/20/2021	12/20/2022	15,254	\$967.31
0733663100	12/20/2021	12/20/2022	24,188	\$1,533.96
0753663106	12/20/2021	12/20/2022	8,965	\$568.57
0773663102	12/20/2021	12/20/2022	8,247	\$523.09
0793663108	12/20/2021	12/20/2022	4,922	\$312.15
0813663106	12/20/2021	12/20/2022	7,381	\$468.10
0833663102	12/20/2021	12/20/2022	4,922	\$312.15
0853663108	12/20/2021	12/20/2022	2,460	\$156.08
0873663104	12/20/2021	12/20/2022	13,626	\$864.13
0893663100	12/20/2021	12/20/2022	19,606	\$1,243.40
0913663108	12/20/2021	12/20/2022	21,517	\$1,364.58
0933663104	12/20/2021	12/20/2022	8,859	\$561.87
0953663100	12/20/2021	12/20/2022	6,813	\$432.05
0973663106	12/20/2021	12/20/2022	6,095	\$386.60
1283070003	12/20/2021	12/20/2022	12,677	\$803.95
1473879105	12/20/2021	12/20/2022	25,588	\$1,622.77
1493879101	12/20/2021	12/20/2022	7,532	\$477.77
1513879109	12/20/2021	12/20/2022	5,514	\$349.69
1533879105	12/20/2021	12/20/2022	8,965	\$568.57
1553879101	12/20/2021	12/20/2022	15,061	\$955.17
1573879107	12/20/2021	12/20/2022	32,766	\$2,078.00
1593879103	12/20/2021	12/20/2022	32,983	\$2,091.73
1613879101	12/20/2021	12/20/2022	6,403	\$406.10
1633879107	12/20/2021	12/20/2022	1,794	\$113.74
1653879103	12/20/2021	12/20/2022	15,586	\$988.42
1673879109	12/20/2021	12/20/2022	28,740	\$1,822.63
1693879105	12/20/2021	12/20/2022	59,386	\$3,766.27
1713879103	12/20/2021	12/20/2022	19,191	\$1,217.08
1733879109	12/20/2021	12/20/2022	3,495	\$221.64
1753879105	12/20/2021	12/20/2022	57,162	\$3,625.15
1773879101	12/20/2021	12/20/2022	66,784	\$4,235.36
1793879107	12/20/2021	12/20/2022	14,828	\$940.27

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Account	Billing Start	Billing End	Total kWh	Total Supply Cost
1793881107	12/20/2021	12/20/2022	1,905,156	\$120,819.00
1813879105	12/20/2021	12/20/2022	8,555	\$542.62
1833879101	12/20/2021	12/20/2022	17,224	\$1,092.37
1853879107	12/20/2021	12/20/2022	97,271	\$6,168.79
1873881103	12/20/2021	12/20/2022	37,582	\$2,383.49
1893881109	12/20/2021	12/20/2022	53,044	\$3,363.92
1913881107	12/20/2021	12/20/2022	11,318	\$717.86
1933881103	12/20/2021	12/20/2022	9,817	\$622.65
1953881109	12/20/2021	12/20/2022	15,418	\$977.78
1973881105	12/20/2021	12/20/2022	64,575	\$4,095.28
1993881101	12/20/2021	12/20/2022	7,889	\$500.31
2013881100	12/20/2021	12/20/2022	19,351	\$1,227.24
2033881106	12/20/2021	12/20/2022	5,736	\$363.79
2053881102	12/20/2021	12/20/2022	27,419	\$1,738.84
2073881108	12/20/2021	12/20/2022	89,866	\$5,699.17
2093881104	12/20/2021	12/20/2022	29,898	\$1,896.10
2113881102	12/20/2021	12/20/2022	9,723	\$616.65
2133881108	12/20/2021	12/20/2022	66,013	\$4,186.42
2153881104	12/20/2021	12/20/2022	61,196	\$3,880.96
2173881100	12/20/2021	12/20/2022	6,489	\$411.50
2193881106	12/20/2021	12/20/2022	3,936	\$249.70
2213881104	12/20/2021	12/20/2022	9,840	\$624.05
2233881100	12/20/2021	12/20/2022	2,869	\$181.92
2253881106	12/20/2021	12/20/2022	8,289	\$525.67
4273016009	12/20/2021	12/20/2022	3,227	\$204.67
6004895109	12/7/2021	12/7/2022	3,492	\$265.42
6073881102	12/20/2021	12/20/2022	28,823	\$1,827.85
6093881108	12/20/2021	12/20/2022	1,436	\$91.12
6113881106	12/20/2021	12/20/2022	5,412	\$343.16
6133881102	12/20/2021	12/20/2022	70,287	\$4,457.54
6153881108	12/20/2021	12/20/2022	23,686	\$1,502.12
6173878107	12/20/2021	12/20/2022	5,904	\$374.41
6173881104	12/20/2021	12/20/2022	20,175	\$1,279.50
6193878103	12/20/2021	12/20/2022	7,079	\$448.94
6193881100	12/20/2021	12/20/2022	5,412	\$343.16
6213878101	12/20/2021	12/20/2022	13,286	\$842.58
6213881108	12/20/2021	12/20/2022	41,337	\$2,621.58
6233878107	12/20/2021	12/20/2022	14,137	\$896.57
6233879104	12/20/2021	12/20/2022	5,280	\$334.87
6233881104	12/20/2021	12/20/2022	2,869	\$181.92
6244895105	12/7/2021	12/7/2022	696	\$52.97
6253878103	12/20/2021	12/20/2022	3,446	\$218.58
6253879100	12/20/2021	12/20/2022	4,662	\$295.66
6253881100	12/20/2021	12/20/2022	76,559	\$4,855.22
6273878109	12/20/2021	12/20/2022	85,142	\$5,399.61
6273879106	12/20/2021	12/20/2022	9,349	\$592.92
6273881106	12/20/2021	12/20/2022	66,677	\$4,228.62
6293878105	12/20/2021	12/20/2022	60,448	\$3,833.48
6293879102	12/20/2021	12/20/2022	3,446	\$218.58
6293881102	12/20/2021	12/20/2022	59,915	\$3,799.71
6313878103	12/20/2021	12/20/2022	79,562	\$5,045.67
6313879100	12/20/2021	12/20/2022	11,025	\$699.17
6313881100	12/20/2021	12/20/2022	11,477	\$727.89
6333878109	12/20/2021	12/20/2022	4,662	\$295.66
6333879106	12/20/2021	12/20/2022	4,428	\$280.77

Account	Billing Start	Billing End	Total kWh	Total Supply Cost
6333881106	12/20/2021	12/20/2022	6,365	\$403.65
6353878105	12/20/2021	12/20/2022	21,651	\$1,373.08
6353879102	12/20/2021	12/20/2022	2,953	\$187.28
6353881102	12/20/2021	12/20/2022	52,224	\$3,311.90
6373878101	12/20/2021	12/20/2022	5,021	\$318.38
6373879108	12/20/2021	12/20/2022	3,936	\$249.70
6373881108	12/20/2021	12/20/2022	10,534	\$667.99
6393878107	12/20/2021	12/20/2022	3,936	\$249.70
6393879104	12/20/2021	12/20/2022	11,809	\$748.95
6393881104	12/20/2021	12/20/2022	4,254	\$269.81
6413878105	12/20/2021	12/20/2022	8,859	\$561.87
6413879102	12/20/2021	12/20/2022	6,095	\$386.60
6413881102	12/20/2021	12/20/2022	10,126	\$642.19
6433879108	12/20/2021	12/20/2022	6,398	\$405.77
6433881108	12/20/2021	12/20/2022	5,736	\$363.79
6453879104	12/20/2021	12/20/2022	12,793	\$811.33
6453881104	12/20/2021	12/20/2022	60,514	\$3,837.77
6473879100	12/20/2021	12/20/2022	2,460	\$156.08
6473881100	12/20/2021	12/20/2022	8,247	\$523.09
6493879106	12/20/2021	12/20/2022	10,332	\$655.22
6513879104	12/20/2021	12/20/2022	4,922	\$312.15
6533879100	12/20/2021	12/20/2022	13,779	\$873.82
6553879106	12/20/2021	12/20/2022	12,793	\$811.33
6573879102	12/20/2021	12/20/2022	18,207	\$1,154.67
6593879108	12/20/2021	12/20/2022	3,446	\$218.58
6613879106	12/20/2021	12/20/2022	11,809	\$748.95
6633879102	12/20/2021	12/20/2022	2,460	\$156.08
6653879108	12/20/2021	12/20/2022	5,412	\$343.16
6673879104	12/20/2021	12/20/2022	3,936	\$249.70
6693879100	12/20/2021	12/20/2022	19,191	\$1,217.08
6713879108	12/20/2021	12/20/2022	7,874	\$499.34
6733879104	12/20/2021	12/20/2022	7,079	\$448.94
6753879100	12/20/2021	12/20/2022	9,349	\$592.92
6773879106	12/20/2021	12/20/2022	1,476	\$93.59
6793879102	12/20/2021	12/20/2022	2,869	\$181.92
6813879100	12/20/2021	12/20/2022	6,134	\$388.99
6833879106	12/20/2021	12/20/2022	2,953	\$187.28
6853879102	12/20/2021	12/20/2022	6,887	\$436.74
6873879108	12/20/2021	12/20/2022	7,874	\$499.34
6893879104	12/20/2021	12/20/2022	6,398	\$405.77
6913879102	12/20/2021	12/20/2022	5,904	\$374.41
6933879108	12/20/2021	12/20/2022	5,412	\$343.16
6953879104	12/20/2021	12/20/2022	11,318	\$717.86
6993879106	12/20/2021	12/20/2022	12,913	\$819.00
7013879105	12/20/2021	12/20/2022	9,840	\$624.05
7033879101	12/20/2021	12/20/2022	5,782	\$366.70
7053879107	12/20/2021	12/20/2022	25,588	\$1,622.77
7073879103	12/20/2021	12/20/2022	4,428	\$280.77
7093879109	12/20/2021	12/20/2022	21,651	\$1,373.08
9273882106	12/20/2021	12/20/2022	40,348	\$2,558.79
9393882104	12/20/2021	12/20/2022	228,233	\$14,174.18
Grand Total			5,080,776	\$322,266.42

Supply \$/kWh \$0.063429

PSC NO: 214 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: 01/01/2023

STATEMENT TYPE: SBC
STATEMENT NO: 39
PAGE 1 OF 1

STAMP: Issued in Compliance with Orders Issued September 9, 2021 in Case 14-M-0094, April 14, 2022 in Case 21-E-0629, and February 11, 2021 in Case 20-M-0082.

NIAGARA MOHAWK POWER CORPORATION
STATEMENT OF SYSTEM BENEFITS CHARGE
(RULE NO. 41)
APPLICABLE TO BILLINGS UNDER P.S.C. NO. 214 ELECTRICITY

	<u>SBC CEF</u>	<u>IEDR</u>	<u>Total Factor</u>
	<u>per kWh</u>	<u>per kWh</u>	<u>per kWh</u>
<u>EFFECTIVE RATE OF ADJUSTMENT:</u>	\$0.005694	\$0.000031	\$0.005725

- (1) SBC CEF covers the cost of energy efficiency programs and clean energy activities conducted by NYSERDA.
- (2) IEDR covers the cost of NYSERDA's Phase 1 development of the Integrated Energy Data Resource Plan.

Service Classifications subject to the the SBC are defined in Rule 41
of PSC No. 220 Electricity, General Information

Rate of Adjustment shown is exclusive of Gross Receipt Taxes

Issued by: Rudolph L. Wynter, President, Syracuse, New York
December 16, 2022

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NIAGARA MOHAWK POWER CORPORATION
 STATEMENT OF SUPPLY SERVICE CHARGES

FOR THE BILLING MONTH OF APRIL 2023

Applicable to Billings Under P.S.C. No. 214 Outdoor Lighting

EFFECTIVE: MARCH 30, 2023 FOR BATCH BILLINGS

EFFECTIVE: APRIL 1, 2023 FOR CALENDAR MONTH BILLINGS

All rates are dollars/kWh

Commodity Rates

Rule 46.3 Electricity Supply Reconciliation Mechanism (ESRM)

Service Classification	New Hedge Adjustment	Balance of the ESRM	Zone	Billed Rate ESRM
All Outdoor Lighting service classifications		0.008548	All Zones	0.008548

Delivery Rates

Rule 46.2 Legacy Transition Charge

Service Classification	Rule 46.2 LTC	Rule 46.2.6 NYPA Benefit		Zone	Billed Rate LTC
		NYPA R&D Contracts	Recharge NY RCD Payment		
All Outdoor Lighting service classifications	0.004541			All Zones	0.004541

Rates shown above are exclusive of gross receipts taxes.

Issued by: Rudolph L. Wynter, President, Syracuse, New York
 Dated: March 27, 2023

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PSC NO. 214 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: JUNE 29, 2022

STATEMENT TYPE: RDM
STATEMENT NO. 6
PAGE 1 of 1

**NIAGARA MOHAWK POWER CORPORATION
REVENUE DECOUPLING MECHANISM ("RDM") STATEMENT NO. 6**

**EFFECTIVE: BILLING CYCLE 1, JUNE 29, 2022 THROUGH
BILLING CYCLE 20, JUNE 28, 2023 FOR BATCH BILLINGS**

**EFFECTIVE: JULY 1, 2022 – JUNE 30, 2023 FOR CALENDAR MONTH
BILLINGS**

PSC No. 214

RDM Adjustment/kWh

All Classes

\$0.01534

Rate of Adjustment shown is exclusive of Gross Receipt Taxes.

Issued by: Rudolph L. Wynter, President, Syracuse, New York

COMMUNICATIONS SECTION
STATE OF CALIFORNIA

MEMORANDUM FOR THE RECORD

DATE: 10/15/16

TO: [Illegible]

[Illegible]

[Illegible]

[Illegible]

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PSC No. 214 Electricity
Niagara Mohawk Power Corporation
Initial Effective Date: MARCH 30, 2023

Statement Type: TRAS
Statement No. 260

**NIAGARA MOHAWK POWER CORPORATION
STATEMENT OF TRANSMISSION REVENUE ADJUSTMENT**

**EFFECTIVE: MARCH 30, 2023 FOR BATCH BILLINGS
EFFECTIVE: APRIL 1, 2023 FOR CALENDAR MONTH BILLINGS**

**APPLICABLE TO BILLINGS SET FORTH BELOW
UNDER P.S.C. NO. 214 ELECTRICITY
(PSC No. 220 - Rule No. 43)**

<u>PSC No. 214</u>	<u>\$/kWh</u>
SC1	(\$0.00007)
SC2/3	(\$0.00007)
SC4/6	(\$0.00007)

*Rates shown above are exclusive of gross receipts taxes.

Issued by Rudolph L. Wynter, President, Syracuse, New York
March 16, 2023

STATE OF CALIFORNIA
COUNTY OF [illegible]

NOTARIAL PUBLIC
[illegible]

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Juul, Lynda

From: Contreras, April <April.Contreras@nypa.gov>
Sent: Wednesday, April 19, 2023 2:39 PM
To: Juul, Lynda
Cc: Schregel, Chris
Subject: NYPA SL Maintenance Program Rates

CAUTION: This email originated from outside of the organization.
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lynda,

The rates for NYPA's Street Lighting Maintenance Program are as followed;
2022 Rate \$20.76
2023 Rate \$23.87

Please let me know if you need any further information.

Thank you,
April

April Contreras, CSAM
Clean Energy Solutions
Key Account Executive



New York Power Authority
535 Washington Street - Suite 202
Buffalo, NY 14203
(716) 475-4104 | april.contreras@nypa.gov

**Town of Amherst
Statement of Tax and Assessment Rates
2023 Tax Year**

<u>County</u>	<u>Rate</u>	<u>Basis</u>
Library	\$0.45311500	AV (per \$1000)
County Service Tax	\$4.99154300	AV (per \$1000)
 <u>Town</u>		
General	\$2.67605200	AV (per \$1000)
Highway	\$1.21903800	AV (per \$1000)
Fire District	Varies by District	AV (per \$1000)
Water	\$0.04485200	AV (per \$1000)
Water	\$0.00046300	Property Area
Water	\$0.43270200	Property Frontage
Garbage	\$232.85555900	Flat Rate Per Housing Unit
Lighting	\$0.64654400	AV (per \$1000)
Sewer	\$0.27492000	AV (per \$1000)
Sewer	\$0.30000000	Frontage (only properties where town installed the line)
Sewer	\$5.55727400	Water Consumption (gallons)
Drainage	\$0.07160100	AV (per \$1000)
Drainage	\$0.14600700	AV (per \$1000)
Drainage	\$0.01336600	Factored area based on lot size and use (from Engineering Dept.)
Central Alarm	\$0.10032000	AV (per \$1000)
 <u>School</u>		
Williamsville CSD	\$18.45222600	AV (per \$1000)
Amherst CSD	\$21.38895300	AV (per \$1000)
Sweet Home CSD	\$15.68149500	AV (per \$1000)

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Estimate of Annual Street Light Energy Charge

Town of Amherst
Evergreen Landing Unit Based
2/3/2022

<u>Unit</u>	<u>Description</u>	<u>kWh/ Yr/Unit</u>	<u>Annual Charge / kWh</u>	<u>Total (\$)</u>
1	40W LED Lamp SC-3 Delivery Charge*	167	\$.063400	\$10.59
1	40W LED Lamp Supply Charge**	167	\$0.030217	\$5.05
1	Systems Benefit Charge*	167	\$0.005203	\$0.87
1	Legacy Transition Charge*	167	\$0.000946	\$0.16
1	Revenue Decoupling Mechanism*	167	\$0.015110	\$2.52
1	Transmission Revenue Adjustment*	167	(\$0.000080)	-\$0.01
<i>Total Estimated Annual Cost Per Unit:</i>				\$19.17
<i>Quantity of Units:</i>				53
<i>Total Estimated Annual Cost:</i>				\$1,016.06

*Charges stated are in effect on the date of this estimate and are subject to change based on the PSC No: 214 National Grid Schedule for street, highway, roadway and other outdoor lighting tariff rate changes.

**Supply Charge stated is an average of one years' worth of Fluent Energy supply bills dated 12/2018 – 12/2019 and are subject to change.

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Revenue	100	100	100	100	100	100	100	100	100	100	100
Expenses	100	100	100	100	100	100	100	100	100	100	100
Net Income	0	0	0	0	0	0	0	0	0	0	0
Assets	100	100	100	100	100	100	100	100	100	100	100
Liabilities	100	100	100	100	100	100	100	100	100	100	100
Equity	0	0	0	0	0	0	0	0	0	0	0

Account	Billing Start	Billing End	Total kWh	Total Supply Cost
0253663106	12/19/18	12/19/19	21,384	\$645.98
0273663102	12/19/18	12/19/19	27,910	\$843.19
0293663108	12/19/18	12/19/19	10,893	\$329.06
0313663106	12/19/18	12/19/19	6,095	\$184.12
0333663102	12/19/18	12/19/19	126,951	\$3,835.25
0353663108	12/19/18	12/19/19	8,607	\$260.06
0373663104	12/19/18	12/19/19	4,389	\$132.61
0393663100	12/19/18	12/19/19	15,748	\$475.77
0413663108	12/19/18	12/19/19	36,905	\$1,114.88
0433663104	12/19/18	12/19/19	10,333	\$312.11
0453663100	12/19/18	12/19/19	7,873	\$237.84
0473663106	12/19/18	12/19/19	10,042	\$303.34
0493663102	12/19/18	12/19/19	15,253	\$460.78
0513663100	12/19/18	12/19/19	59,405	\$1,794.66
0533663106	12/19/18	12/19/19	5,280	\$159.49
0553663102	12/19/18	12/19/19	7,889	\$238.30
0573663108	12/19/18	12/19/19	8,365	\$252.68
0593663104	12/19/18	12/19/19	10,042	\$303.34
0613663102	12/19/18	12/19/19	5,021	\$151.69
0633663108	12/19/18	12/19/19	10,893	\$329.06
0653663104	12/19/18	12/19/19	10,826	\$326.98
0673663100	12/19/18	12/19/19	718	\$21.73
0693663106	12/19/18	12/19/19	10,826	\$326.98
0713663104	12/19/18	12/19/19	15,253	\$460.78
0733663100	12/19/18	12/19/19	24,186	\$730.67
0753663106	12/19/18	12/19/19	8,965	\$270.83
0773663102	12/19/18	12/19/19	8,247	\$249.16
0793663108	12/19/18	12/19/19	4,922	\$148.65
0813663106	12/19/18	12/19/19	7,381	\$222.95
0833663102	12/19/18	12/19/19	4,922	\$148.65
0853663108	12/19/18	12/19/19	2,460	\$74.36
0873663104	12/19/18	12/19/19	13,629	\$411.69
0893663100	12/19/18	12/19/19	19,606	\$592.31
0913663108	12/19/18	12/19/19	21,518	\$650.02
0933663104	12/19/18	12/19/19	8,858	\$267.59
0953663100	12/19/18	12/19/19	6,814	\$205.89
0973663106	12/19/18	12/19/19	6,095	\$184.12
1283070003	12/19/18	12/19/19	12,678	\$383.00
1473879105	12/19/18	12/19/19	25,588	\$773.03
1493879101	12/19/18	12/19/19	7,531	\$227.47
1513879109	12/19/18	12/19/19	5,513	\$166.56
1533879105	12/19/18	12/19/19	8,965	\$270.83
1553879101	12/19/18	12/19/19	15,063	\$455.06
1573879107	12/19/18	12/19/19	32,768	\$989.91
1593879103	12/19/18	12/19/19	32,983	\$996.45
1613879101	12/19/18	12/19/19	6,405	\$193.53
1633879107	12/19/18	12/19/19	1,793	\$54.13
1653879103	12/19/18	12/19/19	15,588	\$470.92
1673879109	12/19/18	12/19/19	28,741	\$868.30
1693879105	12/19/18	12/19/19	59,385	\$1,794.10
1713879103	12/19/18	12/19/19	19,190	\$579.73
1733879109	12/19/18	12/19/19	3,496	\$105.62
1753879105	12/19/18	12/19/19	57,163	\$1,726.91
1773879101	12/19/18	12/19/19	66,787	\$2,017.64
1793879107	12/19/18	12/19/19	14,830	\$448.00
1793881107	12/19/18	12/19/19	1,919,458	\$57,988.06
1813879105	12/19/18	12/19/19	8,555	\$258.43

Account	Billing Start	Billing End	Total kWh	Total Supply Cost
1833879101	12/19/18	12/19/19	17,222	\$520.23
1853879107	12/19/18	12/19/19	97,270	\$2,938.56
1873881103	12/19/18	12/19/19	37,582	\$1,135.40
1893881109	12/19/18	12/19/19	53,042	\$1,602.44
1913881107	12/19/18	12/19/19	11,317	\$341.96
1933881103	12/19/18	12/19/19	9,814	\$296.45
1953881109	12/19/18	12/19/19	15,421	\$465.85
1973881105	12/19/18	12/19/19	64,578	\$1,950.86
1993881101	12/19/18	12/19/19	7,889	\$238.30
2013881100	12/19/18	12/19/19	19,349	\$584.49
2033881106	12/19/18	12/19/19	5,738	\$173.31
2053881102	12/19/18	12/19/19	27,421	\$828.42
2073881108	12/19/18	12/19/19	89,863	\$2,714.76
2093881104	12/19/18	12/19/19	29,898	\$903.22
2113881102	12/19/18	12/19/19	9,724	\$293.83
2133881108	12/19/18	12/19/19	66,011	\$1,994.19
2153881104	12/19/18	12/19/19	61,200	\$1,848.89
2173881100	12/19/18	12/19/19	6,489	\$196.08
2193881106	12/19/18	12/19/19	3,935	\$118.90
2213881104	12/19/18	12/19/19	9,841	\$297.33
2233881100	12/19/18	12/19/19	2,869	\$86.65
2253881106	12/19/18	12/19/19	8,291	\$250.48
4273016009	12/19/18	12/19/19	3,227	\$97.47
6004895109	12/6/18	12/6/19	3,492	\$137.13
6073881102	12/19/18	12/19/19	28,825	\$870.79
6093881108	12/19/18	12/19/19	1,435	\$43.33
6113881106	12/19/18	12/19/19	5,415	\$163.62
6133881102	12/19/18	12/19/19	70,289	\$2,123.42
6153881108	12/19/18	12/19/19	23,687	\$715.61
6173878107	12/19/18	12/19/19	5,905	\$178.40
6173881104	12/19/18	12/19/19	20,174	\$609.48
6193878103	12/19/18	12/19/19	7,080	\$213.93
6193881100	12/19/18	12/19/19	5,415	\$163.62
6213878101	12/19/18	12/19/19	13,286	\$401.36
6213881108	12/19/18	12/19/19	41,332	\$1,248.70
6233878107	12/19/18	12/19/19	14,136	\$427.07
6233879104	12/19/18	12/19/19	5,280	\$159.49
6233881104	12/19/18	12/19/19	2,869	\$86.65
6244895105	12/6/18	12/6/19	696	\$27.42
6253878103	12/19/18	12/19/19	3,443	\$104.02
6253879100	12/19/18	12/19/19	4,664	\$140.86
6253881100	12/19/18	12/19/19	76,561	\$2,312.95
6273878109	12/19/18	12/19/19	84,784	\$2,561.34
6273879106	12/19/18	12/19/19	9,349	\$282.43
6273881106	12/19/18	12/19/19	66,679	\$2,014.36
6293878105	12/19/18	12/19/19	60,447	\$1,826.15
6293879102	12/19/18	12/19/19	3,443	\$104.02
6293881102	12/19/18	12/19/19	59,914	\$1,810.03
6313878103	12/19/18	12/19/19	79,568	\$2,403.73
6313879100	12/19/18	12/19/19	11,027	\$333.10
6313881100	12/19/18	12/19/19	11,476	\$346.65
6333878109	12/19/18	12/19/19	4,664	\$140.86
6333879106	12/19/18	12/19/19	4,429	\$133.83
6333881106	12/19/18	12/19/19	6,363	\$192.26
6353878105	12/19/18	12/19/19	21,651	\$654.09
6353879102	12/19/18	12/19/19	2,954	\$89.26
6353881102	12/19/18	12/19/19	52,223	\$1,577.65

Account	Billing Start	Billing End	Total kWh	Total Supply Cost
6373878101	12/19/18	12/19/19	5,021	\$151.69
6373879108	12/19/18	12/19/19	3,935	\$118.90
6373881108	12/19/18	12/19/19	10,534	\$318.22
6393878107	12/19/18	12/19/19	3,935	\$118.90
6393879104	12/19/18	12/19/19	11,808	\$356.69
6393881104	12/19/18	12/19/19	4,253	\$128.42
6413878105	12/19/18	12/19/19	8,858	\$267.59
6413879102	12/19/18	12/19/19	6,095	\$184.12
6413881102	12/19/18	12/19/19	10,126	\$305.90
6433879108	12/19/18	12/19/19	6,395	\$193.23
6433881108	12/19/18	12/19/19	5,738	\$173.31
6453879104	12/19/18	12/19/19	12,792	\$386.41
6453881104	12/19/18	12/19/19	60,515	\$1,828.14
6473879100	12/19/18	12/19/19	2,460	\$74.36
6473881100	12/19/18	12/19/19	8,247	\$249.16
6493879106	12/19/18	12/19/19	10,333	\$312.11
6513879104	12/19/18	12/19/19	4,922	\$148.65
6533879100	12/19/18	12/19/19	13,778	\$416.17
6553879106	12/19/18	12/19/19	12,792	\$386.41
6573879102	12/19/18	12/19/19	18,206	\$549.95
6593879108	12/19/18	12/19/19	3,443	\$104.02
6613879106	12/19/18	12/19/19	11,808	\$356.69
6633879102	12/19/18	12/19/19	2,460	\$74.36
6653879108	12/19/18	12/19/19	5,415	\$163.62
6673879104	12/19/18	12/19/19	3,935	\$118.90
6693879100	12/19/18	12/19/19	19,190	\$579.73
6713879108	12/19/18	12/19/19	7,873	\$237.84
6733879104	12/19/18	12/19/19	7,080	\$213.93
6753879100	12/19/18	12/19/19	9,349	\$282.43
6773879106	12/19/18	12/19/19	1,477	\$44.60
6793879102	12/19/18	12/19/19	2,869	\$86.65
6813879100	12/19/18	12/19/19	5,923	\$177.31
6833879106	12/19/18	12/19/19	2,954	\$89.26
6853879102	12/19/18	12/19/19	6,890	\$208.18
6873879108	12/19/18	12/19/19	7,873	\$237.84
6893879104	12/19/18	12/19/19	6,395	\$193.23
6913879102	12/19/18	12/19/19	5,905	\$178.40
6933879108	12/19/18	12/19/19	5,415	\$163.62
6953879104	12/19/18	12/19/19	11,317	\$341.96
6993879106	12/19/18	12/19/19	12,911	\$390.01
7013879105	12/19/18	12/19/19	9,841	\$297.33
7033879101	12/19/18	12/19/19	5,781	\$174.61
7053879107	12/19/18	12/19/19	25,588	\$773.03
7073879103	12/19/18	12/19/19	4,429	\$133.83
7093879109	12/19/18	12/19/19	21,651	\$654.09
9273882106	12/19/18	12/19/19	40,349	\$1,218.94
9393882104	12/19/18	12/19/19	228,231	\$6,894.93
Grand Total			5,095,025	\$153,958.60

Supply \$/kWh	\$0.030217
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NIAGARA MOHAWK POWER CORPORATION
STATEMENT OF SUPPLY SERVICE CHARGES

FOR THE BILLING MONTH OF FEBRUARY 2022

Applicable to Billings Under P.S.C. No. 214 Outdoor Lighting

EFFECTIVE: JANUARY 28, 2022 FOR BATCH BILLINGS

EFFECTIVE: FEBRUARY 1, 2022 FOR CALENDAR MONTH BILLINGS

All rates are dollars/kWh

Commodity Rates

Rule 46.3 Electricity Supply Reconciliation Mechanism (ESRM)

Service Classification	New Hedge Adjustment	Balance of the ESRM	Zone	Billed Rate ESRM
All Outdoor Lighting service classifications		0.005897	All Zones	0.005897

Delivery Rates

Rule 46.2 Legacy Transition Charge

Service Classification	Rule 46.2.6 NYPA Benefit			Zone	Billed Rate LTC
	Rule 46.2 LTC	NYPA R&D Contracts	Recharge NY RCD Payment		
All Outdoor Lighting service classifications	0.000946			All Zones	0.000946

Rates shown above are exclusive of gross receipts taxes.

Cancelled by Doc. Num. 126 effective 02/28/2022

Issued by: Rudolph L. Wynter, President, Syracuse, New York

Dated: January 25, 2022

PSC NO. 214 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: APRIL 30, 2021

STATEMENT TYPE: RDM
STATEMENT NO. 5
PAGE 1 of 1

**NIAGARA MOHAWK POWER CORPORATION
REVENUE DECOUPLING MECHANISM ("RDM") STATEMENT NO. 5**

**EFFECTIVE: BILLING CYCLE 1, APRIL 30, 2021 THROUGH
BILLING CYCLE 20, JUNE 28, 2022 FOR BATCH BILLINGS**

**EFFECTIVE: MAY 1, 2021 – JUNE 30, 2022 FOR CALENDAR MONTH
BILLINGS**

PSC No. 214

RDM Adjustment/kWh

All Classes

\$0.01511

Rate of Adjustment shown is exclusive of Gross Receipt Taxes.

Issued by: Rudolph L. Wynter, President, Syracuse, New York

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PSC NO: 214 ELECTRICITY
 NIAGARA MOHAWK POWER CORPORATION
 INITIAL EFFECTIVE DATE: FEBRUARY 1, 2022
 STAMPS: Issued in Compliance with Order in Case 20-E-0380, dated January 20, 2022.

LEAF: 55
 REVISION: 22
 SUPERSEDING REVISION: 21

SERVICE CLASSIFICATION NO. 3 (Continued)

3. Hours of Operation

The monthly assignment of equivalent operating hours specific to the referenced operation schedule is presented in Table 2, below. The adaptive schedule titles provide a reference only to a general operating schedule which provides illumination performance similar to the presented Equivalent Hours of operation. These titles depict the designated adaptive operation occurring after mid-night for a period of approximately 5 hours. The Company is not responsible for any damages, claims or other liabilities associated with the customer's selection and/or implementation of an adaptive schedule, including but not limited to whether the adaptive schedule provides adequate illumination. Reference General Information, Section V.

Table 2 - Hours of Operation

Monthly Hours of Operation Schedules (Equivalent Hours)

<u>Months</u>	<u>Schedule:</u>	<u>Adaptive Schedules</u>					
		<u>Continuous</u>	<u>Normal</u>	<u>Dim-70</u>	<u>Dim-50</u>	<u>Dim-30</u>	<u>Part-Night</u>
January		744	444	398	367	336	289
February*		672	368	326	298	270	228
March		744	362	316	285	254	207
April		720	305	261	231	201	157
May		744	275	234	207	179	138
June		720	246	209	185	160	123
July		744	264	225	198	172	132
August		744	301	257	226	196	151
September		720	334	289	259	229	184
October		744	393	347	316	285	238
November		720	421	376	346	316	271
December		744	457	411	380	349	302
Total		8760	4170	3648	3298	2947	2420
<u>*Leap Year Adjustment</u>							
February		696	381	338	309	280	236
Adjusted Leap Year Total		8784	4183	3661	3309	2957	2428

4. Distribution Delivery Charge for all Load Zones, per kWh \$0.06340

5. Company Supplied Electricity Supply Service Charges, per kWh
 Reference General Information, Section IV.

B. Adjustment to Volumetric Charges

Reference General Information, Section IV.

1. The purpose of this document is to provide a detailed description of the system architecture and its components. This document is intended for use by system administrators and developers.

2. The system architecture is based on a modular design, allowing for scalability and flexibility. The main components of the system are the client, the server, and the database. The client is responsible for sending requests to the server, which then processes these requests and returns the results to the client. The database is used to store and retrieve data from the system.

3. The system architecture is designed to be secure and reliable. All data is encrypted in transit and at rest. The system is also designed to be fault-tolerant, with redundant components and a failover mechanism.

Component	Version	Manufacturer	Model	Serial	Location	Status
Server 1	1.0	HP	ProLiant	12345	Room 101	Operational
Server 2	1.0	HP	ProLiant	67890	Room 101	Operational
Server 3	1.0	HP	ProLiant	11111	Room 101	Operational
Server 4	1.0	HP	ProLiant	22222	Room 101	Operational
Server 5	1.0	HP	ProLiant	33333	Room 101	Operational
Server 6	1.0	HP	ProLiant	44444	Room 101	Operational
Server 7	1.0	HP	ProLiant	55555	Room 101	Operational
Server 8	1.0	HP	ProLiant	66666	Room 101	Operational
Server 9	1.0	HP	ProLiant	77777	Room 101	Operational
Server 10	1.0	HP	ProLiant	88888	Room 101	Operational
Server 11	1.0	HP	ProLiant	99999	Room 101	Operational
Server 12	1.0	HP	ProLiant	00000	Room 101	Operational
Server 13	1.0	HP	ProLiant	10101	Room 101	Operational
Server 14	1.0	HP	ProLiant	20202	Room 101	Operational
Server 15	1.0	HP	ProLiant	30303	Room 101	Operational
Server 16	1.0	HP	ProLiant	40404	Room 101	Operational
Server 17	1.0	HP	ProLiant	50505	Room 101	Operational
Server 18	1.0	HP	ProLiant	60606	Room 101	Operational
Server 19	1.0	HP	ProLiant	70707	Room 101	Operational
Server 20	1.0	HP	ProLiant	80808	Room 101	Operational
Server 21	1.0	HP	ProLiant	90909	Room 101	Operational
Server 22	1.0	HP	ProLiant	01010	Room 101	Operational
Server 23	1.0	HP	ProLiant	11111	Room 101	Operational
Server 24	1.0	HP	ProLiant	21212	Room 101	Operational
Server 25	1.0	HP	ProLiant	31313	Room 101	Operational
Server 26	1.0	HP	ProLiant	41414	Room 101	Operational
Server 27	1.0	HP	ProLiant	51515	Room 101	Operational
Server 28	1.0	HP	ProLiant	61616	Room 101	Operational
Server 29	1.0	HP	ProLiant	71717	Room 101	Operational
Server 30	1.0	HP	ProLiant	81818	Room 101	Operational
Server 31	1.0	HP	ProLiant	91919	Room 101	Operational
Server 32	1.0	HP	ProLiant	02020	Room 101	Operational
Server 33	1.0	HP	ProLiant	12121	Room 101	Operational
Server 34	1.0	HP	ProLiant	22222	Room 101	Operational
Server 35	1.0	HP	ProLiant	32323	Room 101	Operational
Server 36	1.0	HP	ProLiant	42424	Room 101	Operational
Server 37	1.0	HP	ProLiant	52525	Room 101	Operational
Server 38	1.0	HP	ProLiant	62626	Room 101	Operational
Server 39	1.0	HP	ProLiant	72727	Room 101	Operational
Server 40	1.0	HP	ProLiant	82828	Room 101	Operational
Server 41	1.0	HP	ProLiant	92929	Room 101	Operational
Server 42	1.0	HP	ProLiant	03030	Room 101	Operational
Server 43	1.0	HP	ProLiant	13131	Room 101	Operational
Server 44	1.0	HP	ProLiant	23232	Room 101	Operational
Server 45	1.0	HP	ProLiant	33333	Room 101	Operational
Server 46	1.0	HP	ProLiant	43434	Room 101	Operational
Server 47	1.0	HP	ProLiant	53535	Room 101	Operational
Server 48	1.0	HP	ProLiant	63636	Room 101	Operational
Server 49	1.0	HP	ProLiant	73737	Room 101	Operational
Server 50	1.0	HP	ProLiant	83838	Room 101	Operational
Server 51	1.0	HP	ProLiant	93939	Room 101	Operational
Server 52	1.0	HP	ProLiant	04040	Room 101	Operational
Server 53	1.0	HP	ProLiant	14141	Room 101	Operational
Server 54	1.0	HP	ProLiant	24242	Room 101	Operational
Server 55	1.0	HP	ProLiant	34343	Room 101	Operational
Server 56	1.0	HP	ProLiant	44444	Room 101	Operational
Server 57	1.0	HP	ProLiant	54545	Room 101	Operational
Server 58	1.0	HP	ProLiant	64646	Room 101	Operational
Server 59	1.0	HP	ProLiant	74747	Room 101	Operational
Server 60	1.0	HP	ProLiant	84848	Room 101	Operational
Server 61	1.0	HP	ProLiant	94949	Room 101	Operational
Server 62	1.0	HP	ProLiant	05050	Room 101	Operational
Server 63	1.0	HP	ProLiant	15151	Room 101	Operational
Server 64	1.0	HP	ProLiant	25252	Room 101	Operational
Server 65	1.0	HP	ProLiant	35353	Room 101	Operational
Server 66	1.0	HP	ProLiant	45454	Room 101	Operational
Server 67	1.0	HP	ProLiant	55555	Room 101	Operational
Server 68	1.0	HP	ProLiant	65656	Room 101	Operational
Server 69	1.0	HP	ProLiant	75757	Room 101	Operational
Server 70	1.0	HP	ProLiant	85858	Room 101	Operational
Server 71	1.0	HP	ProLiant	95959	Room 101	Operational
Server 72	1.0	HP	ProLiant	06060	Room 101	Operational
Server 73	1.0	HP	ProLiant	16161	Room 101	Operational
Server 74	1.0	HP	ProLiant	26262	Room 101	Operational
Server 75	1.0	HP	ProLiant	36363	Room 101	Operational
Server 76	1.0	HP	ProLiant	46464	Room 101	Operational
Server 77	1.0	HP	ProLiant	56565	Room 101	Operational
Server 78	1.0	HP	ProLiant	66666	Room 101	Operational
Server 79	1.0	HP	ProLiant	76767	Room 101	Operational
Server 80	1.0	HP	ProLiant	86868	Room 101	Operational
Server 81	1.0	HP	ProLiant	96969	Room 101	Operational
Server 82	1.0	HP	ProLiant	07070	Room 101	Operational
Server 83	1.0	HP	ProLiant	17171	Room 101	Operational
Server 84	1.0	HP	ProLiant	27272	Room 101	Operational
Server 85	1.0	HP	ProLiant	37373	Room 101	Operational
Server 86	1.0	HP	ProLiant	47474	Room 101	Operational
Server 87	1.0	HP	ProLiant	57575	Room 101	Operational
Server 88	1.0	HP	ProLiant	67676	Room 101	Operational
Server 89	1.0	HP	ProLiant	77777	Room 101	Operational
Server 90	1.0	HP	ProLiant	87878	Room 101	Operational
Server 91	1.0	HP	ProLiant	97979	Room 101	Operational
Server 92	1.0	HP	ProLiant	08080	Room 101	Operational
Server 93	1.0	HP	ProLiant	18181	Room 101	Operational
Server 94	1.0	HP	ProLiant	28282	Room 101	Operational
Server 95	1.0	HP	ProLiant	38383	Room 101	Operational
Server 96	1.0	HP	ProLiant	48484	Room 101	Operational
Server 97	1.0	HP	ProLiant	58585	Room 101	Operational
Server 98	1.0	HP	ProLiant	68686	Room 101	Operational
Server 99	1.0	HP	ProLiant	78787	Room 101	Operational
Server 100	1.0	HP	ProLiant	88888	Room 101	Operational

4. The system architecture is designed to be secure and reliable. All data is encrypted in transit and at rest. The system is also designed to be fault-tolerant, with redundant components and a failover mechanism.

5. The system architecture is designed to be scalable and flexible. The main components of the system are the client, the server, and the database. The client is responsible for sending requests to the server, which then processes these requests and returns the results to the client. The database is used to store and retrieve data from the system.

6. The system architecture is designed to be secure and reliable. All data is encrypted in transit and at rest. The system is also designed to be fault-tolerant, with redundant components and a failover mechanism.

7. The system architecture is designed to be scalable and flexible. The main components of the system are the client, the server, and the database. The client is responsible for sending requests to the server, which then processes these requests and returns the results to the client. The database is used to store and retrieve data from the system.

PSC NO: 214 ELECTRICITY
NIAGARA MOHAWK POWER CORPORATION
INITIAL EFFECTIVE DATE: 01/01/2022

STATEMENT TYPE: SBC
STATEMENT NO: 38
PAGE 1 OF 1

STAMP: Issued in Compliance with orders issued September 9, 2021 in Case 14-M-0094, and February 11, 2021 in Case 20-M-0082.

NIAGARA MOHAWK POWER CORPORATION
STATEMENT OF SYSTEM BENEFITS CHARGE
(RULE NO. 41)
APPLICABLE TO BILLINGS UNDER P.S.C. NO. 214 ELECTRICITY

<u>EFFECTIVE RATE OF ADJUSTMENT:</u>	<u>SBC CEF</u> <u>per kWh</u>	<u>IEDR</u> <u>per kWh</u>	<u>Total Factor</u> <u>per kWh</u>
	\$0.005147	\$0.000056	\$0.005203

- (1) SBC CEF covers the cost of energy efficiency programs and clean energy activities conducted by NYSERDA.
- (2) IEDR covers the cost of NYSERDA's Phase 1 development of the Integrated Energy Data Resource Plan.

Service Classifications subject to the the SBC are defined in Rule 41
of PSC No. 220 Electricity, General Information

Rate of Adjustment shown is exclusive of Gross Receipt Taxes

Issued by: Rudolph L. Wynter, President, Syracuse, New York
December 17, 2021

Cancelled by Doc. Num. 39 effective 01/01/2023

TABLE 1
SUMMARY OF DATA
FOR THE STUDY

TABLE 2
SUMMARY OF DATA
FOR THE STUDY

TABLE 3
SUMMARY OF DATA
FOR THE STUDY

TABLE 4
SUMMARY OF DATA
FOR THE STUDY

TABLE 5
SUMMARY OF DATA
FOR THE STUDY

PSC No. 214 Electricity
Niagara Mohawk Power Corporation
Initial Effective Date: JANUARY 28, 2022

Statement Type: TRAS
Statement No. 245

**NIAGARA MOHAWK POWER CORPORATION
STATEMENT OF TRANSMISSION REVENUE ADJUSTMENT**

**EFFECTIVE: JANUARY 28, 2022 FOR BATCH BILLINGS
EFFECTIVE: FEBRUARY 1, 2022 FOR CALENDAR MONTH BILLINGS**

**APPLICABLE TO BILLINGS SET FORTH BELOW
UNDER P.S.C. NO. 214 ELECTRICITY
(PSC No. 220 - Rule No. 43)**

PSC No. 214

\$/kWh

SC1	(\$0.00008)
SC2/3	(\$0.00008)
SC4/6	(\$0.00008)

*Rates shown above are exclusive of gross receipts taxes.

Issued by Rudolph L. Wynter, President, Syracuse, New York
January 21, 2022

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Tax Impact
 4%
 20
 \$1,350,000

2022 CIP#: H-16 Evergreen Landing LED Streetlights

(\$99,335.36)

1	\$1,350,000	\$	54,000.00	\$	(99,335.36)	\$	1,304,664.64	
2	\$	1,304,664.64	\$	52,186.59	\$	(99,335.36)	\$	1,257,515.86
3	\$	1,257,515.86	\$	50,300.63	\$	(99,335.36)	\$	1,208,481.13
4	\$	1,208,481.13	\$	48,339.25	\$	(99,335.36)	\$	1,157,485.01
5	\$	1,157,485.01	\$	46,299.40	\$	(99,335.36)	\$	1,104,449.05
6	\$	1,104,449.05	\$	44,177.96	\$	(99,335.36)	\$	1,049,291.65
7	\$	1,049,291.65	\$	41,971.67	\$	(99,335.36)	\$	991,927.95
8	\$	991,927.95	\$	39,677.12	\$	(99,335.36)	\$	932,269.71
9	\$	932,269.71	\$	37,290.79	\$	(99,335.36)	\$	870,225.13
10	\$	870,225.13	\$	34,809.01	\$	(99,335.36)	\$	805,698.78
11	\$	805,698.78	\$	32,227.95	\$	(99,335.36)	\$	738,591.36
12	\$	738,591.36	\$	29,543.65	\$	(99,335.36)	\$	668,799.66
13	\$	668,799.66	\$	26,751.99	\$	(99,335.36)	\$	596,216.28
14	\$	596,216.28	\$	23,848.65	\$	(99,335.36)	\$	520,729.57
15	\$	520,729.57	\$	20,829.18	\$	(99,335.36)	\$	442,223.39
16	\$	442,223.39	\$	17,688.94	\$	(99,335.36)	\$	360,576.96
17	\$	360,576.96	\$	14,423.08	\$	(99,335.36)	\$	275,664.67
18	\$	275,664.67	\$	11,026.59	\$	(99,335.36)	\$	187,355.90
19	\$	187,355.90	\$	7,494.24	\$	(99,335.36)	\$	95,514.77
20	\$	95,514.77	\$	3,820.59	\$	(99,335.36)	\$	(0.00)
					\$	(1,986,707.26)		

annual payment \$ (99,335.36)

2022 Lighting District AV + Estimated Evergreen AV \$5,436,561,064

cost per \$1,000 AV \$ (0.0183)

est annual cost for \$200,000 home (3.6543)

Est annual cost for \$250,000 home (4.5679)

Est annual cost for \$235,000 home (4.2939)

Costs for district expansion to include Evergreen:

		Per \$235,000 AV
annual bond cost	\$ 99,335.36	\$4.2939
estimated annual street light energy charge	\$ 1,399.41	\$0.0605
estimated annual maintenance charge	\$ 1,606.00	\$0.0694
	\$ 102,340.77	\$4.4238

73 lights at \$19.17 each
 73 lights at \$22.00 each

2022 Lighting District AV + Estimated Evergreen AV \$5,436,561,064.00

Average home AV in lighting district per Town Assessor \$235,000

2022 Lighting District AV	\$5,367,369,978
Evergreen Landing Est. AV (197 homes @ \$351,223.79)	\$69,191,087
	<u>\$5,436,561,065</u>

1. The first part of the document discusses the importance of maintaining accurate records of all communications and activities. It emphasizes that this information is critical for ensuring the integrity and security of the system.

2. The second part details the specific procedures for handling sensitive information, including the use of secure communication channels and the implementation of strict access controls. It also outlines the requirements for personnel handling such information, including background checks and ongoing training.

3. The third part addresses the need for regular audits and reviews of the system's performance and security posture. It highlights the importance of identifying and addressing vulnerabilities promptly to prevent potential breaches or data loss.

4. The final part of the document provides a summary of the key findings and recommendations, along with a timeline for implementing the necessary changes. It concludes by reiterating the commitment to maintaining the highest standards of security and confidentiality.

5. The document also includes a section on the roles and responsibilities of various stakeholders, including management, technical staff, and external partners. It clarifies the expectations for each group and the consequences of non-compliance with the established policies.

6. Additionally, there is a section on the legal and regulatory requirements that apply to the system, ensuring that all operations are conducted in full compliance with applicable laws and industry standards.

7. The document further discusses the importance of incident response planning and the need to have a clear, tested plan in place to handle any security incidents that may occur.

8. Finally, it emphasizes the ongoing nature of security and the need for continuous improvement through regular updates, testing, and collaboration with the security community.

APPENDIX A

This appendix provides detailed information regarding the system's architecture and the specific components that support its operation. It includes a comprehensive list of hardware and software resources, along with their configurations and interconnections.

The architecture is designed to ensure high availability, scalability, and security. Key components include the central processing units, storage systems, network infrastructure, and the various application layers. Each component is carefully selected and configured to meet the system's requirements and to provide a robust and reliable environment for the user.

The document also describes the data flow and the interactions between different parts of the system, highlighting the critical paths and the potential points of failure. This information is essential for understanding the system's overall behavior and for identifying areas where additional security measures may be required.

Furthermore, the appendix includes a detailed description of the system's security controls, including the implementation of firewalls, intrusion detection systems, and encryption mechanisms. It also outlines the procedures for monitoring and logging system activity to facilitate the detection and investigation of any suspicious events.

The appendix also provides information on the system's performance characteristics and the methods used to measure and optimize its efficiency. It includes data on system uptime, response times, and resource utilization, along with the steps taken to address any performance issues that may arise.

In addition, there is a section on the system's disaster recovery and business continuity plans, detailing the procedures for restoring the system in the event of a major outage or disaster. This section also includes information on the system's backup and recovery capabilities, ensuring that data is protected and can be recovered in a timely manner.

Finally, the appendix includes a glossary of terms and a list of references, providing a comprehensive overview of the system's technical details and the resources used in its development and maintenance.

VERIFICATION

STATE OF NEW YORK)

COUNTY OF ERIE) SS.:

Brian Kulpa, being duly sworn, deposes and says that he is the Supervisor of the Town of Amherst, the Town named in the within entitled action; that he has read the foregoing application and knows the contents thereof; and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.



Brian Kulpa, Supervisor

Sworn to before me this
14th day of June, 2023



Notary Public

LYNDA L. JUUL
Notary Public, State of New York
Registration No. 01JU6035796
Qualified in Erie County
My Commission Expires January 3, 2026

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LYNDA E. JULI
Representative District 11
House of Representatives
1000 North Capitol
Washington, D.C. 20515

June 6, 2023

Town Board of the Town of Amherst
Attn: Brian J. Kulpa, Town Supervisor
5583 Main Street
Williamsville, New York 14221

Re: Extension of Town's Consolidated Lighting District
(Evergreen Landing Subdivision)

Ladies and Gentlemen:

This opinion is being furnished to you in connection with the submission by the Town of Amherst, Erie County, New York (the "Town"), of a Part 85 application (the "Application") seeking consent in connection with the extension of the Town's Consolidated Lighting District and improvements in connection therewith (the "Extension").

We have acted as special counsel to the Town and have examined originals or true and complete copies of all records, documents and other instruments in connection with the Extension, including, but not limited to: (i) the Constitution of the State of New York (the "State") and relevant statutes, including but not limited to, the New York Town Law, the State Environmental Quality Review Act and all other relevant State statutes; (ii) all orders and resolutions of the Town Board of the Town pertaining to the Extension and the Application; (iii) proof of any posting and publication of required notices; (iv) the map, plan and report prepared by the Town's Engineers; (v) all proposed contracts referred to in the Application; and (vi) the Application, a copy of which is submitted herewith.

Based upon the foregoing and upon such other information and documents and such investigation of fact and law as we believe necessary to enable us to render this opinion, we are of the opinion that:

(1) the Application contains all information required by the applicable statutes and regulations;

(2) in connection with the Extension, the Town has undertaken all actions and proceedings required by applicable provisions of law pursuant to Article 12-A of the New York Town Law and such proceedings meet the requirements set forth therein, and further:

(i) notwithstanding that it did not contain a description of the boundaries of the Extension or the cost to the typical property therein, the Order Calling a Public Hearing, dated March 14, 2022, complies with Town Law Section 209-d in that (i) the reference to

the Evergreen Landing Subdivision “is sufficient to identify the lands” so as to provide proper notice of such hearing to those property owners within the Extension (those that live in the subdivision), (ii) whereas no petition was filed by said property owners, the Extension is being undertaken by the Town Board at the request of such owners, and (ii) the specific boundaries and the cost to the typical property of the District were further described in the map, plan and report referenced in the Order and made available at the office of the Town Clerk prior to the hearing;

(ii) due to an unintentional clerical error the Public Interest Order, dated April 11, 2022, approving the Extension, did not reference findings that all the property and property owners within the Extension are benefited thereby, and that all the property and property owners benefited are included within the limits of the Extension, however, such determinations were apart of the map, plan and report and such information was made available to the property owners within the Extension at the public hearing, as such the Public Interest Order substantially complies with Town Law Section 209-e.

(3) no petition was received by the Town calling for a referendum in connection with the Extension;

(4) the Extension has been duly authorized by the Town as required by the statute except for:

(i) obtaining the permission or consent of the Comptroller;

(ii) the adoption of any order or resolution required to be adopted after the Comptroller has granted such consent or permission; and

(iii) any publication of any notice required to be published after receipt of such consent or permission;

(5) the Town is not aware of any material pending or threatened lawsuits or claims relating to the Extension; and

(6) any assessments, charges or taxes to be levied or imposed to finance the Extension are authorized by statute and all necessary actions that can be taken have been taken by the Town to authorize the imposition or levy of such assessments, charges or taxes; provided, however, further legal steps are required to determine and finalize the amount of such assessments after the actual project cost has been determined.

Town of Amherst
June 6, 2023
Page 3

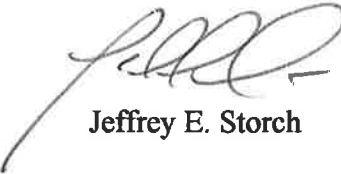
HARRIS BEACH PLLC
ATTORNEYS AT LAW

Although this opinion is rendered to the Town, the State Comptroller may rely upon it in considering the Application.

The foregoing opinions are limited to the laws of the State, and we express no opinion as to the effect on the matters covered by this letter of the laws of any other jurisdiction and their effect on the matters covered by this letter.

Very truly yours,

HARRIS BEACH PLLC

A handwritten signature in black ink, appearing to read "Jeffrey E. Storch", is written over the printed name.

Jeffrey E. Storch

1. The committee has reviewed the proposed rule and has determined that it is necessary to amend the rule to clarify the requirements for the submission of evidence in support of a claim for damages. The committee has determined that the proposed rule should be amended to require the claimant to submit evidence that is relevant to the claim and that is in the claimant's possession, custody, or control, or that is in the possession, custody, or control of a person who is under a duty to maintain the evidence. The committee has determined that the proposed rule should be amended to require the claimant to submit evidence that is in the form of a physical object, a photograph, a video, or a document. The committee has determined that the proposed rule should be amended to require the claimant to submit evidence that is in the form of a physical object, a photograph, a video, or a document. The committee has determined that the proposed rule should be amended to require the claimant to submit evidence that is in the form of a physical object, a photograph, a video, or a document.

SECTION 101.001

101.001. A claimant who files a claim for damages shall submit evidence in support of the claim that is relevant to the claim and that is in the claimant's possession, custody, or control, or that is in the possession, custody, or control of a person who is under a duty to maintain the evidence. The evidence shall be in the form of a physical object, a photograph, a video, or a document.

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-5	NYS DEPARTMENT OF TAXATION & FINANCE	List of Certified 2023 Class Equalization Rates
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Attachments

23COMM. 16M-5

List of Certified 2023 Class Equalization Rates

Mr. Robert M. Graber , Clerk
Erie County Legislature
Old County Hall, 4th Fl.
92 Franklin Street
Buffalo, NY 14202

EC LEG AUG 8 '23 PM4:32

Subpart 8166-2 of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York specifies that a certified statement setting forth the final class equalization rates for each special assessing unit, and for each approved assessing unit which has adopted the Homestead provisions of Article 19 of the Real Property Tax Law, shall be filed with the clerk of the legislative body of the county.

Listed below are final class equalization rates for the 2023 assessment rolls which have been established to date for the municipalities in your county. Where a final class rate has been certified to you and subsequently rescinded this is also noted.

Approved Assessing Unit:	SWIS Code	Date Established
City of Buffalo	140200	5/2/2023
Portions:	Homestead	NonHomestead
City of Buffalo	62.25	70.00

Approved Assessing Unit:	SWIS Code	Date Established
Town of Tonawanda	146400	7/27/2023
Portions:	Homestead	NonHomestead
Town of Tonawanda	24.00	28.84
Village of Kenmore	24.00	21.77
Tonawanda TOV	24.00	29.72

List of Certified 2023 Class Equalization Rates

(continued)	SWIS Code	Date Established
		7/27/2023
Portions:	Homestead	NonHomestead
Sweet Home School District	24.00	20.91

I hereby certify that the State Office of Real Property Tax Services has established the class equalization rates for the 2023 assessment roll shown on this document for the above municipalities.



Brian F. Moon
Real Property Analyst 2

Mr. Scott Bylewski, County Director
Erie County RPTS
Rath Building Room 100
95 Franklin Street
Buffalo, NY 14202

List of Certified 2023 State Equalization Rates

Mr. Robert M. Graber , Clerk
Erie County Legislature
Old County Hall, 4th Fl.
92 Franklin Street
Buffalo, NY 14202

Subpart 8186-2 of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York specifies that a certified statement setting forth the final State equalization rate for each municipality shall be filed with the clerk of the legislative body of the county.

Listed below are final State equalization rates for the 2023 assessment rolls which have been established to date for the municipalities in your county. If a final equalization rate for a municipality has been certified to you and subsequently rescinded this is also noted.

Municipal Code	Municipal Name	State Equalization Rate	Date Established	County Full Valuation of Taxable Real Property
140200	City of Buffalo	70.00	04/07/2023	
140900	City of Lackawanna	79.00	04/05/2023	
141600	City of Tonawanda	100.00	06/08/2023	
142000	Town of Alden	63.50	05/18/2023	
142200	Town of Amherst	62.00	05/18/2023	
142400	Town of Aurora	24.00	05/18/2023	
142600	Town of Boston	59.50	05/18/2023	
142800	Town of Brant	59.00	05/18/2023	
143000	Town of Cheektowaga	91.00	05/18/2023	
143200	Town of Clarence	80.00	06/13/2023	
143400	Town of Colden	28.00	06/13/2023	
143600	Town of Collins	36.00	05/25/2023	
143800	Town of Concord	32.00	05/18/2023	
144000	Town of Eden	41.00	05/18/2023	
144200	Town of Elma	2.80	06/15/2023	
144400	Town of Evans	58.00	05/18/2023	
144600	Town of Grand Island	76.00	05/18/2023	
144800	Town of Hamburg	32.00	05/18/2023	
145000	Town of Holland	60.00	05/18/2023	
145200	Town of Lancaster	75.00	05/18/2023	
145400	Town of Marilla	25.00	05/18/2023	
145600	Town of Newstead	100.00	06/08/2023	
145800	Town of North Collins	56.00	05/18/2023	
146000	Town of Orchard Park	34.00	05/18/2023	

List of Certified 2023 State Equalization Rates

Municipal Code	Municipal Name	State Equalization Rate	Date Established	County Full Valuation of Taxable Real Property
146200	Town of Sardinia	39.00	05/18/2023	
146400	Town of Tonawanda	24.00	06/13/2023	
146600	Town of Wales	28.00	05/18/2023	
146800	Town of West Seneca	26.00	05/18/2023	

* The final State equalization rate has been rescinded, the revised State equalization rate is shown.

Villages that have adopted the provisions of Section 1402-3 of the Real Property Tax Law and have ceased to be assessing units are not listed on this report. Section 1202 of the Real Property Tax Law specifies that the State equalization rate established by the State Office for the town or county assessment roll shall be deemed to be the State equalization rate established for these villages.

I hereby certify that the State Office of Real Property Tax Services has established the State equalization rates for the 2023 assessment roll shown on this document for the above municipalities.



Brian F. Moon
Real Property Analyst 2

Mr. Scott Bylewski, County Director
Erie County RPTS
Rath Building Room 100
95 Franklin Street
Buffalo, NY 14202

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-6	NYS DEC	Adoption Notice for Rule-Makings - Petroleum Bulk Storage & Chemical Bulk Storage
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Attachments

23COMM. 16M-6

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, July 26, 2023 1:35 PM
To: Graber, Robert
Subject: Adoption Notice for Rule-makings - 6 NYCRR Part 613, Petroleum Bulk Storage (PBS) Regulations and 6 NYCRR Parts 597/598, Chemical Bulk Storage (CBS) Regulations

[Caution: this email is **not** from an Erie County employee: attachments or links **may not be safe.**]



Adoption Notice for Rule-makings - 6 NYCRR Part 613, Petroleum Bulk Storage (PBS) Regulations and 6 NYCRR Parts 597/598, Chemical Bulk Storage (CBS) Regulations

Notice is hereby given that the DEC is adopting amendments to 6 NYCRR Part 613 of the Petroleum Bulk Storage (PBS) regulations and 6 NYCRR Parts 596-599 of the Chemical Bulk Storage (CBS) regulations. This adopted rule-making was published in the New York State Register and DEC's Environmental Notice Bulletin on July 19, 2023.

https://www.dec.ny.gov/enb/20230719_not0.html

These PBS and CBS rule-makings are principally aimed at harmonizing existing State requirements with federal requirements (40 CFR Parts 280 and 302). CBS regulations are restructured so they are consistent with Federal 40 CFR Part 280 and the New York State PBS regulations.

New requirements (financial assurance and operator training) will be effective on October 17, 2023.

Availability of Documents: Information concerning the rulemaking and supporting rulemaking documents can be accessed from NYS DEC's rulemaking web site at:

https://www.dec.ny.gov/regulations/93063.html#Part_596

Documents may also be inspected at NYS DEC, 625 Broadway, Albany, NY 12233. Please call Jenn Dawson for an appointment at (518) 402-8874 or email derweb@dec.ny.gov

The [New York State Department of Environmental Conservation](#) respects your right to [privacy](#) and welcomes your [feedback](#) | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)



Bulk Storage Regulatory Revisions

Bulk Storage of Chemicals, Petroleum, and Liquefied Natural Gas

Recently Adopted Regulations

Part 613 and Part 597/598 rulemakings were proposed in the State Register on June 16, 2021 and November 16, 2022. Public comments were received and are addressed in the Assessment of Public Comments for each regulation. No substantive changes were made to the proposed regulations, and they were adopted in June 2023. Both adopted regulations were noticed in the July 19, 2023, State Register and in DEC's Environmental Notice Bulletin. New requirements related to financial assurance and operator training will be effective on October 17, 2023, 90 days from publication in the State Register.

Adopted 6 NYCRR Part 613 - Petroleum Bulk Storage Regulations

This rulemaking amends 6 NYCRR Part 613 and is principally aimed at harmonizing existing State requirements with the federal requirements found in 40 CFS Parts 280 and 302. The amendments aim to clarify and better harmonize the PBS and CBS programs.

- Text of Regulation (PDF)
- Text of Express Terms (PDF) - Underlines contained in the text denote new material. Brackets [] indicate material to be deleted.
- Regulatory Impact Statement (PDF)
- Assessment of Public Comments (PDF)
- Supporting Documents (PDF) - Express Terms (Summary), Regulatory Impact Statement (Summary), Regulatory flexibility Analysis for Small Businesses and Local Governments, Rural Area Flexibility Analysis, and Job Impact Statement Exemption, New Incorporation by Reference documents, Dept of State Fire Codes review and DEC response, Petroleum Bulk Storage Advisory Council Review and DEC response.

Adopted 6 NYCRR Part 596-599 - Chemical Bulk Storage Regulations

These rulemakings are principally intended to harmonize existing State Requirements with federal requirements found in 40 CFS Part 280. These rulemakings include:

Repeal of:

- 6 NYCRR Part 596, Hazardous Substance Bulk Storage Facility Registration
- 6 NYCRR Part 598, Handling and Storage of Hazardous Substances
- 6 NYCRR Part 599, Standards for New Hazardous Substance Tank Systems

Addition of:

- 6 NYCRR Part 598, Hazardous Substance Bulk Storage (formerly Handling and Storage of Hazardous Substances)

Amendments to:

- 6 NYCRR Part 597, Hazardous Substances Identification, Release Prohibition, and Release Reporting

Text of Rulemakings

- Text of Regulation (PDF) - 6 NYCRR Part 597, Hazardous Substances Identification, Release Prohibition, and Release Reporting. Underlines contained in the text denote new material. Brackets [] indicate material to be deleted.
- Text of Regulation (PDF) - 6 NYCRR Part 598, Handling and Storage of Hazardous Substances. All text is new material.
- Text of Express Terms (PDF) - 6 NYCRR Part 597-598 Combined.
- Regulatory Impact Statement (PDF)
- Assessment of Public Comments (PDF)
- Supporting Documents (PDF) - Express Terms (Summary), Regulatory Impact Statement (Summary), Regulatory flexibility Analysis for Small Businesses and Local Governments, Rural Area Flexibility Analysis, and Job Impact Statement Exemption, and new Incorporation by Reference citations.

Contact: Jennifer Dawson, NYS DEC - Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7012; Phone: 518-402-8874; E-mail: derweb@dec.ny.gov.

6 NYCRR Part 597 - Hazardous Substances Identification, Release Prohibition, and Release Reporting

The Department adopted amendments to Part 597, **effective March 3, 2017**, which finalized the (1) addition of perfluorooctanoic acid (PFOA-acid), ammonium perfluorooctanoate (PFOA-salt), perfluorooctane sulfonic acid (PFOS-acid), and perfluorooctane sulfonate (PFOS-salt) to the list of hazardous substances at 6 NYCRR Section 597.3; (2) allowance for continued use of firefighting foam that may contain PFOA-acid, PFOA-salt, PFOS-acid or PFOS-salt to fight fires (but not for training or any other purposes) on or before April 25, 2017 even if such use may result in the release of a reportable quantity (RQ), which is otherwise prohibited; and (3) correction to the list of hazardous substances by providing units for RQs.

6 NYCRR Parts 595-599, 612-614, 370, and 374-2 - Revisions to Chemical Bulk Storage, Petroleum Bulk Storage and Used Oil Management Regulations

The Department adopted revised regulations for the bulk storage of petroleum and chemicals and for the management of used oil. The petroleum and chemical bulk storage revisions are **effective October 11, 2015**; the management of used oil revisions are **effective November 10, 2015**. The revised regulations reflect changes in State laws and federal laws and regulations; and include:

- repeal of Part 595, "Releases of Hazardous Substances"
- repeal of Part 596, "Hazardous Substance Bulk Storage Regulations"
- repeal of Part 597, "List of Hazardous Substances"
- addition of a new Part 596, "Hazardous Substance Bulk Storage Facility Registration"
- addition of a new Part 597, "Hazardous Substance Identification, Release Prohibition, and Release Reporting"
- amendments to Part 598, "Handling and Storage of Hazardous Substances"
- amendments to Part 599, "Standards for New Hazardous Substance Tank Systems" (formerly "Standards for New or Substantially Modified Hazardous Substance Storage Facilities")
- repeal of Part 612, "Registration of Petroleum Storage Facilities"
- repeal of Part 613, "Handling and Storage of Petroleum"
- repeal of Part 614, "Standards for New and Substantially Modified Petroleum Storage Facilities"
- addition of a new Part 613, "Petroleum Bulk Storage" to include the requirements from existing Parts 612-614 along with requirements from changes in State laws and federal laws and regulations

- amendments to Part 370, "Hazardous Waste Management System - General" in section 370.1(e)(2) and amendments to Subpart 374-2, "Standards for the Management of Used Oil."

6 NYCRR Part 570, Liquefied Natural Gas

The Department adopted a new 6 NYCRR Part 570, Liquefied Natural Gas (LNG), **effective February 26, 2015**. The addition implements requirements for the safe siting and operation of LNG facilities and transportation of LNG under Article 23, Title 17 of the Environmental Conservation Law. LNG facilities are those that either store LNG in a tank system or convert LNG into natural gas through vaporization. 6 NYCRR Part 597 - Hazardous Substances Identification, Release Prohibition, and Release Reporting.

The Department adopted an emergency rule to add perfluorooctanoic acid, ammonium perfluorooctanoate, perfluorooctane sulfonic acid, and perfluorooctane sulfonate to the list of hazardous substances. While the emergency rule makes the amendments to 6 NYCRR Part 597 effective April 25, 2016, the emergency adoption is temporary. The proposed rule provides for the amendments to become permanent upon adoption.

More about Bulk Storage Regulatory Revisions:

Adoption of Final Rule: 6 NYCRR Part 597 - Summary and links explaining emergency regulation adding materials to the list of hazardous substances.

Revised Regulations: Bulk Storage of Petroleum and Chemicals; Management of Used Oil - summary and links explaining proposal for revised regulation of Bulk Storage of Petroleum and Chemicals; Management of Used Oil

6 NYCRR Part 570 - Regulation of Liquefied Natural Gas Facilities - Summary and links explaining new regulation of liquefied natural gas facilities.

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বাংলা

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Kreyòl Ayisyen

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العربية

Polski

Français

اردو



ENB Statewide Notices 7/19/2023

Public Notice

Adoption Notice for Rulemakings - 6 NYCRR Part 613, Petroleum Bulk Storage (PBS) Regulations and 6 NYCRR Parts 597/598, Chemical Bulk Storage (CBS) Regulations

Notice is hereby given that the New York State Department of Environmental Conservation (NYS DEC) is adopting amendments to 6 NYCRR Part 613 of the Petroleum Bulk Storage (PBS) regulations and 6 NYCRR Parts 596-599 of the Chemical Bulk Storage (CBS) regulations. This adopted rulemaking was published in the New York State Register on July 19, 2023.

These PBS and CBS rulemakings are principally aimed at harmonizing existing New York State requirements with federal requirements (40 CFR Parts 280 and 302). CBS regulations are restructured so they are consistent with Federal 40 CFR Part 280 and the New York State PBS regulations.

New requirements (financial assurance and operator training) will be effective on October 17, 2023, 90 days from the July 19, 2023 publication in the State Register.

Availability of Documents:

Information concerning the rulemaking and supporting rulemaking documents can be accessed from NYS DEC's rulemaking web site at: <https://www.dec.ny.gov/regulations/propregulations.html>. These documents may also be inspected at NYS DEC, 625 Broadway, Albany, NY 12233. Please call Jenn Dawson for an appointment at (518) 402-8874 or email at: derweb@dec.ny.gov

Contact: Jennifer Dawson, NYS DEC - Division of Environmental Remediation, 625 Broadway, Albany, NY 12233-7012, Phone: (518) 402-8874, E-mail: derweb@dec.ny.gov

The New York State Department of Environmental Conservation (NYS DEC) finalized the program policy: Interpretation and Implementation of 6 NYCRR 750-1.6(f). The Policy takes effect 30 days from the date of this notice.

Section 750-1.6(f) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) allows a State Pollutant Discharge Elimination System (SPDES) permit for a sewage disposal system, or approval of a sewer extension, serving or intended to serve more than one separately owned property, to be issued only to a governmental agency, municipality, or sewage disposal corporation (SDC). In the rare circumstance, where the facts and circumstances support that a viable option does not exist for ownership or operation of the new facility by a governmental agency or municipality, or by a duly formed SDC, NYS DEC may issue a variance to be consistent with the protections afforded by the SPDES program.

NYS DEC prepared this program policy to provide direction for permit applicants and those seeking sewer extension approvals on the duty to comply with this regulation, as well as to outline a path for existing permittees to come into compliance with this regulation. This document, issued by both the NYS DEC Division of Environmental Permits and Division of Water, reviews the applicability of 6 NYCRR 750-1.6(f), provides guidance to NYS DEC staff, governmental agencies, municipalities, sewage disposal corporations, other applicants, and the general public on DEC's interpretation of 6 NYCRR 750-1.6(f). The guidance contained in this policy is

intended for use in conjunction with NYS DEC's permitting and regulatory authority found in 6 NYCRR Part 621 and 6 NYCRR Part 750.

The draft program policy was noticed in the February 15, 2023 issue of the Environmental Notice Bulletin and the public comment period ended March 15, 2023. No comments were received.

Available Documents

The full text and pdf printable version of this final policy are available on the NYS DEC website at: <https://www.dec.ny.gov/permits/127121.html>.

Contact: Sara Latessa, NYS DEC - Division of Water, 625 Broadway, 4th Floor, Albany, NY 12233-3500, Phone: (518) 402-8279, E-mail: Sara.Latessa@dec.ny.gov.

Pursuant to the New York State Environmental Conservation Law §§ 13-0105 & 13-0338 the New York State Department of Environmental Conservation (NYS DEC) hereby gives notice of the following:

The NYS DEC - Division of Marine Resources (DMR) is filing a Notice of Proposed Rule Making to amend 6 NYCRR Part 40 Marine Fish.

An additional public hearing date has been added and the public comment period has been extended.

The primary need for this rulemaking is to improve management and protection of shark species. The proposed amendment to 6 NYCRR Part 40 will impose gear restrictions for recreational shore anglers to enhance law enforcement's ability to protect sharks. Additionally, handling and release requirements for both recreational shore and vessel-based anglers will be proposed to improve shark and angler safety. These amendments are intended to protect sharks consistent with requirements of the Atlantic States Marine Fisheries Commission and NOAA Fisheries.

The Notice of Proposed Rulemaking is available in the May 31, 2023, issue of the State Register. **Written public comments will be accepted by the NYS DEC through 5:00 p.m. August 14, 2023.**

Availability of Documents for Review:

Information concerning the proposed rulemaking, and supporting rulemaking documents can be accessed from NYS DEC's rulemaking web site at: <https://www.dec.ny.gov/regulations/propregulations.html#public>.

Written Comments:

The public is invited to submit written comments on the proposed rulemaking through 5:00 p.m. August 14, 2023. Written comments can be submitted as follows:

1. By e-mail to fw.marine@dec.ny.gov. Please include "Comments on Proposed Part 40 - Sharks" in the subject line of the email; or
2. By mail to the NYSDEC - Division of Marine Resources, 123 Kings Park Boulevard, Kings Park, NY 11754, attention: Christopher Scott.

Public Comment Hearing:

An additional public hearing date has been added.

Public comment hearing webinars for the proposed rule will be held before an Administrative Law Judge (ALJ) via electronic webinar as follows. The electronic webinar format is reasonably accessible to persons with impaired mobility:

Date: August 1, 2023

Time: 6:00 p.m.

Location: via electronic webinar

Date: August 3, 2023

Time: 2:00 p.m.

Location: via electronic webinar

Instructions on how to "join" the hearing webinar, how to provide an oral statement, and how to register for the webinar may be accessed at the proposed regulations webpage for Part 40 at: <https://www.dec.ny.gov/regulations/106216.html>.

Persons who wish to receive the instructions by mail or telephone may call NYS DEC at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 40 Shore Based Shark Fishing public comment hearing.

NYS DEC will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than July 26, 2023. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC - Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550, E-mail: ohms@dec.ny.gov with the subject line "Part 40, Shore Based Shark Fishing."

Contact: Christopher Scott, NYSDEC - Division of Marine Resources, 123 Kings Park Boulevard, Kings Park, NY 11754, E-mail: fw.marine@dec.ny.gov

Data Solicitation for the 2024 Integrated Report on New York State Water Quality

The New York State Department of Environmental Conservation (NYS DEC) is seeking water quality data and information from the public or entities for any New York State waterbody.

Water quality data and information received may be used to update waterbody assessments in the state's 305(b) Water Quality Report at: <https://www.dec.ny.gov/chemical/66532.html> or the Clean Water Act Section 303(d) List of Impaired Waters at: <https://www.dec.ny.gov/chemical/31290.html>. Waterbody assessments are conducted following the methodology described in the Consolidated Assessment Listing Methodology (CALM) at: <https://www.dec.ny.gov/chemical/31290.html>

Data Requirements:

To be used for assessments, data must:

- Be accompanied by a Quality Assurance Project Plan (QAPP) and a Data Usability Analysis Report (DUAR);
- Demonstrate that Data Quality Indicators (DQI's) have been met: precision, accuracy, bias, representativeness (Table 7 of the CALM), completeness, comparability, and sensitivity;
- e analyzed by a New York State Department of Health Environmental Laboratory Approval Program <https://www.wadsworth.org/regulatory/elap> accredited Lab in accordance with New York State Public Health Law § 502 and Environmental Conservation Law § 3-0119, and Title 40 of Code of Federal Regulations Part 136 analysis methods are used where applicable;
- Be reflective of parameters with a water quality standard or a Supplemental Indicator identified in Tables 1-5 of the CALM.

How to Submit Data:

E-mail all applicable data, the QAPP or DUAR, and any other relevant information to: 4pwlinfo@dec.ny.gov. If necessary, a hard copy may be mailed to Sarah Rickard, NYS DEC - Division of Water, 625 Broadway, Albany, NY 12233.

When to Submit Data:

To be considered for the 2024 Integrated Report, data and information must be received by September 29, 2023.

Background:

Every two years, states are required by Section 303(d) of the federal Clean Water Act to compile a list of waters assessed as "impaired", meaning they do not meet water quality standards, and cannot support their best uses. Total Maximum Daily Load plans available at: <https://www.dec.ny.gov/chemical/23835.html> must be developed for these waterbodies to reduce pollutants and help them meet water quality standards available at: <https://www.dec.ny.gov/chemical/23853.html>. The water quality data that NYS DEC may consider for assessments can come from a variety of sources, including but not limited to: NYSDEC monitoring programs, other state agencies, federal agencies and non-governmental partners such as watershed organizations, lake associations and academic researchers.

More information on data requirements and NYS DEC's process for conducting assessments is described in the CALM at: <https://www.dec.ny.gov/chemical/31290.html>.

For questions please contact: Sarah Rickard, NYS DEC - Division of Water, 625 Broadway, Albany, NY 12233, Phone: (518) 402-8179, E-mail: 4pwlinfo@dec.ny.gov

Environmental Radiation Program Policy- Upcoming Virtual Stakeholder Meeting

New York State Department of Environmental Conservation (NYS DEC) is holding a virtual stakeholder meeting on the environmental radiation program policy that is being proposed.

The Environmental Radiation Program Policy stakeholder meeting will discuss new proposed program policy, DMM 5 - Management of Soils Contaminated with Technologically-Enhanced Naturally Occurring Radioactive Materials (TENORM)

This meeting will be conducted virtually, and attendees will need to connect through either a computer or by telephone. Those who wish to attend the meetings need to register. Information about the proposed program policy and registration details for the meetings are available on NYS DEC's website under "Outreach Information."

The meeting is scheduled for August 15, 2023, 1:00 p.m. to 3:00 p.m. and will be conducted electronically through the Webex electronic webinar platform.

Registration is available on NYS DEC's website at: <https://www.dec.ny.gov/chemical/296.html>.

For further information, please contact:

Thomas Papura
NYS DEC - Division of Materials Management
625 Broadway
Albany, NY 12233-7255
Phone: (518) 402-8652
E-mail: regs.radiation@dec.ny.gov

Deadline Extended to Friday, August 11, 2023 for the Water Infrastructure Improvement (WIIA) / Intermunicipal Grant (IMG), Green Innovation Grant (GIGP), and Engineering Planning Grant (EPG) Programs

The New York State Environmental Facilities Corporation (NYS EFC), the New York State Department of Environmental Conservation (NYS DEC), and the New York State Department of Health (NYS DOH) are extending the application period for the WIIA/IMG, GIGP, and EPG programs as communities face the aftermath

of severe weather emergencies across the State. **The deadline for submitting applications is now August 11, 2023.**

Water Infrastructure Improvement (WIIA) and Intermunicipal Grants (IMG) - <http://efc.ny.gov/wiia>:

\$425 million is available to fund critical wastewater and drinking water infrastructure projects. This amount is made available through a combination of existing state resources and the voter-approved Clean Water, Clean Air and Green Jobs Environmental Bond Act (<https://www.ny.gov/programs/clean-water-clean-air-and-green-jobs-environmental-bond-act>).

The online application and eligibility information for the WIIA and IMG programs are available at <https://efc.ny.gov/wiia>. **WIIA and IMG applications are due no later than 5 p.m. on Friday, August 11, 2023.**

Green Innovation Grant Program (GIGP) - <https://efc.ny.gov/gigp>:

\$15 million is available for projects that utilize green stormwater infrastructure design and green technologies for Clean Water State Revolving Fund projects.

Engineering Planning Grants (EPG) - <https://efc.ny.gov/epg>:

\$3 million is available to help fund development of engineering reports for wastewater projects. The CFA is available at <https://apps.cio.ny.gov/apps/cfa/>.

Water Quality Improvement Projects (WQIP) - <https://www.dec.ny.gov/pubs/4774.html>:

\$75 million is available to fund projects that directly improve water quality or aquatic habitat, promote flood risk reduction, restoration, and enhanced flood and climate resiliency or protect a drinking water source.

Non-Agricultural Nonpoint Source Planning and MS4 Mapping Grant (NPG) - <https://www.dec.ny.gov/pubs/116725.html>:

\$3 million is available to reimburse the cost of planning reports for nonpoint source water quality improvement projects and mapping of Municipal Separate Storm Sewer Systems (MS4s).

The CFA is available at <https://apps.cio.ny.gov/apps/cfa/>. **Applications for GIGP, EPG, WQIP and NPG are due no later than 4:00 p.m. on Friday, August 11, 2023.**

NYS EFC Contacts:

If you have any questions about WIIA/IMG, please email NYSWaterGrants@efc.ny.gov or contact:

Máire Cunningham
NYS EFC
625 Broadway
Albany, New York 12207-2997
Phone: (518) 402-6924

If you have questions about GIGP or EPG, please email gigp@efc.ny.gov or efc.dl.cwsrf_engineeringplanninggrant@efc.ny.gov or contact:

Brian Hahn
NYS EFC
625 Broadway
Albany, New York 12207-2997
Phone: (518) 402-6924

If you have questions about WQIP or NPG, please email user.water@dec.ny.gov or contact:

NYS DEC - Division of Water
625 Broadway, 4th floor

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-7	NFTA	2023 NFTA Metro Annual Performance Report
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Attachments

23COMM. 16M-7



Niagara Frontier Transportation Authority
Serving Buffalo Niagara

181 Ellicott Street
Buffalo, New York 14203
716-855-7300
Fax: 716-855-7657
TDD: 855-7650
www.nfta.com

EC LEG AUG 15 '23 PM12:22

August 8, 2023

Robert Graber
Clerk of the Legislature
The County of Erie
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: 2023 NFTA-Metro Annual Performance Report

Dear Mr. Graber: *Bob,*

Please find enclosed a copy of the NFTA 2023 Annual Performance Report. This is the first NFTA-wide report on performance metrics including both NFTA-Metro and Aviation operations. The measures track efficiency, safety, and reliability of the regional transit and aviation systems while pursuing continued innovation and improvement. The NFTA uses this information to develop organizational policies and management practices that maximize the use of our resources, enhance system performance, and improve the overall quality of transit and aviation service across Western New York.

As a public agency, the NFTA is accountable to the people we serve. While continually striving to meet the growing demand for more and better transit and aviation service throughout the community, we recognize the importance of transparency in communicating our performance to our customers.

On behalf of the NFTA, thank you for your continued advocacy and support. Should you have any questions, please feel free to contact me at (716) 855-7470 or Darren Kempner, Director of Government Relations and Development, at (716) 855-7305.

Sincerely,

Kimberley Minkel
Executive Director

KM:dk
Enclosure



FY2023

NFTA

PERFORMANCE

Key Performance Indicators
Ending March 31, 2023

Table of Contents

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Introduction

Niagara Frontier Transportation Authority (NFTA)

The NFTA is a New York State public-benefit corporation responsible for the delivering public transportation services to Erie and Niagara counties and providing international airports for the region. The NFTA, as an authority, encompasses NFTA-Metro bus and rail system, the Buffalo Niagara International Airport and the Niagara Falls International Airport. A big part of our commitment to our community is transparency and continuous improvements, for which our Annual Performance Report plays a critical role.

As a public agency, NFTA is accountable to the people we serve. We want to make it easy for our customers and stakeholders to understand and review our performance. Measuring the performance of a transportation agency is the first step toward efficient and proactive management. The use of performance measures for transportation planning and operations is critical for transportation agencies who are managing evolving demands with limited resources.

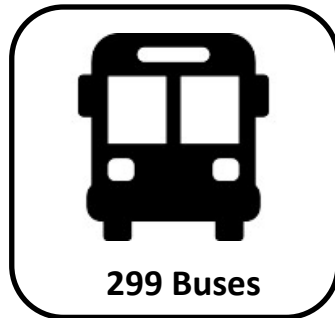
This annual performance report provides a summary of the performance metrics that NFTA monitors to keep the operations and facilities efficient, economical, safe, and reliable while pursuing continued improvement. It is NFTA's intent to use these metrics to provide a look back at where we have been as well as provide a roadmap to the future. This report is updated annually and may introduce new performance measures to expand our ability to evaluate our efforts and keep our review relevant.



NFTA-METRO

NFTA-Metro (Metro) is proud to serve Erie and Niagara Counties of Western New York. The more than 1,000 Metro employees made up of operators, planners, mechanics, technicians, and specialists responsible for delivering service, work diligently to make it easy for our customers to experience the highest level of public transportation.

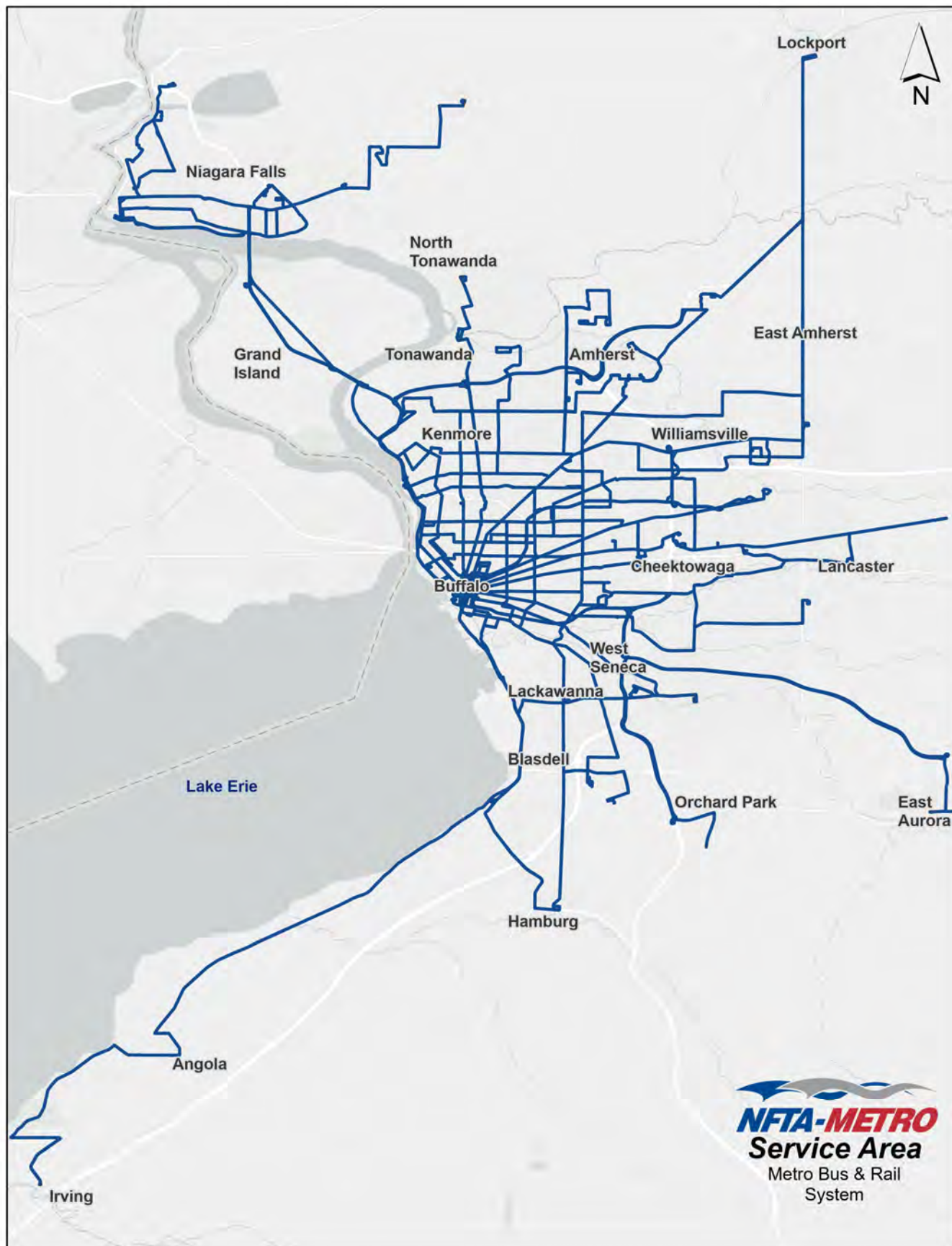
NFTA-Metro bus and rail system is a multi-modal agency, utilizing various vehicle modes (diesel bus, diesel-hybrid bus, CNG bus, battery electric bus, light rail and van), using the brand names: NFTA-Metro Bus, NFTA-Metro Rail and NFTA PAL (Paratransit Access Line). In addition, the NFTA also owns and manages a number of properties, including the Buffalo Metropolitan Transportation Center in downtown Buffalo (which serves as the agency's headquarters); the Niagara Falls Transportation Center on Factory Outlet Boulevard; the Portage Road Transit Center in Niagara Falls; and a number of strategically located bus loops and transit centers in the Buffalo Niagara region.



Introduction

NFTA-METRO SERVICE AREA

The NFTA-Metro service area covers portions of both Erie and Niagara Counties.



NFTA AVIATION

Because Buffalo Niagara International Airport (BNIA) and Niagara Falls International Airport (NFIA) play an essential role in the development of business and tourism in our region, we constantly pursue improvement while conducting business to the highest professional and ethical standards. We consider the safety and security of our staff, passengers, tenants, and stakeholders to be our priority. We strive to be efficient in our operations, innovative in our approach to problem solving, and act responsibly towards our community and our environment.

Buffalo Niagara International Airport (FAA LID: BUF) is located at 4200 Genesee Street, in the Town of Cheektowaga, in Erie County, New York and covers 1,000 acres. The airport serves Buffalo, and Niagara Falls, New York, and the southern Golden Horseshoe region of Ontario, Canada. It is the third-busiest airport in the state of New York and the busiest inside of the Buffalo-Niagara Falls metropolitan area.

Niagara Falls International Airport (FAA LID: IAG) is located at 2055 Niagara Falls Boulevard, in the Towns of Niagara and Wheatfield, in Niagara County, New York and covers 1,067 acres. The airport is a joint civil-military airfield, sharing its runways with the Niagara Falls Air Reserve Station.

The airports combine to provide up to 100 nonstop flights per day connecting our passengers to over 28 airport destinations and beyond. The airports are well-planned and managed facilities that offer a variety of passenger services and provide facilities for military, air cargo and general aviation operations.

Our airport system includes two modern passenger terminals, four runways, two Air Traffic Control Towers, Weather Observatory, Aviation Fuel Systems, General Aviation Facility, Transit Police Station, and an Aircraft Rescue and Firefighting (ARFF) facility.

A state-of-the-art air cargo facility including one million square feet of apron area is located at BNIA. Two scheduled air freight forwarders based at the facility handle the majority of the 88 million pounds of yearly cargo.



9 scheduled air carriers and 28 nonstop routes



7 car rental companies



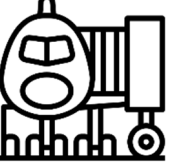
Airside Land-2,100 acres, 8 million sq. ft. of pavement



38 pieces of snow removal equipment



17 shuttle buses serving 9,000+ parking spaces



29 gates and 26 passenger boarding bridges

Introduction

NFTA AVIATION ROUTE MAPS

Direct flights from our airports serve many destinations and connection points.

Route Map BNIA

(2022)



Route Map NFIA

(2022)



YEAR IN REVIEW

The NFTA experienced challenges and successes this past year in dealing with unfortunate community events, extreme weather and pandemic recovery. Most metrics depict performance that represents improvement in broad areas of operations while establishing new benchmarks in a post COVID environment.

This year is the introduction of performance reporting for Aviation. By expanding the use of performance metrics, it will allow us to provide enhanced levels of customer service expected by the traveling community, tenants and stakeholders of BNIA and NFIA.

Operations

Metro experienced improved ridership-based performance across broad metrics this year while providing stable service delivery. Paratransit ridership remains strong with ridership at historical levels. Challenges with workforce recruitment remain which restricts our ability to advance services that would further enhance performance and community support. We have dedicated several resources in addressing workforce retention and recruitment efforts and have begun to see improvements.

Aviation experienced significant growth in enplanements at BNIA consistent with industry trends. The improvement of passenger traffic volume has a mirror effect on many other metrics in Aviation as depicted throughout the report. The addition of Sun Country Airlines this year continues the pursuit of additional carriers in our system. Both BNIA and NFIA were winners in the Balchen Post award for snow and ice removal, congratulations to our team.

Fleet / Infrastructure

The easing of supply chain challenges and the normalization of procurement cycles has allowed Metro to resume activities associated with improving our fleet as depicted by our bus metrics. We also experienced improved maintenance performance with a higher percentage of buses remaining available for service partially due to reduced fleet age.

Focus on passenger boarding bridges has become necessary to address deteriorating conditions of our existing bridges at BNIA. The average life of our bridges has increased beyond the useful life and is being addressed through a capital program for systemic replacement over the next few years. Due to the severity of this past year's weather, our snow removal equipment experienced significant challenges in maintaining operations which highlighted the need for a storage facility to improve performance and reliability.

Financial

Metro's financial performance was stable during the year with strong assistance from our funding partners and tax revenues, coupled with continued cost containment. Increased fare revenue for Metro due to increased ridership, resulted in an improved farebox recovery rate. The use of payment apps for fares continued strong growth last year with additional improvement expected as our offerings increase in the future.

BNIA had positive financial performance last year. Although we experienced record concession revenue in the fiscal year, non-parking concession revenue was slow to recover possibly attributed to changes in passenger preferences, the frequent closures of the businesses within the terminal area and slightly lower than normal enplanements.

YEAR IN REVIEW

Customer Relations

Activity levels with customer interaction and alerts increased last year. Operating through a historical winter with two significant events that disrupted and suspended service created a difficult environment for our customers. Positive results in our customer satisfaction survey results for Metro were present across most metrics.

To ease our customers at BNIA through their travels, our ambassadors provide aid through information sharing, wayfinding and through our PAWs for Love program. All these services assist the travelers through their journey.

Survey results and customer input are used to inform management to enhance our performance and improve customer satisfaction. Additional efforts to improve customer complaint and response data is being advanced across the NFTA for future reporting.

Safety, Security & Environment

The Transit Authority Police Department (TAPD) and the BNIA Aircraft Rescue and Fire Fighting (ARFF) are included in the report to advance performance transparency. The introduction of incident and crime statistics for both TAPD and BNIA are included to represent the activities being addressed by these groups. The introduction of trends will be advanced in the future.

Historically positive results in safety were accomplished in this period. Recordable injures and lost time cases across the NFTA are record lows in calendar year 2022 representing a tremendous accomplishment. Preventable collisions were also near a record low representing a positive trend for Metro.

Carbon footprint was favorable compared to the prior year with less diesel emissions. The introduction of battery electric buses did not have an impact on the reporting period but should show additional positive impacts on this metric in the future.

NFTA-METRO MISSION STATEMENT

To enhance the quality of life of residents and visitors by providing the highest level of safe, clean, affordable responsive and reliable public transportation through a coordinated and convenient bus and rail system



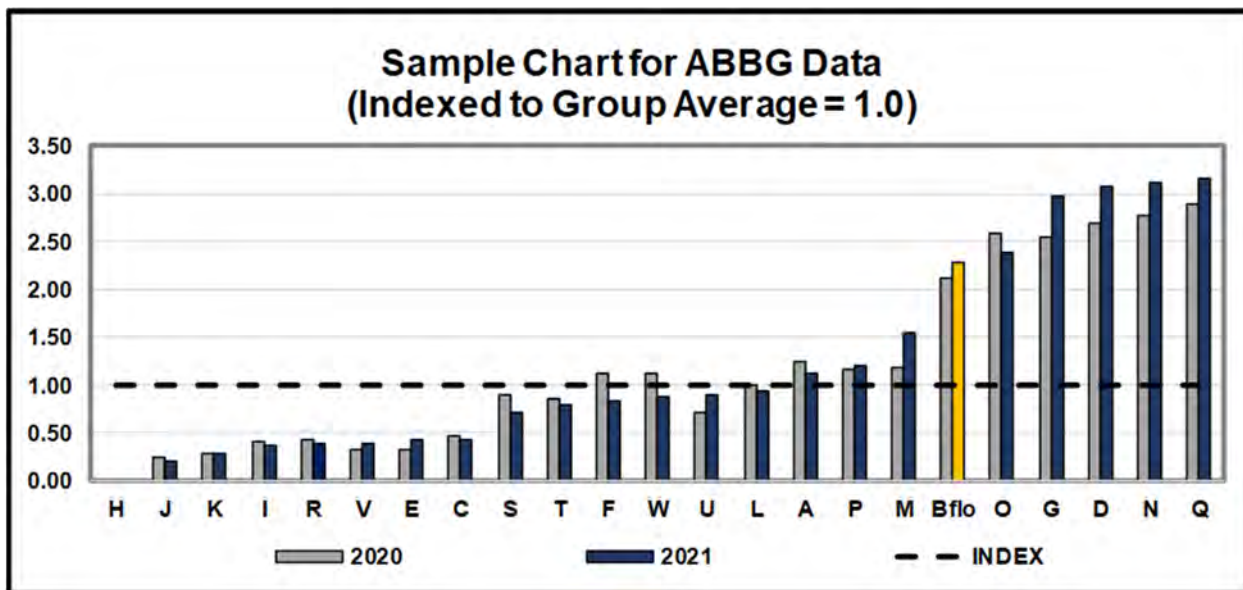
TRANSIT PEER BENCHMARKING GROUPS

NFTA-Metro is a member of both the American Bus Benchmarking Group (ABBG) and the Group of North American Light Rail Systems (GOAL). Participation in these groups provides Metro with benchmarking capabilities within our bus, rail and paratransit operations to evaluate our performance and identify opportunities for improvement. ABBG was established in 2011 and GOAL in 2015 which are headquartered at Imperial College, London, England. They are comprised of over 30 public transit agencies providing transit service throughout the United States and Canada.

The significance of membership in the benchmarking groups includes developing concise, well-balanced, and comparable performance measures, identifying underlying trends, sharing best practices, and publishing annual reports and tools. Benchmarking is not merely a comparison of data or a creation of rankings. The structured Key Performance Indicator (KPI) comparisons can be used for:

- Stimulating productive “why” questions
- Identifying lines of further inquiry (e.g., via website forum or clearinghouse studies)
- Identifying high-priority problems, strengths and weaknesses
- Monitoring trends by analyzing performance over time, allowing the identification of organizations which have truly improved
- Internal motivation - identifying and setting achievable targets for improved performance
- Supporting dialogue with government, authorities, media and other stakeholders (confidentiality permitting)

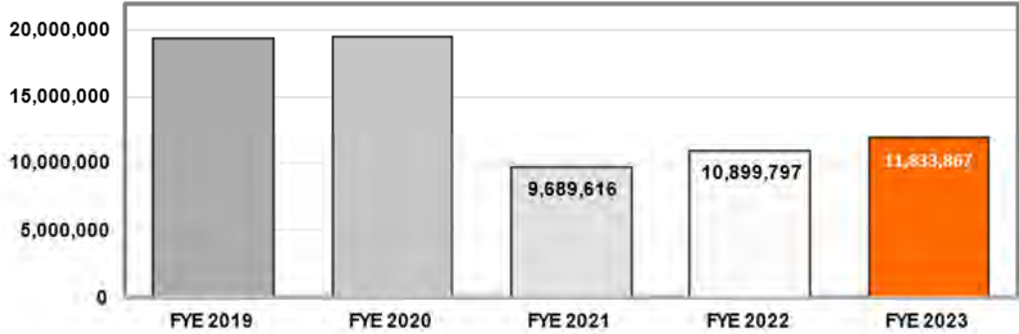
Throughout this report you will find ABBG benchmarking results outlined in black. The comparable Metro data is highlighted in yellow and shows our ranking among the other members of the Peer Group as well as our yearly progression in the Customer Satisfaction Survey (CSS).



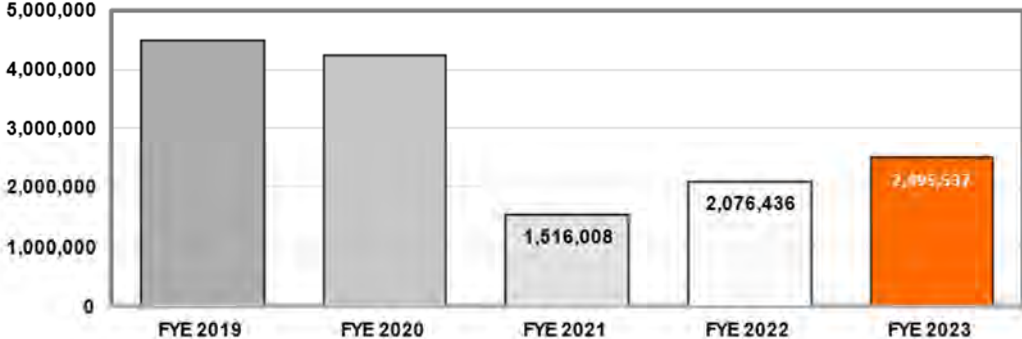
RIDERSHIP

Reported Metro ridership is derived from Automatic Passenger Counter (APC) technology. Electronic devices on buses and rail vehicles record boarding and alighting data.

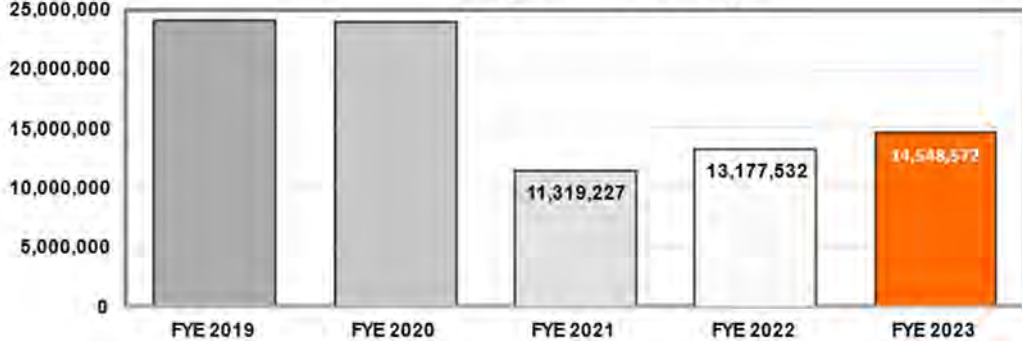
Bus Ridership



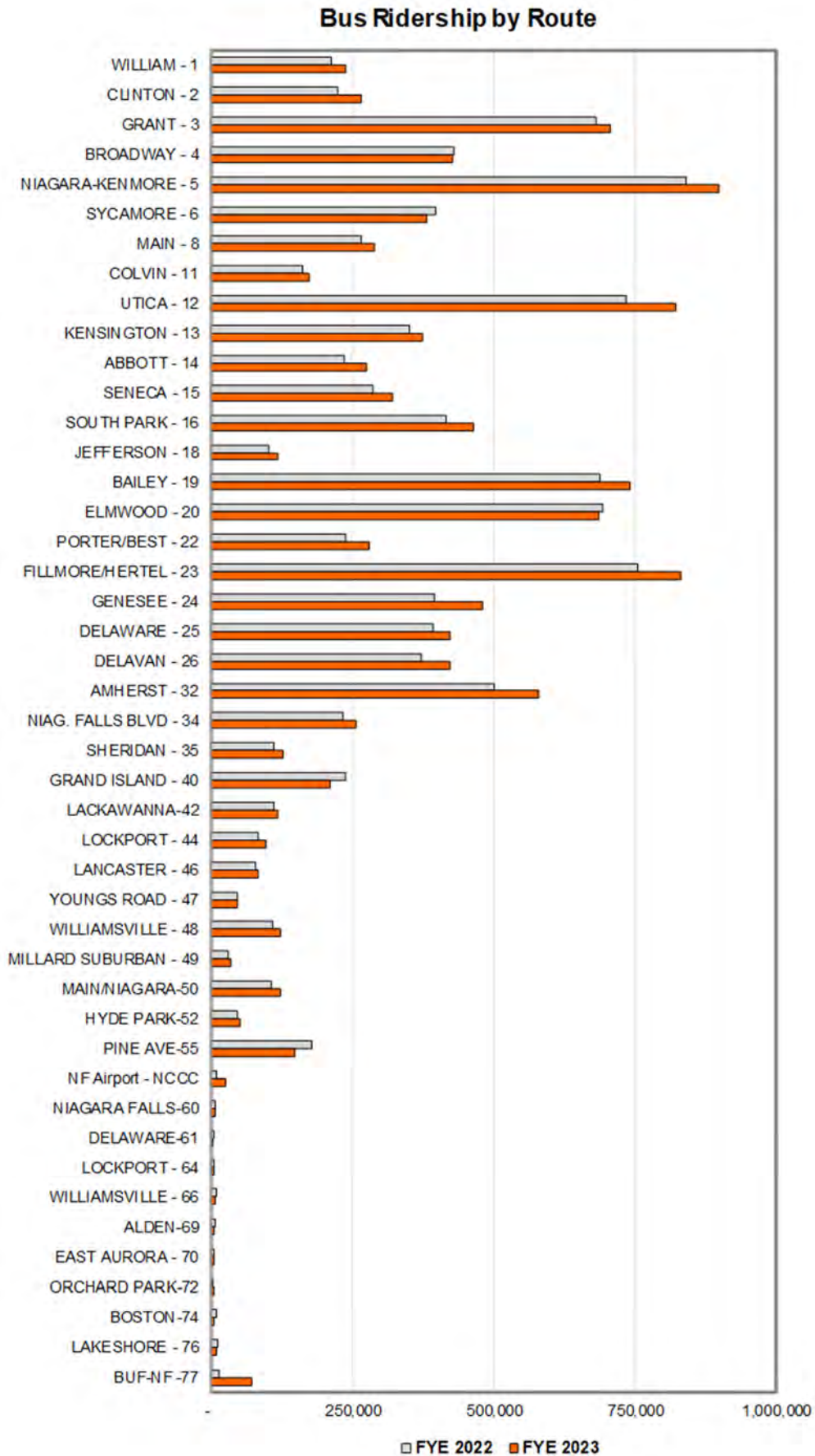
Rail Ridership



System Ridership



RIDERSHIP

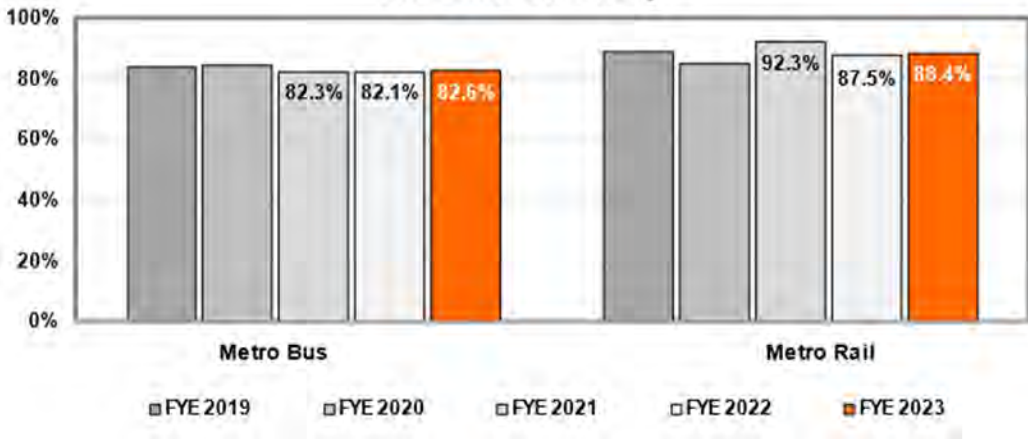


ON-TIME PERFORMANCE

Metro monitors the efficiency of the service it provides. Metro “On-Time Performance” is the calculated difference between the actual time a Metro vehicle encounters a specific stop compared to the time that vehicle was scheduled to be there.



On-Time - Annually



ON-TIME CALCULATION

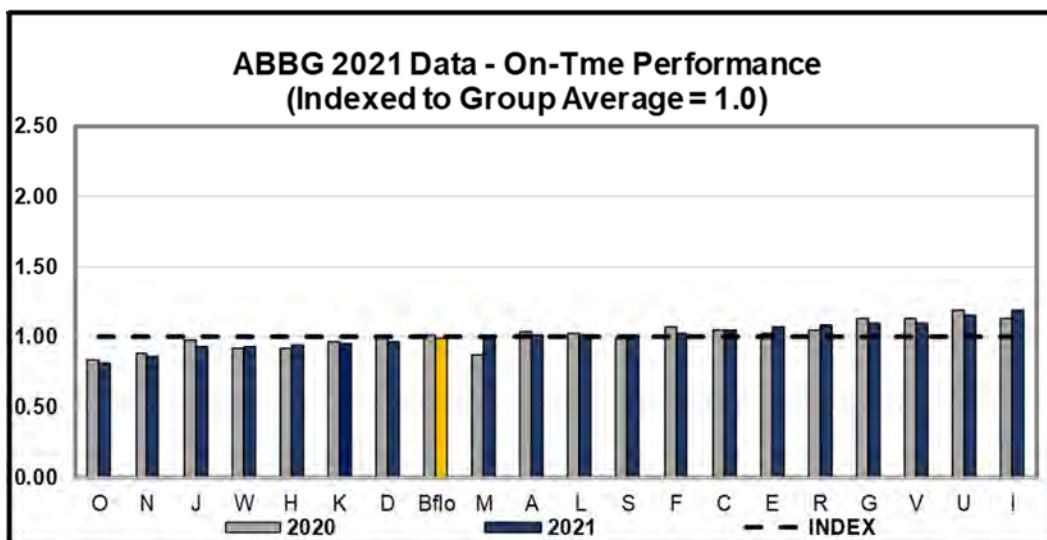
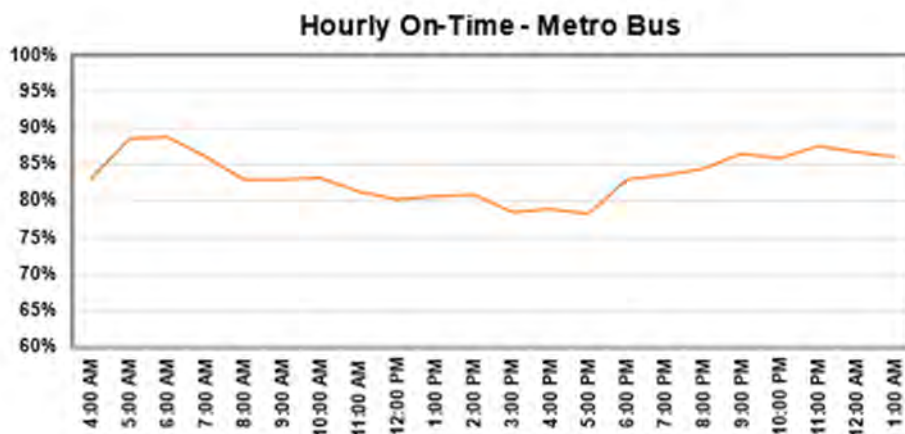
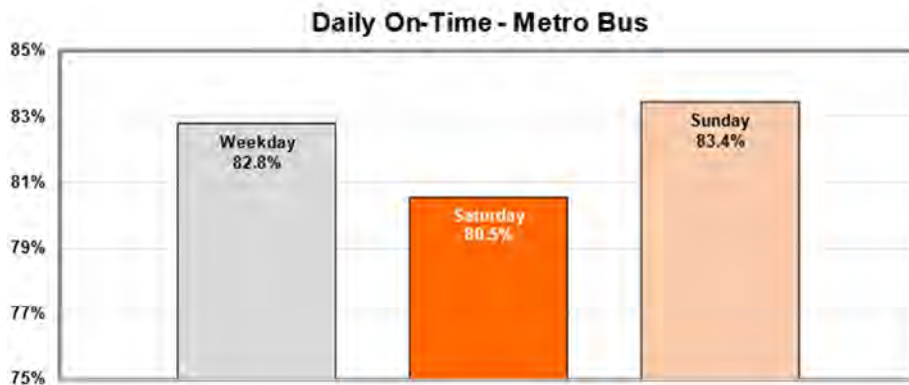
Metro Bus

The window for Metro Bus on time is six minutes. An arrival is considered on time if it is less than two minutes early and less than four minutes late. Late arrivals can be affected by weather conditions, street conditions, boarding/alighting patterns or traffic along the route. Early arrivals are the portion of non-compliant arrivals that can be improved through management and technology enhancements and are less related to external factors.

Metro Rail

The window for Metro Rail on time is one minute. An arrival is considered on time if it is less than zero seconds early or less than 60 seconds late.

ON-TIME PERFORMANCE - FIXED ROUTE



ROUTE PERFORMANCE ANALYSIS - WEEKDAY SERVICE ONLY

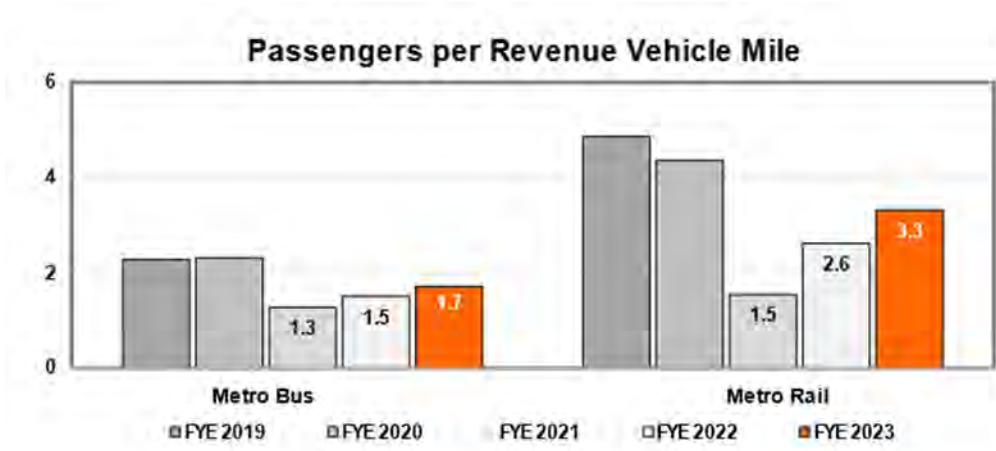
Metro Service Delivery and Evaluation Guidelines have been established to provide an objective basis for assessing the performance of existing Metro Bus service. Routes are grouped by type or characteristics of service and evaluated to provide the basis for developing service adjustments.

Performance

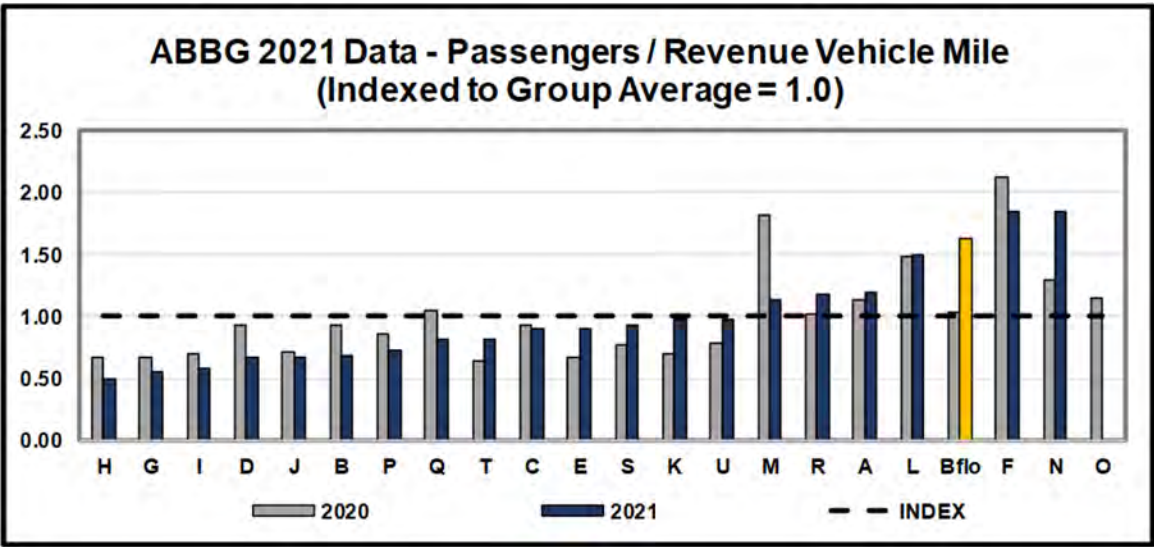
Passengers per vehicle mile and hour is a measurement of service efficiency. Metro pursues improved operating efficiency by attracting additional riders, maximizing route design and operating an efficient fleet.

Passengers per Revenue Mile

This represents the productivity of the route by the number of passengers carried for each mile of revenue service provided. It is computed by dividing the number of average weekday riders by the associated number of revenue miles of service for each route.



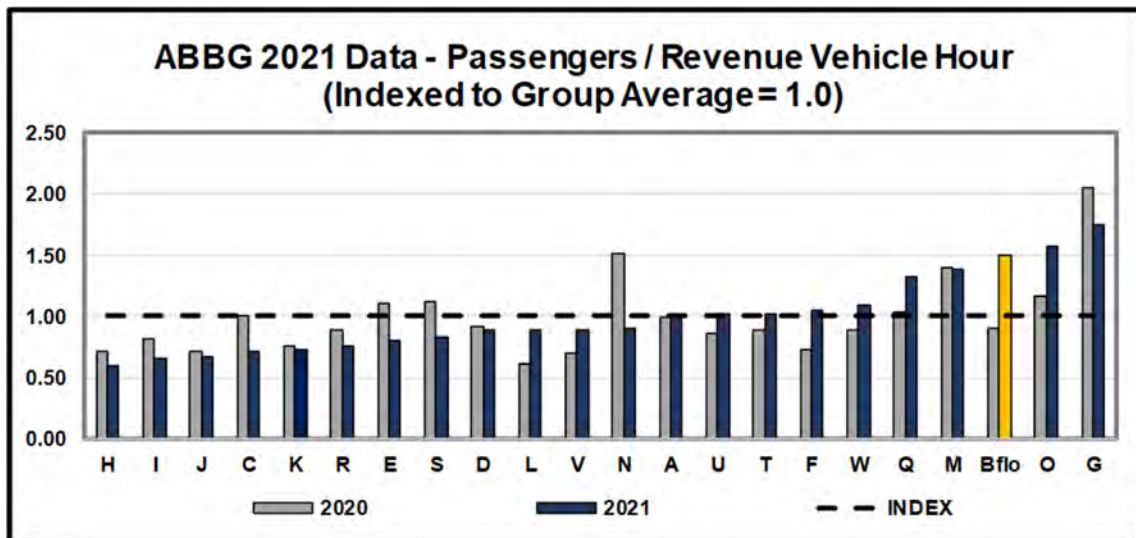
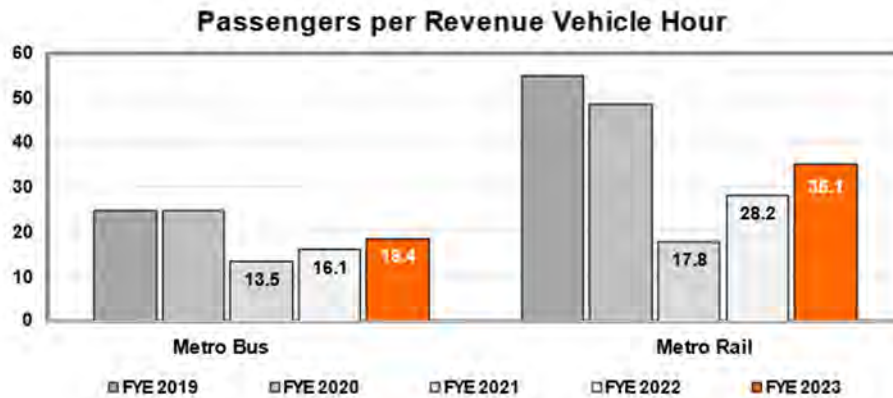
This chart represents Metro’s standing relative to other members in ABBG.



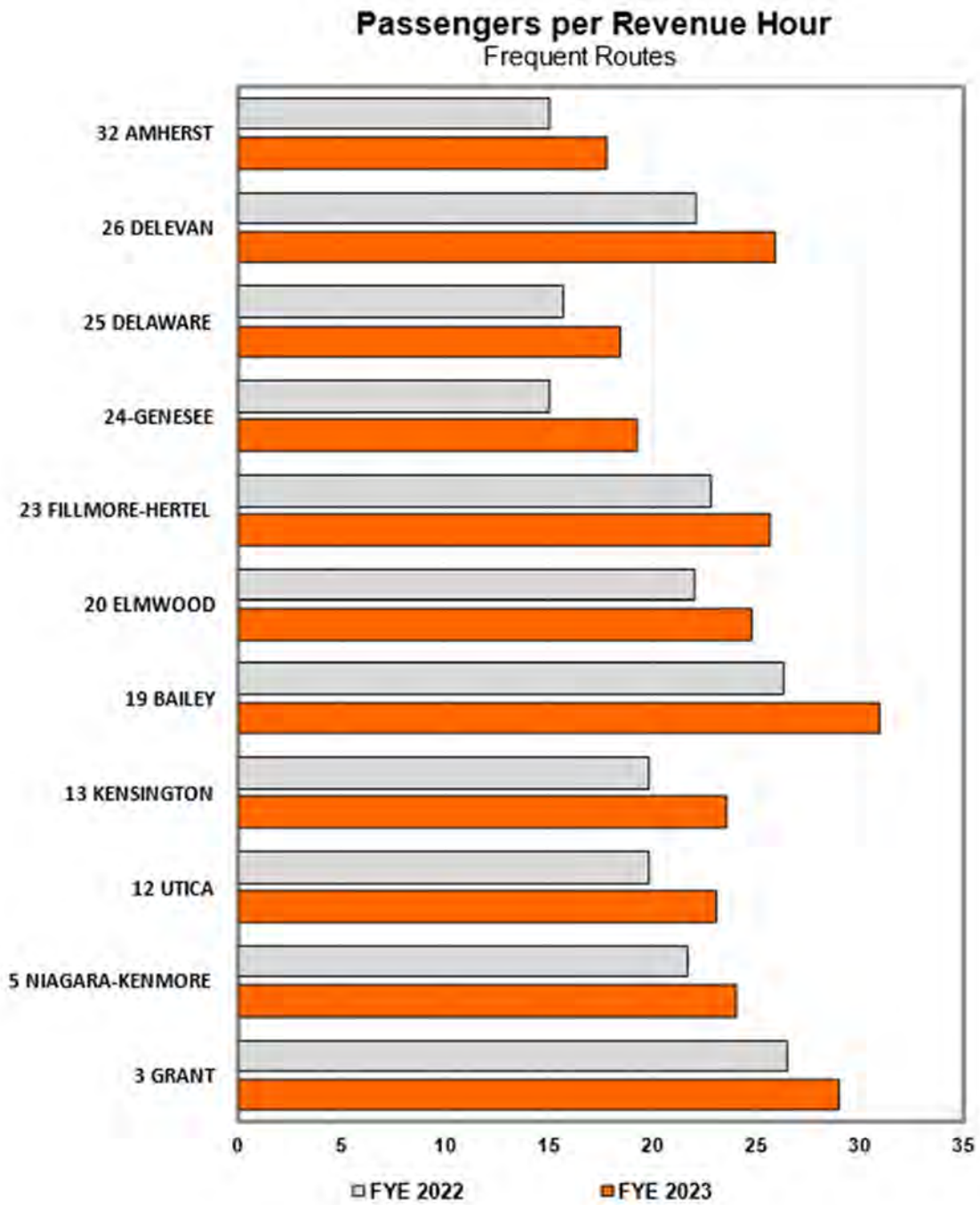
ROUTE PERFORMANCE ANALYSIS - WEEKDAY SERVICE ONLY

Passengers per Revenue Hour

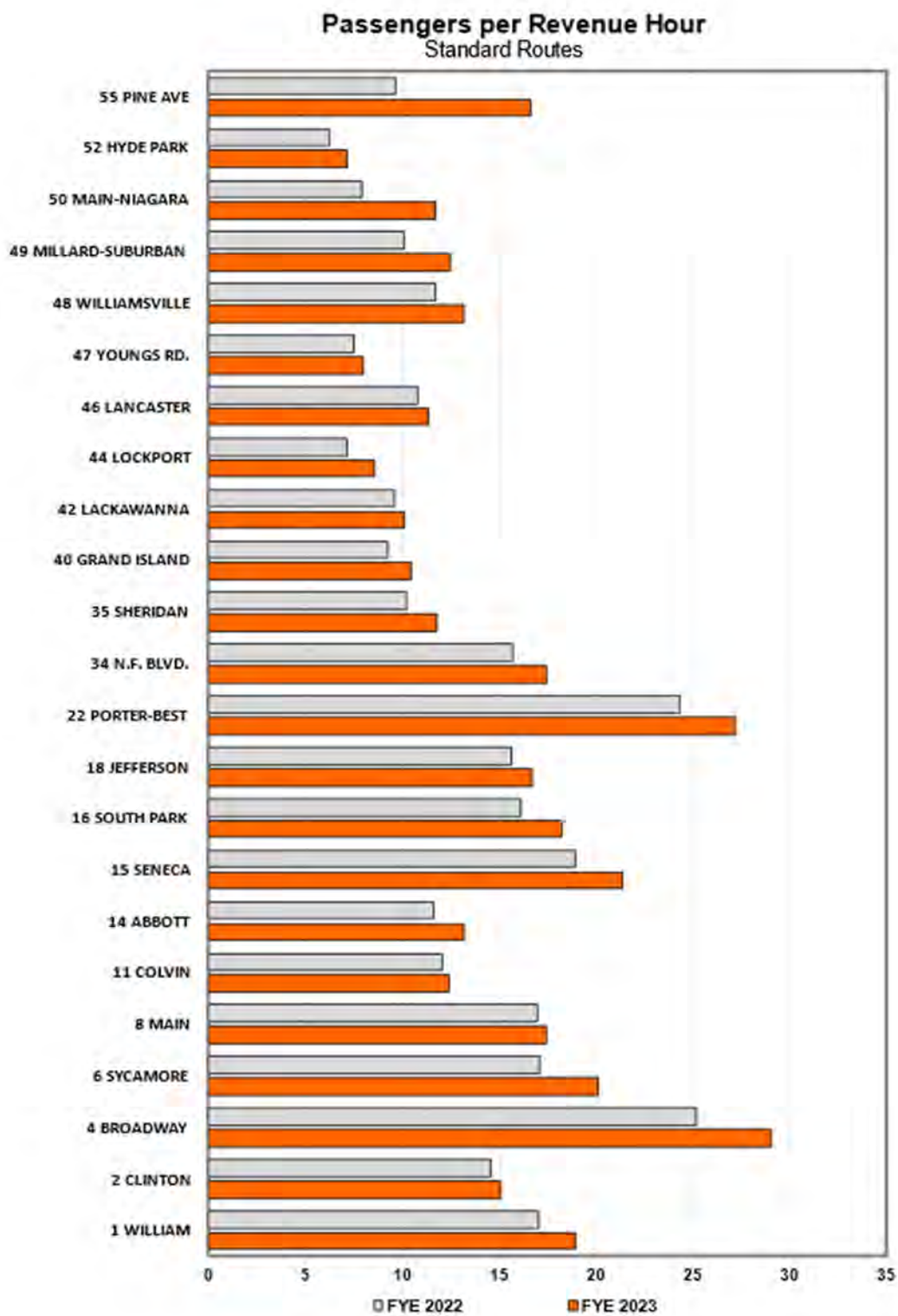
This represents the productivity of the route by the number of passengers carried for each hour of revenue service provided. It is computed by dividing the number of average weekday riders by the associated number of revenue hours of service for each route.



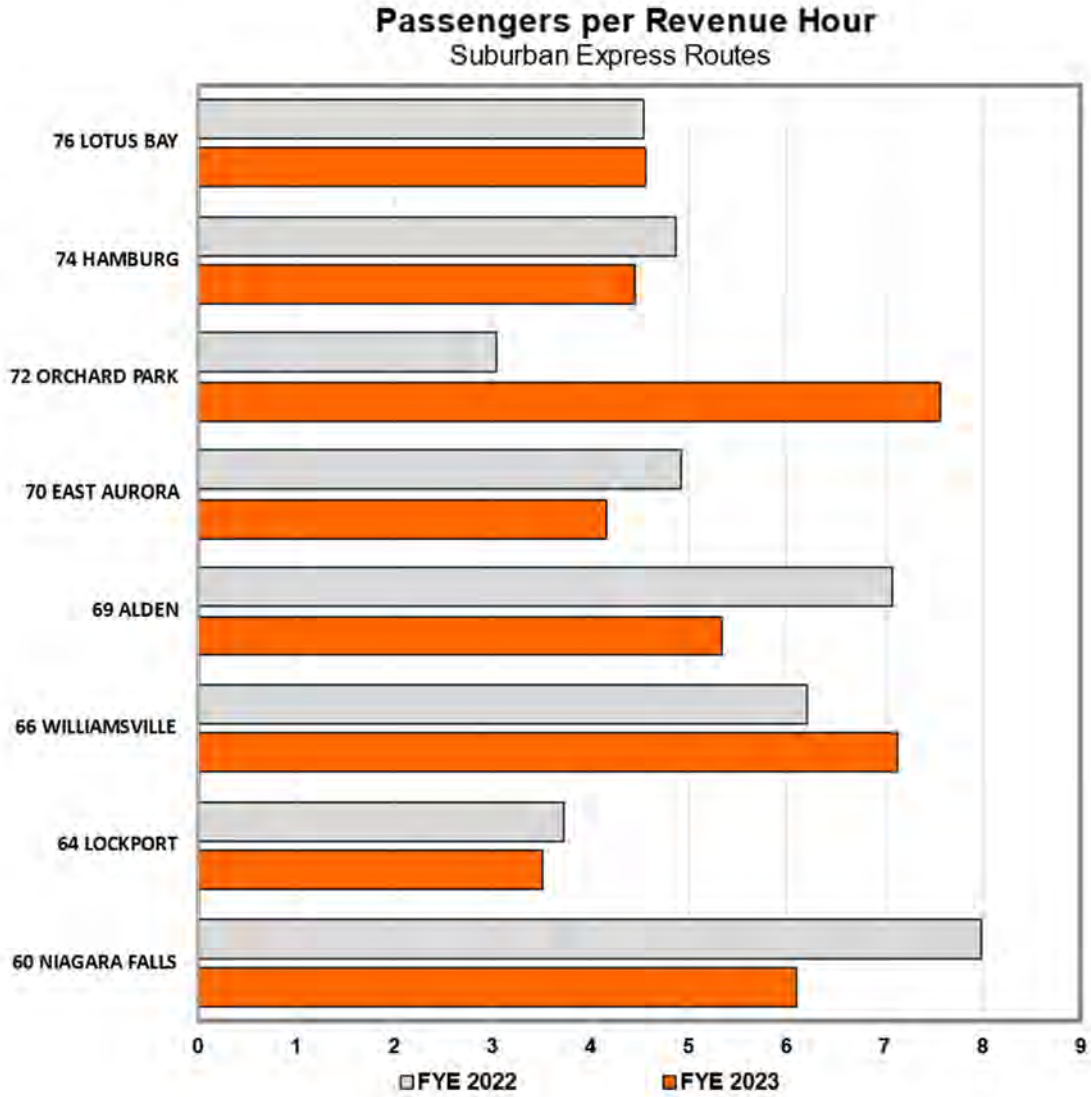
ROUTE PERFORMANCE ANALYSIS - WEEKDAY SERVICE ONLY



ROUTE PERFORMANCE ANALYSIS - WEEKDAY SERVICE ONLY



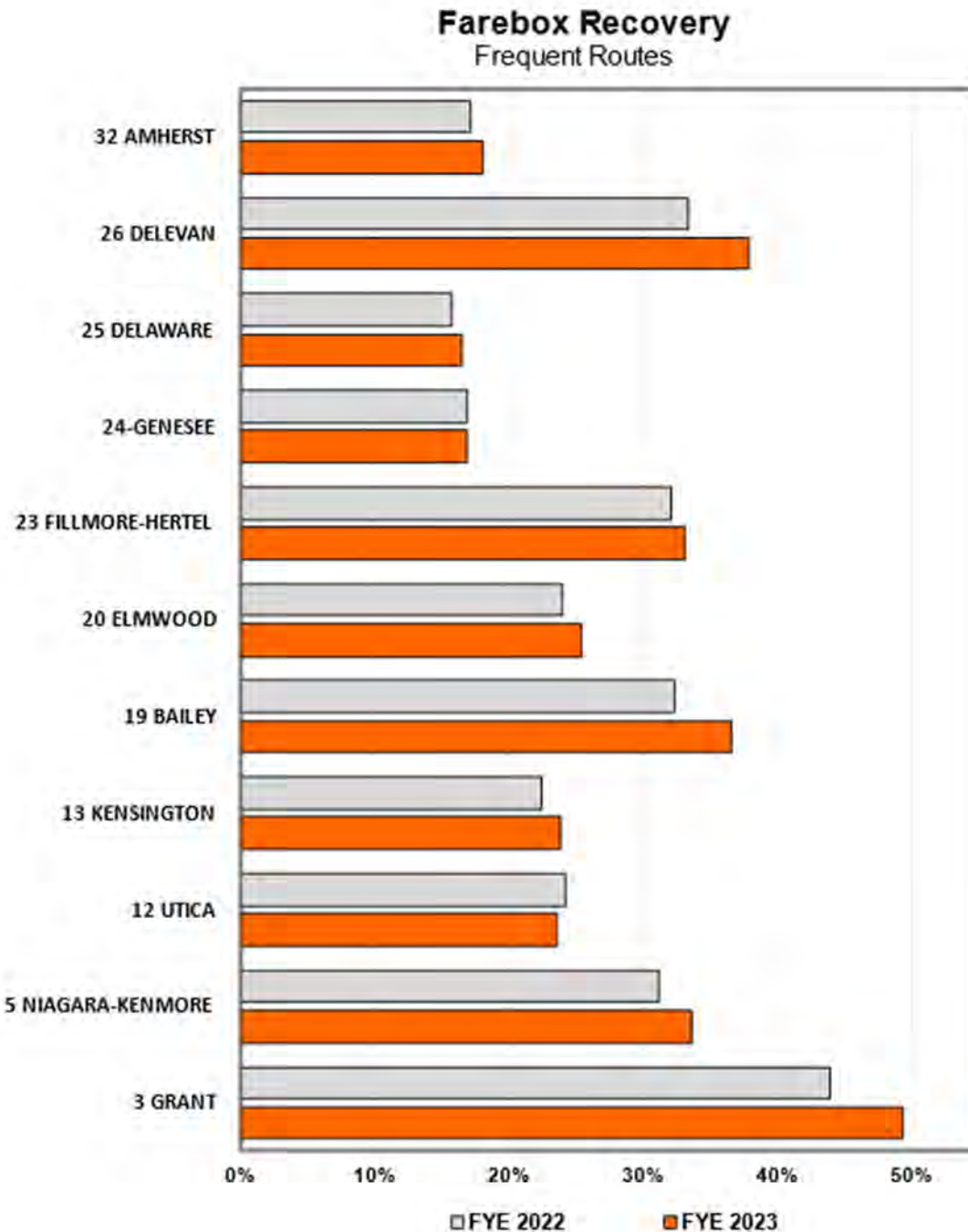
ROUTE PERFORMANCE ANALYSIS - WEEKDAY SERVICE ONLY



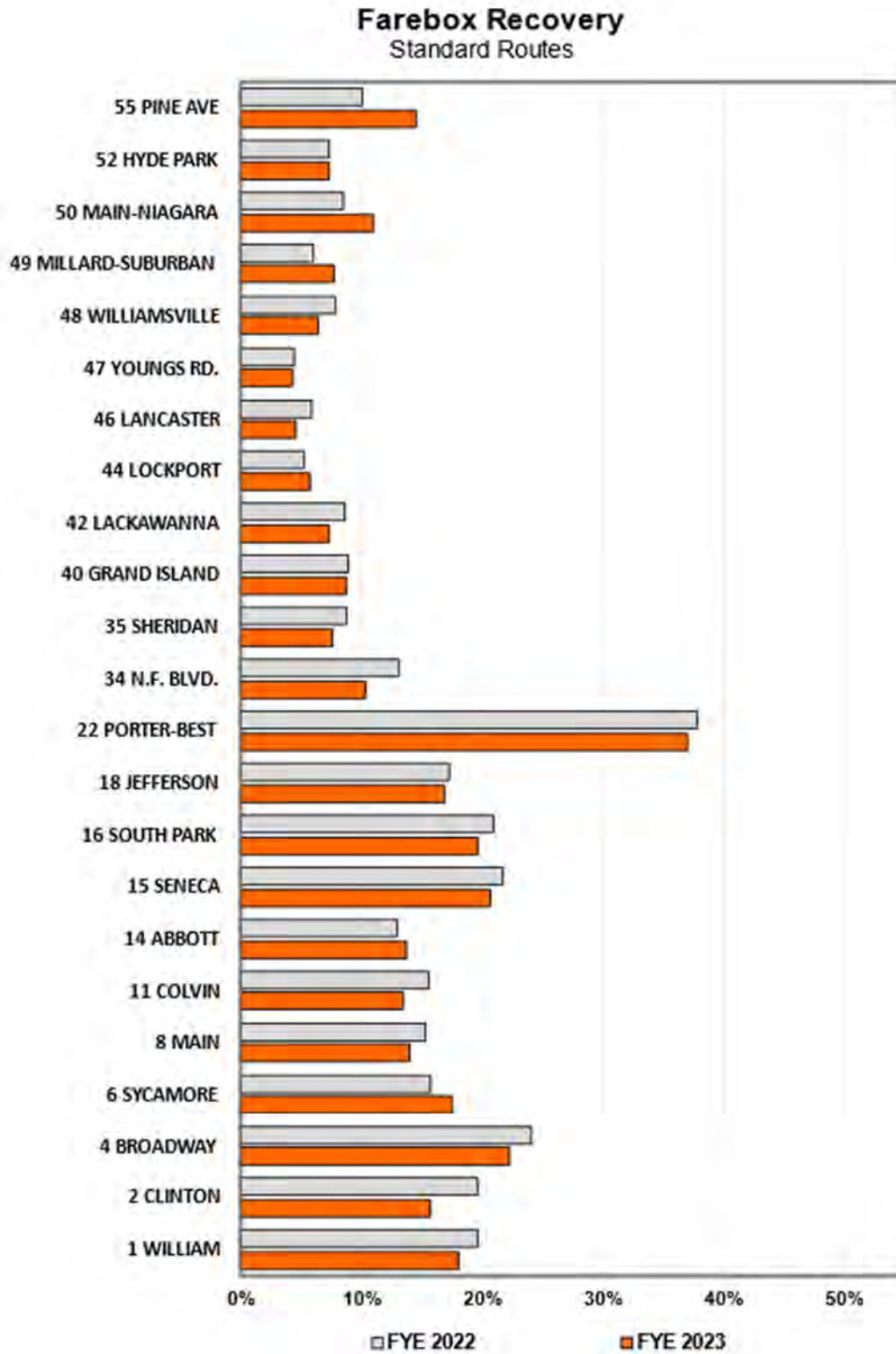
ROUTE PERFORMANCE ANALYSIS - WEEKDAY SERVICE ONLY

Farebox Recovery

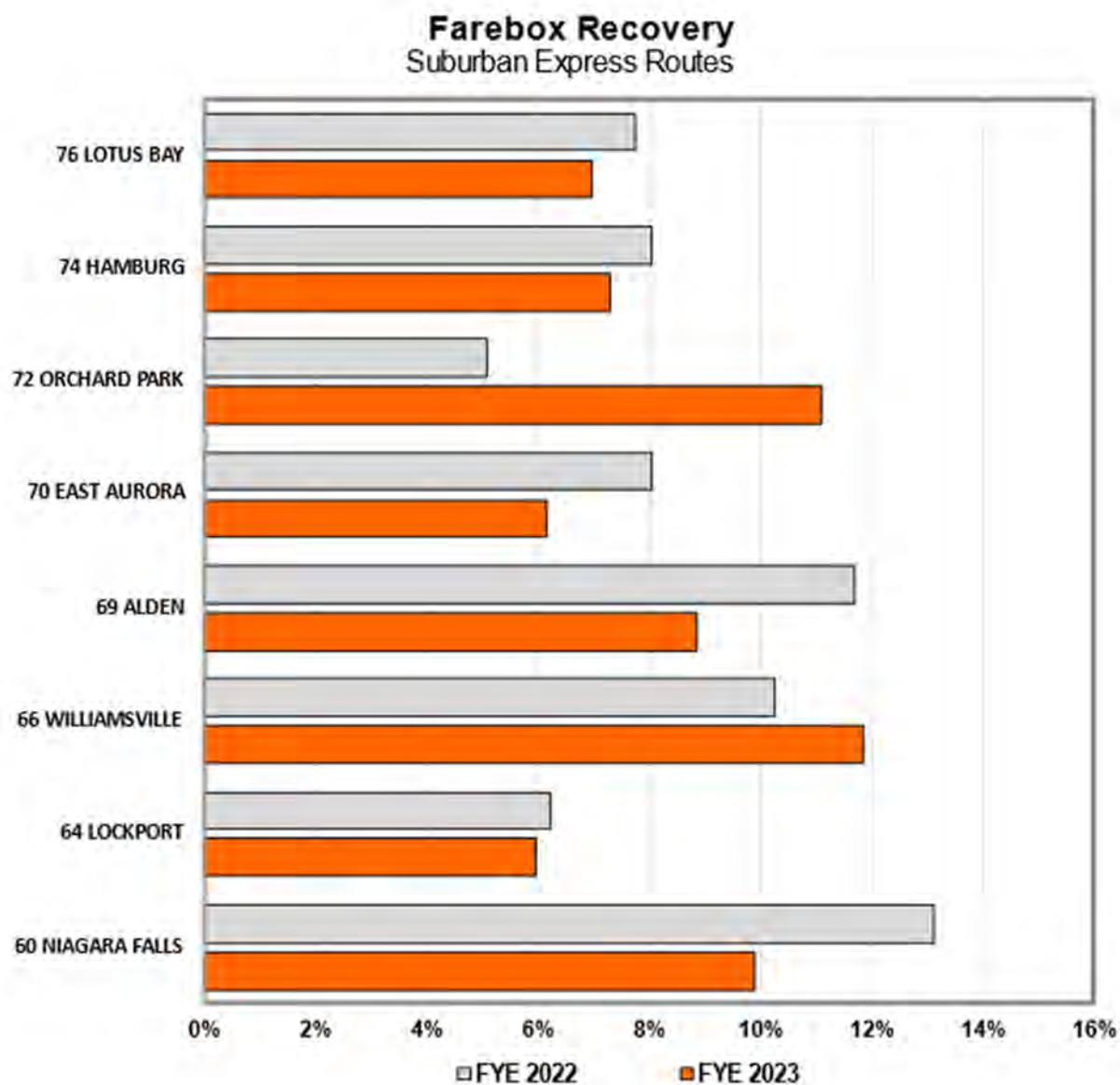
This represents the percent of operating expenses which are directly covered by the passenger fares. It is computed by dividing the total passenger fare revenue by the total operating expenses for each route.



ROUTE PERFORMANCE ANALYSIS - WEEKDAY SERVICE ONLY



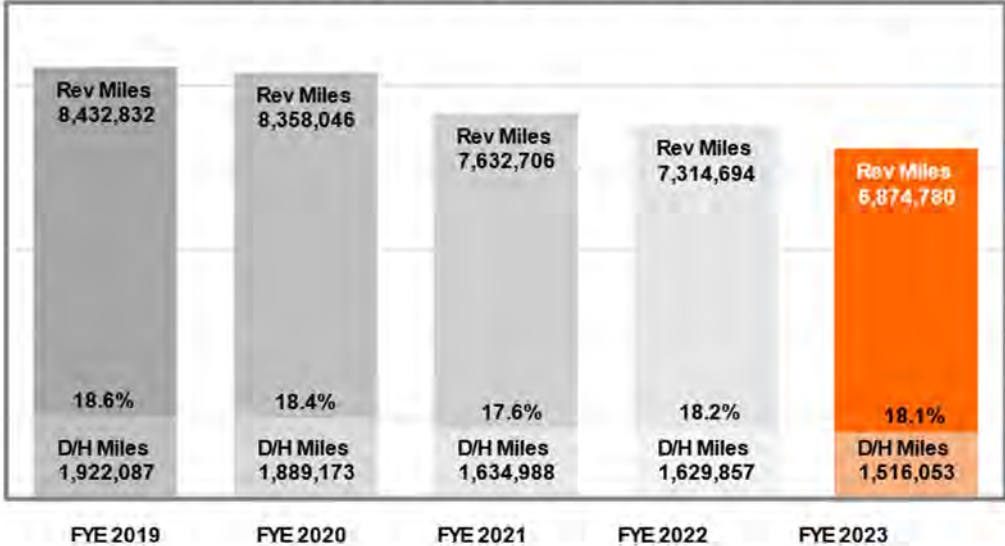
ROUTE PERFORMANCE ANALYSIS – WEEKDAY SERVICE ONLY



MILEAGE EFFICIENCY

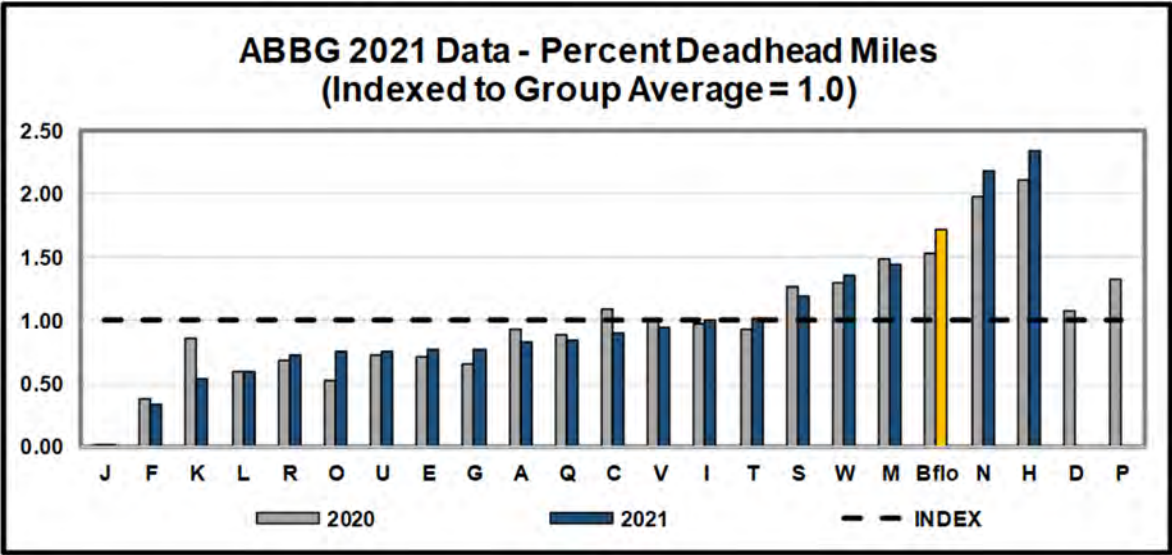
Mileage efficiency compares the amount of vehicle miles traveled providing revenue generating service (Rev Miles) with the miles traveled when the vehicle is out of service (deadhead miles). This measure reflects route design efficiency.

Metro Bus- Percent of Deadhead (D/H) Miles



Metro Rail deadhead mileage efficiency is maintained at less than 13 percent.

ABBG 2021 Data - Percent Deadhead Miles (Indexed to Group Average = 1.0)



MILEAGE EFFICIENCY

Paratransit Vans Percent of Deadhead (D/H) Miles





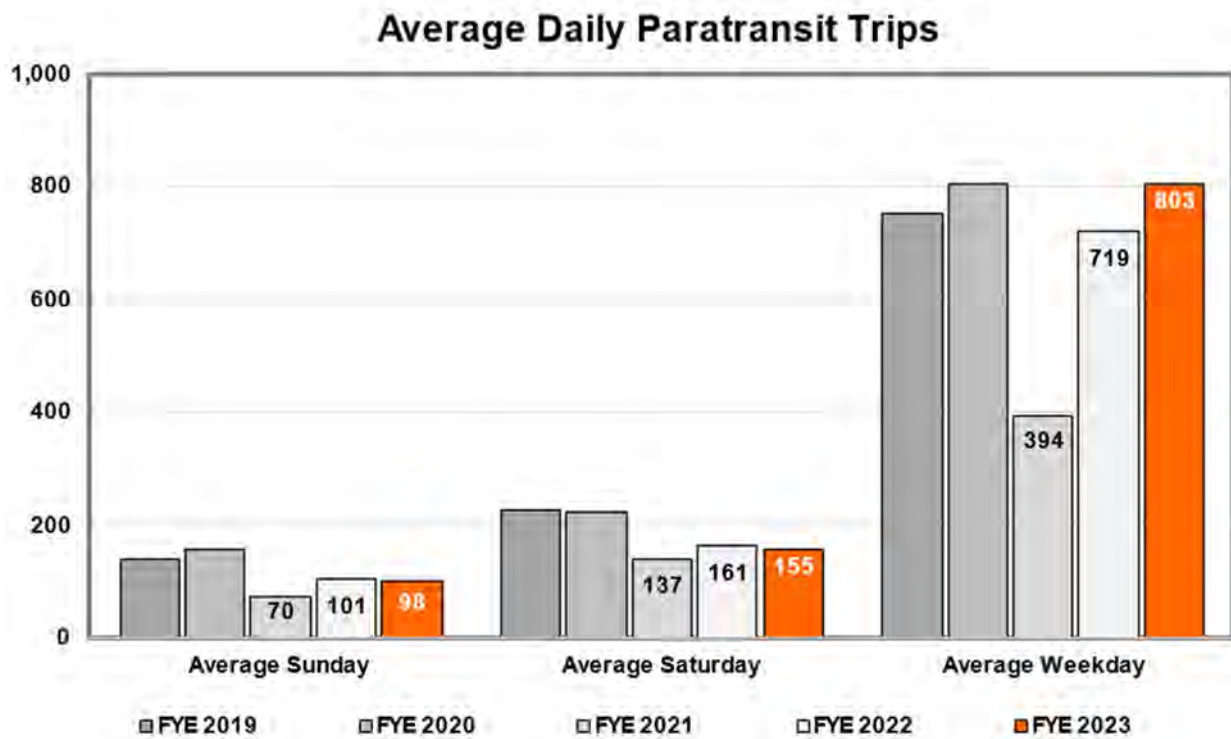
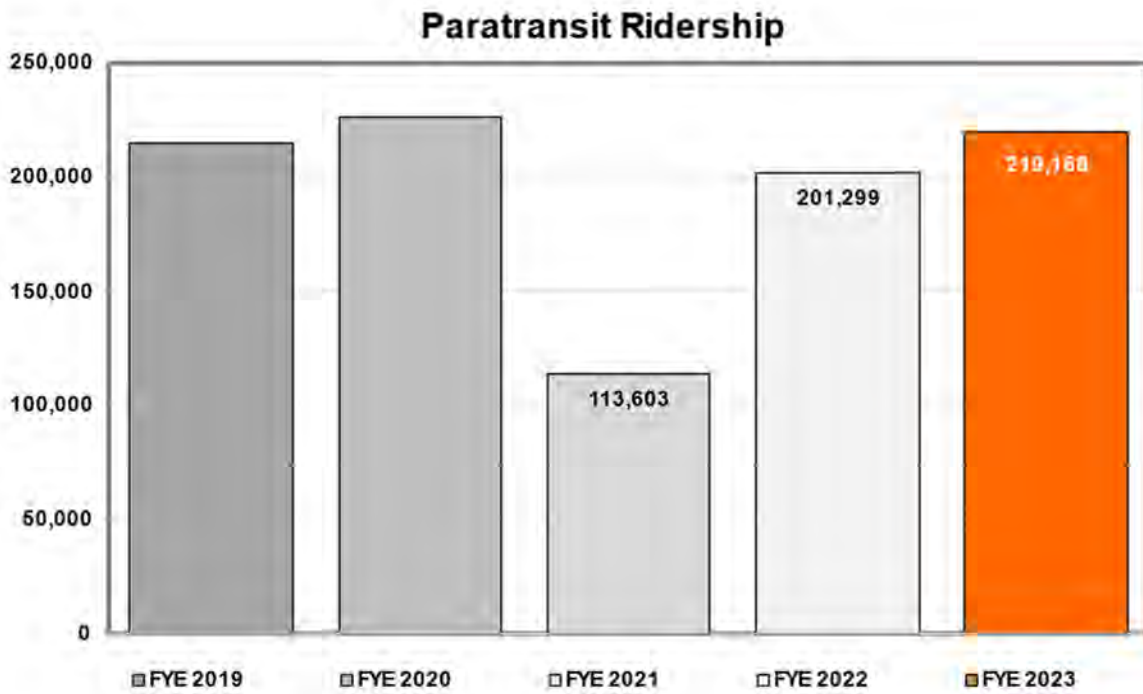
PARATRANSIT PROFILE

Metro has a fully accessible bus and rail system. For those passengers who cannot access our regular Metro Bus and Rail due to a disability (temporary or permanent) we provide safe, reliable origin to destination transportation services through the Paratransit Access Line (PAL).

In an effort to minimize demand for PAL service, Metro continues to allow PAL eligible riders to use fixed route service free of charge.

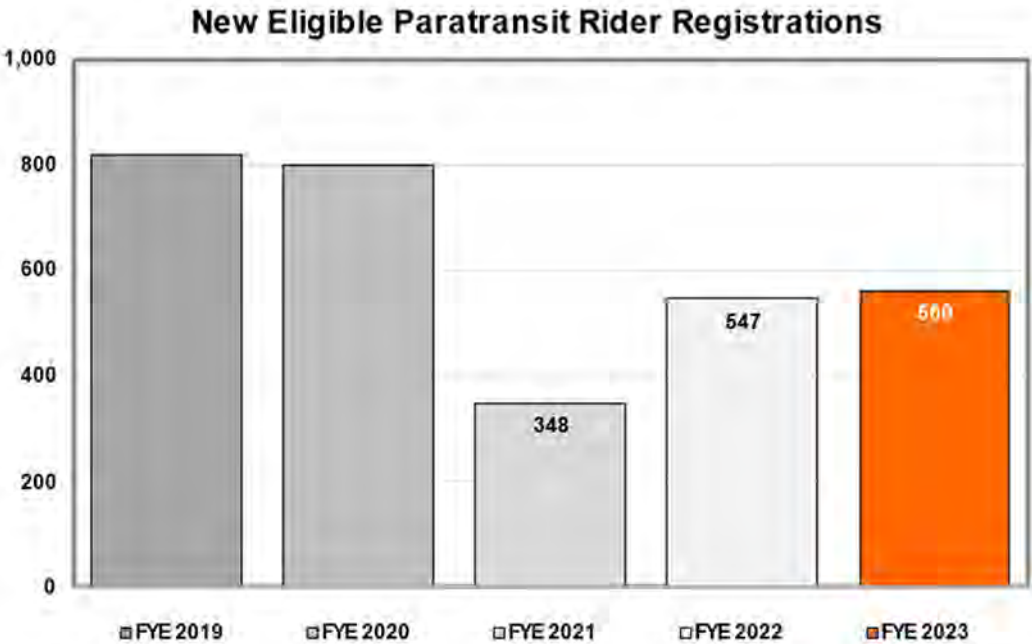
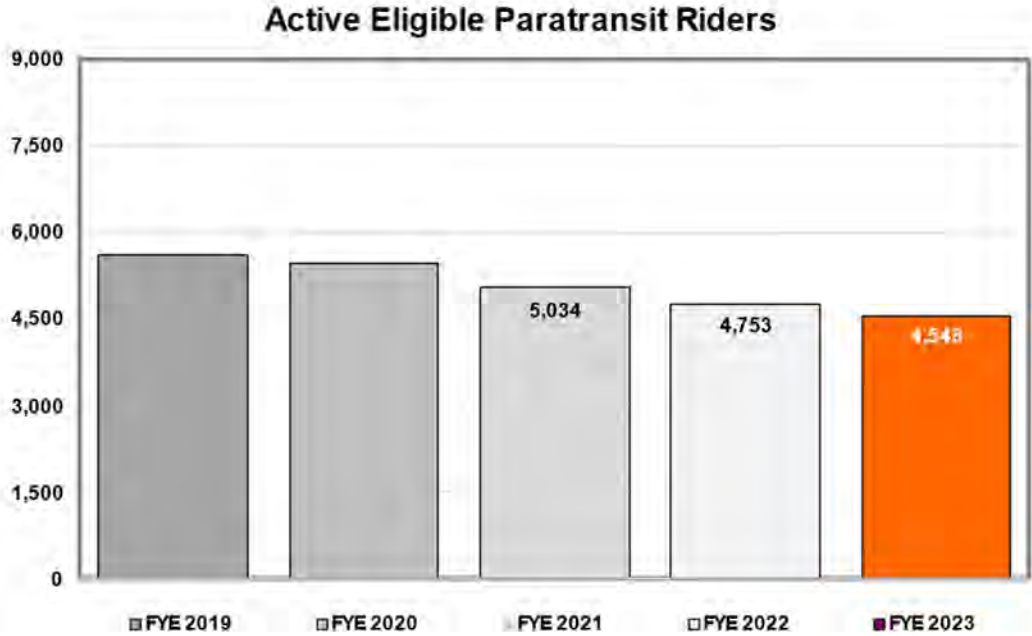
Paratransit service is provided to the community by utilizing almost 100 dedicated operators and 75 vehicles throughout our service area.

PARATRANSIT RIDERSHIP



PARATRANSIT REGISTRATIONS

Paratransit ridership is comprised of passengers who have obtained eligibility by completing the application process (eligible riders). Eligibility to use PAL is determined based on the guidelines contained in the Americans with Disabilities Act (ADA) of 1990.



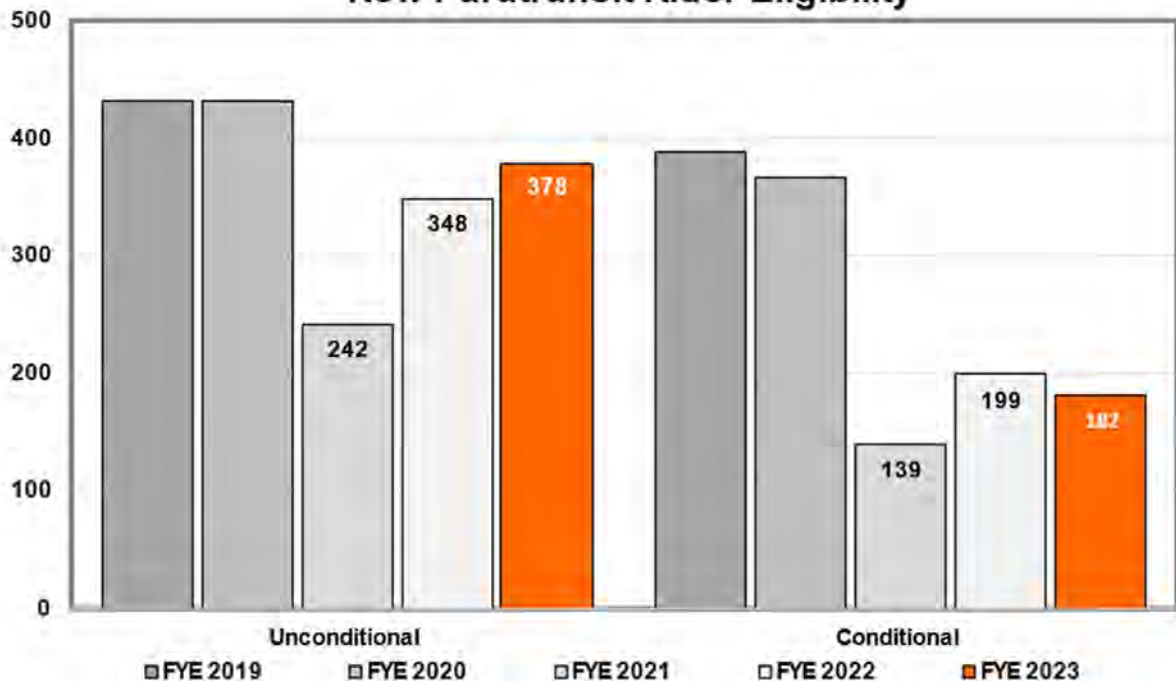
PARATRANSIT ELIGIBILITY TYPES

Access to PAL service is established through the application process when conditions may be applied to eligibility:

- Unconditional eligibility entitles an ADA rider to unlimited PAL service
- Conditional eligibility places restrictions on use of PAL service based on disability (For example, the ADA rider may only be eligible to use PAL service during winter months or for travel to unfamiliar destinations where they have not been travel trained.)

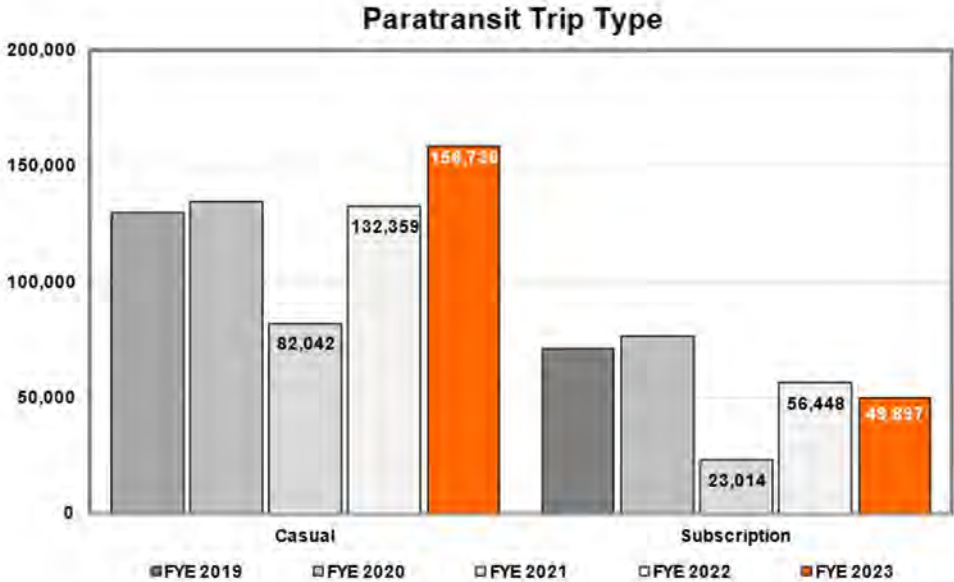


New Paratransit Rider Eligibility



PARATRANSIT TRIP TYPES

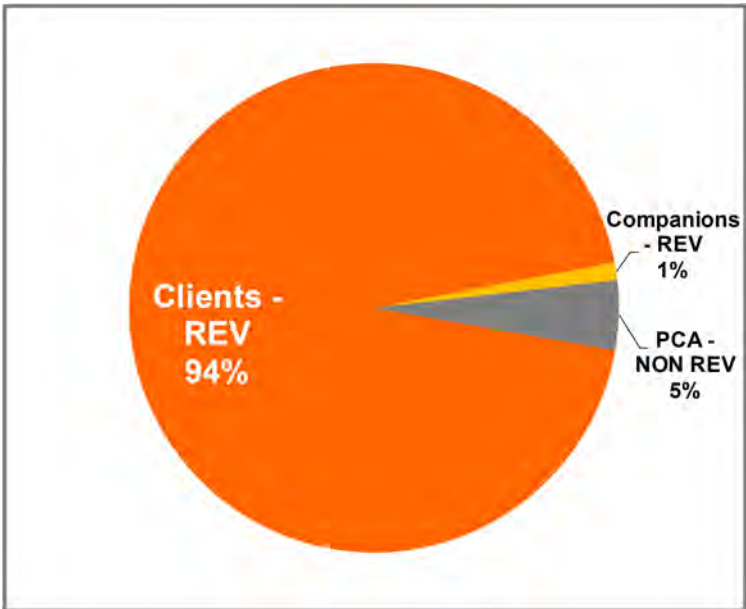
Trip bookings are classified as either casual or subscription trips. Casual, single trips are non-recurring trips made by an eligible rider. Subscription trips are trips requested between the same origin and destination on fixed days at fixed times.



PARATRANSIT RIDERSHIP MAKEUP

Eligible riders, who require assistance, may request to travel with a personal care attendant (PCA) who rides free of charge (NON REV). Eligible riders are also permitted to travel with a companion who rides for the same fare as the eligible rider (REV).

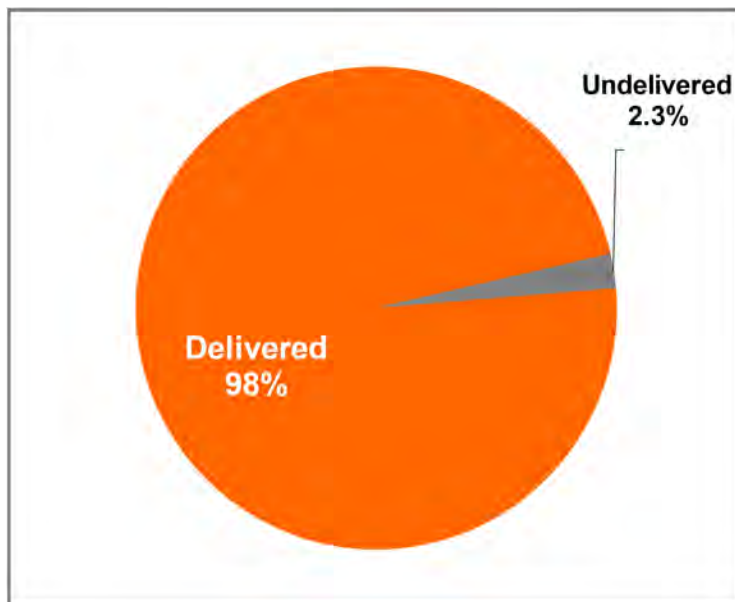
Typical Paratransit Ridership
5-Year Average



PARATRANSIT TRIP DELIVERY

Trip delivery is based on trips scheduled for ADA-eligible riders.

Paratransit Trip Delivery Performance
5-Year Average



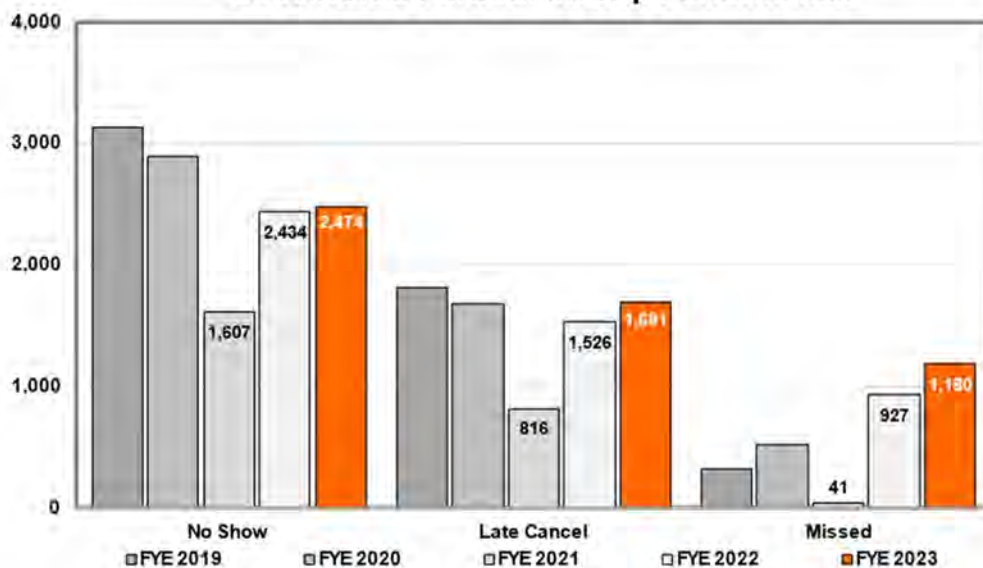
Undelivered paratransit trips include:

No Show (1.4%) - The Metro vehicle arrived within 30-minute pickup window and waited at least five minutes but the rider did not board.

Late Cancel (0.8%) - Rider called to cancel a trip less than two hours prior to the scheduled pickup window.

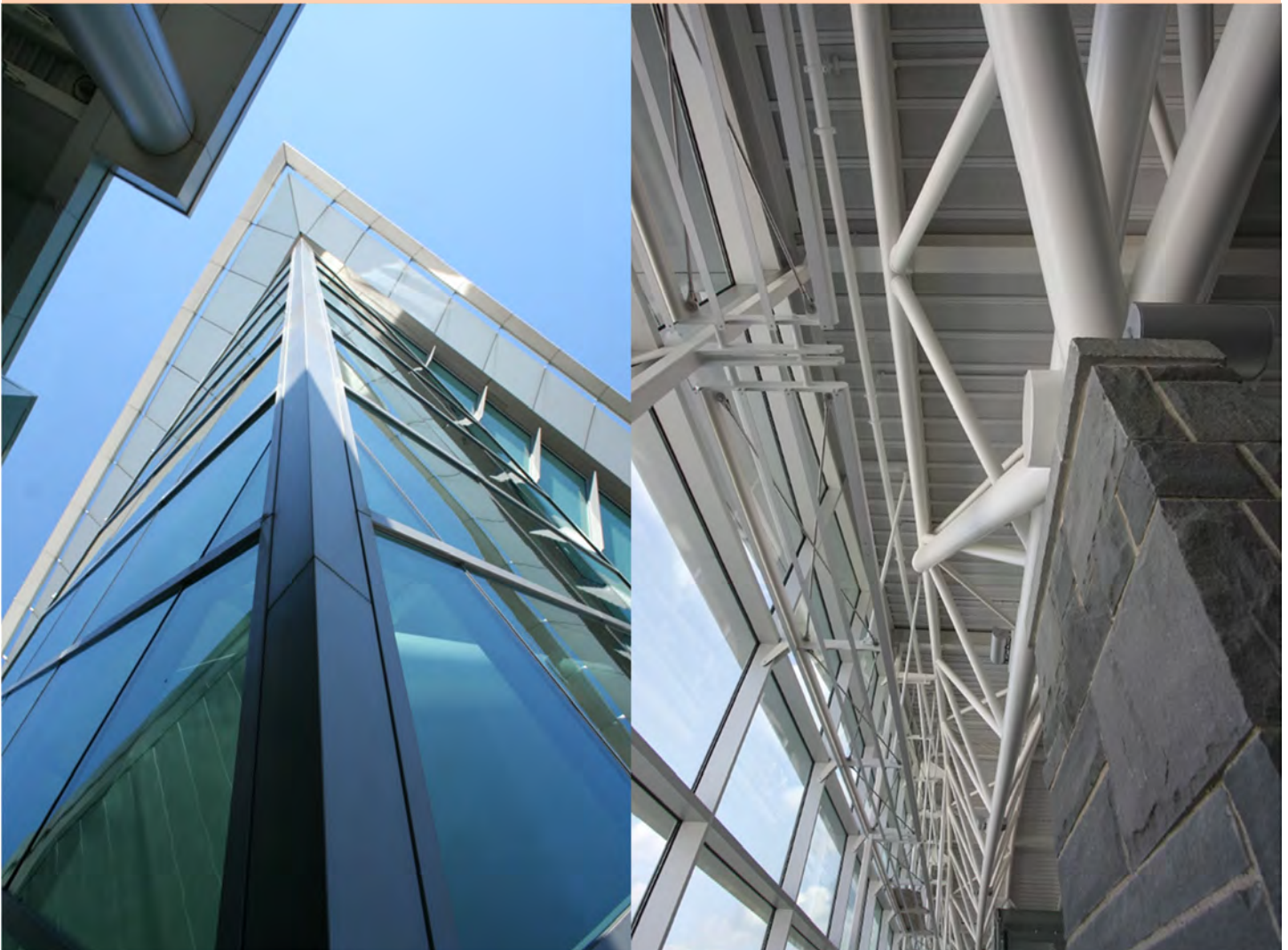
Missed Trip (0.1%) - The Metro vehicle arrived outside the pickup window and the rider found other means of transportation or did not travel.

Undelivered Paratransit Trip Performance



NFTA AVIATION MISSION STATEMENT

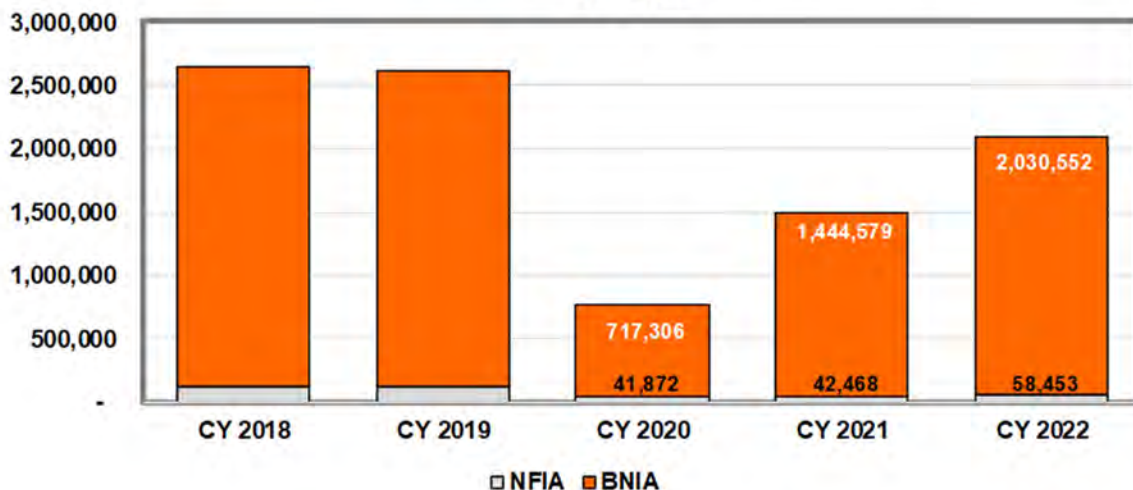
To serve as a catalyst for economic growth by maintaining cost-effective, customer-oriented, and efficient airports to attract and retain comprehensive and competitive air transportation services.



ENPLANEMENTS

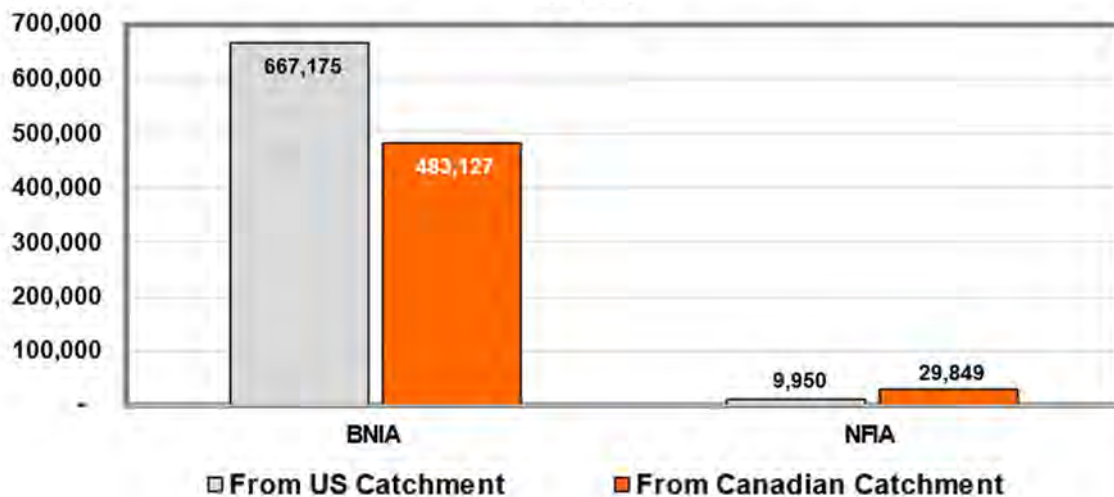
An enplanement is defined as a revenue passenger who boards an aircraft that departs from an airport.

Annual BNIA & NFIA Enplanements CY 2022



(From monthly airline reporting; includes non-revenue enplanements)

Originating Enplanements CY 2022

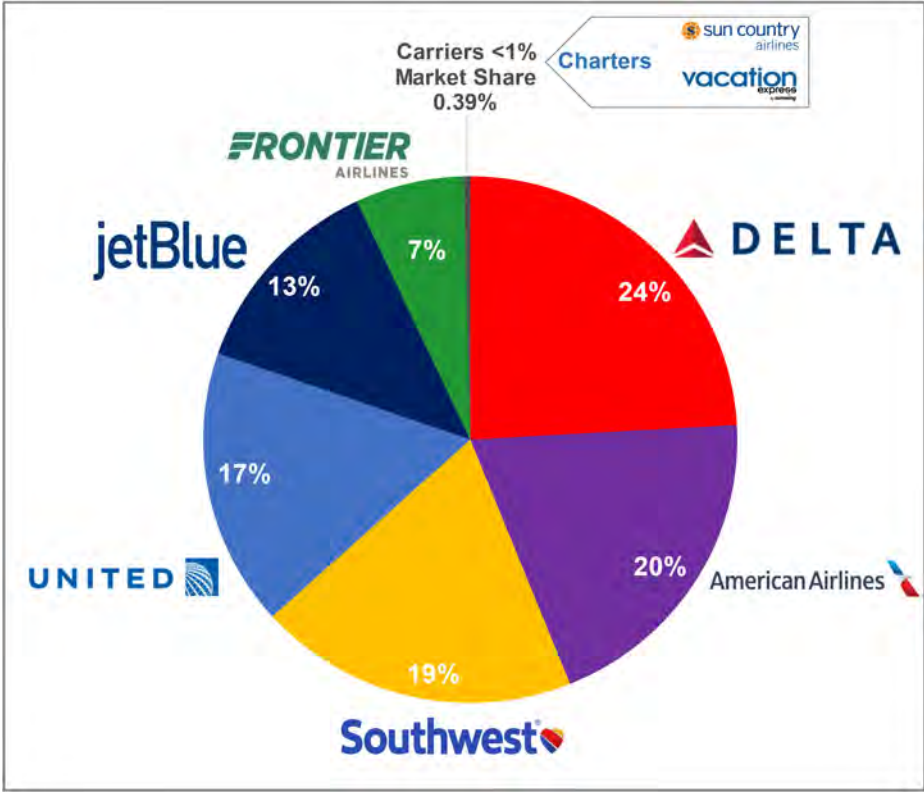


(Enplanements originating from our airports; excludes visitors coming to WNY)

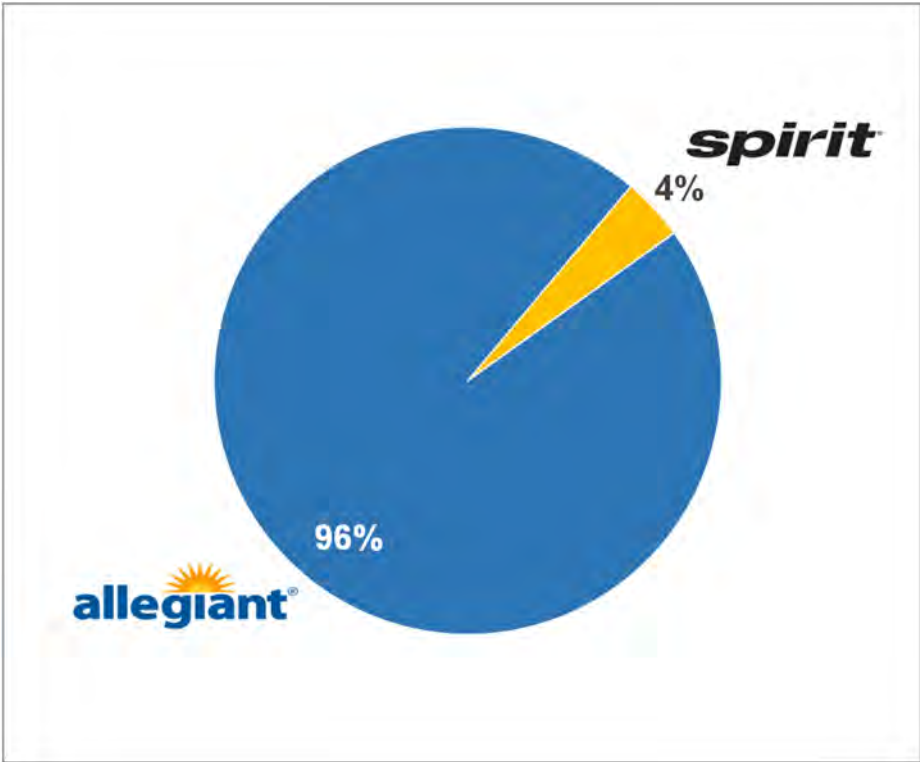
MARKET SHARE

Market share is based on the number of annual departing flights.

BNIA – Airline Market Share

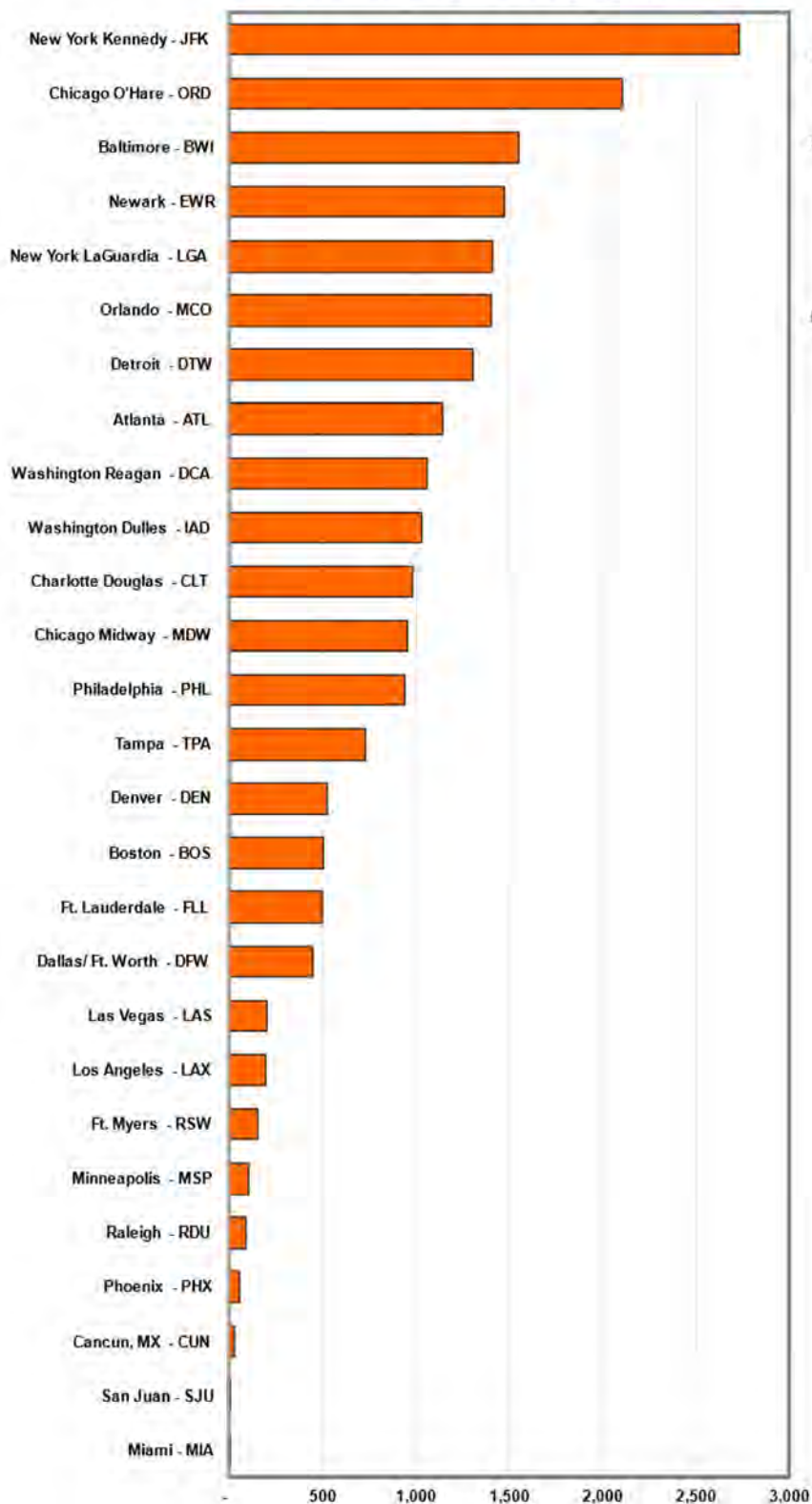


NFIA – Airline Market Share

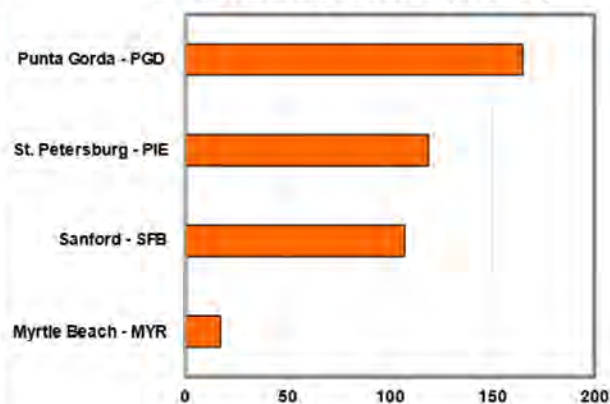


NONSTOP ROUTES

BNIA - Nonstop Routes (Flights)

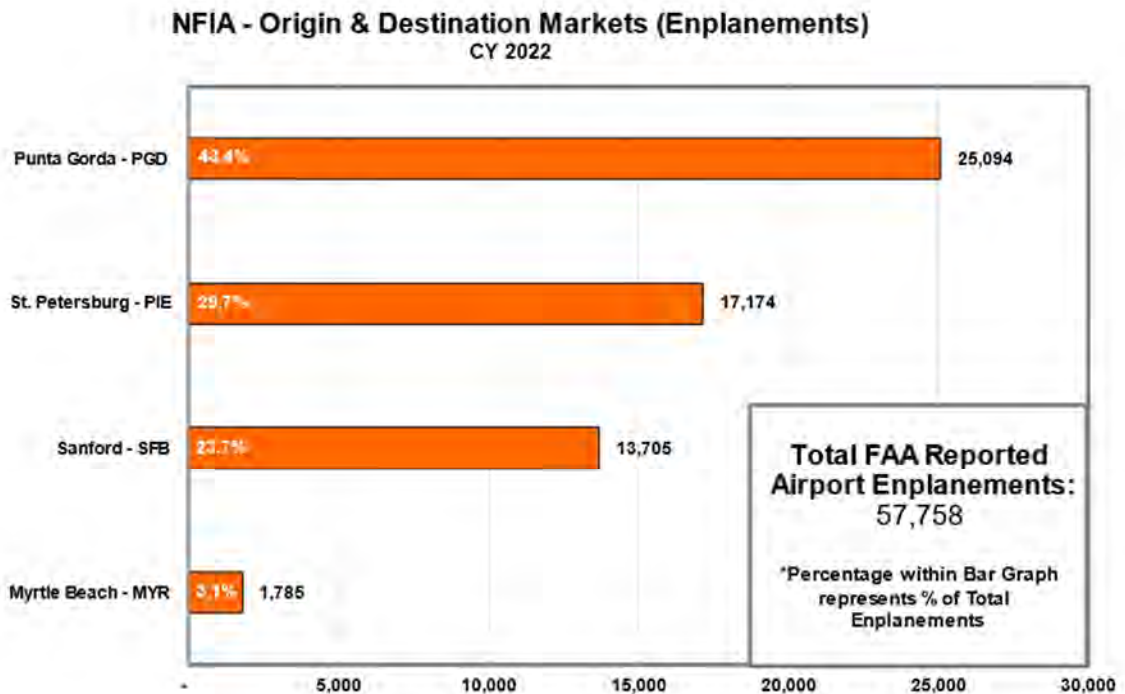
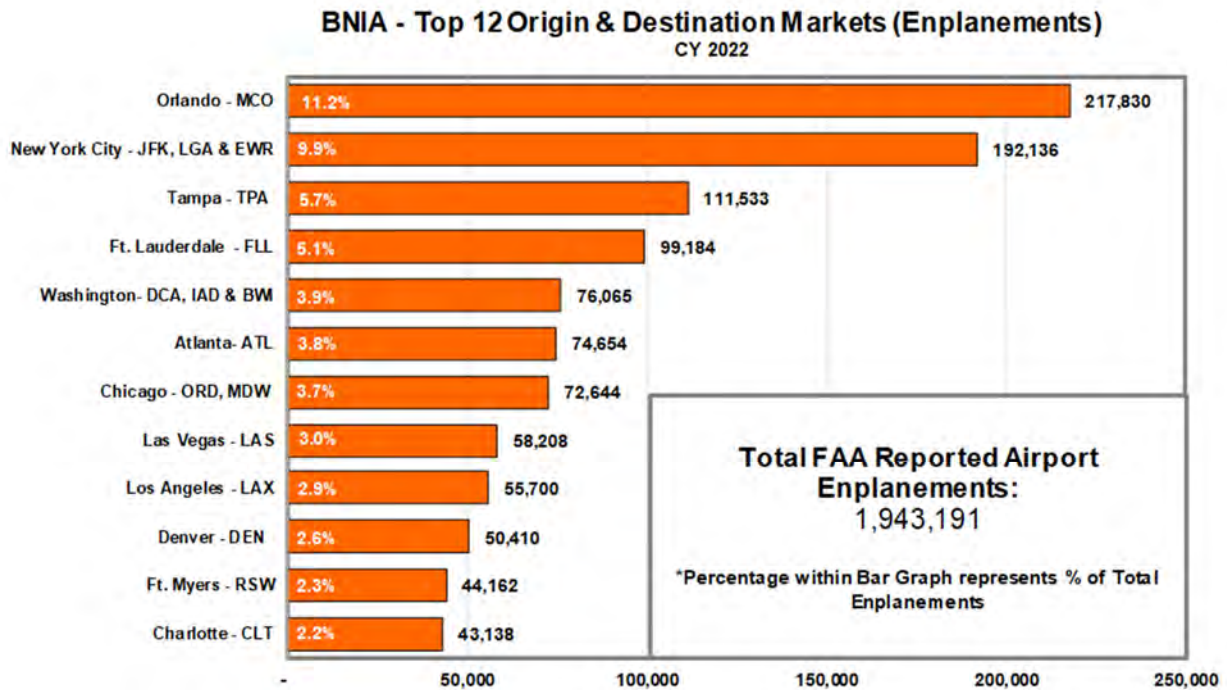


NFIA - Nonstop Routes (Flights)



ORIGIN & DESTINATION (O&D) MARKETS

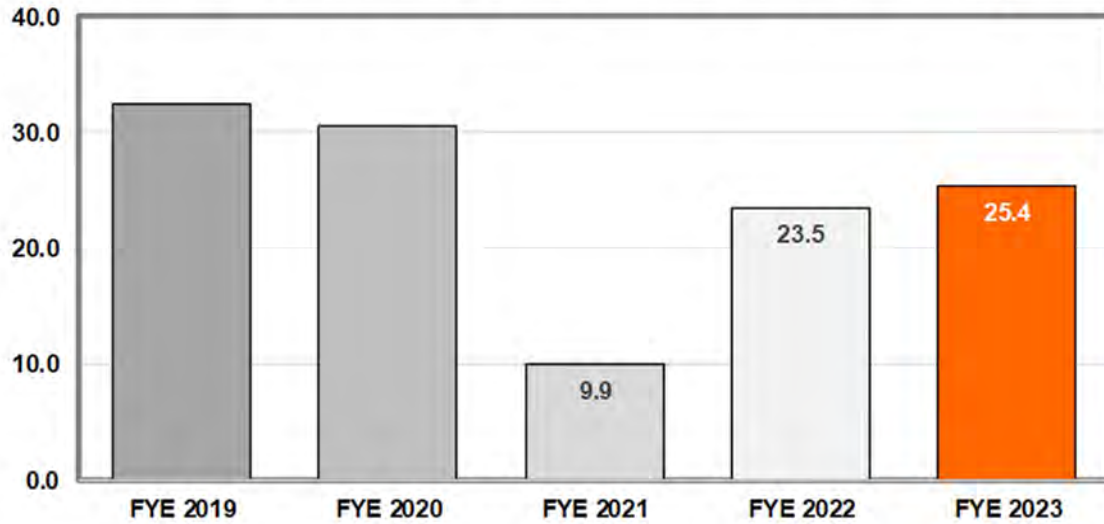
Origination and Destination (O&D) Markets are the true start and end points of complete directional travel itineraries.



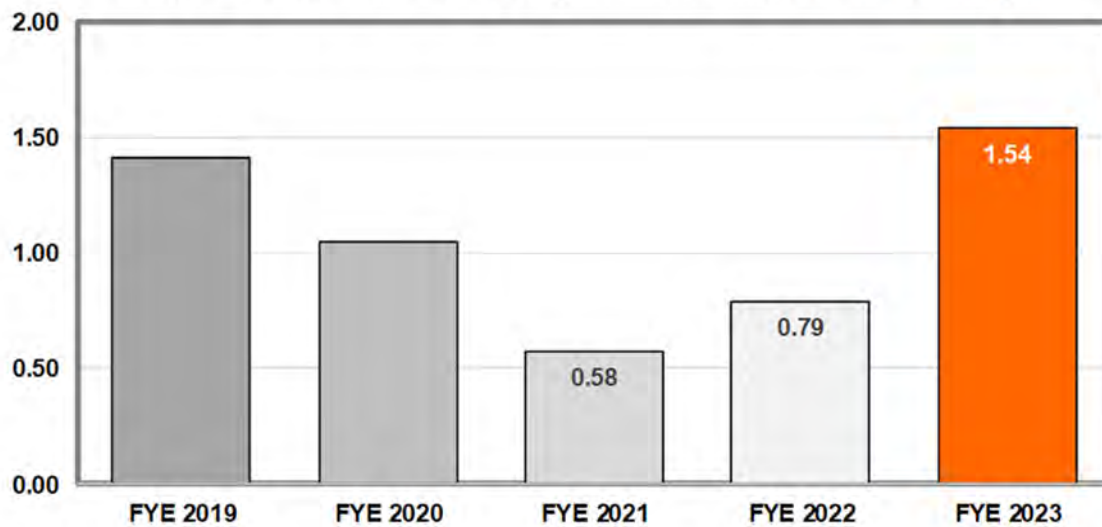
Allegiant Air and Spirit Airlines have been providing year-round scheduled air services for the past decade. Spirit Airlines resumed service in May 2022 after pausing flight operations in October 2020 due to COVID-19 industry impacts. However, by June 2022 the airline halted service again and decided in early 2023 to exit NFIA permanently. Allegiant Air continues to provide year-round flight service at NFIA.

FUEL FARM

BNIA - Fuel Farm - Jet A - (Gallons Delivered in MMs)

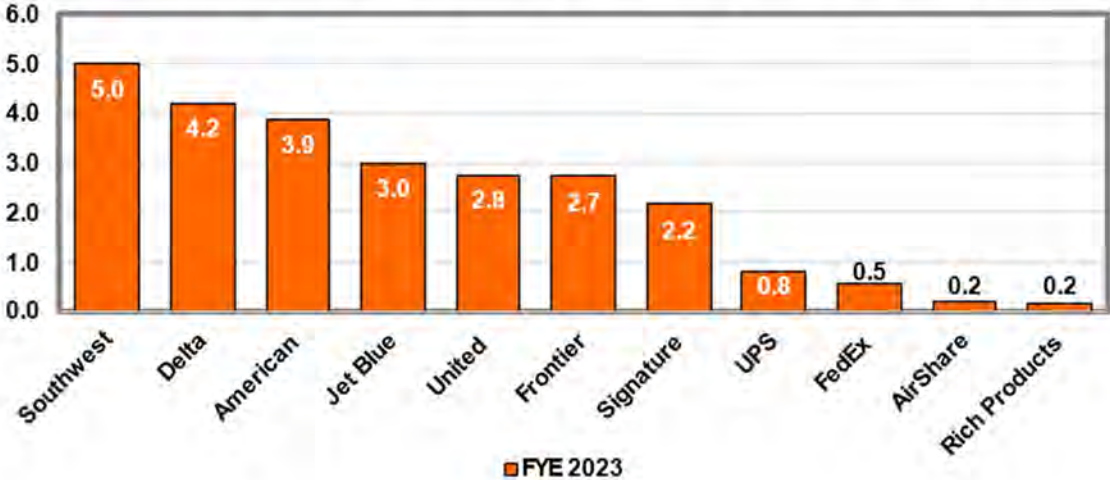


NFIA - Fuel Farm - Jet A - (Gallons Delivered in MMs)

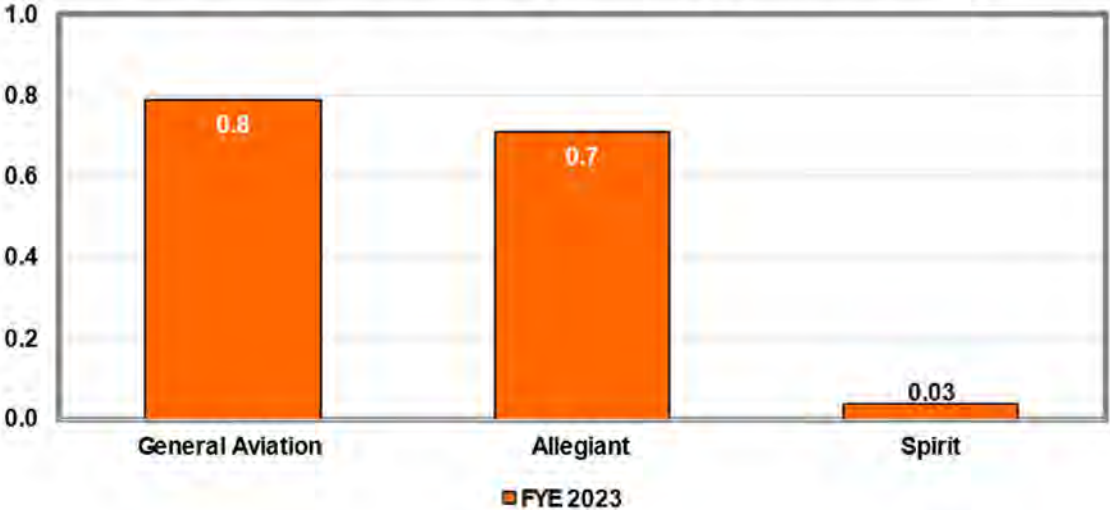


FUEL FARM

BNIA - Fuel Farm Jet A (Gallons Uplifted in MMs)



NFIA - Fuel Farm Jet A (Gallons Uplifted in MMs)

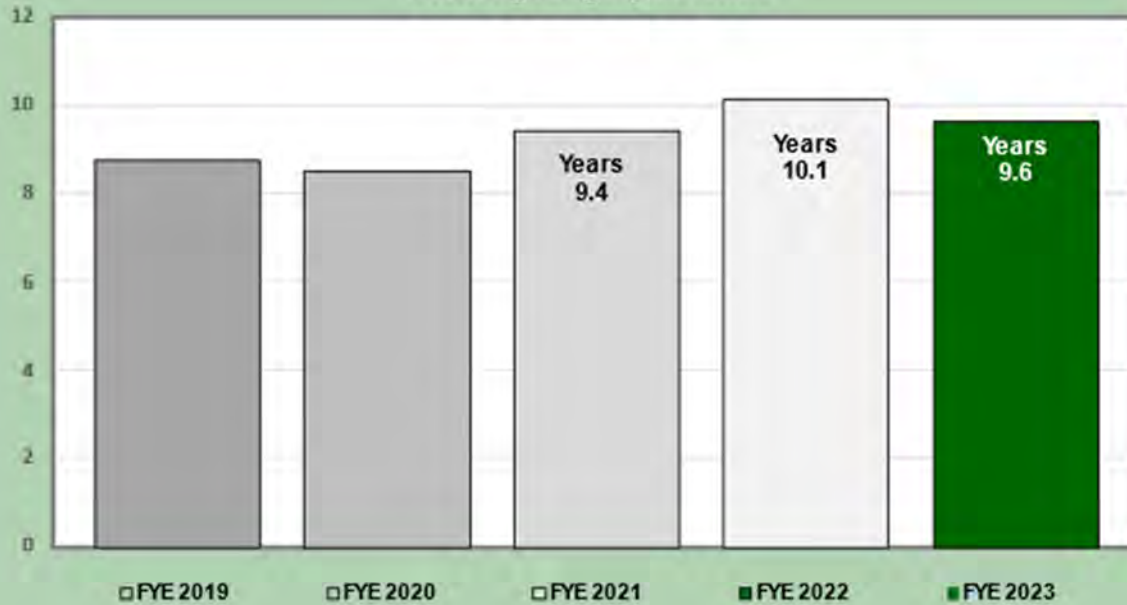


Fleet / Infrastructure

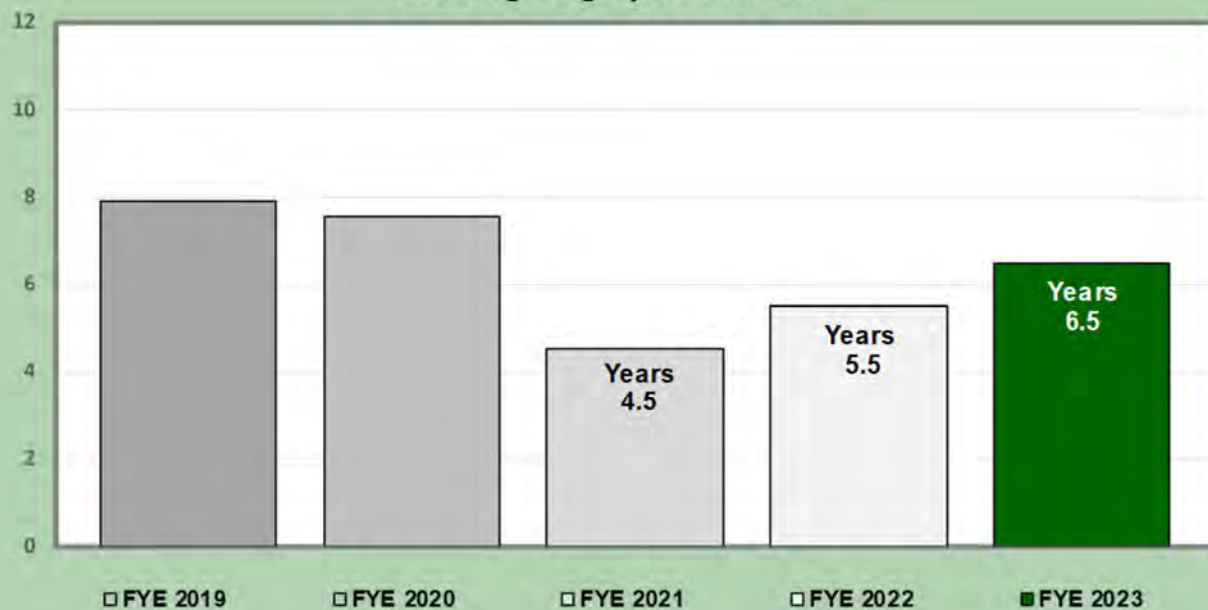
VEHICLE PROFILE

Metro's bus and rail fleet includes 299 buses and 27 rail cars. An underlying factor to the vehicle reliability is the overall age and mileage of the vehicle.

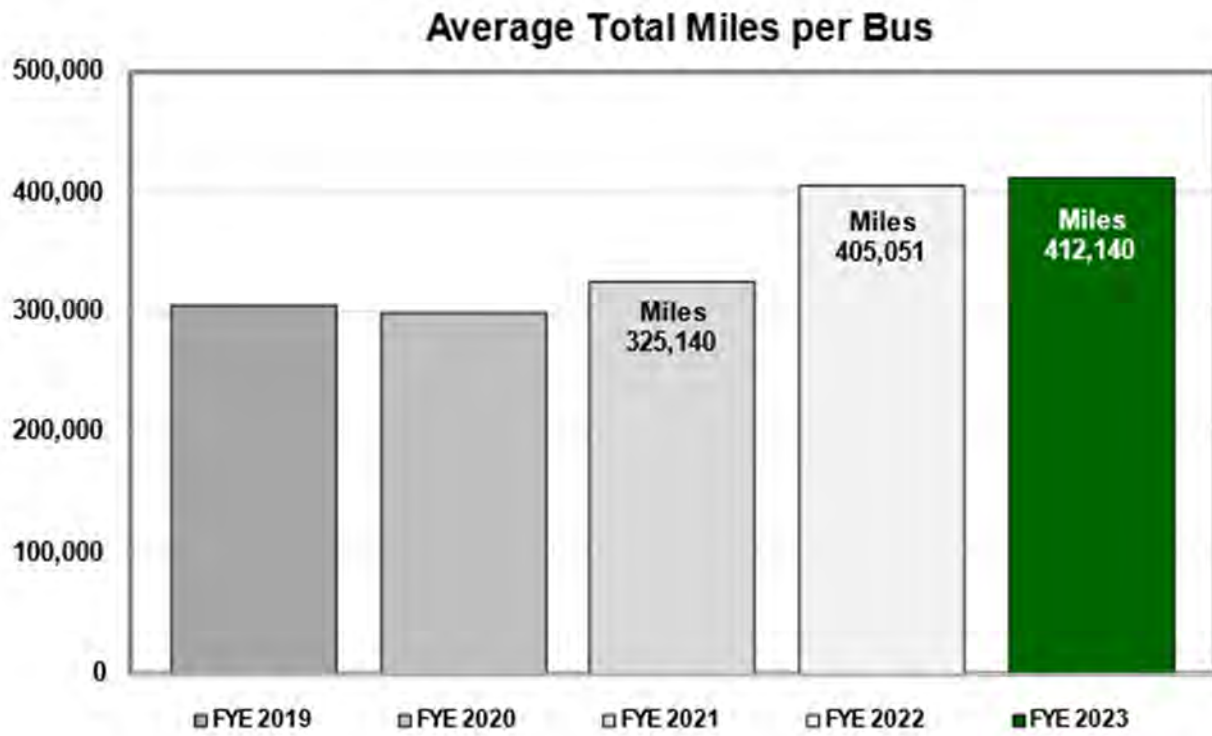
Average Age per Bus



Average Age per Rail Car

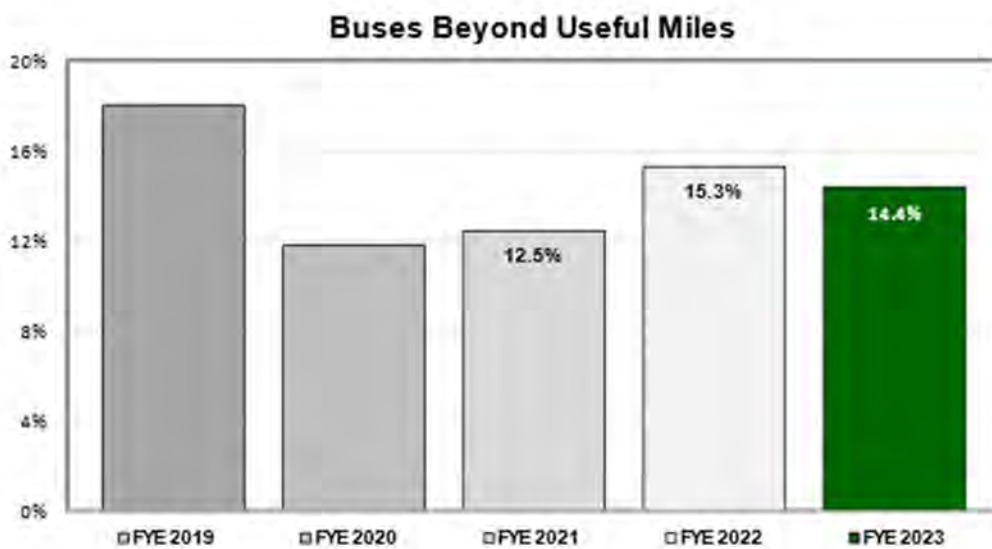
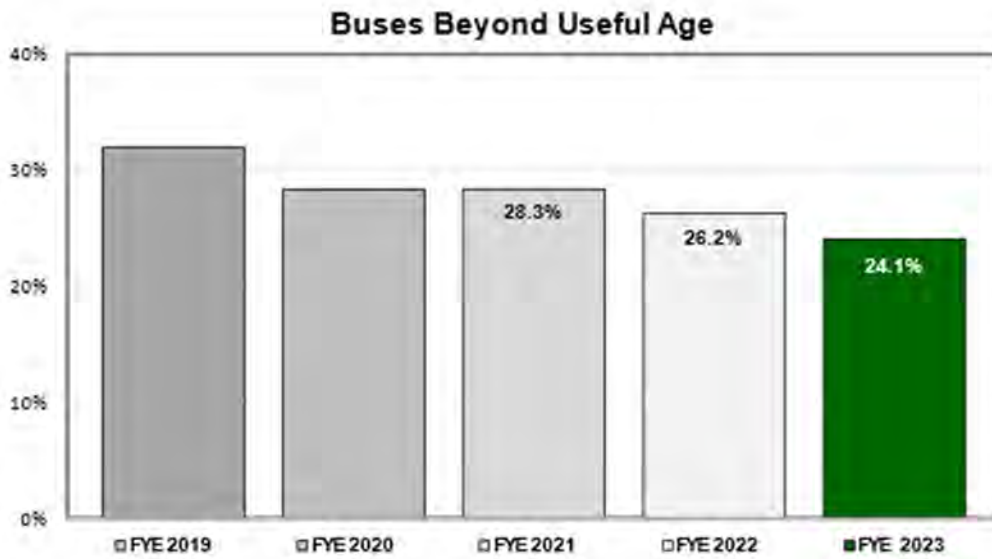


VEHICLE PROFILE



VEHICLE PROFILE

Based on the prescribed useful life/miles milestones, a portion of the bus fleet is eligible for replacement. The Federal Transit Administration (FTA), which provides the major portion of funding for vehicle purchase, has prescribed the useful life of a 40' bus as 12 years of revenue service and/or 500,000 miles and useful life of a rail car as 30 years with a 15-year life for a rebuild. The rail car fleet continues to undergo complete car rebuilding.



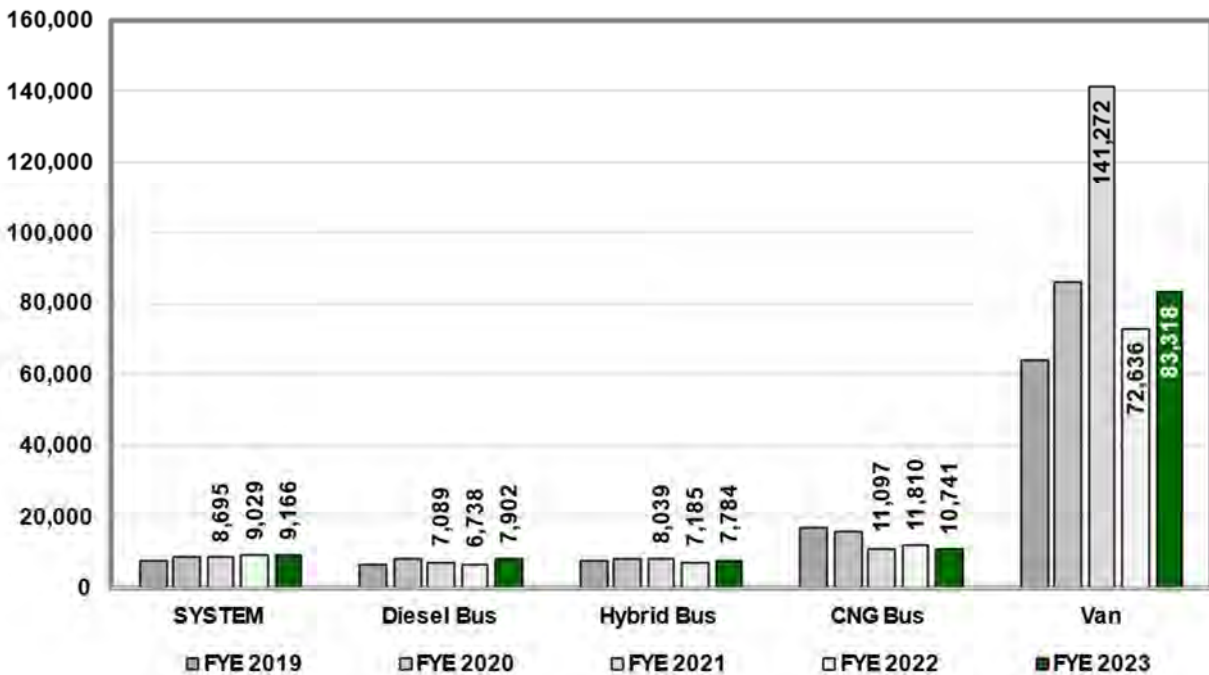
RELIABILITY

Metro’s bus fleet consists of primarily 40’ buses with diesel, hybrid (diesel/electric) or CNG power. The PAL fleet is comprised of vans powered by diesel, gasoline or CNG. Vehicle performance has a direct impact on Metro’s ability to deliver reliable, safe service. Measurement of fleet reliability and efficiency demonstrates the effectiveness of Metro’s maintenance program.

Occasionally mechanical defects necessitate removing a vehicle from service. Miles Without Service Interruptions reflects how many miles a bus has traveled in service before either a bus does not complete its scheduled trip or is unable to start its next scheduled trip.

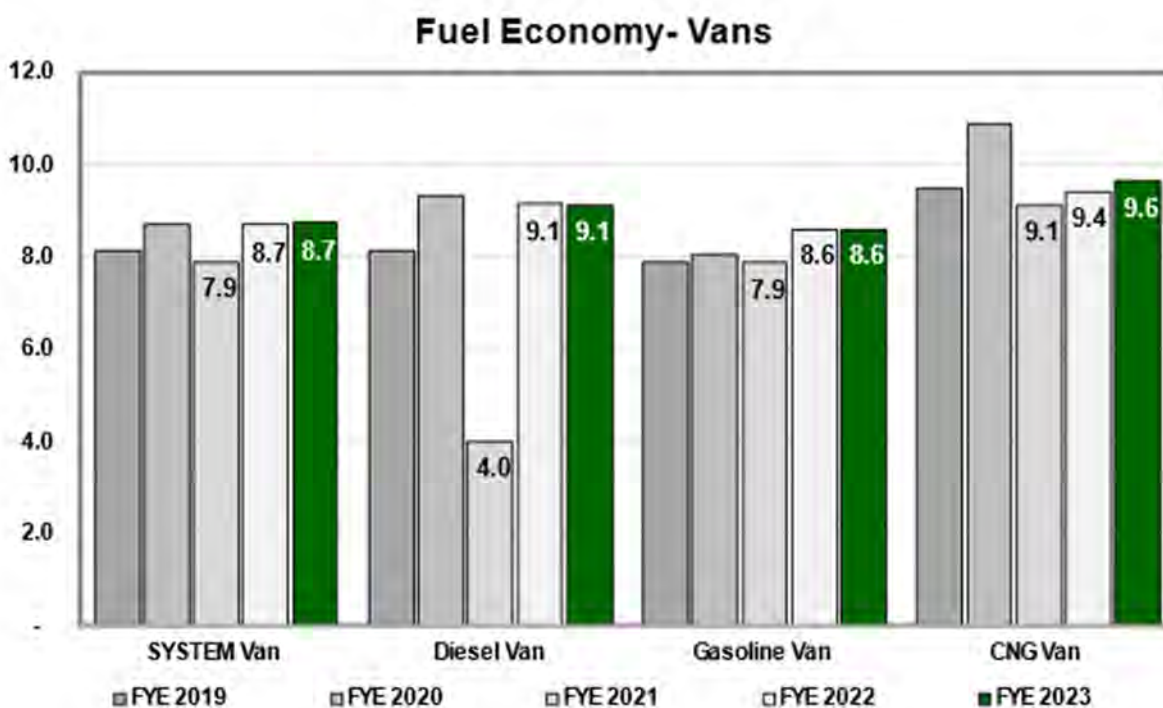
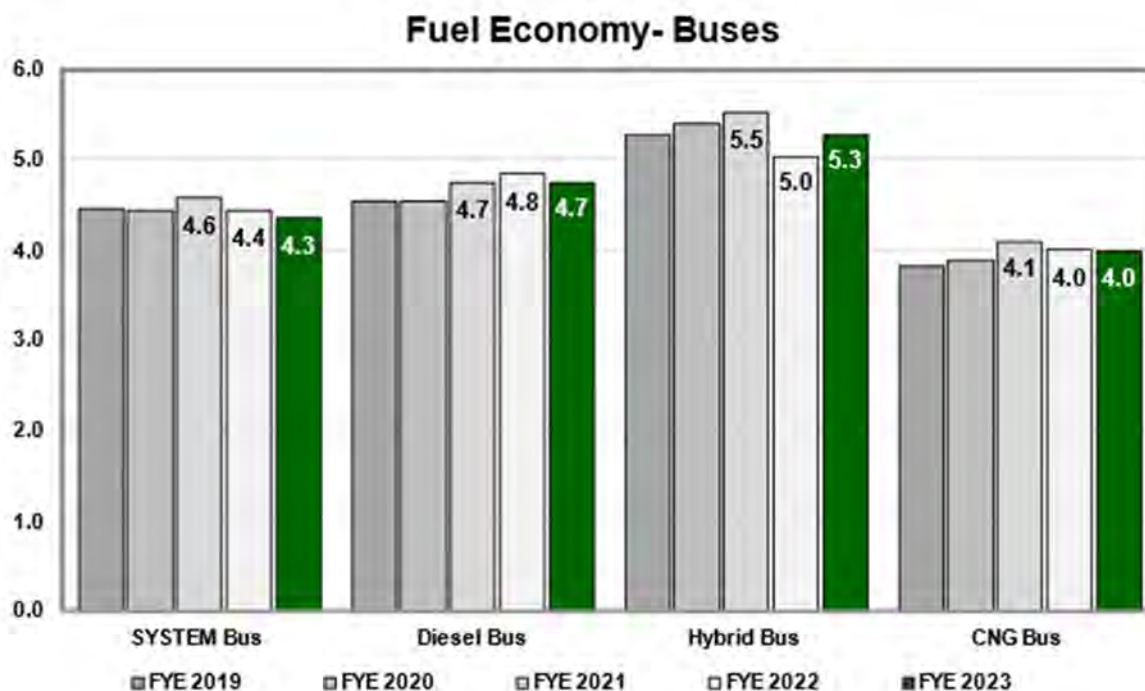


Mileage Without Service Interruptions



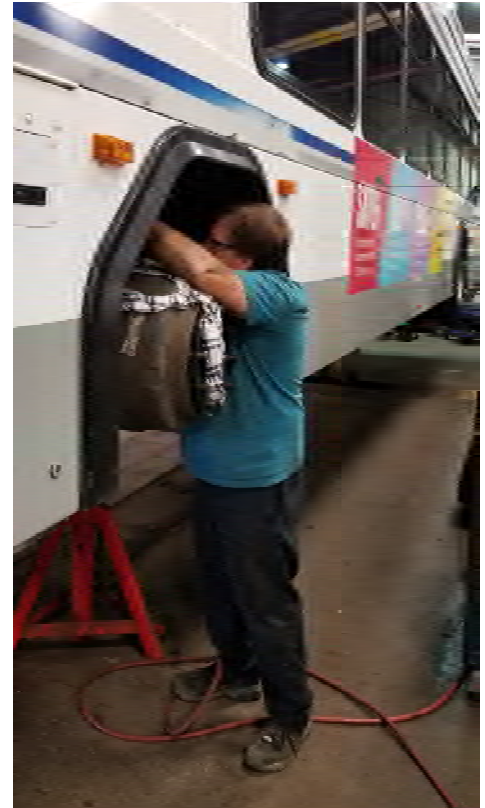
PERFORMANCE

Fuel economy is directly related to the state of good repair and technological innovation of the bus fleet and is impacted by both maintenance and fleet age.

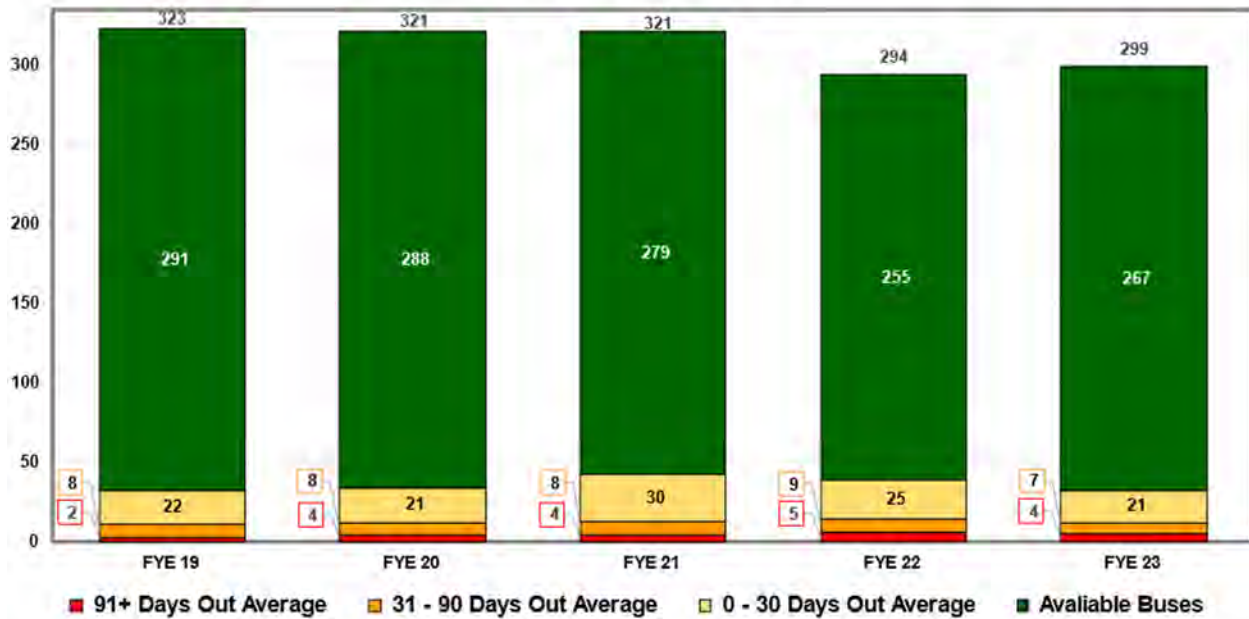


VEHICLE MAINTENANCE

Buses out of service are undergoing repair of defects and are not available for revenue service. Buses out of service include mechanical defects, vehicle corrosion and collision related maintenance and repair requirements.



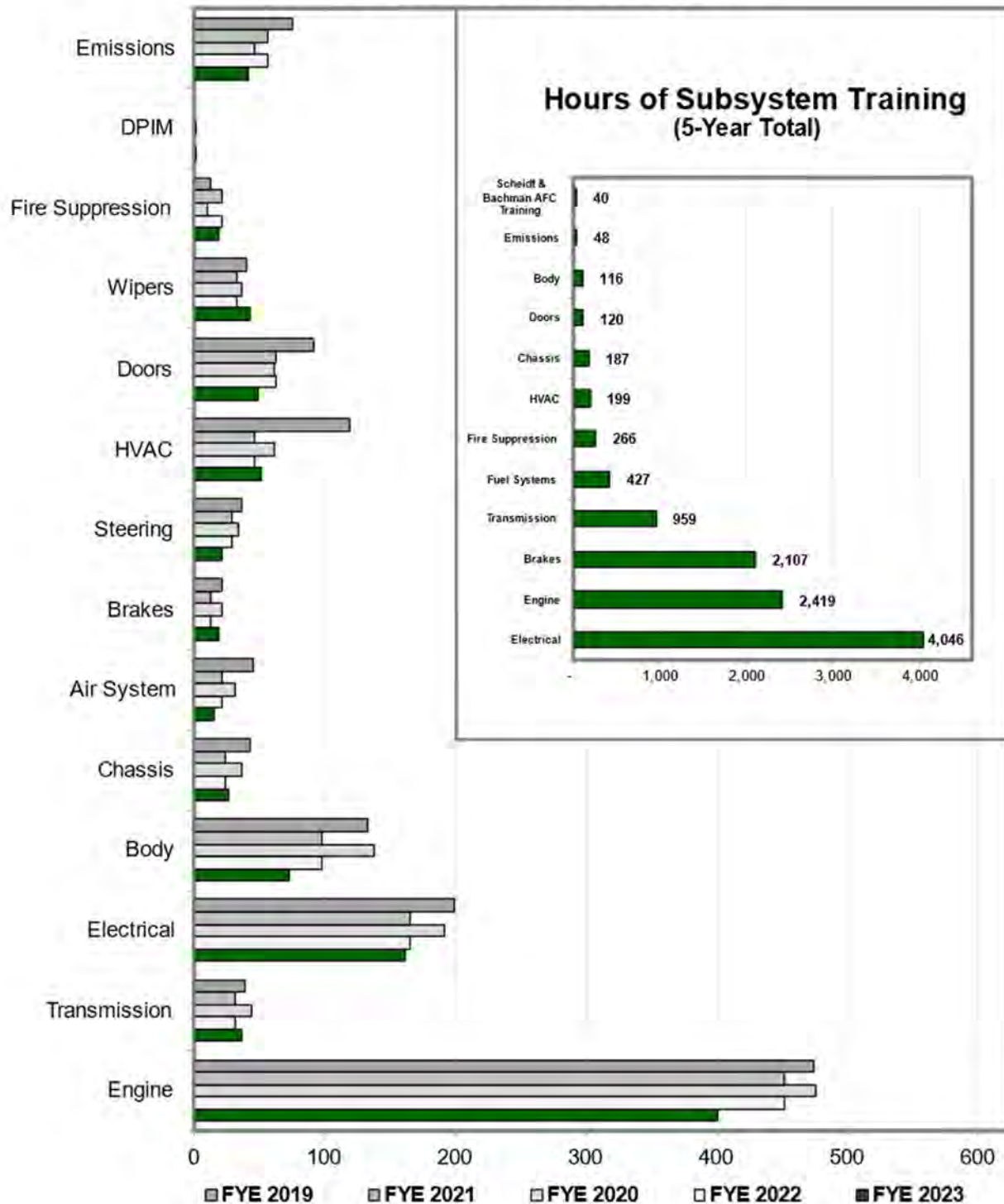
Buses Out of Service



VEHICLE MAINTENANCE

Fleet defects are tracked to identify specific problem needs for both training and systemic areas of concern for bus maintenance. Fleet defects are directly related to preventative maintenance and vehicle age and mileage. A comprehensive training program is mandatory to improve vehicle reliability and maintain performance of an aging fleet. Vehicle maintenance training is provided to address specific elements of the fleet to pursue improvements in fleet performance and reliability.

Fleet Defects by Subsystem

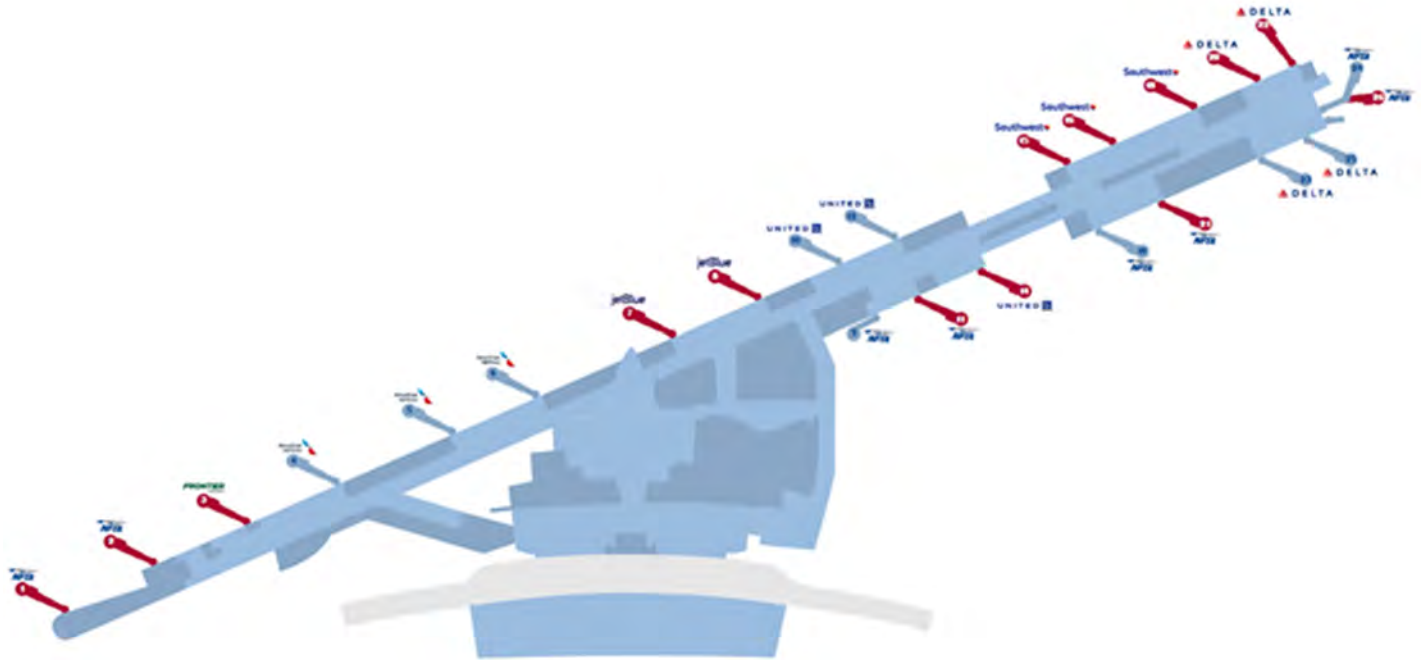


TERMINAL INFRASTRUCTURE

Passenger Boarding Bridge (PBB)

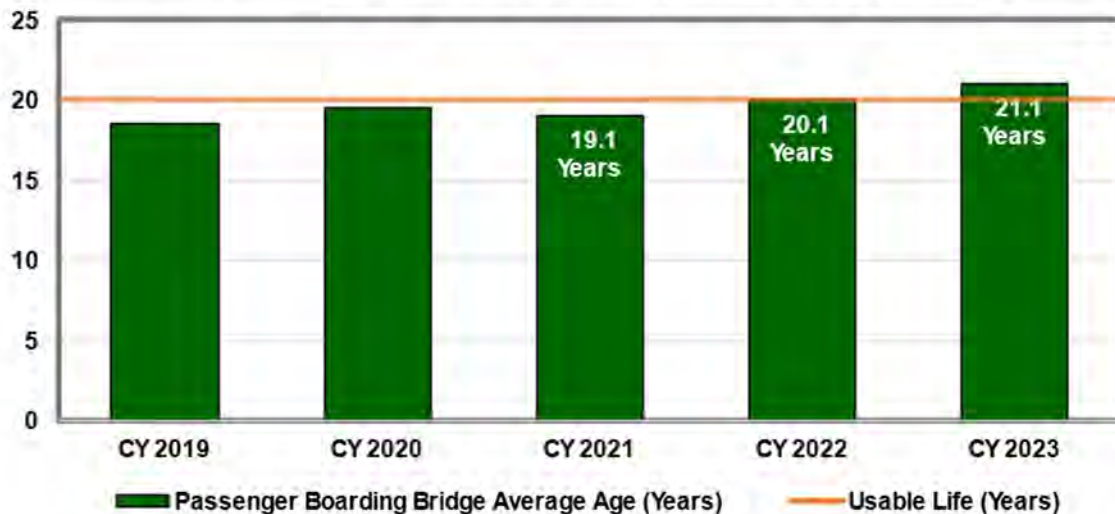
Terminal Operations oversees the maintenance of (14) passenger boarding bridges (PBBs) or jet bridges, and the associated pre-conditioned air (PCA) units and ground power units (GPUs) for each bridge.

A bridge replacement program is being advanced to improve the condition and reliability of the systems.



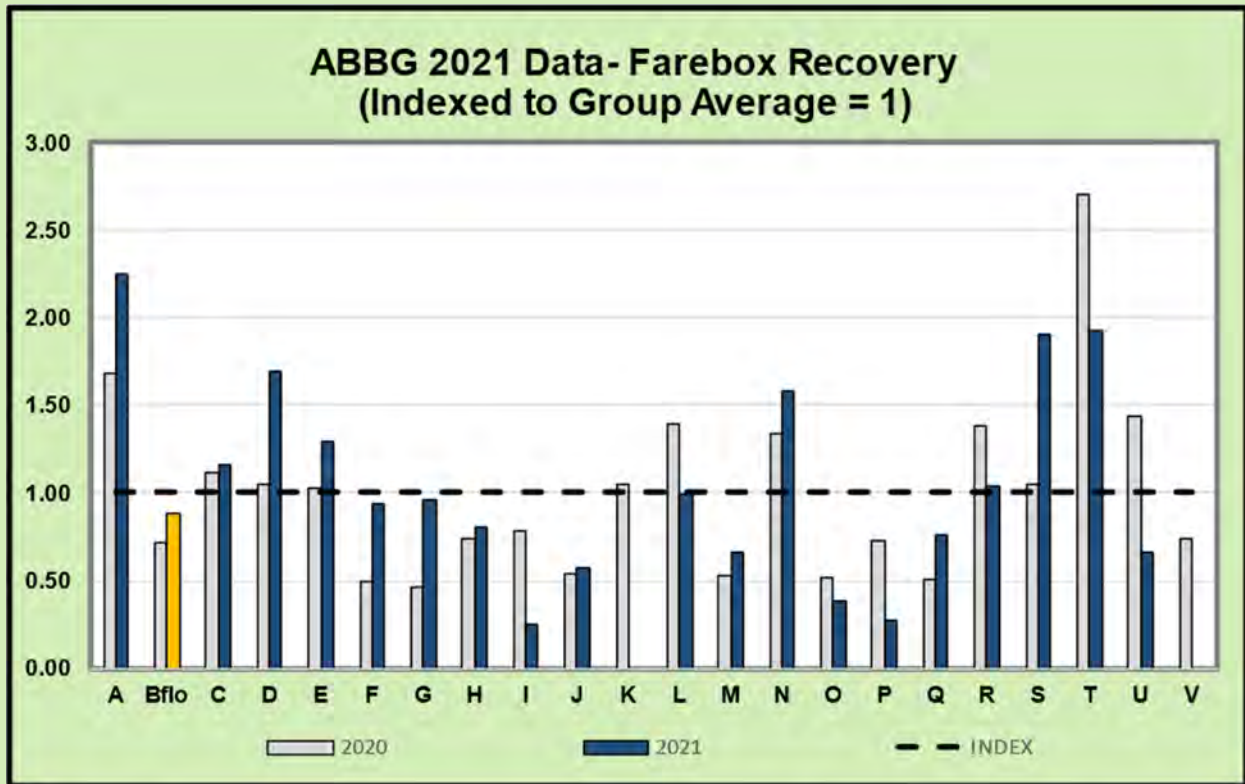
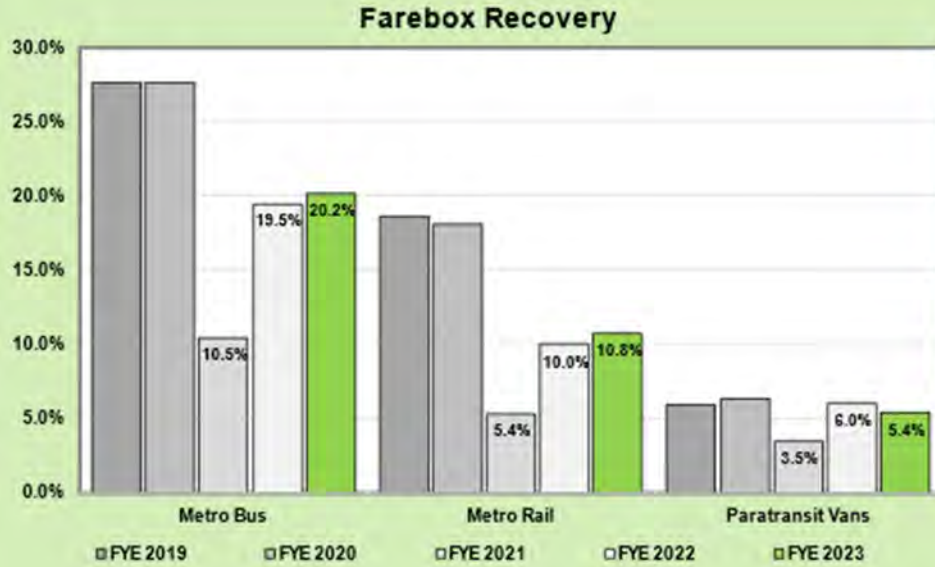
PBB's highlighted in red are scheduled for replacement.

BNIA - Passenger Boarding Bridge Average Age (Years)

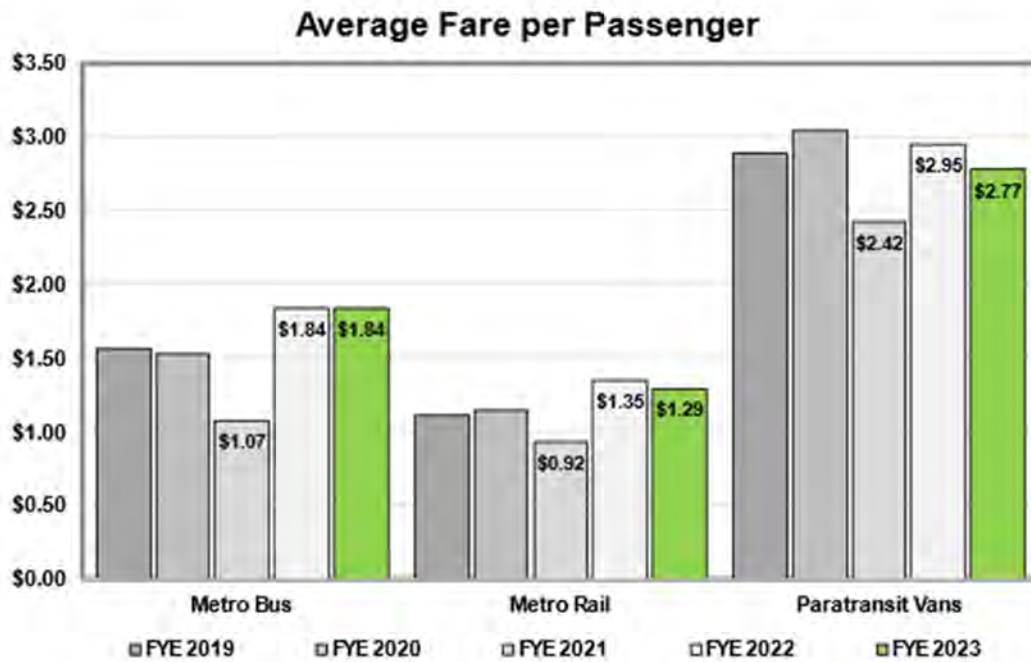
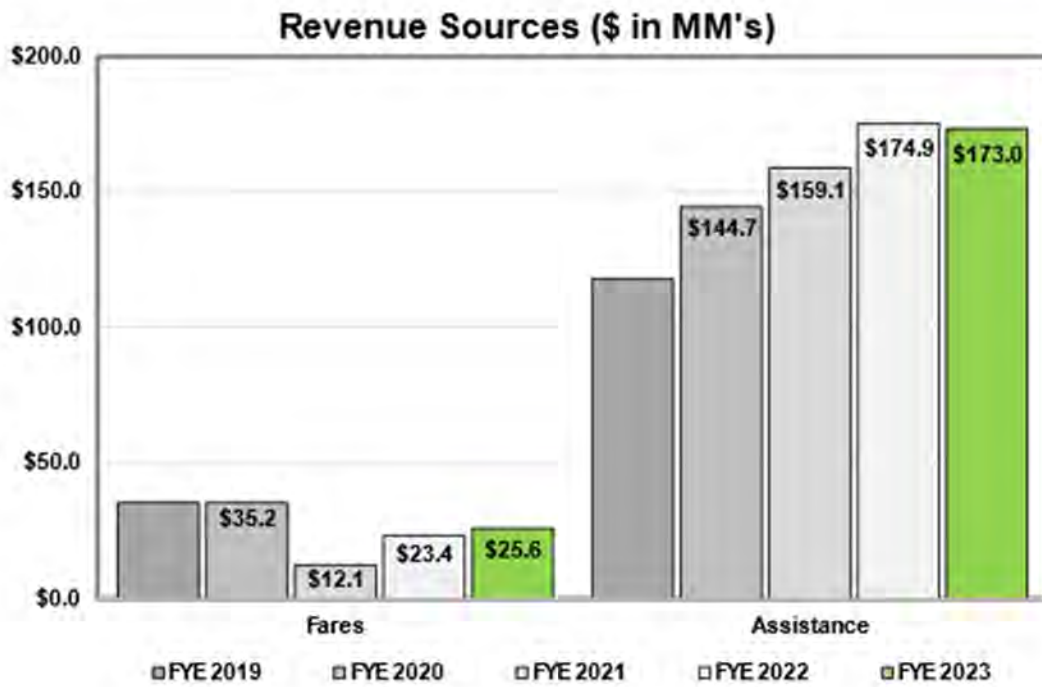


REVENUE

Revenue primarily consists of passenger fares and operating assistance from local, State and Federal sources. Other revenue consists of advertising fees and miscellaneous revenues. Passengers' fares make up approximately 13% of total revenues.

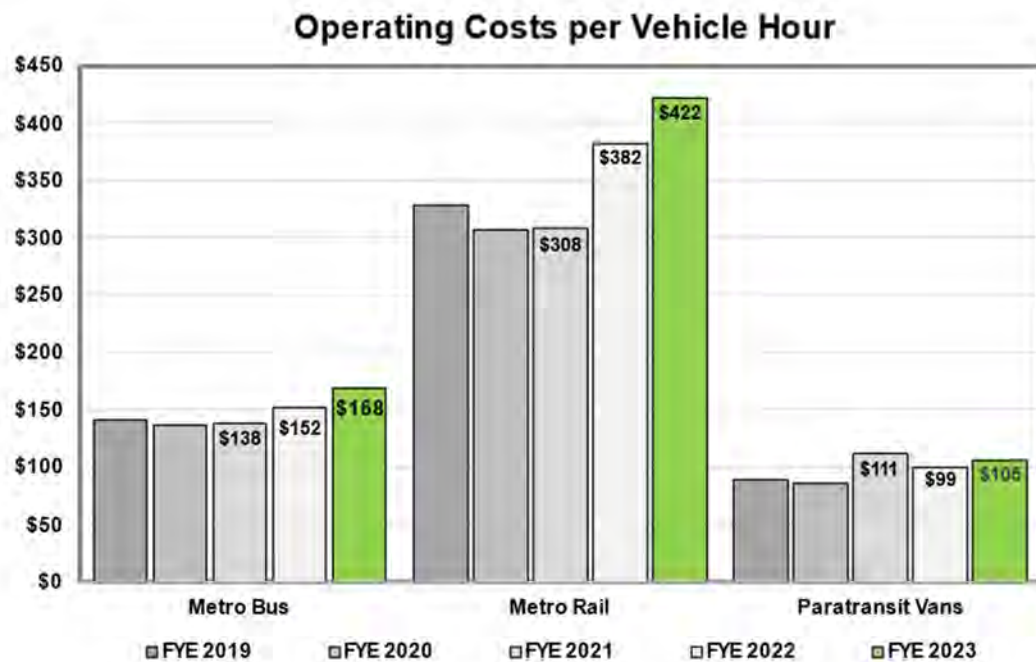
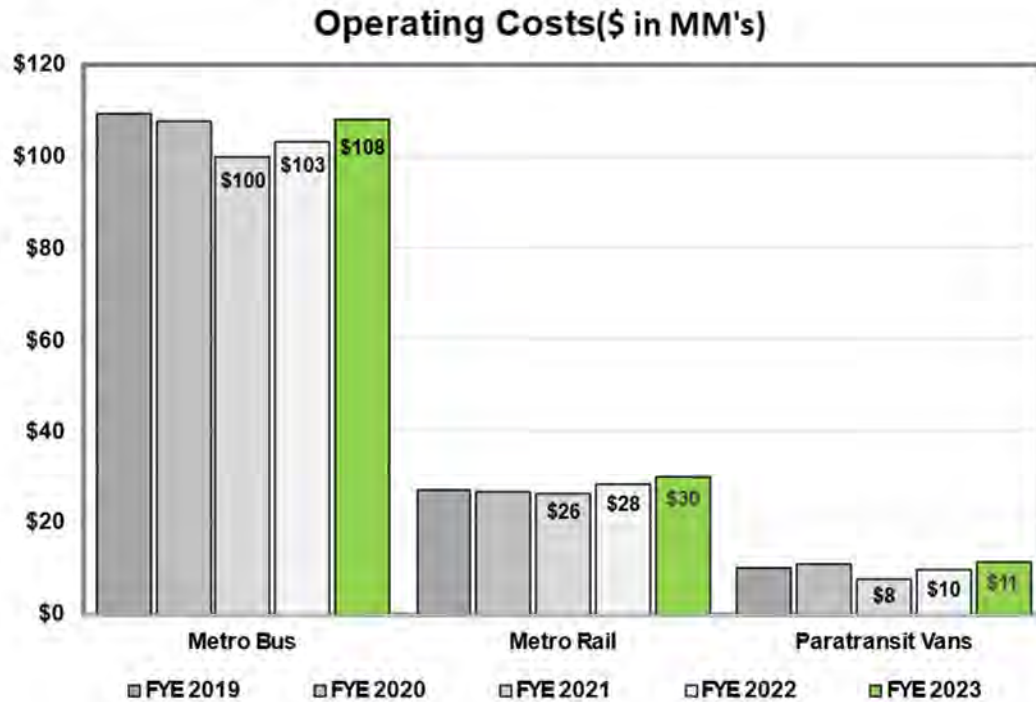


REVENUE



EXPENSES

Expenses include Personnel Services, Maintenance & Repairs, Transit Fuel & Power, Utilities, Insurance and Injuries, Safety & Security, General Business & Support Services. Personnel Services account for approximately 70% of all Operational Expenses.

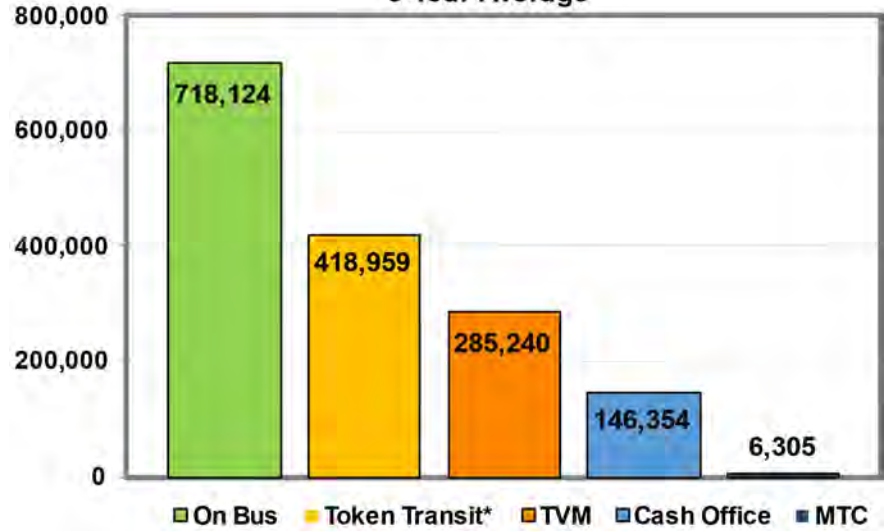


METRO PASS SALES

Metro passes are distributed through a variety of sources providing alternatives for customer access to pass media. These sources include:

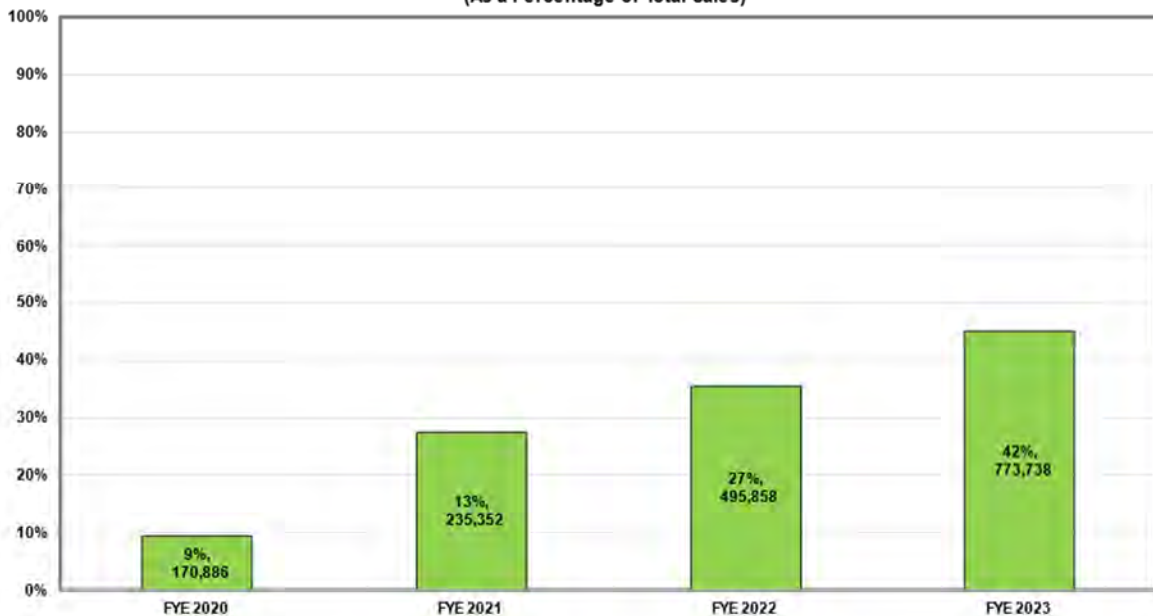
- On bus
- TVM (Ticket Vending Machines)
- Rail stations
- Bus transit centers
- Agencies/retail outlets/Metro website
- MTC (downtown bus terminal)
- Token Transit

Point of Sale
5-Year Average

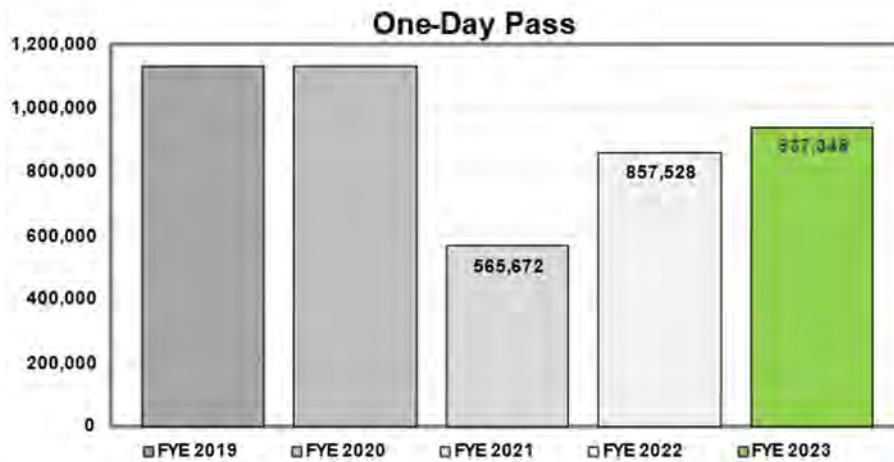
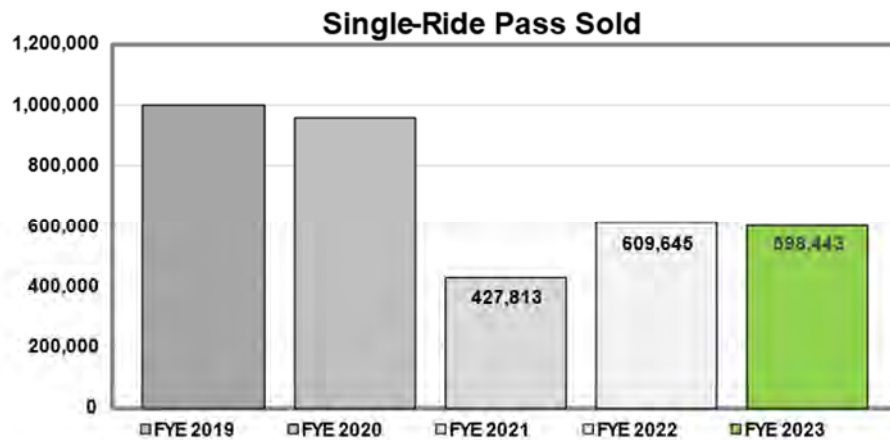


*Note: Token Transit was established in 2020 and is operating on a four-year average as of 2023.

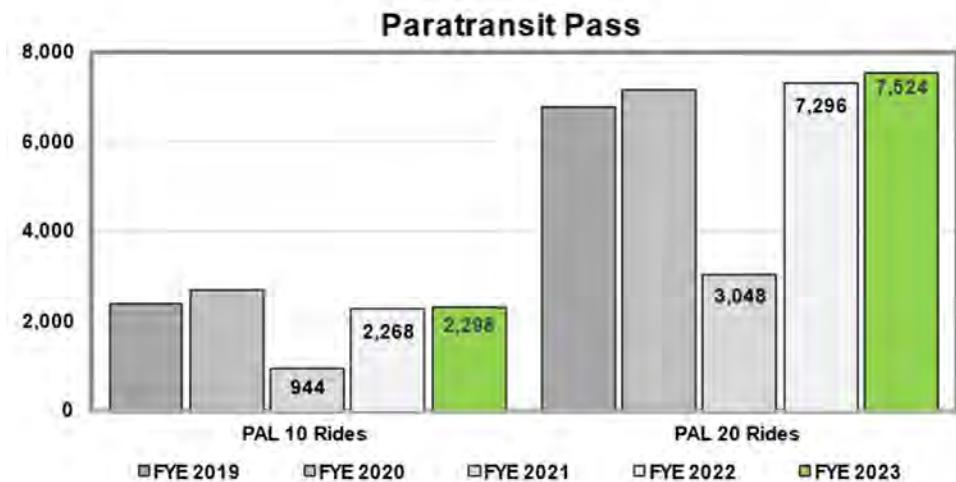
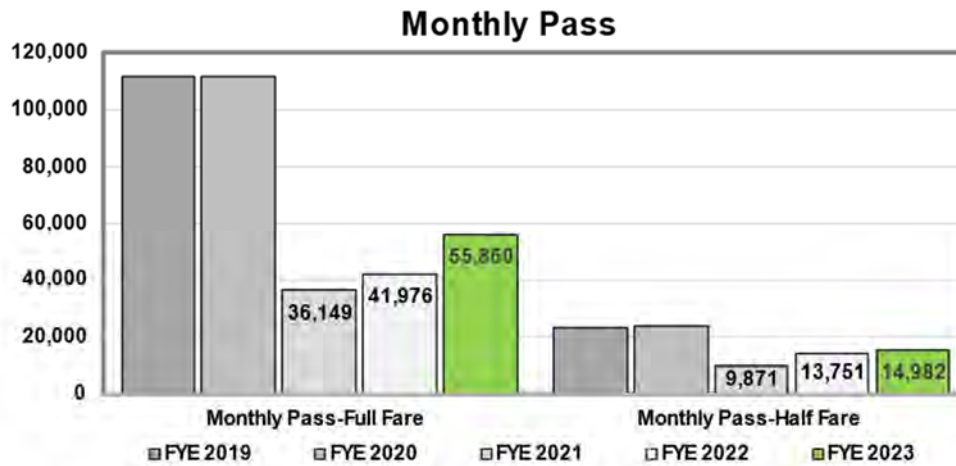
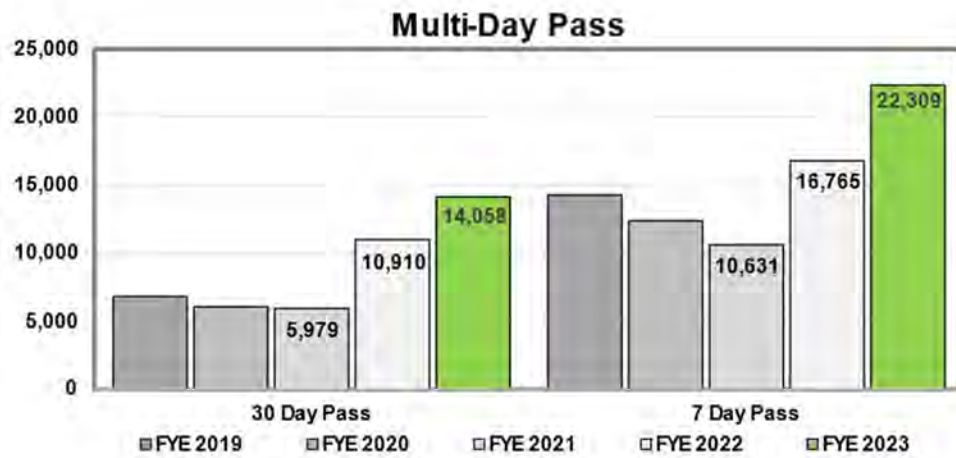
Token Transit Passes
(As a Percentage of Total Sales)



METRO PASS SALES

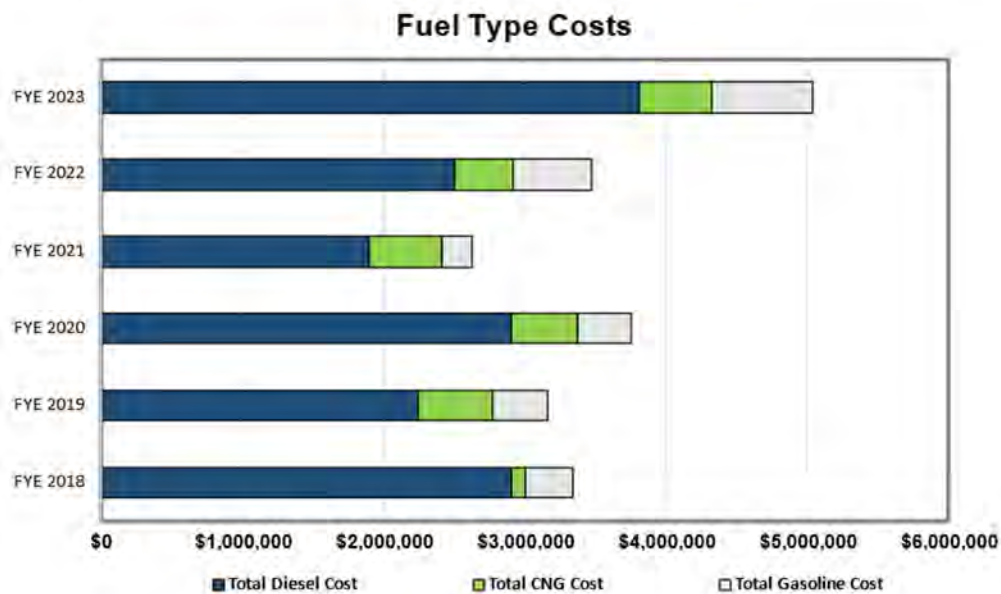
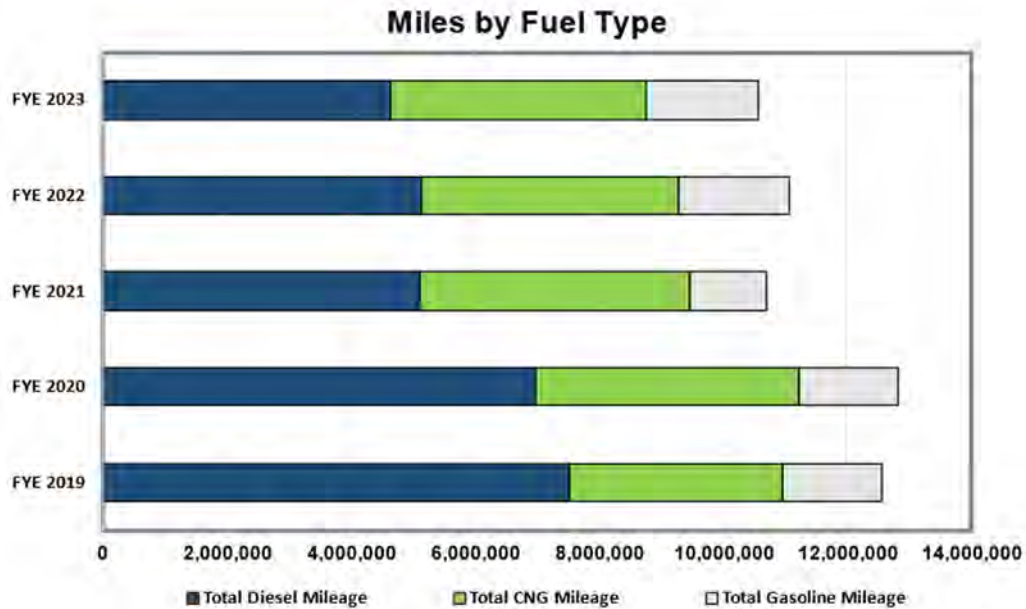


METRO PASS SALES



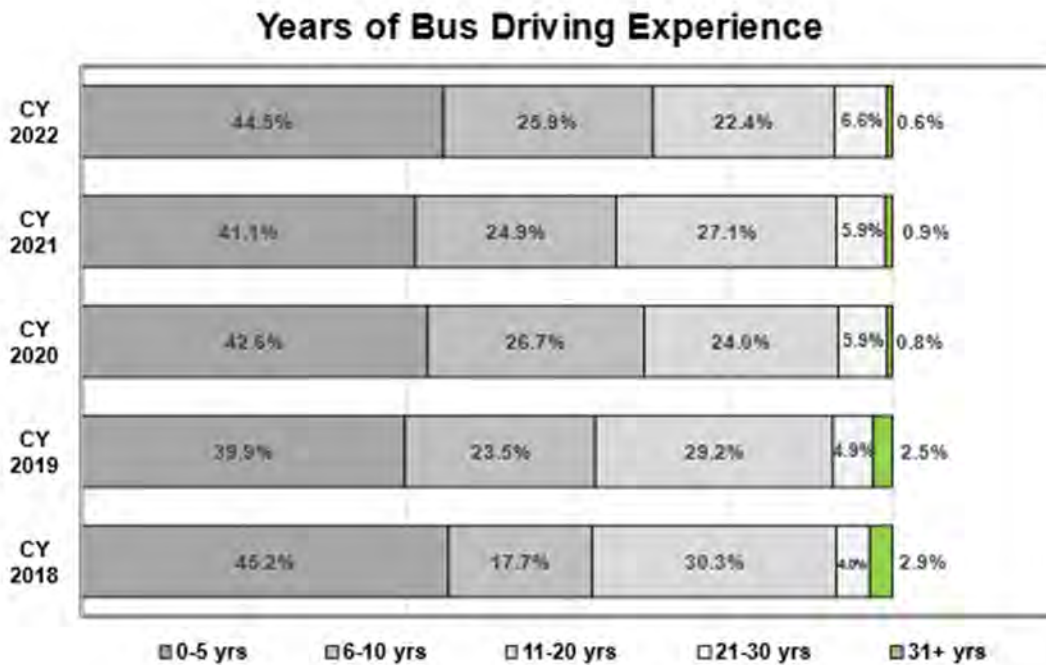
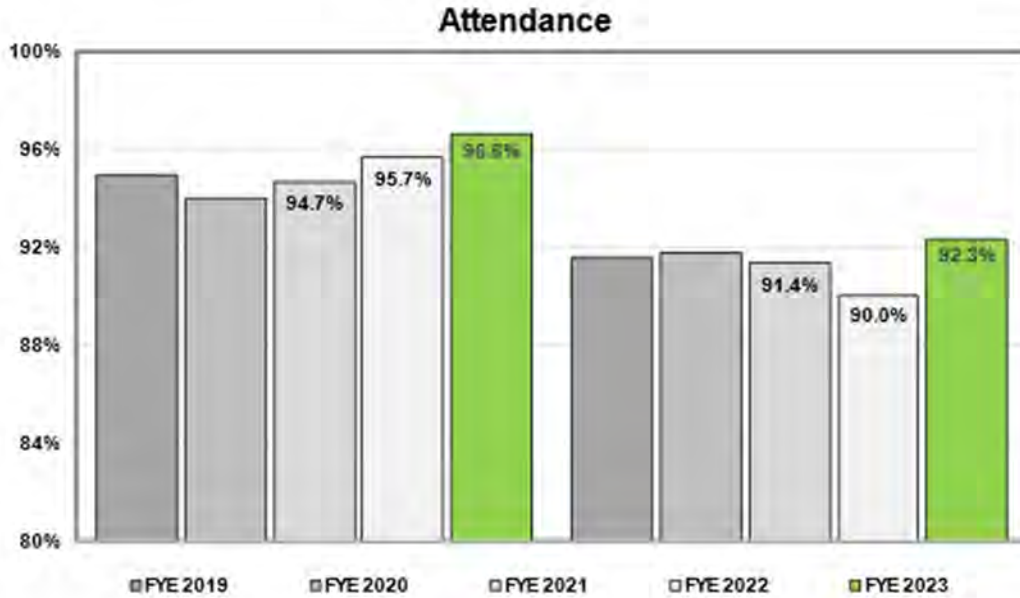
FUEL COSTS

In order to maintain budget stability and minimize costs, Metro may lock in fuel purchases for a portion of consumption. Metro fuel costs are based on the total volume purchased at both the market rate and fixed rate for the associated quantities. Market cost for fuel is based on the total cost that would be expended if we were to purchase our entire consumption at the market rate.



PERSONNEL

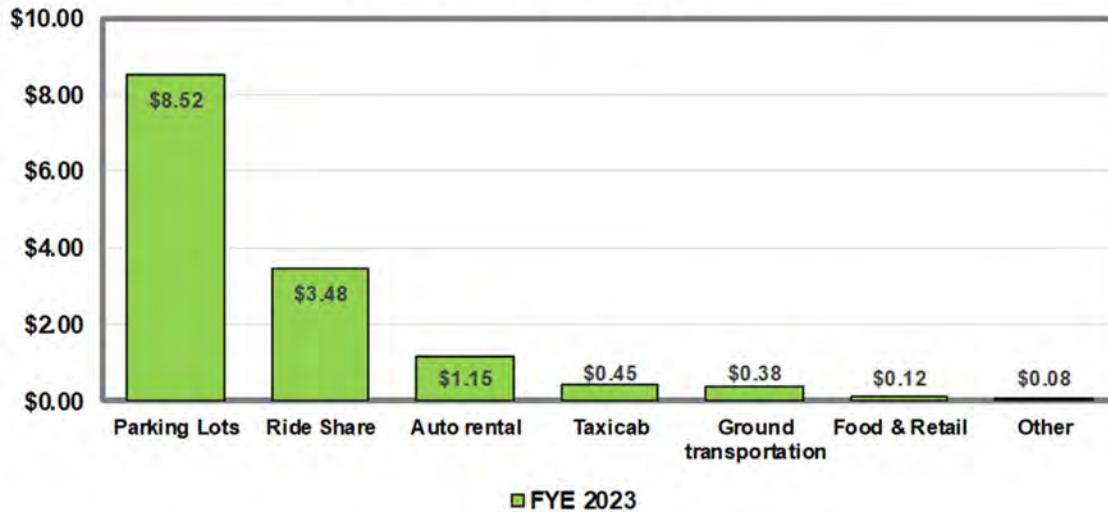
Improved attendance reliability lessens the Personnel services costs associated with absenteeism. Unscheduled absences can occur for illness, personal or emergency situation for which staffing adjustments are required and may necessitate overtime expenditures.



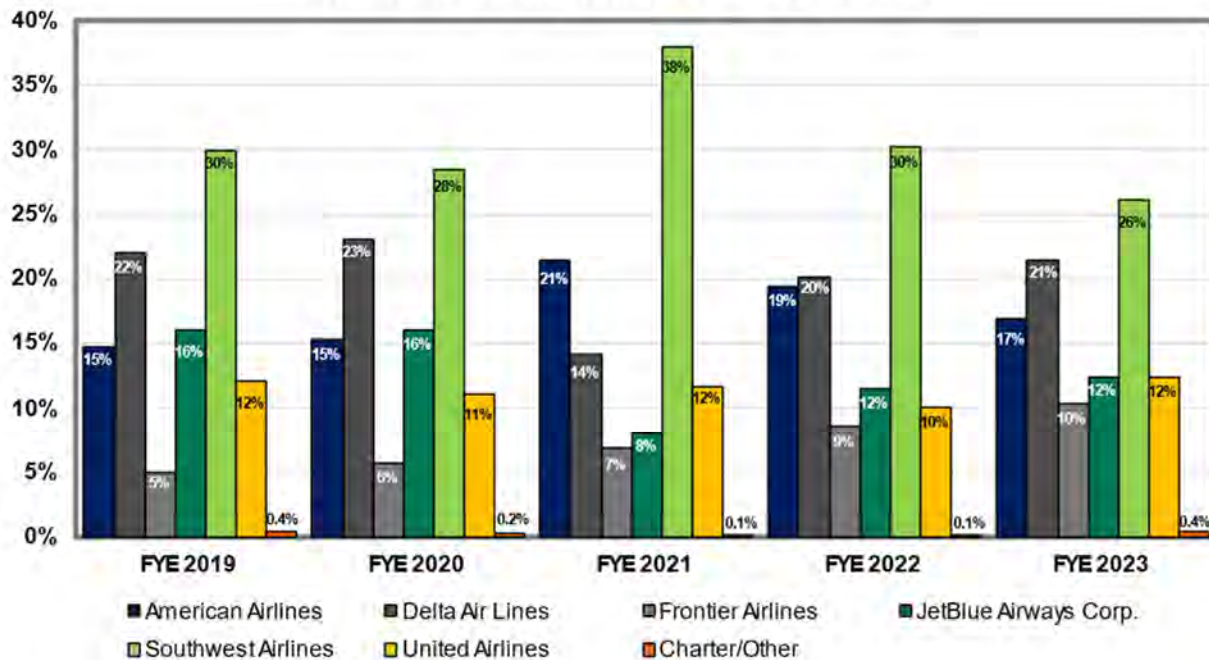
REVENUE

Airport revenues are analyzed and compared on the ratio basis of Revenue per Enplanement, which is standard for the airport industry. Enplanements is the count of passengers that have boarded a commercial aircraft at the airport terminal. Similarly, deplanements is the count of passengers that have disembarked a commercial aircraft at the airport terminal.

BNIA Revenue Per Enplanement



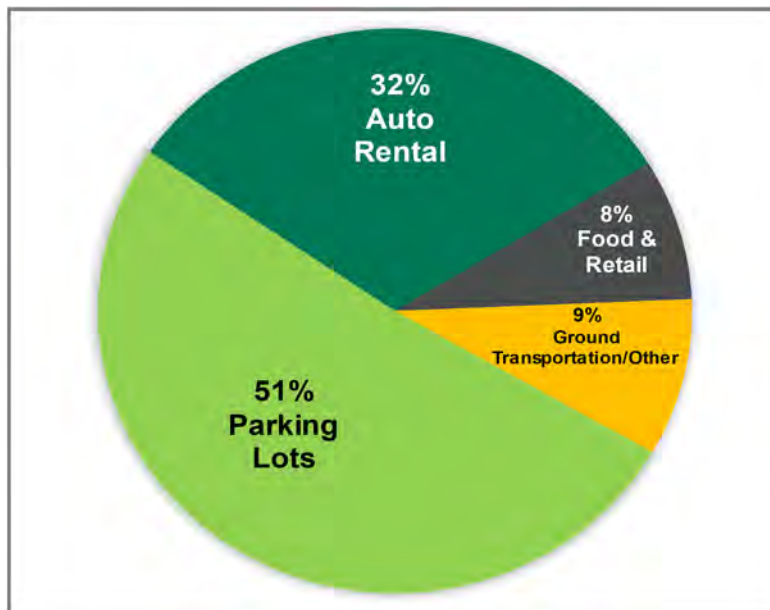
BNIA - % of Enplanements by Carrier



REVENUE

Concession revenues are non-aeronautical revenues generated by the airport. The primary source of concession revenue for the airport is generated through the parking lots, followed by auto rentals, food and retail sales. The remaining concession revenues are driven from ride share, taxicabs, ground transportation operations, ground handling services, and other various terminal revenue generating operations.

BNIA - Concession Revenue

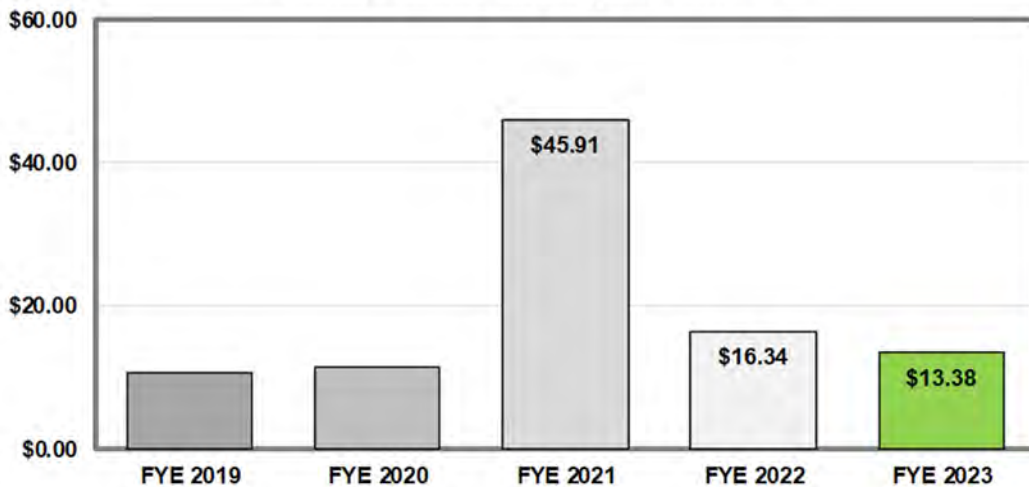


COST PER ENPLANEMENT

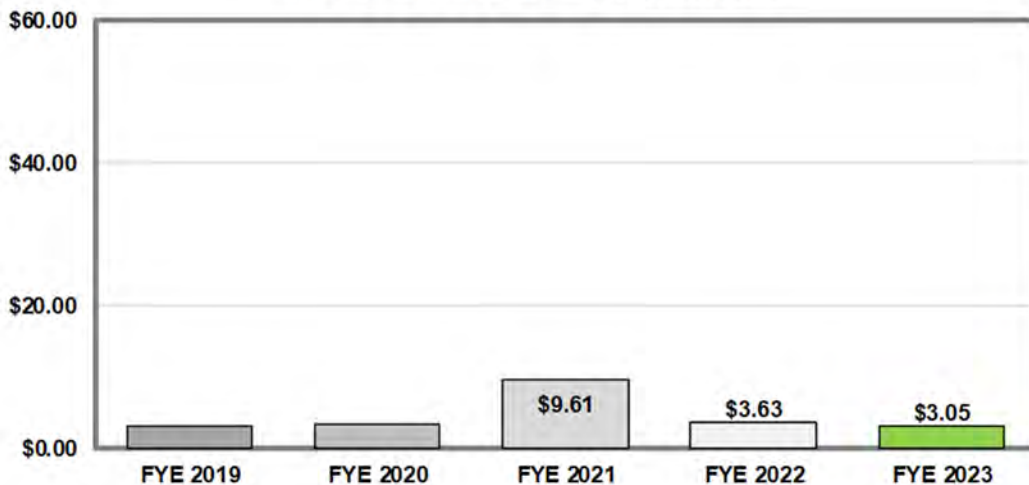
Cost Per Enplanement (CPE) is an industry standard metric used to determine the relative cost to the airline from an airport's rates and charges model, the key metric for how airlines compare costs between airports. CPE at BNIA is calculated by adding the annual Landing Fee, Terminal Ramp Fee, Terminal Rent, and Baggage Handling Maintenance Expenditures divided by the total number of enplanements. Lowering the CPE is a continuous goal of airport management.

Note: FY2021 CPE was significantly inflated due to the COVID-19 pandemic. Expenditures to operate the airfield and terminal were slightly reduced but mostly constant, however passenger enplanements were drastically reduced causing a significant increase in CPE.

BNIA - Cost Per Enplanement



NFIA - Cost Per Enplanement



NFIA is a common-use facility and does not have any exclusive or preferential use leases with airlines. The flight activity level at NFIA (less than a dozen flights per week on average) does not allow for any such leases, as it would be cost prohibitive for any airline to operate there. Therefore, NFIA does not operate on a cost compensatory basis like BNIA. The rates and charges at NFIA are set at a level low enough to fit the cost model of ultra-low cost carriers; significant increases in NFIA fees would result in a loss of air service.

Note: FY2021 CPE was significantly inflated due to the COVID-19 pandemic. Expenditures to operate the airfield and terminal were slightly reduced but mostly constant, however passenger enplanements were drastically reduced causing a significant increase in CPE.

CUSTOMER CARE - METRO

The Customer Care Team is the first point of contact for customers seeking information on services. They handle all inquiries for information on all Metro Bus and Rail routes, schedules, trip planning, service disruptions and delivery issues for both bus and rail.

In assisting customers, critical information obtained from both internal and external sources is utilized along with state-of-the-art customer service systems.

Through both our call center and new walk-in customer service center, access to information, service and products is available to our customers. The new customer service center provides one stop shopping for everything that is Metro and is intended to be the primary service center for our MetGo fare system (rolling out later this year).



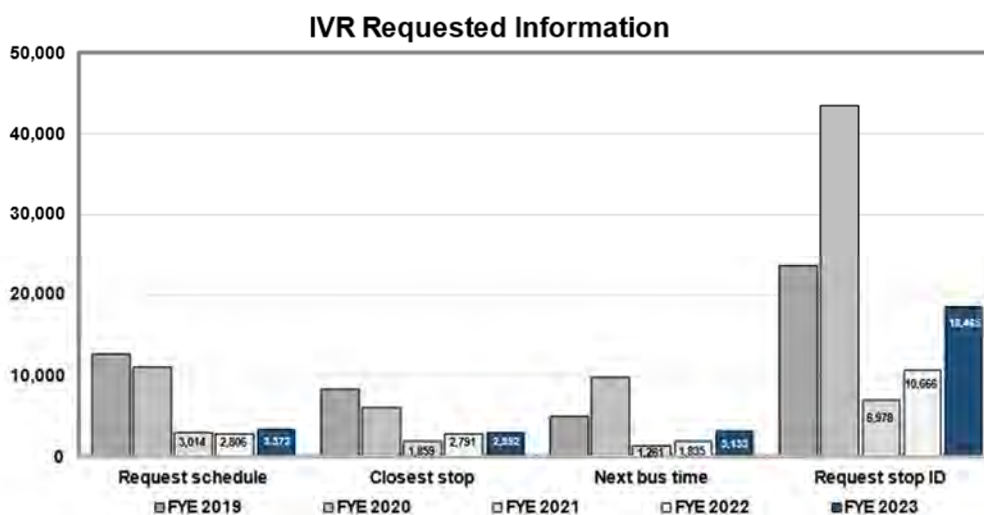
Customer Relations

CALL CENTER ACTIVITY

Customer input is a critical element of providing quality public transit service. In order to provide opportunities for our customers to engage Metro, our Customer Care Response Line, (716) 855-7211, is utilized.



Our online InfoWeb provides our customers with the ability to access transit information. Customer calls are initially answered by an Interactive Voice Response (IVR) system with an automated message directing the caller to select an option which usually takes about 15 seconds (introduction time). This allows the caller to get standard information quickly (IVR answered).



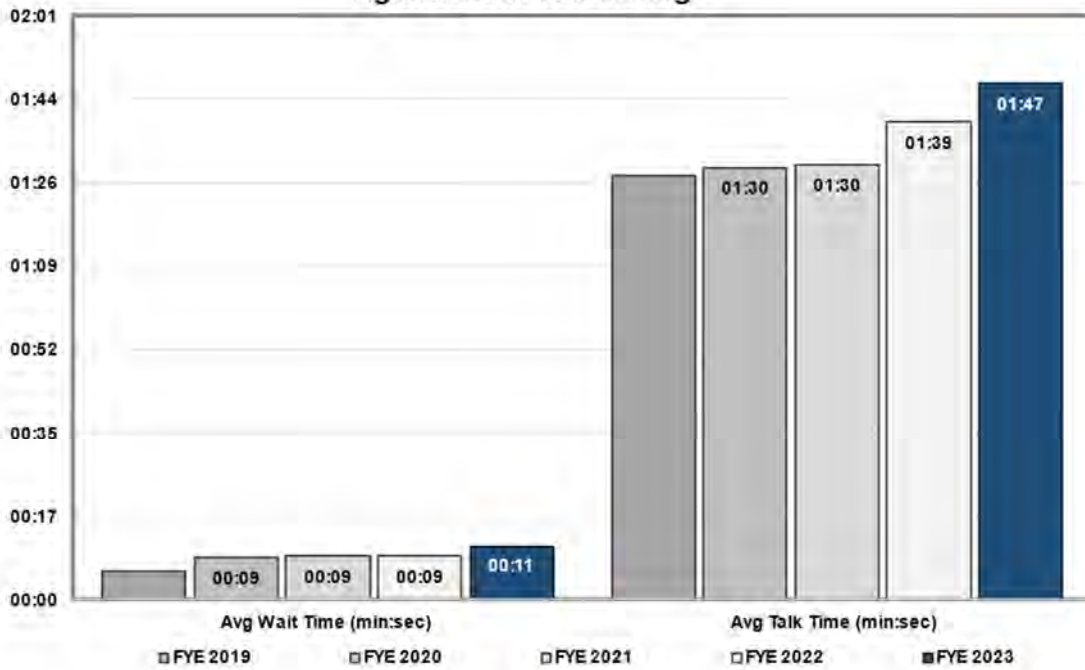
Through the introduction of the InfoWeb and IVR Systems, the distribution of incoming calls has migrated to the new technology. This migration allows callers to gain access to more information in a timely fashion enhancing the customer experience.

METRO CALL CENTER ACTIVITY

If the need arises for more specific information, the caller can then transfer to a Customer Care Agent (Agent Answered) for assistance. Once the caller requests agent contact, the average wait time reflects the time until the agent engages the caller. Once an agent is engaged, the actual conversation is measured as talk time.



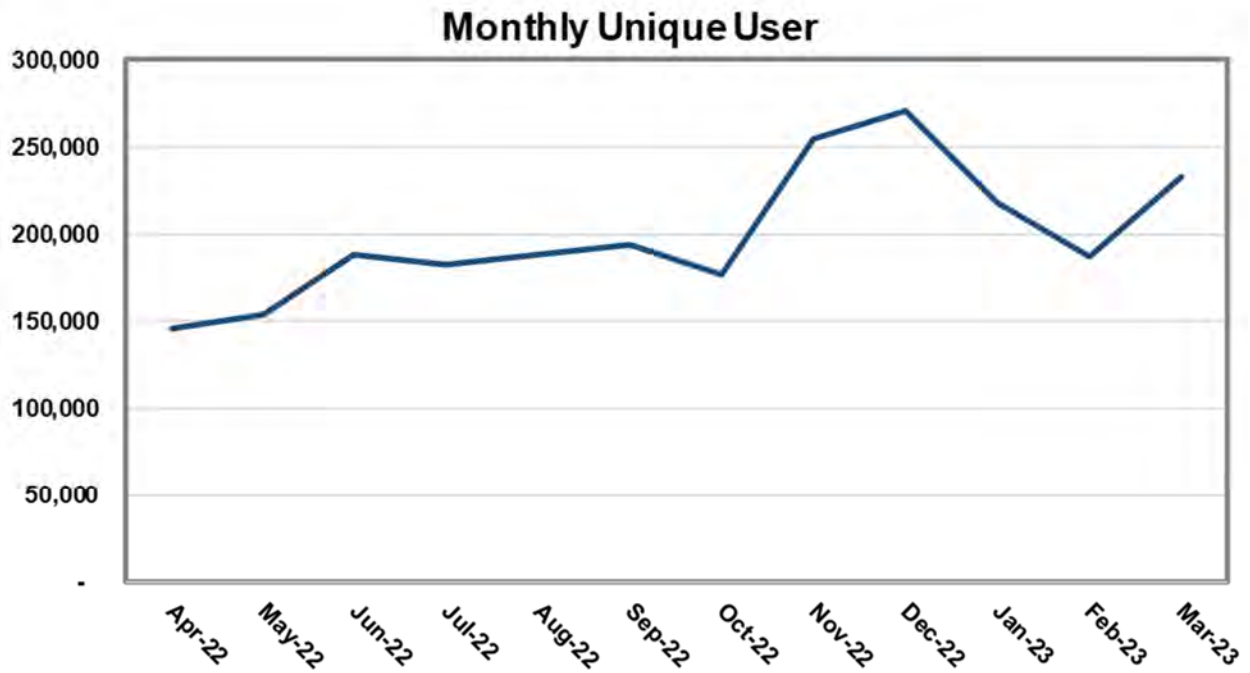
Agent Answered Timing



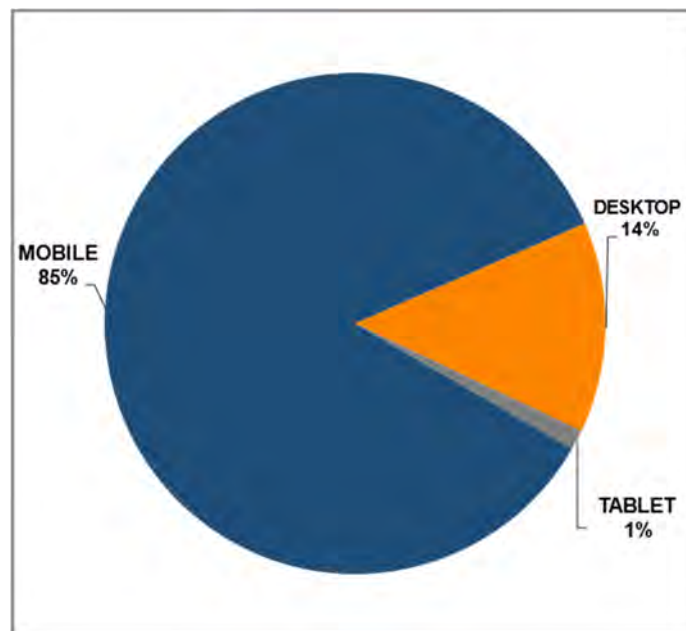
Customer Relations

metro.nfta.com

This chart tracks the average number of metro.nfta.com visitors, by day, by month. If the same person visits two or three times during the day, they are only counted once.

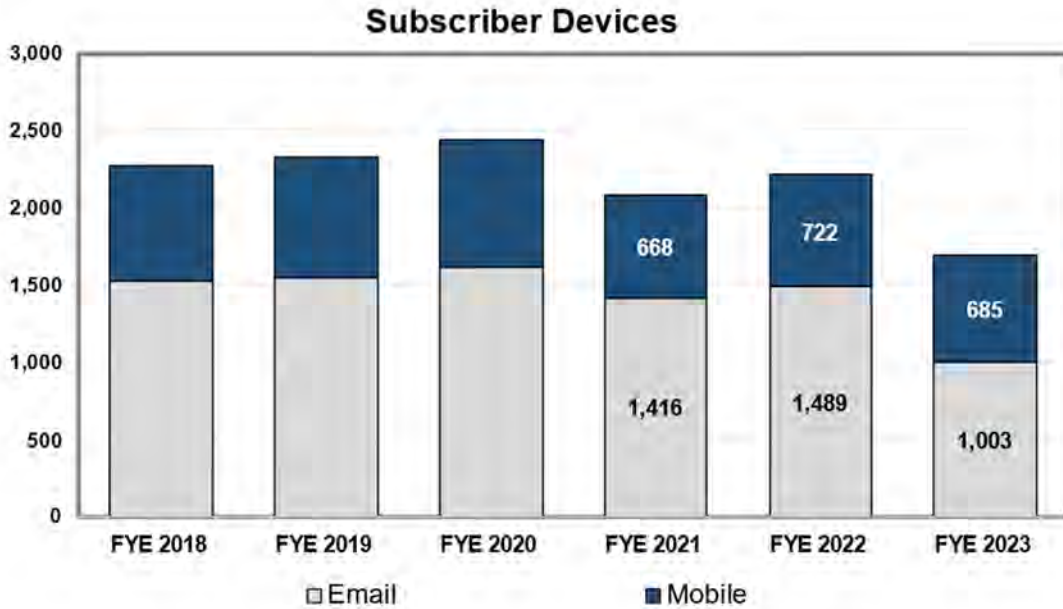


Sessions by Device FYE 2023

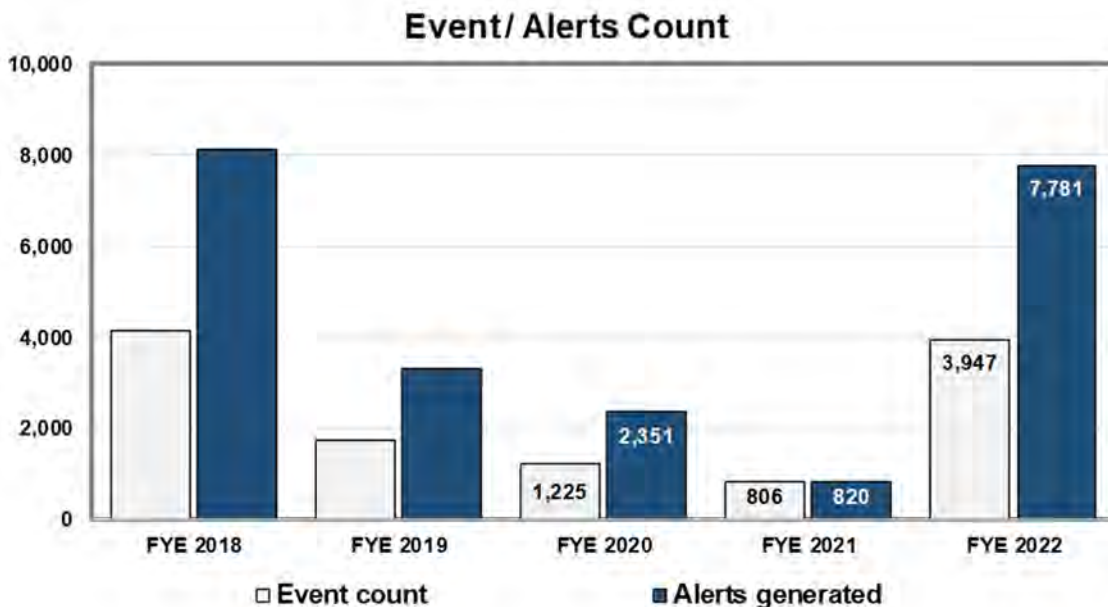


metro.nfta.com

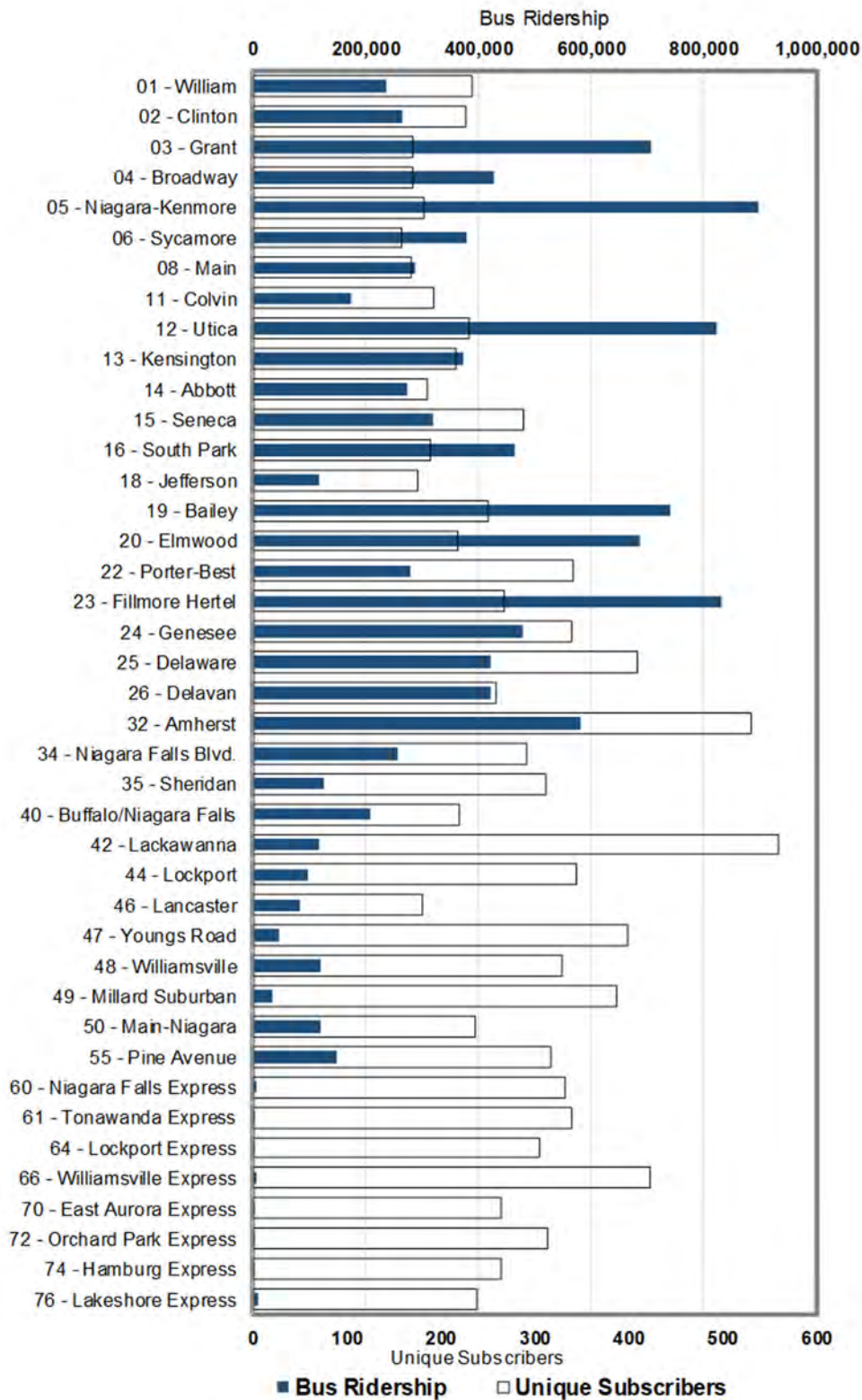
This chart depicts the number of addresses registered to receive Metro's Instant Updates. They are counted by email and mobile subscriptions. Some clients may choose to receive messages through multiple addresses. For example, a client may choose to receive Instant Updates through both an email address and by text to a telephone number.

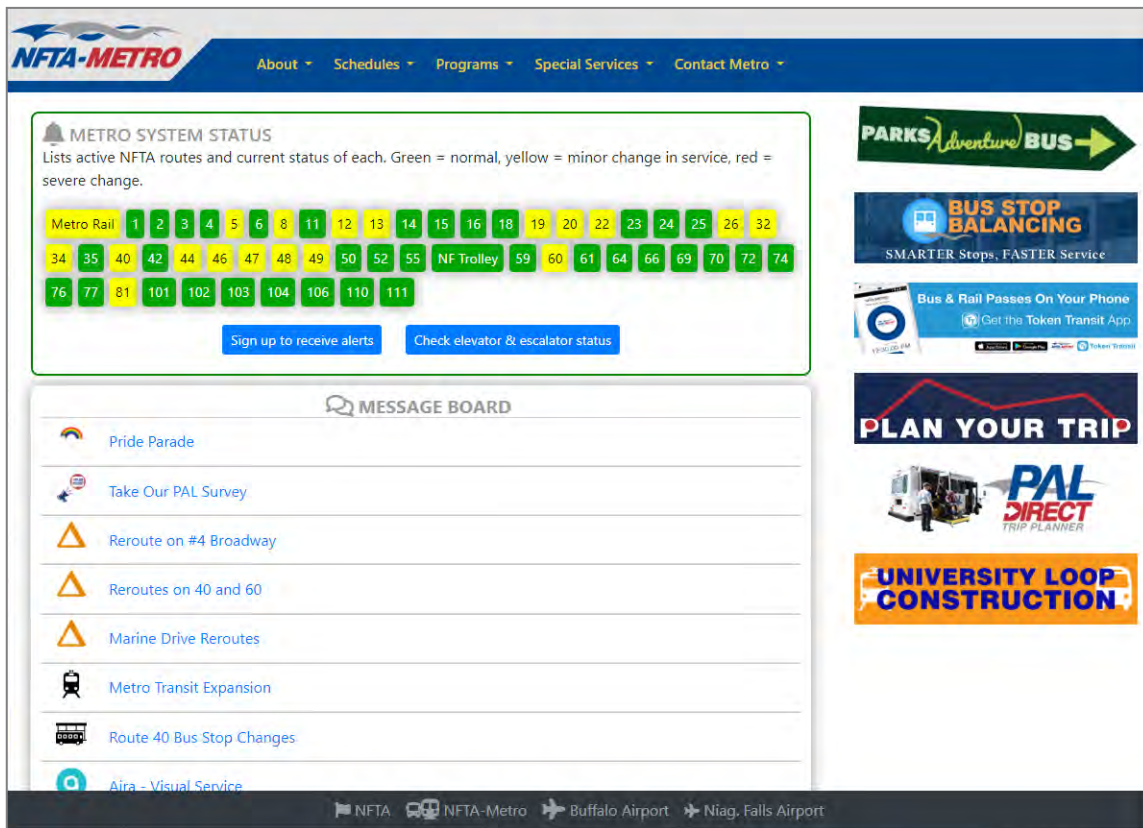


This chart shows the number of events and alerts addressed by Metro's Instant Update product. Some events generate more than one message. For example, a road closure is an event that generates an initial alert and a follow-up alert when the road re-opens.



Unique Subscribers vs. Bus Ridership FYE 2023





DIGITAL COMMUNICATION

metro.nfta.com

Our website provides a tool kit for our customers and recent survey results confirm that our website is our customers' primary source of information. The tool kit is available on a variety of electronic devices.



Included in the tool kit is "Where's My Bus" which tells prospective riders when they can expect a bus will arrive at a specific time and location, in real time.



When our riders want to get from point A to point B, they can use the "Trip Planner." This will provide information for future travel plans including where and when to board, how long the trip will take and when to get off for your destination.



Riders can also get text messages or emails about Metro Bus and Rail service when they need them by subscribing to Metro Instant Updates.

SOCIAL MEDIA

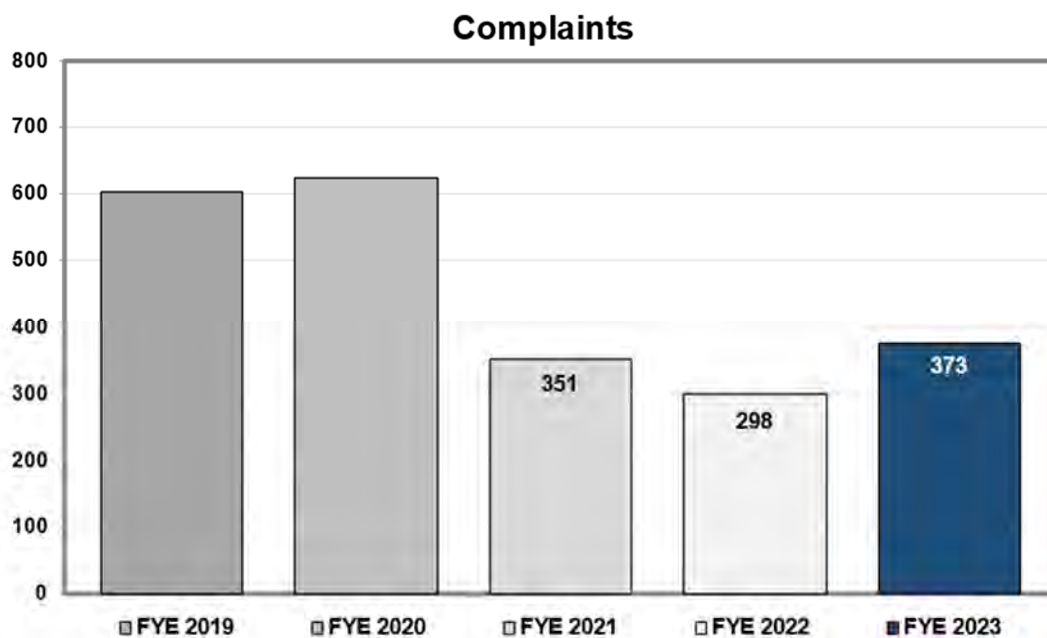
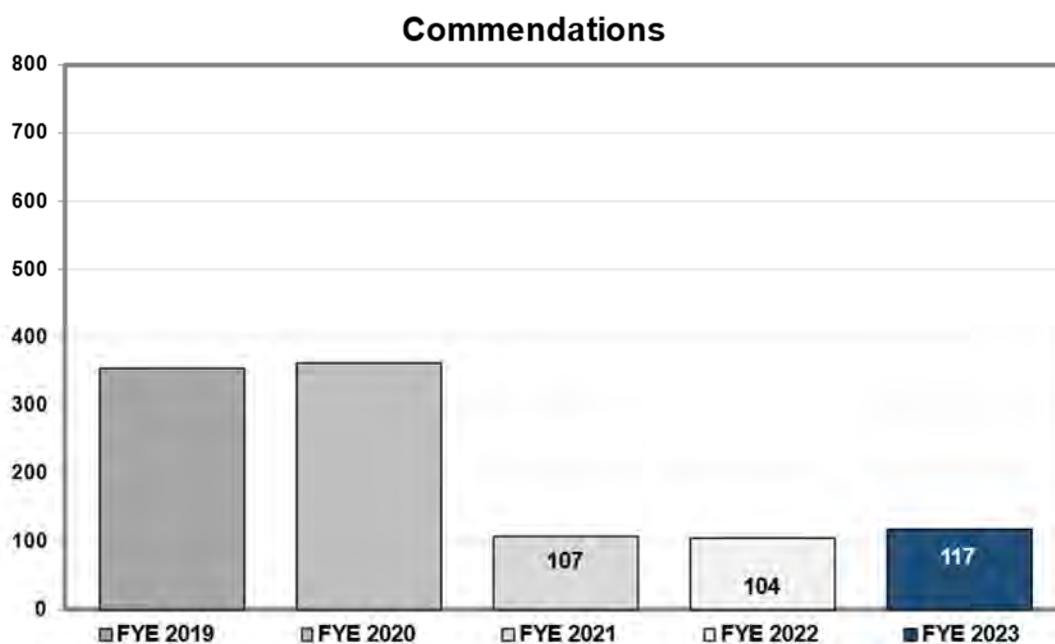
Social media is a critical tool in Metro's continuing effort to inform, educate and engage our riders. Our social media channels and website allow Metro to reach our riders with instant information. Our digital communications provide people with the opportunity to share relevant feedback and timely information on Metro activities and services. We are active on Facebook, Twitter, Instagram, LinkedIn and YouTube.



Customer Relations

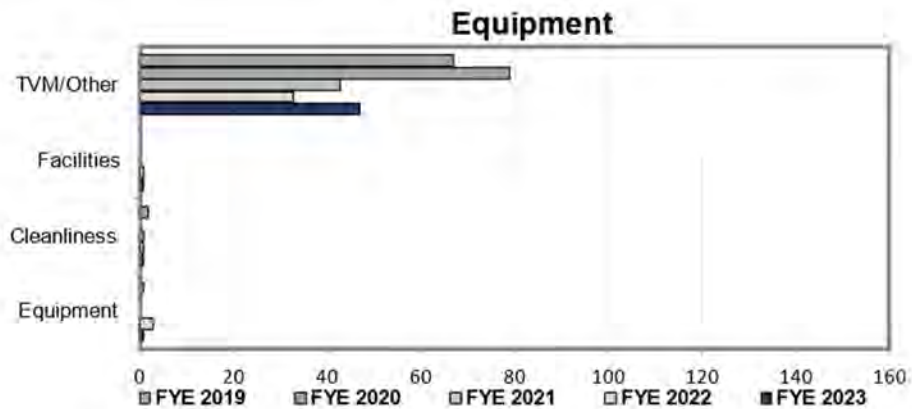
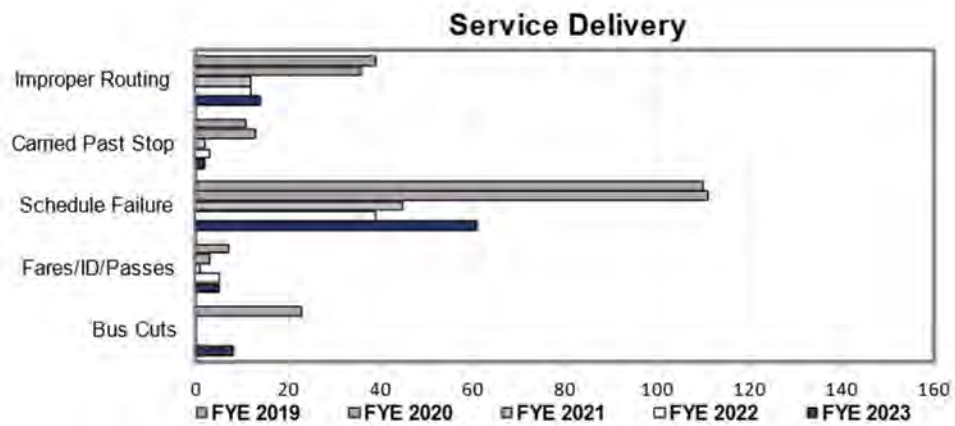
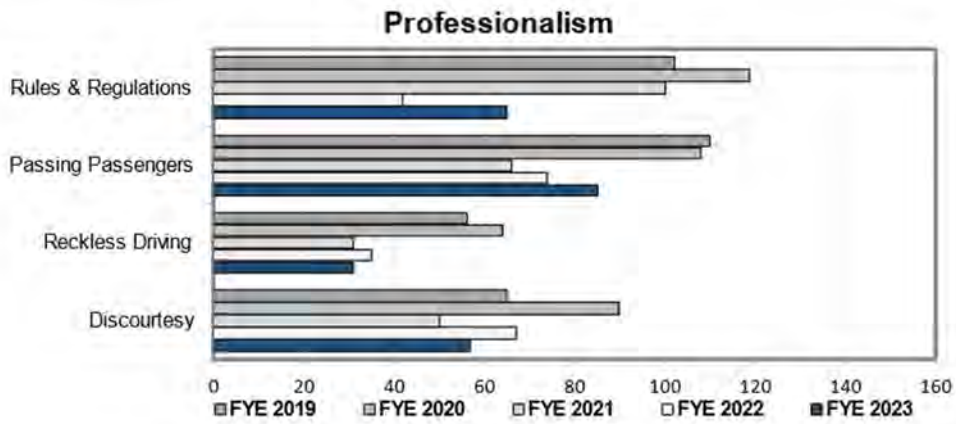
CUSTOMER COMMENDATIONS AND COMPLAINTS

Customers are encouraged to comment on their experience using Metro. These comments are documented as either Commendations or Complaints.



CUSTOMER COMPLAINTS BY TYPE

Customer complaints are delineated by the specific issues of Professionalism, Service Delivery or Equipment encountered and then reported by category for further evaluation and resolution.

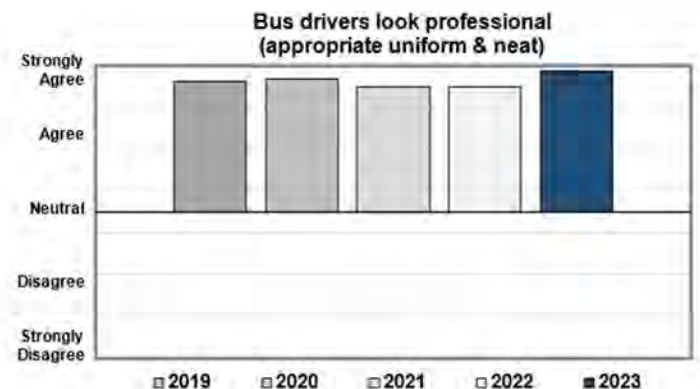
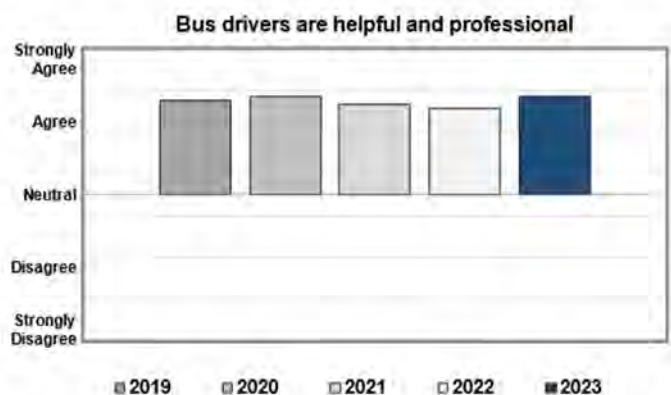
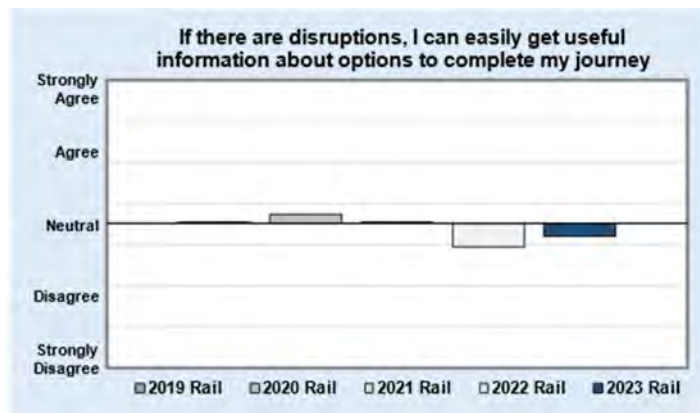
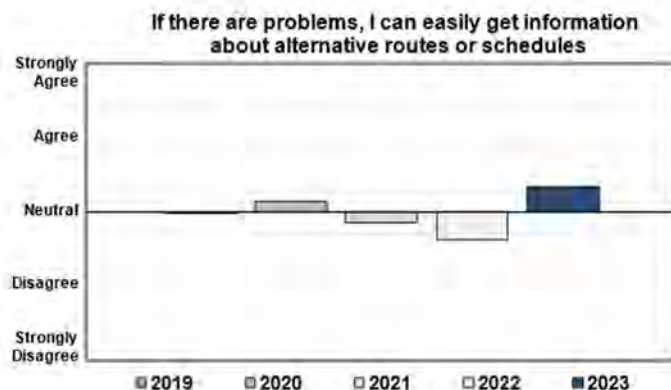
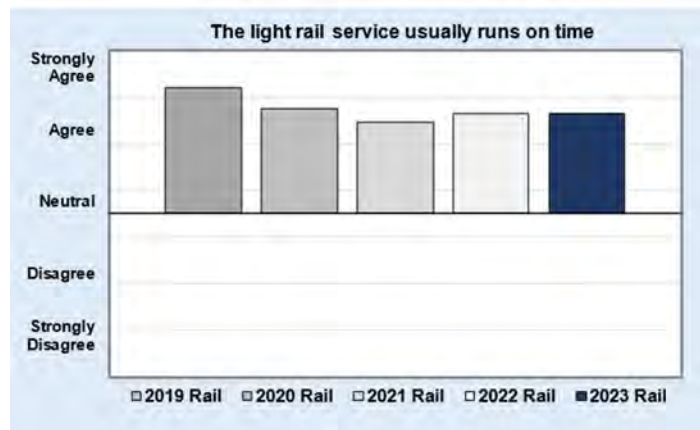
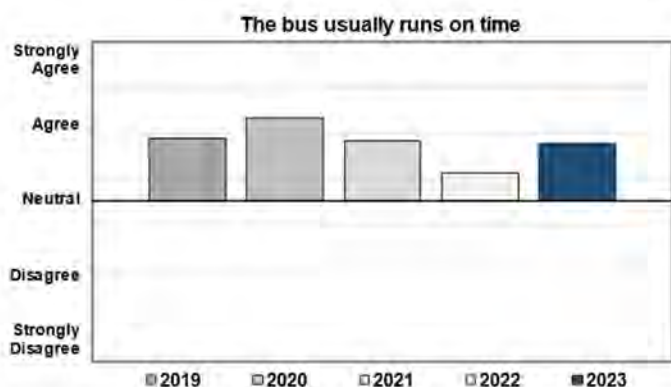


Customer Relations

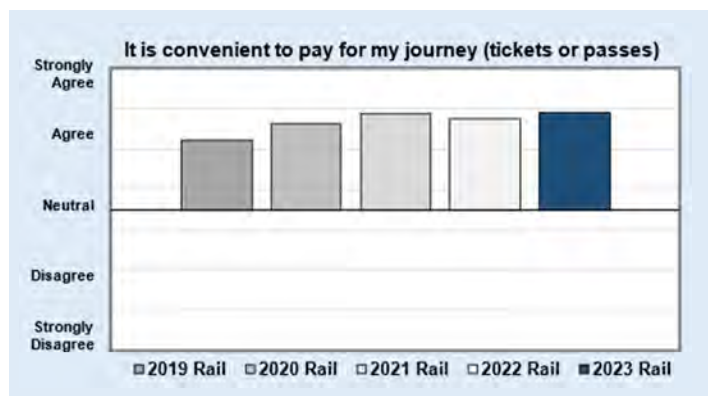
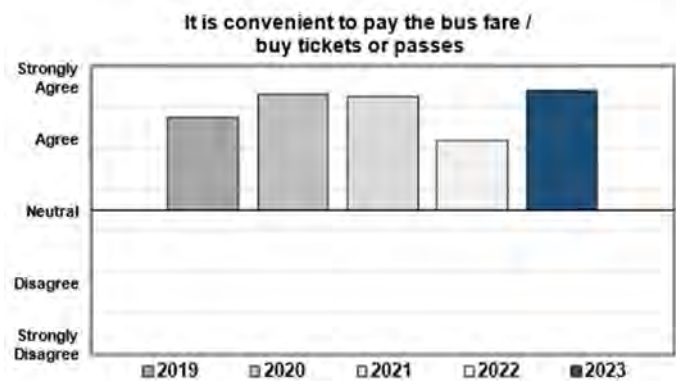
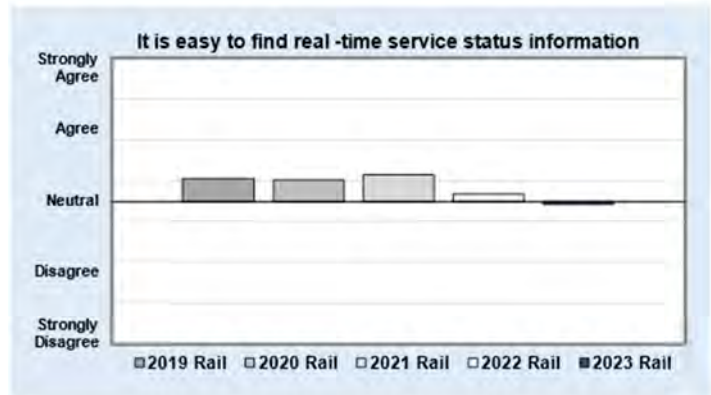
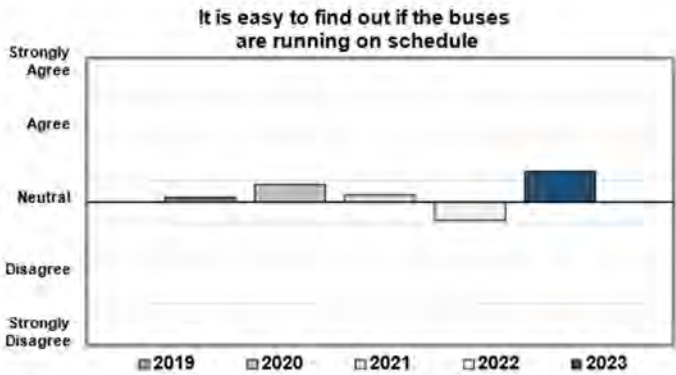
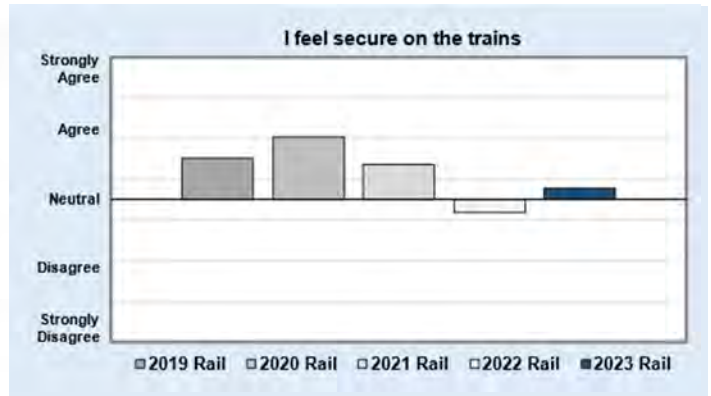
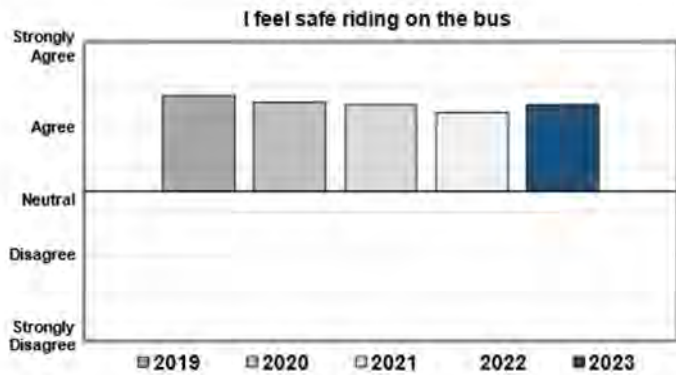
CUSTOMER SATISFACTION SURVEY RESULTS

The American Bus Benchmarking Group (ABBG) and the Group of North American Light Rail Systems (GOAL) through the Imperial College, London, England, also conduct Customer Satisfaction Surveys on behalf of each member transit agency.

The following section shows a graphical presentation of how our riders perceive Metro's Bus and Rail operations. Where the questions are similar in nature, both charts are displayed. The bus evaluations charts have a white background and the rail evaluations charts have a blue background.

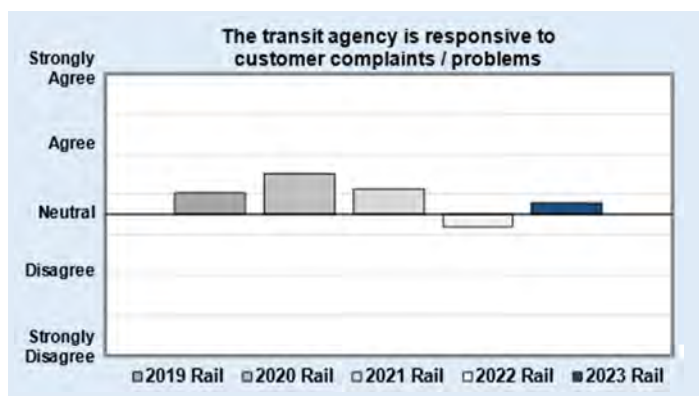
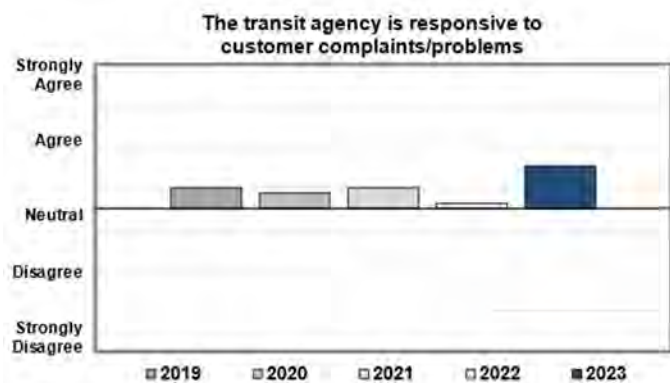
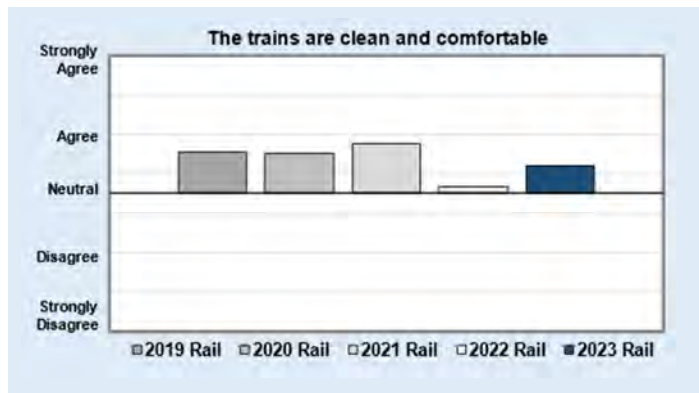
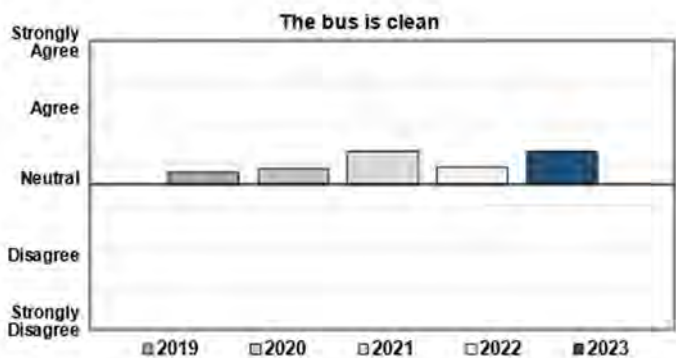


CUSTOMER SATISFACTION SURVEY RESULTS



Customer Relations

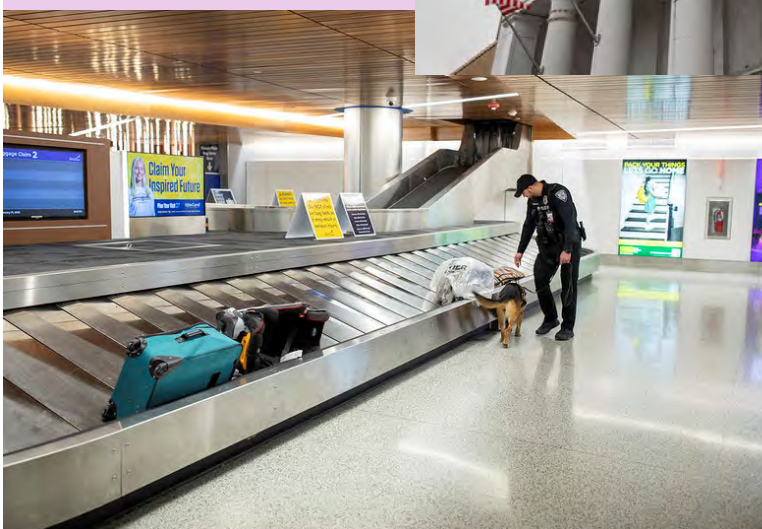
CUSTOMER SATISFACTION SURVEY RESULTS





NFTA Police Department Mission Statement

To provide the public with a safe, secure transportation system. This is accomplished through proactive and reactive policing strategies, cooperation with other law enforcement agencies, and positive interaction with the community.

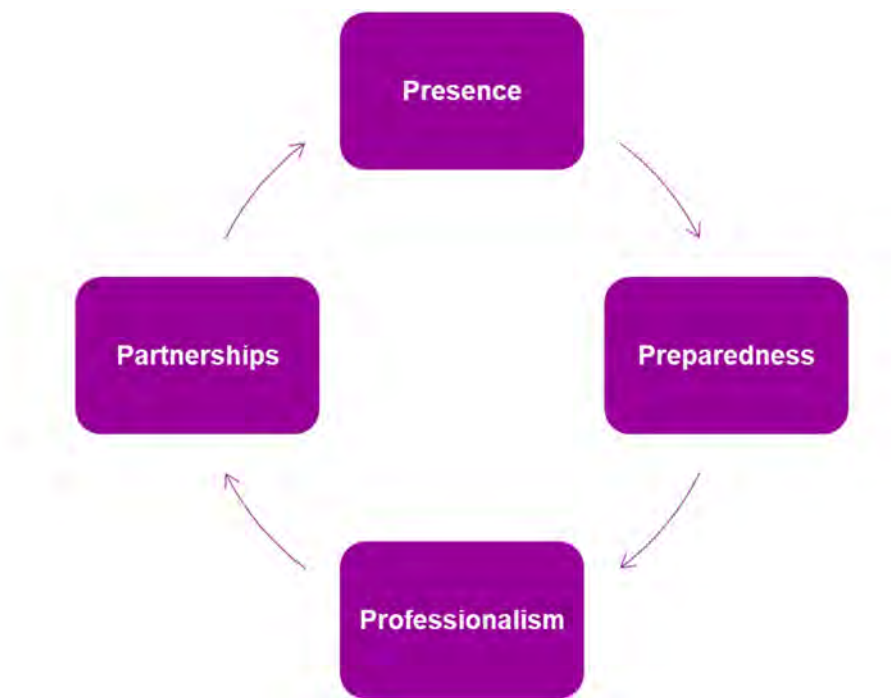


INTELLIGENCE-LED POLICING PHILOSOPHY

In the past, traditional police methods for deterring crime centered around a response-oriented approach where officers reacted to emergency calls for police help. Modern policing strategies and new schools of thought support a more analytical, intelligence driven model for controlling crime. The intelligence-led model allows police departments to utilize data and information in order to evaluate crime patterns and quality of life issues. Once crime trends are understood, police departments can deploy officers and resources to manage the environment within their jurisdiction. The NFTA police department has embraced this new philosophy using data to drive our decision making. Using the criminal history and record management system (CHARMS) we track and chart crimes each month. The crimes are categorized in two categories, crimes, and incidents (non-crimes). Crimes and incidents are analyzed, and interpretations are made as to cause. Once the cause is understood we collectively form a plan to deter crime and improve safety.

P4MANCE STRATEGY

Guided by 2022 crime data, the police department created a new approach to crime prevention for both aviation and metro divisions. To deter crime and maintain a safe environment for our passengers, officers need to be highly visible, skilled, professional, and have good relations with the community they serve. We converted these must haves into a workable model called the “P4mance Value Model” for policing. The four Ps are: Presence, Preparedness, Professionalism, and Partnerships. All strategies created and implemented incorporate some or all the 4Ps.



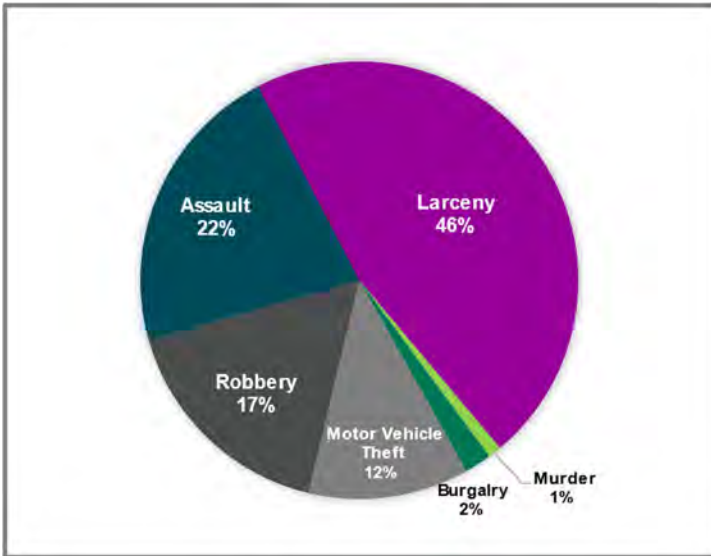
HIGH-VISIBILITY POLICING

When people see the police, they feel safe and would be criminals avoid the area. Crime data showed crimes of opportunity occurred in both aviation and metro divisions when criminals and others observed the absence of police presence. At our airports thieves would steal luggage and other items when no one was around. On the metro side larcenies on the subways, buses, and the MTC were possible due to low police presence.

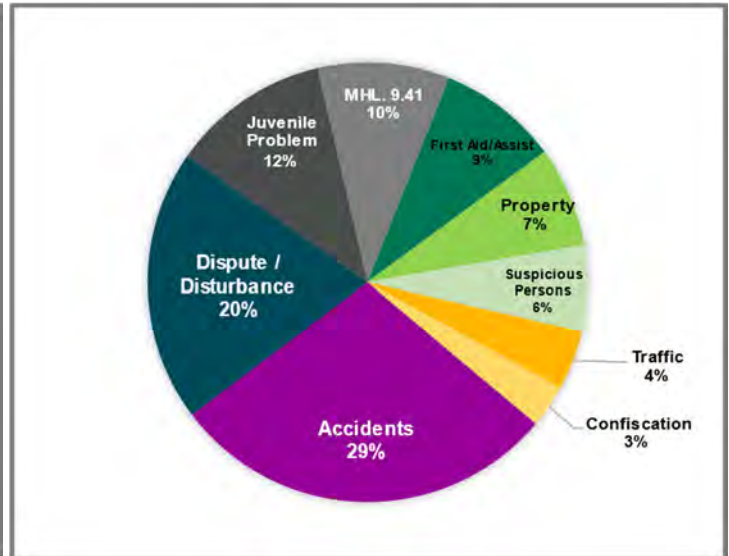
METRO DIVISION – CRIMES AND INCIDENTS

Our metro division officers respond to and investigate emergency calls for service for the authority's bus and rail systems. The police department covers 47 bus routes spanning three counties and patrols a 6-mile, 14-station light rail system. Data for crimes and incidents that take place in these transportation spaces are tracked, analyzed, and recorded for future decision-making.

Metro Part 1 Crimes - 2022



Metro Incidents - 2022



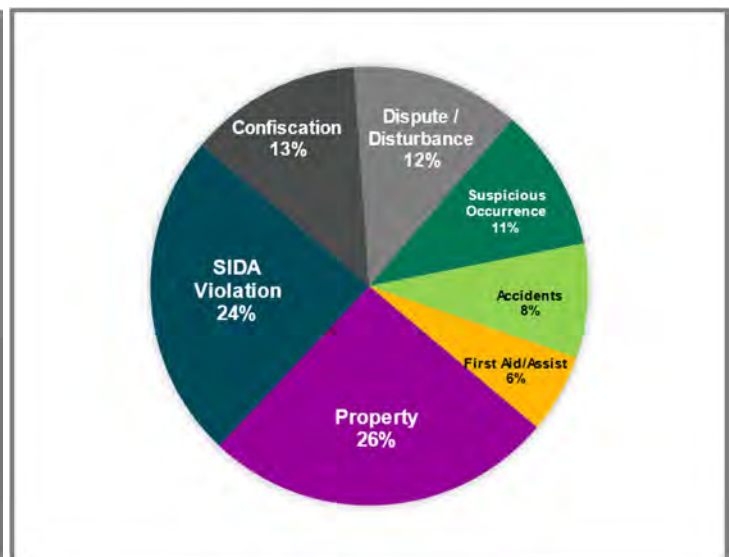
AVIATION DIVISION - CRIMES AND INCIDENTS

The NFTA police department has primary jurisdiction over the Buffalo Niagara and Niagara Falls International airports. The Buffalo Niagara International Airport is in Erie County, NY, and the Niagara Falls International Airport is in Niagara County, NY. To effectively serve both locations, the TAPD records and analyzes all incidents, using gathered intel to determine and plan the most effective crime prevention strategies.

Aviation Part 1 Crimes - 2022



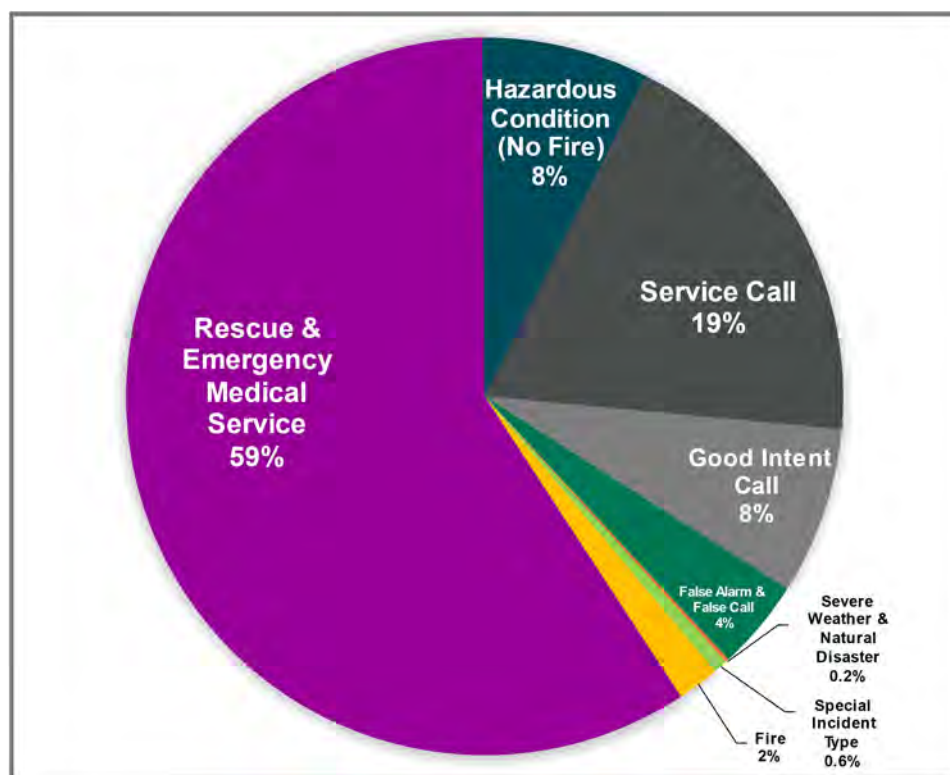
Aviation Incidents - 2022



AIRCRAFT RESCUE AND FIRE FIGHTING (ARFF)

Aviation - Major Incident Type

CY 2022



SAFETY/ENVIRONMENT

Safety Mission Statement

The Niagara Frontier Transportation Authority (NFTA) considers safety to be of the utmost importance and everybody's business.

The safety and well-being of our employees, customers, and the public is an essential element of running an effective and efficient transportation authority.

Management is responsible for providing a safe working environment for employees. Every employee is responsible for preventing accidents and injuries by observing established work rules, following the directions of supervisors, practicing the principles taught in safety training, and providing ideas so our safety efforts might be further strengthened. To accomplish this, management and employees will assure that:

- Compliance with federal, state and local laws regarding safety and working conditions is sustained.
- There are reasonable safeguards to ensure safe working conditions.
- Workplace environments are neat, clean, safe and healthful.
- Facilities, equipment, tools, and machines are maintained in good repair.
- Training is provided and utilized to maximize safe performance.

The NFTA is committed to continual improvement in our Safety Program. The success of our Safety Program depends on your sincere, constant, and cooperative efforts, as well as on your active participation and support. If you see a hazard report it immediately. The accident you prevent makes us a better organization.

Environment Mission Statement

It is the policy of Niagara Frontier Transportation Authority to protect the environment, and the health and safety of employees and the communities in which it serves.

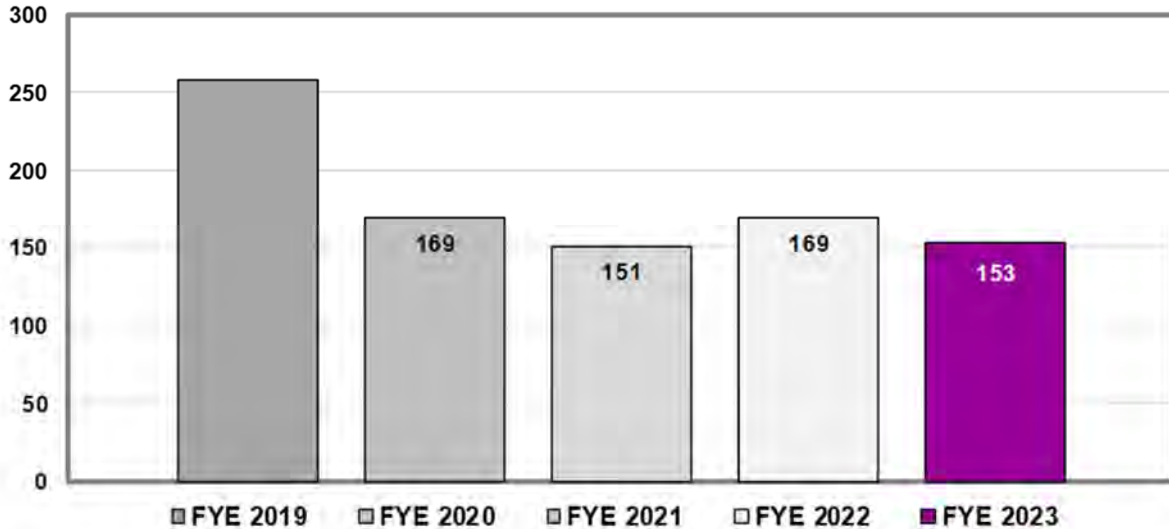
Daily decisions and actions at the NFTA are guided by the following environmental principles:

- Comply with applicable environmental laws and regulations.
- Minimize waste, prevent pollution, and incorporate recycling in all practices and operations.
- Strive to eliminate releases that impact the environment.
- Employ sound environmental practices to address and redevelop environmentally impacted property.
- Train employees to be aware of and responsive to environmental responsibilities.

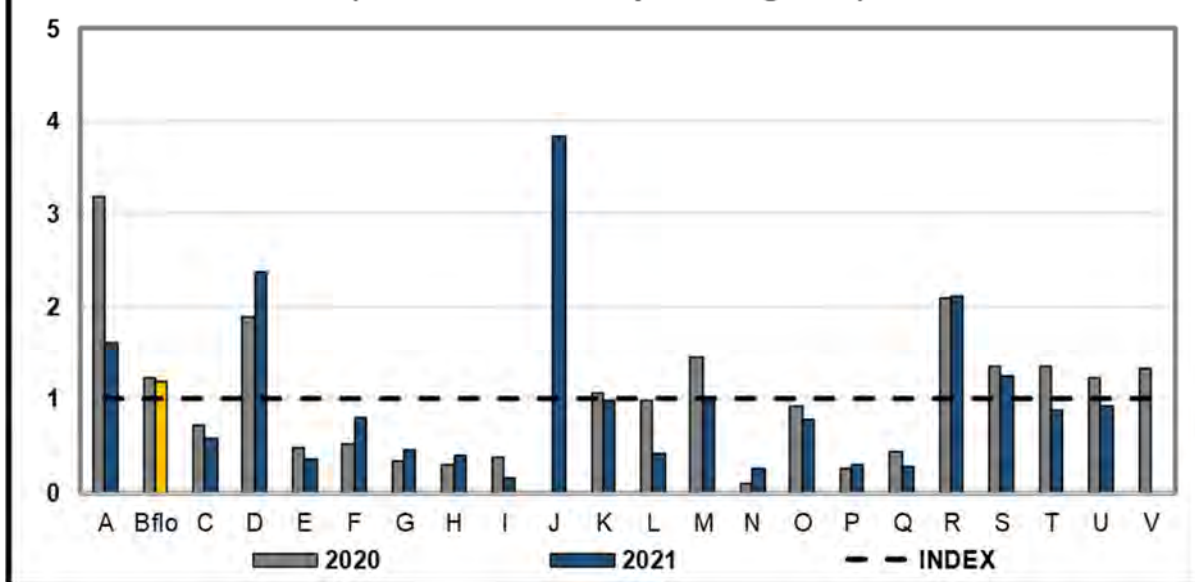
COLLISIONS

Metro operators drive over 10 million miles every year in the service area. Operating the fleet, subject to various weather and road conditions, will inevitably result in some vehicle collisions. Safe driver training techniques and mechanical soundness of the vehicles allow Metro to operate safely throughout the seasons in a challenging urban environment.

Preventable Collisions Fixed Route

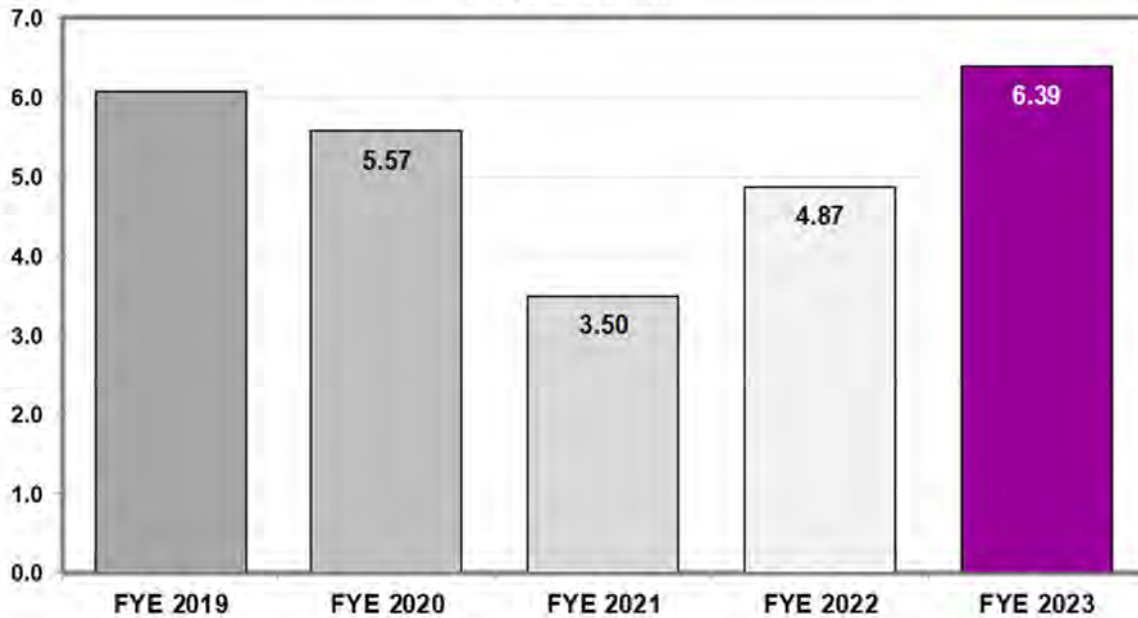


ABBG 2021 Data - Preventable Collisions (Indexed to Group Average = 1)

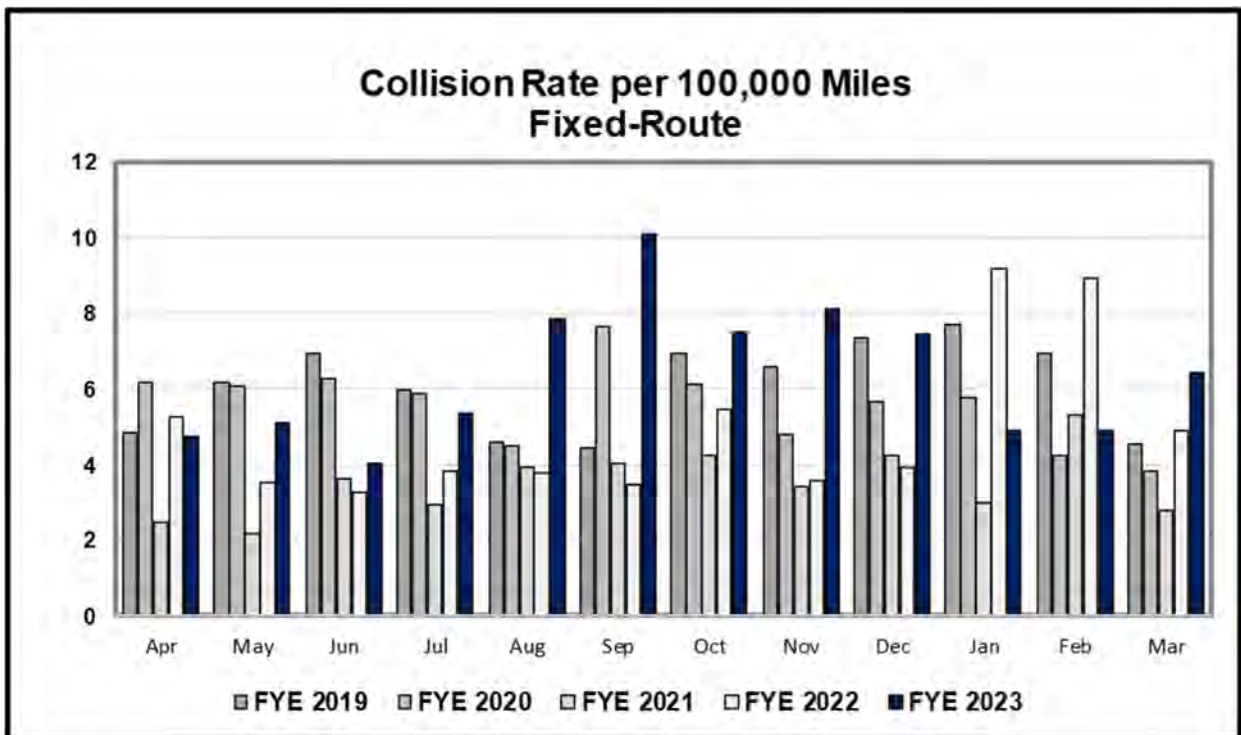


COLLISIONS

Collision Rate per 100,000 Miles
Fixed-Route



Collision Rate per 100,000 Miles
Fixed-Route

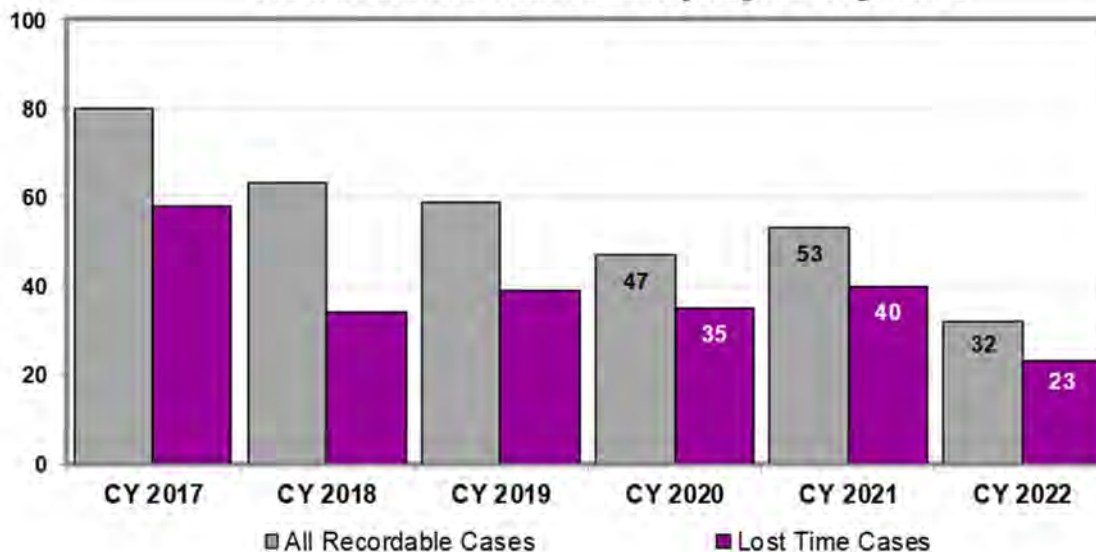


WORKPLACE

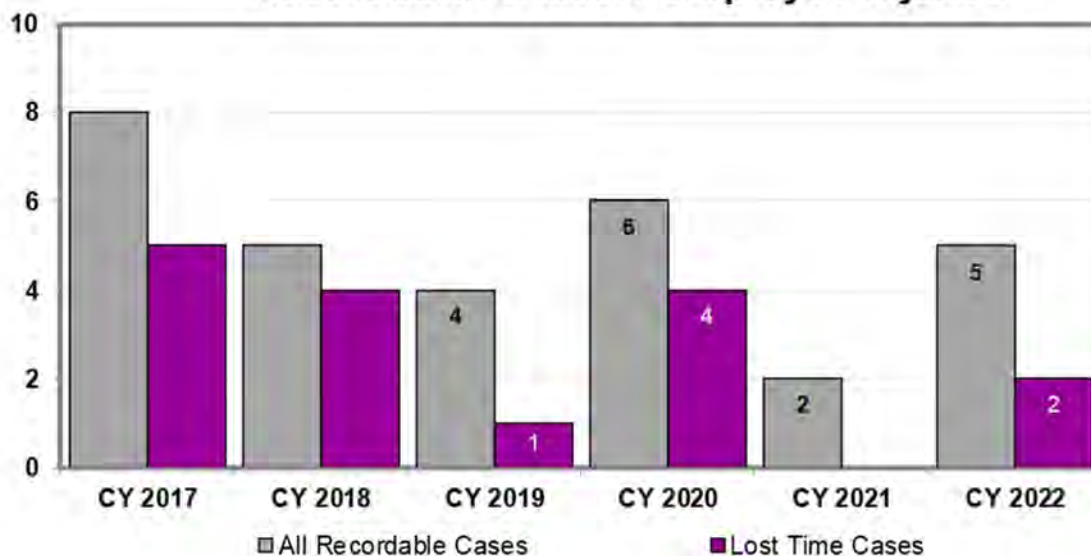
Personal injuries have a direct impact on NFTA's ability to provide reliable, cost-effective service and facilities. Regular monitoring, reporting and evaluating injuries are critical to maintaining operations and protecting our employees.

Each month, the most predominant personal injuries are reviewed by the Executive Director and top levels of Metro management. Through their analysis, the injury root causes are discussed, and recommendations are developed to keep employee safety a high priority within the Authority.

Recordable Metro Employee Injuries



Recordable Aviation Employee Injuries

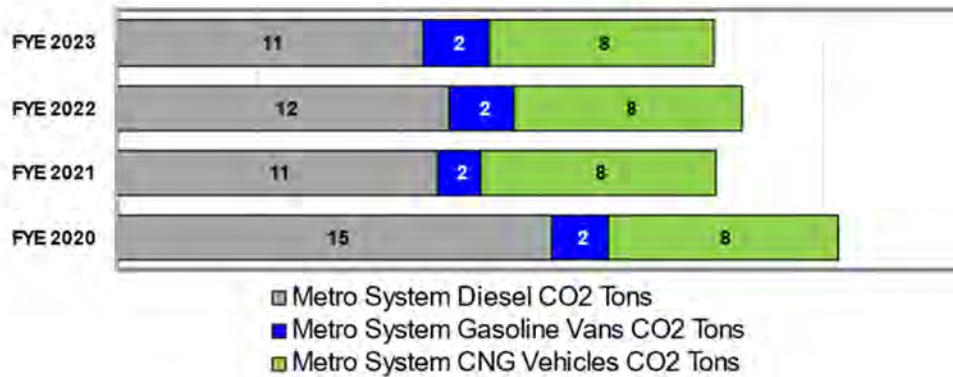


CARBON FOOTPRINT

Many considerations go into being a good community neighbor. The effect on the atmosphere due to emissions, the disposal of our waste products, the recycling of our motor oils and solid wastes and the energy consumed by our facilities' operations are all areas that Metro monitors to find effectiveness and efficiency in the operations.

The following charts represent Metro's efforts in reduction of the carbon footprint of our revenue service fleet.

System Vehicles Carbon Footprint
Represented in Tons

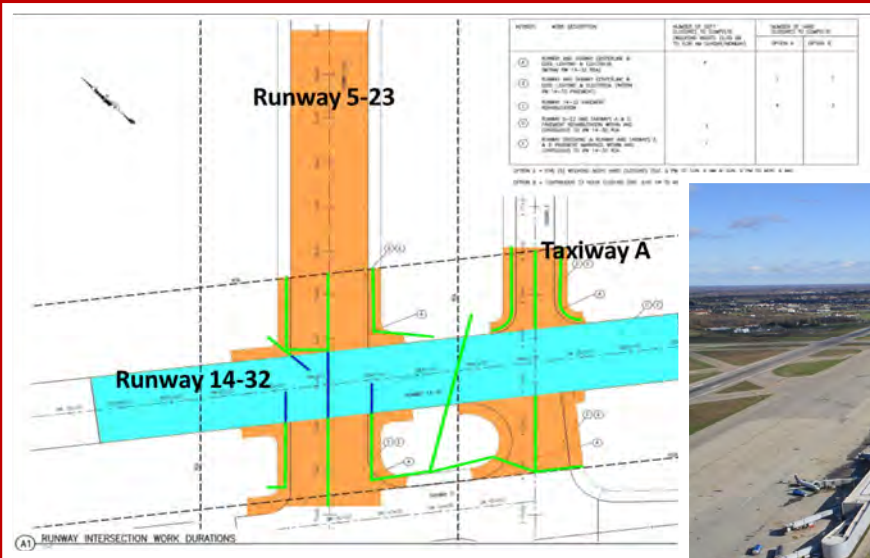


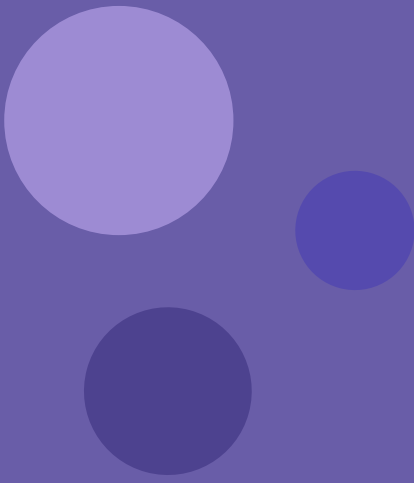
Our Path Forward

What does the future hold for NFTA

- Continued transparency and accountability through the annual Performance Report
- Continued emphasis on safety (employee, passenger/rider, and tenant)
- Technology enhancements for innovation, enhanced management practices and improved customer experience
- Ensure timely communication with our passengers/riders and community concerning key Metro and airport projects
- New fare collection system with more flexibility and value with greater access for rider convenience
- New buses powered by alternative fuel sources to create less emissions.
- Connecting Metro, BNIA and NFIA with its customers using social media and web platforms
- Next generation Metro Bus corridors (Bailey Avenue)
- Development of rail expansion to support community development
- Advancement of DL&W for enhanced community access and development opportunities
- Advance airfield improvements for sustainable operations (BNIA 5-23, taxiways, general aviation support)
- Pursue innovation to improve the overall passenger experience from curb to gate
- Enhance facilities to improve efficiency and reliability (snow removal equipment storage)
- Pursuit of joint development opportunities with strategic partners (City of Buffalo)
- Develop partnerships and marketing strategies to improve revenue and service







metro.nfta.com

716.855.7211

TTY 800.662.1220



@nftametro

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-8	EC AGRICULTURE & FARMLAND PROTECTION BOARD	Letter Regarding Concerns Over Sky Lanterns
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Attachments

23COMM. 16M-8



COUNTY OF ERIE

AGRICULTURE AND FARMLAND PROTECTION BOARD

BRETT KREHER, CHAIRPERSON

BRYANT ZILKE, VICE-CHAIRPERSON

August 30, 2023

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

RE: Erie County Agriculture and Farmland Protection Board concerns regarding sky lanterns

Dear Honorable Members:

At the January 26, 2023, meeting of the Agriculture and Farmland Protection Board (AFPB) meeting Vice-Chairperson Bryant Zilke raised concerns over sky lanterns and the threat they present to livestock.

These devices, also known as "Chinese lanterns" or "sky candles", have become popular in recent years and are often launched in a mass to commemorate special events (i.e., weddings, holidays, birthdays).

These devices are comprised of a wire or bamboo frame covered with a coated paper shell and a heat source inside the frame and are akin to a miniature hot air balloon. The heat source generates hot air that allows the lantern to rise into the air.

There is currently no prohibition on launching these devices in Erie County.

Pursuant to the NYS Office of Fire Prevention and Control (OFPC), these devices constitute a Recreational Fire. Such devices must be "constantly attended until the fire is extinguished."¹ Once dispatched, the devices become an unattended fire, with no certainty that the device will be fully extinguished at the time of landing and no control over where it will land (i.e., house, animal enclosure, car, field).

These devices are also hazardous to domestic animals, wildlife, and livestock. These devices have landed in agricultural areas, where livestock have consumed sky lantern components, often leading to death or internal complications.² In 2019, one of these devices landed in a lynx

¹ Fire Code of New York State, Section 302.1

enclosure at the Hawk Creek Wildlife Center in East Aurora.³ While the lynx survived unharmed, there was substantial concern that the animal had eaten the wire components of the device. In addition to concerns regarding animals ingesting device components, there is also danger of animal entanglement or entrapment.

On a larger scale, the damage caused by these devices includes: sparking of a wildfire in South Carolina that resulted in 800 acres burned; a cell phone tower in North Carolina was struck and ignited; a recycling plant in England caught fire; an owl was found entrapped and deceased in a sky lantern in England; a child was burned in China by a sky lantern; and several primates were killed in a German zoo after a sky lantern landed and ignited a fire in their enclosures.

Several states have banned these devices, with more considering similar bans. NYS has not enacted a statewide ban.

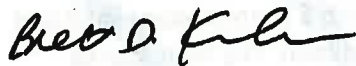
In 2016, Ulster County, located on the eastern side of NYS enacted a ban on these devices.⁴ The Ulster County law prohibits the sale and use of these devices. Violators are subject to a fine and imprisonment, with increased penalties for multiple offenses.

In the same year, the NYS Assembly introduced legislation to require sky lanterns be anchored and tethered while in use. This legislation has remained inactive since 2016.⁵

Due to their impacts on livestock and crops, the AFPB believes that sky lanterns represent a threat to agriculture in Erie County and further believes that the agricultural industry would benefit from regulation of these devices.

As such, the AFPB supports a County-wide prohibition on such devices.

Sincerely yours,



Brett Kreher
Chairperson, Erie County Agriculture and Farmland Protection Board

³ <http://bit.ly/3zx5Xvo>

⁴ <http://bit.ly/414roic>

⁵ <http://bit.ly/3KaK7mE>



Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-9 VBN PRESIDENT & CEO 2023 Second Quarter Reports

Attachments

23COMM. 16M-9



PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 ▪ Buffalo, New York 14203 ▪ 716-961-0200 ▪ Kaler@VisitBuffaloNiagara.com

EC LEG AUG 29 '23 PM 4:56

August 24, 2023

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

Dear Mr. Graber:

Enclosed please find the 2023 second quarter reports for Visit Buffalo Niagara and the Buffalo Niagara Convention Center. Also enclosed are the financial statements for the period ending June 30, 2023.

Sincerely,

Patrick J. Kaler
President and CEO

/Enclosures





PATRICK J. KALER
PRESIDENT & CEO

403 Main Street, Suite 630 ▪ Buffalo, New York 14203 ▪ 716-961-0200 ▪ Kaler@VisitBuffaloNiagara.com

August 24, 2023

I, the undersigned, do hereby certify based on my knowledge, the information provided herein:

- Is accurate, correct and does not contain any untrue statement of material fact;
- Does not omit any material fact which, if omitted, would cause the financial statements to be misleading in light of the circumstances under which such statements are made;
- Fairly presents, in all material respects, the financial condition and results of operations of the authority as of and for the periods presented in the financial statements.

Visit Buffalo Niagara
Buffalo Niagara Convention Center

Patrick J. Kaler
President and CEO





APRIL 2023 DESTINATION UPDATE

A MONTHLY DASHBOARD AND QUALITATIVE REPORT

PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA

BUFFALO CONVENTION CENTER

BUFFALO NIAGARA SPORTS COMMISSION

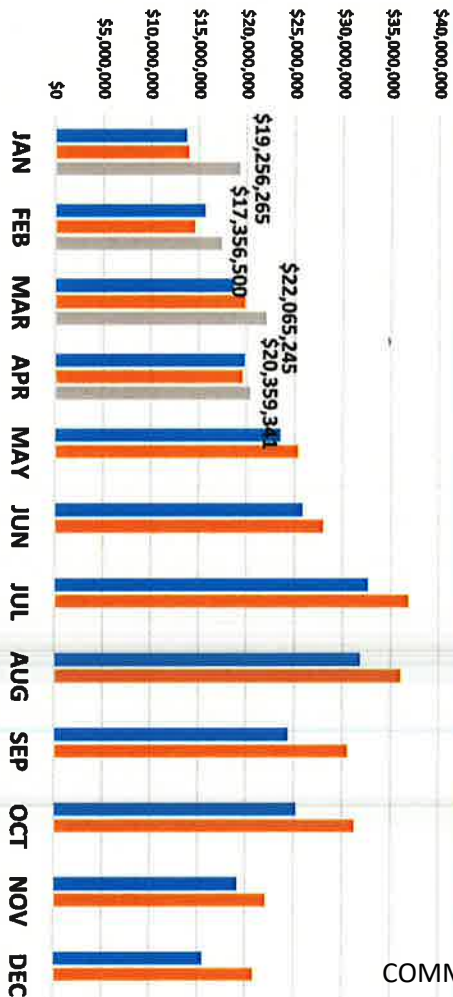


ERIE COUNTY HOTEL REVENUE -- APRIL 2023

April Hotel Revenue	
\$20,359,341	
April 2022	3.9%
April 2019	2.7%
YTD Hotel Revenue	
\$79,041,079	
2022	16.7%
2019	16.2%

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month.

April 2023 hotel revenue collections totaled, **\$20,359,341** which was a **3.9%** increase compared to April 2022. April 2023 hotel revenue was **2.7%** higher than 2019.



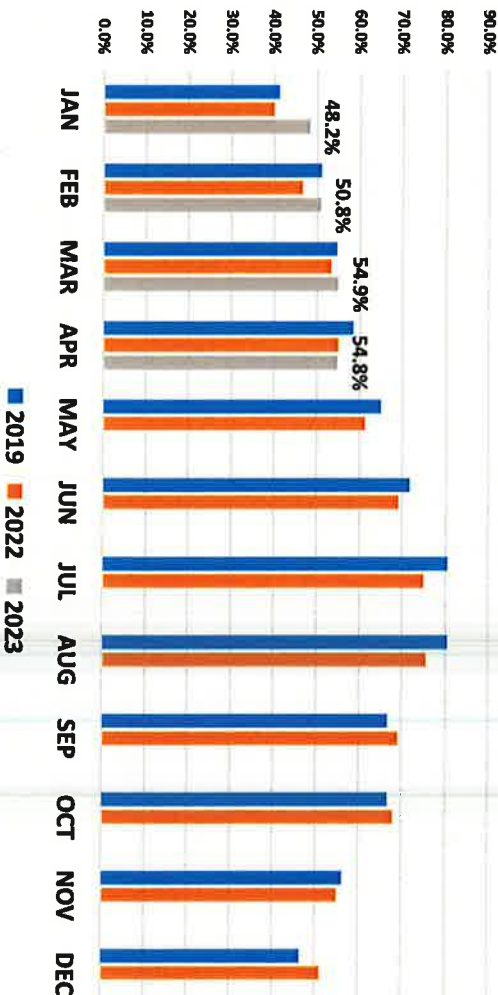
ERIE COUNTY HOTEL OCCUPANCY -- APRIL 2023

April Hotel Occupancy	
54.8%	
April 2022	-0.4%
April 2019	-6.2%
YTD Hotel Occupancy	
52.2%	
2022	7.4%
2019	1.8%

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available.

April 2023 occupancy measured **54.8%**, which was down **0.4%** compared to April 2022. April 2023 was **6.2%** lower than occupancy in 2019.

*In comparison, for the U.S., April occupancy was up **1.7%** over 2022 and up **5.3%** compared to 2019. The State Of New York, was up **1.3%** in occupancy in April 2023 compared to 2022, and down **5.5%** compared to 2019.*



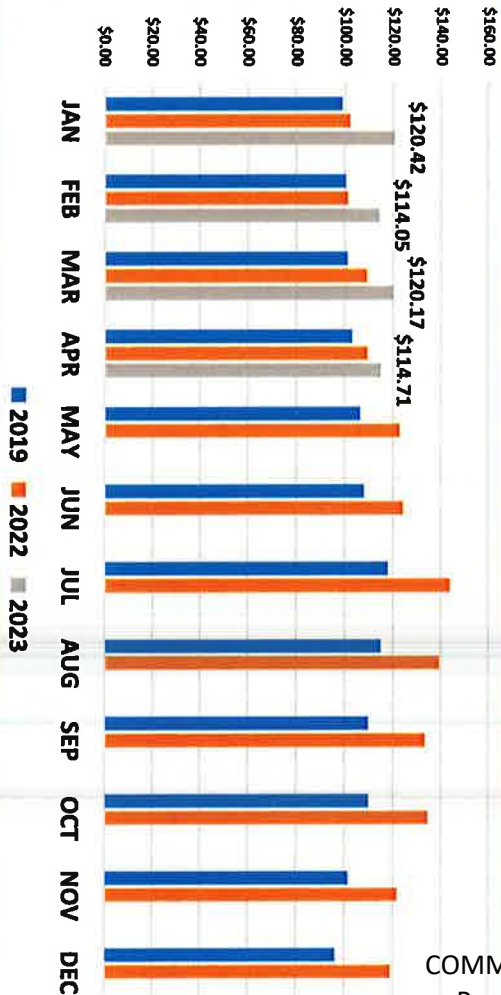
ERIE COUNTY HOTEL AVERAGE DAILY RATE (ADR) – APRIL 2023

April Hotel Average Daily Rate	
\$114.71	
April 2022	4.9%
April 2019	11.6%
YTD Hotel Average Daily Rate	
\$117.47	
2022	10.4%
2019	16.3%

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the month. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In April, Erie County ADR was **\$114.71** an increase of **4.9%** over 2022, and **11.6%** increase compared to 2019.

The U.S. ADR for April 2023 was up **3.9%** compared to 2022, as well as up **18.1%** from 2019. New York State ADR for 2023 was up **8.2%** compared to 2022 and up **9.9%** compared to 2019.



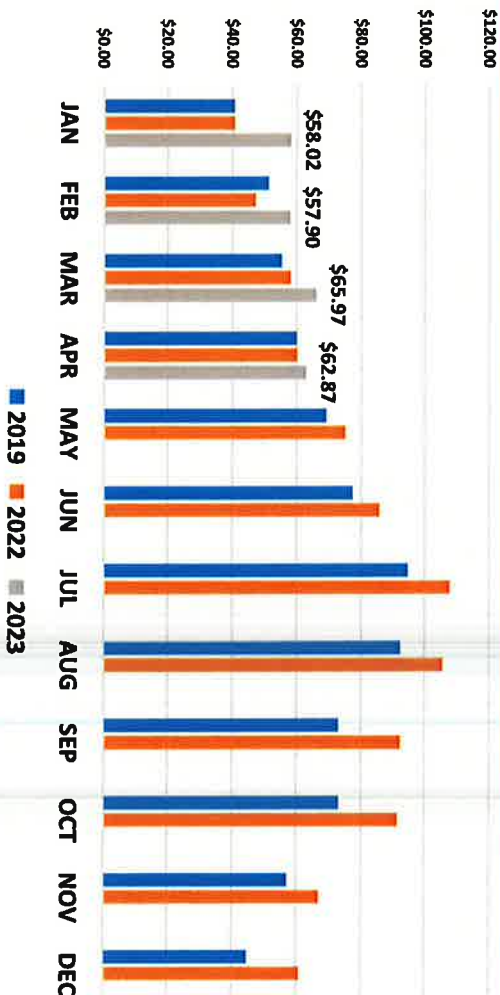
ERIE COUNTY HOTEL REVPAR – APRIL 2023

April Hotel RevPAR	
\$62.87	
April 2022	4.4%
April 2019	4.7%
YTD Hotel RevPAR	
\$61.27	
2022	18.6%
2019	18.3%

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the month divided by the total number of available rooms.

2023 April RevPAR was **\$62.87** which was an increase of **4.4%** over 2022, and **4.7%** compared to 2019.

RevPAR for the U.S. was up **2.2%** for April 2023 over 2022, and up **12.0%** compared to 2019. The State of New York also had year-over-year increases for RevPAR in 2023 with a **9.5%** increase over 2022 and a **3.9%** increase compared to 2019.



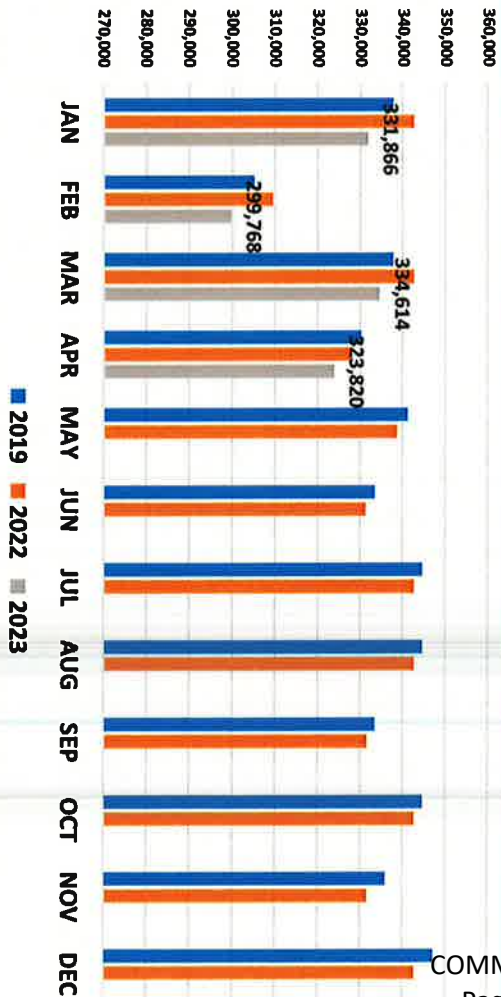
ERIE COUNTY HOTEL SUPPLY – APRIL 2023

April Hotel Supply	
April 2022	323,820
	-0.5%
April 2019	323,820
	-1.9%
YTD Hotel Supply	
2022	1,290,088
	-2.1%
2019	1,290,088
	-1.6%

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In April 2023, Erie County's hotel supply totaled **323,820** which was a **0.5%** decrease from 2022 and a **1.9%** decrease compared to 2019.

The number of Erie County available hotel rooms totaled **10,794** which is a **1.9%** decrease compared to 2019.

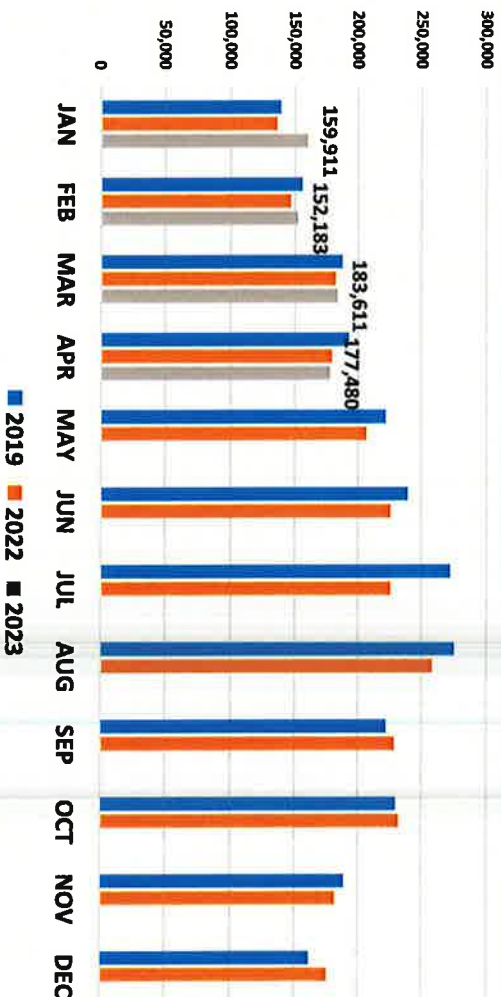


ERIE COUNTY HOTEL DEMAND – APRIL 2023

April Hotel Demand	
April 2022	177,480
	-1.0%
April 2019	177,480
	-7.9%
YTD Hotel Demand	
2022	672,842
	5.2%
2019	672,842
	0.1%

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

April 2023 hotel demand totaled, **177,480** which was a **1.0%** decrease compared to 2022 and a **7.9%** decrease compared to 2019.





MONTHLY TRAVEL DATA - KEY DATA

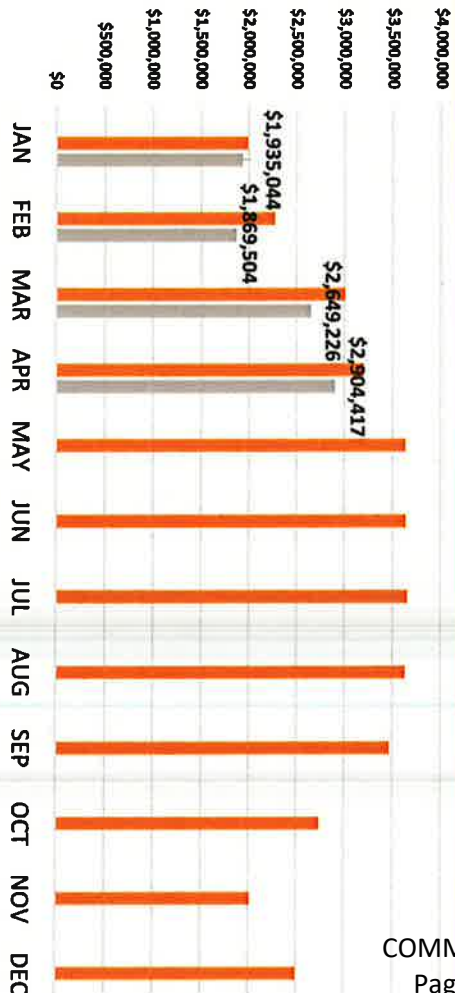
ERIE COUNTY SHORT TERM RENTAL REVENUE – APRIL 2023

April Short Term Rental Revenue	
April 2022	\$2,904,417
April 2019	-9.3%
YTD Short Term Rental Revenue	
2022	\$10,043,417
2019	-4.2%

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month.

In April 2023, Erie County's short term rental revenue generated **\$2,904,417** which was down **9.3%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



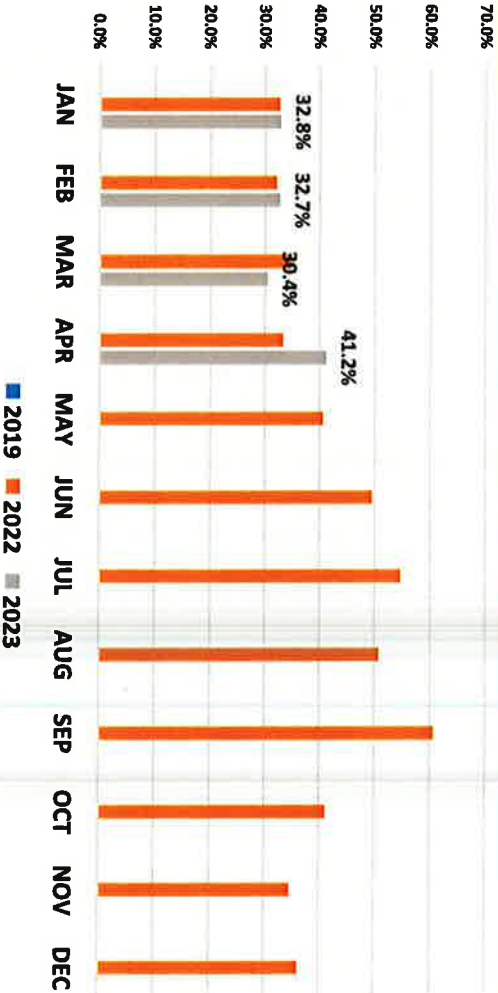
ERIE COUNTY SHORT TERM RENTAL OCCUPANCY – APRIL 2023

April Short Term Rental Occupancy	
April 2022	41.2%
April 2019	23.7%
YTD Short Term Rental Occupancy	
2022	37.8%
2019	7.4%

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of sold by the number of units available.

April 2023 occupancy measured **41.2%**, which was up **23.7%** compared to April 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





MONTHLY TRAVEL DATA- KEY DATA

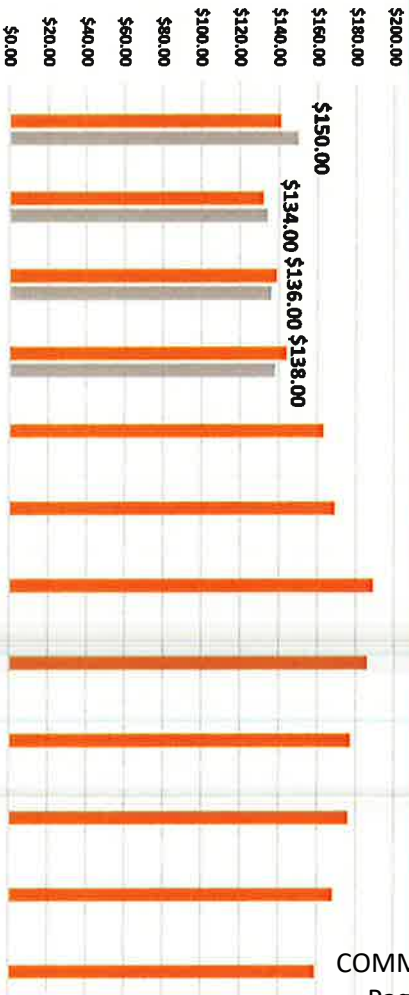
ERIE COUNTY SHORT TERM RENTAL AVERAGE DAILY RATE – APRIL 2023

April Short Term Rental ADR	
April 2022	\$138.00
April 2019	-4.2%
YTD Short Term Rental ADR	
2022	\$137.00
2019	0.7%

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In April, Erie County Short Term Rental ADR was **\$138.00** a decrease of **4.2%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



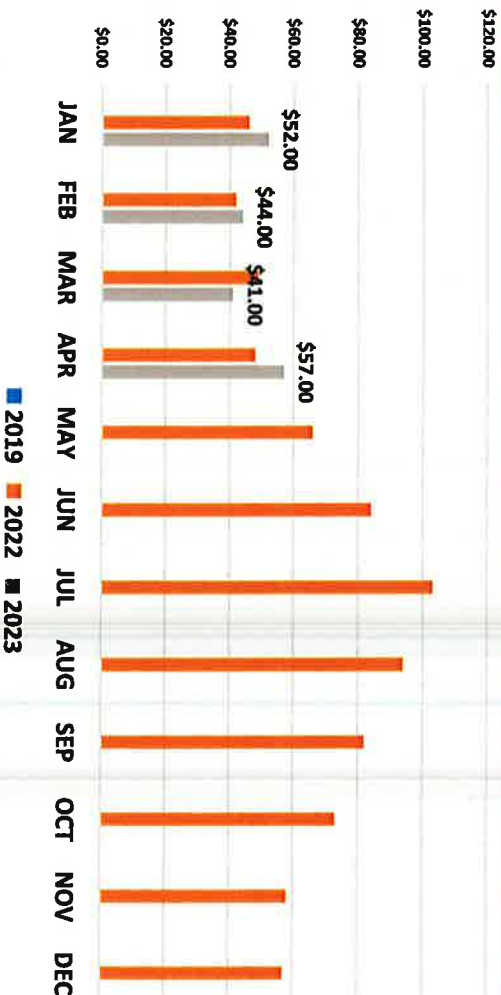
ERIE COUNTY SHORT TERM RENTAL REVPAR – APRIL 2023

April Short Term Rental RevPAR	
April 2022	\$57.00
April 2019	18.8%
YTD Short Term Rental RevPAR	
2022	\$52.00
2019	6.1%

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 April RevPAR was **\$57.00** which was an increase of **18.8%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





MONTHLY TRAVEL DATA- KEY DATA

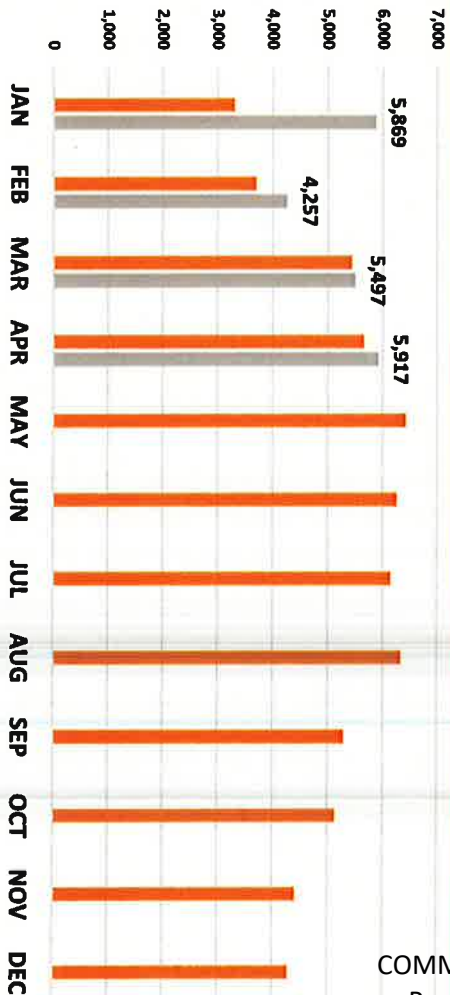
ERIE COUNTY SHORT TERM BOOKINGS – APRIL 2023

April Short Term Rental Bookings	
April 2022	4.6%
April 2019	NA
YTD Short Term Rental Bookings	
2022	15.6%
2019	NA

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month.

In April, Erie County Short Term Rental Bookings totaled **5,917** which was an increase of **4.6%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



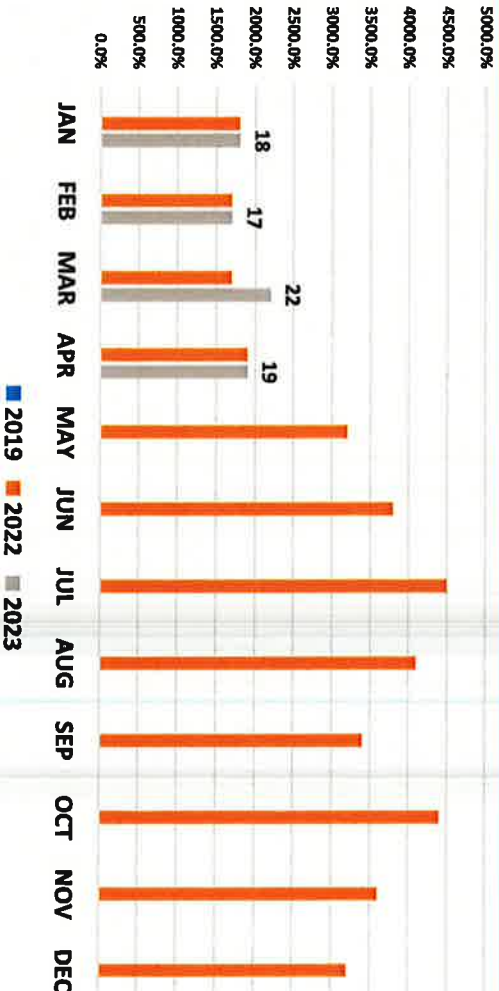
ERIE COUNTY SHORT TERM BOOKING WINDOW – APRIL 2023

April Short Term Rental Booking Window (days)	
April 2022	Null
April 2019	NA
YTD Short Term Rental Booking Window (days)	
2022	Null
2019	NA

Short Term Booking Window is the number of days prior to arrival/check-in of a short term rental booking.

In April 2023 the short term rental booking window was **19** days prior to arrival, which was the same as 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





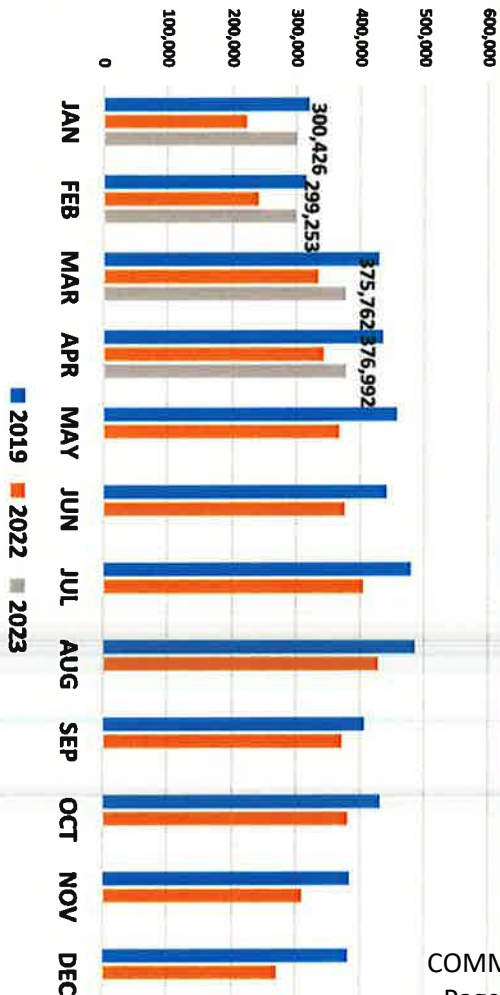
SALES DEPARTMENT DATA

BUFFALO NIAGARA INTERNATIONAL AIRPORT PASSENGERS – APRIL 2023

April BUF Airport Passengers	
April 2022	376,992
April 2019	376,992
YTD BUF Airport Passengers	
2022	1,352,433
2019	1,352,433

Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA.

Passengers through BUF in April 2023 totaled **376,992** representing a **10.1%** increase over 2022 and a **13.5%** decrease compared to 2019.

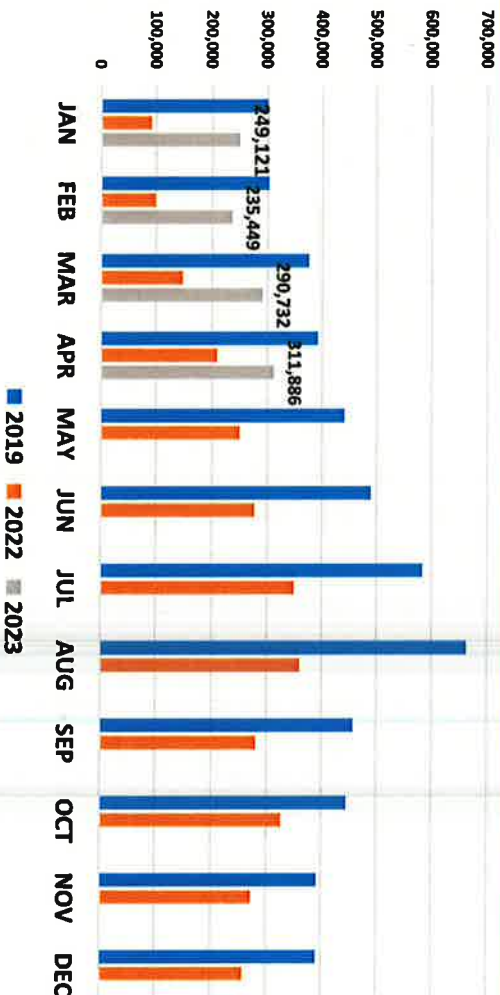


U.S. / CANADIAN CROSS BORDER TRAFFIC – APRIL 2023

April US/Canadian Border Traffic	
April 2022	311,886
April 2019	311,886
YTD US/Canadian Border Traffic	
2022	1,087,168
2019	1,087,168

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties.

Travel between the two countries through the Erie and Niagara County access points for the month of April 2023 totaled **311,886** which was a **48.90%** increase over 2022 and a **20.5%** decrease compared to 2019.



SALES & SERVICES DEPARTMENT UPDATE



MONTH Sales & Services Department Dashboard - April 2023 vs. April 2022 and April 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed		Sales Lead Room Nights		Lead Expected Attendance		Lead Economic Impact		Lost Business	
44		15,815		22,458		\$12,034,216		10	
April 2022	-24.4%	April 2022	-36.9%	April 2022	68.8%	April 2022	-12%	April 2022	-40.7%
April 2019	-26.7%	April 2019	-7.5%	April 2019	-94.8%	April 2019	NA	April 2019	-5.9%
Definite Events Booked		Definite Room Nights Booked		Definite Expected Attendance		Definite Event Economic Impact			
29		11,959		26,515		\$11,616,574			
April 2022	-12.1%	April 2022	19.0%	April 2022	408.0%	April 2022	11.9%	April 2022	-26.4%
April 2019	-55.4%	April 2019	20.1%	April 2019	200.6%	April 2019	-26.4%	April 2019	-26.4%
Events Held		Events Held Room Nights		Events Held Attendance		Groups Serviced			
14		6,641		4,561		12			
April 2022	-26.3%	April 2022	8.1%	April 2022	21.2%	April 2022	Null	April 2022	Null
April 2019	-65.9%	April 2019	-66.0%	April 2019	-26.8%	April 2019	-33.3%	April 2019	-33.3%

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed		YTD Sales Lead Room Nights		YTD Lead Expected Attendance		YTD Lead Economic Impact		YTD Lost Business	
175		66,210		57,452		\$49,992,278		59	
2022	-6.4%	2022	-20.3%	2022	22.2%	2022	-31.0%	2022	-22.3%
2019	-33.5%	2019	-55.8%	2019	-52.7%	2019	NA	2019	-37.9%
YTD Definite Events Booked		YTD Definite Room Nights Booked		YTD Definite Expected Attendance		YTD Definite Event Economic Impact			
116		40,253		48,258		\$30,975,221			
2022	Null	2022	-25.4%	2022	-5.5%	2022	-36.4%	2022	-36.4%
2019	-38.3%	2019	-30.6%	2019	-10.7%	2019	-43.4%	2019	-43.4%
YTD Events Held		YTD Events Held Room Nights		YTD Events Held Attendance		YTD Groups Serviced			
63		51,617		50,151		42			
2022	-6.0%	2022	10.0%	2022	11.5%	2022	16.7%	2022	16.7%
2019	-45.2%	2019	-20.9%	2019	-20.9%	2019	-19.2%	2019	-19.2%

SALES & SERVICES DEPARTMENT UPDATE



2023 April compared to March Sales & Services KPI Comparison

Key Performance Indicator	MOM Percent Change
Leads Distributed	15.8%
Lead Room Nights	19.8%
Lead Attendance	162.0%
Lead Economic Impact	40.9%
Definite Bookings	7.4%
Definite Room Nights	27.5%
Definite Attendance	260.0%
Definite Economic Impact	58.1%
Lost Leads	-37.5%
Events Held In Month	-51.7%
Events Held In Month Room Nights	-73.7%
Events Held In Month Attendance	-84.6%
Groups Serviced	-33.3%



April 2023 Trade Shows/Conferences Attended		
SHOW / CONFERENCE NAME	LOCATION	ATTENDED BY
VBN did not attend any tradeshows or conferences during the month of April		
April 2023 Site Visits / FAIMS		4



2023 MPI Thought Leaders Summit Planning

Visit Buffalo Niagara will host the 2023 MPI Thought Leaders Summit in August of this year. The MPI Foundation convenes the meeting and event industry's top leaders for it's annual Thought Leaders Summit to discuss, ideate and problem-solve critical challenges such as safety, diversity and design. This is an excellent opportunity to showcase our phenomenal destination to influential meeting planners. The VBN team continues to plan with the MPI staff to prepare an Unexpected Buffalo experience for the attendees so that they will consider Buffalo and Erie County for future meetings and conventions.

Arrowhead Conferences + Events Leadership Meeting & FAM

Visit Buffalo Niagara had the privilege of hosting Arrowhead Conferences + Events leadership meeting and familiarization tour of Buffalo for twelve members of their leadership team and planners. Attending the meeting/fam included the organization's CEO Scott Falk and Account Manager, Tommy Keown who also serves on the VBN/BNCC Customer Advisory Council. Arrowhead Conferences was founded in 1986, Arrowhead is a non-profit ministry of Cru, with specialties in Christian conference and event planning. The annual meeting took place at the recently rebranded Richardson Hotel, and an industry marketplace and luncheon with twelve Erie County tourism partners held at the Buffalo Niagara Convention Center. The attendees also enjoyed an evening reception with various activities at Buffalo Riverworks.



Adaptive Equipment & Youth Sports Program Celebration

The Buffalo Niagara Sports Commission and the Buffalo Niagara Convention Center hosted and attended the Greater Buffalo Adaptive Sports Youth Sports Program Celebration. The event took place at the BNCC and was attended by partners, coaches, volunteers and athletes who came out to try new adaptive sports equipment. The goal of Greater Buffalo Adaptive Sports is to provide an opportunity for individuals with disabilities to participate in adaptive sports and, through this participation, develop the social, emotional, and physical confidence necessary to become leaders in the community. BNSC has enjoyed a strong collaboration with the organization in bringing and supporting adaptive sporting events to Erie County.



Greg Gelinas Speaks to Buffalo State University Students

Buffalo Niagara Sports Commission Director of Sports Development, Greg Gelinas, had the opportunity to speak to the students graduating from the Hospitality and Tourism program at Buffalo State University, as well as attend the 27th Annual Buffalo Niagara Ambassador Awards where several of the students were recognized for their academic accomplishments.



Buffalo Niagara Sales and Marketing Executives Honors Mike Even

Mike Even, Visit Buffalo Niagara's Vice President of Sales and Services was honored with the Elite Sales and Marketing Executive of the Year Award by the Buffalo Niagara Sales and Marketing Executives Association. A long-term member representing VBN with BNSME, Mike has also served on the organization's executive committee. BNSME provides a unique forum for business owners, executives and decision makers to network and to share ideas, best practices and experience. Founded in 1942, BNSME is the largest organization of its kind in our region, and the only one dedicated to consistently improving professionalism in sales and marketing.



makers to network and to share ideas, best practices and experience. Founded in 1942, BNSME is the largest organization of its kind in our region, and the only one dedicated to consistently improving professionalism in sales and marketing.



MARKETING & COMMUNICATIONS DEPARTMENT UPDATE

MONTHLY Marketing & Communications Department Dashboard April 2023 vs. April 2022 and April 2019

Website Sessions		Mobile Website Sessions		Duration On Site		Website Page Views		Social Media Posts	
2022	229,665	2022	157,953	2022	3:05	2022	483,881	2022	177
2019		2019		2019		2019		2019	
	94.1%		101.3%		25 seconds		139.2%		-4.9%
	57.0%		20.3%		29 seconds		75.6%		2.3%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		All Video Views	
2022	100,840	2022	29,880	2022	56,991	2022	19,003	2022	507,385
2019		2019		2019		2019		2019	
	2.6%		0.6%		28.4%		147.9%		1492.6%
	8.0%		5.8%		81.5%		NA		222.4%
Media Placements		Media Impressions		Media Social Shares		Media Touchpoints		Media Visits	
2022	9	2022	311,332,310	2022	282	2022	13	2022	2
2019		2019		2019		2019		2019	
	200.0%		4592.7%		-65.5%		8.3%		Null
	NA		NA		NA		NA		NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions		YTD Mobile Website Sessions		Duration On Site		YTD Website Page Views		YTD Shared Social Media Posts	
2022	550,736	2022	362,896	2022	3.05	2022	913,632	2022	704
2019		2019		2019		2019		2019	
	36.6%		37.3%		25 seconds		26.7%		-26.3%
	12.3%		16.2%		29 seconds		-3.3%		4.6%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		YTD All Video Views	
2022	100,840	2022	29,880	2022	56,991	2022	19,003	2022	2,794,898
2019		2019		2019		2019		2019	
	2.5%		0.6%		28.4%		147.9%		240.6%
	8.0%		5.8%		81.5%		NA		646.0%
YTD Media Placements		YTD Media Impressions		YTD Media Social Shares		YTD Media Touchpoints		YTD Media Visits	
2022	29	2022	966,674,286	2022	2,448	2022	62	2022	5
2019		2019		2019		2019		2019	
	38.1%		169.0%		-28.0%		-37.4%		Null
	NA		NA		NA		NA		NA

2023 April compared to March Marketing & Communications KPI Comparison

Key Performance Indicator	MOM Percent Change
Website Sessions	102.7%
Mobile Website Sessions	125.4%
Duration on Site	1:06 seconds
Website Page Views	117.3%
Social Media Posts	-1.7%
Facebook Followers	0.2%
Twitter Followers	-0.2%
Instagram Followers	4.1%
TikTok Followers	1.6%
All Video Views	-65.8%
Media Placements	Null
Media Impressions	-50.9%
Social Media Shares	5540.0%
Media Touchpoints	-31.6%
Media Visits	100.0%



Michelle Kearns Joins Buffalo Niagara PRSA Chapter
Visit Buffalo Niagara Communications Manager, Michelle Kearns was recognized as a new member of the Buffalo Niagara Chapter of PRSA.

April 2023 Media Hits

PUBLICATION/SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES
Trip Advisor	The Big Appeal of a Small-City Vacation	104,240,863	57
USA TODAY Outdoor Wire	16 Outstanding Urban Kayaking Destinations Throughout the US	33,607	17
The New York Times	Buffalo Remakes Its Museum In Its Own Image	136,446,084	NA
The Washington Post	Want To See the Total Eclipse in 2024? Better Make Your Plans Now	56,216,417	52
Lazy Trips	Road Trip from Detroit to Washington DC	236,828	NA
Lonely Planet	6 Underrated Cities To Add To Your US Itinerary	4,280,066	77
AAA	4 Scenic Byways To Drive Close To Home	2,586,063	NA
Long Weekends	The Great Wright Road Trip	1,275	79

Not all media hits were as a direct result of efforts by Madden Media.



3. Buffalo, New York

Once an industrial powerhouse, then an ailing metropolis that saw big swaths of its population fleeing to the suburbs and - notoriously - its pro-football team lose four Super Bowls in a row, *New York's second largest city* is turning things around. There's been a decade-long effort to invest in housing, job training, public green spaces and the arts, among other things. Today, this city is hitting its stride.

And there's more to come. A major 30,000 sq ft expansion of the Buffalo ANG Art Museum (formerly the Albright-Knox Art Gallery) is scheduled to open in June 2023, and a new park and a collection of grain silos have been repurposed for mixed-use community on the waterfront. Check out the old stables too: *Niagara Falls*, obviously, but also architectural gems such as Frank Lloyd Wright's Prairie-style Martin House, Eliel and Eero Saarinen's Kleinhans Music Hall and parks by Frederick Law Olmsted.



Most Viewed Video
April 2023

The Buffalo Cherry Blossom Festival
183,700

Sample of other video content for the month:

- Easter Time – The Broadway Market
- Spring Buffalo Restaurant Week
- Let's Try Ted's Hot Dogs
- Places to See Live Music
- Make Your Own Bouquet

USA TODAY

No. 1: Taste of Buffalo - Buffalo, New York

Taste of Buffalo shows off Buffalo's blossoming food truck and restaurant scene, as well as wines from New York State vineyards. Regional specialties, from beef on weck to sponge candy, to Buffalo wings, abound. The event raises scholarship money for college-bound students who are committed to studying hospitality and culinary arts.

Taste of Buffalo Named No. 1 on USA TODAY 10 Best

The Taste of Buffalo was recognized as the number one best food festivals across the nation in USA TODAY's 10 Best! The Taste of Buffalo highlights various regional specialties, including beef on weck, sponge candy, Buffalo wings, and more, while showcasing Buffalo's ever-expanding food truck and restaurant scene. The USA TODAY 10 Best list celebrates mouthwatering tastings, live cooking demos, beautiful venues and top-notch chefs, with these top ten destinations being voted on by readers from across the country.

Sample April Instagram Content



New Website Content

The Visit Buffalo Niagara Marketing Department curated new content for the destination's website for a Sponge Candy Trail and leading into the peak travel season, The Perfect Weekend Getaway.

buffalo Niagara

SPONGE CANDY TRAIL

buffalo Niagara

The Perfect Weekend Getaway

SAMPLING SOME OF BUFFALO'S BEST



DESTINATION DEVELOPMENT DEPARTMENT UPDATE

MONTHLY Destination Development Department Dashboard – April 2023 vs. April 2022 and April 2019 (RECOVERY BENCHMARK)

Visitor Guide Requests		Weekly Lodging Dashboard Distribution		Tourism Insider Distribution	
173		468		2,604	
April 2022	-42.9%	April 2022	36.0%	April 2022	-6.2%
April 2019	-72.1%	April 2019	NA	April 2019	-6.1%
Number of Mobile Visitor Center Events		Mobile Visitor Center Volunteer Hours		Number of Convention/Sport Events	
0		0		1	
April 2022	Null	April 2022	Null	April 2022	-50.0%
April 2019	NA	April 2019	NA	April 2019	NA
Industry Meeting Attendance		Industry Event Attendance		Extranet Training Attendance	
0		0		7	
April 2022	Null	April 2022	Null	April 2022	100.0%
April 2019	-300.0%	April 2019	-47.0%	April 2019	100.0%
Destination Customer Service Training Attend.					
1					
April 2022	-66.7%				
April 2019	-96.7%				

YEAR TO DATE Destination Development Department Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Visitor Guide Requests		YTD Weekly Lodging Dashboard Distribution		YTD Tourism Insider Distribution	
2,418		468		2,604	
2022	-36.6	2022		2022	-6.2%
2019	-1.2%	2019		2019	-6.1%
YTD Number of Mobile Visitor Center Events		YTD Mobile Visitor Center Volunteer Hours		YTD Number of Convention/Sport Events	
3		99		7	
2022	-40.0%	2022	-53.3%	2022	250.0%
2019	NA	2019	NA	2019	NA
YTD Industry Meeting Attendance		YTD Industry Event Attendance		YTD Extranet Training Attendance	
275		61		12	
2022	195.7%	2022	100.0%	2022	-37.8%
2019	96.8%	2019	-62.6%	2019	-20.0%
YTD Dest./Customer Service Training Attend.					
5					
2022	-70.6%				
2019	-91.5%				

DESTINATION DEVELOPMENT DEPARTMENT UPDATE



Buffalo Eclipse One-Year Out Press Conference
On April 8th, the Visit Buffalo Niagara staff joined our industry partners at the Buffalo Science Museum to support Erie County Executive Mark Poloncarz for the official announcement of the 2024 Buffalo Eclipse. Local awareness surrounding the April 2024 total eclipse that will put Buffalo and Erie County in totality. Erie County is working closely with New York State Police and the local law enforcement officials throughout the County to ensure overall safety for residents and visitors. County Executive Poloncarz used the occasion to announce a \$100,000 grant to the Buffalo Science Museum to purchase and distribute viewing glasses. VBN launched an aggressive social media campaign highlighting the launch of the Buffalo Eclipse landing page and VBN's logo.

VBN Launches Spring 2024 Buffalo Restaurant Week

Visit Buffalo Niagara's Spring 2024 Buffalo Restaurant Week took place April 17-23, 2023, following the successful first iteration of the event in the fall of 2022. A total of 108 restaurants participated in the Spring week-long event; a 37% increase over this past fall. Of the participating restaurants, 27% were women and/or black-owned businesses. The marketing of the events proved strong with more than 102,000 views on the Buffalo Restaurant Week landing page and an average time spent on the page of 5:18 minutes. All of the local television and radio stations in WNY had daily stories featuring Buffalo Restaurant Week following the week prior press conference, and the restaurants themselves took to social media to celebrate and highlight their successes of the week.



BUFFALO CONVENTION CENTER OPERATIONAL UPDATE

MONTHLY Buffalo Convention Center Operational Dashboard – April 2023 vs. April 2022 and April 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event - Banquet	Event – Consumer/Public Show	Event - Social
6	4	0	2	0	0
January 2022	-45.5%	April 2022	Null	April 2022	-50.0%
April 2019	-40.0%	April 2019	33.3%	April 2019	-100.0%
Total Event Attendance		Number of Days Occupied		Customer Service Score	
6,221		24		New survey system being developed for mid-year.	
April 2022	-20.5%	April 2022	4.3%	April 2022	NA
April 2019	-38.1%	April 2019	33.3%	April 2019	NA
Total Revenue		Revenue – Rent		Revenue – Food & Beverage	
\$393,545		\$41,269		\$342,191	
April 2022	-20.8%	April 2022	-23.3%	April 2022	-21.6%
April 2019	-7.6%	April 2019	-33.5%	April 2019	-6.2%
Revenue – Electrical Service		Revenue – Other			
\$10,045		\$40			
April 2022	55.0%	April 2022	-79.8%	April 2022	-79.8%
April 2019	-24.9%	April 2019	-75.8%	April 2019	-75.8%

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event - Social
25	8	2	10	5	0
2022	13.6%	2022	14.3%	2022	100.0%
2019	-32.4%	2019	-11.1%	2019	-66.7%
Total Event Attendance		Number of Days Occupied		Customer Service Score	
108,470		89		New survey system being developed for mid-year.	
2022	12.8%	2022	3.0%	2022	NA
2019	-29.1%	2019	-17.6%	2019	NA
Total Revenue		Revenue – Rent		Revenue – Food & Beverage	
\$1,416,238		\$368,173		\$867,275	
2022	34.4%	2022	4.1%	2022	33.8%
2019	-27.1%	2019	-10.2%	2019	-23.7%
Revenue – Electrical Service		Revenue – Other			
\$72,351		\$108,439			
2022	42.7%	2022	11585.2%	2022	11585.2%
2019	-16.7%	2019	11172.2%	2019	11172.2%

BUFFALO CONVENTION CENTER

SALES UPDATE

MONTHLY Buffalo Convention Center Sales Dashboard – April 2023 vs. April 2022 and April 2019 (RECOVERY BENCHMARK)

Total Leads		BNCC Generated Leads		VBN Generated Leads		Confirmed Bookings	
11		8		3		8	
April 2022	10.0%	April 2022	14.3%	April 2022	50.0%	April 2022	100.0%
April 2019	266.7%	April 2019	300.0%	April 2019	200.0%	April 2019	-27.3%
Total Solicitation Calls		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
47		33		14		7	
April 2022	-25.4%	April 2022	17.9%	April 2022	-60.0%	April 2022	600.0%
April 2019	NA	April 2019	NA	April 2019	NA	April 2019	-30.0%

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Total Leads		YTD BNCC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
54		38		16		40	
2022	20.0%	2022	22.6%	2022	14.3%	2022	42.9%
2019	125.0%	2019	123.5%	2019	128.6%	2019	-2.4%
YTD Total Solicitation Calls		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
236		83		161		25	
2022	95.0%	2022	69.4%	2022	117.6%	2022	38.9%
2019	NA	2019	NA	2019	NA	2019	-4.2%

Current and Future Ongoing Buffalo Convention Center Business Booked

	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	105	93	51	30
Expected Attendance	249,975	241,537	235,032	183,257	119,762
Number of Hotel Room Nights	25,000	26,636	21,378	15,667	14,250
Expected Economic Impact	\$34,063,840	\$32,430,123	\$30,505,997	\$24,630,356	\$13,765,263

ORGANIZATION UPDATE



U.S. Travel Association Spring Meetings and Destination Capitol Hill

Visit Buffalo Niagara President & CEO, Patrick Kaler spent several days in the nation's capital participating in U.S. Travel Association's Destination Capitol Hill and attending the Spring Board of Director's meeting.

Travel is essential to every state and district across the country, driving economic growth, supporting jobs and boosting the U.S. trade balance. Travel's growth and success also fuels other vital industries across the United States – from manufacturing and agriculture to health care and more – which depend on travel to generate business, spur innovation and support education.

U.S. Travel Association's Key Asks of Congress for 2023 include:

- Fully fund the Assistant Secretary of Commerce for Travel and Tourism
- Lower visitor visa wait times
- Provide H-2B cap relief
- Advance FAA reauthorization priorities

U.S. Travel Association's Board of Director's priorities for 2023 include:

- Establish travel as essential and responsible
- Shape solutions to operational challenges
- Advance seamless and secure travel
- Build a strong business: engagement, team, culture

U.S. Travel's unique mission is to increase travel to and within the United States.
We pursue this mission by establishing travel as essential and responsible, advancing seamless and secure travel, shaping solutions to operational challenges and building a strong business. By engaging with U.S. Travel, our members shape a thriving and sustainable travel experience.



Visit Buffalo Niagara Staff Receives CPR Training

Following the miraculous recovery of Buffalo Bill's Damar Hamlin, the Visit Buffalo Niagara staff participated in a CPR/AED certification course led by WNY Health Education and Equipment which is also a meetings/convention sales client for VBN. WNYHE is dedicated to providing superior healthcare training to its students. The VBN staff felt that with so much of our work being public facing through small and large gatherings it would be in our best interests as an organization to receive this life-saving training.



Heather Nowakowski is ZDOS Certified

Congratulations to Visit Buffalo Niagara's Business Intelligence Manager, Heather Nowakowski for completing the Zartico destination operating system certification program. VBN made the investment into Zartico in January of this year, which takes intelligence, analytics, and data visualizations and combines it with context and strategic input to support VBN's data-driven decision-making in real-time. Heather completed the nine-course certification program which she has mastered the opportunities to interpret Buffalo and Erie County's tourism data, understanding our visitation and assist the marketing department with planning and tracking.

ORGANIZATION UPDATE



Young Professional Staff Involvement

Visit Buffalo Niagara, Buffalo Niagara Sports Commission and Buffalo Niagara Convention Center have benefitted from recent hirings of young talent to each of their teams. They are engraining themselves into the community through volunteerism and participation in many of the young professional groups with organization such as the Buffalo Niagara Partnership and Explore Buffalo. Their enthusiasm for being involved in the community has allowed them to learn and understand more about Buffalo and Erie County which in turn benefits their selling of the destination for meetings/conventions, sporting events and marketing and content creation. Our future looks incredibly bright.

VBN On Local News

President & CEO Patrick Kaler made several appearances on local television and radio broadcasts as well as print regarding the Buffalo Eclipse and Buffalo Restaurant Week. He continues to contribute to a weekly segment on WGRZ's Most Buffalo sharing five things to do in Buffalo and Erie County for that weekend and the week ahead.



Buffalo Niagara Convention Center Steps Up Social Media Marketing

Utilizing the content creation of Visit Buffalo Niagara's resources, the Buffalo Niagara Convention Center increased their engagement on social media. Creating interesting and compelling content regarding the soon to be completed facade project, interior painting and technology upgrades, and the new culinary options and menu items, the BNCC hopes to engage further with its current and potential client base as well as the local community. New content also showcases the diversity of the business taking place in the center, from large convocations of meetings, unique tradeshow set up, elaborate parties and receptions, and massive consumer shows that are open to the public.



Buffalo Niagara Convention Center is what's your favorite dessert? Here at the Buffalo Niagara Convention Center, it's hard to decide!
 Apr 12 - Buffalo @
 #buffalofood #buffalofoodie #buffalofood #desserts #dessertlovers #cakedesign #fundessert #cake

April CEO Meetings

Buffalo Solar Eclipse Press Conference
Strategy Meetings Regarding Women's Flag Football Event
Meeting with Riverworks Ownership and Management
U.S. Travel Sustainable Travel Coalition Meeting
Erie County State of the County Address
U.S. Travel Association Destination Capitol Hill
U.S. Travel Board of Directors Spring Meeting
Canal New York Board Meeting
Snow Symposium Pre-Convention Meeting
Buffalo Niagara Partnership Board Meeting
Shea's Buffalo CEO Search Committee Meeting
VBN Finance Committee Meeting
Erie County Comptroller Short-Term Rental Meeting

Congratulations Judy Smith



Visit Buffalo Niagara's Director of Administration, Judy Smith, officially retired from the organization after 35 years of service on April 30th.
 Judy will support in the transition with her replacement, oversee the VBN's reaccreditation process with Destinations International, and assist with the next three-year strategic plan.

Visit Buffalo Niagara Board of Directors

Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
Kimberley A. Minkal NFTA – Vice Chair
Huseyin Taran, Buffalo Marriott HarborCenter – Treasurer
Thomas Beauford, Buffalo Urban League - Secretary
Mary F. Roberts, Martin House - Immediate Past Chair
Mark Ahnutt, University of Buffalo Department of Athletics
Melissa Brown, Buffalo History Museum
Daniel Castle, Erie County Dept. of Environment & Planning
Matt Chiazza, Reikart House
Anthony J.W. Chase, Buffalo State University
Dottie Gallagher, Buffalo Niagara Partnership
Mark Glasgow, Erie County Legislature Majority Caucus Appointee
Patrick Kaler, Visit Buffalo Niagara – President & CEO
Thomas Long, The Westin Buffalo
William Paladino, Ellicott Development, Inc.
Steven Ranalli, Erie Canal Harbor Development Corporation
Don Spasiano, Trocaire College
Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens



Visit Buffalo Niagara Staff

James Adler, Sports Sales Manager
Jo Ann Blatner, Industry Relations Assistant
Drew Brown, Marketing Manager
Michele Butlak, Accounting & Benefits Manager
Emma Carlo, National Sales Manager
Karen Cox, Convention Sales & Services Manager
Mike Even, Vice President of Sales & Services
Karen Fashana, Director of Marketing
Greg Gellinas, Director Sports Development
Ed Healy, Vice President of Marketing
Patrick Kaler, President & CEO
Michelle Kearns, Communications Manager
Shannon Jenkins, National Associations Sales Director
David Marzo, Chief Financial Officer
Leah Mueller, Director of Tourism Sales
Heather Nowakowski, Business Intelligence Manager
Kathryn Scaduto, Marketing and Social Media Specialist
Judy Smith, Director of Administration
Renata Toney, Vice President of Destination Experience
Marisa Urbano, Administrative Sales Assistant
Lauren Vargo, Sports Services Manager
Meaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

Melissa Burke, Senior Director of Sales
Jeff Calkins, Vice President & General Manager
Tom Christy, Controller
Lorna Cullen, Office Manager
Patrick Kaler, President & CEO
Sue Kimmings, Sales and Catering Manager
Craig Landsadel, Executive Chef
Mary Ann Martin, Bookkeeper & Benefits Manager
Mark McMahon, Maintenance Supervisor
Terry O'Brien, Director of Operations
Heather Petno, Sales & Service Coordinator
Ken Sanford, Chief Engineer
Christie Walker, Convention and Event Service Manager
Cory Watson, Food and Beverage Manager
Michael Will, Assistant Director of Operations
Colleen Willis, Sales Manager
Danielle Winiarski, Assistant General Manager
Alisha Vega, Front Desk Receptionist



VISION:
To be the most surprising destination you'll ever visit.

MISSION:
Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Report:

- Cervix Technologies
- Cision
- Google Analytics
- Key Data
- Madden Media
- Momentus Technologies (formerly Ungerboeck)
- Sales Force Marketing Cloud
- Simpleview
- STR (Smith Travel Research)
- Tourism Economics



MAY 2023 DESTINATION UPDATE

A MONTHLY DASHBOARD AND QUALITATIVE REPORT

PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA

BUFFALO CONVENTION CENTER

BUFFALO NIAGARA SPORTS COMMISSION



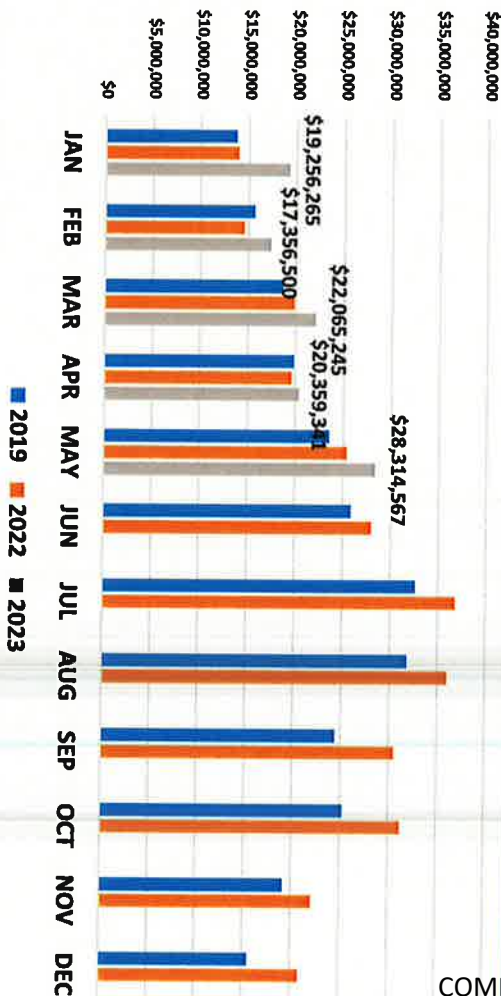
MONTHLY TRAVEL DATA - STR

ERIE COUNTY HOTEL REVENUE – MAY 2023

May Hotel Revenue	
May 2022	\$28,314,567
May 2019	20.1%
YTD Hotel Revenue	
2022	\$105,363,793
2019	15.0%

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month.

May 2023 hotel revenue collections totaled, **\$28,314,567** which was a **11.6%** increase compared to May 2022. May 2023 hotel revenue was **20.1%** higher than 2019.



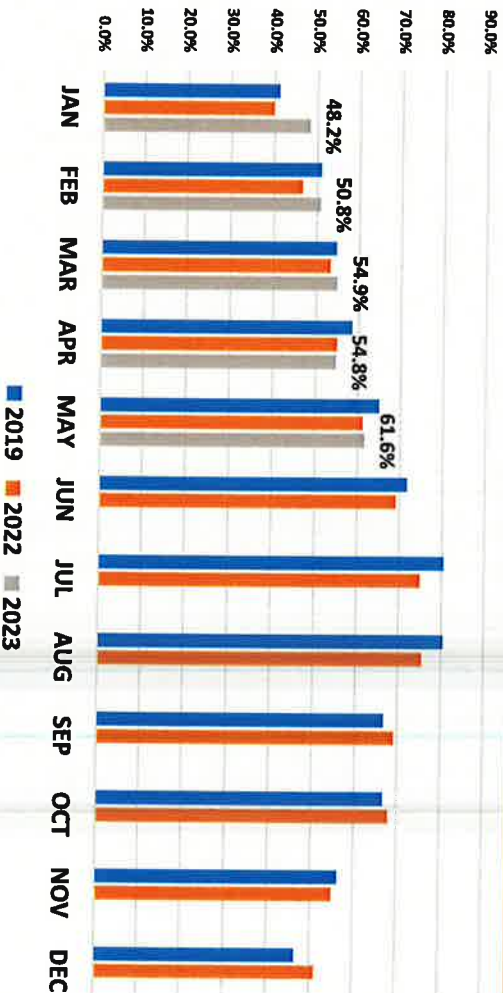
ERIE COUNTY HOTEL OCCUPANCY – MAY 2023

May Hotel Occupancy	
May 2022	61.6%
May 2019	0.7%
YTD Hotel Occupancy	
2022	54.1%
2019	2.2%

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available.

May 2023 occupancy measured **61.6%**, which was up **0.7%** compared to May 2022. May 2023 was **-5.2%** lower than occupancy in 2019.

In comparison, for the U.S., May occupancy was up 0.5% compared to 2022 and down 5.7% compared to 2019. The State Of New York, was up 1.8% in occupancy in May 2023 compared to 2022, and down 6.0% compared to 2019.



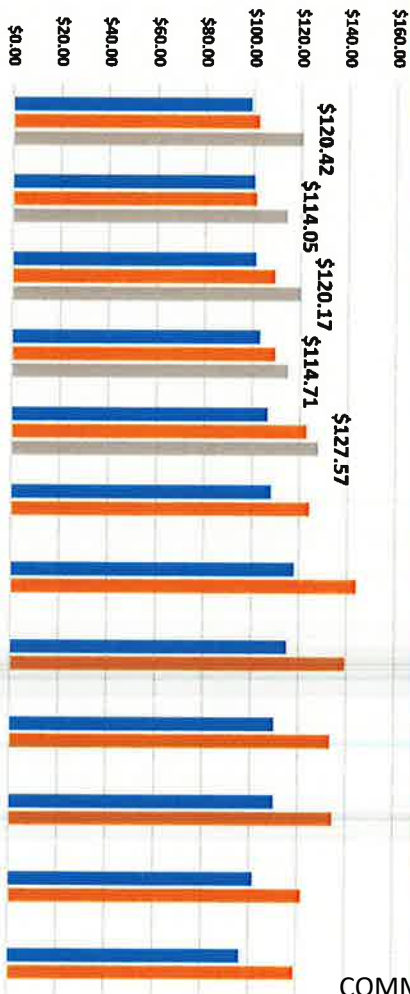
ERIE COUNTY HOTEL AVERAGE DAILY RATE (ADR) – MAY 2023

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the month. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In May, Erie County ADR was \$127.57 an increase of 3.9% over 2022, and a 17.8% increase compared to 2019.

The U.S. ADR for May 2023 was up 4.2% compared to 2022, as well as up 18.0% from 2019. New York State ADR for 2023 was up 7.1% compared to 2022 and up 13.7% compared to 2019.

May Hotel Average Daily Rate	
May 2022	3.9%
May 2019	17.8%
YTD Hotel Average Daily Rate	
2022	8.6%
2019	17.1%



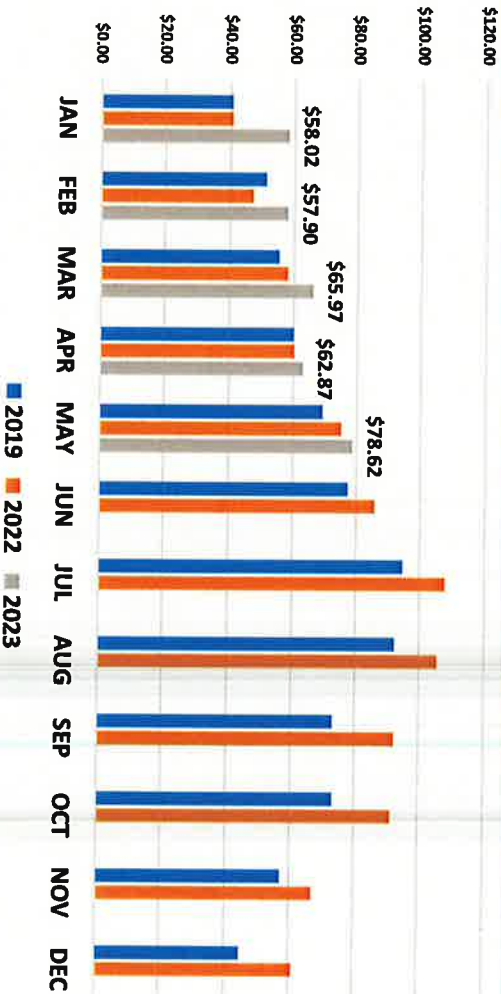
ERIE COUNTY HOTEL REVPAR – MAY 2023

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the month divided by the total number of available rooms.

2023 May RevPAR was \$78.62 which was an increase of 4.6% over 2022, and 13.7% compared to 2019.

RevPAR for the U.S. was up 3.9% for May 2023 over 2022, and up 11.3% compared to 2019. The State of New York also had year-over-year increases for RevPAR in 2023 with a 9.2% increase over 2022 and 6.9% increase compared to 2019.

May Hotel RevPAR	
May 2022	4.6%
May 2019	13.7%
YTD Hotel RevPAR	
2022	14.9%
2019	16.9%



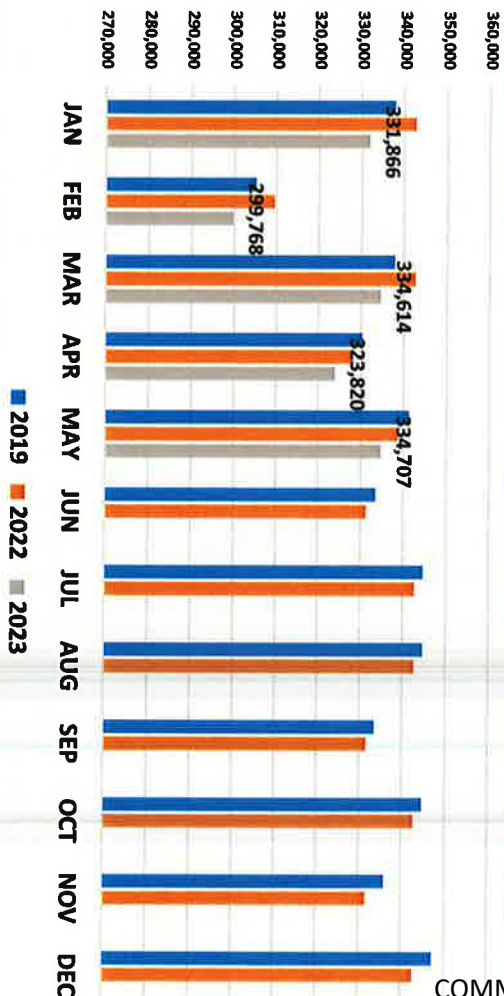
ERIE COUNTY HOTEL SUPPLY – MAY 2023

May Hotel Supply	
May 2022	334,707
May 2019	-1.9%
YTD Hotel Supply	
2022	1,625,155
2019	-1.6%

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In May 2023, Erie County's hotel supply totaled **323,820** which was a **0.9%** decrease from 2022 and a **1.9%** decrease compared to 2019.

The number of Erie County available hotel rooms totaled **10,794** which is a **1.9%** decrease compared to 2019.

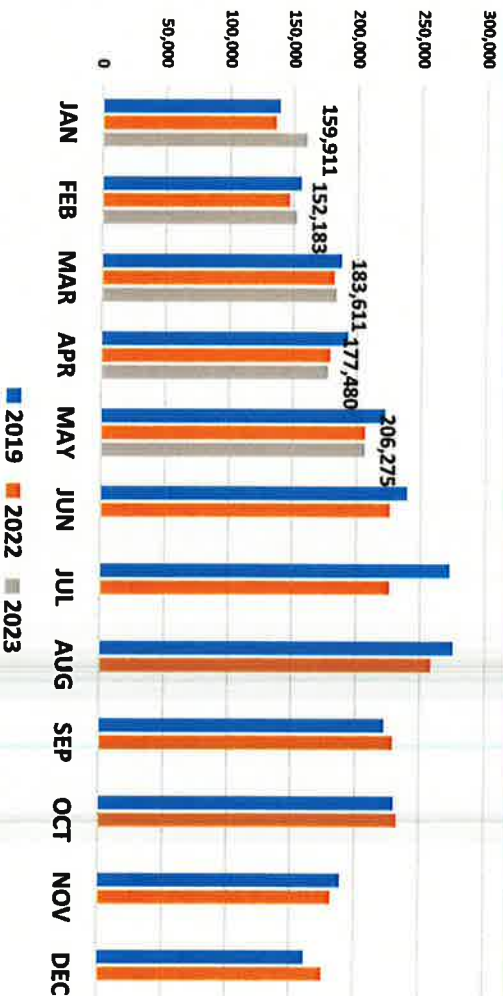


ERIE COUNTY HOTEL DEMAND – MAY 2023

May Hotel Demand	
May 2022	206,275
May 2019	-1.1%
YTD Hotel Demand	
2022	879,207
2019	-1.8%

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

May 2023 hotel demand totaled, **206,275** which was a **1.1%** decrease compared to 2022 and a **7.0%** decrease compared to 2019.



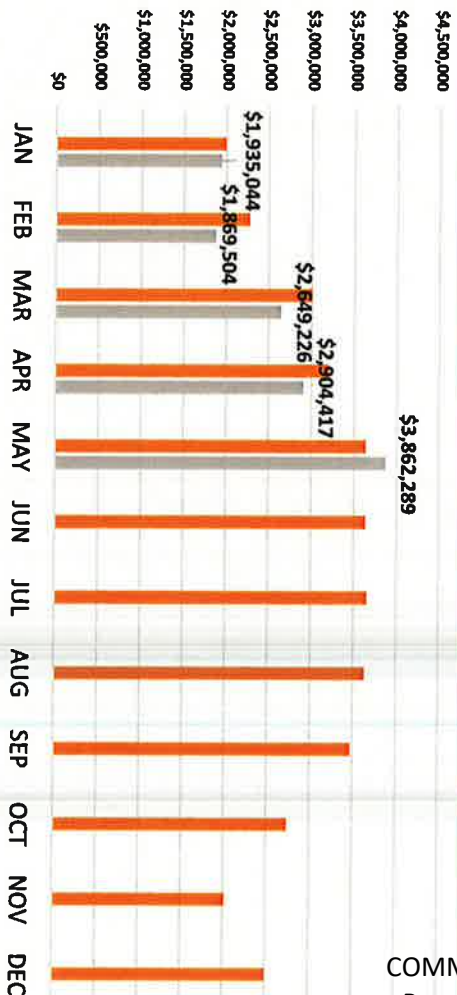
ERIE COUNTY SHORT TERM RENTAL REVENUE – MAY 2023

May Short Term Rental Revenue	
May 2022	\$3,862,289
May 2019	6.3%
YTD Short Term Rental Revenue	
2022	\$14,430,718
2019	9.2%

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month.

In May 2023, Erie County's short term rental revenue generated **\$3,862,289** which was up **6.3%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



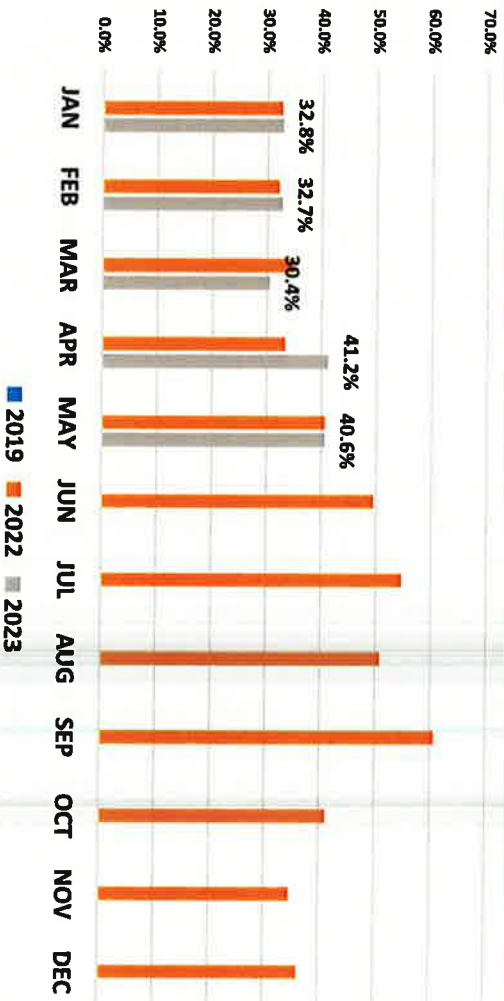
ERIE COUNTY SHORT TERM RENTAL OCCUPANCY – MAY 2023

May Short Term Rental Occupancy	
May 2022	40.6%
May 2019	-0.2%
YTD Short Term Rental Occupancy	
2022	38.6%
2019	7.5%

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of sold units by the number of available.

May 2023 occupancy measured **40.6%**, which was down **0.2%** compared to May 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





MONTHLY TRAVEL DATA- KEY DATA

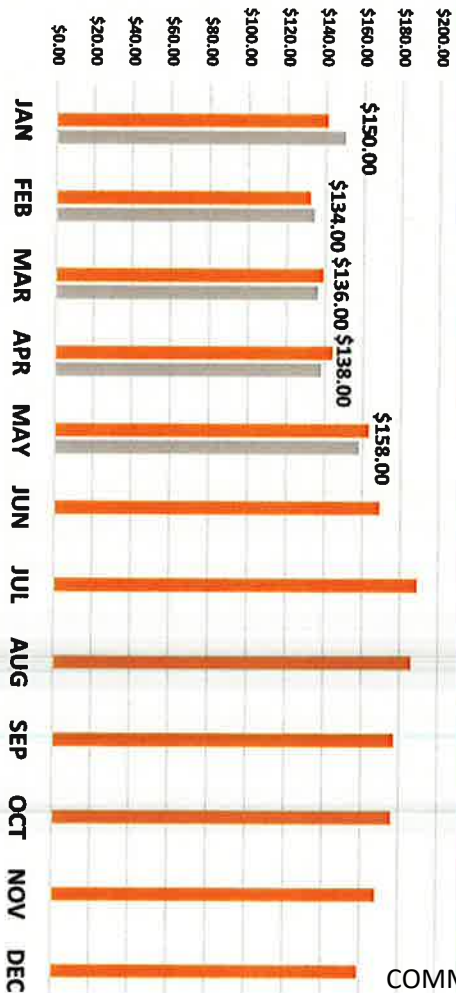
ERIE COUNTY SHORT TERM RENTAL AVERAGE DAILY RATE – MAY 2023

May Short Term Rental ADR	
May 2022	\$158.00
May 2019	-3.1%
YTD Short Term Rental ADR	
2022	\$149.00
2019	5.7%

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In May, Erie County Short Term Rental ADR was **\$158.00** a decrease of **3.1%** compared to 2022.

Note: VBN did not collect Short Term Rental Data In 2019.



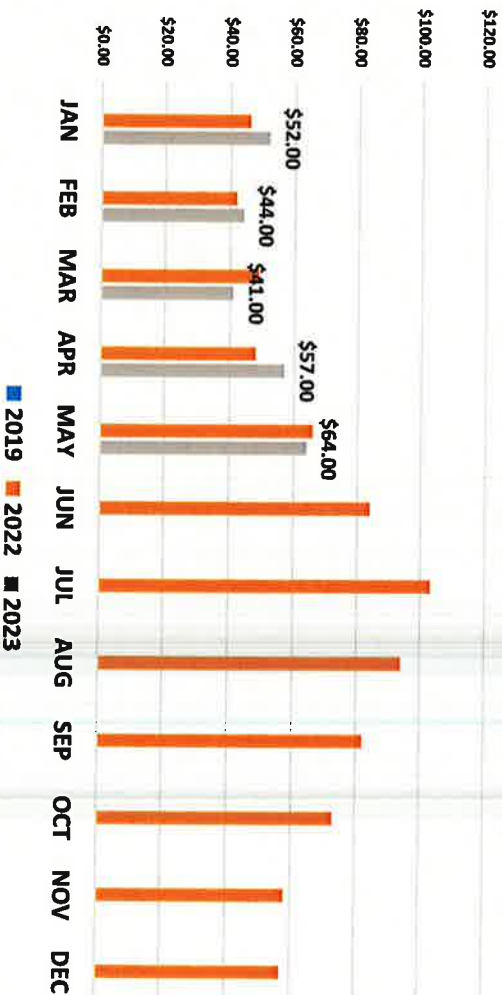
ERIE COUNTY SHORT TERM RENTAL REVPAR – MAY 2023

May Short Term Rental RevPAR	
May 2022	\$64.00
May 2019	-3.0%
YTD Short Term Rental RevPAR	
2022	\$57.00
2019	9.6%

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 May RevPAR was **\$64.00** which was a decrease of **3.0%** compared to 2022.

Note: VBN did not collect Short Term Rental Data In 2019.



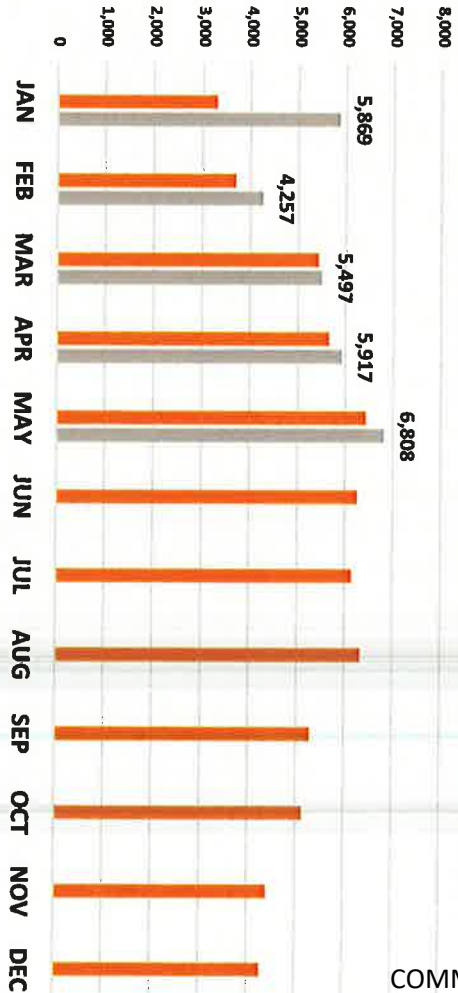
ERIE COUNTY SHORT TERM BOOKINGS – MAY 2023

May Short Term Rental Bookings	
May 2022	6,808
May 2019	5.9%
YTD Short Term Rental Bookings	
2022	28,811
2019	23.8%

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month.

In May, Erie County Short Term Rental Bookings totaled **6,808** which was an increase of **5.9%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



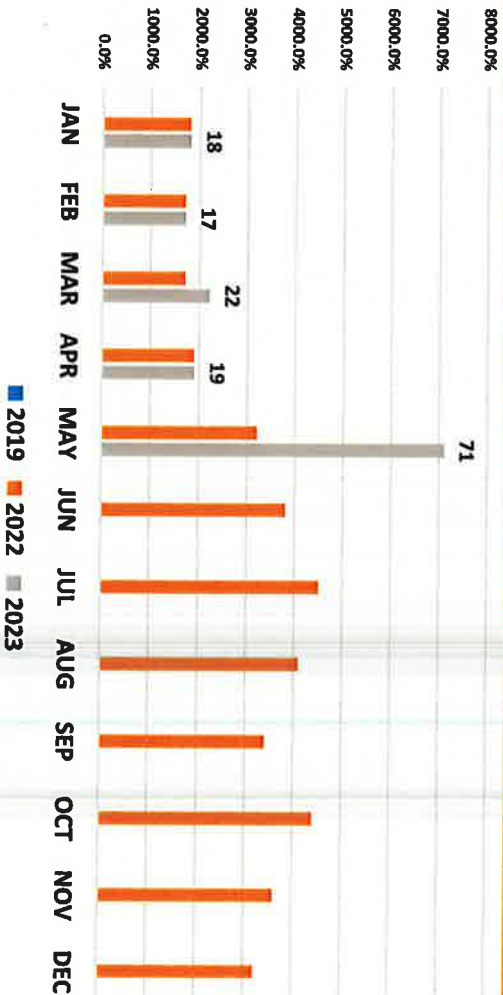
ERIE COUNTY SHORT TERM BOOKING WINDOW – MAY 2023

May Short Term Rental Booking Window (days)	
May 2022	71
May 2019	121.9
YTD Short Term Rental Booking Window (days)	
2022	23
2019	4.5%

Short Term Booking Window is the average number of days prior to arrival/check-in of a short term rental booking.

In May 2023 the short term rental average booking window was **71 days** prior to arrival, which was an increase of **121.9%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





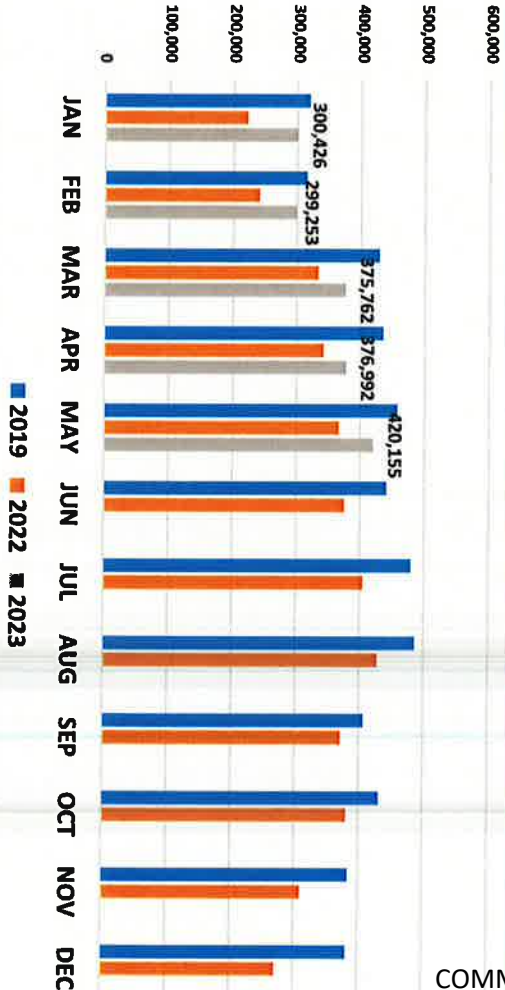
SALES DEPARTMENT DATA

BUFFALO NIAGARA INTERNATIONAL AIRPORT PASSENGERS – MAY 2023

May BUF Airport Passengers	
May 2022	420,155
	14.7%
May 2019	367,788
	-8.1%
YTD BUF Airport Passengers	
2022	1,772,788
	17.7%
2019	1,507,000
	-9.4%

Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA.

Passengers through BUF in May 2023 totaled **420,155** representing a **14.1%** increase over 2022 and a **8.1%** decrease compared to 2019.

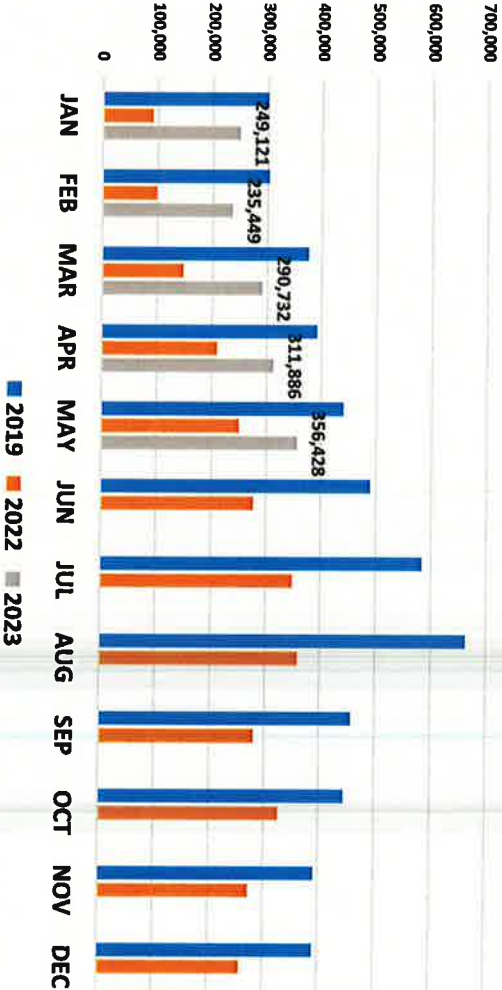


U.S. / CANADIAN CROSS BORDER TRAFFIC – MAY 2023

May US/Canadian Border Traffic	
May 2022	356,428
	48.9%
May 2019	239,449
	-20.5%
YTD US/Canadian Border Traffic	
2022	1,443,596
	83.0%
2019	843,000
	-20.3%

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties.

Travel between the two countries through the Erie and Niagara County access points for the month of May 2023 totaled **356,428** which was a **48.9%** increase over 2022 and a **20.5%** decrease compared to 2019.



SALES & SERVICES DEPARTMENT UPDATE



MONTH Sales & Services Department Dashboard - May 2023 vs. May 2022 and May 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed		Sales Lead Room Nights		Lead Expected Attendance		Lead Economic Impact		Lost Business	
50		29,970		28,784		\$51,243,764		18	
May 2022	-12.3%	May 2022	47.2%	May 2022	114.8%	May 2022	257.7%	May 2022	-50.0%
May 2019	-25.4%	May 2019	-47.6%	May 2019	2.0%	May 2019	NA	May 2019	-28.0%
Definite Events Booked		Definite Room Nights Booked		Definite Expected Attendance		Definite Event Economic Impact			
36		9,400		15,513		\$8,521,033			
May 2022	-16.3%	May 2022	-45.8%	May 2022	34.0%	May 2022	-32.7%	May 2022	48.6%
May 2019	-23.4%	May 2019	39.8%	May 2019	133.9%rd	May 2019	48.6%	May 2019	
Events Held		Events Held Room Nights		Events Held Attendance		Groups Serviced			
27		6,099		15,320		15			
May 2022	17.4%	May 2022	4.6%	May 2022	292.1%	May 2022	50.0%	May 2022	-66.7%
May 2019	-40.0%	May 2019	-47.0%	May 2019	37.5%	May 2019		May 2019	

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed		YTD Sales Lead Room Nights		YTD Lead Expected Attendance		YTD Lead Economic Impact		YTD Lost Business	
225		96,180		86,236		\$101,236,241		77	
2022	-7.8%	2022	-7.1%	2022	42.8%	2022	16.6%	2022	-12.5%
2019	-31.8%	2019	-53.5%	2019	-42.4%	2019	NA	2019	-35.8%
YTD Definite Events Booked		YTD Definite Room Nights Booked		YTD Definite Expected Attendance		YTD Definite Event Economic Impact			
152		49,653		63,771		\$39,496,253			
2022	-4.2%	2022	-29.3%	2022	1.8%	2022	-35.6%	2022	-34.7%
2019	-35.3%	2019	-23.3%	2019	5.1%	2019		2019	
YTD Events Held		YTD Events Head Room Nights		YTD Events Held Attendance		YTD Groups Serviced			
90		57,716		65,471		57			
2022	Null	2022	9.1%	2022	33.9%	2022	23.9%	2022	-19.7%
2019	-43.8%	2019	-25.8%	2019	-12.5%	2019		2019	

SALES & SERVICES DEPARTMENT UPDATE



2023 May compared to April Sales & Services KPI Comparison

Key Performance Indicator	MOM Percent Change
Leads Distributed	13.6%
Lead Room Nights	89.5%
Lead Attendance	28.3%
Lead Economic Impact	325.8%
Definite Bookings	24.1%
Definite Room Nights	-21.4%
Definite Attendance	-41.5%
Definite Economic Impact	-26.6%
Lost Leads	80.0%
Events Held In Month	92.9%
Events Held In Month Room Nights	-8.2%
Events Held In Month Attendance	235.9%
Groups Serviced	25.0%



June 2023 Trade Shows/Conferences Attended

SHOW / CONFERENCE NAME	LOCATION	ATTENDED BY
Society of Government Meeting Professionals NEC	Bloomington, MN	Shannon Jenkins
HelmsBriscoe Annual Business Conference	Denver, CO	Shannon Jenkins
Sports ETA Symposium & Marketplace	Kansas City, MO	James Adler & Greg Gelnas
U.S. Travel IPW	San Antonio, TX	Leah Mueller, Michelle Kearns & Patrick Kaler
CMCA	Lake Conroe, TX	Emma Carlo
AMP – Association of Meeting Planners -Golf Outing Hole Sponsorship	Woodbridge, VA	James Adler
Meet NY Dinner and Lunch Events	Albany and Saratoga Springs	Meaghan Zimmer
May 2023 Site Visits / FAWMs		12



Sports ETA Symposium and Marketplace
 Greg Gelnas and James Alder represented the Buffalo Niagara Sports Commission at the 2023 Sports ETA Symposium in Kansas City, MO meeting with existing and potential new sports rights holders.

HelmsBriscoe Annual Business Conference
 Visit Buffalo Niagara's National Sales Director, Shannon Jenkins attended the HelmsBriscoe Annual Business Conference in Denver, CO. HelmsBriscoe is a global third-party meeting planning leader working with association and corporate clients to plan their conventions, meetings and events. VBN is fortunate to have strong relations with the firm and has two planners on our Customer Advisory Council. While in Denver, VBN partnered with New York Tourism + Conventions to host an event for several HelmsBriscoe clients.

AMP's Golf Outing Hold Sponsorship

Buffalo Niagara Sports Commission Sales Manager, James Adler scored an assist by helping the meetings/convention department and staffing the Visit Buffalo Niagara hole sponsorship at the AMP's annual golf outing in Woodbridge, VA. One of the most important aspects of AMP's is its dedication to maintain a 50/50 planner-to-supplier ratio in its membership, to allow for equal opportunities for interaction between segments of the industry.



SALES & SERVICES DEPARTMENT UPDATE



Promoting Buffalo To The World

After a successful stand-alone booth in Orlando, FL at the 2022 U.S. Travel Association IPW, the largest international travel trade and media tradeshow in the United States, Visit Buffalo Niagara increased its booth size, doubled the number of pre-scheduled appointments and increased the destination's industry partners for the 2023 IPW in San Antonio, TX. Senior Director of Travel Industry Sales, Leah Mueller and CEO, Patrick Kaler handled three days of appointments with current, future and prospective international tour operators for Buffalo and Erie County. Communications Manager, Michelle Kearns handled press appointments during the one-day media marketplace. Special thanks to our booth partners: Graycliff/Martin House, Vision Hotels and National Comedy Center.

Prior to IPW, VBN hosted the new international tourism trade representatives for I LOVE NY, from Australia and Germany. This gave the new representatives the opportunity to experience Buffalo before attending the tradeshow. The reps were treated to a hard-hat tour of the Buffalo AKG, prior to the June opening.

Post-IPW, VBN partnered with Destination Niagara Falls to host nine international tour operators on a four-day FAM. Some of the experiential highlights included RiverWorks, a boat cruise on the Buffalo River, lunch at RiverWorks, and dinners at The Vault and Lucia's on the Lake.



Welcome Buffalo Niagara Sports Commission Intern

Joining the Buffalo Niagara Sports Commission team for the spring/summer is Intern, Zachary Taher. Zach is a native of Buffalo where he was a student athlete and captain of the Lackawanna City School football team. He recently earned his Associates Degree from Erie Community College and will begin pursuing a Bachelors degree in Sports Management at Canisius University in the fall.



NYSDDMO Events in Albany and Saratoga

Meaghan Zimmer, Visit Buffalo Niagara's National Sales Manager participated in the New York State Destination Marketing Organization's sales events in Albany and Saratoga targeting New York State Association Planners. In addition to in-office sales calls, destination marketing organization's hosted lunch and dinner events to further advance relationship building with these important clients who regularly host events in our cities.





MARKETING & COMMUNICATIONS DEPARTMENT UPDATE

MONTHLY Marketing & Communications Department Dashboard May 2023 vs. May 2022 and May 2019

Website Sessions		Mobile Website Sessions		Duration On Site		Website Page Views		Social Media Posts	
147,596		89,203		1:52		272,959		184	
May 2022	11.3%	May 2022	2.5%	May 2022	2 seconds	May 2022	19.9%	May 2022	8.2%
May 2019	14.8%	May 2019	11.5%	May 2019	18 seconds	May 2019	1.1%	May 2019	4.5%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		All Video Views	
101,079		29,822		62,045		20,726		1,531,539	
May 2022	2.8%	May 2022	0.3%	May 2022	39.4%	May 2022	133.3%	May 2022	675.0%
May 2019	8.0%	May 2019	5.1%	May 2019	94.0%	May 2019	NA	May 2019	930.0%
Media Placements		Media Impressions		Media Social Shares		Media Touchpoints		Media Visits	
9		81,575,311		55		12		1	
May 2022	125.0%	May 2022	1237.3%	May 2022	100.0%	May 2022	50.0%	May 2022	100.0%
May 2019	NA	May 2019	NA	May 2019	NA	May 2019	NA	May 2019	NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions		YTD Mobile Website Sessions		Duration On Site		YTD Website Page Views		YTD Shared Social Media Posts	
698,322		452,099		1:52		1,105,431		888	
2022	30.4%	2022	28.7%	2022	2 seconds	2022	16.5%	2022	-21.1%
2019	12.8%	2019	15.2%	2019	18 seconds	2019	-9.0%	2019	4.6%
Facebook Followers		Twitter Followers		Instagram Followers		TikTok Followers		YTD All Video Views	
101,079		29,822		62,045		20,726		4,326,437	
2022	2.2%	2022	0.3%	2022	39.4%	2022	133.3%	2022	324.8%
2019	8.0%	2019	5.1%	2019	94.0%	2019	NA	2019	726.7%
YTD Media Placements		YTD Media Impressions		YTD Media Social Shares		YTD Media Touchpoints		YTD Media Visits	
38		1,048,249,597		2,503		74		6	
2022	52.0%	2022	186.6%	2022	-25.6%	2022	-30.8%	2022	20.0%
2019	NA	2019	NA	2019	NA	2019	NA	2019	NA

2023 May compared to April Marketing & Communications KPI Comparison

Key Performance Indicator	MOM Percent Change
Website Sessions	-35.7%
Mobile Website Sessions	-43.5%
Duration on Site	-2:13 seconds
Website Page Views	-43.6%
Social Media Posts	4.0%
Facebook Followers	0.2%
Twitter Followers	-0.2%
Instagram Followers	8.9%
TikTok Followers	9.1%
All Video Views	201.8%
Media Placements	Null
Media Impressions	-73.8%
Social Media Shares	-80.5%
Media Touchpoints	-7.7%
Media Visits	-50.0%



Buffalo AKG / VBN Travel Media Familiarization Tour
 Visit Buffalo Niagara and the Buffalo AKG hosted a two-day media fam for fourteen art, architecture and travel journalists prior to the June opening of the museum's expansion. VBN hosted the second day sharing the story of Buffalo's transformation and revitalization. Tour highlights included; overnight accommodations at The Richardson Hotel, Burchfield Penney, Martin House, Kleinhan's Music Hall, Hallwalls, Babeville, Colored Musicians Club, and Silo City.



Spring / Summer Consumer Campaign
 In conjunction with the reopening of the Buffalo AKG, Visit Buffalo Niagara's summer consumer advertising campaign centers around the destination's arts and culture and architectural attractions. The ad creative utilizes Pat Cray's photography and the artistic talent of Ariel Aberg-Rieger. The print advertising appears through the Summer in Conde Nast's Traveler, The New Yorker and The New York Times.



Partnership with blogTO
 In Visit Buffalo Niagara's continued effort to reach the traveling population in the Greater Toronto region, the marketing department has once again partnered with BlogTO to create original content to reach their combined following of over 3.3 million on four social media platforms. The content ran in time for the annual Canada Day holiday when previously Buffalo would see a surge in Canadian visitors. Highlights of the experienced included: architecture, murals, farmers markets, urban adventure, dining and live music entertainment.



VisitBuffaloNiagara.com Wins Gold
 Visit Buffalo Niagara has won a Gold Hermes Creative Award for outstanding website redesign. This accolade could not have been achieved without the destination knowledge and creative writing of the VBN marketing team and the expertise of imaginative interactive website design and functionality. The newly redesigned website includes updates to over a content, functionality and creative vision, photography and video effects.

MARKETING & COMMUNICATIONS DEPARTMENT UPDATE



May 2023 Media Hits			
PUBLICATION/SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES
Hotel Scoop	InnBuffalo: A Buffalo Inn With Historic Heart	3,987	NA
Traveling Mitch	Visiting Buffalo's Museums and Galleries: Explore Storied Culture in the City of Light	8,048	52
Art & Object	Buffalo's AKG Art Museum Opens in June with Major Updates and Expansion	85,269	NA
Forbes	Most Affordable Cities For Family Vacations	71,990,359	NA
Finger Lakes Family Fun	A Weekend in Buffalo, NY with Kids	4,281	NA
The Travel	Visit For The Views: 10 Most Beautiful Lake Cities In Western New York	2,175,959	4
Bucket List Journey	Buffalo NY Bucket List: 30 Fun Things to Do	437,393	NA
I LOVE NY Blog	35 Summer Events You Don't Want to Miss in New York State – Buffalo Juneteenth Festival	265,188	NA
Bon Appetit	The 8 Best Places to Eat Buffalo Wings in Buffalo	7,092,254	NA

Media Hits in italics were not generated by Visit Buffalo Niagara and not included in monthly quantitative dashboard.

Forbes ADVISOR

Advertiser: Credit Cards

Most Affordable Cities For Family Vacations

By **Becky Pokora**
Forbes Advisor Staff

Advertiser Disclosure

Buffalo, New York

To combine affordable rates with comfortable summer temperatures, take a trip to Buffalo, New York, where the average family trip cost is \$3,466. Summer is prime time for an ideal family, with something new, even, awaiting from June through August, giving you a great opportunity to add low-cost entertainment to your trip plans in addition to the city's A-List Museums which, together with over a dozen million amenities.

Only thirty minutes away, Niagara Falls is a can't-miss addition to your Buffalo vacation. Kids will love getting soaked on the Horseshoe Falls at one of the World's attractions that also has your pick of the best of the Buffalo Zoo, the American side of the falls.

Visit For The Views: 10 Most Beautiful Lake Cities In Western New York

The magical lake cities in West New York are a perfect place to visit for the most beautiful views in the Finger Lakes region.

Know that remarkable dining, shopping, entertainment and scenic views in Niagara Falls as well as beautiful views.

Buffalo

Perched on the eastern tip of Lake Erie, Buffalo is one of the most amazing places in Western New York to spend a vacation. While in town, nature lovers can explore wildlife at The Buffalo Zoo. They can also spend their free time enjoying nature trails at Delaware Park.

Those interested in learning about the city's past can visit sites such as The Buffalo Research National Historical Site and Buffalo Naval Park, as well as Buffalo Art Museum.

Art Object

ARTS & CULTURE | MAY 31, 2023 | REGULAR

Buffalo's AKG Art Museum Opens in June with Major Updates and Expansion

Artful view of the museum's campus, including a rendering of the new addition building.

Traveling Mitch

Visit Buffalo's Museums and Galleries: Explore Storied Culture in the City of Light

May 4, 2023 | 10:14 AM

Article is a regular flow of cultural experiences that show where to look. Museum collections reveal hidden Buffalo, and they're worth an afternoon of exploring and discovery that you should definitely do your best to.

As I mentioned, visiting Buffalo has also included new experiences. Traveling Mitch got to experience the city's rich history and culture through the lens of a local resident. From the historic architecture to the vibrant arts scene, there's something for everyone in Buffalo. So grab your camera and get ready to explore the City of Light.

I ♥ NY

35 Summer Events You Don't Want to Miss in New York State

May 02, 2023 by Emma Frisbie

Buffalo Juneteenth Festival (Greater Niagara)

Don't miss one of the largest Juneteenth celebrations in the country at Buffalo's Juneteenth Festival! The 48th annual event honoring the abolition of slavery and preserving African American heritage takes place at Martin Luther King Jr. Park and includes a parade, live entertainment, children's activities, delicious food vendors, and more. **Buffalo Juneteenth 2023. Admission is free.**

Most Viewed Video

May 2023

D.A. Taste
1,057,317

Sample of other video content for the month:

Westside Stories Used Book Shop

The Downtown Bazaar

Explore The Richardson Hotel

Pride Week Events

Let's Try Reddy Bikes

Historic Carousel Museum

Date Night At The Buffalo Zoo



Sample May 2023 Instagram Posts



Sample May 2023 Web Content, Blogs, and Social Media

Town Ballroom amplifies the spirits of Buffalo's famous Casino

By David Zelen, Buffalo News Staff Writer
 For about 20 years, Buffalo's Town Ballroom has served as the go-to destination for entertainment and social events in the city. In 2023, the venue has taken its role as a community hub to the next level, amplifying the spirits of Buffalo's famous Casino. The Town Ballroom has been transformed into a vibrant space for social events, featuring a new bar and lounge area, a state-of-the-art stage, and a new menu of food and drinks. The venue has also been transformed into a vibrant space for social events, featuring a new bar and lounge area, a state-of-the-art stage, and a new menu of food and drinks. The venue has also been transformed into a vibrant space for social events, featuring a new bar and lounge area, a state-of-the-art stage, and a new menu of food and drinks.

The Next Chapter of Westside Stories Bookstore

Westside Stories Bookstore is a vibrant space for social events, featuring a new bar and lounge area, a state-of-the-art stage, and a new menu of food and drinks. The venue has also been transformed into a vibrant space for social events, featuring a new bar and lounge area, a state-of-the-art stage, and a new menu of food and drinks.

Visit Buffalo Niagara

This national Road Trip Day, plan your journey along the historic Erie Trail, a 225-mile food adventure sampling unique Buffalo, garden paths in Rochester, BNO in Syracuse and gardens in Binghamton. Dig in by following @spicetastic on Instagram or visiting @spicetastic.com for all the goods!

Restaurants with Amazing Views of the Waterfront

A few years ago, dining on the waterfront in Buffalo meant finding a nice quiet spot and looking at a view. Now, with the water's edge and downtown skyline, the waterfront has become a vibrant space for social events, featuring a new bar and lounge area, a state-of-the-art stage, and a new menu of food and drinks.



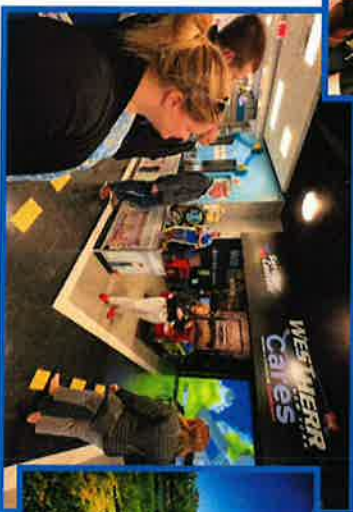
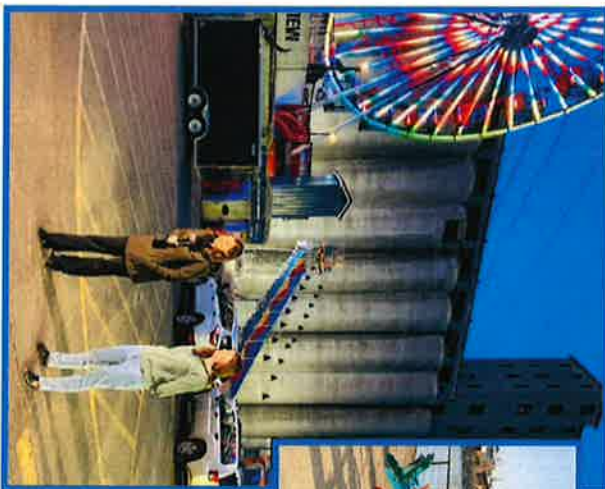
DESTINATION DEVELOPMENT DEPARTMENT UPDATE

MONTHLY Destination Development Department Dashboard – May 2023 vs. May 2022 and May 2019 (RECOVERY BENCHMARK)

Visitor Guide Requests		Weekly Lodging Dashboard Distribution		Tourism Insider Distribution	
185		478		2,596	
May 2022	-87.2%	May 2022	35.4%	May 2022	-6.5%
May 2019	-69.9%	May 2019	NA	May 2019	-6.4%
Number of Mobile Visitor Center Events		Mobile Visitor Center Volunteer Hours		Number of Convention/Sport Events	
1		12		0	
May 2022	-50.0%	May 2022	-14.3%	May 2022	-100.0%
May 2019	NA	May 2019	NA	May 2019	NA
Industry Meeting Attendance		Industry Event Attendance		Extranet Training Attendance	
0		0		0	
May 2022	-100.0%	May 2022	-100.0%	May 2022	Null
May 2019	-100.0%	May 2019	-100.0%	May 2019	-100.0%
Destination Customer Service Training Attend.					
0					
May 2022	-100.0%				
May 2019	-100.0%				

YEAR TO DATE Destination Development Department Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Visitor Guide Requests		YTD Weekly Lodging Dashboard Distribution		YTD Tourism Insider Distribution	
2,603		478		2,596	
2022	-50.4%	2022	35.4%	2022	-6.5%
2019	-1.2%	2019	NA	2019	-6.1%
YTD Number of Mobile Visitor Center Events		YTD Mobile Visitor Center Volunteer Hours		YTD Number of Convention/Sport Events	
4		11		7	
2022	-42.9%	2022	-57.7%	2022	133.3%
2019	NA	2019	NA	2019	NA
YTD Industry Meeting Attendance		YTD Industry Event Attendance		YTD Extranet Training Attendance	
275		61		12	
2022	787.1%	2022	-62.6%	2022	-29.4%
2019	29.7%	2019	-88.5%	2019	-20.0%
YTD Dest./Customer Service Training Attend.					
5					
2022	-73.7%				
2019	-92.4%				
YTD Conventions/Sport Event Volunteer Hours					
116.5					
2022	348.0%				
2019	NA				



National Travel & Tourism Week

Visit Buffalo Niagara kicked off National Travel and Tourism Week with a full morning live remote from Buffalo RiverWorks with several segments between 5:00am and 9:00am on Channel 4. CEO Patrick Kaler, was on hand to talk about tourism impact for Erie County and the excitement for the upcoming peak summer season. Also interviewed during the morning were representatives from: Buffalo RiverWorks, Silo City, Frank Lloyd Wright's Martin House, Buffalo Museum of Science, Buffalo AKG, Explore & More Children's Museum and Buffalo Philharmonic Orchestra.

Thank You To Our Industry Partners For Hosting Our Staff

Several of Buffalo's industry partners invited the Visit Buffalo Niagara staff to their locations to update on new and upcoming projects, and to gain first-hand experiences so that we can better market, sell and promote their businesses. Thank you to The Barrel Factory, Explore & More Children's Museum, Explore Buffalo (Silo City Tour), and Duende at Silo City for your gracious hospitality and sharing time with our staff.

BUFFALO CONVENTION CENTER

OPERATIONAL UPDATE

MONTHLY Buffalo Convention Center Operational Dashboard – May 2023 vs. May 2022 and May 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event – Social
10	2	3	4	1	0
January 2022 May 2019	May 2022 May 2019	May 2022 May 2019	May 2022 May 2019	May 2022 May 2019	May 2022 May 2019
Null -28.65	-0.0% -50.0%	300.0% -40.05	-33.3% -20.0%	Null 100.0%	Null Null
Total Event Attendance					
14,120					
May 2022 May 2019	14.6% -47.7%	May 2022 May 2019	-8.0% -17.9%	May 2022 May 2019	NA NA
Total Revenue					
\$250,573					
May 2022 May 2019	-18.3% -35.1%	May 2022 May 2019	23.2% -18.2%	May 2022 May 2019	-90.8% -93.0%
Revenue – Rent					
\$53,245					
Revenue – Food & Beverage					
\$196,468					
Revenue – Electrical Service					
\$820					
Revenue – Other					
\$40					

New survey system being developed for mid-year.

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event – Social
35	10	5	14	6	0
2022 2019	2022 2019	2022 2019	2022 2019	2022 2019	2022 2019
12.9% -31.3%	-9.1% -9.1%	40.0% -50.0%	16.7% -26.3%	-14.3% Null	Null Null
Total Event Attendance					
122,590					
2022 2019	10.0% -31.9%	2022 2019	3.0% -22.8%	New survey system being developed for mid-year.	
Total Revenue					
\$1,666,811					
Revenue – Rent					
\$421,418					
Revenue – Food & Beverage					
\$1,063,713					
Revenue – Electrical Service					
\$73,171					
Revenue – Other					
\$108,479					
2022 2019	23.2% -17.5%	6.2% -11.3%	18.9% -26.5%	22.8% -24.3%	747.5% 8887.5%

BUFFALO CONVENTION CENTER SALES UPDATE

MONTHLY Buffalo Convention Center Sales Dashboard – May 2023 vs. May 2022 and May 2019 (RECOVERY BENCHMARK)

Total Leads		BMcC Generated Leads		VBN Generated Leads		Confirmed Bookings	
12		5		7		9	
May 2022	20.0%	May 2022	-37.5%	May 2022	250.0%	May 2022	-10.0%
May 2019	33.3%	May 2019	-37.5%	May 2019	600.0%	May 2019	-35.7%
Total Solicitation Cals		Existing Business/Clients Solicitation Cals		New Business/Clients Solicitation Cals		Lost Business	
76		37		39		9	
May 2022	58.3%	May 2022	54.2%	May 2022	62.5%	May 2022	200.0%
May 2019	NA	May 2019	NA	May 2019	NA	May 2019	80.0%

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Total Leads		YTD BMcC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
66		43		23		49	
2022	20.0%	2022	10.3%	2022	9.5%	2022	133.3%
2019	100.0%	2019	100.0%	2019	187.5%	2019	-19.9%
YTD Total Solicitation Cals		YTD Existing Business/Clients Solicitation Cals		YTD New Business/Clients Solicitation Cals		YTD Lost Business	
312		120		192		34	
2022	84.6%	2022	64.4%	2022	95.9%	2022	-61.9%
2019	NA	2019	NA	2019	NA	2019	-4.2%

Current and Future Ongoing Buffalo Convention Center Business Booked

	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	101	93	48	32
Expected Attendance	249,975	240,582	227,832	180,847	124,262
Number of Hotel Room Nights	25,000	26,536	23,100	15,364	14,250
Expected Economic Impact	\$34,063,840	\$32,814,539	\$29,955,472	\$24,423,741	\$14,182,863

ORGANIZATION UPDATE



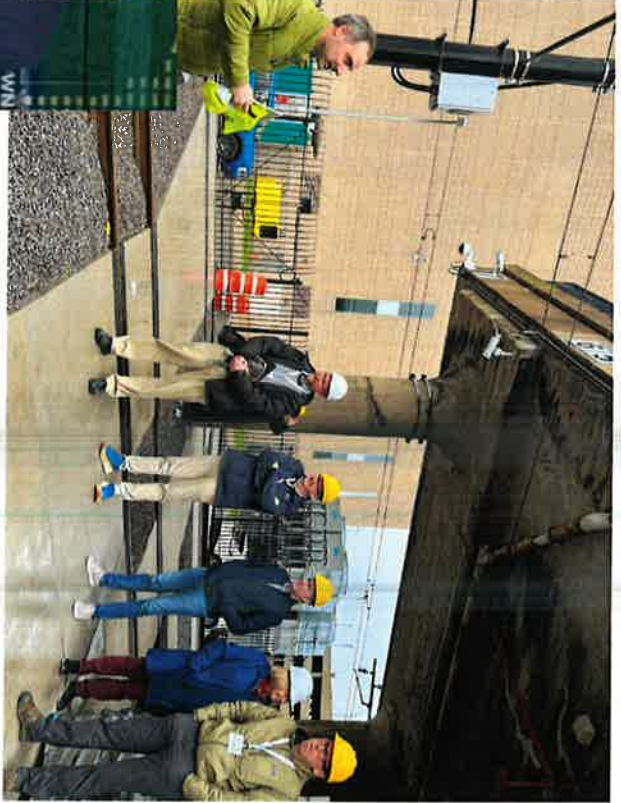
Michigan Street AAHC Visitor Center Ribbon Cutting
 Visit Buffalo Niagara was pleased to attend the ribbon cutting for the new headquarters and visitor center of the Michigan Street African American Heritage Corridor. VBN has been working closely with the AACH as well as The Michigan Street Baptist Church, Nash House Museum, WUFO Buffalo and the Colored Musicians Club & Jazz Museum on a tourism product that will be visitor ready in 2024 when capital improvement projects at the sites are complete.



BNP Hob Nob
 Jeff Calkins and Collin Scozafava from the BNCC joined VBN staff members Kate Scaduto, and Greg Gellinas, at the Buffalo Niagara Partnership's May Hob Nob at Resurgence Brewing Company.

VBN Hosts 2023 Great Lakes USA / Cruise The Great Lakes Annual Meeting

As a new member of the Great Lakes USA/Cruise the Great Lakes multi-state tourism consortium, Visit Buffalo Niagara hosted the organization's 2023 Annual Meeting at The Westin Buffalo. Members from the states and destinations from Illinois, Indiana, Michigan, Minnesota and New York and the in-market representatives from Germany and the United Kingdom to strategize and plan for 2024. The membership also shared their expertise regarding the cruise industry with representatives from Empire State Development, who is currently conducting an economic impact and feasibility study to bring cruise ships to Buffalo. Representatives of the Council of Great Lakes Governors, Travel Michigan and Visit Detroit joined VBN CEO, Patrick Kaler for a press conference to further the Cruise the Great Lakes initiative, and what it could mean for Buffalo and Western New York in developing a new visitor audience with a high propensity for repeat visitation.





Remembering and Respecting 5/14

On the anniversary of the horrific 5/14 tragedy that took ten innocent lives in a racially motivated mass shooting, Visit Buffalo Niagara put its social media messaging on pause. Only sharing the community's "Stop Hate. End Racism. Choose Love." message on all social media platforms. As the destination marketing organization, it is our responsibility to honor and remember the lives lost, the loved ones left behind, the first responders, and the East Buffalo community impacted by the events of that day with our customers, visitors and residents.

Showing Off Buffalo

Visit Buffalo Niagara's CEO, Patrick Kaler grew up in Illinois and spent the first twelve years of his professional career in tourism at various locations in the state including eight years in Chicago where he found his appreciation for Frank Lloyd Wright Architecture. He was recently reunited with three of his Illinois tourism colleagues including the State Travel Director when they attended the Great Lakes USA annual meeting. He couldn't resist the opportunity to show them Buffalo's Frank Lloyd Wright treasures including the Martin House.



STAFF FUN FACT:

Emma Carlo – VBN National Sales Manager



When Emma Carlo isn't selling Buffalo and Erie County as a destination to religious groups, military reunions, and sorority and fraternal organizations, she is in the scrum as a member of the Ninja Women's Rugby team. Emma started playing in college at Niagara University in Hamburg and continued playing in college at Niagara University. Another fun fact about Emma, she was valedictorian of her class at Niagara University. In the office and on the field, she is a force to be reckoned with.

May CEO Meetings

Great Lakes USA Board Meeting
Cruise Great Lakes Meeting with Buffalo ESD/ECHDC Staff
VBN Executive Committee Meeting
Martin House Executive Committee Meeting
NYSDMO Meeting
Explore Buffalo Doors Open Committee Meeting
VBN Board of Directors Quarterly Meetings
World Canals Conference Steering Committee Meeting
NYS Assembly Member Rivera's Tourism Industry Breakfast
Aunt Rosie's 30 th Anniversary Ribbon Cutting
Destinations International DMAP Board Meeting
Explore & More Children's Museum Tour
Martin House Board of Directors Meeting
Canal NY Board Meeting
Pierce Arrow Thomas Flyer Press Event
U.S. Travel Association PW
Michigan Street AAHC Visitor Center Ribbon Cutting



Visit Buffalo Niagara Board of Directors

- Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
- Kimberley A. Minkel, NFTA – Vice Chair
- Huseyin Tarani, Buffalo Marriott HarborCenter – Treasurer
- Thomas Beauford, Buffalo Urban League - Secretary
- Mary F. Roberts, Martin House - Immediate Past Chair
- Mark Alnutt, University of Buffalo Department of Athletics
- Melissa Brown, Buffalo History Museum
- Daniel Castle, Erie County Dept. of Environment & Planning
- Matt Chiazza, Reikart House
- Anthony J.W. Chase, Buffalo State University
- Dottie Gallagher, Buffalo Niagara Partnership
- Mark Glasgow, Erie County Legislature Majority Caucus Appointee
- Patrick Kaler, Visit Buffalo Niagara – President & CEO
- Thomas Long, The Westin Buffalo
- William Paladino, Elliccott Development, Inc.
- Steven Ranalli, Erie Canal Harbor Development Corporation
- David Schutte, Schutte Hospitality Group
- Don Spasiano, Trocaine College
- Michelle Urbanczyk, Explore & More Children's Museum
- Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens



Visit Buffalo Niagara Staff

- James Adler, Sports Sales Manager
- Jo Ann Blatner, Industry Relations Assistant
- Drew Brown, Marketing Manager
- Michele Butlak, Accounting & Benefits Manager
- Emma Carlo, National Sales Manager
- Karen Cox, Convention Sales & Services Manager
- Mike Even, Vice President of Sales & Services
- Karen Fashana, Director of Marketing
- Greg Gellinas, Director Sports Development
- Ed Healy, Vice President of Marketing
- Patrick Kaler, President & CEO
- Michelle Kearns, Communications Manager
- Shannon Jenkins, National Association Sales Director
- David Marzo, Chief Financial Officer
- Leah Mueller, Director of Tourism Sales
- Heather Nowakowski, Business Intelligence Manager
- Kathryn Scaduto, Marketing and Social Media Specialist
- Judy Smith, Director of Administration
- Renata Toney, Vice President of Destination Experience
- Marisa Urbano, Administrative Sales Assistant
- Lauren Vargo, Sports Services Manager
- Meaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

- Julie Brooks, Controller
- Melissa Burke, Senior Director of Sales
- Jeff Calkins, Vice President & General Manager
- Lorna Cullen, Office Manager
- Patrick Kaler, President & CEO
- Sue Kimmins, Sales and Catering Manager
- Craig Landseadel, Executive Chef
- Mary Ann Martin, Bookkeeper & Benefits Manager
- Mark McVahon, Maintenance Supervisor
- Terry O'Brien, Director of Operations
- Heather Petrino, Sales & Service Coordinator
- Ken Sanford, Chief Engineer
- Christie Walker, Convention and Event Service Manager
- Cory Watson, Food and Beverage Manager
- Michael Will, Assistant Director of Operations
- Colleen Willis, Sales Manager
- Danielle Winiarski, Assistant General Manager
- Alishia Vega, Front Desk Receptionist



VISION:
To be the most surprising destination you'll ever visit.

MISSION:
Transforming our community by inspiring visitors and locals to discover Buffalo and Erie County.

Data Sources For This Report:

- Ceris Technologies
- Cision
- Google Analytics
- Key Data
- Madden Media
- Momentum Technologies (formerly Ungerboeck)
- Sales Force Marketing Cloud
- Simpleview
- STR (Smith Travel Research)
- Tourism Economics



JUNE 2023 DESTINATION UPDATE

A MONTHLY DASHBOARD AND QUALITATIVE REPORT

PATRICK J. KALER, PRESIDENT & CEO

VISIT BUFFALO NIAGARA BUFFALO CONVENTION CENTER BUFFALO NIAGARA SPORTS COMMISSION



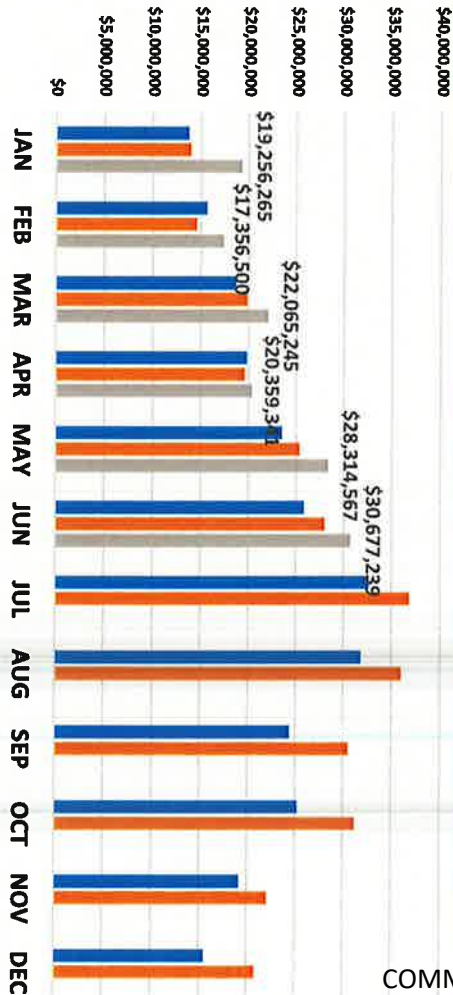


MONTHLY TRAVEL DATA - STR

ERIE COUNTY HOTEL REVENUE – JUNE 2023

June Hotel Revenue	
June 2022	9.5%
June 2019	18.8%
YTD Hotel Revenue	
2022	\$136,039,460
2019	15.8%

Hotel Revenue is the lodging revenue for all hotel/motel properties in Erie County reported for the month. June 2023 hotel revenue collections totaled, **\$30,677,239** which was a **9.5%** increase compared to June 2022. June 2023 hotel revenue was **18.8%** higher than 2019.

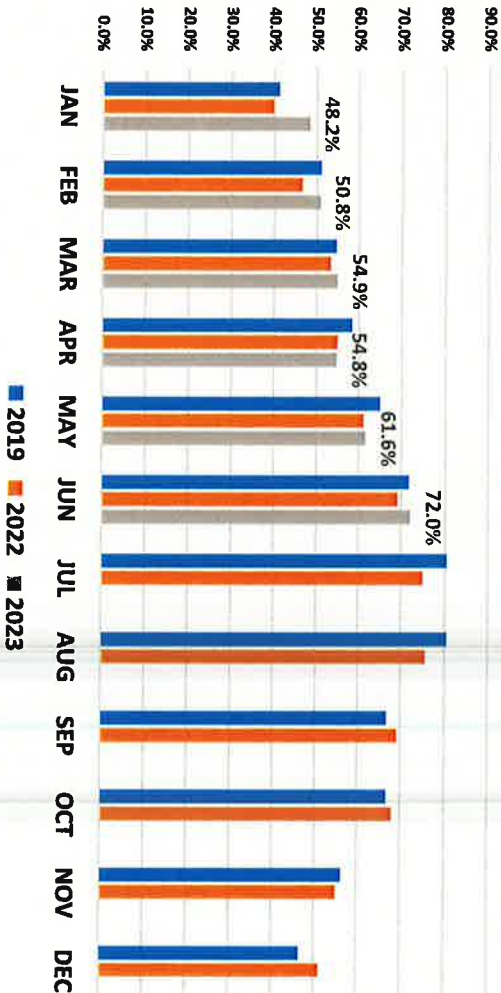


ERIE COUNTY HOTEL OCCUPANCY – JUNE 2023

June Hotel Occupancy	
June 2022	4.3%
June 2019	-0.6%
YTD Hotel Occupancy	
2022	57.1%
2019	5.5%

Hotel Occupancy is the percentage of available rooms sold during the month in Erie County. Occupancy is calculated by dividing the number of rooms sold by the number of rooms available. June 2023 occupancy measured **72.0%**, which was up **4.3%** compared to June 2022. June 2023 was the same as the occupancy in 2019.

*In comparison, for the U.S., June occupancy was down **0.6%** compared 2022 and down **5.2%** compared to 2019. The State Of New York, was up **1.1%** in Occupancy in June 2023 compared to 2022, and down **4.7%** compared to 2019.*





MONTHLY TRAVEL DATA - STR

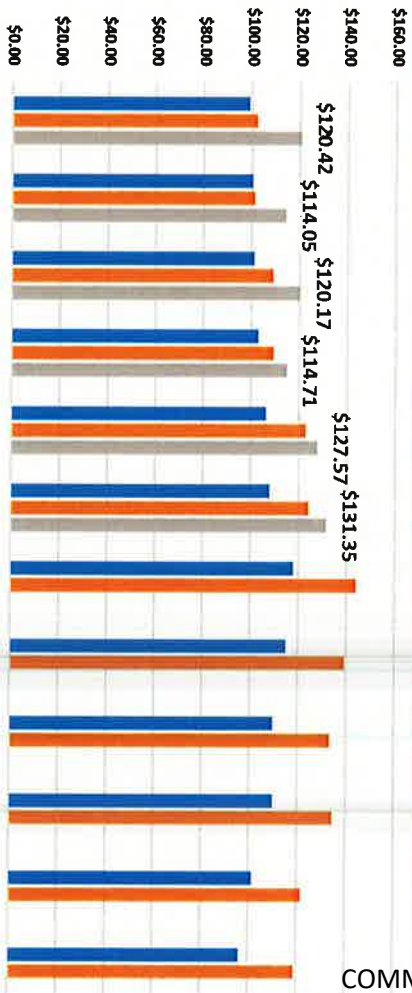
ERIE COUNTY HOTEL AVERAGE DAILY RATE (ADR) – JUNE 2023

June Hotel Average Daily Rate	
June 2022	5.9%
June 2019	9.9%
YTD Hotel Average Daily Rate	
2022	8.0%
2019	18.0%

Hotel Average Daily Rate (ADR) is the measure of the average rate paid for hotel/motel rooms sold for the previous year. It is calculated by dividing room revenue by the number of rooms sold for that time period.

In June, Erie County ADR was **\$131.35** an increase of **5.9%** over 2022, and a **21.7%** increase compared to 2019.

The U.S. ADR for June 2023 was up **4.2%** compared to 2022, as well as up **17.8%** from 2019. New York State ADR for 2023 was up **7.3%** compared to 2022 and up **13.9%** compared to 2019.



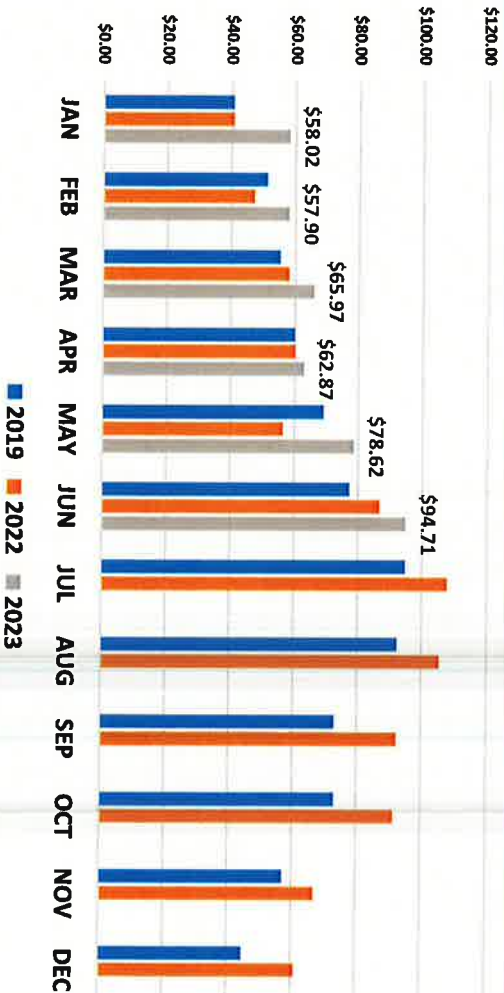
ERIE COUNTY HOTEL REVPAR – JUNE 2023

June Hotel RevPAR	
June 2022	9.2%
June 2019	22.3%
YTD Hotel RevPAR	
2022	10.0%
2019	18.0%

Hotel Revenue Per Available Room (RevPAR) is the total room revenue for the previous year divided by the total number of available rooms.

2023 June RevPAR was **\$94.71** which was an increase of **9.2%** over 2022, and up **22.3%** compared to 2019.

RevPAR for the U.S. was up **1.6%** for June 2023 over 2022, and up **11.6%** compared to 2019. The State of New York also had year-over-year increases for RevPAR in 2023 with a **3.5%** increase over 2022 and **8.6%** increase compared to 2019.



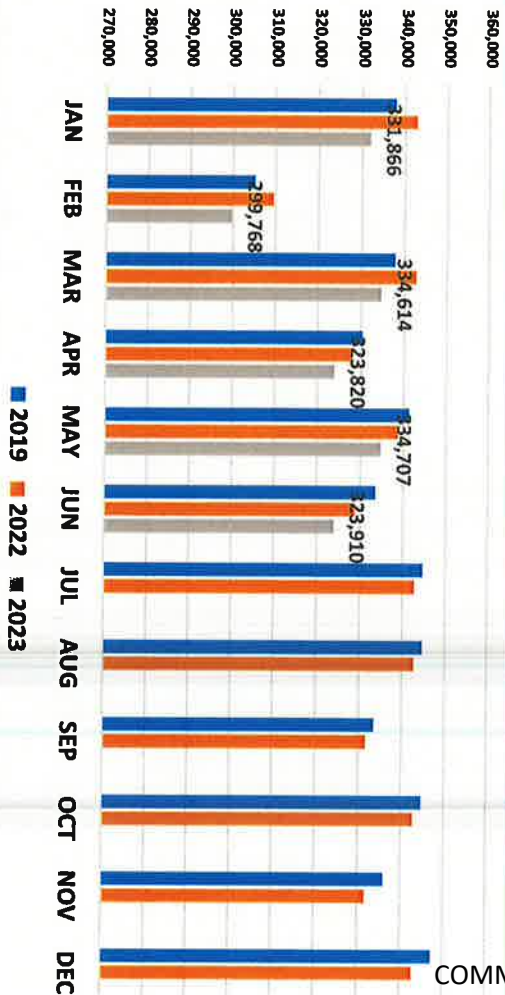
ERIE COUNTY HOTEL SUPPLY – JUNE 2023

June Hotel Supply	
June 2022	323,910
	-0.9%
June 2019	323,910
	-5.1%
YTD Hotel Supply	
2022	1,949,065
	-1.7%
2019	1,949,065
	-1.8%

Hotel Supply is the number of rooms in a hotel or set of hotels multiplied by the number of days in a specified time period.

In June 2023, Erie County's hotel supply totaled **323,910** which was a **0.9%** decrease from 2022 and a **5.1%** decrease compared to 2019.

The number of Erie County available hotel rooms totaled **10,794** which is a **1.9%** decrease compared to 2019.

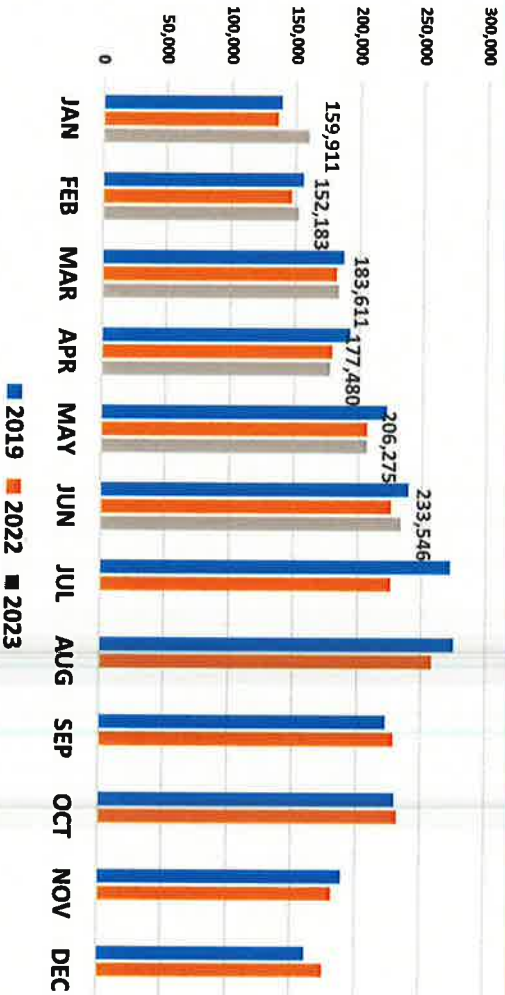


ERIE COUNTY HOTEL DEMAND – JUNE 2023

June Hotel Demand	
June 2022	233,546
	3.5%
June 2019	233,546
	-2.4%
YTD Hotel Demand	
2022	1,112,753
	3.7%
2019	1,112,753
	-1.9%

Hotel Demand is the number of hotel/motel rooms sold in a specified time period (excludes complimentary rooms).

June 2023 hotel demand totaled, **233,546** which was a **3.5%** increase compared to 2022 and a **2.4%** decrease compared to 2019.





MONTHLY TRAVEL DATA - KEY DATA

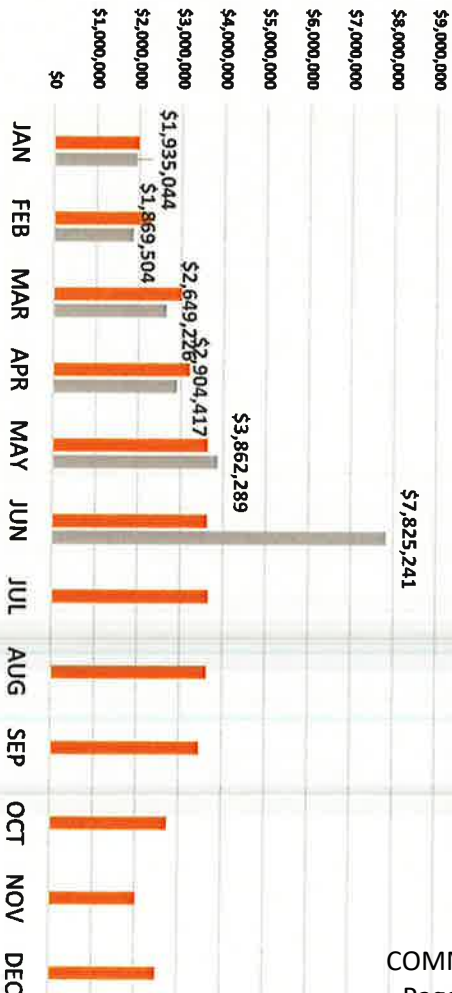
ERIE COUNTY SHORT TERM RENTAL REVENUE – JUNE 2023

June Short Term Rental Revenue	
June 2022	115.1%
June 2019	NA
YTD Short Term Rental Revenue	
2022	57.7%
2019	NA

Short Term Rental Revenue is the total lodging revenue for all short-term rentals reported for the month.

In June 2023, Erie County's short term rental revenue generated **\$7,825,241** which was up **115.3%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



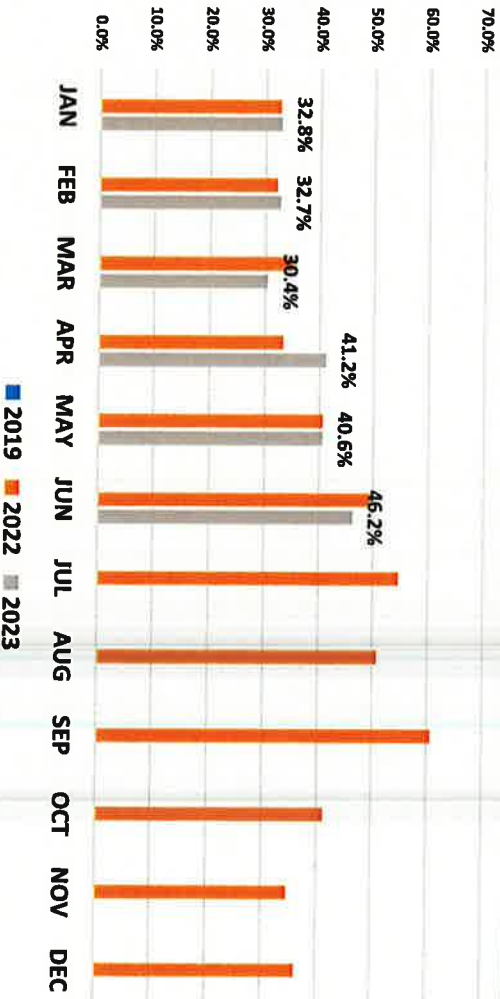
ERIE COUNTY SHORT TERM RENTAL OCCUPANCY – JUNE 2023

June Short Term Rental Occupancy	
June 2022	46.2%
June 2019	-6.7%
YTD Short Term Rental Occupancy	
2022	7.5%
2019	NA

Short Term Rental Occupancy is the percentage of available rental units sold during the month in Erie County. Occupancy is calculated by dividing the number of sold by the number of units available.

June 2023 occupancy measured **46.2%**, which was down **6.7%** compared to June 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





MONTHLY TRAVEL DATA- KEY DATA

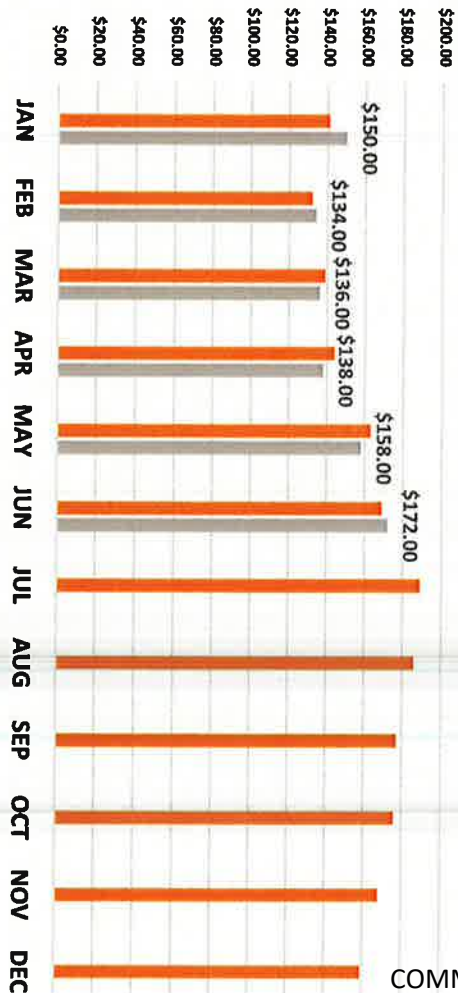
ERIE COUNTY SHORT TERM RENTAL AVERAGE DAILY RATE – JUNE 2023

June Short Term Rental ADR	
June 2022	1.8%
June 2019	NA
YTD Short Term Rental ADR	
2022	2.7%
2019	NA

Short Term Rental Average Daily Rate (ADR) is the measure of the average rate paid for short term rental units sold for the month. It is calculated by dividing rental units' revenue by the number of units sold for that time period.

In June, Erie County Short Term Rental ADR was **\$172.00** a increase of **1.8%** compared to 2022.

Note: VBN did not collect Short Term Rental Data In 2019.



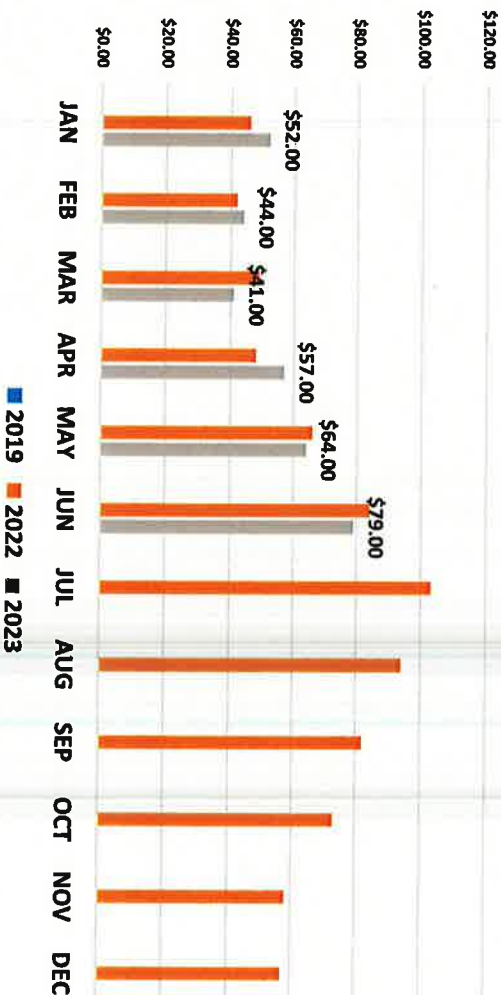
ERIE COUNTY SHORT TERM RENTAL REVPAR – JUNE 2023

June Short Term Rental RevPAR	
June 2022	-6.0%
June 2019	NA
YTD Short Term Rental RevPAR	
2022	8.8%
2019	NA

Short Term Rental Revenue Per Available Room (RevPAR) is the total short term rental revenue for the month divided by the total number of available short term rental units.

2023 June RevPAR was **\$79.00** which was a decrease of **6.0%** compared to 2022.

Note: VBN did not collect Short Term Rental Data In 2019.





MONTHLY TRAVEL DATA- KEY DATA

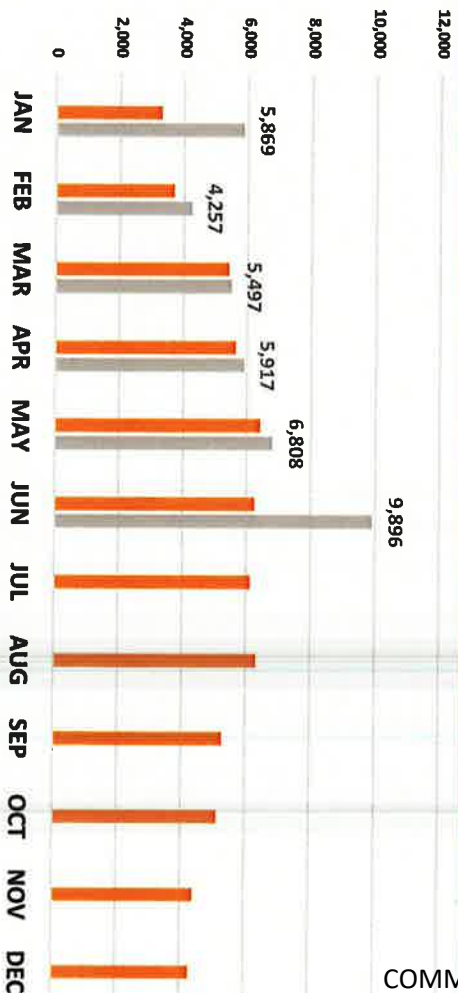
ERIE COUNTY SHORT TERM BOOKINGS – JUNE 2023

June Short Term Rental Bookings	
June 2022	9,896
June 2019	58.1%
YTD Short Term Rental Bookings	
2022	43,803
2019	51.4%

Short Term Rental Bookings is the measure of the total bookings in all Erie County short term rentals for the month.

In June, Erie County Short Term Rental Bookings totaled **9,896** which was an increase of **58.1%** compared to 2022.

Note: VBN did not collect Short Term Rental Data in 2019.



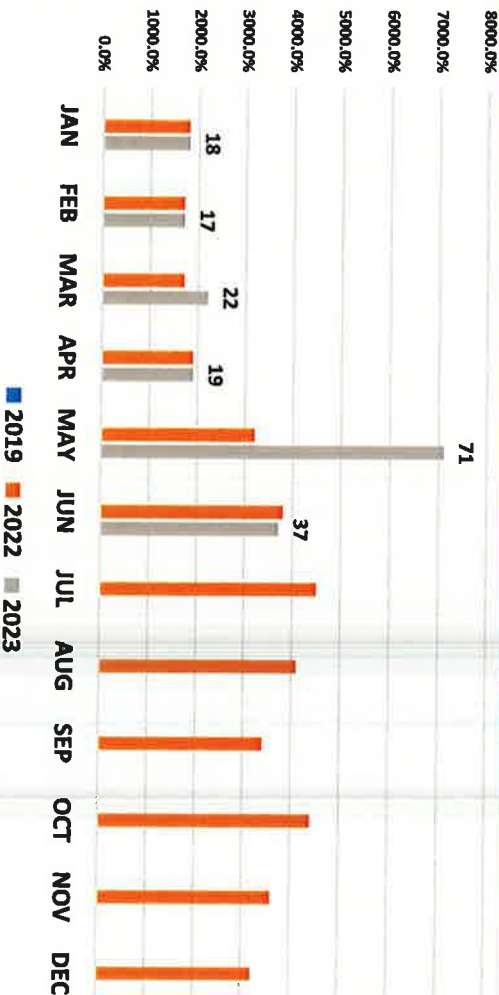
ERIE COUNTY SHORT TERM BOOKING WINDOW – JUNE 2023

June Short Term Rental Booking Window (days)	
June 2022	37
June 2019	-2.6%
YTD Short Term Rental Booking Window (days)	
2022	27
2019	3.8%

Short Term Booking Window is the average number of days prior to arrival/check-in of a short term rental booking.

In June 2023 the short term rental average booking window was **37 days** prior to arrival, which was a decrease of **2.6%** from 2022.

Note: VBN did not collect Short Term Rental Data in 2019.





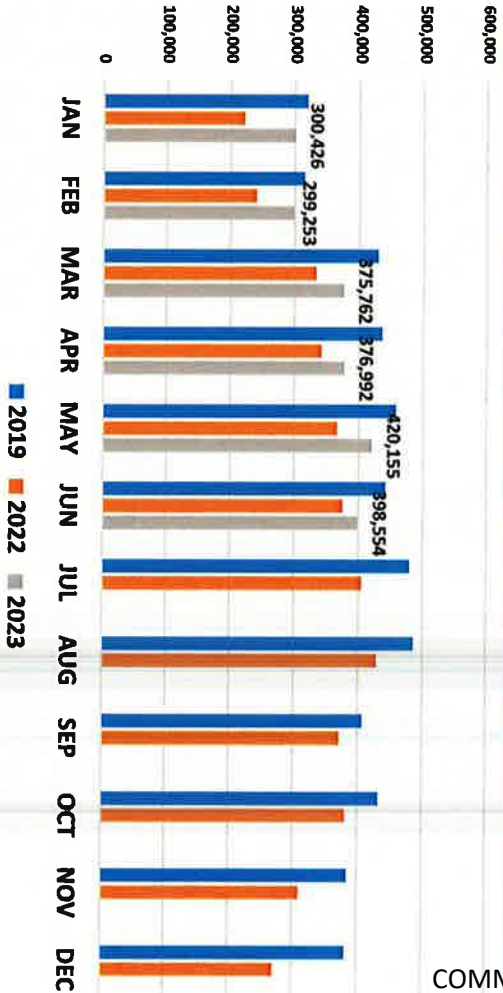
SALES DEPARTMENT DATA

BUFFALO NIAGARA INTERNATIONAL AIRPORT PASSENGERS – JUNE 2023

June BUF Airport Passengers	
June 2022	398,554
June 2019	2,171,142
YTD BUF Airport Passengers	
2022	2,171,142
2019	2,171,142

Airport Passengers is the total monthly air traffic passengers at Buffalo Niagara International Airport as reported by NFTA.

Passengers through BUF in June 2023 totaled **398,554** representing a **9.2%** increase over 2022 and a **18.6%** decrease compared to 2019.

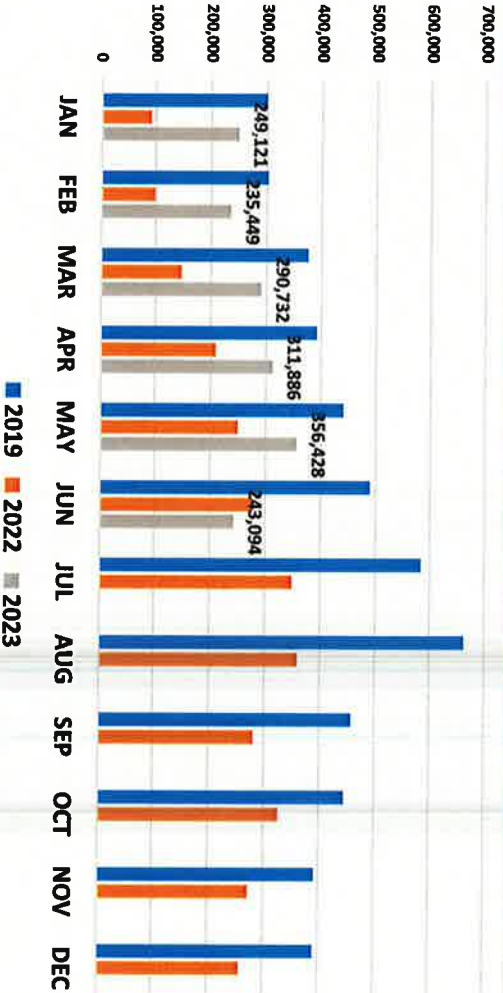


U.S. / CANADIAN CROSS BORDER TRAFFIC – JUNE 2023

June US/Canadian Border Traffic	
June 2022	243,094
June 2019	1,686,690
YTD US/Canadian Border Traffic	
2022	243,094
2019	243,094

Cross Border Traffic calculates the monthly border crossings between the United States and Canada in Erie and Niagara Counties.

Travel between the two countries through the Erie and Niagara County access points for the month of June 2023 totaled **243,094** which was a **12.3%** decrease compared to 2022 and a **50.4%** decrease compared to 2019.



SALES & SERVICES DEPARTMENT UPDATE



MONTH Sales & Services Department Dashboard - June 2023 vs. June 2022 and June 2019 (RECOVERY BENCHMARK)

Sales Lead Distributed		Sales Lead Room Nights		Lead Expected Attendance		Lead Economic Impact		Lost Business	
June 2022	52	June 2022	40,832	June 2022	31,636	June 2022	\$26,645,541	June 2022	24
June 2019		June 2019		June 2019		June 2019		June 2019	
	52.9%		19.1%		-1.7%		22.9%		9.1%
	-8.8%		49.1%		125.5%		42.3%		14.3%
Definite Events Booked		Definite Room Nights Booked		Definite Expected Attendance		Definite Event Economic Impact			
June 2022	28	June 2022	7,580	June 2022	11,595	June 2022	\$6,207,574	June 2022	
June 2019		June 2019		June 2019		June 2019		June 2019	
	Null				-6.9%		-1.3%		-52.4%
	-28.2%		-48.8%		70.7%		-42.8%		
Events Held		Events Held Room Nights		Events Held Attendance		Groups Serviced			
June 2022	29	June 2022	14,345	June 2022	19,408	June 2022	14	June 2022	
June 2019		June 2019		June 2019		June 2019		June 2019	
	16.0%		22.1%		7.7%		168.3%		40.0%
	-45.3%						112.6%		-73.6%

YEAR TO DATE Sales & Services Department Dashboard - Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Sales Lead Distributed		YTD Sales Lead Room Nights		YTD Lead Expected Attendance		YTD Lead Economic Impact		YTD Lost Business	
2022	277	2022	137,012	2022	117,872	2022	\$127,881,782	2022	101
2019		2019		2019		2019		2019	
	-70.4%		-0.5%		49.7%		18.3%		-8.2%
	-28.4%		-41.5%		28.0%		32.3%		-28.4%
YTD Definite Events Booked		YTD Definite Room Nights Booked		YTD Definite Expected Attendance		YTD Definite Event Economic Impact			
2022	180	2022	57,233	2022	75,366	2022	\$45,703,827	2022	
2019		2019		2019		2019		2019	
	-3.7%		-24.1%		1.3%		5.2%		-38.6%
	-34.3%		-28.0%						-35.9%
YTD Events Held		YTD Events Held Room Nights		YTD Events Held Attendance		YTD Groups Serviced			
2022	119	2022	72,061	2022	84,879	2022	71	2022	
2019		2019		2019		2019		2019	
	3.5%		11.5%		1.1%		51.3%		26.8%
	-44.1%		-20.9%				1.1%		-23.7%

SALES & SERVICES DEPARTMENT UPDATE



2023 June compared to May Sales & Services KPI Comparison

Key Performance Indicator	MOM Percent Change
Leads Distributed	4.0%
Lead Room Nights	36.2%
Lead Attendance	9.9%
Lead Economic Impact	-48.0%
Definite Bookings	-22.2%
Definite Room Nights	-19.4%
Definite Attendance	25.3%
Definite Economic Impact	-27.2%
Lost Leads	33.35
Events Held In Month	7.4%
Events Held In Month Room Nights	135.2%
Events Held In Month Attendance	26.7%
Groups Serviced	-6.7%



June 2023 Trade Shows/Conferences Attended

SHOW / CONFERENCE NAME	LOCATION	ATTENDED BY
SGMP - Society of Government Meeting Planners	Bloomington, MN	Shannon Jenkins
ESSAE - Empire State Society of Association Executives	Albany, NY	Meaghan Zimmer
Compete Sports Diversity Summer Membership Conference	St. Petersburg, FL	James Adler
TAP Dance – Travel Alliance Partners	Rochester, NY	Leah Mueller
MPI – WEC Meeting Planners International	Riviera Maya, Mexico	Shannon Jenkins
PBA – Pennsylvania Bus Association	Chautauqua, NY	Leah Mueller
Military Reunion Network Annual Summit	Niagara Falls, NY	Emma Carlo
June 2023 Site Visits / FAMs		15

Military Reunion Network Annual Summit

Visit Buffalo Niagara was pleased to host an evening event and dinner on the fantail of the USS Little Rock at the Buffalo and Erie County Naval Park as part of the Military Reunion Network Annual Summit held in Niagara Falls, NY. The 120 military reunion planner attendees were treated to a tour of Buffalo before their arrival at the Naval Park. Finding their way to the fantail following a tour of the Naval Park, the delegation was greeted by Buffalo Jazz & Swing to set a big band mood for the evening. VBN National Sales Director, Emma Carlo did an exceptional job organizing the Buffalo night and furthering her relationships with the clients who are an important part of our meetings/convention business.



SALES & SERVICES DEPARTMENT UPDATE



Compete Sports Diversity Summer Conference

Compete Sports Diversity connects, educates, empowers, and inspires mission driven LGBTQ+ and allied sports and community leaders, sports organizations, non-profit groups, tourism partners, corporate partners, and athletes to further sports diversity together through our membership, media, and event platforms. James Adler, represented the Buffalo Niagara Sports Commission at the 2023 Summer Conference which took place in St. Petersburg, FL.



TAP Dance Conference -- Travel Alliance Partners

Travel Alliance Partners was established in 2001 with a simple vision -- to join forces with Tour Operators who each offered their own area of geographical expertise, aiming to fill more scheduled departures, reduce cancellations and expand product portfolios. Senior Director of Tourism Sales, Leah Mueller attended the 2023 TAP Dance Conference on behalf of Visit Buffalo Niagara when it took place in Rochester, NY conducting one-on-one meetings with tour operator planner.

SGMP -- National Education Conference

Shannon Jenkins, Visit Buffalo Niagara's National Sales Director attended the 2023 National Education Conference for the Society of Government Meeting Planners which took place in Bloomington, MN. Shannon was recognized as this year's Top Young Professional by the Gilmer Institute of Trustees.



ESSAE Annual Conference

Meaghan Zimmer, VBN National Sales Director and Melissa Burke, BNCC Director of Sales were joined by Britton Windigland of Vision Hotels and Brianna Chadwell with the Aloft at 500 Pearl, represented Buffalo and Erie County at the Empire State Society of Association Executives annual conference in Albany in a Buffalo Wing themed booth.



A Summer in Full Swing of Amateur Sports

The Summer season of sporting events, hotel room nights and significant economic impact had begun for Buffalo and Erie County. wo weekends in June saw multiple events at venues throughout the county taking place that required the services of our mobile visitor center, staff and volunteers. The diversity of hosted spring events included; USA Hockey, Clarence Rotary Club Pickleball, Aunt Rosie's Softball, Hope Chest Buffalo Dragon Boat Races and Special Olympics New York flag football.





MARKETING & COMMUNICATIONS DEPARTMENT UPDATE

MONTHLY Marketing & Communications Department Dashboard June 2023 vs. June 2022 and June 2019

Website Sessions		Mobile Website Sessions		Duration On Site		Website Page Views		Social Media Posts	
June 2022	168,714	June 2022	105,390	June 2022	2:14	June 2022	307,641	June 2022	186
June 2019	-2.1%	June 2019	-9.7%	June 2019	-5 seconds	June 2019	0.7%	June 2019	1.1%
Facebook Followers	100,398	Twitter Followers	29,750	Instagram Followers	68,800	TIKTok Followers	23,775	All Video Views	1,447,923
June 2022	2.0%	June 2022	-0.4%	June 2022	53.7%	June 2022	80.1%	June 2022	166.9%
June 2019	6.5%	June 2019	4.6%	June 2019	111.1%	June 2019	NA	June 2019	3187.6%
Media Placements	10	Media Impressions	289,698,936	Media Social Shares	1,328	Media Touchpoints	20	Media Visits	20
June 2022	233.3%	June 2022	-48.7%	June 2022	-62.4%	June 2022	-84.4%	June 2022	122.2%
June 2019	NA	June 2019	NA	June 2019	NA	June 2019	NA	June 2019	NA

YEAR TO DATE Marketing & Communications Department Dashboard. Year Over Year Comparison 2023 vs. 2022 and 2019

YTD Website Sessions		YTD Mobile Website Sessions		Duration On Site		YTD Website Page Views		YTD Shared Social Media Posts	
2022	867,046	2022	557,489	2022	2:14	2022	1,424,535	2022	1,074
2019	22.5%	2019	19.1%	2019	-5 seconds	2019	13.6%	2019	-18.0%
Facebook Followers	100,398	Twitter Followers	29,750	Instagram Followers	68,800	TIKTok Followers	23,775	YTD All Video Views	5,774,360
2022	2.0%	2022	-0.4%	2022	53.7%	2022	80.1%	2022	270.0%
2019	6.5%	2019	4.6%	2019	111.1%	2019	NA	2019	917.7%
YTD Media Placements	48	YTD Media Impressions	1,337,948,533	YTD Media Social Shares	3,831	YTD Media Touchpoints	94	YTD Media Visits	26
2022	71.4%	2022	136.8%	2022	8.5%	2022	-26.6%	2022	188.9%
2019	NA	2019	NA	2019	NA	2019	NA	2019	NA

2023 June compared to March Marketing & Communications KPI Comparison

Key Performance Indicator	MOM Percent Change
Website Sessions	14.3%
Mobile Website Sessions	18.1%
Duration on Site	22 seconds
Website Page Views	12.7%
Social Media Posts	1.1%
Facebook Followers	-0.7%
Twitter Followers	-0.2%
Instagram Followers	11.0%
TikTok Followers	14.7%
All Video Views	-5.5%
Media Placements	11.1%
Media Impressions	255.1%
Social Media Shares	2314.6%
Media Touchpoints	-66.7%
Media Visits	1900.0%



Great Lakes USA Media Fam
Visit Buffalo Niagara hosted its first United Kingdom media FAM as a member of Great Lakes USA. We look forward to partnering with the other Great Lakes states and cities to further our international awareness in the UK and German markets.

June 2023 Media Hits

PUBLICATION/SOURCE	ARTICLE HEADLINE	READERSHIP	SHARES
National Geographic	Here's Where To Travel in the U.S. This July	7,992,863	NA
Forbes	New Building, Expanded Collection and Clifford Still Welcome Public Back To Rechristened Buffalo AKG	72,426,846	NA
Explorers Away	The Richardson Hotel is Buffalo's Newest And Oldest Treasured Destination	168,933,485	1
Time Out	10 New Amazing New Museums Around The World We're Excited To Visit IN 2023	18,611,485	30
Travel+Leisure	The Most Popular U.S. Cities To Visit For The 2024 Total Solar Eclipse	12,128,796	56
National Geographic	The Trails Aren't For Hikers, They're For Kayakers	7,992,863	980
Surface	A Transfixing Reflection of the Buffalo AKG Art Museum, and Other News	38,503	NA
Art News	A Haven For Modern Art In Buffalo, Returns, Doubling in Size and Ambition	792,677	NA
Budget Travel	The Most Affordable Cities For Family Vacations This Summer	71,198	NA

Not all media hits were as a direct result of efforts by Madden Media.



Most Viewed Video

June 2023

Buffalo AKG Opening

532,700

Sample of other video content for the month:

Welcome to the Buffalo Wing Trail

Indoor and Outdoor Dog Park - Barkology

Exploring silo City – Explore Buffalo

Free Things To Do This Summer



Promoting Erie County Farmers Markets

Summer in Erie County means that Farmers Market season is in full swing through the fall months. Visit Buffalo Niagara utilizes the



resources provided through the Erie County Department of Environment and Planning's Erie Grown initiative to ensure that the most complete and up-to-date information regarding farmers markets and agricultural opportunities are promoted to visitors and residents. VBN uses this information for social media posts, website content and blogs.

Annual June Events – Juneteenth and Pride Promotions

WHAT IS JUNETEENTH?
Juneteenth is a federal holiday that commemorates the end of slavery in the United States. It is celebrated on June 19th each year.

ABOUT JUNETEENTH OF BUFFALO
The Buffalo Juneteenth Festival is a celebration of the end of slavery in the United States. It is held in Buffalo, NY on June 19th.

WHEN IS JUNETEENTH OF BUFFALO?
The Buffalo Juneteenth Festival is held on June 19th, 2023.

48TH JUNETEENTH OF BUFFALO FESTIVAL
The Buffalo Juneteenth Festival is a celebration of the end of slavery in the United States. It is held in Buffalo, NY on June 19th.

48TH JUNETEENTH OF BUFFALO FESTIVAL
The Buffalo Juneteenth Festival is a celebration of the end of slavery in the United States. It is held in Buffalo, NY on June 19th.

Love and Industry: Welcome to LGBTQ+ Buffalo
Buffalo is a welcoming city for all. We celebrate diversity and inclusion.

SHOW YOUR PRIDE
Celebrate Pride in Buffalo with various events and activities.

Visit Buffalo Niagara - 5/23/23
Lunar and Inclusivity are at the core of Buffalo's LGBTQ+ community.

WHAT TO DO IN BUFFALO THIS WEEKEND
Discover the best things to do in Buffalo this weekend.



2025 World Canals Conference Industry Meeting

Buffalo will serve as the host city for the 2025 World Canals Conference that will attract attendees from around the World. As the host-city destination marketing organization sponsor of the conference, Visit Buffalo Niagara hosted an informational meeting for the Western New York tourism industry to discuss sponsorship opportunities, conference content and destination tours.



Industry Night at the Buffalo & Erie County Naval Park and African American Veterans Monument

Thank you to the Buffalo & Erie County Naval Park and the leadership of the African American Veterans Monument for hosting the Visit Buffalo Niagara Industry Night with tours and refreshments provided by Liberty Hound. Over fifty of our industry partners participated in the event.



Mobile Visitor Center Busy Summer Season

Buffalo Seymour Buffalo, Visit Buffalo Niagara's mobile visitor center has a jam-packed calendar of appearances through the summer with fall dates filling up. VBN staff and volunteers have been engaging visitors and residents and sharing their favorite things to see and do in Erie County.



VBN Staff at the Buffalo Bisons

The Visit Buffalo Niagara team were treated to an afternoon of Buffalo Bisons baseball in a suite at Sahlen's Field. Unfortunately, due to smoke from the Canadian fires, the game was called, but the team had a good time spending time together and eating some great Buffalo wings, pizza and beef-on-weck.



Erie Community College Earn To Learn Program Kick-Off

Visit Buffalo Niagara was honored to partner with Erie Community College to their new Earn To Learn program to train and employ students for the hospitality industry. The initiative is being sponsored by the Statler Foundation and the Buffalo Marriott at LECOM HARBORCENTER. A kick-off event was hosted by VBN board member Huseyin Taran at the Buffalo Marriott Hotel.



BUFFALO CONVENTION CENTER

OPERATIONAL UPDATE

MONTHLY Buffalo Convention Center Operational Dashboard – June 2023 vs. June 2022 and June 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event – Social
20	2	3	13	2	0
June 2022	81.8%	June 2022	100.0%	June 2022	116.7%
June 2019	11.1%	June 2019	200.0%	June 2019	8.3%
				June 2022	100.0%
				June 2019	-100.0%
				June 2022	100.0%
				June 2019	Null
Total Event Attendance					
Number of Days Occupied					
19,895					
June 2022	212.0%	June 2022	25.0%	June 2022	NA
June 2019	32.4%	June 2019	15.4%	June 2019	NA
Total Revenue					
Revenue – Rent					
\$457,094					
June 2022	96.7%	June 2022	100.1%	June 2022	70.5%
June 2019	3.8%	June 2019	5.0%	June 2019	-50.7%
Revenue – Food & Beverage					
\$384,862					
June 2022	96.6%	June 2022	96.6%	June 2022	178.2%
June 2019	5.5%	June 2019	5.5%	June 2019	186.7%
Revenue – Electrical Service					
\$6,592					
June 2022	70.5%	June 2022	70.5%	June 2022	178.2%
June 2019	-50.7%	June 2019	-50.7%	June 2019	186.7%
Revenue – Other					
\$473					
June 2022	178.2%	June 2022	178.2%	June 2022	178.2%
June 2019	186.7%	June 2019	186.7%	June 2019	186.7%

New survey system being developed for mid-year.

YEAR TO DATE Convention Center Operational Dashboard – Year Over Year Comparison 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

Total Events	Event – Convention	Event – Meeting	Event – Banquet	Event – Consumer/Public Show	Event – Social
55	12	8	27	8	0
2022	31.0%	2022	-7.7%	2022	100.0%
2019	-20.3%	2019	-70.0%	2019	-52.9%
				2022	50.0%
				2019	12.9%
Total Event Attendance					
Number of Days Occupied					
142,435					
2022	20.9%	2022	11.8%	2022	NA
2019	-24.4%	2019	44.8%	2019	NA
Total Revenue					
Revenue – Rent					
\$2,123,905					
2022	34.0%	2022	13.3%	2022	25.7%
2019	-16.9%	2019	-2.4%	2019	-19.1%
Revenue – Food & Beverage					
\$1,459,726					
2022	33.8%	2022	33.8%	2022	6412.4%
2019	-12.5%	2019	-12.5%	2019	8926.7%
Revenue – Electrical Service					
\$79,763					
2022	25.7%	2022	25.7%	2022	6412.4%
2019	-19.1%	2019	-19.1%	2019	8926.7%
Revenue – Other					
\$108,952					
2022	6412.4%	2022	6412.4%	2022	6412.4%
2019	8926.7%	2019	8926.7%	2019	8926.7%

New survey system being developed for mid-year.

BUFFALO CONVENTION CENTER

SALES UPDATE

MONTHLY Buffalo Convention Center Sales Dashboard – June 2023 vs. June 2022 and June 2019 (RECOVERY BENCHMARK)

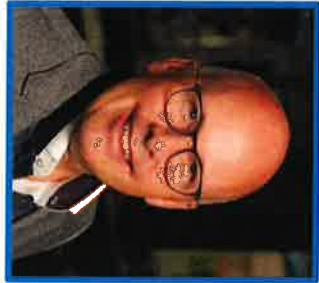
Total Leads		BMCC Generated Leads		VBN Generated Leads		Confirmed Bookings	
11		6		5		7	
June 2022	-15.4%	June 2022	-45.5%	June 2022	150.0%	June 2022	-36.4%
June 2019	1000.0%	June 2019	500.0%	June 2019	-100.0%	June 2019	-61.1%
Total Solicitation Calls		Existing Business/Clients Solicitation Calls		New Business/Clients Solicitation Calls		Lost Business	
54		26		28		6	
June 2022	1.9%	June 2022	36.8%	June 2022	-17.6	June 2022	-33.3
June 2019	NA	June 2019	NA	June 2019	NA	June 2019	53.8%

YEAR TO DATE Buffalo Convention Center Sales Dashboard – 2023 vs. 2022 and 2019 (RECOVERY BENCHMARK)

YTD Total Leads		YTD BMCC Generated Leads		YTD VBN Generated Leads		YTD Confirmed Bookings	
77		49		28		56	
2022	13.2%	2022	-2.0%	2022	55.6%	2022	14.3%
2019	126.5%	2019	88.5%	2019	250.0%	2019	-23.3%
YTD Total Solicitation Calls		YTD Existing Business/Clients Solicitation Calls		YTD New Business/Clients Solicitation Calls		YTD Lost Business	
366		146		220		40	
2022	64.9%	2022	58.7%	2022	66.7%	2022	33.3
2019	NA	2019	NA	2019	NA	2019	-7.0%

Current and Future Ongoing Buffalo Convention Center Business Booked

	2019 Year End	2023*	2024*	2025*	2026*
Number of Events	138	102	93	52	31
Expected Attendance	249,975	208,175	217,082	183,937	123,262
Number of Hotel Room Nights	25,000	23,677	23,258	20,073	14,250
Expected Economic Impact	\$34,063,840	\$29,233,124	\$30,273,561	\$24,914,941	\$14,089,863



Welcome New Board Members
 The Visit Buffalo Niagara Board of Directors unanimously elected David Schutte, owner of the Schutte Group and Michelle Urbanczyk, President & CEO of Explore and More Childrens Museum to fill open Member-At-Large seats. We look forward to their involvement and contribution to the organization from their areas of expertise in the tourism and hospitality industry.



Welcome to the VBN Team – Jennifer Bialek
 Jennifer Bialek has joined the Visit Buffalo Niagara staff as Executive Assistant to the CEO. Jennifer comes to VBN after experiences in the areas of finance and law. Her duties will include management of the VBN board of directors, office manager, and working on special projects and sponsorships with the CEO. Special thanks to Buffalo Cider Works for hosting a welcome reception for Jennifer and the VBN staff.



Erie County University Express
 Visit Buffalo Niagara, CEO, Patrick Kaler was invited to present "On the Horizon in Buffalo & Erie County: Tourism, Conventions and Amateur Sports as part of Erie County Department of Senior Services University Express program for senior citizen residents of Erie County. Summer presentations took place at senior centers in Tonawanda and Amherst, with fall and winter dates being scheduled for future presentations. The 2024 Solar Eclipse and the prospect of Great Lakes cruises were both of special interest during open discussion.

Welcome Sales & Services Intern Juliana Pauly

Juliana Pauly has joined the Visit Buffalo Niagara Sales & Services Department as a summer intern. A graduate of Kenmore West High School, Juliana is on the Dean's List majoring in Event & Meeting Management at Niagara University where she is also minoring in Dance. Juliana has been working with the VBN meetings/conventions services team assisting with the groups who are holding events in Buffalo, as well as preparing for services needed this fall.



Convention Center Façade Construction Update

The Buffalo Niagara Convention Center façade project has noticeably progressed with the installation of the steel cladding and lighting effect. The lighting testing for the façade will be tested in early July for position and color correcting. Once the metal work and lighting are completed, the front entrance work will resume as well as installation of the new marquee signage and building name.

The interior painting of the ballroom will be completed in early July, while turning attention to the first level flooring in the hallways and meeting rooms as well as the meeting room airwalls.



ORGANIZATION UPDATE



Groundbreaking and Ribbon Cutting Ceremonies
 Visit Buffalo Niagara, CEO, Patrick Kaler attended the groundbreaking ceremony for the new Buffalo Bills Stadium as well as the official ribbon cutting event for the reopening of the Buffalo AKG.



ECMC Springfest Gala
 The Buffalo Niagara Convention Center once again served as the host venue for the 2023 ECMC Springfest Gala. Rave reviews from the event organizers and several of the nearly 2,000 attendees were bestowed upon the BNCC staff at the end of the night. Former VBN Board member, Jonathan A. Dandies was honored with the Chairman's Award.



South Korean Delegation Visits Buffalo
 Visit Buffalo Niagara welcomed a delegation from the city of Jeollanam-do, South Korea. The delegation of government officials, business and tourism leaders chose to stop in Buffalo as part of their U.S. tour following the hospitality of a South Korean tour group who were taken in by a Buffalo family during last year's December snowstorm.



Partnership with Explore Buffalo
 Visit Buffalo Niagara and the Buffalo Niagara Convention Center are partnering with Explore Buffalo for the 2023 Doors Open Buffalo taking place in September. The BNCC will serve as the headquarters for the event, as well as a site for visitors to tour following the completion of the façade and the recent cosmetic upgrades. VBN will be creating and distributing walking maps of the buildings and sites who will be opening their doors for residents and visitors to tour.

June CEO Meetings and Events

ESD Cruise Line Meeting
ECMC Springtime Gala
Buffalo Bills Stadium Groundbreaking Ceremony
Explore Buffalo Doors Open Committee Meeting
2025 World Canals Conference Industry Meeting
Shea's Buffalo President/CEO Search Committee Meeting
Meeting with Ambridge Regional Sales Director
VBN/Buffalo AKG Media Lunch
NYS African American History Commission Public Meeting
ECC Earn To Learn Kickoff
Erie County University Express Presentation - Tonawanda
Buffalo AKG Ribbon Cutting
City of Buffalo Smart Street Design Event
Canal NY Board Meeting
ESTO Conference Panel Call
Destinations International DMAP Board Meeting
VBN Industry Night – Naval Park
Korean Delegation Presentation
Military Reunion Network VBN Event
City of Buffalo / Seneca Gaming Corporation Meeting
VBN Executive Committee Meeting
Quarterly Meeting with County Executive
U.S. Travel Association Semi-Annual Travel Forecast Call

Visit Buffalo Niagara Board of Directors

Cindy Abbott-Letro, Law Offices of Francis A. Letro – Chair
 Kimberley A. Minkel, NFTA – Vice Chair
 Huseyin Taran, Buffalo Marriott HarborCenter – Treasurer
 Thomas Beauford, Buffalo Urban League - Secretary
 Mary F. Roberts, Martin House - Immed ate Past Chair
 Mark Alnutt, University of Buffalo Department of Athletics
 Melissa Brown, Buffalo History Museum
 Daniel Castle, Erie County Dept. of Environment & Planning
 Matt Chiazza, Relkart House
 Anthony J.W. Chase, Buffalo State University
 Dottie Gallagher, Buffalo Niagara Partnership
 Mark Glasgow, Erie County Legislature Majority Caucus Appointee
 Patrick Kaler, Visit Buffalo Niagara – President & CEO
 Thomas Long, The Westin Buffalo
 William Paladino, Ellicott Development, Inc.
 Steven Ranalli, Erie Canal Harbor Development Corporation
 David Schutte, Schutte Hospitality Group
 Don Spasiano, Trocenaire College
 Michelle Urbanczyk, Explore & More Children's Museum
 Gail Wells, Coppertown Blockclub & Buffalo Freedom Gardens



Visit Buffalo Niagara Staff

James Adler, Sports Sales Manager
 Jennifer Blalek, Executive Assistant to the CEO
 Jo Ann Blatner, Industry Relations Assistant
 Drew Brown, Marketing Manager
 Michele Butlak, Accounting & Benefits Manager
 Emma Carlo, National Sales Manager
 Karen Cox, Convention Sales & Services Manager
 Mike Even, Vice President of Sales & Services
 Karen Fashana, Director of Marketing
 Greg Gellinas, Director Sports Development
 Ed Healy, Vice President of Marketing
 Patrick Kaler, President & CEO
 Michelle Kearns, Communications Manager
 Shannon Jenkins, National Association Sales Director
 David Marzo, Chief Financial Officer
 Leah Mueller, Director of Tourism Sales
 Heather Nowakowski, Business Intelligence Manager
 Kathryn Scaduto, Marketing and Social Media Specialist
 Renata Toney, Vice President of Destination Experience
 Marisa Urbano, Administrative Sales Assistant
 Lauren Varigo, Sports Services Manager
 Meaghan Zimmer, National Sales Director

Buffalo Niagara Convention Center Staff

Julie Brooks, Controller
 Melissa Burke, Senior Director of Sales
 Jeff Calkins, Vice President & General Manager
 Lorna Cullen, Office Manager
 Patrick Kaler, President & CEO
 Sue Kimmins, Sales and Catering Manager
 Craig Landsadel, Executive Chef
 Mary Ann Martin, Bookkeeper & Benefits Manager
 Mark McMahon, Maintenance Supervisor
 Terry O'Brien, Director of Operations
 Heather Petinho, Sales & Service Coordinator
 Ken Sanford, Chief Engineer
 Christie Walker, Convention and Event Service Manager
 Cory Watson, Food and Beverage Manager
 Michael Will, Assistant Director of Operations
 Colleen Willis, Sales Manager
 Danielle Winiarski, Assistant General Manager
 Alisha Vega, Front Desk Receptionist



VISION:
 To be the most surprising
 destination you'll ever visit.

MISSION:
 Transforming our community by inspiring
 visitors and locals to discover Buffalo and
 Erie County.

Data Sources For This Report:

- Cervis Technologies
- Cision
- Google Analytics
- Key Data
- Madden Media
- Momentus Technologies (formerly Ungerboeck)
- Sales Force Marketing Cloud
- Simpleview
- STR (Smith Travel Research)
- Tourism Economics

BUFFALO NIAGARA CONVENTION CENTER			
Q2 Revenue	Goal	Actual	Variance
Rent Revenue	129,265	159,681	23.5%
F&B Revenue	747,300	923,521	23.6%
Electrical Service	26,045	17,457	-33.0%
Other Revenue	15,549	553	-96.4%
TOTAL REVENUE	918,159	1,101,212	19.9%
YTD Revenue	2023	2022	Variance
Rent Revenue	486,585	429,352	13.3%
F&B Revenue	1,459,726	1,090,617	33.8%
Electrical Service	79,763	63,466	25.7%
Other Revenue	108,952	1,673	6412.4%
TOTAL REVENUE	2,135,026	1,585,108	34.7%
Q2 YTD Events	2023	2022	Variance
Number of Events	55	42	31.0%
Attendance	142,435	118,865	19.8%
F&B Profit Margin	18.90%	14.54%	30.0%
Comments Q2			
F & B Sales exceeded projections, resulting in higher actual revenues vs budget. Attendance continues to show an increase over last year for nearly all events.			

Q2 Major Events Hosted		
Month	Event Name	Number of Attendees
April	Varsity Brands LLC dba Epic Brands - US Finals	2,765
April	Insurance Club of Buffalo - 2023 I-DAY Buffalo	1,260
April	Russell's Steakhouse - Russell Salvatore Celebration	900
April	Multiple District 20 Lions Clubs of New York and Bermuda	675
April	NEC/AAAE 2023 International Aviation Snow Symposium	546
May	Buffalo - Erie Marathon Association, Inc. - Runners Expo & Post Race Party	9,000
May	New York Association of FFA - 2023 Annual	2,221
May	Break the Floor Productions - JUMP Dance Convention	750
May	Buffalo Prep - Buffalo Prep Celebration	520
June	Dave & Adam's Card World - Nickel City Con	11,100
June	ECMC Foundation - Springfest Gala	1,832
June	Department of Human Resources - Police Department Exam	1,400
June	Lancaster High School Junior/Senior Prom	770
June	Serving the American Rinks - North American Conference & Expo	619



Buffalo Niagara Convention & Visitors Bureau, Inc.

FINANCIAL STATEMENTS

JUNE 30, 2023 AND 2022

UNAUDITED

Approved at the Board of Directors Meeting on Wednesday August 16, 2023

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

FINANCIAL STATEMENTS

FOR THE SIX MONTHS ENDED JUNE 30, 2023 AND 2022



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Statement of Total Expenses	Page 5 -6

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
BALANCE SHEET
JUNE 30, 2023 AND 2022

UNAUDITED

	2023	2022
<u>ASSETS</u>		
Current assets:		
Cash and cash equivalents	\$ 3,624,116	\$ 4,217,925
Accounts Receivable - Erie County	-	-
Accounts Receivable - Trade	55,546	7,475
Grants Receivable	80,000	75,000
Prepaid expenses and supplies	159,543	101,837
Total current assets	3,919,205	4,402,237
Property and equipment, net	47,638	40,409
Total assets	\$ 3,966,843	\$ 4,442,646
<u>LIABILITIES AND NET ASSETS</u>		
Current liabilities:		
Short-term borrowings	\$ -	\$ -
Accounts payable and accrued expenses	150,321	278,981
Accounts payable - Foundation	18,144	13,753
Deferred revenue - Other	72,700	44,534
Deferred revenue - Erie County Grant	1,933,220	1,869,931
SBA - EIDL Loan	142,056	146,087
Total current liabilities	2,316,441	2,353,286
Net assets	1,650,402	2,089,360
Total liabilities and net assets	\$ 3,966,843	\$ 4,442,646

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.
STATEMENT OF ACTIVITIES
FOR THE SIX MONTHS ENDED JUNE 30, 2023 AND 2022

	Actual 6 Month(s) 06/30/23	Budgeted 6 Month(s) 06/30/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 6 Month(s) 06/30/22
REVENUES	<u>\$ 2,233,793</u>	<u>\$ 2,155,282</u>	<u>\$ 78,511</u>	<u>3.64%</u>	<u>\$ 4,191,536</u>	<u>\$ 2,049,974</u>
MARKETING DEPARTMENT EXPENSES	\$ 841,134	\$ 778,383	\$ 62,751	8.06%	\$ 1,571,090	\$ 921,929
SALES & SERVICES DEPARTMENT EXPENSES	942,006	895,266	46,740	5.22%	1,796,905	756,451
DESTINATION DEVELOPMENT	149,550	150,605	(1,055)	-0.70%	292,780	118,422
ADMINISTRATIVE & FINANCE EXPENSES	527,070	480,743	46,327	9.64%	930,761	491,185
TOTAL EXPENSES	<u>\$ 2,459,760</u>	<u>\$ 2,304,997</u>	<u>\$ 154,763</u>	<u>6.71%</u>	<u>\$ 4,591,536</u>	<u>\$ 2,287,987</u>
INCREASE (DECREASE) IN NET ASSETS	\$ (225,967)	\$ (149,715)	\$ (76,252)		\$ (400,000)	\$ (238,013)
NET ASSETS - BEGINNING	1,876,369	1,876,369	-		1,876,369	2,327,373
NET ASSETS - ENDING	<u>\$ 1,650,402</u>	<u>\$ 1,726,654</u>	<u>\$ (76,252)</u>	<u>-4.42%</u>	<u>\$ 1,476,369</u>	<u>\$ 2,089,360</u>

• BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

TOTAL REVENUES

FOR THE SIX MONTHS ENDED JUNE 30, 2023 AND 2022

	Actual 6 Month(s) 06/30/23	Budgeted 6 Month(s) 06/30/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 6 Month(s) 06/30/22
Erie County Grant	\$ 1,926,030	\$ 1,926,030	\$ -	0.00%	\$ 3,852,057	\$ 1,869,930
BNCC Management Fee Allocation	-	-	-	-	-	-
Erie County - Theatre/ARP Act Grant	33,000	-	33,000	-	-	-
Advertising Sales	151,580	150,000	1,580	1.05%	150,000	115,907
Assessments - Convention	8,710	10,000	(1,290)	-12.90%	15,000	-
NYS Matching Funds Program	47,532	47,000	532	1.13%	47,000	48,897
Joint/Co-Op - Marketing	18,500	3,750	14,750	393.33%	7,500	6,069
Joint/Co-Op - Sales	21,038	17,000	4,038	23.75%	35,000	5,482
Joint/Co-Op - Destination Development	1,605	-	1,605	-	5,000	750
Grant Revenues	20,000	-	20,000	-	75,000	272
Interest Income	5,700	252	5,448	2161.90%	500	232
Miscellaneous Income	98	1,250	(1,152)	-92.16%	4,479	2,435
Merchandising Revenues - Conventions	-	-	-	-	-	-
Total Revenues	\$ 2,233,793	\$ 2,155,282	\$ 78,511	3.64%	\$ 4,191,536	\$ 2,049,974

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

TOTAL EXPENSES

FOR THE SIX MONTHS ENDED JUNE 30, 2023 AND 2022

	Actual 6 Month(s) 06/30/23	Budgeted 6 Month(s) 06/30/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 6 Month(s) 06/30/22
<u>Personnel Costs:</u>						
Salaries	\$ 953,992	\$ 914,620	\$ 39,372	4.30%	\$ 1,833,729	\$ 847,069
Payroll Taxes & Fringe Benefits	167,942	176,178	(8,236)	-4.67%	353,291	149,291
Training	28,423	21,250	7,173	33.76%	45,500	11,588
Total Personnel Costs	\$ 1,150,357	\$ 1,112,048	\$ 38,309	33.39%	\$ 2,232,520	\$ 1,007,948
<u>Sales & Marketing Expenditures:</u>						
Advertising	\$ 231,577	\$ 235,776	\$ (4,199)	-1.78%	\$ 605,000	\$ 420,234
Convention Commitments	74,000	84,000	(10,000)	-11.90%	150,000	64,100
Visitor Guide	150,762	152,500	(1,738)	-1.14%	160,000	97,746
Tradeshows	102,912	80,550	22,362	27.76%	148,000	80,400
Printing	5,947	7,000	(1,053)	-15.04%	29,500	1,138
Postage	1,560	1,471	89	6.05%	3,001	1,318
Sales Bids & Promotions	68,893	66,050	2,843	4.30%	130,000	38,717
Convention Sales & Services	7,981	9,777	(1,796)	-18.37%	35,050	14,985
Travel & Meetings	13,208	15,853	(2,645)	-16.68%	39,000	14,542
Receptions	18,158	22,500	(4,342)	-19.30%	47,500	1,806
Research	89,341	76,450	12,891	16.86%	160,000	109,443
Website Development/Hosting	51,922	50,748	1,174	2.31%	101,500	59,321
Familiarization Tours	63,154	57,665	5,489	9.52%	100,000	7,635
Professional Fees & Public/Media Relations	43,000	21,000	22,000	104.76%	42,000	20,050
Freelance/Graphic Artist	18,952	19,370	(418)	-2.16%	40,000	15,958
Regional Marketing	8,031	8,040	(9)	-0.11%	8,040	8,167
Promotional Items	6,152	14,653	(8,501)	-58.02%	24,500	4,217
Destination Development	49,824	49,287	537	1.09%	82,950	47,051
Film/Video/Photo Productions	37,215	6,000	31,215	520.25%	45,000	75,110

BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.

TOTAL EXPENSES

FOR THE SIX MONTHS ENDED JUNE 30, 2023 AND 2022

	Actual 6 Month(s) 06/30/23	Budgeted 6 Month(s) 06/30/23	\$ Variance Over (Under)	% Variance Over (Under)	Annual Budget 2023	Actual 6 Month(s) 06/30/22
Photography	3,400	4,890	(1,490)	-30.47%	22,500	10,202
Social Networking/Wing Trail	3,104	3,045	59	1.94%	6,500	2,473
Total Sales & Marketing Expenditures	\$ 1,049,093	\$ 986,625	\$ 62,468	6.33%	\$ 1,980,041	\$ 1,094,613
Technology & Equipment	29,455	22,875	6,580	28.77%	45,000	1,903
Departmental Administrative Expenses	230,855	183,449	47,406	25.84%	333,975	183,523
Total Expenses	\$ 2,459,760	\$ 2,304,997	\$ 154,763	6.71%	\$ 4,591,536	\$ 2,287,987

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-10	EC AGRICULTURE & FARMLAND PROTECTION BOARD	EC Southwest Agricultural District #8 Eight- Year Review
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Attachments

23COMM. 16M-10



COUNTY OF ERIE
AGRICULTURE AND FARMLAND PROTECTION BOARD

BRETT KREHER, CHAIRPERSON

BRYANT ZILKE, VICE-CHAIRPERSON

August 30, 2023

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

RE: Erie County Southwest Agricultural District #8 Eight-Year Review

Dear Legislator Baskin:

The Erie County Agricultural and Farmland Protection Board (AFPB) is pleased to transmit the attached 2023 report regarding modification of Southwest Agricultural District #8 pursuant to Agriculture and Markets Law. The AFPB respectfully requests that the Erie County Legislature review and vote on the proposed modifications.

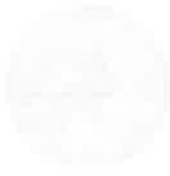
Should you have any questions, please feel free to contact me at 759-6802 or by e-mail at brett@krehereggs.net.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brett Kreher".

Brett Kreher
Chairperson, Erie County Agriculture and Farmland Protection Board

cc: Sarah Gatti, Erie County Department of Environment and Planning



COUNTY OF SAN DIEGO

San Diego County Board of Supervisors

San Diego County Board of Supervisors

San Diego County Board of Supervisors

San Diego County Board of Supervisors

San Diego County Board of Supervisors

San Diego County Board of Supervisors

San Diego County Board of Supervisors

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San Diego County Board of Supervisors

San Diego County Board of Supervisors



ERIE COUNTY AGRICULTURAL DISTRICTS EIGHT-YEAR REVIEW & DISTRICT CONSOLIDATION REPORT

2023 REPORT

FROM: ERIE COUNTY AGRICULTURAL & FARMLAND PROTECTION BOARD
TO: ERIE COUNTY LEGISLATURE
PURSUANT TO: SECTION 303-A OF NYS AGRICULTURE AND MARKETS LAW

OVERVIEW

The Southwest Agricultural District #8 (hereinafter referred to as “the District”) contains properties in the Towns of Boston, Brant, Collins, Eden, Evans, Hamburg, North Collins, Orchard Park, and the Village of North Collins. The District was consolidated from four existing agricultural districts in 2016. This is the first eight-year review since consolidation:

DISTRICT DESCRIPTION

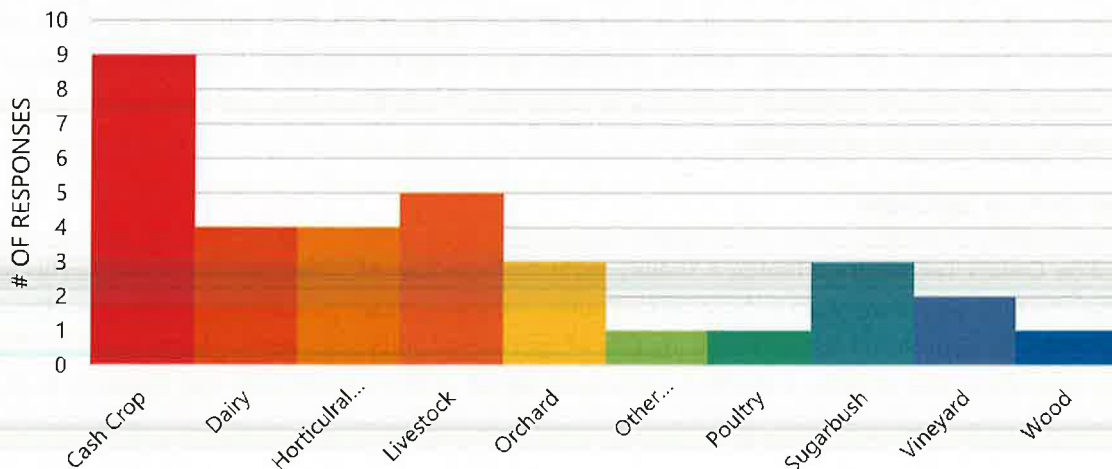
The present District contains approximately 74,173.41 acres in seven towns and one village as detailed above.

In the spring of 2023, a notice of the eight-year review was mailed to all property owners with land enrolled in the District. The mailing also contained an agricultural district review worksheet and directed landowners to visit the Erie County website to add or remove land from the District. Of the 3,288 sent out, 118 (5%) were returned.

NATURE AND STATUS OF FARMING AND FARM RESOURCES

Of the approximately 74,173.41 acres in the District, 3,805.27 were reported as owned and 4,503 were reported as rented. Cropped acreage was reported as 4,407.7.

The agricultural district review worksheet results show a variety of farming enterprises within the District, illustrated below.



A majority of the District is in the rural policy area of Erie County as defined by the *Framework for Regional Growth*. These areas experience limited development pressure. A portion of the District is in a developing policy area. These areas include both recently developed and sparsely settled areas experiencing development pressure and increasing demand for the extension of public sewer and water. A small amount of land in the District is in a developed policy area. These areas include contiguous blocks of urban and suburban development served with public sewer and water. Erie County sewer services land in the District within the Towns of Hamburg, Orchard Park, Boston, and Eden.

Soil classifications in the District are predominantly prime, prime if drained, or of statewide importance.

EXTENT TO WHICH COUNTY AND LOCAL COMPREHENSIVE PLANS, POLICIES, AND OBJECTIVES ARE CONSISTENT WITH AND SUPPORT THE DISTRICT

Framework for Regional Growth

The *Framework for Regional Growth* is Erie County's adopted land use plan. The *Framework* classifies municipalities in the District as follows:

- Town and Village of North Collins, Town of Collins – Rural
- Town of Boston, Town of Orchard Park, Town of Brant – Rural and Developing
- Town of Hamburg – Developed and Developing
- Town of Evans – Developed, Developing, and Rural

The *Framework* seeks to minimize water and sewer infrastructure extensions into the developing and rural areas of the county and aims to halt the conversion of agricultural lands. These goals are in accordance with the goals and intent of the State Agricultural Districts Program.

Agricultural and Farmland Protection Plan

Erie County's Agricultural and Farmland Protection Plan (AFPP) was approved by the Erie County Legislature and adopted in March 2013. It recognizes the importance of agricultural land within Erie County as a preferred land use, due to its importance to resource conservation, the preservation of open space, and the economic contributions to Erie County.

The Erie County Agricultural and Farmland Protection Plan creates innovative strategies to guide the County to identify and protect agricultural land with development pressure, support new farms and attract new farmers to Erie County, identify strategies to increase the financial viability of agriculture in the County, connect rural and urban farmers with consumers and new markets, and increase accessibility of healthy, local food for consumers.

Right-To-Farm Legislation

The Erie County Legislature adopted a County Right to Farm Law effective January 1, 2001. This law recognizes the importance of agriculture in Erie County and alerts prospective buyers of property adjacent to or within an agricultural district to the impacts of agricultural practices (specifically odors, noise, dust, etc.). The County law requires a disclosure notice be signed at the time of sale. The Towns of Boston,

Brant, Collins, Eden, Evans, Hamburg, North Collins, and Orchard Park have enacted right-to-farm laws, recognizing agriculture as an important part of their economy.

Local Comprehensive Plans

The District includes lands in the Towns of Boston, Brant, Collins, Eden, Evans, Hamburg, North Collins, Orchard Park, and the Village of North Collins.

The comprehensive plans for the above-mentioned towns all exhibit language that is supportive of the Erie County Agricultural and Farmland Protection Plan. Common themes and objectives between the comprehensive plans, as well as the Agriculture and Farmland Protection Plan, include items such as the preservation of agricultural land and open space, future growth areas being located away from established agricultural operations, and the stated understanding that much of the land in these towns is prime agricultural soil and should remain in agricultural use.

EXTENT TO WHICH THE DISTRICTS HAVE ACHIEVED THEIR ORIGINAL OBJECTIVES

The District has fulfilled its intended goal, and in conjunction with the other Agricultural Districts within Erie County, formed the foundation for the County's future actions towards agricultural protection and enhancement.

DEGREE OF COORDINATION BETWEEN LOCAL LAWS, ORDINANCES, RULES, AND REGULATIONS

All Towns containing lands in the District currently enforce a zoning ordinance or law.

In the Town of Boston, lands fall predominantly within the Residential-Agricultural zoning district, which is designed to accommodate primarily agricultural and rural residential uses.

In the Town of Brant, lands fall predominantly within the Agricultural zoning district, which is designed to accommodate primarily agricultural and rural residential uses.

In the Town of Collins, lands fall predominantly within the Residential-Agricultural zoning district, which is designed to accommodate primarily agricultural and rural residential uses.

In the Town of Eden, lands fall predominantly within the Agriculture Priority and Rural Residential zoning districts, which are designed to accommodate primarily agricultural and rural residential uses. A small portion of the District is within the Neighborhood Residential zoning district, which is serviced by public water and sewer and are designed to support a higher density of development.

In the Town of Evans, lands fall predominantly within the Agriculture and Agricultural Residential zoning districts, which are designed to accommodate primarily agricultural and rural residential uses.

In the Town of Hamburg, lands fall predominantly within the Residential-Agricultural zoning district, which is designed to accommodate primarily agricultural and rural residential uses.

In the Town of North Collins, lands fall predominantly within the Residential-Agricultural zoning district, which are designed to accommodate primarily agricultural and rural residential uses.

In the Town of Orchard Park, lands fall predominantly within the Agricultural 1 and Residential 2 zoning districts. The former is designed to accommodate primarily agricultural uses. The latter is intended to accommodate one-family dwellings and permit farms.

In the Village of North Collins, lands fall predominantly within the One-Family Residence zoning district, which is designed to accommodate primarily residential uses but does allow for other agricultural uses.

DISTRICT MODIFICATIONS AND AFPB RECOMMENDATIONS

During the public comment period, the AFPB received four agricultural district modification requests. The AFPB considered these requests and based their recommendations upon Agricultural District Law, which states that parcels included in agricultural districts must be “land highly suitable for agricultural production” and which continue to be feasible for farming if conditions remain the same.

Each parcel requested for inclusion was analyzed in detail by the AFPB. Erie County staff identified soil types and suitability for agriculture, type of operation, whether the parcel is owned-operated or rented, farm-related income, surrounding land use, eligibility for agricultural assessment, consistency with zoning, local and regional planning documents, proximity to agricultural districts, and eligibility for inclusion pursuant to Article 25AA of Agriculture & Markets Law. This data is provided in the matrix included as attachment 5.

For requests denied, a brief explanation will follow the table on the next page.

App #	1	2	3*	4
Remove/Retain	Remove	Remove	Retain	Remove
Owner Name	Timothy Conmy	Andrew Ruszczyk	Angelo DiBlasi	Carmen & Deanna Polito
SBL	268.00-1-41.2	182.00-4-42.2	332.00-2-25;332.00-2-26; 332.00-2-15.11; 332.00-2-15.12	182.10-4-16
Address	10187 Brant Angola Road	0 Pleasant Avenue	0 New Road; 0 New Road; 0 New Road; 13442 New Road	5409 Sycamore Lane
Town	Brant	Hamburg	Collins	Hamburg

* Mr. DiBlasi submitted three parcels for removal. Per the Erie County Department of Real Property Tax Services submitted parcel 332.00-2-15.133 does not exist in the County’s records. The County is working with the Town of Collins to correct this error and assign an accurate SBL to the land. In the interim, the modification form has been amended to reflect the accurate SBLs of the property as indicated above.

Regarding the DiBlasi parcels (application #3) in the Town of Collins, the Board **does not recommend removal** from the Agricultural District. The decision was based upon Agricultural District Law, which states that parcels to be included in agricultural districts must be “viable agricultural land.” As the land is adjacent to a Cluster of Parcels with High Agricultural Soils Values, as identified in the *Erie County*

Agriculture and Farmland Protection Plan, it is the view of the Board that the parcels consist of viable agricultural land. Furthermore, the removal of such land from the District is contrary to the goals stated in the Erie County Agriculture and Farmland Protection Plan.

A public hearing on the Agricultural District modifications is scheduled for November 1 at 2:00PM at the Chambers of the Erie County Legislature.

LIST OF ATTACHMENTS

1. Application #1 (application, map, photo)
2. Application #2 (application, map, photo)
3. Application #3 (application, map, photo)
4. Application #4 (application, map, photo)
5. Application Matrix
6. Agricultural District Review Worksheet Results
7. Framework for Regional Growth – Planning Policy Areas Map
8. Erie County Agricultural Districts Map
9. 30-Day Review Notice
10. Short Environmental Assessment Form Part 1

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ATTACHMENT 1

Application #1 (application, map, photo)

APPENDIX 1

(Application #1 (Application #2))

Agricultural District Modification Form: Submission #1

www3.erie.gov/agriculture/admin/structure/webform/manage/agricultural_district_modificati/submission/2381/table

Do you own property in the Southwest Agricultural District?	Yes
Are you adding or removing property from the Southwest Agricultural District?	Yes
Owner Name	Timothy Conmy
Phone	7162178108
Mailing Address	10187 Angola Brant Road Angola, New York. 14006
Email	conmybills@gmail.com
Renter Name	
Renter Phone	
Renter Address	
Renter Email	
SBL	SBL (Tax Parcel ID): 268.000-1-41.200 Street Address: 10187 Brant Angola Rd. Town: Brant Acres: 1 Agricultural Assessment (Y/N): y Add or Remove from District?: remove
Total Number of Acres Owned	1
Total Number of Acres Farmed/Cropped	0
Total Number of Acres Rented	0
On your last tax return, did you have over \$1,000 in agriculture-related income?	No

Describe the business that is operated on the parcel(s) proposed for removal or inclusion.

Principal Enterprise

Terry R. Long

Property Owner Signature



ATTACHMENT 2

Application #2 (application, map, photo)

ATTACHMENT

(Application for Registration of a Trademark)

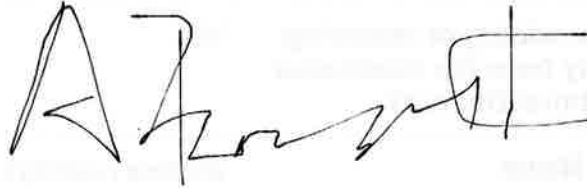
Agricultural District Modification Form: Submission #2

www3.erie.gov/agriculture/admin/structure/webform/manage/agricultural_district_modificati/submission/2636/table

Do you own property in the Southwest Agricultural District?	Yes
Are you adding or removing property from the Southwest Agricultural District?	Yes
Owner Name	andrew ruszczyk
Phone	(716)860-2552
Mailing Address	3148 Pleasant Ave hamburg, New York. 14075
Email	andyru53@yahoo.com
Renter Name	
Renter Phone	
Renter Address	
Renter Email	
SBL	SBL (Tax Parcel ID): 144889 182.00-4-42.2 Street Address: 3148 Pleasant Ave Town: Hamburg Acres: 2 Agricultural Assessment (Y/N): N Add or Remove from District?: Remove
Total Number of Acres Owned	2
Total Number of Acres Farmed/Cropped	0
Total Number of Acres Rented	0
On your last tax return, did you have over \$1,000 in agriculture-related income?	No

Describe the business that is operated on the parcel(s) proposed for removal or inclusion. None, would like to be removed.

Principal Enterprise

A handwritten signature in black ink, appearing to read 'A. J. [unclear]', written over a faint grid background.

Property Owner Signature



ATTACHMENT 3

Application #3 (application, map, photo)

ATTACHMENT 2

Application of (application, comp, photo)

Agricultural District Modification Form: Submission #3

www3.erie.gov/agriculture/admin/structure/webform/manage/agricultural_district_modificati/submission/2421/table

Do you own property in the Southwest Agricultural District? Yes

Are you adding or removing property from the Southwest Agricultural District? Yes

Owner Name Angelo DiBlasi

Phone 17162616789

Mailing Address 12830A Albee Rd Lawtons NY 14091-9759
Lawtons, New York. 14091

Email adiblas5@outlook.com

Renter Name Dan Zynda

Renter Phone 7169833864

Renter Address 13341 Ottenbecker Rd
Lawtons, New York. 14091

Renter Email

- **SBL (Tax Parcel ID):** 332.00-2-15.133
Street Address: New Rd
Town: Collins
Acres: 53.50
Agricultural Assessment (Y/N): n
Add or Remove from District?: remove
- **SBL (Tax Parcel ID):** 332.00-2-15.11
Street Address: New Rd
Town: Collins
Acres: 46.00
Agricultural Assessment (Y/N): n
Add or Remove from District?: remove
- **SBL (Tax Parcel ID):** 332.00-2-15.12
Street Address: 13442 New Rd
Town: Collins
Acres: 12.00
Agricultural Assessment (Y/N): n
Add or Remove from District?: remove

SBL

Total Number of Acres Owned	466.62
Total Number of Acres Farmed/Cropped	20
Total Number of Acres Rented	156
On your last tax return, did you have over \$1,000 in agriculture-related income?	Yes
Describe the business that is operated on the parcel(s) proposed for removal or inclusion.	
Principal Enterprise	Orchard

Angel J. Blasi

Property Owner Signature

RE: Scanned document from HP ePrint user

Angelo DiBlasi <adiblas5@outlook.com>

Fri 7/28/2023 7:43 AM

To:Gatti, Sarah <Sarah.Gatti@erie.gov>

[Caution: this email is **not** from an Erie County employee: attachments or links **may not be safe.**]

Thank you Sarah... **that will work fine...** if I can help with any more info please let me know... or phone 716/261-6789

Sent from Mail for Windows

From: Gatti, Sarah

Sent: Thursday, July 27, 2023 12:51 PM

To: Angelo DiBlasi

Subject: Re: Scanned document from HP ePrint user

Good afternoon,

Erie County does not have a record of SBL 332.00-2-15.133. At some point, there was an administrative error resulting in the SBL being created at the Town level, but not at the County level. It appears that SBLs 332.00-2-26 and 332.00-2-25 are what should have been merged to create the parcel ending 15.133. The SBL will be updated at some point but not in time for the agricultural district review.

What I can do is use SBL ending 2-26 and 2-25 on your agricultural district modification form. This would result in the property being removed as requested. I can modify the form if you agree.

Attached is map put together by Erie County Real Property. It shows the properties you own and the boundary of 332.00-2-15.133 provided by the Town. As noted, that parcel does not exist in our system.

If you approve, please respond to this email and I'll go ahead and make the changes.

Thank you,
Sarah

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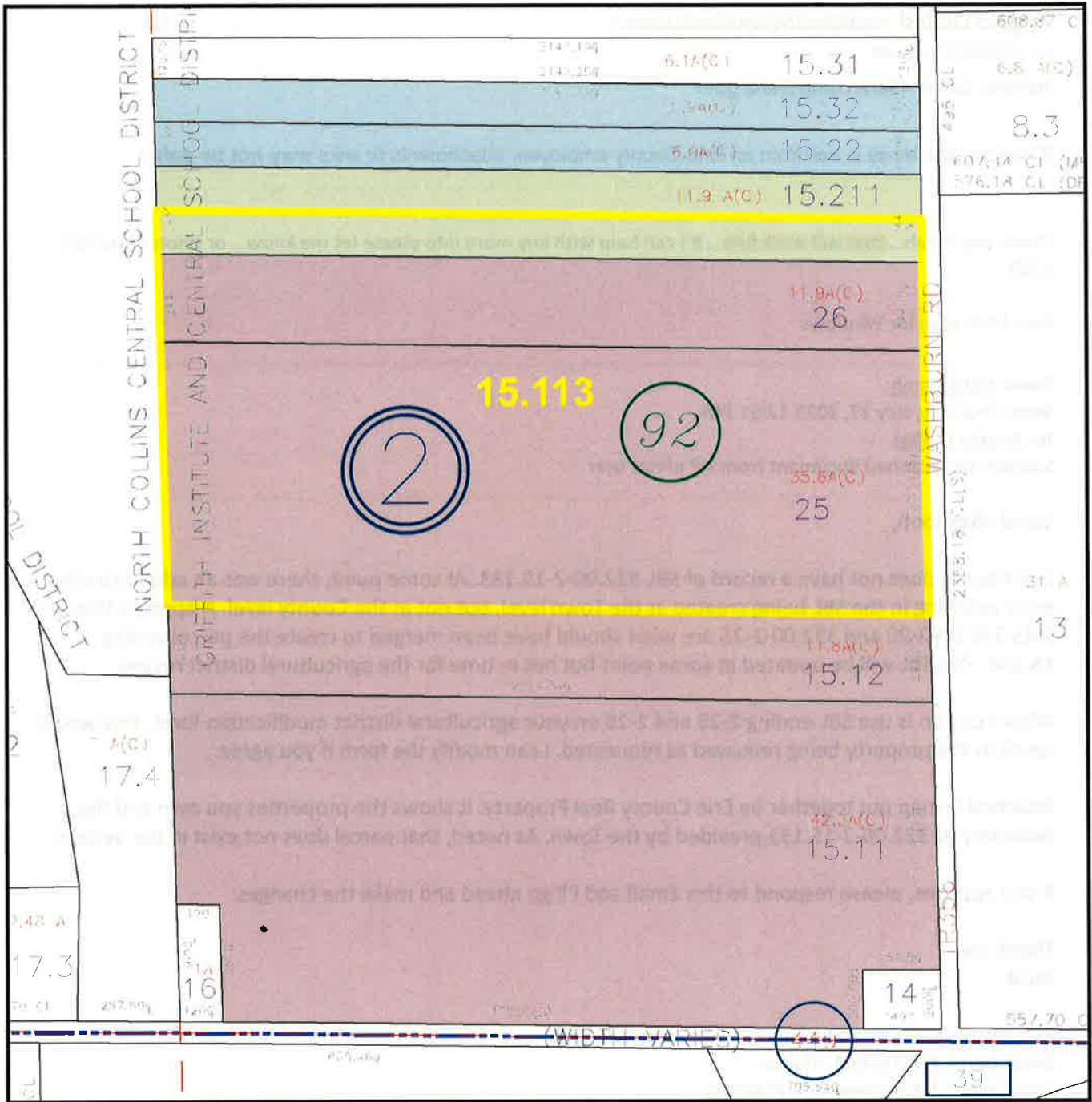
Sarah Gatti | Principal Planner
Erie County | Environment & Planning
95 Franklin St., 1008 | Buffalo, NY 14202
P:+1(716)858-6014 | F:+1(716)858-7248
Sarah.Gatti@erie.gov | <http://www.erie.gov>

Town of Collins

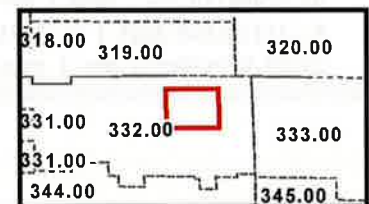
SBLs: 332.00-2-15.11, 332.00-2-15.12, 332.00-2-25, 332.00-2-26

Legal Description: T6 R7 L92, Section 332.00, Block 2

1" = 400'



SBL	Owner	Liber	Page	Deed Date
332.00-2-15.32	CAMMARATA MICHAEL A	10892	5237	10/16/1995
332.00-2-15.22	CAMMARATA MICHAEL A	10892	5237	10/16/1995
332.00-2-15.21	MCGEE AARON S/DENISE M	11058	7389	10/7/2003
332.00-2-26	DIBLASI ANGELO V	10963	4307	2/18/2000
332.00-2-25	DIBLASI ANGELO V	8601	59	12/23/1977
332.00-2-15.12	DIBLASI ANGELO V	11078	9455	7/6/2004
332.00-2-15.11	DIBLASI ANGELO V	8601	59	12/23/1977



Tax Map Section



ATTACHMENT 4

Application #4 (application, map, photo)

ATTORNEY'S

Application for Registration

Agricultural District Modification Form: Submission #4

www3.erie.gov/agriculture/admin/structure/webform/manage/agricultural_district_modificati/submission/2826/table

Submission navigation links for Agricultural District Modification Form

[◀ Previous submission](#)

Do you own property in the Southwest Agricultural District? Yes

Are you adding or removing property from the Southwest Agricultural District? Yes

Owner Name Carmen & Deanna Polito

Phone 17162086528

Mailing Address 5409 Sycamore Ln
Hamburg, New York. 14075-3687

Email politoc@ctt.com

Renter Name

Renter Phone

Renter Address

Renter Email

SBL (Tax Parcel ID): 182.10-4-16
Street Address: 5409 Sycamore Ln
Town: Hamburg
Acres: 4.46
Agricultural Assessment (Y/N): no
Add or Remove from District?: yes

SBL

Total Number of Acres Owned 4.46

Total Number of Acres Farmed/Cropped 0

Total Number of Acres Rented 0

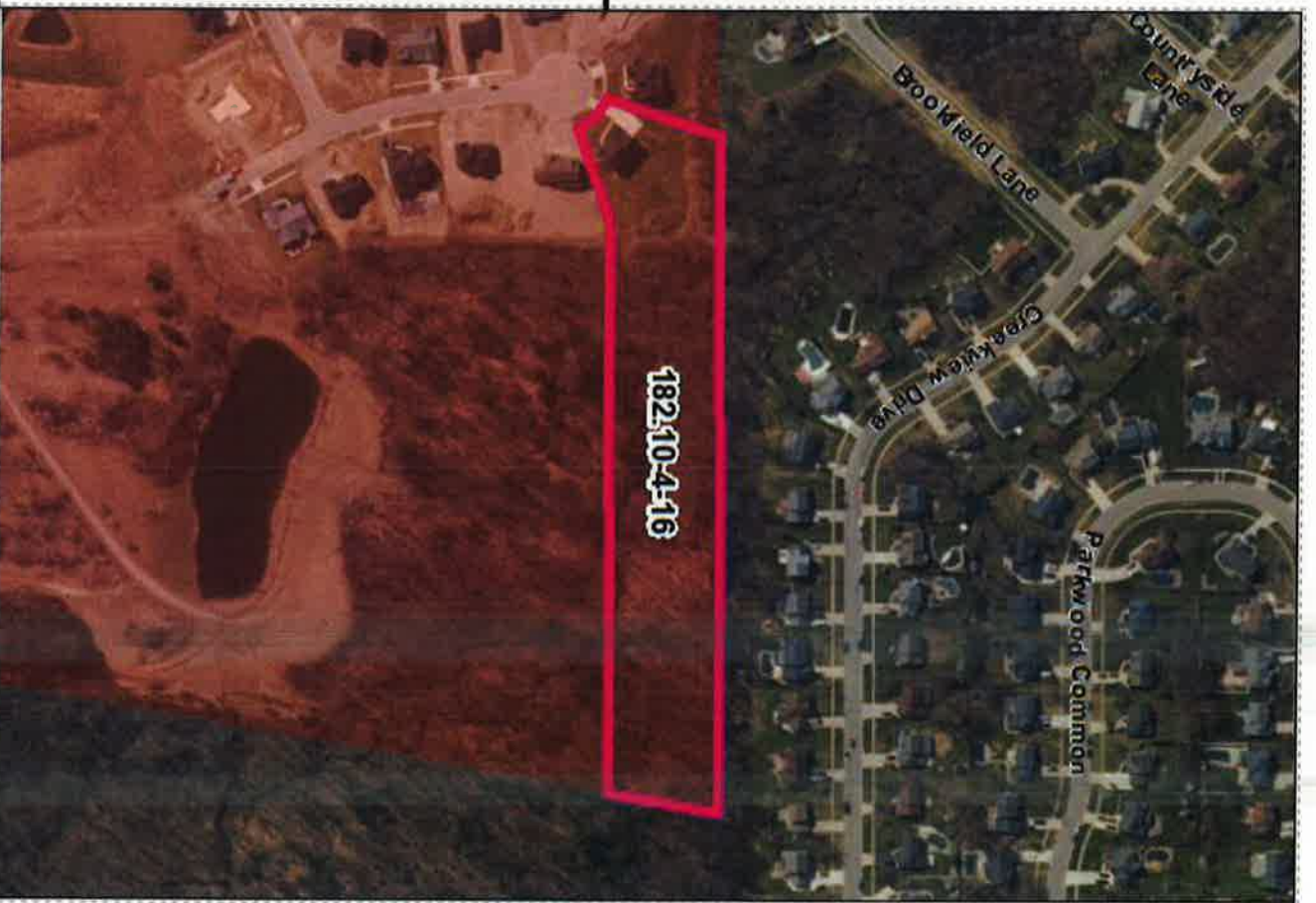
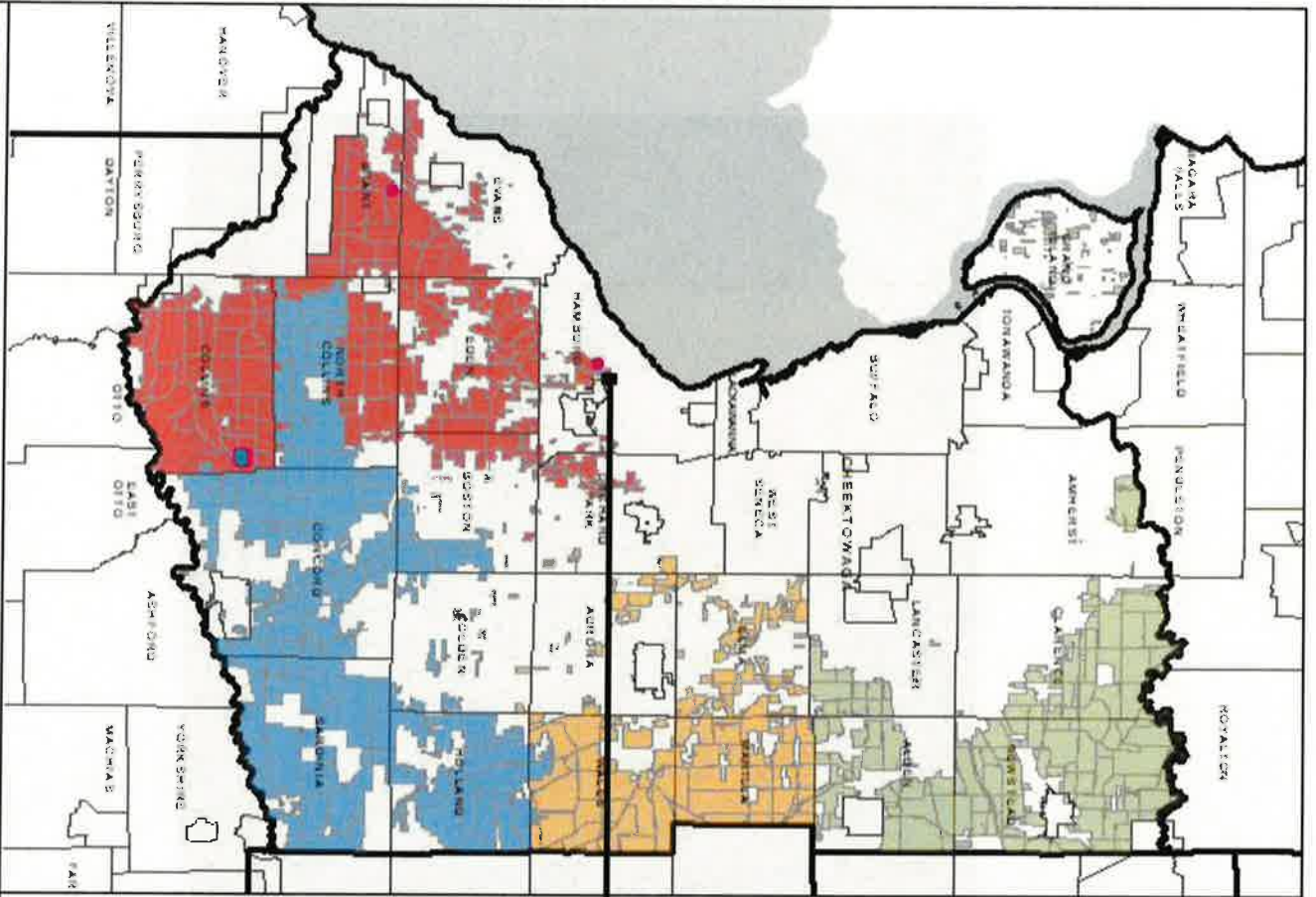
On your last tax return, did you have over \$1,000 in agriculture-related income? No

Describe the business that is operated on the parcel(s) proposed for removal or inclusion.

Principal Enterprise



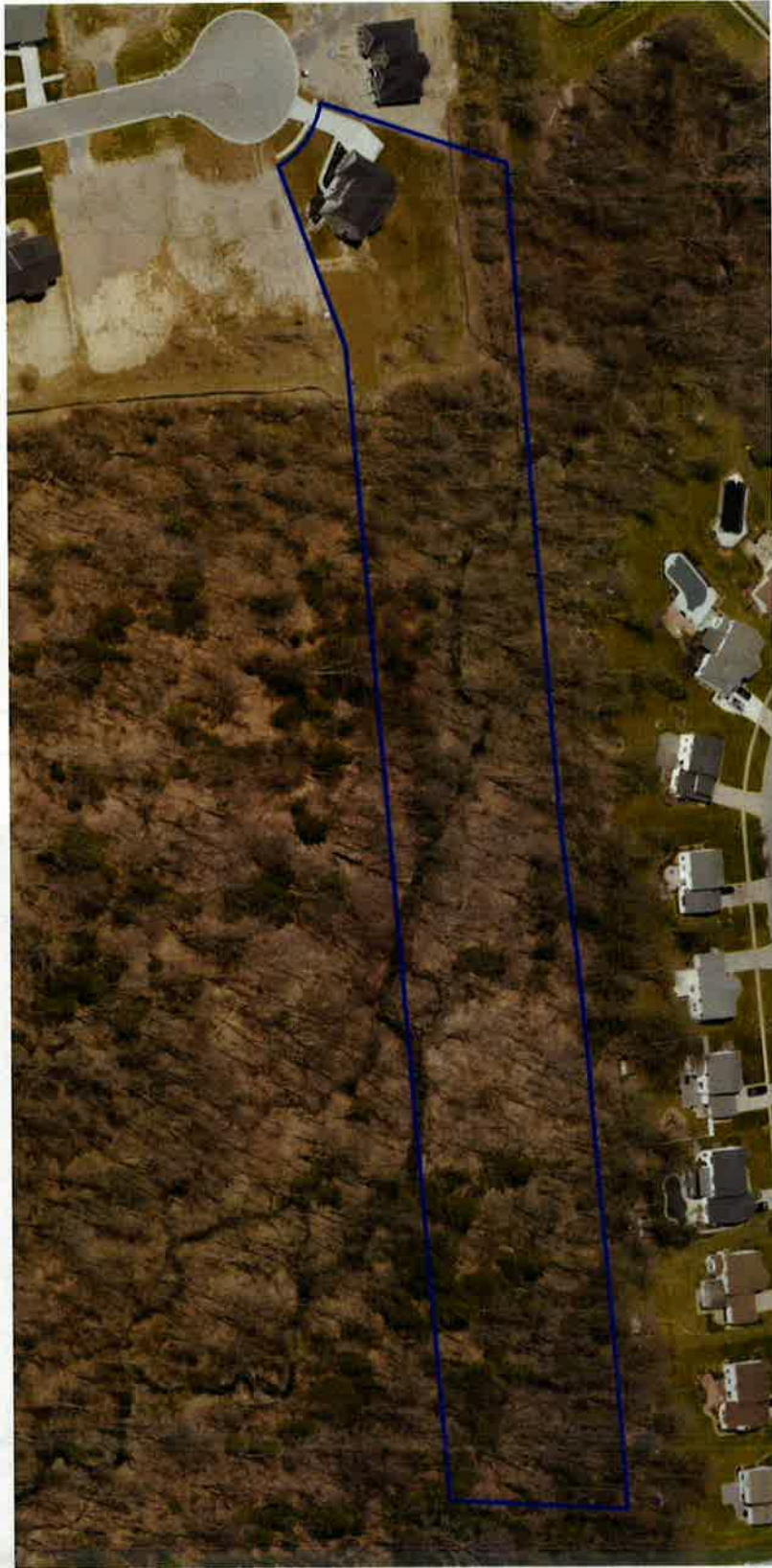
Property Owner Signature



**APPLICATION 4: CARMEN & DEANNA POLITO
TOWN OF HAMBURG**

AGRICULTURAL DISTRICTS: 30-3-A MODIFICATION REQUESTS

MAP PROVIDED BY: TOWN OF HAMBURG, COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING, 2021-2024



ATTACHMENT 5

Application Matrix

ATTACHMENT E
Application Manual

App #	1	2	3	4
Add/Remove	Remove	Remove	Remove	Remove
Owner Name	Timothy Conmy	Andrew Ruszczyk	Angelo DiBlasi	Carmen & Deanna Polito
Renter Name				
SBL	268.00-1-41.2	182.00-4-42.2	332.00-2-25;332.00-2-26; 332.00-2-15.11; 332.00-2-15.12	182.10-4-16
Address	10187 Brant Angola Road	0 Pleasant Avenue	0 New Road; 0 New Road; 0 New Road; 13442 New Road	5409 Sycamore Lane
Town	Brant	Hamburg	Collins	Hamburg
Ag. Exemption	Yes	No	No	No
> 1K in Agriculture-Related Income on Last Tax Return	No	No	Yes	No
Acres	1	2	35.6; 11.9; 46; 12	4.46
Type of Operation	N/A	N/A	N/A	N/A
NYS Soil Suitability	Fair	Fair	Fair; Very Poor	Fair
Surrounding Land Use	Rural Residential; Agricultural	Rural Residential; Agricultural; Forestland	Rural Residential; Agricultural; Forestland	Residential
Zoning District	Agriculture	Residential Agricultural	Residential Agricultural	Single-Family Residence, Attached
Zoning on Agriculture	Farms, related farming activities, greenhouses, and nurseries allowed as permitted principal uses. Roadside stands permitted as accessory uses.	Agricultural, floricultural, and horticultural uses allowed are principal uses. Farm breweries allowed by special use permit.	Agriculture, floriculture, horticulture, forest farming, and riding stables are permitted principal uses.	Farming not permitted
Comprehensive Plan	Promote a strong collaborative regional approach to future development; Coordinate future efforts to maintain the Town's character and viability as part of a larger agricultural region; Review and modify policies to protect and enhance agriculturally productive land; Encourage new development to where infrastructure already exists to protect prime agricultural soils; Support the agriculture industry as an important part of the Brant economy; Future Land Use Plan identifies most of the town as agricultural residential.	Act to promote and preserve viable agricultural uses and lands in the Town to support farming and other agricultural pursuits as a part of the local economy.	Stabilize a strengthen the local farming community by supporting land use regulations which protect agriculture, such as the Agricultural District program.	Act to promote and preserve viable agricultural uses and lands in the Town to support farming and other agricultural pursuits as a part of the local economy.
Framework for Regional Growth	Rural Area: Discourage the conversion of rural and agricultural lands	Developing Area: Align policies and investments to encourage the conversion of agricultural and rural lands; Channel growth to areas with existing sewer and water service; Support local planning that designates areas appropriate for development and conversion and avoid "leap frog" patterns of development; Minimize conversion of designated rural and agricultural lands	Rural Area: Discourage the conversion of rural and agricultural lands	Developed Area: Agriculture is not mentioned; support local policy and planning provisions that channel growth to areas with existing sewer and water service
EC AFPP	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.	Keep land in agricultural production by protecting farmland, helping a new generation to form, and improving the viability of all farm in the County; Support the state-certified agricultural district with right-to-farm provisions.

ATTACHMENT 6

Agricultural District Review Worksheet Results

ATTACHMENT 2

Administrative Review Request

#1 – North Consolidated

Total surveys received: 115 | Surveys received, agricultural use=58

Acres in Pasture	149	Acres Owned	3,805.27
Acres Cropped	4,407.7	Acres Rented	4,503

Acreage – 8,308.27

Number of Active Agricultural Operations by Principal Enterprise

Dairy	4	Horticultural Specialties	4	Sugarbush	3
Cash Crop (including grains and vegetables)	9	Orchard	3	Vineyard	2
Livestock	5	Wood	1		
Poultry	1	Other (Unspecified)	1		

Number of Operations According to Gross Sales and Agricultural Investments

	<u>Gross Sales</u>	<u>Agricultural Investments</u>	
\$10,000 or less	8	4	
\$10,000 to \$49,999	4	7	
\$50,000 to \$99,999	3	4	
\$100,000 to \$199,999	2	1	
\$200,000 - \$499,000	1	4	(← over \$200,000)
Over \$500,000	3	---	

Crops in Acres

Hay/alfalfa	2,575	Nursery/Horticultural Specialties	216.7
Corn	5,132	Forested	449
Grains	3,080	Other (Unspecified)	300.5
Fruit/Vegetables	259.5		

Livestock (#)

Cows	225	Hogs	13	Other	12
Beef	30	Horses	31	Other	98

Products:

milk	0
sf greenhouses	12,385
maple syrup	331

The results of this survey are limited to the responses received by the Department of Environment and Planning

DATE: 01/15/2013
 TIME: 10:00 AM
 BY: J. SMITH

NO.	DESCRIPTION	AMOUNT	DATE	STATUS
1	STATE TAX	100.00	01/15/2013	PAID
2	FEDERAL TAX	50.00	01/15/2013	PAID
3	PROPERTY TAX	200.00	01/15/2013	PAID
4	SALES TAX	75.00	01/15/2013	PAID
5	INCOME TAX	150.00	01/15/2013	PAID

NO.	DESCRIPTION	AMOUNT	DATE	STATUS
6	STATE TAX	100.00	01/15/2013	PAID
7	FEDERAL TAX	50.00	01/15/2013	PAID
8	PROPERTY TAX	200.00	01/15/2013	PAID
9	SALES TAX	75.00	01/15/2013	PAID
10	INCOME TAX	150.00	01/15/2013	PAID

NO.	DESCRIPTION	AMOUNT	DATE	STATUS
11	STATE TAX	100.00	01/15/2013	PAID
12	FEDERAL TAX	50.00	01/15/2013	PAID
13	PROPERTY TAX	200.00	01/15/2013	PAID
14	SALES TAX	75.00	01/15/2013	PAID
15	INCOME TAX	150.00	01/15/2013	PAID

ATTACHMENT 7

Framework for Regional Growth – Planning Policy Areas Map

ATTACHMENT 3

Framework for Regional Growth - Planning Policy Action Plan

Planning Policy Areas

Developed Areas

The region's Developed Areas extend outward from cores of Buffalo, Niagara Falls and Lockport and include developed lands served by public sewer, water, and transportation infrastructure.

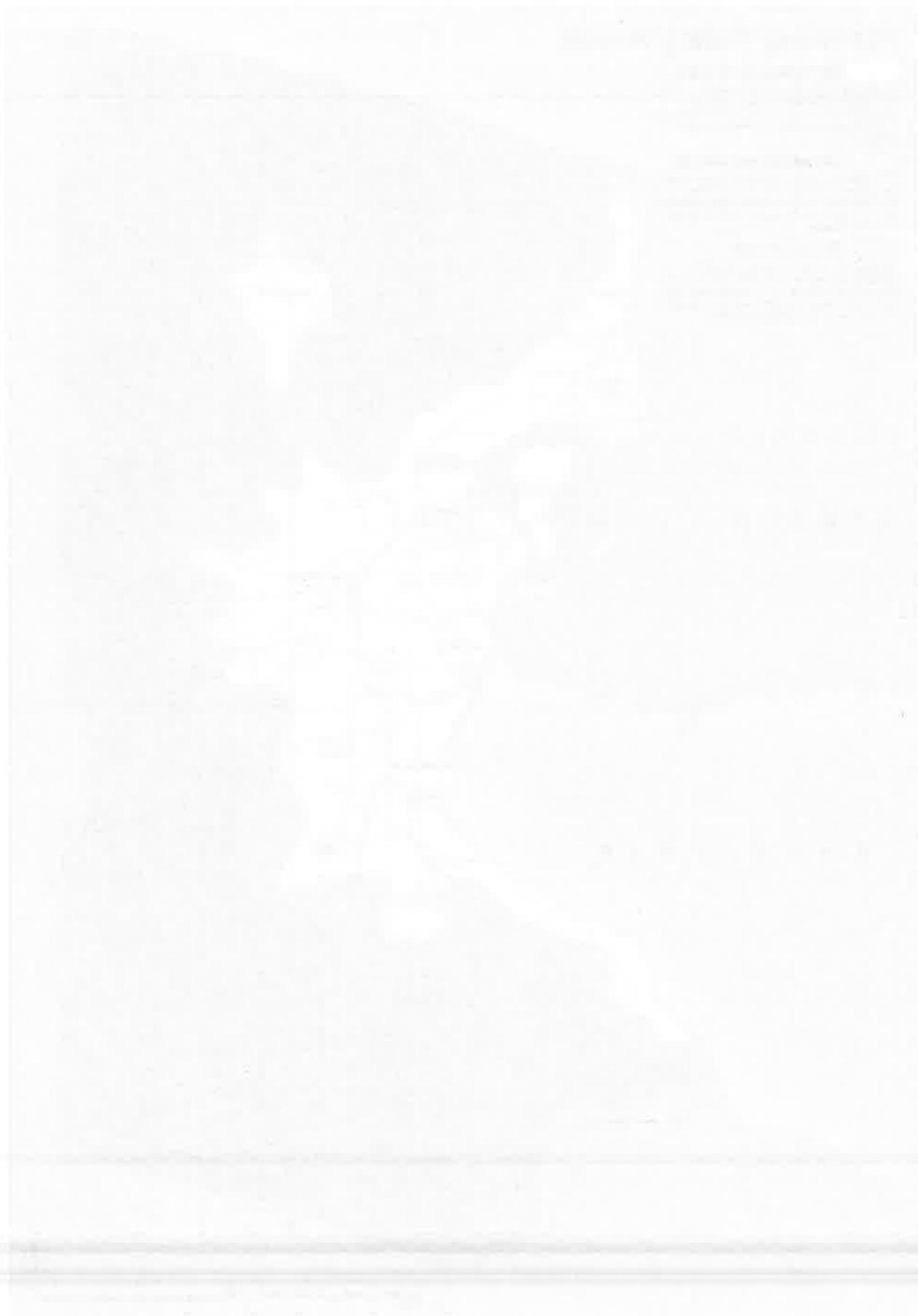
Developing Areas

The region's Developing Areas include rural and sparsely settled areas experiencing development pressure and demand for extensions of public sewer, water, and transportation infrastructure.

Rural Areas

The region's Rural Areas are the least intensely developed and include large tracts of forest and farm lands. In these areas, commercial services are clustered in incorporated villages and unincorporated townships.



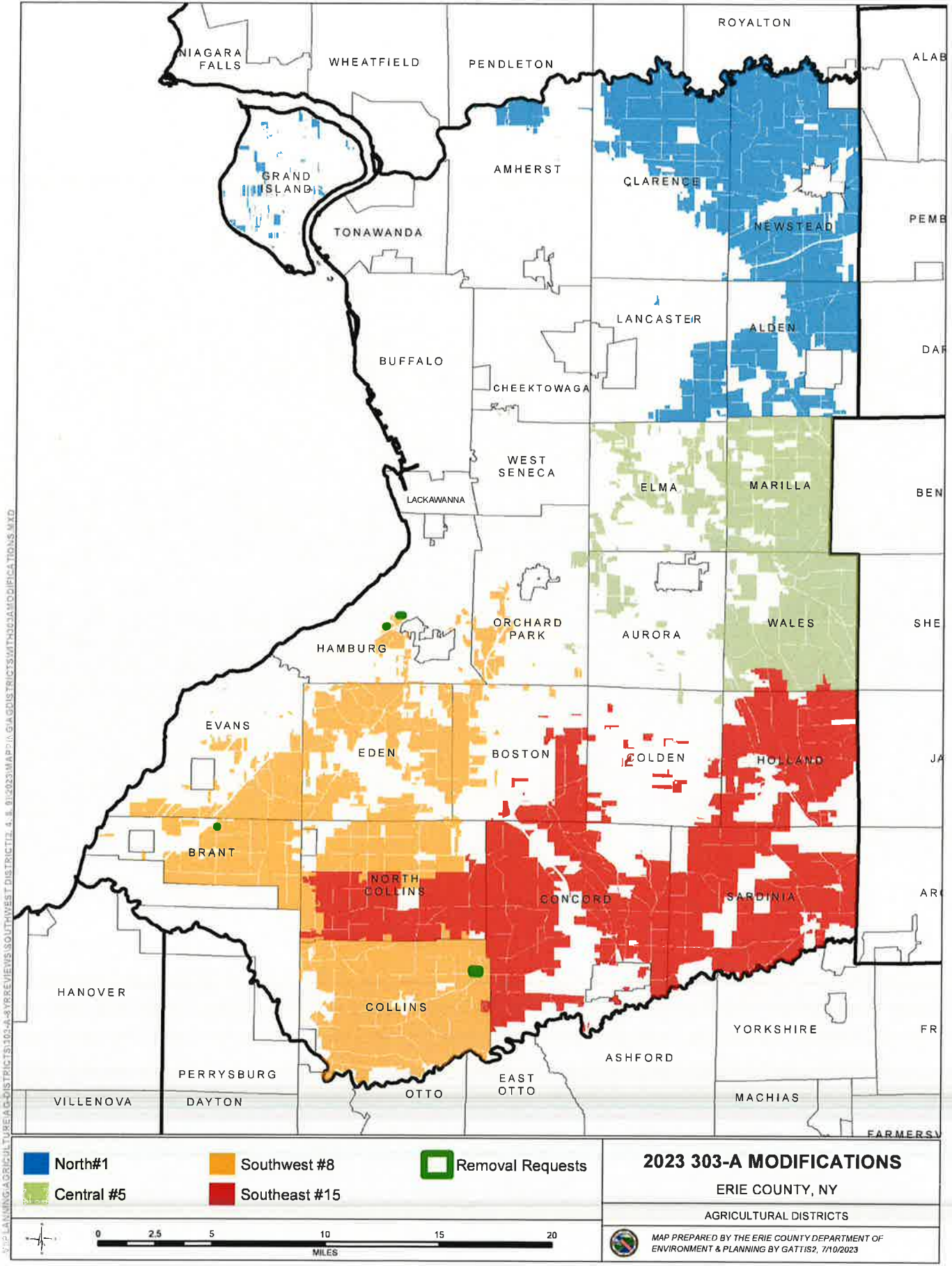


ATTACHMENT 8

Erie County Agricultural Districts Map

ATTACHMENT 1

(The County Agricultural District Map)



V:\PLANNING\AGRICULTURE\A-G-DISTRICTS\2023\303-A\303-A-2023\MAPS\A-G-DISTRICTS\WITH303A-MODIFICATIONS.MXD

2023 303-A MODIFICATIONS ERIE COUNTY, NY AGRICULTURAL DISTRICTS	
MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 7/10/2023	



Legend: [Symbol] [Symbol] [Symbol] [Symbol]

ATTACHMENT 9
30-Day Review Notice

ATTACHMENT B
30-Day Review Notice

PUBLIC NOTICE

30-DAY PERIOD FOR PUBLIC REVIEW OF SOUTHWEST AGRICULTURAL DISTRICT #8

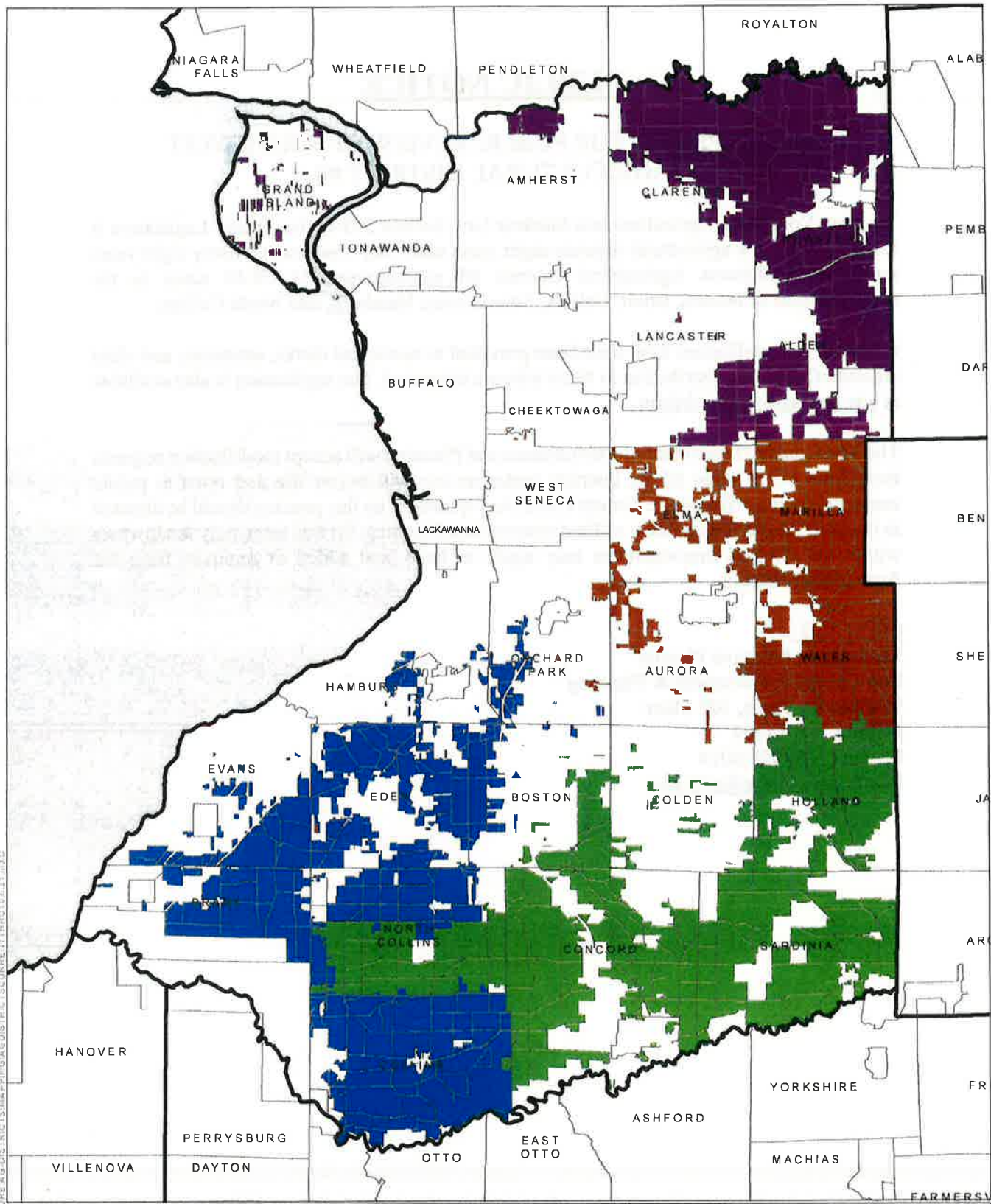
Per New York State Agriculture and Markets Law Section 303-a, the County Legislature is required to review agricultural districts eight years after their creation and every eight years thereafter. Southwest Agricultural District #8 encompasses 74,173.40 acres in the municipalities of Boston, Brant, Collins, Eden, Evans, Hamburg, and North Collins.

Copies of the application form have been provided to municipal clerks, assessors, and chief elected officials for distribution to those who are interested. The application is also available at erie.gov/agdistrictwebform.

The Erie County Department of Environment and Planning will accept modification requests from June 1-30. Maps of the districts under review will be on file and open to public inspection in the office of the County Clerk. Any questions on this process should be directed to the Erie County Department of Environment and Planning. At this time, only landowners within the affected municipalities may apply to have land added or removed from the Agricultural District.

CONTACT:

Sarah Gatti, Principal Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202
Phone: (716) 858-6014
Email: agriculture@erie.gov



- Central #5
- Southeast #15
- North #1
- Southwest #8

AGRICULTURAL DISTRICTS

ERIE COUNTY, NY

CURRENT THROUGH MAY 2023

MAP PREPARED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT & PLANNING BY GATTIS2, 5/15/2023



ATTACHMENT 10

Short Environmental Assessment Form Part 1

ATTACHMENT 10

Statewide Assessment Report Part 1



STATE ENVIRONMENTAL QUALITY REVIEW
SHORT ENVIRONMENTAL ASSESSMENT FORM
FOR AGRICULTURAL DISTRICTS

UNLISTED ACTIONS ONLY

Please indicate lead agency status by checking the appropriate box below:

[X] The proposed action is within the scope of a cooperative agreement between the undersigned County Legislative Body ("CLB") and the Department of Agriculture and Markets ("Department")...

[] The proposed action is not within the scope of a cooperative agreement between an applicable CLB and the Department. The agency that will serve as Lead Agency is the undersigned CLB...

Part 1 - Project and Sponsor Information

1. The proposed action is located in the County of Erie and the Town(s) of Towns of Boston, Brant, Collins, Eden, Evans, Hamburg, North Collins, Orchard Park, and the Village of North Collins.

2. The agency responsible for preparing this Short Environmental Assessment Form and determining environmental significance is the CLB of Erie County.

3. The name, address, and e-mail address for the Clerk of the above named CLB is: Robert Graber, robert.graber@erie.gov, 92 Franklin Street, Buffalo NY 14202

4. Does the proposed action only involve the modification, consolidation or termination of a county-adopted, State-certified agricultural district by the CLB pursuant to Agriculture and Markets Law (AML) §§303-a, 303-b or 303-c? [X] Yes [] No

If Yes, attach a narrative description (including a location map) of the intent of the proposed action and the environmental resources that may be affected in the County. If No, this form should not be used to evaluate the potential environmental impacts of the proposed action.

5. Is this an action proposed to modify an existing agricultural district? [X] Yes [] No

If Yes, total number of acres comprising the agricultural district as it exists prior to modification: 74,173.41 acres.



STATE DEPARTMENT OF TRANSPORTATION
ALABAMA DEPARTMENT OF TRANSPORTATION
1000 UNIVERSITY BLVD, SUITE 1000
MONTGOMERY, ALABAMA 36102

UNLIMITED AIRWAYS

UNLIMITED AIRWAYS is a program of the Alabama Department of Transportation.

The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation. The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation.

The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation. The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation.

UNLIMITED AIRWAYS - 1 YEAR

1. The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation.

2. The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation.

3. The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation.

4. The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation.

5. The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation.

6. The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation.

7. The program is designed to provide a safe and efficient airway system for the state of Alabama. It is a program of the Alabama Department of Transportation.

Short Environmental Assessment Form
New York State Department of Agriculture and Markets

6. If this proposed action involves a modification, will such modification result in a change in the size of the agricultural district? Yes No
- If yes, how many acres are involved in the change? 64.86 acres
 - Does this represent an increase or a decrease?

7. Check all present land uses that occur on, adjoining, and near the proposed action?

Residential Industrial Commercial Agriculture Park/Forest/Open Space Other

If Other, please describe: _____

8. Information on Coastal Resources. Is the action located within, or have a significant effect on:

- A Coastal Area, or the waterfront area of a Designated Inland Waterway? Yes No
- A Coastal Erosion Hazard Area? Yes No
- A community with an approved Local Waterfront Revitalization Program? Yes No

If Yes, please identify the affected community or communities: Brant, Evans, Hamburg

9. Information on Local Agricultural and Farmland Protection Plans

- Is the action compatible with the County's Agricultural & Farmland Protection Plan? Yes No

If Yes, date of Plan approval: 10/24/12

If Yes, please cite the applicable language: Page 3: Support the state-certified agricultural district program

10. Comments from Municipalities within the County

- Did the CLB receive any comments from municipalities about the addition or removal of land from the agricultural district? Yes No

If Yes, please briefly summarize the comments: _____

11. Attach any additional information as may be needed to clarify the proposed action.

I AFFIRM AND CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE
BEST OF MY KNOWLEDGE

Name of Person Authorized to Sign: Daniel Castle, AICP

Date: 8/25/23

Signature: 

Title: Commissioner, Erie County Env. and Planning

PART 1 – Project and Sponsor Information, Question 4 Narrative

INTENT

The intent of this action is to recertify and modify existing Agricultural Districts in Erie County, NY pursuant to New York State Agriculture and Markets Law Section 303-a.

DESCRIPTION OF ACTION

The Southwest Agricultural District No. 8 has been reviewed. A total of 64.86 acres will be removed from the agricultural district, decreasing the district size from 74,173.41 to 74,108.55 acres.

ENVIRONMENTAL RESOURCES

- *Land Use Plan or Zoning Regulations:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding land use plans and/or zoning regulations.
- *Intensity of Use of Land:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding the type and/or intensity of land use.
- *Community Character:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding community character.
- *Critical Environmental Areas:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding Critical Environmental Areas.
- *Energy:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding energy use.
- *Water and Wastewater Supplies:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding public and private water and/or wastewater supplies.
- *Historic, Archaeological, Architectural, or Aesthetic Resources:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding historic, archaeological, architectural, or aesthetic resources.
- *Natural Resources:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding natural resources.
- *Erosion, Flooding, or Drainage:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding erosion, flooding, or drainage.
- *Environmental Resources and Human Health:* The minor modification to the existing agricultural districts will not result in a significant adverse impact regarding environmental resources and/or human health.

**Short Environmental Assessment Form
New York State Department of Agriculture and Markets**

Part 2: Impact Assessment

Part 2 is to be completed by the County Legislative Body ("CLB") as Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted to the CLB for the proposed modification, consolidation or termination of a county-adopted, State-certified agricultural district or otherwise available to the reviewer.

In providing responses to each of the questions, the reviewer should keep in mind that the action proposed is the modification, consolidation or termination of an agricultural district(s) The action is not the land use or activity which will, or may, take place in the district(s). For example, it is not appropriate to consider the effects of management actions that may be taken by individual operators in conducting farming. Agricultural farm management practices, including construction, maintenance and repair of farm buildings, and land use changes consistent with generally accepted principles of farming are listed as Type II actions in 6 NYCRR §617.5(c)(3), and these actions have been determined not to have a significant impact on the environment.

	None to small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and fail to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Short Environmental Assessment Form
New York State Department of Agriculture and Markets

Part 3: Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur," or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

COMMUNITY DEVELOPMENT SERVICES OF THE
CITY OF LOS ANGELES

MEMORANDUM TO THE COMMUNITY DEVELOPMENT SERVICES BOARD

RE: [Illegible text]

DATE: [Illegible text]

TO: [Illegible text]

FROM: [Illegible text]

SUBJECT: [Illegible text]

[Illegible text]	[Illegible text]
[Illegible text]	[Illegible text]
[Illegible text]	[Illegible text]
[Illegible text]	[Illegible text]
[Illegible text]	[Illegible text]

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-11	NYS DEC	DEC Invites Public Comment About Proposal to Address Contamination at Brownfield Site on Military Rd., Tonawanda
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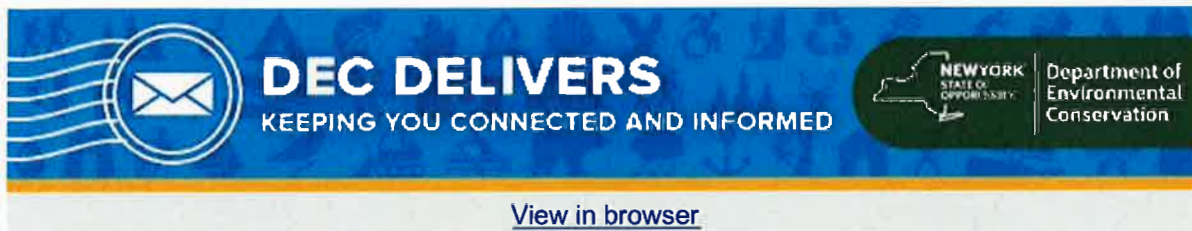
Attachments

23COMM. 16M-11

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, August 16, 2023 1:32 PM
To: Graber, Robert
Subject: Bisonite Paint, Co. Site (Tonawanda) - DEC Invites Public Comment About Proposed Site Cleanup

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



DEC Invites Public Comment About Proposal to Address Contamination at Brownfield Site on Military Rd., Tonawanda

This link opens a fact sheet that invites the public to comment on a proposed remedy to address contamination related to the **Bisonite Paint, Co. site #C915010 (Tonawanda, Erie County)** within New York's Brownfield Cleanup Program:

<https://www.dec.ny.gov/data/der/factsheet/c915010cuprop.pdf>

DEC is accepting public comments about the proposal through October 1, 2023. Please see fact sheet for details about the proposal and how to comment.

The fact sheet is in PDF format. You can save, open, and read the fact sheet by using Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can go to the following web page on the DEC web site to download the program: <https://www.dec.ny.gov/about/590.html>

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the contaminated site identified above, please use the contact information provided in the fact sheet.

The [New York State Department of Environmental Conservation](#) respects your right to [privacy](#) and welcomes your [feedback](#) | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)

Connect with DEC:

Basil Seggos, Commissioner



**Department of
Environmental
Conservation**

Where to Find Information

Access project documents through the DECinfo Locator and at these location(s):

<https://www.dec.ny.gov/data/DecDocs/C915010/>

Tonawanda Library

333 Main Street
Tonawanda, NY 14150
(716) 693-5043

Who to Contact

Comments and questions are welcome and should be directed as follows:

Project-Related Questions

Michael Keller, E.I.T.
Project Manager
NYSDEC
700 Delaware Avenue
(716) 851-7220
michael.keller@dec.ny.gov

Project-Related Health Questions

Shaun Surani
Public Health Specialist
NYSDOH
(518) 402-7860
beej@health.ny.gov

For more information about New York's Brownfield Cleanup Program, visit:

www.dec.ny.gov/chemical/8450.html

FACT SHEET

Brownfield Cleanup Program

Bisonite Paint, Co.
2266 & 2268 Military Road
Tonawanda, New York
Erie County

August 2023

SITE No. C915010

NYSDEC REGION 9

**Remedy Proposed for Brownfield Site Contamination;
Public Comment Period Announced**

The public is invited to comment on a proposed remedy being reviewed by the New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of Health (NYSDOH), to address contamination related to the former Bisonite Paint Company site ("site") located at 2266 & 2268 Military Road, Tonawanda, New York, Erie County. Please see the map for the site location.

Based on the findings of the investigation, NYSDEC in consultation with the New York State Department of Health (NYSDOH) has determined that the site does not pose a significant threat to public health or the environment.

How to Comment: NYSDEC is accepting written comments about the proposed plan, called a "Draft Remedial Action Work Plan (RAWP)" for 45 days, from **August 16 through October 1, 2023.**

- Access the RAWP and other project documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915010/>.
- Documents also are available at the location(s) identified at left under "Where to Find Information."
- Please submit comments to the NYSDEC project manager listed under Project-Related Questions in the "Who to Contact" area at left.

Draft Remedial Work Plan: The proposed Restricted-Commercial Use remedy consists of:

- Excavation and off-site disposal of contaminated soil of surficial soils exceeding commercial soil cleanup objectives for semi-volatile organic compounds (SVOCs) in the northern portion of the site;
- Excavation and off-site disposal of contaminated soil from an approximately 7,000 square-foot area in the eastern portion of the site;
- Importing clean material that meets the established Soil Cleanup Objectives (SCOs) for use as backfill;
- Placement of a cover system, including a demarcation layer over areas without hardscape (e.g. buildings, asphalt or concrete) to address contamination remaining above commercial use SCOs;
- Collecting and analyzing post-remedial soil and groundwater samples to evaluate the effectiveness of the remedy;

BROWNFIELD CLEANUP PROGRAM

- Implementing a Health and Safety Plan and Community Air Monitoring Plan during all ground intrusive activities;
- Implementation of a Site Management Plan (SMP) for long term maintenance of the remedial systems; and
- Recording of an Environmental Easement to ensure proper use of the site and maintain compliance with the SMP.

The proposed remedy was developed by Tonawanda Storage Properties LLC and AMC Northfield CR3 LLC ("applicants") after performing a detailed investigation of the site under New York's Brownfield Cleanup Program (BCP). The RI/AAR describes the results of the site investigation and details the proposed remedy.

Next Steps: NYSDEC will consider public comments, revise the cleanup plan as necessary, and issue a final Decision Document. NYSDOH must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The applicants may then design and perform the cleanup action to address the site contamination, with oversight by NYSDEC and NYSDOH.

NYSDEC will keep the public informed throughout the investigation and cleanup of the site.

Site Description: The 0.81-acre site is located on the west side of Military Road, approximately 0.25 of a mile north of the intersection of Military Road and Interstate 290. The properties surrounding the site includes 84 Lumber to the north, a railroad corridor to the west, and a commercial storage space facility south of the Site. East of Military Road the land use includes retail shops, commercial properties, and residential properties.

The site is currently actively used as a commercial storage property with approximately 8,843 sq. ft. of building space that formerly was the location of the Bisonite Paint Company. The former Bisonite Paint Company building is currently used as storage space by multiple tenants for the storage of equipment, materials, products, etc.

The owner plans to rent the space for storage, light industrial

uses, and office use after implementation of the remedy.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915010) at:

<https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

Summary of the Investigation: The primary contaminants of concern at the site are volatile organic compounds (VOCs), SVOCs, polychlorinated biphenyls (PCBs) and metals which are present in soil, groundwater, or soil vapor/indoor air. Impacts are primarily located in the area of the former paint waste lagoon and associated trench, along the northern site boundary, and below the on-site portion of the existing building.

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit:

<https://www.dec.ny.gov/chemical/8450.html>

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Stay Informed With DEC Delivers

Sign up to receive site updates by email:

www.dec.ny.gov/chemical/61092.html

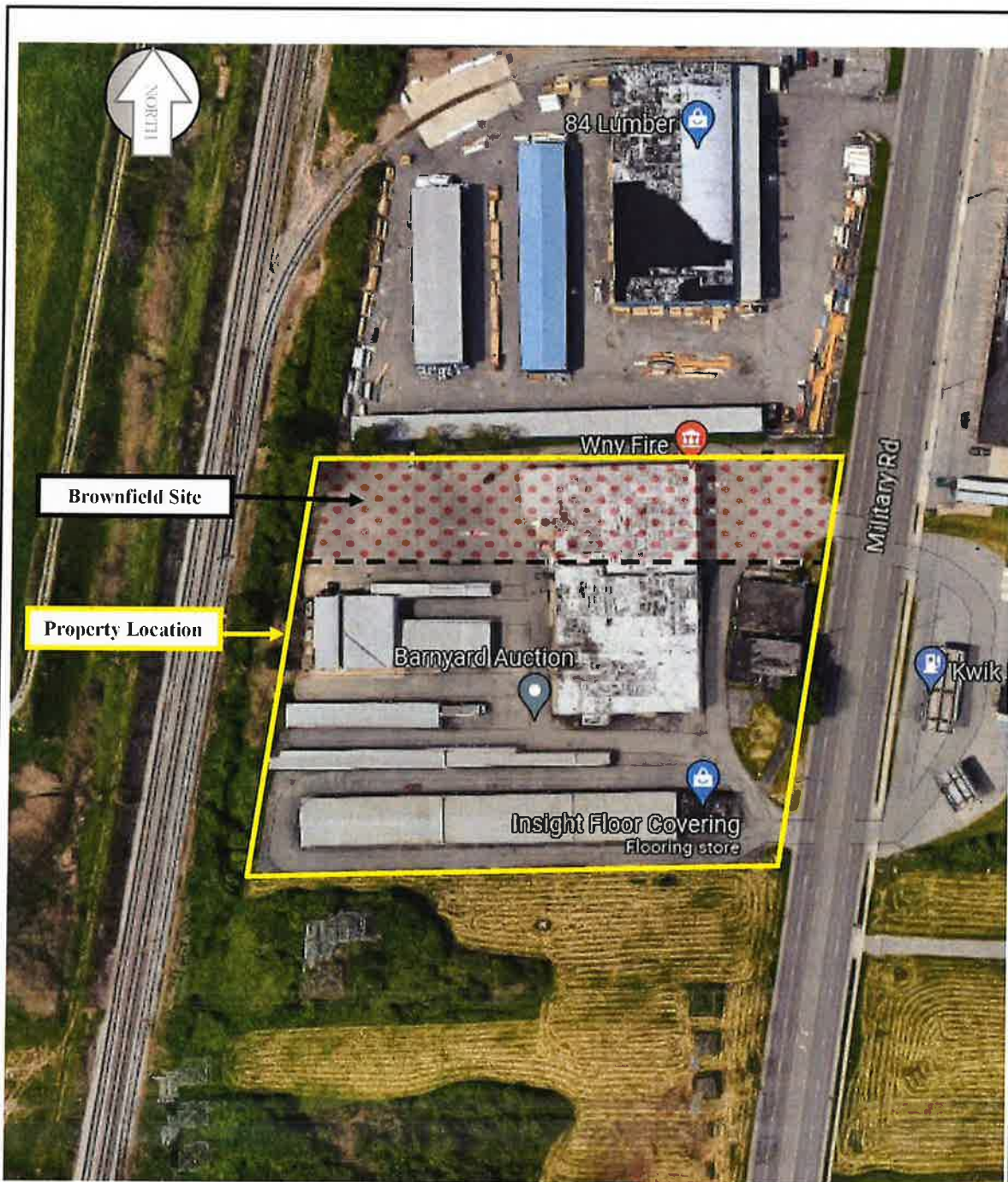
Note: Please disregard if you already have signed up and received this fact sheet electronically.

DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <https://www.dec.ny.gov/pubs/109457.html>

BROWNFIELD CLEANUP PROGRAM

Site Location



Title Site Plan 2266 and 2268 Military Road Tonawanda, New York		Project 1077.003	Drawn SF	Figure
Prepared For Tonawanda Storage Properties, LLC 1400 Crossroads Building 2 State Street, Rochester, New York		Date 8/14/2023 Scale Not to Scale	Checked BWA File Name Site Map	<h1 style="text-align: center;">2</h1>

Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-12	NYS DEC	DEC Announces Cleanup of Contamination - Will Begin at Brownfield Site on Lake Ave., Lancaster
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Attachments

23COMM. 16M-12

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, August 30, 2023 2:31 PM
To: Graber, Robert
Subject: Lakeside Village Apartments Site (Lancaster) - Cleanup of Site Contamination to Begin

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]



[View in browser](#)

DEC Announces Cleanup of Contamination Will Begin at Brownfield Site on Lake Ave., Lancaster

This link opens a fact sheet about upcoming cleanup action to address contamination related to the **Lakeside Village Apartments site #C915344 (Lancaster, Erie County)** within New York's Brownfield Cleanup Program:

<https://www.dec.ny.gov/data/der/factsheet/c915344cubegins.pdf>

The fact sheet is in PDF format. You can save, open, and read the fact sheet by using Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can go to the following web page on the DEC web site to download the program: <https://www.dec.ny.gov/about/590.html>

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the contaminated site identified above, please use the contact information provided in the fact sheet.

The [New York State Department of Environmental Conservation](#) respects your right to [privacy](#) and welcomes your [feedback](#) | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)

Connect with DEC: [f](#) [t](#) [in](#) [v](#) [@](#) [+](#) SHARE

Basil Seggos, Commissioner

This email was sent to robert.graber@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation - 625 Broadway - Albany, NY 12233 - (518) 402-8013



August 2023

Where to Find Information

Access project documents through the DECinfo Locator and at these location(s): <https://www.dec.ny.gov/data/DecDocs/C915344/>

Lancaster Library
5466 Broadway
Lancaster, NY 14086
716-683-1120

Who to Contact

Comments and questions are welcome and should be directed as follows:

Project-Related Questions
Benjamin McPherson, Project Manager
NYSDEC
700 Delaware Avenue
Buffalo, NY 14209
716-851-7220
benjamin.mcpherson@dec.ny.gov

Project-Related Health Questions
Sara Bogardus
NYSDOH
Empire State Plaza
Corning Tower, Room 1787
518-473-9800
bee@health.ny.gov

For more information about New York's Brownfield Cleanup Program, visit: www.dec.ny.gov/chemical/8450.html

Environmental Cleanup to Begin at Brownfield Site

Action is about to begin that will address contamination related to the Lakeside Village Apartments site ("site") located at 65-67 Lake Avenue, Lancaster, Erie County. Please see the map for the site location. The cleanup activities will be performed by 65 Lake Avenue LLC ("applicant") with oversight provided by the New York State Department of Environmental Conservation (NYSDEC). NYSDEC has determined that the Remedial Action Work Plan (RAWP) protects public health and the environment and has approved the plan.

- Access the approved RAWP and other project documents online through the DECinfo Locator: <https://www.dec.ny.gov/data/DecDocs/C915344/>.
- The documents also are available at the location(s) identified at left under "Where to Find Information."

Remedial activities are expected to begin in September 2023 and last approximately 2-3 months.

Highlights of the Upcoming Cleanup Activities: The goal of the cleanup action for the site is to achieve cleanup levels that protect public health and the environment. The key components of the remedy are:

- Excavation and off-site disposal of contaminated soil to remove the source of groundwater contamination;
- Treating contaminated groundwater through injection of chemical oxidants into the groundwater;
- Installation of a soil vapor extraction system in the excavation footprint to remove residual contaminants from the soil;
- Importing clean material that meets the established soil cleanup objectives (SCOs) for use as backfill;
- Continued operation of sub-slab depressurization systems in two on-site buildings to prevent soil vapor intrusion of contaminated vapors; and
- Recording of an Environmental Easement to ensure proper use of the site and that the remedy remains effective.

A site-specific health and safety plan (HASP) and a Community Air Monitoring Plan (CAMP) will be implemented during remediation activities. The HASP and CAMP establish procedures to protect on-site workers and residents and includes required air monitoring as well as dust and odor suppression measures.

BROWNFIELD CLEANUP PROGRAM

Next Steps: After the applicant completes the cleanup activities, they will prepare a Final Engineering Report (FER) and submit it to NYSDEC. The FER will describe the cleanup activities completed and certify that cleanup requirements have been achieved or will be achieved.

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the Final Engineering Report. NYSDEC will then issue a Certificate of Completion to the applicant. The applicant would be able to redevelop the site in conjunction with receiving a Certificate of Completion. In addition, the applicant would be eligible for tax credits to offset the costs of performing cleanup activities and for redevelopment of the site.

NYSDEC will issue a fact sheet that describes the content of the Final Engineering Report. The fact sheet will identify any institutional controls (for example, environmental easements) or engineering controls (for example, a site cover) necessary at the site in relation to the issuance of the Certificate of Completion.

Site Description: The 1.18-acre site is bordered by residential properties to the north, south and west. Lake Avenue is directly east of the site, with additional residential property beyond the street. The site is currently developed with four apartment buildings.

Following remedial action, the site will continue to be used for apartments. Previously, the site had been used as drycleaner or was vacant.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915344) at:

<https://www.dec.ny.gov/cfm/x/xtapps/derexternal/index.cfm?pageid=3>

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

For more information about the BCP, visit:

<https://www.dec.ny.gov/chemical/8450.html>

We encourage you to share this fact sheet with neighbors and tenants, and/or post this fact sheet in a prominent area of your building for others to see.

Stay Informed With DEC Delivers

Sign up to receive site updates by email:
www.dec.ny.gov/chemical/61092.html

Note: Please disregard if you already have signed up and received this fact sheet electronically.

DECinfo Locator

Interactive map to access DEC documents and public data about the environmental quality of specific sites: <https://www.dec.ny.gov/pubs/109457.html>

BROWNFIELD CLEANUP PROGRAM

Site Location



Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-13	NYS DEC	DEC Announces that Cleanup of Contamination is Complete at Brownfield Site on Hertel Ave. & Foundry St., Buffalo
--------------	---------	--

Attachments

23COMM. 16M-13

Graber, Robert

From: New York State Department of Environmental Conservation
<nysdec@public.govdelivery.com>
Sent: Wednesday, August 30, 2023 2:46 PM
To: Graber, Robert
Subject: Hertel and Foundry Site (Buffalo) - Cleanup of Site Contamination Completed

[Caution: this email is **not** from an Erie County employee: attachments or links may not be safe.]



[View in browser](#)

DEC Announces that Cleanup of Contamination is Complete at Brownfield Site on Hertel Ave. & Foundry St., Buffalo

This link opens a fact sheet that announces that cleanup action has been completed to address contamination related to the **Hertel and Foundry site #C915359 (Buffalo, Erie County)**, within New York's Brownfield Cleanup Program:

<https://www.dec.ny.gov/data/der/factsheet/c915359cucomp.pdf>

The fact sheet provides highlights of the cleanup activities and discusses next steps.

The fact sheet is in PDF format. You can save, open, and read the fact sheet by using Adobe Acrobat Reader. If you do not have Adobe Acrobat Reader, you can go to the following web page on the DEC web site to download the program: <https://www.dec.ny.gov/about/590.html>

Please do not respond to this email. Replies go to an untended mailbox. If you have questions about the contaminated site identified above, please use the contact information provided in the fact sheet.

The [New York State Department of Environmental Conservation](#) respects your right to [privacy](#) and welcomes your [feedback](#) | [Update preferences or unsubscribe](#) | [Learn more about DEC Delivers](#)

Connect with DEC: [f](#) [t](#) [in](#) [v](#) [i](#) [+](#)

Basil Seggos, Commissioner

This email was sent to robert.graber@erie.gov using GovDelivery Communications Cloud on behalf of: New York State Department of Environmental Conservation · 625 Broadway · Albany, NY 12233 · (518) 402-8013



Where to Find Information

Access project documents through the DECinfo Locator and at these location(s):

https://www.dec.ny.gov/data/DecDocs/C915359/

Buffalo & Erie County Public Library Central Library 1 Lafayette Square Buffalo, NY 14203 (716) 858-8900

North Park Branch Library 975 Hertel Avenue Buffalo, NY 14216 (716) 875-3748

Key project documents and project summary also are available on the NYSDEC website at: https://www.dec.ny.gov/data/DecDocs/C915359/

Who to Contact

Comments and questions are welcome and should be directed as follows:

Project-Related Questions Veronica Kreutzer, Project Manager NYSDEC 700 Delaware Ave. Buffalo, NY 14209 (716) 851-7220 veronica.kreutzer@dec.ny.gov

Project-Related Health Questions Daniel Tucholski NYSDOH Empire State Plaza – Corning Tower Albany, NY 12237 (518) 486-7016 beci@health.ny.gov

For more information about New York's Brownfield Cleanup Program, visit: www.dec.ny.gov/chemical/8450.html

FACT SHEET Brownfield Cleanup Program

Hertel and Foundry 356 Hertel Avenue and 42 Foundry Street Buffalo, NY 14207

SITE No. C915359 NYSDEC REGION 9

August 2023

Cleanup Action Completed at Brownfield Site

Action has been completed to address the contamination related to the Hertel and Foundry site ("site") located at 356 Hertel Avenue and 42 Foundry Street, Buffalo, Erie County under New York State's Brownfield Cleanup Program (BCP). Please see the map for the site location.

Cleanup activities were performed by Kam Cleanup LLC ("applicant") with oversight provided by the New York State Department of Environmental Conservation (NYSDEC). The applicant has submitted a draft Final Engineering Report (FER) for NYSDEC review which states that cleanup requirements have been or will be achieved to fully protect public health and the environment for the proposed site use.

- Access project documents online through the DECinfo Locator: https://www.dec.ny.gov/data/DecDocs/C915359/.
• The documents also are available at the location(s) identified at left under "Where to Find Information."

Highlights of the Site Cleanup: The following activities have been or will shortly be completed to achieve the remedial action objectives:

- Excavation and off-site disposal of about 37,009 tons of non-hazardous soil/fill material from the exterior areas of the site and 105 tons of non-hazardous soil/fill from the interior of the site, which exceeded the unrestricted use soil cleanup objectives (USCOs), the site-specific cleanup criteria. Clean fill was brought in to replace the excavated soil.

BROWNFIELD CLEANUP PROGRAM

Next Steps: When NYSDEC approves the FER, it will be made available to the public (see "Where to Find Information"). NYSDEC then will issue a Certificate of Completion (COC) that will be announced in a fact sheet. The applicant will be able to redevelop the site after receiving a COC. In addition, the applicant will be eligible for tax credits to offset a portion of the costs of performing cleanup activities and for redevelopment of the site.

Site Description: The site is approximately 2.965-acres in size, with an approximately 115,000 square foot building. It is located in a highly developed urban area at 356 Hertel Avenue and 42 Foundry Street in the City of Buffalo, Erie County, on the northwest corner of the intersection of Hertel Avenue and Foundry Street. The site is bordered by vacant commercial and industrial properties to the north, railroad tracks, and vacant industrial property to the south, railroad tracks to the west and Foundry Street and residential, commercial, and vacant industrial properties to the east. Historically, the site was used from industrial purposes (1901-1950), and an insulation contractor occupied the site from 1965-1986. Specific operations included a malting operation and animal feed production operation.

The proposed redevelopment plans include apartments and retail space.

Additional site details, including environmental and health assessment summaries, are available on NYSDEC's Environmental Site Remediation Database (by entering the site ID, C915359) at:

<https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=3>

Brownfield Cleanup Program: New York's Brownfield Cleanup Program (BCP) encourages the voluntary cleanup of contaminated properties known as "brownfields" so that they can be reused and redeveloped. These uses may include recreation, housing, business or other uses. A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

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BROWNFIELD CLEANUP PROGRAM

Site Location



Erie County Legislature
Meeting Date: 09/07/2023

SUBJECT

COMM. 16M-14	ASSIGNED COUNSEL PROGRAM	2022 Financial Statements & Explanation from Auditor
--------------	-----------------------------	---

Attachments

23COMM. 16M-14



**Real Attorneys
Professional Defenders**

ASSIGNED COUNSEL PROGRAM

Michelle Parker, Executive Director/Chief Defender

The Brisbane Building
403 Main Street, Suite 215
Buffalo, NY 14203

Phone (716) 856-8804
Fax (716) 856-0424

EC LEG SEP 1 '23 PM1:02

Officers 2023-2024

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Joseph Terranova
Vice President

Pamela Thibodeau
Secretary

Ayoka Tucker
Treasurer

Kevin Stadelmaier
First Deputy Defender
Criminal Division

Yvonne Vertlieb
Second Deputy Administrator
Family Division

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Deputy for Litigation Support
And Appellate Bureau

Matthew Powers
Deputy for Legal Education
Director of the
John R. Nuchereno
Center for Legal Excellence

Kevin Condon
Deputy for Child Welfare

Mission Statement

We strive to help those who cannot help themselves; who face steep odds against the power of the State; and who struggle with poverty, mental issues, helplessness, and dread. We save lives and we save families. We are the first line of defense for the freedoms granted to us by the U.S. Constitution and the Bill of Rights.

August 30, 2023

Robert Keating
Director, Budget & Management
Erie County Division of Budget & Management
1603 Rath Building
95 Franklin Street
Buffalo, NY 14202

Dear Mr. Keating,

I enclose for your reference a copy of our 2022 financial statements, prepared by an independent auditor. There was no need for a management letter, so none was provided.

I also enclose a detailed explanation from the auditor of the calculation of the amount due (or not due) to the County of Erie. There were no funds due to the County of Erie for 2022.

Finally, I enclose a copy of the independent auditor's Report on Applying Agreed-Upon Procedures for the past year.

Please feel free to contact me if you have any questions,

Very truly yours,

Michelle Parker
Executive Director/Chief Defender

Encs
cc ✓ Robert Graber, Clerk of the Erie County Legislature
cc: Hope Keilman, CFO

August 22, 2023

Ms. Michelle Parker
Director/Chief Defender
Erie County Bar Association Aid to
Indigent Prisoners Society, Inc.
The Brisbane Building
403 Main Street, Suite 215
Buffalo, New York 14203

Dear Ms. Parker:

The following is the detail for the calculation of funds due to the County of Erie as reported in the Society's financial statements as of December 31, 2022. Note 4 to the financial statements reported the following:

Amounts returnable to the County of Erie from 2021	\$ (239,665)
Amounts received from prior year receivable for State Aid to Defense Program	78,363
Current year receivable for State Aid to Defense Program	(104,484)
Amount reserved by the County of Erie in excess of future obligations of the Society for 2022	-
Amount returned to the County of Erie	<u>161,302</u>
Total amount due to the County of Erie	(104,484)
Less receivable for State Aid to Defense Program	<u>104,484</u>
Total due to the County of Erie	\$ <u> -</u>

The total cash receipts received by the Society from the County of Erie amounted to \$9,169,256. The total expenses for the contract, for the year ended December 31, 2022, were as follows:

Program Services - Aid to Indigent Prisoners Program	\$ 8,108,961
Management and general	<u>1,091,533</u>
Total contract expenses	9,200,494
Add - fixed asset additions not paid with donor restricted funds	-
Less - depreciation and amortization	<u>(31,238)</u>
Net contract expenses	\$ <u>9,169,256</u>
Net contract expenses	9,169,256
Less - grant cash receipts	<u>(9,169,256)</u>
Total due to the County of Erie (as reported in note four of the audited financial statements)	\$ <u> -</u>

Ms. Michelle Parker
August 22, 2023
Page 2

Please call me if you have any questions.

Very truly yours,

EFPR GROUP, CPAs, PLLC



Jennifer Kiblin, CPA

Partner

DEZ:



**Real Attorneys
Professional Defenders**

ASSIGNED COUNSEL PROGRAM

Michelle Parker, Executive Director/Chief Defender

The Brisbane Building
403 Main Street, Suite 215
Buffalo, NY 14203

Phone (716) 856-8804
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And Appellate Bureau

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Director of the
John R. Nucheren
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August 30, 2023

Robert Keating
Director, Budget & Management
Erie County Division of Budget & Management
1603 Rath Building
95 Franklin Street
Buffalo, NY 14202

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I also enclose a detailed explanation from the auditor of the calculation of the amount due (or not due) to the County of Erie. There were no funds due to the County of Erie for 2022.

Finally, I enclose a copy of the independent auditor's Report on Applying Agreed-Upon Procedures for the past year.

Please feel free to contact me if you have any questions,

Very truly yours,

Michelle Parker
Executive Director/Chief Defender

Encs.
cc: Hope Keilman, CFO

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS
SOCIETY, INC.

Financial Statements

December 31, 2022 and 2021

(With Independent Auditors' Report Thereon)

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.

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* * * * *

INDEPENDENT AUDITORS' REPORT

The Board of Directors
Erie County Bar Association Aid to
Indigent Prisoners Society, Inc.:

Report on the Audit of the Financial Statements

Opinion

We have audited the accompanying financial statements of Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (the Society), which comprise the statements of financial position as of December 31, 2022 and 2021, and the related statements of activities, functional expenses and cash flows for the years then ended, and the related notes to financial statements.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Erie County Bar Association Aid to Indigent Prisoners Society, Inc. as of December 31, 2022 and 2021, and the changes in its net assets and its cash flows for the years then ended, in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Society and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Change in Accounting Principle

As discussed in notes 1(i) and 11 to the financial statements, the Society adopted ASC 842 Leases. Our opinion is not modified with respect to this matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Society's ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and Government Auditing Standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and Government Auditing Standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audits.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audits in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Society's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Society's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audits.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated August 22, 2023, on our consideration of the Society's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Society's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Society's internal control over financial reporting and compliance.

EFPR Group, CPAs, PLLC

Williamsville, New York
August 22, 2023

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Statements of Financial Position
December 31, 2022 and 2021

<u>Assets</u>	<u>2022</u>	<u>2021</u>
Current assets:		
Cash and equivalents	\$ 3,479,834	3,669,009
Grants receivable	4,475,432	3,135,641
Prepaid expenses	24,211	24,211
Total current assets	<u>7,979,477</u>	<u>6,828,861</u>
Right-of-use asset - operating lease	<u>1,323,225</u>	<u>-</u>
Furniture and equipment, at cost	388,976	350,896
Less accumulated depreciation	<u>(276,569)</u>	<u>(245,331)</u>
Net furniture and equipment	<u>112,407</u>	<u>105,565</u>
Total assets	<u>\$ 9,415,109</u>	<u>6,934,426</u>
<u>Liabilities and Net Assets</u>		
Current liabilities:		
Accounts payable	7,375,883	6,162,630
Accrued expenses	194,497	179,043
Deferred revenue	75,000	-
Current installments of operating lease liabilities	152,349	-
Due to the County of Erie	<u>-</u>	<u>161,302</u>
Total current liabilities	<u>7,797,729</u>	<u>6,502,975</u>
Operating lease, net of current installments	<u>1,170,876</u>	<u>-</u>
Total liabilities	<u>8,968,605</u>	<u>6,502,975</u>
Net assets:		
Without donor restrictions	427,352	403,958
With donor restrictions	<u>19,152</u>	<u>27,493</u>
Total net assets	<u>446,504</u>	<u>431,451</u>
Contingency (note 12)	<u>-</u>	<u>-</u>
Total liabilities and net assets	<u>\$ 9,415,109</u>	<u>6,934,426</u>

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.

Statements of Activities
Years ended December 31, 2022 and 2021

	<u>2022</u>	<u>2021</u>
Revenue:		
County of Erie:		
Aid to Indigent Prisoners Program	\$ 9,169,256	8,656,085
State Aid to Defense Program	130,605	130,605
Indigent Legal Services	<u>5,419,500</u>	<u>3,160,344</u>
Total County of Erie	14,719,361	11,947,034
County of Niagara	27,500	-
Miscellaneous	8,504	31
Grant income - paycheck protection program	-	361,900
Net assets released from donor restrictions	<u>36,711</u>	<u>-</u>
Total revenue	<u>14,792,076</u>	<u>12,308,965</u>
Expenses:		
Program services:		
Legal services	13,668,281	11,064,329
Supplemental programs	<u>8,868</u>	<u>-</u>
Total program services	13,677,149	11,064,329
Management and general	<u>1,091,533</u>	<u>911,035</u>
Total expenses	<u>14,768,682</u>	<u>11,975,364</u>
Change in net assets without donor restrictions	<u>23,394</u>	<u>333,601</u>
Change in net assets with donor restrictions:		
Revenue	28,370	5,977
Net assets released from donor restrictions	<u>(36,711)</u>	<u>-</u>
Change in net assets with donor restrictions	<u>(8,341)</u>	<u>5,977</u>
Total change in net assets	15,053	339,578
Net assets at beginning of year	<u>431,451</u>	<u>91,873</u>
Net assets at end of year	<u>\$ 446,504</u>	<u>431,451</u>

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
 AID TO INDIGENT PRISONERS SOCIETY, INC.
 Statement of Functional Expenses
 Year ended December 31, 2022
 with comparative totals for 2021

	Program Services			Management and general	Total	
	<u>Legal services</u>	<u>Supplemental programs</u>	<u>Total program services</u>		<u>2022</u>	<u>2021</u>
Legal:						
Attorney fees	\$ 9,821,807	-	9,821,807	-	9,821,807	7,909,702
Experts, investigative and transcript fees	<u>427,223</u>	<u>-</u>	<u>427,223</u>	<u>-</u>	<u>427,223</u>	<u>282,590</u>
Total legal	10,249,030	-	10,249,030	-	10,249,030	8,192,292
Salaries	2,047,994	-	2,047,994	682,664	2,730,658	2,280,417
Payroll taxes and employee benefits	706,767	-	706,767	235,589	942,356	858,233
Temporary help	6,187	-	6,187	2,062	8,249	2,457
Insurance	13,897	-	13,897	4,632	18,529	14,322
Rent	170,237	-	170,237	56,746	226,983	158,924
Reproduction	11,567	-	11,567	3,856	15,423	9,975
Professional fees	145,100	-	145,100	48,366	193,466	128,878
Attorney recognition	-	8,868	8,868	-	8,868	-
Office expenses	21,451	-	21,451	7,150	28,601	28,677
Minor equipment	21,584	-	21,584	7,195	28,779	28,245
Postage	851	-	851	284	1,135	912
Telephone	27,761	-	27,761	9,254	37,015	32,888
Training	120,370	-	120,370	-	120,370	122,112
Legal publications	24,281	-	24,281	-	24,281	16,808
Depreciation	23,429	-	23,429	7,809	31,238	28,330
Miscellaneous	<u>77,775</u>	<u>-</u>	<u>77,775</u>	<u>25,926</u>	<u>103,701</u>	<u>71,894</u>
Total expenses	<u>\$ 13,668,281</u>	<u>8,868</u>	<u>13,677,149</u>	<u>1,091,533</u>	<u>14,768,682</u>	<u>11,975,364</u>

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
 AID TO INDIGENT PRISONERS SOCIETY, INC.
 Statement of Functional Expenses
 Year ended December 31, 2021

	Program Services	Management and general	Total
	<u>Legal services</u>		
Legal:			
Attorney fees	\$ 7,909,702	-	7,909,702
Experts, investigative and transcript fees	282,590	-	282,590
Total legal	8,192,292	-	8,192,292
Salaries	1,710,313	570,104	2,280,417
Payroll taxes and employee benefits	643,675	214,558	858,233
Temporary help	1,843	614	2,457
Insurance	10,742	3,580	14,322
Rent	119,193	39,731	158,924
Reproduction	7,481	2,494	9,975
Professional fees	96,659	32,219	128,878
Office expenses	21,508	7,169	28,677
Minor equipment	21,184	7,061	28,245
Postage	684	228	912
Telephone	24,666	8,222	32,888
Training	122,112	-	122,112
Legal publications	16,808	-	16,808
Depreciation	21,248	7,082	28,330
Miscellaneous	53,921	17,973	71,894
Total expenses	\$ 11,064,329	911,035	11,975,364

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Statements of Cash Flows
Years ended December 31, 2022 and 2021

	<u>2022</u>	<u>2021</u>
Cash flows from operating activities:		
Change in net assets	\$ 15,053	339,578
Adjustments to reconcile change in net assets to net cash used in operating activities:		
Grant income paycheck protection program	-	(361,900)
Depreciation	31,238	28,330
Changes in:		
Grants receivable	(1,339,791)	(1,836,017)
Accounts payable	1,213,253	946,794
Accrued expenses	15,454	31,878
Deferred revenue	75,000	-
Due to the County of Erie	<u>(161,302)</u>	<u>(33,752)</u>
Net cash used in operating activities	(151,095)	(885,089)
Cash flows from investing activities - additions to furniture and equipment	<u>(38,080)</u>	<u>(8,834)</u>
Net change in cash and equivalents	(189,175)	(893,923)
Cash and equivalents at beginning of year	<u>3,669,009</u>	<u>4,562,932</u>
Cash and equivalents at end of year	<u>\$ 3,479,834</u>	<u>3,669,009</u>
Supplemental schedule of cash flow information:		
Cash paid for amounts included in measurement of lease liability - operating lease payments	<u>\$ 141,953</u>	<u>-</u>
Lease assets obtained in exchange for lease liabilities - operating leases	<u>\$ 1,465,178</u>	<u>-</u>

See accompanying notes to financial statements.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.

Notes to Financial Statements

December 31, 2022 and 2021

(1) Summary of Significant Accounting Policies

(a) Nature of Activities

Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (the Society) was incorporated in 1962 as a nonprofit membership corporation administered under the Erie County Bar Association. The Society was formed to give legal assistance and provide representation in criminal matters to needy persons residing, or charged with a crime, within the County of Erie (the County), State of New York, in accordance with County Law, Section 722.

The Society is funded by three County programs: the Aid to Indigent Prisoners Program, State Aid to Defense Program, and Indigent Legal Services.

Funding for administrative and legal expenses is provided through annual agreements between the Society and the County.

(b) Basis of Accounting

The accompanying financial statements have been prepared on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America.

(c) Basis of Presentation

The Society reports information regarding its financial position and activities according to two classes of net assets: net assets without donor restrictions and net assets with donor restrictions. Net assets of the Society and changes therein are classified and reported as follows:

Net assets without donor restrictions - Net assets that are not subject to donor-imposed stipulations and may be used for any purpose designated by the Society's Board of Directors.

Net assets with donor restrictions - Net assets subject to donor-imposed stipulations that may or will be met either by actions of the Society and/or the passage of time.

(d) Estimates

The preparation of financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

(e) Cash and Equivalents

For purposes of reporting cash flows, cash and equivalents includes money market accounts and any highly liquid debt instruments purchased with a maturity of three months or less.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Notes to Financial Statements, Continued

(1) Summary of Significant Accounting Policies, Continued

(f) Concentration of Credit Risk

Financial instruments that potentially subject the Society to concentrations of credit risk consist principally of cash and equivalent accounts in financial institutions. The Society's bank will collateralize all deposits in excess of FDIC limits. Cash held in demand deposits and checking accounts are collateralized with obligations of the United States, its agencies, or other governmental agencies. Therefore, the Society's cash and equivalents are fully collateralized.

(g) Capitalization and Depreciation

Furniture and equipment are recorded at cost. If donors stipulate how long the assets must be used, the contributions are recorded as support with donor restrictions. In the absence of such stipulations, contributions of furniture and equipment are recorded as support without donor restrictions. Depreciation is provided for in amounts sufficient to relate the cost of depreciable assets to operations over their estimated service lives using the straight-line method. Improvements are capitalized, while expenditures for maintenance and repairs are charged to expense as incurred. Upon disposal of depreciable property, the appropriate property accounts are reduced by the related costs and accumulated depreciation. The resulting gains and losses are reflected in the statements of activities. The estimated useful life of assets are as follows:

Furniture	7 years
Equipment	5 years

(h) Grants and Contributions

Grant awards accounted for as exchange transactions are recorded as revenue when expenditures have been incurred in compliance with the grant restrictions. Amounts unspent are recorded in the statements of financial position as deferred revenue.

The Society is the recipient of grants that require expenditure for specified activities before the Society is reimbursed by the grantor for the costs incurred. Documentation showing actual costs expended is included when submitting reports for reimbursement. Certain grantors pay in advance of incurring the specified costs; in those cases, the amount received in excess of amounts spent on reimbursable costs is reported as deferred revenue.

Contributions (including nonfinancial assets) that are restricted by the donor are reported as increases in net assets without donor restrictions if the restrictions expire (that is, when a stipulated time restriction ends or purpose restriction is accomplished) in the reporting period in which the revenue is recognized. All other donor restricted contributions are reported as increases in net assets with donor restrictions. When a restriction expires, net assets with donor restrictions are reclassified to net assets without donor restrictions and reported in the statements of activities as net assets released from restrictions.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Notes to Financial Statements, Continued

(1) Summary of Significant Accounting Policies, Continued

(i) Change in Accounting Principle

In 2022, the Society adopted ASC 842 Leases. ASC 842 establishes a right-of-use (ROU) model that requires a lessee to record a ROU asset and a lease liability on the statements of financial position for all leases with terms longer than 12 months. Leases will be classified as either finance or operating, with classification affecting the pattern of expense recognition in the statements of activities. The Society elected to apply this standard on a modified retrospective transition approach for operating leases existing at, or entered into after, the beginning of the earliest comparative period presented in the financial statements, with certain practical expedients available. Entities have the option to continue to apply historical accounting under Topic 840, including its disclosure requirements, in comparative periods presented in the year of adoption.

The adoption had a material impact on the Society's statements of financial position but did not have a material impact on the statements of activities. The most significant impact was the recognition of ROU assets and lease liabilities for operating leases. Adoption of the standard required the Society to restate amounts as of January 1, 2022, resulting in an increase in operating lease ROU assets and operating lease liabilities of \$1,465,178.

(j) Subsequent Events

The Society has evaluated subsequent events through the date of the accompanying report which is the date the financial statements were available to be issued.

(k) Income Taxes

The Society is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code (IRC), therefore, no provision for income taxes is reflected in the financial statements. The Society has been classified as a publicly supported organization that is not a private foundation under Section 509(a) of the IRC. The Society presently discloses or recognizes income tax positions based on management's estimate of whether it is reasonably possible or probable that a liability has been incurred for unrecognized income taxes. Management has concluded that the Society has taken no uncertain tax positions that require adjustment in its financial statements. U.S. Forms 990 filed by the Society are subject to examination by taxing authorities.

(2) Liquidity

The Society has \$7,955,266 of financial assets available within one year of the statements of financial position date to meet cash needs for general expenditures, consisting of \$3,479,834 of cash and equivalents and \$4,475,432 of grants receivable. Of these financial assets, \$19,152 are subject to donor or contractual restrictions for the attorney training program. The remaining financial assets are for general expenditures within one year of the statements of financial position date.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.

Notes to Financial Statements, Continued

(3) Grants Receivable

The Society has grant contracts with the County of Erie for the State Aid to Defense Program (ATD), Indigent Legal Services (ILS) and a contract with Niagara County. At December 31, 2022, the amount due to the Society amounted to \$4,475,432 (\$104,484 for ATD, \$4,361,781 for ILS and \$9,167 for Niagara County). At December 31, 2021, the amount due to the Society amounted to \$3,135,641 (\$78,363 for ATD and \$3,057,278 for ILS). Grants receivable have been deemed fully collectible based on management's evaluation.

(4) Due to the County of Erie

The amount due to the County at December 31, 2022 and 2021 is summarized as follows:

	<u>2022</u>	<u>2021</u>
Amount returnable to the County to fund the future obligations of the Society	\$ (239,665)	(195,054)
Amounts received from prior year receivable for State Aid to Defense Program	78,363	-
Current year receivable for State Aid to Defense Program	(104,484)	(78,363)
Amount returned to the County	161,302	195,054
Amount reserved by the County in excess of the future obligations of the Society	<u>-</u>	<u>(161,302)</u>
	(104,484)	(239,665)
Receivable for State Aid to Defense Program	<u>104,484</u>	<u>78,363</u>
Total due to the County	\$ <u>-</u>	<u>(161,302)</u>

(5) Accounts Payable

The Society's accounts payable balance is based partly on estimates of vouchers not submitted as of year-end, other accounts payable which consist of normal recurring trade payables and amounts due to attorneys for vouchers submitted. A summary of the two types of accounts payable at December 31, 2022 and 2021 is as follows:

	<u>2022</u>	<u>2021</u>
Accounts payable	\$ 1,812,091	655,488
Accounts payable - vouchers not submitted	<u>5,563,792</u>	<u>5,507,142</u>
Total accounts payable	\$ <u>7,375,883</u>	<u>6,162,630</u>

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Notes to Financial Statements, Continued

(5) Accounts Payable, Continued

The Society estimates the “accounts payable - vouchers not submitted” balance as follows:

- (a) A calculation is made of the historical average cost, over at least the past two years, of each case having a particular initial charge, using the most serious of multiple charges which may be pending against a client.
- (b) The average time for completion of cases with each such charge is calculated using the same information base.
- (c) The historical average cost for each charge, as calculated above, is applied to each unvouchered open case at year-end.
- (d) A percentage of completion is calculated for each outstanding voucher using the date of assignment of the outstanding voucher as compared to the average time of completion, as calculated above.
- (e) For each unvouchered open case at year-end, the historical average cost is multiplied by the percentage of completion. The sum of each of these calculations represents accounts payable for all cases for which the attorney has not yet submitted a voucher.

(6) Promissory Note - Paycheck Protection Program

On April 29, 2020, the Society received a loan, in the amount of \$361,900, under the Paycheck Protection Program that was designed by the United States Small Business Administration (SBA) under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to provide direct incentive for small businesses to keep their workers on payroll due to COVID-19. On February 12, 2021, the Society was notified by the SBA that the original loan had been forgiven in its entirety and, accordingly, has recorded loan forgiveness/grant revenue of \$361,900 for the year ended December 31, 2021.

(7) Net Assets With Donor Restrictions

Net assets with donor restrictions amounted to \$19,152 and \$27,493 at December 31, 2022 and 2021, respectively, and consists of funds restricted for the attorney training program and the attorney reception at December 31, 2022 and 2021.

(8) Retirement Plans

The Society provides retirement benefits for employees through a tax deferred annuity plan and a simplified employee pension (SEP) plan. The tax deferred annuity plan is available to all employees and is funded through a salary reduction of the participating employee. The SEP plan includes all employees who work at least 20 hours per week and requires that the Society contribute 10% of the employees’ annual salary. Participants of both plans are fully vested from their first day of participation in the plans. Pension plan costs amounted to \$270,550 and \$224,510 for the years ended December 31, 2022 and 2021, respectively.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.

Notes to Financial Statements, Continued

(9) Economic Dependency

Substantially all of the Society's funding is dependent upon contracts with the County. The loss of these contracts would have a material adverse effect on the operations of the Society.

(10) Related Party Transactions

Certain members of the Board of Directors of the Society, who are attorneys, are also involved in providing services to the Society, through representation of assigned indigent prisoners, for which they receive payment consistent with the guidelines specified in the contracts with the County. Payments to these Board members amounted to \$661,851 and \$390,644 for the years ended December 31, 2022 and 2021, respectively.

(11) Right-of-Use Assets - Lease Liabilities

The Society leases building space for program services at 403 Main Street Buffalo, NY under an operating lease and has elected the practical expedient not to separate lease and nonlease components for all lease transactions. The building lease includes options to extend the lease term, and options to terminate the lease and the vehicle lease includes an option to purchase. The Society only includes these options in the measurement of the lease assets and liabilities when it believes these options are reasonably certain of being exercised. The Society also has certain leases that contain variable lease payments and leases with terms less than 12 months. The Society has elected to recognize these lease expenses on the straight-line basis or when incurred. The leases provide for monthly payments of various amounts through December 31, 2029. The lease assets and liabilities were calculated using the risk-free discount rate at the later of lease inception or period of adoption, unless explicitly stated, in accordance with the Society's accounting policies. Additional information about the Society's leases are as follows:

Lease expenses:

Operating lease:

Program services	\$ 149,414
Management and general	<u>49,804</u>
	<u>199,218</u>

Variable payments:

Program services	24,700
Management and general	<u>8,233</u>
	<u>32,933</u>

Total lease expense	\$ <u>232,151</u>
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Weighted Averages:

Remaining lease term - operating lease	7.00 years
Discount rate - operating lease	4.11%

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Notes to Financial Statements, Continued

(11) Right-of-Use Assets - Lease Liabilities, Continued

The aggregate maturity of the lease payments under ASC 842 for the five years following December 31, 2022 and thereafter is as follows:

	<u>Operating</u>
2023	\$ 203,000
2024	203,000
2025	223,299
2026	223,299
2027	223,299
Thereafter	<u>446,599</u>
	1,522,496
Less unamortized discount	<u>(199,271)</u>
Total lease liability	\$ <u>1,323,225</u>
Lease liability:	
Operating lease:	
Current installments	\$ 152,349
Noncurrent installments	<u>1,170,876</u>
Total lease liability	\$ <u>1,323,225</u>

Rent expense amounted to \$158,924 under ASC 840 for the year ended December 31, 2021. The aggregate maturity of the lease payments under ASC 840 for the years following December 31, 2021 is as follows:

2022	\$ 157,625
2023	157,625
2024	<u>157,625</u>
	\$ <u>472,875</u>

(12) Contingency

The County may perform periodic audits of the Society and certain costs may be questioned as not being appropriate expenditures under the terms of the grants. Such questioned costs could lead to reimbursement to the County. Management believes that it would be able to provide support acceptable to the County and that any disallowances would not be material.

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.
Notes to Financial Statements, Continued

(13) Functional Expenses

The Society's purpose is to give legal assistance and provide representation in criminal matters to needy persons residing, or charged with a crime, within the County of Erie and County of Niagara, State of New York, in accordance with County Law, Section 722. All expenses related to these services have been allocated to program services with the exception of certain administrative expenses. Salaries and benefits are allocated among program and support services based on time and effort. Office and other expenses are allocated based on direct usage.

**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED
IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

The Board of Directors
Erie County Bar Association Aid to
Indigent Prisoners Society, Inc.:

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, the financial statements of Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (the Society), which comprise the statement of financial position as of December 31, 2022, and the related statements of activities, functional expenses and cash flows for the year then ended, and the related notes to financial statements, and have issued our report thereon dated August 22, 2023.

Report on Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Society's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Society's internal control. Accordingly, we do not express an opinion on the effectiveness of the Society's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements, on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Society's financial statements will not be prevented, or detected and corrected, on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Society's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Society's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Society's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

EFPR Group, CPAs, PLLC

Williamsville, New York
August 22, 2023

ERIE COUNTY BAR ASSOCIATION
AID TO INDIGENT PRISONERS SOCIETY, INC.

Independent Accountants' Report On
Applying Agreed-Upon Procedures

As of and for the year ended December 31, 2022

INDEPENDENT ACCOUNTANTS' REPORT
ON APPLYING AGREED-UPON PROCEDURES

The Board of Directors
Erie County Bar Association Aid to Indigent
Prisoners Society, Inc. and the County of Erie:

We have performed the procedures enumerated below on Erie County Bar Association Aid to Indigent Prisoners Society, Inc.'s (the Society) compliance with their agreement with the County of Erie as of and for the year ended December 31, 2022. The Society's management is responsible for compliance with the requirements of their agreement with the County of Erie.

The Society has agreed and acknowledged that the procedures performed are appropriate to meet the intended purpose of their compliance with their agreement with the County of Erie. Additionally the County of Erie has agreed to and acknowledged that the procedures performed are appropriate for their purposes. This report may not be suitable for any other purpose. The procedures performed may not address all the items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and associated findings are as follows:

1. We obtained and reviewed the agreement between Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (the Society) and the County of Erie (the County).

FINDING - No exceptions were noted as a result of applying this procedure.

2. We reviewed a sample of vouchers to ascertain that the Society is charging \$60 per hour with a maximum of \$2,400 to private counsel for legal representation of a person charged with a misdemeanor or lesser offense and no felony.

FINDING - No exceptions were noted as a result of applying this procedure.

3. We reviewed a sample of vouchers to ascertain that the Society is charging \$75 per hour with a maximum of \$4,400 to private counsel for legal representation in all other cases governed by County Law Article 18-B.

FINDING - No exceptions were noted as a result of applying this procedure.

4. We ascertained that expenditures of County funds were separately accounted for and expended to promote the County purpose underlying the agreement.

FINDING - No exceptions were noted as a result of applying this procedure.

5. We ascertained that the Society furnished to the County Comptroller and the County's Budget Director any independent auditors' report made for the Society, within thirty days after receipt of the report.

FINDING - No exceptions were noted as a result of applying this procedure.

6. We ascertained that the Society refunded to the County within ninety days of the Society's independent auditors' report any unused amount of monies paid to the Society.

FINDING - No exceptions were noted as a result of applying this procedure.

7. We ascertained that the Society filed with the Clerk of the Erie County Legislature on July 14, 2022 and January 24, 2023 a membership list, a full financial report, including sources and uses of funds, and minutes of each meeting held during the preceding six months. The memorandum of agreement states that the reports be filed before January 1st and July 1st of each calendar year.

FINDING - No exceptions were noted as a result of applying this procedure.

8. We ascertained that the Society submitted to the Erie County Attorney, for filing with the Erie County Legislature, quarterly reports showing the disposition and status of the County funds provided for indigent defense, including all appropriations, and denoting which attorneys have received such funds for their services.

FINDING - No exceptions were noted as a result of applying this procedure.

9. We ascertained that the Society provided the Erie County Attorney with the required State Aid Voucher, together with the back-up documentation, so as to enable the County to obtain State reimbursement under the Indigent Parolee Program.

FINDING - No exceptions were noted as a result of applying this procedure.

10. We reviewed the Society's requirement to maintain records with respect to the "Attorney of the Day," including amount of compensation paid, the number of hours and days the attorneys are so assigned and the number of indigent defendants represented thereby.

FINDING - No exceptions were noted as a result of applying this procedure.

11. We ascertained that the Society's use of County funds was limited to expenses such as salaries, fringe benefits, rent, utilities, office supplies and equipment and educational programs and services.

FINDING - No exceptions were noted as a result of applying this procedure.

We were engaged by the Society to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review engagement, the objective of which would be the expression of an opinion or conclusion, respectively, on the Society's compliance with their agreement with the County of Erie. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the Society and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

This report is intended solely for the information and use of the Society and the County of Erie and is not intended to be, and should not be, used by anyone other than those specified parties.

EFPR Group, CPAs, PLLC

Williamsville, New York
August 22, 2023

August 22, 2023

Ms. Michelle Parker
Director/Chief Defender
Erie County Bar Association Aid to
Indigent Prisoners Society, Inc.
The Brisbane Building
403 Main Street, Suite 215
Buffalo, New York 14203

Dear Ms. Parker:

The following is the detail for the calculation of funds due to the County of Erie as reported in the Society's financial statements as of December 31, 2022. Note 4 to the financial statements reported the following:

Amounts returnable to the County of Erie from 2021	\$ (239,665)
Amounts received from prior year receivable for State Aid to Defense Program	78,363
Current year receivable for State Aid to Defense Program	(104,484)
Amount reserved by the County of Erie in excess of future obligations of the Society for 2022	-
Amount returned to the County of Erie	<u>161,302</u>
Total amount due to the County of Erie	(104,484)
Less receivable for State Aid to Defense Program	<u>104,484</u>
Total due to the County of Erie	\$ _____

The total cash receipts received by the Society from the County of Erie amounted to \$9,169,256. The total expenses for the contract, for the year ended December 31, 2022, were as follows:

Program Services - Aid to Indigent Prisoners Program	\$ 8,108,961
Management and general	<u>1,091,533</u>
Total contract expenses	9,200,494
Add - fixed asset additions not paid with donor restricted funds	-
Less - depreciation and amortization	<u>(31,238)</u>
Net contract expenses	\$ <u>9,169,256</u>
Net contract expenses	9,169,256
Less - grant cash receipts	<u>(9,169,256)</u>
Total due to the County of Erie (as reported in note four of the audited financial statements)	\$ _____

Ms. Michelle Parker
August 22, 2023
Page 2

Please call me if you have any questions.

Very truly yours,

EFPR GROUP, CPAs, PLLC



Jennifer Kiblin, CPA

Partner

DEZ: